

As If They Are Not Humans

Recurrent Violations against Migrants in Yemen

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Introduction

Thirty-one years ago, on December 18, 1990, the United Nations General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in December. Although the number of migrants from 2000 to 2020 has doubled from 17 million to 34 million, and most of these migrants have fled their homes either to escape armed conflicts, particularly in the Middle East, prosecution, violence, human rights violations or to seek better living conditions. This Convention remains one of the basic human rights conventions that has not yet received the appropriate support. Only 56 states have ratified and acceded to this Convention, only six of which are Arab states, namely: Egypt, Mauritania, Algeria, Morocco, Libya and Syria, while Yemen has not yet acceded to the Convention.

According to the UN latest statistics, more than 281 million migrants are living outside of their countries of origin for different reasons. In the Middle East, Yemen is considered the main transit country for migrants, especially the African ones from the Horn of Africa, due to the proximity of their country of origin to Yemen's coasts. Besides, Yemen is their gate to the Gulf or European states. Those migrants often arrive on large boats and sometimes they use smuggling boats in exchange for \$500 for every migrant. Whoever, among these migrants, survive, would reach the Yemeni coasts safely, as several migrants get beaten and sometimes are forced to leave the ship or boat by the smuggling networks at great distances from the coasts for fear that such ships would be detained by the border management. As such, several victims are drowned, as they cannot swim for long distances. In Yemen, there is currently about 41,000 migrant, most of which are Ethiopians, Somalis and Eritreans. The number of migrants arriving in Yemen has decreased due to the Coronavirus pandemic, which had reached 138,000 migrants in 2019 according to the International Organization for Migration (IOM)¹. For the most part, these migrants seek Yemen in order to improve the standard of living for themselves and their families and to escape from armed conflicts or natural disasters, such as climate change, and the poor economic conditions in their countries of origin.

On their way to Yemen, however, these migrants fall victim to fraudulent and organized crime operations by the smuggling networks and their cooperating intermediaries, whether in the country of

¹ المنظمة الدولية للهجرة: أكثر من 3800 مهاجر وصلوا اليمن أول شهرين من عام 2021، روسيا اليوم، 4 أبريل 2021، علي الرابط التالي: <https://bit.ly/3wSKIWV>

destination, transit or origin. All the parties in Yemen have practised violations against migrants, including the Houthi Movement, whether in Sanaa or other governorates controlled by the Houthis in northern Yemen. Moreover, the Houthi Movement has left the African migrants with three bad choices, whether to be used in hostilities against the government forces and the Saudi-UAE Alliance, to pay a fee to be released from detention centres or to be forcibly deported to the southern governorates controlled by the internationally recognized Yemeni government.

In detention centres in Aden, migrants have also reported being subjected to recurrent violations. In addition, the same violations were carried out by the smuggling networks and human traffickers in the Yemeni borders with the Kingdom of Saudi Arabia. Furthermore, the perpetrators of such abuses against migrants in Yemen were not held accountable, except in very few cases that do not amount to be regarded as prevailing practices, given the prevalence of impunity in such violations even in crimes that amount to crimes against humanity. The latest of these crimes was committed in March 2021 when the migrants' facility of the Immigration, Passport and Naturalization Authority in Sanna was burned down. Fire has reportedly broken out after some Houthi fighters and guards fired smoke bombs on the facility.

Accordingly, **Maat for Peace, Development and Human rights** has released this report to draw attention to the systematic violations and abuses experienced by migrants in Yemen, particularly the extrajudicial killings, deprivation of humanitarian assistance, the rising hate speeches and discrimination against migrants, forced deportation of migrants and other practices that amount to torture. Before we get into that, Maat will focus on clarifying certain concepts that may cause some confusion about migrants as well as the legal framework for the protection of migrants.

Concepts of the Study

Who are Migrants?

Migrants are all persons who voluntarily or involuntarily in different cases choose to move from their countries of origin to another country. Such movement is often triggered by their desire to improve their economic standard by working in the states to which they move. A migrant has the right to return to his/her home whenever he/she wishes, unlike refugees, as all refugees are migrants but

not all migrants are refugees². Moreover, migrants can move from their countries of origin to another country using two methods³:

- **Legal migration:**

It is defined as the movement of persons from one country to another in accordance with the applicable legal procedures of the destination country, particularly visas and residence permits granted by the migration and passport authorities.⁴

- **Irregular migration:**

It is defined as the movement of persons from one country to another that takes place without legal permits and visas whether by land or sea or by moving to a state's territory with forged documents or with the help of smuggling networks or the so-called organized crime networks. The definition of an irregular migrant sometimes applies to migrants who legally entered the state but overstayed their visas, and thereby they became irregular migrants⁵. In another definition by the Programme of Action of the International Conference on Population and Development (ICPD) in 1994, irregular migration is viewed as the process by which individuals move to the country of transit or destination, but they do not fulfil the requirements established by the country of destination to enter, stay, or exercise an economic activity⁶.

