

APRIL 2025

# TORTURE

AND THE YEMEN CIVIL WAR

YEMEN ACCOUNTABILITY PROJECT



## **TORTURE AND THE YEMEN CIVIL WAR**

**EDITOR:** Louden Keihl

**ASSISTANT EDITOR:** Nikita Joshi

**ASSOCIATE EDITORS:** Pilar Corso, DeAndrea Fuller, Forrest Behne, Liam Parsons, Holly Perzynski, Nicholas Roberts, Aabid Shivji, Lauren Ostrom

**ASSISTANT RESEARCHERS:** Andrew Gantt, Shaurya Pandya

**COVER ART:** Nikita Joshi

### **YEMEN ACCOUNTABILITY PROJECT**

**EXECUTIVE DIRECTOR:** Ellie Buerk

**DEPUTY EXECUTIVE DIRECTOR:** Anne Ewart

**PROJECT ADVISOR:** James C. Johnson, Adjunct Professor of Law and Director of the Henry King War Crimes Research Office

The Yemen Accountability Project (“YAP”) is a student led-initiative based at Case Western Reserve University School of Law and affiliated with the Global Accountability Network (“GAN”). The opinions, conclusions, and recommendations contained in this report do not necessarily reflect the views of Case Western Reserve University or its School of Law.

GAN is a collective of international criminal prosecutors and practitioners who supervise and work with law students on specific atrocity projects related to conflict situations around the globe. YAP’s student researchers and analysts gather open-source evidence of potential war crimes and crimes against humanity committed during the Yemen Civil War to assist with future prosecutions under the relevant international legal standards.

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY: Summarizing the White Paper’s findings and recommendations.....</b>	<b>5</b>
<b>I. INTRODUCTION.....</b>	<b>6</b>
<b>A. Overview.....</b>	<b>6</b>
<b>B. The Yemen Civil War.....</b>	<b>6</b>
<b>II. TORTURE IN INTERNATIONAL LAW.....</b>	<b>9</b>
<b>III. EVIDENCE OF TORTURE DURING THE YEMEN CIVIL WAR.....</b>	<b>13</b>
<b>A. General Trends.....</b>	<b>13</b>
<b>B. Thematic Areas Concerning Torture.....</b>	<b>15</b>
1. Methods and Forms of Torture Used.....	15
a. Physical Torture.....	15
b. Psychological Torture.....	16
c. Sexual Violence.....	17
2. Targeted Populations.....	18
a. Combatants.....	18
b. Prisoners.....	19
c. Civilian Populations.....	20
d. Torture and Gender-Based Violence.....	23
e. Persons of Influence.....	23
3. Impacts of Torture.....	26
<b>IV. LEGAL ANALYSIS.....</b>	<b>28</b>
<b>A. Applicability of IHL and IHRL and Lex Specialis in Times of Armed Conflict.....</b>	<b>28</b>
<b>B. Analysis of the Conflict Concerning Torture.....</b>	<b>28</b>
1. Methods and Forms of Torture Used.....	30
a. Physical Torture.....	30
b. Psychological Torture.....	31
c. Sexual Violence.....	32
2. Targeted Populations.....	32
a. Combatants.....	32
b. Prisoners.....	33
c. Civilian Populations.....	35
d. Torture and Gender-Based Violence.....	36
e. Persons of Influence.....	36
<b>V. ACCOUNTABILITY MECHANISMS.....</b>	<b>38</b>
<b>A. International Courts.....</b>	<b>38</b>
<b>B. Yemeni Domestic Courts.....</b>	<b>40</b>

C. Foreign Domestic Courts.....	41
D. Alternative Mechanisms.....	42
VI. RECOMMENDATIONS.....	44
A. Investigations.....	44
B. Accountability Mechanisms.....	44
C. Review Targeted Sanctions Regime.....	45
D. Naming and Shaming.....	45
E. Supporting and Engaging Civil Society Actors.....	45
F. Transitional Justice.....	45
VII. CONCLUSION.....	48

**EXECUTIVE SUMMARY:** Summarizing the White Paper’s findings and recommendations.

This white paper examines the utilization of torture by various parties to the Yemen Civil War and the legal provisions under both international human rights law (“IHRL”) and international humanitarian law (“IHL”) potentially violated by such conduct. Torture is a *jus cogens* norm and is forbidden in all circumstances under international law. States have an obligation to prevent, punish, and refrain from engaging in torture.

Based on the evidence presented in this white paper, YAP concludes that parties to the conflict have violated their obligations to refrain from engaging in acts of torture and preventing the use of torture. The perpetrators of these violations must face justice, mitigate their violations’ adverse effects and provide relief to victims of torture. The purpose of this white paper is to provide evidence of IHRL and IHL violations concerning torture and propose avenues for accountability.

## I. INTRODUCTION

### A. Overview

This White Paper assesses the various ways in which the parties to the Yemen Civil War have committed acts of torture, including physical, psychological, and sexual torture. This paper identifies both instances of torture and entities that have failed to prevent it. It additionally identifies legal provisions through which interested parties can hold these perpetrators accountable.

Part I summarizes the Yemen Civil War, the circumstances that led to its inception, and the main parties involved in the conflict. Part II considers the definition of torture in the context of international law and explores the international legal landscape regarding that topic. Part III analyzes yearly and thematic trends regarding torture in Yemen. Part IV identifies legal provisions in both IHRL and IHL that create liability for perpetrators of torture, including those that fail to prevent it, and examines YAP's evidence of torture presented in Part III under those provisions. Part V assesses challenges with existing accountability mechanisms and makes recommendations for potentially viable avenues for accountability. Finally, Part VI recommends how stakeholders may address the Yemen Civil War's connection to torture and aid future prosecutions or lawsuits.

### B. The Yemen Civil War

The Yemen Civil War stems from long-standing tensions between the Houthis, a Zaydi Shia group from northern Yemen,<sup>1</sup> and Yemen's former dictatorial president, Ali Abdulla Saleh.<sup>2</sup> After the 2011 Arab Spring protests, Saleh transferred power to his vice president at the time, Abd Rabbo Mansour Hadi.<sup>3</sup> Nonetheless, widespread political instability persisted.<sup>4</sup> This instability escalated in September 2014, when the Houthi rebels captured Yemen's capital city of Sana'a<sup>5</sup> and subsequently ousted President Hadi in January 2015.<sup>6</sup> Despite this, President Hadi's government remains the internationally recognized *de jure* government of Yemen ("IRG").<sup>7</sup> On April 7, 2022, President Hadi transferred his powers to a Presidential Leadership Council consisting of eight members, currently led by Rashad Al-Alimi.<sup>8</sup>

---

<sup>1</sup> *Q & A on the Conflict in Yemen and International Law*, HUMAN RTS. WATCH (Apr. 6, 2015), <https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law> [<https://perma.cc/7SEC-GHKL>].

<sup>2</sup> *Id.*

<sup>3</sup> Kali Robertson, *Yemen's Tragedy: War, Stalemate, and Suffering*, COUNCIL FOREIGN REL. (Feb. 5, 2021), <https://www.cfr.org/background/yemen-crisis> [<https://perma.cc/WYJ3-Y7FB>].

<sup>4</sup> *Id.*

<sup>5</sup> *How Yemen's capital Sanaa was seized by Houthi rebels*, BBC (Sept. 27, 2014), <https://www.bbc.com/news/world-29380668> [<https://perma.cc/GN9G-UR7M>].

<sup>6</sup> *Q & A*, *supra* note 1.

<sup>7</sup> See S.C. Res. 2216, (April 14, 2015); *Id.*

<sup>8</sup> Eleonora Ardemagni, *Yemen's Post-Hybrid Balance: The New Presidential Council*, CARNEGIE ENDOWMENT INT'L PEACE: SADA (June 9, 2022),

The Yemen Civil War officially began in March 2015, when a Coalition of States led by Saudi Arabia and acting on behalf of President Hadi's government ("Saudi-led Coalition") initiated an airstrike campaign on the Houthis to restore the Hadi government's authority in the country.<sup>9</sup> Accordingly, the ongoing conflict has primarily involved the Iranian-supported Houthi rebels and the Saudi-led Coalition.<sup>10</sup> The Islamic State ("ISIS") and Al-Qaeda of the Arabian Peninsula ("AQAP") have also participated in the conflict to a lesser degree.<sup>11</sup> Since 2015, these parties have caused serious civilian casualties and strategically harmed the civilian population, including via the *de facto* blockade on Yemen's seaports and closure of Sana'a International Airport.<sup>12</sup>

The conflict, particularly on the part of the Houthis, intensified over the last year and a half. Beginning in November 2023, Houthi militants have engaged in dozens of attacks on international shipping vessels in the Red Sea.<sup>13</sup> The militants claimed to act in response to the alleged Israeli genocide of the Palestinian people.<sup>14</sup> In response to the Houthis military action in the Red Sea, particularly against commercial shipping and US and UK warships, the US, the UK, and Operation Prosperity Guardian, a US-led multinational military coalition formed and has acted in what those entities describe as "self-defense" to protect their security interests in the region and to mitigate and deter future Houthi action, as well as to address the imminent threat to targeted military personnel and property.<sup>15</sup>

Altogether, these military activities have created what is arguably one of the worst humanitarian crises in the world. The Saudi-coalition airstrikes have a death toll of at least 19,200 people, including over 2,300 children, and the displacement of a further 4 million, as of February 2024.<sup>16</sup> Following US and UK air strikes on Houthi positions, the Houthis targeted and continue to target ships owned and operated by UK or US owners.<sup>17</sup> For further discussion, we would direct attention to the Yemen Accountability Project's forthcoming white paper, *The Legal*

---

<https://carnegieendowment.org/sada/2022/06/yemens-post-hybrid-balance-the-new-presidential-council?lang=en> [https://perma.cc/A7RV-SKPZ].

<sup>9</sup> The Saudi-led Coalition includes support from the United States, France, and the United Kingdom. Robertson, *supra* note 3; *see also Q & A, supra* note 1.

<sup>10</sup> Robertson, *supra* note 3.

<sup>11</sup> *Id.*

<sup>12</sup> U.N. High Comm'r Human Rights, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Report of the United Nations High Commissioner for Human Rights Containing the Findings of the Group of Eminent International and Regional Experts and a Summary of Technical Assistance Provided by the Office of the High Commissioner to the National Commission of Inquiry*, U.N. Doc. A/HRC/39/43, 18 (Aug. 17, 2018) [hereinafter, "Report of the United Nations High Commissioner"].

<sup>13</sup> *Who Are the Houthis and Why Are They Attacking Red Sea Ships?*, BBC (Mar. 15, 2024), <https://www.bbc.com/news/world-middle-east-67614911> [https://perma.cc/HW8K-JPW4].

<sup>14</sup> *Id.*

<sup>15</sup> Lieber Institute West Point, *The Law of Self- Defense and the U.S. and UK Strikes Against the Houthis* (Jan 31, 2024), <https://lieber.westpoint.edu/law-self-defense-us-uk-strikes-against-houthis/> [https://perma.cc/SE64-CXPH].

<sup>16</sup> YEMEN, GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT (Mar. 14, 2025), <https://www.globalr2p.org/countries/yemen/> [https://perma.cc/NL5G-WGZY].

<sup>17</sup> Maha El Dahan, et. al., *Exclusive: Yemen's Houthis Won't 'Dial Down' Under US Pressure or Iranian Appeals*, REUTERS (Mar. 18, 2025), <https://www.reuters.com/world/middle-east/yemens-houthis-wont-dial-down-under-us-pressure-or-iranian-appeals-2025-03-18/> [https://perma.cc/VB84-JKLU].

*Defensibility of US, UK, and Operation Prosperity Guardian's Military Response to Houthi Attacks in the Red Sea.*<sup>18</sup>

In total, at least 150,000 people,<sup>19</sup> including 3,700 children,<sup>20</sup> have been killed as a result of the Yemen Civil War. The Group of Eminent International and Regional Experts on Yemen (“Group of Eminent Experts”) have designated the Yemen Civil War as a non-international armed conflict (“NIAC”).<sup>21</sup> NIACs involve conflicts between a State and a non-State armed group.<sup>22</sup> Although multiple States have participated in the conflict, those States each support Al-Alimi’s government in its combat of a non-State actor, the Houthi rebels, and thus, the conflict is properly designated a NIAC.<sup>23</sup> In NIACs, legal obligations arise under both customary international law and treaty law.<sup>24</sup> All parties to the conflict, including Al-Alimi’s Yemeni government, the Saudi-led Coalition, and non-state actors, including the Houthi rebels,<sup>25</sup> are bound by customary international law.<sup>26</sup> This includes the customary IHL principles of distinction, necessity, and proportionality.<sup>27</sup>

Even in areas where Hadi’s government has lost control, it still retains positive obligations under customary international law.<sup>28</sup> Additionally, Yemen is a party to and, therefore, bound by the Geneva Conventions of 1949 and Additional Protocol II.<sup>29</sup> The Saudi-led Coalition is also bound by the Geneva Conventions because they reflect customary international law.<sup>30</sup> Similarly, the Group of Eminent Experts also considers ISIS and AQAP as bound by IHL because each group has engaged in parallel NIACs with Yemen’s government forces.<sup>31</sup> For these reasons, each of these parties may be held accountable for their violations of IHL. They may also be liable for IHRL violations, if jurisdictionally applicable. For more information about the Yemen Conflict and its designation as an NIAC, please see YAP’s previous publications.<sup>32</sup>

---

<sup>18</sup> YEMEN ACCOUNTABILITY PROJECT, THE LEGAL DEFENSIBILITY OF US, UK, AND OPERATION PROSPERITY GUARDIAN’S MILITARY RESPONSE TO HOUTHİ ATTACKS IN THE RED SEA (forthcoming 2025).

<sup>19</sup> *Country Hub: Yemen*, ACLED DATA, <https://acleddata.com/middle-east/yemen/> (last visited Apr. 11, 2025)[<https://perma.cc/HF98-7JYD>].

<sup>20</sup> *More than 11,000 Children Killed or Injured in Yemen*, UNICEF (Dec. 12, 2022), <https://www.unicef.org/press-releases/more-11000-children-killed-or-injured-yemen> [<https://perma.cc/TCU6-47KH>].

<sup>21</sup> U.N. High Comm’r for Human Rights, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Detailed Findings of the Group of Eminent International and Regional Experts on Yemen*, 35, U.N. Doc. A/HRC/45/CRP.7 (2020) [hereinafter, “Detailed Findings of the Group of Experts”].

<sup>22</sup> Report of the United Nations High Commissioner, *supra* note 12, at 15.

<sup>23</sup> See Detailed Findings of the Group of Experts, *supra* note 21, at 33.

<sup>24</sup> *Sources of IHL: Treaties and customary law*, INT’L COMM. RED CROSS, <http://ir.icrc.org/en/international-humanitarian-law/sources-ihl-treaties-customary-law/> (last visited Jun. 15, 2021) [<https://perma.cc/SBY6-AKG9>].

<sup>25</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 32.

<sup>26</sup> Report of the United Nations High Commissioner, *supra* note 12, at 15.

<sup>27</sup> *Id.* at 15.

<sup>28</sup> *Id.* at 13.

<sup>29</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 35.

<sup>30</sup> *Id.* at 31.

<sup>31</sup> *Id.* at 34.

<sup>32</sup> See generally, YEMEN ACCOUNTABILITY PROJECT, AIDING & ABETTING: HOLDING STATES, CORPORATIONS, AND INDIVIDUALS ACCOUNTABLE FOR WAR CRIMES IN YEMEN 9-10 (2020); YEMEN ACCOUNTABILITY PROJECT, STARVATION: BUILDING THE CASE FOR PROSECUTING STARVATION CRIMES IN YEMEN (2021); YEMEN ACCOUNTABILITY PROJECT, CULTURAL PROPERTY: BUILDING THE CASE FOR PROSECUTING THE DESTRUCTION OF CULTURAL PROPERTY IN YEMEN (2023); YEMEN ACCOUNTABILITY PROJECT, GENDER-BASED VIOLENCE AND THE YEMEN CIVIL WAR (2024).

