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Situation of human rights in Yemen, including violations and abuses since September 2014

Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen*

Summary

Submitted as a supplement to A/HRC/42/17, this report sets out the detailed findings of the Group of Eminent International and Regional Experts on Yemen mandated to investigate violations by parties to the conflict since September 2014.

Some parties to the conflict, namely the Governments of Yemen, the Kingdom of Saudi Arabia, the United Arab Emirates, and Egypt chose not to cooperate with the Group of Eminent Experts. The de facto authorities responded to the questions posed in writing and agreed to a visit of the Group of Experts to Sana'a, however the lack of cooperation by the Government and coalition members prevented any access to Yemen. Despite access constraints, the Group of Experts gathered a wide array of evidence related to allegations of violations of international law in Yemen since September 2014.

The Group of Experts found reasonable grounds to believe that the parties to the conflict in Yemen are responsible for an array of human rights violations and violations of international humanitarian law. Some of these violations are likely to amount to war crimes. The summary of these findings is included in A/HRC/42/17.

This report presents the details of the findings by the Group of Experts with regard to the practical impact of these violations on the lives of ordinary Yemenis, which has been immense and wide ranging. Shelling and airstrikes create the sense that there is no safe place to hide from the fighting. Landmines left by the Houthis kill and maim people long after battles have subsided. The blockade, siege-like tactics, attacks impacting objects essential to the survival of the population and impediments to the delivery of aid deprive the population of necessary items amidst the unprecedented humanitarian crisis. People are arrested and detained arbitrarily, disappeared, and subjected to torture and ill-treatment, including sexual violence. The population lives in fear of being detained or otherwise targeted for any perceived dissent. Parties to the conflict actively recruit children, including through force, and restrict the work of activists, journalists, human rights defenders and

* The information in this report should be read in conjunction with the Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights (A/HRC/42/17).

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humanitarian workers.

The Group of Experts has identified a number of individuals who may bear responsibility for violations and possible crimes. The individuals concerned should be investigated with a view to prosecution. Their names have been communicated on a strictly confidential basis to the High Commissioner for Human Rights.

The failure of the parties to acknowledge any responsibility for violations and their refusal to take any meaningful steps to remedy the situations from which they occur has resulted in a pervasive lack of accountability, which only further encourages the cycle of disregard for the rights of the Yemeni population and foments impunity for crimes committed in Yemen. The Government of Yemen has a responsibility to remedy the violations as a matter of the utmost urgency. The de facto authorities and members of the coalition, including Saudi Arabia and the United Arab Emirates, bear enormous responsibility and must take action against those within their ranks who are responsible. The onus is also on the international community, especially those States that have influence over parties to the conflict, to both condemn and take appropriate steps to prevent the violations and to assist Yemen in ensuring that the perpetrators of crimes are held to account. Moreoever, the continued supply of weapons to parties involved in the conflict in Yemen perpetuates the conflict and the suffering of the population.

The Group of Experts and the United Nations High Commissioner for Human Rights have formulated concrete recommendations in their reports to the Human Rights Council (A/HRC/30/31, A/HRC/33/38, A/HRC/36/33, A/HRC39/43, and A/HRC/42/17), as have many international and national civil society organizations. These recommendations should be implemented immediately.

The Group of Experts reiterates that steps required to address the human rights and international law violations in Yemen have been continually discussed, and there can no longer be any excuses made for failure to take meaningful steps to address them. The best way to protect the Yemeni population is to stop the fighting by reaching a political settlement which includes measures for accountability.

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Acronyms

AQAP	Al-Qa'eda in the Arabian Peninsula
AP	Additional Protocol to the Geneva Conventions of 1949
CAT	Committee against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CRC-OPAC	CRC Optional Protocol on the Involvement of Children in Armed Conflict
CRPD	Convention on the Rights of Persons with Disabilities
Da'esh	al-Dawla al-Islamiya fi al-Iraq wa al-Sham (Islamic State of Iraq and the Levant)
ECHR	European Convention on Human Rights
GC	Geneva Conventions of 1949
GCC	Gulf Cooperation Council
GPC	General People's Congress political party
HDI	UNDP's Human Development Index
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
IED	Improvised Explosive Device
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labour Organisation
IOM	International Organisation for Migration
JIAT	Joint Incidents Assessment Team (of the Saudi Arabia and United Arab Emirates-led coalition forces)
MSF	Médecines Sans Frontières / Doctors Without Borders
NCOI	National Commission of Inquiry
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSESGY	Office of the United Nations Special Envoy of the Secretary-General for Yemen
UAE	United Arab Emirates
UAV	Unmanned Aerial Vehicle (also known as a 'drone')
UDHR	Universal Declaration of Human Rights
UK	United Kingdom of Great Britain and Northern Ireland
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNMHA	United Nations Mission for the Hudaydah Agreement
UNICEF	United Nations Children's Emergency Fund
WFP	World Food Programme
WHO	World Health Organisation

I.

Introduction and mandate

1. Concerned by continued reports of violations and abuses of international law in Yemen, namely those directly arising from the ongoing armed conflict, the Human Rights Council (the "Council"), in its resolution 36/31 of 29 September 2017, requested the United Nations High Commissioner for Human Rights to create a group of eminent international and regional experts with knowledge on human rights law and the context of Yemen to monitor and report on the situation of human rights ("Group of Experts").

2. The Group of Experts was mandated to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the armed conflict in Yemen since September 2014, including the possible gender dimensions of such violations. The Group of Experts was further mandated: to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible; to make recommendations, as appropriate, on improving respect for and protection and fulfilment of human rights; and to provide guidance on access to justice, accountability, reconciliation and healing.

3. The Group of Experts' mandate requires it to "engage with Yemeni authorities and all stakeholders" particularly United Nations agencies, the Office of the High Commissioner for Human Rights in Yemen, Gulf States and the League of Arab States, "with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Yemen."

4. Resolution 36/31, adopted by the Council by consensus, requested the High Commissioner to appoint the experts no later than the end of 2017, and requested the Group of Experts to submit a comprehensive written report to the High Commissioner prior to the thirty-ninth Council session in September 2018, followed by an interactive dialogue, and encouraged all parties to the armed conflict to extend full and transparent access and cooperation to the Experts. The resolution further requested the High Commissioner to provide substantive capacity building, technical assistance, advice and legal support to the National Commission of Inquiry ("NCOI") in Yemen.[1]

5. On 4 December 2017, the High Commissioner established the Group of Experts, appointing Charles Garraway (United Kingdom of Great Britain and Northern Ireland), Kamel Jendoubi (Tunisia) and Melissa Parke (Australia) as the experts, assigning Mr. Jendoubi as Chair. The Experts serve in a non-remunerated, independent capacity. The Group of Experts is supported by a secretariat of professional staff from the Office of the United Nations High Commissioner for Human Rights ("OHCHR") based in Beirut consisting of a coordinator, human rights investigators and analysts, legal, military, child protection, and gender advisers, and linguistic, security and administrative support staff. The first staff members of the OHCHR secretariat began work in December 2017; the majority of the OHCHR secretariat began work in January-February 2018; the final staff member for the first mandate arrived in early June 2018. The findings of the Group of Experts, as contained in A/HRC/39/43, were submitted by late July for technical editing in advance of the Council session.

6. On 28 August 2018, the Group of Experts released its first written report containing initial findings and recommendations, which the High Commissioner transmitted to the Council during its thirty-ninth session (A/HRC/39/43). This document included also the High Commissioner's report on technical assistance to the NCOI. Following the presentation of its report to the Council, the Group of Experts held an interactive dialogue on 26 September 2018 in Geneva.

7. On 28 September 2018, the Council adopted resolution 39/16, extending the mandate of the Group of Experts for a further year, requesting the next report of the Group

[1] The formal name for the NCOI is the *National Commission to Investigate Alleged Violations to Human Rights*.

to be presented at the forty-second Council session in September 2019. The mandate remains renewable as authorised by the Council. Resolution 39/16 was passed by a vote of 21 to 8, with 18 abstentions. It was opposed by Burundi, China, Cuba, Egypt, Pakistan, Saudi Arabia, the United Arab Emirates, and Venezuela.

8. In its first report, covering the period from 1 September 2014 to 30 June 2018, the Group of Experts examined incidents based on the gravity of allegations of violations; their significance in demonstrating patterns of alleged violations; access to victims, witnesses and supporting documentation; and the geographic locations of the incidents, noting its inability to exhaustively document the extraordinary number of relevant incidents occurring during that period, but stating nevertheless that it considered the report illustrative of the main patterns and types of violations. The first report further noted many issues that the Group of Experts was unable to fully investigate, including noting particular alleged violations and abuses that required further investigation.

9. In line with the renewed mandate in resolution 39/16, this report of the detailed findings of the Group, intended to be read in conjunction with and as a supplement to the August 2019 Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights (A/HRC/42/17), covers issues related to the human rights situation in Yemen between September 2014 and June 2019.

10. Considering the increased access constraints faced by the Group of Experts following its September 2018 mandate renewal, the Group of Experts continued work towards fulfilling its mandate by prioritising investigation of incidents since September 2014 based on gravity of alleged violations and their significance in demonstrating patterns. Situations and incidents referenced in this report were selected on this basis. Investigations during the second mandate period were supported by a secretariat of professional staff from OHCHR with increased resources compared to the previous year. A small transitional team of OHCHR secretariat staff began work after the renewal of the mandate in October 2018; the majority of the OHCHR secretariat began work in January-February 2019; the final members of the team arrived in early April 2019. The findings of the Group of Experts as contained in A/HRC/42/17 were required to be submitted by late July for technical editing in advance of the Council session.

11. This detailed report and the High Commissioner's report containing the findings of the Group of Experts (A/HRC/42/17) are based upon information gathered and analysed by the Group of Experts since its creation, including evidence related to issues and cases referenced in the Group of Experts' August 2018 report, additional evidence gathered during the first year of the mandate that could not be referenced or used in that report or which remained under investigation, and further information gathered and analysed between August 2018 and June 2019.

12. The Group of Experts is grateful for the assistance and support it has received from government and non-government entities, United Nations agencies and partners working on Yemen. The Group of Experts notes that the Kingdom of Saudi Arabia, the United Arab Emirates, and the Government of Yemen, all of whom cooperated with the Group of Experts in its first year, sent detailed lists to United Nations leadership of points they took issue with in the Group of Experts' first report, and noted that they would not cooperate with the Group of Experts following renewal of its mandate in September 2018. All points noted in these letters were considered by the Group; while many were repetitive of those raised previously and responded to during the interactive dialogue in September 2018, others, which were raised for the first time, were taken into account in planning for and executing the investigations undertaken during the Group's renewed mandate period. After having had access to Yemen and the opportunity to meet officials representing parties to the conflict during its first mandate, the Group of Experts could not visit Yemen during the second mandate because its repeated requests for authorisation to conduct visits remained unanswered. Only the de facto authorities agreed in writing to receive the Group of Experts but such a visit failed to materialise because the Government of Yemen did not approve the

required visas.[2] The Group's repeated requests for meetings with officials of the Government of Yemen, the Kingdom of Saudi Arabia, and the United Arab Emirates since September 2018 had remained unanswered at the time of writing.

II. Methodology

13. The Group of Experts followed the well-established best practices and methodologies for human rights fact-finding,[3] ensuring that the principles of "do no harm", independence, impartiality, objectivity, transparency, and integrity were strictly adhered to at all stages of its work.

A. Standard of proof

14. Consistent with established practices of United Nations fact-finding bodies, the Group of Experts considered whether it had "reasonable grounds to believe" that individual incidents and patterns of conduct had occurred. The Group of Experts relied on this determination as the standard of proof for its factual findings, which underpinned determinations of whether such incidents and patterns of conduct amounted to violations of international human rights law, international humanitarian law, and, where relevant, to international crimes.

15. The Group of Experts has in this report referred to instances where it found reasonable grounds to believe that a competent authority should further investigate incidents or patterns of conduct. Such findings are based upon the Group having obtained a reliable body of information, consistent with other material, upon which a reasonable and ordinarily prudent person would believe that the incident or pattern of conduct has occurred. The "reasonable grounds to believe" standard of proof is lower than the standard normally required in criminal proceedings to achieve a conviction. However, it is considered sufficient to call for further investigations by a competent authority, and the Group of Experts applied it as such.

16. In reaching factual findings based on its investigations, the Group of Experts followed the established methodology for this standard of proof of requiring at least one credible direct source of information, independently corroborated by at least one or more additional credible sources of information.

17. The Group of Experts considered the following to be sources of direct information: interviews with victims; interviews with direct eyewitnesses to an event; videos, photographs, satellite imagery and documents whose authenticity has been assured; decrees, regulations and directives issued by governments; publicly available statements from parties to the conflict, including statements made via State media outlets; statistics, surveys, reports, and other quantitative and qualitative information generated by United Nations organisations, bodies, agencies, funds and programmes.

18. The Group of Experts considered the following for the purposes of corroborating information from direct sources, and for providing a contextual understanding: information, including witness testimony, situational analysis, descriptions of patterns of conduct and other material from publications or submissions by the United Nations, governments, human rights and humanitarian organisations; affidavits or other authenticated witness

[2] Following its previous practice, in the present report the Group of Expert uses the term "de facto authorities" to refer to the authorities based in Sana'a, where Ansar Allah as a political movement is the main actor (supported by former President Saleh until his killing in December 2017). The de facto authorities are supported by an armed group, referred to as the "Houthis", which includes affiliated Popular Committees. Prior to the death of President Saleh, these armed groups were referred to as "Houthi-Saleh" fighters.

[3] See United Nations Office of the High Commissioner for Human Rights ("OHCHR"), International Commissions of Inquiry and Fact-Finding Missions on International Human Rights Law and International Humanitarian Law - Guidance and Practice, 2015.

statements provided to reputable human rights organisations where the Group of Experts was able to validate the methodology used to obtain the statement. Where the Group relied upon information contained in publications, it aimed to discuss the methodology, findings, and/or analysis with the author whenever possible.

19. In assessing the credibility and reliability of each direct source, the Group of Experts considered, *inter alia*: the means by which the witness obtained the information; the reasons why the witness may have provided the information; the physical location of the witness in relation to the event or incident; potential biases including political affiliations and personal interests; the physical location the witness provided the statement from and whether this could have led to coercion or caused the source to provide inaccurate information due to safety considerations; and the ability of the witness to accurately recall the events considering the time since the incident and factors that may add or detract from the ability of the witness to accurately recall the situation.

20. The Group of Experts also assessed the validity of information by considering its relevance to the inquiry, its internal consistency and coherence, its logic, and its consistency with and corroboration by other information. The Group of Experts distinguished between the reliability and credibility of the source and the validity of the information provided. Therefore, the Group did not assume that a witness, judged to be a credible and reliable source, would necessarily provide fully accurate and valid information in all aspects of their testimony.

21. Where this report refers to an account of a witness, the Group of Experts has assessed the statement to be truthful and relevant, unless stated otherwise. Witness statements and accounts of events in the report have been included as a demonstration of the evidence only, and should not be considered as the sole basis of judgment in relation to the issues under analysis.

22. The Group of Experts also identified incidents and patterns of conduct that it felt may have the potential to lead to future findings following further investigations, especially in cases where better access may be available. Such incidents and patterns of conduct are identified as allegations requiring further investigation.

B. Attribution of responsibility

23. The Group of Experts, in fulfilment of its mandate, undertook efforts to identify those responsible for violations. Where the Group found information linking alleged perpetrators to specific violations or patterns of violations, such information has been transmitted to the High Commissioner for Human Rights on a strictly confidential basis.

24. In instances where there was insufficient information to identify particular individuals responsible for violations, the party or group responsible has been identified, where possible, both in this report, and, to the extent space allowed, in the Report of the Group of Eminent International and Regional Experts on Yemen as submitted to the High Commissioner for Human Rights.

C. Protection of sources, victims, and witnesses

25. The Group of Experts and its secretariat gathered information with regard to the situation in Yemen by, *inter alia,* conducting interviews with victims, families of victims, refugees and displaced persons, community representatives, local authorities, members of non-governmental organizations, government officials and United Nations officials.

26. As a priority, the Group of Experts employed the best practices of fact-finding aimed at assuring the safety, security and well-being of witnesses and victims. To that end, the present report includes information only where sources granted informed consent and where disclosure would not lead to any identification or result in harm.

27. Primary responsibility for protecting victims, witnesses and other persons cooperating with the Group of Experts rests with their States of residence and nationality. The Group of Experts thanks the victims and witnesses who shared their experiences.

28. In line with existing United Nations policies on information sensitivity, classification and handling, information provided by witnesses and other confidential materials have been classified as strictly confidential.[4]

D. Sources of evidence, methods of conducting interviews, and access constraints

1. Methods of collecting evidence and access constraints

29. The Group of Experts reviewed a substantial quantity of primary and secondary source information, including conducting more than 600 interviews with victims and witnesses during the investigative period following extension of its mandate in September 2018. The Group ensured insofar as possible that interviews were inclusive of gender perspectives and encompassed a wide range of gender, ethnic, religious, political, and geographic representation, both overall and with respect to the particular incident or pattern of conduct under review. Interviews were conducted in person whenever possible, in a safe and private setting and in the presence of a trusted, professional interpreter where required. Other interviews were conducted remotely, through secure channels of communication and taking additional precautions to ensure reliability and the safety of the interviewee.

30. The findings in this report are based on the independent investigations conducted by the Group of Experts. Where available and appropriate, the Group additionally examined information from other sources as part of the process of reviewing relevant corroborating or exculpatory evidence. The Group of Experts reached independent conclusions on such content, both for individual incidents and where it was useful for the purposes of determining whether such conduct was part of a pattern. In all cases where the Group examined external information on incidents and patterns of conduct, it made its own independent conclusions after assessing the reliability of the information and the credibility of the sources from which it came.

31. In 2018, when the Group of Experts and members of the secretariat were granted access to Yemen, visits were undertaken to Aden, Sana'a, Sa'dah and al-Hudaydah. Visits were also undertaken in 2018 to Djibouti, the Hashemite Kingdom of Jordan, the Kingdom of Saudi Arabia, and Switzerland.

32. Through visits to Yemen and countries hosting displaced Yemenis in 2018, the Group of Experts and its secretariat conducted in person interviews with victims, witnesses and others with direct information about incidents and patterns of conduct occurring in Yemen since September 2014. The Group of Experts further supplemented the in-person interviews with interviews using remote methods. Although the Group of Experts and secretariat faced significant security, logistical and administrative constraints in arranging some of the planned visits to Yemen in 2018, and ultimately were unable to visit all the affected governorates (notably Ta'izz), the visits to Yemen and neighbouring countries provided ample direct and secondary evidence related to the Group's mandate.

33. Regrettably, the Group of Experts faced considerable constraints to its work following the release of its first report in August 2018, after which the Experts and the secretariat were not granted visas by the Government of Yemen or the Kingdom of Saudi Arabia. Despite these constraints, the Group of Experts undertook visits to other countries to meet displaced Yemenis in 2019. It followed ever-evolving best practices learnt from other fact-finding bodies facing access constraints, and managed to gather a mass of reliable and credible evidence upon which to base its findings. The Group, for example, conducted in person interviews outside of Yemen with victims, witnesses and others with

[4] Secretary-General's bulletin on Information sensitivity, classification and handling, ST/SGB/2007/6.

direct information about incidents under investigation. The Group of Experts further supplemented the in-person interviews with interviews using remote methods.

34. The Group of Experts reviewed satellite imagery and obtained expert analysis from UNITAR-UNOSAT[5] which supplemented its own internal review of the imagery. The Group reviewed documents, photographs and videos, including recordings made by witnesses to events and judicial documents, including prosecution files, which included detailed testimonies and interrogations of detainees. Findings were made using only those materials that the Group was able to authenticate. The Group of Experts also collected, reviewed and analysed information drawn from a variety of open sources. Examples of such sources include social media, news and media outlets, geospatial imagery and forums. The analysis of information drawn from these sources served two purposes. First, information drawn from open sources was at times used as an initial source of information relating to specific incidents or events, and provided a basis for further investigations, during which the Group considered whether it had sufficient corroborating evidence. Second, information drawn from open sources was at times used to corroborate and verify information provided to the Group through traditional human rights investigative practices, such as interviews with witnesses, victims and experts. In all cases of review of open source material, the authenticity, veracity and credibility of the content was established through best practices of current open source analytical methods.

35. Despite the physical access constraints faced by the Group of Experts due to lack of cooperation and the chilling effect that threats by some of the parties had on witnesses, victims, and organisations who cooperated with it, the Group was nevertheless able to gather evidence to support the findings in this report. The Group of Experts notes that the findings in this report, while limited due to resources, time, and access, aim to give an indicative sample of the human rights violations, especially the most serious ones, occurring in Yemen. The Group of Experts further reiterates that its investigations so far have only touched upon a very small number of the allegations, and recommends continued investigations into the incidents and patterns of conduct discussed in this report and in its two reports to the Human Rights Council (A/HRC/39/43 and A/HRC/42/17).

2. Calls for submissions

36. In addition to gathering evidence by conducting interviews with known victims, witnesses, and other direct sources about whom it was already aware, the Group of Experts extended invitations through *notes verbales* to United Nations Member States and United Nations agencies, departments and bodies and to regional organizations to provide information relating to the investigations. The Group of Experts also circulated public calls for written submissions from non-governmental and other organizations and individuals interested in bringing information to the attention of the Group of Experts in February 2018 and February 2019. The Group of Experts is grateful to all of the organizations and individuals that provided information in response to its calls for submissions.

3. Letters to parties to the conflict including lists of issues and requests to access Yemen

37. In April 2018, the Group of Experts sent detailed letters to the parties to the conflict, requesting access to Yemen, meetings with officials, and written clarification and information on a number of issues relating to its investigations.[6] The Group of Experts requested responses from the parties by May/June 2018 in order to be able to include information received in the report to the thirty-ninth Council session. The Group of Experts further sent detailed queries on specific cases/incidents in June 2018.

[5] UNOSAT is the Operational Satellite Applications Programme of the United Nations Institute for Training and Research (UNITAR). All UNITAR-UNOSAT damage assessments in this report are available on the website of the Group of Experts at: http://www.ohchr.org/en/HRBodies/HRC/YemenGEE/.

[6] These 'list of issues' letters sent to the parties in 2018 and 2018, as well as the responses from the parties, are available on the website of the Group of Experts at: http://www.ohchr.org/en/HRBodies/HRC/YemenGEE/.

38. The Government of Yemen and officials from the Saudi Arabia-led coalition forces supporting the Government of Yemen (the "coalition")[7] met with the Group of Experts in March 2018, and with members of the secretariat in Riyadh in July 2018. The Government of Yemen and the coalition further submitted a joint written response to the Group of Experts in August 2018, which arrived after the report of the Group of Experts had been sent for publication. These responses were taken into account in the present report and were used to prepare further questions to the parties sent in April 2019. Representatives from the de facto authorities met with the Group of Experts and its secretariat in Sana'a in March 2018 during which some of the issues raised in writing were discussed, however they did not respond in writing to the April 2018 list of issues.

39. In 2019, the Group of Experts sent multiple letters to the parties to the conflict again requesting: access to Yemen; meetings to discuss the issues detailed in the letters; and written responses to issues that included further follow-up from the August 2018 joint response of the Government of Yemen and coalition. The coalition and Government of Yemen did not respond to the requests in writing, and clearly expressed their lack of willingness to meet or cooperate with the Group, including by failing to respond to the multiple requests for access to Yemen. The de facto authorities responded in late April 2019 that the Group of Experts was authorised to visit Sana'a to conduct its investigations and sent further responses to the list of issues sent by the Group of Experts on 31 May, 10 July, and 29 July 2019 (see annexed correspondence).

4. Methodological considerations and challenges surrounding vulnerable persons and sensitive cases

40. The challenges and lack of safe spaces to interview witnesses and investigate alleged violations in Yemen have had a particular impact on investigating cases affecting the most vulnerable and marginalized people, particularly in cases of sexual and gender-based violence and violations against children. Both physical spaces and electronic privacy concerns severely limited the ability of people to speak freely. Risk of reprisal, concerns related to 'honour', psychosocial dependency, exploitation, isolation and marginalization, together with the fact that the majority of survivors remain in areas of conflict under fear and threat from perpetrators, posed serious challenges to many of the Group's investigations. The violations verified in this report are indicators that there may be more gender-based and other violence against vulnerable persons by parties to the conflict requiring further investigation.

5. OHCHR Human Rights Monitoring

41. The United Nations High Commissioner for Human Rights issued three reports on the situation of human rights in Yemen during the period covered by the mandate of the Group of Experts ("OHCHR Reports").[8] The information contained in all three reports was based upon human rights monitoring conducted by the OHCHR Yemen country office.

42. The 2015 High Commissioner's Report (A/HRC/30/31), the 2016 High Commissioner's Report (A/HRC/33/38) and the 2017 High Commissioner's Report (A/HRC/36/33), the last of which covers the entire period September 2014 – June 2017, follow the same standard of proof as that employed by the Group of Experts, i.e. 'reasonable grounds to believe'. The reports note that OHCHR draws conclusions only when this standard is met. The Group of Experts conducted an independent review of the incidents noted in the reports.

[7] At the time of its formation in March 2015, the coalition included Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Senegal, the Sudan and the United Arab Emirates. Qatar left the coalition in June 2017; Morocco reportedly left in February 2019.

[8] See A/HRC/36/33 (2017), A/HRC/33/38 (2016), and A/HRC/30/31 (2015).

III. Legal framework

A. Introduction

43. Human Rights Council resolution 36/31, as extended by resolution 39/16 provides that the mandate of the Group of Eminent Experts, is – inter alia – to examine "all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict".[9] In view of the conflict situation in Yemen, the Group of Experts chose to examine violations of international human rights law, international humanitarian law, and international criminal law.

44. The situation in Yemen is mainly described as a conflict between the Government of Yemen, supported by the international coalition of States led by Saudi Arabia, and the Houthis. However, it also features a number of other separate but inter-linked non-international armed conflicts involving different armed groups, whether or not affiliated with or supporting the parties to the main conflict. Both international humanitarian law and international human rights law are applicable in Yemen, based on treaty and customary law.

B. Applicable Law

1. International Humanitarian Law

45. International humanitarian law (IHL) is based on certain principles. These principles find expression in detailed rules which are binding on all parties to a conflict. The principles include the principle of distinction between military and civilian and the principle of proportionality. The rules themselves represent a balance between humanitarian concerns and military necessity. There can be no appeal to military necessity outside the rules, because it is already taken into account in their formulation.[10] The treaty rules have been formulated by the representatives of States, including military advisers.

46. The conflict between the armed forces of the Government of Yemen (hereafter "Yemeni armed forces") and the Houthis qualifies as a non-international armed conflict between a State Party and a non-State armed group, respectively. The conditions for the existence of an armed conflict, in particular the necessary level of intensity in hostilities, have been present for the entire period under review. Non-international armed conflicts are regulated by treaty law, in particular Article 3 Common to the Four Geneva Conventions of 1949 (hereinafter "Common Article 3"), and Additional Protocol II thereto (also referred to as "the Second Additional Protocol of 1977"), to which Yemen is a party, as well as customary international humanitarian law.

47. In addition to Article 3 Common to the Four Geneva Conventions, Additional Protocol II is applicable to the conflict between the Yemeni armed forces and the Houthis. Indeed, the threshold of application set in the first article of Additional Protocol II has been reached with the level of organization of the de facto authorities and their armed group, the Houthis, as well as their control over parts of the Yemeni territory.

48. Yemen is also bound by other treaties it has ratified, notably with regard to means and methods of warfare. The Anti-Personnel Mine Ban Convention of 1997, ratified by Yemen, is particularly relevant in the present context. Yemen has not ratified the 1980 Convention prohibiting Certain Conventional Weapons or its Protocols, nor the 2008 Convention on Cluster Munitions.

[9] A/HRC/RES/36/31, para. 12(a).

[10] At least in international armed conflicts (IAC), the rules are based on the equality of belligerents. In non-international armed conflicts (NIAC), there is, however, no political basis for asserting such equality. Whilst the fighting may often look like the fighting in an international armed conflict, the status of the fighters as criminals in domestic law has a variety of consequences for the rules of NIAC, including for the prospect of their implementation and enforcement by the non-State actors.

49. Non-State armed groups are bound by Common Article 3 of the Geneva Conventions and – provided that the necessary requirements as to level of organization and exercise of territorial control are reached[11] – also by Additional Protocol II. The status of party to the conflict applies without distinction to States and non-State actors involved in the conflict, despite the fact that non-State armed groups are by nature not in a position to ratify IHL treaties.[12] In its response to the list of issues that the Group of Experts sent out in 2019, the de facto authorities stated that their forces respect their international obligations to protect civilians in accordance with international humanitarian law and international human rights law. The de facto authorities also stated that it considered itself bound by the 1997 Anti-Personnel Mine Ban Convention, to which Yemen is a party.[13] Customary international humanitarian law is also particularly relevant to both State and non-State parties in non-international armed conflicts. The customary rules are the product of State practice, accompanied by a view that the practice is required (opinion juris sive necessitates) or specifically permitted. The ICRC Customary Law Study[14] may represent a useful starting point in determining the customary status of any rule. Indeed, as outlined in the Customary Law Study, it is generally accepted that, under customary international humanitarian law, most of the rules applicable to international armed conflicts also apply to non-international armed conflicts.[15]

50. The involvement of the international coalition in March 2015, pursuant to a request by the Government of Yemen and in support of the latter, does not change the non-international character of the conflict. Given that the international coalition is supporting Yemen as a State Party, involved in a conflict with a non-State armed group, there is no conflict between two State parties, an essential condition for a conflict to be considered as international. The member States of the coalition supporting the Government of Yemen became parties as "co-belligerents" to the pre-existing non-international armed conflict between Yemen and the Houthis, from the time of the coalition intervention in March 2015. The members of the coalition are bound to respect all applicable international humanitarian law, including Common Article 3 to the Four Geneva Conventions and the second Additional Protocol of 1977, as well as customary law.

51. All members of the coalition have ratified the four Geneva Conventions and both Additional Protocols of 1977. However, the majority of the current coalition members (Saudi Arabia, Bahrain, Egypt and the United Arab Emirates) have not ratified the Anti-Personnel Mine Ban Convention. Except for Senegal, none is a party to the Convention on Cluster Munitions. With regard to the Convention Prohibiting Certain Conventional Weapons, the situation is more complex. All members of the coalition, except for Egypt and the Sudan, are parties to the Convention and two or more of its Protocols. Jordan, Kuwait and Senegal have ratified Amended Protocol II on the prohibition or restrictions on the use of mines, booby-traps and other devices, but the other coalition members are not party to that Protocol or to its original version. However, the majority of those coalition States that are State parties to the Convention are parties to Protocol I on non-detectable fragments (except for Bahrain and Senegal) and to Protocol V on explosive remnants of war (except for Jordan).

52. Several other non-international armed conflicts of different levels of intensity are also ongoing in Yemen between the Yemeni armed forces and non-State armed groups, such as Al Qaeda in the Arab Peninsula (hereinafter "AQAP") and the so called "Islamic State", as well as between different non-State armed groups, sometimes in support of or in opposition to a specific party to the main conflict between the Yemeni armed forces and the Houthis. All groups are bound by relevant provisions of international humanitarian law

[11] See Art. 1(1), Additional Protocol II.

[12] See e.g. Françoise Bouchet-Saulnier, "The Practical Guide to Humanitarian Law", MSF, December 2013, on Non-State Armed Groups, p. 438 ff.

[13] 31 May 2019 letter from the de facto authorities, response to question no. 15.

[14] Jean-Marie Henckaerts and Louise Doswald-Beck, "Customary International Humanitarian Law," ICRC/Cambridge, 2005 (hereinafter "ICRC Study on customary IHL").

[15] Where footnotes refer to the ICRC Study on customary IHL, they should also be taken as referring to the various legal authorities cited in the commentary to the individual rules.

depending on their level of organization and of territorial control, but at a minimum they are bound by the obligations set out in Article 3 common to the Four Geneva Conventions.

53. Also of relevance to the period under review are operations including the use of unmanned aerial vehicles (drones) by the United States of America in the territory of Yemen within the scope of its operations against AQAP and the Islamic State, Such operations have reportedly been launched in support of the Government of Yemen's fight against Al Qaeda as a non-State armed group, and are hence to be examined through the lens of a non-international armed conflict. In terms of applicable international humanitarian law, the United States is a party to the four Geneva Conventions, but has not ratified their Additional Protocols of 1977. It is also bound by customary international law. The international humanitarian law obligations of the United States as a third State in relation to the main conflict are examined in the section on Accountability, along with other States

54. The obligations of third States to ensure respect for international humanitarian law, in accordance with Article 1 common to the four Geneva Conventions (hereinafter "Common Article 1"), are also particularly relevant in this context. This is particularly the case for any State that influences or provides support to parties to the conflict, such as France, the Islamic Republic of Iran, the United Kingdom of Great Britain and Northern Ireland and the United States of America.[16]

2. International Human Rights Law

55. International human rights law remains fully relevant to the present context. The concurrent application of international humanitarian law and international human rights law, i.e. the applicability of human rights law in a situation of armed conflict, has been widely accepted. The International Court of Justice (ICJ) first addressed the issue in its 1996 Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*[17], and further confirmed the concurrent application of international humanitarian law and human rights law in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the occupied Palestinian territory*. In the latter Advisory Opinion, the ICJ determined that "the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation."[18] Indeed, as provided by Article 4 ICCPR, States may take measures derogating from their obligations under the convention under strict conditions only including the declaration of a state of public emergency. However, derogations are only allowed for certain human rights, and not for the most fundamental ones, a number of which are being regularly violated in Yemen as described in the present report.

56. Yemen's obligations to respect, protect and fulfil human rights, without any discrimination, are determined by the relevant treaties it has ratified, as well as by customary law. Yemen is a party to the core universal human rights conventions, except the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the 2006 Convention for the Protection of All Persons from Enforced Disappearance. It has acceded to both Optional Protocols to the Convention on the Rights of the Child, one of which is particularly relevant in the present context as it pertains to the involvement of children in armed conflict. However, Yemen has not accepted any individual complaints procedure, except for the one pursuant to the Convention on the Rights of Persons with Disabilities. Finally, it has accepted the inquiry procedure under the latter, as well as under the Convention against Torture.[19]

[16] See ICRC 2016 Commentary to common Article 1 to the Geneva Conventions; see ICRC Study on customary IHL, rule 144.

[17] ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, ICJ Reports 1996, para. 25.

[18] ICJ, *Legal Consequences of the Construction of a Wall in the occupied Palestinian territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004, para. 106.

[19] See OHCHR's website for Yemen's status of ratification (https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=EN).

3. International Criminal Law

57. Yemen is not a party to the Rome Statute of the International Criminal Court,[20] nor are most coalition members, including Saudi Arabia and the United Arab Emirates.[21] Nevertheless, the principle of individual criminal responsibility for war crimes has long been recognized by customary international law.[22] War crimes include grave breaches of the Geneva Conventions, as well as other serious violations of international humanitarian law. The Rome Statute lists the acts that are considered as such by the International Criminal Court, and is regarded as a reflection of customary international law in this regard.[23]

58. According to international criminal law, individual members of armed forces are liable for war crimes they have committed or attempted to commit, and for assisting in, facilitating, aiding or abetting the commission of a war crime. Planning or instigating the commission of a war crime is also a mode of liability. Commanders and other superiors are also criminally responsible for war crimes committed pursuant to their orders. Furthermore, the latter may be criminally responsible for failing to prevent, repress or report war crimes committed by their subordinates. Individual members of non-State armed groups, as well as their superiors, can equally be held responsible for war crimes under international criminal law.[24] In addition, members of non-State armed groups are liable to prosecution before the courts of the State in which they operate, as well as before the courts of other States which apply universal jurisdiction. Finally, individuals, including from third States, may also be held criminally responsible if they aid, abet or otherwise assist in the commission of war crimes.

C. Legal Analysis

59. In this report, the legal analysis pertaining to alleged violations of international humanitarian law, international human rights law and international criminal law, if relevant, is normally included after the description of facts in each emblematic section. However, as certain areas are cross-cutting and their complexity warrants some precision, the Group of Experts chose to develop them in the present section. In terms of international humanitarian law, this is particularly the case for targeting law and weapon use. With regard to international human rights law, clarifications have been added as to the extent of the obligations of respective duty-bearers.

1. International Humanitarian Law

60. International humanitarian law has developed along two major strands. Whilst both are to be found in existence from ancient times, they developed separately in treaty form. The first strand dealt with the conduct of hostilities and was primarily governed by State interests. This strand is often referred to as “Hague law”, following the adoption of many rules on the conduct of hostilities in the Hague Peace Conferences of 1899 and 1907.[25] The second strand dealt originally purely with victims of war, initially limited to combatants, and is often referred to as “Geneva law”, growing out of the first Geneva Convention of 1864 on the wounded and sick on the battlefield and the establishment of the International Committee of the Red Cross. Whilst these two strands came together in the two Additional Protocols of 1977 to the four Geneva Conventions of 1949, there remain philosophical differences between the two. Thus “Geneva law” essentially approaches matters from the point of view of the victim, whereas “Hague law” is more focused on the position of the parties to the conflict themselves. This is best illustrated in the law in relation to targeting.

[20] Yemen has signed the Rome Statute on 28 December 2000, but has never ratified it.

[21] The only members of the coalition that are party to the Rome Statute are Jordan and Senegal.

[22] See ICRC Study on customary IHL, rule 151.

[23] See ICRC Study on customary IHL, rule 156.

[24] See ICRC Study on customary IHL, rules 151-153.

[25] See for example, Regulations concerning the Laws and Customs of War on Land, annexed to Convention (IV) respecting the Laws and Customs of War on Land, The Hague, 1907.

The following sections will look at targeting, weapon use and the implementation and enforcement of the law.

(a) Targeting Law

Who and what can be targeted

61. Separate rules regulate the targeting of people and of objects but, in both cases, they are based on a distinction between military (including those who take a direct part in hostilities) and civilian.

People

62. In an international armed conflict (IAC), a party to the conflict can target the fighting members of the armed forces of other side, irrespective of what they are doing at the time and whether or not they constitute a threat.[26] The only exception is where the personnel in question have ceased to take part in the fighting (hors de combat) by virtue of wounds, illness, surrender, shipwreck, bailing out of aircraft in distress or capture. The armed forces of a State party to the conflict consist of regular armed forces and any militia fighting as part of those forces. Additionally militia fighting for a State party to the conflict with that party's consent or acceptance, and satisfying four cumulative requirements, may also be seen as forces that may take part in the conflict and be attacked. In order to qualify, a militia must have a fixed distinctive emblem recognisable at a distance. This is so as to enable their opponent to distinguish them from civilians. It is not necessary for a full uniform to be worn. Any distinctive sign, such as particular headgear, will be sufficient. It should be worn at all times that they are visible to the adversary or at least when they are engaged in military activity[27].The second requirement is that the members of the militia bear their arms openly. The third is that they must be commanded by a person responsible for his subordinates, which means in practice that there must be an effective system of command and control. Finally the members of the militia must conduct their operations in accordance with the laws and customs of war[28].The fighting members of the armed forces, and militias that qualify, in IAC are combatants, a status which exists only in IAC. They are entitled to fight, that is to say that they cannot be prosecuted merely for the fact of fighting. Upon capture or surrender, they are normally entitled to the status of prisoner of war.

63. In both IAC and NIAC, civilians cannot be made the object of attack. In an IAC, civilians are all persons who are not combatants. In a NIAC, the position is more complicated as it would at first glance appear that all persons except the armed forces of a State are civilians.[29] However, this may not necessarily be the case. In any case, civilians lose their protection from attack when and for such time as they take a direct part in hostilities. They can also subsequently be prosecuted for regular crimes, e.g. murder, carrying firearms etc., committed whilst fighting.[30]

64. The ICRC launched a study into this subject and issued "Interpretive Guidance on the Notion of Direct Participation in Hostilities" in 2009[31]. This guidance suggested that organized armed groups, constituting the armed forces of a non-State party to a non-international armed conflict, would also be excluded from civilian status but limited this to

[26] Certain members of the armed forces, such as military medical personnel and religious personnel, are members of the forces (e.g. they will be in uniform and have a rank) but they are not permitted to take part in the fighting. Provided they do not take part in the fighting, they cannot be targeted but they are likely to be at risk by virtue of their location. Military medical personnel may bear small arms for the defence of their patients. See ICRC Study on customary IHL, rule 3.

[27] Military activity includes not merely firing weapons but also for example collecting military supplies.

[28] Hague Convention IV of 1907 Respecting the Laws and Customs of War on Land, Annexed Regulations, Art.1; see generally ICRC Study on customary IHL, rule 4.

[29] This follows from the lack of combatant status in NIAC.

[30] See ICRC Study on customary IHL, rules 1, 5 and 6.

[31] ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, May 2009.

those individuals within the armed group whose continuous function is to take a direct part in hostilities. Whilst the Guidance has proved controversial in some aspects, it would seem that such individuals would in any event have lost their civilian protection as taking a direct part in hostilities.

65. In contemporary conflicts, particularly where there is a significant asymmetry of military resources, it is not uncommon for fighters to try to blend in with the civilian population. This can make it difficult in practice for the opponent to distinguish between fighters and protected civilians. Such genuine difficulties must be distinguished from the situation where the State assumes that all civilians support the fighters and act accordingly. Members of the civilian population, as opposed to members of armed groups, only lose protection if they participate directly in the fighting and only lose protection for such time as that participation lasts.

66. If civilians work within a military installation, such as a munitions factory, they do not lose their status as civilians but bear the risks attendant upon working in such a location.

67. Whilst a presumption exists in treaty law, at least in IAC, that a person is a civilian, that does not appear to be the case in customary law[32]. It would appear therefore that a decision has to be made, in good faith, on a case-by-case basis. It is certainly not the case that a person can be presumed to be a fighter.

Objects

68. Whilst the rules are slightly clearer in the case of objects, their application is not without difficulty. In order to be potentially subject to attack, an object must be a military objective.[33] Any object which is not a military objective is a civilian object and cannot be the subject of attack.[34] If an object which is normally a civilian object is used for military purposes, it may become a military objective.

69. In order to constitute a military objective, the object must satisfy a two-pronged test. It must by its nature, location, purpose or use make an effective contribution to military action and its destruction, capture or neutralisation, in the circumstances ruling at the time must offer a definite military advantage.[35] The same rule applies in both IAC and NIAC. Whilst the formulation of the rule appears to be generally accepted, the United States of America appears to interpret the concepts of contribution and military advantage more broadly than many other States, so as to include activities and assets which contribute in non-military ways to sustaining the war fighting capability.[36] The broader definition is likely to extend the range of economic targets regarded as lawful objectives. Even so, it would appear only to cover economic activities which make a real contribution to the enemy's capacity to fight, rather than all economic activities occurring in its territory.[37] It is not clear whether the broader approach would also apply to non-economic targets, such as objects which are used to rally support for the State.[38]

[32] See generally ICRC Study on customary IHL, rule 6.

[33] An object is not limited to things such as buildings and vehicles. It can, for example, include an area of land.

[34] ICRC Study on customary IHL, rule 7.

[35] ICRC Study on customary IHL, rule 8.

[36] Department of Defense Law of War Manual (as amended) 5.6.6.2 (previously 5.7.6.2)

[37] The sale of oil or gas, for example, would contribute materially to the national exchequer but a small factory in private ownership producing medicines and other pharmaceutical products would not appear to do so, even if some of the products were exported.

[38] For example, a radio or television station which is not used to relay messages to the armed forces but whose programmes are used generally to encourage support for the government. Propaganda was recognised as a normal governmental activity in the trial of Fritsche; Judgment of the International Military Tribunal at Nuremberg, 41 AJIL (1947), p.172 at p.328. Following the NATO campaign over Kosovo, the Prosecutor of the ICTY set up a group to examine the lawfulness of certain incidents. In the Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign against the Federal Republic of Yugoslavia, the Committee said, at para. 76, "If, however, the attack was made …. because the station was part of the propaganda machinery, the legal

70. Certain features of the definition need to be noted. There is no class or enumerated list of military objectives. Every potential target needs to be considered on an individual basis. So, for example, bridges are not per se military objectives. Each bridge must be considered to determine whether, in the circumstances ruling at the time, its use is contributing to military action and its damage or destruction would provide a military advantage. Similarly, legally speaking, there is no such thing as a "dual use" target. Where something is used for both military and civilian purposes, such as a power plant, the first question is whether it constitutes a military objective. Its use by or usefulness to civilians is irrelevant to this determination. The fact that the power produced is also used for civilian purposes would only be taken into account in the second stage of the calculation, in other words how it should be attacked and whether it is militarily wise to attack it.[39]

71. It is unclear whether there is a presumption under customary law that objects normally used for civilian purposes, such as schools and homes, should be presumed to be civilian.[40]

72. There is apparently very little legal guidance on how the determination is to be made as to whether something is or is not a military objective, beyond the general rule that international legal obligations are to be interpreted and applied in good faith (pacta sunt servanda). On general legal principles, the decision has to be made on the basis of information known at the time. The lawfulness of the decision cannot be determined with the benefit of hindsight. That still leaves questions such as the assiduity with which an attacker should seek information, how recently it needs to have been up-dated and checked for continuing accuracy and what precautions should be taken to ensure that information from collaborators has not been tainted by the settling of scores or the prospect of personal gain.

73. Certain objects are specially protected from attack. Medical buildings, transport and personnel, for example, benefit from such protection.[41] This does not mean that they can never be attacked but there would need to be considerable evidence that such an object was not in fact what it appeared to be. Where the problem is the "dual use" of a hospital, as for example where weapons are being fired from the roof whilst patients are being cared for within the building, considerable care would have to be given to the protection of the wounded and sick. Other examples of special protection include humanitarian personnel, peacekeeping personnel not taking a direct part in hostilities and cultural property, which includes religious property.[42] Certain areas or zones may be specially designated by the parties as places for the protection of unarmed civilians and/or the wounded and sick. These should be demilitarized. Where such zones have been agreed by the parties, they are also subject to special protection.[43]

Limitations on how a lawful target can be attacked

74. Having determined that something is a lawful target, the attacking party is required to consider precautions to avoid or at least minimize civilian casualties. These need to be taken into account before the launching of the attack. In addition, there are other elements which need to be taken into consideration during the attack. Both parties are required to

basis was more debatable. Disrupting government propaganda may help to undermine the morale of the population and the armed forces, but justifying an attack on a civilian facility on such grounds alone may not meet the "effective contribution to military action" and "definite military advantage" criteria required by the Additional Protocols…"

[39] The issue of proportionality needs to be taken into account – this is explained below. It should be remembered that, just because an object can lawfully be attacked, it does not necessarily mean that it is militarily necessary or wise to attack it. The law is not a substitute for the exercise of operational judgement.

[40] There is such a presumption in treaty law in IAC: Additional Protocol I of 1977, Art.52 (3). See generally ICRC Study on customary IHL, discussion of rule 10.

[41] ICRC Study on customary IHL, rules 25-30.

[42] ICRC Study on customary IHL, rules 31-33 and 38-41.

[43] ICRC Study on customary IHL, rules 35-37.

take general precautions so as to avoid unnecessary civilian casualties.[44] There is a general obligation on the defending party to protect the civilian population and civilian property from the effects of attack.[45] There is a specific requirement that parties must, to the extent feasible, avoid locating military objectives in densely populated areas.[46] This implies that the population is already present at the time the decision is taken as to where to locate the objective. There is also a specific requirement that civilians be moved away from military objectives, again "to the extent feasible".[47] Ways of discharging these obligations include evacuation, air raid warnings, ensuring an adequate supply of shelters and so on. In practice, it may be difficult to separate the civilian population and likely military objectives.[48] If the objective cannot be moved, the only solution may be the evacuation of the population. If the party itself is not in a position to organize evacuation, the poor, the elderly and the sick and infirm are the groups likely to be particularly adversely affected. Whereas, in general, the party would be expected to put no barrier in the way of voluntary evacuation, where that is not possible, perhaps for security reasons, the party would be expected to provide adequate alternative facilities such as additional shelters. There is a general requirement of non-discrimination in international humanitarian law, reinforced by a non-derogable prohibition under human rights law. If one group in the civilian population under the control of the party in question is known to be less well protected than the rest of the population, this may raise issues of discrimination.

75. The attacking party is also required to take precautions both in planning and in carrying out an attack. Indiscriminate attacks are prohibited.[49] That means attacks which are not targeted against a specific military objective.[50] Furthermore, when determining how to carry out an attack against a military objective, a party is required to consider the foreseeable consequences of an attack on the civilian population and civilian property. Such a calculation cannot be made unless the party considers how, including with what weapon, it proposes to attack the objective. Attacks the foreseeable consequence of which is to give rise to excessive harm to civilians and civilian property by reference to the military advantage anticipated from the attack as a whole are also prohibited.[51] An example of an attack which is disproportionate but not indiscriminate would be an attack which is targeted against a specific military objective but where the foreseeable harm caused is much greater than the military advantage to be gained. By changing the proposed weapon or the proposed tactic for an attack, it may be possible to reduce the foreseeable impact on civilians ("collateral damage") to such an extent as to make the attack lawful. It should be emphasized that the fact of civilian casualties alone does not mean that an attack was unlawful. In order for a high civilian toll to be evidence of an unlawful attack, it is necessary to establish that civilians were the target or that an attack was indiscriminate or that the foreseeable casualties were excessive in relation to the military advantage anticipated.

76. The principle of proportionality not only has to be given effect in the planning of an attack but at all times during the conduct of an attack. In other words, if it becomes clear during the conduct of an attack that the circumstances or the consequences are not what they were thought to have been and the attack would give rise to excessive civilian harm, the attack must be cancelled or suspended.[52] Further, precautions in attack require a party to

[44] In an armed conflict, each party is both attacker and defender, depending on the context. The use of attacking and defending does not relate to the party which started the armed conflict but refers to their role in the particular situation under consideration.
[45] See generally ICRC Study on customary IHL, rule 22.
[46] ICRC Study on customary IHL, rule 23
[47] ICRC Study on customary IHL, rule 24.
[48] There are circumstances where the location of a military objective is clearly a matter of deliberate choice as when, during the 1991 Gulf War, an Iraqi military airplane was located in the middle of historic ruins.
[49] See generally ICRC Study on customary IHL, rule 11.
[50] ICRC Study on customary IHL, rule 12.
[51] ICRC Study on customary IHL, rule 14.
[52] ICRC Study on customary IHL, rule 19.

do everything feasible to verify that something thought to be a military objective is in fact one.[53]

77. In addition, unless circumstances do not permit, civilians must be given advance warning of an attack.[54] This rule requires the giving of an effective warning. This would imply that the warning is capable of being acted upon. One can envisage the giving of a warning which, in the circumstances, is not capable of being acted upon. It would nevertheless be a warning and should normally be given, subject to the need to avoid terrorizing the civilian population. The formulation of this rule is important. It is not that a warning should be given if feasible. The presumption is that a warning must be given. The purpose of such a rule is to enable civilians to avoid harm either by leaving the area or by taking shelter.[55] The attacking party is also required to consider the potential impact of the attack on the natural environment and cannot launch an attack where the foreseeable impact would be disproportionate. This raises an issue which is relevant in every application of the proportionality principle. When considering the foreseeable impact is the attacking party entitled to assume that everything will work as planned; that weapons will function as they are supposed to do and that protective measures round an installation will function as they are supposed to do? If not, what is the test? It is not reasonable to suggest that the attacker must envisage the worst case scenario in which everything goes wrong.

Weapon Use

78. It has already been shown that the choice of weapon to be used in an attack will affect the determination of proportionality. There are, in addition, general rules about weapon use. Furthermore, certain weapons are the subject of specific bans or specific regulation of their use.

79. No weapon can be used which is of a nature to cause "superfluous injury or unnecessary suffering" to combatants.[56] The other general rules with regard to weapon use ultimately derive from the obligation to protect the civilian population. So, for example, the use of inherently indiscriminate weapons is prohibited on account of the risk they pose to civilians.[57] Similarly, the use of a potentially discriminate weapon in an indiscriminate way is also prohibited, as is the use of a weapon, however precisely targeted, which may be anticipated to give rise to excessive casualties. A party to a conflict is not required to use the most precise, "high-tech" weapon in its arsenal to prosecute a particular attack on condition that the weapon used is lawful and the foreseeable consequences of its use are lawful.

80. The lawfulness of weapons or weapons systems in relation to their nature or use has been called into question in the conflict in Yemen in a number of cases, particularly in the shelling, the use of indirect fire weapons in residential areas, and the use by the Houthis of landmines, both anti-vehicle and anti-personnel, without any attempt to take steps to protect the civilian population from their effects.

2. International Human Rights Law

81. As noted in last year's report[58], the Government of Yemen remains responsible for the fulfilment of its human rights obligations in the entirety of its territory, including the parts over which it has lost control. Yemen has the primary obligation to protect the Yemeni population from harmful interference by non-State armed groups, an obligation of due diligence.[59] The Human Rights Committee asserted that a State Party also has the

[53] ICRC Study on customary IHL, rule 16.
[54] ICRC Study on customary IHL, rule 20.
[55] Ibid, Volume 2, Part I, Chapter 5F.
[56] See generally ICRC Study on customary IHL, rule 70.
[57] ICRC Study on customary IHL, rule 71.
[58] A/HRC/39/43, para. 13.
[59] See e.g., Geneva Academy of International Humanitarian Law and Human Rights, "Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council," Academy In-Brief No. 7, December 2016 (https://www.geneva-academy.ch/joomlatools-

obligation to ensure respect for the rights recognized in the ICCPR also in parts of its territory that are beyond its effective control, within the limits of its effective power.[60] Indeed, a State's obligation to protect individuals under its jurisdiction extends to the threats to the enjoyment of human rights posed by non-State armed groups, including de facto authorities.[61] However, in view of practical constraints, the human rights obligations of the Government of Yemen in areas currently beyond its control are considered to exist to the extent possible, i.e. they will depend on the level of control that remains to the State over these areas. At a minimum, they imply a negative obligation not to impede the enjoyment of such human rights. The extent of this obligation has been acknowledged by the Government of Yemen in a memo addressed to the Group of Experts in August 2018, in which it confirms Yemen's full commitment to international humanitarian law and international human rights law, and that it would not tolerate any violation committed against its citizens within the entirety of the Yemeni territory, whether committed in areas under its control or under the control of the Houthis.[62]

82. International human rights law also binds Ansar Allah, as the *de facto* authority exercising government-like functions and territorial control over certain areas of Yemen.[63] This is the case notwithstanding the continuing human rights obligations of the Government of Yemen in the entirety of its territory, as mentioned above. It is now widely recognized, including by various United Nations organs and bodies[64], as well as scholars[65], that non-State armed entities have human rights obligations, in particular when they exercise territorial control over certain areas. Such obligations can also be seen as stemming from the fact that such non-State entities are subject to the law of the State in which they operate remaining applicable in the territory under their *de facto* control.[66] In its response to the Group of Experts' list of issues addressed to the Ministry of Foreign Affairs in Sana'a in January 2019, the latter explicitly refers to the applicability of human rights treaties ratified by the Government of Yemen.

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files/docman-files/InBrief7_web.pdf), p. 15; S. Casey-Maslen, G. Giacca, Dr. A. Bellal, "International law and armed non-State actors in Afghanistan*",* International Review of the Red Cross, 31 March 2011 (https://www.icrc.org/en/international-review/article/international-law-and-armed-non-state-actors-afghanistan), p.67.

[60] Concluding Observations of the Human Rights Committee on the Republic of Moldova, 4 November 2009, para. 5 (CCPR/C/MDA/CO/2).

[61] Geneva Academy of International Humanitarian Law and Human Rights, "Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council," Academy In-Brief No. 7, December 2016 (https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf), p. 15.

[62] See joint memo dated 8 August 2018 addressed to the Group of Experts by the Government of Yemen, Saudi Arabia and the United Arab Emirates.

[63] A/HRC/39/43, para. 14.

[64] With regard to the human rights obligations of *de facto* non-State authorities and related practice of the United Nations organs and bodies, see Geneva Academy of International Humanitarian Law and Human Rights, "Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council", Academy In-Brief No. 7, December 2016 (https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf), p. 26-27.

[65] See Andrew Clapham, "Human Rights Obligations of non-State actors*",* 2006; Daragh Murray, "Human Rights Obligations of Non-State Armed Groups", Hart Publishing, May 2016 (see https://www.ejiltalk.org/book-discussion-introducing-daragh-murrays-human-rights-obligations-of-non-state-armed-groups-2/); Geneva Academy of International Humanitarian Law and Human Rights, "Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council", Academy In-Brief No. 7, December 2016 (https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf), p. 18-21; S. Casey-Maslen, G. Giacca, Dr. A. Bellal, "International law and armed non-State actors in Afghanistan", International Review of the Red Cross, 31 March 2011 (https://www.icrc.org/en/international-review/article/international-law-and-armed-non-state-actors-afghanistan), p. 23, with references to Nigel Rodley, 'Can armed opposition groups violate human rights?', in Kathleen E. Mahoney and Paul Mahoney (eds), "Human Rights in the Twenty-first Century", Martinus Nijhoff, The Hague, 1993, p. 300; and Liesbeth Zegveld, The Accountability of Armed Opposition Groups in International Law, Cambridge Studies in International and Comparative Law, Cambridge University Press, Cambridge, 2002, p. 149.

[66] Francoise Bouchet-Saulnier, MSF, "The Practical Guide to Humanitarian Law, under 'Non-State Armed Groups'" (https://guide-humanitarian-law.org/content/article/3/non-state-armed-groups/).

83. The same reasoning applies to other non-State armed groups operating within Yemen, which are bound by human rights law if they exercise control over certain areas of the Yemeni territory. This was for example the case when AQAP temporarily gained territorial control of parts of the Hadramaut coast in 2015.

84. Denying such obligations would effectively create a protection gap for the populations living under the control of non-State entities, particularly for actions that are not directly linked to the conflict and hence not covered by international humanitarian law, including fundamental freedoms and economic, social and cultural rights.[67]

85. The existence of human rights obligations of the coalition with regard to Yemen presupposes the extraterritorial application of international human rights law. Indeed, it has been established that the scope of application of international human rights law does not only depend on a State's territorial limits, but also on the exercise of its jurisdiction or effective control, even if not situated in that State's sovereign territory.[68] While certain States deny that their armed forces are bound by international human rights law when operating abroad[69], it would be difficult to deny such extraterritorial application if those foreign forces have some level of control over a person, area or facility. Within the context of Yemen, this might for instance be relevant with regard to centres of detention and/or military bases that are under the authority of a member of the coalition, essentially Saudi Arabia and the United Arab Emirates. Also, foreign States operating in the territory of another State on that State's invitation are bound by the international human rights law obligations of the host State.

IV. Cooperation with the Group of Eminent Experts

A. Cooperation during the first mandate September 2017 – August 2018

86. In 2018, following its creation by the Human Right Council in resolution 36/31, the Group of Experts and members of the secretariat were granted access to Yemen, and carried out visits to Aden, Sana'a, Sa'dah and al-Hudaydah.

87. Significant security, logistical and administrative constraints prevented planned visits to other affected governorates, notably Ta'izz. The planned mission to Ta'izz in 2018 was cancelled following increased security restrictions imposed by the United Nations Department of Safety and Security after the killing of an ICRC staff member in Ta'izz in April 2018.

88. Thanks to the cooperation of the parties to the conflict and countries hosting displaced Yemenis, in 2018 visits were also undertaken to Djibouti, the Hashemite Kingdom of Jordan, and the Kingdom of Saudi Arabia. The Group of Experts also visited Switzerland for meetings with representatives of relevant states and organisations and in order to present its findings to the Human Rights Council.

89. The Group of Experts is grateful to all who helped to facilitate its work during its first mandate.

B. Cooperation during the second mandate September 2018 – August 2019

90. Following the release of the first report of the Group of Experts in August 2018, Saudi Arabia, the United Arab Emirates, the Government of Yemen, and other members of

[67] In some situations, non-State armed groups have declared their commitment to international human rights law, possibly also to gain legitimacy.

[68] ICJ Advisory Opinion on the Wall, para. 109.

[69] S. Casey-Maslen, G. Giacca, Dr. A. Bellal, "International law and armed non-State actors in Afghanistan", International Review of the Red Cross, 31 March 2011 (https://www.icrc.org/en/international-review/article/international-law-and-armed-non-state-actors-afghanistan), p. 18 (with references).

the Group of Arab States including Egypt, advised the Group of Experts that they would not cooperate with it or support its work.

91. While the secretariat retained some informal contact with the Government of Yemen, the inability to physically access Yemen in 2019, due entirely to non-cooperation by the coalition and Government of Yemen, affected the work of the Group of Experts. The Group of Experts further reiterates that, though it found methods to overcome the obstacles created by the non-cooperation of parties, it became apparent that some of the parties were deliberately attempting to obstruct the work of the Group.

V. Context, background, and update on the political situation

92. While a detailed discussion of Yemeni political history is beyond the scope of this report, a brief review of the depth and breadth of the roots of the current conflict is undertaken in order to establish the context from which it arose, as well as to explain the background of the different actors involved in the armed conflict whose alliances continue to shift. This is followed by a review of the events related to the armed conflict in Yemen during the period covered by the current mandate of the Group of Experts: September 2014 to June 2019.

A. Precursors to the current armed conflict

93. After years of internal conflict, north and south Yemen were united in 1990. The 1990 agreement combined the northern Yemen Arab Republic and southern People's Democratic Republic of Yemen under the unified interim presidency of Ali Abdullah Saleh, the incumbent leader from the north. The agreement was premised on a temporary north-south power-sharing agreement with southern leader Ali Salem al-Beidh installed as interim vice president.

94. The first Republic of Yemen parliamentary elections were held in 1993. President Saleh's General People's Congress (hereinafter "GPC") obtained the majority of seats, followed by the northern al-Islah Party and the southern Yemeni Socialist Party (hereinafter "YSP").[70] President Saleh, Vice-President al-Beidh, and Prime Minister Haidar al-'Attas retained their positions. Al-'Attas formed a coalition government between the GPC and YSP; Al-Islah and the GPC formed a united parliamentary bloc.

95. In late 1993 to early 1994, the relationship between the President and Vice-President broke down as southerners felt they were being marginalised. Conflict broke out between northern and southern armies, leading to a declaration of secession by the south in May,[71] followed by intense fighting which ended with Saleh's northern forces taking control of Aden in July.[72]

96. After the war President Saleh appointed Abd-Rabo Mansour Hadi, from the southern governorate of Abyan, as Vice-President. Amendments to the constitution in 1994 expanded President Saleh's executive power.[73] The north-south power struggle continued.

97. Southern discontent with the centralisation of power in Sana'a after the 1994 civil war was further exacerbated by redistribution of southern land to Saleh supporters, forced retirement of southern military and security officers, as well as diplomats and civil servants, and the perception that the newly discovered southern oil resources were being stolen by

[70] For analysis of the 1993 Yemen parliamentary elections, see e.g. http://www.aiys.org/no-33-1993/156-campaign-politics-and-coalition-building-the-1993-parliamentary-elections.html

[71] Southern leaders declared the south to be the Democratic Republic of Yemen on 21 May 1994; however, it failed to gain international recognition.

[72] Peter Salisbury, "Yemen: Stemming the Rise of a Chaos State", Chatham House Research Paper, May 2016, p. 8.

[73] Ibid; Constitution of the Republic of Yemen (as amended on 29 September 1994), available at: http://www.track.unodc.org/LegalLibrary/LegalResources/Yemen/Laws/Constitution%20(1994)%20(ENG).pdf.

the government in the capital, Sana'a.[74] In 2007, the former southern military officers who were forced to retire in the 1990s began to organise protests over the low pensions and lack of jobs, renewing southern secession calls and forming what became known as the Southern Movement, or "al-Hirak al-Janoubi".[75]

98. Meanwhile, during the early 1990s, in northern Sa'dah Governorate, a group promoting the revival of Zaidi Shi'a teachings emerged in response to perceived increasing marginalisation of the Zaidi-majority population in the north by President Saleh (despite the fact that he was also a Zaidi) as well as in response to the spread of Salafi 'Scientific Institutes'. The al-Shabab-al-Mu'min (meaning "the believing youth") began with efforts to "revive" education about the Zaidi, whose Imams had ruled North Yemen through a combination of religious and secular means for one thousand years until 1962.[76] The al-Shabab-al-Mu'min initially preached tolerance and peace, and enjoyed the support of the Government, who saw it as a "counterweight to Saudi-Wahhabi encroachment in the north of the country."[77] Only later, after the group aligned with Hussein Badr al-Din al-Houthi, did it become entangled in politics and an armed wing was formed, initially in self-defence against a growing antagonism towards al-Houthi and his affiliates by the Government.[78] The armed group under al-Houthi's leadership became known as the "Houthis" after the death of Hussein al-Houthi in 2004, after which they fought under Abdel Malik al-Houthi in an insurgency campaign against the Yemeni government, commonly referred to as the Six Sa'dah wars that lasted from 2004 to 2010.

99. The Houthis, or Ansar Allah (also written Ansarullah, meaning Partisans of God), as the political movement refers to itself,[79] has since come to be a group with wider participation crossing sectarian lines, with expressed goals of supporting a more democratic, non-sectarian republic in Yemen, as well as combating corruption, economic underdevelopment and political marginalisation in Yemen, while seeking greater autonomy for Zaidi-majority regions.[80]

100. Yemen also witnessed the emergence of radical Islamist groups during this time. In 2009, the al-Qa'eda Yemen branch, linked to attacks against a United States warship in Aden in 2000 and the United States Embassy in Sana'a in 2008 (among others), merged with al-Qa'eda members who moved to Yemen from Saudi Arabia to form a new organization, al-Qa'eda in the Arabian Peninsula (AQAP), later also known as Ansar al-Shari'a.[81] Operations against the group by United States forces in cooperation with the Government of Yemen intensified from that time.

101. As the "Arab Spring" of popular revolutions in the Middle East and North Africa reached Yemen in January 2011, protesters took to the streets, calling for the removal of President Saleh. Though protests initially were peaceful, force was used to control them, including shooting of protesters. As the Gulf Cooperation Council (GCC) attempted to broker a deal for Saleh's exit, non-violent protests evolved into a fragmented opposition of activists, political parties including al-Islah, and armed groups, such as the Houthis, al-Hirak al-Janoubi and AQAP. Saleh stepped down after signing a GCC deal that granted him immunity, transferring power to Vice-President Hadi. The Houthis and other groups

[74] Peter Salisbury, "Yemen's Southern Powder Keg", Chatham House Research Paper, March 2018, p. 10.
[75] Ibid.
[76] Brandt, M. Tribes and Politics in Yemen: A History of the Houthi Conflict, Oxford University Press, 2017, p. 116.
[77] Ibid, p. 117
[78] Ibid, pp. 157-164.
[79] This report uses the terms "Houthis", "Houthi fighters", and "Houthi movement" to refer to the armed group and uses the term "Ansar Allah" to refer to the political leadership representing the Houthis which eventually has come to exercise *de facto* authority over parts of Yemen. See footnote 2 and Annex I for further details.
[80] Thomas May Juneau, "Iran's policy towards the Houthis in Yemen: a limited return on a modest investment", International Affairs, Vol. 92, Issue 3, May 2016, pp. 647–663. See also Bruce Riedel, 'Who are the Houthis, and why are we at war with them?', Brookings Institute, 18 December 2017.
[81] Council on Foreign Relations, "Al –Qaeda in the Arabian Peninsula", 19 June 2015.

did not accept the arrangement. Vice-President Hadi won an uncontested presidential election in February 2012, officially ending Saleh's 33 year rule.

102. In December 2012, President Hadi began attempts to restructure military and security institutions, dismissing many of Saleh's relatives, including his son Ahmed, the head of the Republican Guard, who had been groomed as his successor, and Ali Mohsen al-Ahmar, the commander of the First Armoured Division.[82] President Hadi dissolved the Republican Guard and Central Security Forces. Officers loyal to Saleh resisted the new structure, and Saleh-linked units remained the dominant force on the ground from Sana'a to Aden.[83]

103. At the request of the United Nations Security Council, the Secretary-General established in 2012 a special political mission for Yemen focused on supporting the return to a peaceful political transition. Jamal Benomar, a British-Moroccan UN official, was appointed as the Secretary-General's Special Envoy for Yemen, leading the mission.[84]

104. In March 2013, the Yemen National Dialogue Conference (NDC) mandated by UN Security Council Resolution 2051 (2012) and the GCC agreement paving the way to a peaceful political transition began. Five hundred and sixty five (565) representatives from political parties and other groups including the Houthis, youth, and women participated.[85] The NDC ended on 25 January 2014 with the adoption of an Outcome Document that was to serve as the foundation for a new constitution. The NDC outcomes called for Yemen to become a federation with special status for Sana'a and Aden, and various other political, judicial, military and security reforms.[86] A presidential committee established by President Hadi decided on a new federal structure dividing Yemen into six regions. This process was protested against by many who felt it lacked sufficient debate and inclusion, including the southerners who wanted a North-South arrangement, and Ansar Allah leaders who cited concerns with the division of land, which restricted their access to coastal lands.

105. Tensions began to grow in June and July 2014 when an armed offensive was launched in Amran Governorate by members of "Popular Committees" (armed groups) affiliated with the Houthis, and former Yemeni armed forces and tribesmen loyal to former President Saleh. This marked the beginning of a period of alliance between former President Saleh, forces loyal to him, and the Houthis and their affiliated Popular Committees (hereinafter referred to as "Houthi-Saleh fighters").[87]

106. In August 2014, tens of thousands of pro-Houthi demonstrators took to the streets in Sana'a and several other cities to protest against the Government's decision to lift fuel subsidies, blaming President Hadi for failing to carry out the reforms promised and calling for the resignation of the Government. Members of the Popular Committees began arriving in Sana'a. Counter demonstrations by pro-Government supporters were held in Sana'a throughout September, some of which degenerated into violent clashes between opponents.

[82] The First Armoured Division, based outside of Sana'a, was the most powerful military unit in the country at the time. During the anti-Saleh protests in 2011 Ali Mohsen and his Division joined the protesters.

[83] Yemen Presidential Decree 104, 19 December 2012, available at: http://www.sabanews.net/ar/news292153.htm; See also Zoltan Barany, Centre for Strategic International Studies, "The Challenges of Building a National Army in Yemen", 14 July 2016, available. at: https://csis-prod.s3.amazonaws.com/s3fs-public/publication/160718_Challenges_Yemen_National_Army.pdf; see also https://www.bbc.com/news/world-middle-east-22096125,

[84] https://www.un.org/press/en/2012/sga1365.doc.htm.

[85] Stephen W. Day, "The 'Non Conclusion' of Yemen's National Dialogue," Foreign Policy, 27 January 2014; for additional discussion on Yemen's NDC see Erica Gaston, "Process Lessons Learned in Yemen's National Dialogue," United States Institute of Peace, February 2014.

[86] See http://www.ndc.ye/default.aspx.

[87] UN Human Rights - Report of the United Nations High Commissioner for Human Rights on the Situation of human rights in Yemen, 7 September 2015, A/HRC/30/31 (hereinafter 'UN Human Rights Yemen Report 2015 - A/HRC/30/31'), pp. 3-4.

B. Armed conflict and political developments: September 2014 to August 2019

107. On 21 September 2014, President Hadi, together with Ansar Allah delegates and other major political parties, signed a ceasefire brokered by the UN, the "Peace and National Partnership Agreement", ostensibly ending a month of fighting that had resulted in hundreds of casualties. However, on the following day, Houthi fighters attacked and seized the headquarters of the regional military command in Sana'a.

108. The security situation remained very tense and late in January 2015 fighting broke out in Sana'a between Houthi-Saleh fighters and members of the Presidential Guard. The Houthis seized the presidential palace on 20 January and the residence of President Hadi, who was then placed under house arrest, together with other senior officials.[88] On 22 January, the President, Prime Minister and the entire cabinet resigned. President Hadi managed to escape to Aden on 21 February 2015 and from there he announced his intention to continue to exercise his presidential functions.

