

<b>Country/entity</b>	Yemen
<b>Region</b>	Middle East and North Africa
<b>Agreement name</b>	Agreement regarding the Exchange of Prisoners, Detainees, Remains and Missing Persons
<b>Date</b>	18 Jan 2018
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes

**Agreement/conflict level** Intrastate/local conflict

### **Yemeni Civil Wars (1994) (2011 - )**

The Republic of Yemen was formed in May 1990 after the merger between the Yemeni Arab Republic (YAR) in the north and the People's Democratic Republic of Yemen (PDRY) in the south. The unification process was rushed and the final agreement between President Ali Abdullah Saleh and President Ali Salem al-Beidh was based on the imperfect promise of equality. Following the merger, integration of the militaries and civil services was at best incomplete or at times entirely non-existent. When Saleh's General Congress Party (GPC) allied itself with the newly created Islamist Islah ('reform') party in 1993, the former ruling party of South Yemen – the Yemen Socialist Party (YSP) – was effectively side-lined in the 1993 General Elections. Violence involving the use of heavy weaponry and aerial bombardment erupted in April 1994 and on the 21 May 1994 Vice President al-Beidh declared the secession of the south, citing political centralization with the northern highland tribes, violence against the YSP and economic discrimination. In the midst of fighting, negotiations in Cairo, Egypt, collapsed. The war ended with the military victory of the north, and on the 1 October 1994, Ali Abdullah Saleh was elected President.

Despite the unification of Yemen in 1990, political power during the 1990s and 2000s remained centralized with the northern highland tribes, particularly the villages from which President Ali Abdullah Saleh and his confidants stemmed. The system of clientelism established through the ruling General People's Congress party maintained relative loyalty among the fractured political allegiances of Yemen's traditional tribal leadership. However, diminishing oil reserves and the shrinking opportunities for access to rent increased economic and political marginalization in Yemen's peripheral communities. The degree of regionalism of conflicts is further defined by other local grievances. In the northern governorate of Sa'dah, a backlash was provoked among the local Zaydi Shi'a against Sunni Salafist cultural incursions resulting in six wars between 2004 and 2010. In the southern governorates of Hadramawt, Shabwa, al-Dhali and Abyan, civil and military personnel forcibly retired after the 1994 Civil War began protesting and eventually formed the secessionist Southern 'al-Hiraak' movement in 2007. Furthermore, tribal grievances have spurred attacks on oil companies and government installations to extract rents. Various takfiri groups including al-Qaeda in the Arabian Peninsula have also increased their presence since 1995.

The Yemen Spring in early 2011 allowed all these movements to express their joint displeasure. Moreover, factionalism in the regime split the already weak military and thus allowed the Houthis, the takfiris and tribal-based militia known as popular committees, to assert themselves militarily. Mandated by the UN-sponsored Gulf Cooperation Council Initiative, the National Dialogue held from March 2013 to January 2014 aimed at guaranteeing power-sharing among the different parties. However, the GCC Initiative only included formal political parties that did not accurately reflect political realities. Furthermore, provisions lacked adequate transitional justice and provided former-President Saleh, as well as others, full amnesty. As a result, little faith was placed in the process by formerly marginalized groups such as the Zaydi Shia Houthi rebels (Ansar Allah) and al-Hiraak who opted to increase their bargaining power vis-à-vis the state by strengthening their own territorial enclaves. In September 2014 the Houthis succeeded in capturing the capital Sana'a and gradually expanded their control southward. The subsequent UN-mediated Peace and National Partnership Agreement between transitional president Hadi and the Houthis on a federal, democratic Yemeni state, failed to be implemented as the Houthis successfully dissolved the parliament and deposed Hadi in January 2015. Following the Saudi military intervention to restore the Hadi government in March 2015, ceasefire attempts continuously failed. A two-year

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government
<b>Peace process</b>	Yemen Inter-group Agreements
<b>Parties</b>	<p>First Party Represented by Mr. Zia-ul-Haq Idris Munawar Al-Ahdal Resistance Coordination Council (Paradise of Prisoners) of Taiz Governorate - (described in agreement text as 'Representative of the Prisoners Committee of the Governorate of Ta'iz')</p> <p>Second Party Represented by Mr. Abdelqader Hassan Al-Mortada Chairman of the National Committee Prisoners Affairs &amp; Missing Persons - (described in the agreement text as 'Representative of the Prisoners Committee of Sana'a')</p>
<b>Third parties</b>	-
<b>Description</b>	This is a short but detailed and comprehensive exchange agreement between the Houthi (Ansar Allah) affiliated National committee for Prisoners and the Taiz governorate committee for prisoners. The agreement sets out provisions for exchanging firstly the names and information around detained prisoners as part of an extensive exchange of fighters from conflict across the governorates of Taiz and Ibb. It also provides for the exchange of information and names regarding the dead, including places of burial and exchange of any other information regarding remains.

