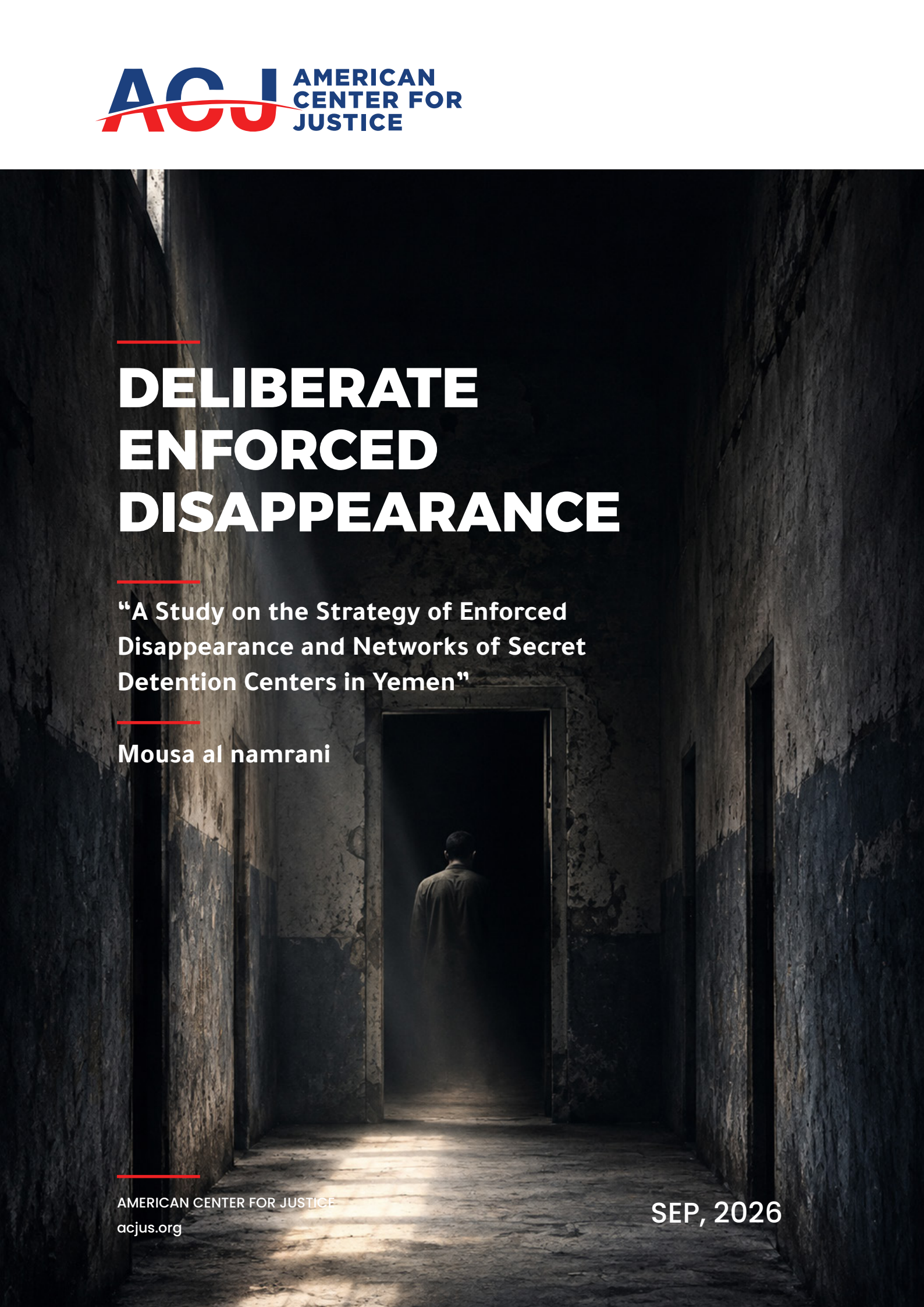


The background of the entire page is a photograph of a dark, narrow prison hallway. The walls are made of rough, grey concrete and show signs of wear and peeling paint. The floor is also made of concrete and is dimly lit. In the center of the hallway, at the far end, a person is standing with their back to the camera, looking into a dark doorway. The lighting is very low, creating a somber and oppressive atmosphere.

DELIBERATE ENFORCED DISAPPEARANCE

**“A Study on the Strategy of Enforced
Disappearance and Networks of Secret
Detention Centers in Yemen”**

Mousa al namrani

Executive Summary

This report from the American Center for Justice (ACJ), titled “Enforced Deliberate Disappearance: The Strategy of Enforced Disappearance and Networks of Secret Detention Centers in Yemen,” investigates enforced disappearance in Yemen and explores its practical and legal aspects. The study shows that enforced disappearance has shifted from being a security violation to a tool for political repression, used to control society and silence or remove civil actors from public life. It is now also used by powerful groups for extortion and to generate income within the war economy.

This document constitutes a legal case for accountability, placing the violating parties before international criminal accountability mechanisms.

The study’s findings are based on the documentary and fieldwork standards the Center uses in its documentation processes to ensure the data can be accepted as evidence before the United Nations and international bodies. These standards include aligning data-collection forms with models adopted by the United Nations Working Group on Enforced or Involuntary Disappearances. They apply a triangulated verification system that requires at least three corroborating

statements for each case and adhere to witness protection protocols and anonymizing sensitive identities.

In section (I) of the study, we trace the policy of systematic denial and verbal and administrative misinformation—practices that the de facto authority (the Houthi group) systematically employs. These practices include claiming that victims have been assigned to “cultural indoctrination courses,” requiring families to maintain secrecy allegedly to ensure their safety, and delaying responses under administrative pretexts involving supervisors. They may ultimately extend to fabricating charges at a later stage and deliberately sowing discord and conflict within the family environment.

The study also highlights the paralysis of the judiciary and the obstruction of the Public Prosecution’s oversight role, as well as the criminalization of human rights work through the targeting of lawyers, as exemplified by the disappearance of lawyer Abdul Majeed Sabra. It further documents the manipulation of victims’ fate and the evasion of legal responsibility, as illustrated by the case of political leader Mohammed Qahtan.