109. In March 2015, Houthi-Saleh fighters launched a military offensive to take control of the south. On 19 March, the presidential palace in Aden came under aerial attack, allegedly by pro-Houthi-Saleh supporters from the Yemeni Air Force.

110. On 24 March 2015, President Hadi requested the GCC and the League of Arab States to intervene militarily, notifying the United Nations Security Council and requesting a Chapter VII resolution inviting all willing countries to provide support to deter the Houthi advance. On 25 March 2015, 10 countries, led by Saudi Arabia, formed a coalition to intervene militarily in Yemen, in response to President Hadi's request. The United States announced that it would provide logistical and intelligence support for the coalition.[89] Coalition forces launched an aerial military campaign which they named "Decisive Storm" against Houthi military targets in Yemen on 26 March. In addition to airstrikes, coalition naval forces imposed a *de facto* blockade on the ports of Aden and al-Hudaydah.[90]

111. On 9 August 2016, the Government of Yemen and coalition forces closed the airspace surrounding Sana'a, effectively closing Sana'a International Airport. The airport remains closed to commercial aviation to date. The closure has prevented thousands of Yemenis from seeking medical care abroad.[91] The aerial blockade has also further limited cargo importation into the country and severely restricted the ability of civilians to enter and leave the north of Yemen.

112. In August 2016, coalition forces announced the establishment of the Joint Incident Assessment Team ("JIAT"), an investigative mechanism to examine, among other things, coalition compliance with international humanitarian law, comprised of 14 individuals with military and legal experience from the coalition member States.[92]

113. On 27 April 2017, President Hadi dismissed two pro-secession southern leaders who benefitted from the support of the United Arab Emirates – Aden Governor Aidarus al-Zubeidi and Minister of State Hani bin Breik. Major rallies were held in Aden protesting the decision. In mid-May the Southern Transitional Council ("STC") was formed, including

[88] UN Human Rights Yemen Report 2015 - A/HRC/30/31, p. 5.

[89] https://obamawhitehouse.archives.gov/the-press-office/2015/03/25/statement-nsc-spokesperson-bernadette-meehan-situation-yemen

[90] UN Human Rights Yemen Report 2015 - A/HRC/30/31, p. 5.

[91] See e.g. https://twitter.com/ochayemen/status/820702897335922688; https://www.nrc.no/news/2017/august/yemen-airport-closure-killed-more-people-than-airstrikes/; https://www.reuters.com/article/us-yemen-security-airport/aid-groups-say-yemen-airport-closure-hinders-aid-traps-patients-idUSKBN1AP11M.

[92] https://www.reuters.com/article/us-yemen-security-investigation/body-set-up-by-saudi-led-forces-probes-hits-on-yemen-school-hospital-idUSKCN10R28O.

governors of several other governorates, with al-Zubeidi as President, bin Breik as deputy and armed support from United Arab Emirates-backed Security Belt forces.[93]

114. The humanitarian situation continued to worsen. In June 2017, the UN Security Council issued a statement expressing serious concern at the devastating humanitarian impact of the conflict and calling on all parties to allow unhindered access for humanitarian supplies and to facilitate access for essential imports of food, fuel, and medical supplies. It also called on all parties in the conflict to renew their commitment to a cessation of hostilities.

115. On 4 November 2017, the Houthis fired a missile from Yemen towards the Saudi Arabian capital, Riyadh. The Saudi air defence intercepted the missile over the city, but fragments reportedly landed in the area of King Khalid International Airport.[94] In response, Saudi Arabia intensified airstrikes across Yemen and as of 6 November announced a complete blockade of all Yemen borders – air, sea and land. All humanitarian aid was blocked from entering and humanitarian flights were grounded, stranding humanitarian workers inside Yemen.[95] On 22 November, the coalition announced that it would allow humanitarian flights to resume to the capital, Sana'a, and "urgent humanitarian and relief materials" to begin moving to the Houthi-controlled port of al-Hudaydah.

116. From 28 November 2017, following continued tensions between the allied Houthis and former president Saleh, their forces clashed in Sana'a. On 2 December, in a televised statement, Saleh declared his split from the Houthis, calling on his supporters to take back the country and expressing a willingness to enter a dialogue with the coalition. On 4 December, Houthi fighters attacked Saleh's house in Sana'a. Saleh was killed by the Houthis that day in disputed circumstances.[96]

117. On 21 January 2018, the STC, allied with the United Arab Emirates, declared a state of emergency in Aden and issued an ultimatum to President Hadi to dismiss his government, exacerbating tensions between coalition members. Following the expiration of their one-week deadline, and in response to President Hadi's countermeasures to prevent gatherings and demonstrations and ban armed groups from entering Aden, on 28 and 29 January the STC and its supporters clashed heavily with pro-Hadi forces. Forces supported by the United Arab Emirates aligned with the STC took control of most of the city and surrounded the presidential palace in what President Hadi described as a "coup attempt", though they were stopped from entering the palace by troops from Saudi Arabia.

118. From May 2018, Yemeni armed forces and groups backed by the United Arab Emirates began to mobilize for an offensive, which officially began on 13 June, as they moved towards al-Hudaydah city amid continued warnings from the United Nations and others of the potentially disastrous humanitarian implications. In mid-July, Yemeni armed forces in the north, with coalition air support, advanced into two districts in Hajjah Governorate, cutting off Houthi supply lines to Hajjah and Sa'dah governorates. Clashes broke out along the frontlines in Hajjah and Sa'dah as parties continued to fight for control of the strategically important parts of the governorates.

119. In early November 2018, fighting around al-Hudaydah city intensified before Yemeni armed forces and affiliated armed groups halted their offensive, on 13 November. One month later, under the auspices of the Special Envoy of the Secretary-General for Yemen, the parties reached an agreement, referred to as the Stockholm Agreement, for a ceasefire in Hudaydah city, plans for the handover of the ports of Hudaydah, Salif, and Ras 'Issa, a mechanism for activating the exchange of prisoners and a statement of

[93] Sana'a Centre for Strategic Studies, "Federalism in Yemen: A Catalyst for War, the Present Reality, and the Inevitable Future", February 2019, p. 20.

[94] https://www.nytimes.com/2017/11/04/world/middleeast/missile-saudi-arabia-riyadh.html.

[95] OCHA, "Yemen: Blockade continues to severely hamper humanitarian efforts to reach millions in desperate need", 17 November 2017, available at: https://www.unocha.org/story/yemen-blockade-continues-severely-hamper-humanitarian-efforts-reach-millions-desperate-need.

[96] For further discussion, see Crisis Group, "Collapse of the Houthi-Saleh Alliance and the Future of Yemen's War", 11 January 2018.

understanding on Ta'izz. Implementation of the Stockholm Agreement progressed slowly while, until May 2019, the de facto authorities blocked access to grain stored at the Red Sea Mills (enough to feed 3.7 million people for a month). Parties have also obstructed access to a 1.1 million barrel oil storage facility in the sea at Ras 'Issa port, which urgently requires maintenance to avoid a leak, which could have a catastrophic environmental impact on the Red Sea.

120. January 2019 marked the end of a truce between the Houthis and the tribes of Hajour and, inside that part of Hajjah Governorate, the beginning of military operations, which ended with the takeover of Hajour by the Houthis on 8 March. The region, including Mount Kushar and Al-'Abbaysa, is considered to be strategically important, given that it links several governorates. In early May, Houthi fighters started advancing south, capturing mountains and villages in Al-Dhale'e and Al-Bayda governorates after heavy fighting with Yemeni armed forces and affiliated armed groups.

121. On 13 April 2019, the Yemeni parliament convened for the first time since 2015, meeting in Seiyoun, Hadramaut Governorate. The de facto authorities subsequently threatened to strip around 100 parliamentarians living abroad of their immunity and to bring judicial proceedings against them for treason. Also in April, two separate political groupings, made up of individuals and small political parties, were formed in the south in support of the Government of Yemen. In early May, the Sana'a-based part of the General People's Congress met and elected Ahmed Ali Saleh, the former head of the Republican Guard and son of former President Ali Abdallah Saleh, as second vice-president of the party, while he continued to live in the United Arab Emirates.

122. On 14 May, the Houthis claimed responsibility for drone attacks striking oil facilities in Saudi Arabia, which led to an intensification of the coalition air campaign and subsequent missile attacks claimed by the Houthis, including some that reportedly killed and injured civilians at Abha International Airport in Saudi Arabia.

123. The security situation remained very tense in the south. In August 2019, Aden saw the worst violence since the 2015 fighting. On 1 August 2019, a missile strike killed dozens of Security Belt fighters at a military parade, including one of its most prominent commanders, Munir "Abu al-Yamama" al-Yafei. Although the attack was claimed by the Houthis, Hani Bin Breik blamed al-Islah and renewed calls for secession. Ensuing tensions came to their peak on 7 August, when fighting broke out between UAE-backed Security Belt forces and those loyal to President Hadi. After a few days of fighting, in which dozens were reportedly killed and injured, including civilians, and Aden's infrastructure was severely damaged, Security Belt Forces had gained control of most of Aden and parts of Abyan and Shabwah. The ceasefire reached in the aftermath of the fighting did not provide for any redeployment of forces. As this report was being finalized in late August, this situation continued to deteriorate. This further evidences the fragility of President Hadi's political foothold in the governorate and the country as a whole. It also leaves unanswered questions over the coalition's position in Aden and the Southern secession question.

VI. Emblematic situations

A. The battle of Aden (March – September 2015)

1. Background

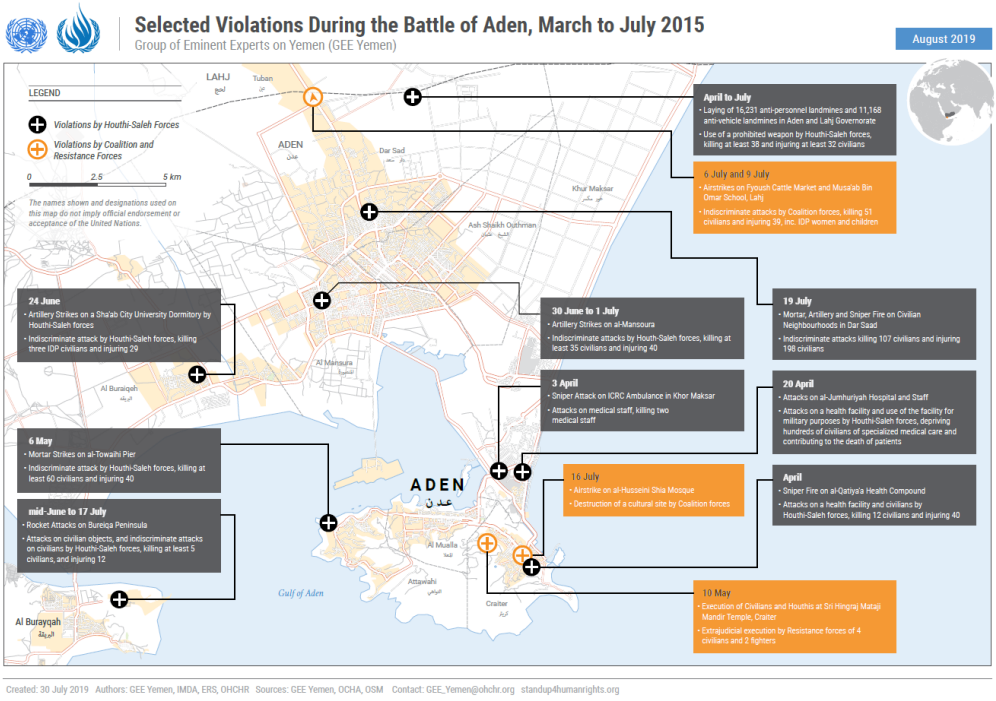
124. In September 2014, Houthi-Saleh fighters took control of Sana'a and a few months later, in January 2015, President Hadi announced his resignation, after which he was placed under house arrest by the Houthis. President Hadi managed to escape to Aden on 21 February 2015 and from there he announced his intention to continue to exercise his presidential functions. In March 2015, Houthi-Saleh fighters launched a military offensive to take control of the south.

125. The forces fighting on behalf of the Government of Yemen were in disarray from the earliest stages of the battle and divisions between those supporting President Hadi and those with former President Saleh became clear. In the early stages of the fighting, the

Houthi-Saleh fighters gained territorial control over key areas in Aden and Lahij. These areas were mainly previously controlled by the network of fighters loyal to former President Saleh who relinquished control, in some areas, without a fight. On 19 March 2015, area residents looted the Special Security Forces' central camp in Aden after its commander, loyal to former President Saleh, fled to Ta'izz and the soldiers reporting to him had abandoned the camp. After a few days, forces from the 31st Brigade and the 39th Brigade, whose commanders were loyal to former President Saleh, abandoned their posts and returned to their places of residence, leaving an open path for Houthi-Saleh fighters. On 25 March, as Houthi-Saleh fighters took control of the Aden International Airport, President Hadi fled from Aden, taking refuge in Saudi Arabia. Hours later, the Saudi-led coalition officially started the air campaign that remained ongoing at the time of this report.

126. Colonel Abdul Latif al-Sayyad, the head of the Government of Yemen-aligned Abyan "Popular Committees" fighting AQAP at the time, assembled and commanded a 3,000-strong force that coordinated with Yemeni armed forces officers to defend the north of Aden and Abyan against Houthi-Saleh fighters as they advanced towards the city. As the fighting reached Aden city, residents joined the battle in defence of their neighbourhoods. Adeeb Mohammad Saleh al-'Aissi, leader of the forces that came to be known as the "Resistance", commanded fighters in Dar Sa'ad, Basateen and Bir Fadhel areas. Civilians were caught in the middle of the fighting in Aden city, suffering from the effects of the use of weapons with wide area impact in densely populated urban areas. When the Battle of Aden ended, in late July 2015, the anti-Houthi Resistance managed to force the retreat of the Houthi-Saleh fighters. The anti-Houthi Resistance was composed of Yemeni armed forces loyal to President Hadi and loosely organised armed groups, which included members of the separatist Southern Movement and Salafists.[97] These groups were supported by the coalition, including with airstrikes.

2. Violations and Alleged Crimes



127. During the fighting, at least 356 structures were destroyed in the city, 202 severely damaged, and 270 moderately damaged.[98] According to OCHA[99], as of 10 July 2015, 783

[97] See Annex I for additional information.

[98] UNITAR-UNOSAT, Damage Assessment of Aden, 21 August 2015, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/UNOSAT_A3_Landscape_Aden_20150821.pdf

[99] OCHA, Yemen: Humanitarian Emergency Situation Report No. 16, 20 July 2015

deaths had been registered in health facilities in Aden. The total number of casualties is expected to have been much higher. Approximately 200 children were injured or killed in Aden in this period.[100]

128. The fighting left Aden in a dire humanitarian situation. According to the 2016 United Nations Yemen Humanitarian Needs Overview, the whole of the Aden population was left in need of some type of humanitarian assistance in the aftermath of the fighting.[101] The water supply was badly damaged. Already stressed hospitals across the city received large numbers of casualties. In the immediate aftermath, WFP was able to enter the city with food but it struggled to move within the city to reach people in need. The massive fire that broke out at the Aden oil refinery during the fighting caused a significant negative environmental impact. Poor sanitation and lack of waste collection became a serious public-health risk. Mortality and morbidity rose sharply due to dwindling levels of water, food and medical supplies, and Aden became the governorate worst affected by dengue and other viral haemorrhagic fevers. According to UNICEF, acute malnutrition rates rose in Aden compared to 2014.[102] The security vacuum that ensued following the fighting, together with the landmines that were left throughout the city and nearby areas, impeded the work of humanitarian actors.

129. The following are a sample of incidents considered indicative of the main patterns of violations that the Group of Experts investigated. This sample is by no means considered comprehensive or exhaustive in relation to the seriousness and widespread nature of the violations that occurred during this period.

(a) Shelling by Houthi-Saleh fighters

> *"There must have been 50 families, over 500 people, all packed into the port area and waiting to get to al-Bureiqa to escape the fighting. Then I saw four bombs hit us, we were flung into the water and we were swimming in blood and body parts. I saw eight or nine obviously dead bodies and many more around the port as they were being collected. I saw a baby drown. I saw one family cut to pieces. I saw one family of three young daughters, and their mother killed. I knew the father, one month later he committed suicide."*
> **Victim of the al-Towaihi attack[103]**

130. Houthi-Saleh fighters used explosive weapons with wide area effects to attack areas densely populated with civilians and civilian objects, causing a large number of victims and extensive suffering and destruction. These attacks hit residences, buildings, boats, markets, shops, and hotels. In most of the investigated cases, no apparent military objective could be identified in proximity of the locations impacted. In some cases the presence of a few members of the Resistance was reported within a large crowd composed of displaced civilians. The continuous shelling on civilian neighbourhoods caused extensive destruction, terrorized civilians, and affected every aspect of the civilian life, including the functioning of schools and hospitals. Most documented attacks were carried out in broad daylight, into areas that were clearly and visibly heavily populated. The following are a sample of incidents that illustrate the Group's findings.

Killing of Civilians at al-Towaihi port

131. On 6 May 2015, at around 10:00 hrs, Houthi-Saleh fighters carried out shelling attacks on the al-Towaihi port in Aden, killing over 40 civilians and injuring over 60.[104] On

[100] OCHA, Humanitarian Needs Overview, 2016, Page 28.
[101] OCHA, Humanitarian Needs Overview, 2016, Page 51.
[102] UNICEF, Annual Report on Yemen, 2015.
[103] Confidential Sources on File.
[104] Centre for Public Opinion Studies and Social Research, "Report on the Human Rights Violations in the South Committed by Houthi Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", August 2015. Amnesty International, "Yemen: Eyewitness accounts indicate Houthis attacked civilians and medical workers in Aden", 13 May 2015, available at:

the morning of the attack, Houthi-Saleh fighters advanced from al-Mualla District into al-Towaihi, after defeating Resistance groups. As the fighting drew near, a large number of civilians rushed to the al-Towaihi port to flee on boats to the al-Bureiqa peninsula, as most other escape routes had already come under the control of the Houthi-Saleh fighters. Dozens of people, including women, children, elderly, and displaced persons had gathered on the al-Towaihi pier that morning. While passengers boarded boats, shells landed near the pier. Two mortar shells landed in the water. A third round landed on a boat loaded with 20-30 passengers, and a fourth round impacted the wall of the port and projected shrapnel onto the pier. Witnesses also reported seeing small arms fire into the water[105]. The boat impacted by the shelling caught fire. Some of the passengers of the boat died as a consequence of the shelling, some were caught in the fire, and others drowned after jumping in the water. Shrapnel from the impact on the pier killed and injured many others.[106] The shelling came from al-Mualla, the direction from which the Houthi-Saleh fighters had been advancing.[107] Houthi-Saleh fighters had been fighting in al-Mualla during preceding weeks and were seen at al-Mualla port during that period.[108] While there were reports that some members of the Resistance helped the people board boats during that morning, it is clear that the crowd present was principally composed of civilians, including women, children, and elderly persons.[109]

Killing of displaced civilians at the university dormitory in al-Sha'ab City

132. On 24 June, at 23:45 hrs, Houthi-Saleh fighters fired four artillery rounds into civilian neighbourhoods of al-Sha'ab City, al-Bureiqa District. One of the rockets landed on the University dormitory, which hosted dozens of displaced civilians and reportedly resulted in the killing of three civilians and the injury of 29 more. The injured included two women and eight children. The rocket pierced the wall of the ground floor of the dormitory, killing on the spot the civilians who were present in that location and damaging the university building.[110]

Killing of civilians and destruction of civilian residential areas and attacks on oil refinery in al-Bureiqa peninsula

133. Starting mid-June 2015, Houthi-Saleh fighters fired dozens of rockets at the al-Bureiqa peninsula from within the al-Towaihi District across the bay. During a one-month period, rockets landed in various areas of the peninsula, including in residential areas,[111] leading to the killing of at least five civilians and the injury of another 12, the destruction of civilian residences and damage to a school. [112] The shelling also hit the Aden oil refinery, causing extensive environmental and economic damage to the city of Aden, and further exacerbated the humanitarian situation.[113] The shelling of al-Bureiqa continued until the retreat of Houthi-Saleh fighters on 17 July.

134. On 27 June 2015, between 10:00 hrs and 13:00 hrs, several rockets landed on the perimeter of the Aden oil refinery. The rockets landed on one large oil storage tank and on the pipelines connecting the refinery to the oil port. The ensuing fire led to an explosion and spread a large cloud of smoke over Aden. The fire continued for several days. The director of operations of the refinery died while attempting to extinguish the fire, and other

https://www.amnesty.org/en/latest/news/2015/05/yemen-eyewitness-accounts-indicate-huthis-attacked-civilians-and-medical-workers-in-aden/.

[105] Confidential Sources on File.

[106] Confidential Sources on File.

[107] Confidential Sources on File. Amnesty International, "Yemen: Eyewitness accounts indicate Houthis attacked civilians and medical workers in Aden", 13 May 2015, available at: https://www.amnesty.org/en/latest/news/2015/05/yemen-eyewitness-accounts-indicate-huthis-attacked-civilians-and-medical-workers-in-aden/.

[108] Confidential Sources on File.

[109] Confidential Sources on File.

[110] Confidential Sources on File.

[111] Confidential Sources on File.

[112] Confidential Sources on File.

[113] Confidential Sources on File.

refinery workers sustained burn injuries.[114] On 29 June, a second attack was launched on the refinery, from which no further damage or casualties were reported. On 13 July 2015, in the afternoon, another series of rockets landed on the refinery, causing damage to at least two storage tanks and setting the tanks ablaze, which produced flames and black smoke for at least two more days.[115] On both occasions, air pollution in the area and suffocation risks had reached critical levels.[116] The emission of fumes also caused potential long-term health damage to the inhabitants of al-Bureiqa.[117] On 15 July 2015, one rocket landed in the play yard of al-Masseela School in Kod al-Namer neighbourhood in al-Bureiqa without causing damage. Displaced civilians had sought temporary accommodation at the school during the fighting.[118.] Finally, on 17 July 2015, at 16:00 hrs, three rockets landed in close succession into Saleheddin Street of the same neighbourhood, destroyed two houses and two cars, and damaged one other house. One 12-year-old boy injured in the incident lost both of his legs.

Attack on Residential Areas in Al-Mansoura

135. During the night from 30 June to 1 July 2015, Houthi-Saleh fighters fired multiple artillery rounds that hit various civilian objects in al-Mansoura, killing over 35 civilians and injuring over 40.[119] The shelling originated from within Houthi-Saleh positions situated in the north-western side of al-Mansoura.[120] The Houthi-Saleh fighters had reached the western side of the city through Lahij province and established positions in farms, plantations, and in a stone factory in the Beer Fadhl area.[121]

136. The shelling started at 23:00 hrs and continued until the next morning. Mortars and artillery rounds landed in civilian areas in Blocks 3, 4 and 5 of al-Mansoura. Several shells landed on busy Prison Street, where there are markets, shops, and hotels. Several rounds landed near the Infinity Hotel and one other round damaged the Royal Concord Hotel, both of which had offered shelter to displaced families. Several mortar and artillery shells also landed on residential houses, also in the neighbourhood of Prison Street. The incident occurred during Ramadan, when markets, shops, and streets were crowded during the late evening hours.[122]

137. During the attack in al-Mansoura, several consecutive shelling attacks were observed, whereby a second round hit the same location after a short period, often hitting those who gathered to assist the injured after the first explosion. Three examples of these double-tap attacks were reported during the 30 June attack on al-Mansoura. In this regard, one victim of the shelling stated that after one round damaged a civilian residence in Block 3, injuring eight civilians, a subsequent round landed in the same area while a team of paramedics and volunteers rushed to assist the injured. The explosion of the second round killed and injured those who had gathered, including a 17 year-old medical volunteer, who lost his leg.[123]

Killing of civilians and destruction of civilian property in Dar Sa'ad

[114] Confidential Sources on File. Also see Human Rights Watch, "Yemen, Houthi artillery kills dozens in Aden", July 2015, available at: https://www.hrw.org/news/2015/07/29/yemen-houthi-artillery-kills-dozens-aden. Also see https://www.aljazeera.com/news/2015/06/yemen-houthis-attack-oil-refinery-aden-150627152313777.html.

[115] Confidential Sources on File.

[116] Incident two: Rocket attacks on Aden oil refinery.

[117] Confidential Sources on File. Also see Centre for Public Opinion Studies and Social Research, "Report on the Human Rights Violations in the South Committed by Houthi Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", August 2015.

[118] Confidential Sources on File.

[119] Confidential Sources on File.

[120] Confidential Sources on File.

[121] Confidential Sources on File. The factory was called the Athub Factory, or the 'Red Stones Factory'.

[122] Confidential Sources on File.

[123] Confidential Sources on File.

> *"From dawn until noon we were taking the injured and the dead to the MSF hospital, our group took around 60 injured people. They had serious shrapnel injuries and had lost body parts. At noon we took a lunch break outside my house, and 19 of the medical volunteers stood together in one group. It was quiet for a moment. Then the explosion hit the 19 right in front of me. I passed out and gained consciousness again at the MSF hospital. The mortar killed all 19. I still have 13 pieces of shrapnel in my leg. The remaining pieces are so deep in my veins that the hospitals in Aden can't safely remove them, and I do not have the money to go abroad."*
> **Medical volunteer and victim of the Dar Sa'ad incident[124]**

138. On 19 July 2015, Houthi-Saleh fighters fired mortar and artillery rounds into residential neighbourhoods of Dar Sa'ad, repeatedly hitting crowded civilian areas and residential buildings. The shelling originated from Houthi-Saleh positions established in hotels and other high buildings on the Aden-Ta'izz main road and the al-Karaa roundabout on the outskirts of the district. Residents of Dar Sa'ad referred to the area as the 'sniper's road' and reported the presence of sniper positions on the al-Ghoweizi building.[125] The 19 July shelling occurred after Houthi-Saleh fighters suffered a defeat by the Resistance during the morning, after which they started losing ground in Aden.[126] The Resistance eventually pushed Houthi-Saleh fighters out of Dar Sa'ad on that same evening.[127]

139. The shelling in Dar Sa'ad on 19 July resulted in the killing of 107 civilians, including 32 women and 29 children, and the injury of 198 civilians, including 42 women and 28 children, as well as the destruction of 14 civilian homes.[128] The victims included displaced populations, which had sought shelter in Dar Sa'ad. The 19 July attack was the deadliest among a series of attacks involving apparently indiscriminate shelling and small arms fire against civilians and civilian objects in Dar Sa'ad throughout the Houthi-Saleh offensive in Aden.[129]

140. Intense shelling on 19 July started around 08:00 hrs and continued until about 11:00 hrs; it resumed briefly around 13:00 hrs. The shelling concentrated on several residential neighbourhoods of Dar Sa'ad. Areas that were hit included al-Ghaleel, al-Sharqiya, and al-Basateen areas, the vicinity of Sheikhan Mosque, al-Rahma Mosque, and the al-Shokani School, which harboured a large number of displaced people.[130]

141. The shelling destroyed numerous civilian buildings and many died when these collapsed.[131] The shelling also hit heavily populated areas of the district. Several rounds landed in the vicinity of the Sheikhan Mosque, at a water collection point, killing around 10 civilians and injuring more than 20. This was an important water collection point for the area and the Houthi-Saleh fighters must have known that dozens of civilians gathered there every day to collect water.[132]

142. In Dar Sa'ad, consecutive strikes were also documented. After a first round was fired on a house and did not cause casualties, a second artillery round killed and injured civilians who gathered to see what had happened.[133] In another instance, after an artillery

[124] Confidential Sources on File.
[125] Confidential Sources on File.
[126] Confidential Sources on File.
[127] Confidential Sources on File.
[128] Confidential Sources on File. See also United Nations, OHCHR Yemen 2015 Report; Human Rights Watch, Yemen: Houthi Artillery Kills Dozens in Aden, https://www.hrw.org/news/2015/07/29/yemen-houthi-artillery-kills-dozens-aden.
[129] Confidential Sources on File. See also Amnesty International, Nowhere safe for civilians, 2015, https://reliefweb.int/sites/reliefweb.int/files/resources/MDE3122912015ENGLISH.pdf.
[130] Confidential Sources on File.
[131] Confidential Sources on File.
[132] Confidential Sources on File.
[133] Confidential Sources on File.

round fired on a street killed and injured several persons, a subsequent round hit the paramedics who attempted to assist the victims of the first round.[134]

143. The moral and psychological impact of the attack persists until today. Many live in trauma after losing family members. Among the injured, 18 have still disabilities, including four women and three children; they lost limbs, eyesight, or otherwise sustained serious injuries.[135]

Violations

144. The principle of distinction prohibits indiscriminate attacks, i.e. attacks that are of such nature to strike military objectives and civilians or civilian objects without distinction.[136] Constituting indiscriminate attacks are for example attacks using a method or means of combat which cannot be directed at a specific military objective.[137] According to the principle of precautions in attack, in the conduct of military operations, parties to the conflict must take constant care to spare the civilian population and civilian objects. All feasible precautions must be taken to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.[138] Launching an indiscriminate attack resulting in death or injury to civilians, including launching an attack in the expectation that it will cause excessive incidental civilian loss, injury or damage may lead to criminal responsibility for war crimes.[139] In addition, medical personnel are specifically protected under international humanitarian law and must be respected and protected in all circumstances, as long as they do not directly participate in hostilities.[140] The shelling on 19 July 2015 occurred during fighting in densely populated civilian areas. The choice of weapons and the manner in which they were used amounted to a violation of the obligation of the parties to distinguish between civilians and military targets at all times. Regardless of whether there were legitimate military objectives in the areas, the imprecise nature of the weapons used and the areas towards which they were launched rendered the attacks indiscriminate. Furthermore, the shelling of crowded ports and residential areas at busy times violated the principle of precautions in attack.

145. The Group of Experts found reasonable grounds to believe that the Houthi-Saleh fighters are responsible for serious violations of international humanitarian law in launching indiscriminate attacks resulting in the death or injury of civilians. These acts may lead to individual criminal responsibility for war crimes.

(b) Sniper attacks by Houthi-Saleh fighters

> *I carried my one year old son to a hospital, in Dar Sa'ad. On the way, one sniper positioned on top of one building saw me and looked into my eyes. The sniper must have seen that I was unarmed as I was only carrying my son. Nevertheless, the sniper fired one shot, which injured and cut my son's leg."*
> ***Father of victim of sniper attack, Aden, 2015***

146. As Houthi-Saleh fighters took control of Aden and various neighbouring localities, they placed snipers on mountains and high buildings and targeted civilians, using small arms, rocket propelled grenades, mortars, and tank rounds. The victims included men, women, children, and elderly persons. These attacks restricted the freedom of movement in areas under Houthi-Saleh control and limited the capacity to assist the injured. The Group of Experts documented sniper attacks throughout many areas along frontlines, including in Craiter, al-Mualla, al-Towaihi, and Dar Sa'ad districts of Aden, as well as in the town of al-Hawtah, in Lahij province. The Houthis and Saleh forces also deployed snipers facing the al-Qatiya'a health compound and the al-Jumhuriyah Hospital in Aden. At al-Qatiya'a on 2

[134] Confidential Sources on File.
[135] Confidential Sources on File.
[136] See ICRC Study on customary IHL, rules 11-12. See also Article 13, Additional Protocol II;
[137] See ICRC Study on customary IHL, rule 12.
[138] See ICRC Study on customary IHL, rule 15.
[139] See ICRC Study on customary IHL, rule 156.
[140] Art. 9(2) Additional Protocol II; see ICRC Study on customary IHL, rule 25.

April 2015, when Resistance fighters took up positions near the health compound, Houthi-Saleh fighters killed and injured civilians through indiscriminate fire. Throughout the day, gunfire hit those who arrived or attempted to leave al-Qatiya'a through the front gate, killing 12 civilians and injuring over 40. The victims included men, women and children, who were patients, visitors, nurses, volunteers, and a paramedic.[141] The victims sustained gunshot wounds to their heads, throats, feet, and legs.[142] The firing concentrated on the front gate of the compound, the façade, and the windows.[143] (See next section on military use of hospitals resulting in damage, civilian casualties, and denial of access to healthcare.)

147. In April 2015, in al-Mualla District, Houthi-Saleh snipers based on the Amoudi Block in the vicinity of the main street killed at least 12 persons. Two were Resistance fighters, while the other 10 were civilians. Two of the victims were medical volunteers who died of their injuries in hospital. Many bodies of victims of snipers could not be removed from the location because of the permanent presence of snipers.[144]

148. In April and May 2015, Houthi-Saleh fighters based in Craiter District fired tank shells, rocket-propelled grenades, mortar rounds, and small arms fire hitting both civilians and Resistance fighters. They established sniper positions on the al-Ma'sheeq Mountain[145] and carried out attacks into the area situated around the Central Bank and the al-Qatiya'a health compound. Dozens of civilians were killed and injured, including many women and children, most shot by snipers.[146]

149. Although Houthi-Saleh fighters did not manage to take control of Dar Sa'ad District, they established bases in high buildings and hotels on the outskirts of the district on the Aden-Ta'izz road and carried out artillery and sniper attacks into the area. One sniper position was located on the al-Ghoweizi building on Aden-Ta'izz road.[147] On (date redacted for protection of the victims), a sniper on al-Ghoweizi shot in the direction of a father carrying a one-year-old child in his arms, injuring both. As a result, the young child suffered severe damage to his leg. The Group considered that this attack deliberately targeted the civilian victims knowing them to be civilians.

150. After they took over the town of al-Hawtah, in Lahij province, Houthi-Saleh snipers were deployed on buildings in the main streets of the town. They targeted members of the Resistance and civilians. This had the effect of restricting movement through the town, including transport of basic needs, such as water.[148] One sniper position was located on a five-story building adjacent to the al-Hilaly building, in front of Ibn Khaldoun Hospital, and another sniper position was located on top of the al-Shayidi building, in the market.[149] One medical volunteer who assisted the injured throughout the conflict saw about 50 killed and injured by Houthi-Saleh fighters shelling and sniping during the 2015 offensive. Most of the victims were civilians, including women and children. About 10 to15 of those had been killed or died of their injuries and many others suffered permanent disabilities.[150]

151. On or around 26 March 2015, in the neighbourhood of the "water tank project", a sniper shot and killed a man in the vicinity of his house, and then shot the man's brother when he came to assist. For some time, the bodies could not be removed because of the snipers' presence and they were partly eaten by dogs.[151] One victim stated that on 2 April 2015, as he was walking in al-Zahra Street, in the morning, a sniper situated on a high building nearby shot him in his left leg.[152] Two days later in the same area, a sniper shot

[141] Confidential Sources on File.
[142] Confidential Sources on File.
[143] Confidential Sources on File.
[144] Confidential Sources on File.
[145] Also see below Section on events at al-Qatiya'a health compound.
[146] Confidential Sources on File. See also attack on al-Qatiya'a health compound.
[147] Also see above Section on attack on residential neighbourhoods in Dar Sa'ad.
[148] Confidential Sources on File.
[149] Confidential Sources on File.
[150] Confidential Sources on File.
[151] Confidential Sources on File.
[152] Confidential Sources on File.

and killed a man on al-Terbyiah Street[153]. On 4 May, in the vicinity of the al-Sayed market, a sniper shot and killed a three-year-old girl who was carried by her father as he ran away from the shelling.[154] In early May 2015, also in the vicinity of al-Sayed market, a sniper fired at an elderly woman and killed her instantly.[155]

Violations

152. International humanitarian law prohibits direct attacks against civilians. Attacks may only be directed against those directly participating in hostilities. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities is a serious violation of humanitarian law and amounts to a war crime, which may lead to individual criminal responsibility.[156] The principle of distinction further prohibits indiscriminate attacks. Such attacks may lead to criminal responsibility for the war crime of launching an indiscriminate attack resulting in death or injury to civilians.[157]

153. The cases examined provide a sample of the nature of the use of small arms fire, especially by snipers. In many cases, Houthi fighters used small arms fire in a manner that resulted in the killing of civilians. The timing, location and manner in which the weapons were used manifestly resulted in an inability to distinguish between civilians and military targets. In at least one case, that is, the sniper on al-Ghoweizi who shot in the direction of a father carrying a one year-old child, it appeared - due to the precision of the weapon and the location and timing - that the sniper deliberately targeted these people knowing they were civilians.

154. The Group of Experts found reasonable grounds to believe that the Houthis are responsible for serious violations of international humanitarian law in launching indiscriminate attacks resulting in the death or injury of civilians and, in some cases, in directing attacks against civilians. These acts may lead to criminal responsibility for war crimes.

(c) Military use of hospitals resulting in damage, civilian casualties, and denial of access to healthcare

> ***"****The Houthis shot at any person passing on the road in front of the hospital and prohibited removal of the dead bodies in the streets."*
> ***Doctor at al-Qatiya'a***

155. Attacks on medical facilities and medical personnel, fighting near medical facilities, occupation of hospitals, and other restrictions on access to the health facilities severely impaired access to medical care during the 2015 hostilities in and around Aden. In combination with shortages of medication, food, water, and electricity, this led to a deterioration of hygiene levels and the spread of disease and epidemics.[158] Medical authorities in Aden assessed that the conflict has affected the functioning of over 50 per cent of the medical facilities and that the closure of a landmark health institution like the al-Jumhuriyah hospital and other health facilities has led to the death of patients requiring specialized medical care.[159]

Events at al-Qatiya'a health compound in Craiter District, Aden

[153] Confidential Sources on File.
[154] Confidential Sources on File. See also Aden City facebook page.
[155] Confidential Sources on File.
[156] Art. 8 2(e)(i), Rome Statute.
[157] See ICRC Study on customary IHL, rule 156.
[158] Confidential Sources on File.
[159] Confidential Sources on File. Also see: Centre for Public Opinion Studies and Social Research (Madar), "Report on the Human Rights Violations in the South Committed by the Houthi, Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", Aden 2015.

156. At the beginning of April 2015, a period of intense fire exchange around the al-Qatiya'a health compound[160] occurred when Houthi-Saleh fighters, positioned at al-Ma'asheeq mountain overlooking al-Qatiya'a, fought against Resistance fighters operating from the streets adjacent to the health compound.[161] On 2 April 2015, from about 08:00 hrs until 17:00 hrs, Houthi-Saleh snipers fired regularly in the direction of the al-Qatiya'a health compound, hitting the building and civilians at the front entrance of the compound from their position on the al-Ma'asheeq Mountain.[162] (See previous section on sniper fire for details on civilian casualties.)

157. Resistance fighters were present in the streets adjacent to the health compound and on the day of the attack, by mid-day, took position in a nearby building, from where they fired back in direction of the mountain. One medical doctor, reported that some days after the attack, Houthi-Saleh fighters demanded to search the clinic for members of Resistance.[163]

Events at al-Jumhuriyah Hospital in Khormaksar District, Aden

158. During the second half of April 2015, Houthi-Saleh fighters engaged in street fighting against Resistance groups in Khormaksar district, Aden governorate. Al-Jumhuriyah hospital in Khormaksar is the largest and most important hospital in Aden. From the beginning of the Houthi-Saleh offensive in Aden, al-Jumhuriyah Hospital received dozens of patients injured in fighting all over the city.[164]

159. As the fighting drew closer to the hospital, Houthi-Saleh fighters deployed snipers in its vicinity. On 20 April 2015, a sniper shot and injured one young man in the jaw while he accompanied his mother for treatment in the hospital.[165] Towards the end of April, Houthi-Saleh fighters urged the residents of Khormaksar to leave the area, prohibited access to the hospital, and actively looked for injured Resistance patients.[166] As fighting around the hospital intensified, on 27 April, medical personnel left al-Jumhuriyah and transferred the majority of the patients to other medical facilities and locations. [167] These circumstances led to the closure of the Hospital for the duration of the offensive in Aden, depriving hundreds of inhabitants of Aden of access to specialized and life-saving medical care.[168]

160. On the same day, Houthi-Saleh fighters surrounded the hospital and deployed snipers on high buildings facing its main entrance.[169] They fired at the hospital with light and heavy weapons, causing damage to the building. Shrapnel hit the dialysis centre and damaged five machines.[170] The firing also damaged the main laboratory and the water reservoirs, leaving the hospital without water.[171] The fighting and the sniper activity became so intense that nobody could go in or out of the hospital for about four days.[172]

161. According to al-Jumhuriyah staff, about seven patients had remained in the hospital during this period. These patients were refugees from Ethiopia who had nowhere to go and suffered from serious illnesses requiring specific treatment in hospital.[173] As a consequence of the isolation of the hospital during the period of heavy fighting in Khormaksar, at least two of those patients died due to a lack of food, water, and vital medical care.[174] Other

[160] Confidential Sources on File.
[161] Confidential Sources on File.
[162] Confidential Sources on File.
[163] Confidential Sources on File.
[164] Confidential Sources on File.
[165] Confidential Sources on File.
[166] Confidential Sources on File.
[167] Confidential Sources on File.
[168] Confidential Sources on File.
[169] Confidential Sources on File.
[170] Confidential Sources on File.
[171] Confidential Sources on File.
[172] Confidential Sources on File.
[173] Confidential Sources on File.
[174] Confidential Sources on File.

patients, including three injured members of the Resistance, received improvised care in one of the houses neighbouring the hospital, but died in the absence of timely and specialized medical care.[175]

162. Doctors working in al-Jumhuriyah also reported that after intense fighting in Khormaksar, dead bodies, which included civilians killed by snipers, littered the streets surrounding the hospital. It was impossible to bring them to the cemetery due to heavy fighting. In addition, bodies were decomposing in the hospital's morgue due to electricity cuts.[176] Injured and sick patients had also died in the private homes of citizens who attempted to assist them.[177] A group of doctors and volunteers gathered those bodies and buried some of them in private gardens and about 15 others in a mass grave in the yard of the faculty of medicine.[178]

The People's Obstetrician Hospital, Craiter District, Aden

163. In April 2015, when Houthi-Saleh fighters took control of several locations in Craiter district, they deployed around the People's Hospital, which specialised in obstetric and neonatal care. The hospital had closed because of the fighting and medical personnel had fled. Houthi-Saleh fighters established a military base and deployed military vehicles and snipers into the premises of the hospital. They also used the building as a transit detention facility for arrested members of the Southern Resistance, before their transfer to a larger detention facility. The hospital was close to the line of separation between Houthi-Saleh positions and Resistance positions in Craiter and constant fighting was going on outside its premises.[179] On 14 July, a coalition airstrike hit the hospital, causing extensive damage to the main hospital compound and the perimeter wall.

Attack on Red Crescent ambulance and personnel in Khormaksar District, Aden

164. On 3 April 2015, at 12:00 hrs, Houthi-Saleh fighters attacked an ambulance transporting two injured men from Khormaksar district to al-Mansoura, killing the two Red Crescent workers who operated the ambulance. The Houthi-Saleh fighters attacked the ambulance when it was entering al-Mansoura district. The Red Crescent symbol was clearly visible on the ambulance.[180] According to a medical doctor from Aden, Houthi-Saleh fighters had been actively looking for injured members of the Resistance and sought to prevent them from accessing medical care, including restricting the use of ambulances in areas under their control.[181]

Fighting and control of the area around Ibn Khaldun Hospital in Lahij

165. Ibn Khaldoun Hospital, in al-Hawtah, is the main hospital of Lahij Governorate. In April 2015, fighting between Houthi-Saleh fighters and the Southern Resistance occurred just outside the hospital, thereby endangering the hospital. Debris from shelling and firing by both parties affected the perimeter of the hospital. Upon their arrival in al-Hawtah, Houthi-Saleh fighters established a sniper position in a five-storey building just across the road from the hospital. In May, one hospital staff member was shot and killed in the crossfire. Fearing the intensity of the fighting, the majority of the hospital staff and patients had left the hospital, with the exception of a small team of doctors and nurses who continued to provide limited emergency medical services. Access to the hospital was severely limited by both parties to the conflict as they sought to prevent the other party

[175] Confidential Sources on File.
[176] Confidential Sources on File.
[177] Confidential Sources on File.
[178] Confidential Sources on File. Also see: Centre for Public Opinion Studies and Social Research (Madar), "Report on the Human Rights Violations in the South Committed by the Houthi, Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", Aden 2015.
[179] Confidential Sources on File.
[180] Confidential Sources on File.
[181] Confidential Sources on File.

from seeking treatment. [182] Both parties to the conflict requested that hospital staff deny treatment to injured combatants from the other party to the conflict.[183] After the Resistance withdrew from Lahij province, in May 2015, Houthi-Saleh fighters had full control of the perimeter surrounding the hospital and supervised movements in and out of the hospital. They arrested one hospital staff member and subsequently released him. During that period, the hospital functioned with very limited capabilities.[184]

Occupation of Hospitals

166. Houthi-Saleh fighters also occupied hospital buildings, preventing civilian access to essential medical care and endangering the existing medical infrastructure. As noted above, (para 163), in April 2015, when Houthi-Saleh fighters took control of several locations in Craiter district, they deployed around the People's Obstetrician Hospital. The hospital closed because of the fighting and medical personnel fled. Houthi-Saleh fighters established a military base and deployed military vehicles and snipers into the premises of the hospital. They also used the building as a transit detention facility where they held members of the Resistance.[185] According to a medical authority, following the closure of the obstetrician hospital, patients were transferred to unqualified clinics, which led to the death of women and small children.[186] Houthi-Saleh fighters also took over the Military Hospital in al-Towaihi and the General Hospital of al-Musaymir. Both hospitals had been evacuated by the time the Houthis occupied them.[187]

Restrictions on free access to medical care and safe passage of medical supplies

167. During the 2015 offensive in Aden, doctors, nurses, personnel of health institutions and patients had difficulties in reaching the functional medical facilities due to generalized insecurity, fighting, lack of transportation, and checkpoints. There was an overall shortage of medicine. Residents of al-Musaymir reported that during their control of Lahij province, Houthi-Saleh fighters restricted movement of civilians across the checkpoint, including blocking two sick persons who attempted to travel to Aden to seek emergency medical treatment. Both died due to a lack of appropriate medical care.[188] Houthi-Saleh fighters based at the Shaikh Othman checkpoint at the entrance to Aden prohibited large groups of civilians from entering Aden, including sick people attempting to reach hospitals in Aden.[189] In June, Houthi-Saleh fighters prevented the transportation of medicine into Aden at the checkpoint in al-Fyoush, in Lahij province.[190]

Violations

168. Under international humanitarian law, medical personnel and facilities – already protected given their civilian status – are awarded special protection. Accordingly, medical personnel must be respected and protected in all circumstances.[191] The same protection extends to medical units and medical transportation, which shall be respected and protected

[182] Confidential Sources on File. Also see: Human Rights Watch, Yemen: Fighting damages hospital" April 2015. Available at: https://www.hrw.org/news/2015/04/17/yemen-fighting-damages-hospital.
[183] Confidential Sources on File.
[184] Confidential Sources on File. "Report on the Human Rights Violations in the South Committed by the Houthi Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", Centre for Public Opinion Studies and Social Research (Madar), Aden 2015.
[185] Confidential Sources on File.
[186] Confidential Sources on File.
[187] Confidential Sources on File.
[188] Confidential Sources on File.
[189] Confidential Sources on File.
[190] Confidential Sources on File.
Also see: Centre for Public Opinion Studies and Social Research (Madar), "Report on the Human Rights Violations in the South Committed by the Houthi, Militias and Forces of the Yemeni Army Loyal to the Former President Ali Abdullah Saleh", Aden 2015.
[191] Art. 9(1) Additional Protocol II.

at all times and in all circumstances, and shall not be the object of attack.[192] They lose protection if they commit or are used to commit hostile acts. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law constitutes a war crime in non-international armed conflicts.[193] International humanitarian law further provides that the wounded and sick shall be respected and protected, notwithstanding their prior participation, or not, in the conflict.[194]

169. The cases investigated by the Group of Experts evidence the Houthi-Saleh fighters' blatant lack of respect for medical personnel and facilities, in firing indiscriminately towards medical facilities, positioning snipers nearby, occupying and using hospitals for military purposes, searching hospitals, and in attacking a clearly marked Red Crescent ambulance killing two of its workers. They also limited the population's access to healthcare, leading to the death of individuals, namely those in need of specialized healthcare.

170. In addition to other violations related to the principle of distinction as examined above, the Group of Experts has reasonable grounds to believe that the Houthi-Saleh fighters violated the obligation to respect and protect medical personnel and facilities at all times and in all circumstances, as well as the obligation to respect and protect the wounded and sick. Indiscriminate attacks against hospitals, the attack on a Red Crescent ambulance and the killing of two of its workers may lead to individual criminal responsibility for war crimes.

(d) Destruction of civilian property, restrictions at checkpoints during fighting in Lahij and Abyan provinces

> *"My relative who was over 60 years old, suffered from a sudden heart attack. As hospitals did not operate in the area during the war, I tried to travel to Aden to receive treatment. However, Houthi soldiers refused to let us pass at the al-Fyoush checkpoint and my relative died on the way"*
> **Civilian from Lahij**

171. During their military advance towards Aden, from 25 March 2015, Houthi-Saleh fighters entered into Lahij and Abyan provinces where they fought against the Southern Resistance. Both provinces were of a strategic importance for the Houthi-Saleh fighters' advance into Aden.

Destruction of civilian objects by Houthi-Saleh fighters

172. During the Houthi-Saleh control of Lahij and Abyan from March to August 2015, Houthi-Saleh fighters raided and used explosives to destroy houses belonging to members of the Resistance or to individuals who opposed them.[195] For example, in al-Hawtah, in Lahij province, Houthi-Saleh fighters, during their search for members of the Resistance, raided, detonated with the use of explosives, and destroyed over 10 houses or buildings. During the months of June and July, Houthi-Saleh fighters also raided and destroyed with the use of explosives eight houses belonging to members of the Southern Resistance in the town of Lawdar, in Abyan province.[196]

Restrictions on food transportation at checkpoints by Houthi-Saleh fighters

173. Houthi-Saleh fighters restricted the transport of food into Aden. Two residents of al-Fyoush, in Lahij province, reported that Houthi-Saleh fighters had restricted the transport of food into Aden in June 2015.[197] Also in June, after a civilian pick-up loaded with food

[192] Art. 11(1) Additional Protocol II.
[193] Art. 8 2.(e)(ii) Rome Statute.
[194] Art.7(1) Additional Protocol II.
[195] Confidential Sources on File.
[196] Confidential Sources on File.
[197] Confidential Sources on File.

attempted to cross three times through the checkpoint in al-Alam, in Abyan province, to proceed to Aden, Houthi-Saleh fighters deployed at the checkpoint shot and injured the driver, and killed the passenger of the vehicle.[198] In Lahij province, at the checkpoints at the entrance into al-Hawtah and al-Musaymir towns, Houthi-Saleh fighters also limited or impeded the transportation of food, water, medicine, diesel and petrol into these localities.[199]

Violations

174. It is a violation of international humanitarian law to direct an attack against a civilian object. Civilian objects are protected from attack, as long as they are not used for military purposes. Civilian objects lose their protection if and for such time as they become military objectives. Military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.[200] The intentional destruction of civilian objects may also amount to a war crime in non-international armed conflicts.[201] More specifically, it is also prohibited to attack objects indispensable to the survival of the population, such as foodstuffs.[202]

175. In the cases described above, the Group of Experts found reasonable grounds to believe that the houses of opponents had protected status at the time as civilian objects and that their destruction amounts to a violation of international humanitarian law by Houthi-Saleh fighters. The same rationale pertains to the transport of food and other essential items, which also have protected status as civilian objects. Their destruction may lead to individual criminal responsibility for war crimes.

(e) Use of protected objects for military purposes, and subsequent attacks thereon

176. During the 2015 military offensive in Aden, Houthi-Saleh fighters and Resistance fighters used objects benefitting from special protection. Coalition forces also carried out airstrikes that hit some of these objects. The following are some examples of this pattern in the Craiter district of Aden and in al-Hawtah town in Lahij province.

[198] Confidential Sources on File.
[199] Confidential Sources on File. See above case on restrictions to medical care.
[200] See ICRC Study on customary IHL, rule 8.
[201] Art. 8 2.(e)(xii) Rome Statute; see ICRC Study on customary IHL, rule 7.
[202] Art. 14 Additional Protocol II.

Cultural Site of Bazraa Elementary School, Craiter district, Aden

177. The Bazraa Elementary School, built in 1912, is one of the oldest schools in Aden. It was considered as one of Aden's monuments.[203] The school had closed at the outset of the war, in March 2015.[204] In April 2015, Houthi-Saleh fighters occupied it and used it for military purposes, including as a detention facility for captured fighters from the Resistance.[205] On 14 July 2015, a coalition airstrike inflicted considerable damage to the school.

Military Museum, Craiter district, Aden

178. The Military Museum of Aden is situated in a building that dates back to 1918. Since 1970, the building has functioned as a Museum dedicated to the heritage of the Yemeni military. The museum contained a large collection of old weapons. Houthi-Saleh fighters took control of the museum when they occupied the area in April 2015. They shelled the museum to occupy its premises, causing damage to the walls.[206] It was then used as a military warehouse and a secret detention facility. [207] During their occupation of the site, Houthi-Saleh fighters looted many of the pieces exhibited in the museum. [208]

179. On 16 July, the coalition carried out an airstrike that hit the museum. The explosion caused by the strike resulted in damage to 4 or 5 rooms of the museum[209] and severe damage to the northeastern wing of the museum with a partially collapsed roof.[210]

Cultural site of al-Mohsinyya School, al-Hawtah, Lahij province

[203] Aden Times, The end of a 104-year-old educational edifice in Aden, 7 April 2016.
[204] Confidential Sources on File.
[205] Confidential Sources on File.
[206] Confidential Sources on File.
[207] Confidential Sources on File.
[208] Confidential Sources on File.
[209] Confidential Sources on File.
[210] UNITAR-UNOSAT satellite imagery-based assessment for numerous incidents in Aden, Yemen, between 14 and 16 July 2015. See damage assessment below for details.

180. The al-Mohsinyya School was established in 1931 and was commonly referred to as "the first school in the Arab Peninsula". Al-Mohsinyya had been considered as one of the most prestigious schools in Yemen and was the first school of the region to be accredited in Egypt. Its building had been constructed in the 1920s, was made of clay, and it was recognized as an important monument in Lahij province. At the time the war started the building was no longer being used as a school but hosted the administration of the educational ministry of the directorate of Tuban. The building was in a poor shape due to lack of maintenance and required renovation.[211] It was subsequently vacated. In April 2015, Houthi-Saleh fighters occupied the school's premises and used it as one of their military bases.[212] In June, the coalition forces carried out an airstrike hitting the school and a Houthi-Saleh vehicle located nearby.[213] The building collapsed following the strike.[214]

Sultan's Palace, Dar al-Hajar, al-Hawtah, Lahij province

181. The Sultan's Palace in Dar al-Hajar, built by Sultan Abdul Karim Bin Fadhl al-Abdeli in the old Indian style around 1926, is one of the main cultural monuments of Lahij governorate. At the outset of the 2015 offensive, Resistance fighters occupied the palace. After their arrival in Lahij at the end of March 2015, Houthi-Saleh fighters shelled the palace using a tank. They subsequently occupied the palace, established a military position in its premises, and deployed snipers.[215] The hitting of the palace and the fighting in and around its premises caused damage to the building. No reconstruction has occurred and the damage can be observed on recent photographs of the palace. [216]

Nasser College for Agricultural Sciences, al-Hawtah, Lahij province

182. The Nasser College for Agricultural Sciences was built in the 1940s. In 1976 Sultan Ali Abdel Karim had donated the building to the University of Aden to be used as a centre for agricultural research and knowledge. At the start of the 2015 offensive, Southern Resistance fighters gained control of the area around the college. When Houthi-Saleh fighters arrived in al-Hawtah, at the end of March 2015, they shelled the building and occupied it, prompting Southern Resistance forces to flee.[217] Houthi-Saleh fighters used the building as a military position, established firing positions where they based their rocket launcher, and stored their weapons in its premises.[218] The college was damaged by shrapnel and bullet marks fired by Houthi-Saleh fighters. [219] After renovation, the building is currently operational as the faculty of agricultural research of the University of Aden.[220]

Violations

183. Education facilities and cultural objects are – as civilian objects – protected from attack. However, as soon as they are used for military purposes, they lose this protection and may become legitimate military objectives. Nevertheless, parties to the conflict must take all feasible precautions to protect civilian objects under their control against the effects of attacks.[221] In particular, they must avoid locating military objectives within or near densely populated areas.[222] The use of such objects for military purposes may violate this rule, as well as the specific protection to which cultural objects are entitled under international law.

[211] Confidential Sources on File.
[212] Confidential Sources on File.
[213] Confidential Sources on File.
[214] Confidential Sources on File.
[215] Confidential Sources on File.
[216] Confidential Sources on File.
[217] Confidential Sources on File.
[218] Confidential Sources on File.
[219] Confidential Sources on File.
[220] Confidential Sources on File.
[221] See ICRC Study on customary IHL, rule 22.
[222] See ICRC Study on customary IHL, rule 23; see also Art. 13(1) Additional Protocol II.

184. Cultural property is specifically protected in times of armed conflict. According to international humanitarian law, parties to a conflict must respect cultural property and must take special care to avoid damage to such property in military operations.[223] Cultural property may however be attacked in case of imperative military necessity, although the 1954 Hague Convention and its Second Protocol provides additional safeguards in this regard (see analysis dedicated to cultural property). In the cases described above, there are reasonable grounds to believe that Houthi fighters and Resistance forces have violated international humanitarian law in using cultural property for military purposes, hence triggering their total or partial destruction by other parties to the conflict.

185. With regard to schools and other education facilities, the Group of Experts has reasonable grounds to believe that the parties to the conflict have violated the principle of precautions against the effects of attack in using schools for military operations. They may also have violated the principle of distinction, in blurring the distinction between civilian and military objects in using schools for military operations. In using schools for military purposes, including in occupying them, parties to the conflict may have further prevented the realisation of the right to education, as guaranteed by both international humanitarian law and human rights law.[224]

(f) Coalition airstrikes impacting civilian objects and a cultural site

186. The Group of Experts documented four examples of coalition forces airstrikes carried out during the 2015 Houthi-Saleh offensive against southern provinces, which hit civilian objects and caused large-scale destruction and damage to civilian and protected objects. These airstrikes hit a residential building in the Craiter district of Aden, a mosque, also in Craiter, a cattle market in al-Fyoush village in Lahij province, and a school in Tahrour village, also in Lahij province. No military presence could be identified within the areas hit at the moment of the airstrike.

> *"I could hear my friend screaming under the rubble, he was choking to death, we couldn't get to him in time and he died choking."*[225]
> **Adam, airstrike witness**

Al-Fyoush cattle market, 6 July 2015

187. On 6 July 2015, at around 0600 hrs, coalition airstrikes hit a cattle market in al-Fyoush village in Lahij province, resulting in the killing of over 40 civilians and injury of over 20 others.[226] The victims were mainly men.[227] The rockets left large craters at the impact site.[228] Cattle were also killed in the airstrike. Many of the victims were blown apart due to the magnitude of the blast and could not be identified in the aftermath of the strike.[229] Due to the intense fighting in Aden, the numerous checkpoints at the entrance of Aden, and the restrictions on access to various areas of the city during the 2015 military offensive, the qat market of al-Fyoush had expanded to a wider market for cattle and other goods. Large numbers of civilians used to visit the market. [230]. Contrary to the information gathered by the Group of Experts, a JIAT statement dated 6 December 2016 indicated that "the cattle market was not bombed by coalition forces, and was not affected by accidental bombing." The Group of Experts noted that Houthi-Saleh fighters had a checkpoint at a petrol station

[223] See ICRC Study on customary IHL, rules 38-40.
[224] See Art. 4(3)(a) Additional Protocol II; See Article 13 ICESCR.
[225] Confidential Sources on File.
[226] Amnesty International, Public Statement, 16 January 2017. Available at: https://www.amnesty.org/download/Documents/MDE3154942017ENGLISH.pdf; see also: OCHA et Action on Armed Violence: State of crisis: explosive weapons in Yemen, 2015. Available at: https://www.unocha.org/sites/dms/Documents/Yemen%20EWIPA%20report.pdf.
[227] Confidential Sources on File.
[228] Confidential Sources on File.
[229] Confidential Sources on File.
[230] Confidential Sources on File.

in the immediate vicinity of the market, where there usually were large gatherings of Houthi-Saleh fighters and where they parked their vehicles.[231]

Musa'ab Bin Omer School

188. On 9 July 2015, at 13:00 hrs, a coalition airstrike hit Musa'ab Bin Omer School in Tahrour district of Lahij province, killing 11 civilians and injuring 19 others. The injured included three women and seven children, including a five-month-old baby. The strike fell in the middle of the eastern side of the building, severely damaging the school, with seven classrooms destroyed and the remaining classrooms considerably damaged.[232] Sources indicated that the airstrike may have targeted an alleged Houthi-Saleh fighters' position within the school. At the time of the airstrike, the school was providing shelter to 12 displaced families who had fled from fighting in neighbouring al-Hawtah.[233] The school building was still in ruins after the fighting subsided, so when classes resumed they were held in tents.[234]

189. On 7 June 2018, the JIAT stated that on that morning, the coalition air forces had carried out two airstrikes against two buildings in which armed Houthi fighters were located, situated kilometres away from the school.[235] On 1 January 2019, the JIAT and the National Commission of Inquiry visited the site of the school and spoke with the personnel of the school and with the families of the victims.[236] The Group of Experts is not aware of any further outcomes from the visit or investigations into the incident.

Al-Husseini mosque

190. On 16 July 2015, around 12:00 hrs, a coalition airstrike hit the al-Husseini mosque, in the Craiter district of Aden. The strike destroyed the mosque entirely, and only two external minarets on the courtyard of the mosque remained.[237] The al-Husseini mosque was Aden's renowned Shi'a mosque, built at the end of the 19th century. The mosque was also part of the larger, Husseini complex, alongside a recently renovated building in the same courtyard. The mosque had a particular religious, historical, and cultural importance for Aden's minority Shi'a community, many members of which had left the city before the 2015 offensive, out of fear of persecution. The al-Husseini mosque was not operational during the 2015 fighting.[238] According to two residents of Craiter, the mosque was closed throughout the war and no fighters had entered or occupied its premises. [239]

191. After examining a satellite image dated 15 July 2015, the JIAT concluded that there had been no damage to the mosque. However, this analysis appears to be based on analysis of an image from a day before the incident.[240]

192. After the withdrawal of the Houthi-Saleh fighters from Aden, the Resistance removed the remaining rubble and turned what remained of the al-Husseini mosque into a Sunni mosque, which they renamed as the Mosque of the Sunni Martyrs.[241]

Violations

[231] Confidential Sources on File.
[232] Confidential Sources on File.
[233] Confidential Sources on File.
[234] Confidential Sources on File.
[235]https://www.spa.gov.sa/viewstory.php?lang=ch&newsid=1774060.
[236] Confidential Sources on File. Aden Times, JIAT and National Commission of Inquiry visit victims in Lahij, 1 January 2019, http://aden-tm.net/NDetails.aspx?contid=67875.
[237] Confidential Sources on File. See also: Mwatana for Human Rights, The Degradation of History, Violations Committed by the Warring Parties against Yemen's Cultural Property, November 2018; A/HRC/33/38, Situation of human rights in Yemen, Report of the United Nations High Commissioner for Human Rights.
[238] Confidential Sources on File.
[239] Confidential Sources on File.
[240] https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1785164.
[241] Confidential Sources on File.

193. According to the principle of distinction, parties to the conflict must at all times distinguish between the civilian population and individuals who participate in hostilities. Attacks may only be directed against the latter. Similarly, parties to the conflict must at all times distinguish between civilian objects and military objectives, and attacks may only be directed against military objectives. Civilian objects lose protection from attack if and for such time as they are used for military purposes.[242] In the case that the parties are targeting a military objective, they must respect the principle of proportionality in attack. According to this principle, an attack may not be expected to affect civilians or civilian objects in a way that would be excessive in relation to the anticipated military advantage.[243] Finally, in line with the principle of precautions in attack, constant care must be taken to spare the civilian population and civilian objects in the conduct of military operations.[244]

194. In the cases described above, the Group of Experts has reasonable grounds to believe that coalition airstrikes hit civilian objects. Moreover, at the time of attack, these objects appeared to be civilian objects benefitting from protection under international humanitarian law, as a facility dedicated to education (Musa'ab Bin Omer School), a cultural and religious site (Al-Husseini mosque), and objects indispensable for the survival of the population (the cattle market). In these cases, the Group of Experts found that the nature of the attack raises strong concerns with regard to the targeting processes of the coalition. Even if the coalition had effectively identified military targets, which is in itself in dispute, the location of the strike (i.e. a crowded market and a school sheltering displaced persons) should have raised concerns with respect to the principles of proportionality and precautions in attack, given that it could have been foreseeable that a number of civilians would be killed in the attack.

195. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the coalition carried out airstrikes in Aden that may not have complied with the principles of distinction, proportionality and precautions in attack. Violations of the principles of distinction and proportionality amount to serious violations of international humanitarian law and launching an indiscriminate attack resulting in death or injury to civilians, or launching an attack in the expectation that it will cause excessive incidental civilian loss, injury or damage may lead to individual criminal responsibility for war crimes.[245] This may imply criminal responsibility at all levels of command.

(g) Extrajudicial executions at Sri Hingraj Mataji Mandir temple by Resistance fighters

196. In April 2015, Houthi-Saleh fighters entered the district of Craiter, Aden. At the same time, the remaining Yemeni armed forces and civilian police deserted the district, handing over control to Resistance forces. Between 2 April 2015 and 10 May 2015, the Houthi-Saleh and Resistance forces fought for control of the district with most fighting concentrated on a frontline in the southeast. During this time, the northwest majority of the district remained under Resistance control.[246] Within this area of control is situated the Craiter police station.[247] The abandoned Sri Hingraj Mataji Mandir Hindu Temple lies one kilometre north of the police station.

197. During this period, Resistance forces took responsibility for law and order, and detained a number of people at the Craiter Police Station.[248] This included four local civilians, two former Houthi-Saleh fighters, and another local civilian with a mental health disability.[249]

198. On the morning of 10 May 2015, Houthi-Saleh fighters defeated the Resistance forces who retreated north, to Mualla, past the Craiter police station and Wadi Khusaf. The

[242] Art. 13 Additional Protocol II; See ICRC Study on customary IHL, rules 1 to 10 in particular.
[243] See ICRC Study on customary IHL, rule 14.
[244] See ICRC Study on customary IHL, rule 15.
[245] See ICRC Study on customary IHL, rule 156.
[246] Confidential Sources on File.
[247] Confidential Sources on File.
[248] Confidential Sources on File.
[249] Confidential Sources on File.

Houthi-Saleh fighters advanced north in the same direction.[250] At 0830 hrs, as part of their retreat, armed Resistance fighters released the detainee with mental health issues, and took the remaining six detainees with them in two armoured vehicles to the Sri Hingraj Mataji Mandir Temple. Twenty family and friends of detainees waiting for their release saw this and followed the vehicles to the location. The fighters were joined by others in a third armoured vehicle and they parked their vehicles inside the entrance of the temple compound. There were 30 Resistance fighters in total. They took the six prisoners to an open area in front of and slightly to the east of the main temple.

199. All six of the detainees were handcuffed. The four civilians were forced by the fighters to lie down on the ground away from each other on their fronts. The fighters then proceeded to fire a number of shots into their backs around the area of the heart using semi-automatic firearms. At the same time other fighters held the two former Houthi-Saleh fighters, and started cutting their throats with knifes. They stopped before they removed their heads completely.[251] By 12:00 hrs, Houthi-Saleh fighters had gained control of the district and the Craiter police station and the latter was found to be empty.[252] According to information gathered by the Group of Experts, all six bodies had been buried in the temple.[253] A comparison in Satellite imagery from the 23 April 2015 and 17 May 2015 shows a 20-metre long area of probable disturbed earth in the immediate vicinity of the killings, congruent with the alleged gravesite.

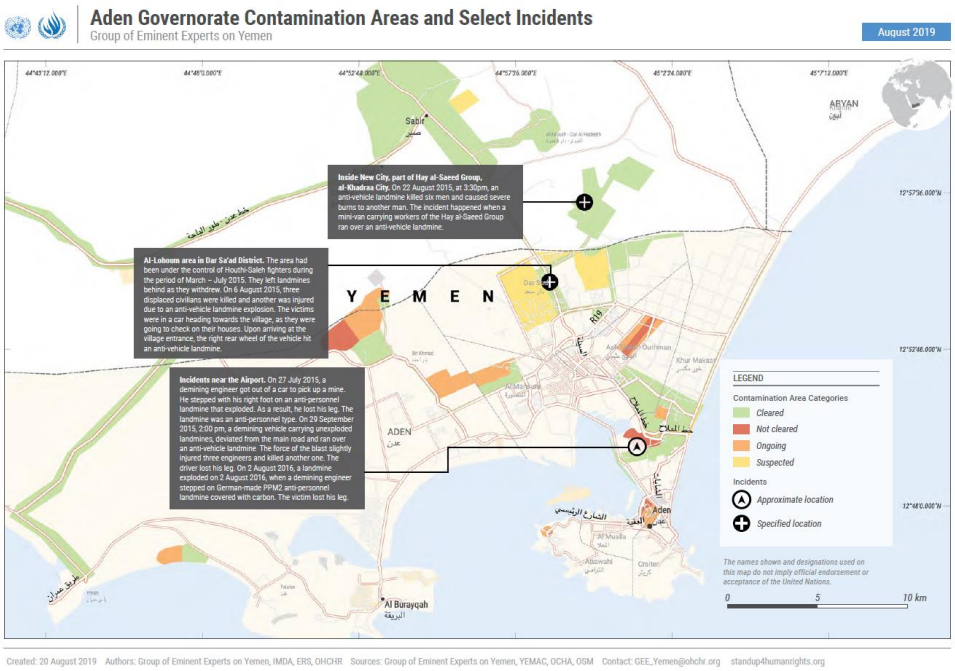
Violations

200. Arbitrary deprivation of life is strictly forbidden under international human rights law.[254] When an unlawful killing is carried out by representatives of authorities in control of an area who act as law enforcement officials, it amounts to an extrajudicial execution. Under international humanitarian law, when – within the context of an armed conflict – a party to the conflict intentionally kills a person who does not take a direct part in hostilities, or who has ceased to do so, it amounts to wilful killing or, in a non-international conflict, to murder.[255] Murder is a serious violation of international humanitarian law, hence a war crime that may lead to individual criminal responsibility.[256]

201. In the case described above, the Group of Experts has reasonable grounds to believe that the Resistance forces have perpetrated extrajudicial executions in killing six individuals who were not directly participating in hostilities at the temple's compound. These acts may lead to individual criminal responsibility for the war crime of murder.

(h) Landmines

[250] Confidential Sources on File.
[251] Confidential Sources on File.
[252] Confidential Sources on File.
[253] Confidential Sources on File.
[254] Art. 6(1) ICCPR.
[255] Art. 3 common to the Geneva Conventions, Art. 4(2)(a) Additional Protocol II; See ICRC Study on customary IHL, rule 89.
[256] Art. 8 2.(c)(i) Rome Statute.



202. As the Houthi-Saleh fighters withdrew from Lahij and Aden, they left behind thousands of landmines that continued at the time of writing to affect negatively the lives of civilians, including by causing injuries and death.[257] As an illustration of the magnitude of the problem, as indicated by UNDP, 16,198 anti-personnel landmines and 9,476 anti-vehicle landmines were cleared in Aden during 2016 alone.[258] The Group of Experts examined 20 incidents that occurred during the period of July 2015 – May 2016 in which 35 civilians were killed, among them 11 children and two women, and 26 civilians were injured, among them five children and five women. In Lahij, 33 anti-personnel landmines and 1,692 anti-vehicles landmines were cleared during 2016 alone.[259] The Group of Experts examined nine incidents that occurred during the period of August 2015 – June 2018 that killed two men, one woman and injured six men, three women and four children. The following cases investigated by the Group of Experts are considered as a sample indicative of the patterns of serious harm from both anti-vehicle and anti-personnel landmines in Aden and Lahij.

