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REFERENCE: jmn/mm/fg/follow-up/CAT/Yemen

21 April 2006

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the initial report of Yemen by this Committee at its 583rd and 586th meetings at its 31st session on 17 and 18 November 2003.

At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. You may recall that, in paragraph 10 of the Committee's Conclusions and Recommendations, the Committee invited your delegation to submit complementary written information regarding questions raised during the session that remain unanswered, and that in paragraph 11, pursuant to its rules of procedures, that Yemen provide, within one year, information on its responses to the Committee's recommendations which are appended to this letter. Additionally, in paragraph 10 of the Conclusions and Recommendations, the Committee invited the delegation to submit complementary written information regarding questions raised during the dialogue that "remain unanswered."

I am very grateful for your Government's responses on the matters in your full and detailed 14-page report. Noting that the information sought by the Committee has been provided in part on 7 (d) and 7 (f), and from the analysis of this information, I would appreciate clarification as to the following concerns, where sufficient information has not been supplied with regard to the implementation of the Convention in Yemen.

Your Government's reply notes that the Department of Public Prosecutions has "overall responsibility for overseeing and inspecting prisons in order to verify that the penal process is used only against persons who have actually been convicted of an offence and that no one is held in prison illegally." The Committee would appreciate any more specific information you have on inspections made regarding the locations on p. 8, pars. 5 and 6 of your report, as you noted that a detailed report was made and submitted to the Council of Ministers. A copy of this report would be appreciated. Any information you could supply on the kinds of complaints that were received and how they were addressed would be valuable. Your Government also ordered the relevant authorities to implement the report's recommendations to improve poor conditions found on the inspection; your response on actual implementation would be useful.

In light of the Committee's concerns, it would be important to know whether your Government's officials making field visits and inspections found any cases of prisoners held incommunicado, after examining the logbooks and other records at prisons, as noted. If such cases of abuse were found, the Committee would appreciate any additional information on the nature of the offences and any prosecutions of officials for any offences against prisoners in the prison system, under Decree No. 91 of 1995, as you note on page 7, par. 2 of your response.

Your Government also noted, on page 7, par. 7 of the reply, that a most significant step in addressing the Committee's concerns was a presidential decree "establishing a special committee to oversee conditions in prison in general and to make field visits to prison throughout the country." I would appreciate receiving the decree as well as any reports that have been made in conjunction with its implementation.

While indeed a significant step, the Committee notes that in the experience of other state parties cooperating with the Committee, to be credible and effective, public bodies formed to address allegations of prison abuse should be independent of executive authority and transparent and public in their reporting of findings.

The Committee notes with satisfaction the Yemen's efforts in establishing a higher committee of mental health, and closing down existing psychiatric wards in prisons, and constructing psychiatric clinics operating independently of prisons. The Committee would appreciate any additional information available on the number of such prisoners moved from the former prison psychiatric wards, and their current status, and the type of facility they are held in, and the conditions of their housing.

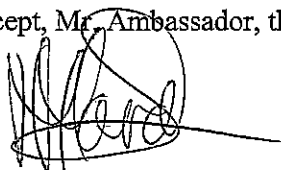
Regarding paragraph 7 (f) of the Concluding Observations, the Committee seeks more specific information about how the Counter-Terrorism Committee measures address the concerns of the Committee Against Torture, such as to prevent torture.

On page 10 of your report in par. 2, your Government describes a major feature of its anti-terrorism effort, a committee to hold "ideological discussions" with persons in custody. The Committee would appreciate receiving additional information about the manner in which the conversations were held, i.e. their duration, their curriculum or content, and whether or not any coercion or deprivations were used.

The Committee appreciates learning of your Government's cooperation with the International Committee of the Red Cross and Amnesty International in permitting visits to persons convicted in terrorist cases. On page 14, par. 2 of your Government's report, there is mention of an official committee set up to monitor prisoners involved in terrorist cases, which has produced a report. A copy of this report would be appreciated.

Upon receive of this additional information, the Committee will be able to assess whether further action is still needed. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Yemen on the implementation of the Convention, and in this content, to receive additional follow-up on our enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.



PP Felice Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
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COMMITTEE AGAINST TORTURE
Thirty-first session
10 to 21 November 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)

YEMEN

(...)

E. Recommendations

7. The Committee recommends that the State party:

(...)

(d) Take all appropriate measures to abolish de facto incommunicado detention;

(...)

(f) Ensure that all counter-terrorism measures taken are in full conformity with the Convention;

(...)

10. The Committee invites the delegation to submit complementary written information regarding the questions raised during the dialogue that remain unanswered.

11. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7 (d) and (f) above.