## II. TORTURE IN INTERNATIONAL LAW

Multiple international courts and tribunals, including the International Court of Justice (ICJ)<sup>33</sup> and the International Criminal Tribunal for Yugoslavia (ICTY),<sup>34</sup> have identified the prohibition against torture as a peremptory norm, or *jus cogens* violation, of customary international law. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and specifically bans scientific or medical experimentation without consent.<sup>35</sup> Furthermore, the prohibition against torture has been introduced into the domestic law of nearly all States.<sup>36</sup> The prohibition against torture is so robustly recognized that the international community determined early provisions prohibiting torture in human rights conventions, such as in the Universal Declaration of Human Rights (UDHR),<sup>37</sup> were insufficient to prevent torture, and needed to be strengthened by conventions focused specifically on preventing and punishing the perpetrators of torture.<sup>38</sup> Of these, the most important is the United Nations Convention Against Torture (CAT), which, in addition to prohibiting torture, requires States to take action to prevent any act of torture in their territory<sup>39</sup> and recognizes universal jurisdiction for the crime of torture.<sup>40</sup> Yemen is a party to the CAT, acceding to the treaty on November 5, 1991<sup>41</sup> and making no reservations.<sup>42</sup> Additionally, the Rome Statute of the International Criminal Court (ICC)

---

<sup>33</sup> See Questions Relating to Obligation to Prosecute or Extradite (Sen. v. Belg.), Judgment, 2012 I.C.J. Rep. 422, 99 (Jul. 20) (“In the Court’s opinion, the prohibition of torture is part of customary international law and it has become a peremptory norm (*jus cogens*)”) [hereinafter “Obligation to Prosecute”].

<sup>34</sup> See Prosecutor v. Furundžija, IT-95-17/1-T, Judgment, 153 (Int’l Crim. Trib. Former Yugoslavia Dec. 10, 1998) (“[T]he other major feature of the principle proscribing torture relates to the hierarchy of rules in the international normative order. Because of the importance of the values it protects, this principle has evolved into a peremptory norm or *jus cogens*, that is, a norm that enjoys a higher rank in the international hierarchy than treaty law and even “ordinary” customary rules”).

<sup>35</sup> International Covenant on Civil and Political Rights art. 7, Dec. 16, 1966, T.I.A.S. no. 92-908, 999 U.N.T.S. 171 [hereinafter, “ICCPR”].

<sup>36</sup> Obligation to Prosecute, *supra* note 33, at 99.

<sup>37</sup> See G.A. Res. 217 (III) A, Universal Declaration of Human Rights art. 5 (Dec. 10, 1948).

<sup>38</sup> David Kretzmer, *Prohibition of Torture*, OXFORD PUB. INT’L L.: MAX PLANCK ENCYC. PUB. INT’L L. (May 2022), <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e880?print=pdf> [<https://perma.cc/QPK6-34LX>].

<sup>39</sup> U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 2, *opened for signature* Dec. 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987) [hereinafter “CAT”].

<sup>40</sup> *Id.* at art. 5.

<sup>41</sup> *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UNITED NATIONS TREATY COLLECTION: STATUS OF TREATIES, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en) (last visited Apr. 5, 2025) [<https://perma.cc/XHD9-6MU2>].

<sup>42</sup> *Id.*



classifies torture as both a crime against humanity<sup>43</sup> and a war crime.<sup>44</sup> Yemen is a signatory to the Rome Statute, but has not yet ratified the treaty.<sup>45</sup>

In IHL, numerous provisions address the prohibition of torture.<sup>46</sup> Under the Geneva Conventions, “[t]he wounded, sick, and shipwrecked, prisoners of war, and civilians who find themselves in the hands of the enemy must not be subjected to torture.”<sup>47</sup> Additionally, IHL establishes a fundamental guarantee that physical and mental torture is prohibited at all times and in any place, whether committed by a civilian or military agent,<sup>48</sup> which includes during NIACs.<sup>49</sup>

Although the prohibition of torture is well-established, what conduct constitutes torture is less so. There is no singular definition of torture under international law, and “[m]any acts, conducts or events may be viewed as torture in certain circumstances, while they will not be viewed as torture in some other situations.”<sup>50</sup> Instead of being an act itself, or a specific type of act, torture is “the legal qualification of an event or behaviour, based on the comprehensive assessment of this event or behaviour.”<sup>51</sup> The CAT defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such

---

<sup>43</sup> Rome Statute of the International Criminal Court art. 7, *adopted* July 17, 1998, 2187 U.N.T.S. 3 [hereinafter “Rome Statute”].

<sup>44</sup> *Id.* at art. 8.

<sup>45</sup> *Rome Statute of the International Criminal Court*, UNITED NATIONS TREATY COLLECTION (Apr. 14, 2025), [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg\\_no=XVIII-10&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=XVIII-10&chapter=18&clang=en) [<https://perma.cc/LJ6K-HMFA>]. Yemen has not ratified the Rome Statute, but the status of torture as violation of customary international law means its provisions are still informative regarding Yemen’s obligations. Torture is defined as a war crime under Article 8 of the Rome Statute. Rome Statute, *supra* note 43, at art. 8. Torture and enforced disappearance are crimes against humanity when committed as part of a widespread or systematic attack directed against civilians. *Id.* at art. 7.

<sup>46</sup> Kretzmer, *supra* note 38.

<sup>47</sup> *Id.*; see also Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field art. 12, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31 [hereinafter “Geneva Convention I”]; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea art. 12, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85 [hereinafter “Geneva Convention II”]; Geneva Convention Relative to the Treatment of Prisoners of War art. 17–87, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 [hereinafter “Geneva Convention III”]; Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 32, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [hereinafter “Geneva Convention IV”].

<sup>48</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art.75, June 8, 1977, 1125 U.N.T.S. 3.

<sup>49</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II) art. 4, June 8, 1977, 1125 U.N.T.S. 609 [hereinafter “AP II”].

<sup>50</sup> UNITED NATIONS VOLUNTARY FUND FOR THE VICTIMS OF TORTURE, INTERPRETATION OF TORTURE IN THE LIGHT OF THE PRACTICE AND JURISPRUDENCE OF INTERNATIONAL BODIES 2 (2011), [https://www.ohchr.org/sites/default/files/Documents/Issues/Torture/UNVFVT/Interpretation\\_torture\\_2011\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf) [<https://perma.cc/82Q4-MR3Q>] [hereinafter “Interpretation of Torture”].

<sup>51</sup> *Id.*

pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”<sup>52</sup>

The CAT itself says that its definition should not be utilized over any international instrument or national legislation which applies a broader definition.<sup>53</sup> However, international tribunals often defer to this definition.<sup>54</sup> Nonetheless, the ICTY has said that the CAT’s definition should be treated as an interpretive aid and *not* as customary international law.<sup>55</sup> Furthermore, it does not appear that all of the elements identified by the CAT’s definition are necessary to prove that an act is torture under other human rights conventions (e.g., Inter-American Torture Convention), though most definitions agree that at the very least, the severity of the act and the intent of the actor are required.<sup>56</sup> Moreover, most international bodies tend to agree that the following four elements apply when ascertaining if an act qualifies as torture: the (1) nature of the act in question, (2) intention of the perpetrator, (3) actor’s purpose, and (4) involvement of public officials in the act.<sup>57</sup> Ultimately, torture consists of acts and omissions that inflict severe pain or suffering and includes physical and mental suffering.<sup>58</sup>

In addition to torture, the CAT requires States to prevent “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture ... when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official.”<sup>59</sup> In day-to-day practice, the Committee Against Torture<sup>60</sup> utilizes an “I will know it when I see it” technique to determine when a perpetrator has committed acts of torture or the alternative crime of cruel, inhuman or degrading treatment (CIDT).<sup>61</sup> The same actions or conduct may qualify as either torture or CIDT depending on the severity of the treatment and the vulnerability of the victims.<sup>62</sup> For instance, in *Ireland v. United Kingdom*, the European Court of Human Rights, in holding certain interrogation techniques did not amount to torture but only to CIDT, reasoned that although the techniques “were used systematically, they did not occasion suffering of the particular intensity and cruelty implied by the word torture as so understood.”<sup>63</sup> Nonetheless, some experts “support the view that the intentional nature of the act and its purpose, rather than

---

<sup>52</sup> CAT, *supra* note 39, at art. 1.

<sup>53</sup> Kretzmer, *supra* note 38.

<sup>54</sup> *Id.*

<sup>55</sup> Prosecutor v. Kunarac, IT-96-23-T & IT-96-23/1-T, Judgment, 482 (Int’l Crim. Trib. Former Yugoslavia Feb. 22, 2001).

<sup>56</sup> Kretzmer, *supra* note 38.

<sup>57</sup> Interpretation of Torture, *supra* note 50, at 2-3.

<sup>58</sup> *Id.* at 3-4.

<sup>59</sup> CAT, *supra* note 39, at art. 16.

<sup>60</sup> The Committee Against Torture is “the body of 10 independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its States parties” and “works to hold States accountable for human rights violations, systematically investigating reports of torture in order to stop and prevent this crime.” *Committee Against Torture*, UNITED NATIONS HUM. RTS. OFF. HIGH COMM’R, <https://www.ohchr.org/en/treaty-bodies/cat> (last visited Apr. 5, 2025) [<https://perma.cc/CC2Z-TQQU>].

<sup>61</sup> Erin Huntington, *Torture and Cruel, Inhuman or Degrading Treatment: A Definitional Approach*, 21 U.C. DAVIS J. INT’L L. & POL’Y 279, 293-94 (2015).

<sup>62</sup> *Id.* at 297.

<sup>63</sup> *Ireland v. United Kingdom*, App. No. 5310/71, 2 Eur. H.R. Rep. 25, 167 (1978).

the severity of the pain or suffering, are the essential elements of torture, as opposed to other forms of ill-treatment.”<sup>64</sup>

As a final note, the ICJ has determined that the CAT is an *erga omnes partes* treaty, which presents a unique opportunity for accountability.<sup>65</sup> The *erga omnes partes* doctrine permits non-injured States to bring cases against other States who violate treaties that enshrine certain obligations owed to the international community as a whole.<sup>66</sup> In short, the doctrine permits States to circumvent the ICJ’s traditional standing requirements. Particularly concerning torture, in *Obligation to Prosecute*, the ICJ held that Belgium had standing to contest Senegal’s violations of the CAT.<sup>67</sup> The Court there clarified that the CAT was *erga omnes partes* and that accordingly, Belgium need not show it was injured to sue Senegal.<sup>68</sup> Anecdotally, Belgian nationals had in fact been injured by Senegal, but the Court essentially treated these injuries as superfluous in the context of an *erga omnes partes* treaty.<sup>69</sup>

Ultimately, the ICJ held that States’ common interest in preserving the CAT’s obligations “implies the entitlement of each State party to the Convention to make a claim concerning the cessation of an alleged breach by another state party.”<sup>70</sup> The court added that no special interest is required to have standing, particularly because in many cases no other State will be in a position to contest another State’s violation of the CAT against the violating State’s nationals, thereby frustrating the CAT’s object and purpose.<sup>71</sup> Accordingly, the doctrine of *erga omnes partes* may be applied by States to hold States like Yemen accountable for the kinds of acts catalogued in this White Paper.

---

<sup>64</sup> Kretzmer, *supra* note 38.

<sup>65</sup> *Obligation to Prosecute*, *supra* note 33, at 70.

<sup>66</sup> *Barcelona Traction, Light and Power Co. (Belg. v. Spain)*, Judgment, 1970 I.C.J. 3, 33 (Feb. 5); Chow, *supra* note 62, at 482.

<sup>67</sup> *Obligation to Prosecute*, *supra* note 33, at 70.

<sup>68</sup> Alaa Hachem et. al, A New Tool for Enforcing Human Rights: *Erga Omnes Partes* Standing, 61 *Columbia J. Transnat’l L.* 259, 265 (2024).

<sup>69</sup> *Id.*

<sup>70</sup> *Obligation to Prosecute*, *supra* note 33, at 69.

<sup>71</sup> *Id.*

### III. EVIDENCE OF TORTURE DURING THE YEMEN CIVIL WAR

#### A. General Trends

At the outset of the Yemen Civil War in 2015, there were no documented instances of torture in the available data. However, by 2016, reports emerged, particularly implicating the Houthi militia in a wave of arrests targeting political opponents. Individuals were seized at gunpoint, forcibly disappeared, and subjected to torture in a broader effort to silence dissent in areas under Houthi control.<sup>72</sup> While 2017 only saw limited reports, one notable incident occurred in Aden when Yemeni female security forces violently dispersed a women's rally, beating participants in the process.<sup>73</sup> No torture incidents were identified in the data for 2018, but by 2019, reports of torture increased significantly, indicating a troubling rise in the use of such abuse as the conflict progressed.

In 2019, reports of torture in Yemen grew alarmingly, with multiple parties to the conflict implicated in serious abuses. Pro-Houthi forces claimed that three of their prisoners were tortured and killed while in the custody of pro-Hadi forces in Ma'rib.<sup>74</sup> Meanwhile, detainees held in a United Arab Emirates (UAE)-run secret prison located at a gas facility were reportedly subjected to severe mistreatment and torture.<sup>75</sup> In November, Security Belt forces allegedly tortured a civilian to death in Ja'ar, Abyan governorate, just days after his arrest; his brother later released photos revealing clear signs of abuse.<sup>76</sup> That same month, ten journalists held in the political security prison in Sanaa were reportedly tortured by Houthi forces.<sup>77</sup> In Shabwah governorate, pro-Hadi forces affiliated with the Al-Islah Party were accused of torturing and killing a prisoner in a secret detention facility.<sup>78</sup> In another case, 17 Yemeni fishermen detained in Al-Khawkhah were tortured before being released.<sup>79</sup> Additionally, a journalist who had been forcibly disappeared for 56 days by Saudi and Saudi-backed Yemeni forces in Al-Mahrah governorate recounted being tortured while transferred between various Saudi-run detention sites. Initially arrested in Al-Ghayzah, this journalist was accused of links to Hezbollah, Qatar, the Houthis, and Oman, and held at a prison run out of the local airport.<sup>80</sup> Collectively, these incidents illustrate a deeply troubling trend of systematic torture and abuse by a range of actors throughout Yemen in 2019.

In 2020, widespread reports of abuse in Yemen revealed a disturbing pattern of violence, particularly against women and journalists. Female prisoners in the Shuaub central prison in Amanat al Asimah were subjected to severe beatings and torture by Houthi guards, including the

---

<sup>72</sup> See, e.g., YAP 2016 Matrix #YNA16051801.

<sup>73</sup> YAP 2017 Matrix #YAD17071201.

<sup>74</sup> YAP 2019 Matrix #YMR19101903.

<sup>75</sup> YAP 2019 Matrix #YSH19110901.

<sup>76</sup> YAP 2019 Matrix #YAB19111001.

<sup>77</sup> YAP 2019 Matrix #YSN19111501.

<sup>78</sup> YAP 2019 Matrix #YSH19122303.

<sup>79</sup> YAP 2019 Matrix #YHU19121502.

<sup>80</sup> YAP 2019 Matrix #YMH19081502.

warden.<sup>81</sup> Other inmates in Shuaub were beaten with sticks and electrical wires.<sup>82</sup> In Ibb governorate, a woman was brutally assaulted—her clothes torn off and contact with her family denied—leading her to attempt suicide twice while being left untreated for hours.<sup>83</sup> Sexual violence and torture were also reported in Sanaa’s central prison, where one woman was left paralyzed and a younger girl sexually assaulted.<sup>84</sup> Outside of detention centers, a female activist in Hajjah governorate was beaten and tortured in her home for protesting Houthi policies.<sup>85</sup> In May, two were abducted by pro-STC forces in Lahij and subjected to prolonged torture, with one requiring hospitalization and both showing visible signs of abuse upon release.<sup>86</sup> These incidents reflect a systematic use of violence to silence dissent and instill fear, particularly targeting women and members of the press.

In 2021, Yemen witnessed a series of brutal deaths caused by torture at the hands of various armed factions. In August, a civilian arrested weeks earlier by pro-Hadi Al-Islah-affiliated military police in Ta’izz was tortured to death; his body was later transferred to a military hospital.<sup>87</sup> Just two months prior, Houthi forces reportedly hung a man in Ibb after he refused to comply with the controversial "khums" tax law, which entitles Houthi authorities to 20 percent of profits from natural resource-based work.<sup>88</sup> Around the same time, a prisoner in Ma’rib reportedly died from torture while in the custody of pro-Hadi forces, according to the Houthi-run National Committee for Prisoner’s Affairs.<sup>89</sup> In November, Houthi forces abducted three civilians from their homes in Nukhaylah (Al Hudaydah), tied them to trees, and tortured them, with no clear reason for the abductions.<sup>90</sup> One of the year’s most troubling incidents occurred in September, when Abdul Malik Al-Sanabani, a Yemeni-American who had just returned from the United States, was detained at a checkpoint in Lahij by the pro-STC 9th Saiqa Brigade. He was accused of smuggling U.S. dollars into Houthi territory and was then tortured and killed before reaching his family in Dhamar.<sup>91</sup> Together, these cases show a grim picture of systemic torture and extrajudicial killings carried out across Yemen in 2021.