Incidents near the Airport - Aden

203. The Houthi-Saleh fighters controlled Khormaksar during the period of March – July 2015. The area was not known to be mined prior to this period. As the Houthis withdrew, they planted landmines in areas that affected civilians. In one case, on 27 July 2015, a demining engineer got out of a car to pick up a mine. He stepped with his right foot on an anti-personnel landmine that exploded. As a result, he lost his leg. The landmine was an anti-personnel German PPM2 type, the most common among the planted mines.[260] Additionally, on 29 September 2015, also in the airport, near the airstrip, at around 2:00 pm, a demining vehicle carrying unexploded landmines, deviated from the main road and ran over an anti-vehicle landmine[261] The force of the blast slightly injured three engineers and killed another one. The driver lost his leg.[262] Also near the airport area, a landmine

[257] Human Rights Watch Yemen: "Houthis Used Landmines in Aden", September 2015.
[258] Confidential Sources on File.
[259] Confidential Sources on File.
[260] Confidential Sources on File.
[261] Confidential Sources on File.
[262] Confidential Sources on File.

exploded on 2 August 2016, when a demining engineer stepped on a German-made PPM2 anti-personnel landmine covered with carbon. The victim lost his leg.[263]

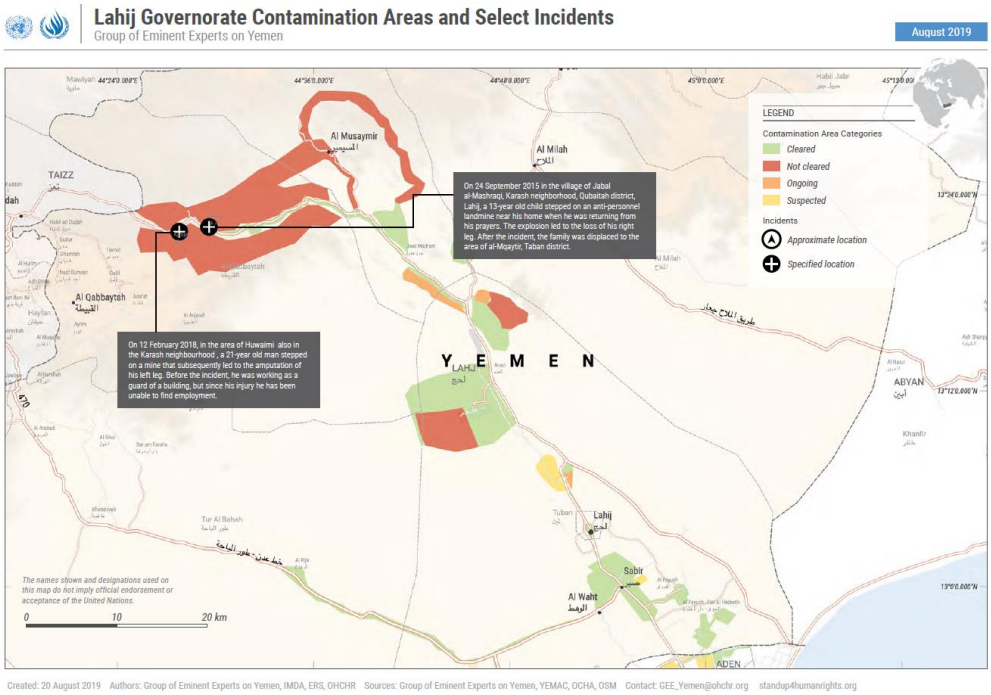
Al-Lohoum area in Dar Sa'ad - Aden

204. The a*l-Lohoum* area had been under the control of Houthi-Saleh fighters during the period of March – July 2015. They left landmines behind as they withdrew. On 6 August 2015, three displaced civilians were killed and another was injured due to an anti-vehicle landmine explosion in the al-Lohoum area in Dar Sa'ad district.[264]. The victims were in a car heading towards the village, as they were going to check on their houses. Upon arriving at the village entrance, the right rear wheel of the vehicle hit an anti-vehicle landmine.

Inside New City, part of Hay al-Saeed Group, al-Khadraa City - Aden

205. On 22 August 2015, at 3:30pm, an anti-vehicle landmine killed six men and caused severe burns to another man. The incident happened when a mini-van carrying workers of the Hay al-Saeed Group ran over an anti-vehicle landmine.[265]

Karash, Qubaitah district - Lahij Governorate



206. As the Houthi-Saleh fighters withdrew from the Jabal al-Mashraqi area, they planted landmines and IEDs in different parts of Karash, Qubaitah district. [266] Many of the residents of Karash became displaced as they left the area seeking safety. In one case, on 24 September 2015 in the village of Jabal al-Mashraqi, Karash neighbourhood, Qubaitah district, Lahij, a 13-year old child stepped on an anti-personnel landmine near his home when he was returning from his prayers. The explosion led to the loss of his right leg. After the incident, the family was displaced to the area of al-Mqaytir, Taban district.

207. The risks posed by landmines have continued. For example, on 12 February 2018, in the area of Huwaimi also in the Karash neighbourhood,[267] a 21-year old man stepped on a mine that subsequently led to the amputation of his left leg. Before the incident, he was

[263] Confidential Sources on File.
[264] Confidential Sources on File.
[265] Confidential Sources on File.
[266] Confidential Sources on File.
[267] Located at 13 23 02 .03 N 44 28 20 . 67 E

working as a guard of a building, but since his injury he has been unable to find employment.[268]

Violations

208. Although customary international humanitarian law does not per se outlaw the use of landmines, it sets restrictions on their use. Accordingly, particular care must be taken by the parties to the conflict to minimize the indiscriminate effects of landmines.[269]

209. The Group of Experts has reasonable grounds to believe that the Houthi-Saleh fighters used anti-personnel and anti-vehicle landmines in violation of international humanitarian law, notably in the way the mines were placed in unmarked locations frequented by civilians, with no warning, which rendered their use indiscriminate. The use of anti-personnel mines is prohibited by the Antipersonnel Mine Ban Convention, to which Yemen is a party and the application of which has been acknowledged by the de facto authorities.

B. Control of Aden and the south (2016 – 2019)

210. The following chapter documents arbitrary detention, arbitrary killings, restrictions on freedom of expression and sexual violence committed in 2018-2019 as the United Arab Emirates, Southern Transitional Council, Security Belt and Government of Yemen authorities exerted control over Aden and areas of Lahij, Abyan, Shabwah, Hadramaut, as well as southernmost parts of al-Dhale'e and Ta'izz governorates. It also highlights human rights violations that took place earlier when necessary to illustrate patterns.

1. Context

211. Since the end of the first Yemen civil war in 1994, the former territory of South Yemen has been politically polarised between those who support and those who oppose secession. In 2007, the Southern Movement, also known as al-Hirak al-Janoubi, was formed to call for independence. In 2011, it participated in pro-democracy demonstrations that ended the rule of Ali Abdallah Saleh and it also took part in the National Dialogue Conference in 2013-14. In March 2015, when Houthi-Saleh fighters attacked areas of the South, including Aden, those in the Southern Movement integrated with the Resistance and Government forces opposing the Houthi-Saleh advance. The Resistance was formed by men and boys as young as 15 with different affiliations, including local civilians, the Southern Movement, Popular Committee militias who had previously supported the Government to fight AQAP, Salafists, al-Islah, AQAP and Islamic State affiliates. From April 2015, they were organised, equipped and funded by the United Arab Emirates under the strategic command of the United Arab Emirates-coalition commander.[270] Those who later became leaders of the Southern Transitional Council and Security Belt gained prominence fighting for the Resistance at this time.

212. By August 2015, the counter attacks by Resistance and Saudi-United Arab Emirates led forces compelled the Houthi-Saleh fighters to retreat from Aden, Lahij, Abyan, Shabwah, Hadramaut, and southern Ta'izz. In the wake of this, a security vacuum occurred. The alliance within the Resistance forces broke down, in part due to differences in opinion between the constituent groups over secession and how close to ally with the Saudi Arabia-United Arab Emirates-led forces. Intra-Resistance clashes led to a split, with one group siding with the Government, and the other with the United Arab Emirates. The Southern Movement suffered a similar divide between UAE supporters and opponents. AQAP and Islamic State affiliates exploited this situation and reportedly conducted kidnappings, arbitrary killings and bombings.

[268] Confidential Sources on File.
[269] See ICRC Study on customary IHL, rule 81.
[270] Confidential Sources on File.

213. In October 2015, the United Arab Emirates and the Yemeni Government came to an agreement according to which the United Arab Emirates commander in Yemen would rotate every six months, on the proviso that President Hadi would appoint Major General Aidarous Qassem al-Zubaidi as Governor of Aden, Salafi Sheikh Hani Bin Breik as State Minister, and Major General Shallal Ali Shaye as Director of Aden Security.[271]

214. Between October 2015 and June 2019, at least 30,000 Resistance fighters from Aden, al-Dhale'e, Abyan and Lahij were regularised into the Security Belt forces, which were equipped, trained, and funded by the United Arab Emirates.[272] During the same period, the United Arab Emirates established, recruited and supported the Shabwani Elite in Shabwah Governorate, and the Hadrami Elite in the southern half of Hadramaut Governorate. The stated purpose of these armed groups was to establish security in their areas of operation. By the end of 2016, United Arab Emirates forces and the United Arab Emirates-backed forces had achieved overall control over most of Aden, Lahij, Abyan, Shabwa and southern Hadramaut, and they had largely expelled AQAP and the Islamic State.[273]

215. The Government also incorporated other local Resistance groups into the Government armed forces, which together with other regular forces, retained control of areas including southern Ta'izz, al-Dhale'e, and northern Hadramaut.

216. Between February and May 2017, United Arab Emirates and Security Belt forces fought against Government and coalition forces for the control of Aden airport. As a result, on 27 April 2017, President Hadi relieved Minister of State Bin Breik and Governor al-Zubaidi of their positions. Security Belt leaders and fighters who defied the United Arab Emirates orders to attack Government forces were relieved of their commands by the United Arab Emirates, and some joined the Government forces. Some were victims of reprisal attacks by Security Belt and linked groups as a result.[274] There were a number of demonstrations against the Government calling for an independent South Yemen. On 11 May 2017, Bin Breik and al-Zubaidi, together with 10 other politicians, founded the Southern Transitional Council, claiming it to be the legitimate representative of southern Yemenis.

217. In January 2018, the Southern Transitional Council publicly declared it was launching a coup, following which Security Belt forces attacked Government-held areas of Aden. President Hadi publicly acknowledged the coup attempt. By 30 January 2018, the Southern Transitional Council declared victory in Aden, with the Security Belt achieving complete control of the governorate. Government ministers fled the country and Yemeni armed forces withdrew from all areas of Aden apart from the Presidential Palace and two military bases. Hani Bin Breik later stated that the attacks were ordered by the coalition.[275] In May 2018, the Government established the Southern National Council, purporting to represent the interests of those in the South, as a rebuttal to the Southern Transitional Council. In July and October 2018, the Southern Transitional Council made declarations that the Government was hostile to the South, declared an imminent coup if the Government did not abdicate, and called for a popular uprising.

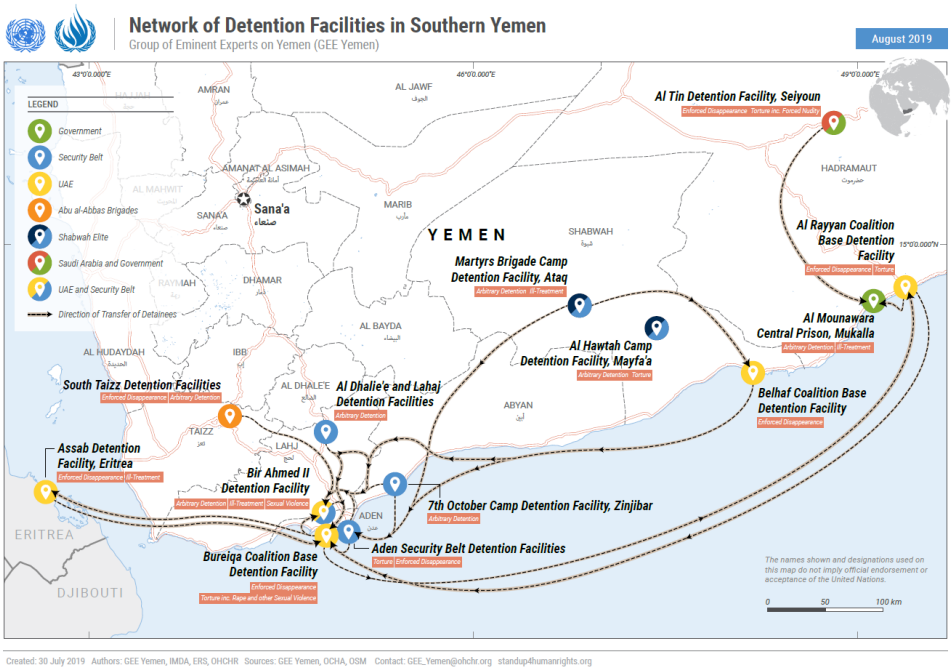
218. In September 2018, Hani Bin Breik stated publicly that Southern Transitional Council forces consisted of the 'resistance military forces' under the operational command

[271] Confidential Sources on File.
[272] Confidential Sources on File.
[273] Confidential Sources on File.
[274] Confidential Sources on File.
[275] Comprehensive Report on File compiled by the Group, containing relevant written and video statements made in social media, via the STC website, or via reliable media outlets, by Sheikh Hani Bin Breik, Major General Aidarous al-Zubaidi, Major General Shallal Ali Shaye, and Southern Transitional Council spokespersons between 2015 and July 2019. See for example https://www.youtube.com/watch?v=Wz-4UsInABY.
https://www.youtube.com/watch?v=83SkH0d8TYY.
https://www.youtube.com/watch?v=SSfLlGz41a4&feature=youtu.be; https://www.al-arabi.com/s/17280.

of the coalition.[276] On 1 November 2018, the Southern Transitional Council inaugurated the Southern National Assembly, a legislature of 303 representatives across southern Yemen. Since then the Southern Transitional Council, which purports to have also 'liberated' Shabwah and Hadramaut, has opened foreign representative offices, and developed a media presence and public profile internationally.

219. In April 2019, the Yemeni Parliament met for the first time since March 2015 in Seiyoun, Hadramaut. In July 2019, the United Arab Emirates announced the withdrawal of most of its own forces from fronts with the Houthis, but restated its intention to keep a continued presence in Aden and southern Governorates, and its support for Security Belt, Shabwah Elite and Hadrami forces.

2. Detention-related violations: Arbitrary detention, enforced disappearances, torture and ill-treatment



220. In its 2018 report, the Group of Experts found reasonable grounds to believe that between 2016 and May 2018, the United Arab Emirates, Security Belt and Shabwah Elite operated a network of unofficial detention facilities, including facilities known as 'Bir Ahmed I', 'Bir Ahmed II',[277] facilities at al-Bureiqa coalition base and the coalition al-Rayyan Airbase in Hadramaut governorate. The Group further found that within these facilities arbitrary detention and torture including sexual violence occurred.

221. In 2018-2019, the Group documented the continuation of patterns of arbitrary detention, enforced disappearances, torture, and sexual violence at the same facilities, and further expanded its investigations to examine other facilities in the interconnected system of detention in which these facilities exist. The Group found that the secret detention facility at al-Bureiqa coalition base (hereinafter "al-Bureiqa") and the Bir Ahmed II detention facility (hereinafter "Bir Ahmed II") operate as hubs, to which detainees are transferred from satellite sites for longer-term detention. In the case of al-Bureiqa, the Group further found that it was used for interrogation, torture and sexual violence. Bir

[276] Ibid.

[277] Bir Ahmed I was decommissioned and replaced by Bir Ahmed II in November 2017, and all prisoners were transferred there. In the past this facility has been has been referred to by the Government and the prison authorities as both Bir Ahmed II and as Bir Ahmed, Mansoura Block B, in reference to the Central Prison some distance away in Mansoura. The Group observed as below that Bir Ahmed II falls outside the authority of the Government and the criminal justice system, and thus for consistency it will be referred to as Bir Ahmed II.

Ahmed II and Bureiqa have also acted as the departure point for detainees to other facilities in Hadramaut, [278] and Assab, Eritrea.[279]

222. In almost all cases investigated by the Group, there was no evidence of formal legal proceedings or access to legal representation.[280] In most cases investigated, the detainees were either Resistance leaders, Yemeni armed forces soldiers and officers, 'northerners', human rights activists, journalists or linked to religious leaders.[281]

(a) Al-Bureiqa coalition base detention facility, Aden

223. Al-Bureiqa coalition base operates as the Headquarters for the coalition in Yemen, and is controlled by the United Arab Emirates. [282] It is located in al-Bureiqa district of Aden governorate and was established in 2015 at the outset of the coalition intervention in the conflict.[283] Within the confines of the base, the coalition operates a secret detention facility. The Group investigated cases where detainees were routinely taken directly to al-Bureiqa, or transferred there from Bir Ahmed II, for periods from a few days to 10 months,[284] before being transferred back to Bir Ahmed II. Detainees were kept in solitary confinement. As a result, the Group could not establish the number of detainees in the facility. The site contains multiple buildings with multiple stand-alone cells and detention and interrogation rooms. In the more than 14 separate cases investigated between 2017 and May 2019, detainees, including one boy, were former Resistance fighters, Government soldiers, and human rights activists. The sample of cases investigated is believed to represent a snapshot of the true scale and seriousness of violations occurring there.

224. At al-Bureiqa, all detainees were kept in solitary confinement. They were then taken to specific rooms, variously referred to by the United Arab Emirates military personnel as the 'Torture Room' or 'Room of Dreams' and subjected to lengthy interrogations and torture by United Arab Emirates military personnel over several hours, often repeatedly over a series of days, weeks or months. All detainees were handcuffed and many were blindfolded during their interrogation as a means to disorient and disable them. In these interrogations, United Arab Emirates military personnel applied torture, threats, and sexual violence. They applied this purposefully in order to humiliate, degrade, stigmatise andcoerce detainees to confess or to forcibly recruit them. Torture included electrocutions, hanging from the ceiling for long periods, repeated beatings with metal cables, removal of finger and toe nails, forced nudity, rape, and sexual assault.[285]

225. The Group of Experts documented cases of sexual violence at the al-Bureiqa detention facility between 2017 and 2019. The Group of Experts documented the rape of six men and one boy in addition to other sexual assaults and forced nudity. In a number of cases, the victims were raped several times. United Arab Emirates military personnel perpetrated oral and anal rape with objects and with penises. This included gang rape by multiple military personnel. In all cases sexual violence was used as an interrogation and torture technique. Detainees reported that the violence and threats used would escalate, and the ultimate threat was of rape. When United Arab Emirates military personnel did not succeed in achieving their goals with other means, they raped or sexually abused the victims

(b) Bir Ahmed II detention facility, Aden

226. Bir Ahmed II detention facility is the second largest detention facility in Aden governorate after the Government of Yemen-run al-Mansoura Central Prison. Bir Ahmed II

[278] Confidential Sources on File.
[279] Confidential Sources on File.
[280] Confidential Sources on File.
[281] Confidential Sources on File.
[282] Located at 12.814607, 44.891368.
[283] Confidential Sources on File. See also United Nations, Security Council Panel of Experts on Yemen, 26 January 2018, S/2018/68.
[284] Confidential Sources on File.
[285] Confidential Sources on File.

is located in al-Bureiqa District[286] approximately 2.5 km north of the coalition-United Arab Emirates al-Bureiqa Military Base, and 10 km east of Aden City. Bir Ahmed II was constructed by the United Arab Emirates and became operational on 12 November 2017.[287] Security Belt forces, often from the Counter Terrorism Unit, carried out almost all arrests of detainees held at Bir Ahmed II, al-Bureiqa, and the smaller unofficial sites in Aden described below. United Arab Emirates-backed Abu al-Abbas Brigades[288] and Shabwah and Hadrami Elite forces also carried out arrests of detainees held at the facilities.

227. As of 30 June 2019, approximately 157 men and boys were detained at Bir Ahmed II. Most have been held arbitrarily for periods between 4 months and two and a half years,[289] while others, whom the Group was aware were previously held there, have been disappeared for over a year.[290] The 157 detainees include 65 former Houthi fighters (including at least 11 boys), detained since 2015, who have not been charged or formally accused as required by the Military Penal Code and international law. Government efforts to bring charges have been frustrated by those in control of the prison. Some of the former Houthi fighters remain detained in an underground bunker separate from the main facility population. In 2018, the Group documented 71 former Houthi fighters at the facility, leaving six unaccounted for.

228. At Bir Ahmed II, solitary confinement and beatings continued to occur, with solitary confinement or a transfer to al-Bureiqa being used for those high-profile 'anti-United Arab Emirates' detainees, including activists, and members of the Yemeni armed forces.[291] As reported in the Group's 2018 report, at Bir Ahmed II in November-March 2018, United Arab Emirates military personnel stripped up to 200 detainees naked in front of each other and carried out invasive searches for mobile phones. Multiple detainees were digitally raped and raped with sticks and tools by guards during these searches.[292] At the time of writing, family visits and communication with detainees were still prohibited by the detention facility authorities. Female relatives of detainees who demonstrated against this prohibition were met with violence.[293] This coincided with the arrival of new Security Belt guards in March 2019 who raided detainees' cellsand assaulted detainees on more than one occasion whilst searching for mobile phones. The current situation at Bir Ahmed II, involving raids by Security Belt personnel for similar reasons, and the absence of any oversight of the facility by the Government of Yemen puts detainees at continued risk of torture and sexual violence.

229. On 20 July 2019, 13 of the above-mentioned 157 detainees held at Bir Ahmed II were released. Their releases had been ordered in some cases six months earlier by the public prosecutor, during which time detainees remained incarcerated and were subjected to ill-treatment. These detainees had been kept for over a year, and reportedly in some cases up to four years[294].

230. While the Government has publicly stated at times that it has control of the facility, it has also stated at other times that it does not have control over the facility. According to reliable evidence, it is clear that the Ministry of Interior, Ministry of Defence, judiciary, and Public Prosecutor have no effective control over detention and releases at Bir Ahmed II. Instead, releases can only be approved by the United Arab Emirates.[295]

(c) Unofficial Security Belt facilities, Aden

[286] Located at 12.835020, 44.885707.
[287] Confidential Sources on File. See also S/2018/68.
[288] Confidential Sources on File.
[289] Confidential Sources on File.
[290] Confidential Sources on File.
[291] Confidential Sources on File.
[292] A/HRC/39/43.
[293] Confidential Sources on File. For further details also see Section 4 below.
[294] Confidential Sources on File.
[295] Confidential Sources on File.

231. Unofficial Security Belt facilities that continued to operate as of the time of writing include: the Counter Terrorism Unit Facility at Waddah Dance Hall in al-Towaihi; the Residence of Major General Shallal Ali Shaye at Goldmohr in al-Towaihi; the Security Directorate and CID at Khor Maksar; the First Brigade Security Belt Camp at al-Jala'a in al-Bureiqa district; and Camp 20 in Craiter.[296] The Security Belt 7th October Camp Facility at Zinjibar in Abyan also continues to operate.[297] Other facilities that had not been previously reported upon by the Group include the Officer's Club at Workers Island in Khor Maksar[298] and the Fifth Brigade Camp at al-Habalein in Lahij.[299]

232. In these facilities, torture and ill-treatment were used against detainees during 2018-2019.[300] As a result of torture, one detainee was made blind, another died, and others contracted diseases.[301] In some cases, detainees were released after they had been tortured. In others, they were transferred to Bureiqa or Bir Ahmed II.[302]

> *"Every day there was a random routine of torture. They electrocuted us, doused us with cold water, made us crawl through the dirt naked with rocks on our back, hung us by our arms and legs, and blindfolded us in mock executions where they told us we were about to die."*
>
> **Adult male victim of disappearance and torture[303]**

(d) Al-Rayyan and Al-Mounawara detention facilities, al-Mukalla, Hadramaut governorate

233. Al-Rayyan detention facility is located within the United Arab Emirates al-Rayyan Airbase, 30km east of al-Mukalla city. Al-Mukalla city is situated in the southern half of Hadramaut governorate, an area that is almost entirely under United Arab Emirates and Hadrami Elite control. The most recent primary evidence of detention obtained by the Group indicates that al-Rayyan facility was still operational as of August 2018. At that point, there were still detainees present, some of whom had been there for a year and eight months without charges.[304] There are also reports of detainees present and others who have been disappeared there as recently as the end of 2018 for which the Group had not completed its investigations at the time of writing.

234. Al-Mounawara Central Prison is located in al-Mukalla city, Hadramaut governorate. The facility was opened in November 2017. The Hadramaut Governor and Director of Security, manages both the UAE-backed Hadrami Elite and al-Mounawara Central Prison.[305] Prior to May 2018, witnesses reported that United Arab Emirates forces retained some control over the facility. The fact that in 2019, detainees remained at the facility even after their release had been ordered by the Public Prosecutor, in some cases over a year later, supports the reports that the facility is not fully under the control of the Government of Yemen. Considering the influence of the United Arab Emirates over those in control of the facility, the Group believes that it continues to retain some element of control over the facility.[306]

235. In April 2019, the Hadrami Elite continued to detain individuals arbitrarily, including some boys as young as 16 years old perceived to be opposed to the United Arab Emirates. Reportedly, there are up to 120 detainees present including human rights

[296] Confidential Sources on File.
[297] Confidential Sources on File.
[298] Confidential Sources on File.
[299] Confidential Sources on File.
[300] Confidential Sources on File.
[301] Confidential Sources on File.
[302] Confidential Sources on File.
[303] Confidential Sources on File.
[304] Confidential Sources on File.
[305] Confidential Sources on File.
[306] Confidential Sources on File.

activists, who have been transferred to al-Mounawara Central Prison from al-Rayyan and who have remained detained for up to three years without charge or trial.[307]

236. The Group did not receive reports of ill-treatment or torture taking place at al-Mounawara. Regular visits and communication were allowed. Additionally the transfer of some detainees from al-Rayyan to the official Government facility of al-Mounawara for prosecution, of others back to local facilities, and the acceptance of some of the decisions of the Public Prosecutor, are positive developments.

(e) Martyrs Brigade camp, al-Hawtah and Azzan camps, and Belhaf coalition base, Shabwah

237. The Shabwah Elite Forces control detention facilities in the Martyrs Brigade camp in Ataq[308], and in al-Hawtah Camp 5 km north of Azzan[309]. They have also used other ad hoc locations for detention, including Camp Seven-One located near Azzan. The Martyrs Brigade Camp is the Headquarters of the Shabwah Elite, and the al-Hawtah Camp is their headquarters for the southeast districts of Shabwah. In all cases investigated by or reported to the Group, the Shabwah Elite conducted the arrests and were the guards at these facilities. In Shabwah, there is also a detention facility at the Belhaf coalition base controlled by the United Arab Emirates.[310]

238. The Martyrs Brigade Camp is a repurposed former college. Detainees there were held in a one-story building at the outskirts of the college and in a nearby metal tank. Five to seven detainees were kept per room, in multiple rooms.[311] The number of detainees at Martyrs-Camp and Azzan camps is unknown. In 2019, one detainee was kept at Azzan al-Hawtah Camp in a metal container and saw other detainees nearby.[312]

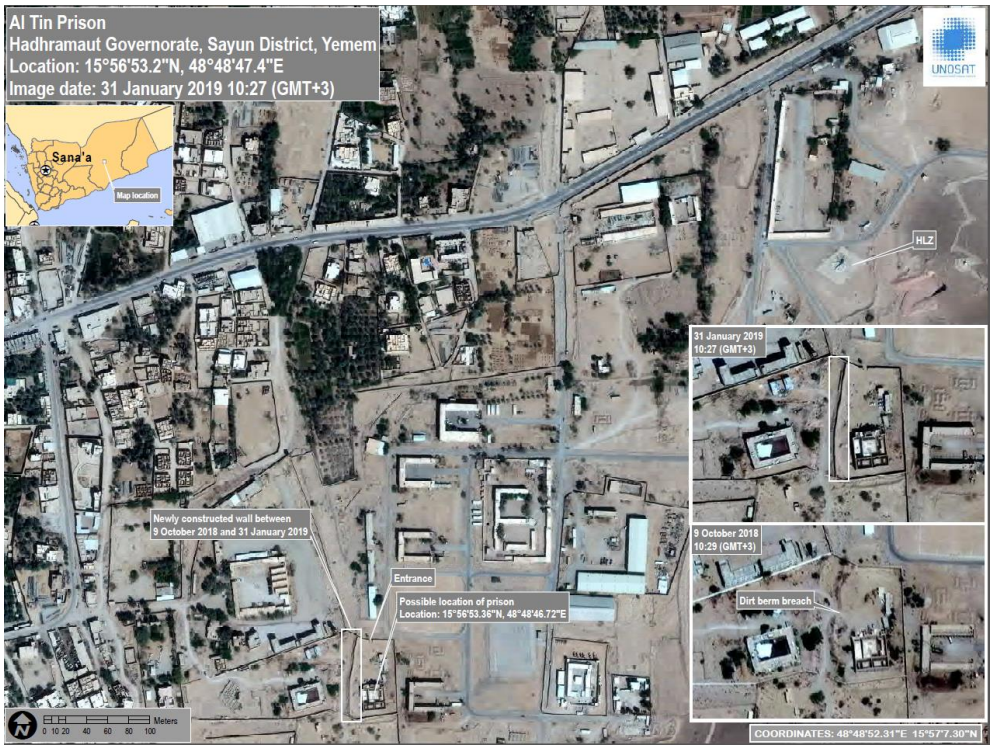
239. Detainees were arrested by the Shabwah Elite and taken to these camps where they remained for up to two weeks, before either release, death in custody, or transfer to the Belhaf coalition base, al-Mukalla Central Prison, or facilities in Aden.[313] Transferred detainees were disappeared for long periods in detention for between a year and a half and two years.[314] In all cases, they were kept incommunicado, and without formal charge or legal proceedings. Detainees included those who had publicly criticised the United Arab Emirates and the Southern Transitional Council, those with perceived links to Qatar, and others based on local grievances with the Shabwah Elite. Detainees were tortured inside and outside Shabwah Elite camps through beatings with cables and guns, and burning, and in two cases, detainees died after being tortured and sustaining serious injuries in detention.[315]

(f) Al-Tin detention facility, Seiyoun

240. Al-Tin detention facility is a small secret facility located to the south of Seiyoun city within the Yemeni armed forces headquarters for the First Military District.[316] It is 50 metres to the east of the much larger Military Prison, which is also located within the First Military District headquarters.[317] Al-Tin was previously an old prison before being abandoned in 2006 in favour of the Military Prison. In 2016, Saudi Arabia re-established the al-Tin detention facility and later a wall was constructed separating it from the Military Prison.[318] These facilities fall within the northern half of the governorate of Hadramaut, an

[307] Confidential Sources on File.
[308] Located at14.523733, 46.828889
[309] Located at 14.347418, 47.430408
[310] Confidential Sources on File.
[311] Confidential Sources on File.
[312] Confidential Sources on File.
[313] Confidential Sources on File.
[314] Confidential Sources on File.
[315] Confidential Sources on File.
[316] Located at 15°56'53.2"N, 48°48'47.4"E
[317] Confidential Sources on File.
[318] Confidential Sources on File.

area that is almost entirely under the control of the Government and Saudi Arabian armed forces. The diagram below of the facility is based on reliable evidence and analysis of satellite imagery. [319]



241. Yemeni armed forces from the First Military District arrested all detainees held in al-Tin. Some detainees were taken to al-Tin via the Yemeni armed forces al-Qatn Army Base 45 km west of Seiyoun. The guards at both facilities are Government Military Police from the First Military District.[320] At al-Tin, those responsible for interrogations and torture were witnessed to be a mixture of Saudi Arabian and Government of Yemen intelligence officers, and understood by witnesses to be under the supervision of the Saudi personnel.[321] Government of Yemen military personnel had access to the Military Prison but not to al-Tin.[322] In all cases investigated by the Group, Saudi Arabian forces and Government of Yemen authorities from the First Military District indicated to witnesses that they had a level of joint control over releases.

242. Al-Tin is understood to have the capacity to hold around 20 people. The Group documented the detainees held there as mainly men, but is also aware that boys as young as 15 years old have been held at the facility.[323] The detainees at al-Tin are separate from the Military Prison population, but there is some exchange between both. At least 12 detainees were held at al-Tin for up to three years.[324] At al-Tin, detainees were kept in solitary confinement or two together in a one by one metre room referred to by guards as 'The Pressure Room.'[325] All detainees were subject to what they described as a seemingly random routine of torture inside the rooms and on the grounds of the facility, including forced nudity whilst crawling through dirt with rocks on their back, beatings with guns and sticks, electrocutions, mock executions, and prolonged hanging from the ceiling by their

[319] See image below, damage assessment based on UNOSAT-UNITAR damage assessment, 31 January 2019.
[320] Confidential Sources on File.
[321] Confidential Sources on File.
[322] Confidential Sources on File.
[323] Confidential Sources on File.
[324] Confidential Sources on File.
[325] Confidential Sources on File.

arms.[326] They were interrogated and accused of affiliation with AQAP, but often torture was not accompanied by any such interrogation.[327]

243. At al-Tin there is no regular visitation allowed, and detainees have remained incommunicado or disappeared for up to two years. In exceptional cases, sporadic visits have been negotiated with Saudi and Government of Yemen authorities. [328] In cases where detainees were transferred to the Military Prison, visits were allowed only when money was paid to the guards.[329] In all cases known to the Group, detainees were held for long periods without formal charge or legal proceedings. In March 2019, 10 detainees who had been at al-Tin since 2015 and 2016 were charged by the Public Prosecutor and transferred to al-Mounawara Central Prison.[330] Detainees and family members were told by other detainees, or by Saudi and Government of Yemen authorities, that detainees were held accused of 'terrorism'. In some cases, detainees were accused of links to the Sons of Hadramaut, a group of local men and boys who briefly controlled al-Mukalla until 2016, and who aligned with AQAP.[331] Others were detained as hostages or based on local grievances.[332]

(g) Assab detention facility, Eritrea

244. Assab Detention Facility is located 12 km North of Assab city[333], in Southern Danakalia District, Southern Red Sea Region, and Eritrea.[334] The facility is controlled by the United Arab Emirates and is adjacent to their Naval Base. It is located 2.5 km east of the United Arab Emirates Airbase in Assab.[335] At the outset of the coalition intervention in the war in May 2015, the United Arab Emirates publically established these bases in Assab as locations from which it would undertake its intervention in Yemen. Stated activities taking place at the base included training the Security Belt forces.[336]

245. Witnesses identified United Arab Emirates military personnel as the guards and interrogators at Assab. They were a mix of Emiratis and non-Arabs of unidentified nationality or ethnicity, who wore United Arab Emirates military uniforms.[337] In particular cases anti-United Arab Emirates fighters or fighters who had refused to work for Security Belt were disappeared to Assab and then coerced by United Arab Emirates military personnel to work for them in conducting assassinations. They were then transferred back to Yemen via al-Bureiqa or Bir Ahmed I and II.[338] In 2018, there were at least nine male detainees witnessed at Assab, consisting of former Resistance, Security Belt members, and Houthi fighters.[339] Based on reliable witness evidence and analysis of satellite imagery, the facility appeared at the time the image was taken to have at least 70 separate cells in which prisoners were kept.[340]

246. The lack of transparency over this facility renders a very real risk of ill-treatment, torture and other human rights violations. The Group of Experts received credible reports of torture in this detention facility, for which its investigations had not been completed at the time of writing.[341]

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[326] Confidential Sources on File.
[327] Confidential Sources on File.
[328] Confidential Sources on File.
[329] Confidential Sources on File.
[330] Confidential Sources on File.
[331] Confidential Sources on File.
[332] Confidential Sources on File.
[333] Located at 13.069222, 42.661138.
[334] UNOSAT-UNITAR damage assessment, 21 March 2019, on file.
[335] Confidential Sources on File. Located at 13.065720187 42.660530913.
[336] Confidential Sources on File. The Washington Institute "Gulf coalition Operations in Yemen" 2016.
[337] Confidential Sources on File.
[338] Confidential Sources on File.
[339] Confidential Sources on File.
[340] Confidential Sources on File.
[341] Associated Press "Inside Yemen's Secret Prisons" 2017. Human Rights Watch "United Arab Emirates Backs Abusive Local Forces" 2017.

(h) Violations

247. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[342] International human rights law and international humanitarian law also prohibit arbitrary detention.[343] Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, mostly those relating to the right to a fair trial or other procedural guarantees, or to unlawful restrictions on the exercise of fundamental freedoms.[344] Depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.[345]

248. Based on its investigations, the Group of Experts has reasonable grounds to believe that numerous cases of enforced disappearances took place in Aden, Shabwah and Hadramaut Governorates, and in Assab, Eritrea, along with a practice of arbitrary detention in all above-described facilities. In terms of enforced disappearances, a network of facilities has been used to disappear individuals, mainly those perceived to oppose the UAE, keeping them away from any judicial oversight, as well as from their relatives. This is the case for the following detention facilities: Al-Bureiqa coalition base detention facility (UAE-controlled secret facility); Al-Rayyan detention facility (UAE airbase secret facility); Martyrs Brigade camp and al-Hawtah camp (controlled by UAE-backed Shabwah Elite forces); Belhaf coalition base (controlled by UAE); Al-Tin detention facility (secret facility controlled by the Government of Yemen and Saudi armed forces); Assab detention facility, Eritrea (UAE secret facility).

249. In all detention facilities described above, the detention is considered arbitrary mainly due to denial of fair trial rights, such as detention without legal proceedings or with no charges for long periods of time (exceeding 2 years in some cases); no access to legal representation, the non-compliance with release orders issued by prosecutors and government officials in the absence of charges, or delays in such releases. In some cases, the detention is also arbitrary as the detainees were arrested and held because they had expressed their opposition to the authorities in control. UAE-backed Security Belt forces (with law enforcement powers under the authority of the Government of Yemen), often from the Counter-Terrorism Unit, carried out almost all arrests of detainees held at Bir Ahmed II, al-Bureiqa, and the smaller unofficial sites. While al-Bureiqa is run by the coalition and Bir Ahmed II is run by the UAE-backed Security Belt, the Government of Yemen has no access to detainees, nor power to release them. Some detainees were held there between four months and two and a half years. The same is true at the facility of al-Mounawara, where the Governor of Hadramaut did not allow the release of detainees following orders by the prosecutor, hence holding detainees up to three years with no formal charges or legal proceedings. At al-Tin detention centre, a joint facility managed by the Yemeni armed forces and Saudi Arabia, detainees were also held for long periods without legal proceedings. Some were eventually charged after two to three years and sent to the al-Mounawara detention centre. The fact that detainees were arrested and held in these detention facilities for their perceived or public opposition to the UAE and the

[342] Art. 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.

[343] Art. 9 and 14 ICCPR; Art. 3 common to the Geneva Conventions and Art. 4 Additional Protocol II; See ICRC Study on customary IHL, rule 99.

[344] ICCPR, arts. 9 and 14; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173); The Working Group on Arbitrary Detention has identified five legal categories relating to arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of fundamental freedoms, (c) when the violations of norms relating to the right to a fair trial are of such gravity as to give the deprivation of liberty an arbitrary character, (d) when migrants are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty reflects discrimination, notably based on birth, national, ethnic or social origin, language, religion and political or other opinion (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

[345] See ICRC Study on customary IHL, rule 100.

Southern Transitional Council is a further element that renders their deprivation of liberty arbitrary.

250. Torture and other cruel, inhuman or degrading treatment are also strictly prohibited under both international human rights law and international humanitarian law, and may lead to individual criminal responsibility for war crimes.[346]

251. Based on its investigations, the Group of Experts has reasonable grounds to believe that torture and ill-treatment has been used in Aden detention facilities, most notably in al-Bureiqa coalition base detention facility (UAE-controlled), Bir Ahmed II (controlled by the UAE-backed Security Belt forces), in the unofficial Security Belt facilities and in al-Tin detention facility (controlled by the Government of Yemen and Saudi armed forces). In all these facilities, torture has been used during interrogations, mainly in order to coerce confessions. In al-Bureiqa, it was also reportedly used to recruit.

252. Sexual violence was also used in detention centres, including to torture detainees. Rape and other forms of sexual violence are also prohibited by international human rights law and international humanitarian law.[347] This may lead to individual criminal responsibility for the war crime of rape and other forms of sexual violence, as well as torture, and outrages upon personal dignity.[348] The Group of Experts has reasonable grounds to believe that sexual violence was used at al-Bureiqa coalition base detention facility (UAE-controlled) and at Bir Ahmed II (controlled by the UAE-backed Security Belt forces).

253. Accordingly, the Group of Experts has reasonable grounds to believe that the Governments of Yemen, Saudi Arabia, and the United Arab Emirates violated the right to liberty and security of person, namely through enforced disappearances, arbitrary arrests and detention, as well as torture and other ill-treatment, including rape and other forms of sexual violence. Given the nexus between these violations and the non-international armed conflict in Yemen, international humanitarian law also applies. Accordingly, pursuant to determination by a competent judicial authority, individuals involved in the commission, ordering of, or with command responsibility for the above enumerated acts may be held responsible for the following war crimes: torture, cruel or inhuman treatment, outrages upon personal dignity, rape and other forms of sexual violence.

3. Arbitrary Killing

> *"I saw him shot and die in front of me. It was horrifying and I can't stop replaying it. He was my father and my friend. We are a big family and we were all reliant on him, emotionally and economically. Now we don't know how we are going to carry on."*
>
> **Son of an assassination victim**

254. Between October 2015 and May 2019, the Group of Experts examined the cases of at least 90 individuals reportedly assassinated by means of targeted shootings and explosions in the city of Aden and surrounding governorates. The 90 reported targeted killings consisted of former Resistance leaders, senior civilian Government staff, religious leaders, community influencers, and those who have criticised the Southern Transition Council and United Arab Emirates. Of these, 86 cases occurred between 6 October 2015 and 23 October 2018, with the latter being the date of the most recent targeting of a religious leader documented by the Group. Since October 2018, there was a marked decrease in reported targeted killings. However, reports began to emerge again beginning in May 2019 of targeted killings of Southern Movement members opposed to the Southern

[346] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90; see Art. 8 2.(c)(i) and (ii) Rome Statute.

[347] Art. 7 ICCPR; Art. 3 common to the Geneva Convention, Art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 93.

[348] Art. 8 2.(e)(vi) Rome Statute.

Transitional Council and United Arab Emirates. The Group had not completed investigations into the latest re-emergence of targeted killings by the time of writing.

255. The Group of Experts investigated a sample of 10 individual cases of alleged assassination or attempted assassination, including one case in 2015, two in 2017, six in 2018 and one in 2019, focusing on the series of assassinations of religious leaders. The cases targeting religious leaders consisted of one case in 2015, two in 2017, and seven in 2018.[349]

(a) Summary of evidence

256. In the period from the end of the fighting in Aden in August 2015 until mid-2016, the security situation in Aden was unstable. AQAP and the Islamic State were reported to still be active. The 46 reported assassinations between 6 December 2015 and 9 February 2017 included a series of eight assassinations of notable religious leaders over eight months between 4 January 2016 and 15 August 2016. The first reported assassination was that of the then Governor of Aden, Ja'afar Sa'ad, in December 2015. The Islamic State publicly claimed responsibility for Sa'ad's assassination, however the perpetrators were never identified. Ja'afar Sa'ad was replaced as governor by Aidarous al-Zubaidi, who had already been selected for the post prior to Ja'afar's killing.[350]

257. From the end of 2015 the Security Belt and the United Arab Emirates started to exert greater security control in Aden after they had substantially reduced AQAP and Islamic State influence.[351] This coincided with the establishment of the Southern Transitional Council, which immediately started to openly challenge government authority.

258. Public statements by Shallal Ali Shaye and Hani Bin Breik clarified their positions. In November 2016, Shallal Ali Shaye made a televised broadcast threatening to end al-Islah's presence in Aden.[352] On 10 December 2016, Hani Bin Breik posted a message on his official Twitter account encouraging the *"cleansing of mosques from criminal thinking"* and stating, *"a strict firm stance must take place."*[353]

259. On 1 February 2017, Aidarous al-Zubaidi, Hani Bin Breik, and Shallal Ali Shaye broadcast a joint video stating that al-Islah were dangerous 'outsiders' who have done a disservice to religion and "*deserve no mercy."* [354] On 6 May 2017, Security Belt forces burnt down the al-Islah headquarters in Aden. [355] On 7 July 2017 Aidarous al-Zubaidi reportedly made a public speech in which he announced the banning of the 'Muslim Brotherhood' along with other "terrorist organisations" from southern governorates, and stated, *"we will take the necessary steps towards achieving this."*[356] On 12 or 13 October 2017, Security Belt forces raided the al-Islah headquarters in Aden, which they continued to occupy at the time of writing.[357] On 13 October 2017 Shallal Ali Shaye made a televised

[349] The Group conducted 48 interviews including 33 with victims and witnesses; examined eight secondary sources; interviewed three witnesses who were former Security Belt or Resistance members whom the United Arab Emirates attempted to coerce into conducting assassinations for them; and interviewed five victims and witnesses of threats to kill from the relevant parties. The Group examined 78 separate items of scene, photographic and documentary evidence, as well as open source material, reports, and video, audio and written material including video recordings of relevant public statements and other written public statements made by the Southern Transitional Council and Security Belt leadership. The Group also received evidence of a number of attempted assassinations and threats.

[350] Confidential Sources on File.

[351] Confidential Sources on File.

[352] Comprehensive Report on File

[353] Confidential Sources on File. Comprehensive Report on File.

[354] Comprehensive Report on File.

[355] Confidential Sources on File.

[356] Comprehensive Report on File.

[357] Confidential Sources on File.

broadcast about the raid stating that *"the time had come"* for al-Islah, that no headquarters would be spared, and that they would pursue al-Islah relentlessly.[358]

260. Between 10 October 2017 and 23 October 2018, a dramatic escalation in assassinations of religious leaders and al-Islah influencers occurred. This escalated significantly in September and October 2018 before stopping abruptly. In total, out of 35 victims, 20 were religious leaders or influential persons affiliated to al-Islah. On 18 October 2017, Fahad al-Yunisi, the imam singled-out by Hani Bin Breik, was killed. Reportedly, the Security Department in Aden issued a statement on 19 October 2017 denying Hani Bin Breik's involvement, but stating that he met al-Yunisi in the days prior to his killing and asked him to leave the al-Islah-supported charitable association, which he refused to do.[359]

(b) Analysis

261. There are common factors that underpin these 20 cases involving religious leaders, together with the eight previous cases in 2016, the killing of an atheist leader in 2017, and nine of the 10 cases investigated by the Group. Firstly, all of these victims were key influencers in their community, able to motivate people and dictate public opinion. Secondly, they were openly critical of or not in agreement with the United Arab Emirates, Southern Transitional Council and/or Security Belt, and were well-known as such through their affiliations or through public statements prior to their death.

262. Eight of the 10 cases investigated by the Group were religious leaders or influential persons affiliated to al-Islah. Three of these victims were linked through their positions at mosques, and educational, charitable or religious institutions.[360] Five were linked to other reported victims of assassinations in the same way, including successors of the institutions they led. In the case of an atheist leader, his associates were later targeted as well.[361] There are reports of other similar linked cases, such as those of al-Islah Imam and schoolteacher Shawki Mohammed Moqbel al-Kamadi, and Imam and journalist Safwan Sharjabi in May 2018.[362] Notably, in three cases investigated, imams who were eliminated were replaced by imams who were not critical of the United Arab Emirates, Southern Transitional Council or Security Belt.[363]

263. Of the 28 reported assassinations of religious leaders, 16 were killed in the al-Mansoura district of Aden. All of these victims were known as Salafis, or members or supporters of al-Islah. The majority of the 28 were killed in shootings by perpetrators using vehicles. The perpetrators concealed their identity and in some instances used silenced weapons. All 28 reported cases and all 10 of the cases investigated occurred in territory controlled by Security Belt. In five of the 10 investigated cases, individual perpetrators were identified by witnesses as part of Security Belt or United Arab Emirates forces.[364] In four others, the assassination partially or fully occurred in the vicinity of or within the line of sight of Security Belt posts.[365]

264. On three occasions during 2017-2018, United Arab Emirates officers approached detainees in the al-Bureiqa coalition base facility who were former Security Belt or Resistance fighters and asked them to become assassins. When they refused to do so United Arab Emirates personnel attempted to coerce them with prolonged detention and torture, including sexual violence.[366]

[358] Comprehensive Report on File.
[359] Comprehensive Report on File.
[360] Confidential Sources on File.
[361] Confidential Sources on File.
[362] Confidential Sources on File. Also see https://www.washingtonpost.com/world/middle_east/who-is-killing-yemens-clerics-mystery-murders-are-sending-a-chill-through-the-mosques/2018/08/27/10b7da3c-ce0f-49e2-ad8e-d4adf05ef885_story.html?noredirect=on
[363] Confidential Sources on File.
[364] Confidential Sources on File.
[365] Confidential Sources on File.
[366] Confidential Sources on File.

265. The cessation in assassination of religious leaders on 23 October 2018 and the marked decrease in assassinations in Aden from then until May 2019 coincides with the United Arab Emirates, Southern Transitional Council and Security Belt achieving increasing control in the South. However, between 1 and 28 May 2019 three Southern Movement members who opposed the Southern Transitional Council were reportedly killed in three separate assassinations in Aden. Southern Movement members have also received threats and been detained at least until June 2019 for expressing anti-Southern Transitional Council or anti-United Arab Emirates sentiments.[367]

266. In a televised broadcast on September 2018 and public statements in November 2018, Hani Bin Breik stated that members of al-Islah who had been assassinated were killed by other al-Islah members after they began supporting southern secessionism.[368] In December 2018, Hani Bin Breik stated during an interview with a journalist that the United Arab Emirates were supporting a 'fight' against al-Islah.[369]

267. On 4 December 2018, around the height of the assassinations, an open source video was published naming 10 perpetrators who were part of an assassination cell within the Security Belt, in particular the Anti-Terrorism Unit. The author of this video was reportedly killed. In 2019, government authorities arrested three of these individuals on suspicion of a series of assassinations including at least one of the cases investigated by the Group. The officials investigating and prosecuting these cases were subjected to intimidation and threats from United Arab Emirates and Security Belt forces. In February 2019 these three individuals were formally charged pending trial.[370]

268. On 17 July 2019, coinciding with the announcement by the United Arab Emirates of the withdrawal of some of its forces from Yemen, the Public Prosecutor reportedly released unverified documents detailing the charges against the three accused. These documents stated that Hani Bin Breik had ordered and aided these three to kill up to 26 religious leaders since 2016, with the suspected involvement of a UAE commander.[371]

269. The following are four emblematic cases of assassinations or assassination attempts investigated by the Group. The details of the additional six investigated cases are not published due to protection concerns. The Group's conclusions in these cases are based on the totality of the evidence in all of these cases taken together with the above evidence and observations.

Example Case 1: Attempted Assassination of MP Ansaf Ali Mayo

270. On 29 October 2015 at 22:00 hrs at the Aden al-Islah office, Craiter, United Arab Emirates forces, including foreign mercenaries attempted to kill al-Islah Member of Parliament Ansaf Ali Mayo by detonating explosives at the front of the building. Ansaf was not present at the time. Twenty-five civilians, including 10 journalists working for international media, and al-Islah staff, some of whom were residing at the property, were present. Though there is no evidence that the blast caused any civilian casualties, a number of civilians were also shot and injured during this attack.[372]

271. Ansaf is the Member of Parliament for Craiter district, the head of the al-Islah parliamentary party and a prominent figure in the Arab Parliament. The location was previously the headquarters of al-Islah's media department and became the Aden al-Islah headquarters, as well as a safe haven for independent journalists, including those fleeing the Houthis. The site was purely a civilian office, and publicly known as such, and the lone civilian security guard was deliberately and routinely unarmed.[373] Following Ja'afar Sa'ad's

[367] Confidential Sources on File.
[368] Comprehensive Report on File.
[369] Comprehensive Report on File.
[370] Confidential Sources on File.
[371] https://twitter.com/saleh_binali/status/1150776072499290113/photo/1; https://almasdaronline.com/articles/169695.
[372] Confidential Sources on File.
[373] Confidential Sources on File.

assassination, Ansaf became the next most influential political figure. [374] Prior to the incident in December 2015 members of the Southern Movement and Salafis threatened to break into the office on 31st December 2015.[375]

272. The location was under the control of Security Belt. It is surrounded by three permanent checkpoints, between 50 and 400 meters away. The United Arab Emirates forces and mercenaries accessed the area via a Security Belt checkpoint 300 meters away, and left the area via another checkpoint 150 meters away. In subsequent attacks, Security Belt forces occupied the building and since October 2017 it has been a Security Belt post.[376] The mercenaries were appointed, paid, equipped, and provided with intelligence by United Arab Emirates personnel, and then tasked to kill a number of targets from al-Islah for the United Arab Emirates.[377] They were given United Arab Emirates ranks and uniforms, and were part of the command structure of the United Arab Emirates answering to the United Arab Emirates Ministry of Defence. United Arab Emirates forces escorted them to provide them with access to areas in Aden area during their operations.[378]

Example Case 2: Assassination of Imam Fahad al-Yunisi

273. On 18 October 2017 at 04:45 hrs at al-Mansoura Block 23, Aden, a shooter killed Imam Fahad al-Yunisi by shooting him once in the head.[379] The area surrounding the scene of the assassination is controlled by Security Belt, with a Security Belt post 100-150 meters away.[380] Al-Yunisi was the Imam and speaker of al-Sahabah Mosque in al-Mansoura. He was the Principal of al-Bounyan Schools. He was part of the charitable Yemeni Hikmah Association with other Imams and involved in charity work. He was perceived as close to al-Islah, but not a member. At the time of his assassination he was about to be appointed as a leader in the Ministry of Religious Endowment in the Government of Yemen. Al-Yunisi addressed political and social issues, denounced corruption and talked about the poor economic situation.[381]

274. At the end of 2016, a group of Southern Movement supporters accused Fahad al-Yunisi of being with al-Islah and conducted demonstrations. Shallal Ali Shaye publicly stated al-Yunisi had been under surveillance from security forces but they had not found any evidence of wrongdoing yet.[382] In December 2016 Hani Bin Breik publicly posted al-Yunisi's full name and address online saying that a terrorist lived at that location, and reportedly met him in the days before his death, asking him to leave the al-Hikmah Association charity, which al-Yunisi refused to do.[383] In October 2017, prior to his death, al-Yunisi made a series of social media posts challenging the authorities and calling for educational sessions at mosques to provide a refuge to people from discussing political issues.[384]

275. Al-Bounyan Schools is funded by the al-Hikmah Association, and was renowned as having a socially engaged education delivered by al-Yunisi and other imams, including his deputy Ramzi al-Zughair, who was assassinated one year later in the vicinity of where al-Yunisi was killed. In October 2017, two weeks after al-Yunisi's assassination, Imam Adel al-Shiri, another leader in al-Bounyan Schools and the al-Hikmah Association, was reportedly assassinated. One month later, the replacement Imam for al-Sahabah mosque,

[374] Confidential Sources on File.
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[381] Confidential Sources on File.
[382] Confidential Sources on File.
[383] Confidential Sources on File.
[384] Confidential Sources on File.

Abdulrahman al-Amrani, was assassinated close to where al-Yunisi was killed.[385] In January 2018, Imam Aref al-Subaihi, a friend of al-Yunisi who was a member of the al-Hikmah Association and a Government-supporting preacher was assassinated, again close to where al-Yunisi was killed.[386] In October 2017, Security Belt arbitrarily detained a member of al-Sahabah mosque for unspecified reasons.[387] Al-Yunisi was replaced at the mosque and his position in the Ministry of Religious Endowment was given to someone who is pro-Southern Transitional Council.[388]

Example Case 3: Assassination of Ramzi Mohammed al-Zughair

276. On 23 September 2018 at 12:30 hrs outside al-Bounyan Schools, al-Mansoura, six members of the Security Belt forces killed Ramzi Mohammed al-Zughair by shooting him 18 times throughout his body with AK-47 rifles. They also shot one other bystander. They then departed in a Toyota pick-up truck.[389] Al-Zughair was the Principal of al-Bounyan Schools, replacing Fahad al-Yunisi after his death.[390] Although he wasn't a member of al-Islah, he was a supporter and was publicly pro-Government. He had openly criticised the Southern Transitional Council and the United Arab Emirates in Aden, stating that he believed them to be perpetrating killings, misbehaviour and corruption. He was popular with the local community, was a member of the al-Hikmah Association, and conducted charity work with people in need. He was renowned for delivering socially aware education at al-Bounyan Schools.[391]

277. In September 2018, up until three days prior to his assassination, al-Zughair had received threats to kill him from unknown people who said they were Southern Transitional Council supporters and accused him of being with al-Islah. There was reliable information to suggest that he was under surveillance.[392]

278. A Security Belt presence surrounds the scene of this assassination. A major Security Belt checkpoint is 400 meters south at the junction with highway 90 and the Sea Line Road. A Security Belt post is 900 meters to the north at al-Mansoura prison. There is another Security Belt checkpoint 1.7km east between highway 90 and highway 19.[393] Since the assassination, multiple religious leaders linked to al-Zughair have received threats and have fled Aden.

Example Case 4: Assassination of Ra'fat Danbagh

279. On 2 March 2019 at 00:00 hrs at al-Kaba Square, Mualla, 12 Security Belt fighters killed Ra'fat Danbagh by shooting him multiple times in the body and head. Danbagh died of his wounds in hospital the next day.[394]

280. Ra'fat Danbagh was an associate of security forces working out of Mualla Police Station. In May 2018, Danbagh identified Security Belt members as perpetrators in a rape case. He confronted the perpetrators in a violent altercation in which one of them was shot and injured. Danbagh went into hiding for fear of reprisal and was wanted for his part in these altercations.[395] At the end of 2018, Danbagh received a written death threat from a member of the Security Belt who was related to one of the alleged rape perpetrators.[396] The

[385] Confidential Sources on File. Also see https://sanaacenter.org/publications/the-yemen-review/6620; https://apnews.com/cb514ded6f284e81b3776575db3ebcd2; https://www.middleeastmonitor.com/20171028-yemeni-salafist-imam-killed-in-aden/.
[386] Confidential Sources on File.
[387] Confidential Sources on File.
[388] Confidential Sources on File.
[389] Confidential Sources on File.
[390] See Example Case 2 below.
[391] Confidential Sources on File.
[392] Confidential Sources on File.
[393] Confidential Sources on File.
[394] Confidential Sources on File.
[395] Confidential Sources on File.
[396] Confidential Sources on File.

Group of Experts received reports that Security Belt members tortured four witnesses to the assassination.[397]

281. In response to Ra'fat's assassination, popular protests took place in Mualla, in which protesters died during clashes, resulting in the Ministry of the Interior forming an investigation commission. The commission heard evidence from a number of witnesses, but at the time of writing, no perpetrators had been arrested or charged.[398]

(c) Violations

282. Arbitrary deprivation of life is strictly forbidden under international human rights law.[399] When an unlawful killing is carried out by representatives of the governmental authorities, such as law enforcement officials, it amounts to an extrajudicial execution. Under international humanitarian law, when – within the context of an armed conflict – a party to the conflict intentionally kills a protected civilian, it amounts to wilful killing or, in a non-international conflict, to murder.[400] Murder is a serious violation of international humanitarian law, hence a war crime that may lead to individual criminal responsibility.[401]

283. In the 10 cases investigated, the Group of Experts has reasonable grounds to believe that the killings were undertaken deliberately and in furtherance of objectives of armed groups who are parties to the conflict. Security Belt forces have law enforcement responsibilities as part of the Government of Yemen.

284. The Group of Experts found reasonable grounds to believe that United Arab Emirates and affiliated Security Belt forces are responsible for the 10 assassinations it investigated, which amount to the human rights law violation of arbitrary deprivation of life. In the cases where the Security Belt forces have been identified as the perpetrators, in their capacity as law enforcement officials, these killings amount to extrajudicial executions. As they are linked to the armed conflict and perpetrated by parties to the conflict, these unlawful killings also amount to murder under international humanitarian law. This may lead to individual criminal responsibility for the war crime of murder for those responsible for the commission, ordering, aiding, abetting or otherwise assisting in or contributing to the commission of the killings, as well as for any individual with command responsibility. The Government of Yemen is also obliged to respect, protect and fulfil the human rights of the population in its territory, and hence to take positive actions to protect the right to life. The Group of Experts further notes that its findings in the 10 cases investigated as a sample of 90 reported assassinations raise serious concerns with respect to the responsibility for the other reported cases.

4. Restrictions on Freedom of Expression

285. In addition to the detention and killings detailed above, the United Arab Emirates and Security Belt forces have committed other violations targeted at dissenting opinions, apparently in order to consolidate their authority in the South, at the expense of the Government, al-Islah and other opposition. In its 2018 report, the Group of Experts found that from 2017 to May 2018 there were a series of detentions, threats, assaults and obstructions of journalists, human rights activists and newspapers who had been critical of the United Arab Emirates, Southern Transitional Council or Security Belt, or were perceived as being pro-al-Islah. This included targeting of women activists and demonstrators. [402]

286. From 2016 to early 2018, around the time of Qatar's departure from the coalition in 2017, Security Belt forces threatened and conducted surveillance on staff from the Qatari

[397] Confidential Sources on File.
[398] Confidential Sources on File. Also see https://almasdaronline.com/articles/165069
[399] Art. 6(1) ICCPR.
[400] Art. 3 common to the Geneva Conventions, Art. 4(2)(a) Additional Protocol II; See ICRC Study on customary IHL, rule 89.
[401] Art. 8 2.(c)(i) Rome Statute.
[402] Confidential Sources on File. See also summary in A/HRC/39/43.

Al-Jazeera international news agency. In early 2018, the United Arab Emirates reportedly forced the Government to deny Al-Jazeera permission to work in Yemen.[403] In addition, during 2018 and continuing into 2019, United Arab Emirates and Security Belt forces have used threats and intimidation to prevent other journalists in Aden, many of whom were critical of United Arab Emirates and Security Belt detention practices, from covering the fighting in al-Hudaydah by restricting the journalists' access in areas under their control.[404]

287. Between May 2018 and June 2019, seven separate activists and journalists who documented and publicised United Arab Emirates detention violations, or who publicly criticised the United Arab Emirates and Southern Transitional Council, were arbitrarily detained and in some cases tortured.[405] On 10 June 2019, Salem Awad al-Rubeizi, a member of the Southern Movement political department, was detained by the Shabwah Elite in Ataq. The night before he had publicly posted a cartoon image of Sheikh Mohammed Bin Zayed, next to an image of the Southern Transitional Council leadership, annotated with *"We are your slaves".* Al-Rubeizi was taken to Belhaf coalition Base where he remained disappeared as of the time of writing, and reportedly may have been tortured and seriously harmed.[406]

288. The result of the above has been a marked 'chilling effect' during 2018 and through June 2019.[407] The majority of independent journalists have left Aden and southern areas to move abroad, and those remaining have tended to self-censor, refraining from criticising the Southern Transitional Council, United Arab Emirates and Security Belt for fear of reprisal.[408] Al-Islah leaders have left Yemen to avoid being killed, and as noted above, imams have been replaced by those more compliant to the Southern Transitional Council.[409] The Southern Transitional Council has filled this gap by developing its own media presence.[410] Alleged further violations of freedom of expression continued to be documented until June 2019 for which the Group's investigations were not completed by the time of writing.

289. The Group of Experts has reasonable grounds to believe that freedom of expression has been restricted by the authorities in control of Aden, in violation of their human rights obligations. Freedom of expression may legally be restricted, but only as provided by the law and as necessary for the protection of the rights and freedoms of others, as well as for the protection of national security, public safety, order, health or morals.[411] These conditions do not appear to have been fulfilled in the cases examined by the Group of Experts.

5. Conflict related sexual violence

> ***"****At 0200 in the morning I was asleep when the soldiers broke in. They hit me hard in the head with the butt of their rifle. I fell down half-conscious and blood was streaming across my eyes. They pulled up my Abaya and started raping me. I started screaming for help, which made one of them start raping me in the mouth. After they finished they got startled and I escape naked down the street."*
>
> **Woman survivor of rape[412]**

Sexual Violence by United Arab Emirates-backed Security Belt Forces

[403] Confidential Sources on File.
[404] Confidential Sources on File.
[405] Confidential Sources on File.
[406] Confidential Sources on File.
[407] Confidential Sources on File.
[408] Confidential Sources on File.
[409] Confidential Sources on File.
[410] Confidential Sources on File. See also www.stcaden.com.
[411] International Covenant on Civil and Political Rights, arts. 19; see also Human Rights Committee general comment No. 34, paras. 21–36.
[412] Confidential Sources on File.

290. In its 2018 report, the Group of Experts found reasonable grounds to believe that Security Belt forces had committed sexual violence including rape against African migrants and refugees in two areas in Aden: the al-Bureiqa migrant detention facility and the Basateen neighbourhood.

291. After May 2018, the al-Bureiqa migrant detention facility was closed down. The Ministry of Interior and Security Belt forces threatened to detain migrants in new facilities in the future, and did not make any apparent efforts to rectify the issues that led to past violations. [413] There was no reported action until 21 April 2019, when Security Belt forces, on the pretext of national security, restarted the detention of Ethiopian and Eritrean migrants. Between this date and 21 April and 30 May 2019, an estimated 5,000 individuals from Eritrea and Ethiopia were detained in dire conditions in sports stadiums under the control of Security Belt forces. These included men, women, girls and boys.[414] The Group is concerned that if there has been a failure to take any corrective measures for the issues documented at the previous facility for migrants, similar concerns would arise for migrants at the new facility. Investigations into this issue were not completed by the time of finalization of this report.

292. In 2018-2019, the Group of Experts verified two further cases of rape of a woman and of a boy in other areas of Aden. Reliable reports in 2019 suggested that sexual violence from Security Belt forces against the community in Basateen, Mualla, and elsewhere in Aden continued.[415] Additionally, Security Belt forces continued to threaten to kill and coerce survivors into not reporting.[416] [417] [418] In total, between 2016 and 2019, Security Belt forces raped at least 18 women, four boys as young as 12-years-old, and one girl, attempted to rape one women and one girl, and kidnapped six women.

293. Reliable sources, including people engaged in working with communities in Aden, as well as individual victims and witnesses, described the ongoing and pervasive aggressive behaviour of Security Belt forces against the population of Basateen neighbourhood and elsewhere in Aden. All noted the impunity with which these forces operate in the area, as well as the omnipresent fear of them amongst residents.

294. Practices described included Security Belt forces entering homes in the middle of the night or picking women up off the street to rape them. This included gang rape, the use of weapons to subdue or rape survivors, and extreme violence such as biting and cutting with knives. Another common practice was kidnapping and raping women, or threatening to, as a way to extort money in the form of hostage taking. In the words of one witness: "*the authorities are selling women from our community"*.[419]

(a) Sexual Violence by the 35th Armoured Brigade forces

295. The Group investigated allegations of sexual violence by members of the Yemeni armed forces 35th Armoured Brigade in al-Shamaytayn, Ta'izz governorate. This rural district is bordered by Lahij governorate, with a significant population of displaced persons and "Muhamasheen".[420] The 35th Armoured Brigade controls al-Shamaytayn from a base in the largest town, al-Turbah, and from their headquarters in al-Mokha. The 35th Armoured Brigade was formed from local Resistance forces after the Houthi withdrawal from the area in 2015 and contains forces with a mix of affiliations but who report to the Government.[421]

[413] Confidential Sources on File.
[414] Confidential Sources on File. Health of Migrants Held by SLC at Risk (9/5/19) https://www.middleeastmonitor.com/20190509-iom-health-of-migrants-held-by-saudi-coalition-in-yemen-at-risk MEM.
[415] Confidential Sources on File.
[416] Confidential Sources on File.
[417] Confidential Sources on File.
[418] Confidential Sources on File.
[419] Husband and brother of survivors of rape.
[420] Confidential Sources on File.
[421] Confidential Sources on File.

296. Between June 2017 and 2019, members of the 35th Armoured Brigade raped at least one woman, two boys, attempted to rape one girl, and sexually assaulted a man and a boy. Forces kidnapped victims and subjected them to serious violence, rape and other forms of sexual violence. These cases involved multiple armed perpetrators, and the use of military vehicles. Six of the seven cases were perpetrated in the context of soldiers conducting their purported duties.

297. Methods used included gang rape, perpetrating the abuse in front of family members, the use of weapons and objects, prolonged torture and extreme violence and injuries. Sexual violence was used as a means to humiliate and subjugate members of the wider Muhamasheen community, not just the survivors themselves. The violence had a profound emotional impact on the wider community, who are already victims of endemic discrimination.[422]

> *"For more than a month [name withheld] could neither sit nor walk. He cried every day and was constantly anxious. He stopped eating which effected his kidneys. My child lost his innocence and had his childhood taken by criminals being protected by the military leadership."*
>
> **A mother of a survivor of rape[423]**

(b) Violations

298. Rape and other forms of sexual violence are prohibited by international human rights law and international humanitarian law.[424] This may lead to individual criminal responsibility for the war crime of rape and other forms of sexual violence, as well as torture, and outrages upon personal dignity.[425] The taking of hostages is also prohibited by both bodies of law[426] and is a war crime, also in non-international armed conflict.[427]

299. The Group of Experts has reasonable grounds to believe that members of the 35th Armoured Brigade and Security Belt forces committed rape and other forms of sexual violence, for which individuals may be held responsible for the war crimes of rape, and other forms of sexual violence, as well as torture, and outrages upon personal dignity. In addition, they may also be held responsible for the war crime of hostage-taking. The Government of Yemen and United Arab Emirates, insofar as they are in control of forces and/or facilities, are also obliged to respect, protect and fulfil the human rights of the population, and hence to take positive actions to protect the population from sexual violence, and other acts infringing their right to liberty and security of person.

C. Ta'izz, the continual frontline

1. Context

300. The city of Ta'izz, capital of Ta'izz governorate, is Yemen's third largest city by population. Once known as the country's cultural capital, Ta'izz was the birthplace of the 2011 protests that led to the end of the rule of President Ali Abdullah Saleh. Nestled among the mountains, it is located on the main road between Sana'a to the north, Aden to the east, and al-Hudaydah to the west. With its political and historical significance, and its strategic location that connects the northern and southern parts of the country and overlooks the Bab al-Mandab Strait, the governorate sits at the heart of the conflict, representing the longest-

[422] Confidential Sources on File.
[423] Confidential Sources on File.
[424] Art. 7 ICCPR; Art. 3 common to the Geneva Conventions, Art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 93.
[425] Art. 8 2.(e)(vi) Rome Statute.
[426] See ICRC Study on customary IHL, rule 96.
[427] Art. 9(1) ICCPR; Art. 3 common to the Geneva Conventions, Art. 4(2)(c) Additional Protocol II, Art. 8 2.(c)(iii) Rome Statute.

running frontline[428] with its population subjected to over four years of fighting, varying degrees of impediments on the delivery of humanitarian supplies, and restrictions on movement. After the launch of "Operation Golden Spear" and the rapid advance in early 2017 by the Yemeni armed forces and affiliated armed groups, the government and affiliated forces consolidated positions on the western side of the governorate while the Houthis maintained control of northern and eastern areas, particularly the area of al-Hawban, east of Ta'izz. Despite Ta'izz being the object of a statement of understanding[429] between the parties to the conflict under the December 2018 Stockholm Agreement, little progress has been made to date to implement it, and Ta'izz continued to be a pawn for negotiation between the various parties in 2019. Dynamics within the city have been further complicated by the presence of various armed groups fighting alongside the Yemeni armed forces. The jostling for power among military and political actors who were united only in their fight against the Houthis, has led to armed confrontations between these various groups inside the city. In 2018-2019, Ta'izz witnessed violent confrontations between al-Islah-affiliated groups and the main Salafist group inside the city.