In the map below, we show the migration routes between the African Horn and Yemen that are often used by migrants

² The legal framework for migrants and refugees, International Federation of Red Cross and Red Crescent Societies, Page 10, Available at the following link: <https://bit.ly/3ku3mfw>

³ التغطية الإعلامية للهجرة استناداً للقانون الدولي، ص 78، علي الرابط التالي: <https://bit.ly/3enrWuQ>

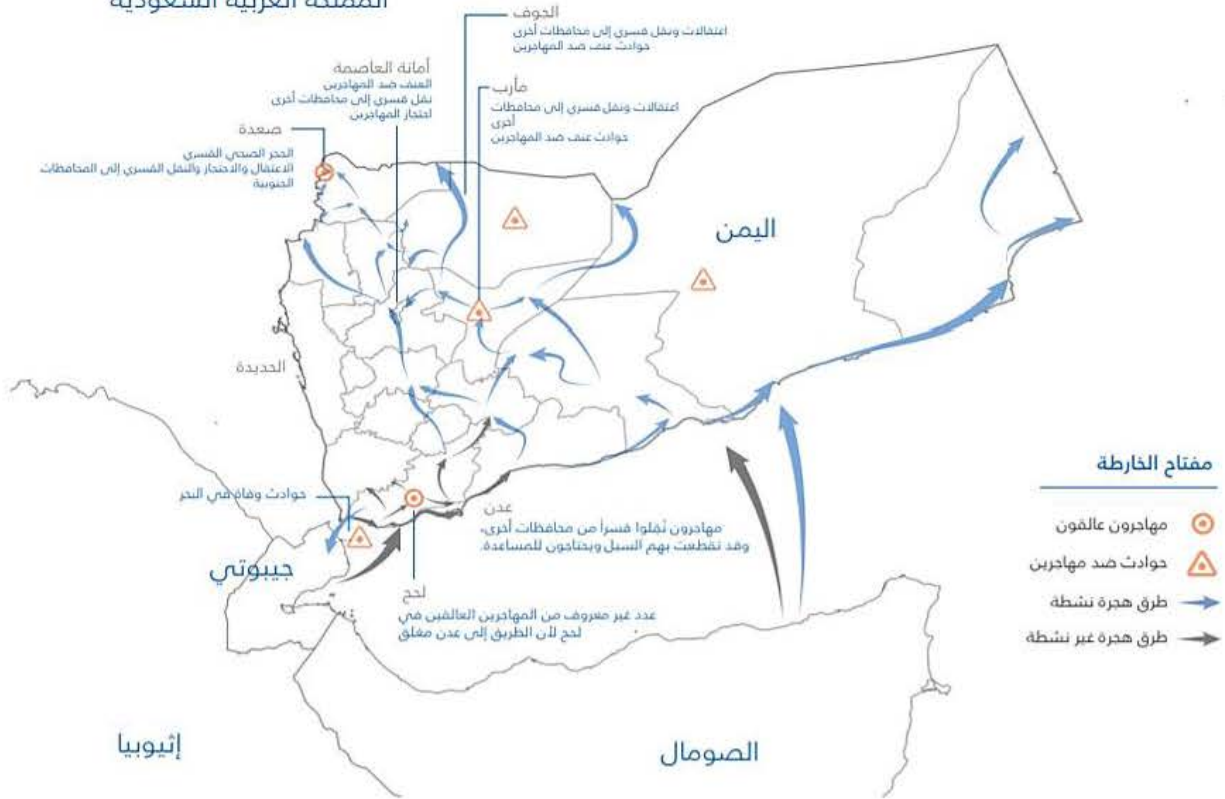
⁴ المرجع السابق نفسه

⁵ رأس العارة.. طريق طالبي اللجوء الإثيوبيين نحو الجحيم، المرصد الأورومتوسطي لحقوق الإنسان، ص 5، علي الرابط التالي: <https://bit.ly/3eqrCLJ>

⁶ Ibid, P.7, Available at the following link: <https://bit.ly/3ku3mfw>

طرق الهجرة بين القرن الإفريقي واليمن

المملكة العربية السعودية



المصدر: المنظمة الدولية للهجرة

In all cases, persons tend to migrate for common reasons, specified in the image below:



أسباب الهجرة

عند فجر التاريخ ينتقل الناس من دوطهم

- إما للتحول على فرص اقتصادية جديدة
- وإما للهروب من النزاعات المسلحة والفقر وانعدام الأمن الغذائي والإرهاب وانتهاكات حقوق الإنسان
- وإما بسبب الآثار السلبية لتغير المناخ