In 2022, reports of torture against civilians in Yemen increased, involving various armed groups. Security Belt forces affiliated with the STC were implicated in the torture and killing of civilians in Abyan, including one man whose body was dumped weeks after his abduction, and another killed in an STC prison after being detained at a checkpoint.<sup>92</sup> In Hadramawt, IRG security forces beat and tortured a radiology doctor, leading to his death.<sup>93</sup> In Saada, at least

---

<sup>81</sup> YAP 2020 Matrix #YSN20100901.

<sup>82</sup> YAP 2020 Matrix #YSN20110101.

<sup>83</sup> YAP 2020 Matrix #YIB20091502.

<sup>84</sup> YAP 2020 Matrix #YSN20011001.

<sup>85</sup> YAP 2020 Matrix #YHJ20010701.

<sup>86</sup> YAP 2020 Matrix #YLA20051502.

<sup>87</sup> YAP 2021 Matrix #YTZ210807.

<sup>88</sup> YAP 2021 Matrix #YIB21061801.

<sup>89</sup> YAP 2021 Matrix #YMR21061001.

<sup>90</sup> YAP 2021 Matrix #YHU21111901.

<sup>91</sup> YAP 2021 Matrix #YLA21090801.

<sup>92</sup> YAP 2022 Matrix #YAB221028, #YAB22052101.

<sup>93</sup> YAP 2022 Matrix #YHA22060201.

seven African migrants were killed under disputed circumstances, with both the Houthis and the Saudi-led coalition accusing each other of torture and abuse.<sup>94</sup> A Houthi-run prison reportedly tortured and sentenced model Entisar Al-Hammadi after she refused to cooperate with the group.<sup>95</sup> Another civilian was tortured and killed by the Houthis for fleeing a forced sectarian program near Sanaa.<sup>96</sup> Additional incidents included an unidentified group leaving a tortured man chained in the street in Aden.<sup>97</sup> These cases reflect a disturbing pattern of abuse carried out by multiple factions across Yemen to civilians.

Although data for 2023 covers only the first half of the year, reports indicate that torture remains widespread in Yemen. In January, Houthi forces reportedly tortured and killed a man in Al Dali after arresting him for refusing to pay war-related taxes.<sup>98</sup> Later that month, two Yemenis kidnapped by the Houthis died from severe torture in militia-run prisons.<sup>99</sup> Additionally, Houthi police forces tortured and killed another prisoner in Saada governorate, and Houthi prison guards beat ten female inmates in Ibb Central Prison for using a mobile phone without permission, later transferring them to an undisclosed location in Sanaa.<sup>100</sup> These incidents emphasize the ongoing use of torture and abuse, particularly by Houthi authorities, even into 2023.

## **B. Thematic Areas Concerning Torture**

The Yemen Civil War has seen acts of torture and cruel or degrading treatment committed by all parties to the conflict.<sup>101</sup> These acts includes torture against the civilian population, detainees who are subjected to torturous acts, and the family members of those imprisoned.

### **1. Methods and Forms of Torture Used**

#### ***a. Physical Torture***

The reported physical torture people suffer in detention centers controlled by all parties to the conflict is brutal and inhumane. Farouk Baakar, a doctor, was detained by Houthi forces after helping treat a rebel fighter.<sup>102</sup> He describes being hung from the ceiling by his wrists, having his fingernails removed and the flesh underneath pressed with a cable, being burned with fire, being dipped in water with an electric current run through, and being beaten with rods and cables.<sup>103</sup>

---

<sup>94</sup> YAP 2022 Matrix #YSD22051201.

<sup>95</sup> YAP 2022 Matrix #YSN22072707.

<sup>96</sup> YAP 2022 Matrix #YSN22083101.

<sup>97</sup> YAP 2022 Matrix #YAD22070702.

<sup>98</sup> YAP 2023 Matrix #YDH23010903.

<sup>99</sup> YAP 2023 Matrix #YHA230121.

<sup>100</sup> YAP 2023 Matrix #YSD23012802, #YIB23051901.

<sup>101</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 2.

<sup>102</sup> Arwa Ibrahim, *Tales of Torture and Horror: Inside Houthi Prisons in Yemen*, AL JAZEERA (June 10, 2018), <https://www.aljazeera.com/features/2018/6/10/tales-of-torture-and-horror-inside-houthi-prisons-in-yemen> [https://perma.cc/69HZ-MNS2].

<sup>103</sup> *Id.*

Other reports have documented the whipping of prisoners (with their wounds later being covered with salt) and prisoners having nails inserted into their finger and toenails.<sup>104</sup> One woman human rights defender was beaten so severely that she lost sight in her right eye and became partially deaf.<sup>105</sup>

The Group of Eminent Experts verified that the Government of Yemen subjected five men and two boys to torture, including sexual violence, and other forms of ill-treatment, at Ma'rib Political Security Prison and Al-Saleh Institute facility in Ma'rib.<sup>106</sup> They were subjected to “suspension in painful positions, crawling on broken glass and screws, beating and electrocution of genitals with threats of sterilization, and the burning of genitals.”<sup>107</sup> Citing confidential sources, the Group of Eminent Experts recounted a case in which Political Security personnel “stripped a boy naked,” suspended him from the ceiling by his hands, and used a metal bar and electric cables to beat his genitals during an hour-long interrogation, pausing only to order him to confess.<sup>108</sup> The Group of Eminent Experts reported that the boy had “lasting trauma and injuries to his reproductive organs which may affect his capacity to reproduce.”<sup>109</sup>

#### *b. Psychological Torture*

Beyond physical torture, parties to the conflict also have employed psychological torture as a means of punishing prisoners and targeting opposition groups. Two detainees were subjected to threats of a sexual nature by the Government of Yemen at Ma'rib Political Security Prison.<sup>110</sup> One report stated Houthi forces used “intimidation and pressuring detainees to confess to charges they did not commit.”<sup>111</sup> The Houthis also “kept them in solitary confinement, having confiscated their clothes and medicines, and insulted and threatened to harm their families.”<sup>112</sup> Detainees’ families were blackmailed “in exchange for releasing [the detainees] and [the Houthis] threatened to transfer [them] to places under constant bombing from the Arab Coalition warplanes.”<sup>113</sup> When the detainees were released, most “suffer[ed] from psychological problems that require[d] long-term rehabilitation.”<sup>114</sup>

---

<sup>104</sup> *Report: Mass Torture in Network of UAE-run Prisons in South Yemen*, AL JAZEERA (Aug. 12, 2018), <https://www.aljazeera.com/news/2018/8/12/report-mass-torture-in-network-of-uae-run-prisons-in-south-yemen> [https://perma.cc/9CN2-WQYS].

<sup>105</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 174.

<sup>106</sup> *Id.* at 168.

<sup>107</sup> *Id.*; U.N. High Comm’r Human Rights, *Report of the Group of Eminent International and Regional Experts on Yemen: Report of the Group of Eminent International and Regional Experts on Yemen*, 65, U.N. Doc. A/HRC/45/6 (2020) [hereinafter, “Report of the Group of Eminent Experts”].

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 168.

<sup>111</sup> “*I Wished to Die*”: *New Report Documenting the Suffering of Prisoners in Houthi Prisons*, EURO-MED HUMAN RIGHTS MONITOR, (January 10, 2021), <https://euromedmonitor.org/en/article/4092/%E2%80%99CI-had-a-death-wish%E2%80%99D:-a-new-report-documenting-the-suffering-endured-by-prisoners-set-free-from-Houthi-prisons-in-Yemen> [https://perma.cc/CN5Q-426Q].

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

One man reported being left alone “in a narrow hole in the desert nicknamed the “monster hole,” for 48 hours.<sup>115</sup> In other cases, prisoners report being kept in solitary confinement while also being physically tortured.<sup>116</sup> According to one prisoner, “in solitary confinement, they kept interrogating me for two months, during which I was subjected to all forms of torture. I was severely beaten all over my body.”<sup>117</sup>

*c. Sexual Violence*

In secret detention facilities, especially those holding women and girls, rape is a widespread practice in Yemen.<sup>118</sup> Detainees have been subjected to sexual abuse,<sup>119</sup> threats of rape,<sup>120</sup> threats of rape against relatives,<sup>121</sup> forced nudity,<sup>122</sup> and genital abuse.<sup>123</sup> Electrocution of the genitals, chest, and armpits have also been documented.<sup>124</sup> Victims of sexual torture struggled to access services after release because of stigma and lack of gender-based violence services.<sup>125</sup>

The Group of Eminent Experts verified a total of 14 cases of rape had occurred at the al-Bureiqqa facility in Aden by members of the UAE forces.<sup>126</sup> The Group of Eminent Experts verified that between March and June 2019, Security Belt forces raped five women and four girls, subjected 12 men and three boys to forced nudity, and two women and two girls to other forms of sexual violence.<sup>127</sup> In 2020, the Group of Eminent Experts verified that members of UAE forces raped one male detainee on more than one occasion and subjected one boy to another form of sexual violence.<sup>128</sup> Both victims were detained for prolonged periods of time.<sup>129</sup> The rape was both penile and with objects, and inflicted with the purpose of humiliation and eliciting coerced false confessions.<sup>130</sup>

---

<sup>115</sup> Bel Trew, ‘Just let him die’: Yemeni prisoners describe horrific torture in Houthi jails, *THE INDEPENDENT* (Dec. 7, 2018), <https://www.independent.co.uk/news/world/middle-east/yemen-uae-prison-torture-houthi-detention-centres-middle-east-a8672101.html> [<https://perma.cc/MX4X-EUZ4>].

<sup>116</sup> “I Wished to Die”: New Report Documenting the Suffering of Prisoners in Houthi Prisons, *supra* note 111.

<sup>117</sup> *Id.*

<sup>118</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 174.

<sup>119</sup> MWATANA HUM. RTS., IN THE DARKNESS: ABUSIVE DETENTION, DISAPPEARANCE AND TORTURE IN YEMEN’S UNOFFICIAL PRISONS 19 (2020).

<sup>120</sup> *Id.*

<sup>121</sup> *Id.* at 49.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* at 85.

<sup>124</sup> Report: Mass Torture in Network of UAE-run Prisons in South Yemen, *supra* note 104.

<sup>125</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 177.

<sup>126</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 226; Report of the Group of Eminent Experts, *supra* note 107, at 66; Report of the United Nations High Commissioner, *supra* note 12, at 71.

<sup>127</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 196.

<sup>128</sup> *Id.* at 175; Report of the Group of Eminent Experts, *supra* note 107, at 66.

<sup>129</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 175; Report of the Group of Eminent Experts, *supra* note 107, at 66.

<sup>130</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 175; Report of the Group of Eminent Experts, *supra* note 107, at 66.



## 2. Targeted Populations

### a. *Combatants*

Since the conflict began, parties to the Yemen Civil War have held captured belligerents in prisons along with other prisoners from the war.<sup>131</sup> Critically, NIACs do not generally recognize enemy combatants as an international armed conflict would.<sup>132</sup> However, as all individuals are protected under international law against torture,<sup>133</sup> this section highlights the specific impacts on belligerent fighters in the conflict.

All parties to the conflict have engaged in forms of torture and cruel and unusual punishment against opposing belligerent fighters. The Houthi forces utilized torture and cruel and unusual punishment in multiple recorded instances. In the cities of Ta'izz, Al-Hudaydah, Sana'a, and Hajjah, the Houthis have targeted people who have seemingly supported the opposing Al-Islah party.<sup>134</sup> According to the Group of Eminent Experts' 2019 report to the U.N. Human Rights Council, the Houthi forces utilized methods such as punching, beating with metal bars and heavy objects, electrocution, and nail removal.<sup>135</sup>

There have been documented cases of the UAE and UAE-backed security forces<sup>136</sup> use of torture and other ill-treatment against detainees within their prisons. Many of these prisoners were Houthi fighters but also anti-Houthi volunteers and fighters that were part of the Al-Islah Party, Yemen's Muslim Brotherhood, and others who opposed the UAE-based forces.<sup>137</sup> The UAE security forces claimed that many of these individuals were imprisoned as part of a counterterrorism strategy but most of these arrests were found to have unfounded bases and were in fact targeting non-UAE-backed forces.<sup>138</sup> In 2018, Amnesty International interviewed five former and two current detainees of UAE-backed security forces. These individuals all described acts of torture used against them or other detainees.<sup>139</sup> One detainee recounted that another detainee in the cell next to him was "carried away in a body bag after he had been repeatedly tortured."<sup>140</sup> Detainees listed various forms of torture including electric shocks, beatings, starvation, and preventing access to medical care.<sup>141</sup> Beyond physical torture, detainees suffered from mental injuries including threats and intimidation to induce confessions or information.<sup>142</sup>

---

<sup>131</sup> See MWATANA HUM. RTS., *supra* note 119, at 20, 54, 77.

<sup>132</sup> *Combatants and POWs*, INT'L COMM. RED CROSS, <https://casebook.icrc.org/law/combatants-and-pows> (last visited April 16, 2025) [<https://perma.cc/HHP6-8J7S>].

<sup>133</sup> See Geneva Convention III, *supra* note 47, at art. 3. See also CAT, *supra* note 39, at art. 2.

<sup>134</sup> *Id.* at 57.

<sup>135</sup> *Id.* at 61.

<sup>136</sup> This includes the Security Belt, Aden Counter-Terrorism Unit, and Elite Forces as well as the separatist Southern Transitional Council (STC) which is associated with the internationally-recognized Government of Yemen (IRG). AMNESTY INT'L, "GOD ONLY KNOWS IF HE'S ALIVE": ENFORCED DISAPPEARANCE AND DETENTION VIOLATIONS IN SOUTHERN YEMEN 10 (2018).

<sup>137</sup> *Id.* at 5.

<sup>138</sup> *Id.* at 5.

<sup>139</sup> *Id.* at 23.

<sup>140</sup> *Id.* at 23.

<sup>141</sup> *Id.* at 23–25.

<sup>142</sup> *Id.* at 25.

The IRG has also used torture against detainees. From May 2016 to April 2020, there were at least 4 recorded instances of torture used by the Political Security Department<sup>143</sup> against detainees in the Ma'rib governorate.<sup>144</sup> Detainees recalled being put in rooms with no ventilation and were burned, beaten and prevented from using the toilet as punishment.<sup>145</sup>

Child soldiers are a subsection of belligerent fighters in the conflict. Almost all parties have recruited and used child soldiers in various roles including spying and participating in armed combat.<sup>146</sup> Many of these children have had to bear witness to, suffer, and take part in torture.<sup>147</sup>

### *b. Prisoners*

Reports from Mwatana for Human Rights reveal that all major parties to the conflict in Yemen are committing acts of torture in informal detention camps, often torturing detainees to death. In detention centers operated by the Houthis armed group and its ally, former President Ali Abdullah Saleh, at least three detainees died as a result of torture.<sup>148</sup> Similarly, in facilities controlled by the Security Belt Forces, the Aden Security Directorate, and the Hadrami Elite Forces—aligned with the IRG and supported by the Saudi-led coalition—at least one detainee died under torture.<sup>149</sup>

The Group of Eminent Experts verified at least 15 cases of torture and cruel and inhuman treatment by *de facto* authorities in Sana'a detention facilities between 2018 and 2020, including sexual violence in some cases, during and outside of interrogation.<sup>150</sup> A man was held in a small dark room for five months, and a woman was confined to a bathroom for seven days.<sup>151</sup> A judge was rendered unable to walk as a result of a severe beating, including with an electric cable.<sup>152</sup> The Group of Eminent Experts also investigated a case in Sana'a facilities where a detainee was beaten in front of relatives, including two children, during a family visit.<sup>153</sup> Between December 6, 2017 and 2019, women and girls were detained for their political activities and subjected to rape and other forms of torture, cruel, and inhuman and degrading treatment at secret *de facto* authority detention facilities in and around Sana'a.<sup>154</sup> One woman human rights

---

<sup>143</sup> Also called the Political Security Organization that is currently operating under the IRG.

<sup>144</sup> MWATANA HUM. RTS., *supra* note 119, at 70.

<sup>145</sup> *Id.*

<sup>146</sup> *Children Recruited by Armed Forces or Armed Groups*, UNICEF (Dec. 22, 2021), <https://www.unicef.org/protection/children-recruited-by-armed-forces> [<https://perma.cc/E744-ZQCF>].

<sup>147</sup> *Id.*; see Maggie Michael, *In Yemen's secret prisons, UAE tortures and US interrogates*, ASSOCIATED PRESS (June 22, 2017), <https://apnews.com/article/middle-east-business-prisons-only-on-ap-yemen-4925f7f0fa654853bd6f2f57174179fe> [<https://perma.cc/RBT9-9TGC>].