301. The Group of Experts examined the situation in Ta'izz over two periods of time considered emblematic of the varying conflict dynamics in the governorate. First, the Group examined violations relating to the conflict in Ta'izz during its first year in 2015-2016, known as the "Battle of Ta'izz", which followed the Houthi-Saleh takeover of the city in March 2015 and the ensuing hostilities between Houthi-Saleh fighters and the Resistance.[430] This period was marked by the siege-like situation created by the Houthi-Saleh fighters who cut off the main supply roads to the city after being pushed to its outskirts. Next, the Group examined violations taking place in 2018 and 2019 during the ongoing fight for the control of Ta'izz. While the "siege" continued to impact the city, this period was also marked by clashes that occurred between different armed groups affiliated with the Yemeni armed forces. The Group of Experts identified patterns of conduct that demonstrate the scale and scope of violations taking place and that present grave concerns for the risk of continued violations being committed, as these patterns show no signs of abating. This section is not exhaustive of all patterns or incidents of violations.

2. The Battle of Ta'izz (2015-2016)

302. On 22 March 2015, the Houthis, supported by armed groups loyal to former President Ali Abdallah Saleh whose role was instrumental in seizing Ta'izz, entered the governorate during their southern advance from Sana'a to Aden and seized the international airport of Ta'izz and other key locations. The Houthi-Saleh fighters soon set up military camps inside the city, leading to increasing local protests and the forming, in April, of the Resistance, which joined forces with citizens from Ta'izz and military brigades that remained loyal to President Hadi (battalions from the 22 and 35 Ta'izz brigades after the brigades split between the two parties).

303. Between March and July 2015, heavy fighting took place in Ta'izz city and surrounding districts between Houthi-Saleh fighters and those aligned with the Yemeni armed forces. This included apparently indiscriminate use of indirect-fire weapons such as mortars and artillery impacting civilians and civilian objects, and sniper-fire impacting or directed at civilians as hostilities took the shape of urban, street-by-street, fighting. Coalition forces provided support to the Resistance in Ta'izz through airstrikes on purported Houthi-Saleh positions and the airdrops of weapons and ammunition to the Resistance inside the city. In early July 2015, forces including Salafist groups from Aden reinforced the Resistance inside Ta'izz, pushing the Houthi-Saleh fighters out of the city.

[428] https://www.acleddata.com/2018/12/07/yemens-urban-battlegrounds-violence-and-politics-in-sanaa-aden-taizz-and-hodeidah/

[429] Statement of Understanding on Ta'izz, available at https://osesgy.unmissions.org/sites/default/files/taiz_agreement_0.pdf

[430] The "Popular Resistance" in Ta'izz (referred to herein as simply the "Resistance") formed in April 2015, at the same time as Resistance groups were forming in other parts of the country. In Ta'izz, at its creation, the Resistance was compromised of fighters affiliated to al-Islah party, Salafists (Abu al Abbas battalion), as well as ordinary citizens from the city.

304. The siege of Ta'izz city began around August 2015. After Yemeni armed forces and affiliated armed groups gained control of parts of the city, Houthi-Saleh fighters responded by taking control of the two main roads, to the west and the east, into and out of the city, creating an effective blockade that lasted until March 2016. Air strikes by the coalition forces hit the city and its outskirts for the first month of the conflict on a daily basis and regular airstrikes continued throughout the remainder of the year. Across the governorate, between March and December 2015 687 air raids were reported by the Yemen Data Project.

305. In October 2015, shelling of civilian areas inside the city intensified, resulting in large numbers of civilian casualties and an increased frequency of attacks that carried on through November and December with devastating effect. Detention by the de facto authorities, particularly of individuals perceived to support the Resistance, included the abduction of men from Houthi-controlled areas or at checkpoints. Houthi-Saleh snipers shot dead several civilians in November 2015 in Ta'izz city.[431] Those living close to the frontlines were worst affected by snipers atop buildings, some of whom appeared to target civilians, including those seeking food or safety. By the end of 2015, the main front was located in Saleh district in the east of the city where the Houthis "held a promontory overlooking the commercial heart of the city."[432] In March 2016, the Yemeni armed forces established control of a third entry point into Ta'izz city, to the south, breaking the "siege".

306. The parties to the conflict agreed upon a ceasefire in Ta'izz on 11 April 2016, but both sides violated it. A renewed truce on 17 April 2016 lasted a day before the fighting resumed. Clashes continued through the following months, resulting in scores of civilian casualties amidst heavy shelling and ground fighting. By the end of the year, positions inside the city had become entrenched and the frontlines remained static to some extent.

(a) Violations during the Battle of Ta'izz

> *"I was sitting and watching the boys playing volleyball in the quarter and suddenly a missile hit the playground and hit them all."*[433]
> ***36-year-old man from Kawthar neighbourhood, Ta'izz city, who was injured in a mortar attack on 27 January 2016***

307. Since the beginning of the conflict, and especially during the first year, the city of Ta'izz, its surrounding environs, and inhabitants were subject to heavy fighting between the parties to the conflict, all of which positioned themselves in residential areas. Ground attacks involved the use of indirect-fire weapons such as mortars, artillery and rockets, as well as the use of tanks and anti-aircraft guns to hit ground targets. Densely populated residential areas of the city encompassing the districts of al-Qahirah, Saleh, and al-Mudhaffar bore the brunt of this, evidenced by the progressive scale of destruction that is distinctly visible on satellite imagery. Many neighbourhoods, particularly those situated at the edges of the city, became frontlines for the urban warfare that included street-to-street battles. The Group of Experts examined a sample of shelling incidents that occurred during the first year of the conflict;[434] in the majority of these attacks, Houthi-Saleh fighters were reportedly responsible, especially following their positioning to higher, strategic grounds on the outskirts of the city in the summer of 2015, after the Resistance pushed them out of the city. Many of the attacks appeared indiscriminate in nature and reportedly resulted in civilian casualties, including some that involved the death and injury of large numbers of civilian men and children. They often occurred when people were going about their daily lives, including adults shopping and children playing. Houthi snipers also took up positions and shot at civilians recklessly or intentionally, creating fear among those communities living close to the frontlines, as well as for journalists reporting on the conflict from the

[431] United Nations, Letter dated 22 January 2016 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council 26 January 2016, Annex 49, p. 142, S/2016/73.
[432] Ibid, para 68.
[433] Confidential Sources on File.
[434] Confidential Sources on File.

frontlines. Shelling also caused destruction and damage to homes, shops, schools, government buildings[435] and other civilian objects, including hospitals.In many instances, such attacks disrupted the provision of crucial services to the population.[436] Below are the details of incidents considered emblematic of this situation investigated by the Group of Experts that occurred during the first year of the conflict in Ta'izz.

Houthi shelling and snipers

Rocket Attacks on Ta'izz city, 21 October 2015

308. In Ta'izz city on 21 October 2015, at least 11 civilians were killed (including two children and a woman) and 29 more were injured (including four children and a woman) when Houthi-Saleh fighters fired 10-15 rockets into residential and commercial areas, including the central market at approximately 16:30 hrs. A journalist described having heard consecutive explosions near his home and that he visited the locations where the rockets fell, including 26 September street[437] and Tahrir street.[438] One witness described how he went to the roof of his house, located in al-Mesbah neighbourhood, after hearing the explosions and saw the impact of rockets on the central market and 26 September Street, which were crowded with residents. The street contains many shops, including a store, selling baby clothes and other items, that was directly hit.[439] One rocket also landed nearly a kilometre away from the Hayel School for Girls, which was being used as a military base for Abu al-Abbas battalions since the beginning of the conflict in March 2015.[440] Doctors at al-Thawrah hospital received over 50 patients that day and treated injuries to the chest, abdomen and head.[441] Witnesses reported seeing approximately 10-15 rockets, which they believed had been fired from locations including the Sofitel hill and 60th street, both of which were known at the time as Houthi positions.[442] The areas hit during this attack were under the control of the Resistance at the time.

309. Houthi-Saleh fighters were known to possess the type of rockets used in this attack (BM-21), and the positions that they held in the city were well within the range of the locations where these rockets impacted. Moreover, the rockets landed in a part of the city under the control of the Yemeni armed forces and affiliated groups. The Group of Experts therefore found reasonable grounds to believe that Houthi-Saleh fighters caused the death and injury of civilians and destruction of civilian objects in this case through the use of indirect-fire weapons with wide area impact in a civilian populated area.

Mortar Attack on al-Kawthar Neighbourhood, 27 January 2016

310. On 27 January 2016, at approximately 17:30 hrs, a mortar struck al-Huraish street[443] in the Kawthar neighbourhood, in the north of Ta'izz city, killing four people (one man and three boys) and injuring 17 others (12 men and five boys) while they were playing volleyball. A witness said it happened next to his house, which is close to the al-Kawthar mosque, "*the guys were playing volleyball and all of a sudden a shell fell and it was a miserable situation.*"[444] Neighbours had been playing volleyball daily since the start of the war, according to another local resident who witnessed what happened and was injured. Each day the residents came together between 16:00 and 18:00 hrs to play but "*we stopped directly after what happened, we had been playing since the start of the war as we didn't*

[435] Confidential Sources on File.
[436] For example, services were disrupted at hospitals (see humanitarian section), and schools (see child protection section) as a result of shelling.
[437] Located at 13.574276, 44.009821 and 13.573866, 44.013612.
[438] Located at 13.577855, 44.013218.
[439] Confidential Sources on File.
[440] Confidential Sources on File.
[441] Confidential Sources on File.
[442] Confidential Sources on File.
[443] Located at 13.581469, 44.019166 within fifty metres of the impact site.
[444] Confidential Sources on File.

have anything because of the siege on the city."[445] The second witness had been injured in a previous mortar attack on the neighbourhood on 10 August 2015, when he had suffered head injuries.[446]

311. One witness described the neighbourhood as *"crowded, modest, and full of residents."*[447] At the time of the attack, the area was under the control of the Resistance, as was most of the city. Specifically, the Hasm Brigades,[448] who were reportedly in control of this area at the time, were known to be present in the area from time to time.[449] The Resistance were reportedly in control of two buildings, the National Institute for Administrative Sciences and the Central Organization for Control and Accountability, situated approximately half a kilometre away in a north-westerly direction from where the mortar round landed.[450] This attack was allegedly launched from the area of the People's Palace, also known as the Republican Palace, or from 60th street, both of which at the time of the attack were under the control of the Houthi-Saleh fighters.[451] One local resident stated, *"people understand that it has been launched from the Palace of the Peoples in the east where the Houthis were, no one was in the West"*.[452]

312. Houthi-Saleh fighters were known to possess mortars like those used in this attack, and the positions they held in the city were well within the range of the locations where these weapons impacted. Moreover, the mortars landed in a part of the city under the control of the Yemeni armed forces and affiliated groups. The Group of Experts found reasonable grounds to believe that Houthi-Saleh fighters caused the death and injury of civilians and destruction of civilian objects in this case through the use of indirect-fire weapons with wide area impact in a civilian populated area.

Sniper attack killing journalist Ahmed al-Shibani, 16 February 2016

313. For those who are also working near the frontlines, such as journalists and activists, the risks have been immense. The journalist Ahmed al-Shibani was shot dead by a sniper, reportedly a Houthi-Saleh fighter, on 16 February 2016 as he and colleagues were covering events in an area near the plastics factory in al-Hawban, east of the city.[453] The killing was filmed and broadcasted by the Yemen Shabab television channel and shows that a single gunshot was fired, striking al-Shibani while he crossed the street, seconds after three other civilians crossed at the exact same spot.[454] A colleague who was working with him that day said that, while they were not wearing any press vests that day, they were confident that they had been previously identified as journalists as they were carrying a camera, clearly identifiable as such.[455] The Committee for the Protection of Journalists issued a statement about his killing and called on all sides to uphold their responsibility not to target journalists.[456]

314. The Group of Experts found reasonable grounds to believe that a Houthi-Saleh sniper was responsible for this deliberate killing.

Violations

315. International humanitarian law prohibits direct attacks against civilians and attacks may only be directed against those directly participating in hostilities. Intentionally

[445] Confidential Sources on File.
[446] Confidential Sources on File.
[447] Confidential Sources on File.
[448] Under the command of Adnan Rzaiq.
[449] Mwatana, "Chapters from Hell, Violations of the International Human Rights Law the armed ground conflict in Taiz", 6 November 2016, p.50.
[450] Ibid, p. 50.
[451] Confidential Sources on File.
[452] Confidential Sources on File.
[453] Confidential Sources on File.
[454] https://www.youtube.com/watch?v=TMRN95YcGkY (Last Accessed on 17 July 2019).
[455] Confidential Sources on File.
[456] Committee to Protect Journalists, "Yemeni journalist killed in Ta'izz", 17 February 2016.

directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities is a serious violation of humanitarian law and amounts to a war crime, which may lead to individual criminal responsibility.[457] The principle of distinction further prohibits indiscriminate attacks, i.e. attacks that are of such nature to strike military objectives and civilians or civilian objects without distinction.[458] Constituting indiscriminate attacks are for example attacks using a method or means of combat which cannot be directed at a specific military objective.[459] Launching an indiscriminate attack resulting in death or injury to civilians is a war crime.[460]

316. Certain types of explosive weapons with a wide impact area, such as artillery, mortars, and unguided rockets, which use blast and fragmentation to kill and injure are inherently inaccurate when used in populated areas. In 2011, the ICRC stated that "due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas." [461] The use of these types of weapons against military objectives located in populated areas is "likely to fall foul of the IHL rules prohibiting indiscriminate and disproportionate attacks."[462] The principle of distinction is especially relevant in the context of the use of heavy weaponry in densely populated areas, as is the case for the shelling incidents described above. Even though there were identifiable military objectives which may have been the target of the attack, the type of weapon used and the area at which it was launched rendered the attack indiscriminate. The Group of Experts has reasonable grounds to believe that Houthi-Saleh fighters were responsible for attacks into densely populated areas using indirect-fire weapons with wide area impact amounting to indiscriminate attacks. This may lead to criminal responsibility for the war crime of launching an indiscriminate attack resulting in death or injury to civilians.[463] Given the circumstances of the attack, for instance the timing of the attack that hit the central market at a busy hour, the Houthis also violated the obligation to take all feasible precautions to protect civilians and minimize civilian casualties.

317. As regards the killing of the journalist by a sniper on 16 February 2016, the Group of Experts has reasonable grounds to believe that he was deliberately targeted by a Houthi-Saleh sniper. The fact that he was shot after three civilians had already crossed the road and the precision with which he was shot in the head show that the sniper shot him deliberately and that he was not firing indiscriminately. In addition, there was no sign that the journalist was directly participating in hostilities and had therefore lost his protection as a civilian at the time that he was killed. The sniper knew or should have known that the person he targeted was a civilian. This may lead to individual criminal responsibility for the war crime of intentionally directing an attack against a civilian not taking direct part in hostilities.

Alleged shelling by Yemeni armed forces and affiliated groups

318. During the conflict in Ta'izz, Yemeni armed forces and affiliated groups also reportedly fired into inhabited areas controlled by the Houthis using indirect fire weapons with wide area impact.[464] On 9 August 2015, in the afternoon, a mortar round allegedly

[457] Article 8 2.(e) (i) Rome Statute.
[458] See ICRC Study on customary IHL, rules 11-12; see also Article 13 Additional Protocol II.
[459] See ICRC Study on customary IHL, rule 12.
[460] See ICRC Study on customary IHL, rule 156.
[461] ICRC, "International Humanitarian Law and the challenges of contemporary armed conflicts: Report, October 2011", p.42, available at www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-ihl-challenges-report-11-5-1-2-en.pdf.
[462] ICRC, "International humanitarian law and the challenges of contemporary armed conflicts", Document Prepared by the ICRC, Geneva, October 2015, (32IC/15/11) for the 32nd International Conference of the Red Cross and Red Crescent, 8-10 December 2015, Section VII, The use of explosive weapons in populated areas, p.49 and 50.
[463] ICRC Study on customary IHL, rule 156.
[464] Confidential Sources on File.

fired by the Resistance[465] landed in the middle of a street in al-Summel neighbourhood, in al-Saleh district, Ta'izz city, injuring 16 civilians (12 boys, three men, and one woman). According to a witness, *"children were playing in the street when the rocket landed".*[466] Another witness described the impact of the shell: *"I heard a strong shell and the phone dropped out of my hand because of its effect, I heard loud shouting and I ran to see what happened, everyone was shouting shell, shell."*[467] At the time of the attack, the area was under the control of Houthi-Saleh fighters, and [468] Houthi-Saleh fighters were in some of the buildings on his street next to where the children were playing,[469] according to one witness. The Resistance were reported to be around 100 metres away from the street that was hit and occupied a nearby school and library. [470] The area had witnessed violent confrontations between the two sides although that day had been calm according to one witness. Confrontations ceased in the area in early 2018, by which time many local residents had been displaced, leaving Souk al-Summel, a once thriving street full of traders, now completely deserted.[471] Investigations into this incident of alleged shelling did not reach a conclusion as to the responsibility due to the locations of both parties being within the range that could have hit this site and there not being any clear evidence to show which direction the round was fired from.

319. Hostilities continued in the eastern outskirts of the city and the Yemeni armed forces and affiliated groups carried out attacks in residential neighbourhoods in Houthi-controlled areas, causing civilian casualties.[472] The Group of Experts examined a number of these incidents of shelling in Ta'izz city allegedly attributed to Yemeni armed forces and affiliated groups, for which investigations did not reach conclusions as to the responsible party by the time of finalization of this report.

3. The ongoing fight for control of Ta'izz (2018-2019)

320. During 2018 and 2019, dynamics shifted inside the city of Ta'izz, including a surge in conflict amongst the groups affiliated with the Yemeni armed forces. While fighting between the Houthis and Yemeni armed forces-affiliated groups decreased in intensity, relatively speaking, previously observed patterns, including the continuation of related restrictions on freedom of movement, continued to affect civilians. The year 2017 ended with a deadly airstrike on 26 December that struck Mahsees Market in al-Ta'iziyah district, killing at least 36 male civilians (including nine boys), and injuring 46 men.[473] While there were reportedly fewer airstrikes in 2018 and 2019 in comparison with previous years, airstrikes in the governorate continued to result in civilian csualities, highlighting enduring concerns about the coalition targeting processes.[474]

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[465] Mwatana, "Chapters from Hell", p. 33.
[466] Confidential Sources on File.
[467] Confidential Sources on File.
[468] Confidential Sources on File.
[469] Confidential Sources on File.
[470] Confidential Sources on File.
[471] https://www.youtube.com/watch?v=ftTuj3x93mI.
[472] Confidential Sources on File.
[473] A/HRC/39/43, para. 31.
[474] According to the Yemen Data Project, between March and December 2015 there were 697 air raids in Ta'izz governorate. In 2016, there were 728 raids in Ta'izz governorate. In 2017, there were 1,034 raids in the Ta'izz governorate and. In 2018, there were 173 air raids in Ta'izz. In 2019, as of end of July, there were 24 air raids in Ta'izz Governorate. In total, there have been 2,656 air raids in Ta'izz governorate from March 2015 to end of July 2019. The Yemen Data Project is an open-source data collection project which tracks civilian casualties from the armed conflict in Yemen, It describes itself as "an independent data collection project aimed at collecting and disseminating data on the conduct of the war in Yemen, with the purpose of increasing transparency and promoting accountability of the actors involved." It reportedly receives funding from the Open Society Foundations and the Joseph Rowntree Charitable Trust, and relies also on pro bono contributions from volunteers. Its data collection methods are described as follows: "data has been collected through open sources and cross-referenced using a wide range of information. These include local and international news agencies and media reports; social media accounts, including Twitter, Facebook,

321. Despite the decrease in continuous fighting in 2017 and 2018 between the Houthis and the Yemeni armed forces and affiliated groups in comparison with the first two years of the conflict, sporadic fighting and intense shelling at times throughout the period continued to harm civilians and impact civilian objects. In early 2018, apparently indiscriminate shelling was reported in residential areas of Ta'izz city, as well as the districts of al-Maqbanah and al-Wazyiah.[475] Rockets allegedly fired from Houthi positions killed and injured civilians in rural districts of the governorate, in areas free of any active conflict nearby or apparent military objectives. Houthi snipers continued to threaten those living close to the frontlines, who in going about their daily lives, risked being shot. From late May 2019, intense fighting escalated on the edges of the city to the west, north and east with the use of heavy weaponry. Confrontations started late at night and continued through to the morning.[476] As one local resident described it: "*in three days we have been brought back to the beginning of the war*".[477]

322. From June 2018 onwards, Yemeni armed forces and affiliated groups sought to break the siege on the city by attacking the main Houthi supply routes to al-Hudaydah and Ibb governorates. Despite the opening of a route that led to Aden, humanitarian and commercial access remained restricted due to road conditions and control of main roads, despite attempts to mediate ceasefires and open road access to and from Ta'izz.[478]

323. All parties to the conflict carried out arbitrary arrest and detention, and there were reports of numerous cases of enforced disappearances as well as of illegal and secret detention facilities in Ta'izz. Torture and other forms of ill-treatment were reported in detention centres run by the de facto authorities.

324. Intense internal clashes erupted at times during 2018 between different forces fighting alongside the Yemeni armed forces, namely the Abu al-Abbas battalion and al-Islah-affiliated groups (including the 22 Mechanized Brigade). In August 2018, an emergency meeting was held between President Hadi and the Governor of Ta'izz, Amin Mahmoud, which resulted in the creation of a committee to end the violence.[479] However, the tensions and clashes continued, worsening in March and April 2019 with allegations of human rights violations including summary executions.[480] As part of an agreement reached, in May 2019, the Abu al-Abbas battalion withdrew from the old city, which it controlled, and re-deployed to al-Kadhah front, on the western side of Ta'izz. Competition for influence and power among these different actors aligned with the Yemeni armed forces in Ta'izz has exacerbated the insecurity created by the armed conflict, and hindered improvement of security, rule of law and accountability within the areas under Government control in Ta'izz. These dynamics continued to impede access to justice for victims, including of human rights violations, and their families.

Alleged airstrikes by coalition forces

325. On 24 May 2019 in Mawiyah district, in the west of Ta'izz governorate, at approximately 12:20 hrs, around the time of the Friday prayer, an explosion, allegedly as a result of an airstrike, destroyed a fuel station, killing 12 civilians (including seven boys) and injuring two more. [481] Two of the men killed were employees at the fuel station, and the remaining three persons were unidentifiable. The two men injured were also fuel station employees.[482] Local residents rushed to the scene, and one witness described seeing the fire

YouTube, and other video footage, and WhatsApp; reports from international and national NGOs; official records from local authorities; and reports by international human rights groups. […]". See https://yemendataproject.org/data.html.

[475] OCHA, Yemen Humanitarian Update Covering 19 - 25 February 2018.

[476] Confidential Sources on File.

[477] Confidential Sources on File.

[478] Confidential Sources on File.

[479] http://sanaacenter.org/publications/the-yemen-review/6620.

[480] During these events reports were received by the Group of Experts of the burning of a hospital and neighbouring houses, abductions and a summary execution.

[481] Confidential Sources on File.

[482] Confidential Sources on File.

and the remains of those killed.[483] The Group of Experts pinpointed the location of the fuel station, which is in a remote and rural area of the district, and obtained satellite imagery and photographic evidence that confirmed its destruction. According to witnesses to the aftermath of the explosion, there were no military positions or presence in the area.[484]

326. The Group of Experts received reports[485] of two other airstrikes that allegedly occurred on 28 June 2019 at around noon that hit a house in the area of Warzan, in Dimnat Khadir district, with the first strike reportedly killing at least six people (two men, one woman, and three children). The same house was reportedly hit again, a third time, on 2 July 2019.

327. The Group of Experts remains concerned about these alleged airstrikes, for which investigations had not been completed by the time of finalization of this report. If proven, these attacks exhibit similar patterns to other attacks documented by the Group, for which concerns have been raised that the coalition may have violated international humanitarian law in relation to the principles of distinction or proportionality, as well as precautions in attack, and these violations may constitute war crimes.

Houthi shelling and sniper attacks

> *"[W]e are living between life and death and can't go anywhere".*[486]
> ***Father whose 13-year-old son was shot by a sniper***

328. Shelling and sniper incidents resulted in the killing and injury of civilians, in particular children. The Group of Experts investigated a sample of emblematic allegations, conducting detailed fact-finding into several of them. In two cases that the Group of Experts investigated, rockets launched from alleged Houthi positions landed in rural areas, in one case killing and injuring eight female members of an extended family, and in the other killing and injuring seven brothers and sisters as they were walking through a cemetery on the morning of 'Eid al-Fitr. In two other cases, a 12-year-old girl and a 13-year-old boy were shot and killed by alleged Houthi snipers during the week of 'Eid al-Fitr.

[483] Confidential Sources on File.
[484] Confidential Sources on File.
[485] Confidential Sources on File.
[486] Confidential Sources on File.

The findings of these cases, as well as on the death of two activists assisting families on the frontlines, are detailed below.

329. The Group of Experts documented the killing of two local activists on 8 February 2018 who were assisting families living close to the frontlines, Reham Badr al-Sobhani, and Mu'min Sa'eed Hammoud Rissam. Both were killed in Saleh district as a result of apparent indiscriminate fire from a medium-heavy sized weapon fired from a Houthi position,[487] possibly an anti-aircraft round.[488] Reham was a high profile activist in Ta'izz and also a field monitor for the National Commission of Inquiry.

330. On 28 April 2019, a rocket landed on a home in Jabel Habashi district, killing five female members of an extended family (two women and three girls), and injuring three girls aged three, four and 12. A family relative living nearby heard a rocket pass over his house that morning after the dawn prayer and thought it had landed in a field as he saw a lot of dust. When he reached the house, he said he saw dead bodies and could "*hear the agony of his relatives*".[489] He tried to remove the dead bodies and managed to recover one of the injured young girls.[490] The rocket was believed to have been fired by Houthis from their position in al-Kadha area,[491] which is located on the western side of Ta'izz city.[492] In another incident, on Tuesday 4 June 2019, at approximately 06:30 hrs, on the morning of 'Eid al-Fitr, a rocket killed a six-year-old girl and injured six other children (four boys and two girls).[493] The children were walking from al-Asaab village to al-Qardain village, located in the district of al-Misrakh through a cemetery, when the rocket landed and exploded. *"[W]e were going to prayer; we were near the place and surprised by 2 rockets. We saw the smoke and fire and saw children escaping the incident and saw some people assisting the child. We went to the scene to help and rescue the children."*[494] It was understood that the Houthis fired the rocket from their positions in al-Hawban, east of Ta'izz city.[495]

331. On 2 June 2019, at approximately 03:30 hrs, a bullet fired by a sniper believed to be a Houthi fighter hit a 12-year old girl. The bullet penetrated her grandfather's house in the district of al-Mudhaffar, west of Ta'izz city. She subsequently died from her injuries on 7 June 2019.[496] She was having Suhoor, the second evening meal during Ramadan, with her grandparents and aunt on the ground floor of her grandparents' house, which is located on 30th Street, near the old airport, an area close to the frontlines.[497] This area had been subject to intense confrontations during the night.[498] The bullet entered through the small metal window of the front of the house and then exited through the door into the space/salon where the family was eating and hit the girl in her neck.[499] The sniper appears to have fired a single round rather than a burst of small arms fire as no other bullets were reported to have pierced the house.

332. On 5 June 2019, on the second day of 'Eid al-Fitr, a sniper shot and killed a 13-year-old boy while he was fetching water in the early morning in the area of al-Maftach, Osifrah, in the north of Ta'izz city.[500] His father, who was alerted by his son's friends, rushed to the well, 400 metres from his house, and lifted his bleeding son onto his motorcycle to take him

[487] Confidential Sources on File.
[488] Confidential Sources on File.
[489] Confidential Sources on File.
[490] Confidential Sources on File.
[491] Other reports refer to the rocket being launched from al-Barah, in Maqbanah district. Confidential Sources on File.
[492] Confidential Sources on File.
[493] Confidential Sources on File.
[494] Confidential Sources on File.
[495] Confidential Sources on File.
[496] Confidential Sources on File.
[497] Confidential Sources on File.
[498] Confidential Sources on File.
[499] Confidential Sources on File.
[500] Confidential Sources on File.

to the hospital.[501] The sniper was reportedly positioned approximately one kilometre away[502] and, judging from photographs of the area that the Group of Experts examined, would have had a clear view of the young boy. The father said that they live on the frontline, "*we are living between life and death and can't go anywhere*".[503] This boy was one of three children who were shot during the week of 'Eid al-Fitr by Houthi snipers in Ta'izz city.

Violations

333. International humanitarian law prohibits direct attacks against civilians and provides that attacks may only be directed against those directly participating in hostilities. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities is a serious violation of humanitarian law and amounts to a war crime.[504] The principle of distinction further prohibits indiscriminate attacks, i.e. attacks that are of such nature to strike military objectives and civilians or civilian objects without distinction.[505] Constituting indiscriminate attacks are for example attacks using a method or means of combat which cannot be directed at a specific military objective.[506] Launching an indiscriminate attack resulting in death or injury to civilians is a war crime.[507]

334. In all the attacks described above, the Group of Experts has reasonable grounds to believe that the Houthis were responsible, due to the location of their positions in relation to where the weapons impacted. The shelling that took place in rural areas with no fighting in the vicinity amounted to indiscriminate attacks because of the nature of the weapon used and the area at which it was directed. Even if identifiable military objectives may have been the target of the attack, the fact that the type of weapon chosen did not ensure that it could properly distinguish between those targets and the civilians known to be in the areas renders the attack indiscriminate, in violation of international humanitarian law. In the case of the 13-year old boy who was killed on 5 June 2019, the Group of Experts has reasonable grounds to believe that the Houthis deliberately targeted a civilian, as there was apparently a clear line of sight as to what was being targeted.

335. The Group of Experts found reasonable grounds to believe that the Houthis are responsible for launching indiscriminate attacks resulting in the death or injury to civilians, and in one sniper case, for deliberately targeting civilians. These acts may lead to individual criminal responsibility for war crimes.

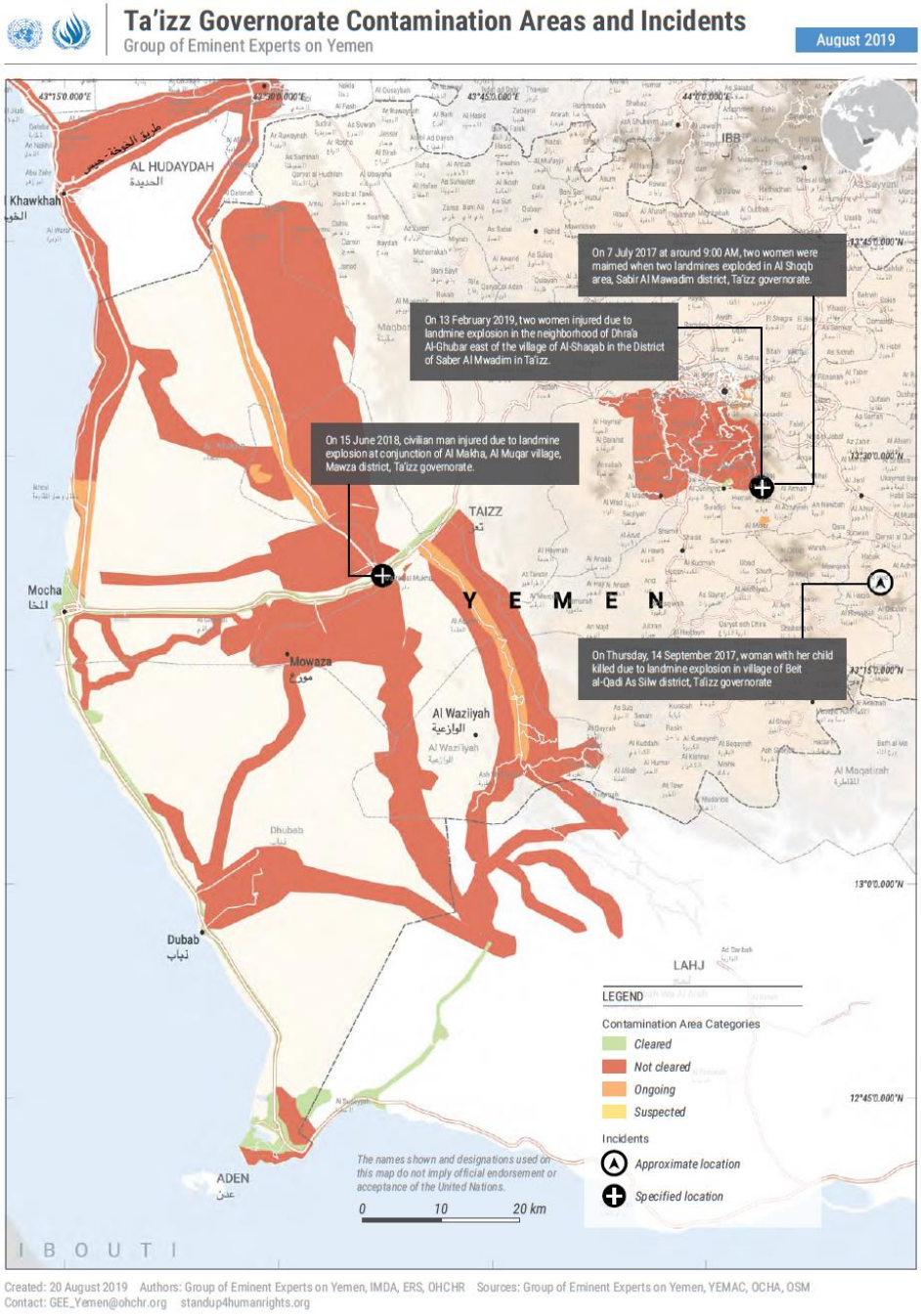
4. Use of landmines by the Houthis

> *"[W]e did not know that there were landmines planted by the Houthis. I stepped on a landmine while I was walking; one landmine was planted by the roadside and another near the water well. I screamed, "Help". I breathed heavily and sat for a while until I found someone to take me to hospital. I was shocked to know that my foot was amputated"*
>
> **Landmine victim from Ta'izz**

336. The legacy of landmines planted by the Houthis since 2015, during their advance towards Ta'izz, continued to harm civilians into 2019. The planting of mines at the beginning of the conflict to slow down the progress of the armed forces of the Government of Yemen and affiliated groups contaminated large swathes of the governorate. Antipersonnel and anti-vehicle landmines that were planted at the entrances and exits of cities, towns and villages, as well as in houses, gardens and farmlands in areas that resisted the Houthis' presence have inflicted damage on the population's lives and livelihoods.

[501] Confidential Sources on File.
[502] Confidential Sources on File.
[503] Confidential Sources on File.
[504] Article 8 2. (e) (i) Rome Statute.
[505] Article 13(2) Additional Protocol II; ICRC Study on customary IHL, rules 11-12.
[506] ICRC Study on customary IHL, rule 12.
[507] ICRC Study on customary IHL, rule 156.

Ta’izz is one of the most mine-affected governorates in Yemen as landmines have killed and maimed civilians, impeded civilian life, humanitarian access, and prevented the safe return of civilians to their homes.



337. The Group of Experts reviewed 32 landmine incidents in Ta’izz that occurred between July 2016 and July 2018. The Group of Experts examined 17 landmine incidents in Ta’izz that caused the death of 15 civilians (seven children, six men, and two women) and injured 28 civilians (12 men, nine children, and seven women).Records from the NCOI indicate that 145 civilians (70 men, 35 children, and nine women) were killed due to landmine explosions in Ta’izz, and 138 civilians were injured (89 men, 34 children, and 15 women) from the beginning of the conflict until January 2019.It was reported to the Group of Experts that the Orthopaedic Workshop and Rehabilitation Centre of the Public Health and Population Office of Ta’izz treated 288 victims of landmines with amputated limbs

because of blast injuries who are waiting for prosthesis[508] These figures alone show the scale of impact of landmines on civilians in the governorate. The Group of Experts investigated a sample of emblematic incidents of landmine explosions that killed and injured civilians, the details of which are described below.

338. On 15 June 2018, in the early morning, a man was injured due to a landmine explosion near al-Muqar village, in Mawza district.[509] While on his way to feed his sheep, he stepped on a landmine. The injury from the explosion led to the amputation of his left foot. The man earned his livelihood from shepherding. Unlike many others from his village, he had decided to stay when the Houthis advanced on the area in the early stages of the conflict. Yemeni armed forces regained control of the area by December 2015, but mines planted by the Houthis remained.

339. In another incident, on 14 September 2017, at 13:00 hrs, a woman and her child were killed in al-Silw district when she stepped on a landmine that had been planted on a road 300 metres from her house. According to witnesses, the woman had received threats over the telephone from a local Houthi leader who reportedly wanted to speak to her about "abnormal movements near her house." Witnesses reportedly heard the sound of the blast and saw the smoke when the device exploded. The woman had also previously been injured by a Houthi sniper while she was working on her farm.

340. On 7 July 2017, at around 09:00 hrs, two women were maimed when two landmines exploded in al-Shoqb area, Sabir al-Mawadim district, Ta'izz governorate. Popular Committees affiliated with the Houthis and armed groups comprised of army units loyal to former president Saleh had planted landmines on the unpaved road of al Shoqb area, which is a strategic location to reach different villages, to slow the advance of Resistance groups affiliated with the Yemeni armed forces. The landmines became a clear threat to civilians in this area as three were killed and another 11 were injured.

341. On 13 February 2019, two women were injured due to a landmine explosion in the neighbourhood of Dhra'a al-Ghubar, east of the village of al-Shaqab, in the district of Sabir al-Mawadim**.** At 10:30 hrs that day, a 43 year-old woman who was collecting firewood for cooking stepped on a landmine. The explosion injured the woman and led to the amputation of her right leg. Witnesses helped take her to al-Safwa hospital in Ta'izz city.[510] A 25-year-old woman was also injured in her hand and leg by the shrapnel from the same explosion. According to local residents, these two women were not the first landmine victims in the village. Fourteen villagers had already been victims of landmines planted by the Houthis in the areas east of al-Shaqab, on roads and in residential parts, three of whom were killed and 11 injured, including four women who suffered amputations and became permanently disabled. The village of al-Shaqab is situated strategically high up in the mountains in the district, in the south Ta'izz province, and the Houthis have used mines extensively in the area to hamper the advance of the Yemeni armed forces and affiliated groups, which has cut-off the village of 10,000 people[511] and turned it into a frontline. There are no signs or maps to point to the locations of the mines.

Violations

342. Although customary international humanitarian law does not per se outlaw the use of landmines, it sets restrictions on their use. Accordingly, particular care must be taken by the parties to the conflict to minimize the indiscriminate effects of landmines.[512]

343. In May 2019, de facto authorities confirmed to the Group of Experts that the Houthis used anti-vehicle mines, but denied the use of anti-personnel mines, referring to their obligations under international humanitarian law, including the Anti-Personnel Mine Ban Convention ratified by Yemen.

[508] Confidential Sources on File.
[509] Confidential Sources on File.
[510] Confidential Sources on File.
[511] Confidential Sources on File.
[512] ICRC Study on customary IHL, rule 81.

344. The Group of Experts has reasonable grounds to believe that the Houthis used anti-personnel and anti-vehicle landmines in Ta'izz in violation of international humanitarian law. Given the way the mines were placed in unmarked locations frequented by civilians, with little or no warning given, the Houthis violated their obligation under international humanitarian law to minimize the indiscriminate effects of landmines. The use of anti-personnel mines is prohibited by the Antipersonnel Mine Ban Convention, to which Yemen is a party, the application of which has been acknowledged by the de facto authorities.

5. The "siege" of Ta'izz

"It was their last attempt to make the city fall"[513]

345. When Yemeni armed forces and affiliated armed groups pushed Houthi-Saleh fighters out of Ta'izz city to its surrounding areas in July 2015, the latter engaged in attempts to weaken the Resistance and regain control of the embattled city. The centre of Ta'izz nevertheless remained under the military control of the Resistance, which by then had significant popular support. During the early stages of the conflict in Ta'izz, armed confrontations were taking place in different parts of the city, with Houthi-Saleh fighters aiming to reach its centre, which had been regained by the Government-affiliated Resistance. These attempts to take over Ta'izz centre nevertheless failed. By August/September 2015, Houthi-Saleh fighters had positioned themselves along the city's main entrances, laying a "siege" that specifically affected the districts of al-Mudhafer, al-Qahira and al-Saleh. According to various sources,[514] this new form of warfare in Ta'izz had built up gradually. It was quickly choking the city and mainly impacting its civilian population: "It was their last attempt to make the city fall", one source from Ta'izz told the Group of Experts. The restrictions aimed at controlling the entry of weapons to the centre of Ta'izz were also imposed on drug supplies, equipment to run hospitals inside the city, oxygen tanks that were much needed for emergency rooms, and gas cylinders.[515]

346. Restrictions continued to increase and soon affected access to food items, such as vegetables, flour, sugar and even drinking water. At checkpoints set-up by Houthi-Saleh fighters, merchants were not allowed to enter with food items and civilians were allowed to carry in only sufficient amounts for their households, "not more than one kilo of vegetables at a time"[516] sometimes. According to sources,[517] the city relied on wells in de facto authorities-controlled territories and the absence of wells inside Ta'izz rendered the situation even more precarious. People relied on firewood, cardboard and plastic products to replace gas for cooking, as gas cylinders could not reach the city. What has been dubbed "the siege of Ta'izz" stands at the core of the governorate's enduring suffering, and continued to affect its civilian population even as this report was being finalized. During the Group of Expert's inquiries on Ta'izz, activists and residents of Ta'izz described the humanitarian impact of the "siege" as its greatest tragedy[518].

347. While the city was never completely sealed, as civilians were able to leave Ta'izz and as different weeks and months saw different measures being imposed, in their arbitrariness, the measures nevertheless significantly contributed to a dire humanitarian situation inside the city. The varying measures made essential goods as well as medical supplies unavailable, impacting people's human rights including to healthcare and food. By October 2015, two thirds of the inhabitants of Ta'izz had already fled the city.[519] By that time, only 175,000 to 200,000 remained, an estimated one-third of its pre-war population. In October 2015, the United Nations Humanitarian Coordinator for Yemen spoke of the

[513] Statement from a confidential source, on file with the Group of Experts.
[514] Confidential Sources on File.
[515] Confidential Sources on File.
[516] Confidential Sources on File.
[517] Confidential Sources on File.
[518] Confidential Sources on File.
[519] OCHA, "Statement of the Humanitarian Coordinator for Yemen, Johannes Van Der Klauuw, on the dire situation in Taizz City", 24 October 2015, available at https://reliefweb.int/sites/reliefweb.int/files/resources/humantarian_coordinator_for_yemen_statement_on_situation_in_taizz_-_en_-_24._october_2015.pdf.

dire situation in Ta'izz, describing it as a virtually besieged city: "*The city of Ta'izz has been under a virtual state of siege since the beginning of September 2015. Little, if any, commercial goods or humanitarian assistance have been able to enter the three city districts of al-Mudhafer, al-Qahirah and al-Saleh. Two-thirds of the population has left the city*"[520]. The Group of Experts was informed by various sources that the rise in the cost of living and hike in prices due to the creation of the "enclave" as well as lack of access to basic services was one of the main reasons that prompted civilians to move out of the city.[521]

348. The first phase of the "siege" of Ta'izz lasted until March 2016. During this period, Houthi-Saleh controlled checkpoints were randomly closed. Some sources indicated times where certain checkpoints were opened for a few hours one or two days a week. In addition to the risks induced by the active fighting, people were stopped for hours, searched and many described to the Group of Experts the humiliation[522] suffered by civilians while crossing. These included the confiscation of goods they were carrying, which prompted many to avoid carrying valuable items such as gas cylinders, and the limitations imposed on the quantities they could carry in, even in relation to vegetables and food items. Some were reportedly taxed.[523] The passage of al-Dahi is cited by many as infamous for the cruel treatment carried out there. It was the main crossing point for civilians into and out of Ta'izz city, and people were forced to walk some distances to reach it, ranging from 400 meters to up to more than a kilometre at some points according to some. This made it a daunting task for those with disabilities and for the elderly. "My mother used to ask a boy from the neighbourhood to accompany her during the crossing so she could buy her food, because she could not otherwise manage the crossing."[524] People spoke to the Group of Experts of women being harassed and of bags of food items being torn or stomped on. The Group of Experts examined footage showing armed men chasing civilians at the checkpoint, randomly beating them and shooting in the air. Siege tactics reported included the use of snipers to shoot civilians at checkpoints.[525] One source told the Group of Experts that three shops close to the passage had been turned into administrative detention places, where "suspects" would be held and often transferred to al-Saleh prison. "It was the greatest source of humiliation for the city", the same source said.[526] The Group of Experts also documented cases of arrests that took place near the checkpoints or while civilians were crossing. Houthi-Saleh fighters arrested young men specifically; in cases documented by the Group of Experts, civilians were accused of being "Da'eshi" or supporting the Resistance, and were arbitrarily detained and tortured while attempting to cross or in areas controlled by the Houthis.[527]

349. To avoid the frequently closed Houthi-Saleh checkpoints, civilians started relying on a mountainous road that circumvented the crossing, known as al-Talooq road, a steep road that could only be crossed by foot, with donkeys, or with four by four vehicles. It became the passage for medicine and various supplies into the city. It was also known as the "road of death" due to its natural difficulty and dangers. The road would be reportedly blocked for days at a time due to rains and landslides, and people carried on their backs food, oxygen tanks, and sometimes their sick and elderly. The inherent dangers of this road only contributed to the rise in prices, as they came "at a human cost". The city of Ta'izz continued to suffer, including from the amassing of rubbish inside the city, as dumping sites, mainly located outside of the city, were inaccessible, contributing to increased health risks inside the city[528].

[520] Ibid.
[521] Confidential Sources on File.
[522] Confidential Sources on File.
[523] Confidential Sources on File.
[524] Confidential Sources on File.
[525] Confidential Sources on File.
[526] Confidential Sources on File.
[527] Confidential Sources on File.
[528] Confidential Sources on File.

350. The taking over of al-Dahi passage in March 2016 by Yemeni armed forces and affiliated groups did not relieve the situation, as fighting continued, blocking access through this path. With efforts to break the "siege", this situation reportedly continued until government-affiliated forces sought to break the blockade on the city by attacking the Houthis' main supply routes to al-Hudaydah and Ibb governorates. The "siege" was broken with the opening of a road that leads today to Aden, albeit a long and winding road. In what sources referred to as the second phase of the siege, the opening was described as a "breathing space" although the road still did not allow the passage of large and heavily loaded trucks, and distances remained much longer than they used to be prior to the conflict. This, together with the deflation of the Yemeni riyal and the non-payment of salaries, continued to put pressure on the inhabitants of Ta'izz. Restrictions on the free movement of civilians, as well as humanitarian and commercial convoys remained, and the prices of basic goods continued to soar, as the blockade continued to restrict access to food and other essential items, at the expense of civilians living inside Ta'izz[529].

351. Humanitarian restrictions remained and various organisations publicly denounced this situation, including MSF, which announced that hospitals in Ta'izz were "desperately in need of supplies", stating *"[t]he facilitation of moving humanitarian supplies from Sana'a to Taiz city centre is extremely limited by the Houthi authorities, causing major delays for humanitarian operations. On several occasions, humanitarian and medical aid has been denied or delayed from entering both the city centre and surrounding areas. Hospitals lack essential medicines and basic supplies such as oxygen and fuel for generators. Fuel and oxygen are usually available on the local market, but hospitals rarely can afford to buy them."*[530]

352. The Group of Experts was informed of several challenges faced when delivering humanitarian assistance inside Ta'izz, including aid diversion, obstruction, and theft. Compounding this, humanitarian organisations in many instances run remote operations, and are unable to properly monitor the distributions and track instances of diversion or theft of aid supplies. The Group of Experts was also informed of one instance where armed groups inside Ta'izz were responsible for stealing humanitarian assistance in the spring of 2018, namely more than 570 food baskets destined for people in need inside Ta'izz. Local requests for accountability regarding this specific incident were reportedly met with a lack of responsiveness on the part of the local authorities inside Ta'izz.[531]

353. Following the inception of the conflict, Ta'izz city, which once hosted five functioning public hospitals,[532] witnessed a rapid collapse of its health system. While hospitals inside Ta'izz city remained open, they were only partially functioning and not providing the level of services they used to, or that were needed by the civilian population inside the city. The presence of the "enclave" within Ta'izz further complicated access to healthcare including for the population residing in the al-Hawban area. Reaching a hospital in Ta'izz from this part, which used to take approximately 15 minutes, is now a journey of several hours according to various sources. The "siege" also complicated the delivery of vaccines inside the city, and limited patients' access to specialised treatment, including cases requiring dialysis. Access to education has been similarly restricted, with students not being able to reach the university within the city.[533] According to one source,[534] 200 students are not able to attend their courses at the university due to the distance they must travel on the road leading to the city from various districts including al-Hawban, while the number of students joining technical institutes has dropped by 35 per cent since the war began. The Group of Experts was informed that female students were the most affected, as

[529] Confidential Sources on File.

[530] Médecins Sans Frontières, "Yemen: Healthcare under siege in Taiz", 30 January 2017, p. 26.

[531] Confidential Sources on File.

[532] Médecins Sans Frontières, "Complicated Delivery: The Yemeni Mothers and Children Dying Without Medical Care", 24 April 2019.

[533] Confidential Sources on File.

[534] Confidential Sources on File.

their families feared for their safety of movement, especially after several students were humiliated, assaulted or arbitrarily detained at checkpoints.[535]

354. The conflict in Ta'izz, like elsewhere in Yemen, increased the burden on women, as well as their risk of being subjected to human rights violations. Women in many cases became the main breadwinners, and often ventured out alone for fear that their male relatives would be kidnapped or killed. Some of the most prominent activists in Ta'izz were women, a few of whom were killed during the conflict. The impact of the conflict on the city's civilian population, including those with special needs and the elderly has been largely unreported. Ta'izz hosted a large number of members of the "Muhamasheen" community, who have also suffered numerous violations during the conflict.[536]

355. Many people that the Group of Experts spoke to felt that the suffering of Ta'izz had been neglected. They also spoke of the resilience of civilians in Ta'izz, and their will to regain their city as they knew it:

> "*Taiz is a city of forgiveness. People used to sell their belongings for their children's education. They used to view those who carried weapons as strange to Ta'izz… Extremism only leads to destruction. What is being done to Ta'izz today is from those who are not enlightened. They will not speak for us."*[537]

Conclusion

356. In a written reply to questions raised by the Group of Experts, in relation to the "siege" on Ta'izz, specifically between March and July 2015, the de facto authorities denied all allegations relating to preventing civilians from leaving the city, forcing them to walk distances, or stripping them from their belongings at checkpoints. The de facto authorities continued by saying, *"if such cases existed, they were isolated and were dealt with"*. The de facto authorities also denied imposing restrictions on humanitarian access or essential supplies and stated that goods were only stopped for regular security checks to ensure no weapons or prohibited items were being smuggled.

357. Blockades, sieges[538] and siege-like warfare are not per se prohibited by international humanitarian law, as long as their purpose is to achieve a military objective and they are not imposed with the purpose to starve the civilian population.[539] However, siege-like tactics may involve other violations of international humanitarian law, as can be seen in the case of Ta'izz. These include the imposition of unlawful impediments to humanitarian access, including attacks against humanitarian personnel and relief objects, as well as attacks against objects indispensable to the survival of the population, such as foodstuffs and medicine, or the removal thereof. The impact of the "siege" by the Houthis on the civilian population's access to food, water and essential medical items to run hospitals and provide vital medical assistance was devastating. . Both parties have failed, either by restricting the entry of humanitarian assistance or by diverting aid inside the city to fulfil their obligation to provide essential supplies and to care for the sick and wounded. The siege-like tactics used by the Houthis as relates to Ta'izz also encroach on several human rights, such as the right to an adequate standard of living, including the right to food and water, the right to health, education, and to freedom of movement.[540]

358. In such a context of dire humanitarian needs, there are legitimate concerns as to whether such acts are contributing to starvation. (See Chapter on violations related to the

[535] Confidential Sources on File.

[536] For further details on the situation of the "Muhamasheen", see chapter on vulnerable communities.

[537] Testimony from confidential source, identity not shared for protection reasons.

[538] The term "siege" is not defined by international law, but can be understood as "the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender". See OHCHR, International Humanitarian Law and Human Rights Law Relevant to Siege Warfare, January 2017.

[539] Article 14 Additional Protocol II, see also ICRC Study on customary IHL, rule 53.

[540] Article 11 International Covenant on Civil and Political Rights; Articles 11-12 International Covenant on Economic, Social and Cultural Rights.

humanitarian situation). Finally, evidence collected by the Group of Experts indicates that the Houthi-Saleh fighters may have used the siege as a form of collective punishment on the civilian population residing inside Ta'izz, for their perceived support of the Popular Resistance and Government-affiliated groups. Both starvation as a method of warfare and collective punishment is strictly prohibited under international humanitarian law.[541] In addition, starvation as a method of warfare is a war crime in non-international conflicts that may lead to individual criminal responsibility.[542]

6. Targeting of humanitarian relief personnel

359. Ta'izz has been a particularly difficult place for humanitarian relief personnel to undertake their work, while at the same time remaining one of the locations where humanitarian access is most crucial, due to the ongoing hostilities and restrictions placed on communities since the early days of the conflict. While restrictions on access and humanitarian agencies' fear of engaging with the Group of Experts limited its ability to document all cases of intimidation and harassment of relief workers, the Group documented a number of instances where harassment and threats, arbitrary arrest and detention of relief personnel, and restrictions on access occurred. Each time relief personnel are targeted or perceive that they are under the threat of being targeted, their ability to conduct their work is put at risk. The Group investigated an incident considered emblematic of this situation – the killing of an ICRC delegate in Ta'izz in April 2018, which, together with other threats, resulted in the organisation withdrawing staff from Yemen and halting some of its operations.

(a) Killing of an ICRC delegate, Ta'izz, April 2018[543]

> *"I cannot point towards those who killed Hannah Lahoud, but I can say that those who killed him are those who do not love Ta'izz, who want to deny the people of Ta'izz their rights, and who want to say that Ta'izz hosts terrorism*".[544]
>
> ***Humanitarian relief worker from Ta'izz***

360. On 21 April 2018, a convoy carrying an ICRC delegation headed towards an undisclosed detention place inside Ta'izz city for a detention visit that had reportedly been cleared by the delegation with all relevant authorities.[545] The team included international delegates who were going though Ta'izz on a short mission before they continued to Aden on the same day. The detention team had been in Ta'izz for less than one week, since 16 April, and had already conducted two visits to two different detention centres, on 18 and 19 April, all seemingly done without challenges.[546] On the morning of 21 April, the convoy moved through Ta'izz. It stopped on its way through al-Dabab area at a local cheese shop. Shortly after its stop, the leading car, containing an ICRC driver and three detention delegates, including their team leader Hanna Lahoud, reportedly slowed down before it reached a bump in the road. While slowing down, it was approached by a man wearing a head turban who asked the driver "who are you" and then immediately turned, before the driver could answer, and shot Hanna, who was sitting behind the driver, firing two shots in the head and five in the heart. A motorcycle with a man driving it was reportedly waiting for the armed man and the two drove off. The delegation turned and headed to a clinic where Hanna was pronounced dead. The entire delegation was evacuated through Aden and Hanna's body was returned to his home country, Lebanon.

361. Following Hanna Lahoud's death, there were operations organized by the security authorities inside Ta'izz, with the aim of finding and arresting those responsible for his murder. A man was arrested on 26 November 2018, reportedly as one of the main suspects

[541] Article 14 and 4(2)(b) Additional Protocol II.
[542] ICRC Study on customary IHL, rule 156.
[543] The Group of Experts notes that this chapter was written without any contribution from the ICRC.
[544] Confidential Sources on File.
[545] Confidential Sources on File.
[546] Confidential Sources on File.

in his murder.[547] At the time of finalizing the report, he had been transferred to Aden but had not yet been sent to trial nor had charges against him been made public.[548] Information gathered by the Group of Experts indicates that other suspects have also been identified by the authorities, although the Group was not able to confirm their whereabouts or the charges against them.[549]

362. Prior to the incident, the ICRC had reportedly brought its activities in al-Hawban, an area controlled by the Houthis where the ICRC Ta'izz office was located, to a halt due to several security and operational challenges. Also prior to the incident, an ICRC high-level delegation had reportedly undertaken[550] a visit to Ta'izz city, to examine the scope for activities within the city. The ICRC did not resume its activities in Ta'izz following Lahoud's murder. In June 2018, the organisation announced it was withdrawing 71 of its staff from Yemen and halting a number of its activities, stating: "The ICRC has been present in Yemen since 1962, but we are now seeing dangerous trends. Our current activities have been blocked, threatened and directly targeted in recent weeks, and we see a vigorous attempt to instrumentalize our organization as a pawn in the conflict. The ICRC holds all parties responsible for the security of its staff." The statement specifically mentioned that while the ICRC had previously received threats in Yemen, it could not tolerate any additional risks less than two months after the killing of its delegate.

Violations

363. As a rule of customary international humanitarian law, parties to the conflict must respect and protect humanitarian relief personnel[551], who are already protected as civilians, as long as they do not directly participate in hostilities. This special protection is a corollary of the obligation to allow and facilitate the delivery of humanitarian assistance to people in need.[552] Intentionally attacking protected humanitarian relief personnel is a war crime.[553]

364. The Group of Experts has reasonable grounds to believe that Hanna Lahoud was targeted in his capacity as an ICRC delegate, a deliberate attack on a humanitarian worker. The evidence available further indicates that the operation involved a party or parties to the conflict. The Group has until this point, however, not reached a conclusion with respect to determination of responsibility, partly because investigations remain underway by authorities. If the killing is determined by a competent authority to have been committed by a party to the conflict or on behalf of a party, it may lead to individual criminal responsibility for the war crime of intentionally attacking protected humanitarian relief personnel, as well as murder.

365. This incident also illustrates the wider pattern of violence and attacks that have affected humanitarian work in Yemen, and specifically in Ta'izz. Parties to the conflict in Ta'izz have continued to block and restrict the work of humanitarian organisations,[554] and such attacks have further narrowed the humanitarian space and the protection of civilians in Ta'izz. They are also a clear violation of the obligation of parties to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.

7. Detention, enforced disappearances, torture and ill-treatment

> *"Throughout my detention, of the 100 other detainees held with me, most had Bachelors degrees, Masters degrees, and PhDs and were from nursing and accounting backgrounds. I tried to find someone and ask who is from the frontlines but most were educated. They were all detained on false accusations."*

[547] Confidential Sources on File.
[548] Confidential Sources on File.
[549] Confidential Sources on File.
[550] Confidential Sources on File.
[551] ICRC Study on customary IHL, rule 31.
[552] ICRC Study on customary IHL, rule 55; Article 18 Additional Protocol II.
[553] Article 8 2. (e)(iii) Rome Statute.
[554] Confidential Sources on File.

University student detained in March 2016 leaving Ta'izz to take his final exam

"[T]hey destroyed my future. I have not completed my studies yet. But God willing I will complete them because when I came out I was not ready to complete them." "I got out and my heart was sad for what the kidnapped were being subject to in prison."

University student detained while leaving Ta'izz after school holidays

366. The Group of Experts investigated a sample of emblematic cases of persons who alleged that they were detained by the de facto authorities and spoke with families who reported the detention and disappearance of relatives. The Group of Experts received the names of over 700 persons, mainly civilians, who have allegedly been detained in Ta'izz during the course of the conflict by the de facto authorities.[555] The Group found that cases it investigated exhibited similar patterns to the broader allegations received, which it found to be indicative of the scale of detention-related violations by the de-facto authorities across the governorate. Enforced disappearances occurred in six out of nine cases investigated in Ta'izz, and some individuals remained disappeared at the time of writing. Many detainees described having no communication with their families for periods ranging from two to nine months, and both detainees and their families described situations where they were not aware of their whereabouts. Individuals were detained while entering or exiting Ta'izz through Houthi controlled check-points or areas, and were also removed from their homes or detained as Houthi military operations came through their neighbourhood. Most detainees released by the de-facto authorities were civilians who were reportedly exchanged for Houthi fighters detained by the Government.[556] In some cases, detainees were released due to the degradation of their health or in return for payments.[557] For those released from detention, after spending months or years being subject to torture and ill-treatment as well as degrading conditions, the toll on their physical and mental health continued: "*I suffer from nightmares and bad dreams, and am suspicious of people and afraid of my phone when it rings."*[558]

367. Most detainees were transferred to al-Saleh City Prison where they were investigated, and then transferred on to Dhamar Community College. Al-Saleh City Prison, described as "*a large hub for detainees*",[559] is *"one of the biggest prisons in Yemen where major violations are going on*", according to one lawyer.[560] It is located in al-Hawban, east of Ta'izz city, and consists of several buildings holding approximately 400 persons who are detained in different sections including the "National Security" and "Political Security" sections where human rights workers, political activists, lawyers and political opponents are held, as well as fighters captured during hostilities.[561] These sections are regarded as the two most important ones, and anyone detained in these was rarely afforded any due process. Dhamar Community College is located several kilometres north of Dhamar City. Although well-known, it is considered as a secret detention facility, and de facto authorities do not admit its existence. The place is used to investigate and interrogate detainees who are brought in from other detention facilities such as the nearby Central Prison in Dhamar city.[562] Detainees were also held there before being released through an exchange in return for Houthi fighters held by the Government.[563] Most of the detainees held in Dhamar Community College are from the Ta'izz governorate and have been transferred there from al-Saleh City Prison.[564]

[555] Confidential Sources on File.
[556] Confidential Sources on File.
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[558] Confidential Sources on File.
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368. Several former detainees alleged that they were subjected to acts of torture and ill-treatment.[565] They reported being repeatedly subjected to beatings, including using electric wires and electric shocks, during the investigation stage of their detention and were accused of being members of the Resistance and "Da'esh".[566] The Group of Experts received several reports of deaths in custody, which were also accompanied by allegations of torture and ill-treatment during the detention.[567] In one case, a journalist died less than two days after being released in a critical condition after he had reportedly been tortured during his year-long detention in Saleh City Prison.[568] The Group of Experts investigated another two cases where detainees died shortly following their release as a result of medical complications, reportedly related to torture in detention.[569] In another case, a 40 year-old man died in hospital a week after being brought there after two years in a Houthi detention facility. It is difficult to establish the exact circumstances that caused their death as medical reports do not establish the cause and forensic reports are rarely available. However, it was clear that in some cases torture had at least contributed to the deaths of detainees.

369. The Group of Experts received multiple allegations of cases of arbitrary detention and enforced disappearance, including by the Abu al-Abbas battalions, the 22nd Mechanized brigade, groups reportedly affiliated with al-Islah, and others in Ta'izz, and notes that the investigations into these were not completed in time for inclusion in this report. Those allegedly disappeared include members of different military units, in what appears to be a tit for tat for leveraging influence, as well as political and social figures.[570] Individuals were reportedly held in unknown detention facilities run by the different military and intelligence units. Activists, families and lawyers on the ground reportedly tried to submit legal cases and sought information from the prosecution, police and governor of Ta'izz on the whereabouts of individuals.[571] However, families were afraid to pursue cases and the criminal justice responses to allegations of human rights violations remained limited.[572]

370. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[573] International human rights law and international humanitarian law also prohibit arbitrary detention,[574]such as when the right to a fair trial or other procedural guarantees are not respected, or when the detention is based on the exercise of fundamental freedoms.[575] Depriving a person of the

[565] Confidential Sources on File.

[566] The Group of Experts has received a multitude of reports from former detainees in different parts under the control of the de facto authorities, indicating that the latter were referring during interrogations and torture to detainees as "Da'esh", regardless of their political or religious affiliation, but on the grounds of being perceived as opponents.

[567] Confidential Sources on File.

[568] https://womenpress.org/en/womenpress-news/yemeni-journalist-dies-just-days-after-release-by-houthis.html.

[569] Confidential Sources on File.

[570] Confidential Sources on File.

[571] Confidential Sources on File.

[572] Confidential Sources on File.

[573] Article 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); ICRC Study on customary IHL, rule 98.

[574] Article 9 and 14 of ICCPR; Article 3 Common to the Geneva Conventions and Article 4 Additional Protocol II; ICRC Study on customary IHL, rule 99.

[575] Article 9 and 14 of ICCPR; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173); The Working Group on Arbitrary Detention has identified five legal categories relating to arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of fundamental freedoms, (c) when the violations of norms relating to the right to a fair trial are of such gravity as to give the deprivation of liberty an arbitrary character, (d) when migrants are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty reflects discrimination, notably based on birth, national, ethnic or social origin, language, religion and political or other opinion (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

right to a fair trial may be considered a war crime in a non-international conflict.[576] Based on its investigations, the Group of Experts has reasonable grounds to believe that enforced disappearances were perpetrated by the de facto authorities in Ta'izz, along with a practice of arbitrary detention, including the violation of fair trial rights, mainly of persons perceived as opponents to the de facto authorities. Based on its investigations, the Group of Experts has also reasonable grounds to believe that torture and ill-treatment has been used by the de facto authorities in the detention facilities of Ta'izz. These acts may lead to criminal responsibility for the war crimes of torture, cruel or inhuman treatment, outrages upon personal dignity, and possibly denial of fair trial.

D. Life in Sana'a and other areas under de facto authority control

1. Arbitrary arrest and detention, enforced disappearances, torture and other ill-treatment, and violations of fundamental freedoms in Sana'a

(a) Background

371. The takeover of Sana'a by Houthi-Saleh fighters was partly enacted through their seizure of the military and security formations in Sana'a, as well as their control over former state institutions. The political leadership began to exercise de facto control over the administrative and security functions in the capital. This led to a dramatic surge in arbitrary arrests and detentions, which increased further as coalition airstrikes began on 26 March 2015 on Sana'a.[577] From that time, a growing climate of fear prevailed over the capital and other areas in the north. The de facto authorities targeted perceived "opponents", be they members of political parties, social and human rights activists, journalists and members of specific religious and other communities. Civic space, which had opened up following Yemen's 2011 popular revolution, was severely reduced, and respect for fundamental freedoms was undermined, including the rights to freedom of opinion, expression, assembly and association.

372. The Group of Experts focused its investigations on violations of these rights during the period 2018 - 2019, although some serious allegations of human rights violations prior to these dates were also investigated. The focus on this period was mainly linked to changes that occurred in Sana'a following the death of former President Ali Abdallah Saleh in December 2017, the subsequent split of the GPC and the growth of the Houthis' political hegemony over northern areas under their control.

> *"The problem is beyond torture... It is the loss of humanity I cannot accept".*[578]
> **Former detainee, Sana'a**

373. While the Group of Experts documented patterns of arbitrary detention and ill-treatment in most cases of detention by the de facto authorities in Sana'a, this section focuses on cases of arbitrary detention, enforced disappearance and torture during the period June 2018 to June 2019. A sample of cases from prior to this period is also included to demonstrate the ongoing pattern of political repression targeting specific groups such as journalists and media workers. Released detainees, their relatives, and activists alike expressed their fear of communicating with the Group of Experts, especially in cases where the de facto authorities had forced detainees to sign statements warning them against reporting on their detention once released. Victims and witnesses also feared being under surveillance. In some cases, victims who had already left Sana'a were still apprehensive about being in contact with the Group of Experts.[579]

[576] ICRC Study on customary IHL, rule 100.
[577] UN Human Rights Yemen Report 2015 - A/HRC/30/31, p. 4.
[578] Confidential Sources on File.
[579] Confidential Sources on File.

(b) Arbitrary detention and enforced disappearances

374. In the cases investigated by the Group the victims were not informed of the nature and reasons for their arrest by the de facto authorities, except those who were eventually charged (see below the cases of the 10 journalists, the 36 detainees and individuals of Baha'i faith). Victims were arrested without warrants. The use of physical violence during arrest was also reported. In the sample of cases investigated by the Group of Experts, which it considers emblematic of the broader situation, the lack of judicial oversight was endemic. Detainees often remained in custody for years without being presented to a prosecutor or having a hearing before a judicial authority, and without access to any form of legal assistance. Some detainees were only informed of charges against them when they were eventually presented to the prosecutor, which occurred only in very limited cases. In one case, a long list of "charges" was publicly read out for 45 minutes by the authorities in the

detention centre when the detainee was about to be released after he had spent nearly a year in arbitrary detention.[580]

> "*I was shouting and saying this is a lie and my father was shutting my mouth and crying- he feared I would be returned. Then I said: "true, it is all true."*
> **Former detainee recounting his release through the "warrant" system**

375. The de facto authorities regularly resort to practices outside the framework of the judicial system for releasing detainees. One practice involves obtaining a "warrant" signed by an individual – the guarantor – who is then responsible to bring the detainee back to the de facto authorities if they so require in the future. Separately, some detainees have been released as part of an exchange of prisoners organized with tribal sheiks. In one case documented by the Group of Experts, the detainee was "delivered" to a group of people including relatives and tribal and social figures.

376. The Group received reports that around 100 women and men were detained for the alleged crime of taking part in prostitution rings. The frequency of these types of charges reportedly increased considerably from the time the de facto authorities took control of Sana'a.[581] While the de facto authorities launched a campaign against prostitution, information received indicates that accusations of acts of "immorality" have been used to cover some politically-motivated cases. Social stigma renders women accused of such crimes very vulnerable to societal and family pressures and exclusion. The Group further received reports alleging that both men and women lawyers were reluctant to deal with these cases and that family members were unwilling to seek legal assistance for their relatives. The Group has serious concerns that the use of prostitution charges in this manner by the de facto authorities appears aimed at taking advantage of the vulnerabilities created by the stigmatization related to the nature of the charges.

377. The cases investigated by the Group of Experts also raise concerns over the independence of the judiciary in territories controlled by the de facto authorities. In one case, sources and victims reported to the Group that people were arrested by the prosecution, without warrants or legal grounds, while they were attending a hearing in another case.[582] In at least three cases, due process guarantees and fair trial rights were blatantly violated.[583]

Enforced disappearances

> "*After three months [of enforced disappearance in the political security in 2015] in solitary confinement, I was allowed to call my wife and mother for one minute and thirty seconds. I only could say 'Hi, it is me' but I was not allowed to mention the place of detention*"[584]
> **Youth activist detained for criticizing the Houthis on his Facebook page**

378. The practice of enforced disappearance is widespread. The Group documented 45 cases of men and one girl who were subjected to enforced disappearance, in some cases more than once, during their detention. Enforced disappearance was almost systematic in documented cases of detention of political opposition. In 2015 and 2016, the de facto authorities used a myriad of secret detention places in Sana'a, which made it impossible for detainees' relatives to determine their whereabouts. Unofficial places of detention included private houses, apartments, mosques, basements, and the presidential residence.[585] More recently, the Group documented various cases of detention in secret locations and

[580] Confidential Sources on File.
[581] For further details, see chapter on Gender analysis and gender-based violence, section on the Impact of the conflict on gender norms.
[582] Confidential Sources on File.
[583] See below the cases of the 10 journalists, the 36 detainees and individuals of Baha'i faith. For further details on Baha'i cases, see chapter on Minorities.
[584] Confidential Sources on File.
[585] For further details, see map on previous page.

confirmed the continued use of secret detention facilities in Sana'a by the de facto authorities to detain journalists, as recently as 2018.

379. Enforced disappearances in Sana'a were furthered by the regular transfer of detainees between different detention centres, including secret and official detention places. While in one case documented by the Group of Experts, the transfer was prompted by hostilities, namely coalition airstrikes[586] hitting the detention centre, in most cases victims were unaware of the reasons behind their transfer. This practice considerably increased difficulties for families in locating their relatives. The Group of Experts documented several cases where detainees were transferred to Sana'a from detention centres in other governorates, such as Ta'izz, al-Hudaydah and Hajjah, either as part of an exchange of prisoners, including tribal-led ones, or for unclear reasons.

