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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Report of the United Nations High Commissioner for Human Rights on the visit by the Office of the High Commissioner for Human Rights to Yemen* **

Summary

A delegation from the Office of the High Commissioner for Human Rights (OHCHR) visited Yemen from 28 June to 6 July 2011 to assess the human rights situation in the country. Over nine days of extensive meetings and consultations with representatives of the Government and civil society in the cities of Aden, Sana'a and Ta'izz, the Assessment Mission observed an overall situation in which many Yemenis, peacefully calling for greater freedoms, an end to corruption and respect for the rule of law, have been met with an excessive and disproportionate use of lethal force by the State. Hundreds have been killed and thousands have suffered injuries, including loss of limbs.

By February 2011, Yemenis had taken to the streets either to call for governmental reforms or in support of the Government. In March 2011, 53 persons were reportedly killed in Change Square in Sana'a, an incident which led to the resignation of a number of ministers, ambassadors, members of Parliament, members of the Shura Council (the Upper House), members of the ruling party, as well as the defection of General Ali Mohsen Al-Ahmar, who pledged to send his troops to protect the peaceful demonstrators in the Square. In April 2011, a Cabinet of National Accord was initiated and signed by the opposition coalition in May 2011, but not by the President of Yemen. At the end of May 2011, following a riot and the brief kidnapping of security officials, Freedom Square in Ta'izz, was forcefully cleared by security officials of the Government. Tents were burned and dozens of demonstrators were killed. Tribes claiming to protect the protesters sent armed supporters to the Square and occupied certain public buildings.

* Late submission.

** The footnotes are reproduced as received, in the language of submission only.

By the time the Mission arrived in Yemen, a number of separate, but at times intertwined, struggles were taking place in the major cities. Peaceful demonstrators were calling for change like their counterparts in other parts of the region; while an increasingly violent power struggle was playing out between President Ali Abdallah Saleh and his supporters, on the one hand, and armed opponents, including alleged Al-Qaeda elements, on the other. In addition, political opponents, including recent defectors, were publicly renouncing the resort to violence and seeking a resolution that would bring about a change in regime.

The Mission noted that the Government of Yemen had lost effective control of parts of the country and the major cities, where armed opponents appear to have de facto control. The Mission also observed that some of those seeking to achieve or retain power were deliberately seeking to punish and cause severe hardship to the civilian population by cutting off access to basic services, such as electricity, fuel and water. The Mission noted the danger of the protests becoming increasingly radicalized and more violent in response to the excessive use of lethal force by the Government, and the growing involvement of and intimidation by armed elements among the demonstrators. However, the Mission also noted that street protesters still managed to maintain a peaceful character, despite the heavy loss of life and severe injuries suffered thus far. The Mission was alarmed at the deteriorating humanitarian situation, which is adversely affecting the majority of the population, but in particular the poorest and most vulnerable, such as children, internally displaced persons and refugees. It is also very concerned that the availability of electricity, fuel, cooking gas, water and other basic services are being manipulated to punish the entire population. The Mission is of the view that unless urgent measures are taken to ensure the independence and integrity of the judiciary and to provide it with sufficient resources, calls for investigations and prosecutions will be undermined. Furthermore, given the lack of confidence by many Yemenis that the judiciary will conduct impartial investigations into human rights abuses, there is need for international, independent and impartial investigations.

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I. Introduction

1. In the context of persistent and widespread unrest in Yemen, on 8 April 2011, the United Nations High Commissioner for Human Rights requested authorization from the Government of Yemen to send an OHCHR team to that country to assess the human rights situation. The Government of Yemen responded favourably to the High Commissioner's request on 12 May 2011.¹

2. The mandate of the Assessment Mission (hereafter the "Mission"), as agreed by the Government of Yemen, was as follows:

- To conduct a preliminary assessment of the human rights situation, in light of recent events, with a view to formulating appropriate recommendations to stakeholders, including the international community and responsible parties in Yemen;
- To engage with a broad range of actors and obtain first-hand understanding of the current human rights situation in Yemen, including the structural causes and patterns of violations;
- To provide the Government with a set of recommendations on current and long-term priorities, and specific steps to enhance human rights protection in Yemen.

3. In light of the deteriorating human rights situation in Yemen, the Human Rights Council adopted procedural decision 17/117 on 16 June 2011, in which it welcomed the invitation extended by the Government of Yemen to OHCHR to conduct a visit to the country, and requested the High Commissioner to report on the said visit to the Council and to engage in an interactive dialogue thereon at its eighteenth session.

II. Modalities of work

4. The Assessment Mission to Yemen was carried out from 28 June to 6 July 2011 in close coordination with the United Nations Resident Coordinator in Yemen, whose support throughout the mission was highly appreciated. The Government of Yemen facilitated the Mission and the delegation met with many key officials, including the Vice-President of Yemen, who was acting as Head of State in the absence of the President; the Special Adviser to the President; the Minister of Foreign Affairs; the Minister of the Interior; the Minister of Justice; the Minister of Legal Affairs, who was concurrently acting Minister of Human Rights; the Minister of Tourism; the Deputy Minister of Health; the Minister in charge of internally displaced persons (IDPs); the Chair of the Supreme Judiciary Council and the Supreme Court; the Attorney General. The Mission also met with leaders of political parties; members of Parliament; representatives of non-governmental organizations (NGOs); journalists; lawyers; doctors; human rights defenders; victims and their relatives and the United Nations Country Team. The Mission appreciates the support of the Government of Yemen and the assistance received from civil society organizations throughout the visit.

