

UN-BACKED PRISONER SWAP NEGOTIATIONS IN YEMEN LOCKED IN STALEMATE



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COVER PHOTO: Prisoners held by Yemeni government forces prepare to board a plane in Aden to transport them to Sana'a as part of a prisoner exchange agreement, facilitated by the UN and ICRC, between the Yemeni government and the armed Houthis movement, on October 15, 2020 // Sana'a Center photo by Ahmed Mohammed Obeid Al-Shutiri.



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INTRODUCTION

The latest round of United Nations-backed prisoner exchange negotiations, which took place in late January through mid-February in Amman between Yemen's internationally recognized government and de facto authorities from the armed Houthi movement (*Ansar Allah*), collapsed after a month with no agreement reached. That the warring parties failed to reach a deal demonstrates that the prisoner file continues to be marred by technical and political issues. These problems must be overcome if the Yemeni parties and current UN special envoy for Yemen, Martin Griffiths, hope to make progress.

UN-led negotiations have, thus far, failed to secure the release of conflict-related prisoners and detainees on the “all for all” basis agreed to in the Stockholm Agreement in December 2018.^[1] The agreement aimed to treat the prisoner file as a humanitarian issue that must be addressed in order to build trust and achieve peace. However, a swap was delayed until October 2020, amid distrust and jockeying over details between the warring parties, when a UN-backed deal facilitated by the International Committee of the Red Cross (ICRC) secured the release of more than 1,000 prisoners.^[2]

Two types of negotiations and deals have been used to facilitate the exchange of prisoners and detainees in Yemen: UN-sponsored negotiations, co-chaired by the Office of the Special Envoy of the Secretary-General for Yemen (OSESgy) and ICRC; and localized agreements, negotiated and overseen by local mediators. These latter interventions have proven far more successful in negotiating and securing the release of prisoners than the UN-sponsored efforts, having reportedly led the release of over 4,000 individuals since the start of the conflict.^[3]

This paper seeks to examine the obstacles preventing the settlement of the prisoner exchange issue, explore how the parties to the conflict view the prisoner file and

1) “Full text of the Stockholm Agreement,” Office of the Special Envoy of the Secretary-General for Yemen, December 13, 2018, <https://osesgy.unmissions.org/stockholm-agreement>.

2) “Statement attributable to the spokesperson for the secretary general – on the exchange of detainees in Yemen,” Office of the Special Envoy of the Secretary-General for Yemen, October 17, 2020, <https://osesgy.unmissions.org/statement-attributable-spokesperson-secretary-general-exchange-detainees-yemen>.

3) Nadwa al-Dawsari, “Yemen’s Prisoner Exchange Must be Depoliticized,” Sana’a Center for Strategic Studies, November 11, 2020, <https://sanaacenter.org/publications/analysis/11881>; Nasreddine Amer, Houthi official at the Ministry of Information, phone interview by the author, February 22, 2021.

assess proposals that could assist in its resolution. It relies on interviews with six members of the two delegations – four from the internationally recognized Yemeni government and two from the Houthi movement – to the UN-backed negotiations in Jordan in January and February. Interviews were also conducted with other relevant stakeholders, including an official at the Houthi-run Ministry of Information, a security official from Tariq Saleh’s National Resistance forces on the Red Sea Coast and four pro-government military commanders based in Marib, Al-Dhalea and Aden. Official documents signed by the negotiating parties from the third and fourth meeting of the prisoner exchange negotiations (held, respectively, in February and September 2020) were also obtained by the Sana’a Center. This primary material was supplemented by information drawn from statements, news reports and interviews.

BACKGROUND

In Stockholm in December 2018, the internationally recognized Yemeni government and Houthi authorities agreed to an accord that included three main points: a ceasefire agreement for the city of Hudaydah; a statement of understanding on the city of Taiz; and a prisoner exchange mechanism.^[4] Future negotiations were agreed to secure the release of 15,000 prisoners, with that number evenly divided between the parties. Lists of names – detailing prisoners whose release was sought – were drawn up by each side. However, a swap was delayed almost two years.

Still, the October 2020 prisoner swap was a significant development. The breakthrough came during the third round of negotiations, held in February 2020 in Amman,^[5] which concluded with an agreement to release 1,420 prisoners. The deal stipulated that the government would release 700 prisoners and detainees, while the Houthis would release 400 prisoners and detainees, in addition to 15 Saudi and four Sudanese prisoners. In a separate deal, the government committed to releasing 200 prisoners and detainees in return for the Houthis releasing Nasser Mansour Hadi, the brother of President Abdo Rabbu Mansur Hadi, and further 100 prisoners. However, the discrepancy in the number of prisoners to be released by each side became an issue. Specifically, the fact that Nasser Mansour Hadi – just one man – was to be exchanged for 100 men, 50 of them Houthi fighters captured fighting on southern fronts, was particularly controversial.