Source: OIM

The Legal Framework for the Protection of Migrants:

The Universal Declaration of Human Rights (UDHR) is the fundamental guarantee for protecting the rights of all people including migrants, despite their legal status in the place in which they are staying. Article 13 of the UDHR stipulates, “Everyone has the right to leave any country, including his own, and to return to his country”⁷ and Article 2 of the International Covenant on Civil and Political Rights stipulates that each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind⁸. Moreover, the Convention against Torture protects all individuals, including migrants, from torture and cruel and degrading treatment. Such Convention is often associated with the principle of non-refoulment of migrants, which is a principle that prohibits states from deporting any person to the jurisdiction of another state or territory when there are substantial grounds for believing that the person would be at risk of torture or other human rights violations.

According to the Working Group on Arbitrary Detention, “Any form of administrative detention or custody for migrants must be used as an exceptional measure of last resort, for the shortest period and only if justified by a legitimate purpose.”⁹ Furthermore, in accordance with paragraph 14 of the New York Declaration for Refugees and Migrants, member states of the UN General Assembly are committed to “condemn acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against refugees and migrants, and the stereotypes often applied to them, based on religion or belief.”¹⁰

In addition, several international treaties and conventions guarantee migrants’ access to justice, as Article 14 of the International Covenant on Civil and Political Rights stipulates that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law¹¹. Article 18 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also stipulates, “Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the

⁷ الإعلان العالمي لحقوق الإنسان، المادة 13، علي الرابط التالي: <https://bit.ly/36BzhCE>

⁸ العهد الدولي للحقوق المدنية والسياسية، المادة 2، علي الرابط التالي: <https://bit.ly/3hGllxn>

⁹ تقرير المقرر الخاص المعني بحقوق الإنسان للمهاجرين، ص 6، 7، علي الرابط التالي: <https://bit.ly/3wDVFWt>

¹⁰ إعلان نيويورك من أجل المهاجرين واللاجئين، الفقرة 14، ص 5، علي الرابط التالي: <https://bit.ly/3ifVxY5>

¹¹ مصدر سبق ذكره، المادة 14، علي الرابط التالي: <https://bit.ly/3hGllxn>

determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”¹²

Extrajudicial Killings

The right to life is inherent in the international human rights law (IHRL) and all international treaties and instruments, as no person shall be arbitrarily deprived of his/her right to life. Such right includes irregular migrants and these migrants also have the right to personal safety and not to be exposed to danger. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime attaches particular importance to such right in Article 16 as an inherent right to all humans wherever they may go¹³. However, migrants in Yemen were subjected to a broad spectrum of risks inconsistent with their guaranteed protection under international law, the international refugee law (IRL) and other international norms and thereby their right to life remain precarious.

On March 7, 2021, the security forces of the Houthi Movement fired ballistics and bombs on a migration detention center of the Immigration, Passport and Naturalization Authority in Sanna, which caused a fire in the centre resulting in the death of more than 65 migrants, the majority of which are Ethiopians, and the injury of more than 200 others, some of which are still in a very critical condition¹⁴. Maat agrees with the assertion made by the International Organization for Migration (IOM) that the number of deaths may be much higher than this.

Background on the incident

550 Ethiopian migrants, some of them from Somalia and Eritrea, were placed in a hangar, which is a closed building structure,¹⁵ or a facility overcrowded with migrants. Even worse, the overcrowding and extremely poor conditions have prevented the migrants inside the facility from getting sleeping sheets, and they rarely received food in small quantities, and they did not receive adequate quantities

¹² لاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم، المادة 18، علي الرابط التالي: <https://bit.ly/36G9WYd>

¹³ بروتوكول مكافحة تهريب المهاجرين عن طريق البر والبحر والجو، المكمّل لاتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة عبر الوطنية، المادة 16، علي

الرابط التالي: <https://bit.ly/3h1b2ji>

¹⁴ الجالية الأفريقية في اليمن تشيع 44 مهاجراً ماتوا حرقاً في صنعاء، أندييندنت عربية، 14 مارس 2021، علي الرابط التالي: <https://bit.ly/3xGNom2>

¹⁵ بناء كبير مرتفع مقوس الشكل

of water and were subjected to insults, beatings and threats from the detention centre guards. The previous dire circumstances prompted the migrants to organize a hunger strike.¹⁶

On the morning of March 7, 2021, according to the testimonies of some detained migrants that Maat obtained, some migrants refused to have breakfast. At 1 p.m., the guards returned with lunch, but the detainees continued their hunger strike. After the centre's guards recognized the protest organizers, they took them out of the hangar and beat them with wooden sticks and their firearms. In response, the detainees threw dishes and injured one of the security guards in his face, which showed signs of wounds. The guards then gathered the migrants nearby and detained them in the hangar. Minutes later, the detained migrants were surprised by security forces dressed in black, green and grey uniforms, armed with weapons and other military equipment. One of the aforementioned security personnel climbed the roof of the hangar, which had some ventilation holes, and fired two projectiles. The migrants said that the first shell made the migrants' eyes shed tears. The second shell exploded, which the migrants called a "bomb", this bomb made a loud noise in the centre and set the fire in all its corners¹⁷.