¹ The Government of Yemen had previously invited OHCHR to join a national commission to investigate allegations of human rights violations in the context of ongoing unrest. However, OHCHR had informed the Permanent Representative of Yemen that the independent character of its mandate restricted the ability of the Office to engage in such particular form of direct collaboration with a national inquiry, but had expressed its willingness to consider other forms of support and cooperation.

5. Within the context of its mandate, the Mission considered “recent events” and the “current human rights situation” as comprising events that took place over the period from 1 January and 6 July 2011. This report therefore refers to developments after 6 July 2011 only insofar as they concern the humanitarian situation in Yemen and provide updated information.

6. The Mission visited and held meetings in Sana’a, Ta’izz and Aden. Site visits included locations of demonstrations, places where violence had occurred, hospitals and places of detention. The Mission also reviewed a large number of human rights documentation, including over 6,000 pages of documents, 160 compact discs, 6,000 photographs and 1,800 videos.

7. The documentation has been archived for appropriate future use.

III. Background

A. Political context and recent developments on the ground

8. Yemen is the poorest and most populous country in the Arabian Peninsula. Unemployment is high and corruption has been widely perceived as being endemic. When the Yemen Arab Republic and the People’s Democratic Republic of Yemen (PDRY) united in 1990, President Ali Abdallah Saleh and his allies in the south embarked on a transition towards democracy and a multiparty State, including holding parliamentary, presidential and local elections, and creating a somewhat freer environment for civil society and the media. In 1994, a secession attempt by some Southerners was defeated following a brief conflict.

9. Continuing protests by the Peaceful Southern Movement, otherwise known popularly as “Al-Harak,”² have, at times, turned deadly, reportedly claiming the lives of over 100 people since 2007. Between 2004 and 2010, in the northern governorates, the Huthis, an armed Zaydi Shi’a movement, engaged in successive armed conflicts with the Government, causing thousands of deaths between 2004 and 2010.

10. Violent Islamist groups have launched attacks since 1992, which have negatively impacted tourism and investment. In this context, the Government’s efforts to counter terrorism have resulted in restrictions on human rights and freedoms.³

11. In 2009, the Government and a six-party opposition coalition, the Joint Meeting of Parties (JMP), agreed, through a national dialogue, on a set of electoral and constitutional reforms. However, this dialogue collapsed in late 2010. On 31 December 2010, the Council of Representatives discussed a series of constitutional amendments, which included reducing the presidential term from seven to five years and removing the two-term limit, as well as introducing an electoral quota for women.

12. The ensuing protests, which have been generally peaceful, were further fuelled by unrest in other countries of the region, and invigorated by the arrest of a female activist on 22 January 2011. By February 2011, permanent sit-ins had been held in several cities, with an increasing number of Yemenis taking to the streets, either to call for governmental reforms or in support of the Government. On 2 February 2011, President Saleh announced that he would neither seek re-election nor have his son succeed him. However, following

² Al-Harak al-Salmi al-Janoubi is the term given to a large coalition of groups which were initially calling for federalism. However, and many are now leaning towards secession from the North.

³ CAT/C/SR.952 and CCPR/CO/84/YEM

that announcement, demonstrators calling for governmental reforms were repeatedly met with violence, resulting in a significant number of deaths and injuries. The Al-Harak, JMP and Huthis united in support of the demands of what became known as “the popular revolution of the youth”. Subsequently, President Saleh alternated between offering further concessions, including sweeping constitutional reforms, and resorting to threatening rhetoric.

13. On 18 March 2011, clashes in the proximity of Change Square in Sana’a reportedly led to the killing of 53 persons, with hundreds injured. Various sources confirmed to the Mission that they had seen gunmen on top of surrounding buildings shooting at the protesters. Subsequently, a number of officials resigned, including Huda Al-Ban, Minister of Human Rights, and President Saleh dismissed the Cabinet and declared a state of emergency. He also ordered the provision of free medical treatment for all victims, including evacuations abroad for some, and an investigation into the events of that day. Nevertheless, the ousting of President Saleh and his relatives in the security organs of the country became the rallying cry of anti-government protesters. A senior military commander defected and announced that his troops would protect the permanent sit-in at Change Square.

14. On 8 April 2011, the Gulf Cooperation Council (GCC) initiated the creation of a Cabinet of National Accord, according to which, the President would transfer his powers to the Vice-President, and elections, drafting and adoption of a new Constitution would follow. In exchange, the President and those who had served under him would be granted immunity from prosecution. While many protesters objected to the offer of immunity, the JMP signed the initiative on 21 May 2011, followed by senior members of the ruling party. However, President Saleh repeatedly refused to personally sign the GCC initiative.

15. Following his third refusal on 22 May 2011, fighting erupted in Sana’a between the Government and the prominent Al-Ahmar family, supported by tribal followers. Residences and public buildings were heavily damaged in the exchange of fire involving artillery, and thousands of inhabitants were forced to flee the city. Violence soon spread beyond Sana’a as the Huthis extended their control of northern areas, and armed Islamist groups seized several towns in the southern governorate of Abyan. After a riot and the brief kidnapping of security officials, Freedom Square in Ta’izz was forcefully cleared by Government security officials on 29 May 2011. Tents were burned and dozens of demonstrators were killed.

16. At the time of the visit by the Mission, tribes claiming to protect the protesters still controlled part of Ta’izz, including several public buildings. The Mission witnessed the deployment of tanks in the city and shelling at night.

17. Violence further escalated on 3 June 2011, when an explosion inside the mosque of the presidential palace during prayer killed 11 people and injured President Saleh and other senior officials. The injured were evacuated to Saudi Arabia for medical treatment, where several remain as of the finalization of this report.⁴ A Committee established by the Government of Yemen is currently investigating the circumstances of the above-mentioned criminal attack.