<sup>148</sup> *Torture in Yemen: Multiple Powers and One Behavior*, MWATANA HUM. RTS. (Apr. 12, 2018), <https://www.mwatana.org/posts-en/torture-in-yemen> [<https://perma.cc/Q7JZ-QFWT>].

<sup>149</sup> *Id.*

<sup>150</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 173–74.

<sup>151</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶ 174.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*; Report of the Group of Eminent Experts, *supra* note 107, at ¶ 64.

<sup>154</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 174, 204.

defender was rendered blind in her right eye, and partially deaf due to severe beatings.<sup>155</sup> A woman detained for attending a protest was falsely accused of promoting drugs and prostitution, and repeatedly raped as a form of *nikkah jihad*,<sup>156</sup> which is translated as “war marriage” or “sexual jihad” and is “the assertion that women and girls ‘contribute’ to the war effort through the consensual practice of temporary or long-term marriage, including sexual intercourse with fighters.”<sup>157</sup> According to the woman, “I tried to scream but they gagged me. I could only cry. It was brutal, they had no mercy.”<sup>158</sup>

Fourteen men and one boy were tortured during interrogations at the Houthi-controlled Al-Saleh City detention facility in Ta’izz to coerce written confessions or impose punishment – eight of the cases involved sexual violence.<sup>159</sup> Among those tortured were human rights defenders, legal professionals, and educators.<sup>160</sup> During interrogations involving torture at Al-Saleh City detention facility in Ta’izz, interrogators accused detainees of affiliations with various political and military groups such as ISIS, Al-Qaeda in the Arabian Peninsula, the Resistance, the coalition and the IRG.<sup>161</sup> Methods of torture at the Al-Saleh City detention facility in Ta’izz included repeated and severe beatings with sticks, electric cables, and iron bars, removal of fingernails, electrocution and beating of the genitals with threats of forced sterilization, forced nudity, and solitary confinement.<sup>162</sup> Several detainees reported being coerced into signing confessions with pens or fingerprints after repeated and severe strikes to the head, back, legs, feet, and genitals.<sup>163</sup> Interrogators electrocuted detainees with electric cables attached to hands, tongue, testicles and penis, and detainees reported blacking out.<sup>164</sup> Three former detainees of the Al-Saleh Prison in Ta’izz described being subjected to interrogation and torture at the Dhamar Community College detention facility and the Al-Ghabra’a facility, two of those cases included sexual violence by electrocution of the genitals.<sup>165</sup>

### c. Civilian Populations

The Houthi forces have committed cruel and degrading treatment, torture and outrages upon the personal dignity of civilians during the civil war in Yemen.<sup>166</sup> In May 2021, an Amnesty

<sup>155</sup> *Id.* at 174.

<sup>156</sup> *Id.* at 56 n.293.

<sup>157</sup> *Id.*

<sup>158</sup> *Id.* at 205.

<sup>159</sup> *Id.* at ¶¶ 169–74; Report of the Group of Eminent Experts, *supra* note 107, at 64.

<sup>160</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 169.

<sup>161</sup> *Id.*

<sup>162</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 169, 224; Report of the Group of Eminent Experts, *supra* note 107, at 64. Prolonged solitary confinement may amount to acts prohibited by Article 7 of the International Covenant on Civil and Political Rights. ICCPR, *supra* note 35, at art. 7. See Human Rights Committee, *General Comment No. 20: Article 7, Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted at the Forty-fourth session of the Human Rights Committee* (1992).

<sup>163</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 170; Report of the Group of Eminent Experts, *supra* note 107, at 64.

<sup>164</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 170.

<sup>165</sup> *Id.*, at 172; Report of the Group of Eminent Experts, *supra* note 107, at 64.

<sup>166</sup> Report of the United Nations High Commissioner, *supra* note 12, at 80.

International report documented interviews and investigations of 12 civilians released from Houthi authorities as part of a prisoner exchange in 2020.<sup>167</sup> The report detailed a pattern of torture and other ill treatment perpetrated upon journalists, academics, religious minorities, and other civilians – beginning with arbitrary arrest and continuing throughout phases of enforced disappearances, unfair trials, and prolonged detention.<sup>168</sup> Every former detainee interviewed for the 2021 Amnesty International report was tortured or abused by the Houthis during periods of detention that lasted from several months to years.<sup>169</sup> Conditions of detention in Houthi-controlled facilities included overcrowded and poorly lit cells; little or no access to food, medical care, clean water, or sanitation; beatings and threats of violence; unfair trials; mock executions; and the use of confessions obtained by torture as evidence.<sup>170</sup> Six of the 12 former detainees documented in the Amnesty International report were held in solitary confinement for up to five months.<sup>171</sup> All detainees stated they lacked access to clean water, regardless of detention location.<sup>172</sup> One former detainee stated in an interview that the water was “rather greenish/yellowish” and “[w]e created a filter using clothes so that we can distill the water to drink. I and many others had urine problems.”<sup>173</sup> A former detainee said, “the toilets were never clean.”<sup>174</sup> Most detainees lost significant amounts of weight from insufficient amounts of food and poorly cooked food.<sup>175</sup> “My colleague in the community was a very healthy man and he weighed at least 90kg. He was detained with the rest of the Baha’is. I was shocked when I saw him following our release. He was very thin, he lost around 40kg at least. I didn’t recognize him at first.”<sup>176</sup>

A member of the Baha’i community<sup>177</sup> held at the Political Security Office in Sana’a stated that “[d]uring the interrogation they would beat me non-stop until I lost my voice from the screaming. Sometimes they would wake me up from my sleep for interrogation.”<sup>178</sup> On July 30, 2020, the Yemeni detainees of Baha’i faith were released pursuant to a United Nations-brokered agreement, and exiled to Ethiopia.<sup>179</sup> The Houthis have actively prevented members of the Baha’i

---

<sup>167</sup> The group consists of seven journalists, one former government employee, and four members of the Baha’i religious minority community in Yemen. AMNESTY INTERNATIONAL, RELEASED AND EXILED: TORTURE, UNFAIR TRIALS AND FORCIBLE EXILE OF YEMENIS UNDER HUTHI RULE 4, 7 (2021).

<sup>168</sup> *Id.* at 4–5.

<sup>169</sup> *Id.* at 22.

<sup>170</sup> *Id.* at 5, 22–23, 27; *see also* Report of the Group of Eminent Experts, *supra* note 107, at 63.

<sup>171</sup> AMNESTY INTERNATIONAL, *supra* note 167, at 24. Prolonged solitary confinement may amount to acts prohibited by article 7, *see* Human Rights Committee, *supra* note 164.

<sup>172</sup> AMNESTY INTERNATIONAL, *supra* note 167, at 27.

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> The Baha’i are a religious minority in Yemen who have come under increasing persecution in Houthi-controlled areas. MAYSAA SHUJA AL-DEEN ET AL., THE BAHAI’IS IN YEMEN: FROM OBSCURITY TO PERSECUTION AND EXILE 4 (2021).

<sup>178</sup> *Id.* at 22.

<sup>179</sup> Report of the Group of Eminent Experts, *supra* note 108, at 64; AMNESTY INTERNATIONAL, *supra* note 167, at 5, 18.

community from returning to Yemen.<sup>180</sup> Other former detainees were relocated to areas under the control of the IRG.<sup>181</sup>

The Group of Eminent Experts reported that individuals were targeted for torture and ill treatment based upon religious, racial, and gender identity and perceived political affiliation.<sup>182</sup> The Group of Eminent Experts verified torture and other forms of ill treatment were committed against individuals detained by the *de facto* authorities in three facilities: Sana'a Central Prison, Habra, and the Security and Intelligence detention facility.<sup>183</sup> Torture and ill treatment was also documented in secret facilities in former residential buildings in the Sana'a area housing women and girls, as well as in the Al-Saleh City detention facility in Ta'izz— particularly in the national security section.<sup>184</sup>

The National Commission to Investigate Alleged Violations of Human Rights (NCIAVHR) is mandated to monitor, document, and investigate human rights violations committed in Yemen by all parties to the conflict pursuant to national decree, the United Nations Security Council resolutions, and United Nations Human Rights Council Resolutions.<sup>185</sup> The twelfth periodic report of the National Committee documented 3,055 allegations of human rights violations from August 1, 2023, to July 31, 2024.<sup>186</sup> During this reporting period, NCIAVHR investigated 28 allegations of torture and inhumane or degrading treatment, and determined that the Government of Yemen was responsible for four torture cases.<sup>187</sup> One case involved the March 2021 unlawful arrest, torture and continued detention of a child in Hodeidah Governorate.<sup>188</sup> The child suffers from psychological disorders as a result of beatings, electric shocks, water torture, and being thrown from heights due to his detention.<sup>189</sup> A man suffering from hearing and speech impairments was detained at a checkpoint and tortured for six days until he died on July 16, 2023.<sup>190</sup> Another victim was arrested by armed elements affiliated with the IRG's Assistant Director of Security for Ma'rib Governorate and unlawfully detained and tortured in a Criminal Investigation Department facility.<sup>191</sup> He was falsely accused of defamation during an interrogation, blindfolded and beaten with sticks, and put into a basement cell where he

---

<sup>180</sup> AMNESTY INTERNATIONAL, *supra* note 167, at 5.

<sup>181</sup> *Id.* at 36.

<sup>182</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 222; Report of the United Nations High Commissioner, *supra* note 12, at 65.

<sup>183</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 169–74.

<sup>184</sup> *Id.*; Report of the Group of Eminent Experts, *supra* note 107, at ¶¶ 63–64.

<sup>185</sup> *About Us*, NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS., [https://www.nciye.org/en/?page\\_id=105](https://www.nciye.org/en/?page_id=105) (last visited Apr. 10, 2025) [<https://perma.cc/5AJZ-9JHU>].

<sup>186</sup> NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS., THE 12TH PERIODIC REPORT ON THE ACTIVITIES CARRIED OUT BY THE NATIONAL COMMISSION TO INVESTIGATE ALLEGED VIOLATIONS TO HUMAN RIGHTS (NCIAVHR) IN YEMEN FROM 01/08/2023 TO 31/07/2024 14 (2024).

<sup>187</sup> The NCIAVHR determined that 22 incidents were committed by Houthis, and two incidents were committed by other responsible parties. NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS TO HUM. RTS., *supra* note 186, at 56; *NCIAVHR Announces the Launch of Its Twelfth Periodic Report*, NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS. (Sept. 11, 2024), <https://www.nciye.org/en/?p=1929> [<https://perma.cc/A5CN-TYPM>].

<sup>188</sup> NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS., *supra* note 186, at 59.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.* at 60.

<sup>191</sup> *Id.* at 60.

contracted multiple illnesses.<sup>192</sup> His health deteriorated due to the lack of medical care.<sup>193</sup> On July 30, 2022, a group of armed elements affiliated with the IRG’s Public Security Department of Wadi and Sahra Hadhramaut forcibly entered a home without a warrant and arrested a father and son in the presence of their family members.<sup>194</sup> Family members sought the whereabouts of the victims for nearly a year and a half before the security director informed them that both victims died on the first day of custody.<sup>195</sup> Family members reported the bodies were unrecognizable, and their features were completely altered due to severe torture.<sup>196</sup>

*d. Torture and Gender-Based Violence*

Between 2018 and June 2020, Security Belt forces backed by the UAE until mid-2019, and then by the STC after 1 August 2019, detained and interrogated two transgender women and one non-binary person.<sup>197</sup> While never charged with any offense, the survivors were subjected to forced nudity, shaved hair and eyebrows, beatings, and false ‘examinations’ of their genitalia at Security Belt facilities.<sup>198</sup> The transgender women described particularly cruel and humiliating violence.<sup>199</sup> Two survivors reported that health care providers were using electroconvulsive therapy and force-feeding drugs and hormones to ‘cure’ homosexuality and transgender persons.<sup>200</sup>

For a more comprehensive look at the various means by which the Yemen Civil War has implicated gender-based violence (“GBV”) and the legal provisions under both IHRL and IHL the parties to the conflict have potentially violated, including possible instances of torture, please see YAP’s previous publication *Gender-Based Violence and the Yemen Civil War*.<sup>201</sup>

*e. Persons of Influence*

The Yemen Civil War has been further marked by another type of widespread human rights abuse and torture – the use of torture against individuals of influence. Tribal and religious figures, journalists, protesters, government officials, academics, and students have been targeted by both the IRG and the Houthi rebel forces. These acts of torture, aimed at silencing dissent, consolidating power, and instilling fear, constitute grave violations of international law, including the CAT.

---

<sup>192</sup> *Id.* at 61.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 219–21.

<sup>198</sup> *Id.* at ¶¶ 220–21.

<sup>199</sup> *Id.* at 220.

<sup>200</sup> *Id.* at 222.

<sup>201</sup> YEMEN ACCOUNTABILITY PROJECT, GENDER: BASED VIOLENCE AND THE YEMEN CIVIL WAR (2024).

In Yemen, these legal protections are frequently violated by both state and non-state actors, including the Houthis, the Yemeni government, and foreign-backed militias.<sup>202</sup> Reports from human rights organizations and international monitoring bodies document widespread instances of torture, enforced disappearances, and extrajudicial killings targeting journalists and religious clergy.<sup>203</sup> Journalists critical of the Yemeni government or reporting on the war have been detained, tortured, and in some cases executed, with little, if any, legal recourse. Religious clergy, particularly from minority sects, have been subjected to systematic persecution, abduction, and torture by armed groups.

Journalists in Yemen are systematically detained, tortured, and executed by both state and non-state actors. Reporters Without Borders' 2023 Press Freedom Index ranks Yemen as one of the most dangerous States for journalists.<sup>204</sup> Government forces have detained journalists critical of State actions.<sup>205</sup> As summarized by a Human Rights Watch researcher: "More and more journalists across Yemen are subjected to threats, intimidation, violence, or detention simply for doing their jobs reporting on the country."<sup>206</sup>

One example of such an instance is the capture, disappearance, and torture of Adel al-Hasani. A Yemeni investigative journalist who founded Aden al-Ghad, a news website covering current affairs across Yemen, and fixer for international journalists, al-Hasani was stopped at a checkpoint administered by UAE-backed STC forces.<sup>207</sup> The STC forces then took al-Hasani to another checkpoint where he was chained and beaten with rifle butts.<sup>208</sup> STC forces then transferred him to an unknown detention center where he was interrogated and beaten further.<sup>209</sup> Two days later, on September 19, al-Hasani was transferred to Bir Ahmed, an informal detention center the STC controls where al-Hasani was arbitrarily detained and tortured until October 11.<sup>210</sup> Here, al-Hasani was held in an unsanitary cell without access to water or a

---

<sup>202</sup> See generally Huma Parveen & Mustafa Abdurraheem Saeed Alsabri, *Reporting in Conflict Zones: Journalistic Rights Violations in Yemen*, 51 MEDIA ASIA 361 (2023); Miral-Sabry AlAshry, *Arab Journalists Have No Place: Authorities Use Digital Surveillance to Control Investigative Reporting*, 37 COMM'C'N & SOC'Y 61 (2024); MAHMOUD REFAAT, CRIMES AGAINST HUMANITY OF SAUDI ARABIA & UAE IN YEMEN, EUR. INST. FOR INT'L L. & INT'L RELS., BRUSSELS (2021).

<sup>203</sup> Press Release, Office of the United Nations High Commissioner for Human Rights, UN Group of Eminent International and Regional Experts on Yemen releases their third report Yemen: A Pandemic of Impunity in a Tortured Land (Sept. 9, 2020), <https://www.ohchr.org/en/press-releases/2020/09/un-group-eminent-international-and-regional-experts-yemen-releases-their> [<https://perma.cc/EL75-N643>]; *World Report 2024: Yemen*, HUM. RTS. WATCH, <https://www.hrw.org/world-report/2024/country-chapters/yemen> (last visited Apr. 10, 2025) [<https://perma.cc/7DZK-7DC5>].

<sup>204</sup> *Yemen*, REPORTERS WITHOUT BORDERS, <https://rsf.org/en/country/yemen> (last visited Apr. 11, 2025) [<https://perma.cc/S4NW-DNDX>].

<sup>205</sup> *Findings*, YEMENI ARCHIVE: ENDANGERING THE MEDIA, <https://attacksionmedia.yemeniarchive.org/findings> (last visited Apr. 11, 2025) [<https://perma.cc/HMG8-7584>].

<sup>206</sup> *Yemen: UAE-Backed Forces Torture Journalist*, HUM. RTS. WATCH (Feb. 22, 2021), <https://www.hrw.org/news/2021/02/22/yemen-uae-backed-forces-torture-journalist> [<https://perma.cc/J3BP-R97A>].

