



General Assembly

Distr.: General
9 September 2016

English only

Human Rights Council

Thirty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Arab Organization for Human
Rights, Indian Movement "Tupaj Amaru", non-
governmental organizations in special consultative status,
International Educational Development, Inc., World Peace
Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15672(E)



* 1 6 1 5 6 7 2 *

Please recycle



Grave Violations by Houthi Militias and Other Armed Groups in Yemen

Introduction

Chaos has taken over Yemen since the fall of the government in 2011. The situation has particularly degenerated when Houthi and other armed groups affiliated to the former President Ali Abdullah Saleh have taken over the power in the capital of Sana'a on 21st September 2014.

Since they gained control over large districts of Yemen, these groups have been systemically using abduction and enforced disappearances as means against their opponents.

Both abduction and enforced disappearance are heinous and despicable crimes, characterized by their ripple effect. They lead to prolonged punishment for the victims and their families who don't know anything about the fate of their loved ones.

Enforced disappearances are prohibited under the provisions of the International Convention for the Protection of all Persons from Forced Disappearance which was adopted in 2006. Furthermore, according to article 7 of the Rome Statute "the forced disappearance of persons", if perpetrated against the civilian population, is considered a "crime against humanity". Considering the graveness of such crime, no limitations or derogations are permitted and the victims and their families are entitled to full compensation.

Background

A wave of pro-democracy protests, later known as the "Arab Spring", swept the Arab countries of the Middle East early 2011. Several country leaders have been unseated in the course of this uprising, in Egypt and Tunisia, for example. In other countries, the protests led to a sustained unrest and even turned into a civil war such as the case in Syria.

Meanwhile in Yemen, activists and opponents to the government staged protests calling for the resignation of the Yemeni President Ali Abdullah Saleh who has served as a president for three decades. Consequently, clashes erupted between the opposition groups and the supporters of the government.

In 2012, a transition agreement has been signed, according to which the presidency is transferred to the Vice President Abd Rabbuh Mansur Hadi. His two years mandate encompassed the redaction of a new constitution and the preparation of new elections. Mr Hadi has been recognized by the international community as the current president of the Republic of Yemen.

The Houthis, a Zaidi Shia-led movement from the city Sa'dah located in northern Yemen, have opposed the transition of power to Hadi. During the revolution, the Houthis expanded their control to a larger part of the Yemeni territory, reaching to the capital Sana'a and the rest of the governorate in 2014. Accordingly, Houthi rebels have seized the presidential palace in the capital.

In the territories under their control, the Houthis and affiliated armed groups have been committing numerous human rights violations against the opponents of the ousted president Ali Abdullah Saleh. This includes a wide range of kidnapping and enforced disappearance against the civilian population.

Abductions and Enforced Disappearance

In the period between June 2014 and October 2015, 7,049 cases of abduction committed by the Houthis and Saleh affiliated groups have been recorded in 17 Yemeni governorates. Out of them, 1910 cases have been reported as enforced disappearances.

This is targeting a wide range of personalities within the community, including human rights activists denouncing Houthis human rights violations, community leaders who oppose Houthis domination over Yemeni districts, academics and journalists.

Apart from the obvious reasons of political opinion and human rights activism, abduction and ED are also used in order to get money from the relatives.

Abduction of Children

Despite the fact that children are protected under various provisions of International Law, they are kidnapped by Houthis on a daily basis and for different reasons. It can be a way to pressure the families to halt their opposition and resistance against the Houthis and to pledge loyalty to them or to exchange them for another wanted family member. Another reason is to enlist them, which is prohibited by the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict adopted in 2000. In the course of 17 months, 263 cases of children abduction have been reported, primarily from the capital city and other governorates in which the Houthis are in control.

Abduction of Other Special Groups

Four cases of women kidnapped by Houthi armed groups have been reported, three of them in the capital Sana'a and the fourth in Ebb governorate. However, there might be a lot more cases hidden since the Yemeni tribal norms are preventing them from revealing these cases considered as a shame to the family.

Three abductions have been committed against people with special needs. On the other hand, 148 Journalists and 988 activists have been kidnapped by Houthi militias and Ali Abdullah Saleh's affiliated groups. Furthermore, a proportion of about 65% of the abducted persons are academics.

Human Rights Violations

Notwithstanding the fact that enforced disappearance and the abduction of civilians constitute a violation under International Law, other grave human rights violations are happening in addition to those crimes.

A pattern can be identified when it comes to the abductions. People are taken from their houses, workplaces or at checkpoints, without any official warrant or even a proper reason. Such practice contravenes article 9 of the ICCPR. Moreover, serious damages are often done to the properties and goods are stolen.

Abduction and enforced disappearances are both characterized by their ripple effect as the family is as much of a victim as the abducted or disappeared person. The relatives are, in fact, left unable to know anything about the whereabouts or the living conditions of their loved ones. And even when the person is finally released, it is really hard to get the relevant medical information as the militias control most of the hospitals and medical centres.

Human Shields

In serious violation of International Humanitarian Law, Houthi militias have been using their prisoners as human shields. The detainees are then placed in different military districts, weapon storage areas and other similar places in order to prevent the Arab Alliance Forces from targeting these locations. For instance, on 21st May 2015, the Arab Alliance have targeted Haran Park, a prominent holding area in Dhamar city in Yemen, killing 12 of the detainees who were being used as human shields and wounding others.

It is worth recalling that the Arab Alliance Forces have the international legal obligation to take into account the civilian presence when launching an offensive against the Houthi militias. Indeed, international law clearly prohibits the targeting of civilians even in combat zones.

Torture

Abducted persons have been subjected to various forms of torture, inhumane and degrading treatment at the hands of the Houthi Militia and Saleh affiliated groups. Torture is primarily used to get a confession or to force people to sign statements. Torture includes acts of beating for long periods, burning with cigarettes, hanging in contorted position, subjecting to electric shocks, pouring extremely hot water over the body, threatening with death or rape, and committing mock executions.

About 1077 cases of torture have been reported in the course of 17 months, four of them believed to have died following torture.

Inhumane Conditions

Following their abduction, the victims are led to different state jails, central prisons, police departments, research prisons and other facilities under Houthis' control. Moreover, some of the civilian facilities have been converted into jails.

In these places, kidnapped persons are kept in poor conditions, lacking the basic standards of health and safety. The cells and corridors are frequently piled with trash and waste that attract different types of mosquitoes carrying a lot of diseases. According to testimonies from those who have been released, the cells in which they were held were very narrow and they were forced to urinate and eat in the same place. Moreover, the food was so ruined that it was inedible for humans.

Recommendations and Conclusion

We, NGOs Signatories to this statement make the following recommendations:

-UN Security Council and General Assembly, as well as, other relevant international bodies, to open an urgent and transparent investigation of all cases of kidnapping committed in Yemen, including the use of Yemeni civilians as human shields and the torture inside prisons. The findings on these cases should be transferred to the International Criminal Court as crimes against humanity.

-For the various UN organs, as well as the governments of countries related to the conflict in Yemen, to put pressure on the Houthis and on Saleh for the immediate release of the kidnapped civilians still in detention. We also call for full disclosure of the forcibly disappeared and their release.

-Based on the grave and systematic violations that are committed by Houthi militias, we urge the human rights council to classify the Houthi militias as a terrorist organization.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, General Arab Women Federation, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, Association of Iraqi Diplomats (AID), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), Women Will Association (WWA), Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), International Society of Iraqi Scientists, Children of Iraq Association

(UK), The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty-CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.
