

EXECUTIVE SUMMARY

1. This report addresses Yemen's compliance with its international human rights obligations with respect to the death penalty, prohibition of torture and cruel, inhuman or degrading treatment, conditions of detention, and administration of justice and fair trial.
2. Yemen has neither abolished the death penalty nor implemented a moratorium on executions, nor has it limited the application of the death penalty to the most serious crimes.
3. This report examines the current state of the death penalty in Yemen and recommends Yemen (1) abolish the death penalty. In the meantime, this report recommends Yemen: (2) institute an official moratorium on executions, (3) limit the death penalty to the most serious crimes in which the defendant commits an intentional killing, (4) take comprehensive steps to eliminate the use of torture, (5) ensure conditions of detention are in line with the Nelson Mandela and Bangkok Rules, (6) and take measures to guarantee fair trial to defendants in capital cases.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms

Status of Implementation: Partially Accepted, Not Implemented

4. In its Third-Cycle Universal Periodic Review (UPR), Yemen received five recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹ Yemen accepted three of these recommendations² and noted two.³ Yemen also received and noted three recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), with an aim to abolish the death penalty.⁴
5. To date, Yemen has ratified neither the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, nor the Second Optional Protocol to the ICCPR.

D25 Prohibition of torture and cruel, inhuman or degrading treatment; D26 Conditions of detention

Status of Implementation: Partially Accepted, Not Implemented

6. In its Third-Cycle UPR, Yemen received seven recommendations on ending torture, often in detention centers.⁵ The Government of Yemen supported six of the recommendations, noting only Austria's recommendation to "[i]mmediately close all informal detention facilities and release all persons arbitrarily detained, and publish official lists of all individuals currently in detention centres and those who have died in detention." The Government of Yemen has not implemented any of the recommendations on torture that it accepted.
7. Yemen also received and supported seven recommendations on conditions of detention, many of which concerned ending inhuman treatment of people housed in detention centers, prohibiting arbitrary detention, and ensuring that living conditions for people in detention centers meets the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁶ The Government of Yemen noted one recommendation to "immediately cease" arbitrary arrest and detention.⁷ To date, the Government has not implemented these recommendations.
8. Government forces often subject individuals to torture and cruel, inhuman or degrading treatment within official and unofficial detention centers, and often after they have arbitrarily arrested or detained the individuals. The U.N. Human Rights Council Group of Eminent International and Regional Experts on Yemen determined that state forces disproportionately target journalists, human rights defenders, migrants, and Baha'i and members of other religious minority groups for arbitrary detention, torture, and other mistreatment..⁸
9. There have been credible reports of government forces torturing journalists while in detention. ⁹ For example, the Houthi *de facto* authorities have detained journalists Akram Al-Walidi, Abdelkhaleq Amran, Hareth Hamid and Tawfiq Al-Mansouri since 2015 for "creating and mainting several sites and pages on the Internet and on social media...[to] disseminat[e] false and malicious information and rumours."¹⁰ During their detention, authorities have held the journalists in solitary confinement and also subjected them to beatings and denied them access to medical care, which amounts to inhuman treatment.¹¹ Authorities have also denied Al-Mansouri urgent medical treatment for chronic illnesses from which he has been suffering while in detention, including diabetes, kidney failure, asthma, and heart problems.¹²
10. In August 2022, Yemeni security forces also arrested and charged human rights defender Fatma al-Arwali, the former head of the Yemen office of the women leadership union of the Arab league, with "aiding UAE aggression" and providing the coordinates of Yemeni armed forces location, a death-eligible offense.¹³
11. Since al-Arwali's arrest, Yemeni security services have forcibly disappeared her and held her in extended pre-trial detention without access to her family or legal counsel. According to al-Arwali's statements at a September 2023 hearing, the government is holding her in a room underground and "has not seen the sun for over a year."¹⁴ The