18. Prior to the 3 June 2011 attack, President Saleh had reportedly finally agreed to sign the GCC-led initiative. However, since his departure to Saudi Arabia for medical treatment, the Vice-President has been exercising presidential powers ad interim, and the GCC initiative has remained stalled, despite efforts by the international community and the United Nations to restart it.

⁴ Abdulaziz Abdulghani, speaker of Yemen’s Upper House of Parliament, died on 22 August 2011 in Saudi Arabia from injuries suffered during the attack on President Saleh.

19. By the time the Mission visited Yemen, the humanitarian situation was already deteriorating. The sabotage of a power line, an oil pipeline and the fuel supply was causing severe hardship, compounded by water and cooking gas shortages. Many Yemenis had lost their jobs and income, while prices for essential goods were soaring.

20. Yemeni authorities appeared to have lost effective control of parts of the country and in the major cities, including the capital. Armed opponents appeared to be in de facto control of entire districts.⁵

21. There was widespread fear that despite efforts by the Vice-President and others to restore calm and build bridges with all sides, a civil war was looming.

B. Military and security forces involved in attacks

22. The Government of Yemen resorted to using all armed units at its disposal, from the army to intelligence and law enforcement agencies, in response to demonstrations or in dealing with armed efforts to bring about a change in regime. The Yemeni air force has been involved in clashes with armed groups around Sana'a and Abyan, while the Yemeni navy reportedly supported ground troops fighting in Abyan by shelling from the sea. The elite Republican Guard is present throughout Yemen, but concentrated near the main towns. It has reportedly been engaged in crowd control, along with other army units. Military police provide security for certain public buildings and have thus been involved in confrontations with protesters in some instances.

23. The two official intelligence agencies, the Political Security (*al-amm al-siyassi*) and the National Security (*al-amm al-qawmi*) report directly to the President and operate with minimal parliamentary or judicial oversight. The Political Security is mandated to identify and combat political crimes and acts of sabotage and has detention facilities throughout Yemen. The National Security was established by Presidential decree in 2002 to focus on counter-terrorism. Over the years, many journalists, activists and human rights defenders have reportedly been detained and tortured at detention facilities of the National Security.

24. The Ministry of Interior operates several security units. Its public security forces have been involved in crowd control, using water cannons, batons, plastic shields and tear gas launchers.⁶ The Criminal Investigation Department is involved in investigations and manages pretrial detention facilities throughout Yemen. The Central Security Force is a paramilitary unit that was established before unity, in 1980, and which has its own counter-terrorism strike force and crowd-control units. It is present in towns and the countryside, where it often constitutes the only law enforcement agency.

25. An official, tribe-based reserve force under the Ministry of Interior also exists; its officers, usually tribal leaders, collect salaries. This reserve force is said to have been mobilized to fight the Huthis in the past, and to have participated in recent demonstrations in support of President Saleh.

⁵ For example, Mission delegates meeting with key opponents in Sana'a and Ta'izz were given military escort to within a few blocks of the meeting places, then handed over to armed elements to escort them to the meeting place. The delegates were also repeatedly warned that the State could not offer them protection if they visited those areas, but they were not prevented from going there.

⁶ Mission delegates were informed about and saw evidence of the use of outdated teargas canisters which may have caused rashes, serious burns and suffocation. Delegates were also told that deployed water cannons were often connected to sewage water systems.

26. In addition to the above-mentioned bodies, the Mission was informed that plain-clothes individuals, called *baltaji/baltajiyah*⁷, have been engaged in activities alongside security forces, attacking protesters with batons or firearms. Some of these individuals who were seized by protesters allegedly carried documents linking them with security organs.

27. In Yemen, tensions exist not only between the Government and the country's many tribes, but also among the various tribes. In light of the widespread availability of weapons, tensions among tribes and/or with the Government often result in armed confrontations. The main non-State armed groups that participate in such confrontations reportedly include the Huthis and Islamic groups, such as Al-Qaeda in the Arabian Peninsula and Ansar Al-Shari'a. It has been alleged that these latter groups have access to, and possibly receive support from, senior civilian and military officials. Furthermore, several tribes have joined local conflicts in recent months. The Mission was informed that certain local tribes had sided with the Yemeni army to combat Islamist groups, while other tribes were fighting against the Huthis.

C. International legal framework

28. Yemen is party to eight of the nine core international human rights treaties.⁸ In reviewing Yemen's implementation of its treaty obligations, the relevant human rights treaty bodies noted that violations of civil, political, economic, social and cultural rights persist on a considerable scale. Treaty bodies have also expressed deep concern regarding the limited progress in implementing their observations and recommendations, and a lack of cooperation with the relevant treaty-bodies.⁹

29. A state of emergency was proclaimed by President Saleh on 18 March 2011, and a law was passed by the Council of Representatives on 23 March 2011 approving the state of emergency for a period of one month. The Mission was told repeatedly that the provisions of the law were not implemented.

IV. Current human rights situation

30. Since the beginning of the current unrest, a wide range of human rights violations and abuses have allegedly taken place throughout the country. Many of these allegations concern the excessive use of force against largely peaceful protesters by Government security forces and their affiliates. Yet others concern clashes involving different combinations of pro- and anti-government protesters, armed tribesmen, armed Islamists and/or Government security forces, some of whom are defectors. At the time of writing, the Mission was unable to present accurate numbers of killings and injuries since the multiple lists received do not consistently distinguish between these categories, in addition to victims of armed clashes and security personnel.