In section (II), the study maps detention sites and confiscated civilian facilities used as detention centers. It traces systematic, periodic transfer routes between governorates designed to thwart monitoring and tracking, while also documenting conditions of sensory isolation, physical and psychological torture, and medical neglect inside secret prisons.

The section (III) analyzes the economic dimension of enforced disappearance, explaining the structure of financial extortion operated by networks of intermediaries and supervisors. These networks demand payments in exchange for leaking information, facilitating communications, or making false promises of release, as well as through the confiscation of property. The study links this impoverishment to the dismantling of family structures, examining the use of detention as a tool of demographic engineering and population change through the destruction of communities' livelihoods, the systematic use of arrest for collective intimidation, and the creation of social rupture by severing and drying up support networks connecting detainees' relatives with displaced family members abroad.

The study concludes section (IV) with a legal analysis that classifies enforced disappearance as a crime against humanity and a continuing crime which is not subject to a statute of limitations under the Rome Statute. It identifies three levels of individual criminal responsibility: the direct operational level; the planning, supporting, and incitement level; and the leadership and supervisory level. It also addresses the responsibility of regional powers and supporting states under the rules governing state responsibility and the International Court of Justice's decisions

Introduction

Enforced disappearance is a genuine test of the conscience of justice and the institutions dedicated to protecting human rights. When a person vanishes behind closed prison doors, the disappearance extends beyond the individual, disrupting the lives of their family and undermining society's ability to protect its members.



The American Center for Justice (ACJ) issues this report to place the cases of those subjected to enforced disappearance where they belong: at the forefront of a confrontation with policies of impunity, and as part of a sustained effort to restore the rights of victims and their families to know the truth and obtain redress.

The Center is committed to documenting violations and monitoring their repercussions, which extend beyond arbitrary detention to affect citizens' livelihoods and social cohesion. These developments place an increased responsibility on human rights organizations, requiring them to go beyond merely recording incidents and instead expose the networks and mechanisms that fuel these crimes and enable their continued perpetration beyond the reach of accountability.

The practice of enforced disappearance in Yemen represents one of the gravest crimes against humanity and one of the most serious forms of compounded violations. It has gone beyond being an occasional security measure to become, over decades, a systematic strategy of political repression and an economic resource that sustains networks of financial extortion within the "war economy."

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) defines enforced disappearance as the arrest, detention, or abduction of a person by, or with the authorization, support, or acquiescence of, State officials or persons or groups of persons acting with State authorization, support, or acquiescence, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places that person outside the protection of the law.

Yemeni collective memory preserves an extensive record of grave crimes and egregious human rights violations under the rule of the Imams in Yemen, foremost among them violations of the rights to life, physical and mental integrity, and liberty. The era of Ali Abdullah Saleh, as well as the years of control by the de facto authority (the Houthi group) and various military and security formations, appears to be little more than a natural continuation of the Imamate era, particularly in respect for human rights.

Enforced disappearance has been closely associated with the successive political transformations and armed conflicts that Yemen has experienced in both the north and the south, beginning with the conflicts of the 1970s and 1980s and extending to the coup and the ongoing war since September 2014. The current crisis has produced a state of institutional fragmentation and the emergence of parallel security authorities and armed groups among all parties to the conflict,

which have operated extensive networks of secret detention centers and unofficial sites beyond any judicial oversight.

The American Center for Justice (ACJ) presents this document as an indictment aimed at uncovering the truth, activating international accountability mechanisms, establishing a path toward justice and redress for victims and their families, and reaffirming that victims' rights cannot be erased by political calculations. Criminal accountability begins by putting an end to the imposed practice of enforced disappearance.

The document appeals to the human conscience and to international mechanisms, calling upon them to end the continued disregard for the plight of persons subjected to enforced disappearance. Peace and stability remain incomplete aspirations as long as secret detention centers continue to hold victims.

Section (I)

First: Systematic Policy of Denial

- The policy of official denial and systematic repudiation constitutes the cornerstone of the structure of the crime of enforced disappearance. Security agencies and armed formations do not treat such conduct as merely an administrative disavowal of responsibility. In particular, the de facto authority (the Houthi group) operates it as a deliberate and calculated security strategy designed to place victims outside the protection of the law from the moment of their initial detention.
- This deliberate denial results in stripping detainees of their legal and constitutional status and depriving them of their most basic rights, including the right to notify their families and to have access to legal counsel. It thereby creates an environment entirely isolated from judicial oversight, allowing perpetrators to engage in torture and coercive interrogation without fear of immediate accountability or prosecution.

The intelligence and security agencies affiliated with the Houthis employ a variety of administrative deception and evasive tactics to confuse the families of persons subjected to enforced disappearance and disrupt efforts to trace and locate them. These tactics range from categorically denying the victim's presence in the official registers of security facilities, to providing contradictory verbal statements claiming that the detainee has been transferred to detention facilities in other governorates without identifying the facility, or falsely asserting that the detainee has already been released and is no longer in their custody.

Such practices draw victims' families into a prolonged maze of uncertainty, wasting the critical time legally available to challenge the lawfulness of the detention, dispersing field-search efforts among multiple security facilities, and placing a heavy burden on families through repeated travel, movement, and attempts to follow up with security officials.

To sustain this isolated environment and shield perpetrators from judicial scrutiny, repressive authorities extend their targeting beyond detainees to the direct criminalization of human rights and legal work. This systematic policy was documented in the American Center for Justice's report on the judicial persecution of lawyers, including the abduction and enforced disappearance of prominent human rights lawyer Abdul Majeed Sabra in Sana'a.

Security personnel affiliated with the de facto authority (the Houthi group) raided his office, took him away without legal justification or a judicial order, and placed him in the cells of the Security and Intelligence Service in the Sarif area north of Sana'a. Sabra remained subjected to enforced disappearance and arbitrary detention for several months, deprived of the most basic legal safeguards.