<sup>207</sup> *Id.*

<sup>208</sup> *Id.*

<sup>209</sup> *Id.*

<sup>210</sup> *Id.*

toilet.<sup>211</sup> The journalist was chained, threatened, and beaten.<sup>212</sup> The STC forces “reportedly threatened to kill al-Hasani’s family if he did not confess to spying for foreign countries and groups.”<sup>213</sup> On an unspecified date after the interrogations, al-Hasani was forced to sign a document admitting that he was a spy.<sup>214</sup>

Religious clergy, particularly from minority sects such as the Bahá’ís and Ismailis, are subjected to severe persecution.<sup>215</sup> Famously, Levi Salem Musa Marhabi, believed to be the last Jewish person remaining in the country, was tortured to the extent he was rendered paralyzed.<sup>216</sup> Yet atrocities are not restricted to religious minority populations.<sup>217</sup> There have been documented cases of forced disappearances, with clergy members abducted by armed groups for their perceived ideological opposition.<sup>218</sup> Reports also detail cases of torture and extrajudicial killings, with clergy subjected to beatings, electric shocks, and execution by Houthi forces and extremist factions.<sup>219</sup> Arbitrary detention of religious figures accused of blasphemy or subversion has been extensively recorded.<sup>220</sup>

Further, Mushir Khalidi, a Yemeni Christian priest was detained and tortured by Houthi rebels for four years.<sup>221</sup> Khalidi was arrested as part of a campaign launched by the Houthis against the Christian population it controls.<sup>222</sup> Sources said daily that the Houthis specifically targeted Yemeni Christians and arrested many of them, including Khalidi, a convert. Further, it

---

<sup>211</sup> *Id.*

<sup>212</sup> *Id.*

<sup>213</sup> *Id.*

<sup>214</sup> *Id.*

<sup>215</sup> Final Report of the Panel of Experts on Yemen Established Pursuant to Security Council Resolution 2140 (2014), transmitted by Letter dated 11 October 2024 from the Panel of Experts on Yemen Addressed to the President of the Security Council, 140, U.N. Doc. S/2024/731 (Oct. 11, 2024).

<sup>216</sup> U.S. DEP’T OF STATE, 2023 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: YEMEN 13 (2023), <https://www.state.gov/reports/2023-report-on-international-religious-freedom/yemen/> [<https://perma.cc/Y5LG-YCPS>].

<sup>217</sup> Marwan Bishara, *Over 3,000 Saudi Strikes on Yemen Hit Civilian Areas*, AL JAZEERA (Sept. 17, 2016), <https://www.aljazeera.com/news/2016/9/17/over-3000-saudi-strikes-on-yemen-hit-civilian-areas> [<https://perma.cc/Y3F4-8F7M>]; *Yemen Mosque Bombings ‘Could Only Be Done by the Enemies of Life’*, THE GUARDIAN (Mar. 21, 2015), <https://www.theguardian.com/world/2015/mar/21/yemen-mosque-bombings-enemies-of-life-president-abdrabbo-mansour-hadi-houthi-isis-al-qaida> [<https://perma.cc/5L2K-UKH4>].

<sup>218</sup> Final Report of the Panel of Experts on Yemen Established Pursuant to Security Council Resolution 2140 (2014), *supra* note 215, at ¶¶ 140–42.

<sup>219</sup> Final Report of the Panel of Experts on Yemen Established Pursuant to Security Council Resolution 2140 (2014), *supra* note 215, at 143; *Yemen: Houthi Attack on Civilians May Be a War Crime*, HUM. RTS. WATCH (Feb. 13, 2025), <https://www.hrw.org/news/2025/02/13/yemen-houthi-attack-civilians-may-be-war-crime> [<https://perma.cc/BMR9-5CCS>].

<sup>220</sup> *Yemen: Deaths in Houthi Detention, Unfair Trials*, HUM. RTS. WATCH (Nov. 14, 2024), <https://www.hrw.org/news/2024/11/14/yemen-deaths-houthi-detention-unfair-trials> [<https://perma.cc/CSN8-EH8B>]; *Yemen: New Wave of Houthi Arbitrary Arrests*, HUM. RTS. WATCH (Oct. 15, 2024), <https://www.hrw.org/news/2024/10/15/yemen-new-wave-houthi-arbitrary-arrests> [<https://perma.cc/R45K-94HL>].

<sup>221</sup> *Yemen: Christian Priest Detained, Tortured for Four Years*, ARCHONS OF THE ECUMENICAL PATRIARCHATE (Feb. 9, 2021), <https://archons.org/persecution/yemen-christian-priest-detained-tortured-for-four-years/> [<https://perma.cc/MU4Q-5RXC>]; *Yemeni Christian Priest Detained, Tortured by Houthis for Four Years*, ARAB NEWS (Sep. 10, 2019), <https://www.arabnews.com/node/1806546/middle-east> [<https://perma.cc/BN8L-ECZD>].

<sup>222</sup> *Yemeni Christian Priest Detained, Tortured by Houthis for Four Years*, *supra* note 221.



has been reported that Khalidi was kept in solitary confinement for weeks at a time and other Christian prisoners were forced to recant their religious beliefs after and under the threat of torture.<sup>223</sup>

### 3. Impacts of Torture

Detainees released after being tortured described to the Group of Eminent Experts that they had been left with long-term physical and psychological trauma.<sup>224</sup> Families of detainees were left in debt after paying large sums of money to find out their location, pay for specialized medical care, or legal aid.<sup>225</sup> Victims of torture are disillusioned, having no trust in the justice system and feeling hopeless.<sup>226</sup> Even after release, some detainees were not able to get home after being forcibly relocated.<sup>227</sup> This led to psychological impacts from being separated from family and community and the loss of property and livelihoods.<sup>228</sup>

All 12 detainees interviewed in Amnesty International's 2021 report suffered serious injuries resulting from torture in Houthi-run detention facilities.<sup>229</sup> A member of the Baha'i community told Amnesty International that despite a court-ordered hospital transfer, he was sent to the medical clinic in the Central Prison in Sana'a that was poorly equipped to deal with the back injuries he sustained during interrogation.<sup>230</sup> A journalist detained at the Political Security Office told Amnesty International that the prison director pulled his gun and threatened to kill him and the other detainees in his cell if they continued to ask for a doctor.<sup>231</sup> Seven former detainees underwent surgeries and prolonged medical treatments as a result of torture and ill treatment during confinement by the Houthis.<sup>232</sup> A journalist released by the Houthis told Amnesty International that he had experienced permanent damage to his spine as a result of prolonged beatings at the Criminal Investigative branch; his post-release surgery was high risk, painful, and expensive.<sup>233</sup>

The parties to the armed conflict denied timely and regular access to adequate medical care, resulting in permanent disabilities and death.<sup>234</sup> Prison officials either denied medical care or denied the level of care appropriate to address the detainees' injuries in violation of domestic and international law.<sup>235</sup> The NCIHVHR and the Group of Eminent Experts reported that deficiencies in the provision of health care services for the victims of torture resulted in

---

<sup>223</sup> *Id.*

<sup>224</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 176–80.

<sup>225</sup> *Id.*

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> AMNESTY INTERNATIONAL, *supra* note 167, at 25.

<sup>230</sup> *Id.*

<sup>231</sup> *Id.* at 30.

<sup>232</sup> *Id.* at 25.

<sup>233</sup> *Id.* at 25.

<sup>234</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 174, 176–180, 228–233; AMNESTY INTERNATIONAL, *supra* note 167, at 29–32.

<sup>235</sup> AMNESTY INTERNATIONAL, *supra* note 167, at 29–30.

long-term physical, psychological, and socio-economic consequences.<sup>236</sup> Absent the ability to pay or flee to safety, victims of torture in Yemen have limited access to medical care, specialized treatment and rehabilitation services for immediate and long-term physical and psychological trauma.<sup>237</sup> Post-release displacement away from relatives, communities, and employment increases the psychological and socio-economic impacts on former detainees and their families.<sup>238</sup> Others are returned to their former communities to live under the control of those who had them detained, without the ability to escape.<sup>239</sup> The lack of effective legal redress and reparations leave victims and their families feeling hopeless and distrustful of the justice system.<sup>240</sup>

---

<sup>236</sup> NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS TO HUM. RTS., *supra* note 186, at 56–61; U.N. High Comm'r for Human Rights, *supra* note 21, at ¶¶ 176–80, 228–33.

<sup>237</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 177.

<sup>238</sup> *Id.* at ¶¶ 178–80.

<sup>239</sup> *Id.* at 178.

<sup>240</sup> *Id.* at 180.

## IV. LEGAL ANALYSIS

### A. Applicability of IHL and IHRL and Lex Specialis in Times of Armed Conflict

Both IHL and IHRL apply during situations of armed conflict.<sup>241</sup> However, under the maxim of *lex specialis*, when the *lex generalis*, or a general body of law, and the *lex specialis*, or more specialized law, conflict, the specialized law takes precedence.<sup>242</sup> In the context of armed conflict, IHRL is the *lex generalis*, while IHL is the *lex specialis* that takes precedence.<sup>243</sup>

The International Court of Justice (“ICJ”) has applied this maxim in several cases.<sup>244</sup> For instance, in the *Nuclear Weapons Advisory Opinion*,<sup>245</sup> the ICJ expressed that when determining whether a deprivation of life during armed conflict is “arbitrary” in violation of Article 6(1) of the International Covenant on Civil and Political Rights,<sup>246</sup> the Court must apply the more specialized IHL standard that recognizes certain circumstances during which a deprivation of life is permissible.<sup>247</sup> However, where even the more specialized IHL standard has been violated, the ICJ has indicated that the more general IHRL provision can be violated simultaneously.<sup>248</sup> For instance, in the *Armed Activities Case*, the ICJ held that the Uganda Peoples’ Defence Forces’ armed activities in occupied territory in the Democratic Republic of the Congo had violated both customary IHL norms and various human rights instruments.<sup>249</sup>

Accordingly, while both IHL and IHRL apply to armed activities committed during the Yemen Civil War, where the two bodies of law conflict, IHL takes precedence. However, when a military activity violates IHL, there may also be a simultaneous IHRL violation.

### B. Analysis of the Conflict Concerning Torture

Torture and CIDT are prohibited in all circumstances under IHL.<sup>250</sup> Yemen is a party to several international treaties and conventions that establish an absolute prohibition on torture.

---

<sup>241</sup> International Law Commission, *Fragmentation of International Law: Difficulties Arising From Diversification and Expansion of International Law*, A/CN.4/L.682, 104 (Apr. 13, 2006); *See also* Al-Jedda v. United Kingdom, App. No. 27021/08, ¶¶ 18–20 (July 7, 2011), [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-105612%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-105612%22]}).

<sup>242</sup> Anja Lindroos, *Addressing Norm Conflicts in a Fragmented Legal System: The Doctrine of Lex Specialis*, 74 NORDIC J. INT’L L. 27, 35–6, 45 (2005).

<sup>243</sup> Michael N. Schmitt, *Investigating Violations of International Law in Armed Conflict*, 2 HARV. NAT’L SEC. J. 31, 53–54 (2011).

<sup>244</sup> *See, e.g.*, Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 139, 106 (July 9).

<sup>245</sup> Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. 226 (July 8) [hereinafter, “Nuclear Weapons Advisory Opinion”].

<sup>246</sup> ICCPR, *supra* note 35, at art. 6(1).

<sup>247</sup> Nuclear Weapons Advisory Opinion, *supra* note 245, 25.

<sup>248</sup> *See* Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda), Judgment, 2005 I.C.J. 168, ¶¶ 216–220 (Dec. 19).

<sup>249</sup> Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda), Judgment, 2005 I.C.J. 168, ¶¶ 216–220 (Dec. 19).

<sup>250</sup> MWATANA HUM. RTS., *supra* note 119, at 104.

These obligations are codified under IHL and IHRL, including the CAT, which requires States to prevent and criminalize torture under Articles 2 and 4.<sup>251</sup> Similarly, the ICCPR prohibits torture under Article 7, and the UDHR does the same at Article 5. In IHL, the Geneva Conventions' Common Article 3 prohibits violence, cruel treatment, and torture in NIACs, while the Second Additional Protocol strengthens these protections with an explicit ban on torture and inhumane treatment.<sup>252</sup> Customary IHL further reinforces these prohibitions.<sup>253</sup>

All parties to Yemen's civil war are bound by the prohibition against torture and inhumane treatment. The prohibition against torture is a peremptory norm of general international law (*jus cogens*).<sup>254</sup> Accordingly, it cannot be derogated from under any circumstances, including during an emergency.<sup>255</sup> The prohibition includes the obligation to prevent and punish torture.<sup>256</sup> Physical and psychological torture are prohibited in Yemen pursuant to domestic law<sup>257</sup> and the following international treaties to which Yemen has acceded: the CAT; the ICCPR; Common Article 3; and Additional Protocol II.<sup>258</sup>

This conflict involves multiple state and non-state actors, including Houthi rebels, Yemeni government forces, Saudi-led coalition forces, and extremist groups such as AQAP and ISIS. Safeguards for these groups and non-combatants arise under the Geneva Conventions, Additional Protocols, customary international law, and human rights treaties, all of which impose absolute prohibitions on torture and inhumane treatment.<sup>259</sup>

More than a decade of internal and external threats has left Yemen with systemic deficiencies in governance. The security situation in Yemen, and lack of cohesion and effectiveness within governmental institutions has led to ongoing human rights violations, including unlawful detention, enforced disappearances, and torture of civilians.<sup>260</sup> The parties have specifically targeted human rights defenders, political activists, educators, and journalists in an effort to suppress the voice of civil society, as well as to gain political and financial leverage

<sup>251</sup> CAT, *supra* note 39, at arts. 2, 4.

<sup>252</sup> Geneva Convention III, *supra* note 46, at art. 3; AP II, *supra* note 49, at art. 4(2)(a).

<sup>253</sup> See e.g., *Rule 90: Torture and Other Cruel, Inhuman or Degrading Treatment*, INT'L COMM. RED CROSS: CUSTOMARY IHL DATABASE, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule90](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90) (last visited Apr. 11, 2025) [<https://perma.cc/VNK6-M2JF>].

<sup>254</sup> CAT, *supra* note 39, at art. 2(2); ICCPR, *supra* note 35, at arts. 4(2), 7; United Nations Committee Against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 1, U.N. Doc. CAT/C/GC/2 (Jan. 24, 2008) [hereinafter "General Comment No.2"].

<sup>255</sup> CAT, *supra* note 39, at art. 2(2); United Nations Committee Against Torture, General Comment No. 2, *supra* note 254, at 4; ICCPR, *supra* note 35, at arts. 4(2).

<sup>256</sup> CAT, *supra* note 39, at arts. 2, 4, 11, 16.

<sup>257</sup> See THE CONSTITUTION OF THE REPUBLIC OF YEMEN, 16 May 1991, as amended on 29 September 1994, art. 48. As noted by the Committee against Torture, the definition of torture in Yemen's Penal Code does not conform to the definition of torture in the CAT. Committee against Torture, Concluding Observations, 7, CAT/C/YEM/CO/2/Rev.1 (2010). See also Detailed Findings of the Group of Experts, *supra* note 21, at 389.

<sup>258</sup> *Ratification Status for Yemen*, UN TREATY BODY DATABASE, [https://tbinetinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=en](https://tbinetinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=en) (last visited Apr. 11, 2025) [<https://perma.cc/5TP2-ZH7C>]; *Q & A*, *supra* note 1.

<sup>259</sup> CAT, *supra* note 39, at art. 2; *Rule 90: Torture and Other Cruel, Inhuman or Degrading Treatment*, *supra* note 261; Rome Statute of the International Criminal Court, *supra* note 43, at art. 8.

<sup>260</sup> NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS., *supra* note 186, at 9.

from prisoner exchanges.<sup>261</sup> Secret prisons, incommunicado detention, and the lack of due process have removed civilian victims outside the reach of domestic and international legal accountability mechanisms designed to prevent torture.<sup>262</sup>

## 1. Methods and Forms of Torture Used

### a. *Physical Torture*

As discussed above, physical torture such as beatings, mutilation, and whipping are prohibited under both IHL and IHRL. There have been numerous incidences of physical punishments and acts of violence.<sup>263</sup> These actions have been routinely committed by the IRG and other de facto authorities such as the Houthis and the UAE-led coalition.<sup>264</sup> Civilians and detainees have been routinely beaten and put through immense physical pain in order to extract confessions.

