



**Yemen's Compliance with The International Covenant on Civil and Political Rights
Suggested List of Issues Prior to Reporting Relating to the Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. The conflict in Yemen is one of the largest humanitarian crises in the world. The 2019 Yemen Data Project found that more than 17,500 civilians have been killed and injured since 2015, and more than 20 million people in Yemen experience food insecurity.¹
2. Significant human rights issues in Yemen include widespread extrajudicial killings and assassinations, torture, life-threatening detention conditions, corruption, the use of child soldiers, impunity, and the absence of a centralized government investigation mechanism.²
3. The Republic of Yemen Government (ROYG) has taken some steps to investigate and prosecute human rights abuses, but the ongoing conflict has severely limited its ability to investigate and prosecute people responsible for human rights violations.³
4. Violence and discrimination against LGBTI individuals are prevalent in Yemen. The Penal Yemen Code criminalizes same-sex sexual conduct.⁴ Individuals may be sentenced to death for homosexuality. There are no laws to protect LGBTI individuals against violence and discrimination.

Yemen fails to uphold its obligations under the International Covenant on Civil and Political Rights

I. The State Party has not taken steps to establish a moratorium on the death penalty or to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

5. In its April 2012 Concluding Observations, the Human Rights Committee expressed concern that “offences carrying the death penalty in national legislation are not consistent with the Covenant.”⁵ The Committee was also concerned that methods of execution such as stoning remain legal in Yemen and recommended that the State Party abolish the practice.⁶ The

¹ Human Rights Watch, “Yemen: Events of 2019,” Accessed 7 Aug. 2020, <https://www.hrw.org/world-report/2020/country-chapters/yemen>; Yemen Data Project, “First Civilian Casualty Data from Air War in Yemen,” Accessed 10 Aug. 2020, https://mailchi.mp/e60be0e82afa/four_years_of_saudi_uae_coalition_yemen_air_war_first_civilian_casualties_data_released_by_yemen_data_project-492823.

² US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

³ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

⁴ Republican Decree for Law Concerning Crimes and Penalties [YEM] art. 270.

⁵ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

⁶ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

Committee also encouraged the Government of Yemen to consider ratifying the Second Optional Protocol to the Covenant aimed at the abolition of the death penalty.⁷

6. Yemen retains the death penalty in law and in practice.⁸ Crimes eligible for the death penalty include aggravated murder or any offences resulting in death, terrorism-related offenses, rape, drug possession, homosexuality, adultery, treason, espionage, and military-related offences.⁹ In accordance with the law of Qisas, crimes resulting in death must be punished by the death penalty unless the family of the victim pardons the offender.¹⁰
7. No death sentence can be carried out without the President's endorsement.¹¹ Most executions are carried out by firing squad¹² and executions for certain crimes including homosexuality may be carried out by stoning.¹³
8. In 2019, Yemeni authorities sentenced at least 55 people to death and carried out 7 executions.¹⁴ In July 2019, the Houthi-run Specialized Criminal Court (SCC) sentenced 30 academics and politicians to death on espionage and treason charges that Amnesty International has called "trumped up." Before trial, "those sentenced has faced alleged torture, excessive pre-trial and incommunicado detention, and a lack of access to medical care or legal counsel.¹⁵
9. Yemen did not accept any of the four recommendations regarding ratification of the Second Optional Protocol during its 2019 Universal Periodic Review.¹⁶

10. Suggested questions relating to the use of the death penalty:

- What steps has the State Party undertaken to reduce the number of crimes that are eligible for the death penalty and to ensure that the death penalty is an available punishment only for the "most serious" crimes, as established under international human rights standards?

⁷ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

⁸ Amnesty International, "Yemen," Accessed 7 Aug. 2020, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/>.

⁹ Republican Decree for Law Concerning Crimes and Penalties [YEM] arts. 16, 19, 38, 125-128, 132, 140-1, 234, 238.

¹⁰ Republican Decree for Law Concerning Crimes and Penalties [YEM] arts. 13, 51-3.

¹¹ The Constitution of the Republic of Yemen art. 123.

¹² Amnesty International, *Death Sentences and Executions: 2019*, (London: Amnesty International, 2020), 10. Available online at <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>.

¹³ Republican Decree for Law Concerning Crimes and Penalties [YEM] arts. 16, 19, 38, 125-128, 132, 140-1, 234, 238.

¹⁴ Amnesty International, *Death Sentences and Executions: 2019*, (London: Amnesty International, 2020), 9, 11. Available online at <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>.

¹⁵ Amnesty International, *Death Sentences and Executions: 2019*, (London: Amnesty International, 2020), 13. Available online at <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>.