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has determined that prolonged solitary confinement (in excess of 15 days), may amount to torture or cruel, inhuman, or degrading punishment in violation of articles 7 of the ICCPR and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment because of the adverse health effects it has on the person housed in a solitary cell.¹⁵

12. Civil society organizations have documented human rights violations against women in detention facilities controlled by Houthi militias.¹⁶ Civil society organizations report extensive human rights violations against women in Houthi-controlled detention facilities.¹⁷ Activists say that reports of rape and other forms of sexual violence in detention facilities have increased.¹⁸ Ms. B, director of the 8th March Yemeni Union Women, reported that “Houthi prisons are like graves for women.”¹⁹ She stated that Zinabiyat, a women’s military group established by Houthis, “are accused of brutal acts against women such as arbitrary arrest, looting, sexual assault, beating, torture, and facilitating rape in secret detention centers.”²⁰ Another women, Ms. M, stated that Zainabiyat kidnapped her in March 2019 and then subjected her to torture, beatings, electrocution, and rape in detention.²¹
13. Recent news reports outline substandard conditions for women incarcerated by Houthi forces in Yemen. According to the Associated Press, “[a]ctivists and former detainees described to The Associated Press a network of secret detention facilities where they are tortured and sometimes raped.”²² In addition, there may be detained women who believe they are on death row even though claims have yet to be adjudicated. A recently imprisoned woman reported that shortly after she was detained, and before any legal proceedings occurred, she was taken “to the basement of a converted school, its filthy cells filled with female detainees. Interrogators beat her bloody, gave her electrical shocks and, as psychological torture, scheduled her execution only to call it off last-minute.”²³ This woman was not accused of murder: it is believed she was arrested because she expressed opposition to Houthi forces.

D23 Death Penalty

Status of Implementation: Partially Accepted, Partially Implemented

14. In its Third-Cycle UPR, Yemen received seven recommendations on the death penalty.²⁴ Yemen accepted recommendations from Portugal and Czechia to impose a moratorium on executions and to prohibit the use of the death penalty on individuals who were under the age of 18 at the time of the commission of the criminal offense, respectively.²⁵ It noted the recommendations to ratify the Second Optional Protocol to the ICCPR (see paragraph 4 above), to review the laws on capital punishment, and to reduce the number of death-eligible offenses.²⁶
15. To date, Yemen has not adopted a moratorium on executions, ratified the Second Optional Protocol, reviewed the laws on capital punishment, or reduced the number of death-eligible offenses.
16. The Government emphasized in its national report, however, that “no provisions of Yemeni legislation may authorize the imposition of the death penalty on juveniles.”²⁷ It

further noted that several measures have been taken in order to ensure people under the age of 18 are not 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.”²⁸ In addition, under national law, the maximum penalty for an individual convicted of committing a death-eligible offense while under the age of 18 is ten years imprisonment.²⁹

17. Despite the Government of Yemen’s assurances, there is no universal birth registration in Yemen, and many parents, especially in rural areas, never registered children or registered them several years after their birth, making it difficult to determine the age of a defendant accused of a death-eligible offense. Further, the Government has not universally enforced the requirement that children have birth certificates to register for school. This lack of birth registration has reportedly led courts to sentence juveniles as adults, including for crimes eligible for death sentences.³⁰
18. In a 2022 response to a recent review of Yemen by the Committee on Economic, Social, and Cultural Rights, the Government committed to working with UNICEF and the Yemeni Personal Status Authority on a project to expand children’s access to birth certificates, including by launching a campaign to raise community awareness on the importance of birth registration and coordination with the education and health sectors.³¹
19. Nonetheless, Amnesty International noted at least one instance of an individual executed in 2021 for a crime committed when the individual was under 18 years of age at the time of the offense, which denotes that there is further work to be done by the Yemeni government to ensure that juvenile offenders are not sentenced to death.³²
20. Yemeni law imposes the death penalty for a wide range of offenses, including “violating the independence, unity or territorial integrity of the Republic,” undertaking “an act, with the aim of weakening the armed forces,” working “for a foreign state, or [working] in the interest thereof...thus leading to damages to the military, political, diplomatic or economic position of the Republic,” murder, drug trafficking, adultery, consensual same-sex sexual activity between adults, turning back from or denouncing Islam, and facilitating prostitution.³³
21. Many of the offenses that carry a death sentence do not meet the threshold of “most serious” crimes within the meaning of the ICCPR Article 6(2). Under the ICCPR, the definition of “the most serious crimes” is to be read restrictively and should only pertain to “crimes of extreme gravity involving intentional killing.”³⁴
22. The Human Rights Committee has further clarified that “under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant, including ... homosexuality.”³⁵ The Special Rapporteur on the right to health has also noted that sentencing sexual minorities to death for consensual same-sex sexual activity is an arbitrary deprivation of life, which violates Article 6(2) of the ICCPR.³⁶
23. It is common for individuals sentenced to death or executed for same-sex sexual acts to also face unrelated charges. Given the lack of reliable information in these cases, it is unknown whether these unrelated charges are factual.³⁷ It is possible that the inclusion of