A fourth round of negotiations was held in Geneva in September 2020 to resolve the lingering differences. There, negotiators reiterated their commitment to the outcomes of the third round and agreed to divide the planned exchange into two phases: Phase A, in which the government would release 681 prisoners in return for the Houthis freeing 400 prisoners – including the Saudi and Sudanese prisoners; and Phase B, which would see the release of the rest prisoners stipulated in the February 2020 agreement – 301 in total, including Nasser Hadi.

4) "A year after the Stockholm Agreement: Where are we now?" Office of the Special Envoy of the Secretary-General for Yemen, accessed March 10, 2021, <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>

5) "Yemen talks about prisoner exchange underway in Jordan," Associated Press, February 10, 2020, <https://apnews.com/article/bfd8e0d3c039a6753450dbbaa64da6ae>

Phase A was implemented on October 15 and October 16, 2020. In total, 1,065 prisoners were released.^[6] UN special envoy Griffiths was able to strike an optimistic note during his briefing to the Security Council following that exchange, announcing: “We have some good news in Yemen today.”^[7] However, Phase B hinged on a consensus being reached between the negotiating parties on some of the individual prisoners. The parties had failed to reach such an agreement in September 2020, necessitating a new round of talks.

6) A dispute over names resulted in fewer prisoners being released than the 1,420 figure agreed to in February 2020. An official from the government delegation accused the Houthis of detaining ten additional individuals and attempting to include them in the exchange. A Houthi official countered that a field commander in Marib refused to exchange a group of Houthi prisoners except for individuals directly affiliated with him, and thus the Houthis in response detained additional individuals.

7) “Briefing to United Nations Security Council by the special envoy for Yemen – Mr. Martin Griffiths,” Office of the Special Envoy of the Secretary-General for Yemen, October 15, 2020, <https://osesgy.unmissions.org/briefing-united-nations-security-council-special-envoy-yemen-%E2%80%93-mr-martin-griffiths-3>

A NEW ROUND, DOOMED TO FAILURE

The round of negotiations that began on January 24, 2021, in Amman, was the fifth meeting^[8] held to discuss the release of conflict-related detainees since the Stockholm Agreement was signed in 2018. As the talks kicked off, the UN special envoy urged the parties “to prioritize in their discussions the immediate and unconditional release of all sick, wounded, elderly and children detainees as well as all arbitrarily detained civilians, including women.”^[9] These remarks, highlighting particular categories of detainees, could be seen as an acknowledgment that the optimistic “all for all” approach stipulated in the Stockholm Agreement was unworkable. There were also expectations leading up to the negotiations that an agreement would be reached to release more prisoners than the 301 previously agreed-upon. Griffiths encouraged this, calling on the parties to discuss and “agree on names beyond the Amman meeting lists to fulfill their Stockholm commitment of releasing all conflict-related detainees.”

The Jordanian government granted the delegations a 10-day permit to hold meetings.^[10] However, the negotiations took longer than initially expected, and the permit was repeatedly extended following requests from the UN envoy’s office.^[11] Still, talks ultimately collapsed; on February 21, 2021, they were officially declared to be over, with no resolution reached.

Once negotiations collapsed, the parties traded accusations, blaming the other for the failure to reach an agreement. The Yemeni government delegation said the Houthi delegation had refused to release civilians, including journalists, academics, and the elderly and infirm.^[12] It also claimed that the Houthis had thwarted the negotiations by proffering fake names^[13] and demanding they be

8) “Press release on the start of the fifth meeting of the supervisory committee on prisoners and detainees,” Office of the Special Envoy of the Secretary-General for Yemen, January 24, 2021, <https://osesgy.unmissions.org/press-release-start-fifth-meeting-supervisory-committee-prisoners-and-detainees>

9) “Press release on the start of the fifth meeting of the supervisory committee on prisoners and detainees,” Office of the Special Envoy of the Secretary-General for Yemen, January 24, 2021, <https://osesgy.unmissions.org/press-release-start-fifth-meeting-supervisory-committee-prisoners-and-detainees>

10) Member of the government delegation, personal interview by the author, Amman, Jordan, January 26, 2021.

11) Ibid., February 17, 2021.

12) Hadi Haig, head of the Yemeni government delegation, Twitter post, “Houthis refuse releasing and exchanging prisoners... [AR],” February 21, 2021, https://twitter.com/hadi_haig/status/1363579568712519683

13) Majed Fadael, a member of the government delegation, Twitter post, “Insistence to thwart this round took

released, and by postponing talks in order to include a Houthi leader who was not present.^[14] The government delegation also accused the Houthis of attempting to leverage the offensive the group launched on Marib in early February, asking during one of the meetings: “Why would we exchange with you when we can free our prisoners if we enter Marib?”^[15] Meanwhile, the Houthis attributed the negotiations’ failure to the government’s intransigence. They claimed they had done their utmost to make the negotiations succeed and had presented “fair proposals” to overcome disputes, but to no avail.^[16]