¹⁶ Human Right Council, *Report of the Working Group on the Universal Periodic Review: Yemen Addendum*, (19 June 2019), U.N. Doc. A/HRC/41/9/Add.1; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (17 April 2019), U.N. Doc. A/HRC/41/9, ¶124.16, 124.17, 124.18, 124.35.

- Under what circumstances is the death penalty mandatory, and what procedures are in place to ensure that all courts take into account all relevant mitigating circumstances when determining the appropriate penalty for an offense?
- What remedies are available for individuals who allege that they have been sentenced to death based on their actual or perceived political opinions or beliefs?
- How many people have been executed by means of stoning during the reporting period? What were the crimes of which they were convicted? What steps have Yemeni authorities taken to reduce or prohibit the use of stoning as a form of execution?
- What steps have Yemeni authorities taken to move toward establishing a moratorium on executions and to ratify the Second Optional Protocol to the ICCPR?
- Please provide disaggregated data broken down by age (including current age and age at the time of the offense), race and ethnicity, nationality, and sex relating to all persons sentenced to death or executed during the reporting period, including: the crimes of conviction; location and date of arrest; duration of pre-trial detention; date legal counsel was provided or obtained; location, date, and duration of trial; sentencing authority; date of sentencing; location of post-trial detention; and location, date, and method of execution, if applicable.

II. Yemen continues to sentence juveniles and persons with psycho-social disabilities to death.

11. The Committee noted in its 2012 Concluding Recommendations that Yemeni law permits the death penalty for individuals who were under the age of 18 at the time of the alleged crime.¹⁷ The Committee also expressed concern about a proposed amendment to the Penal Code that would permit sentencing children to death.¹⁸ The Committee urged Yemen to comply with the provisions of the ICCPR that prohibit the “sentence of death for crimes committed by persons below 18 years of age.”¹⁹
12. In its 2018 National Report to the Human Rights Council, Yemen emphasized that “no provisions of Yemeni legislation may authorize the imposition of the death penalty on juveniles.”²⁰ The Yemeni Government further noted that several measures have been taken in order to ensure people under the age of 18 and people with psycho-social disabilities are not

¹⁷ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

¹⁸ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

¹⁹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

²⁰ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶59.

executed, including the establishment of a “technical committee of experts in forensic medicine to determine the age of children who have been sentenced to death.”²¹

13. Yemeni authorities further emphasized that articles 33 and 34 of the Republican Decree concerning Offences and Penalties prohibit the use of the death penalty for people with “mental disabilities.”²²
14. The U.S. State Department reports that a lack of birth registration leads to complications in age reporting. Consequently, many people are at risk of being sentenced to death for crimes committed as juveniles.²³
15. During its 2019 Universal Periodic Review, Yemen accepted Czechia’s recommendation to “impose a moratorium on the death penalty and ensure that the death penalty is not imposed on persons under the age of 18 at the time of the commission of the criminal offence.”²⁴ Nonetheless, credible reports allege that juvenile offenders continue to be sentenced to death.²⁵
16. **Suggested questions** relating to the execution of juveniles:
 - What procedures are in place to ensure that people under the age of 18 and people with psycho-social disabilities are not executed?
 - What procedures are in place to ensure that people cannot be sentenced to death for any crime committed while under the age of 18?
 - Please provide an update on the work of the technical committee established by the Minister of Justice to investigate the ages of individuals on death row.
 - What steps have Yemeni authorities taken to implement Czechia’s recommendation to “impose a moratorium on the death penalty and ensure that the death penalty is not imposed on persons under the age of 18 at the time of the commission of the criminal offence?”²⁶
 - What protections are in place to ensure that any person with a psycho-social disability who is accused of a crime receives reasonable accommodations for their disability in all stages of the investigation and prosecution of the alleged crime?
 - What efforts has the Government of Yemen undertaken to increase the use, availability, and accuracy of birth registration documents?

III. Homosexuality remains a crime punishable by death.

²¹ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶61.

²² Republican Decree for Law Concerning Crimes and Penalties [YEM] arts. 33, 34.

²³ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

²⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (17 April 2019), U.N. Doc. A/HRC/41/9, ¶123.30.

²⁵ Cornell Law School, “Death Penalty Database,” Accessed 7 Aug. 2020, <https://dpw.pointjupiter.co/country-search-post.cfm?country=Yemen#f5-2>.

²⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (17 April 2019), U.N. Doc. A/HRC/41/9, ¶123.30.