The detention authorities demanded that he completely abandon his human rights work and cease defending detainees and engaging in political advocacy in exchange for his release. This was accompanied by threats against members of his family to prevent them from communicating with the media or international organizations. He was not released even after expressing his willingness to discontinue his professional activities.

The culmination of the policy of denial and deceptive secrecy is evident in the case of prominent political leader Mohammed Qahtan, who has been detained and subjected to enforced disappearance by the de facto authority (the Houthi group) since April 2015. His case represents a clear example of the use of enforced disappearance as a tool of political retaliation and of the manipulation of the fate of victims and their families. After more than eleven years of total disappearance, during which he was completely denied contact with his family and the International Committee of the Red Cross was denied access to

him, the de facto authority recently claimed that he had been killed in an airstrike by the Arab Coalition. It then attempted to hand over to his family the lower half of unidentified human remains. These remains are currently undergoing verification procedures and laboratory examinations involving four key parties—the Houthi group, the International Committee of the Red Cross, Qahtan's family, and the legitimate government—to establish the identity of the remains.

This deceptive conduct underscores the grave danger posed by the manipulation of cases involving persons subjected to enforced disappearance. It demonstrates how prolonged secrecy and delayed claims are used as a strategy to evade direct criminal responsibility for the lives and whereabouts of detainees.

The sudden announcement of victims' deaths after years of denial, coupled with attempts to attribute their deaths to external military strikes without allowing prior access or examination by international missions, is primarily intended to dilute the direct responsibility of the detaining authority. It seeks to recast enforced disappearance—from a crime involving unlawful detention and arbitrary transfer—into merely an indirect consequence of the armed conflict.

The legal and humanitarian gravity of this manipulation is compounded by the imposition of fragmented handover procedures involving remains and incomplete bodies, without documentation or accredited forensic genetic (DNA)

examinations. This exposes victims' families to repeated psychological trauma and deprives them of their internationally guaranteed right to know the truth and to have certainty regarding the fate of their loved ones. This deliberate confusion forms part of the architecture of enforced disappearance. The authorities in control seek to close these cases administratively and judicially and impose a *fait accompli*, without subjecting secret detention facilities to investigation, providing records of the number of detainees and deaths inside these closed facilities, or disclosing the circumstances and causes of those deaths.

International humanitarian law and international criminal law establish that the detaining authority bears criminal responsibility for the safety and life of every person under its effective control. A belated claim that the detainee was killed in a bombing or died of natural causes does not absolve the detaining authority of responsibility. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) provides that concealing the whereabouts of a victim and refusing to disclose their fate maintains the crime as a continuing violation.

Accordingly, the *de facto* authority, the Houthis, bears a full obligation to establish the causes and circumstances of the victim's death through impartial and independent examinations involving the competent authorities and the victim's family, particularly given its refusal to grant the International

Committee of the Red Cross and UN mechanisms access to the victim throughout the years of his disappearance.

The effects of the systematic policy of denial extend beyond the direct violation of the individual rights of detainees to strike at the constitutional structure and sovereign functions of the judiciary at their core. The refusal by security agencies and de facto authorities to acknowledge the detention of victims results in a complete structural paralysis affecting the judiciary at all levels.

At a time when judicial bodies are expected to serve as a legal recourse for victims and safeguard them against abuses of individual power, the policy of denial prevents courts from effectively issuing or enforcing direct production orders or adjudicating complaints concerning the lawfulness of detention. This ultimately strips judicial decisions of their practical and binding force.

Second: Patterns of Psychological Deception and Expectation Management Among Families

The authorities responsible for crimes of enforced disappearance, particularly the de facto authorities (the Houthi group), employ a gradual process of deception with the families of the disappeared through scenarios designed to disrupt field-search efforts, prolong the period of concealment, and freeze human rights advocacy:

Claiming voluntary participation and ideological training: At times, the abduction is portrayed as the victim voluntarily joining an “internal ideological training course,” supposedly at his own initiative and request. This is intended to absorb the family’s initial shock over the detention and prevent them from taking immediate action.

Freezing human rights action under the pretext that the victim is in a safe place: Families are verbally informed that the victim is being held in a “safe place” and that his release is imminent. They are required to remain completely silent and refrain from informing the media or human rights organizations, or from undertaking any form of follow-up or advocacy, on the grounds that doing so could complicate the procedures for his release.

Administrative pretexts and prolonged stalling: Authorities unofficially acknowledge that the victim is being held by a security agency while repeatedly promising his imminent release, only to invent excuses related to administrative arrangements. These may include claims that the official responsible for the case is busy, traveling, or has died and that a replacement will be appointed to review the paperwork.

Denial and the fabrication of belated charges: The family is led to believe that a release decision is about to be issued, only for authorities to suddenly backtrack on the grounds that the detainee “implicated himself through serious confessions” during interrogation, or that files containing sensitive information were found on his personal phone, making his release impossible.

Creating discord and driving a wedge between victims' families: Authorities deliberately seek to create division and conflict within the victims' social circles by telling one relative that a release decision for their family member had already been prepared, but that statements made by another detainee during interrogation had complicated the case and delayed the release. Alternatively, they may lead the family to believe that someone close to them had filed a report against the victim. This is how suspicion and mutual accusations begin.

Complete denial: Subsequently, various security authorities deny that the victim is in their custody altogether, while intermediaries disavow responsibility in different ways. Some claim that the "security official" through whom they had been communicating with the victim was killed. Others say that their efforts to locate the victim had failed and advise the family to search for him in hospitals because he may have been the victim of a traffic accident. In this way, a different narrative is promoted for each individual case.

Section (II):

Maps of Isolation and the Geography of Secret Detention Centers

The systematic policy of enforced disappearance in Yemen relies on a wide-ranging geographic network of secret detention centers and unofficial sites established beyond any judicial or administrative oversight. A geographic analysis based on field observations shows that these isolation centers have not been confined to conventional military and security facilities. Rather, they have expanded to include the seizure of vital civilian facilities—such as airports, ports, executive government premises, residential compounds, and private farms—and their conversion into closed detention barracks stripped of even the most basic legal safeguards.