It was clear from the second week of February that the talks would not lead to a new prisoner swap. However, the talks kept being extended, leading to speculation that the UN envoy’s office wanted to avoid announcing the failure of the talks until after a monthly briefing on Yemen to the UN Security Council on February 18.”^[17]

The evolving US categorization of the Houthi movement may also have had an impact on the negotiations. In mid-January, the Trump administration listed the movement as a foreign terrorist organization. In mid-February, during the negotiations, the Biden administration, after lobbying from the UN, European allies and international aid agencies, revoked the designation.^[18] It’s not clear whether this move affected the negotiations, but after the negotiations collapsed the Yemeni government representatives accused the Houthi delegation of backing down on previous commitments made because the movement had been delisted.^[19]

The unsatisfying end and acrimonious aftermath of the latest round of negotiations may constitute further obstacles to future talks. They join pre-existing technical and political complications that contributed to the collapse of this round of negotiations.

several forms... [AR],” February 22, 2021, <https://twitter.com/mfadail/status/1363613883823448068>

14) Majed Fadael, a member of the government delegation, Twitter post, “To return them to Sana’a via UN flights...,” February 22, 2021, <https://twitter.com/mfadail/status/1363614056372912131>

15) Ibid.

16) Abdelqader al-Murtada, head of the Houthi delegation, Twitter post, “Prisoner exchange negotiations end in Jordanian capital... [AR],” February 21, 2021, <https://twitter.com/abdulqadermortd/status/1363496870576869383>

17) Yemeni researcher Abdulghani al-Iryani, personal interview by the author, February 17, 2021.

18) “Biden moves to revoke terrorist designation for Yemen’s Houthi rebels,” France24, February 6, 2021, <https://www.france24.com/en/americas/20210206-biden-moves-to-revoke-terrorist-designation-for-yemen-s-houthi-rebels>

19) Hadi Haig, head of the Yemeni government delegation, Twitter post, “The Houthi delegation insisted on thwarting the round of consultations... [AR],” February 21, 2021, https://twitter.com/hadi_haig/status/1363575740961325062

THE NAME GAME

After the Stockholm Agreement was signed, the parties to the conflict drew up and handed over lists of prisoners whose release was sought. The Houthi list included 7,587 names, the government's 8,576 – more than 15,000 names in total.^[20] This was done in accordance with the implementing mechanism laid out in the agreement, which required each party to hand over an accurate, complete list of names of detainees purportedly held by the other side; the lists would then be signed by the parties within 10 days.

This deadline was extremely optimistic, as was the “all for all” policy espoused by the Stockholm Agreement. More than two years have passed and the lists of names have yet to be signed by either party.^[21] The Yemeni government claimed that it was not holding 2,900 of the 7,587 prisoners named by the Houthis,^[22] while Houthi authorities said there were 2,300 duplicate names on the government's list, as well as the names of 1,400 prisoners who had already been released and 1,300 names with incomplete information. They also said that some of the names were fake. The Houthis also accused government negotiators of submitting the names of 111 members of Al-Qaeda in the Arabian Peninsula (AQAP) and the Islamic State group (IS). Finally, the Houthis claimed that dozens of prisoners named by the government were detained on criminal charges unrelated to the conflict.^[23]

These problems and allegations regarding the lists of names have yet to be resolved. Importantly, additional people continue to be detained by both sides and there is currently no mechanism to register new names on the lists discussed during UN-sponsored negotiations.

20) Askar Zuayl, member of the government delegation to the 2018 Stockholm negotiations, remarks to Alaraby TV, December 11, 2020, <https://www.youtube.com/watch?v=bxNqs8X55Bk>

21) Member of the government delegation, personal interview by the author, Amman, Jordan, February 15, 2021.

22) “The Yemeni dialogue in Amman, negotiations on prisoners are ongoing [AR],” Alghad, January 25, 2021, <https://alghad.com/%D8%A7%D9%84%D8%AD%D9%88%D8%A7%D8%B1-%D8%A7%D9%84%D9%8A%D9%85%D9%86%D9%8A-%D9%81%D9%8A-%D8%B9%D9%85%D8%A7%D9%86-%D9%85%D9%81%D8%A7%D9%88%D8%B6%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D8%B3%D8%B1%D9%89>

23) Abdelqader al-Murtada, head of the Houthi-run National Prisoner's Affairs Committee, interview on YouTube, January 7, 2019, <https://www.youtube.com/watch?v=JtnkTVIkG8I&t=2s25>

AN UNEVEN EXCHANGE?

The Houthis have previously been successful in securing the release of many detainees in swap deals; such favorable outcomes may have given them inflated expectations and made them hard bargainers.