On March 17, 2021, the Houthis admitted the responsibility of their security forces for the fire in the detention

centre of the migrants and reported that 11 soldiers from the riot control and passport departments were responsible for burning 45 migrants and injuring 170 others. These numbers later turned out to be much higher; the Houthis said that the bombs used to set the fire are "CS" smoke bombs. The Houthis said that the soldiers were detained till brought to trial, and they reported opening an independent investigation into the incident, and in the soldiers' testimonies, they said that they did not receive orders from their superiors to launch the bombs, but until writing this report, we did not know the final results of this investigation¹⁸, Maat believes that the Houthis' recognition of the crime of the immigration detention centre in Sana'a, which is a crime against humanity, cannot exempt them from responsibility, and the United Nations must impose sanctions after an independent and comprehensive investigation about those who gave orders to the soldiers to launch shells and fire towards the hangar of detention. Impunity for this crime will repeat it continuously, which may make

¹⁶ اليمن: مقتل عشرات في حريق بمركز احتجاز للمهاجرين، هيومن رايتس ووتش، 16 مارس 2021، <https://bit.ly/2UliEZt>: علي الرابط التالي

¹⁷ مصدر سبق ذكره، علي الرابط التالي: <https://bit.ly/2UliEZt>

¹⁸ وأخيرا.. ميليشيا الحوثي تعترف بأحداث "مجزرة صنعاء"، سكاي نيوز عربية، 22 مارس 2021، <https://bit.ly/3z0t5jC>: علي الرابط التالي

the migrants in Yemen vulnerable to this kind of violations related to a right on which there are no other human rights that have superiority.

It is worth noting that this is not the first incident proving that the Houthis do not treat migrants as human beings and that the last thing that the Houthis' may think about in Sana'a is to save the lives of migrants. On April 16, 2020, Maat monitored the detention of thousands of Ethiopian migrants in a village al-Ghar in Saada Governorate by armed Houthi elements, a village that harbours illegal migrants. The armed elements asked the migrants to board small transport vehicles and took them to the Saudi borders and fired live bullets at two persons who tried to escape, and they died on the spot¹⁹. According to the testimonies of migrants who were on board the fifty small transport vehicles, forty persons were killed because they launched mortar shells and live bullets at the migrants at the border with Saudi Arabia. The Houthis' inhumane treatment of migrants contradicts the protection guaranteed to them in international law and all the international norms. Since the Houthis are an active group that exercises functions similar to those of the country, it is required to comply with international law; Maat believes that the Houthis' continued disavowal of these obligations, especially in terms of migrants, will result in heavy losses in their lives.²⁰

Denial of Humanitarian Aids

International human rights law protects the right of migrants to access humanitarian services. In the same way, international humanitarian law grants civilians the right to obtain humanitarian assistance and to be included with relief work in non-international armed conflicts, this includes migrants as well. But in the wake of the fire that broke out in the detention centre of African refugees and migrants on March 7, 2021, the Houthi group prevented humanitarian organizations in Sana'a from reaching the migrants who were in most needs of humanitarian aid, particularly medical aids, and the group was not satisfied with that, but imposed a siege on the hospitals to which more than 200 injured persons were transferred, and prevented access to these hospitals under the pretext of the necessity of conducting extensive investigations first about the incident, this prompted the International Organization to demand that humanitarian and health workers be granted access to support treatment

¹⁹ اليمن: الحوثيون يقتلون ويطردون مهاجرين إثيوبيين، هيومن رايتس ووتش، 13 أغسطس 2021، علي الرابط التالي: <https://bit.ly/3hJApui>

²⁰ مصدر سبق ذكره، علي الرابط التالي: <https://bit.ly/3hJApui>

for those affected by the fire and others who receive long-term care by the International Organization for Migration and its partners²¹.