First: The Strategy of Systematic Transfers and Sensory Isolation

The “systematic periodic transfer” of detainees constitutes a key pillar of the strategy of enforced disappearance. Armed entities carry out the transfer of detainees through an extensive network of detention centers across several governorates, including sequential transfers between prisons in Taiz, Ibb, and Dhamar, as well as prisons in the capital, Sana’a. The purpose is to sever any possible means of tracking the victim. These transfers are carried out under strict security protocols involving complete sensory deprivation, including blindfolding, shackling, and transporting detainees late at night in enclosed vehicles.

The transfer policy is accompanied by subjecting victims to harsh and inhumane detention conditions. Underground basements and concrete solitary cells are converted into permanent detention facilities lacking adequate ventilation and lighting. This environment, compounded by overcrowding and deprivation of sanitation, contributes to the widespread spread of infectious diseases and the use of “medical neglect” as a form of soft torture—a practice previously documented by the Center (ACJ), including in a statement issued by the American Center for Justice concerning the health conditions of detainees.

Second: Examples of Secret Detention Centers

Investigations and field testimonies reveal a geographic map of detention centers that have played key roles in enforced disappearance operations. This section focuses on specific examples where evidence and testimonies have established that victims were detained. Other secret locations, however, remain concealed, including mosques, looted residential facilities, caves, and weapons storage facilities. These sites require further investigation and monitoring to uncover the fate of detainees and hold those responsible for their administration accountable.

1. Al-Saleh Prison Complex (Taiz Governorate - Al-Hawban Area): Al-Saleh Prison, located in the eastern part of Taiz and under the control of the Houthi group, is considered one of the largest and most notorious complexes associated with enforced disappearance and torture. The complex consists of concrete buildings and underground basements that were originally part of a residential development and were later converted into prisons. Windows were sealed, iron doors were installed between apartments, and partitions were constructed in the basements to create cramped individual and collective cells lacking sources of natural light and adequate ventilation. Infectious skin and respiratory diseases are widespread within the facility.

2. Sarif Detention Center / National Security and Intelligence Service - Sana'a Governorate:

The detention center is located in the Sarif area north of the capital, Sana'a, and is reportedly under the direct control of the National Security and Intelligence Service affiliated with the Houthi group. The center has reportedly been used to detain political, human rights, and media figures who have been subjected to enforced disappearance. These allegations have also been referenced in documented human rights reports, including a report by the American Center for Justice concerning detained lawyers.

3. Prison Network in Aden and the Southern Governorates (Bir Ahmed Camp and Wadah Hall): These facilities constituted a network of secret detention sites established and operated during the period of influence of the Southern Transitional Council and Emirati forces. Facilities and buildings not originally intended for detention were repurposed and converted into enclosed underground cells described as "dark sites." Detainees held there reportedly endured harsh conditions, including extreme temperatures inside cells made of metal panels or trailers, and were subjected to various forms of ill-treatment and complete isolation from the judicial authorities and public prosecution offices.

4. Detention Facilities at Al-Ghaydah and Al-Rayyan Airports (Al-Mahrah and Hadramout): The secret detention centers at Al-Ghaydah Airport in Al-Mahrah and Al-Rayyan Airport in Mukalla represent a prominent example of the use of vital civilian facilities as sites for detention and security interrogation, reportedly operated by Emirati forces and affiliated formations. These facilities were reportedly used to conceal activists, journalists, and social figures and to subject them to arbitrary transfers, while denying them any access to legal protection and withholding information about their whereabouts.

Section (III): The Economics of Enforced Disappearance and Financial Extortion Networks

- First: Financial Extortion Networks and the Structure of Parallel Revenue Collection
- The crime of enforced disappearance in Yemen has evolved beyond the objectives of political targeting and security repression, transforming into a parallel “war economy” based on systematic financial extortion and the depletion of victims’ families’ financial resources. This invisible trade relies on the total monopolization of information; the secrecy maintained by security agencies and detention-site supervisors creates a black market in which the cost of obtaining “information” and “guarantees” rises. Prison officials and intelligence personnel reportedly operate through networks of local intermediaries and brokers who conduct organized extortion, exploiting families’ fears for the lives of their relatives.

Field-based digital analysis of extortion and revenue-collection practices indicates the existence of a tiered pricing structure imposed by broker networks linked to prison supervisors and intelligence officials. The financial demands reportedly vary and include:

1. **Payment for Leaking Initial Information:** Families are reportedly required to pay between USD 1,000 and USD 3,000 in exchange for a simple verbal confirmation that the victim is still alive or for information identifying the location of their detention.
2. **False Promises of Release and Inclusion on Exchange Lists:** Families are exploited through demands for substantial sums ranging from USD 10,000 to USD 50,000 in exchange for repeated promises that release orders will be issued or that the disappeared person will be included on prisoner-exchange lists.
3. **Seizure of Assets and Cash:** Financial plunder reportedly begins at the moment of the initial abduction, with the confiscation of vehicles, electronic devices, commercial documents, and cash carried by the targeted individual or kept at their home or business. It may later expand to coercing victims' families into surrendering real estate or business interests, or selling land and other property and handing over the proceeds to influential figures in exchange for promises to stop torture, ensure the survival of the forcibly disappeared person, or for other forms of extortion.

Second: Systematic Impoverishment, Social Fragmentation, and a Population Engineering Strategy

The economic and social consequences of enforced disappearance extend beyond individual deprivation and are linked to a strategy allegedly pursued by the de facto authorities, specifically the Houthi group, to reshape the demographic landscape and weaken social cohesion in areas under its control. Detention is used as a tool of impoverishment that fragments families and local communities and pushes them toward forced migration.

The tragedy is compounded when families, in an effort to save the lives of their relatives and raise the funds demanded by brokers, are forced to sell their assets and private property, including homes, agricultural land, and gold savings.

Correspondence documenting efforts to trace missing persons, together with records of reports and humanitarian appeals submitted by mothers and documented by the Center, illustrates the prolonged material and psychological exhaustion resulting from this systematic impoverishment.