In March 2016, in a deal reached by tribal mediators, Saudi Arabia released seven Houthis in exchange for the release of a single Saudi officer.^[24] In February 2019, Saudi Arabia released 200 Houthi prisoners^[25] in exchange for six Saudi soldiers.^[26] On October 14, 2020, on the eve of the Phase A release of 1,065 prisoners, the Houthis set free two American hostages – Sandra Loli, an aid worker who had been arrested in Sana’a, and Mikael Gidada, a businessman – as well as the remains of a third, Bilal Fateen.^[27] In exchange, 240 Houthis, including “prominent Houthi military commanders” and wounded fighters, were allowed to return to Sana’a from Oman.^[28] While these Houthi-affiliated fighters stuck in Oman were not officially considered prisoners – their repatriation demonstrates Houthi authorities’ ability to exploit situations and their tendency to get more than they give.

In the October swap, 250 Houthi prisoners were released in exchange for 250 prisoners from Marib; 200 Houthi prisoners were released in exchange for 150 prisoners from southern Yemen and the Red Sea Coast; and more than 200 Houthi prisoners were exchanged for 19 Saudi and Sudanese soldiers.^[29]

24) “Saudi Arabia announces prisoner swap with Houthis in Yemen,” BBC, March 6, 2016, https://www.bbc.com/arabic/middleeast/2016/03/160309_saudi_houthi_prisoner_exchange

25) “Arab Coalition says it has released 200 Houthi prisoners,” Al Arabiya, November 26, 2019, <https://english.alarabiya.net/News/gulf/2019/11/26/Arab-Coalition-says-it-has-released-200-Houthi-prisoners>

26) “Six Saudis who were detained by the Houthis arrive in Riyadh [AR],” Ash-Sharq Al-Awsat, January 2, 2020, <https://aawsat.com/home/article/2062581/%D9%88%D8%B5%D9%88%D9%84-6-%D8%A3%D8%B3%D8%B1%D9%89-%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D9%8A%D9%86-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D8%B1%D9%8A%D8%A7%D8%B6-%D8%A7%D8%AD%D8%AA%D8%AC%D8%B2%D9%87%D9%85-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A%D9%88%D9%86>

27) “Two Americans detained by the Houthis are released [AR],” Independent Arabia, October 15, 2020, <https://www.independentarabia.com/node/160436>

28) “Exchange of prisoners: A gap in Yemen’s war [AR],” The New Arab, October 16, 2020, <https://www.alaraby.co.uk/politics/%D8%AA%D8%A8%D8%A7%D8%AF%D9%84-%D8%A7%D9%84%D8%A3%D8%B3%D8%B1%D9%89-%D8%AB%D8%BA%D8%B1%D8%A9-%D9%81%D9%8A-%D8%AD%D8%B1%D8%A8-%D8%A7%D9%84%D9%8A%D9%85%D9%86>; Also see: Mohammed Abdelsalam, Houthi spokesperson, Twitter post, “Thanks to God, around 240 people sons of the homeland arrived to Sana’a... [AR],” October 14, 2020, <https://twitter.com/abdusalamsalah/status/1316394966705483776>

29) Member of the government delegation, personal interview by the author, February 10, 2021.

In the latest negotiations, the Houthis demanded the release of a number of prisoners from the government side in exchange for a smaller number from their side – including individuals named in UN Security Council Resolution 2216^[30] as well as family members^[31] of former President Ali Abdullah Saleh.^[32]

30) The four prisoners held by the Houthi movement explicitly mentioned in UN Security Council resolution 2216 are: ex-Minister of Defense Mahmoud al-Subaihi; Nasser Mansour Hadi, President Hadi's brother and political security undersecretary for Aden, Lahj and Abyan; Major General Faisal Rajab; and Mohammed Qahtan, the leader of the Islah party.

31) The Saleh family members held by the Houthis are: Mohammed Mohammed Abdullah Saleh, nephew of former president Saleh and brother of Tareq Saleh, the military commander of the National Resistance forces based along the Red Sea Coast; and Afash Tareq Mohammed Abdullah Saleh, son of Tariq Saleh. Two other children of President Saleh were released in October 2018 through Omani mediation: Madyan Ali Abdullah Saleh and Salah Ali Abdullah Saleh.

32) Member of the government delegation, personal interview by the author, February 15, 2021.

THE GOVERNMENT'S FRAGMENTATION

The internationally recognized Yemeni government's failure to present a unified front on the subject of prisoner exchange has been a complicating factor in the negotiations. In the Yemen conflict, there are numerous frontlines against the Houthis: in Marib, Al-Jawf, and Taiz; National Resistance forces' frontlines on the Red Sea Coast (in Taiz and Hudaydah); and Southern Transitional Council (STC) and southern factions' frontlines in Al-Dhalea and Lahj. Houthi prisoners are held at each of these frontlines, and field commanders generally refuse to hand over prisoners in exchange for the release of prisoners from other fronts. Instead, they prefer to conduct local exchanges directly for their own men.^[33] This lack of cohesion affects the ability of the government negotiators to agree among themselves on which prisoners they want the Houthis to release and complicates the coordination required for a broader exchange.