31. This section contains the Mission's preliminary assessment of the human rights situation in Yemen in light of recent events and against the backdrop of Yemen's

⁷ Sort of "hired vigilantes" would be an approximate translation.

⁸ Yemen is not party to the International Convention for the Protection of All Persons from Enforced Disappearance.

⁹ The Committees often refer to "widespread violations" and "continuing violations". CESCR noted that Yemen's report was not complete in its coverage of all the rights covered in the Covenant, and that the State's replies to the list of issues did not provide a systematic response. CAT noted with concern that the conclusions and recommendations addressed to Yemen in 2003 have not been sufficiently taken into consideration.

international legal obligations. Some concrete examples have been cited to illustrate the findings, but these by no means constitute an exhaustive list.

A. Extrajudicial killing and excessive use of force

32. Accounts and reports received by the Mission consistently alleged that Government security forces resorted to excessive use of force in response to peaceful demonstrators. The use of live ammunition, tear gas, batons, electronic stun guns and polluted water cannons has been documented. Gunmen in uniform or plain clothes were seen on buildings or at street level allegedly in order to target protesters marching to or protesting outside public buildings with live ammunition. The police reportedly stood by on many occasions while unarmed protesters were attacked or shot at by armed men in plain clothes.

33. It appears that once peaceful demonstrators began to march from their sit-ins to protest outside public buildings, tensions rose sharply. Security forces, fearing that the buildings might be attacked and ransacked, often fired on demonstrators; in some cases individuals were apparently targeted and shot.

34. Based on accounts and casualty figures made available to the Mission, by February 2011, a pattern of use of live ammunition to quell protests had emerged in Aden, which is consistent with security forces responses against demonstrations organized by Al-Harak in past years. Subsequently, Sana'a, Ta'izz, Ibb, Al-Hudaydah, Al-Mukalla, Dhamar, Al-Bayda and other localities experienced similar violence, at different levels. The Mission did not receive information regarding systematic investigations into the excessive use of force by security forces.

35. The Mission received accounts regarding cases of extrajudicial and summary executions in the course of demonstrations: Gyab Ali Al-Saadi, the son of a leading member of the Peaceful Southern Movement, was reportedly targeted and shot in the chest in Aden on 24 June 2011, while attempting to persuade soldiers, backed by tanks, not to fire on persons attending the funeral of Ahmed Al-Darwish. Also, according to allegations, the vehicle of General Ali Mohsen Al-Ahmar was shot at by unidentified men in military uniforms, after he defected with his unit, the first armoured division, but he was not harmed. In addition, teacher and student demonstrations, calling respectively for increased salaries and the postponement of exams, apparently turned violent in Ta'izz when Central Security Forces attacked the protestors, reportedly killing one student. The Mission was further informed by several sources about mass graves of victims of extrajudicial executions allegedly committed by Government affiliates in the context of the repression in Sana'a and Ta'izz. However, the Mission did not receive any evidence to substantiate these allegations.

36. The Mission was briefed extensively on the events of 18 March 2011 in Sana'a and 29 May 2011 in Ta'izz. The details of the events on those days are highly contested, in particular with respect to the perpetrators and the number of victims. Some interlocutors and documents asserted that more than 50 people were killed on each of those days. It was brought to the attention of the Mission that many victims and/or their families refuse to cooperate with investigations launched by Government institutions, since they no longer consider such institutions impartial or even legitimate. The Mission is aware that 78 persons are on trial in relation to the 18 March 2011 events in Sana'a, and that investigation of the 29 May 2011 events in Ta'izz is ongoing. The Government did not provide information on how many of the 78 persons charged for the events in Sana'a belong to security organs.

37. On the other hand, in statements made to the Mission, the Government stressed that the security forces had orders from President Saleh to exert restraint and use firearms only

as a last resort. According to the Government, security forces used water cannons and tear gas to disperse allegedly unlawful and violent crowds, with many security forces and civilians ending up killed or injured. Protesters have therefore been charged with assault, pelting rocks and using live fire against security forces, other civilians and pro-Government supporters. The Government also alleged that protesters, mostly connected to the JMP, destroyed, vandalized, looted and broke into public and private property.

38. The Ministry of Health set up a commission which, after observing a small number of patients in hospitals and examining used gas canisters, concluded that the gases employed by Government security forces were innocuous.

B. Arbitrary arrests and detention

39. Multiple sources, including relatives of victims reported hundreds of cases of unlawful detention and disappearance. Many indicated that applicable procedures regarding the need for State prosecutors to be notified of arrests had been disregarded, and many reported that detainees were transferred from one place of detention to another and that judges' decisions to release individuals or transfer them to another town for trial were often not implemented. The Mission received lists of names of persons allegedly arbitrarily arrested and detained, but it is unable to determine the exact number. During a visit to detention cells operated by the Political Security in Sana'a, the Mission encountered Yemeni and foreign detainees who, after months or even years in detention, had neither been charged nor brought before a judge.

40. The Mission asked several officials about the cases of Hassan Baoom, a prominent figure in the Peaceful Southern Movement, who was reportedly kidnapped from Al-Naqeeb Hospital on 20 February 2011, and his son Ahmed, who was detained while searching for his father. The Mission received assurances that both were alive and that Hassan Baoom was sick and receiving adequate medical care. The Mission noted with concern that neither the family nor a lawyer had been able to see either individual for months, and that there was no information as to their exact location or the charges against them.