• **Erosion of Livelihood Assets and Systematic Economic Displacement**

Documentary data indicate that the majority of forcibly disappeared persons are working-age men who serve as the sole breadwinners for their families. The disappearance of the primary breadwinner causes a sudden loss of livelihood, followed by sustained financial pressure through extortion networks, forcing families to deplete their savings and eventually sell long-term assets such as land, real estate, and livestock at distressingly low prices.

This cycle ultimately strips local communities of their productive assets and means of stability, leaving families with little choice but to undertake internal displacement or migration. As a result, targeted areas may be progressively emptied of their original inhabitants, severing their ties to their land and communities.

• **Strategic Detention as a Tool of Collective Intimidation and Demographic Change**

The de facto authorities (the Houthi group) reportedly pursue a deliberate and selective policy in the practice of enforced disappearance, deliberately targeting influential figures such as local community leaders, businesspeople, religious and intellectual figures, and civil society activists. The disappearance of these groups deprives local communities of important sources of cohesion, mediation, and self-protection, while the disappearance of a single individual becomes a

broader threat extending to the entire surrounding social environment.

This security shock paralyzes public life and undermines the community's ability to organize, express solidarity, or voice opposition, forcing anti-Houthi or independent groups to relocate and abandon their homes and livelihoods to avoid suffering a similar fate. This gradual displacement enables the perpetrating party to reshape local power structures, take control of abandoned assets and properties, and establish loyal individuals and networks, thereby altering the demographic and social landscape of the affected areas.

• **Creating Family Separation and Targeting the Ties of Displaced Persons**

Security agencies affiliated with the de facto authorities (the Houthi group) reportedly use the detention of relatives as a direct means of exerting pressure on displaced persons, activists, and expatriates residing outside areas under their control. This practice is based on the principle of hostage-taking and punishment by association, whereby the relatives of expatriates are subjected to intensive interrogations focusing on their communications, financial transfers, and political positions expressed by their family members abroad.

During interrogation, detention authorities reportedly engage in calculated psychological manipulation aimed at undermining the victim's perception and awareness. The detainee may be led to believe that their migrant relative is

directly responsible for the abuse they are suffering and for their imprisonment. That relative is portrayed as selfish—enjoying stability and comfort abroad while showing no concern for the suffering of their family or the hardships they are enduring because of them. This narrative fuels feelings of abandonment and resentment within the detainee, creates division and mutual blame within the family, and pressures the victim's relatives to urge the expatriate to cease their activities or even sever contact with them in the hope of securing their safety.

This policy reportedly extends beyond the objective of silencing opponents abroad. It also seeks to undermine social support networks and disrupt the financial remittances sent by expatriates, which constitute a lifeline protecting thousands of families from hunger. Severing these ties isolates communities inside Yemen from their external support networks and deprives them of mechanisms of protection and economic self-reliance, thereby making them more vulnerable to coercion and control.

Erosion of Family Structures and Undermining Community Protection

The prolonged disappearance of the family breadwinner, compounded by direct security intimidation, undermines the family structure from within. Families are deprived of social protection, while children may be forced to drop out of school and enter the labor market to help meet basic living expenses,

as well as the costs associated with searches, intermediaries, and efforts to secure information about their missing relatives.

Women face significant economic and security pressures that may force them to withdraw from public life or leave their places of residence. Over time, these factors erode the social fabric and diminish communities' capacity to maintain stability, facilitating the imposition of a new demographic and political reality in areas whose inhabitants have been displaced.

Section (IV): Legal Classification and Criminal Responsibility

- The conduct involved in cases of enforced disappearance is subject to an established legal framework under international humanitarian law and international human rights law. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) defines enforced disappearance as the arrest, detention, or abduction of a person by, or with the authorization, support, or acquiescence of, State agents or persons or groups acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, thereby placing the person outside the protection of the law.

Given the ongoing armed conflict, Common Article 3 of the 1949 Geneva Conventions and Rule 98 of customary international humanitarian law are also applicable. Both establish protections against enforced disappearance. Where the requisite elements and contextual requirements are established, such conduct may amount to a war crime under Article 8 of the Rome Statute of the International Criminal Court, particularly where it is accompanied by unlawful detention, torture, cruel treatment, and the denial of fundamental fair-trial guarantees.

The prohibition of enforced disappearance has acquired the status of a peremptory norm of general international law (*jus cogens*) and constitutes an absolute customary obligation binding upon States, de facto authorities, and all armed groups, regardless of whether the formal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) has been completed or instruments of accession have been deposited.

This legal characterization establishes an unequivocal obligation that cannot be suspended, derogated from, or restricted on any grounds, whether in the context of armed conflict, a state of emergency, or political instability. It consequently subjects all parties operating on the ground to the requirements of international criminal and civil accountability.

The criminal classification of the offense reaches its highest level of severity under the Rome Statute of the International Criminal Court. Article 7(1)(i) classifies enforced disappearance

as a crime against humanity when it is committed as part of a widespread or systematic attack directed against any civilian population. The offense is characterized by a continuing legal nature, meaning that its effects and legal consequences persist for as long as the concealment continues and the fate or whereabouts of the victim have not been officially disclosed. This dual legal characterization provides a basis for pursuing the conduct as a war crime where the relevant elements are established in individual cases, and as a crime against humanity where its widespread or systematic nature is demonstrated. The continuing nature of the offense likewise means that the concealment of the victim's fate remains legally relevant for as long as it persists.

Criminal accountability for the commission of enforced disappearance is distributed across three integrated levels of leadership and execution:

1. Level (I): Responsibility of Military and Political Leaders in Positions of Command

International criminal law establishes the principle of comprehensive individual criminal responsibility for all persons who participate in the commission of the crime, while rejecting immunity based on official or political status under Article 27 of the Rome Statute and Article 6 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

Accountability also arises under the principle of “command and superior responsibility” set out in Article 28 of the Rome Statute. Military and political leaders may incur responsibility not only when they directly order enforced disappearances, but also where they exercise effective command and control over perpetrators and, while aware or having reason to know of the crimes, fail to take necessary and reasonable measures to prevent their commission or to submit the matter to the competent authorities for investigation and prosecution.