The fact that prisoners are held on multiple fronts, and the resulting complexity related to whom to release and where, may also explain the greater efficiency of local mediators in agreeing and implementing local prisoner-swap deals. These exchanges, mostly carried out between the Houthis and the parties they are engaging with on a certain frontline, are pertinent to a circumscribed geographic area and therefore face fewer obstacles to consensus. Nasreddine Amer, an undersecretary at the Houthi-run Ministry of Information, said that there have been 130 swaps secured by local deals over the course of the conflict, entailing the release of more than 4,000 prisoners and detainees.^[34]

The Houthis have noted the government's lack of a unified approach, and commented that the latter has been unable to report or confirm the names of prisoners detained on UAE-supervised frontlines in the south. The names of Houthis detained on southern fronts, they claimed, were not on the lists submitted in Stockholm in 2018.^[35] The lack of coordination among anti-Houthi groups has been noted within the government camp. According to a security official with the

33) Ibid.

34) Nasreddine Amer, Houthi official at the Ministry of Information, phone interview by the author, February 22, 2021.

35) Abdelqader al-Murtada, head of the Houthi-run National Prisoner's Affairs Committee, interview on YouTube, January 7, 2019, <https://www.youtube.com/watch?v=JtnkTVIkG8I&t=2s>

National Resistance forces based on the Red Sea Coast, “There wasn’t a [unified stance] while negotiating. The Islah party’s delegate was negotiating with the Houthis while the Saudi delegate was negotiating for the release of Saudi soldiers – and the Houthis managed to play on all of these contradictions.” The official noted that “the Houthis demand [the release of] a large number [of prisoners] in exchange for [releasing] Hadi’s brother. Hadi is trying to pressure the STC and other parties to exchange many prisoners for his brother, while the STC rejects this approach.”^[36]

An additional complication is that some parties within the anti-Houthi camp feel excluded from the negotiations. The security official on the Red Sea Coast said that there “was plenty of manipulation” of this issue by all parties. “We do not feel that we are fully represented in the negotiations on prisoners,” he said, “but there is some sort of communication between us and the negotiating team.” He went on: “The [internationally recognized government] went to Stockholm [in 2018] without [getting] a clear stance from the National Resistance regarding the Stockholm Agreement or how it’s formulated. [We] reluctantly blessed it, because there were only a few kilometers left to liberate Hudaydah.”^[37]

The fragmented decision-making and conflicting desires of the various parties battling Houthi forces complicate the mission of the government delegation. It is extremely difficult to reach a consensus among multiple frontlines that are nominally under the government’s command; the Houthis, on the other hand, do not seem to be facing such internal divisions.

36) National Resistance forces security official, phone interview by the author, February 8, 2021.

37) Ibid.

EXCHANGING CIVILIANS FOR SOLDIERS

Another key negotiating issue pertains to civilian detainees. In many instances, the warring parties seek the release of fighters in exchange for civilians; they may, therefore, be incentivized to capture additional civilians as leverage.

Murad al-Gharati, a member of the advisory council to the internationally recognized government's Ministry of Human Rights, said that the Houthis focus on their fighters and care little about civilians they have detained. "They hold the four individuals mentioned in UNSC Resolution 2216, and have abducted civilians, and journalists; they want to exchange a number of civilians for combatants."^[38] A member of the government's delegation to the Amman talks said the Houthi movement refused "to release the detained journalists or even discuss releasing them in exchange for those captured in frontlines. It also refused to release any of the abducted civilians."^[39]

This sentiment was echoed by the National Resistance security official. "The issue with the [Houthi-held] prisoners affiliated with the National Resistance and Republican Guards on the West Coast is that they are civilians taken from their homes in Houthi-controlled areas," he said. "We can say that 90 percent of our people held by the Houthis were taken from Sana'a, Amran, Hajjah and other Houthi-controlled areas. They are people who oppose the Houthis' policies." This had made the National Resistance wary of swap deals with the Houthis. "We want to release soldiers in exchange for soldiers, while the majority held by the Houthis are civilians," he said. "For example, during the last swap deal, there were only two soldiers among 10 prisoners who were released."^[40]

There are many examples of Houthi forces abducting and detaining civilians, including activists and journalists.^[41] The Houthis, in turn, also accuse the government of abducting individuals uninvolved in military operations. For instance, Mustafa al-Mutawakil, a doctor, was detained by government forces in

38) Zawaya al-Hadth, "Mutual accusations: Who is obstructing the prisoner negotiations?" Murad al-Gharati, Bilqis Channel, February 6, 2021, <https://www.youtube.com/watch?v=zN0QNNP7u0U&t=268s>

39) Member of the government delegation, phone interview by the author, February 22, 2021.

40) National Resistance forces security official, phone interview by the author, February 8, 2021.