17. In its 2012 Concluding Observations, the Committee expressed concern that Yemeni legislation criminalizes homosexuality and that criminal offenses related to consensual same-sex conduct are eligible for the death penalty.²⁷ The Committee recommended the State Party “repeal and amend all legislation that provides for or could result in the prosecution and punishment of people because of their sexual orientation.”²⁸

18. The Yemeni Penal Code criminalizes same-sex sexual conduct.²⁹ Under the country’s interpretation of Islamic law, people arrested on charges related to homosexuality are subject to the death penalty by stoning.³⁰ There have been no reported executions of members of the LGBTI community in more than a decade.³¹

19. **Suggested questions** relating to LGBTI discrimination:

- What steps have Yemeni authorities taken to ensure that people do not face criminal prosecution on account of their sexual orientation or gender identity or expression?
- During the reporting period, has any person been charged, tried, or sentenced for violating the provisions of the Islamic Penal Code that criminalize sexual conduct between persons of the same sex? Please provide details about these cases, including their outcomes.
- What laws, regulations, and policies are in place to protect the rights of LGBTI individuals?
- How do authorities monitor and document acts of harassment, persecution, violence, and discrimination perpetrated against LGBTI individuals? Please provide data about all reports of such acts over the reporting period, including how authorities responded in each case and the ultimate outcome.
- What steps have Yemeni authorities taken to ensure that people will not be sentenced to death for engaging in consensual same-sex sexual conduct?

IV. Yemen continues to authorize the death penalty for crimes that do not qualify as “most serious” under Article 6 of the Covenant.

20. In its 2012 Concluding Observations, the Committee expressed concern that “offences carrying the death penalty in national legislation are not consistent with the requirements of the Covenant.”³² Accordingly, the Committee urged the State Party to revise its death penalty

²⁷ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶13.

²⁸ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶13.

²⁹ Republican Decree for Law Concerning Crimes and Penalties art. 270 [YEM].

³⁰ Republican Decree for Law Concerning Crimes and Penalties arts. 249, 264 [YEM].

³¹ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

³² Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

legislation to “ensure that the death penalty is applied only within the strict requirements of article 6 of the Covenant, which limits the circumstances that may justify the death penalty, and guarantees the right of every person sentenced to death to seek a pardon.”³³

21. The Government of Yemen has confirmed that it considered a review of laws that allow for the use of capital punishment.³⁴ Yemeni authorities have also claimed that the new Constitution would limit the use of the death penalty to extreme cases.³⁵
22. The UN High Commissioner for Human Rights expressed her concern that a Houthi court sentenced 35 Yemeni parliamentarians to death for “having taken actions threatening the stability of the republic of Yemen, its unity, and security of its territory.” The trial failed to comply with international norms and standards.³⁶
23. **Suggested questions** relating to the scope of the death penalty:
 - What measures have Yemeni authorities taken to limit crimes that are eligible for the death penalty to the most serious crimes as defined by the Human Rights Committee in General Comment 36 (2018)?
 - What proportion of death sentences handed down during the reporting period have been for crimes that did not involve an intentional killing committed by the person sentenced to death?
 - Please describe the steps the Yemeni Government has taken to follow up on its review of laws that authorize capital punishment.

V. Detention conditions in Yemen violate national and international human rights standards.

24. In its 2012 Concluding Observations, the Committee expressed concern at reports detailing the excessive use of torture and lethal force in detention centers.³⁷ The Committee noted that torture has been used in the context of counter-terrorism efforts.³⁸ The Committee recommended that Yemeni authorities independently and transparently investigate all

³³ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶14.

³⁴ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶ 73.

³⁵ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶ 73.

³⁷ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶15.

³⁸ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶15.

allegations of torture and other forms of cruel, inhuman, and degrading treatment in detention facilities and prosecute those officials responsible.³⁹

25. The Committee expressed further concern about the lack of a comprehensive definition of torture in Yemen's domestic law. In particular, the Committee was concerned that while the "current definition in the Constitution prohibits torture as a means of coercing a confession during arrest, investigation, detention and imprisonment," torture is reportedly used as an interrogation technique.⁴⁰ The Committee also urged the State Party to take steps to universally end corporal punishment in its judicial system and encourage non-violent forms of punishment.⁴¹
26. In its 2018 National Report to the Human Rights Council, Yemen reiterated that its Constitution prohibits all forms of torture and coerced confessions.⁴² Yemen further claimed that it prohibits torture and inhumane treatment of anyone under arrest or being subject to interrogation.⁴³ Anyone who participates in torture at the time of arrest, detention, or imprisonment "must be prosecuted."⁴⁴
27. Yemeni asserted that the government continually works to improve the "living conditions and the environment in all prisons and to reform and develop criminal detention facilities in line with international standards."⁴⁵
28. Credible reports continue to document torture and ill treatment in detention centers controlled by Houthi, Emirati, and ROYG forces.⁴⁶ Reports from the UN Group of Experts detailed instances of whippings, beatings, electric shocks, solitary confinement, sexual abuse, and mock executions.⁴⁷ Additional reports detail life-threatening conditions in detention centers,

³⁹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶15.