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**Agreement document** [YE\\_180118\\_Agreement\\_regarding\\_the\\_Exchange\\_of\\_Prisoners\\_etc\\_EN.docx \(3\).pdf \(opens in new tab\) | Download PDF](#)

**Agreement document (original language)** [YE\\_180118\\_Houthi-PC agreement on exchange of prisoners\\_AR.pdf \(opens in new tab\)](#)

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## Groups

**Children/youth** No specific mention.

**Disabled persons** No specific mention.

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

**Racial/ethnic/national group** No specific mention.

**Religious groups** No specific mention.

**Indigenous people** No specific mention.

**Other groups** No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** No specific mention.

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## **Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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**State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.



## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society** No specific mention.

**Traditional/religious leaders** No specific mention.

**Public administration** No specific mention.

**Constitution** No specific mention.

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## **Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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### **Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** No specific mention.

**Mobility/access** No specific mention.

**Protection measures** No specific mention.

**Other** No specific mention.

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### **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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### **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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### **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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### **Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian rights or access** No specific mention.

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## **Security sector**

**Security Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** No specific mention.

**Armed forces** No specific mention.

**DDR** No specific mention.

**Intelligence services** No specific mention.

**Parastatal/rebel and opposition group forces** No specific mention.

**Withdrawal of foreign forces** No specific mention.

**Corruption** No specific mention.

**Crime/organised crime** No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** Page 1, 3 - The two sides commit to providing statements containing the names of all prisoners and detainees [captured] at the battle fronts or detained outside of the conflict area in any of the governorates in the Republic of Yemen by the people from the two governorates of Ta'iz and Ibb. [This also applies] to those captured or detained on the fronts of the two provinces of Ta'iz and Ibb. These will be presented by each side without withholding any of the names.

4- The two sides commit to everyone working towards and seeking to conduct the exchange process of all the prisoners without withholding any of them.

Page 1, 5- This agreement includes all captured on the battle fronts in the two governorates of Ta'iz and Ibb or detained by the two sides from [among] the people of the two governorates. [This applies] whether it was because of political or regional affiliation or because of accusations of collaboration with one of the sides during current events.

Page 1, 7- The agreement excludes those captured in the areas of Dabab, Bab al-Mandab, al-Mocha, alWazi'iyah and Karash

8- Excluded from the agreement are the prisoners from the people of Ta'iz and Ibb captured on other fronts not in the two governorates.

9- The agreement includes all prisoners and detainees from the people of the governorates of Ta'iz and Ibb captured during current events, except for those who are residents of other governorates.

10- The two sides have agreed that the exchange will be comprehensive for all prisoners, detainees and abductees without considering the total number in the exchange or the numbers during the exchange.

Page 1, 12- The two sides have agreed that any prisoner or detainee whose name has been withheld and undisclosed by any of the sides - when the other side can prove it - will be released unconditionally. The implementation of this will be under the supervision of the selected guarantors.

**Vetting** No specific mention.

**Victims** Page 1, Page 1, 5- This agreement includes all captured on the battle fronts in the two governorates of Ta'iz and Ibb or detained by the two sides from [among] the people of the two governorates. [This applies] whether it was because of political or regional affiliation or because of accusations of collaboration with one of the sides during current events.

6- The two sides agree that each side will provide special announcements with the names of those who died or killed on both sides as well as the names of those buried including the areas of burial, the numbers of buried, the bodies analysed during the war whose names are unknown, as well as the number of unidentified the location of their remains.

Page 1, 10- The two sides have agreed that the exchange will be comprehensive for all prisoners, detainees and abductees without considering the total number in the exchange or the numbers during the exchange

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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**Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** No specific mention.

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