unrelated charges is meant to associate LGBTQI+ individuals with other forms of criminality; to send a message that same-sex sexual activity is on par with crimes such as murder, rape, or terrorism; and/or to “avoid or minimise international condemnation.”³⁸

24. There are also concerns that the reported number of executions for same-sex sexual activity may not reflect the actual number of individuals executed. It is possible that governments are executing sexual minorities in secret.³⁹
25. The death penalty is mandatory for persons convicted in Yemen of murder, unless the victim’s family forgives the accused or accepts a monetary payment of “blood money.”⁴⁰ According to the Cornell Center on the Death Penalty, for other offenses under Yemeni law for which the death penalty is imposed, it is unclear whether the death penalty is mandatory in such cases and whether the Yemeni judiciary has broad discretion in such cases.⁴¹
26. According to Amnesty International, “the Huthis and their allied forces have stepped up their use of an anti-terrorism court as a way to settle political scores, often handing down death sentences on spurious accusations of espionage and ‘aiding an enemy country’ following grossly unfair trials.”⁴² For example, in October 2016, Houthi authorities arrested Ms. O, apparently because her husband was an al-Qai’ida suspect. According to her father, she was beaten up in his presence. She was also forced to watch other detainees being tortured. She was also wrongfully accused of engaging in an “illegitimate sex act” with a codefendant. Amnesty International characterized her trial, where she had no legal representation, as “grossly unfair.” For several months before her trial, she was barred from contacting the outside world. Her three male codefendants were released on bail months before the verdict, and she was the only defendant who remained in custody. In January 2018, a Houthi court in Sanaa sentenced her to death for spying, and she remains on death row.⁴³ Spying appears to carry a mandatory death sentence in Yemen.⁴⁴ Amnesty International describes her prison conditions as “woefully inadequate”; she does not have access to hygiene products and her relatives are too fearful of the Houthi authorities to visit her.⁴⁵
27. Ms. O’s case highlights a troubling trend identified by the Cornell Center on the Death Penalty Worldwide in a 2018 report: “women who are seen as violating entrenched norms of gender behavior may be sentenced more harshly.”⁴⁶ The study also observed that authorities tend to arrest, charge, and sentence women to death in conjunction with the conduct of their spouses or other family members.⁴⁷
28. Ms. O’s case is not unique. In August 2021, a Houthi court in Sanaa sentenced two women to death on charges of aiding “the enemy” and “communicating with a hostile foreign country.”⁴⁸
29. According to the Death Penalty Information Center, Yemen ranked amongst the countries with the most death sentences in 2020 (more than 269) and in 2021 (more than 298).⁴⁹ There are 323 individuals currently on death row in Yemen; although there were no executions in 2022, the government executed fourteen people in 2021, and five in 2020.⁵⁰ Methods of execution include death by firing squad or death by stoning.⁵¹ Further, in 2021, at least nine people were subject to public execution.⁵²