41) Abdo Ayes, "15,000 violations by the Houthis against civilians [AR]," Al Jazeera, November 11, 2015, www.aljazeera.net/news/humanrights/2015/11/12/15-ألف-انتهاك-للحوثيين-ضد-المدنيين

April 2017 at a security checkpoint in Al-Falaj, south of Marib city.^[42] Zaidi scholar Yahya al-Dailami was detained by government forces at the same checkpoint in 2019.^[43] He was released in September 2020, along with a companion; in exchange, the Houthis set free the son of Vice President Ali Mohsen al-Ahmar and another relative.^[44]

Abducting and detaining civilians has seemingly become common practice for the warring parties. The possibility of exchanging these civilian detainees for soldiers – essentially using ordinary Yemenis as leverage during negotiations – has created a negative incentive to detain additional civilians.

42) "Mustafa Al Mutawakel: Two Years in the Darkness [AR]," Mwatana, April 27, 2019, <https://mwatana.org/two-years-into-the-unknown/>

43) "Do Not Forget my Father!" Mwatana, March 16, 2020, <https://mwatana.org/en/dont-forget-my-dad/>

44) "Yemen: Religious scholar Yahya al-Dailami released in exchange for son of Hadi's VP [AR]," RT Arabic, September 22, 2020, https://arabic.rt.com/middle_east/1156459-%D8%A7%D9%84%D9%8A%D9%85%D9%86-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D8%AC%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D8%AF%D9%8A%D9%86%D9%8A%D8%A9-%D9%8A%D8%AD%D9%8A%D9%89-%D8%A7%D9%84%D8%AF%D9%8A%D9%84%D9%85%D9%8A-%D9%85%D9%82%D8%A7%D8%A8%D9%84-%D8%A5%D8%B7%D9%84%D8%A7%D9%82-%D8%B3%D8%B1%D8%A7%D8%AD-%D9%86%D8%AC%D9%84-%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3-%D9%87%D8%A7%D8%AF%D9%8A

WOMEN DETAINEES

Despite frequent accusations exchanged between the government^[45] and the Houthi movement^[46] over the arrests of women, the issue of women detainees did not feature in the UN-led negotiations.

The internationally recognized government did not include any women on their requested list of prisoners to be released, although, according to the government delegation, there are many detained women affiliated with the General People's Congress in Houthi prisons, including women who demanded the handover of the body of former President Ali Abdullah Saleh after he was killed by Houthi forces in December 2017.^[47] A report prepared by a number of Yemeni women's organizations noted that 1,181 women, including activists, teachers and underage girls, were arrested by the Houthis over a three-year period from December 2017 to December 2020.^[48] During the last round of negotiations the Houthi movement included one woman on their list: Samira Marsh, who was arrested by pro-government forces in Al-Jawf in late 2018, accused of carrying out a number of operations that targeted and killed Yemeni army personnel in Marib and Al-Jawf.^[49]

Differing opinions have emerged among Yemeni activists on the inclusion of women detainees in the UN-backed negotiations. The Abductees' Mothers Association – a civil society organization composed of female family members of

45) Muhammed Ali Hassan, "Minors and elderly women ... more than 1,000 Yemeni women are held in Houthi detention facilities [AR]," Al-Watan, December 21, 2020, <https://www.elwatannews.com/news/details/5158863?t=push>

46) "The kidnapping of women explodes the anger of Yemenis [AR]," Al Alam TV, February 3, 2021 -<https://www.alalamtv.net/news/5420928/%D8%B4%D8%A7%D9%87%D8%AF--%D8%A7%D8%AE%D8%AA%D8%B7%D8%A7%D9%81-%D8%A7%D9%84%D9%86%D8%B3%D8%A7%D8%A1-%D9%8A%D9%81%D8%AC%D8%B1-%D8%BA%D8%B6%D8%A8-%D8%A7%D9%84%D9%8A%D9%85%D9%86%D9%8A%D9%8A%D9%86>

47) Member of the government delegation, telephone interview with the author, April 8, 2021.

48) "Isolated from the World: Houthi Prisons Graves of Women," The March 8 Coalition for Yemeni Women, the Women's Coalition for Peace in Yemen, the Yemeni Organization to Combat Human Trafficking and the Yemeni Coalition for Independent Women, February 2021, <http://embassy-of-yemen.pl/wp-content/uploads/2021/03/ENGLISH-PART.pdf>

49) "Yemen, Houthis and the deposed president recruit terrorist women #Marib," interviews on YouTube, May 8, 2016, <https://www.youtube.com/watch?v=CvPCYGa-YXA&t=67s>; also see, "Busting a Houthi spy cell of women in Marib", Al-Yemen Al-Yawm satellite channel, January 31, 2021, <https://www.youtube.com/watch?v=SDjHJ6wotYQ>

forcibly disappeared detainees that advocates for the release of their relatives – has advocated against their inclusion to avoid politicizing the issue, according to the organization’s head Ammat al-Salam al-Hajj.^[50] “If they enter into international negotiations [on the issue], all parties will be encouraged to arrest more [women] to exchange them for others,” she said. Others, like Noura al-Jarwi, head of the Women for Peace in Yemen Coalition, argue for including women detainees in the UN-backed talks since “local negotiations often focus on men and warring parties refuse to exchange women for captured fighters.”^[51] She also noted the difficulty in releasing women detainees from Houthi detention by paying ransoms due to “requests for very large sums of money.”