2. Level (II): Responsibility of Field Commanders and Those Providing Political and Security Cover

This level includes the direct supervisors of security agencies and the managers of secret detention facilities who oversee systematic and periodic transfer operations, as well as executive officials who provide institutional cover and engage in media misinformation. It also encompasses those who exercise coercive influence to obstruct the judiciary and prevent public prosecutors from inspecting detention facilities. Where the relevant legal elements are established, such conduct may render such individuals principal participants or otherwise criminally responsible participants in the offense, particularly where they knowingly facilitate, contribute to, or conceal the commission of enforced disappearances.

3. Level (III): Responsibility of Direct Perpetrators, Interrogators, Prison Officials, and Brokers

This level includes security personnel, abduction groups, and interrogators who directly carry out detention operations and physical and psychological torture inside closed detention cells, as well as networks of intermediaries and financial brokers.

Article 6(2) of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and Article 33 of the Rome Statute establish that reliance on having “received superior orders” does not, in itself, exempt field-level perpetrators from individual criminal responsibility. This is particularly relevant where orders involve enforced disappearance or torture, which are manifestly unlawful acts.

Joint Criminal Responsibility and Activation of International Jurisdiction

These field-level, financial, and leadership roles collectively form a joint criminal enterprise, in which acts of abduction, enforced disappearance, and organized extortion are linked to planning and concealment policies adopted by senior leadership.

The field documentation strategy pursued by the American Center for Justice, together with its reports submitted to United Nations mechanisms, seeks to compile comprehensive criminal case files supported by evidence, with the aim of invoking the principle of universal jurisdiction and pursuing those allegedly involved across both the chain of command and the chain of execution.

The facts uncovered by independent and official media outlets, as well as supporting judicial committees—following successive structural changes that included the removal of Aidarus al-Zoubaidi from the Presidential Leadership Council and the announced dissolution of the Southern Transitional Council and the restoration of state institutions—provide an important basis for understanding the true scale of the network of secret prisons reportedly operated by Emirati forces and their affiliated formations.

Official judicial access to these facilities has reportedly enabled the documentation of concrete underground cells and solitary-confinement facilities in which hundreds of citizens and activists were allegedly held for years outside the framework of the constitution and the law. This file nevertheless requires further human rights documentation and judicial investigation to establish the full scope of the alleged violations and determine individual responsibility.

The exposure of these detention facilities and the end of the influence of the formations that operated them in no way extinguish international criminal or civil responsibility for violations committed during the period in which they were operational. Rather, formally incorporating these facts into the institutional record enables public prosecutors, judicial committees, and United Nations investigative mechanisms to secure and preserve physical evidence, examine relevant records, and pursue accountability at all leadership and field

levels, as well as among regional actors who allegedly operated, financed, or provided cover for these facilities, particularly where the alleged conduct constitutes crimes that are not subject to a statute of limitations.

The Rule of Non-Applicability of Statutes of Limitation and the Continuing Nature of Accountability

The rule of non-applicability of statutes of limitation and the continuing nature of accountability in cases of enforced disappearance is grounded in established principles of international criminal law and international human rights law. Enforced disappearance is characterized as a “continuing crime”, meaning that the violation continues for as long as the concealment and denial persist, and the statutory limitation period for criminal proceedings or penalties does not begin to run while the fate or whereabouts of the victim have not been officially and conclusively established.

Article 29 of the Rome Statute of the International Criminal Court expressly provides that crimes within the Court’s jurisdiction are not subject to any statute of limitations. This principle is further reflected in Article 8(1) of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Accordingly, the dissolution of security formations, restructuring of authorities, or changes in the political and military landscape do not extinguish the alleged offense or shield former leaders or perpetrators from accountability.

At the national level, Yemen's constitutional and legal framework requires the Public Prosecution and national judicial authorities to initiate criminal investigations upon the discovery of unofficial detention facilities. Article 48 of the Yemeni Constitution, read together with Articles 165, 246, and 247 of the Yemeni Crimes and Penalties Law, establishes legal protections against unlawful deprivation of liberty and enforced disappearance and provides for criminal penalties under national legislation.

In accordance with the rule of law, following the restoration of effective control over such facilities, the competent judicial authorities should place them under direct judicial custody and establish independent forensic and criminal-investigation teams to examine underground areas and detention cells, retrieve and review records, and secure all physical evidence that may help establish the identities of detainees and those responsible for operating the facilities.

In addition to the individual responsibility of perpetrators, the scope of international accountability extends to the responsibility of States and supporting regional powers. This is grounded in the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, particularly Article 8, as well as relevant jurisprudence of the International Court of Justice, including the *Nicaragua v. United States* case and the 1995 Srebrenica genocide case concerning Bosnia and Herzegovina.

These legal principles recognize that regional powers that directly operated secret detention facilities, or did so through proxy formations under conditions of control and effective control, may incur international responsibility, together with obligations to provide reparation and comprehensive remedies to victims. Their officers and military commanders may also incur individual criminal responsibility under the principle of command responsibility set out in Article 28 of the Rome Statute.

International Responsibility of the United Arab Emirates: Legal Classification Under Customary Rules and International Jurisprudence

The international responsibility of the United Arab Emirates for serious violations allegedly committed in Yemen's southern governorates may be assessed under the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), adopted by the United Nations General Assembly in 2001. Although the Articles were not adopted as a treaty subject to ratification, they are widely regarded as an authoritative codification and progressive development of the rules governing State responsibility. Many of their provisions reflect customary international law and have been relied upon by international courts and tribunals as evidence of applicable international law. Accordingly, the legal assessment of any alleged UAE responsibility should distinguish between provisions reflecting customary law and those whose

customary status may require separate examination.

The field evidence concerning alleged UAE control over formations affiliated with the Southern Transitional Council corresponds, in the authors' assessment, to the attribution framework set out in Article 8 of the Articles on State Responsibility and developed in the International Court of Justice's judgment in *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*, 1986).

That judgment is a foundational authority concerning the circumstances in which the conduct of armed groups may be attributed to a foreign State, including the distinction between a relationship of complete dependence and the exercise of effective control over the conduct in question.

