



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the first part (public)* of the 943rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 May 2010, at 3 p.m.

Chairperson: Mr. Grossman
later: Mr. Wang

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.943/Add.1.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Yemen (continued) (CAT/C/YEM/2; CAT/C/YEM/CO/2/Add.1)

1. *At the invitation of the Chairperson, the Yemeni delegation took places at the Committee table.*

2. **Ms. Alban** (Yemen) said that her country was determined to collaborate fully with the Committee in its efforts to fulfil its obligations under the Convention. The necessary steps had been taken to incorporate into domestic law the various international human rights instruments to which Yemen was a party, which showed the authorities' willingness to apply them in practice. The Constitution and Yemeni legislation prohibited all forms of physical or mental torture, and Yemen had recently adopted a definition of torture consistent with article 1 of the Convention. In the eyes of the law, torture was a serious and imprescriptible offence. It was severely penalized by the courts, to which victims could apply for redress. The Yemeni authorities adhered scrupulously to the above-mentioned principles: violation of those principles was a rare phenomenon, arising from individual acts beyond the control of the authorities rather than from Government policies. Public officials or military personnel who had committed acts of torture or ill-treatment had been brought to justice, given prison sentences and dismissed from their posts. There was no systematic torture in Yemen, and no State official could cite an order from a superior officer to justify the use of physical or mental torture or cruel, inhuman or degrading treatment.

3. Yemeni legislators had declared all types of violation of the rights and freedoms recognized in the Constitution to be criminal offences, whether they took place between individuals or in the dealings between State representatives and citizens. Sexual violence, which was considered a form of physical and mental torture, was a serious crime subject to severe penalties, for which victims were entitled to compensation. Rape was systematically punished by the courts. In order to meet its international obligations, Yemen had adopted a national plan based on the recommendations of the members of the Human Rights Council following Yemen's universal periodic review (A/HRC/12/13). A national human rights strategy would be drawn up, with the active participation of non-governmental organizations, and steps had been taken to ensure that human rights principles were included in teaching curricula at all levels. A draft decision currently under consideration was intended to reform the National Refugee Commission and make it an operational agency as defined in the 1951 Convention relating to the Status of Refugees. A draft regulation defining the rights and obligations of refugees had been submitted. The Ministry of Human Rights and national and international NGOs had been authorized to make unannounced visits to prisons. The Yemeni authorities had also instructed prison governors to refrain from placing detainees in solitary confinement unless the latter were a danger to others. Finally, a committee had been set up to study the possibility of establishing a national human rights institution compliant with the Paris Principles.

4. **Mr. Al Khazan** (Yemen) said that Yemen had taken measures to guarantee the independence, financial and otherwise, of the judiciary and to prohibit any interference in its operations by the executive. The system for nomination of judges, which was the responsibility of the judiciary, was an important guarantee of that independence. Judges were obliged to respect their own code of conduct, and there were strict rules regulating dismissals. They were provided with human rights training. Yemen had also taken steps to ensure that it respected its international human rights obligations in its fight against terrorism. All persons involved in cases of terrorism had been given a fair trial in which

they had enjoyed all the guarantees laid down in the Constitution and legislation. A verbatim record was produced for every hearing and made public.

5. **Mr. Taissir** (Yemen) said that Yemen had made considerable progress in ensuring respect for the rights of persons deprived of their liberty. The right to defend oneself or to have access to the services of a lawyer was guaranteed at all stages of legal proceedings. Detainees without sufficient means were entitled to legal aid. Any person deprived of his/her liberty had the right to be examined by a doctor. Likewise, any person suspected of committing an offence and held in police custody must be brought before a judge within 24 hours of arrest. A person subjected to arbitrary arrest had the right to compensation. The right to life and respect for one's physical integrity was guaranteed to everyone. No one could be arrested without a warrant, and anyone who was arrested must be informed immediately of the reasons for the arrest.

6. Detention facilities were regularly inspected, and could be visited once a month. The right of detainees to education was a fundamental right, and various measures had been taken to realize it. In order to improve the treatment of detainees even further, the Ministry of Human Rights had organized many training courses for prison officers and law enforcement officials. The Ministry was also competent to receive and consider complaints from individuals and to resolve those complaints in collaboration with the authorities. Any acts of torture or ill-treatment by prison officers gave rise to an immediate inquiry, and those responsible were penalized.