II. RECOMMENDATIONS

30. This co-authors of this stakeholder report suggest the following recommendations for the Government of Yemen:

- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
- Abolish the death penalty for people who were under the age of 18 at the time of the alleged crime, and immediately commute the death sentences of any person not proven to have been at least 18 years old at the time of the alleged offense.
- Eliminate the mandatory death penalty.
- Provide all judges with sentencing authority with comprehensive gender-sensitization training, including with respect to women and girls in conflict with the law who have experienced gender-based violence, focusing on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses.
- Ratify the Second Optional Protocol to the ICCPR.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Establish an official moratorium on executions.
- Amend the Yemeni penal code to limit the death penalty to the most serious crimes, limited to crimes in which the defendant had the intent to kill, and did in fact kill, to comply with Article 6 of the ICCPR.
- Amend the criminal code to eliminate any provisions authorizing the death penalty for consensual same-sex sexual activity between adults. Commute the sentence of any individuals currently under sentence of death for same-sex sexual activity to a penalty that is fair, proportionate, and consistent with international human rights standards.
- Remove all prohibitions against consensual same-sex sexual activity between adults from the jurisdiction of traditional, Sharia, or other parallel criminal systems and prosecute such charges only under codified criminal law.
- Repeal all laws that criminalize consensual same-sex sexual activity between adults. Commute the sentences of all individuals convicted of these crimes; release any individual detained under these laws; instruct prosecutors and police to cease prosecutions and arrests on these charges.
- Commute the death sentence of any person sentenced to death for a crime that did not entail an intentional killing carried out by the person under sentence of death.
- Collaborate with civil society organizations to conduct a comprehensive public awareness raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty, with the aim of shifting public perceptions about the death penalty.
- On at least an annual basis, publish data about death sentences, executions, and people under sentence of death, disaggregated by nationality, sex, crime of conviction, date of

arrest, date of sentencing, sentencing authority, relationship to any victim, relationship to any codefendant, current location, and status of any appeals or mercy proceedings.

- Undertake a study of Yemen's methods of execution with a view to ascertaining whether it amounts to torture or inhuman or degrading treatment.
- Establish independent review for persons alleged to have been tortured by Yemeni security services.
- Increase police and government accountability measures in an effort to eliminate torture and deaths during security services custody.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.
- Intensify efforts to ensure that national prison rules and policies are in line with the Nelson Mandela and Bangkok Rules.
- Ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.
- Ensure that any woman or girl who has experienced gender-based violence while in detention receives timely, gender-sensitive and trauma-informed medical care, including psychological care.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 124.14 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark); ¶ 124.1 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France); ¶ 124.13 Sign the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Austria); ¶ 124.6 Ratify the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture (Estonia); ¶ 124.15 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court (Hungary).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1, ¶ 1.

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1, ¶ 2.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 124.17 Become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and in the meantime declare a moratorium on executions (Hungary); ¶ 124.16 Announce a moratorium on all executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia); ¶ 124.18 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1, ¶ 2.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 123.27 Take steps to immediately protect journalists, human rights defenders, civil

society and minorities such as the Baha'i, including from arbitrary detention, enforced disappearance and torture (Canada); ¶ 123.46 Shut down unofficial prisons and detention centres, and put an end to enforced disappearances and torture (Qatar); ¶ 123.29 Cease the practice of arbitrary detention, as well as ill-treatment and torture in some detention centres (Costa Rica); ¶ 123.32 Immediately halt the practice of arbitrary arrest and detention, enforced disappearance and torture and other ill-treatment (Iceland); ¶ 123.34 Combat arbitrary detention and torture in detention centres (France); ¶ 123.35 Combat the practice of arbitrary arrest and detention, enforced disappearance and torture and other ill-treatment, investigate and prosecute those responsible and provide reparations for victims (Italy); 124.45 Immediately close all informal detention facilities and release all persons arbitrarily detained, and publish official lists of all individuals currently in detention centres and those who have died in detention (Austria).