> *"I was subjected to harassment, being beaten and detained for hours or days, in order to prevent me from looking for my abducted brother. I could not find him back then. I paid more than one million riyals."*
> **Man searching for his brother whose fate was unknown**[587]

380. The Group of Experts further documented the use of enforced disappearance as a punishment by the de facto authorities. After one detainee reportedly denounced in a public Court hearing on 2 April 2019 the ill-treatment he and his fellow detainees suffered in the Political Security detention centre, he was forcibly disappeared for more than a month, and subsequently absent from his next court session.[588] Some relatives of disappeared detainees reported receiving threats and being harassed as they were searching for the whereabouts of their loved one.[589] In two cases, the Group of Experts was informed that considerable amounts of money were paid to mediators and people who claimed they could assist in the process.[590]

381. The Group of Experts received information that the heads of prisons and detention centres do not obey judicial decisions and requests. In February 2019, the Public Prosecutor issued a decision requesting that the Ministry of the Interior release Mohammad Mohammad Qahtan, a leading member of the al-Islah Party who was arrested on 4 April 2015 and disappeared. However, the Head of the Political Security detention centre has reportedly not respected the prosecution order to date.[591]

(c) Restrictions on fundamental freedoms, including resulting arbitrary detention

382. The Group of Experts investigated a sample of emblematic incidents illustrating the pattern of arbitrary arrests, detention, enforced disappearances, torture and ill-treatment of persons deemed or declared to be in opposition to the de facto authorities' control over the capital city. These incidents had the effect of severely limiting civic space. The Group of Experts' investigations revealed a range of targeted groups and individuals, including journalists, media workers, tribal sheikhs, religious minorities, and human rights defenders in the broadest definition of the term, including NGO workers, lawyers, and people active on social media. Restrictions have also impacted ordinary citizens who are perceived as a threat based on their beliefs, social activities or participation in civil and political life, such as teachers and students, amongst many others. Women organizing and participating in peaceful gatherings have been specifically subjected to harsh treatment. Leaders and supporters of political parties have been a main target, especially followers of al-Islah, including those who are not active members of the party, as well as others including the GPC following the breakup of the Houthi-Saleh (and associated GPC) alliance in December

[586] Confidential Sources on File.
[587] Confidential Sources on File.
[588] Amnesty International, "Yemeni academic held incommunicado: Youssef al-Bawab", 18 April 2019, available at https://www.amnesty.org/en/documents/mde31/0224/2019/en/.
[589] Confidential Sources on File.
[590] Confidential Sources on File.
[591] Confidential Sources on File.

2017.[592] The Group examined patterns where the de facto authorities used restrictions on fundamental freedoms and arbitrary detention as a means of repression, and to establish a "police state" environment within the areas under their control. A large number of sources, including witnesses and victims, expressed immense fear over engaging with the Group of Experts, as the risks to their lives and families seemed worryingly real. For Yemenis living in Sana'a and in other areas under the control of the de facto authorities, this fear has become a part of their daily lives.

383. Since the end of 2014, the de-facto authorities have reportedly raided, looted and closed the premises of more than 50 human rights and civil society organizations.[593] Many activists, opponents and critics have been forced to leave Sana'a for fear of reprisals. Some of these people sought refuge abroad while others fled to other parts of the country under the control of the Government of Yemen. Those remaining in Sana'a, as well as some of those who fled but maintained family links in Sana'a, have adopted self-censorship out of fear and as a means of protecting their lives and those of their loved ones.[594] By 2019, Sana'a had come to resemble a monolithic state controlled by fear or indoctrination, with no tolerance for dissent in any perceived form.

384. From September 2014, the Houthi Popular Committees reportedly seized control of the State-owned media, raided TV channels, newspapers offices and radio stations. They blocked 21 news websites, censored seven television channels and banned 18 newspapers from publication.[595] Approximately 30 newspapers were suspended or forced to close down.[596] Some media outlets preferred to close down rather than lose their independence. Journalists and media workers linked to the al-Islah party were widely targeted including through raids, looting of their homes and arbitrary arrests.[597] By June 2019, media outlets broadcasting from Sana'a were either loyal to the de-facto authorities' ideology or were forced to work under the strict control of the authorities. Reports further mention that some websites were blocked in 2018 through the Houthi control of the Ministry of Communication and the internet service provider YemenNet.

Restrictions on the exercise of freedom of opinion and expression

> "*The situation for myself and many Yemeni journalists not aligned with the Houthis became very difficult in September 2014 and even worse with the start of the coalition campaign in 2015. The Houthis wanted to shut any mouth supporting the coalition or not opposing it."*[598]
> **Journalist living in exile**

385. The Group of Experts investigated 30 cases of journalists and media workers detained as a result of the exercise of their right to freedom of opinion and expression. While investigations covered cases of detention of journalists dating back to the early days of the conflict, the Group of Experts focused specifically on cases of ongoing detention or those that occurred in 2018 and onwards which demonstrated the continuing patterns of freedom of opinion and expression restrictions in Sana'a. Some were working for media aligned with the political opposition while others were working for media outlets critical of the de facto authorities. Many were detained in the early stages of the conflict. According to one journalist, even prior to taking control of Sana'a, the Houthis had already identified journalists who had been vocal against them: "*They were well organized early on*", the journalist told the Group of Experts. *"They already knew who to target or punish once they reached Sana'a*". Of these cases, one (male journalist) was seriously injured during his

[592] For further details on this case, see section on Targeting of General People's Congress (GPC) Affiliates 2017-2019 below.
[593] United Nations, Report of the United Nations High Commissioner for Human Rights on the Situation of human rights in Yemen, 13 September 2017, A/HRC/36/33(hereinafter 'UN Human Rights Yemen Report 2017 - A/HRC/36/33'), p. 14.
[594] Confidential Sources on File.
[595] UN Human Rights Yemen Report 2017 - A/HRC/36/33, p. 14.
[596] Confidential Sources on File.
[597] Confidential Sources on File.
[598] Confidential Sources on File.

detention, reportedly as a result of the torture and ill-treatment he was subjected to. He was only released when his medical condition gravely deteriorated.

The case of 10 journalists arbitrarily detained since 2015

386. The Group of Experts investigated the detention of 10 journalists (all men) who were accused of disseminating fake information on websites and social media platforms in support of Saudi Arabia and the coalition. On 9 June 2015, nine journalists were arrested at the same time from a hotel in Sana'a while another journalist was arrested on 28 August 2015 from his home in Sana'a. Most of them were reportedly working for online media opposed to the Houthis, mostly linked to al-Islah. They were detained in four different detention places, prior to being transferred to the Political Security detention centre in Sana'a, where they are currently held**.** During their various transfers, the journalists were forcibly disappeared for different periods of time.

387. On 5th October 2015, the Public Prosecutor requested that the Head of the al-Thawra Prison inform him immediately of the reasons for the detention of the 10 journalists or their presence in pre-trial detention. He determined that they should be released immediately if their detention was not in accordance with Yemeni law. However, the Head of the Prison did not respond to the public prosecutor's request.[599]

388. For almost four years following their initial arrest, the 10 detained journalists had still not been presented to a prosecutor or before a court. They were only informed of criminal accusations against them on 18th February 2019 when their indictment was issued by the Head of the Specialized Criminal Court in Amanat al-'Asimah. They were reportedly accused of disseminating rumours and lies on websites and social media platforms, and of supporting the coalition. Prior to that, they had no access to legal counsel to challenge the legality of their detention. An official request from the defence lawyers to the prosecutors to speak privately with their clients, in line with their right to have confidential interviews, was denied. More than four months after charges were brought against them, their trial was yet to begin.

389. In at least three of the cases investigated by the Group of Experts, detainees were allegedly tortured or otherwise ill-treated in three different places of detention, including in interrogation sessions at the General Directorate of the Criminal Investigation and the Political Security detention centre. Reported acts of torture included suspension from the ceiling, electric shocks, beating with wooden boards and chains, kicking and slapping, prohibition of urination, verbal abuse and humiliation, and the use of solitary confinement. In most interrogation and torture sessions, the victims were blindfolded and the questions during the interrogation focused on their alleged collaboration with the coalition. If they denied it, the guards would beat them until they confessed.

390. The detainees reportedly went on hunger strike in 2016 while in Habrah detention facility in Sana'a to protest against the poor detention conditions and for being kept in incommunicado detention for five months.[600] Physical abuse against these journalists reportedly occurred as recently as April 2019 in the Political Security detention centre, while at the same time the irregular approvals of family visits further affected detainees' mental health.

> *"They say that a prisoner is half crazy … I am undoubtedly running towards insanity with my feet, or is insanity running towards me with many feet and different shapes"*[601]
> **Journalist detained in Sana'a**

Case of a student and social media activist held without charge despite a judicial order for his release

[599] Confidential Sources on File.
[600] Confidential Sources on File.
[601] Confidential Sources on File.

391. A male University student and social media activist[602], or so-called "citizen journalist" was arrested in 2016 in Sana'a and beaten up by men dressed in civilian clothes. He was accused of being a follower of President Hadi and supporting the coalition. He was subsequently arbitrarily detained in five different centres in Sana'a, where he was subjected to physical and psychological ill-treatment, including being threatened with death as a means of forcing him to "sign" the minutes of his interrogation with his fingerprint. During his detention, he was forcibly disappeared at different stages, for periods of up to one month.

392. Despite an order from the general prosecutor in 2017 to release him on the grounds that he had exceeded the period during which he could be held without formal charges filed, he remained arbitrarily detained at the time of writing.[603]

Arrest and detention of journalists between June and December 2018

393. Over the period ranging from June to December 2018, the Group of Experts investigated seven cases (all men) of arbitrary arrest and detention affecting journalists and media workers in Sana'a.[604] In at least three instances, journalists were violently arrested, with their houses raided and personal effects taken. None of the seven journalists detained by the de facto authorities had their cases presented to a prosecutor or had a hearing before a judicial body. Six of them were forcibly disappeared for periods ranging from three weeks to five months. They were held in various locations, including the criminal investigation department and secret detention places. At least one of them suffered physical ill-treatment. Four of them were released, and three remain in custody in Sana'a. In addition, the Group received credible information relating to a journalist who was reportedly arrested in Sana'a in April 2015, allegedly by Houthi-Saleh fighters. More than four years later, his whereabouts and fate remain unknown.[605]

394. Detained journalists were all either working for media outlets affiliated with the opposition or critical to the Houthis. The large number of journalists that have been arbitrarily detained in inhumane detention conditions, some of whom were submitted to ill-treatment, has also had a chilling effect on journalists as well as ordinary civilians wanting to exercise their right to freedom of opinion and expression. The Group of Experts confirmed that 14 journalists (all men) remain in detention to date in Sana'a. They were all detained in direct relation to the legitimate exercise of their profession or their right to freedom of expression. The de facto authorities have used their control of the capital to undermine and restrict freedom of opinion and expression and to target journalists and media workers, as well as those expressing their opposition or political views in any form or shape.

Restrictions on freedom of association and assembly

The deteriorating environment for political activists and human rights defenders, including women's organisations.

395. The targeting of "perceived opposition" in Sana'a affected political opposition as well as men and women human rights defenders and civil society organizations working on issues not deemed in line with the Houthi ideology. Since 2015, the de facto authorities have reportedly raided or closed the premises of at least 52 human rights and civil society organizations.[606] The targeting of human rights defenders had already begun in 2014. The Group of Experts received numerous reports of human rights defenders being banned by the de facto authorities from travelling outside the country or being interrogated when returning from activities held abroad. The Group also investigated violations committed against human rights defenders – including women human rights defenders – that occurred

[602] Confidential Sources on File.
[603] Confidential Sources on File.
[604] Confidential Sources on File.
[605] Confidential Sources on File.
[606] UN Human Rights Yemen Report 2017 - A/HRC/36/33, p. 14.

in 2018 and 2019.[607] Victims requested that information related to their cases remain confidential for fear of reprisals as they still live in areas under control of the de facto authorities. This request speaks to the climate of fear that activists and human rights defenders face in Sana'a today.

396. In this coercive environment where dissent is not tolerated, defence lawyers representing political prisoners have also felt at risk in the legitimate exercise of their functions. In 2016, one lawyer was arrested and detained for two months while he took part in a demonstration requesting the release of arbitrarily detained persons in the General Directorate of the Criminal Investigation in Sana'a. On 6 April 2019, one of the lawyers for the 36 detainees whose case is detailed below in the section on fair trial rights was arrested in court for passing a pen to his client at the end of the trial. He was investigated for 24 hours and accused of aiding attempted murder inside the prison.[608]

397. A national women's organization that advocates for the release of detainees who are arbitrarily held or disappeared has also suffered from instances of harassment and arbitrary arrest. One of its founders was arbitrarily arrested several times in the first years after the organization started its work, and in 2018, female activists organizing rallies for the organization were reportedly intimidated by unidentified men in civilian clothes, who harassed them during their activities or followed them before joining an activity. They also cancelled their public protests on more than one occasion after they were warned about imminent raids by Houthi security and feared being arrested.

398. Since late 2016, there have been reports of peaceful gatherings being dispersed by force, mainly gatherings of women including the GPC women-led protests, that took place in December 2017 and March 2018[609] and that were violently suppressed by a Houthi female security force, referred to as the "Zeinabiyyat." The so-called "Zeinabiyyat" is a female Houthi security force that was reportedly constituted to deal exclusively with women and girls,[610] as male agents of the security forces were not able to confront or arrest women openly in light of the conservative context. Women and girls had started playing a leading role in demonstrations in Sana'a because they felt that their role in Yemeni society would afford them better protection against human rights violations than men and boys; the "Zeinabiyyat" was formed and used to combat such actions.

Excessive use of force against women at a peaceful gathering, 6 October 2018

399. On 6 October 2018, a peaceful gathering[611] was organized by young women activists through social media, demanding an end to the continuing deterioration of the socio-economic situation of the war-torn country. The organizers specifically called for female participation, due to the general fear that men would be more at risk of physical abuse or arrests, as witnessed in previous demonstrations.[612] That morning, there was a large deployment of armed Houthi male and female personnel and around 40 buses were parked around Tahrir square where the demonstration was supposed to take place. The "Zeinabiyyat" impeded demonstrators' access to the square and randomly arrested male and female demonstrators as well as bystanders. One male journalist was randomly detained with tens of other persons, and transferred to a local police station. He remained in custody as of the time of writing. [613]

400. At the same time, outside Sana'a University, armed Houthi men and around 100 'Zeinabiyyat' carrying Tasers, sticks and knives were deployed. One witness reported they also had pistols and rifles. They violently searched students at random, including girls and

[607] Confidential Sources on File.
[608] Confidential Sources on File.
[609] For further details on this case, see Chapter Life in areas under control of the de facto authorities, section on Targeting of General People's Congress (GPC) Affiliates 2017-2019.
[610] For further details, see chapter on gender, section on the Impact of the Conflict on Gender Norms.
[611] Confidential Sources on File.
[612] For further details on this case, see Chapter Life in areas under control of the de facto authorities, section on Targeting of General People's Congress (GPC) Affiliates 2017-2019.
[613] Confidential Sources on File.

women who intended to join the gathering as well as female bystanders, around one hundred girls and women in total. The "Zeinabiyyat" started attacking women and girls randomly, using their sticks and Tasers, focusing especially on the neck and back. One "Zeinabiyyat" member was reportedly saying "come, you, mercenary", "come you, Emiratis", "come you allies of the enemy."

> "*They attacked us including my friend, hitting her on the head with a stick. We ran [...] and the Zeinabiyyat followed us and again continued hitting us. They pulled our veils off, which confused us as we tried to put them back on to keep our heads covered, whilst they hit us on the body and head. They were using Tasers to shock us, aiming purposefully for our necks*"
>
> **Young woman who attempted to take part in a demonstration in Sana'a**

401. Around 11:00 hrs, between 30 and 50 women were dragged onto buses and driven to a police station in Sana'a where they were locked in rooms. A few female witnesses recall how the "Zeinabiyyat" verbally assaulted them, using offensive language and threats of rape: *"we were told 'you deserve death', calling us 'whores' and threatening to take us to the Sudanese soldiers so they could rape us. We were also told 'we will send you to our men on the front lines, at least they have more right to you'. We were given lectures on religion. One older woman had diabetes and needed help but it was refused."* Another young adult female recounts, "*I heard words I never heard before in my life. I cannot forget that day full of insults."* Agents of the de facto authorities dressed in plain clothes interrogated women individually in a separate room, accusing them of working for the coalition. They were released at the end of the day, after having been held without access to legal counsel, and after signing a statement committing not to take part in protests again, and on the condition of being collected by a male adult. A few women were forced to flee Sana'a following the demonstration, for fear of reprisal against their physical integrity as threats followed after the event.[614]

402. The de facto authorities' requirement for a male guardian as a condition of allowing the release of women and girls arrested during protests and women political or human rights activists was apparently designed to humiliate both the arrested female and her husband or father. One former detainee told the Group that she refused to have her "old" husband come and pick her up from the police station, because she felt that it would be insulting for him. She was kept in detention until she negotiated to be picked up by a relative instead.[615]

> Restrictions on peaceful gatherings in "times of war"
>
> *'Do you know the charges against you?' He said. I said, 'no, not officially'. He said: 'you are calling for peace…I said 'you are joking, surely'. He said 'no, we are now in times of war...We have to mobilise people to go and fight, so when you speak of peace, you are acting against the state"*[616].
>
> **Man arbitrarily detained and interrogated by de facto authorities for taking part in a conference**

403. The Group of Experts documented two incidents that took place in August 2016[617] and in October 2018[618] in Sana'a where armed agents of the de facto authorities' security forces raided peaceful gatherings, including one press conference with around 20 participants and one community event hosting around 60 participants. In both cases, all participants were arrested and detained. While in one of the incidents, the participants were released by the end of the day, in the other event, around 11 participants (women and men) were held for a longer period of time, up to one month for some, without charges. During their interrogations, they were asked about their motives for organizing such events and in

[614] Confidential Sources on File.
[615] Confidential Sources on File.
[616] Confidential Sources on File.
[617] Confidential Sources on File.
[618] Confidential Sources on File.

some cases blindfolded during their interrogation. Prior to their release, many were asked to sign commitments agreeing not to take part or organize community gatherings again.

Restrictions on the freedom of association, including political affiliation

The case of 36 male detainees, 30 of whom were sentenced to death

404. The Group of Experts looked into the detention and trial of 36 men, aged between 21 and 48 at the time of their arrest, including a university professor, teachers, students (14), a school principal, workers, engineers, and former government employees, who were arbitrarily arrested in different parts of northern Yemen by security forces of the de facto authorities at various points in time, towards the end of 2015 and in 2016, without being informed of the charges against them at the time of arrest.[619] Most of them were reportedly members or supporters of al-Islah, which suggests that their arrest may be linked to their political affiliation. The 36 detainees were forcibly disappeared at different stages of their detention, and held in solitary confinement for extended periods of times, up to 6 months at a time. In April 2017, charges were brought against them, including membership of the military wing of al-Islah, participating in assassinations, detonating bombs, undertaking military training in Mareb, and tracking movements of Houthi and GPC personalities. On 9 July 2019 the Specialized Criminal Court in Sana'a sentenced 30 of these men to death and acquitted six.

405. The Group of Experts found that throughout the judicial process, there was a total lack of respect for the rights of the accused to due process and fair trial guarantees. The most serious violation related to the fact that judgment was based on confessions obtained under duress. During the questioning by the prosecuting authority, many defendants denied the charges against them, claiming that their testimonies were extracted following torture. There are credible allegations that many of them were ill-treated and tortured in different detention centres, including the General Directorate of the Criminal Investigation in Sana'a where they were interrogated by security forces immediately following arrest, and in the Political Security detention centre where they are currently detained. At different public court hearings, detainees stated that they were subject to ongoing ill-treatment. Once their trial had begun, defendants who had appointed a lawyer were not able to meet with them until their first appearance before the prosecuting authority. Lawyers and defendants were not allowed to hold meetings in private. Some defendants were questioned by prosecutors without the presence of lawyers. Even during the hearings, defence lawyers were not allowed to speak to their clients. They were not adequately informed of the calendar of hearing sessions, nor granted time for the preparation of their defence or for intervening in court sessions.

Restrictions on the freedom of thought, conscience and religion

Death sentence against a Baha'i detained since 2013

406. The Group of Experts investigated various cases of targeting of members of the Baha'i faith in Yemen,[620] including charges brought against more than 20 individuals and the ongoing trial of a Baha'i man, Jawahir Hamid Kamal Bin Haydara, who has been held in detention since 2013, prior to the de facto authorities' takeover of Sana'a. Based on information received,[621] the Group of Experts is concerned that the accusations brought against Bin Haydara, who was sentenced to death in January 2018, are centred around his religious beliefs. Bin Haydara was reportedly kept in incommunicado detention for nine months at a time.[622] Haydara was arrested in 2013 while Sana'a was under the control of the Government of Yemen, however, his trial began on 18 January 2015, after the de facto authorities had imposed their control over Sana'a. Haydara was sentenced to death

[619] Confidential Sources on File.

[620] For further details on the situation of the Baha'is, see chapter on Impact of the conflict on minorities.

[621] Confidential Sources on File.

[622] Confidential Sources on File.

following reported serious failures to uphold his right to a fair trial, including the fact that most of his hearings were conducted in absentia while he was in detention, and the fact that his lawyer and himself were reportedly not provided with copies of his sentence, hence impeding his ability to appeal against his death sentence.[623] Haydara was more than once denied the right to attend his hearings. His case remained ongoing at the time of finalization of this report.

Violations

Restrictions on fundamental freedoms

407. Fundamental freedoms are guaranteed under international human rights law. These include the freedom of opinion and expression[624], the right of peaceful assembly[625] the right to freedom of association[626], which includes the freedom to engage in political parties, and the right to freedom of thought, conscience and religion.[627] Fundamental freedoms may be restricted, but only as provided by law and as necessary for the protection of the rights and freedoms of others, as well as for the protection of national security, public safety, order, health or morals.

408. The Group of Experts has reasonable grounds to believe that the de facto authorities, in all the cases described above, have unlawfully restricted the fundamental freedoms of opinion and expression, peaceful assembly, association and freedom of thought, conscience and religion, in violation of their human rights obligations. Unlawful restrictions have included harassment and intimidation of individuals or groups, banning or suspending media outlets, shutting down civil society organisations and dispersing peaceful gatherings by force. As illustrated by the cases described above, the violation of fundamental freedoms frequently involved enforced disappearance and arbitrary detention, followed by ill-treatment in detention.

409. With regard to the right of peaceful assembly – and specifically in relation to the women's peaceful gathering on 6 October 2018 – every person is allowed to participate in lawful and peaceful assemblies and only unlawful assemblies may be dispersed by law enforcement officials. In the dispersal of unlawful, albeit non-violent, assemblies, law enforcement officials shall avoid the use of force or, where not practicable, shall restrict such force to the minimum extent necessary.[628] In addition, inhuman, humiliating or degrading treatment is also strictly prohibited under both international human rights law and international humanitarian law[629], and may lead to individual criminal responsibility for the war crime of outrage upon personal dignity.[630]

410. The Group of Experts has reasonable grounds to believe that the de facto authorities used excessive force against the women attempting to demonstrate on 6 October 2018 in Sana'a, and that they are responsible for humiliating and degrading treatment against these women. In addition, there are reasonable grounds to believe that the women who attempted to take part in the peaceful demonstrations were arbitrarily arrested and detained, and subjected to ill-treatment while being interrogated. These acts may lead to individual criminal responsibility for the war crime of outrages upon personal dignity.

Arbitrary detention

[623] Confidential Sources on File.
[624] International Covenant on Civil and Political Rights (ICCPR), art. 19; see also Human Rights Committee general comment No. 34, paras. 21–36.
[625] Article 21 ICCPR.
[626] Article 22 ICCPR.
[627] Article 18 ICCPR.
[628] Principles 12 and 13, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990.
[629] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.
[630] Article 8 2.(c)(iii) Rome Statute.

411. International human rights law guarantees to everyone the right to liberty and security of person.[631] Such rights are violated when individuals are arbitrarily detained, as well as when they are subject to torture or other forms of ill-treatment. Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, mostly those that do not feature a valid ground for detention, and those cases of detention where the rights to a fair trial and other procedural guarantees are violated to such an extent that it renders the detention arbitrary.[632] These procedural guarantees are articulated in Articles 9 and 14 of the ICCPR and include the obligation to inform a person arrested of the reasons for the arrest[633]; the obligation to bring a person arrested on a criminal charge promptly before a judge[634] and the obligation to provide the person in detention with an opportunity to challenge the lawfulness of the detention (right of defence).[635] Arbitrary detention is also prohibited under international humanitarian law; depriving a person of the right to a fair trial may constitute a war crime in a non-international armed conflict.[636]

412. The Group of Experts found reasonable grounds to believe that the de facto authorities arbitrarily detained journalists, media workers, and those expressing their opposition to the de facto authorities. In these cases, the detention was arbitrary in that the basis for detention was related to the exercise of fundamental freedoms, or the detention lacked any actual grounds. In most cases, detention also appears to be motivated by discriminatory grounds, including religion, political or other opinion. Detention based on discriminatory grounds is per se also considered as arbitrary.[637] In several cases described above, the detention is also arbitrary due to violations of essential fair trial rights, most notably through long pre-trial detention without being presented to a prosecutor or judge, undue delays in trial, limited or lack of access to legal counsel and the use of confessions extracted under duress. In addition, the Group of Experts has serious concerns about the validity of the charges on which the 10 journalists are held and the denial of a fair and independent judicial process. In one documented case, a journalist remains detained without grounds, despite a release order from the general prosecutor. Denial of fair trial may possibly lead to individual criminal responsibility.

Enforced disappearances

413. The right to liberty and security of person is also violated through enforced disappearance, which are prohibited by both international human rights law and international humanitarian law.[638] Enforced disappearance may also be a violation of the prohibition on torture.

414. In Sana'a, a network of facilities has been used to disappear individuals, keeping them away from any judicial oversight, as well as from their relatives. The Group of Experts has reasonable grounds to believe that the de facto authorities have used enforced disappearance against individuals in the territories under their control, in violation of their

[631] Article 9 ICCPR.

[632] ICCPR, articles 9 and 14; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173); The Working Group on Arbitrary Detention has identified five legal categories relating to arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of fundamental freedoms, (c) when the violations of norms relating to the right to a fair trial are of such gravity as to give the deprivation of liberty an arbitrary character, (d) when migrants are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty reflects discrimination, notably based on birth, national, ethnic or social origin, language, religion and political or other opinion (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

[633] Article 9 (2) ICCPR.

[634] Article 9 (3) ICCPR.

[635] Article 9 (4) ICCPR.

[636] See ICRC Study on customary IHL, rules 99 and 100.

[637] See Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38.

[638] Article 9 ICCPR and Article 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.

obligations under both international human rights law and international humanitarian law. Enforced disappearance may also amount to torture. These acts may lead to individual criminal responsibility for war crimes.

(d) Cruel, inhuman or degrading treatment or punishment and acts of torture in detention

> *"I was suspended for 13 days and handcuffed with wires, blindfolded. It caused my body to swell completely. When they stopped hanging me, I could not move for three weeks. They threatened me many times with arresting my wife and children. They used to leave me for days without food and threaten to kill me. I have been suffering from incontinence due to fear. As a result of anxiety, I went through periods when I could not sleep"*
> **Former youth activist detained in a secret place in Sana'a**

415. The Group received allegations of torture and cruel, inhuman or degrading treatment or punishment taking place in detention places under the supervision of the de facto authorities in Sana'a i.e. the General Directorate of the Criminal Investigation, the Political Security detention centre, the National Security detention centre, Central Sana'a prison, Al-Thawra prison, and Habrah prison, as well as in their secret detention places and some police stations.[639] This cruel treatment happened during and outside of interrogation sessions. A large variety of physical and psychological ill-treatment and torture methods were reported, including continued suspension for days and nights, beating with sticks, kicking, restrictions on access to the toilet, deprivation of natural light for long periods of time, sleep deprivation, death threats,[640] electrocution, burning, and forced nudity.

416. The use of solitary confinement, including in cells with no light, for extended periods of time, up to seven months in one case, was reported in different detention centres in Sana'a, particularly in the Political Security detention centre. In one case, a male detainee was kept in solitary confinement for two months because he refused to repeat the "Sarkha" (the Houthi slogan).[641] Another witness recalled, "*during the first three months, my relative[642] was isolated in a one metre by one metre room. He would use the room for everything. In the three following months, a crazy person was put with him in the same cell. Imagine sitting in a one square metre room with a crazy person.*" In some cases, torture and ill-treatment continued while detainees were in solitary confinement.

417. Acts of torture were used during interrogation sessions in order to force detainees to sign and fingerprint documents, even blindfolded, where they would "confess" their alleged responsibility. A former detained staff member recalled, "*I was suspended while interrogated and handcuffed and blindfolded. I didn't know the identity of the persons who were interrogating me as I was always blindfolded. I fingerprinted documents while I was blindfolded.*"[643] He continues to suffer from the effects of torture on his hands, legs, kidney and liver. Two former detainees described to the Group the fear that being blindfolded instilled in them, feeling someone was standing behind them while they spoke, and not knowing whether a blow would come their way when suddenly the voice behind them uttered "wrong answer".[644]

> "*They would hang me this time fully naked from a hook on the wall, and twice on two separate occasions they tied a water bottle to my testicles and filled it with water. This was even more painful than being electrocuted*[645]"
> **Male survivor of torture in Sana'a**

[639] Confidential Sources on File.
[640] Confidential Sources on File.
[641] Confidential Sources on File.
[642] Confidential Sources on File.
[643] Confidential Sources on File.
[644] Confidential Sources on File.
[645] Confidential Sources on File.

418. In the course of its investigations, the Group received allegations that sexual violence had been used as a form of torture against four detainees, including at the Political Security detention centre. Allegations received by the Group included one victim having his penis tied to a wire for five days,[646] and another being threatened with rape, including with an object.[647] The Group of Experts also received various reports of forced nudity in front of other detainees and guards.[648] The Group received allegations that young boys were being detained, either because of their alleged association with opposition parties, or in order to extract information or put pressure on a family member to "surrender" to the de facto authorities. In one such case, the Group received information[649] that one of these boys, detained in the Political Security detention centre, had been subjected to torture, including sexual assault, namely beatings on his genitals, forced nudity, and threats of rape.[650]

Inhuman detention conditions

> *"I was allowed to go out to the toilet only once in twenty-four hours. The water I used to drink was not transparent. I was not allowed to shower. The place was dark. The kitchen where I was detained very cold, I had kidney and lung infections. They used to leave me for days without food and to threaten to kill me"*
>
> **Former detainee in the Political Security detention centre**

419. Inhuman detention conditions were widely reported in all detention centres involving cases investigated by the Group of Experts, especially at the Political Security detention centre in Sana'a. Sources including former detainees described overcrowding – up to 37 detainees in one room where each detainee would get the equivalent of "one tile" to sleep on. They further described a pervasive lack of food, clean water, natural light, ventilation, and access to toilets. They were also denied access to books, news, and pens. In 2017, OHCHR reported on 150 detention facilities run by the de facto authorities that had been monitored since March 2015, stating that "conditions of detention had notably deteriorated…all exacerbated by the conflict." [651] A former detainee informed the Group that in the Political Security detention centre there was a cell of 4 by 5 meters with 20 people, with no window, no light, which forced detainees to work out a sleeping schedule.[652] The use of secret detention facilities presented an additional concern with regard to detention conditions, as they were not usually designed for detention purposes. The appalling living conditions detainees described made clear the source of their daily misery. In cases where torture did not occur, detainees still described to the Group detention conditions that constituted ill-treatment.[653]

Limited or lack of access to family visits

> *"Many times, I was dragged and threatened in front of my family that they would forbid my family visit because I was late and my two minute-visit time was already over. We were beaten with electric sticks in front of the family during the visit"*
>
> **Testimony from a former detainee in political security**

420. Relatives of detainees reported to the Group of Experts that they were regularly denied family visits to the Political Security detention centre in Sana'a.[654] In some cases, they expressed fears that their visits were being denied because their relative was being subjected to torture. In one case, the prosecutor requested the head of the Political Security

[646] Confidential Sources on File.
[647] Confidential Sources on File.
[648] Confidential Sources on File.
[649] Confidential Sources on File.
[650] For further details, see chapter on Impact of the armed conflict on children, section on Violations of the rights to liberty and security of person and protection from violence.
[651] UN Human Rights Yemen Report 2017 - A/HRC/36/33, p13.
[652] Confidential Sources on File.
[653] Confidential Sources on File.
[654] Confidential Sources on File.

detention centre to allow a family to visit because of serious concerns over the whereabouts of their relative.[655] The visit was only allowed to take place once and then it was denied again with no reason given. The Group also received reports that the prohibition of family visits was used as a punishment of detainees. One released detainee (male) recalled, *"I was forbidden to receive visits in the political security more than once because I was asking for treatments for allergies and asthma due to poor ventilation in cells."*[656] The length of the visits in the Political Security detention centre, when allowed, were extremely limited, the average being between one to three minutes. Family members, men and women, mentioned that they were subject to verbal insults by the guards during family visits. *"During the visit, we would all be insulted. We would be insulted and cursed."*[657]

Lack of access to adequate medical care, worsening effects of torture and ill-treatment

421. The Group reviewed cases where former detainees alleged that they suffered from serious illness, including mental health issues, or disability as a result of ill-treatment, torture, and inhuman detention conditions. The lack of access to professional medical care or adequate medication exacerbated their health problems and injuries.[658] A former detainee reported being paralyzed as a result of his torture in a secret detention place in Sana'a. The Group was able to confirm his detention, medical condition and that he was denied access to specialized health care and adequate medication during his detention period. He reported difficulties in moving, accessing the toilets and was sometimes forced to use his own cell to defecate. He also reported that other detainees were occasionally placed in his cell to help him, as a means of punishment for them.[659] Two former detainees recounted that an eye doctor, himself detained, had been asked to distribute to detainees a random assortment of medicines that the guards brought to the facility based on his evaluation of detainees' needs and without allowing them access to a doctor.[660] One detainee, who also sustained a grave injury to his back, reportedly as a result of torture, was denied access to a specialized doctor for a long period of time, which exacerbated his condition. He was given instead regular injections for the pain, until the person assigned to administer the injections within the detention centre reportedly refused to continue them for fear of causing him kidney failure. The detainee in question was finally, after nearly a year of detention, released on medical grounds.[661]

422. Testimonies also recounted the presence of persons with severe psychosocial disorders who were detained in cells shared with other detainees, without access to specific health care. This, in addition to concerns for their own wellbeing, represented an additional cause of stress, and also posed a threat of physical violence, including sexual assault,[662] for the detainees not suffering from psychological disorders. The Group documented the case of a young male detainee, who allegedly suffers from severe psychosocial disorders as a result of acts of torture.[663] While his detention is considered as arbitrary, his request for specialized external medical care was also denied. Instead, he is reportedly forced to receive injections inside the detention centre facilities, without the supervision of a medical specialist. This forced medical treatment was reported to affect his mental health condition even further.

Deaths in custody linked to acts of torture and ill-treatment in detention

423. The Group of Experts received 10 cases of alleged deaths in custody relating to ill-treatment in detention places in Sana'a between 2015 and 2016. The Group examined[664]

655 Confidential Sources on File.
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forensic reports relating to the death of three male detainees that point towards the occurrence of acts of violence against the deceased. One, for instance, described the existence of bruises in various parts of the body, caused by "the use of a heavy tool". The Group received further allegations of deaths in custody in facilities where political detainees were being held and where ill-treatment has been documented but no forensic report was available. The number of cases received alleging death as a result of torture or ill-treatment warrants further examination as investigations into these cases were not completed by the time of finalization of this report.

424. The Group of Experts also documented a situation in which members of the Houthis requested a ransom from family members to return the body of their relative who allegedly died as a result of torture in custody in 2016. As the family did not manage to collect the requested amount, they were not able to retrieve the body and bury it themselves. In the end the de facto authorities buried the deceased, and at the time of writing the family was still trying to collect the money to exhume the body and re-bury him on their own terms.[665]

Violations

425. Torture and other cruel, inhuman or degrading treatment are strictly prohibited under both international human rights law and international humanitarian law.[666] Rape and other forms of sexual violence are also prohibited by international human rights law and international humanitarian law.[667] These acts may lead to individual criminal responsibility for war crimes.[668]

426. Based on its investigations, the Group of Experts has reasonable grounds to believe that torture and ill-treatment has been used in all the detention places under the supervision of the de facto authorities in Sana'a where it investigated cases i.e. the Criminal Investigation Department,[669] the Political Security detention centre,[670] the National Security detention centre,[671] Central Sana'a prison,[672] al-Thawra prison,[673] and Habrah prison,[674] as well as in their secret detention places and some police stations. The Group of Experts also has reasonable grounds to believe that torture has been used during interrogations, mainly to coerce confessions, or to humiliate detainees, in the Criminal Investigation Department, National Security detention centre and Political Security detention centre.

427. Sexual violence was also used in detention centres, including to torture detainees. The Group of Experts has reasonable grounds to believe that sexual violence was used by the de facto authorities in the Political Security detention centre, the National Security detention centre[675] and the Criminal Investigation Department.[676]

428. These acts may lead to individual criminal responsibility of members of the de facto authorities for the war crimes of torture and outrages upon personal dignity, as well as of rape and other forms of sexual violence.

2. Coalition airstrikes in northern areas including Sana'a, Sa'dah, and Hajjah

(a) Context

[665] Confidential Sources on File.
[666] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 3 common to the Geneva Conventions, article 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.
[667] Article 7 ICCPR; Article 3 common to the Geneva Convention, Article 4 Additional Protocol II, See ICRC Study on customary IHL, rule 93.
[668] Article 8 2.(c)(i) and (ii), and Article 8 2.(e)(vi) Rome Statute.
[669] Confidential Sources on File.
[670] Confidential Sources on File.
[671] Confidential Sources on File.
[672] Confidential Sources on File.
[673] Confidential Sources on File.
[674] Confidential Sources on File.
[675] Confidential Sources on File.
[676] Confidential Sources on File.

429. Between 1 March 2015 and 30 June 2019, the Yemen Data Project reported that coalition forces conducted 19,874 airstrikes on Yemeni territory.[677] While the number of reported airstrikes has slightly declined over the last year, the impact of this kind of warfare continues to come at a cost too high for civilians living mostly in areas under de facto authorities' control. In addition to airstrikes that were investigated as detailed in this report, the Group of Experts also examined 14 airstrikes that hit locations in Sa'dah and Hajjah governorates between March 2018 and June 2019.[678] The airstrikes reportedly all hit civilian infrastructure, including farms, telecommunication towers, banks, schools, and trucks carrying agricultural goods.

430. This section of the report specifically looks at a few select airstrikes in northern parts of the country over the last year, which illustrate an ongoing pattern where civilians and civilian objects have been directly affected. Two out of the five cases were investigated by the JIAT, as detailed below. In addition to potential violations of international humanitarian law, the incidents investigated by the Group of Experts demonstrate that regardless of whether they hit a lawful target, or resulted from an accumulation of errors, their greatest and most direct impact is on civilians.

(b) MSF Cholera Treatment Centre, 11 June 2018, Abs city, Abs district, Hajjah Governorate

431. On Monday 11 June 2018, at around 05:45 a.m., the coalition carried out an airstrike, using one guided bomb,[679] on a Médecins Sans Frontières (MSF) medical facility in Abs, destroying one of its four buildings. No staff or patients were killed or injured as the facility was empty at the time. A patient ward was damaged, and an adjacent triage and observation ward was destroyed.[680] The four warehouses constituting the building were taken over by MSF in March 2018 for the purpose of constructing a cholera treatment centre. MSF had placed the Red Crescent emblem on the facilities' rooftops, as reportedly instructed by the Ministry of Health under the de facto authorities, in order to mark them.[681] Following the airstrike, MSF issued a public statement denouncing the attack: "*This morning's attack on an MSF cholera treatment centre (CTC) by the Saudi and Emirati-led coalition (SELC) shows complete disrespect for medical facilities and patients. Whether intentional or a result of negligence, it is totally unacceptable. The compound was clearly marked as a health facility and its coordinates were shared with the SELC. With only half of health facilities in Yemen fully functional, nearly 10 million people in acute need, and an anticipated outbreak of cholera, the CTC had been built to save lives. MSF has temporarily frozen its activities in Abs until the safety of its staff and patients is guaranteed*."[682]

432. According to JIAT's findings, released during a press conference on 16 January 2019,[683] "the warehouse was considered at the time to be a legitimate military target, which in its destruction is a military advantage". This assessment was "based on intelligence from inside of Yemen," according to which "a warehouse was used by the armed Houthi militia as a storehouse for weapons and ammunitions," However, JIAT also recognized that the operation had been completed without fulfilling "*the necessary procedures used by the coalition Forces".* JIAT further stated that "due to *the urgency of carrying out the task and not completing procedures by coalition intelligence, the targeting of the building was an unintended error".* Hence, the JIAT recommended that "*coalition States provide voluntary assistance for physical damages to the warehouse*" and *"[t]aking legal procedures against*

[677] See https://www.yemendataproject.org/.
[678] Confidential Sources on File.
[679] JIAT statement, 17 January 2019, available at http://www.alriyadhdaily.com/article/812807e44f9a47ddbfe1bbd99be1cd0c (see also https://www.msf.org/report-bombing-msf-facility-unacceptable-and-contradictory-abs-yemen).
[680] Confidential Sources on File.
[681] Confidential Sources on File.
[682] Médecins Sans Frontières, "Yemen: Airstrike hits MSF cholera treatment centre in Abs", 12 June 2018, available at https://www.doctorswithoutborders.org/what-we-do/news-stories/story/yemen-airstrike-hits-msf-cholera-treatment-center-abs.
[683] www.spa.gov.sa/1875235.

those responsible for the urgency in carrying out the mission, which resulted from a procedural error and not to complete the necessary procedures by the coalition Forces intelligence."

433. JIAT further stated[684] that MSF was in violation of international humanitarian law for not requesting that the coalition include the facility in the no-strike list. The Group of Experts notes that this is an incorrect attempt to reverse the responsibility for distinguishing between military objectives and civilian objects and to place the burden on the humanitarian relief organisations. The 'no strike list' is a means used by militaries in order to assist their targeting teams with meeting their own responsibilities for identifying civilian objects, including and especially those with special protection; the burden does not shift to civilians to make themselves clearly known to attacking parties in armed conflict. However, JIAT also acknowledged, in the same statement, that it had been notified that MSF was moving to and from this facility.

434. The facility, a newly constructed Cholera Treatment Centre that would have accommodated approximately 50 to 60 beds, could not open its doors to patients as planned for the cholera season. (See chapter on violations related to the humanitarian situation, section on attacks impacting medical facilities).

(c) Bus at Dhahyan market, 9 August 2018, Sa'dah

> *"I was with my friend, same age. Making fun and laughing together. I woke up outside the bus – about five meters away from the bus I could see other injured children and pieces of their bodies, then I fainted again".*
> **Survivor of the attack on the bus in Dhahyan**

435. On 9 August 2018, at around 8:30 a.m. the coalition forces carried out an airstrike on Dhahyan area market in Majz district, Sa'dah governorate. The airstrike hit a bus carrying approximately 50 children, parked along the Highway of Dhahyan market. The Group of Experts verified the death of 11 children aged 10 - 15, and two male adults from the attack, although reportedly the death toll was much higher with at least 40 reported

[684] http://www.alriyadhdaily.com/article/812807e44f9a47ddbfe1bbd99be1cd0c

killed including 39 boys, [685] and 60 civilians injured.[686] On the day of the attack, the children had gathered at 07:00 am at the mosque for a day-trip to visit the martyrs cemetery in al-Ja`malah area, also in Majz district, and then the Hussein Badr al-Din al-Houthi tomb in al-Sayfi area.[687] The children on the bus were under 14 years old. The bus was completely destroyed by the strike, which also partially damaged 11 stores and a vehicle. Several of the children travelling on the bus as well as passers-by were torn apart by the strike such that their bodies could not be identified or recovered by their families to conduct a proper burial. A father of an 11-year-old child who died while on the bus stated he had only received one foot of his son. He told the Group, "*I didn't find the body of my son, I was only given his foot, or what could have been his foot to bury something symbolic*."[688]

436. Shortly after the attack, on 11 August, the Saudi Arabia Permanent Mission to the United Nations in Geneva stated that the airstrike had been a "legitimate military action that targeted Houthi leaders who were responsible for recruiting and training young children, and then sending them to battlefields."[689] The letter also indicated the incident had been referred by the Kingdom of Saudi Arabia to the JIAT for investigation. On 1 September 2018, in a press release, the JIAT Legal Advisor, Lt. Gen. Mansour Ahmed al-Mansour, stated [690] that due to a clear delay in preparing the fighter jet, the airstrike was not carried out on the bus as a military objective in an empty and open area to avoid such collateral damage. The coalition stated that it agreed with the JIAT assessment, "expressed regret" for the attack, and said that it would "undertake legal proceedings to hold those who committed mistakes accountable" and "provide redress or assistance to the victims." Al-Mansour, in his public statement of 1 September 2018, said that the coalition had reviewed information "circulated and confirmed" by Houthi officials that four Houthi commanders, responsible for military training, recruiting or training fighters and producing IEDs, were present on the bus, without providing further information to support these allegations.[691]

(d) Airstrike close to a hospital in Kitaf, Sa'dah, 26 March 2019

437. On 26 March 2019, around 09:00 hrs, an airstrike hit in the vicinity of the Kitaf rural hospital, a small hospital supported by Save the Children[692] in the rural district of Kitaf and al-Boqe'e, Sa'dah governorate. At the time of the airstrike, civilians from the area, including children,[693] were flowing into the hospital, which also ran a Therapeutic Feeding Centre, as well as into the nearby market. Eight individuals (all male) were killed in total, including five children and the hospital guard.[694] The strike reportedly injured another nine people, including two children. According to witnesses, bodies were torn in pieces, and a number of wounded had to be transported for emergency treatment to a hospital in Sa'dah city, which is located around 60 kilometres from the site.

438. According to the Group of Experts' investigations, the airstrike directly impacted a small shop that sold miscellaneous food and non-food items as well as petrol, stored in barrels.[695] The shop was within close range, around 10 to 15 metres from the entrance of the hospital,[696] and located near a local market that sold qat as well as various goods. While

[685] United Nations, Report of the Secretary-General on Children and armed conflict in Yemen, 3 June 2019, S/2019/453

[686] OHCHR, "Press briefing notes on Yemen civilian casualties", 10 August 2019, available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23439&LangID=E.

[687] https://edition.cnn.com/videos/world/2018/08/13/yemen-school-bus-strike-elbagir-vpx.cnn.

[688] Confidential Sources on File.

[689] https://twitter.com/ksamissionun/status/1028444736024141825.

[690] https://www.youtube.com/watch?v=p7MC71eD-UI&feature=youtu.be.

[691] https://www.youtube.com/watch?v=p7MC71eD-UI&feature=youtu.be.

[692] The Group of Experts would like to note that his section was prepared without any contribution from Save the Children. Mentions of the NGO were made based on Save the Children's public statements on the airstrike.

[693] Confidential Sources on File.

[694] Confidential Sources on File.

[695] Confidential Sources on File.

[696] Less than 50 meters according to Save the Children but between 10 and 15 meters according to witnesses interviewed by the Group of Experts.

the hospital building's front was slightly damaged,[697] the hospital also sustained considerable damage to its generator, equipment, windows and doors, which rendered it non-operational in the aftermath of the strike. The hospital could not reopen its doors to patients, and tents were set up outside the next day to enable it to continue serving people from the area. A pharmacy close to the hospital, where some of the casualties occurred, was also reportedly[698] destroyed. According to one of the hospital staff,[699] there were around 25 staff members inside the hospital at the time of the strike. Save the Children publicly[700] reported on one health worker being injured while caring for two children: "*All people were screaming and running out of the hospital. The structure of the hospital was totally damaged inside. Our colleague lost two children. They were burned… I got injured in my head and I was bleeding. I ran away from the hospital with my colleague to a safe place but we found nothing that could help me stop the bleeding. It was the most difficult moments of my life*".

439. Information gathered by the Group of Experts failed to ascertain any military presence in the hospital, market, or surrounding area at the time of the attack. There was also nothing to suggest that the site or nearby shop contained any weapons, though this possibility was not considered disproven based upon the Group's findings.[701] According to sources, the casualties were all civilians, including seven children in total. The Group of Experts was informed that the hospital had been "de-conflicted" and its coordinates were known to the coalition.[702]

(e) Airstrikes on houses and a farm in Maghrabat Talan, Kushar, Hajjah, 9 April 2019

> *"They were shouting come and help us. We couldn't help them, because the reconnaissance plane was still roaming and we feared it would hit us again. I was just across the farm. I could hear them scream. To lose your family in*

[697] See satellite imagery from UNITAR-UNOSAT below.
[698] Confidential Sources on File.
[699] Confidential Sources on File.
[700] Save the Children, "Yemen hospital bombing: number of children killed rises to five", 25 April 2019, available at https://yemen.savethechildren.net/news/yemen-hospital-bombing-number-children-killed-rises-five.
[701] Confidential Sources on File.
[702] Confidential Sources on File.

front of your eyes and do nothing. I froze. I just kept shouting and crying. The surveillance plane kept roaming. We could only collect their bodies in the morning… When women are no longer women…Torn to pieces… a massacre. We dug one grave. We buried them all in one grave. There is no power or strength save in God…"

Survivor, airstrike on Maghrabat Talan[703]

440. On 9 March 2019, between 21:00 hrs and approximately 22:00 hrs, three successive weapons dropped from aircraft hit two civilian homes and a farm in Maghrabat Talan, Kushar, in Hajjah. Kushar is one of the main districts of Hajjah where fighting between the Houthis and the Hajouri tribes had taken place between January and March 2019.[704] According to information gathered by the Group of Experts, airstrikes intensified following the Houthi takeover of the area on 8 March 2019. One witness reported that planes had been bombing and roaming the area for several hours that night.[705] The first airstrike hit a home that reportedly belongs to a man affiliated with the de facto authorities, without causing civilian casualties. Around one hour later, a nearby house, sheltering a number of families was hit by another airstrike. Seven children and nine women were reportedly killed, and 13 people were injured, including three women and seven children.[706] Having heard the blast of that second strike, which fully destroyed the house, families sheltering in a home nearby ran into an open area at a farm for fear their house would be next. They were however immediately hit by a third airstrike, while trying to escape. The last two airstrikes took place between five to 10 minutes apart.[707] Eight civilians were killed in the third strike, four women and four children. A 16-year-old girl with a severe physical disability was reportedly injured while trying to escape. She died as a result of her injuries three days later in hospital, bringing the death toll recorded by the Group of Experts from the third airstrike to nine.[708] In total, at least 19 civilians were reportedly killed between the two airstrikes that night, including 11 children and eight women[709]. The Group of Experts confirmed[710] the death of 13 victims, including 11 women and girls, from at least two different families. A six-year-old girl who was killed in the airstrike reportedly died with her mother and sister while trying to flee into the farm. Another young girl remained in a critical condition at the time the Group of Experts was finalizing its report.[711]

441. A witness described to the Group of Experts how 17 people had fled the second house, which was sheltering five families at the time. He said he was running to join them, after they had taken out the women and children, when the airstrike hit the farm. As a plane believed to be conducting reconnaissance continued roaming the area, he hid and told the Group of Experts that he could hear the screams for help of those who survived but was too scared to go to them. He described to the Group that he and other men only reached the victims in the early morning, and that he found torn pieces of the children's bodies and blood all over the farm, between 15 to 40 meters away from the blast. The Group of Experts was not able to confirm the existence of any military presence around the house or farm, which was located in a remote village.

(f) Airstrike on a residential building, 16 May 2019, Sana'a city

442. On 16 May 2019, at approximately 08:15am, an airstrike carried out by the coalition in Sana'a city and nearby areas, struck a four-storey residential building in al-Rukas and al-Rabat streets. The strike resulted in at least five civilian deaths (two girls, 5 and 11 year-

[703] Confidential Sources on File.
[704] For further details on the conflict in Hajour, see Chapter "Life in Sana'a and other areas under control of the de facto authorities", Section "Hajjah governorate, the Hajour conflict, January to March 2019".
[705] Confidential Sources on File.
[706] Confidential Sources on File.
[707] Confidential Sources on File.
[708] Confidential Sources on File.
[709] Confidential Sources on File.
[710] Confidential Sources on File.
[711] Confidential Sources on File.

old; one woman and two men). In addition, eight persons were injured, including two men, two women, two girls, and one boy. Information gathered by the Group of Experts indicates that the neighbourhood was a quiet residential area, with two functioning schools in front of the targeted building. The strike occurred during Ramadhan when many of the building's residents were still sleeping.

443. The Group of Experts confirmed that civilian casualties occurred during this airstrike, and did not identify any apparent military targets in the area.

(g) Violations

444. According to the principle of distinction, parties to the conflict must at all times distinguish between the civilian population and individuals participating in hostilities. Attacks may only be directed against the latter. Similarly, attacks may only be directed against military objectives. Civilian objects lose protection from attack if and for such time as they are used for military purposes.[712] Should the parties target a military objective, they must respect the principle of proportionality in attack. According to this principle, an attack may not be expected to affect civilians or civilian objects in a way that would be excessive in relation to the anticipated military advantage.[713] Finally, in line with the principle of precautions in attack, constant care must be taken to spare the civilian population and civilian objects in the conduct of military operations.[714]

445. Medical facilities are specifically protected under international humanitarian law. Along with medical personnel, medical units and transport must be respected and protected at all times.[715] They must not be the object of attack, as long as they are not used to commit acts harmful to the enemy. In such case, they may become legitimate military objectives and lose their protection after the issuance of an unheeded warning.[716] Intentionally directing attacks against protected medical units is a war crime in non-international armed conflicts.[717]

446. In most cases described above, that is the airstrike close to the Kitaf Hospital in Sa'dah, the airstrike on the house and farm in Hajjah, and the airstrike on the residential building in Sana'a, there is nothing to suggest from the evidence at hand that there were military targets at the respective sites of the attacks or nearby. This raises concerns over the respect for the principle of distinction.

447. In the case of the Kitaf Hospital, in particular, the airstrike hit in the close vicinity of a hospital and a market, as should have been known to the coalition, at a busy time of the day, when civilians, including medical staff, were present. Even in the event a military target was present, the location and the time of the strike raise concerns with regard to the coalition's respect for the principles of proportionality and precautions in attack.

448. With regard to the airstrike in Hajjah, the number of airstrikes, their timing, their proximity to each other (less than 10 minutes lapse), the damage done to the houses and the fact that the last one hit an open area that women and children were running into, suggest that the second and third airstrikes may have been ordered without an adequate assessment of the targets, in violation of the principle of distinction. Even if the first house had been considered as a legitimate target, there are concerns that the coalition may have failed to respect the principle of proportionality and to take the necessary precautions to minimise civilian harm. The same concerns as regards the principle of distinction and precautions are valid for the attack on the residential building in Sana'a, given its location in a residential neighbourhood, in front of two functioning schools.

[712] See ICRC Study on customary IHL, rules 1 to 10 in particular. See also Article 13 Additional Protocol II.
[713] See ICRC Study on customary IHL, rule 14.
[714] See ICRC Study on customary IHL, rule 15.
[715] See ICRC Study on customary IHL, rules 28 and 29.
[716] Article 11 Additional Protocol II; see ICRC Study on customary IHL, rules 28 and 29.
[717] Article 8(2)(e)(ii) and (iv), Rome Statute.

449. With regard to the attack on the school bus in Sa'dah, it is striking that the JIAT considered the bus as a military objective despite the presence of so many children. Even if the principle of distinction was nonetheless respected, this strike raises serious concerns as to the principle of proportionality. There is also a violation of international humanitarian law in relation to precautions in attack, as acknowledged by the JIAT.

450. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the coalition carried out airstrikes in the governorates of Sa'dah, Hajjah and Sana'a that may not have complied with the principles of distinction, proportionality and precautions in attack. Violations of the principles of distinction and proportionality amount to serious violations of international humanitarian law. Launching an indiscriminate attack resulting in death or injury to civilians, or launching an attack in the expectation that it will cause excessive incidental civilian loss, injury or damage may lead to individual criminal responsibility for war crimes.[718] Further, the Group of Experts has reasonable grounds to believe that the specific protection of medical units has been violated by the coalition in the failure to take the necessary precautions to avoid damage to the Kitaf Hospital, and possibly in directing an attack at the MSF cholera treatment centre. Such attacks, particularly where directed at medical facilities, may lead to individual criminal responsibility for war crimes at all levels of command.

3. Hajjah governorate, the Hajour conflict, January to March 2019

(a) Context

451. Towards the end of 2018, the Stockholm Agreement, which included a cessation of hostilities in al-Hudaydah, was reached after international efforts focused on halting the military offensive there, as it potentially carried devastating consequences for Yemen's scarce access to food and humanitarian supplies.[719] At the same time, the complex dynamics of the conflict in Yemen resulted in the parties shifting their efforts to other areas. A new front emerged, this time in the far north, in the district of Hajour, in Hajjah Governorate. The conflict in Hajour, which took place mainly between January and March 2019, involved the Houthis and the tribes of Hajour, the latter of which were allegedly[720] supported at points by al-Islah-affiliated and GPC-affiliated groups. Like many other localised conflicts across the country, this one also revived old and unresolved sectarian, tribal, and political grievances. Disputes between the Hajour tribes and the Houthis predate the conflict in Yemen and go back to the attempted takeover of Hajour by the Houthis in 2012 and 2013. Reported violent armed confrontations at that time ended with a truce between the two sides. The truce included, according to sources[721], an agreement that the Houthis would not use the Hajour area for military purposes.

452. According to many sources, al-Islah party had a large base of support in that area, as did former President Ali Abdallah Saleh and the GPC which he led at the time. While the tribes of Hajjah and the Houthis had their share of sectarian disputes dating back to the eviction of the Salafist presence from Dammaj in January 2014, the alliance between former President Saleh and the Houthis in 2014 eased differences between them. The re-emergence of disputes between Saleh and the Houthis, leading to his death in December 2017, marked the end of the entente. While the Houthis allege that the dispute with the Hajouri tribes was caused by the latter's expansion and their setting up of checkpoints outside of Hajour, local sources allege that the Houthis started encircling the area towards the end of 2018, until they entered Hajour, breaking the six-year-old truce. Hajour is located at a strategic junction, connecting Sana'a to Sa'dah and leading to the coast from the western side of the governorate. Government of Yemen and coalition advances in Middi have placed more pressure on the Houthis in their northern "heartland". The move into

[718] See ICRC Study on customary IHL, rule 156.

[719] For further details on the battle of al-Hudaydah, see Chapter "Emblematic Situation: Battle of al-Hudaydah 2018-2019.

[720] Maysaa Shuja Al-Deen, "The Houthi-Tribal Conflict in Yemen", Carnegie Endowment for International Peace, 23 April 2019.

[721] Confidential Sources on File.

Hajour is seen by some as a strategic move to secure the mountains of Hajour and the road to Sana'a, and ensure Houthi positioning in the North.

453. Whatever the reasons behind the upsurge in violence, the significance of the conflict in Hajour is that it is emblematic of the complex dynamics marking the conflict in Yemen. It also speaks for the efforts on all sides of the conflict to gain negotiating grounds, and to open up new fronts while seemingly resolving others, all battles that have so far been aimed at sustaining the war effort, with its devastating impact on millions of entrapped Yemenis today.

(b) Violations committed by the Houthis and impact of the conflict on civilians in Hajour

> *"Civilians were not allowed to leave the region during the war. It was either death or prison, or of course to become loyal to them [the Houthis]. And loyalty means taking part in the war against your tribe".*
>
> **Tribal Sheikh from Hajour**[722]

454. The period extending from January until 8 March 2019 was marked by escalating hostilities and ground fighting in a number of locations throughout Hajjah governorate. The Group of Experts documented incidents in Kushar, Abbaysah and also in Bani Hassan, where armed confrontations between the Houthis and the Government of Yemen were taking place. This section focuses on the Hajour conflict. According to various sources, the de facto authorities won or coerced,[723] even prior to the inception of hostilities, the loyalty of some tribal Sheikhs within the area, which further complicated local dynamics, as tribes became divided, weakening the resistance to the Houthi military operations within Hajour. On 18 February, in reply to a call for support from the Hajouri tribes, coalition forces reportedly airdropped ammunition as well as medical supplies into Kushar. According to various sources,[724] these supplies only exacerbated internecine disputes amongst the tribes, whose leading Sheikhs had suffered major divisions by then. Witnesses from Hajour described heavy shelling and ground fighting in their villages, some citing the use of mid-range ballistic missiles by the Houthis into populated areas.[725] According to a number of witnesses and victims, the Hajouri tribes were poorly equipped in comparison to the Houthis, and individuals sometimes joined the fight "to defend their homes" when Houthis reached their villages. The Group received reports of a worrying and widespread pattern of arrests targeting men and boys from Hajouri tribes, many of whom were reportedly disappeared.

455. During its investigations into the incidents in Hajour, the Group of Experts documented a number of violations linked to the armed conflict, mainly perpetrated by the Houthis in a number of villages during or following the military takeover of the area. In addition, the Group of Experts received allegations regarding one case of arrest and ill-treatment of a man from Hajour by coalition forces[726], although the Group could not confirm such allegations due to security concerns for victims and sources. In another incident, the Group was informed of the death of one Houthi-affiliated detainee who was reportedly taken hostage by the Government of Yemen during confrontations on one of Hajjah's fronts. These allegations could nevertheless not be confirmed and the circumstances of his death remain unclear. Time limitations, lack of access, and security considerations in relation to victims and sources had a significant impact on the Group's ability to further investigate alleged violations committed by all parties to the conflict in Hajour. These will remain under investigation.

456. While the Group of Experts directly witnessed, through its remote engagement with victims and other sources throughout Yemen, the fear that Yemenis constantly experience, this fear is worth reiterating in relation to the inhabitants of Hajjah and the events of the

[722] Confidential Sources on File.
[723] Confidential Sources on File.
[724] Confidential Sources on File.
[725] Confidential Sources on File.
[726] Confidential Sources on File.

Hajour conflict. In addition to the very limited media coverage from the region, communication issues and security considerations put a great limitation on the ability of the Group of Experts to operate. Telecommunications were heavily affected by the conflict in Hajjah. For civilians who stayed in the area, they recurrently expressed fears of engaging with the Group of Experts, which sometimes chose not to engage with witnesses for fear of putting them at further risk. Despite these challenges to investigations, the Group of Experts was able to obtain a glimpse into the lives of people in the area, the risks they face by remaining, and the impact that the closure of the area had on Hajour and its civilian population.

(c) Allegations of targeting of civilian objects and indiscriminate shelling

457. The Group of Experts received wide-ranging reports[727] that Houthi fighters used indiscriminate shelling and weapons described by witnesses as "heavy", including mid-range missiles, and explosives, in populated areas during the armed confrontations in different parts of Hajour, including Abbaysah. The Group received numerous allegations of explosives being used by the Houthis to target civilian homes during their takeover of villages, sometimes after houses had emptied[728] or after the family had tried to "defend the house."[729]

458. The Group examined information regarding approximately 25 houses that had been allegedly blown up by the Houthis using improvised explosive devices or explosive weapons, as well as one school and one mosque.[730] In addition, the Group of Experts documented an incident[731] of an explosion targeting a civilian house in the village of Abbaysah, after its owners had fled. The house was reportedly targeted by Houthis because its owner was a prominent figure in the area.[732] Political and tribal figures interviewed by the Group repeatedly referred to a pattern of "revenge" against the population of Hajour for past grievances.[733] Investigations into further allegations of indiscriminate shelling, explosions and targeting of civilians were not completed by the time of finalization of this report due to time and access restraints.

459. It is worth recalling that direct attacks against civilians and civilian objects, as well as indiscriminate attacks, are prohibited under international humanitarian law.[734]

(d) Restrictions on freedom of movement, entry of essential supplies, and humanitarian aid

> *"We were in a very dire humanitarian situation. We could not get a single drop of water. Days passed without food reaching our houses and villages…"*
>
> **Internally Displaced man from Hajour**

460. The conflict in Hajjah was preceded by at least two months of what witnesses and sources described as a "siege", or the region being an "enclave", where the Houthis set up checkpoints at the various entry points to Hajour[735]. People were reportedly asked to show identity cards and were searched by Houthi men on the way in and out of the area. The restrictions on Hajour increased and by the beginning of the military operations inside Hajour, cars were not allowed to enter, goods were transported on donkeys and even those were stopped at times. Water trucks were also stopped from entering the area. According to some sources, the water sources for Hajour were under Houthi control and they allege the

[727] Confidential Sources on File.
[728] Confidential Sources on File.
[729] Confidential Sources on File.
[730] Confidential Sources on File.
[731] Confidential Sources on File.
[732] Confidential Sources on File.
[733] Confidential Sources on File.
[734] See ICRC Study on customary IHL, rules 1 and 11; see also Art. 13 Additional Protocol II.
[735] Confidential Sources on File.

Houthis deliberately stopped water from reaching the governorate[736]. One witness who was displaced with his entire family described spending days without food reaching their village: "We could not get a single drop of water", he further told the Group of Experts.[737] According to witnesses and sources interviewed by the Group[738], the siege's intensification after January 2019 had a major impact on the civilian population's access to food and water and some displaced persons told the Group of Experts that their displacement was due to the hostilities as well as the lack of access to basic goods, including medicine and medical services.

461. Families displaced from various parts of Hajour described the heavy shelling of civilian areas, explosions and targeting of civilian houses within villages, and the impact of the "siege" on their access to medical care, food and water. People were reportedly stopped at Houthi-manned checkpoints and some "disappeared", while trying to leave the area. One witness[739] who was displaced with his entire family described how he and his family walked at night to avoid checkpoints until they passed Houthi controlled areas and reached a part where they were able to request passing cars to drive them to safety. They walked for three days. "*We were lucky to find good people to pick us up*", he said. The man told the Group of Experts that he and his family reached a safe area on 10 March, 25 days after their journey from Kushar began.

Denial of humanitarian access and obstructions to humanitarian assistance

462. According to UNHCR, Hajjah hosts "by far" the highest number of internally displaced person sites and internally displaced persons in Yemen, 300,000 as of 28 June 2019.[740] Up to 68,000 families are estimated to have been displaced within or from Hajjah between February and the end of March 2019. OCHA estimated that between mid-February and mid-March 2019, 8,400 families were displaced from Kushar district alone as a result of armed clashes between the Hajour tribesmen and the Houthis[741].

463. OCHA reported on assistance provided by the United Nations to the displaced from the area, and observed that more than a million people were not accessing food and that thousands of cholera cases had been reported across the governorate of Hajjah. The United Nations reiterated its request for access to the area[742].

464. Sources, including NGOs[743] operating in Hajjah Governorate, including one of the districts where a number of displaced persons have sought safety, told the Group of Experts it was very difficult to ascertain the exact number of internally displaced within the area. The primary reason for this was that access to Hajour had been largely denied by the Houthis to humanitarian agencies since the conflict erupted. One source cited the scarce presence of international humanitarian agencies in Hajjah, despite the immense needs in the Governorate, as one of the reasons why an adequate response to the crisis was not possible in a timely manner.[744] They described a pattern of Houthis pressuring NGOs and pushing them out of their sub-offices at district level and into the main city of Hajjah, and of controlling access to the field, including by moving humanitarian actors further away from those they are trying to reach in locations hosting IDPs. Access to locations of active

[736] Confidential Sources on File.
[737] Confidential Sources on File.
[738] Confidential Sources on File.
[739] Confidential Sources on File.
[740] UNHCR, Operational Update, 28 June 2019, available at https://reliefweb.int/report/yemen/yemen-unhcr-operational-update-28-june-2019
[741] OCHA, Yemen Humanitarian Update, 22 March- 17 April 2019, available at https://reliefweb.int/report/yemen/yemen-humanitarian-update-covering-22-march-17-april-2019-issue-6-enar.
[742] UN Office of the Resident Coordinator and Humanitarian Coordinator for Yemen, "Scores of innocent civilians wounded and killed in attacks in Hajjah Governorate", 11 March 2019, available. at https://reliefweb.int/sites/reliefweb.int/files/resources/HC_Statement_Hajjah_11_March_2019.pdf
[743] Confidential Sources on File.
[744] Confidential Sources on File.

conflict had reportedly been denied to NGOs on security grounds. The pressure to move offices from sub-districts put additional burdens on accessing the remaining field locations such as Abs, which requires several hours of driving from Hajjah. Reaching these field locations also reportedly required additional security permits that were sometimes obtained for only a day or two[745], further restricting humanitarian organizations' work. Bureaucratic impediments such as these added to an already limited ability to deliver assistance urgently and respond to needs as they arose. Some humanitarian workers described access limitations in Hajjah over the recent months as unprecedented and the worst they have witnessed in Yemen so far.[746]

465. An NGO in one of the districts that reported receiving a large flow of internally displaced persons from Hajour told of harassment and arrest of their staff operating in the area, [747] where the NGO was running a mobile clinic. Its staff members were arrested for one day by the Houthis for entering a village without "permission" and accused of working as spies for the coalition. The NGO described to the Group of Experts how access had been increasingly restrained by the Houthis.

466. Various sources spoke to the Group of Experts of the difficulties of dealing with the de facto authorities' National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery" (hereinafter "NAMCHA"). Access was reportedly controlled and cleared by National Security, creating an additional layer of complication for NGOs who deal with the NAMCHA as their counterpart, as they are unable to deal directly with national security officials.[748] The Group of Experts gathered reports of pressure by the de facto authorities on organizations to share their data on internally displaced persons and local populations, which some reportedly refused to do. In June 2019, the WFP announced its partial suspension of operations in Yemen, due to diversion of aid by the Houthis. One source interviewed by the Group felt this was a specific concern in Hajjah also. The source indicated that all NGOs and United Nations agencies had been receiving ready-made lists of beneficiaries from the de facto authorities, which does not allow them to provide humanitarian relief on the basis of need.

467. Witnesses who spoke to the Group of Experts said that in March 2019, after the Houthis gained control of Hajour, commercial goods had been allowed to enter but humanitarian organizations continued to be unable to access the area in a sustained and safe manner.

Violations

468. Blockades, sieges[749] and siege-like warfare are not per se prohibited by international humanitarian law, as long as their purpose is to achieve a military objective and they are not imposed with the aim of starving the civilian population.[750] In any case, the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, and subject to their right of control.[751]

469. The access restrictions imposed by the de facto authorities as described above have significantly impeded humanitarian operations, considerably restricting the movement of relief personnel and supplies into or within Hajour. The Group of Experts has reasonable grounds to believe that the de facto authorities have violated their obligation to allow and

[745] Confidential Sources on File.
[746] Confidential Sources on File.
[747] Confidential Sources on File.
[748] Confidential Sources on File.
[749] The term "siege" is not defined by international law, but can be understood as "the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender." See "International Humanitarian Law and Human Rights Law Relevant to Siege Warfare", OHCHR, January 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/sieges_legal_note_-_final_-_en_1.pdf.
[750] See Article 14 Additional Protocol II; see also ICRC Study on customary IHL, rule 53.
[751] Article 18 Additional Protocol II; see ICRC Study on customary IHL, rule 55.

facilitate rapid an unimpeded passage of humanitarian relief. This obligation is also violated as the de facto authorities have prevented access for humanitarian organisations to conduct needs assessments. There are also reasonable grounds to believe that the rights to food and water, as well as to healthcare have not been respected by the de facto authorities. (See chapter on violations related to the humanitarian situation, section on access restrictions for more details).