7. Female genital mutilation was considered equivalent to torture and was thus prohibited. Measures had been adopted to prohibit early marriage of girls and to raise the minimum age for marriage to 17 years for both sexes. For more information about the action taken by Yemen to implement the Committee's previous recommendations, he invited members to consult Yemen's replies to the Committee's provisional concluding observations, contained in document CAT/C/YEM/CO/2/Add.1.

8. **Mr. Al Namili** (Yemen) said that there had been no cases of enforced disappearance in Yemen, and invited Committee members to consult the information submitted to the Working Group on Enforced or Involuntary Disappearances. In respect of the alleged cases of arbitrary detention cited by the Committee, information on the circumstances in which those arrests had taken place had been submitted to the Working Group on Arbitrary Detention. In most of those cases, the persons concerned had been arrested for acts of violence against police officers.

9. Contrary to the allegations made by NGOs, the Public Prosecutor's office had investigated all allegations of torture involving officers of the security forces, but had found no evidence to back up the claims. Prison visits were organized at least once a week, and the detainees were interviewed to elicit information about their living conditions. Organizations such as Amnesty International and Reporters without Borders had never had the slightest problem gaining access to detention facilities. Lawyers were not prevented in any way from holding meetings with detainees, and were generally provided with a room where they could talk with their clients. Detainees were provided with health care and underwent a medical examination when they entered prison. The Yemeni delegation stood ready to provide Committee members with details of every allegation of enforced disappearance or torture. In respect of offences against the freedom of the press and threats made against journalists, the Yemeni delegation could also provide examples of journalists who were entirely satisfied with the conditions in which they worked.

10. **Mr. Qahtan** (Yemen) said that his country did not have many resources, but it spared no efforts to protect human rights by strengthening the rule of law and promoting the building of democracy. Yemen appreciated the efforts of civil society organizations to report any human rights problems which might arise, but it must be said that allegations

made by NGOs were often unfounded. Most were cases of human error committed by a small number of law enforcement officials with inadequate training in and awareness of human rights problems, rather than cases of systematic violation. NGOs, particularly international ones, could not reasonably expect Yemen to adopt positions or measures which ran counter to its values and religious convictions. The Convention was directly applicable in domestic law, and there was no need to adopt a specific law unless there was a conflict between the Convention and domestic law. However, the Yemeni Constitution took precedence over international instruments.

11. Yemen took in many refugees, many of them originating from the Horn of Africa. Yemen had acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The rights of refugees were strictly respected. There was a special reception centre for refugees and asylum-seekers in Sana'a. Yemen had not expelled any refugees by force, but had escorted clandestine foreign nationals back to the border, including Ethiopians and Somalis who did not have refugee status.

12. The death penalty was never automatically applied; it was subject to very strict conditions. Minors could not be condemned to death. The age of criminal responsibility was 18 years. The penalties of amputation, whipping or stoning were hardly ever used. Sexual intercourse outside marriage, whether committed by a man or a woman, was prohibited. Adultery was, indeed, subject to penalties, but in practice such cases were rare and required at least four witnesses to testify to the adultery. The courts generally showed clemency towards people who had committed adultery, both men and women.

13. Child trafficking did not exist in Yemen, and the very concept of trafficking as it was used in Europe had little meaning in the Yemeni context. It was true that some children moved to other countries, mainly Saudi Arabia, to find work.

14. Yemen had ratified the main international instruments against terrorism and had adopted a law aiming to penalize the financing of terrorism. All Yemenis suspected of terrorism had been brought to justice.

15. **Ms. Alban** (Yemen) said that she was surprised by the information submitted to the Committee relating to human rights defenders, since Yemen had always made efforts to collaborate with them. Measures had been taken to guarantee freedom of movement for members of organizations such as Amnesty International or Human Rights Watch. Most female detainees were accommodated in women-only detention centres where the prison officers were also female. No female detainees had been raped. Men and women were strictly segregated in prisons. A centre for rehabilitation of women on their release from prison had been set up in Sana'a. A bill was being drawn up which would establish a minimum legal age for marriage, which would be the same for both men and women.

16. In conclusion, she said that Yemen was resolved to promote respect for human rights and fundamental freedoms and to ensure that everyone could live in complete security in a society free of any form of physical or mental torture.

The first part (public) of the meeting rose at 4.10 p.m.