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 123.41 Immediately halt the practice of arbitrary detention, enforced disappearance and torture, release all individuals arbitrarily detained, provide accountability and remedies for all such human rights violations and ensure enforcement of the United Nations Standard Minimum Rules for the Treatment of Prisoners (New Zealand); ¶ 123.166 Put an end to the recruitment of child soldiers and the detention of migrant children and provide them with assistance pursuant to international standards (France); ¶ 123.135 Adopt measures in the legislative sphere to prevent and combat harassment and violence, specifically domestic and sexual violence, against women in all areas, including in detention centres (Honduras); ¶ 123.60 Bring detention centres under unified, national government control, prevent abuse of detainees, and allow for investigations and prosecutions of allegations of abuse (United States of America); ¶ 123.59 Investigate promptly allegations of arbitrary detention, torture and ill-treatment, including against the Baha'i community and other victims of religious persecution, and ensure accountability in line with international standards (Norway); ¶ 123.101 Increase efforts to improve the living conditions provided to prisoners and other detained persons (Republic of Korea); ¶ 123.65 Immediately end the practice of unlawful detention and release the names of all persons in custody (Germany); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1, ¶ 1.

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 124.36 Immediately cease arbitrary arrest and detention, enforced disappearance, torture and ill-treatment, and ensure detainees are treated in accordance with international law and norms (United Kingdom of Great Britain and Northern Ireland); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1, ¶ 2.

⁸ OHCHR, *Yemen: Un Experts Call for Release of Disappeared Bahá'is*, (Jun. 19 2023), www.ohchr.org/en/press-releases/2023/06/yemen-un-experts-call-release-disappeared-bahais3~:text=On%20various%20occasions%2C%20Bah%C3%A1%CA%BC%C3%ADs%20and,peaceful%20assembly%20and%20of%20association.

⁹ Source on file with authors.

¹⁰ Reporters Without Borders, "Yemen's Houthis carry out journalists' death sentences slowly by torturing them," accessed Oct. 3, 2023, <https://rsf.org/en/yemen-s-houthis-carry-out-journalists-death-sentences-slowly-torturing-them>.

¹¹ Amnesty International, *Yemen: Detained Journalist Denied Urgent Health Care Must Be Released*, (Aug. 2, 2022) www.amnesty.org/en/latest/news/2022/07/yemen-detained-journalist-denied-urgent-health-care-must-be-released/.

¹² Amnesty International, *Yemen: Detained Journalist Denied Urgent Health Care Must Be Released*, (Aug. 2, 2022) www.amnesty.org/en/latest/news/2022/07/yemen-detained-journalist-denied-urgent-health-care-must-be-released/.

¹³ Amnesty International, *Yemen: End unfair trial against human rights defender Fatma al-Arwali*, (Sep. 25, 2023), <https://www.amnesty.org/en/latest/news/2023/09/yemen-end-unfair-trial-against-human-rights-defender-fatma-al-arwali/>.

¹⁴ Amnesty International, *Yemen: End unfair trial against human rights defender Fatma al-Arwali*, (Sep. 25, 2023), <https://www.amnesty.org/en/latest/news/2023/09/yemen-end-unfair-trial-against-human-rights-defender-fatma-al-arwali/>.

¹⁵ UN General Assembly, *Torture and other cruel, inhuman or degrading treatment or punishment*, (Aug. 5, 2011),

U.N. Doc. A/66/268, ¶ 70. Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/445/70/pdf/N1144570.pdf?OpenElement>.

¹⁶ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>

¹⁷ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>

¹⁸ *Young Yemeni woman on death row suffers the wrath of the Huthis' 'psychological war' on opponents*, Amnesty International, Apr. 13, 2018, <https://www.amnesty.org/en/latest/news/2018/04/young-yemeni-woman-on-death-row-suffers-the-wrath-of-the-huthis-psychological-war-on-opponents/>.