(e) Arbitrary arrests and detentions, enforced disappearances, and torture

> *"One of my brothers is abducted, another was killed. My eldest sons were lost for two months. We fled in different directions, not knowing where they went".*
>
> **Displaced man from Abbaysah**

470. Evidence collected by the Group of Experts indicates that during and following the hostilities in Hajour, there were widespread arrests of men from the area,[752] who were reportedly detained by the Houthis at checkpoints and from hospitals,[753] including in one case from a hospital in Sana'a.[754] According to families and sources from the region, many of those arrested without any grounds were held in Hajjah, in what used to be the Political Security facility that has been since turned into an unofficial detention place by the Houthis.[755] Others were reportedly detained in Sana'a or in Amran.[756] Some families told the Group of Experts that some of the disappeared had taken part in the armed confrontations with the Houthis, while others were civilians who had either attempted to flee, or were taken from their homes, from checkpoints on their way out of the area, or taken from hospital by Houthi armed men.

471. A witness told the Group of Experts how his relative was taken from hospital by the Houthis and disappeared after he had been injured while "*defending their home like some other young men had done.*"[757] Another individual, a civilian who was stranded in an area called Naham al-Gharb, an area where the Group received reports of 71 men being disappeared,[758] reportedly went to the local governor when the restrictions increased to seek advice, because he feared the Houthis would target him since he was from Abbaysah. The man was reportedly handed over to the Houthis and sent to the political security detention facility in Hajjah. He has since disappeared.[759]

472. The Group of Experts received information[760] from various sources alleging that up to 294 individuals (male), including two boys and at least 240 civilians have disappeared at the hands of the Houthis in Hajour since January 2019. Their fate and location reportedly remained unknown.

473. The Group of Experts investigated[761] two cases of reported deaths in detention of men from Hajour since the onset of the conflict in January 2019. Reportedly, one of the men was a teacher who was arrested by Houthi armed men at a checkpoint while travelling to reach his family.[762] The Group of Experts has reasonable grounds to believe that he died in detention. The Group could not verify the allegations of torture nor ascertain the circumstances of his death, though he reportedly bore marks of torture on his hands, head and neck.[763] The second man was reportedly taken from hospital by the Houthis, after he was injured by shrapnel. According to sources, he had not taken part in the armed

[752] Confidential Sources on File.
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[760] Confidential Sources on File.
[761] Confidential Sources on File.
[762] Confidential Sources on File.
[763] Confidential Sources on File.

confrontations in Hajjah. He was reportedly placed in detention in Sana'a, and separated from his cellmates a week prior to his death. The group did not confirm the cause of his death by the time of finalization of this report. In these cases as in others documented elsewhere by the Group of Experts, the bodies of the deceased had not been returned to their families by the time this report was being finalized. In some cases, whether in Hajjah or other parts of Yemen, families alleged that men working in the detention facilities run by the de facto authorities had required families to pay money in return for information about their relatives.[764]

474. The various reports received and cases of arbitrary detention, enforced disappearance and allegations of torture investigated by the Group of Experts in relation to Hajour, if confirmed, point towards a concerning pattern of targeting of members of certain tribes and families from the Hajour area, because of their perceived opposition to or lack of support of the Houthis. The Group received allegations of the targeting of one entire family, including its women. These allegations could not be confirmed due to limitations of time and access. Evidence gathered and reviewed by the Group raises concerns over the existence of patterns of arresting and detaining men from the Hajouri tribes during and following the conflict in the area. These cases require further examination.

Violations

475. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[765] International human rights law and international humanitarian law also prohibit arbitrary detention.[766] Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, such as those relating to the right to a fair trial or other procedural guarantees, or to unlawful restrictions to the exercise of fundamental freedoms.[767] Depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.[768] Torture and other cruel, inhuman or degrading treatment are also strictly prohibited under both international human rights law and international humanitarian law, and may lead to individual criminal responsibility for war crimes.[769]

476. The Group of Experts has reasonable grounds to believe that the de facto authorities violated the right to liberty and security of person, namely through enforced disappearances, arbitrary arrests and detention, including the violation of fair trial rights, in Hajjah, notably of individuals based on their tribal affiliation. This may lead to individual criminal responsibility for the war crime of denial of fair trial. There are also concerns about cases of torture and ill-treatment. If these allegations are proven, this may lead to criminal responsibility for the war crimes of torture and cruel or inhuman treatment.

[764] Confidential Sources on File.

[765] Article 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.

[766] Article 9 and 14 ICCPR; Art. 3 common to the Geneva Conventions and Art. 4 Additional Protocol II; See ICRC Study on customary IHL, rule 99.

[767] ICCPR, articles 9 and 14; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173); The Working Group on Arbitrary Detention has identified five legal categories relating to arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of fundamental freedoms, (c) when the violations of norms relating to the right to a fair trial are of such gravity as to give the deprivation of liberty an arbitrary character, (d) when migrants are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty reflects discrimination, notably based on birth, national, ethnic or social origin, language, religion and political or other opinion (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

[768] See ICRC Study on customary IHL, rule 100.

[769] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.

4. Targeting of the General People's Congress (GPC) political party Affiliates 2017-2019

477. The Group of Experts investigated allegations of human rights violations in the context of the break-up of the Houthi-Saleh alliance at the end of 2017.

478. The Group examined the targeting of persons affiliated with the GPC following the split in its alliance with the Houthis. In one case, on the same day the split was announced, Houthi fighters killed a member of the GPC leadership and his two family members. In another case, the de facto authorities arbitrarily detained tens of GPC women affiliates who were leading protests.

(a) Background

479. The Houthi-Saleh alliance was by definition fragile due to a long history of conflict between the two sides. The intermittent 2004-2011 conflicts that took place in Sa'dah governorate between the Houthis and the Ali Abdullah Saleh-led Government of Yemen allegedly resulted in numerous human rights violations and remained in the collective memory of the inhabitants of that province.

480. The alliance was further strained in the months preceding the break-up in December 2017. The internal power struggle was illustrated by key incidents. Pro-Houthi media repeatedly suggested that the GPC was not supporting the war effort and that some of its members were cooperating with the coalition. According to reliable sources, members of the GPC within the government felt increasingly side-lined by the Houthis, and in August 2017 the Houthis attempted to obstruct the celebrations of the 35th anniversary of the establishment of the GPC. Also in August 2017, the deputy head of the GPC foreign affairs committee, Khalid al-Radhi, was reportedly killed in a dispute at a checkpoint between Houthi guards and bodyguards of one of Saleh's sons.[770] That same month a prominent GPC member, who had been an outspoken critic of the Houthis and who had been warned by them, was attacked and severely injured by unidentified armed men who hit him with metal bars. In the following days, the GPC member left the country with his family.[771]

481. Tensions escalated in late November 2017, as the Houthis succeeded in taking over the al-Saleh Mosque in Sana'a, an important symbol of Saleh's power and influence. The Houthis attacked the house of Saleh's nephew, Tariq, which reportedly resulted in eight persons killed.[772] Amid this tension, on 2 December 2017, in a televised speech, Saleh formally broke ties with the Houthis, saying that he was open to a dialogue with the coalition. The Houthis immediately shut down the internet and satellite channels and attacked the building of the GPC-owned Yemen al-Youm media station. The Houthis arrested 43 members of staff and shut down the station.

(b) Killing of Ali Abdullah Saleh

482. The Group investigated the killing of Ali Abdullah Saleh. However, due to the highly charged political environment surrounding the killing it has not been possible to reach a conclusion as to the exact circumstances of his death. This was partly due to witnesses who were present at the time of Saleh's death declining to speak to the Group. One stated that they would need authorisation from the government of a specific coalition country, and subsequently refused to engage with the Group.

483. According to information gathered by the Group of Experts, between 2 December 2017 at 0700 hrs and the morning of 4 December 2017, the Houthis conducted a concerted attack with tanks, mortars and snipers on Saleh's house in the Hadda district of Sana'a. Fighting ensued between the Houthis and Saleh's guards. The Group of Experts was not able to reach factual conclusions on the immediate aftermath of the Houthis' take-over of the House. Some sources suggest that, by the morning of 4 December 2017, the Houthis had entered the house and killed Saleh, and arrested two of his adult sons, who were then

[770] Confidential Sources on File.
[771] Confidential Sources on File.
[772] Confidential Sources on File.

detained for more than a year. Other sources indicate that Saleh was killed in a convoy as he was trying to leave Sanaa. A forensic pathologist, who analysed video footage of Saleh's body at the request of the Group, was inconclusive about the cause of death. Saleh's deputy, 'Aref al-Zuka, was reportedly also injured during the attack and taken to hospital, where Houthi fighters later killed him.[773]

(c) Assassination of Sheikh Dayfallah al-Muthana and Family

484. Sheikh Dayfallah al-Muthana was a well-known GPC leader, a member of the Permanent GPC Council, an elected counsellor in the governorate of Dhamar and a General Manager in the Governorate administration. He was a prominent GPC figure in Yemen, a key tribal mediator, and one of the sheikhs for the district of Risabah, Dhamar.[774]

485. On 2 December 2017 at 0800, al-Muthana was at the Risabah Crossroads[775] where a number of his properties were. He was driving the lead vehicle in a group of three vehicles, accompanied by family and colleagues, including his brother, also a GPC member, his cousin, his adult sons, and his bodyguards. The area was busy with many bystanders. A large group of heavily armed Houthi fighters stopped the vehicles in what appeared to be a pre-planned operation. They opened fire targeting al-Muthana at will, and in the process injuring him and others, and killing al-Muthana's brother, his cousin and a bodyguard. The bodyguards returned fire, and al-Muthana fled with others with the help of bystanders.[776]

486. The Houthis searched the area for al-Muthana. They demolished a number of his commercial and residential properties with explosives, and attempted to destroy others.[777] Al-Muthana and a colleague sought refuge inside al-Nur Mosque, 500 meters south of the crossroads. [778] On 2 December 2017 at 2030 hrs, Houthi fighters found al-Muthana in the mosque, surrounded it from all sides and opened fire on the mosque, killing al-Muthana and his colleague.[779]

(d) GPC Women-Led Protests

487. On 6 December 2017 and 21 March 2018, over two-hundred women and girls who were GPC members and affiliates staged a series of demonstrations in Sana'a, organised by prominent GPC women, against the rule of the Houthis, denouncing the assassination of Saleh, and demanding the return of his body.[780] In both cases, the de facto authorities deployed armed security, including the security force referred to externally as the "Zeinabiyyat", who attacked demonstrators and women-bystanders. They beat them with batons, rifles, and electric batons, threatened to de-robe and rape them in the street, and called them prostitutes. Such threats carry particular connotations and gravity in Yemeni society, raise the risk of gender-based violence against them, and were perceived by the participants as tantamount to sexual violence. [781]

488. In the days after the 6 December 2017 demonstration, de facto authorities detained and disappeared a number of GPC women and girls, some of whom had taken part in the demonstration. Up to 130 of these women and girls, approximately half of whom were GPC members, including girls as young as 17, were detained for several months in an unofficial detention facility in the basement of Ali Mohsen al-Ahmar's former residence.[782] In this detention facility, the GPC detainees were separated from the others and treated differently. They were told that their ideology was flawed, and were given pro-Houthi and religious lectures. The "Zeinabiyyat" guards told them that they were no longer human-

[773] Confidential Sources on File.
[774] Confidential Sources on File.
[775] Located at 14.695299, 44.342860.
[776] Confidential Sources on File.
[777] Confidential Sources on File.
[778] Located at 14.692139, 44.344778.
[779] Confidential Sources on File.
[780] Confidential Sources on File.
[781] Confidential Sources on File.
[782] Confidential Sources on File.

beings and cut their hair short. At least one of the women was subjected to forced nudity. The same woman described to the Group how she was subjected to vaginal and anal rape on multiple occasions by different Houthi men. During the rapes the men used humiliating verbal abuse and told her she had been Saleh's property but was now a Houthi spoil-of-war. She described interrogations afterwards during which she was accused of prostitution and other false accusations, and ordered to make false confessions on video. When she refused, she was tortured with electrocutions, and beatings.[783] The Group of Experts had not completed its investigations into this case at the time of finalization of the report.

489. In the demonstration on 21 March 2018, on mother's day, the demonstrators sought to lay flowers near the house of the former president, but were prevented by the Houthis who attacked them.[784] After the attack at least 60 women were detained and taken to detention facilities in Sana'a, including police station buildings.[785] While there, "Zeinabiyyat" women guards serving as agents of the de facto authorities tortured and ill-treated them, including sexually assaulting three women by purposefully striking their vulvas through their clothing with electric batons.[786] They only released the women after mediation, into the custody of male family members.[787] The Houthis sought to keep some of the women for longer for unknown reasons. There are reports that 11 women and girls detained on that day were not released and remain disappeared. Investigations into this by the Group of Experts are ongoing.[788] The public violations against GPC women demonstrators have had a significant chilling effect on women's political participation in Sana'a.[789]

(e) Detention of GPC Members

490. Since 2 December 2017, a number of GPC members and their relatives have reportedly been arbitrarily detained and have disappeared, sometimes for months at a time. This includes the detention of members of the GPC senior leadership, relatives of former President Ali Abdullah Saleh, and multiple staff members of the media station Yemen al-Youm.[790]

491. The Group verified four such cases of detention of GPC affiliates between December 2017 and December 2018 of between three weeks and nine months duration.[791] In one case, a detainee was forcibly disappeared at Ibb Political Security prison where he was subjected to torture, including sexual assault by being beaten on his testicles.[792] In another case, a GPC member was detained for three weeks along with her relatives including her two young children at Dhamar Political Security Prison.[793]

492. In another case, a GPC member who worked for the de facto authorities, and members of his family, were detained after the GPC member refused to enact Houthi policies and orders that he did not agree with.[794] In another case, a GPC supporter publicly criticised the Houthis, and was forcibly disappeared by the Houthis for over nine months. The Houthis used false charges of prostitution to 'legitimise' her detention, and further prevent the family from pursuing the case given the severe stigma and consequences attached to such accusations.[795]

[783] Confidential Sources on File.
[784] Confidential Sources on File.
[785] Confidential Sources on File.
[786] Confidential Sources on File.
[787] Confidential Sources on File.
[788] Confidential Sources on File.
[789] Confidential Sources on File. For further details on the Group's findings, see above section in this chapter on Restrictions on fundamental freedoms, including resulting arbitrary detention.
[790] Confidential Sources on File.
[791] Confidential Sources on File.
[792] Confidential Sources on File.
[793] Confidential Sources on File.
[794] Confidential Sources on File.
[795] Confidential Sources on File.

(f) Assault allegations

493. Members of the GPC reported that they had been physically assaulted, their homes raided and then confiscated by the Houthis without any grounds.[796] During 2018 and 2019, the Houthis publicly announced a list of wanted GPC affiliates, whose property had been or would be confiscated.[797]

494. On 19 January 2018 Houthi fighters allegedly kidnapped, raped and killed a GPC member. A purported investigation by the de facto authorities alleged that she was not a GPC member. However, information obtained from a witness suggests otherwise. Fears of reprisal, media interest and other factors have frustrated the Group's investigation into this case and further investigation is required.[798]

(g) Violations

495. Arbitrary deprivation of life is strictly forbidden under international human rights law.[799] Under international humanitarian law, when – within the context of an armed conflict – a party to the conflict intentionally kills a civilian, it amounts to wilful killing or, in a non-international conflict, to murder.[800] Murder is a serious violation of international humanitarian law, hence a war crime that may lead to individual criminal responsibility.[801]

496. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[802] International human rights law and international humanitarian law also prohibit arbitrary detention.[803] Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, mostly those relating to the right to a fair trial or other procedural guarantees, or to unlawful restrictions to the exercise of fundamental freedoms.[804] Depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.[805] Torture and other cruel, inhuman or degrading treatment are also strictly prohibited under both international human rights law and international humanitarian law, and may lead to individual criminal responsibility for war crimes.[806] Rape and other forms of sexual violence are also prohibited by international human rights law and international

[796] Confidential Sources on File.

[797] Confidential Sources on File.

[798] Confidential Sources on File. See also https://www.thenational.ae/world/mena/houthi-rebels-accused-of-kidnapping-rape-and-murder-1.697102.

[799] Art. 6(1) ICCPR.

[800] Art. 3 common to the Geneva Conventions, Art. 4(2)(a) Additional Protocol II; See ICRC Study on customary IHL, rule 89.

[801] Art. 8 2.(c)(i) Rome Statute.

[802] Art. 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.

[803] Art. 9 and 14 ICCPR; Art. 3 common to the Geneva Conventions and Art. 4 Additional Protocol II; See ICRC Study on customary IHL, rule 99.

[804] ICCPR, arts. 9 and 14; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173); The Working Group on Arbitrary Detention has identified five legal categories relating to arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of fundamental freedoms, (c) when the violations of norms relating to the right to a fair trial are of such gravity as to give the deprivation of liberty an arbitrary character, (d) when migrants are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty reflects discrimination, notably based on birth, national, ethnic or social origin, language, religion and political or other opinion (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

[805] See ICRC Study on customary IHL, rule 100.

[806] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.

humanitarian law.[807] This may lead to individual criminal responsibility for the war crime of rape and any other form of sexual violence, as well as torture, and outrages upon personal dignity.[808]

497. The Group of Experts has reasonable grounds to believe that the de facto authorities are responsible for the arbitrary killings of people affiliated with the GPC, which amount to arbitrary deprivation of life. As they are linked to the armed conflict, these wilful killings amount to serious violations of international humanitarian law, which may lead to criminal liability for the war crime of murder. The Group of Experts also has reasonable grounds to believe that the de facto authorities violated the right to liberty and security of person, namely through enforced disappearances, arbitrary arrests and detention, including the violation of fair trial rights, as well as torture and other ill-treatment, and sexual violence. This may lead to criminal responsibility for the war crimes of torture, cruel or inhuman treatment, outrages upon personal dignity, and denial of fair trial. In addition, the Group of Experts has reasonable grounds to believe that the rights to freedom of expression and assembly have been unduly restricted by the de facto authorities, in violation of their human rights obligations.

E. The battle of al-Hudaydah (2018 – 2019)

1. Context

498. In 2018, the al-Hudaydah governorate, already one of the most deprived areas in Yemen, suffered intense fighting leading to numerous civilian casualties and damage, and a deterioration of the humanitarian situation during an offensive by Yemeni armed forces and UAE-backed armed groups aimed at regaining control of its capital, al-Hudaydah city.

499. From January 2018, Yemeni armed forces and affiliated UAE-backed armed groups advanced through Ta'izz governorate from the south toward al-Hudaydah city, cutting Houthi supply lines between Ta'izz and al-Hudaydah. They reached the outskirts of al-Hudaydah city by June. On 13 June 2018, alleging that the Houthis were smuggling weapons through the port of al-Hudaydah, the coalition began "Operation Golden Victory". Its stated objective was to dislodge the Houthis from the port city. The fighting continued in the whole governorate throughout the second half of 2018.

500. On 13 December 2018, under the auspices of the United Nations Special Envoy of the Secretary-General for Yemen, the Houthis and the Government of Yemen reached an agreement on the city of al-Hudaydah and the ports of al-Hudaydah, Salif, and Ras 'Issa (the "Stockholm Agreement"). The accord provided for the redeployment of forces on both sides away from locations near the ports and the city of al-Hudaydah itself. On 16 January 2019, the United Nations Security Council adopted a resolution creating the United Nations Mission to support the Hudaydah Agreement ("UNMHA") to support the implementation of the Stockholm Agreement.

501. The redeployment of troops on both sides did not proceed within the timeframes initially agreed in the Stockholm Agreement, and serious questions remained over the parties' willingness to adhere to these agreements at the time of writing. However, the Agreement contributed to a significant decrease in the violence in the province and prevented the conflict from fully engulfing the capital of the governorate. Fighting in al-Hudaydah would have had serious consequences for civilians living in the town and impacted the whole of Yemen, given the importance of the port to the country.

2. Humanitarian situation

502. The fighting resulted in approximately 455,000 people displaced from and within al-Hudaydah governorate between June and November 2018.[809] Many of the internally

[807] Art. 7 ICCPR; Art. 3 common to the Geneva Convention, Art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 93.
[808] Art. 8 2.(e)(vi) Rome Statute.

displaced persons moved into urban centres in the governorate, which further strained the water and sanitation needs of the host population and resulted in unmet needs for the newly arrived displaced persons. Al-Hudaydah also became one of the governorates most affected by food insecurity, with more than 1,600,000 inhabitants left with critical needs and 560,000 living in pre-famine conditions.[810] Al-Hudaydah had the most cases in the country of children at risk of acute malnutrition in the aftermath of the fighting. Furthermore, the health worker-to-population rate in al-Hudaydah became 7 to 10,000, well below the 22 to 10,000 recommended by the Inter-Agency Standing Committee ("IASC").[811] At least 80 schools were affected by the fighting in al-Hudaydah, either because they had been occupied by armed actors or by internally displaced persons, or because they were impacted during the fighting.

(a) Situation in al-Durayhimi

503. Most of al-Hudaydah governorate suffered impediments to the access of humanitarian aid during the fighting and, in its aftermath, due to landmines and continued sporadic clashes. As an illustration of this dynamic, the Group of Experts examined allegations that parts of al-Durayhimi district were under siege. In early August 2018, the Yemeni armed forces and affiliated UAE-backed armed groups advanced to the outskirts of the district centre. Following periods of intense fighting that led to the destruction of many buildings, the Houthis retained control of most of the district, including its centre. The frontlines settled with the access points to the district centre under control of the Yemeni armed forces and affiliated groups. Access to the area was further complicated by the presence of landmines.[812]

504. Civilian objects including essential infrastructure in al-Durayhimi suffered severe damage as a result of the conflict. For example, a main water tank in the city was destroyed when the vicinity was targeted in an attack, for which the party responsible had not been determined at the time of writing.[813] The fragility of the health infrastructure in the district is illustrated by cases investigated by the Group of Experts, in which injured civilians were required to seek healthcare outside the district.[814] Additionally, the only maternity and neonatal centre was partially destroyed by a coalition airstrike on 11 October 2018. On the same day, a rural hospital in the same area was shelled. As a result, there are less facilities and services to assist women during pregnancy and childbirth in al-Durayhimi city.[815]

505. From August until December 2018, while the intense fighting was ongoing, humanitarian actors did not have access to the district at all. In 2019, humanitarian actors were allowed briefly to access al-Durayhimi to deliver food in January and in late April/early May. In spite of this brief access, no humanitarian assessment has been carried out in al-Durayhimi since June 2018.[816] Therefore, the number of individuals living today in al-Durayhimi district and the district centre itself (and their needs), is not confirmed, and a proper humanitarian response could not be devised or implemented. The continued restrictions, ongoing at the time of writing, were mainly due to Yemeni armed forces' and affiliated armed groups' control of access points, as well as the presence of landmines around these areas, which remained under the control of the de facto authorities.[817]

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[809] Sana'a Centre for Strategic Studies "Starvation, Diplomacy and Ruthless Friends: The Yemen Annual Review 2018", 22 January 2019.

[810] IPC Overview and Classification System: Yemen: Acute Food Insecurity Situation December 2018 - January 2019. See: http://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1151858/

[811] The Inter-Agency Standing Committee is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key United Nations and non-United Nations humanitarian partners. The IASC was established in June 1992 in response to United Nations General Assembly Resolution 46/182 on the strengthening of humanitarian assistance.

[812] Confidential Sources on File.

[813] UNICEF, Humanitarian Situation Report, August 2018.

[814] See Shelling incidents of 4 August, 14 August and 19 July.

[815] For further details on this case, see section below on access.

[816] Confidential Sources on File.

[817] Confidential Sources on File.

(b) Lack of access to the Red Sea Mills, al-Hudaydah city

506. The Red Sea Mills is a wheat storage and processing site located in al-Hudaydah city. Before the conflict engulfed al-Hudaydah, the mills contained 51,000 metric tons, or a quarter of WFP's in-country stock, enough wheat to feed 3.7 million people for one month.[818]

507. In August/September 2018, the frontlines of the fighting reached the mills. Thereafter, access to it required agreement from both sides of the conflict. From September 2018, WFP lost access to the site and was forced to use other wheat stocks as well as to import additional wheat to cover the food needs of the Yemeni population. Citing the ever-increasing potential for spoilage of the wheat as time passed, access to the site was a constant United Nations advocacy point. The continued refusal by the Houthis to provide access to the site in the aftermath of the ceasefire brokered as part of the Stockholm Agreement lacked a clear justification.

508. The Houthis were responsible for denying access to the site from January 2019 to May 2019. The access from al-Hudaydah required crossing front lines from the Houthi controlled areas in al-Hudaydah to the Government of Yemen controlled area. While the Government of Yemen agreed to allow the United Nations access from January 2019, the Houthis did not. The Houthis stated that the reason for such denial was due to security concerns. They feared that an incident may happen to the United Nations upon arrival at the site or during the frontline crossing, which then would be blamed on them. The Houthis stipulated that for access to be granted, an investigation team needed to be attached to the WFP team that would immediately investigate any security incident that took place. [819]

509. On 5 May 2019, a technical team led by WFP regained access to the Red Sea Mills upon the Houthi's consent. The team, which travelled from Aden, were to have long-term access to the site. According to WFP, at the time of finalization of this report, the status of the Red Sea Mills' supply was still not clear, as the total quantity of wheat that would be fit for human consumption was still to be determined.[820]

510. In addition to being inaccessible, there were reports that the Red Sea Mills had been mined. WFP accused the Houthis of entering the facility and planting landmines inside.[821] Only on 5 May 2019 did the Yemeni Executive Mine Action Centre (YEMAC) declare the entire Red Sea Mills compound free of landmines.[822]

(c) Violations

511. A siege[823] is not per se prohibited by international humanitarian law, as long as its purpose is to achieve a military objective, and that it does not violate other rules, such as the prohibition to starve the civilian population.[824] As a corollary to the prohibition of starvation, it is also prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, for the purpose of denying them for

[818] WFP "WFP gains access to vital wheat stocks needed for Yemen's hungry people" Available at: https://www1.wfp.org/news/wfp-gains-access-vital-wheat-stocks-needed-yemens-hungry-people

[819] Confidential Sources on File.

[820] WFP, "World Food Programme accesses Yemeni frontline district for first time since conflict began" 31 May 2019. Available at: https://reliefweb.int/report/yemen/world-food-programme-accesses-yemeni-frontline-district-first-time-conflict-began.

[821] https://twitter.com/camanpour/status/1064583183465775105.

[822] UNDP "Red Sear Mills Free of Explosives for the First Time in Eight Months" 15 May 2019. Available at: http://www.ye.undp.org/content/yemen/en/home/stories/red-sea-mills-free-of-explosives-for-the-first-time-in-8-months-.html.

[823] The term "siege" is not defined by international law, but can be understood as "the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender" (see *International Humanitarian Law and Human Rights Law Relevant to Siege Warfare,* OHCHR, January 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/sieges_legal_note_-_final_-_en_1.pdf).

[824] Art. 14 Additional Protocol II, see also ICRC Customary IHL Study, rule 53.

their sustenance value to the civilian population.[825] International humanitarian law further provides that the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, provided that such relief is of impartial nature and conducted without adverse distinction. Also, relief operations remain subject to the parties' right of control.[826] Consent may not be withheld for arbitrary reasons, and restrictions on humanitarian activities may only be justified in case of imperative military necessity and on a temporary basis.[827]

512. Essential infrastructure, such as water and health facilities are subject to the protection given to civilian objects and, for the latter, the special protection given to medical facilities, unless they have lost that protection. It is also prohibited to attack objects indispensable to the survival of the civilian population but it was not clear to the Group of Experts whether these facilities were targeted as such. However, as follows from the principle of precautions in attack, the obligation to take constant care to spare the civilian population can be considered as all the more relevant in such a fragile humanitarian context.

513. Parts of al-Durayhimi district under the control of the de-facto authorities, including its district centre, are facing severe humanitarian access restrictions. These restrictions are caused mainly by the Yemeni armed forces and affiliated UAE-backed groups' control of access points, and by the presence of landmines around the area. The exact number of individuals still living in the areas of al-Durayhimi district under Houthi control is unknown, also due to the lack of access for humanitarian actors to carry out an independent needs assessment. In practice, it is recognized that the denial of access to undertake the necessary assessments to establish humanitarian needs may already be a violation of the obligation to allow and facilitate humanitarian access, especially in the context of a humanitarian crisis such as Yemen. Hence, the Group of Experts has reasonable grounds to believe that the Government of Yemen is violating its obligations to allow and facilitate access to humanitarian relief to people in need in parts of al-Durayhimi district.

514. The Government of Yemen and the de facto authorities have also violated their obligation to allow and facilitate humanitarian access as regards the denial of access to the Red Sea Mills. Within such a context of acute food insecurity and nutrition needs, the refusal to provide humanitarian actors with access to the most important wheat storage facilitiy in Yemen could only be justified by imperative military necessity. The Group of Experts did not find any such justification for the Houthis' refusal to provide WFP access to the Mills between January and May 2019. The Group welcomes the Houthis' recent approval of WFP access to the Mills, while noting it remains unclear to date how much of the wheat contained therein remains usable.

515. In such a context of acute insecurity, all violations of provisions related to the access of the population to objects essential to the survival of the population must be examined within the scope of the prohibition of starvation as a method of warfare. (For an analysis of these issues as part of broader patterns, see chapter on Humanitarian crisis and related violations).

3. Violations related to the conduct of hostilities

516. The Group of Experts received numerous allegations of violations of international humanitarian law and international human rights law in relation to the fighting in al-Hudaydah. These included alleged violations from air strikes and shelling, as well as child recruitment, attacks against fishermen, and the use of landmines. The Group of Experts selected a sample of emblematic cases of the most serious and representative violations to

[825] Art. 14 Additional Protocol II, read in conjunction with Art. 54(2) Additional Protocol I.
[826] Art. 18(2) Additional Protocol II, see also ICRC Customary IHL Study, rule 55.
[827] See ICRC Customary IHL Study, rule 55; See also Art. 71(3) Additional Protocol I; See "Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict", Commissioned by OCHA, October 2016 (https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf).

investigate. The patterns and violations described below are a non-comprehensive description of the effect of the fighting on civilians.

(a) Airstrikes

517. Coalition airstrikes were a common feature of the fighting in al-Hudaydah. The Yemen Data Project reported that the coalition carried out at least 536 air raids between May 2018 and January 2019 in al-Hudaydah Governorate, which represented 34 per cent of the air raids in the country during that period. Al-Hudaydah Governorate was Yemen's second most heavily targeted governorate between May 2018 and January 2019, after Sa'dah (at least 596 air raids – 38 per cent), which has been the most heavily targeted governorate by coalition air raids since the air campaign began in March 2015.[828] The Group of Experts was able to reach factual conclusions on the impact of the airstrikes in three cases.

26 June 2018, Road between Zabid and al-Garrahi

518. On 26 June 2018, at 11:30 hrs, on the road between Zabid and al-Garrahi,[829] approximately 10 km from al-Sarahi, in al-Hudaydah governorate, a white civilian minibus traveling eastbound was hit by an airstrike. The minibus was carrying 19 internally displaced persons, including one woman and three children, who were members of the fishing community fleeing fighting in al-Hudaydah. The minibus was also carrying outboard boat engines. According to examined materials and witnesses, the bus had passed a military checkpoint shortly before the airstrike hit it. The weather was clear, there was good visibility, and the surrounding terrain was flat. The single lane road was clear with limited traffic, and no buildings or other objects were in the immediate vicinity. A single blast hit the ground immediately to the rear of the vehicle. The bomb itself did not strike the vehicle directly. The blast seriously damaged the vehicle and set it on fire, and metal shrapnel was propelled throughout the vehicle. Nine occupants, all males including the driver and two boys, were killed, either directly from the explosion or by the ensuing fire.[830] The remaining 10 passengers, including three boys and one woman, were all injured, suffering serious burns and shrapnel injuries, as well as serious trauma.

519. In response to a statement from the Special Rapporteur on Extrajudicial Executions, the JIAT issued a report on this incident.[831] JIAT found that a coalition UAV (armed drone) had located a light utility vehicle, which was armed, North of Zabid city, al-Hudaydah. Thus, the vehicle, according to the JIAT, had lost its legal protection. The coalition air force, the JIAT added, took "all feasible precautions in the choice of means and methods of attack with a view of avoiding, and in any event, to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects," evidenced by the use of a proportionate precision-guided munition. The JIAT found that no collateral damage was sustained as the precision-guided munition made a precise, direct hit.

13 October 2018 - al-Musabriyah area - Jabal Ras District[832]

520. On 13 October 2018, at around 11:00 hrs, an airstrike hit two minibuses parked at a Houthi checkpoint in the al-Musabriyah area of the Jabal Ras District. The checkpoint is located just before reaching the mountains, and is the only one outside the village of al-Musabriyah. It was manned by four Houthi men armed with AK47s. In one of the vehicles, three to four civilians were killed by the airstrike. In the second vehicle, up to 13 passengers were reportedly killed, including one woman and one child. Only three passengers survived. In total, there are credible reports that more than 34 civilians were injured, including, one woman and five children (three boys and two girls). The United

[828] See https://yemendataproject.org/data.html.
[829] Approximate Location: 14° 8'17.70"N, 43°22'2.23"E.
[830] Confidential Sources on File.
[831] https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1852734.
[832] The approximate location of the incident is 14° 8'26.09"N, 43°30'38.27"E.

Nations Country Team condemned the incident.[833] On 15 October, the Official Spokesman of the coalition, Colonel Turki al-Malki, stated that results of the comprehensive review of the incident indicated that there might have been collateral damage and civilian casualties during this incident and that all documents relating to this incident had been handed over to JIAT. [834]

24 October 2018 – Airstrike on Okra farm/market in Mahatat al-Mas`odi area, al-Mansuriyah district.[835]

521. On 24 October 2018, at around 5:30 p.m., in Mahatat al-Mas`odi area, al-Mansuriyah district, al-Hudaydah governorate, a coalition airstrike hit a farm. The shrapnel from the explosion of the weapon resulted in the death of 21 civilians, including two children, and injured seven civilians, including four children. According to witnesses' accounts, the casualties were farmers, who were harvesting and cleaning okra to be sold in the market when they were hit by two strikes. Reportedly, one of the two weapons did not explode. The Group of Experts did not receive reports of any apparent military objectives near the farm at the time of the attack.

522. The area struck was under the control of the de facto authorities. The farm is adjacent to the Highway linking al-Hudaydah to Ta'izz governorate. The farm is located 200 meters away from Alawyah Junction of al-Durayhimi district. The destruction of the farm and the killing of breadwinners destroyed the sources of income for many in the area. Witnesses reported that some survivors are living from begging and favours of others to feed themselves. A Reuters press report quoted the spokesman for the coalition, Colonel Turki al-Malki, as stating that the coalition would investigate the incident.[836] To the knowledge of the Group of Experts, no other official comment has been made on this incident by the coalition.

Violations

523. According to the principle of distinction, parties to the conflict must at all times distinguish between the civilian population and individuals who participate in hostilities. Attacks may only be directed against the latter. Similarly, attacks may only be directed against military objectives. Civilian objects lose protection from attack if and for such time as they are used for military purposes.[837] Should the parties target a military objective, they must respect the principle of proportionality in attack. According to this principle, an attack may not be expected to affect civilians or civilian objects in a way that would be excessive in relation to the anticipated military advantage.[838] Finally, in line with the principle of precautions in attack, constant care must be taken to spare the civilian population and civilian objects in the conduct of military operations.[839]

524. The Group of Experts reached factual conclusions on the three above cases involving airstrikes in al-Hudaydah. The three cases followed similar patterns. They took place along key highways in Houthi controlled areas, two of them occurring near Houthi checkpoints. The airstrikes hit buses carrying civilians, some of whom were internally displaced persons fleeing conflict-affected areas, resulting in their deaths and injuries. Based on the evidence available, the Group of Experts has reasonable grounds to believe the coalition carried out the three investigated airstrikes that killed civilians. In two of the three cases, it is not clear what the intended target was, raising concerns with respect to target selection and respect for the principle of distinction. In one case, the JIAT indicated

[833] UN Humanitarian Coordinator in Yemen, 14 October 2018, Available at: https://reliefweb.int/report/yemen/attacks-passenger-buses-hodeidah-leave-scores-dead-and-injured-enar.

[834] https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1828669.

[835] The location of the incident is 14°37'32.63"N, 43°18'24.27"E.

[836] https://www.reuters.com/article/us-yemen-security-hodeidah/air-strikes-kill-at-least-16-civilians-in-yemens-hodeidah-medics-residents-idUSKCN1MY2HU.

[837] Art. 13 Additional Protocol II; See ICRC Study on customary IHL, rules 1 to 10 in particular.

[838] See ICRC Study on customary IHL, rule 14.

[839] See ICRC Study on customary IHL, rule 15.

the airstrike had struck a vehicle that 'was armed'. In the other two cases, the targets were not identified. If the coalition had effectively identified military targets, and those were hit (given the use of high precision weapons), the location of the strikes would raise concerns with respect to the principles of proportionality and precautions in attack, given it would have been foreseeable a number of civilians would be killed in the attack.

525. Two of the three strikes investigated by the Group hit minibuses carrying civilians away from areas where active hostilities were taking place. The first documented strike took place in June 2018 and the last one in late October 2018. During this period, the coalition did not seem to change its modus operandi for airstrikes in al-Hudaydah in spite of the evident considerable impact upon civilians trying to flee the conflict. This raises concerns with regard to the coalition's respect for the principles of proportionality and precautions in attack.

526. In the one case investigated by the Group for which the JIAT released information from its investigations (the strike on the road between Zabid and al-Garrahi), the JIAT's statement does not specify the kind and number of weapons that the minibus was allegedly carrying, which – along with other information regarding the targeting process - would have been necessary for the Group of Experts to assess whether the coalition had respected the principle of proportionality.

527. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the coalition carried out airstrikes in al-Hudaydah that may not have complied with the principles of distinction, proportionality and precautions in attack. Violations of the principles of distinction and proportionality are serious violations of international humanitarian law and launching an indiscriminate attack resulting in death or injury to civilians, or launching an attack in the expectation that it will cause excessive incidental civilian loss, injury or damage may lead to individual criminal responsibility for war crimes.[840] This may involve criminal responsibility at all levels of command.

(b) Houthi Shelling

528. Shelling by all parties to the conflict has been a constant feature of the conflict in al-Hudaydah, even after the entry into force of the ceasefire. The Group of Experts investigated 10 incidents and examined credible and detailed information on another 10 incidents, in order to identify patterns. The cases below are a sample of the emblematic incidents investigated.

27 June 2018 - al-Markoudhah neighbourhood, al-Hudaydah city[841]

529. On 27 June 2018, at 16:30 hrs, in al-Markoudhah neighbourhood, al-Hudaydah city, close to the airport, two shells fell in the area. The first shell fell near one of the houses in Markoudhah neighbourhood, and the second landed around 500 meters away from it. The second shell killed seven individuals and injured another six who were outside the house chewing qat. Another two civilians who were inside the house were injured. Most witnesses agreed that the shells came from the west. There was a Houthi base in the 17 July School to the west within range of where the shells landed, allowing the Group to conclude that the shells were fired by the Houthis. The injured were taken to the al-Thawra and military hospitals in the city, where some of them died. In total, nine male individuals were killed, including two boys. Another seven individuals were injured (two men, two women, two boys and one girl). It is not clear whether the house or the gathering was the target. All witnesses denied the presence of fighters in the area at the time of the attack. The area that was hit consists of a long row of houses located next to the main road located in front of the airport.

530. While the impacted area was located near the frontlines, there was no active fighting during the attack. It is probable that the targets were the Yemeni armed forces and affiliated groups located near the airport. However, the impacted area is a residential one, made

[840] See ICRC Study on customary IHL, rule 156.
[841] The approximate location of the incident is 14°45'14.13"N, 42°57'40.54"E.

comprising many civilian houses. The choice to use such an imprecise weapon in a residential location shows a failure to take into account the civilian lives and property in the area, the presence of which the Houthi fighters were undoubtedly aware when launching the attack.

19 July 2018 - Wadi al-Qawm Village, al-Mashakhana village, al-Durayhimi district

531. On 19 July 2018, there was intense fighting taking place in al-Mashakhana village, a frontline area at the time that had changed hands many times. Each party to the conflict had around one kilometre under its control at the time of the incident. On that day, between 08:30 and 9:00 hrs, the women, the elderly and family members stayed in the houses while the men were on the outskirts of the town, working in the fields. The men were two kilometres outside the village centre harvesting dates. As the fighting intensified, the people who had remained in the village gathered to leave. Many people left their houses without carrying anything. Individuals spread out, moving to various locations. Some of them, while they were trying to leave, were hit by shelling. In total, at least four men were killed and nine individuals were injured, including three women. The shelling took place in an area controlled by the Government of Yemen. Based upon the information available, the Group of Experts concluded that the shells that struck the civilians in this case came from the Houthis. The victims were in an open space, and were mainly elderly persons with limited mobility. The dead persons were left behind and the injured were helped to move away from the area, including by members of the armed groups affiliated with the Yemeni armed forces who were in the west of the village, after the survivors went to them and requested cars to transfer the injured. The injured were taken to al-Khawkhah and then to Aden for treatment. Some people stayed in hospital for months.

532. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the shells that impacted civilians in this incident were fired by Houthi fighters. The area where the shells landed was an open one, without buildings or houses in the vicinity. The shelling appears to have taken place in the context of heavy fighting between the two forces, which were firing at each other from opposite sides of the village. This was just one of many shells that landed on the village on that day. The choice of weapons used, considering the location of the fighting, showed a failure to take into account the lives of civilians, whose safe escape from the area of fighting should have been assisted rather than disregarded.

(Details of location and date withheld for protection reasons)

533. At around 02:30 hrs, three mortar shells fell on a private house. The three shells fell in the garden and backyard of the house. One piece of shrapnel from the mortars penetrated the house's walls, injuring a woman and her two-year-old daughter. The girl was taken to the nearest hospital, but she died later. The house is located among other houses in a small village. The village was under the control of groups affiliated with the Yemeni armed forces, which had taken over a school, located about 300 meters away from the incident. According to witnesses' statements, Houthis' firing positions were located on the side from which the shelling came. The Group of Experts has reasonable grounds to believe that the Houthis launched the attack.

534. There was no active fighting when the attack happened. It is probable that the target was the Yemeni armed forces and affiliated groups' military locations located 300 meters from the house. However, it would have been clear to the Houthis that the use of imprecise weapons such as mortars in this residential area would likely result in harm to civilians. The decision to use such an imprecise weapon in a civilian-populated location shows a failure to take into account the civilian lives and property in the area. The attack also raises concerns over the decision of the pro-government forces to occupy a school, located near civilian houses, as a base for its operations.

(*Details of date and location withheld for protection reasons)*

535. At around 09:00 hrs one morning, mortars landed on a water distribution point that was part of a charity project providing water to a village. It consisted of a 2,000 litre water

tank, from which villagers could collect water. At the time of the incident, there was a queue to collect water when a mortar fell next to the tank. It destroyed the wall next to the tank and the shrapnel struck those who were collecting water. Two boys were killed in the strike. The first hospital to which one of the boys was transferred could not treat him due to a lack of capacity. One adult male, two girls and one boy were also injured, one of them seriously. The village was under the control of the Yemeni armed forces and affiliated groups, which had taken over a school, located about 150 meters away from the incident. Most witnesses stated that the Houthis were responsible for this attack, based on the direction it was coming from.

536. There was no active fighting taking place at the time of the attack. It is probable that the target was the Yemeni armed forces and affiliated groups' military location at a school near the water distribution point. However, the area struck is residential, a factor that should have been considered by the Houthis when choosing the means and the timing of the attack. This attack also raises concerns over the decision of the pro-government forces to occupy a school, located near civilian houses and a water distribution point, as a base for its operations.

5 October 2018, Bani Jabir, al-Khawkhah[842]

537. On 5 October 2018, at around 11:30 hrs, a mortar shell landed in a camp for internally displaced persons in Bani Jabir, al-Khawkhah. The camp had been operational since June/July 2018. The area was under the control of the Government at the time of the incident. The camp, run by the King Salman Centre, hosted approximately 100 internally displaced persons. A building serving as a base for Yemeni armed forces and affiliated groups is located around 70 metres to the south of the camp. Around one kilometre to the east of the camp lays the Abi Musa al-Asha'ari military camp.[843] One mortar shell landed on a farm near the internally displaced persons' camp. The second shell landed inside the camp, killing one woman, and injuring another seven persons (one man, one girl, and five boys), and damaging the water tank. The shelling came from the northeast, where the Houthis were based.

538. Based on the evidence available, the Group of Experts found that the mortars fired in this incident were fired by the Houthis. There was no fighting at the time of the attack. It is probable that the target was the Yemeni armed forces and affiliated groups' military locations. However, the Houthis should have taken into consideration the proximity of the military objective to the displaced persons camp when choosing their weapon. The incident also raises concerns over the co-location of a military base and a camp for displaced persons.

Violations

539. The principle of distinction prohibits indiscriminate attacks, i.e. attacks that are of such nature as to strike military objectives and civilians or civilian objects without distinction.[844] Attacks using a method or means of combat which cannot be directed at a specific military objective constitute indiscriminate attacks.[845] In order to give effect to the principle of distinction, parties to the conflict must also take precautions against the effect of attacks. Accordingly, they must, to the extent feasible, avoid locating military objectives within or near densely populated areas.[846]

540. The Group of Experts investigated the above-mentioned six cases in which the Houthis used indirect-fire weapons with wide area impact, firing shells that killed and injured civilian men, women and children. While in one incident the shelling took place during heavy and immediate fighting, all other incidents investigated took place when there was no active fighting. These attacks raised concerns over the timing of attacks, the choice

[842] The location of the incident is 13.819109, 43.248543

[843] Located at: 13°48'59.78"N, 43°15'15.26"E.

[844] Article 13(2) Additional Protocol II; See ICRC Study on customary IHL, rules 11-12.

[845] See ICRC Study on customary IHL, rule 12.

[846] See Article 13(1) Additional Protocol II and ICRC Study on customary IHL, rule 23.

of weapons, and whether attacks were carried out in such a way as to minimise harm to civilians, in accordance with the principle of precautions in attack. Additionally, in five of the six cases, the Houthi shelling hit populated civilian areas, some of which were densely populated. In four incidents, the Group of Experts identified a potential military objective that may have been the target of the attack in the vicinity where the shells landed. However, in these incidents, a camp for displaced persons, a water distribution point and civilian homes were hit instead. The inaccurate nature of the chosen weapon and the civilian-populated areas into which they were fired rendered the attacks indiscriminate, in violation of the principle of distinction. In the one incident that occurred during fighting, the Group found that the Houthis failed to take necessary precautions to protect civilians during an active combat situation, firing a shell in the direction of a group of mainly elderly persons who were trying to flee the area. In addition, the hitting of a water collection point may raise concerns as to the prohibition of attacks against objects indispensable to the survival of the civilian population.

541. Further, the location of military bases by the Yemeni armed forces and affiliated groups in civilian-populated residential areas, including in a school, and near camps for displaced persons also raises serious concerns about the location of military objects in civilian areas, blurring the distinction between civilian and military objectives, enhancing the risk of harm to civilians and civilian objects, and hence violating the obligation to take all feasible precautions against the effects of attacks.

542. With respect to the cases investigated in al-Hudaydah, the Group of Experts has reasonable grounds to believe that the Houthis were responsible for attacks using indirect-fire weapons with wide area impact that amounted to indiscriminate attacks in violation of the principle of distinction. Launching an indiscriminate attack resulting in death or injury to civilians may lead to criminal responsibility for war crimes.[847] With such attacks, the Houthis further violated the obligation to take all feasible precautions to protect civilians. The Government of Yemen and affiliated groups, in placing military objectives within or near populated areas, also violated international humanitarian law by failing to take all feasible precautions to protect civilians against the effects of attacks.

(c) Shelling by Yemeni armed forces and affiliated UAE-backed armed groups

29-July 2018 – Mahwa Khalif village, al-Tuhayat District

543. On 29 July, at around 10:30 hrs, one mortar shell landed near a house in the small village of Mahwa Khalif village, al-Tuhayat District.[848] The shrapnel killed a man and injured five girls who were playing outside the house. According to witnesses, a mortar shell came from the west, from the direction of the Government controlled governorate of al-Tuhayat. While there was not any evident target for this attack, witnesses reported that the village was under the control of the Houthis and that they were driving motorcycles throughout the village.

544. There was no active fighting at the time of the attack, and the Group of Experts could not identify an apparent intended target for this attack. Even if there was a military objective in the area, it would have been obvious that firing indirect fire weapons with a wide area impact towards a civilian-populated area would likely harm civilians. The decision to use such an imprecise weapon in a civilian-populated location, shows failure to take into account the civilian lives and property in the area.

(Details of date withheld for protection reasons), al-Durayhimi

545. In al-Durayhimi district, the offensive by the Yemeni armed forces and affiliated UAE-backed armed groups on the district intensified moving towards Houthi positions in the east. According to witnesses, a significant amount of shelling was coming from the west, where Yemeni armed forces and affiliated UAE-backed armed groups were located,

[847] See ICRC Study on customary IHL, rule 156.
[848] Located at 14.168N, 43.287E.

in an area called al-Nukhaylah,[849] while airstrikes hit the streets and cars. At around 12:30 hrs, a projectile coming from the west hit a house in the eastern side of the village. A family had been hiding in the same room for hours. The projectile entered from one wall and went out from another, leaving holes in the walls and rubble behind and causing part of the ceiling to collapse. The attack injured the owner of the house, his mother, his wife, and his three sons, including a 10-day-old and a nine-month-old. The family could not escape on the day of the attack due to continued fighting. All family members, now displaced, continue to suffer from their injuries, including one child having breathing problems, and all the adults still have health issues due to their inability to pay for the required medical care.

546. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the shells fired in this incident were fired by Yemeni armed forces and affiliated UAE-backed armed groups. The house was in a civilian populated area. The shelling seems to have been carried out during heavy fighting between the two forces, which were firing at each other from opposite sides of the village. From the information available, the shell that hit the house in question was just one of many that landed on the village on that day. Considering the direction from which the shell came and the location of the parties, the Group of Experts found reasonable grounds to believe that the shell was fired by individuals fighting for the Yemeni armed forces and affiliated UAE-backed armed groups. The use of such weapons during a battle in a civilian populated area showed failure to take into account the life and safety of civilians.

(Details of date withheld for protection reasons), al-Durayhimi, al-Durayhimi District[850]

547. On a day in August 2018, at around 12:00 hrs, al-Durayhimi district, mortar shells hit two civilian houses, killing six civilians, including three male adults and three children (two boys and one girl) and injuring three civilians, one male adult and two girls. All victims belonged to the same family. At the time of the incident, pro-government forces were carrying out an offensive on the city from the western side. The affected houses, located in the southwest side of the city, were in the middle of the crossfire. Witnesses observed that there were Houthi snipers located near the house. Some witnesses stated that the shells came from the west, where the Yemeni armed forces and affiliated UAE-backed armed groups were coming from. The families became displaced after the attack, and the injured girls were taken to hospitals outside the city.

548. The houses that were hit were located in a civilian populated area. The shelling seems to have taken place in the context of fighting between the two forces, which were firing at each other from opposite sides of the village. The shell that hit the civilian houses were among many that landed on the village on that day. Considering the direction from which the shell came and the location of the parties, the Group of Experts has reasonable grounds to believe that the shells that hit the civilian homes and caused the casualties were fired by individuals fighting for the Yemeni armed forces and affiliated UAE-backed armed groups. The use of such weapons during a battle in a civilian populated area showed failure to take into account the life and safety of civilians.

(*Details of date withheld for protection reasons), al-Hudaydah City*

549. On a day in 2018, a shell landed next to a school and a mosque, in al-Hudaydah city. Three girls were walking in the area, all of whom were killed immediately, and two adult males were injured. No active fighting was happening at the time of the incident and the area where it occurred is a densely populated civilian area. The shell came from the south, where the Yemeni armed forces and affiliated UAE-backed armed groups were based. The Group of Experts was not able to identify any apparent military objective in the area. The location and the time of the attack also raise serious concerns over the precautions taken to protect civilians, as it would have been known that civilians would be in the streets.

[849] Location of the incident on file, removed for protection purposes.
[850] Location of the incident on file, removed for protection purposes.

Violations

550. The principle of distinction prohibits indiscriminate attacks, i.e. attacks that are of such nature to strike military objectives and civilians or civilian objects without distinction.[851] Attacks using a method or means of combat that cannot be directed at a specific military objective constitute indiscriminate attacks.[852] In order to give effect to the principle of distinction, parties to the conflict must also take precautions against the effect of attacks. Accordingly, they must, to the extent feasible, also avoid locating military objectives within or near densely populated areas.[853]

551. The Group of Experts investigated three cases as mentioned above in which it found reasonable grounds to believe that the Yemeni armed forces and affiliated UAE-backed armed groups fired shells that killed and injured civilian men, women and children and that damaged civilian property. Two of these shelling incidents took place in the context of heavy and immediate fighting, as the forces were carrying out an offensive to gain territory. These two incidents raise concerns that Yemeni armed forces and affiliated UAE-backed armed groups used weapons in an indiscriminate manner on heavily populated areas to help them gain territory while providing cover to advancing forces. The third incident happened when there was no fighting. In this case, the shells hit a densely populated civilian area that was relatively calm at the time of the attack. In addition to the indiscriminate use of weapons in civilian areas, in violation of the principle of distinction, this further raises concerns over the timing of the attack and whether all feasible precautions were taken to protect the civilian population against the effects of attacks.

552. In the cases detailed above, the Group of Experts found reasonable grounds to believe that the Yemeni armed forces and affiliated UAE-backed armed groups were responsible for shelling attacks that were indiscriminate in violation of the principle of distinction, and failed to take all necessary and feasible precautions to protect civilians. These acts may lead to individual criminal responsibility for the war crime of launching an indiscriminate attack resulting in death or injury to civilians.[854]

(d) Shelling by undetermined perpetrators, 2 August 2018, al-Hawak district, al-Hudaydah

553. At around 16:00 hrs, three mortar shells landed on the main fish market in al-Hawak, al-Hudaydah governorate. Shortly afterwards, two more shells detonated at the entrance to the al-Thawrah hospital, and a third struck the roof of the hospital records room. Two ambulances were hit by the second round of mortar shells. In total, the attack killed at least 41 civilians, including six children and four women, and injured 111 others, among them 19 children and three women.

554. The Group of Experts could not establish definitively what the intended target of the attack may have been. However, it received unconfirmed information that the Houthis had established a military post near the fish market allegedly containing “howitzer” pieces of artillery aimed at the coast.

555. The analysis of the craters left by the shelling in the street near the hospital indicated that the weapons were fired from the south. As the mortars that landed in the area near the hospital came from the south, and considering the reported presence of a Houthi military post in the area where the shells landed, the Group considers that it is probable the mortars came from the Airport, where the Yemeni armed forces and affiliated UAE-backed groups were based.

556. The weapon used appears to be a 120 mm mortar. Yemeni armed forces and affiliated UAE-backed groups and Houthi fighters all have 120mm mortars in their arsenals. However, the kind of shells seen in available pictures is a Rheinmetall Denel Munition, which is mainly available to the coalition. The Houthis, however, could have

[851] Article 13(2) Additional Protocol II; See ICRC Study on customary IHL, rules 11-12.
[852] See ICRC Study on customary IHL, rule 12.
[853] See Article 13(1) Additional Protocol II and ICRC Study on customary IHL, rule 23.
[854] See ICRC Study on customary IHL, rule 156.

captured it from the coalition or purchased it from the black market in Yemen. The shell of the mortar that landed inside the hospital was not seen. Second hand reports suggest that the Houthis collected the shells. The Houthis blamed the coalition for this attack, initially stating that it had been an airstrike. The coalition blamed the Houthis.

557. Based on the evidence available, the Group of Experts has reasonable grounds to believe that the use of such weapons in a heavily populated area amounts to an indiscriminate attack in violation of the principle of distinction enshrined in international humanitarian law, regardless of whether there was a military target in the area or not. Both the hospital and the fish market, along with the large number of civilians known to be in that area, were likely to be impacted by any attack on the area using weapons of this nature. The expected impact diameter of such weapon in crowded streets or in a fish market would have made obvious to the armed actor that carried out this attack that many civilians were likely to be killed or injured. In addition, hospitals are specifically protected by international humanitarian law and have to be respected and protected in all circumstances.

(e) Occupation and attacks of hospitals

Houthis' take over and damage of the 22 May hospital.[855]

558. The 22 May hospital[856] opened on 1 September 2010 in al-Hudaydah city. It provided services to other governorates, including Hajjah, Raymah, Ta'izz, Aden, and al-Mahawit. It was a private hospital with 110 beds, three operating theatres, nine intensive care units, five coronary care units, and MRI, Doppler and Ultrasound equipment. Until June 2018, the hospital operated normally. During the Houthi-Saleh take-over of al-Hudaydah, it continued its operations.

559. On 4 November 2018, the Houthis located one armed man at the top of the hospital. On 5 November, a large number of Houthis took over the hospital. The Houthis started using the facility and shooting from its roof. Following the Houthi's take-over, the hospital became a target for Yemeni armed forces and affiliated UAE-backed armed groups. On 6 November, at around 22:30 hrs, the hospital staff were told by the Houthis that they had to evacuate. Ten intensive care unit patients were transferred to Sana'a, while the remaining patients went home, as their conditions were less serious.

560. On 7 November 2018, as the pro-government forces were about to take over the area where the hospital was located, the Houthis set fire to three operating theatres of the hospital. They then went into the laboratory and destroyed all of the machines with gunfire. Later, they destroyed the whole sixth floor and all records. The burning of rooms and shooting of equipment was captured by CCTV.[857] According to local sources, the Yemeni armed forces and affiliated groups gained control over the hospital on the evening of 8 November 2018.

Violations

561. According to international humanitarian law, medical units shall be respected and protected at all times and in all circumstances, and shall not be the object of attack. Medical units lose their protection if they are used to commit hostile acts.[858] On the basis of the evidence collected and reviewed, the Group of Experts found reasonable grounds to believe that the Houthis occupied the 22 May hospital and severely damaged it, and that the hospital was still under the protection of international humanitarian law at the time that it was occupied by the Houthis. This amounts to a clear violation of international humanitarian law.

(f) Attacks on cultural property and heritage

[855] Confidential Sources on File.
[856] Located at 14°47'20.67"N, 43° 0'9.09"E.
[857] Confidential Sources on File.
[858] Art. 11(1) Additional Protocol II.

562. Al-Hudaydah is home to significant places and items that have cultural value to Yemen and the world. In particular, the old city of Zabid, the capital of Yemen from the 13th to the 15th century, played an important role in the Arab and Muslim world for many centuries because of its Islamic university. Zabid, a UNESCO World Heritage Site, has been on the UNESCO List of World Heritage in Danger since 2000.[859] According to UNESCO, a particular emerging issue is that high prices and lack of traditional building materials has resulted in the use of unsuitable building materials in Zabid. The majority of the traditional buildings in the Old Town of Zabid need urgent interventions for maintenance, restoration and rehabilitation,[860] a situation that has been worsened by the conflict. The Group of Experts monitored the situation of Zabid during the conflict. In spite of some preliminary information on damage to structures within the old town in Zabid, no conclusive evidence emerged of attacks against such structures as a direct result of the fighting.

563. The conflict has created the conditions for the mismanagement of cultural property in Zabid. The Group of Experts received reports that a collection of more than 1,000 manuscripts has been removed from the Zabid museum. The manuscripts were, at the time of writing, no longer kept within the museum, causing serious concerns over their protection and maintenance.[861]

Destruction of the al-Fazah Mosque[862]

564. According to UNESCO[863] the original structure of the al-Fazah Mosque dated from the 7th century and continued to be in use by the local communities, through successive repairs, until the present day. It was dedicated to the scholar Ahmed al-Faz and was a Sufi pilgrimage site.

565. Satellite imagery collected on 6 May 2018 shows some damage in the southern eastern corner of the structure. The image collected on 4 November 2018 shows that by then the mosque had already been fully destroyed.

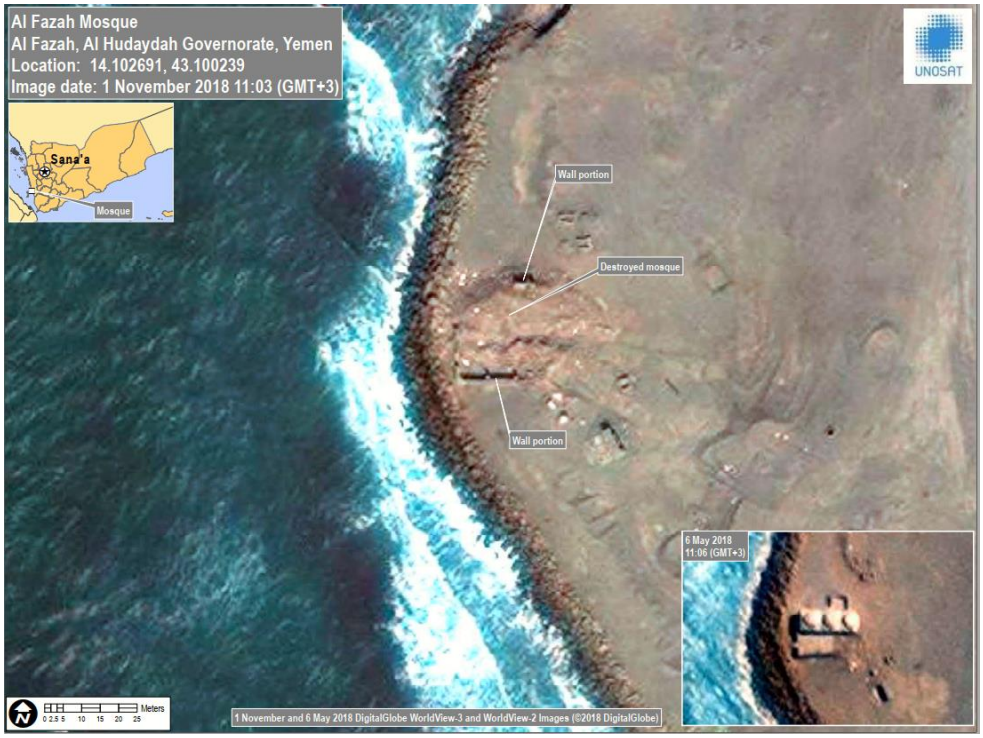
566. From the second week of May 2018, the area where the mosque was located became an active battlefield, with the Giants Brigades and the Tihama Resistance moving towards it to dislodge the Houthis. They received UAE support[864]. By late May 2018, the UAE-backed forces had gained control of the area.[865] After the attack on al-Hudaydah city started (mid-June), the Houthis attempted a counter attack in al-Fazah and significant fighting in the area resumed. Although there was some change in the frontlines, the coastal areas remained under the control of the Pro-Government forces. [866]

567. According to the director of the General Authority for Antiquities and Museums, "Salafist groups" destroyed the mosque on 22 October 2018.[867] The Group of Experts confirmed that the area was under the control of the Giants Brigades at the time of the destruction of the mosque.[868]

568. Although the exact circumstances of the destruction of the mosque and mausoleum remain to be verified, the Group of Experts found reasonable grounds to believe that the Giants Brigades destroyed the site as they were in full control of the area where the mosque was located. The National Commission of Inquiry, which visited the area and interviewed witnesses, reached the same conclusion. Several sources stated that it was "Salafist

[859] UNESCO, State of Conservation City of Zabid. Available at: http://whc.unesco.org/en/soc/3801/.
[860] Ibid.
[861] Confidential Sources on File.
[862] Located at 14° 6'10.05"N, 43° 6'0.88"E.
[863] UNESCO "UNESCO condemns the intentional destruction of a historical mosque and mausoleum in the Hodeida Governorate of Yemen", 30 October 2018. Available at: http://whc.unesco.org/en/news/1895/.
[864] Confidential Sources on File.
[865] Confidential Sources on File.
[866] Confidential Sources on File.
[867] Confidential Sources on File.
[868] Confidential Sources on File.

elements within the Giants Brigades" who destroyed the mosque, surmising that it may have been due to the fact that it was a Sufi mosque and had a mausoleum, which is considered by some extremist elements as supporting idolatry. All sources from the area who spoke to the Group of Experts expressed their disappointment and horror at the destruction of such an important local landmark.



Violations

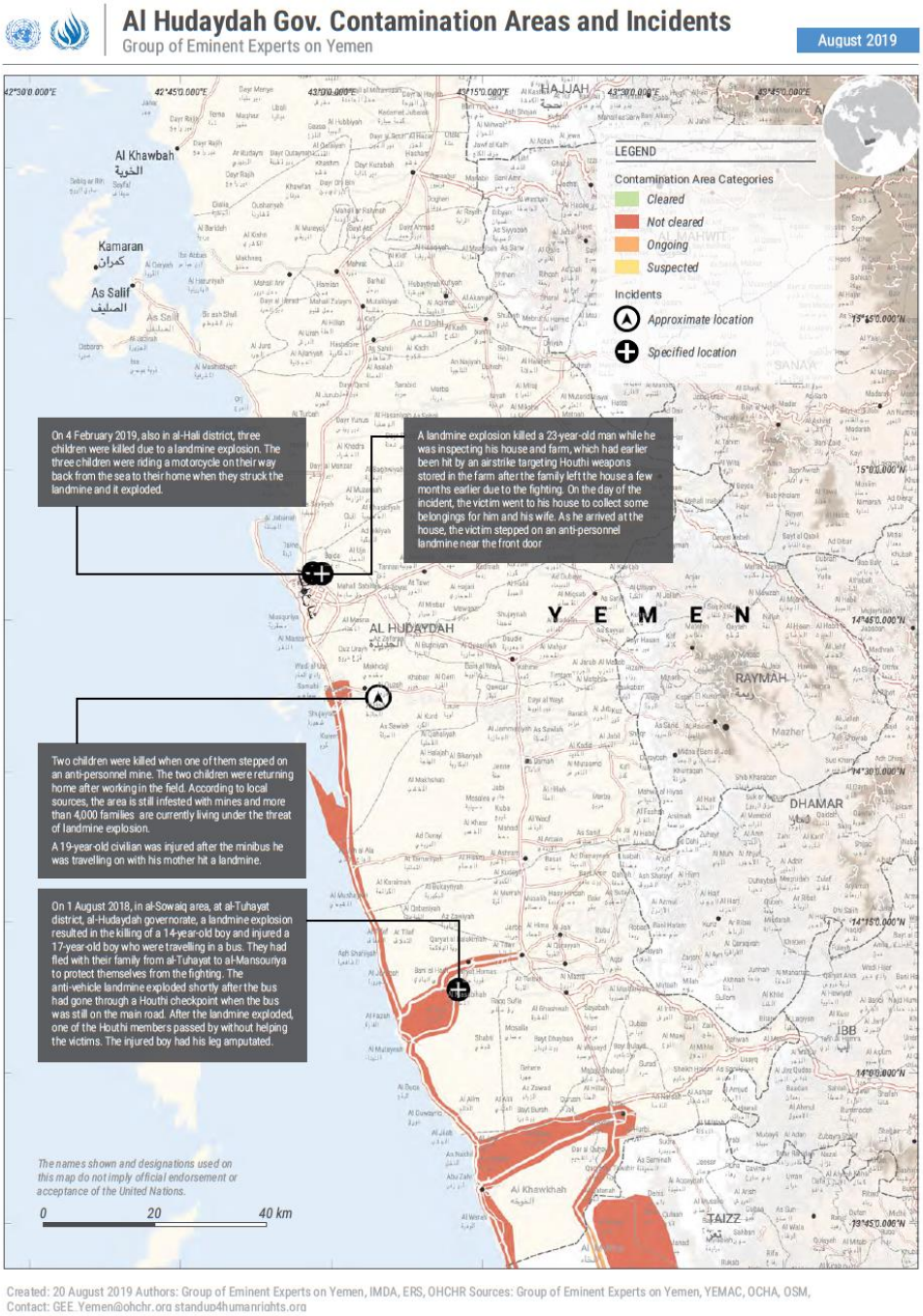
569. The Group of Experts found reasonable grounds to believe that the al-Fazah mosque was destroyed by elements of the Giants Brigades, which had control of the area in the period when the mosque was destroyed. According to international humanitarian law, parties to a conflict must respect cultural property. This rule also implies that property of great importance to cultural heritage must not be the object of attack unless imperatively required by military necessity.[869] In the present case, instead of protecting the mosque, the Giants Brigades destroyed it. In the absence of any apparent military necessity, this act amounts to a violation of international humanitarian law. It also violates the 1954 Hague Convention on Cultural Property, to which Yemen is a party, and which specifically protects movable or immovable property of great importance to the cultural heritage of every people, in the event of armed conflicts, including non-international conflicts.[870] Intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes or historic monuments may lead to individual criminal responsibility for war crimes.[871]

(g) Landmines

> *"Houthis planted mines everywhere and randomly and there is no indication of its place and we appeal to the United Nations to stop this conflict and remove these mines so that we can live safely and to prevent other families from suffering as ours did from the loss of our son."*
> ***Parent of a landmine victim, al-Hudaydah***

[869] See ICRC Study on customary IHL, rule 38.
[870] See Art. 19 1954 Hague Convention and its Second Protocol (1999).
[871] See Art. 8 2.(e)(iv) Rome Statute; see also ICRC Study on customary IHL, rule 38.

570. The Houthis' widespread use of landmines along Yemen's western coast since mid-2017 has killed and injured hundreds of civilians and prevented aid groups from reaching vulnerable communities. Houthis planted landmines in most al-Hudaydah districts. The al-Durayhimi and al-Tuhayat districts had by far the highest number of reported deaths from landmines in 2018. The Group of Experts examined 23 incidents, which caused the deaths of seven civilian adult men and seven children and injuries to 15 male adults, three female adults and 18 children, as set out in the following paragraphs.[872]



1 August 2018, Al-Sowaiq area, al-Tuhayat district

[872] Confidential Sources on File. The above map shows the incidents investigated, which were a sample from these incidents.

571. On 1 August 2018, in al-Sowaiq area, al-Tuhayat district, al-Hudaydah governorate, an anti-vehicle landmine explosion resulted in the killing of a 14-year-old boy and injury to a 17-year-old boy who were travelling by bus. They had fled with their family from al-Tuhayat to al-Mansouriya to protect themselves from the fighting. The landmine exploded shortly after the bus had gone through a Houthi checkpoint when the bus was still on the main road.[873] After the landmine exploded, one of the Houthi members passed by without helping the victims. The injured boy had his leg amputated.

Al-Hali district, details of location and date withheld due to protection concerns[874]

572. An anti-personnel landmine explosion killed a 23-year-old man while he was inspecting his house and farm, which had earlier been hit by an airstrike targeting Houthi weapons stored in the farm after the family left the house a few months earlier due to the fighting. On the day of the incident, the victim went to his house to collect some belongings for himself and his wife. As he arrived at the house, the victim stepped on a landmine near the front door. In a separate incident, on 4 February 2019, also in al-Hali district, three children were killed due to a landmine explosion. The three children were riding a motorcycle on their way back from the sea to their home when they struck the landmine and it exploded.

Al-Durayhimi, details of location and date withheld due to protection concerns

573. Two children were killed when one of them stepped on an anti-personnel landmine. The two children were returning home after working in the field. According to local sources, the area is still infested with mines and more than 4,000 families[875] are currently living under the threat of landmine explosion. In a separate incident, (*details of location and date withheld due to protection concerns)*, also in al-Durayhimi, a 19-year-old civilian was injured after the minibus he was travelling on with his mother hit a landmine.[876]

Violations

574. Although customary international humanitarian law does not per se outlaw the use of landmines, it sets restrictions on their use. Accordingly, particular care must be taken by the parties to the conflict to minimize the indiscriminate effects of landmines.[877]

575. In May 2019, de facto authorities confirmed to the Group of Experts that the Houthis used anti-vehicle mines, but denied the use of anti-personnel mines, referring to their obligations under international humanitarian law, including the Anti-Personnel Mine Ban Convention ratified by Yemen.

576. The Group of Experts has reasonable grounds to believe that the Houthis used anti-personnel and anti-vehicle landmines in al-Hudaydah in violation of international humanitarian law. In the way the mines were emplaced in unmarked locations frequented by civilians, with little or no warning given, the Houthis violated their obligation under international humanitarian law to minimize the indiscriminate effects of landmines. Furthermore, the use of anti-personnel mines is prohibited by the Anti-Personnel Mine Ban Convention to which Yemen is a party, the application of which has been acknowledged by the de facto authorities.