41. The Mission learned in its meetings that cases of arbitrary detention carried out by the Criminal Investigation Department and the Political Security had been brought to the attention of the State Prosecution. However, no information was available regarding any investigation, prosecution or disciplinary action against alleged perpetrators. The Chief Prosecutor in Tai'zz mentioned that he regularly visits the Central Prison in order to ascertain that detainees are not held arbitrarily. The Mission was told that similar visits took place in Aden. The Mission was unable to confirm whether prosecutors are granted access to all places of detention.

42. The Mission also heard first-hand about the existence of private detention facilities under the control of some of the armed opposition groups, but could not ascertain the number of detainees held.

C. Torture and other forms of ill-treatment

43. The Mission received allegations about the use of torture and cruel, inhuman or degrading treatment against civilians, committed by several Government security bodies. In one instance, the Mission received reports of the torture of three persons in Aden during the events. Two of them reportedly died, while the third stated that he had been beaten with rifles, electrocuted, had cigarettes extinguished on his body and suffered attempts to hang him from the ceiling. The Mission did not receive information about investigation or prosecution of the perpetrators of these violations.

44. Acts of torture appear to have been committed also by opposition supporters. Notably, the Mission met with a young poet who had been tortured by anti-government supporters in May 2011. He was released after having his tongue cut out for having praised the President. Similarly, some clerics who have spoken in favour of the President allegedly faced harassment, threats, assault and/or damage to their property.

D. Right to an effective remedy and accountability

45. In many cases, victims, members of their family and lawyers who met with the Mission indicated that they did not trust the country's judicial institutions, to the extent that they refrained from filing complaints or cooperating with investigators. The Chief Prosecutor in Ta'izz confirmed to the Mission that such behaviour indeed had a negative impact on his efforts to investigate the events of 29 May 2011 in Freedom Square. The Mission received multiple complaints about the lack of independence and professionalism of the Yemeni judiciary. Furthermore, Government security officials were reported to often fail to comply with prosecutorial and/or judicial decisions. The Mission noted that the Attorney General, who had initiated investigations into the events of 18 March in Sana'a, and personally visited Change Square to ask for cooperation, was subsequently removed from his post and appointed to an advisory position in the judiciary.

46. A list of disciplinary actions taken against Central Security Forces personnel from 2004 to 2011 was submitted to the Mission by the Forces' leadership. It includes the cases of seven officers who had committed minor offences in 2011, none of which was related to arbitrary detention, torture or excessive use of force. The Ministry of Interior reported that four security personnel from Aden were scheduled to appear before the disciplinary council in Sana'a for violating rules and procedures on 1 March 2011; no details on the outcome were provided. Seven officers and six individuals were reportedly investigated for violating rules, and two officers have served their sentences since January 2011. In addition, over 150 security personnel were facing charges before military courts, but the Mission was not informed of the nature of the charges.

47. Neither the National Security nor the Political Security submitted information on internal disciplinary procedures or personnel under prosecution or trial. Copies of complaints filed with the General Prosecution and the Criminal Investigation Department were submitted to the Mission, but no information was provided on any internal or criminal investigation or prosecution. Except for the victims of the 18 March 2011 events in Sana'a, whose families are to be compensated by order of President Saleh, the Mission was not informed of any concrete measures to provide remedies for other victims of serious human rights violations committed during the recent period of unrest.

E. Freedom of expression and opinion

48. According to reliable sources, journalists have been particularly affected since the beginning of the current events. Reportedly, at least one journalist was killed in Sana'a on 18 March 2011, 68 others were injured, 27 arrested, 31 received specific threats, 15 had their professional equipment confiscated. Furthermore, 52 incidents of publications being seized or websites hacked or suspended have been reported.¹⁰ The contracts of a large number of journalists employed by State-run media were allegedly terminated following their participation in anti-government protests. On 24 May 2011, the headquarters of the Yemeni National News Agency, Saba, were damaged during clashes in Sana'a. The next

¹⁰ This account is not exhaustive.

day, Suhail TV headquarters, owned by an opponent, was attacked. Furthermore, several Sabafone telecommunication network services, owned by the same person, were disconnected by the Ministry of Communications.

49. The Mission learned about attacks and expulsions of foreign journalists. Specific information relayed to the Mission concern the arrest and beating of personnel from at least five international media outlets. In addition, on 24 March 2011, Al-Jazeera's offices in Yemen were closed, and the licences of their reporters withdrawn by judicial orders from the State Prosecution.

50. In general, the Mission observed a diminishing space for freedom of expression, with several prominent human rights defenders and witnesses of violations choosing to stay out of the country or flee to distant villages. The prevalence of threats against public media, harassment campaigns and the raiding and looting of homes of activists signal both increasing intolerance and greater physical risks for those who express political views or defend human rights.

51. Several interlocutors testified that students had been sanctioned, threatened or expelled for expressing anti-government views, and teachers have allegedly been called on by colleagues or protesters to boycott work. The Mission also received information about demonstrations at Ta'izz University and an alleged assault on the President of the University by a senior officer of the Republican Guard. In that case, the victim denied the incident, though several sources indicate that this may have been due to pressure.

F. Freedom of movement

52. Freedom of movement has been significantly restricted during the recent unrest. Roads have been closed by demonstrators and Government security forces, making it difficult for citizens to move around or to access certain areas. Frequent demonstrations and the clashes accompanying many of them have made it unsafe for people to carry out their daily business and for youth, especially girls, to attend school.

53. In addition, the supply of fuel for vehicles has been limited, and travellers have reportedly been stopped at security forces checkpoints and sometimes prevented from leaving or entering cities.