According to the field evidence described in this report, the alleged UAE involvement went beyond logistical support and the provision of weapons to encompass the establishment and development of these military and security formations, the financing of their operations and payment of salaries, the appointment of their commanders, and the direction of their movements. The evidence further alleges that UAE officers and affiliated personnel exercised operational control over secret detention networks, conducted interrogations, and issued orders relating to enforced disappearance. If established through reliable evidence, these circumstances could support an argument that the formations lacked the requisite

operational independence and that the conduct in question may be attributable to the United Arab Emirates under the applicable rules of international law.

This attribution is further supported by the jurisprudence of the International Court of Justice in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro, 2007), a landmark case in which the Court examined the “effective control” standard and addressed the circumstances under which a State may incur responsibility in connection with the conduct of non-State actors acting on its behalf or under its direction.

The Court’s reasoning distinguished between two principal avenues of State responsibility:

- First avenue (Effective control over the operations in which the violations occurred): Evidence that Emirati officers issued direct instructions and orders concerning the operation of specific secret detention facilities—such as the Balhaf facility, Al-Rayyan Airport, Bir Ahmed Camp, and the Oil Port—and that abductions, enforced disappearances, and acts of torture were carried out against identified activists and individuals could support the attribution of those acts directly to the directing State, provided that the relevant factual and legal elements are established. This would require demonstrating the requisite degree of control over the specific operations or conduct in question, as well as the applicable knowledge

and intent requirements where relevant.

- Second avenue (Breach of the peremptory obligation to prevent and punish): This avenue concerns potential independent State responsibility arising from a breach of a binding positive obligation. The *Bosnia and Herzegovina v. Serbia and Montenegro* judgment recognized that a State may incur responsibility for failing to comply with its obligation to prevent genocide where it possessed the requisite capacity to influence events and failed to take appropriate measures within the limits of its knowledge and means.

The report alleges that the United Arab Emirates breached such an international obligation by failing to use its military influence and operational presence to prevent torture and enforced disappearance, while allegedly providing financial and political support to perpetrators and shielding UAE officers and commanders of affiliated formations from judicial accountability. These allegations would require substantiation through evidence establishing the UAE's knowledge, capacity to influence the relevant actors, and the specific measures that were or were not taken.

This legal characterization, grounded in customary international law and the jurisprudence of the International Court of Justice, would, if the underlying facts and legal elements are established, give rise to international responsibility on the part of the United Arab Emirates. Such responsibility may entail

obligations to cease the violations immediately, provide full and reliable information concerning the fate and whereabouts of all forcibly disappeared persons, dismantle parallel detention facilities, and fulfill the applicable legal and financial obligations relating to full reparation and compensation for victims and their families.

At the same time, individual criminal responsibility of commanders and direct perpetrators remains distinct from State responsibility and may continue to be pursued before competent national and international investigative bodies and courts, subject to the applicable jurisdictional and evidentiary requirements.

International Jurisdiction

The precedent established by the Higher Regional Court of Koblenz in Germany in the Al-Khatib Branch case, involving the trial of Anwar Raslan in 2022, represents a prominent practical example of the exercise of universal jurisdiction to prosecute crimes against humanity and systematic torture committed in secret detention facilities.

The final judgment affirmed the principle that official or functional status does not shield perpetrators of serious international crimes from criminal accountability. It also recognized the potential individual criminal responsibility of field supervisors, heads of investigative bodies, and prison officials for acts of enforced disappearance, torture, and killing

committed under their supervision and effective control, without requiring a nationality or territorial nexus between the prosecuting court and the location where the alleged crimes were committed.

This judicial precedent provides a practical pathway for transforming field documentation, witness testimonies, and other evidence collected by human rights organizations into criminal complaints before public prosecutors and national courts in European countries whose domestic legislation permits the exercise of universal jurisdiction, including Germany, France, Sweden, and Switzerland.

Such proceedings may, where the applicable legal and evidentiary requirements are satisfied, lead to the issuance of arrest warrants and the circulation of international wanted notices through the International Criminal Police Organization (INTERPOL) against regional officers and field commanders allegedly involved in establishing and operating secret detention networks in Yemen. This avenue can restrict the international movement of alleged perpetrators, reduce access to safe havens, and transform human rights documentation into an effective mechanism for judicial deterrence and accountability.

International judicial precedents and applications of universal jurisdiction reinforce the imperative of prosecuting those responsible for abuses committed in secret detention facilities. Proceedings concerning secret prisons and detention centers in the former Yugoslavia, Rwanda, and Syria, together with

decisions of the Inter-American Court of Human Rights, including *Velásquez Rodríguez v. Honduras*, demonstrate the evidentiary importance of material evidence recovered from the walls and cells of discovered secret detention facilities. Such evidence can contribute to establishing patterns of abuse and identifying those responsible, including commanders, interrogators, and guards, before national and international courts.

In *Velásquez Rodríguez*, the complaint was initially brought before the Inter-American Commission on Human Rights in Washington, D.C., and was subsequently referred to the Inter-American Court of Human Rights in Costa Rica, becoming the Court's first judgment concerning a case of enforced disappearance. The Government of Honduras denied responsibility, relying in part on the absence of official records, the disappearance of the victim's remains, and the alleged destruction or concealment of evidence at the crime scene. The petitioners and human rights organizations responded with a consistent body of evidence and corroborating indications, establishing, according to the Court's findings, the existence of a systematic practice involving State agents in the abduction and disappearance of opponents.

The Court issued its landmark judgment on 29 July 1988, establishing a judicial principle that rejected arguments based on denial and evidentiary gaps. It held that where a State deliberately conceals or suppresses evidence, a court may

rely on circumstantial evidence and the broader pattern of systematic conduct to establish responsibility. The judgment held Honduras internationally responsible for violations of the rights to life, liberty, and personal integrity, and required it to provide comprehensive financial compensation and other forms of reparation to the victim's family, as well as to undertake efforts to locate the victim's remains.