4. Freedom of expression

(a) Houthis

577. The Houthis used practices resembling a “police state” in al-Hudaydah to punish even minor dissent. Local witnesses and sources based in Houthi controlled areas who had

[873] Confidential Sources on File.
[874] Location on file, withheld for protection reasons.
[875] Confidential Sources on File.
[876] Confidential Sources on File.
[877] See ICRC Study on customary IHL, rule 81.

information on Houthi violations, expressed almost unanimously their fear of reprisals when contacted by Group of Experts. Individuals appeared to have been detained simply for expressing reservations about Houthi policies[878] or posting material on social media that criticized the Houthis.[879] Additionally, media organizations continued to face restrictions and harassment by the Houthis when covering the conflict. Furthermore, human rights defenders, including prominent NGOs and UN representatives were obstructed and even arrested for doing their work. For protection reasons, the Group of Experts will not provide details on the cases it investigated.

(b) Yemeni armed forces and affiliated UAE-backed armed groups

578. During 2018 and through 2019, the Yemeni armed forces and affiliated UAE-backed armed groups also took measures to ensure that press coverage of the conflict was minimal by harassing media representatives and obstructing their access to the area.[880] For example, a TV Network based in Aden reported severe restrictions in any area under the control of UAE-backed forces in the Western Coast. The TV station was prevented from covering the battle of al-Hudaydah by the Security Belt when it attempted to deploy Aden-based staff to the western coast. Its staff were told to leave or face arrest and detention. [881]

(c) Violations

579. On the basis of the evidence collected and reviewed, the Group of Experts finds reasonable grounds to believe that the de facto authorities and the Government of Yemen are responsible, in al-Hudaydah, for severe restrictions on freedom of expression in violation of their human rights obligations applicable to the territory under their control. Freedom of expression may be restricted, but only as provided by the law and as necessary for the protection of the rights and freedoms of others, as well as for the protection of national security, public safety, order, health or morals.[882] These conditions do not appear to have been fulfilled in the cases examined by the Group of Experts.

5. Arbitrary detention, enforced disappearances, torture, and ill-treatment

(a) De facto authorities

580. The Group of Experts investigated 17 cases[883] of detention by the de facto authorities in the context of the fighting in the al-Hudaydah governorate. In addition, the Group followed up on previously received information on disappearances and torture carried out by the de facto authorities in the governorate.[884]

581. The detention situation in the governorate during the fighting followed general patterns previously documented in de facto authority detention facilities in al-Hudaydah and in other parts of the country. The situation was worsened by a sense of chaos related to the detainees' transfer out of and within al-Hudaydah during the fighting and by the increasingly arbitrary reasons for detention, which seemed to be related to efforts by the Houthis to tighten their grip on the civilian population during the conflict.

[878] Confidential Sources on File.
[879] Confidential Sources on File.
[880] The coalition continues to impede the work of international media and human rights organizations. Since at least early 2017, the coalition, which clears United Nations flight manifests into Yemen, has not allowed human rights organisations or media to fly on UN flights, implementing a rule that UNHAS flights are only for UN staff and humanitarian organisations. Consequently, human rights INGOs and international journalists only have the option to take commercial flights to government-controlled areas and then travel by car to other parts of Yemen, including those under the control of the Houthis. Given the insecure nature of the roads, this measure by the coalition impedes meaningful international monitoring of the situation in Yemen.
[881] Confidential Source on File.
[882] International Covenant on Civil and Political Rights, arts. 19; see also Human Rights Committee general comment No. 34, paras. 21–36.
[883] Confidential Sources on File.
[884] Confidential Sources on File.

582. The prevailing feature of detention by the de-facto authorities relates to the Houthis' refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of detainees, thereby placing them outside the protection of the law and rendering them vulnerable to further human rights violations. Among the 17 Hudaydah cases investigated, 13 detainees[885] suffered enforced disappearances. The refusal by the Houthis to acknowledge the detention of individuals has forced relatives to bribe Houthi officials to obtain information on detained family members,[886] an option that is not available to those with few resources.[887] The plight of relatives is made worse when they face obstacles to even inquiring about their detained family member. In one case, family members were arrested for a day by the Houthis and were threatened with detention themselves if they came back to ask about their detained family member. [888]

583. A key aspect of the disappearances is the existence of a network of secret detention facilities in the al-Hudaydah governorate. The Group of Experts received recent first hand[889] and other credible reports[890] on the existence of clandestine detention facilities, which together with previously verified reports,[891] confirm the continuation of this trend. With respect to the length of the disappearances, four of these detainees were disappeared for a maximum period of four months.[892] In seven recent cases, family members still did not know the whereabouts of their detained relatives at the time of writing.[893]

584. Detainees have continued to suffer ill-treatment and torture while in detention. In five cases investigated by the Group of Experts, detainees were subjected to torture or ill-treatment or witnessed the consequences of torture on fellow detainees.[894] This included punching, kicking, beating with metal bars, beating with sticks, beating with guns, whipping with electric cables, hanging in the air for hours, and removal of nails. In one case,[895] relatives received the dead body of a detainee who had been in detention with clear signs of torture. In three additional cases, individuals who were released prior to the battle of al-Hudaydah, had also been tortured in similar ways.[896] The death of one of those released appeared to be connected with the torture he had suffered.[897] The locations in which torture was reported include the Citadel in al-Hudaydah city, the *Junesh* (a separate detention facility within the al-Hudaydah Central prison), the Political Security detention facility in al-Hudaydah city, a detention facility in al-Dahi district, the Central Investigations Department in al-Hudaydah city, and a detention facility in al-Zaydiyah.

585. In most cases, individuals were detained because they were perceived to oppose the Houthi authorities in al-Hudaydah. Such "opposition" was, at times, as simple as expressing reservations to Houthi policies,[898] posting material on social media that criticized the Houthis,[899] and reporting on human rights.[900] The Houthis also detained relatives of those who dared to criticize them in public.[901]

[885] Confidential Sources on File.
[886] Confidential Sources on File.
[887] Confidential Sources on File.
[888] Confidential Sources on File.
[889] Confidential Sources on File.
[890] Confidential Sources on File.
[891] Confidential Sources on File.
[892] Confidential Sources on File.
[893] Confidential Sources on File.
[894] Confidential Sources on File.
[895] Confidential Sources on File.
[896] Confidential Sources on File.
[897] Confidential Sources on File.
[898] Confidential Sources on File.
[899] Confidential Sources on File.
[900] Confidential Sources on File.
[901] Confidential Sources on File.

586. The above dire situation is made worse by the almost total absence of any judicial proceedings for detainees. With the exception of two cases,[902] the Group of Experts found no information suggesting that there had been a judicial process in relation to detentions.

587. The Group of Experts found that, at least for some elements within the de facto authorities, detention has become an opportunity for income generation. As described above, individuals have made money by providing information on the whereabouts of detainees to their desperate relatives.[903] In another case, one detainee requested his family to provide money for the supervisor of his detention facility.[904] The Group of Experts also received reports from detainees that they were told by other detainees they needed to give away property to ensure their release from detention.[905] This problem is also illustrated by the abduction of a woman at a checkpoint in the governorate, as described below.

588. The de facto authorities also violated the rights of detained women. One woman was tortured during detention by male guards.[906] Another woman, together with three related girls, was arrested at a security checkpoint and asked to pay ransom to ensure her release. After the relatives paid the required amount, only the children were released.[907] With respect to the impact on female relatives of male detainees, the detentions of the male relatives have left their families with few options for generating income.

Violations

589. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[908] Torture and other cruel, inhuman or degrading treatment are also strictly prohibited under both bodies of law and amount to war crimes.[909] International human rights law and international humanitarian law also prohibit arbitrary detention.[910] Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, mostly those relating to the right to a fair trial or other procedural guarantees, or to fundamental freedoms.[911] Depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.[912]

590. Among the 17 detention cases investigated by the Group of Experts in al-Hudaydah, 13 detainees[913] were victims of enforced disappearance, insofar as the Houthis refused to acknowledge the detention, the fate or whereabouts of detainees to relatives, or conditioned such information on financial advantages. Enforced disappearances by the Houthis are further supported by a network of secret detention facilities. Hence, detainees were placed outside the protection of the law and rendered vulnerable to further human rights violations, such as torture and ill-treatment. In addition, in the majority of investigated cases, detainees were not subject to judicial proceedings, in blatant violation of fair trial rights. In most cases, it appeared that the detainees had been arrested for exercising their fundamental freedoms, most notably their freedom of expression. Hence, in all these cases, the deprivation of liberty is arbitrary.

[902] Confidential Sources on File.
[903] Confidential Sources on File.
[904] Confidential Sources on File.
[905] Confidential Sources on File.
[906] Confidential Sources on File.
[907] Confidential Sources on File.
[908] Art. 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.
[909] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.
[910] Art. 9 and 14 ICCPR; Art. 3 common to the Geneva Conventions and Art. 4 Additional Protocol II; See ICRC Study on customary IHL, rule 99.
[911] ICCPR, arts. 9 and 14; see also Human Rights Committee general comment No. 35 (2011) on liberty and security of person; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173).
[912] See ICRC Study on customary IHL, rule 100.
[913] Confidential Sources on File.

591. On the basis of the evidence collected and reviewed, the Group of Experts found reasonable grounds to believe that the Houthis are responsible, in al-Hudaydah, for enforced disappearances, arbitrary detention, torture and ill-treatment. The Group of Experts also found reasonable grounds to believe that individuals in the de facto authorities have committed acts that may amount to war crimes, including cruel treatment, torture and outrages upon personal dignity.

(b) Yemeni armed forces and affiliated armed groups

592. The Group of Eminent Experts received reports of detention by the pro-Government forces[914], as they advanced through al-Hudaydah. Detainees were reportedly held in the Abu Musa al-Ash'ari[915] camp, al-Khawkhah district. The Group did not complete its investigations into these allegations by the time of finalization of this report.

6. Recruitment and use of children by Giants Brigades and Security Belt forces

> *I never imagined that I would join the armed forces or the military. My dream was to become a teacher."*
> ***18 year-old boy, recruited at the age of 15 and used in the hostilities in al-Hudaydah by the Security Belt***

593. The Group of Experts interviewed three soldiers who were recruited by the UAE-backed Security Belt and the Giants Brigades in the context of the escalation of hostilities on the west coast. Two of them stated that they were 17 years old and the third one stated that he was 18 years old at the time of the interview. They stated that they had been recruited at the ages of 14, 15, and 17, respectively. The Group documented another 10 cases of children engaged in in the offensive in al-Durayhimi, al-Hudaydah, with one of them killed and two injured while taking part in the hostilities as members of the Giants Brigades and Security Belt. For additional information, refer to the Chapter 'Impact of the Conflict on Children'.

7. Situation of the Fishing Community

594. The Group of Experts examined the situation of the fishing community on the western coast during the fighting in and around al-Hudaydah. The community continued to be affected by the conflict in various ways. Fishermen were hit by coalition airstrikes and Yemeni armed forces and affiliated UAE-backed groups' shelling. Additionally, some of them remained disappeared, held incommunicado in Saudi Arabia. This has resulted in their livelihoods being severely affected and has had negative implications on the situation of their family members, who are left behind when fishermen heads of households are killed, injured or disappeared.[916]

595. The Group of Experts examined reports of new incidents that have occurred since its 2018 report involving the killing of fishermen by coalition warships in the Red Sea. Incidents that occurred in the months of May, July,[917] August,[918] and September[919] 2018 resulted in the killing of at least 32 fishermen and the injury of 19, with two further fishermen reported missing. In these incidents, the boats were reportedly completely destroyed. Most of the examined cases describe efforts made by the fishermen to communicate with the attacking warship or helicopter, either by waving hands, white flags, showing fish, or essentially by having a clearance and authorization from the port authorities acknowledging their legitimate presence in the sea.[920]

[914] Confidential Sources on File.
[915] Located at 13°48'59.78"N, 43°15'15.26"E.
[916] Confidential Sources on File.
[917] Confidential Sources on File.
[918] Confidential Sources on File.
[919] Confidential Sources on File.
[920] Confidential Sources on File.

596. In addition to the 2 August 2018 shelling case against the al-Hudaydah city fishing market (see above section on shelling by undetermined perpetrators), the Group of Experts investigated the 15 September 2018 case near al-Khawkhah district.

15 September 2018 - West Coast, near al-Khawkhah district.

597. On 15 September 2018, a coalition warship launched shells on a fishing boat carrying 19 fishermen from al-Qadha area of al-Khawkhah district in al-Hudaydah governorate. The fishermen were targeted while they were on a fishing trip in an area near the sea border between Eritrea and Yemen. Eighteen fishermen were killed. The only survivor was rescued by another fishing boat two days later, and then reached the coast of al-Khawkhah where he received medical treatment. [921].

598. The exact circumstances of the killing of the fishermen are not clear, as the only survivor of the incident has disappeared. The Group of Experts has received information that UAE officials attempted to ensure that the only witness, as well as sources and relatives of the killed fishermen, remain silent about the incident. Some were allegedly paid money.

599. The coalition initially blamed the Houthis for the incident and denied any participation in the attack, according to a Reuters press report.[922] However, the JIAT issued a report on the incident months later, in which it acknowledged that the coalition had carried out the attack. It argued that the attack happened when a protection ship that was escorting a convoy of Saudi merchant ships allegedly spotted a boat that was getting close to the convoy. The JIAT stated that the coalition warned the fishing boat via loudspeakers and warning shots, before the coalition ship fired at the boat. The JIAT added that after the completion of the escort mission, the coalition warship went back to the incident location and carried out a search and rescue operation. No survivors were found.[923]

Arrest, Detention and Disappearance of Fishermen

600. The Group of Experts followed up on the reports of arrest and detention of fishermen in the context of naval operations around al-Hudaydah Governorate, as described in last year's report. While the Group of Experts did not receive reports on new arrests and detentions, it has reasonable grounds to believe that Yemeni fishermen continue to be held incommunicado in detention facilities in Saudi Arabia. At least eight of them, held for more than two years, remain missing.[924]

Impact of treatment of the fishing community on women and children

601. The death and disappearance of fishermen has had a severe impact on their households. A widow of a fisherman explained to the Group of Experts her and her family's situation at the moment, which illustrates the challenges that wives and children among the fishing community currently face. She stated:

> "*My husband was a fisherman who disappeared. I was told that he was killed by the Apache helicopter when he was in the sea. I have two boys and four girls. I live now in al-Hudaydah city. Two of my girls and one boy are with me now. My little one has a brain injury and he needs constant follow up and treatment. I took him to a doctor once, and the doctor said he needs many medications which I cannot afford. The other two girls are out of school as we don't have any income to pay for their education. They need daily spending and clothes, which I cannot afford. I sent my other two girls, aged 19 and 16, to a friend in Sana'a. She sends them to school and provides for them. I check on them every now and then by phone since I cannot go to visit them due to*

[921] Confidential Sources on File.
[922] https://www.reuters.com/article/us-yemen-security/eighteen-fishermen-killed-off-yemens-red-sea-coast-idUSKCN1LY2YV.
[923] https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1875234.
[924] Confidential Sources on File.

lack of income. I have another son, about whom I don't know anything. The neighbourhood knows about my situation and everyone tries to help in their own way. Most of the time we are hungry, we beg for people to feed us. At the time of the airstrikes and the clashes we sit together and cry with my remaining three children. I spend my day trying to provide some food for my children, by any means possible."[925]

F. Al-Mahra (2018 – 2019)

1. Context

602. Al-Mahra Governorate is located at Yemen's eastern border with Oman. It has largely been spared the impact of the conflict because of its geographic and political isolation. Deserts, mountains and a prevailing tribal system kept al-Mahra distant from past and ongoing social and political upheavals.

603. In the current conflict, local authorities sided with the Government and supported the coalition's intervention. At the same time, until recently, Mahris had managed to maintain the pre-existing social and political fabric. However, al-Mahra's economic and political endurance has been tested by the intervention of members of the coalition at separate times in the last five years. First, the UAE, and then the UAE-backed Southern Transitional Council, attempted to gain a military or political foothold in the governorate without success. These attempts were followed by efforts by the Kingdom of Saudi Arabia to achieve greater control in al-Mahra; such efforts were ongoing at the time of writing, with the stated official rationale being to counter the alleged smuggling of weapons through al-Mahra.[926]

604. Saudi Arabia's endeavours to wield influence in the governorate have brought about important changes. According to local sources, the Saudi forces gained the support of parts of some tribes within the governorate, which, in exchange, have received weapons and training to support the anti-smuggling and wider security efforts.[927] Additionally, the Saudi forces set up proxy forces, which reportedly do not have any official link with the local authorities, and whose manpower comes from neighbouring southern governorates.[928] The Saudis also converted the al-Ghaydah airport into a military base, reportedly in contravention of pledges made to the local authorities. The arrival of the Saudis was accompanied by President Hadi's appointment of a new Governor, Rajeh Bakrit, who is perceived to be more aligned with Saudi plans for the area. He arrived in al-Mahra on 1 January 2018.

605. The Saudi forces' impact on al-Mahra has been met by opposition from various segments of the population, which has caused a simmering political crisis, as illustrated by various demonstrations throughout the governorate. In response to dissent, the Saudi forces and their Yemeni counterparts have committed human rights violations. The Group of Experts is concerned that the ongoing efforts by Saudi Arabia to expand its hold in the province may lead to further deterioration of the human rights situation.

2. Killing of Demonstrators 13 November 2018

606. Tribesmen in al-Mahra Governorate have staged a number of public protests against the Saudi presence since November 2017.[929] There have also been a number of armed

[925] Testimony from a relative of a victim; identifying information has been withheld for protection reasons.

[926] See Al-Arabiya TV station report alleging that weapons were being smuggled to the Houthi movement via al-Mahra's coast (see https://www.youtube.com/watch?v=Hae8NW1grRQ).

[927] http://sanaacenter.org/publications/analysis/7606 and Confidential Sources on File.

[928] http://sanaacenter.org/publications/analysis/7606 and Confidential Sources on File.

[929] Confidential Sources on File.

clashes as a result, most recently on 3 June 2019, between Yemeni militias, supported by Saudi Apache helicopters, and armed individuals belonging to local tribes.[930]

607. The most serious incident to date took place on 13 November 2018, when peaceful demonstrators gathered in the district of al-Husawayn, on the main al-Mukalla to al-Ghaydah highway, west of the road-tunnels. Around 100 unarmed demonstrators were on the side of the main road. The protest was against the proposed construction of a new military encampment there, which the protesters argued was unnecessary given the distance from any conflict or security threat.[931]

608. Saudi-backed Yemeni armed forces were at the location of the demonstration, equipped with a Mine Resistant Ambush Protected Vehicle (MAPV) and up to 11 other military vehicles with mounted weapons. From 1700 hrs to 23:30 hrs, the Saudi-backed military personnel remained around 100-150 metres from the demonstrators. At 23:30 hrs, the MAPV drove at slow speed amongst the protesters, and then its fixed mounted weapon started firing at them in apparent indiscriminate bursts at close range, killing two of the protesters at the scene. A third demonstrator was seriously injured but managed to flee to safety. The MAPV drove around the location firing at the demonstrators for a period of five minutes until the demonstrators had all fled into the nearby mountains where they hid, whilst the MAPV supported by the other armed forces intermittently fired at where they were hiding. Other bystanders from the local area arrived some hours later during the early morning of 14 November 2018, armed with AK-47 machine guns, and there were exchanges of fire.[932] The Saudi-backed governor of al-Mahra initially denounced the demonstrators as 'outlaws' but later agreed to the need for an independent inquiry.[933] The Group of Experts is not aware of any steps to set up this inquiry.

3. Detention by Saudi and Yemeni Armed Forces 2018-2019

609. The Group of Experts received credible reports of the detention and enforced disappearance, for political reasons, of up to 20 individuals in al-Mahra Governorate by Saudi and Yemeni armed forces between November 2017 and July 2019. The Group of Experts investigated a sample of cases, limited by time constraints and sources' reluctance to speak to the Group for fear of reprisals. The Group, therefore, has concerns that the extent of the violations may be more serious than its findings convey.

610. In al-Mahra detainees were held in an unofficial facility within a Saudi Military Base at al-Ghaydah airport and the Mehwar Yemeni Military Police camp in Nishtun. The Group of Experts was able to confirm that some detainees have subsequently been transferred to detention facilities in Saudi Arabia.[934]

611. The Group of Experts documented the detention and enforced disappearance of six such people between March 2018 and July 2019, for periods of between one day and one year.[935] Five of the six remained disappeared at the time of writing.[936] These individuals were arrested by Yemeni Military Police, in some cases under the supervision of or on orders of Saudi forces. In one case, a detainee was subjected to torture, including through electrocution and beating.[937]

4. Violations

612. Arbitrary deprivation of life is strictly forbidden under international human rights law.[938] In law enforcement operations, the use of lethal force has to be limited to situations

[930] https://sanaacenter.org/publications/analysis/7606, page 32-34.
[931] Confidential Sources on File.
[932] Confidential Sources on File.
[933] Confidential Sources on File.
[934] Confidential Sources on File.
[935] Confidential Sources on File.
[936] Confidential Sources on File.
[937] Confidential Sources on File.
[938] Art. 6(1) ICCPR.

when it is strictly necessary and in accordance with the principle of proportionality. It should be restricted to situations of last resort, i.e. as a response to an imminent threat of death or serious injury.[939] Use of force that does not comply with those principles and results in death amounts to an arbitrary deprivation of life.[940] Under international humanitarian law, when – within the context of an armed conflict – a party to the conflict intentionally kills a civilian, it amounts to wilful killing or, in a non-international conflict, to murder.[941] Murder is considered a war crime.[942]

613. The Group of Experts has reasonable grounds to believe that the Yemeni armed forces, on 13 November 2018, used excessive force in shooting with live fire at peaceful demonstrators who were apparently not representing any threat to life or serious injury. Individuals may be held criminally responsible for war crimes for these acts.

614. Enforced disappearance is prohibited by international human rights law and international humanitarian law, notably as a violation of the prohibition of arbitrary deprivation of liberty and possibly of the prohibition of torture.[943] International human rights law and international humanitarian law also prohibit arbitrary detention.[944] Considered as arbitrary are deprivations of liberty that are contrary to international law provisions, mostly those relating to the right to a fair trial or other procedural guarantees, as well as detentions based on the exercise of fundamental freedoms. Depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.[945] Torture and other cruel, inhuman or degrading treatment are also strictly prohibited under both international human rights law and international humanitarian law, and may lead to individual criminal responsibility for war crimes.[946]

615. The Group of Experts has reasonable grounds to believe that Saudi Arabia and the Government of Yemen are responsible for enforced disappearance and arbitrary detention of individuals perceived as political opponents. In one case, the Group has reasonable grounds to believe that Saudi Arabia and the Government of Yemen are responsible for torture and ill-treatment, which may lead to criminal responsibility for the war crimes of torture and cruel or inhuman treatment.

VII. Gender analysis and gender-based violence

1. Introduction

616. The armed conflict has affected women, girls, men and boys differently due to underlying inequalities across communities in Yemen. Yemeni society was already patriarchal and many women and girls, particularly those from minority or rural communities, lived in profoundly unequal and dangerous situations. The actions of the parties to the conflict have exacerbated this situation by exploiting gender norms in furtherance of their objectives. This has also affected gains in women and girls' empowerment that had been made prior to the conflict, serving to stall, and in some ways, reverse prior achievements. New vulnerabilities to gender-based violence have emerged from displacement, poverty, and indiscriminate violence. The already limited support

[939] Code of Conduct for Law Enforcement Officials, 1979, Art. 2-3; Principles 5, 9, 13 and 14, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990.
[940] Art. 6 ICCPR.
[941] Art. 3 common to the Geneva Conventions, Art. 4(2)(a) Additional Protocol II; See ICRC Study on customary IHL, rule 89.
[942] Art. 8 2.(c)(i) Rome Statute.
[943] Art. 9 ICCPR and Art 1 International Convention for the Protection of All Persons from Enforced Disappearance (CED); see ICRC Study on customary IHL, rule 98.
[944] Art. 9 and 14 ICCPR; Art. 3 common to the Geneva Conventions and Art. 4 Additional Protocol II; See ICRC Study on customary IHL, rule 99.
[945] See ICRC Study on customary IHL, rule 100.
[946] Article 7 ICCPR, See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 3 common to the Geneva Conventions, art. 4 Additional Protocol II, See ICRC Study on customary IHL, rule 90.

against such violence afforded by the criminal justice system has collapsed further in 2019. Some law enforcement actors, armed forces and armed groups pose a direct threat to women's security, and the parties actively obstructed protection networks in key areas.

617. This situation has had severe short-term consequences on the fundamental rights of women, girls, boys and men, particularly on those struggling with multiple intersecting forms of discrimination and vulnerabilities. These rights include the rights to life, survival and development; protection from violence, injury and abuse, including sexual violence; liberty and security of person; and the rights to health, food and education. Such rights are guaranteed under international human rights law, including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), to which Yemen and all members of the coalition except Sudan are parties. Moreover, violations of these rights are likely to have a long-term legacy of entrenching inequality, discrimination, and gender-based violence. Protections are also to be found under international humanitarian law, including customary international law.

2. The status of women and girls in Yemen

618. Prior to the conflict, women and girls were already living in an impoverished and unequal society. Yemen ranks worst in the world out of all countries in the United Nations Development Program (UNDP) Gender Inequality Index and the WEF Global Gender Gap Index, composite measures of women and girls' rights to health and education, economic and political participation, and protection from gender-based violence.[947] The UNDP Human Development Index (HDI) shows that Yemen is one of the most extremely impoverished countries in the world. Disaggregated for gender, it shows the differences between men and women to be the most unequal of any country, and furthermore that the impact of the war on the life expectancy, education and standard of living for women is almost twice as much as that for men.[948] International Labour Organisation (ILO) surveys from 2014 show that only 6 per cent of women versus 65 per cent of men were participating in the labour workforce, mainly in agriculture and were paid significantly less, with many other women in rural areas involved in subsistence farming and food preparation and playing a key role in nutrition.[949]

619. Yemeni statutory law reinforces the subordinate role of women and girls in the society. The Personal Status Law of 1992 provides that male relatives have guardianship ("*Wilaya")* rights over a woman for the entirety of her life. It also provides that a husband is the legal head of the household, and has the right to be obeyed by his wife; that he should always have 'access' to her and she permits him to have intercourse with her; and that she refrain from disobedience, and that her primary role in society is in household work. Women should only travel outside the home for 'legitimate reasons' such as domestic and caregiver responsibilities, and with a *'mahram,'*[950] or male guardian, accompanying her. Polygamy for men of up to four wives is legalised, there is no minimum age for marriage, fathers are the only legal guardians of children, and rights of divorce for women are limited.[951] The Penal Code provides that the testimony of women is worth half that of men; men receive reduced sentences for murdering female relatives if motivated by restoring 'honour'; 'immorality' such as movement without a male guardian or association with men

[947] United Nations, United Nations Development Program (UNDP) Global Inequality Index, 2019. World Economic Forum "The Global Gender Gap Report", 2018.

[948] UNDP Assessing the Impact of the War on Development in Yemen, 2019, Page 26, 41-42. UNDP, Human Development Index, available at: http://hdr.undp.org/en/content/human-development-index-hdi.

[949] United Nations, International Labour Organisation (ILO) Yemen Labour Force Survey, 2014. CARE "Rapid Gender Analysis of Yemen", 2015.

[950] A male relative with whom marriage and sexual intercourse is forbidden by Sharia law; the term also refers to a woman's husband.

[951] Personal Status Law of Yemen, 1992. UNDP "Yemen: Laws, policies and practices on Gender Justice", 2018. Douaa Hussein, The American University Cairo "Legal Reform as a way to Women's Rights: The Case of Personal Status Law in Yemen", 2011.

outside of male relatives is criminalized; abortion is criminalized; however, female genital mutilation is not criminalized.[952]

620. These provisions are underpinned by patriarchal customs and traditions. Customary law is based on a caste-like system that affords men expansive privileges and rights of guardianship over women, non-Yemenis, minority groups, and other 'vulnerable' people.[953] Men's traditional roles within this system come with an expectation to act violently and fight to fulfil their role as guardians, particularly higher-caste men from tribal backgrounds. Women's traditional roles are largely domestic, reproductive, and based within the confines of the household. This system embeds inequality and discrimination along gender, tribal, religious, class, racial and caste statuses, rendering women and girls of African origin, "Muhamasheen", and those in rural areas most marginalized, disempowered, and vulnerable to gender-based violence.[954] This is present to differing extents throughout Yemen, but most apparent in rural and northern areas, now largely under the control of the de facto authorities, which are traditionally more conservative than southern areas.[955]

621. Guardianship rights over women and girls are exchanged between males through marriage. Dowry is paid from the groom to the bride's father, after which the bride passes from her father's to her husband's guardianship. Child marriage is endemic in Yemen, marriage is legal at any age and sexual intercourse is legally prohibited only until puberty.[956] Marrying girls at a young age in Yemen provides the bride's family with a source of income, is considered by some families as a form of protection, and lifts the burden of providing for them, particularly in impoverished families or where girls have not had access to education. The relative age and power imbalance between bride and groom increases the risk of domestic violence and, coupled with the legality of intercourse with girls who have merely 'reached puberty', embeds sexual abuse of children as a practice.[957]

622. Gender-based violence by those outside the family against women and children is linked to the guardianship system. Male guardians' 'honour', self-esteem and emotional security, is put at risk by such violence when committed by men outside the family. This attracts stigma, and the consequential risk to their status means that these men heavily regulate women and girls, and their sexuality.[958] In a context of endemic inequality and disempowerment women and girls become psychosocially dependent on men, and many women internalise this stigma and fear of shame, rendering them further at risk, either from the male 'guardians' in a position of power over them, or when they lose their support. These factors perpetuate cycles of stigmatisation, negative gender norms, vulnerability and gender-based violence. Further they enable Yemeni men in positions of power to use gender and sexuality to control women and girls; and render women and girls, and masculinity and male sexuality, as proxy-targets to be attacked by the parties to the conflict.

623. Yemen is diverse, and over time its customs, traditions and laws have been constructed and applied in different ways in different communities, regions and families.

[952] Ibid, UNDP 2018.

[953] Ibid, UNDP 2018, Hussein 2011. Marta Colburn, Gender and Development in Yemen, Oxfam and Friedrich Ebert Stiftung, 2002.

[954] Confidential Sources on File. Ibid, Colburn 2002. Saferworld, "Women Nowadays do Anything" 2017; ILO, Labour Market and Demographic Trends in Yemen, 2014. CARE "Rapid Gender Analysis of Yemen", 2015. Oxfam-CARE-GenCap "Gender and Conflict Analysis in Yemen", 2016; Also see the following on gender and Muhamasheen, Somalian and Ethiopian communities in Yemen Witness. GBV Witness, "Taking on Discrimination and Violence against Women in Yemen, Breaking the Silence Documentary" 2010, available at: https://gbv.witness.org/taking-discrimination-violence-women-yemen/ . Marina de Regt, "Refugee, woman and domestic worker: Somali women dealing with dependencies in Yemen", African and Black Diaspora: An International Journal, 2010. Marina de Regt, "Ways to Come, Ways to Leave: Gender Mobility and (Il) legality Among Ethiopian Domestic Workers in Yemen", Gender and Society 24(2):237-260, 2010.

[955] Confidential Sources on File. Colburn 2002. CARE "Yemen Program Approach Situation Analysis", 2014.

[956] UNDP 2018. Hussein 2011. Colburn 2002.

[957] For more details on the Group's findings see the Child Protection Chapter.

[958] Fatima Mernisi, Beyond the Veil: Male-Female Dynamics in Muslim Society, Saqi Books, 2011, Chapter 2. Colburn 2002.

Historically some women have found ways to empower themselves through these norms. Yemen has a strong tradition of women leaders at all levels of society, including in tribal mediation committees and non-governmental organisations. In January 2014 the National Dialogue Conference, led by both women and men in Yemen, had put recommendations in place to overturn many of these discriminatory customs and laws. This brought new hope to women in Yemen, but due to the conflict commencing shortly thereafter these measures have not been enacted. [959]

3. Impact of the conflict on gender norms

> *"We got married the same month he was detained. He was the sole provider for his mother, his sisters and me. The impact of his disappearance has been huge, emotionally and financially. I have to survive and make sure his family survive, so I've learnt how to make homemade jewellery with household materials and started selling this on the streets."*
> **Wife of a victim of enforced disappearance, disappeared for over 1 year**[960]

624. From 2014 to 2019, while 82 per cent of direct casualties from fighting have been men and boys, the humanitarian crisis and linked violations impacting health facilities, nutrition and secure housing has disproportionately impacted upon women and girls. Of the 24.1 million Yemenis in need of protection or humanitarian assistance, 18.2 million are women and children.[961] Of the 3.3 million people currently displaced, 83 per cent are women and children, with around 53 per cent women and girls.[962] As a result in 2019 UNFPA reported that most households are now female-led, with 21 per cent of households led by girls under 18, who, given endemic inequality and lack of economic empowerment, are more isolated and vulnerable to poverty.[963] This vulnerability extends to the whole family. Furthermore, polygamy means that a single male casualty can have impacts across multiple families. The Group documented two cases of assassination, in which the two deceased men were survived by seven wives between them, all of whom supported children and were suddenly left economically vulnerable.[964] In addition there is a reported refusal by remaining male relatives to work in lower-income work that they consider unbefitting men and boys. The social-normative pressure to remain reliant on male guardians already raises the risk of women and girls remaining in abusive and exploitative relationships, and their increased vulnerability due to the war is likely to raise this further. These factors, particularly displacement and associated vulnerabilities, have placed significant socioeconomic burdens upon women and girls.[965]

625. Women from less vulnerable backgrounds told the Group that they had been empowered by these new responsibilities, securing work through self-employment, such as selling items in the street or working in agriculture.[966] Several more vulnerable women, in-line with the results of a number of reliable secondary surveys and focus groups, reported to the Group that there is an increasing reliance on negative coping strategies, including sexual exploitation, child labour and child marriage.[967]

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[960] Confidential Sources on File.
[961] IOM, UNHCR, OCHA Multi-Cluster Locations Assessment Yemen, 2018.
[962] UNFPA, Humanitarian Response in Yemen, 2019; OCHA, Humanitarian Needs Overview, 2019 Page 42 and OCHA-IOM-UNHCR Task Force for Population Movement, 2019.
[963] Ibid, UNFPA, Humanitarian Response in Yemen, 2019. Oxfam-CARE-GenCap "Gender and Conflict Analysis in Yemen" 2016.
[964] Confidential Sources on File.
[965] Confidential Sources on File. Saferworld 2017. Brigitte Rohwerder, "Conflict and Gender Dynamics in Yemen", Institute of Development Studies, 2017. See also Section 5 below.
[966] Confidential Sources on File.
[967] Confidential Sources on File. Oxfam-CARE-GenCap 2016. Oxfam "Yemen's Shattered Food Economy and its Impact on Women" 2019. Marie-Christine Heinze and Sophie Stevens "Women as Peacebuilders in Yemen", Yemen Polling Centre, 2018, available at: http://www.sddirect.org.uk/media/1571/sdd_yemenreport_full_v5.pdf.

"I have to feed and care for my baby somehow, and there's no longer any work. I started to go with any man who pays me with milk and nappies for the baby. I have contemplated suicide. I need help."
Survivor of sexual violence and exploitation[968]

626. Witnesses reported that patriarchal customs, including customary law systems and attendant discriminatory customs, have re-emerged during 2016-2019 in areas that have come under the influence of the de facto authorities, the Government, and United-Arab Emirates backed forces. This is most pronounced in Aden and southern areas, and within Sanaa, where it had previously been suppressed. Armed men from rural areas, many of whom are part of tribes and therefore already privileged by entrenched customs, have been further empowered by the parties to the conflict. As they came into areas and assumed control, they brought with them patriarchal norms. The parties' undermining of state hegemony has led to the state being replaced by tribal committees. Customs and laws for women and girls to travel with a male guardian, restrictions on dress code, punishments for not wearing a veil, and for crimes of 'immorality', which had been suppressed in Aden and urban centres, have re-emerged.[969]

627. Since 2016, the de facto authorities have increasingly enforced patriarchal norms and laws, with strict interpretation, through use of state agencies and through public discourse, as a means to control women and girls and diminish their political participation. In 2018, public demonstrations against the de facto authorities in Sana'a began to be led by women due to fears that men were at higher risk of being killed or detained. Since 2018, the de facto authorities have at the same time enforced laws requiring women's movement with a *mahram* as a guardian, and segregation of non-married men and women. They have also threatened or closed down businesses that have not enforced this requirement, thus reducing public spaces for positive dialogue and understanding between men and women.[970]

628. In the last two years, parties to the conflict have accused women of prostitution, promiscuity, and immorality using derogatory terms as part of their public threats and harassment against opponents. In Sana'a, the de facto authorities used such threats and harassment when quashing public demonstrations involving women and levelled such accusations against women as a means to 'legitimise' otherwise apparently arbitrary detention of women and girls. In Yemen, such public accusations and detention have real consequences for women and girls, and effectively deepen the stigma already placed on women working outside of the home. It normalises the use of this pejorative abuse, including spreading the perception of women and girls as potential prostitutes, and reinforcing the patriarchal idea that their behaviour and their sexuality requires the control of their male guardians. All of this increases risks of domestic violence, dissuades women and girls from movement outside the home, and prevents their participation in the economic and political spheres.[971]

629. Witnesses have reported that men and boys are now increasingly expected to behave violently, as both fighters and guardians, in a way in which they were not before the conflict. This is firstly due to the reinstatement of the old customs and laws, which places these expectations on men, and linked to peer pressure to be involved in the 'war effort'. At the same time, the humanitarian crisis has rendered men and boys economically disempowered and with limited options for work.[972] In 2015-2019 the parties to the conflict have offered them an outlet for this through recruitment, while at the same time militarising them through religious and patriarchal discourses.[973]

"Men have become the fuel of the war, they don't necessarily want to fight, but they have no choice, either because they are forced to fight, or feel

[968] Confidential Sources on File.
[969] Confidential Sources on File. Saferworld 2017.
[970] Confidential Sources on File.
[971] See Section (e) below.
[972] Confidential Sources on File. Saferworld 2017. Rohwerder 2017.
[973] Confidential Sources on File. For more details on the Group's findings regarding recruitment of boys, see the Child Protection Chapter.

pressured to do so to be seen as good family men, or because they would prefer to fight rather than have their children die of hunger."
Woman gender-based violence activist working with men and boys[974]

630. From the start of the conflict, the parties have created and supported armed groups of untrained men and boys, and then placed them in relative positions of power to carry out civilian tasks in previously demilitarized areas. These groups include the Security Belt, Shabwa Elite and Hadrami Elite forces, Government affiliated militias, and Popular Committees affiliated to the Houthis, who have replaced the civilian security sector. This, coupled with increased vulnerabilities, has increased the risk of kidnapping and sexual violence for women and girls.[975] Pervasive security has curtailed women and girls' basic freedoms, including freedom of movement, dissuading them from moving in public and encouraging women to veil where they had the freedom not to, whether of their own accord or as a rationale used by male relatives to prevent their independence.[976]

631. Disruption to education, poverty, mass unemployment, and increased mental health issues including depression have affected men and boys also.[977] Coupled with the reinstatement of discriminatory customs, the exacerbation of toxic masculinity and impunity, and the obstruction of awareness raising and behavioural change programs for men and boys, has increased the risk of men using domestic violence to maintain control within families to compensate for their economic disempowerment and changing gender roles. [978] Together, these factors increase the long-term risk of a future generation of men and boys predisposed to perpetuate gender-based violence and wider discrimination against women and girls.

632. Women had been employed in the security sector prior to the conflict and continue to be by both sides. In 2017-2019 the de facto authorities in Sana'a formed a new female security force, which operates with the express aim of repressing women's political participation and perpetrating attendant violations. This female security force, referred to externally as the 'Zeinabiyyat,' consists of many women who have of their own agency and accord joined these forces for financial gain or personal reasons.[979] Further investigation is required as to whether there are any forms of coercion or exploitation of these women.[980]

633. The resurgence of norms controlling sexuality together with the polarizing effect of the conflict and the targeting of those who are seen as not conforming to conservative societal norms, has contributed to the already challenging environment for people who are not heterosexual or cisgender. Discrimination against the LGTBQI+ community in Yemen predates the conflict. Under the Yemeni Penal Code, homosexuality is punishable with death. Since the advent of the conflict in 2014, homosexuals have reportedly been subjected to increased killings, threats, and sexual violence from members of the public.[981] It is not known whether the conflicting parties have directly perpetrated violence or harassment against the LGTBQI+ community; this requires further investigation.

4. Impact of the conflict on protection and criminal justice

634. Prior to the conflict, women and girls had some access to gender-based violence protection and criminal justice support due to persistent activism from local women-led community-based networks. Since 2017, the de facto authorities in Sana'a have regularly

[974] Confidential Sources on File.
[975] As evidenced in the Group's findings in the section of this chapter on gender-based violence. See also Saferworld 2017.
[976] Confidential Sources on File.
[977] Confidential Sources on File. Sanaa Centre for Strategic Studies "The Impact of the Conflict in Yemen on Mental Health", 2019.
[978] Confidential Sources on File.
[979] Confidential Sources on File. For further details see also chapter on Life inSana'a and other areas under de facto authority control.
[980] Confidential Sources on File.
[981] Confidential Sources on File. http://www.ipsnews.net/2013/08/no-place-for-gays-in-yemen/.

obstructed gender-based violence protection or awareness raising activities carried out by such local or international organisations. De facto authority agencies refused to authorise gender-based violence protection and awareness-raising programs, harassing and threatened staff, accusing them of prostitution, raiding their premises, and detaining staff. This has had the effect of dismantling protection and prevention networks, placing women and girls at further risk of harm, dissuading them from pursuing accountability and preventing long-term measures to combat gender-based violence.[982] The Group also received reports of members of armed groups in southern governorates under Government and United Arab Emirates' control harassing protection workers.[983]

635. The Group received reports of a collapse of criminal justice system support against gender-based violence since the advent of the conflict, and that in 2018-2019 law enforcement agencies within the Government and de facto authorities refused to investigate and prosecute cases of gender-based violence. In some cases that have been investigated, victims have been re-victimized and, where cases are publicised, this has in some cases been used as a political tool.[984] In the cases of sexual violence documented by the Group, all committed by fighters, detention guards or law enforcement, no perpetrators were brought to justice. Moreover, the Group of Experts did not receive any information indicating that the gender-based violence violations identified in its 2018 report have been meaningfully investigated and addressed by the parties identified as responsible.

636. In two cases in Aden, law enforcement personnel who were perpetrators reportedly married survivors of gender-based violence.[985] In another case in Aden a woman's young daughter was raped, and on reporting this to police, the mother was met with threats and herself gang raped.[986] In cases of kidnapping of girls in Sana'a, de facto authorities prevented investigations, protected perpetrators, and re-victimized survivors.[987] Coupled with the re-emergence of the old customs and laws, this risks an increasing reliance on traditional forms of mediation and redress for gender-based violence, such as material compensation to male relatives.[988] Such mediation perpetuates status inequalities, undermines confidence in protection and accountability mechanisms, and ensures violations remain undocumented. Together, these factors have resulted in a dearth of options for survivors and families to seek redress, protection and accountability.

5. Gender-based violence

637. Women, girls, men and boys, as a result of the conflict and normative context, are at serious of risk of all forms of gender-based violence. Gender-based violence was endemic and widespread before the conflict, particularly domestic violence and child marriage.[989] A number of reliable secondary surveys, interviews and focus groups, representing women across a number of governorates, reported that between 2016-2019 the highest risk of gender-based violence perceived by women and girls in Yemen was from domestic violence perpetrated by family members, and that this was increasing in prevalence during the conflict.[990] Since the advent of the war, UNFPA has documented continuing rises in survivors accessing gender-based violence services, despite the multiple barriers to reporting and the increased challenges to such services, with rises of up to 70 per cent in some governorates.[991] In 2018-2019 UNFPA estimated that 3 million women and girls were

[982] Confidential Sources on File.
[983] Confidential Sources on File.
[984] Confidential Sources on File.
[985] Confidential Sources on File.
[986] Confidential Sources on File.
[987] Confidential Sources on File.
[988] Confidential Sources on File. Hussein 2011.
[989] Confidential Sources on File. Oxfam-CARE-GenCap 2016. United Nations Inter-agency Network on Violence Against Women, "Country Assessment on Yemen", 2010.
[990] Confidential Sources on File. Heinze and Stevens 2018. Oxfam-CARE-GenCap 2016.
[991] UNFPA, Gender-Based Violence Information Management System, 2018.

at risk of gender-based violence, and 120,000 women and girls were at risk of being killed by different forms of violence.[992]

(a) Displacement

638. The disproportionate displacement of women and children is a key risk factor for all types of gender-based violence, whether in more secure host environments or informal insecure settlements. In Yemen, at least a third of those displaced have taken shelter in public and abandoned buildings with limited protective factors, and there is no formalised system of camps. In addition, many of the one million displaced women and girls who have returned home have arrived to find insecure and unsafe premises.[993] During 2018-2019, the Group received unverified reports of sexual violence including sexual exploitation committed against internally displaced persons by perpetrators linked to several parties to the conflict, as well as camp management, host communities, and other displaced persons.[994]

(b) Sexual Violence against marginalized people

639. In total, the Group has verified 37 cases of conflict-related sexual violence from 2016-2019 against members of vulnerable and marginalized communities by armed groups in the south of Yemen.[995] This consisted of the rape of 19 different women, six boys, one girl, the attempted rape of two girls and one woman, the sexual assault of a man and a boy, and kidnapping of six women hostages. This involved vaginal, anal, and oral rape, including penile rape and rape with objects, gang rape, and use of weapons. A number of these took place in plain view of others, including family members.

640. Twenty-four of these cases were against refugees and migrants with Somalian or Ethiopian origins, six were against members of "Muhamasheen" communities, and three were against those of unspecified ethnic or caste origins from Yemen but who had other specific vulnerabilities. The perpetrators of this sexual violence, members of the UAE-backed Security Belt and the 35th Armoured Brigade, who had previously been Resistance militias, were incorporated by the Government into their forces in 2016-2019 without any training, vetting, or internal oversight, and placed by the governments of Yemen and the United Arab Emirates in positions of power over disproportionately and increasingly vulnerable populations requiring protection.

641. Women refugees and migrants spoke to the Group about poverty, lack of access to secure housing, the persistent aggressive behaviour of Security Belt forces against their community, and the mental burden of years of discrimination and, in some cases, surviving repeated rapes. Some were single mothers as result of these rapes, and spoke of the stigma placed upon them by their Yemeni host community.[996] Those from the "Muhamasheen" community spoke about the perception of non-"Muhamasheen" communities that they are tantamount to slaves which meant that abusing them was more acceptable.[997] In one case this included abusive and demeaning language used by perpetrators during the sexual violence, referring to her as 'sexually promiscuous' and calling her the pejorative term *al-'Akdham'*.[998] The customs and laws described above embed the perception that women and children of African and "Muhamasheen" origins are 'worth less' than those from Yemeni tribes, and means that these groups are not afforded the same protections by tribal mediation that others are, enabling perpetrators and contributing to impunity.

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[992] UNFPA, Humanitarian Response in Yemen, 2019. UNFPA, Monthly Situation Report, April 2019.
[993] Confidential Sources on File. OCHA, Humanitarian Needs Overview, 2019.
[994] Confidential Sources on File.
[995] For more details on the Group's findings see the chapter on Control of Aden and the south (2016-2019).
[996] For further discussion on women from African and Muhamasheen communities, see above Section 2 Status of Women and Girls in Yemen.
[997] Confidential Sources on File.
[998] Confidential Sources on File. A common term used to refer to members of the Muhamasheen community, this term, *al-Akhdam*, is used to refer pejoratively to the community members as 'servants'.

642. Considering the evidence obtained, and the marginalized status of these survivors in Yemen, in a context of already widespread impunity, the Group has reasonable grounds to believe that the Security Belt forces and members of the 35th Armoured Brigade are targeting victims on the basis of their caste, class or other marginalized status. Furthermore, in 2019 an increasing proportion of women and children are vulnerable and at risk of gender-based violence. Security Belt forces have conducted large-scale detention of migrants including women and children, and the Group of Experts has received reports of sexual violence by linked armed groups in neighbouring areas and against displaced persons. The parties also continue to proliferate similar armed groups in southern and western Yemen.[999]

643. Further investigation is required as to the scale and organized nature of such targeted sexual violence, perpetrated by these and other armed groups in marginalized communities, including displaced persons, under Government, United Arab Emirates, and de facto authority control.

(c) Sexual Violence in detention

> *"Every time I didn't confess or didn't say something in the exact way they wanted he inserted his penis in my mouth. I have had no psychological support or seen a doctor. I am still so damaged."*
> **Former al-Bureiqa coalition base detainee**[1000]

644. During 2016-2019 the parties have used sexual violence in detention to torture, physically harm, traumatise, humiliate, and subjugate detainees. The Group has verified 24 cases of sexual violence in detention by several parties.

645. This includes 12 cases of sexual violence in the de facto authority detention facilities, consisting of sexual violence against five women, six men, and one boy. In the cases related to men and boys, their testicles were beaten, tied, or had heavy objects hung from them, and forced nudity was used. There were also threats of rape against detainees and their wives, and unverified reports of rapes of boys.[1001]

646. This also includes at least 12 cases of rape of six men and one boy in United Arab Emirates detention facilities, as well as other sexual assaults, and forced nudity. Detainees were raped anally and orally, including penile rape, rape with objects, and gang rape. Sexual assaults included the beating of detainees' testicles.[1002] In addition in 2018, the Group verified that in March 2018, nearly 200 detainees were stripped naked in a group while personnel of the United Arab Emirates forcibly examined their anuses. During this search, multiple detainees were raped digitally and with tools and sticks.

647. Detainees reported that the violence and threats used would escalate, and the ultimate threat was of rape. When the de facto authority or Emirati interrogators did not succeed with other means, they would sexually abuse detainees with escalating severity. In all cases described above sexual violence was used to humiliate detainees, and coerce them to make confessions or to comply with demands. Rape and other forms of sexual violence for perpetrators are primarily a means of gaining power and control. Interrogators and guards used these methods against women, men and boys to dehumanise and 'dishonour' them, and in the cases of men and boys 'emasculate' them, in order to achieve their aims.

(d) Targeted hostage taking of women

[999] Confidential Sources on File. Amnesty International "Taiz: Authorities Must do More to Tackle Child Rape and Abuse under Militia Rule", March 2019. See also the Aden and the South and West Coast Fighting Chapters.

[1000] Confidential Sources on File.

[1001] For more details on the Group's findings, see the chapter on Life in Sana'a and other areas under de facto authority control, section on detention.

[1002] For more details on the Group's findings, see chapter on control of Aden and the south (2016-2019).

648. In 2018-2019, the Group of Experts documented an emerging trend of targeted hostage-taking of women and girls, with verified cases committed by a number of parties. Members of the de facto authorities' security forces and Houthi fighters in Sana'a and al-Hudaydah kidnapped and detained seven different women and girls for periods of up to eight months to force relatives to accede to demands. In one case, they did so in order to force a Houthi defector to surrender. In others, they detained women and girls on accusations of travelling without a *mahram* guardian and held them for ransom.[1003] In another case, the Government of Yemen army kidnapped a women and her infant son in order to force a terrorist suspect to surrender himself to authorities, and then forced her to divorce the suspect, with profound implications for her.[1004] Kidnapping of women and girls places them at risk of sexual violence and attracts particular connotations and stigma in Yemen, placing them at further risk of gender-based violence.

649. There are also unverified reports of wider detention-related violations against women in detention facilities under the control of all parties to the conflict, including sexual violence in detention. These require further investigation.[1005]

(e) Women human rights defenders

> *"The thing that really annoyed them was my work on women's rights. They told me to stop, and harassed me and then arrested me. There were days of constant interrogations, blackmail, accusations of prostitution and threats against my family. It was emotionally painful and exhausting. One evening the armed guard came. She called me a 'bad girl' whilst she stripped me naked and sexually assaulted me whilst I cried. It was the longest and worst night of my life."*
>
> **Women's rights defender[1006]**

650. Prior to September 2014, women in Yemen openly led demonstrations in the street and led demands for progressive change. By the beginning of 2019 this had all but ceased under the control and coercion of parties to the conflict.[1007] The Group has verified numerous gender-based violence violations based upon evidence obtained from at least 40 women activists, human rights defenders, and journalists, either targeting them or their colleagues on the basis of their gender or work on women's rights, or aggravated on the basis of gender. This included sexualised harassment, threats of rape, accusations of prostitution, detention, an attack on a women's shelter, dismissal from work, and sexual violence. These violations took place across 2015-2019 with many ongoing over several years and continuing since the Group's previous report. Of these, 20 women were survivors of such abuse between July 2018 and June 2019. Violations were perpetrated by all parties to the conflict, and notably in several instances the normally divergent conflicting parties have been united when it comes to their repression of women activists.[1008]

> *"As a result of standing up to demand our future, end famine and to stop children dying, I and my family are now at risk of being detained or killed, and I am unable to speak to them. I had to flee the country and cannot return to them. My education has been stopped and now as a refugee I am struggling to find some way to continue my life and my education and have a future."*
>
> **18-year-old woman, participant in the 6th October 2018 demonstrations[1009]**

[1003] Confidential Sources on File.

[1004] Confidential Sources on File.

[1005] Confidential Sources on File. Marie Christian-Heinze, "Criminal Histories, Arrests and Prison Experiences of Women in Yemen", Yemen Polling Centre, 2018.

[1006] Confidential Sources on File.

[1007] Confidential Sources on File. This was a common feeling for women activists interviewed. See also Tom Finn, "After the Revolution, The Struggle for Women's Rights in Yemen", Dissent, 2015. Inclusive Peace and Transition Initiative (IPTI) "Women in Peace and Transition Processes in Yemen", 2018.

[1008] Confidential Sources on File.

[1009] Confidential Sources on File.

651. In several cases, the women provided evidence of violations in a series of women-led demonstrations against the de facto authorities in Sana'a. This occurred during at least five demonstrations in 2017 and at least two in 2018, where in total over 300 women and girls were subjected to violence and intimidation including unveiling by the de facto authorities, exacerbated by threats of rape, sexual assault, and accusations of prostitution.[1010]

652. Two demonstrations in Aden by female relatives of detainees for the release of their family members in Aden, one in 2017 and one in 2019, were met with violence by Security Belt forces. [1011]

653. The Group also received reports of an emerging trend of the de facto authorities detaining and disappearing a large number of women for months at a time on the basis of their political affiliation or perceived opposition, including some of the women involved in the above demonstrations. It is reported that they have used accusations or formal charges of prostitution to 'legitimise' this and dissuade the political participation of other women. The Group was able to verify one such case of a woman who has remained disappeared for over eight months in such a way, and the accusations have had severe consequences for her family.[1012] The Group investigated another such case in which a woman described being raped on multiple occasions over a period of months after pro-Houthi lectures and lectures on religion. She described that the same was done to other women activists, and reported that these assaults were occurring within a wider network of secret facilities in which such practices occur.[1013]

654. Violations by the parties to the conflict in response to women's actions in exercise of their right to freedom of expression and freedom of assembly have had profound consequences for women's rights, and have created a chilling effect, and led to the cessation of nascent women-led demonstrations in Sana'a and Aden.

(f) Victim impact

> *"I am psychologically scarred. I continue to suffer from post-traumatic stress and mental blackouts. Over a year later I continue to feel pain in my groin when going to the toilet, and my organs don't seem to function normally. I also am so traumatized. I have never been able to attend a doctor without my family knowing."*
>
> **Former Detainee[1014]**

655. Survivors of sexual violence sustained severe trauma, deteriorating mental health, depression, suicidal tendencies, long term injuries to genitals and internal organs, and other grievous physical harm. In one case a survivor of rape was later tortured to death.

656. In Yemen, stigma for survivors and for their families by association was a serious concern for survivors. Disclosing such violence risks being ostracised by families, and being re-victimised by family members. In many cases, survivors have been unable to disclose the violence to anyone due to stigma and fear of reprisal, and the Group provided the first opportunity for them to do so.[1015]

657. Those who had sought prosecution were met with indifference, reprisal, and impunity.[1016] In the case of survivors from marginalized communities, their status may have been a factor in the refusal by parties to investigate and prosecute cases. No perpetrator has been held to account for any of the sexual violence documented in the Group's reports.

[1010] Confidential Sources on File.
[1011] Confidential Sources on File.
[1012] Confidential Sources on File. For further details, see also chapter on Sana'a and other areas under de facto authority control.
[1013] Confidential Sources on File.
[1014] Confidential Sources on File.
[1015] Confidential Sources on File.
[1016] See also Section 4 above.

658. Survivors also told the Group how they had been unable to access psychosocial support.[1017] One survivor reported that he was unable to do so due to the absence of male-specific sexual violence services.[1018] With the consent of survivors, the Group was able to refer 11 survivors for psychosocial support. Some survivors called for financial reparations, noting that whilst it could never fully compensate them it would go some way towards helping them rebuild their and their family's lives.[1019]

6. Impact on political participation

659. Yemen has a strong tradition of women activists and leaders at all levels of society. Realising their full participation as agents of justice and change is key to achieving justice for all and preventing future conflicts.[1020] The Group received reports from women activists and leaders recognising that the establishment of the Women's Advisory Group (WAG) to the UN-led Peace Process was an important step in a process that continues to be dominated by men, but that it plays an advisory role only.[1021]

660. Counter to the overall trend of oppression of women rights defenders and the shrinking space for political participation, and despite the conflicting parties, some women have managed to seize limited but crucial spaces for political participation. Women have taken the lead in mediating hundreds of detention releases at a local and strategic level where the conflicting parties have failed to do so.[1022] Women-led solidarity groups, community based networks and local NGOs at a grassroots level are playing key conflict mediation, protection and humanitarian roles.[1023]

661. Prior to the conflict, in 2011-2014, women and girls led demands for progressive societal change for all Yemenis. Women participated in the NDC and in direct negotiation with those who sought to maintain discriminatory customs. They were crucial to a more inclusive draft 2015 Constitution that overturned parts of the Personal Status Law, codified equal rights, and imposed a minimum age for marriage and 30 per cent quota for women in government. These provisions remain unimplemented by the parties to the conflict.[1024] In 2019 one witness who was also an NDC participant reported to the Group the following.

> *"Now I see it was inevitable that at some point the Houthis or someone else would have intervened. What should have happened at the time was a gendered solution to the conflict. For any future peace to be sustainable we need to overturn the endemic 'gender-power imbalance' to bring about lasting peace."*
> **NDC participant**[1025]

7. Conclusions

662. In addition to the Group's findings in specific cases of gender-based violence elsewhere in this report, the Group finds that the Government of Yemen, members of the coalition, and the de facto authorities are responsible for violations of international human rights law. There are reasonable grounds to believe that the parties have violated and failed to respect, protect and fulfil women and girls' rights contrary to Articles 1-3, 5, 8, 13-16 of CEDAW. This includes the failure to protect women and girls from gender-based violence, failure to prosecute gender-based violence, and failure to protect women's rights defenders.

[1017] Ibid.
[1018] Confidential Sources on File.
[1019] Confidential Sources on File.
[1020] Confidential Sources on File. IPTI 2018; UK Foreign and Commonwealth Office (FCO), Oxfam, International Alert (IA), "Research on Gender Justice, Conflict and fragility in MENA", 2017, Page 102-104. Saferworld "Women Nowadays Do Anything", 2017, page 14.
[1021] Confidential Sources on File.
[1022] Confidential Sources on File.
[1023] Confidential Sources on File. FCO-Oxfam-IA 2017 Page 102-104. Saferworld 2017.
[1024] Confidential Sources on File. Afrah Nasser, "In Yemen Women Bear the Brunt", al-Araby, March 2018. Finn 2015. IPTI 2018. https://www.nytimes.com/2015/06/12/world/middleeast/yemen-trials-of-spring.html.
[1025] Confidential Sources on File.

In addition, the parties have violated Article 26 ICCPR that prohibits discrimination, including on the ground of sex, to equal protection of the law. These violations are further to the international human rights law violations evidenced throughout this chapter, including the violation of the right to liberty and security of person, through arbitrary detention and hostage taking;[1026] the violation of the prohibition of torture and other forms of ill-treatment;[1027] and the violation of fundamental freedoms, in particular the right to freedom of expression and assembly.[1028] These acts also amount to international humanitarian law violations[1029] and may lead to criminal responsibility for the war crimes of rape and other forms of sexual violence, torture, cruel or inhuman treatment, outrages upon personal dignity and hostage taking.[1030]

663. In August 2018, the coalition's reply to the Group regarding allegations of sexual violence was that the coalition is committed to all relevant legal procedures, that it had never received allegations accusing its personnel of sexual and gender-based violence, and that personnel were trained and qualified in accordance with international military rules. The Group sent follow-up questions to the coalition requesting details of these procedures and training. The coalition had not responded at the time of writing this report. Furthermore, even assuming that the coalition had not received allegations of such violence prior to August 2018, the Group presented the coalition with clear facts in its August 2018 report to the Human Rights Council. The Group calls upon the coalition and indeed all parties to conduct thorough, impartial, and transparent investigations into the findings it has enumerated in its reports.

664. The Group notes those allegations of gender-based violence verified in the present report are indicators of additional such violence by all parties to the conflict, thus requiring further investigation.

VIII. Impact of the armed conflict on children

1. Introduction

665. The armed conflict in Yemen is having a devastating impact on children's realization of their fundamental rights. These include the rights to: life, survival and development; protection from violence, injury and abuse, including sexual violence, as well as early and forced marriage; liberty and security of person; not to be recruited into the armed forces or armed groups; as well as the rights to health, food and education. These rights and protections are guaranteed under international human rights law, including the Convention on the Rights of the Child (hereinafter the "CRC"), to which Yemen is a party.[1031] In a situation of armed conflict such as Yemen, children are equally entitled to protection under international humanitarian law, including customary international humanitarian law.

2. Violations of the right to life

> "*I didn't find the body of my son, I was only given his foot, or what could have been his foot to bury something symbolic*."
> **Father of an 11-year-old child killed during the 09 August 2018 coalition airstrike in Sa'dah**

666. In nearly all cases of attacks affecting civilians documented by the Group of Experts, children have been among the casualties. They have been killed and maimed

[1026] Art. 9 ICCPR.
[1027] Art. 7 ICCPR, see also CAT, in particular Art. 2.
[1028] Art. 19 and 21 ICCPR.
[1029] Art. 3 common to the Geneva Conventions, Art. 4 Additional Protocol II, in particular.
[1030] See war crimes listed in Art. 8 para. 2.(c) (i)-(iii) and (e) (vi) Rome Statute of the International Criminal Court, as also considered as war crimes under customary international law; see also ICRC Study on customary IHL, rules 90, 93, 96.
[1031] Yemen ratified the Convention on the Rights of the Child on 1 May 1991.

mainly as a result of air strikes, but also in incidents of shelling, and sniping. The Secretary-General reported that from 1 April 2013 to 31 December 2018, 2,776 children were killed (1,940 boys, 787 girls and 49 children of unspecified sex) and 4,732 children were injured (3,490 boys and 1,242 girls) as a result of the armed conflict in Yemen.[1032] Notably, the majority of the child casualties were attributed to coalition air strikes, followed by Houthis' actions.

667. In 2016, the coalition forces were delisted by the Secretary-General as one of the parties to the conflict killing and maiming children,[1033] ostensibly as a result of some measures taken in 2016 and 2017 to reduce the impact of the conflict on children. This reportedly included changes to their rules of engagement and the establishment of the Joint Incident Assessments Team mandated to review all incidents involving civilian casualties and to identify corrective actions.

668. The Group of Experts regrets that despite the measures mentioned above, the Secretary-General reported an increase in child casualties in Yemen in 2018 compared to 2017.[1034] For example, on 9 August 2018, in Dhahyan area market, Majz district, Sa'dah governorate, the coalition struck a bus carrying at least 50 children, all under the age of 14, parked along the highway at the market. The Group verified that the attack killed 11 boys aged 10-15 who were in the bus as well as in the market, and at least two men. In addition, it verified that at least 12 boys were injured. Reports received by the Group, however, indicated a larger number of casualties than the ones verified, including United Nations reports which indicated 39 boys killed and 47 injured.

669. Of particular concern is the widespread use of indirect-fire weapons with wide area impact and the indiscriminate use of landmines, including anti-personnel landmines, and their troubling impact on children.[1035] Children's vulnerabilities and anatomy leave them at higher risk of death following blasts compared to adults and make their rehabilitation much more difficult.[1036] Landmine child casualty figures documented in the report of the Secretary-General reportedly amounted to 728 child casualties - 149 killed (123 boys, 26 girls) and 579 injured (478 boys, 101 girls) from 2013 to 2018.[1037] For example, as the Houthi-Saleh fighters were retreating from Aden and Lahij in 2015, they planted landmines in areas previously under their control. On 24 September 2015, in Qubaitah district, Lahij, a 13 year-old child stepped on an anti-personnel landmine, which led to the amputation of his right leg.[1038] As in this case, the Group found that in most of the cases where children were injured, the injuries were life-altering, and in many cases required surgery. (For additional information on shelling and landmines incidents, see Chapters on the Battle of Aden, Ta'izz, and al-Hudaydah).

670. Additionally, the Group verified the killing of young children by Houthi-Saleh snipers in Aden in 2015 and by Houthi snipers in Ta'izz in 2019. The Group also received further allegations of snipers causing child casualties in Ta'izz, which were not attributed to any specific party to the conflict. For example, on 30 June 2017, an 8-year-old boy was shot

[1032] United Nations, Report of the Secretary-General on Children and Armed Conflict in Yemen, 3 June 2019, S/2019/453 (hereinafter 'UN Secretary-General Report 2019 - S/2019/453), para 33.
[1033] United Nations, Report of the Secretary-General on Children and Armed Conflict in Yemen, 24 June 2016, A/70/836/Add.1–S/2016/360/Add.1.
[1034] Ibid.
[1035] The Paediatric Blast Injuries Partnership – a coalition of medics, academics and NGOs, including Save the Children – conducted a review into all the available evidence on paediatric blast injuries. The 2019 study, "Blast Injuries: The impact of explosive weapons on children in conflict", recommends a child-centric response to the threats of blast injuries as the effects are not the same across age groups. Save the Children, "Blast Injuries", 2019, available at https://resourcecentre.savethechildren.net/library/blast-injuries-impact-explosive-weapons-children-conflict.
[1036] Ibid. See also Lt. J.F.S Millwood Hargrave, "The Impact of Blast Injury on Children", Centre for Blast Injuries Study, Imperial College London, 2017. Available at https://www.imperial.ac.uk/media/imperial-college/research-centres-and-groups/centre-for-blast-injury-studies/Literature-Review-on-paediatric-blast-injury.pdf.
[1037] UN Secretary-General Report 2019 - S/2019/453, para 38.
[1038] Confidential Sources on File.

dead by a sniper outside his home in the north-west of the city when he and his mother had returned there to collect some belongings after having been displaced to the centre of Ta'izz following fighting in their area.[1039] (For additional information on sniper incidents, see chapters on Tai'zz and the Battle of Aden).

671. Children's fundamental rights to life and protection from violence, injury and abuse have been severely affected, and in some cases violated by parties to the conflict. In addition to physical injuries, their exposure to life-threatening events will, in many cases, likely lead to long-term mental health disorders. Given the protracted nature of the conflict in Yemen, parties to the conflict must immediately take all actions necessary to protect children, including by ensuring that preventive and mitigating measures are in place during the conduct of military operations. To ensure the protection of children, such operations must also respect international humanitarian law, in particular the principles of distinction, proportionality and precautions in attack.[1040]

3. Child recruitment into the armed forces or armed groups and use of children in hostilities by parties to the conflict

672. The Group of Experts documented the recruitment and use of children under 18 by all parties to the conflict since September 2014, including some under the age of 15. This included 33 first-hand accounts of children recruited and in some cases used in hostilities by armed forces and groups in Yemen since September 2014.[1041]

673. Both international humanitarian law and international human rights law contain provisions on recruitment into armed forces or groups and use of children in hostilities.[1042] While article 1 of the CRC provides that a child is every human being below the age of 18 years, only the recruitment and use of children who have not attained the age of 15 is prohibited under international humanitarian law.[1043]

674. With regard to the recruitment and use of children in hostilities under international human rights law, Yemen acceded to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (hereinafter "Optional Protocol to the CRC"), which raises the ban on the compulsory recruitment and use of children in hostilities to all children under 18 years. Yemen is also party to the International Labour Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No.182).[1044] Yemen has passed a corresponding national law that includes a ban on recruiting and using children under the age of 18 as

[1039] Confidential Sources on File.

[1040] Echoing the Secretary General's words, "Children did not start the war in Yemen, but they are paying the highest price". S/2019/453, para 68.

[1041] Confidential Sources on File.

[1042] See ICRC Customary IHL Study, rules 136 and 137; Article 4(3)(c), Additional Protocol II. See also Convention of Rights of the Child (hereinafter CRC), 1989, Article 38; International Labour Organization Convention 182, Articles 1, 2 and 3; and, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (2000) 39 ILM 1285 (Hereinafter, 'Optional Protocol II' or 'Protocol'), Articles 2, 3 and 4.

[1043] There is wide recognition that the recruitment of children under 15 and their use to participate actively in hostilities is a war crime (as a serious violation of international humanitarian law) incurring individual criminal responsibility. For children under 18, the dispositions vary. The Optional Protocol to the CRC has raised the minimum age from 15 years (as set out in the CRC, article 38(3)) with certain specific conditions. The Protocol prohibits States parties from accepting the voluntary enlistment of children under the age of 15 (Article 3.1) and prohibits the compulsory recruitment of all children (Article 2). States parties to the Optional Protocol are also required to take all feasible measures to keep all children from directly participating in hostilities. The Protocol prohibits the recruitment of children under 18 year-old by armed groups (Article 4). Similarly, see the Report of the Secretary-General on Children and Armed Conflict, UN Doc. S/2002/1299 (26 November 2002), paragraph 31.

[1044] Yemen ratified on 15 June 2000 the Convention on the Worst Forms of Child Labour, number 182, which prohibits the forced or compulsory recruitment of children (that is, all persons under 18) for use in armed conflict.

soldiers.[1045] However, Yemeni law does not criminalize the recruitment and use in hostilities of children under the age of 18.[1046] International criminal law allows prosecution of those violating these proscriptions for recruitment, conscription and use of children younger than 15.[1047]

675. On 23 January 2019, Yemen underwent its third Universal Periodic Review (hereinafter "UPR") before the Human Rights Council.[1048] The Government of Yemen indicated it had endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. The Government also reported that the State had accepted obligations relating to children's rights and their protection under the strategy to combat child recruitment and to promote their demobilization and rehabilitation. Yemen informed the Human Rights Council during the UPR that one such measure was the signature in December 2018 of the roadmap for the 2014 Action Plan, promoted by the United Nations, for the protection of children in armed conflicts.[1049]

Recruitment and Use of Children by Yemeni armed forces and affiliated armed groups

676. In 2015 and 2016, the Southern Resistance recruited dozens of children in Aden. A former child soldier told the Group of Experts that the groups recruited him at the age of 12.[1050] The child said his father only allowed him to man a checkpoint, and not to join in the battle. The child stated his "*checkpoint was located just behind the front line… the front line was no more than 200 meters away beyond the Aqaba Road where …10 of my friends patrolled. On the front line itself, 200m away, another 10 other children were posted."*[1051] With regard to his role, the child stated,

> *"My role was to search people's clothes and bags, particularly women. Every day I heard the shooting and felt the explosions but our checkpoint was not targeted directly. My responsibility was to find collaborators and Houthis. On one occasion, I searched a woman and found money and bombs."*[1052]

677. The Group of Experts received compelling evidence about the 'enforced' and 'voluntary' recruitment of at least 27 children as young as 13 years' old by the Yemeni armed forces as well as by the UAE-backed Security Belt, Giants Brigades, and Shabwah Elite forces, since 2017.[1053] Among them, at least 22 children – some as young as 13 years –

[1045] According to Article 149 of Yemen's Law No. 45 (2002) on Child Rights, "*The State shall abide by the internal law applicable to it in armed conflict that are related to the children and their protection though the following: a. Prohibition of children carrying weapons; b. Protection of children from effects of armed conflict; c. Protection of children that suffer from revenge/vendetta issues; d. (d) not involving children directly in war and, e. not recruiting any person who is not above 18 year-old*." Text available in Arabic at http://hrlibrary.umn.edu/arabic/Yemeni_Laws/Yemeni_Laws29.pdf.