G. Right to an adequate standard of living

54. Many interlocutors pointed to deteriorating living conditions – in a country where more than one third of the population was already living under the poverty line prior to the unrest¹¹, rising unemployment and inflation, notwithstanding continuous gross domestic product growth.¹² The Mission witnessed long queues at petrol stations and reduced traffic on the roads due to the fuel shortage. Transportation difficulties have severely affected the economy and resulted in a shortage of cooking gas and many other basic supplies and commodities. As very little fuel is sold at petrol stations, the black market fuel price is 567 per cent more than the official cost, and the average price of basic food commodities has increased by 43 per cent.¹³ Power outages that cannot be exclusively attributed to sabotage

¹¹ United Nations Development Programme, Yemen Poverty Assessment Report 2007.

¹² See World Bank indicators on GDP growth, available at <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries/1W?display=default>.

¹³ See OCHA, Yemen Humanitarian Emergency - Situation Report No. 5, 25 July 2011, available at http://reliefweb.int/sites/reliefweb.int/files/resources/Full_report_182.pdf.

have added to the suffering of the population.¹⁴ Businesses have been forced to close or lay off thousands of workers. The Mission was informed that waste collection vehicles in Ta'izz had been stolen, resulting in unhygienic conditions throughout the city.

55. In the Ta'izz countryside, armed persons have allegedly looted farm equipment, and farmers are suffering from the shortage of fuel which hinders them from pumping water or transporting produce to markets.

56. Several interlocutors considered that the disruptions in telecommunications, power, fuel supply and movement were devised by the Government as a form of collective punishment, with the objective of blaming the opposition for ruining the country and harming the population. Conversely, Government officials blame the opposition for sabotaging an oil pipeline and a power line in order to discredit the Government.

H. Right to health

57. The Mission was informed by the Ministry of Health and the World Health Organization that every effort was being made to ensure that access to health care for all was protected, and that the distribution of medicines, even in areas outside of Government control, was preserved. Yet, electricity outages have debilitated the health sector: many medical facilities either do not have generators or enough fuel to function adequately. Interlocutors stressed that life-support machines requiring reliable sources of energy could no longer operate. Some medical interlocutors attributed the death of at least 21 patients to such outages. The fuel and power crises have also obstructed the delivery of vaccines and, with movement restricted, medical staff have been hindered from accessing rural areas. Some expressed the view that many children would be denied early immunizations if the situation continued.

58. A number of documented instances indicate that Government security forces had prevented wounded demonstrators from accessing hospitals or turned away doctors and ambulances. In Sana'a, the Mission met with four female doctors who recounted that, Central Security Forces had stopped the ambulance in which they were travelling to a hospital, and detained them for several hours. Another doctor testified that the ambulance in which he was treating patients wounded in a demonstration was shot at, while an ambulance driver testified that security personnel shot at his ambulance, which resulted in the killing of two men, then abducted him and seized the ambulance. The latter two incidents occurred in Sana'a.

59. The Mission was briefed about the 29 May 2011 events in Ta'izz, during which the field hospital at Freedom Square, which is located in a mosque, and Al-Safwa hospital – both of which the Mission visited – were reportedly raided and vandalized. In both cases, vital equipment was destroyed or looted, and patients on life support were summarily expelled without adequate precautions, putting them at great risk.

I. Right to education

60. Many schools in Yemen's main cities have been forced to close for prolonged periods of time, either because teachers or students are on strike or because students have damaged the schools and attempted to force other students to join the protests. In particular, the Ministry of Education buildings in Abyan, Ta'izz and Aden had been attacked, with

¹⁴ The Mission was repeatedly told that its visit coincided with a significant improvement in the power service, which apparently ended as soon as it left.

staff being harassed and threatened. In Aden, schools have become temporary shelters for displaced persons from Abyan, thus making it difficult to conduct classes.

J. Other issues of particular concern

Women

61. Women have actively participated in pro- as well as anti-government demonstrations, including as leaders. According to information received, women activists and journalists were harassed, threatened, and arrested. Reportedly, some women were subjected to verbal harassment and beatings in public places and sit-ins for their participation in either pro- or anti-government protests. Male relatives of women activists have received phone calls asking them to “control” their daughters or sisters.

62. The Mission noted that in his statement of 14 April 2011, President Saleh spoke out against the mixing of unrelated men and women in the protests. His statement was followed by large demonstrations by women in Sana’a and elsewhere, protesting against what they perceived as the President’s intention to curtail their rights to peaceful assembly and to participate in public affairs.

63. The Mission visited the site of one such demonstration, and observed that most of the women present preferred to stay in an area reserved for women and children. Refugee women have also faced an increased risk of gender-based violence due to the lack of public order.

Children

64. The Mission received multiple reports of violations of child rights. Children have reportedly been subjected to the same extreme violence as many adults, including killings,¹⁵ injury, suffocation from gas, torture, arbitrary detention, and/or recruitment by security forces. Furthermore, children have been forced out of schools, used in demonstrations, killed, wounded and displaced by the fighting.

65. At least 63 children were reported killed at the time of the Mission’s visit, and many more wounded. Children have been killed by bullets, but also by mortar and artillery attacks on their homes or vehicles in which they were travelling. The most commonly reported violations involving children were incidents of suffocation due to exposure to gases used by security forces. The Mission received video material documenting such incidents. In addition, the Mission repeatedly heard allegations of torture of children. The Mission was given photographs of a 15-year-old boy bearing traces of torture. Another boy was reportedly raped by Government security forces in Aden in April 2011, after his mother accused security forces of killing a civilian.

66. Many interlocutors stated that children have been directly involved in the violence, having been seen in uniform patrolling the streets, serving at Government checkpoints or involved in searching protesters. The Mission met a teenager who was in hospital receiving treatment for wounds received while serving with Government forces.