In southern Yemen, in the wake of the spread of the Coronavirus, the Yemeni Ministry of Interior suspended the voluntary humanitarian return program of the International Organization for Migration due to the restrictions imposed on the movement and security concerns from the possibility of the migrants returning at this time, and despite the painstaking negotiations conducted by the International Organization for Migration with the internationally recognized Yemeni government to resume the humanitarian return program, particularly for Ethiopian migrants, who constitute the majority of migrants arriving in Yemen, but until October 2020, the Yemeni government had not agreed to resume the humanitarian program, and behind this, poor conditions in which the migrants lived in Aden Governorate, where many of them have been sleeping in the open for a long time, or in abandoned buildings in remote areas, while they lacked their right to access basic services such as health care, clean water and sanitation, and they were more vulnerable than others to diseases, especially the emerging coronavirus.²² Humanitarian access for migrants is at the core of the work of humanitarian organizations, which seek to mitigate harm to individuals according to their needs only and regardless of their legal status, nationality, race or religious beliefs.²³

Arbitrary Detention and Arrests

International human rights law bans the arbitrary detention or arrest of migrants, including those who enter irregularly, and migrants must not be subject to arbitrary detention or other forms of coercion in inappropriate conditions. According to the Special Rapporteur on the human rights of migrants, “illegal entry or residence should not be considered criminal offences, and illegal migrants should not be considered criminals”²⁴

However, in the wake of the spread of the coronavirus pandemic, and the Houthi group’s declaration that the first infection with the virus was due to a Somali immigrant, the group launched extensive campaigns in Sana’a and other governorates under its control against migrants and placed

²¹ جريمة حوثية بصنعاء.. حرمان الضحايا الأفارقة من مساعدات دولية، العين الإخبارية، 9 مارس 2021، <https://bit.ly/3hLYhh3>، علي الرابط التالي:

²² التقرير الربعي عن الهجرة، المنظمة الدولية للهجرة – اليمن، ص 1، علي الرابط التالي: <https://bit.ly/3reJLi>

²³ مذكرة توجيهية إجراء ضمن وصول المهاجرين إلى المساعدة الإنسانية ووصول المساعدة الإنسانية إلى المهاجرين، الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر، ص 2، علي الرابط التالي: <https://bit.ly/3xT1EYQ>

²⁴ “محتجزون ومجردون من إنسانيتهم” تقرير حول انتهاكات حقوق الإنسان ضد المهاجرين في ليبيا، بعثة الأمم المتحدة للدعم في ليبيا، ص 14، علي الرابط التالي: <https://bit.ly/3r9Y75W>

them in inhumane detention centres, which lacked the means to survive. Food is scarce, water is not clean, and bedrooms do not have ventilation holes. The International Organization for Migration estimated the number of migrants detained in Sana'a only at more than 3,000 migrants till September 2020, living in the most unfavourable circumstances for the continuation of life.²⁵

Among the aforementioned statistic, the Houthis group arbitrarily detained about 900 migrants inside the detention centre of the Department of Immigration, Passports and Nationality in Sana'a before the outbreak of the fire that killed dozens of migrants, knowing that the number of detainees inside the facility exceeds its capacity by about three times²⁶. These migrants are kept in detention until they pay the exit fees, which often exceed \$500, and the majority of migrants are unable to pay those expensive fees and are sometimes bargained with in order to engage in the fight with the Houthis against the Yemeni government and the Arab coalition to support legitimacy in Yemen, in return for paying exit fees and obtaining additional amounts. As for those who refuse, they remain in places designated for detaining migrants, which are hangars or facilities that are not suitable for detaining persons, and where severe overcrowding and lack of lighting and ventilation are noted, which facilitates the spread of infectious diseases such as smallpox, scabies, and other diseases.

In southern Yemen, migrants in areas under the control of the internationally recognized Yemeni government, particularly in the governorate of Aden, were subjected to the same arbitrary practices. About 300 migrants, most of whom are Somali and Eritrean, were detained in a detention center in al-Buriqa district in Aden governorate, a marine science research center affiliated with the Ministry of Fisheries. It has been converted into a migration detention center.

Within the al-Buriqa detention centre in Aden governorate, migrants were subjected to various patterns of systematic abuse by the center's guards, men were assaulted and thrown to the ground. Women were raped and sexually harassed. They were forced to remove their abaya and veil under pressure from prison guards, and whoever refuses was subjected to severe beatings and severe abuse. In testimony to a non-governmental organization, an Ethiopian woman held in prison said she was still in pain after a guard beat her severely because she refused to let him have sex with her. She also

²⁵مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3xP2OEM>
²⁶"الهجرة الدولية": ظروف احتجاز المهاجرين باليمن "لا إنسانية"، سكاي نيوز عربية، 15 مارس 2021، على الرابط التالي: <https://bit.ly/3riQ5rB>

reported that women and girls were regularly raped and sexually assaulted and that she saw guards rape two of her friends²⁷.