¹⁹ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>

²⁰ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>

²¹ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>

²² Associated Press, "Women who dare dissent targeted for abuse by Yemen's rebels," Accessed 9 Nov. 2020, <https://apnews.com/article/0ba4a955901572c1ce013a6045fba49a>.

²³ Associated Press, "Women who dare dissent targeted for abuse by Yemen's rebels," Accessed 9 Nov. 2020, <https://apnews.com/article/0ba4a955901572c1ce013a6045fba49a>.

²⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶123.45 Implement a moratorium on the use of capital punishment (Portugal); ¶123.30 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 (Czechia); ¶124.17 Become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and in the meantime declare a moratorium on executions (Hungary); ¶124.16 Announce a moratorium on all executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia); ¶124.18 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); ¶124.28 Launch a review of the legal provisions on capital punishment (Georgia); ¶124.35 Reduce the offences punishable by the death penalty, provide official figures regarding death sentences and executions and consider introducing a moratorium on the death penalty (Italy).

²⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, (Jan. 23, 2019), U.N. Doc. A/HRC/41/9, ¶ 123.

²⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen, Addendum*, (June 19, 2019), U.N. Doc. A/HRC/41/9/Add.1., ¶ 2.

²⁷ 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.

²⁸ 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.

²⁹ Yemen, *Republican Decree Concerning Crimes and Penalties*, Arts. 13, 234, 235, Law No. 12 of 1994.

³⁰ Source on file with authors.

³¹ Committee on Economic, Social and Cultural Rights, *Yemen's Response to the List of Issues for its Third Periodic Report*, (Dec. 30, 2022), U.N. Doc. E/C.12/YEM/RQ/3, ¶ 103.

³² Amnesty International, *Death Sentences and Executions: 2021*, (2022), <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

³³ Yemen, *Republican Decree Concerning Crimes and Penalties*, Arts. 125-128; Art. 234; Art. 259; Art. 280, Law No. 12 of 1994.

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- ³⁴ Human Rights Committee, *General Comment No. 36*, (3 September 2019), U.N. Doc. CCPR/C/GC/36, ¶ 35.
- ³⁵ United Nations Human Rights Committee, *General Comment No. 36*, (Sept. 3, 2019), U.N. Doc. CCPR/C/GC/36, ¶ 36.
- ³⁶ Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, (Apr. 27, 2010), A/HRC/14/20, ¶ 20.
- ³⁷ Monash University, Eleos Justice, and Capital Punishment Justice Project, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, by Mai Sato and Christopher Alexander (Melbourne: Monash University, Feb. 2021), 32. Also available at https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318.
- ³⁸ Monash University, Eleos Justice, and Capital Punishment Justice Project, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, by Mai Sato and Christopher Alexander (Melbourne: Monash University, Feb. 2021), 32-33. Also available at https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318.
- ³⁹ Monash University, Eleos Justice, and Capital Punishment Justice Project, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, by Mai Sato and Christopher Alexander (Melbourne: Monash University, Feb. 2021), 33. Also available at https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318.
- ⁴⁰ Yemen, *Republican Decree Concerning Crimes and Penalties*, Arts. 13, 234, 235, Law No. 12 of 1994.
- ⁴¹ Yemen, *Republican Decree Concerning Crimes and Penalties*, Arts. 13, 234, 235, Law No. 12 of 1994; Cherif Bassiouni, *Crimes and the Criminal Process*, Arab Law Quarterly, Vol. 12, No. 3, 1997, 280.
- ⁴² Yemen: *Illegal detention remains rife after five years of war*, Amnesty International, Mar. 24, 2020, <https://www.amnesty.org/en/latest/news/2020/03/yemen-illegal-detention-remains-rife-after-five-years-of-war/>.
- ⁴³ Mohammed Alragawi, *Yemen: Women captives recall ordeal in Houthi prisons*, Anadolu Agency, 23 Feb. 2021, <https://www.aa.com.tr/en/middle-east/yemen-women-captives-recall-ordeal-in-houthi-prisons/2153806>.
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