The IRG is in violation of the CAT for the committing acts of torture but also for failing to investigate and prosecute perpetrators as well as provide redress for victims of torture. It is important to note that while the IRG's human rights obligations cover the entire territory of Yemen, the Houthis and UAE-backed security forces have effective control of large portions of the country.<sup>265</sup> Non-State actors, such as the Houthis and other armed militias, are still bound by human rights obligations in territory that they have effective control over and exercise government-like functions.<sup>266</sup> Additionally, the UAE acceded to the CAT in 2012, and therefore, is also bound by its obligations.<sup>267</sup> Overall, the IRG, Houthis, and UAE-backed security forces are in violation of the CAT as they have failed to prevent the use of torture in territories they have effective control over.

Perpetrators of torture operate with *de facto* acquiescence, aware that the Yemen and international criminal justice system are not effectively dealing with conflict-related violations or

---

<sup>261</sup> *Id.* at 9; AMNESTY INTERNATIONAL, *supra* note 167, at 5; Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 156–59, 174, 205, 312; U.N. High Comm'r Human Rights, *supra* note 108, at ¶ 62; *Yemeni Detainees Recount Torture After Release in Prisoner Swap*, AL JAZEERA (April 23, 2023), <https://www.aljazeera.com/news/2023/4/26/yemeni-detainees-recount-torture-after-release-in-prisoner-swap> [<https://perma.cc/WB8B-KXPA>]; *Yemen: Houthis Disappear Dozens of UN, Civil Society Staff*, HUM. RTS. WATCH (June 26, 2024), <https://www.hrw.org/news/2024/06/26/yemen-houthis-disappear-dozens-un-civil-society-staff> [<https://perma.cc/CK5S-F9JD>].

<sup>262</sup> See Report of the United Nations High Commissioner, *supra* note 12, at ¶ 65.

<sup>263</sup> See Section III, *supra*.

<sup>264</sup> See Section III(1)(a), *supra*.

<sup>265</sup> U.N. High Comm'r Human Rights, Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Report of the Group of Eminent International and Regional Experts as Submitted to the United Nations High Commissioner for Human Rights, U.N. Doc. A/HRC/42/17, ¶ 12 (Aug. 9, 2019).

<sup>266</sup> *Id.*

<sup>267</sup> *Ratification Status for United Arab Emirates*, UN TREATY BODY DATABASE, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=184&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=184&Lang=en) (last visited Apr. 12, 2025) [<https://perma.cc/Y2F5-HBL9>].

victim safety.<sup>268</sup> The Yemeni government has failed to exercise due diligence to end torture and provide remedies to victims, effectively permitting torture to continue with impunity.<sup>269</sup>

Beyond international law, the Constitution of Yemen explicitly prohibits the use of torture. Article 48(b) states that “physical and psychological torture is prohibited during arrest, detention, or imprisonment. It is not permissible to use force against a person except in the case of resistance to the authorities, and such use must be legally justified.”<sup>270</sup> The IRG and its aligned forces would be bound by these obligations, and are in violation of this provision for using torture against detainees.

Accordingly, all parties to the conflict are guilty of violating IHL and IHRL when they fail to prosecute

### *b. Psychological Torture*

Under the definition of torture proffered by CAT, mental pain or suffering is torture and is prohibited.<sup>271</sup> Psychological torture is prohibited under the same IHL and IHRL mechanisms as physical torture.<sup>272</sup> The Human Rights Committee has found that psychological torture in violation of Article 7 of the ICCPR occurred when there were “repeated threats against [an author’s] life by the police, often accompanied by acts of brutality, [which] caused him gave psychological suffering.”<sup>273</sup>

In Yemen, the categories of torture in regards to psychological torture have been met, and numerous violations of the CAT have been documented. There is evidence of severe mental suffering, such as threats of a sexual nature, being committed by public officials, the Political Security personnel of the IRG.<sup>274</sup> These threats were done with the purpose of obtaining confessions by detainees of working with the Houthis.<sup>275</sup> The Group of Eminent Experts also expressly categorized several incidents at Sana’a committed by the Houthi authorities as psychological torture, including “threats to family members, threats of rape and sexual mock executions, threats to be transferred to detention facilities that had previously been targeted by coalition airstrikes, denial of access to the toilet, sleep deprivation and denial of natural light for long periods of time.”<sup>276</sup>

Accordingly, just as physical violence constitutes a violation of both IHRL and IHL when it rises to the severity of torture and is conducted with the participation of state actors, psychological violence also violates IHL and IHRL protections when it rises to the level of torture.

---

<sup>268</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 203; General Comment No. 2, *supra* note 254.

<sup>269</sup> See General Comment No. 2, *supra* note 254.

<sup>270</sup> THE CONSTITUTION OF THE REPUBLIC OF YEMEN, *supra* note 265, at art. 48(b).

<sup>271</sup> CAT, *supra* note 39, at art. 1.

<sup>272</sup> Interpretation of Torture, *supra* note , at 22–23.

<sup>273</sup> Committee on Civil and Political Rights, *Njaru v. Cameroon*, Comm. 1353/2005, U.N. Doc. A/62/40 (Mar. 19, 2007)

<sup>274</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 168.

<sup>275</sup> See *Id.*

<sup>276</sup> Detailed Findings of the Group of Experts, *supra* note 21, at 174.

*c. Sexual Violence*

Rape and sexual violence are prohibited under IHRL and IHL, predominantly as a form of torture. Specifically, Additional Protocol II Article 4(2)(e), and customary international law, as identified by the ICRC, prohibit rape and other sexual violence.<sup>277</sup>

Here, Yemeni authorities have failed to protect women, men, boys, and girls from widespread abuse. Those authorities, especially the de-facto authorities, have additionally failed to prevent, investigate, and punish violent actions of sexual violence, which are thus, routinely committed with impunity.<sup>278</sup> Accordingly, the proliferation of sexual torture in Yemen, and the parties' to the conflicts' engagement in that practice or failure to due diligently prevent and punish it, constitutes a violation of both IHRL and IHL.

2. Targeted Populations

*a. Combatants*

The Yemen Civil War is a NIAC,<sup>279</sup> which are governed by Common Article 3 of the Geneva Conventions of 1949 and customary international law.<sup>280</sup> Common Article 3 protects “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms” as well as “‘hors de combat’ ...by detention.”<sup>281</sup> All parties to the conflict, including coalition members and non-state organized armed groups, are bound by IHL norms applicable to NIACs.<sup>282</sup>

Under Article 2 of the CAT, States are obligated to take legislative, administrative, judicial, and other measures to prevent acts of torture in any territory under its jurisdiction, and crucially, prohibits the use of torture under all circumstances including in “a state of war or a threat of war, internal political instability or any other public emergency.”<sup>283</sup> CAT requires States to penalize acts of torture under domestic criminal law and pursue investigations and prosecutions of individuals who may violate these laws.<sup>284</sup> As a party to the CAT, the IRG is obligated by the treaty’s provisions but is also responsible for acts of torture committed by non-State actors as well, if State authorities “know or have reasonable grounds to believe” that

---

<sup>277</sup> AP II, *supra* note 49, at art. 4(2); JEAN-MARIE HENCKAERTS AND LOUISE DOSWALD-BECK, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW VOLUME 1: RULES 323 (2009) [hereinafter “HENCKAERTS & DOSWALD-BECK VOL. 1”].

<sup>278</sup> Detailed Findings of the Group of Experts, *supra* note 21, at ¶¶ 366–80.

<sup>279</sup> See *supra* Section I(b).

<sup>280</sup> *Id.* at 9.

<sup>281</sup> Geneva Convention III, *supra* note 47, at art. 3.

<sup>282</sup> Report of the Group of Eminent Experts, *supra* note 107, at 12; Human Rights Council, Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, 27, U.N. Doc. A/HRC/WG.6/46/YEM/2 (Feb. 21, 2024).

<sup>283</sup> CAT, *supra* note 39, at art. 2(1)-(2).

<sup>284</sup> CAT, *supra* note 39, at art. 4, 7 & 12.

certain non-state or private acts have carried out acts of torture.<sup>285</sup> Failure to investigate or prosecute acts of torture are also violations of the CAT.<sup>286</sup>

The Houthis, IRG and UAE-backed security forces have all engaged, on numerous occasions, in acts of torture and cruel, humiliating, and degrading treatment of belligerents. These acts include physical beatings, electric shocks, prolonged solitary confinement, and sexual violence inflicted on detained combatants.<sup>287</sup> As most of these instances of torture have taken place in prisons and camps, these belligerents could be considered ‘hors de combat’ as they were detained, and therefore acts of torture against these individuals are prohibited under Common Article 3. Furthermore, as the IRG is party to the CAT, it is legally obligated not only to refrain from committing torture through its own State authorities or agents but also to exercise due diligence to prevent and investigate acts of torture committed by non-state actors operating with state knowledge or acquiescence.<sup>288</sup> Despite credible and widespread documentation<sup>289</sup> of the use of torture by IRG forces and other parties to the conflict, IRG’s failure to prevent, investigate and prosecute individuals that have engaged in torture against belligerents that have been arrested or detained, may constitute a violation of Articles 12 and 13 of the CAT. Additionally, while Yemen has not ratified the Rome Statute and therefore not under the jurisdiction of the International Criminal Court (ICC), through a referral from the United Nations Security Council, individuals still may be held criminally responsible for the use of torture against combatants.<sup>290</sup> As such, the conduct of the various parties in the Yemen Civil War constitute a clear breach of legal obligations regarding the prohibition and investigation of torture under Common Article 3 and the CAT.

### *b. Prisoners*

Under IHL, each party to an NIAC is obligated to ensure humane conditions for persons deprived of their liberty or whose liberty has been restricted, including the provision of medical care, food and clothing, freedom of religion, right of access to detainees, family visits, special accommodations for women and children, judicial guarantees, and the prohibition on torture, terrorism, hostage taking, slavery, and summary executions.<sup>291</sup> Arbitrary deprivation of liberty is prohibited.<sup>292</sup> Detained and interned persons “must be released as soon as the reasons for the

---

<sup>285</sup> General Comment No. 2, *supra* note 254, at 18.

<sup>286</sup> CAT, *supra* note 39, at art. 12. *See e.g. Blanco Abad v. Spain*, Comm. No. 59/1996, 8.6-9, U.N. Doc. CAT/C/20/D/59/1996 (May 14, 1998) (noting that the a Spain’s failure to investigate allegations of torture and mistreatment in a Spanish prison were a violation of Article 12 and 13 of the CAT).

<sup>287</sup> *See* Section III, *supra*.

<sup>288</sup> General Comment No. 2, *supra* note 254.

<sup>289</sup> *See* Section III, *supra*.

<sup>290</sup> Rome Statute, *supra* note 43, at art. 13(b); *see* Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"), ICC-02/05-01/20-433, Decision on the Confirmation of Charges, 3, 104 (July 9, 2021).

<sup>291</sup> Geneva Convention III, *supra* note 47, at art. 3; AP II, *supra* note 49, at arts. 4–6; HENCKAERTS & DOSWALD-BECK VOL. 1, *supra* note 277, at 306–8, 315–19, 428–57, 568–604; *see also* Rome Statute, *supra* note 43, at art. 8(2)(e)(i); Convention on the Rights of the Child, art. 37(c), Nov. 20, 1989, 1577 U.N.T.S. 3; Human Rights Committee, *supra* note 168.

<sup>292</sup> HENCKAERTS & DOSWALD-BECK VOL. 1, *supra* note 277, at 344–352, 448; ICCPR, *supra* note 35, at arts. 9, 10, 14.



deprivation of their liberty cease to exist.”<sup>293</sup> Under IHRL, Article 7 of the ICCPR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>294</sup> Article 10(1) further defines specific protections and guidance for the general conditions of those being detained. It states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>295</sup> The U.N. Human Rights Committee (HRC), which monitors States’ compliance with the ICCPR, has consistently noted that States are obligated to prevent torture but also conduct prompt investigations of potential instances of torture.<sup>296</sup> The CAT also obligates States to prohibit and investigate instances of torture, including the use of torture in prisons.<sup>297</sup>

Additionally, Yemen’s Military Criminal Code prohibits the following offenses as war crimes: hostage taking; unlawful detention of civilians; killing, torturing, or mistreating prisoners; deliberately causing serious physical or mental harm to civilian or military prisoners; and threatening a witness or expert to provide information.<sup>298</sup> While these provisions may not apply to all parties of the conflict, they do apply to IRG and IRG-associated forces, and individuals should be held accountable under domestic military law.

The pattern and use of torture in prisons and secret camps by various parties of the Yemen conflict have been clearly documented. In the Group of Eminent Experts’ report, Houthi forces detained individuals and used methods such as beating them with metal rods, electrocution, burning people with acid, and suspending individuals from ceilings for prolonged periods of time.<sup>299</sup> Similar instances of torture have been documented in UAE-controlled detention sites in southern Yemen.<sup>300</sup> These acts meet the definition of torture under Article 1 of CAT, which prohibits the intentional infliction of severe physical or mental suffering by, or with the consent of, state or quasi-state actors.<sup>301</sup> Additionally, these acts breach Common Article 3’s protection of “hors de combat” from torture and cruel treatment<sup>302</sup> and Article 7 of the ICCPR, which prohibits torture and cruel punishment under any circumstances.<sup>303</sup>

<sup>293</sup> HENCKAERTS & DOSWALD-BECK VOL. 1, *supra* note 277, at 451–57.

<sup>294</sup> ICCPR, *supra* note 35, at art. 7.

<sup>295</sup> ICCPR, *supra* note 35, at art. 10(1).

<sup>296</sup> Human Rights Committee, *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, ¶15–18, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004) [hereinafter “General Comment 31”].

<sup>297</sup> CAT, *supra* note 39, at art. 12–13.

<sup>298</sup> قانون الجرائم والعقوبات العسكرية [CODE OF MILITARY CRIMES AND PENALTIES] Arts. 5, 20–23 (Yemen).; JEAN-MARIE HENCKAERTS AND LOUISE DOSWALD-BECK, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW VOLUME II: PRACTICE ¶¶ 850, 1212, 1531, 2190, 2623 (2005).

<sup>299</sup> Report of the Group of Eminent Experts, *supra* note 107.

<sup>300</sup> *Disappearances and Torture in Southern Yemen Detention Facilities Must be Investigated as War Crimes*, AMNESTY INT’L, July 12, 2018, <https://www.amnesty.org/en/latest/news/2018/07/disappearances-and-torture-in-southern-yemen-detention-facilities-must-be-investigated-as-war-crimes/> [https://perma.cc/2AA7-CGQY].

<sup>301</sup> CAT, *supra* note 39, at art. 1.

<sup>302</sup> Geneva Convention III, *supra* note 47, at art. 3.

<sup>303</sup> ICCPR, *supra* note 35, at art. 7.

The obligation to investigate these acts of torture also remains on parties under Articles 12 and 13 of the CAT<sup>304</sup> and the ICCPR.<sup>305</sup> While the IRG has investigated acts of torture in the past,<sup>306</sup> continued use of torture and failure to investigate and prosecute individuals who have perpetuated these acts in prisons and detention facilities, violate the CAT and ICCPR.<sup>307</sup>

### *c. Civilian Populations*

The use of torture against civilians is prevent under IHL and IHRL. Common Article 3 prohibits “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” against persons taking no active part in hostilities, including civilians.<sup>308</sup> Additionally, Article 4(2) of Additional Protocol II prohibits the use of “violence to the life, health and physical or mental well-being of persons,” which prohibits the use of torture against civilians.<sup>309</sup> Obligations to prohibit torture and investigate and prosecute instances of torture against combatants and prisoners, also apply to civilian populations under the CAT and ICCPR.<sup>310</sup> The ICRC *Study on Customary International Humanitarian Law* provides specific fundamental guarantees for the humane treatment of civilians in NIACs<sup>311</sup> and states are prohibited from attacking and torturing civilians under customary IHL.<sup>312</sup>

The use of torture against civilians has been thoroughly documented.<sup>313</sup> The use of torture and cruel punished against civilians detained in prisons both by the Houthis and UAE-backed forces fall within the scope of Articles 2 and 12 of CAT, which require the IRG to prevent torture and investigate violations committed by its forces or under with the territory of Yemen.<sup>314</sup> The lack of investigations or even acknowledgement of allegations of torture violate obligations under CAT by the IRG.<sup>315</sup> The ICCPR also supports civilian protections against torture. The HRC affirms that states are responsible for violations of rights committed by their agents or with their acquiescence.<sup>316</sup> The IRG remains responsible for the prohibition of torture by its forces against civilians as well as other actors like allied forces, the Houthis, or UAE-backed security

---

<sup>304</sup> CAT, *supra* note 39, at art. 12-13.

<sup>305</sup> General Comment 31, *supra* note 296.

<sup>306</sup> *Yemen Orders Probe into Alleged Torture by UAE*, AL JAZEERA (June 24, 2017), <https://www.aljazeera.com/news/2017/6/24/yemen-orders-probe-into-alleged-torture-by-uae> [https://perma.cc/PNN8-LPMP].