In confirmation of these violations, on April 2, 2018, the Yemeni Ministry of Interior dismissed the commander of al-Buriqa center, “Colonel Khaled Alwani”, claiming that he had exceeded his work powers and transferred the migrants to other sites and promised to investigate complaints related to the abuse to which the migrants were subjected²⁸. However, Alwani was rewarded and transferred to work as the police director of Al-Mualla Directorate in Aden governorate, before the Ministry of Interior demands his arrest for investigation on April 19, 2018, but he was not found and he may leave the capital, Aden, to a neighbouring country, according to local Yemeni sources²⁹.

None of the guards of the African refugee centers in al-Buriqa directorate in Aden governorate was held accountable or truly tried, which has widened the cycle of impunity for violations against migrants in southern Yemen, and prevention of African migrants at all times from accessing justice or complaining the perpetrators of violations against them. Yemen lacks an effective judicial system, and there is no question to seek justice for migrants, and courts lack even in the case of access to interpretation services or legal assistance to migrants, which made migrants easy prey. They found no escape from obtaining their wasted rights. Some of them accepted and worked as cleaners and in-car workshops, and in other serious jobs, including children, and some of them left for the borders wanting to go to the Kingdom of Saudi Arabia, and others preferred to return to their countries of origin.

Rise of Hate Speech and Discrimination against Immigrants

Migrants suffered from racial discrimination after the Houthis announced that the first infection with the Coronavirus in the areas under their control belonged to a Somali immigrant. Hate rhetoric against migrants, whom the Houthis stigmatized as carriers of disease, intensified. They were subjected to various forms of abuse, including physical and verbal abuse, denied access to health care services, or adequate food. The Houthi movement restricted their movement and forcibly moved them to the front lines of the conflict and desert locations. And they left them stuck there without food, water, or any services that contribute to their survival³⁰. Officials affiliated with the group in Sana'a decided to

²⁷مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3kxBIyt>

²⁸اليمن: تعذيب واعتصام مهاجرين أفارقة رهن الاحتجاز، هيومان رايس ووتش، 17 أبريل 2018، على الرابط التالي: <https://bit.ly/3ehX9zq>

²⁹ أمر بتوقيف مسؤول أمني يمني بعد اتهامات باغتصاب مهاجرين أفارقة، فرنسا 24، 19 أبريل 2018، على الرابط التالي: <https://bit.ly/3zeCuEH>

³⁰ منظمة الصحة العالمية والمنظمة الدولية للهجرة تُعربان عن قلقهما بسبب التمييز ضد المهاجرين في اليمن بخصوص كوفيد-19، المنظمة الدولية للهجرة،

10 مايو 2020، على الرابط التالي: <https://bit.ly/36JT42F>

lay off African cleaners. They also decided female African workers in homes and companies. It was reported that there was an official tendency from the group to detain all immigrants. They also harassed those who work in car washes in the streets. They treated them with contempt, and any immigrant who encountered a citizen or a security element was described as a "mobile virus"³¹.

Discrimination against immigrants in Yemen because they are the carriers of the epidemic has no scientific evidence. It contradicts the International Convention on the Elimination of All Forms of Racial Discrimination, which calls for the denunciation of racial discrimination and taking adequate measures to eliminate it. They promote understanding among all races while not encouraging and protecting any racial discrimination by any person or organization³². The armed group "Houthis," or Ansar Allah, as like to be called, turned against all decisions to establish democratic rule and a peaceful power transfer. They turned against the outcomes of the comprehensive National Dialogue Conference and the executive mechanism of the Gulf Cooperation Council initiative. The main problem in Yemen is that this group does not find itself bound by human rights rules or international law. In contrast to what was expressed earlier by the High Commissioner for Human Rights, when he acknowledged that when non-state actors exercised functions similar to the government, they were considered bound by international human rights standards³³.

Forced Deportation of Immigrants

International human rights law, international refugee law, and customary international law prohibit the forcible return of migrants and refugees to their countries of origin. All international covenants require protection for migrants even if they enter the transit country or destination illegally. However, the Houthis have not adhered to the principle of non-refoulment of migrants. In April 2021, the anti-riot forces of the Houthi group in Sana'a broke up a sit-in of hundreds of African migrants who were camping in front of the High Commissioner for Refugees in Sana'a. As a result of the dispersal, two immigrants were killed, and hundreds were injured, including more than 55 women with live bullets. In addition to looting their personal belongings and accessories such as cell phones and money, the Houthis ported others to the governorates of Taiz, Lahj, and Dhamar³⁴.