⁴⁰ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶19.

⁴¹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant and Concluding observations of the Human Rights Committee: Yemen*, (23 April 2012), U.N. Doc. CCPR/C/YEM/CO/5, ¶19.

⁴² Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶81; The Constitution of the Republic of Yemen art. 48.

⁴³ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶82.

⁴⁴ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶82.

⁴⁵ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶77.

⁴⁶ US Department of State, "2019 Country Reports on Human Rights Practices: Yemen," Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

⁴⁷ US Department of State, "2019 Country Reports on Human Rights Practices: Yemen," Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

including overcrowding, poor sanitary conditions, inadequate access to food and clean water, and lack of medical access.⁴⁸

29. **Suggested questions** relating to torture and conditions of detention:

- What steps has the government taken to conduct a thorough, credible, and transparent investigation into allegations of torture and other forms of cruel, inhuman, or degrading treatment in prisons and detention centers and hold the people responsible to account?
- What steps has the government taken to facilitate visits by independent international organizations to Yemeni prisons and detention centers?
- What steps has the State taken to ensure that no coerced or forced confession is accepted as evidence in court, except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made?
- What procedures are in place to allow courts to investigate and respond to a person’s allegation that a statement was made under torture or other cruel, inhuman, or degrading treatment?

VI. The State fails to provide people accused of crimes with equal protection and due process under the law.

30. In its 2018 National Report to the Human Rights Council, the Government of Yemen emphasized that the Constitution grants all detained persons the right to remain silent until their lawyer is present.⁴⁹

31. The report further noted that the Government of Yemen has “given priority to the overhauling, maintenance, and development of the judiciary”⁵⁰ to focus on providing the courts and Public Prosecution Service with “the necessary tools and capacity to perform their duties.”⁵¹

32. Although the Constitution of Yemen provides for an independent judicial system,⁵² the judicial system is weak, corrupt, and undermined by political interference and a lack of legal training.⁵³ According to the U.S. Department of State, defense lawyers often do not have access to their clients’ charges or court files, particularly in procedures before the Specialized Criminal Court.⁵⁴ The UN Office of the High Commissioner for Human Rights has reported that the

⁴⁸ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

⁴⁹ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶ 82; The Constitution of the Republic of Yemen art. 48.

⁵⁰ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶ 29.

⁵¹ Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen*, (8 Nov. 2018), U.N. Doc. A/HRC/WG.6/32/YEM/1, ¶ 29.

⁵² The Constitution of the Republic of Yemen art. 149.

⁵³ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

⁵⁴ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

“criminal justice system has become largely defunct in the areas where progovernment forces reclaimed control.”⁵⁵ According to this report, detainees were often not given information regarding the reason for their arrest, and most were not allowed access to a lawyer or judge.⁵⁶

33. **Suggested questions** relating to equal protection and due process under the law:

- What safeguards are in place to prevent authorities from subjecting individuals to incommunicado detention?
- What measures have Yemeni authorities taken to establish oversight and accountability to ensure compliance with fair trial standards, particularly when a person is at risk of being sentenced to death?
- How do Yemeni authorities ensure that all persons suspected of committing a crime are given unfettered access to legal counsel of their choice at all stages of the investigation and legal proceedings, and how does the State investigate and respond to allegations that people are being denied access to counsel?
- How do Yemeni authorities ensure the provision of qualified legal aid to persons suspected of death-eligible crimes who are unable to afford legal counsel?
- What steps have Yemeni authorities taken to ensure that trials are fair and held in accordance with international human rights standards?
- What procedures are in place to encourage and facilitate the participation of independent court observers, particularly in cases in which the defendant is at risk of being sentenced to death?
- What measures have courts and detention authorities taken review the basis for detention of all persons who have not been convicted of crimes and to ensure the prompt release of all persons being held without charge?
- How does the State ensure and protect the full independence and impartiality of the judiciary to guarantee that it is free to operate without pressure and interference from the executive, clergy, or other authorities?

⁵⁵ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.

⁵⁶ US Department of State, “2019 Country Reports on Human Rights Practices: Yemen,” Accessed 7 Aug. 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/yemen/>.