The issue of women prisoners is made more complex due to Yemeni cultural and social sensitivities. Detained women are more likely to be accused of criminal charges relating to the violation of moral norms or prostitution, with the goal of alienating them from their families and making society less sympathetic to their plight.^[52] As such, they are also denied the status of political prisoners or prisoners of conscience and reduced to mere criminals. Privacy and preserving the reputation of women and girls also remains a concern, with some families of women detainees not wanting their names mentioned in the media, even in advocacy for their release.

Besides being a humanitarian issue, the issue of women prisoners is made more sensitive due to the fact women face different challenges compared to men in the same situation. Detention and spending nights outside the home can stigmatize women and girls. Even after release, former female detainees can face social and cultural stigma and shunning, including from their families over fears of associated shame. There is also an absence of rehabilitation programs to address such issues and facilitate the integration of female detainees back into society.

50) Ammat al-Salam al-Hajj, president of the Abductees’ Mothers Association, telephone interview with the author, April 12, 2021.

51) Noura Al-Jarwi, head of the Women for Peace Coalition in Yemen, telephone interview, May 16, 2021.

52) A Yemeni behind the bars of Al-Houthi C2 with a. Samira El-Houri, Al-Risala Channel, February 3, 2021 https://www.youtube.com/watch?v=k2_tGUiUEY

RESORTING TO THE MEDIA

The delegations to the UN-sponsored negotiations initially committed to not speaking with journalists or comment on social media regarding the process while it was ongoing in order to avoid negatively impacting the talks.^[53] However, they did not abide by this commitment.

During the second week of talks, details of the ongoing negotiations were leaked to Al-Masirah, a Houthi-run Yemeni television channel. The parties later resorted to social media platforms to trade barbs. On February 5, 2021, 13 days after the negotiations kicked off, member of the government delegation Majed Fadael tweeted that he had submitted a list of prisoners to the Houthis but the latter wanted a specific kind of prisoner (government officials claimed the Houthis often demand the release of Hashemites, or supervisors (*mushrif*) within the movement). “Most of them do not exist,” he wrote. “They are demanding these prisoners just because they want to hinder any progress.”^[54] The Houthis, meanwhile, accused the internationally recognized government’s delegation of obstructing the negotiations and precluding an agreement. On February 5 – the same day Fadael took to Twitter – Abdelqader al-Murtada, head of the Houthi delegation, tweeted that the Islah party’s “control over the prisoners’ file made reaching an agreement more difficult, considering that [Islah] only focuses on releasing its own members while [ignoring] the rest of the prisoners from the other parties.”^[55]

This recourse to the media both directly and indirectly functions to stymie negotiations. It distracts the delegations and undermines trust, as they end up attacking one another instead of working toward finding common ground.

53) Member of the Houthi delegation, personal interview by author, January 25, 2021.

54) Majed Fadael, member of the government delegation, Twitter post, “Since the beginning of the round, and to move forward... [AR],” February 5, 2021, <https://twitter.com/mfadail/status/1357787592448761856>

55) Abdelqader al-Murtada, Twitter post, “Islah’s control of the prisoners’ file... [AR],” February 5, 2021, <https://twitter.com/abdelqadermortd/status/1357750565867040782>

UNOFFICIAL VS OFFICIAL NEGOTIATIONS

Local negotiations held in Yemen and run by tribal mediators have succeeded in releasing more prisoners than have international efforts. Local negotiations are not bound to a specific process and do not have to go through official challenges, hence they aren't affected by the government's fragmented approach. Local negotiators mediate between the Houthis and the opposing forces solely on each frontline (Marib, Taiz, the Red Sea Coast, Al-Dhalea, etc.); the prisoner lists do not overlap and gaining a consensus over detainees to be released is more possible. By contrast, UN-sponsored negotiations might hit a roadblock if, for instance, a government field commander in Marib refuses to release prisoners in exchange for Houthi prisoners held on another frontline. This lack of coordination applies to all parties affiliated with the government.

Despite the apparent effectiveness of local mediators, their ad hoc approach is regarded with suspicion by some actors. The National Resistance security official told the Sana'a Center that “the Houthis and some parties reach political settlements to release their prisoners [without working] with the UN and going through UN channels. For example, a week ago, the Houthis and the Islah party exchanged prisoners in Marib without anyone knowing. The negotiating parties are conducting swap operations under the table, not [openly].”^[56]

This negative view of local mediations is another complex problem for the prisoner exchange issue as a whole. It's not possible to demand the cessation of local swap deals but, at the same time, it seems these local negotiations negatively impact some aspects of the UN-sponsored negotiations.