³¹ أفارقة اليمن... عنصرية وتجنيد حوثي قسري، العربي الجديد، 10 نوفمبر 2021، على الرابط التالي: <https://bit.ly/2Td7Bkx>

³² الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، المادة 2، على الرابط التالي: <https://bit.ly/3xKcyA6>

³³ صعود الجهات الفاعلة غير الحكومية المسلحة وفشلنا في الرد بشكل مناسب، معهد غرب آسيا وشمال إفريقيا، 16 يناير 2015، على الرابط التالي:

<https://bit.ly/2ZEBaLe>

³⁴ ترحيل المهاجرين الأفارقة من صنعاء، الشارع، 4 أبريل 2021، على الرابط التالي: <https://bit.ly/3elaWW7>

The right to freedom of peaceful assembly is guaranteed to every human being, and it cannot be a pretext for forcibly deporting immigrants. On April 3, 2021, the Houthi group began the forcible transfer of hundreds of African migrants hours after organizing a peaceful gathering in front of the United Nations High Commissioner for Refugees in Sana'a. African migrants gathered to demand an international investigation into the Holocaust they were subjected to in March 2021. The Houthi group transferred more than 500 Ethiopian migrants forcibly to other areas outside Sana'a, including 210 males, and 200 children and women, in addition to 45 Somali migrants, including women and children, aboard Dinat medium trucks, arriving in Dhamar Governorate³⁵.

The forcibly transferred migrants were forced to write pledges not to return to Sana'a and then go to Taiz Governorate³⁶. Most of the time, the forcible deportation took place without informing the organizations concerned with migrants in Yemen, such as the International Organization for Migration or the United Nations High Commissioner for Refugees. Some migrants were injured in the sit-in dispersal at the United Nations High Commissioner for Refugees headquarters. The security forces of the Houthi group forced them to get off the trucks and walk towards the areas controlled by the Yemeni internationally recognized government³⁷.

According to the Ethiopian lawyer, Arafat Jibril Bakr, the deported immigrants were forcibly transferred to some areas devoid of population and lacking the minimum necessities of life, as they are areas without water or food. With the announcement of the first infection of the Corona pandemic in Yemen and attributed it to a Somali immigrant, the Houthi group began transferring more than 2,000 immigrants to the south, where the internationally recognized Yemeni government-controlled areas. The Houthi group repudiated all its obligations under international law regarding migrants, deportations, and forcible transfer of them³⁸.

However, the internationally recognized Yemeni government practised the forcible deportation of migrants after the violations suffered by the migrants in the African Refugee Center in Al-Buraiah in Aden Governorate, which resulted in the dismissal of Colonel Khaled Al-Alwani, the center's commander. In April 2018, elements of the Yemeni government placed about 200 migrants, most of

³⁵ ترحيل وقتل واعتقالات.. الحوثيون ينكل بالمهاجرين الأفارقة، العين الإخبارية، 3 أبريل 2021، على الرابط التالي: <https://bit.ly/2U6ZdDK>

³⁶ ترحيل المهاجرين الأفارقة من صنعاء، الشارع، 4 أبريل 2021، على الرابط التالي: <https://bit.ly/3kk8Pph>

³⁷ المرجع السابق نفسه

³⁸ الأمم المتحدة: ارتفاع عدد المحتجزين من المهاجرين الأفارقة في سجون الحوثيين بصنعاء، العاصمة، 8 سبتمبر 2021، على الرابط التالي:

<https://bit.ly/36EGJwQ>

them of Ethiopian nationality, in trucks and transported them to Bab al-Mandab, about 150 kilometres from Aden; according to the testimonies of migrants to non-governmental organizations. The center's guards lowered about 100 Ethiopians in a boat out to sea. The second boat was broken, forcing the remaining Ethiopian guards back to a guarded courtyard near the shore. After the migrants spent a whole day in the yard without eating, some migrants were forced to escape towards the Saudi Arabia border³⁹.

Torture and Degrading Treatment

The Yemeni constitution and international human rights law prohibit torture and other cruel, inhuman, or degrading treatment or punishment. However, migrants in Yemen have suffered from torture, whether by the security forces of the conflict parties or smugglers. In June 2020, the Houthi group in Sanaa and northern Yemen, or the Yemeni recognized government in the south, took closure decisions and imposed restrictions on the movement of individuals due to the spread of the Coronavirus epidemic. According to the International Organization for Migration, the decisions reduced the migrant's arrival to Yemen by 90%. But migrants are stuck because of these decisions.

The number of stranded migrants was about 4 thousand in the areas controlled by the Yemeni government, especially in the governorate of Aden. And about 7 thousand in the areas controlled by the Houthi group and in the governorate of Saada⁴⁰. These migrants were insulted, beaten and kicked, in restaurants, detention centers, and in the streets, as the cause of the epidemic spread in Yemen. Because they are weak groups, they are often unable to defend themselves⁴¹. Smugglers tortured and degraded migrants in coordination with domestic criminal networks and detention center guards. Migrant smuggling networks have begun to set up places to gather African migrants and asylum seekers and torture them in various ways. They beat, rap women and girls, and prevent them food or shelter, to bargain with their families to transfer money for their release.