Building on this integrated legal framework, the discovery of former secret detention facilities gives rise to a range of procedural and human rights obligations requiring prompt action by public prosecutors and international investigative mechanisms, including:

1. **Criminal Securing and Preservation of Material Evidence:** Place the buildings and underground facilities at Bir Ahmed and Wadah Hall, as well as Al-Rayyan and Al-Ghaydah airports, under full judicial protection and evidentiary preservation. This should include recovering records, fingerprints, writings and markings on detention-cell walls, and conducting DNA examinations of biological traces left inside the cells.
2. **Comprehensive Disclosure and Independent Inspection:** Require all former and current authorities responsible for these facilities to provide detailed records identifying all persons who were detained there and information concerning their fate and whereabouts, as well as to identify the locations

of suspected burial sites of detainees who allegedly died as a result of torture.

3. Comprehensive Reparation and Rehabilitation: Establish fair and comprehensive material, psychological, and medical compensation and rehabilitation programs for all survivors and families of forcibly disappeared persons; restore the legal and social standing of victims; and permanently close and dismantle secret detention facilities to prevent the recurrence of such crimes.

Recommendations

Based on the field findings, criminal evidence, and comprehensive legal analysis presented in this report, the American Center for Justice (ACJ) sets out the following recommendations and urgent measures for local and regional actors and international mechanisms:

To the United Nations Security Council and UN and International Envoys

- Prioritize enforced disappearance in peace and settlement processes: Include the full and reliable disclosure of the fate and whereabouts of all forcibly disappeared persons, together with their unconditional release where they remain in detention, as a standalone humanitarian issue that must not be subject to political bargaining or postponement in any round of negotiations.
- Expand the targeted sanctions regime: Include military and security leaders, secret-prison supervisors, and financial extortion networks whose involvement in enforced disappearance and torture has been substantiated on the sanctions lists maintained by the relevant United Nations Security Council Sanctions Committee, including asset freezes and travel bans.
- Refer the situation to the International Criminal Court: Initiate an accountability process through the United Nations Security Council to refer violations and alleged crimes

against humanity committed in Yemen to the Prosecutor of the International Criminal Court, pursuant to Chapter VII of the United Nations Charter.

To International Documentation and Investigative Mechanisms and Bodies

- Conduct field investigations into secret detention networks: Activatethemandatesofinvestigativeteamsandindependent experts to collect and preserve criminal evidence relating to unofficial detention facilities and to trace the chains of command and financing responsible for operating them.
- Expedite the processing of complaints: Strengthen cooperation between the Working Group on Enforced or Involuntary Disappearances (WGEID) and local field-based organizations, and issue successive urgent appeals calling on the alleged perpetrators to provide official information concerning the fate and whereabouts of disappeared persons.
- Ensure independent field monitoring: Apply diplomatic and human rights pressure to secure unconditional access to all facilities and detention centers for inspection visits by the International Committee of the Red Cross (ICRC) and relevant United Nations bodies.

To the International Committee of the Red Cross (ICRC)

- Publicly address access constraints: Issue statements and assessments clarifying the field-level restrictions imposed by parties to the conflict that prevent ICRC teams from visiting detainees and forcibly disappeared persons held in secret detention facilities and isolation centers.
- Enforce the right of unconditional access: Assert the ICRC's mandate under the Geneva Conventions and urgently seek access to and inspection of all official and parallel detention facilities in order to document detainees' health conditions and facilitate the restoration of contact between detainees and their families.

To the Judiciary and Public Prosecutors in States Applying Universal Jurisdiction

- Open structural investigations and initiate criminal proceedings: Conduct independent judicial investigations based on established field documentation files, and, where the applicable legal and evidentiary requirements are met, seek arrest warrants and circulate international wanted notices through the International Criminal Police Organization (INTERPOL) against commanders and officers allegedly involved in establishing and operating networks of enforced disappearance and torture.

To States and Regional Powers Involved in the Conflict, Particularly the United Arab Emirates

- End denial and assume international responsibility: Strictly comply with applicable rules of customary international law and the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), and dismantle parallel detention networks allegedly established, supervised, or financed under their direction.
- Immediate disclosure and reparation: Disclose the fate and whereabouts of persons detained or forcibly disappeared in facilities allegedly operating under the supervision of their field officers, lift unlawful security restrictions, and provide financial compensation and comprehensive reparation to all victims and their families.

To De Facto Authorities and Armed Formations in Different Areas

- Immediate release and dismantling: Immediately release all detainees and forcibly disappeared persons and dismantle all secret detention facilities and unlawful security rooms operating outside the legal framework.
- Place facilities under judicial oversight: Open prisons and detention centers to regular inspections by the Public Prosecution and independent judiciary, promptly implement judicial release orders once issued, and hold enforcement officials accountable when they refuse or fail to carry them out.

- End financial extortion and protect witnesses: Criminalize all forms of extortion and unauthorized levies imposed on victims' families, return confiscated property and funds, and ensure the safety and protection of lawyers, witnesses, activists, and human rights defenders.

To the Internationally Recognized Government of Yemen

- Complete accession to and implement the International Convention (ICPPED): Implement Cabinet Resolution No. 127 of 2013 concerning Yemen's approval of accession to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); complete the required legal procedures and deposit the official instrument of accession with the Secretary-General of the United Nations; and harmonize national criminal legislation to ensure that crimes of torture and enforced disappearance are not subject to statutes of limitation.
- Establish an independent national body for missing persons: Establish a national mechanism with broad investigative powers to investigate cases of missing and forcibly disappeared persons, collect and maintain genetic data, and coordinate support and rehabilitation efforts for their families.

To Local Human Rights Organizations and Victims' Families' Associations

- Establish a centralized genetic database: Coordinate field efforts to establish a DNA database and preserve biological samples from the families of forcibly disappeared persons, with a view to comparing them with human remains and other information when secret detention facilities are opened and suspected burial sites are examined. Such measures should also ensure the preservation and chain of custody of evidence for use in judicial justice and accountability processes.



P.O Box 1141 Dearborn
MI 48121 , United States 1(313) 682-5385

 [acjusa](#)  [acj_usa](#)  [acj.usa](#)



 info@acjus.org

 www.acjus.org