However, it must be noted that localized prisoner swap and negotiations exchanges are constantly ongoing, and have succeeded in releasing dozens of prisoners and detainees between pro-government and Houthi forces since the failure of the Amman negotiations.

56) National Resistance forces security official, phone interview by the author, February 8, 2021.

CONCLUSION

The complications surrounding the issue of prisoner exchange are not limited to the technical and political problems detailed in this report. While working to resolve these problems and facilitate the UN-sponsored process may serve to create an opportunity to build some mutual trust between the parties, it will not necessarily advance the comprehensive peace process. The way toward a cessation of hostilities is marred by contentious military, security and political considerations. Further, the complexities pertaining to the prisoners' file have, so far, resulted in the politicization of the negotiations,^[57] turning the process into media fodder.

The problems described in this report go some way toward explaining the failure to carry out the 'all for all' deal agreed to in principle over two years ago, despite frequent rounds of follow-up negotiations. Serious steps must be taken by the negotiating parties and the UN special envoy's office to examine and resolve these sticking points. The warring parties must aim to depoliticize the prison exchange issue and resolve it on the basis of the humanitarian standards that they claim to support. Finally, the focus must be on working to help the victims of the conflict, rather than on attempting to condemn rivals and score political points.

57) Nadwa al-Dawsari, "Yemen's Prisoner Exchange Must be Depoliticized," Sana'a Center for Strategic Studies, November 11, 2020, <https://sanaacenter.org/publications/analysis/11881>

RECOMMENDATIONS

- All the parties to the conflict in Yemen must respect their commitments to resolving the file of the prisoners, detainees and the kidnapped persons in their prisons – given that it is a humanitarian issue – and must engage with UN efforts in a more positive and constructive manner.
- The parties to the conflict and the UN envoy's office must resolve the issues related to the proposed lists of names for exchange. The task of checking names and confirming that the corresponding individuals are in prisons and detention centers could be assigned to a third party – such as the International Committee of the Red Cross – if that would expedite the process.
- Parties to the conflict must facilitate the efforts of the ICRC by granting access to all prisons and detainees. They must also facilitate efforts that allow prisoners and detainees to communicate with their families, and stop concealing information, and end the practice of forcible disappearances.
- The UN envoy's office, in cooperation with the warring parties, must find a mechanism to update numbers and names in the lists of prisoners and detainees to reflect developments since December 2018
- The Houthis' accusation that the government included the names of members of Al-Qaeda and terrorist organizations in the exchange lists is a serious accusation. The Houthis must submit clear evidence to support this claim and hand over the list of these names to the UN for further investigation.
- It would be beneficial for OSESGY to facilitate unilateral discussions with the parties to the conflict before any new round of talks. This might decrease differences that may arise during negotiations, especially regarding names and other controversial points and help build common ground ahead of future negotiations.
- The UN efforts must work to keep negotiations on Yemeni prisoners separate from negotiations regarding nationals of other countries involved in war.

- For humanitarian reasons, negotiations should first prioritize the release of ordinary Yemeni fighters – the vast majority of prisoners – who can be exchanged on a “one for one” basis. A separate mechanism for prominent and high-ranking figures and officials should be devised.
- Warring parties must stop detaining civilians and activists in all areas, and, responding to international and humanitarian appeals, should work for their release. The process of exchanging civilians for military individuals has encouraged the parties to detain more civilians. A definition of “civilian” should be reached that all parties agree on, and parties should stop exchanging civilian detainees for military combatants. The UN, in cooperation with the negotiating parties, must devise a responsible and efficient mechanism to deal with the issue of women prisoners and abductees. One possible solution is the formation of a special team tasked to investigate women detainees and facilitate local and UN-backed negotiations.
- Support, protection and rehabilitation programs should be devised to facilitate the integration of women detainees back into society, considering the social challenges many women detainees are often subjected to after their release.
- Local mediations should be encouraged, supported and activated by all parties. OSESGY must harmonize its efforts to avoid conflicts or obstructions between UN-led efforts and local negotiations.
- All parties participating in the negotiations, as well as other relevant parties, must commit to not making any remarks to media outlets and on social media during negotiations. The UN envoy’s office must apply pressure on this issue.
- Negotiating parties should agree on and commit to a code of conduct, which would specify the general moral guidelines to be adopted during the process.
- A neutral consultative committee, drawn from civil society, could be formed to monitor and guide the negotiating parties and provide technical support.

The Sana'a Center for Strategic Studies is an independent think-tank that seeks to foster change through knowledge production with a focus on Yemen and the surrounding region. The Center's publications and programs, offered in both Arabic and English, cover political, social, economic and security related developments, aiming to impact policy locally, regionally, and internationally.

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