67. The Mission also met orphaned children of whom one or both parents had died as a result of violence. Some of them had often witnessed scenes of extreme violence first-hand.

68. More generally, children have suffered the consequences of the water, fuel and cooking gas shortages and lack of waste collection.

¹⁵ The Mission was informed that some 26 children had lost their lives following their alleged participation in anti-government protests.

The Mohamasheen community

69. According to information received by the Mission, members of the Mohamasheen community in Ta'izz were threatened with destruction of their homes and businesses if they did not participate in demonstrations. A 17-year-old and a 14-year-old were reportedly attacked and severely beaten, allegedly because their families supported the Government. Two men and another boy from the community were allegedly abducted and beaten with electric cables. One member of the community informed the Mission that in past elections, the authorities had mobilized the community in support of the Government, thus making the community a target for the current demonstrators.

Internally displaced persons

70. According to estimates,¹⁶ there are about 400,000 internally displaced persons (IDPs) in Yemen, more than half due to the pre-existing conflict with the Huthis in the north. The Mission received information indicating that since May 2011, hundreds of IDPs have been arriving in Aden every day. Approximately 9,500 persons have been displaced in Arhab, and some now reside in caves. Fighting in Sana'a, which lasted for about three weeks, was reported to have displaced around 9,000 persons. The Mission heard reports of alleged attacks by the army, air force and naval units against travelling IDPs in Abyan; it met with survivors, including women and children, of such attacks at Al-Naqeeb Hospital in Aden.

Refugees

71. Despite its poverty, Yemen has never wavered from a generous policy of hosting refugees from Somalia to whom it continues to grant prima facie refugee status. On 15 July 2011, reports indicated that more than 4,000 refugees from the Horn of Africa, some of whom had been hosted by Yemen for around two decades, were displaced following confrontations in Sana'a, Ta'izz, Abyan and Lahj. These refugees had already suffered from the economic hardship in the country, with many no longer able to support themselves, and were requesting to be brought to a camp operated by the Office of the United Nations High Commissioner for Refugees (UNHCR). In July 2011, refugees seeking resettlement besieged the UNHCR office in Sana'a.¹⁷

V. Conclusions and recommendations

72. **The Mission observed an overall situation in which many Yemenis, peacefully calling for greater freedoms, an end to corruption and respect for the rule of law, were met with an excessive and disproportionate use of lethal force by the State. Hundreds have been killed and thousands have suffered injuries, including loss of limbs.**

73. **In March 2011, 53 persons were reportedly killed in Change Square in Sana'a, an incident which led to the resignation of a number of ministers and officials, as well as the defection of General Ali Mohsen Al-Ahmar, who pledged to send his troops to protect the peaceful demonstrators in the Square. In another major incident in May 2011, following a riot and the brief kidnapping of security officials, Freedom Square in Ta'izz was forcefully cleared by Government security officials. Tents were burned**

¹⁶ OCHA, Yemen Humanitarian Emergency - Situation Report No. 6, 3 August 2011, available at http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_77.pdf.

¹⁷ OCHA, Yemen Humanitarian Emergency - Situation Report No. 4, 15 July 2011, available at http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1728.pdf.

and dozens of demonstrators were killed. Tribes claiming to protect the protesters sent armed supporters to the Square and occupied certain public buildings.

74. The picture that has emerged in the major cities is of a number of separate, but at times intertwined, struggles taking place. Peaceful demonstrators are calling for change, like their counterparts in other parts of the region, while an increasingly violent power struggle is playing out between President Saleh and his supporters, on one hand, and armed opposition groups, including some allegedly connected with Al-Qaeda, on the other. In addition, political opponents, including recent defectors, are publicly renouncing the resort to violence and seeking a resolution that would bring about a change in regime.

75. Both the Government and some of its armed opponents have sought to present themselves as protectors of the civilian population, and each side blames the other for the suffering and hardship that has been brought upon the country. All sides may be guilty of using and abusing peaceful protesters and the civilian population in this increasingly violent power struggle.

76. The Mission noted that the Yemeni Government has lost effective control of parts of the country and the major cities, where armed opponents appear to have de facto control. The Mission also observed that those seeking to achieve or retain power have deliberately sought to punish and cause severe hardship to the civilian population by cutting off vital access to basic services such as electricity, fuel and water. The Mission noted the danger of the protests becoming more violent in response to the excessive use of lethal force by the Government, and the growing involvement of and intimidation by armed elements among the demonstrators. Street protesters have nonetheless sought to maintain a peaceful character despite the heavy loss of life and severe injuries suffered thus far.

77. Due to time and security considerations, the Mission was unable to visit areas outside the three main cities of Ta'izz, Sana'a and Aden, and therefore could not assess the level of violence taking place in areas such as Abyan, Arhab or Sa'ada.

78. While the Mission recognizes that it is the Government's duty to secure law and order, it is of the view that this should be carried out within the confines of international law. There can be no justification for the hasty resort to excessive use of lethal force and heavy weaponry, including the deployment of tanks in cities, to quell street demonstrations or to clear out protest sit-ins.

79. The Mission was alarmed at the deteriorating humanitarian situation, which is adversely affecting the majority of the population, but in particular the poorest and most vulnerable, such as children, IDPs and refugees. Isolated acts of sabotage cannot account for all the suffering witnessed by or reported to the Mission throughout the country, and access to electricity, fuel, cooking gas, water and other basic services should not be denied in order to punish the entire population.

80. While noting the orders issued by President Saleh to use restraint in handling protests, the Mission concludes that the orders had, in several instances, failed to prevent deadly responses by Government security forces and their affiliates.