<sup>307</sup> See Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, ¶123.35, 123.49, 123.50, 123.57, 123.58, U.N. Doc. A/HRC/41/9 (May 14, 2019) (recording other countries’ call on the Government in Yemen and international bodies to investigation acts of arbitrary detention, torture, and other violations to IHL and IHRL) [hereinafter “Universal Periodic Review”].

<sup>308</sup> Geneva Convention III, *supra* note 47, at art. 3.

<sup>309</sup> AP II, *supra* note 49, at art. 4(2).

<sup>310</sup> CAT, *supra* note 39, at art. 7, 12-13; ICCPR, *supra* note 35, at art. 7; General Comment 31, *supra* note 296.

<sup>311</sup> HENCKAERTS & DOSWALD-BECK VOL. 1, *supra* note 277, at 299–379.

<sup>312</sup> *Rule 90: Torture and Other Cruel, Inhuman or Degrading Treatment*, *supra* note 253.

<sup>313</sup> See *supra* Section III(B)(2)(c).

<sup>314</sup> CAT, *supra* note 39, at art. 2, 12; General Comment No. 2, *supra* note 254.

<sup>315</sup> See Universal Periodic Review, *supra* note 307.

<sup>316</sup> General Comment 31, *supra* note 296.

forces under Article 7 of the ICCPR.<sup>317</sup> All in all, the use of torture by parties against civilians, like combatants and prisoners, and the failure to thoroughly investigate and prosecute individuals who have engaged in using torture, violates both IHL and IHRL.

*d. Torture and Gender-Based Violence*

Sexual violence and violence targeted against women and girls has been widespread in Yemen.<sup>318</sup> Rape,<sup>319</sup> honor killings,<sup>320</sup> and female genital mutilation<sup>321</sup> have all occurred. The Committee on Torture has indicated that the purpose and intent requirements for torture are met when acts of violence are gender-specific or perpetrated against a person on the basis of sex.<sup>322</sup> The Committee has acknowledged the uniquely severe impact of violence on a victim when they are targeted because of their gender.<sup>323</sup> Accordingly, where Yemeni authorities have failed to prevent instances which might amount to torture, investigate instances which may amount to torture, and assure proper redress for victims, they have violated their obligations under the CAT.<sup>324</sup> For a deeper look at gender-based violence and what events could be considered torture, please see Yemen Accountability Project, *Gender-Based Violence and the Yemen Civil War* (2024).<sup>325</sup>

*e. Persons of Influence*

While torture has been used against various individuals in the Yemen Civil War, specific persons of influence have been specifically targeted. These individuals include tribal and religious figures, journalists, protesters, government officials, academics, and students, all which are protected under IHL and IHRL.

The prohibition of torture is as a *jus cogens* norm, making it a preemptory rule and non-derogable.<sup>326</sup> This means that all States and non-state and private actors are all bound by this norm, regardless of whether they have signed a treaty explicitly prohibiting the use of torture or not.<sup>327</sup> Additionally, Common Article 3 of the Geneva Conventions applies to all civilians, prohibiting torture, cruel treatment, and outrages upon personal dignity in both international conflicts and NIACs, and Additional Protocol II, Article 4(2)(a) and Article 13 reinforce these

---

<sup>317</sup> General Comment 31, *supra* note 296; ICCPR, *supra* note 35, at art. 7.

<sup>318</sup> See YEMEN ACCOUNTABILITY PROJECT, *supra* note , at 11–29.

<sup>319</sup> *Id.* at 14–15.

<sup>320</sup> *Id.* at 20–21.

<sup>321</sup> *Id.* at 21–22.

<sup>322</sup> *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Human Rights Council, UN Doc. A/HRC/31/57, at 8 (Jan. 5, 2016).

<sup>323</sup> *Fernández Ortega et al. v. Mexico*, Inter-Am. Ct. H.R. (ser. C) No. 215, ¶124 (Aug. 30, 2010); *see also Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Human Rights Council, UN Doc. A/HRC/7/3, at 36 (Jan. 15, 2008).

<sup>324</sup> CAT, *supra* note 39, at arts. 12–14, 16.

<sup>325</sup> YEMEN ACCOUNTABILITY PROJECT, *supra* note .

<sup>326</sup> *Prosecutor v. Furundžija*, Case No. IT-95-17/1-T, Judgment, 154-56 (Int'l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998)

<sup>327</sup> *Id.*

protections by explicitly banning violence, including torture, against all individuals, including persons of influence, in NIACs.<sup>328</sup> Beyond the Geneva Conventions, human rights treaties and international law further reinforce the prohibition against the torture of religious clergy, imposing binding obligations to respect their rights and dignity. Under CAT, Yemen is legally obligated to prevent acts of torture, investigate allegations, and prosecute perpetrators: Article 2 of the Convention make clear that no exceptional circumstances, including war or political instability, can justify torture.<sup>329</sup> The ICCPR Article 18 guarantees freedom of religion, preventing coercion, persecution, or torture of any person because of their religion.<sup>330</sup>

Well-documented reports of abuses against persons of influence include the arbitrary detention and use of beatings, electric shocks, and solitary confinement as forms of torture.<sup>331</sup> This use of torture against all person, but especially persons of influence, is prohibited explicitly under IHL and IHRL. Additionally, given that the prohibition of torture is a *jus cogens* norm, all parties to the Yemen conflict, including the Houthis and UAE-back security forces and other non-state or private actors, are bound by the prohibition.

---

<sup>328</sup> Geneva Convention III, *supra* note 47, at art. 3; AP II, *supra* note 49, at art. 4(2)(a); INT'L COMM. RED CROSS, COMMENTARY ON THE ADDITIONAL PROTOCOLS OF 8 JUNE 1977 TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949 4533 (Yves Sandoz, Christophe Swinarski & Bruno Zimmermann eds., 1987).

<sup>329</sup> CAT, *supra* note 39, at art. 2.

<sup>330</sup> ICCPR, *supra* note 35, at art. 18; PAUL M. TAYLOR, A COMMENTARY ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: THE UN HUMAN RIGHTS COMMITTEE'S MONITORING OF ICCPR RIGHTS 502 (Cambridge Univ. Press 2020).

<sup>331</sup> *See supra* Section III(B)(2)(e).

## V. ACCOUNTABILITY MECHANISMS

While international law provides strong formal protections against torture, their implementation in conflict zones such as Yemen remains inadequate.<sup>332</sup> Strengthening accountability mechanisms, increasing international legal pressure, and ensuring the enforcement of existing legal frameworks are essential to addressing these ongoing human rights violations.<sup>333</sup>

### A. International Courts

The path to addressing IHRL violations in Yemen faces many of the same challenges as addressing IHL violations. The issue of jurisdiction, paired with a lack of political will from the international community, creates significant barriers to those seeking justice for these violations. Further, parties to the conflict have not fully engaged with IHRL treaties, leaving more gaps in accountability.

As with IHL violations, accountability recommendations typically focus on the efforts to grant the ICC jurisdiction over the situation. In their report, the Group of Eminent Experts called upon the United Nations Security Council (UNSC) to refer violations and abuses to the ICC to investigate the human rights violations occurring in Yemen.<sup>334</sup> The report also endorsed the creation of an international–Yemeni hybrid tribunal or a U.N.-created International, Impartial, and Investigative Mechanism, similar to ones created in response to the conflicts in Syria and Myanmar.<sup>335</sup> However, previous investigative mechanisms have been limited to evidence collection, analysis, and preservation, and do not create a basis for prosecution.<sup>336</sup> Due to political deadlocks, the UNSC has been unwilling to effectively address the conflict in Yemen.<sup>337</sup> Further, in 2021, the U.N. Human Rights Council rejected the resolution to renew the mandate of the Group of Eminent Experts on Yemen, creating another major setback to seeking accountability for HR violations.<sup>338</sup>

Within the international judicial system, one possible avenue for accountability may be through the International Court of Justice (“ICJ”). As Yemen and Saudi Arabia have not accepted the ICJ’s compulsory jurisdiction and are unlikely to consent to the ICJ’s jurisdiction on an ad hoc basis, the pathway to jurisdiction would need to stem from a treaty’s compromissory

---

<sup>332</sup> See Mohammad Ahmad Nayef Alakash et al., *Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review*, 16 PAK. J. CRIMINOLOGY 1365, 1374 (2024).

<sup>333</sup> *World Report 2024: Yemen*, *supra* note 205.

<sup>334</sup> Report of the Group of Eminent Experts, *supra* note 107, at 99.

<sup>335</sup> *Id.*

<sup>336</sup> HRC, Res. 39/2, U.N. Doc. A/HRC/RES/39/2 (Sept. 27, 2018); HRC, Res. 71/249, U.N. Doc. A/RES/71/248 (Dec. 21, 2016).

<sup>337</sup> Laura Graham, *Pathways to Accountability for Starvation Crimes in Yemen*, 53 CASE W. RES. J. INT’L L. 401, 434 (2021).

<sup>338</sup> *Statement by Group of Experts on Yemen on HRC Rejection of Resolution to Renew Their Mandate*, OHCHR (Oct. 8, 2021), <https://www.ohchr.org/en/press-releases/2021/10/statement-group-experts-yemen-hrc-rejection-resolution-renew-their-mandate> [https://perma.cc/LZD2-2VLD].

clause.<sup>339</sup> Yemen is a party to a number of IHRL treaties including the Convention on the Prevention and Punishment of the Crime of Genocide; Convention on the Elimination of All Forms of Racial Discrimination; Covenant on Civil and Political Rights; Covenant on Economic, Social, and Cultural Rights; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child, as well as its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and Convention on the Rights of Persons with Disabilities and its Optional Protocol.<sup>340</sup> Yemen is additionally a party to the CAT, which contains a compromissory clause at Article 30 to which Yemen has not submitted a reservation.<sup>341</sup>

In light of this, the ICJ's *erga omnes partes* jurisprudence provides an opportunity for States that are not injured by Yemen's actions directly to nonetheless contest its violations of the CAT.<sup>342</sup> In the *Obligation to Prosecute* case, the ICJ held that Belgium had *erga omnes partes* standing to bring claims against Senegal because the common interest secured by the CAT outweighed the interest of any individual State party to that convention.<sup>343</sup> Accordingly, any state party to the CAT would have standing to contest Yemen's violations of the CAT on an *erga omnes partes* basis, particularly because Yemen has not submitted a reservation to the CAT's compromissory clause, which would otherwise restrict the Court's jurisdiction.<sup>344</sup> As to whether or not *erga omnes partes* standing might be recognized for the other IHRL treaties to which Yemen is a party, and which this White Paper alleges have also been violated, the ICJ's jurisprudence on the *erga omnes partes* question has thus far not expanded beyond application to the Genocide and Torture Conventions,<sup>345</sup> though it is possible that States may have *erga omnes partes* standing to contest violations of other treaties of a similar character.<sup>346</sup>

As it relates to the other parties to the conflict, ICJ jurisdiction is more elusive. For instance, Saudi Arabia and the UAE are not parties to the ICCPR nor the ICESCR.<sup>347</sup> While Yemen, Saudi Arabia, and the UAE are parties to the CAT, both Saudi Arabia and the UAE have submitted reservations rejecting ICJ jurisdiction under Article 30.<sup>348</sup>

---

<sup>339</sup> *Declarations Recognizing the Jurisdiction of the Court as Compulsory*, ICJ, <https://www.icj-cij.org/declarations> (last visited Apr. 16, 2024) [<https://perma.cc/6CXC-9RQ3>].

<sup>340</sup> *Ratification Status for Yemen*, *supra* note 258.

<sup>341</sup> *Id.*

<sup>342</sup> *Obligation to Prosecute*, ¶¶ 68-70; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gam. v. Myan.)*, Preliminary Objections, Judgment, 2022 I.C.J. 1, ¶¶ 106-09 (July 22); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order, 2024 I.C.J. 1, ¶¶ 33-34 (Mar. 28); *Application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syria)*, Provisional Measures, Order, 2023 I.C.J. 1, ¶¶ 58-59 (Nov. 1).

<sup>343</sup> *Obligation to Prosecute*, ¶¶ 68-70.

<sup>344</sup> CAT, *supra* note 39, at arts. 12-14, 16.

<sup>345</sup> *Obligation to Prosecute*, ¶¶ 68-70; *Gambia v. Myanmar*, ¶¶ 106-109; *South Africa v. Israel*, ¶¶ 33-34; *Canada and the Netherlands v. Syria*, ¶¶ 58-59.

<sup>346</sup> *See Hachem*, *supra* note 60, at 299.

<sup>347</sup> *Ratification Status for Yemen*, *supra* note 258.

<sup>348</sup> CAT, *supra* note 39, arts. 12-14, 16.

The ICJ as an accountability mechanism for Yemen is also problematic because it would not provide a basis for individual criminal responsibility, as the ICJ adjudicates disputes between States.<sup>349</sup> Accordingly, an additional mechanism would need to be pursued to bridge this accountability gap.

Aside from the ICJ, certain IHRL treaties provide for an individual complaints procedure. Yemen has accepted the individual complaint provision for the CAT, giving the Committee Against Torture the ability to inquire into credible reports of systemic torture.<sup>350</sup> While the Convention on the Rights of the Child also contains individual complaint procedures, Yemen has failed to accept this provision, so that option would not be available.<sup>351</sup>

Regional human rights mechanisms provide another potential avenue to pursue accountability for IHRL violations. For instance, the Arab Human Rights Committee oversees the implementation of the Arab Charter on Human Rights, which Yemen, Saudi Arabia, and UAE are parties to.<sup>352</sup> The Charter prohibits, among other things, torture and CIDT.<sup>353</sup> While this Charter does provide a basis for identifying IHRL violations in Yemen, it does not provide for enforcement or adjudication mechanisms to address violations or disputes. The Charter only obligates parties to submit reports to the Committee and allows the Committee to discuss and offer recommendations.<sup>354</sup> While other regional human rights courts exist, their jurisdiction is limited to alleged violations committed by State parties.<sup>355</sup>

## **B. Yemeni Domestic Courts**

When considering accountability mechanisms in responses to the conflict in Yemen, it should be noted that international law is based upon the principle of complementarity and should be utilized when domestic courts are unwilling or unable to pursue justice.<sup>356</sup> Yemen's governmental structures and judicial system have been substantially destabilized during the years of civil war. In response to international pressure and U.N. Resolutions, the Yemeni NCIHVHR was created in 2016 to monitor and investigate human rights violations in Yemen.<sup>357</sup> As of

---

<sup>349</sup> Statute of the International Court of Justice, art. 36(2)(a) Oct. 24, 1945, U.S.T. 993, 33 U.N.T.S. 993.

<sup>350</sup> Louisa Ashley, *Human Rights Violations in Yemen and the Prospects for Justice*, in HUMAN RIGHTS IN WAR 383-405, 386 (Damien Rogers, ed., 2022); Amulya Vadapalli, *Justice Without Power: Yemen and The Global Legal System*, 121 MICH. L. REV. 811, 825 (2023).

<sup>351</sup> Ashley, *supra* note 427, at 386.

<sup>352</sup> Arab Charter on Human Rights, May 22, 2004, 12 Int'l Hum. Rts. Rep. 893.

<sup>353</sup> *Id.*, at art. 8.

<sup>354</sup> *Id.* at art. 48.

<sup>355</sup> *A Rough Guide to the Regional Human Rights Systems*, UNIVERSAL RTS. GROUP, <https://www.universal-rights.org/human-rights-rough-guides/a-rough-guide-to-the-regional-human-rights-systems/> (last visited Apr. 16, 2025) [<https://perma.cc/Y3MU-Q6U6>].

<sup>356</sup> INFORMAL EXPERT PAPER: THE PRINCIPLE OF COMPLEMENTARITY IN PRACTICE, INT'L CRIM. CT. (2009), [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2009\\_02250.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2009_02250.PDF) ("The principle of complementarity governs the exercise of the Court's jurisdiction [...] The Statute recognizes that States have the first responsibility and right to prosecute international crimes. The ICC may only exercise jurisdiction where national legal systems fail to do so, including where they purport to act but in reality are unwilling or unable to genuinely carry out proceedings.") [<https://perma.cc/RL4F-SJAD>].

<sup>357</sup> *About Us*, *supra* note 185.

September 2024, the Commission has documented more than 29,000 human rights violations.<sup>358</sup> Additionally, as of March 2023, it had referred over 2,000 cases to Yemen’s Public Prosecutor.<sup>359</sup> However, there has yet to be a single verdict in any of these cases.<sup>360</sup> Further, the Group of Eminent Experts noted in their 2020 report that the Yemeni judicial system was incapable of prosecuting crimes consistent with IHRL prior to the conflict and years of war have exacerbated “issues with respect to, inter alia, corruption, inadequate protection of fair trial rights, discrimination against women and attacks and serious threats to judicial actors.”<sup>361</sup> As there has been little showing of progress with this respect in the country, it is likely that Yemeni domestic courts will be unable to adequately address alleged HR violations.