Maat monitored the incident of an Ethiopian immigrant who spoke with an Associated Press reporter, who said that he was tortured after he was unable to pay the smugglers \$2,600⁴². In another case, Iman Idris, a 27-year-old Ethiopian woman, who came to Yemen from Ethiopia with her husband,

³⁹ مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3ehX9zq>

⁴⁰ Ethiopian migrants in Yemen are being scapegoated over coronavirus, UN reports, independent, 15 July 2020, independent: <https://bit.ly/3rgAWqW>

⁴¹ مهاجرون عالقون في اليمن يتعرضون للتعذيب والخطف، بي بي سي عربية، 9 سبتمبر 2021، على الرابط التالي: <https://bit.ly/36G5Pvb>

⁴² بالفيديو: مهاجرون يتعرضون للاغتصاب والتعذيب والابتزاز في اليمن، يورو نيوز، 30 أكتوبر 2019، على الرابط التالي: <https://bit.ly/3hEzD1K>

was detained by an Ethiopian smuggler with ties to Yemeni smugglers on the border with Saudi Arabia for eight months. She and her husband were subjected to beat and torture after she spent about \$700 to be taken to Saudi Arabia by the smuggler. He did not give in to her desire and told her, "You will stay because I want you." Incident, a young man named Abdo Yassin, 23 years old, said that In a similar i⁴³ he had agreed with smugglers in Ethiopia to pay about \$600 for the trip across Yemen to the Saudi border. But when he reached Ras al-Ara in Lahj governorate, he was transferred to a detention center with 71 other people. The smugglers demanded \$1,600 of him, and he was held for up to five months. The smugglers and center guards beat and whipped him on his back, poured hot water on his legs, and hung him like a slaughtered sheep⁴⁴.

Migrants who come to Yemen in the hope of staying or leaving for Saudi Arabia faced torture and humiliating and abusive treatment; the Houthi and the guards of detention centers in the internationally recognized Yemeni government and the smugglers' groups who exploited these migrants to make profit practice helped to exist these abuses. That is happening in the prevailing impunity and the absence of accountability for the violations against migrants.

The Key Challenges Facing Migrants in Yemen

First: Cancellation of basic financing programs:

The civil society organizations and international bodies' cancellation of basic funding programs, especially in northern Yemen, as a result of Houthi practices against them, has reduced protection and aid programs that were including emigrants in northern Yemen.

Second: Denying migrants access to humanitarian aid

Depriving migrants of access to humanitarian aid exacerbates the suffering of migrants in Yemen.

Third: The deteriorating economic conditions in Yemen

The seven-year armed conflict in Yemen has deteriorated the economy of the state that lags behind all international and regional indicators. Yemen is the largest humanitarian crisis in the world,

⁴³ Migrants endure rape and torture on route through Yemen, Associated Press, 30 October 2019, Available at the following link: <https://bit.ly/2U5VITr>

⁴⁴ Ibid

with around 24.1 million people in need of humanitarian assistance and protection. All these factors have not only affected the Yemeni citizens but also the migrants.

Recommendations

To the UN bodies:

- The need for immediate intervention to confront the direct threats faced by migrants in Yemen and to pressure all parties to the conflict to investigate violations against migrants over the past years.
- The necessity of asking donors to make migrants a priority and to include them in protection programs and humanitarian aid in Yemen.

To the Houthis

- The immediate and unconditional release of all migrants and refugees held in detention centers, especially in Sana'a, as they are being held illegally and subjected to recurrent abuse, and not to resort to the option of detaining migrants in the future except as a last measure and for a legitimate purpose only.
- Immediate cessation of the forced deportation of migrants from Sana'a to areas in southern Yemen, especially the areas witnessing fighting between the Houthis and the internationally recognized Yemeni government or the so-called fighting fronts.

To all parties to the conflict

- All parties to the conflict in Yemen should cooperate with the High Commissioner for Refugees to establish procedures that allow African migrants to seek asylum or obtain the required protection.
- Stop extrajudicial killings, arbitrary detention, forcible deportation, torture and all other practices against migrants that violate the principles and provisions of international law.
- The necessity of strengthening the search and rescue capabilities of the Yemeni Coast Guard, as well as raising awareness of the rights of migrants under international human rights law.

To the countries of origin (exporting immigrants)

- The need to monitor the private recruitment agencies through which migrants travel, and hold them accountable to ensure the safe travel of individuals to their destinations. In addition to monitoring and prosecuting intermediaries who send migrants to networks of smugglers, who often occupy these migrants.