

Country/entity	Yemen
Region	Middle East and North Africa
Agreement name	Agreement for the exchange prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest
Date	17 Dec 2018
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate 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

Stage	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Yemen peace process
Parties	<p>First Party Represented by Sheikh. Hadi Ahmed Heij President of Prisoners and Detainees Foundation and Representative Prisoners Affairs & Missing Persons of the Arab Coalition</p> <p>Second Party Represented by Mr. Abdelqader Hassan Al-Mortada Chairman of the National Committee</p>
Third parties	-
Description	An agreement was signed between the Houthis, referred to here as the 'Yemeni parties', and the Saudi-led 'Arab Delegation', for the exchange of prisoners, detainees, missing persons, and victims of forced disappearances.

Agreement document	YE_181217_prisoners_agreement_-_english.pdf (opens in new tab) Download PDF
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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

Groups→Other groups→Substantive
Page 1,

To demonstrate goodwill and to promote the peace process, the Yemeni parties and the Arab

Coalition Representative (hereinafter referred to as the "Parties") agreed to conduct a comprehensive and complete exchange of all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, in accordance with the following principles:

First, the parties agreed to release all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, held in relation to the events in Yemen, without any exceptions or conditions, for the purpose of resolving this fully and definitively.

Second, each party shall hand over all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, held in relation to the events in Yemen, by all Yemeni parties or the Arab Coalition, whether they are Yemeni or from the coalition countries, including (Faisal Rajab - Mohammed Qahtan - Mahmoud Subaihi - Nasser Mansour Hadi).

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 1,

To demonstrate goodwill and to promote the peace process, the Yemeni parties and the Arab Coalition Representative (hereinafter referred to as the "Parties") agreed to conduct a comprehensive and complete exchange of all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, in accordance with the following principles:

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...

Fifth, in the event that any prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, or those arrested and detained in relation to the events in Yemen, were found not released after the exchange process, all parties are obliged to release them immediately and unconditionally.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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

Page 1,

This agreement was executed under the auspices and the supervision of the Office of the Special Envoy of the Secretary-General for Yemen, the sponsor and guarantor for this agreement. The International Committee of the Red Cross shall also oversee and facilitate the exchange process and the technical procedures related to this agreement.

The involvement of the International Committee of the Red Cross aims to ensure respect for fundamental humanitarian principles and procedures that facilitate the release, or transfer or repatriation of all persons who were deprived of their liberty during the events in Yemen. Therefore, the safety of the staff of the International Committee of the Red Cross shall be ensured during this process and all necessary facilities shall be provided to them so that the International Committee of the Red Cross can play its intermediary and neutral role to facilitate the implementation of the agreement.

Page 2, Implementation Mechanism:

...

9- A technical working group shall be established with the participation of the parties, the Office of the Special Envoy of the Secretary-General for Yemen, and the International Committee of the Red Cross to focus exclusively on the logistical and technical aspects of the exchange.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

No specific mention.

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.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1,
Recognizing the importance of urgently addressing the issue in accordance with the legal processes and provisions, particularly, the conventions, principles and norms of international humanitarian law, human rights and relevant laws of the Republic of Yemen and relevant United Nations resolutions,

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

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.

Rights institutions

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

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.

Socio-economic reconstruction

Development or socio-economic reconstruction	Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance Page 1, Preamble: This is a humanitarian issue and it shall not be subject to any political scores or other matters and the perspective of parties shall be to reunite the bereaved families, as it is endorsed in Islam.
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.

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.

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.
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Corruption	No specific mention.
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Crime/organised crime	No specific mention.
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Drugs	No specific mention.
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Terrorism	No specific mention.
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Transitional justice

Transitional justice general	No specific mention.
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Amnesty/pardon	No specific mention.
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Courts	No specific mention.
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Mechanism	No specific mention.
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To demonstrate goodwill and to promote the peace process, the Yemeni parties and the Arab Coalition Representative (hereinafter referred to as the "Parties") agreed to conduct a comprehensive and complete exchange of all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, in accordance with the following principles:

First, the parties agreed to release all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, held in relation to the events in Yemen, without any exceptions or conditions, for the purpose of resolving this fully and definitively.

Second, each party shall hand over all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, held in relation to the events in Yemen, by all Yemeni parties or the Arab Coalition, whether they are Yemeni or from the coalition countries, including (Faisal Rajab - Mohammed Qahtan - Mahmoud Subaihi - Nasser Mansour Hadi).

Page 2,

Fourth, all parties are obliged not to exclude any person who was imprisoned, arrested, detained, or captured for any reason in relation to the events.

Fifth, in the event that any prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, or those arrested and detained in relation to the events in Yemen, were found not released after the exchange process, all parties are obliged to release them immediately and unconditionally.

Page 2, Implementation Mechanism:

- 1- Each Party shall hand over to the other Party the lists of their prisoners, detainees, kidnapped persons, or any person arrested in relation to the events, within one week from the date of signature of this agreement. All lists shall be exchanged through the Office of the Special Envoy of the Secretary-General for Yemen.
- 2- Each party shall be committed to submit a correct, accurate and up-to-date list of the data through the Office of the Special Envoy of the Secretary-General for Yemen and it shall include the quadruple full name, the title, the governorate, the directorate, place of arrest, and place of imprisonment, if any, to facilitate the search process.
- 3- Each party shall submit information about the lists submitted to them, through the Office of the Special Envoy of the Secretary-General for Yemen, within a period not exceeding one week from the date of receipt of the information.
- 4- Each Party shall submit written remarks, if any, on the lists submitted to them by the other party within one week from the date of receipt of the lists through the Office of the Special Envoy of the Secretary-General for Yemen.
- 5- The remarks mentioned in point number 4 shall be responded to within one week from the date of receipt of those remarks.

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

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

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- 3- Each party shall submit information about the lists submitted to them, through the Office of the Special Envoy of the Secretary-General for Yemen, within a period not exceeding one week from the date of receipt of the information.
- 4- Each Party shall submit written remarks, if any, on the lists submitted to them by the other party within one week from the date of receipt of the lists through the Office of the Special Envoy of the Secretary-General for Yemen.
- 5- The remarks mentioned in point number 4 shall be responded to within one week from the date of receipt of these remarks.
- 6- The final lists shall be signed by all parties and handed over to the Office of the Special Envoy of the Secretary-General for Yemen and the International Committee of the Red Cross, for the purpose of preparing and conducting the exchange process in coordination with the Office of the Special Envoy of the Secretary-General for Yemen.
- 7- The agreed upon shall be carried out after submitting information on the remarks within a period not exceeding ten days.
- 8- It was agreed to carry out the exchange process of all prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, by both parties, at the same time in Al-Jawf governorate, to ensure a smooth functioning of the process.
- 9- A technical working group shall be established with the participation of the parties, the Office of the Special Envoy of the Secretary-General for Yemen, and the International Committee of the Red Cross to focus exclusively on the logistical and technical aspects of the exchange.
- 10- A committee from the two parties shall be formed and it shall commence its task upon signing this agreement, to recover and exchange bodies from all fronts and areas and the two parties shall facilitate the work of the committee, secure it, and cooperate with it.

Related cases

No specific mention.

Source

<https://osesgy.unmissions.org/agreement-exchange-prisoners-detainees-missing-persons-arbitrarily-detained-and-forcibly-disappeared>