### C. Foreign Domestic Courts

Another potential option for prosecuting IHRL violations could be through foreign domestic courts. It is unlikely that Coalition members will prosecute violations related to Yemen and, even if they did, it is not likely that they would do so in accordance with international legal standards.<sup>362</sup>

Another avenue may be pursued through universal jurisdiction, as many countries have enacted legislation that allows them to prosecute certain international crimes within their domestic courts.<sup>363</sup> This method of accountability has been utilized by German courts who found a former Syrian government official guilty of crimes against humanity committed in Syria.<sup>364</sup> However, under similar facts, the highest court in France annulled an indictment against a former Syrian official based on the “dual criminality rule” as Syria does not explicitly criminalize crimes against humanity.<sup>365</sup>

While universal jurisdiction may be created by domestic legislation in foreign courts, the perpetrator generally must be present in the State, as trials *in absentia* create due process

---

<sup>358</sup> INT’L CTR. FOR TRANSITIONAL JUST., OPENING SPACE FOR TRANSITIONAL JUSTICE IN YEMEN 30 (2025).

<sup>359</sup> Nour El Bejjani Noureddine, *Accountability in Yemen Requires a Comprehensive Transitional Justice Process*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, (Mar. 20, 2023), <https://www.ictj.org/latest-news/accountability-yemen-requires-comprehensive-transitional-justice-process> [https://perma.cc/9CQL-WN2G].

<sup>360</sup> *Id.*

<sup>361</sup> Report of the Group of Eminent Experts, *supra* note 107, at ¶¶ 9, 98.

<sup>362</sup> Vadapalli, *supra* note 427, at 829.

<sup>363</sup> Alexandra Lily Kather, “*Water Finds Its Way*”? *Universal Jurisdiction As An Avenue for Justice In Syria*, LIEBER INSTITUTE (Jul. 28, 2021), <https://lieber.westpoint.edu/water-finds-way-universal-jurisdiction-justice-syria/> [https://perma.cc/2XU8-K7XW].

<sup>364</sup> *Top German Court Rejects Syrian’s Appeal in Torture Case*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, (May 5, 2022), <https://www.ictj.org/latest-news/top-german-court-reject%E2%80%99s-syrian%E2%80%99s-appeal-torture-case> [https://perma.cc/QX4D-STBV].

<sup>365</sup> Benedicte Jeannerod & Aisling Reidy, *Fighting Impunity for Crimes in Syria: Victory in Germany, Setback in France*, HUMAN RTS. WATCH (Jan. 27, 2022), <https://www.hrw.org/news/2022/01/27/fighting-impunity-crimes-syria-victory-germany-setback-france> [https://perma.cc/J59Y-ZUB2].



concerns.<sup>366</sup> This means that the responsible parties must be present in a State that has a basis for jurisdiction over Human Rights violations. These domestic statutes often prescribe the most serious crimes under international law, such as genocide, torture, and war crimes, based on an underlying treaty.<sup>367</sup> As noted above, Yemen and Coalition members have not fully assented to many HR treaties and their provisions, so finding a treaty basis for universal jurisdiction over IHRL violations in Yemen may also face jurisdictional barriers.

To address these barriers, there has been an effort to bring cases against states that support the Coalition through arms sales.<sup>368</sup> NGOs have called on domestic governments to prohibit the sale of weapons to the Coalition and limit the licensing to manufacturing companies whose weapons support the conflict.<sup>369</sup> Similar efforts to hold Italian government officials and corporate actors criminally responsible for arms exports to Yemen were recently denied, with the Italian court dismissing the complaint.<sup>370</sup> As the main suppliers of arms to the Coalition are the US, the UK, France, and Italy, it is unlikely that accountability for their roles will overcome their political influence.<sup>371</sup>

#### **D. Alternative Mechanisms**

At this time, formal mechanisms of accountability for HR violations in Yemen are not likely to materialize and the failure of the Human Rights Council to renew the mandate of the Group of Eminent Experts represents a harrowing indication of the political will to pursue accountability in Yemen. However, it is imperative that States continue to call attention to and condemn IHRL violations in Yemen. While the UNSC, UNHRC, and U.N. Secretary-General have released multiple resolutions regarding the situation in Yemen since the conflict began, the scope of these resolutions has been limited to general condemnations and largely failed to name responsible actors.<sup>372</sup> Increased naming and shaming from international organizations and powerful States would reaffirm the international community's commitment to seeking peace and accountability in the region.

Though sanctions can be an effective tool for holding international States and actors accountable, due to the extreme humanitarian crisis in Yemen, sanctions should be carefully applied so as to not worsen conditions for the civilian population. Though individual criminal

---

<sup>366</sup> Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, 2002 I.C.J., 35, 16 (February 14), (separate opinion by Guillaume, G).

<sup>367</sup> See Universal Jurisdiction, INT'L JUST. RES. CTR.,

<https://ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/> (last visited Apr. 15, 2024) [<https://perma.cc/CD7C-WUKY>]; see also *R v. Evans and Another and the Commissioner of Police for the Metropolis and Others, ex parte Pinochet*, UKHL (Mar. 24, 1999) (rejecting the argument that jus cogens violations allow for universal jurisdiction without an underlying treaty obligation).

<sup>368</sup> Vadapalli, *supra* note 427, at 829.

<sup>369</sup> *Id.*

<sup>370</sup> *Italy Fails Victims of War Crimes in Yemen Despite Proof of Violation of Arms Trade*, EUROPEAN CTR. CONSTITUTIONAL & HUMAN RTS. (Mar. 15, 2023),

<https://www.ecchr.eu/en/press-release/italy-fails-victims-of-war-crimes-in-yemen/> [<https://perma.cc/SAQ8-B7Z7>].

<sup>371</sup> Vadapalli, *supra* note 427, at 815.

<sup>372</sup> Ashley, *supra* note 427, at 395.

responsibility for State and corporate actors supplying arms is unlikely to succeed, targeted sanctions against these individuals could undermine the supply of weapons and establish accountability for those who indirectly contribute to IHRL violations.

Finally, international organizations and states should support civil society actors and NGOs documenting HR violations in Yemen. This support should be paired with pressure on the Yemeni government to provide a legitimate and effective mechanism for these claims to be brought forth. States should also pass domestic legislation which would expand the ability to prosecute HR violations under universal jurisdiction.

## VI. RECOMMENDATIONS

The Yemen Accountability Project recommends the following actions for bringing accountability to perpetrators of IHRL and IHL violations involving torture in Yemen:

### A. Investigations

- Criminal investigators and groups, like Yemen Data Project and ACLED, should continue to document and investigate evidence of attacks on and operations involving torture and make their open-source databases widely available to relevant stakeholders.
- These groups should continue to present their collected evidence and databases to stakeholders at the ICC, U.N. Security Council, U.N. Human Rights Council, US Department of State War Crimes Office, and others.
- Groups documenting evidence of war crimes, crimes against humanity, and human rights violations should share their investigative strategies and best practices with each other and develop working partnerships to build capacity for larger and more thorough investigations in Yemen.

### B. Accountability Mechanisms

- Diplomats at the U.N. should engage in advocacy with members of the Security Council to support an IHL accountability mechanism and build consensus among permanent members to prevent them from blocking an accountability measure through veto. They should also advocate to the U.N. Security Council to create an ad hoc tribunal for Yemen, similar to the SCSL's model, which had a statute that was limited in scope, to prosecute those who bore the greatest responsibility.<sup>373</sup>
- Alternatively, stakeholders should file cases in the domestic courts of third-party States with applicable universal jurisdiction statutes. Stakeholders should also consider pursuing legal accountability for human rights violations in these forums or support the creation of a designated human rights court for violations committed during the Yemen conflict.
- If action in the Security Council is blocked by veto, then the General Assembly should establish an accountability mechanism, like the IIIM and IIMM, to collect and archive evidence before it is lost and to share it with States pursuing national prosecutions using universal jurisdiction.
- The international community, along with civil society and the Yemeni government should engage in judicial capacity building to sustain a national justice system post-conflict to interrupt any potential atrocity cycle that would allow Yemen to slip back into violence.

---

<sup>373</sup> Statute of the Special Court for Sierra Leone, art. 1(1) (Jan. 16, 2002).

**C. Review Targeted Sanctions Regime**

- Targeted sanctions are problematic because effectiveness is low, and they can worsen a humanitarian crisis. Therefore, the U.N. and countries should reexamine their targeted sanctions programs to ensure that measures are placing pressure on the Saudi and Iranian governments and not straining or worsening the humanitarian crisis in Yemen.

**D. Naming and Shaming**

- More naming and shaming from powerful States and regional and international bodies would help build support for an end to the Yemen Civil War and an accountability mechanism or mechanism for investigating atrocities.

**E. Supporting and Engaging Civil Society Actors**

- States and international groups need to assist in developing capacities for Yemen's local civil society to collect evidence of and document crimes involving gender-based violence.
- Global civil society, including the ICRC and other NGOs should assist in collecting evidence of and documenting gender-based violence. Humanitarian aid organizations should also continue providing humanitarian aid to Yemen's children and other civilians in need of such assistance.
- Grassroots efforts aiming to complement more formal, top-down forms of accountability, like gacaca courts seen in Rwanda, should be considered in the big picture of accountability. The people of Yemen should be consulted concerning these sorts of gap-filling accountability mechanisms to ensure the people get the justice they want.

**F. Transitional Justice**

An essential part of transitioning from periods of systemic violence and atrocity crimes to peace requires a robust implementation of transitional justice mechanisms. While international criminal prosecutions play a major role in victims' access to justice and form the centerpiece of legal criminal accountability, other practices can be transformational in reshaping society, building trust, promoting forgiveness, preventing future violence, and respecting and honoring the victims, survivors, and their families. Transitional justice in Yemen faces several hurdles that must be taken into account when designing a path forward: a fractured economy, new and likely fragile government structures, a traumatized and impoverished civilian population where essentially every person has been victimized during the conflict, and combatants who will need reintegrated into society to name a few.

One of the most common mechanisms of transitional justice is the adoption of truth and reconciliation commissions (TRC). TRCs are fact finding bodies that work to investigate and report on the root causes of conflict and the facts of the atrocities that took place, and are

empowered to make nonlegal, nonbinding recommendations to promote peace in the post-conflict society.

Reparations are another popular mechanism of transitional justice. These help address the needs of victims and survivors by directly providing support to those who were severely, oftentimes irreparably, harmed, physically, mentally, and financially. Reparations are a core piece of transitional justice and should be victim-centered. They may provide direct, tangible assistance to victims, such as financial support, access to land, granting of civil and political rights, or access to education. Reparations may also take symbolic forms, also called memorialization, which can include public memorials, commemorative or remembrance days, and official apologies.

One approach to such reparations is the implementation of a comprehensive education system that starts in elementary school. Children should be educated about atrocity crimes that affected their parents, grandparents, and nation, as early as appropriate to promote atrocity awareness in younger generations. Steps should also be taken to educate the community at large, who may be past the age of a school education. Community outreach and reeducation should draw from other successful post-atrocity efforts to inspire a Yemen-specific framework. This educational reform should be accompanied by physical commemorative sites, including museums, monuments, plaques, and even art installations.<sup>374</sup>

Transitional justice in Yemen is a long-term goal. After the conflict ends, it will take time to rebuild, and the resources that are allocated to transitional justice must be utilized strategically and purposefully. In addition to recommendations made in prior sections of this paper, transitional justice efforts to memorialize the victims of torture must be implemented post-conflict. Below is a list of YAP's transitional justice recommendations specific to torture in Yemen in no particular order.

- Civil society and survivors must be engaged, consulted, and included in all aspects of transitional justice. Their ownership in the processes laid out below will be a determinative factor in Yemen's future success.
- **A truth and reconciliation commission that is mandated to encompass torture crimes** must be a priority post-conflict, to ensure victims of torture and CIDT have a space to share their experience, to contribute to fact finding, and to repair the community. This will likely require a cultural shift and societal reeducation to allow victims to tell their stories without fear of retribution or other negative consequences. Survivors must be

---

<sup>374</sup> Physical commemorative sites are also effective in promoting awareness and accountability, and though should be implemented in historically significant places, can take many forms, such as: death camps, concentration camps, and transit camps related to the Holocaust throughout Europe, mass graves and sites of mass killings, such as Choeng Ek in Cambodia and the Nyarubuye Genocide Memorial in Rwanda, or decentralized memorials that you can run into without seeking out, like the *Stolpersteine* (Stumbling Stones) that sit embedded in the sidewalk of the last inhabited location of Jewish, Roma, and other persecuted groups during the Holocaust, by listing their names, date of deportation, and date and place of their murder.

consulted on how they want to tell their truth and what measures must be taken to minimize risks of retraumatization.

- **Tangible reparations, in the form of financial support, reestablishment of civil and political rights, and physical and mental health support for victims of torture** provided by the major perpetrators of the conflict, including the Houthi forces (and their financial supporters), the de jure Yemeni government, and the Saudi-led Coalition.
- **A reeducation and outreach program to teach Yemeni people of all ages about torture and their rights concerning protection from such crimes.** This will likely require a cultural shift that empowers victims to tell their stories. We recommend looking at the success of the R/SCSL's outreach programs for guidance and ideas for implementation.
- **Museums and physical commemorative sites** could not only serve as a place to honor victims and survivors, but also raise the awareness of the population to the horrors of torture. These physical institutions of memory and education will likely come later on after general stability returns to Yemen, but should still be a consideration when having conversations about accountability.
- **Restorative justice (RJ) processes**, like the use of trauma healing, community building, reintegration, and decision-making circles, should be considered when developing a plan for accountability in Yemen. RJ is a victim-centered, harm-reduction focused practice that looks to repair relationships and hold those who have caused harm accountable. This could be a tool utilized within a TRC or community outreach program.

## VII. CONCLUSION

The high prevalence of torture since and before the onset of the Yemen Civil War demands that the parties involved face accountability, both for their perpetration of such violence and for their failure to prevent, investigate, and punish such violence. Torture violates IHL and IHRL, and while the ICC lacks jurisdiction over the situation in Yemen,<sup>375</sup> and pursuing accountability through Yemeni domestic courts risks biased and unjust proceedings,<sup>376</sup> stakeholders could and should pursue accountability for IHL or IHRL violations before the ICJ, via *erga omnes partes* standing; following the creation of an ad hoc tribunal, similar to the SCSL's model;<sup>377</sup> or by filing cases in the domestic courts of third-party States with applicable universal jurisdiction statutes.<sup>378</sup> In the meantime, the U.N. should create an Independent Investigative Mechanism to gather evidence of crimes committed in Yemen to assist with future prosecutions, NGOs should continue to make their open-source findings available to stakeholders interested in pursuing accountability, and humanitarian aid organizations should continue their efforts to provide aid to the victims of torture in Yemen.

---

<sup>375</sup> *How the Court Works*, INT'L CRIM. CT., <https://www.icc-cpi.int/about/how-the-court-works>, (last visited Apr. 16, 2024) [<https://perma.cc/9FN8-C2KW>]; *The States Parties to the Rome Statute*, INT'L CRIM. CT., <https://asp.icc-cpi.int/states-parties> (last visited Apr. 16, 2024) [<https://perma.cc/74TB-UATA>].

<sup>376</sup> See MWATANA HUM. RTS., COURTS FOR ABUSE: A CASE STUDY OF YEMEN'S SPECIALIZED CRIMINAL COURTS: 2015-2020 113-14 (2021).

<sup>377</sup> See Michael Scharf, *The Special Court for Sierra Leone*, 5 AM. SOC'Y INT'L L. INSIGHTS 14 (2000), <https://www.asil.org/insights/volume/5/issue/14/special-court-sierra-leone> [<https://perma.cc/76XA-G4H8>]; *International Tribunals*, U.N. SEC. COUNCIL, <https://www.un.org/securitycouncil/content/repertoire/international-tribunals> (last visited Apr. 16, 2024) [<https://perma.cc/SV5Z-SDVH>].

<sup>378</sup> See, e.g., *Universal Jurisdiction Annual Review (UJAR) 2020: Atrocities Must Be Prosecuted Soundly and Rigorously*, TRIAL INT'L 20 (Nov. 5, 2022), <https://trialinternational.org/latest-post/universal-jurisdiction-annual-review-2020-atrocities-must-be-prosecuted-soundly-and-rigorously> [<https://perma.cc/6N38-4ZZE>].