81. The Mission also concludes that relevant Government security forces are neither properly trained nor equipped to fulfil their functions in a manner consistent with Yemen's international human rights obligations.

82. Furthermore, their actions appear so far to have largely escaped credible internal or judicial accountability. Against this backdrop, force has become the response used by the Government against people voicing aspirations for reform.

83. Accountability and an end to corruption are major challenges in Yemen. The Mission is especially concerned that in the eyes of many Yemenis the judiciary lacks credibility and legitimacy.

84. The Mission is of the view that calls for investigations and prosecutions will be undermined unless urgent measures are taken to ensure the independence and integrity of the judiciary and to provide it with sufficient resources. This includes empowering the judiciary to exercise its oversight role vis-à-vis all security organs and their places of detention.

85. Other measures will also be necessary to help restore citizens' trust in the State and to re-establish the rule of law in the country. These measures include the need to institute national reparations programmes for victims and institutional and legal reform programmes with particular emphasis on the security sector.

86. Based on the Mission's conclusions, the United Nations High Commissioner for Human Rights makes the following recommendations. The successful implementation of these recommendations may require technical and financial support from the international community. Such support must take full account of the aspirations of the Yemeni people, and must be aligned with Yemen's efforts to build a State that is inclusive, accountable, democratic and equitable.

87. Additionally, given the lack of confidence in the judiciary to conduct impartial investigations into human rights abuses related to the peaceful protest movement, there is a need for international, independent and impartial investigations to be conducted.

88. The Government of Yemen should:

- Take immediate action to end attacks against civilians and civilian targets by security forces, in full compliance with Yemen's obligations under international human rights law. In particular, firearms and lethal force should only be used as a last resort when lives are under direct threat;

- Immediately and unconditionally release all prisoners detained for peacefully exercising their freedom of expression and assembly, and who have not been charged with any criminal offence; issue an official list containing the names of all those who have been arrested and charged with criminal offences in relation to recent demonstrations, including details about the dates of their arrest, places of detention, and charges against them; take immediate measures to ensure that all persons detained on criminal charges are afforded all fair trial guarantees from the moment of their detention, including the rights to be informed of the charges against them, to have prompt access to a lawyer, to notify a relative regarding their detention and to appear before a judge within a reasonable period of time, in accordance with international standards. Access by prosecutors to all places of detention should be guaranteed;

- Launch transparent and independent investigations, in line with relevant international standards, into credible allegations of serious human rights violations committed by Government security forces, including, but not limited to, the killing of civilians, excessive use of force against civilians, arbitrary detention, torture and ill treatment; ensure that perpetrators are held accountable;

- Provide reparation to victims and/or families who have suffered harm, including, but not limited to, death or physical injury as a result of unlawful acts committed by Government security forces or their affiliates;

- Undertake immediate measures to end the use and recruitment of children; demobilize those who have already been recruited and cooperate with the United Nations for their integration into their communities;
- Refrain from any action that will deprive the population of basic services, such as electricity, fuel and water, and undertake urgent actions to restore basic services and access to basic supplies, in particular electricity, fuel, water, medical supplies, health and education facilities;
- Urgently define and implement a comprehensive programme aimed at ensuring the protection of all those affected by the long standing conflict in the northern Sa'ada province, particularly IDPs;
- Enhance cooperation with the United Nations, including implementing the recommendations of the treaty bodies, the universal periodic review (UPR) and Special Procedures; extending a standing invitation to all thematic Special Procedures; ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute; implement the recommendations contained in the Secretary-General's Report to the General Assembly and the Security Council on children and armed conflict (A/59/695-S/2005/72);
- Strengthen cooperation with OHCHR and explore potential avenues in that regard;
- Expedite steps to establish a national human rights institution in line with the Paris Principles, as agreed during the UPR in 2009.
- Take measures to preserve the gains made by women in the past months, in terms of public participation, and translate them into lasting achievements by adopting a Constitutional amendment introducing a quota for women in parliamentary elections;
- Take immediate steps to redress disparities in standards of living and access to health, education, employment and social support structures, in particular those affecting women, youth and marginalized communities across the country.

89. With a view to the restoration of peace and order, all armed opposition groups should:

- Remove all weapons, ranging from small fire arms to rocket launchers, from public areas of peaceful demonstrations such as sit ins and marches, and ensure that none of their supporters or those under their command open fire from within peaceful demonstrations thereby putting the demonstrators at risk of return fire.
- Ensure that no children under the age of 18 years, among their supporters or under their command, participate in checkpoint activities or in protecting protesters.
- Cease all acts of violence, harassment, threats and all attempts to intimidate demonstrators expressing opposing points of view;
- Release all civilians held in detention centres under opposition control;
- Recognizing that shortages in fuel, water and electricity cause and have caused extreme hardship, including death in some cases, to innocent civilians, refrain from attacking targets that provide such essential services to the civilian population;
- Cooperate with investigations into abuses that may have been committed by armed men under opposition command, and introduce transparent administrative

disciplinary measures that comply with international human rights standards to ensure accountability of those under your command.

90. The international community should:

- Call on all parties in Yemen to refrain from using of violence and to resolve their political differences through open, transparent and comprehensive dialogue;

- Recognizing that in the present climate of violence and counter-violence in Yemen, investigations into excesses or abuses by the military, the security services or their affiliates may not be seen as credible or impartial by the population, ensure that international, independent and impartial investigations are conducted of the incidents which have resulted in heavy loss of life and injuries;

- Heed the call for humanitarian assistance, and provide financial support to the Yemen Humanitarian Response Plan of 2011.