[1046] The 1988 Yemeni Military Penal Code, article 21 provides that "*An individual subject to the provisions of this law who committed during the war any act that causes harm to individuals and protected properties as per the international agreements to which Yemen is a consignee, shall be liable to imprisonment for a term of no longer than 10 years or penalized fittingly with the crime results.*" The article then lists the 'punishable acts', however it does not include the recruitment and use of children under 15 or 18 year-old.

[1047] Though Yemen is not a signatory of the Rome Statute, the Statute defines as a war crime conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities. Article 8(2)(b)(xxvi) and(e)(vii). Special Court for Sierra Leone, Prosecutor v. Samuel Hinga Norman, Dissenting Opinion of Justice Robertson, Case No. SCSL-04-14-AR72 (E), 31 May 2004. See also ICRC Study on customary IHL, rules 136-137.

[1048] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24094&LangID=E

[1049] The Action Plan signed in 2014 was only activated in 2018, and a road-map for its implementation was agreed and signed only on 18 December 2018. The roadmap lays out measures to ensure release, reintegration and prevention of child recruitment.

[1050] Confidential Sources on File.

[1051] Confidential Sources on File.

[1052] Testimony from a source; identity obscured for protection reasons.

[1053] Confidential Sources on File.

recruited by the Security Belt and the Giants Brigades – were used in combat roles throughout the military campaign in al-Hudaydah in 2018. According to the information gathered by the Group of Experts, five died and five others were injured. Among the five children killed, one of them had been recruited at the age of 16; he was about to go back home at the end of December 2018 as he had received his salary and the parties had agreed to the ceasefire. The child's father received his son's dead body on 24 December with a 23millimetre gunshot wound in his stomach. The father told the Group of Experts about this experience:[1054]

> "*[My son] was a dead body... The 10th Brigade brought him to the hospital and I collapsed when the officer said to me "We are from God and to God we return..." I inspected the body. He had been shot – a 23 mm bullet was in his abdomen and shaved out all his organs to the excrement (outside his stomach), it was 24 December 2018 ... They were only able to recover the bodies on the third day, on 23 December and only after the coalition had intensified the airstrikes. He informed me my son had died because of the bleeding and lack of attention. My son's fault was that he was born in a backward country, a country that does not know the value of children and does not respect their feelings. He was born in a country with militias and corrupt government."*

678. Three soldiers interviewed who were recruited as children at the age of 14, 15 and 17 years by the Security Belt and the Giants Brigades stated that they had taken part in the offensive in Mokha and subsequently in the al-Hudaydah offensive.[1055] One of the interviewees stated:

> "*I never imagined that I would join the armed forces or the military. My dream was to become a teacher… When the Houthis fell, I decided to look for a job in any way to help my family with the expenses of the house. Prices went up and my father's salary was no longer enough. At the beginning of 2016… I decided to get enrolled, and my relatives helped me since most of them are in the military. I was almost 15 years old. I joined the military and I went to the training in Aden governorate for about 4 months*."[1056]

679. One of the victims, recruited in Abyan at the age of 15, explained his recruitment had been handled mostly by a person in the village in charge of those matters (no name provided), but he was also 'talked into joining the forces' by friends and relatives. The child was taken directly to the frontline. He remembers that because it was 'his first battle' and he was confronted with many deaths.[1057]

680. The Group of Experts interviewed three witnesses who reported on the recruitment of a 14-year-old boy by the Shabwah Elite Forces in Shabwah in September 2018 as part of a conscription campaign. The child was killed in January 2019 while raiding a village in al-Hajar, Shabwah Governorate. Sources reported that at least four other children under 16 years' old were recruited by the Shabwah Elite Forces in January 2019.[1058]

681. In February 2019 a 17-year-old boy, recruited earlier in 2018 in Ta'izz, was killed by a landmine near the northern border between Yemen and Saudi Arabia. His family told the Group of Experts he had been recruited through the Resistance/ Yemeni armed forces, whom he joined from al-Hawban.[1059] The family informed the Group of Experts that the boy's identity card clearly showed his age. Other sources informed the Group of Experts that the Yemeni armed forces verify identity cards as well as birth certificates.[1060]

[1054] Testimony from a source; identity obscured for protection reasons.
[1055] Confidential Sources on File.
[1056] Confidential Sources on File.
[1057] Confidential Sources on File.
[1058] Confidential Sources on File.
[1059] Confidential Sources on File.
[1060] Confidential Sources on File.

682. The Group of Experts has reasonable grounds to believe that individuals in the Yemeni armed forces, and affiliated armed groups including Resistance groups and the UAE-backed Security Belt, Giants Brigades, and Shabwah Elite forces conscripted children under the age of 15 and in some cases, used them to participate in hostilities. Considered as serious violations of international humanitarian law, these actions may lead to individual criminal responsibility for war crimes. The parties listed above have also failed to comply with national and international law as related to the compulsory recruitment and use of children under 18 for participation in hostilities. With regard to the voluntary enlistment of children older than 15 years, the Group observes that the parties appear to have failed to comply with the safeguards prescribed by the Optional Protocol to the CRC.[1061]

Recruitment and Use of Children by the Houthi armed group

683. The Group of Experts observes that the established practice of child recruitment by the Houthi armed group has continued.[1062] During the reporting period, September 2014 to June 2019, the Group documented 12 new cases of recruitment and use of children, as young as 12 years old. The children were used by the Houthis in combat, at checkpoints and to plant explosive devices.[1063] These children were recruited in Aden, Amran, Sa'dah, Sana'a and Ta'izz governorates in 2015-2018. According to the information received, at least four of these children (14-16 years old) participated in combat and one 12-year-old was used as a porter. [1064]

684. The recruitment by the Houthis, however, is apparently more prevalent than the Group has been able to verify. According to the Secretary General, out of 3,034 children recruited throughout the war in Yemen, 1,940 (64 per cent) were recruited by the Houthis.[1065] In May 2019, de facto authorities informed the Group of Experts the minimum age established by law for military recruitment in Yemen is 18 years. The de facto authorities further reported they had given instructions not to recruit children under 18.

685. During the battle of Aden in 2015, eyewitnesses reported that they saw child soldiers with the Houthis in and around Aden. For example, a witness said children were manning checkpoints in al-Hawtah and Zinjibar areas.[1066] According to the sources, some of those children were recruited from the same areas.[1067] In 2016, in Ta'izz, Houthi fighters were reportedly recruiting and using children on the battlefield. For example, a 13-year-old child recruited in Amran was later captured by the pro-Government forces in Ta'izz.[1068]

686. In December 2017 and throughout 2018, the Houthis used children during the battles in al-Bayan (Bayda) region, in Shabwah[1069] and in al-Dhale'e. In December 2017, the Houthis retreated from al-Bayan area. Children were among the casualties.[1070] Dozens of children were also detained.[1071] In another case documented by the Group, a child-porter under 15 years old who was supporting the Houthis, was arrested by the Yemeni armed

[1061] CRC Article 3, para. 3.
[1062] Confidential Sources on File.
[1063] Confidential Sources on File.
[1064] The Special Court for Sierra Leone (SCSL) determined that "(a)ny labour or support that gives effect to or helps maintain operations in a conflict constitutes active participation. Hence, carrying loads for the fighting faction, finding or acquiring (…) ammunition or equipment, acting as decoys, carrying messages, making trails or finding routes, manning checkpoints or acting as human shields are examples of active participation as much as fighting and combat" Prosecutor v. Fofana, Case No. SCSL-04-14-T, Judgment, SCSL Trial Chamber II, 2 August 2007, available at www. Sc-sl.org/CDF.html.
[1065] UN Secretary-General Report 2019 - S/2019/453, para 21. Additionally, the NCOI reported that it has investigated and further documented (51) incidents of recruitment and use attributed to the Houthis. Sixth Report, NCIAVHR, p. 19.
[1066] Confidential Sources on File.
[1067] Confidential Sources on File.
[1068] Confidential Sources on File.
[1069] Confidential Sources on File.
[1070] Confidential Sources on File.
[1071] Confidential Sources on File.

forces and taken to Ma'rib. At the time of writing, Government authorities were reportedly trying to reach the child's parents.[1072]

687. Witnesses provided additional information into the methods of recruitment by the Houthis as well as the indoctrination methods being carried out at schools.[1073] While on certain occasions, children were abducted and forced to join the fighting as Houthi fighters,[1074] in other instances the Group of Experts observed that children have either followed members of their family or individuals associated with the forces after ideological training programmes. On other occasions, children have joined the Houthis to support their families financially.[1075] Witnesses also reported that in every neighbourhood, there are people attracting and luring children to join the armed group. In Sana'a, these recruiters are or claim to be members of the Popular Committees, which the de facto authorities have reported to be formally part of the Houthi armed group.[1076]

688. Another method used for the recruitment of children is 'indoctrination'. In public and private schools, officers regularly lecture children on the '*Malazem'.*[1077] A mother told the Group she has nightmares about her son's future. He, along with other children in his class in Sana'a, were shown pictures of dead children, dismembered, used to encourage them to fight. The Group of Experts received a first-hand account of a former teacher who was arrested because he refused to mobilize the youth and cooperate in a recruitment of children campaign in Amran. According to the witness, the Houthi armed group has a policy in place to recruit children, which is carried out in an organized and systematic manner.[1078]

689. The Group of Experts has reasonable grounds to believe that the Houthi armed group conscripted children under the age of 15 and in some cases, used them to participate in hostilities. Considered as serious violations of international humanitarian law, these actions may lead to individual criminal responsibility for war crimes. Additionally, the Houthis have violated national law and international human rights law prohibiting the recruitment of children under 18.

Obligations of the parties under Article 6 (3) Optional Protocol to the CRC

690. To date, the Group of Experts has received little information of any action taken directly by the Government of Yemen and affiliated forces and armed groups to ensure demobilization,[1079] disarmament, rehabilitation, and reintegration of children into society.[1080] The Group is not aware of any actions taken by the parties to the conflict to release children. The only measure the Group is aware of is that on some occasions, following the capture of a child taking part in the hostilities, and reportedly with the prior authorization of their parents, the Yemeni armed forces have sent these children to a centre established by a non-governmental organization for the 'rehabilitation' of child soldiers in Ma'rib city.[1081]

[1072] Confidential Sources on File.
[1073] Confidential Sources on File.
[1074] Confidential Sources on File.
[1075] Confidential Sources on File.
[1076] As per the Houthi response to the Group of Experts' list of issues, this has been confirmed directly by the Houthis. See 31 May 2019 Letter from Houthis to Group of Experts.
[1077] Lectures from the Houthi movement's founder, Hussein Badr al-Din al-Houthi, transcribed into booklets known as '*Malazem'.*
[1078] Confidential Sources on File.
[1079] Note that the 'disarmament, demobilization, and reintegration' (DDR) programmes are different for children. According to the UN DDR Resource Centre, "children cannot be legally recruited, …[and] measures that aim to prevent their recruitment, or that attempt to reintegrate them into their communities, should not be viewed as a routine component of DDR, but as an attempt to prevent or redress a violation of children's human rights" (UN DDR Resource Centre, n.d.). Available at http://www.unddr.org/.
[1080] Optional Protocol II, Art. 6.
[1081] Confidential Sources on File.

691. This centre, established in 2017 in Ma'rib city, is funded by King Salman Relief Centre, a charity in Saudi Arabia.[1082] According to the information received by the Group,[1083] children are selected by field workers in various regions, mostly from camps for internally displaced persons in Ma'rib and 'detention centres' run by Government forces. The centre only accepts children as long as their parents have provided consent. Interviewees stated the centre has mostly treated former Houthi child soldiers, but a number of the children have been formerly associated with the Yemeni armed forces and affiliated groups.[1084]

692. While a witness described this centre as the only place 'certified' by the Government of Yemen to provide such services, what is unclear is the level of government oversight on the centre's activities and any further coordination with child protection agencies, including those of the United Nations.[1085] The support provided to those able to reach the centre is a crucial part of their rehabilitation. However, the Group observes that identifying these children as ex-soldiers might lead to stigmatization, counterproductive to reintegration. In this regard, the Group echoes the Secretary-General's call upon all parties to enhance their engagement with the United Nations to develop and adopt standard operating procedures for the release and reintegration of children associated with parties to the conflict and grant immediate access to civilian child protection actors to facilitate the release and reintegration of those children into their communities.[1086]

4. Violations of the rights to liberty and security of person and protection from violence

> *"I was arrested just before my final exams and so I have no hope of finishing my education. I was a good student. My family sold their house to save my life … the people who arrested me injured and scarred me, they took my education and life away from me"*[1087]
> **Survivor of torture including sexual assault at the age of 16 by de facto authorities**

Detention

693. The Group of Experts found cases of children deprived of their liberty for their alleged association with opposing parties.[1088] International humanitarian law affords specific protections to detained children under the age of 15.[1089] International human rights law provides additional protections for child detainees under the age of 18.[1090] Firstly, the detention of children shall be used only as a measure of last resort and for the shortest appropriate period of time, and the best interests of the child should be the primary consideration.[1091] Children must be held in separate facilities from adult detainees. [1092]

[1082] Confidential Sources on File.
[1083] Confidential Sources on File.
[1084] Confidential Sources on File.
[1085] On 25 March 2019, the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Virginia Gamba, signed a Memorandum of Understanding with the Force Commander of the coalition, Lieutenant General Prince Fahd bin Turki bin Abdulaziz Al Saud, to reinforce the protection of boys and girls affected by armed conflict in that country." Available at https://childrenandarmedconflict.un.org/mou-to-strengthen-the-protection-of-children-affected-by-armed-conflict-in-yemen-signed-with-the-coalition-to-support-legitimacy-in-yemen/.
[1086] UN Secretary-General Report 2019 - S/2019/453, para 75.
[1087] Confidential Sources on File. The child was arrested by the Houthis at age 16, tortured and sexually abused. He was released in 2017, paralyzed, with permanent injuries to his genitals, and severely traumatized.
[1088] Confidential Sources on File.
[1089] Additional Protocol II, Article 4(3) provides that *"[c]hildren shall be provided with the care and aid they require"* and sets out a list of specific measures to this end. See also ICRC Customary IHL Study, rule 120.
[1090] CRC, Article 37; see also United Nations Standard Minimum rules for the Administration of Juvenile Justice (hereinafter the "Beijing Rules"), 29 November 1985 adopted by General Assembly resolution A/RES/40/33.
[1091] CRC, Articles 3 and 37 (b).

694. In December 2017, children fighting alongside Houthi fighters in the al-Bayan area of Shabwah governorate were captured by Yemeni armed forces and affiliated groups, and transferred to al-Khusheineh prison in Ma'rib without having had charges brought against them.[1093] The Group, while extensively documenting the torture and other forms of ill-treatment committed by UAE-backed Security Belt forces, found that a 15-year-old boy arrested by the Security Belt forces in Aden in May 2019 died in detention as result of torture.[1094] Of great concern is the number of children held in Aden at Bir Ahmed Prison II under control of the UAE-backed Security Belt forces. In this facility, at least 11 children formerly associated with the Houthis remain held incommunicado in custody, without any formal charges, some since 2015.[1095]

695. According to first-hand information, Houthi fighters also tortured children in Sana'a, including through sexual abuse. A 16-year-old boy was arrested in May 2015 by the Houthis and held for two years in the Political Security prison in Sana'a. No charges were brought against the child, he was repeatedly interrogated, beaten on his testicles and with metal cables, and electrocuted. He was pressed to admit a relationship with the al-Islah party. As a result of torture, including sexual violence during 2015-2017, the child was paralyzed and several months after his release had only partially recovered.[1096]

696. The Group has reasonable grounds to believe that the UAE-backed Security Belt forces and the Houthi armed group and de facto authorities have violated the right to liberty and security of person, namely through arbitrary arrests and detention of children, including the violation of fair trial rights, as well as torture and other ill-treatment. Through these acts, they have also violated the specific protections granted to children by the CRC, which limits child detention as a measure of last resort and only for the shortest appropriate period of time.[1097]

697. As demonstrated in other sections of this report, serious violations of children's rights arise when they are arbitrarily detained and exposed to various forms of torture and other ill-treatment, including sexual violence. When their rights in contexts such as these are violated, the scars are deep and take years to heal.

Sexual Violence

698. The Group of Experts documented incidents of sexual violence against boys held in detention by the United Arab Emirates and the de facto authorities (See chapter on Gender analysis and gender based violence, section on gender-based violence). In other contexts, between 2016 and 2019, the Group documented the rape of four boys and one girl by Security Belt forces. The Group further documented the rape of two boys, the attempted rape of one girl, and sexual assault of a boy by the UAE-backed 35th Brigade (See chapter on Control of Aden and the south (2016-2019)).

699. The Group of Experts also separately received reports of sexual violence against children, particularly boys, in Ta'izz Governorate. Perpetrators include persons who are allegedly members of groups affiliated with the Yemeni armed forces. At the time of writing, the Group had not completed investigations into the affiliation of the perpetrators, or into efforts by the authorities to bring the alleged perpetrators to account.

700. These acts committed by members of the de facto authorities, and the UAE-backed Security Belt forces and 35th Brigade are violations of international humanitarian law under Common Article 3 to the Geneva Conventions prohibiting inhuman treatment, and Additional Protocol II prohibiting violence to life, health and physical or mental wellbeing of persons.[1098] They may lead to criminal responsibility for the war crimes of committing

[1092] CRC, Article 37 (c). Beijing Rules, 13.4.
[1093] Confidential Sources on File.
[1094] Confidential Sources on File.
[1095] Confidential Sources on File.
[1096] Confidential Sources on File.
[1097] CRC, Articles 3 and 37 (b).
[1098] Additional Protocol II, Article 4(2).

rape or any other form of sexual violence, and outrages upon personal dignity.[1099] The Group also notes that these acts amount to violations of human rights law under the CRC[1100] and through the framework of the right to the highest attainable standard of physical and mental health.[1101]

Child, early and forced marriage

701. While the CEDAW bans child marriages,[1102] Yemen's Child Rights Law 45 does not address the issue of child marriage nor does it establish a minimum age for marriage. Reports reviewed by the Group of Experts showed that child, early and forced marriage has increased during the conflict period. In 2013, for example, prior to the conflict, the Yemen National Health and Demographic Survey showed that 31.9 per cent of women aged 20-24 years were married before 18 years of age and 9.4 per cent had been married before age 15.[1103] In 2017, a survey on Child Marriage conducted by UNICEF in six governorates in Yemen found that as a result of the conflict child marriage had become a coping mechanism for families. The study, though limited, found that 72.5 per cent of respondents indicated they had married before they had reached 18 years of age. [1104]

702. Interviewees indicated to the Group that 'child marriage' is a widespread practice in Yemen, driven largely by poverty and exacerbated by the armed conflict. The Group documented cases where parents - especially among poor and displaced households, and therefore in an accentuated state of financial and physical vulnerability – have felt compelled to marry their daughters off as young as 11 years old in order to provide them with the shelter and economic security they cannot themselves provide, while at the same time relieving themselves of the pressure of another mouth to feed and another person to protect.

703. The Group received first-hand accounts of five girls married at the ages of 11, 14, 15 and 17 years old.[1105] In one of the cases, an 11-year-old girl was forced by her father to marry a 30 year-old man, who already had another wife and children. As a result of sexual intercourse the girl was hospitalized due to severe bleeding and injuries.[1106] In another case, a 14-year-old, forced to marry her cousin who was 11 years older than her, was subjected to brutal domestic violence.[1107]

704. The Group is concerned that during the conflict girls' fundamental rights have not been protected and they have been further exposed to violence and the risk of exploitation, including domestic and sexual violence. See Chapter on Gender analysis and gender-based violence for further details.

5. Violations of the right to health, survival and development

705. During the conflict in Yemen, the fundamental rights of children, inter alia the rights to life, to health, to be with family and community, to the development of the child's personality, to be nurtured and to be protected, have been violated by the parties to the

[1099] See ICRC IHL Customary Study, rule 93.
[1100] CRC, Article 19.
[1101] Convention on the Elimination of Discrimination Against Women General Recommendations 19 (1992), "Violence against women"; and 35 (2017) "on gender-based violence against women, updating general recommendation No. 19", available at http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx.
[1102] The Convention on the Elimination of Discrimination Against Women (CEDAW hereinafter), 1980, Article 16(2).
[1103] Ministry of Public Health and Population of Yemen (MOPHP/Yemen hereinafter), Central Statistical Organization - Demographic Survey 2013. Available at: http://dhsprogram.com/pubs/pdf/FR296/FR296.pdf.
[1104] Confidential Sources on File.
[1105] Confidential Sources on File.
[1106] Confidential Sources on File.
[1107] Confidential Sources on File.

conflict.[1108] In addition to international humanitarian law provisions protecting health care services, Article 24 of the CRC imposes a strong duty of action by States parties to ensure that health and other relevant services are available and accessible to all children, with special attention to under-served areas and populations.[1109]

706. Yemen has seen the destruction or closure of health facilities as a result of: attacks, military use, violence, and insecurity; the lack of financial means to operate the facilities; scarcity of supplies and disruption of supply chains; and staff shortages, particularly of specialized staff, due to the failure to pay health workers and due to the emigration of trained medical personnel.

Military use of medical facilities

707. Medical facilities, including medical units and transports, to the extent feasible, should not be used to shield military objectives from attacks or be used outside their humanitarian function. [1110] The Group of Experts has documented first-hand the military use of medical facilities since the beginning of the conflict, further undermining the availability of health care services. This has often resulted in attacks by opposing parties. For examples, refer to Chapters on the battles of Aden and al-Hudaydah in this report.

Attacks affecting medical facilities

708. Under the rules of international humanitarian law, medical personnel, facilities and infrastructure which have been assigned to carry out activities of an exclusively medical nature enjoy special protection. This means that, even where they may constitute a military objective at a particular point in time (for example due to military use by a party to the conflict), an attack against them will only be lawful after due warning has been given, leaving, in principle, a time-period to redress the situation and after the said warning has remained unheeded.

709. The Group of Experts found that access to healthcare in Yemen continues to diminish as parties have damaged and destroyed health facilities. According to the UN Secretary-General, 119 attacks against medical facilities and personnel were carried out between 2015 and 2018.[1111] The Group of Experts also documented the military use of medical facilities, which has often led to attacks by other parties. In its previous report, the Group reported on several relevant strikes, including coalition strikes carried out in 2015 and 2016 against Doctors Without Borders/Médecins Sans Frontières (MSF) facilities in Sa'dah and Hajjah governorates.[1112] More recently, the Group investigated the 11 June 2018 coalition airstrike on the MSF Cholera Treatment Centre (CTC) in Abs district, Hajjah governorate. The facility hadn't yet been opened as it was a newly constructed CTC to be opened as soon as the 'cholera season' started. The facility would have accommodated approximately 50-60 beds.[1113]

[1108] Based upon Article 12 of the 1966 International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR), Yemen has recognized 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'. See also, JA Robinson, The right of child victims of armed conflict to reintegration and recovery, 2012, http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1727-37812012000100003.

[1109] CRC, Article 24; General Comment No. 15 (CRC/C/GC/15) on the right of the child to the enjoyment of the highest attainable standard of health, 17 April 2013, UN Doc. CRC/C/GC/15.

[1110] ICRC Customary ICHL Study, rule 22-24 and 28.

[1111] United Nations, Reports of the Secretary-General on children and armed conflict, 20 April 2016, A/70/836-S/2016/360, para 170; 20 August 2017, A/72/361–S/2017/821, para 193; 16 May 2018, A/72/865-S/2018/465, para 208-209; and 3 June 2019, S/2019/453, para 43.

[1112] A/HRC/39/43, para 36.

[1113] In a recent report, MSF indicated that it had increased the capacity of Abs Hospital to 200 beds. MSF, 24 April 2019, Complicated Delivery: The Yemeni Mothers and Children Dying Without Medical Care, MSF, https://www.msf.org/complicated-delivery-yemeni-mothers-and-children-dying-without-medical-care, p.12.

710. In al-Durayhimi city, al-Hudaydah Governorate, the only maternity unit and childcare centre was partially destroyed during a coalition airstrike on 11 October 2018.[1114] Interviewees told the Group that on the same day a rural hospital had also been shelled by unknown perpetrators. As a result, the city of al-Durayhimi was left without facilities and services to assist women during pregnancy and childbirth. The Therapeutic Feeding Centre of al-Kitaf Rural Hospital in Sa'dah was damaged by the 26 March 2019 coalition airstrike in the vicinity of the hospital.[1115]

711. The above-mentioned strikes, if proven to be deliberate attacks against health-care facilities, may lead to individual criminal responsibility for the war crime of deliberately attacking protected objects.

Access to health

712. The conflict has further reduced the number of functioning medical facilities, in particular those providing care for children. According to OCHA, only 20 per cent of the health facilities provide integrated maternal and child health care.[1116] An additional factor limiting the access to functioning health facilities is the staff shortages – particularly of specialized staff, due to the failure to pay health workers and the emigration of trained medical personnel.[1117] See chapter on violations related to the humanitarian situation for further details. There are 10 health workers per 10,000 people in Yemen – less than half the WHO minimum benchmark.[1118] The depletion in the health workforce and facilities means that overall the quality and availability of healthcare has been undermined and might remain parlous for decades after the conflict.

713. The Experts documented instances where parties to the conflict have prevented food from reaching civilians, thus worsening food insecurity in the country (See chapter on violations related to the humanitarian situation, section on Starvation as method of warfare). According to humanitarian service providers, as of December 2018, there were 3.2 million people who required treatment for acute malnutrition, including two million children under five years old and 1.14 million pregnant and lactating women (PLW). At the outset of the crisis, 850,000 children were suffering from acute malnutrition and 160,000 children from severe acute malnutrition.[1119] While food insecurity is one of the reasons that explains the large number of malnourished children in Yemen, the inadequate access to health services remains as one of the underlying causes of malnutrition. (See chapter on Violations related to the humanitarian situation for further details with regard to the coalition exacerbating the crisis).

714. In addition to the lack of access to quality health-care, children in Yemen have been affected by communicable diseases and have had limited or no access to lifesaving vaccines, leaving them at increased risk of morbidity and mortality related to vaccine-preventable disease.[1120] According to the information received by the Group, parties to the conflict have prevented the implementation of disease control programmes. For example, in July 2017 half a million doses of the cholera vaccine were ready to be brought into Yemen. The Government of Yemen and the Houthis only allowed the vaccines into Yemen in December 2017, with the vaccination campaign only starting in May 2018 in the south, and

[1114] UNITAR-UNOSAT images showed the building mostly destroyed. Confidential Sources on File.
[1115] Confidential Sources on File.
[1116] OCHA, Yemen Humanitarian Needs Overview 2019, December 2018, p. 37; at https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Yemen_HNO_FINAL.pdf.
[1117] Confidential Sources on File.
[1118] Ibid.
[1119] UNOCHA, Yemen Humanitarian Needs Overview 2015, 22 December 2014, at http://reliefweb.int/report/yemen/2015- yemen-humanitarian-needs-overview, p. 14.
[1120] WHO reports, for 2017-2019, 1.794.580 suspected cases of cholera and 3,412 associated deaths, of which 32.77 per cent were children under 14 years old. The Group was also informed of a 'diphtheria' outbreak, with total cases as of 4 May 2019 of up to 3652, and 210 associated deaths of which 89 per cent were children under 14 years old. The most affected governorates are Ibb and al-Hudaydah.

in August 2018 in the north of the country.[1121] By the time the vaccines arrived in the country, the epidemic had impacted millions. As of 31 August 2018, 2,407 people had already died (nearly 53 per cent were children under 14 years old) and there were 1,162,558 suspected cases.

6. Violations of the right to education

715. Children affected by armed conflict must be provided with the care and aid they require, in particular education.[1122] The right to education is understood in a broad sense,[1123] as enshrined in the Universal Declaration of Human Rights (hereinafter the "UDHR"), the International Covenant on Economic, Social and Cultural Rights (hereinafter the "ICESCR"), the International Covenant on Civil and Political Rights (hereinafter the "ICCPR") and the CRC.[1124] Parties to the conflict have failed to uphold their obligations as relates to the right to education, in preventing schools from being available and accessible to children, including through attacks on schools, often triggered by their use for military purposes.

Attacks on schools

716. Schools and students have directly felt the impact of the growing trend of the armed conflict being fought in populated areas. The Group of Experts documented incidents where children were killed and injured while at school or while leaving their school. For example, in one incident in Sawan, Sana'a, a military facility set up near a school by Houthi fighters, in a failure to take feasible precautions, exploded on 7 April 2019, killing at least 10 students (eight girls and two boys) and injuring dozens more.[1125] In another case, on 26 April 2019, in Ta'izz, as a result of Houthi shelling on populated areas, one female student was killed and two others injured as they were leaving their school.

717. Schools were affected by airstrikes. On 4 September 2015, the school Hussein Fayed Majali, in Sa'dah governorate, was struck at night by the coalition. Sources reported that its destruction affected at least 1,057 students.[1126] More recently, on 13 June 2019, in the morning, the primary school al-Qutaynat located in Baqim district, Sa'dah governorate, was hit by a "double-tap" coalition airstrike. While the school was severely damaged, no casualties were reported as the children were on holidays.[1127] The Group of Experts did not

[1121] Confidential Sources on File. Also UNICEF's press statements at https://www.unicef.org/press-releases/unicef-airlift-vaccines-children-yemen-restrictions and WHO at http://www.emro.who.int/yem/yemen-news/oral-cholera-vaccination-campaign-in-yemen-begins.html
[1122] Additional Protocol II, Article 4(3)(a).
[1123] This notion refers to all activities involving 'organized and sustained communication designed to bring about learning'. UNESCO, International Standard Classification of Education (ISCED), November 1997, para. 7. It relates to various types and levels of programmes, such as pre-school, primary and secondary education, including technical and vocational education. It also covers issues such as 'access to education, the standard and quality of education, and the conditions under which it is given'. See Convention against Discrimination in Education, adopted by the General Conference of UNESCO at its eleventh session, Paris, 14 December 1960, Article 1(2). See also UNESCO, International Standard Classification of Education (ISCED) explaining that the notion of education 'includes a variety of programmes and types of education which are designated in the national context, such as regular education, adult education, formal education, non-formal education, initial education, continuing education, distance education, open-education, life-long education, part-time education, dual systems, apprenticeships, technical-vocational education, training, special needs education' (para. 12).
[1124] See most notably: Universal Declaration of Human Rights, Article 26; ICESCR, Article 13; CRC, Articles 28–29. See also the International Covenant on Civil and Political Rights, Article 18(4). See also UN General Assembly, The right to education in emergency situation, A/RES/64/290, 27 July 2010; Committee on the Rights of the Child, Day of General Discussion on the "right of the child to education in emergency situations", Recommendations, 49th Session, 3 October 2008; Inter-agency Guiding Principles on Unaccompanied and Separated Children, p. 49. Inter-agency Guiding Principles on Unaccompanied and Separated Children, p. 49.
[1125] ICRC Study on customary IHL, rule 23.
[1126] Confidential Sources on File.
[1127] Confidential Sources on File.

ascertain whether the school was being used in a way at the time which made it a military objective.

718. Schools hosting internally displaced persons have also been struck by coalition airstrikes. On 9 July 2015 in the afternoon, an airstrike carried out by the coalition forces struck Musa'ab Bin 'Omer School in Tahrour district of Lahij province, killing 11 displaced persons and injuring 19 others.[1128] At the time of the airstrike, the school was offering shelter to 12 displaced families who fled from fighting in neighbouring al-Houta.[1129] The school building is still in ruins and classes are currently organised in tents.[1130]

719. Education facilities for children with disabilities have also been endangered throughout the conflict. On 20 April 2016 in Sana'a, the boarding school for blind girls was shelled by an unidentified party, resulting in the closure of the school. At the time of the attack, the boarding school was hosting 60 girls, 6 to 18 years old, who were either sent back home or, when possible, reassigned to other schools.[1131]

Military use of schools

720. Among the several documented strikes on schools since 2015, the Group has found that some of those schools became military objectives as a result of their illegal use by parties to the conflict. Therefore, these strikes might have been lawful. For example, on 14 July 2015, a coalition airstrike severely damaged the Bazraa Elementary School in Aden used by the Houthis since April 2015 for military purposes, including as a detention facility for captured members of the Southern Resistance.[1132] Education facilities for children with disabilities have also been made a target because of their military use. On 5 January 2016, the Nour Centre for the Care and Rehabilitation of the Blind, in Sanaa, where the Houthis-Saleh forces had placed an office, was struck and damaged by a coalition airstrike.[1133] On 17 September 2017 at 15:00 hrs, a school in Baqim district of Sa'dah was struck and destroyed by a coalition airstrike. The school was being used as a prison by the Houthis.[1134]

721. At the time of writing this report, the Group found that at least 20 schools in al-Hudaydah, Ta'izz and Sa'dah are currently being used by the Yemeni armed forces, UAE-backed Security Belt forces, Sudanese forces and the Houthis.[1135] Coalition forces are currently using for military purposes the al-Wahd Oreish and al-Wahda Hasan Ibn Ali schools in al-Mokha, Tai'zz. Coalition Sudanese forces are currently using as barracks the 7 July and al-Shaheed (Martyr) Abdullah al-Salaghi schools in al-Mokha. In Mawza, Tai'zz, the coalition forces are present in the al-Shouhada elementary school (about 700 children used to attend this school), the School of Abdelrahman Rafiki and the al-Jeel al-Jadeed school. Some of these schools were previously used by the Houthis. For example, the al-Jeel al-Jadeed school was used as a prison by the Houthis until 2017.

722. In Ta'izz city, sources reported that the Yemeni armed forces have commenced to withdraw from some schools as per the commitments taken under the Safe Schools Declaration.[1136] For example, the 35th Brigade recently withdrew from Saba school for

[1128] Confidential Sources on File.
[1129] Confidential Sources on File.
[1130] Confidential Sources on File.
[1131] Confidential Sources on File.
[1132] Confidential Sources on File.
[1133] A/HRC/39/43, para 15.
[1134] Confidential Sources on File.
[1135] At least 9 schools in Mokha and Mawza, Confidential Sources on File. In Taizz city, 9 schools, Confidential Sources on File. Two schools in Sa'dah, Confidential Sources on File.
[1136] Political declaration through which States formally endorse and commit to implement the Guidelines on the Protection of Schools and Universities from Military Use during Armed Conflict (hereinafter Safe Schools Guidelines) including in their military training, doctrine etc. Available at: http://www.protectingeducation.org/guidelines/support and http://protectingeducation.org/news/yemen-endorses-safe-schools-declaration-advance-un-security-council-debate-children-and-armed.

boys in Mudhafer district. However, they are still present in Hael School.[1137] Sources have stated that despite the military use of these schools, the Government of Yemen has tried to continue the education for the children and it has reallocated those students to neighbouring schools.

723. Education during armed conflict provides both social and physical protection for children and also lessens the psychosocial impacts of war on children. The Group of Experts has concerns that the parties to the conflict have failed to take all feasible precautions to avoid locating military objects near civilians and they have blurred the distinction between civilian and military objects in using schools for military operations, both in violation of the principle of distinction. Parties to the conflict have further prevented children realizing their fundamental right to education, as guaranteed by both international humanitarian law and human rights law.[1138]

Access to education

724. The violations documented above have resulted in a growing fear: among children of attending school;[1139] among teachers of holding classes; and among parents of sending their children, especially girls,[1140] to school, thus undermining the education system in Yemen as a whole.[1141] This situation has been aggravated by the lack of payment of salaries of teachers, leading to an insufficient number of qualified teachers in schools.[1142] Even when the children are not prevented from attending school, the quality of education has been affected in Yemen.[1143] Unpaid teachers have told the Group of Experts they have had to look for other work in order to support their families.[1144] UNICEF, in an attempt to address this problem, stated on 10 March 2019 that it had started paying monthly incentives equivalent to 50 USD to those teachers and school-based staff .[1145]

725. Teachers in areas under the control of the de facto authorities informed the Group of Experts of additional challenges. At least three teachers interviewed by the Experts reported they had been arrested or had to flee these areas because they refused to teach the Houthi curriculum and further cooperate in the ongoing Houthi campaign of recruitment and conscription of children. One of the teachers told the Group that he was asked to mobilize the youth, which included visiting houses and special lectures on Houthi-related teachings.

[1137] Confidential Sources on File.

[1138] Additional Protocol II, Article 4(3)(a) provides: "Children shall be provided with the care and aid they require, and in particular…they shall receive […] education"; See also ICRC Study on customary IHL, rule 23; ICESCR, Article 13.

[1139] Confidential Sources on File. According to UNICEF, during the reporting period, there are over two million (out of about 7 million) children out of school in Yemen, UNICEF, 11 March 2019, press release, at https://www.unicef.org/press-releases/keep-children-education-unicef-starts-incentives-school-based-staff-yemen. Additional information at https://www.unicef.org/yemen/YEM_resources_ifnotinschool.pdf. At the onset of the conflict, in October 2014, UNICEF reported that 1.6 million of children were out of school, 'YEMEN: Country report on out-of-school children', at http://www.oosci-mena.org/uploads/1/wysiwyg/reports/150325_MENARO_Yemen_Report_English_Preview.pdf.

[1140] Confidential Sources on File.

[1141] A number of international documents provide guidance on the means to ensure the continuation and/or reconstruction of an adequate educational system in situations of armed conflict. The Committee on the Rights of the Child held in 2008 a 'Day of General Discussion on "the right of the child to education in emergency situations"' to address these questions (see the recommendations issued from this Day of General Discussion at http://www.ohchr.org/EN/HRBodies/CRC/Pages/DiscussionDays.aspx). See also INEE, *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*, INEE, 2004.

[1142] According to the OCHA Yemen Humanitarian Needs Overview 2019, approximately 10,000 schools in 11 Governorates are seriously affected by the non-payment of teachers' salaries, and 51 per cent of teachers have not received their salaries since October 2016. OCHA, Yemen Humanitarian Needs Overview 2019, December 2018, p. 47. At https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Yemen_HNO_FINAL.pdf.

[1143] Confidential Sources on File.

[1144] Confidential Sources on File.

[1145] UNICEF, 11 March 2019, press release, available at https://www.unicef.org/press-releases/keep-children-education-unicef-starts-incentives-school-based-staff-yemen.

Another teacher said, "*I'm a teacher and I shall not instigate or provoke violence*".[1146] It is clear that the de facto authorities have used the education system to indoctrinate students, and to enlist them in the armed group, by imposing an additional curriculum contributing to the stereotyping of other parties to the conflict as well as of third countries not directly involved in the internal conflict.

726. The Group observes with great concern that the conflict has increased exclusion of particular groups of children from schools. [1147] Access to education for girls varies by age and region. With the interruption of the financial assistance to persons with disabilities, among other issues, the specific needs of children with disabilities and their access to education have been neglected. The Group was told that in Ta'izz, for example, "*Muhamasheen"*[1148] children, when able to attend school, often face discrimination and many cannot afford uniforms.[1149] The Group will continue monitoring the situation of "*Muhamasheen"* children in Yemen and their realization of their fundamental rights (for additional information see chapter on the impact of the conflict on minorities).[1150]

727. Interviewees reported that families in general were likely to keep their girls at home because of insecurity and/or lack of resources.[1151] In fact, when reviewing the data collected by UNESCO, the Group observes that, as of June 2019, out of the 2,307,414 children, adolescents and youth out of school, 1,397,418 are females (60 per cent) and 909,996 are males.[1152] The number of girls out-of-school is larger in areas of ongoing conflict and rural areas. [1153] For example, the Group had access to information on the number of students enrolled in Ta'izz for 2018-2019 and Sa'dah for 2016-2017.[1154] In Sa'dah governorate, 40 per cent of students enrolled in elementary school were female, compared to 34 per cent of students being female in secondary school. In al-Hashwah, al-Safra, Qatabir and al-Kitaf districts, the average of female students in elementary school is 34 per cent, compared to 14 per cent for secondary school.[1155]

728. While prior to the conflict a number of other strategies to increase educational participation for marginalised groups were in place,[1156] including the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol,[1157] in 2014, 45 per cent of children of primary age with a disability were out-of-school.[1158] The current

[1146] Confidential Sources on File.
[1147] The United Nations General Assembly thus 'urges Member States, in their support for education, to specifically address the gender-specific needs of girls in emergency contexts, including their increased vulnerability to gender-based violence' (UN General Assembly, *The right to education in emergency situation*, A/RES/64/290, 27 July 2010, para. 12).
[1148] See chapter on the impact of the conflict on minorities for definition on and discussion of the Muhamasheen community.
[1149] Confidential Sources on File.
[1150] Prior to the conflict, in 2012, the Special Rapporteur on minority issues reported that 80 per cent of the "Muhamasheen" community is illiterate. United Nations, Report of the Special Rapporteur on minority issues, 28 January 2016, A/HRC/31/56, para 91.
[1151] Confidential Sources on File.
[1152] UNESCO Institute for Statistics, in the framework of the 'Global Initiative on Out-of-School Children' project, estimates based on data provided by Governments and household surveys, the number of children out-of-school. The information is available at http://data.uis.unesco.org/. In percentages, 64.8 per cent of girls of primary age are out-of-school; and 71 per cent of girls of secondary age are out-of-school.
[1153] Confidential Sources on File.
[1154] Confidential Sources on File.
[1155] Confidential Sources on File.
[1156] Some of these strategies include, National Strategy for the Development of Basic Education in the Republic of Yemen 2003–2011, 2003, available at: https://www.yemen-nic.info/files/ministations/eduction/watanyaa.pdf; National Disability Strategy, 2010, p. 3, available at: http://www.inclusive-education.org/system/files/publications-documents/.Tines_National%20Strategy%20on%20Disability%20in%20Yemen.pdf.
[1157] Yemen ratified the Convention on 26 March 2019; see United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of Persons with Disabilities.
[1158] UNESCO Report, Education and Disability: Analysis of Data from 49 Countries, March 2018, available at http://uis.unesco.org/sites/default/files/documents/ip49-education-disability-2018-en.pdf.

conflict has impacted further the access to education of children with disabilities.[1159] While there is no clear data on how many children with different disabilities are in and out of school in Yemen, the Group of Experts was informed that, as a result of the interruption of social welfare benefits,[1160] challenges faced by children with disabilities to enjoy their right to education have been exacerbated. [1161]

7. Concluding observations on the impact of the conflict on children

729. The Group of Experts had access to testimonies of child survivors that contained evidence of psychological distress. These children had been injured or had immediate relatives who were killed and injured; were recruited into the armed forces or armed groups themselves; were separated from their families; and/or were forced to care for their siblings because their family members were separated or had died.

730. Additionally, children affected by the conflict have lost important sources of social support for their well-being, particularly schools. Children in Yemen have been forced, at a young age to contribute to the families' income, including as child soldiers, leading to significant changes in children's role within the family and the community. These issues need to be addressed to prevent children being drawn into ongoing cycles of violence.

731. Parties to the conflict have violated on a vast scale the protection to which children are entitled under both international human rights law and international humanitarian law. Only a serious commitment to respect international law followed by concrete actions can restore a climate in which children in Yemen can grow up without having their already dire fate exacerbated by the ongoing armed conflict.

IX. Thematic issues

A. Violations related to the humanitarian situation

1. Introduction on the current humanitarian crisis

732. In March 2019, the World Food Programme (WFP) declared Yemen "the world's largest food crisis."[1162] According to the Office of the Coordination of Humanitarian Affairs (OCHA), nearly one quarter of the entire population was malnourished at the beginning of 2019, many acutely so, with 230 districts (out of 333) at risk of famine.[1163] In June 2019, pockets of famine-like conditions in dozens of places across the Yemen were confirmed by the Emergency Relief Coordinator.[1164] An estimated 24.1 million people were in need of assistance to survive at the beginning of 2019,[1165] amounting to almost 80 per cent of the population. Of the 24.1 million in need of protection or humanitarian assistance, 18.2 million were women and children.[1166] According to humanitarian service providers, as of December 2018, there were 3.2 million people who required treatment for acute malnutrition, including more than two million children under the age of five and 1.14

[1159] Confidential Sources on File.
[1160] Confidential Sources on File.
[1161] United Nations Security Council Resolution, 20 June 2019, S/RES/2475; see also Article 11 Convention on the Rights of Persons with Disabilities; A/HRC/31/30, para 16 and 35; and "Addressing the vulnerability and exclusion of persons with disabilities: the situation of women and girls, children's right to education, disasters and humanitarian crises" (CRPD/CSP/2015/4).
[1162] World Food Programme, "Yemen: This Is the World's Largest Food Crisis," (Mar. 29, 2019), available at: https://unwfp.maps.arcgis.com/apps/Cascade/index.html?appid=a8e9e0ef4b854f3f921b08d296830e28.
[1163] https://m.reliefweb.int/report/3000634.
[1164]https://reliefweb.int/sites/reliefweb.int/files/resources/190617_Yemen_USG%20SECCO%20statement-Final-1.pdf.
[1165] OCHA, Humanitarian Response Plan, 2019 (https://reliefweb.int/sites/reliefweb.int/files/resources/20190402_HRP_snapshot_V5.pdf)
[1166] Office for Coordination of Humanitarian Affairs (OCHA) *Humanitarian Needs Overview* 2019.

million malnourished pregnant and lactating women and girls, with 144,000 likely to develop birth complications.[1167]

733. The Group of Experts spoke to two fathers who had recently lost their toddlers after several weeks of treatment for acute malnutrition in Sa'dah.[1168] One of them said:

> "*Youssuf was very skinny, and really weak. The mother couldn't breastfeed him – she had no milk to give him. He was not* even *three kilos at ten months old. He died last year, and according to the doctor it was because of malnutrition. We don't have a dispensary in our village so my family took him to Tashdan, it's at the border with the Kingdom of Saudi Arabia. He stayed there for four days and then died. He went there a few times but he died the last time. We live in Ghamr, and it is a poor region. I have never received assistance of a food basket. We have asked but the authorities here don't answer."*[1169]

734. While food insecurity is one of the causes of the large number of malnourished children in Yemen, the inadequate access to health services remains another underlying cause of malnutrition. The lack of health facilities in certain regions, impediments on the freedom of movements of the inhabitants of certain regions due to ongoing hostilities, and damage to healthcare facilities due to the fighting between parties has further impacted on already insufficient health infrastructure (see section on destruction of civilian infrastructure below).

735. An outbreak of cholera was confirmed by the health authorities in Yemen in October 2016,[1170] and it has been recurring and spreading since, reportedly exacerbated by the lack of access to clean water for drinking and irrigation, as well as poor maintenance of waste management systems.[1171] Halfway through 2019, already as many cases of cholera had been reported for 2019 as in the whole of 2018 (380,000 suspected cases). On 8 July 2019, OCHA reported that 460,000 suspected cases of cholera had already been registered in 2019, including approximately 200,000 children.[1172] At least 193 children have reportedly died of cholera related illnesses in 2019.[1173] According to MSF, "[b]etween January and March 2019, suspected cholera cases sharply increased in Yemen, even before the start of the rainy season, raising fears of a large-scale outbreak".[1174] MSF further indicated an increase of cholera patients treated from 140 to 2,000 per week between January and March.

736. By 2019, humanitarian needs in Yemen were more than 60 per cent higher than before the war broke out. In 2014, Yemen had already been declared a large-scale humanitarian crisis, with more than half of the population in need of some form of humanitarian assistance.[1175] The conflict dramatically exacerbated pre-existing vulnerabilities that included the heavy reliance on food, medical supplies and fuel imports,

[1167] From the outset of the crisis, 850,000 children were suffering from acute malnutrition and 160,000 children from severe acute malnutrition (OCHA, "2015 Humanitarian Needs Overview, Yemen," December 22, 2014, (https://reliefweb.int/sites/reliefweb.int/files/resources/2015_HNO_Yemen_Final_0.pdf)); See also UNFPA *Humanitarian Response in Yemen* 2019, p. 1; Sanaa Centre for Strategic Studies, *The Impact of War on Mental Health in Yemen*, 2019.

[1168] Confidential Sources on File.

[1169] Testimony from a source; identity obscured for protection reasons.

[1170] https://reliefweb.int/disaster/ep-2016-000107-yem

[1171] https://www.unocha.org/story/yemen-over-460k-cases-cholera-registered-date-year

[1172] https://www.unocha.org/story/yemen-over-460k-cases-cholera-registered-date-year

[1173] https://reliefweb.int/report/yemen/save-children-more-cholera-related-cases-first-half-2019-whole-last-year.

[1174] See "Endemic in Yemen, cholera still hits Yemenis hard", Project Update, 5 June 2019 (https://www.msf.org/endemic-yemen-cholera-still-hits-yemenis-hard).

[1175] OCHA, Humanitarian Response Plan, 2014 (https://reliefweb.int/report/yemen/yemen-humanitarian-response-plan-2014).

as well as on remittances from a work force employed abroad.[1176] The Group of Experts identified measures taken by parties to the conflict, as well as the lack of appropriate measures, that have contributed to the deterioration of the humanitarian situation in Yemen, in violation of international humanitarian law and international human rights law.

2. Starvation as a method of warfare

737. In May 2018, Security Council resolution 2417 condemned the use of starvation as a method of warfare, as well as the unlawful denial of humanitarian access and depriving civilians of objects indispensable to their survival.[1177] Adopted unanimously, this resolution was considered a landmark as it acknowledged the link between conflict and food insecurity.[1178] It unequivocally condemned "the use of starvation of civilians as a method of warfare in a number of conflict situations."[1179] It further referred to the prohibition on depriving civilians of objects indispensable to their survival and the obligation to allow and facilitate humanitarian access.

738. International humanitarian law strictly prohibits starvation of the civilian population as a method of warfare, in both international and non-international armed conflicts, as enshrined in treaty law and recognised under customary international humanitarian law.[1180] The rule is binding on both States and non-State armed groups and does not provide for any exception in case of imperative military necessity. Should the population suffer undue hardship due to a lack of supplies essential for its survival (for example following a blockade or siege), the provision of relief supplies has to be allowed and facilitated.

739. Starvation is generally understood as the action of subjecting people to famine, which is in turn defined as extreme and general scarcity of food, or severe lack of food.[1181] The indicators used to qualify a situation as famine differ according to stakeholder. Also, it has been demonstrated that famine is not only an issue of food availability, but of access to food. Hence, famine can occur even when food is available, when access to food and the capacity of the population to get food is compromised, whether based on social norms or financial means.[1182] Defined as extreme suffering or death caused by the lack of food,[1183] the term starvation does not necessarily imply death.

740. This common understanding of the notion of starvation also served as the basis for negotiations of the Elements of Crimes for the International Criminal Court. Here, it was acknowledged that the crime of starvation should go beyond the deprivation of water and food to cover the deprivation or insufficient supply of items that are essential to survival, which include indispensable non-food items such as medicines and blankets.[1184] In this respect, Additional Protocol II considers food and medical supplies as objects indispensable to the survival of the civilian population, while Additional Protocol I also mentions clothing, bedding and means of shelter.[1185]

741. Methods of warfare are generally understood as the tactics or strategy used in hostilities against an enemy in times of conflict. This means that in order for starvation – defined as the deprivation of essential items for the survival of the population – to be

[1176] See e.g. Sana'a Center for Strategic Studies, "The UN's Stockholm Syndrome – The Yemen Review, March 2019", The Sana'a Center Editorial: "Saudi Arabia's 'Deportation Storm'", April 2019 (http://sanaacenter.org/publications/the-yemen-review/7269).
[1177] S/RES/2417 (2018), operational paragraphs 5 and 6.
[1178] https://www.un.org/press/en/2018/sc13354.doc.htm.
[1179] S/RES/2417 (2018), operational paragraph 5.
[1180] Article. 13 Additional Protocol II; see also ICRC customary IHL study, rule 53.
[1181] The Shorter Oxford English Dictionary (1978), pp. 724 and 2111.
[1182] Francoise Bouchet-Saulnier, The Practical Guide to Humanitarian Law, p. 149-152.
[1183] Collins Dictionary (online).
[1184] Knut Dörmann, "Preparatory Commission for the International Criminal Court: The Elements of War Crimes – Part II: Other Serious Violations of the Laws and Customs Applicable in International and Non-International Armed Conflicts", International Review of the Red Cross, Vol. 83, 2001, pp. 475–476.
[1185] Art. 18(2) Additional Protocol II and Art. 69 Additional Protocol I.

considered as an international humanitarian law violation, it has to be used as a strategy to defeat the other party to the conflict. Within the scope of military operations, the prohibition of starvation may be violated by siege-like warfare, the arbitrary denial of access of humanitarian aid to civilians in need, as well as by attacking objects indispensable to the survival of the population.

742. The link between the prohibition on starvation and the prohibition of attacks on objects indispensable to the survival is demonstrated by the fact that both prohibitions appear in the same respective provisions of the Additional Protocols.[1186] They are also linked to provisions related to humanitarian access because, when there is a lack of indispensable objects, parties must authorize and facilitate international relief actions,[1187] as long as they comply with the requirements set by the law, in order to fulfil their obligations enshrined in Article 14 of Additional Protocol II. Military necessity cannot be invoked to justify the starving of the civilian population. Hence, other violations of international humanitarian law can constitute violations of the prohibition of starvation, in particular attacks against objects indispensable to the survival of the population, as well as denial of humanitarian access.

743. The scope of the requirement for intent to starve the civilian population has been the subject of different interpretations. Some say that starvation has to be the primary purpose of an operation in order to violate international humanitarian law, while others argue that even if the resulting starvation is only incidental, it still violates the spirit of international humanitarian law.[1188]

744. As regards attacks against objects indispensable to the survival of the population, based on the wording of both relevant provisions in Additional Protocols I and II,[1189] a broader intent to starve a population is not necessary when the operations deprive the population of objects essential to its survival "for the specific purpose of denying them of their sustenance value to the civilian population or to the adverse Party, whatever the motive".[1190] The wording of Article 54 of Additional Protocol I implies that it is sufficient to have an intention to damage, destroy or remove the object in order to deprive civilians of its sustenance value, i.e. its specific contribution to the survival of the population.

745. A similar reasoning applies when humanitarian relief is deliberately impeded, with the result of starving the population. Indeed, parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, provided the relief is impartial and humanitarian in character and subject to the parties' right of control.[1191] The withholding of consent to humanitarian access that leads to starvation is considered arbitrary, hence unlawful.[1192]

746. For siege-like warfare, as well as blockades, the determination with respect to the purpose is less straight forward and subject to debate among scholars and practitioners.[1193]

[1186] Art. 14 Additional Protocol II, Art. 54(2) Additional Protocol I.

[1187] Art. 18 Additional Protocol II, Art. 70(2) Additional Protocol I.

[1188] See for example Mark Lattimer, "Can Incidental Starvation of Civilians be Lawful under IHL?", March 2019, EJIL:Talk!, Blog of the European Journal of International Law (https://www.ejiltalk.org/can-incidental-starvation-of-civilians-be-lawful-under-ihl/).

[1189] Art. 14 Additional Protocol II, Art. 54(2) Additional Protocol I.

[1190] Art. 54(2) Additional Protocol I; although Article 14 of Additional Protocol II contains less details than Article 54 of Additional Protocol I, the respective ICRC commentary of 1987 to both provisions suggests a similar interpretation.

[1191] Art. 18 Additional Protocol II; see ICRC Study on customary IHL, rule 55.

[1192] See Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict, Commissioned by the United Nations Office for the Coordination of Humanitarian Affairs, p. 23-24. (https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf); see also ICRC Study on customary IHL, rule 55 (on *Consent*).

[1193] As suggested by Beth Van Shaack, "*Siege Warfare remains lawful under contemporary law so long as it is directed only at combatants and those directly participating in hostilities, and only in so far as other provisions of the law are adhered to – a major challenge when both combatants and civilians depend on the same necessities*", in "Siege Warfare and the Starvation of Civilians as a Weapon of War and War Crime", Just Security, 4 February 2016

Here too, the same rules of international humanitarian law may nevertheless protect the civilian population from starvation, even if not established as deliberate. The principle of proportionality in attack should also be examined here.[1194] Starvation may also amount to a form of inhuman treatment. Should it lead to death, it could amount to wilful killing of civilians.[1195] Starvation also violates international human rights law, including the right to food and to water, as well as the right to health.[1196]

747. In the present context, it has been reported that an estimated 80 per cent of the population of Yemen is in need of some sort of humanitarian assistance to survive. There are concerns that all parties to the conflict have used starvation as a method of warfare in Yemen by attacking objects indispensable to the survival of the population, imposing blockades or using siege-like tactics, and impeding the delivery of humanitarian assistance. The effects of such acts have been compounded by the lack of respect for economic, social and cultural rights, mainly the right to an adequate standard of living and the right to work.[1197]

748. Starvation as a method of warfare is considered a war crime in both international and non-international armed conflicts. While the Rome Statute of the International Criminal Court includes starvation as a war crime in international armed conflicts only,[1198] it is also recognized as a war crime in non-international armed conflict based on customary international humanitarian law.[1199] The International Criminal Court outlines the intent of the perpetrator to starve civilians as a method of warfare as an element of the crime.[1200] Within this context, it must be noted that, for the International Criminal Court, the necessary intent is given when a "person means to cause that consequence or is aware that it will occur in the ordinary course of events".[1201] For starvation as a method of warfare, the second part of the sentence, which does not require strict proof of the desire to starve, may in fact represent the most appropriate standard.[1202] Indeed, it would be difficult to argue that the parties were not aware of possible cases of starvation in Yemen, given the amount of public reporting about the food crisis and threat of famine, at least since the end of 2016.[1203]

749. In order to further examine individual criminal responsibility for the crime of starvation, more information on the subjective element of the crime would be needed. Additional investigations would also need to focus on demonstrating the link between the method of warfare at stake (targeting of indispensable objects, blockade or siege-like

(https://www.justsecurity.org/29157/siege-warfare-starvation-civilians-war-crime/); see also Gloria Gaggioli, "Are Sieges Prohibited under Contemporary IHL?", Joint Blog Series on International Law and Armed Conflict, January 2019, EJIL:Talk!, Blog of the European Journal of International Law (https://www.ejiltalk.org/joint-blog-series-on-international-law-and-armed-conflict-are-sieges-prohibited-under-contemporary-ihl/#more-16877).

[1194] See A/HRC/39/43, Annex II; See also Nathalie Weizmann, "International Law is Meant to Prevent What's Happening in Yemen", Just Security, 17 November 2017 (https://www.justsecurity.org/47197/international-law-meant-prevent-happening-yemen/); Gloria Gaggioli, "Are Sieges Prohibited under Contemporary IHL?", Joint Blog Series on International Law and Armed Conflict, January 2019, EJIL:Talk!, Blog of the European Journal of International Law (https://www.ejiltalk.org/joint-blog-series-on-international-law-and-armed-conflict-are-sieges-prohibited-under-contemporary-ihl/#more-16877).

[1195] Art. 3 common to the Geneva Conventions; Art. 4(1) Additional Protocol II.

[1196] Art. 11 and 12 ICESCR.

[1197] Art. 6 and 11 ICESCR.

[1198] Art. 8 (b) (xxv), Rome Statute.

[1199] See ICRC Study on customary IHL, rule 156. See also Prosecutor v. Duško Tadić, Case No. IT-94-1-AR72, Decision on Interlocutory Appeal on Jurisdiction, 2 Oct 1995, (Tadić) paras 117–134.

[1200] ICC, *Elements of Crimes*, 2011, Art. 8 (b) (xxv).

[1201] Rome Statute, Art. 30 (2).

[1202] Global Rights Compliance, "The Crime of Starvation and Methods of Prosecution and Accountability", 2019, p. 11, para. 60 (https://sites.tufts.edu/wpf/files/2019/06/The-Crimes-of-Starvation-and-Methods-of-Prosecution-and-Accountability.pdf).

[1203] See e.g. The Guardian, "Yemen famine feared as starving children fight for lives in hospital", 4 October 2016 (https://www.theguardian.com/world/2016/oct/04/yemen-famine-feared-as-starving-children-fight-for-lives-in-hospital); OCHA, :"Yemen: 'One step away from famine'", 31 October 2016 (https://www.unocha.org/story/yemen-%E2%80%9Cone-step-away-famine%E2%80%9D).

warfare, denial of humanitarian access for civilians in need) and the suffering of the population as the consequence of the deprivation.[1204]

750. Within this context, it is also worth reiterating the strong call by the Security Council in resolution 2417. The resolution urges States "to conduct, in an independent manner, full, prompt impartial and effective investigations within their jurisdiction into violations of international humanitarian law related to the use of starvation of civilians as a method of warfare, including the unlawful denial of humanitarian assistance to the civilian population in armed conflict".[1205]

3. Attacks impacting objects essential for the survival of the population

751. Attacks by all parties to the conflict impacting objects indispensable to the survival of the Yemeni population are of particular concern within the scope of the current humanitarian crisis.

752. Coalition air strikes notably destroyed farming land, water facilities and essential port infrastructure. A report published by the World Peace Foundation in October 2018[1206] describes how agricultural zones were impacted by coalition strikes, following an apparent "strategy of hitting the resources of rural life."[1207] The report outlines how from June 2015, agricultural targets in Sa'dah, mainly farms and agricultural land were struck by coalition airstrikes, and this extended to other areas in July and August 2015.[1208] The report considered that these strikes were "systematic."[1209]

753. The report further features a case study of Tihama, showing how the coalition struck the facilities of the authority in charge of the maintenance of essential irrigation infrastructure between August and October 2015, contributing to a drastic decrease of the agricultural production in what used to be the "bread basket" of the country.[1210] A second case study shows how artisanal fishing on the Red Sea coast was affected by coalition airstrikes that killed fishermen and damaged fishing installations. In particular, the maps featured in the report show that fish-offloading ports along the Red Sea coast were particularly affected.[1211]

754. Another notable incident affecting access to essential supplies by the Yemeni population was the destruction, in August 2015, by a coalition airstrike of the four giant offloading cranes at the port of al-Hudaydah, along with other dockside machinery. In February 2018, new cranes were eventually allowed into al-Hudaydah.

755. The Group of Experts examined further reports of coalition airstrikes that were carried out between 2015 and 2019 on indispensable food and water facilities, mainly in the governorates of al-Hudaydah, Sa'dah, Hajjah and Sana'a. As regards the destruction of farms and facilities for food production, sale and storage, these included 14 incidents of airstrikes hitting mostly crowded marketplaces; 19 incidents of airstrikes hitting farms or agricultural workers; eight incidents of airstrikes hitting food processing or storage facilities; and 12 incidents of airstrikes on civilian food transports. The Group of Experts further examined six additional incidents where coalition airstrikes hit water supply facilities, such as water wells, a water pump, a water bottling plant, a water tank and a

[1204] Global Rights Compliance, Submissions to the Group of Eminent Experts on Yemen, 1 June 2018.
[1205] A/RES/2417 (2018), operational paragraph 10.
[1206] Martha Mundy, "The Strategies of the coalition in the Yemen War: aerial bombardment and food war", distributed by the World Peace Foundation, 9 October 2018. The report is based on data from the Ministry of Agriculture and Irrigation and the Ministry of Fish Wealth in Sana'a, and the Yemen Data Project (see p. 8).
[1207] Ibid, p. 9.
[1208] Ibid, p. 12; the report refers to FAO Statistics according to which less than three per cent of Yemen's total surface is being used for agriculture, and only five per cent of agricultural areas is arable land and one per cent permanent crops.
[1209] Ibid, p. 13.
[1210] Ibid, p. 13-16.
[1211] Ibid, p. 16.

water truck. (For details on the sample of such incidents investigated by the Group of Experts, see the chapters on the battle of al-Hudaydah and Sana'a and other areas under de facto authority control. See also A/HRC/39/43 and previous OHCHR reports for examination of the patterns of such strikes).

756. The Group of Experts also examined 11 incidents affecting fishermen, leading to 43 fishermen killed, 49 injured and 19 missing. According to a submission by the Fishermen's Association,[1212] since the Group of Experts' first report was published, there have been eight airstrikes against boats of fishermen off the coast of al-Hudaydah. These incidents reportedly resulted in the killing of 17 fishermen and injuries to another 15. As described in the Chapter on al-Hudaydah, the fishing community on the western coast of Yemen has been severely impacted by the conflict and people's livelihoods have been considerably affected. This obviously compounded food-related needs in the region. For further details, see Emblematic Situation on al-Hudaydah.

757. Landmines planted by the Houthis on agricultural and pasture land has further limited farming and food production. The Group of Experts also documented cases of mines exploding on farmland and of shelling by the Houthis that affected food production. For further details, see - where relevant - sections on landmines, shelling and destruction of protected objects in Emblematic Situation chapters of this report.

(a) Legal conclusions

758. The acts by parties to the conflict which impacted upon objects indispensable to the survival of the population, exacerbating an already dire humanitarian situation, may amount to violations of international humanitarian law, and may lead to criminal responsibility for war crimes.

759. In all types of conflicts, including non-international armed conflicts, it is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population.[1213] This prohibition is defined in Additional Protocol II as a corollary to the prohibition of starvation. Indeed, such attacks may amount to the act of starvation if they have the effect to starve the civilian population. It is generally recognized that Article 14 Additional Protocol II is interpreted like its corresponding provision in Additional Protocol I (Article 54(2)), which is more detailed.[1214] The latter also lists objects indispensable to the survival of the civilian population as including food, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. While the military use of such objects is not *per se* prohibited, it puts them at higher risk of destruction and such military use is therefore questionable as regards the respect for the principle of distinction and the obligation to protect civilians against the dangers arising from military operations.[1215] Article 54 (2) of Additional Protocol I prohibits altering or removing objects indispensable to the survival of the population "for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse party, whatever the motive".[1216]

760. All parties to the conflict in Yemen used and conducted attacks impacting objects indispensable to the survival of the civilian population. When committed against protected objects, they amount to violations of international humanitarian law. These acts violate the general protection afforded to civilian objects. In addition, in order to violate the

[1212] Confidential Sources on File.

[1213] Article 14 Additional Protocol II; See also ICRC Study on customary IHL, rule 54.

[1214] See ICRC 1987 commentary to both Art. 54 Additional Protocol I and Art. 14 Additional Protocol II; See also ICRC Study on customary IHL, rule 54 (commentary).

[1215] Art. 13(1) Additional Protocol II.

[1216] As Article 14 Additional Protocol II does not expressly provide for exceptions, it is questionable whether such objects lose their protection if they are used in direct support of military action, as set forth in Article 54 (3) Additional Protocol I for international armed conflicts. However, even if this was the case, the prohibition of starvation would prohibit the attack of such objects, if the attack "may be expected to cause starvation among the civilian population" (see ICRC Customary International Law Study, rule 54).

prohibition related to objects indispensable to the survival of the civilian population, these attacks must have been conducted with the objective to deprive the civilian population of the sustenance value of these objects, whatever the motive. In most cases examined by the Group of Experts, more investigations are needed to determine the objective. However, information regarding the circumstances of these attacks and, in some cases, their recurrence, may be considered indicative of the objective of the attacks.

4. Attacks on medical facilities and personnel

761. As an additional burden on an already weak and fragile health infrastructure in Yemen, medical facilities have also been destroyed or damaged during the hostilities. This has been compounded by the military use of such facilities by all parties to the conflict. According to the United Nations Secretary General, between 2015 and 2018, 119 attacks were carried out impacting medical facilities in Yemen.[1217] The Group of Experts have documented several incidents occurring during the conflict where health facilities were damaged or destroyed. For instance, in its first report, the Group of Experts raised serious concerns about the targeting process applied by the coalition, following airstrikes that hit the facilities of Doctors Without Borders/Médecins Sans Frontières (MSF) in Sa'dah and Hajjah governorates in 2015 and 2016, respectively.[1218] In its findings, MSF concluded that the attack of 15 August 2016 impacting Abs hospital constituted an attack by the coalition against a protected facility and that it disregarded the protected nature of the medical facility.[1219] According to MSF, while repairing material damage might be relatively simple, it has been much harder to rebuild people's confidence for them to come back and seek health services. MSF stated, "*The bombing of the hospital in August 2016 not only destroyed the building, it also destroyed people's confidence. Rebuilding that trust has taken months*."[1220]

762. In yet another incident affecting an MSF facility, on 2 December 2015, a coalition airstrike reportedly hit in the vicinity of an MSF health clinic in Hawban, east of Ta'izz, injuring nine people, including an MSF health educator and an MSF guard.[1221] One person died the day after from his injuries. [1222]

763. Most recently, the Group of Experts investigated the destruction of the Cholera Treatment Centre located in Abs district, Hajjah governorate, also set up by MSF, that was hit by a coalition airstrike on 11 June 2018. The facility was scheduled to open at the beginning of the 'cholera season' expected shortly thereafter and could have accommodated approximately 50-60 beds. The facility was empty at the time of the attack, but the strike rendered the centre fully inoperative. Hence, it could not serve as planned for the 2019 cholera season to address the sharp increase in cases (see section on airstrikes in the chapter on Sana'a and northern areas).

764. Further incidents investigated by the Group of Experts included those during the battle of Aden in 2015, where the Group of Experts investigated numerous attacks by all

[1217] See Reports of the Secretary-General on children and armed conflict to the Security Council, A/70/836-S/2016/360 para 170; A/72/361–S/2017/821 para 193; A/72/865-S/2018/465, para 208-209; and S/2019/453, para 43.

[1218] A/HRC/39/43, para. 36.

[1219] In its summary of findings related to the attack of 15 August 2016 on Abs hospital, MSF found that the attack was perpetrated by the coalition, and that the objective of the attack appears to have been a car that drove into the compound shortly before the airstrike. It concludes that "given that the vehicle was in the hospital compound, this constitutes an attack on a protected medical facility" see "MSF internal investigation of the 15 August attack on Abs hospital, Yemen, Summary of findings", 27 September 2016, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen_Abs_investigation_summary_final.pdf.

[1220] MSF, "Some families have to choose between taking a child to hospital or feeding the others", Voices from the Field, 10 July 2017 (https://www.msf.org/yemen-%E2%80%9Csome-families-have-choose-between-taking-child-hospital-or-feeding-others%E2%80%9D).

[1221]https://www.msf.org.uk/sites/uk/files/27092016_Taiz_IR_Airstrike_clinic_EXT_VERSION_VALIDATED_W_INTSTRUCTIONS_JMDM.pdf

[1222] Ibid.

parties to the conflict hitting medical facilities, ambulances and personnel. Medical facilities were also damaged due to fighting in their vicinity. The use of hospitals for military purposes further impeded access to healthcare in Aden in 2015 (for details, see Chapter on the Battle of Aden (March – July 2015). In al-Hudaydah city, the Group investigated how the 22 May Hospital was occupied and then destroyed by the Houthis in November 2018 (for more details see chapter on the Battle of al-Hudaydah (2018-2019). The Group of Experts documented further incidents that took place in 2018-2019, such as the partial destruction of a maternity unit and childcare centre, in al-Durayhimi city, al-Hudaydah Governorate, following a coalition airstrike on 11 October 2018 (for details see chapter on the battle of al-Hudaydah). In Sa'dah governorate, the Group of Experts investigated a coalition airstrike that struck a shop in close proximity to the Kitaf rural hospital, a facility supported by Save the Children, on 26 March 2019 (for details, see chapter on life in Sana'a and other areas under the control of the de facto authorities).

765. In Ta'izz, the Group of Experts documented continuous damage to medical facilities caused by the fighting (for details see chapter on Ta'izz). One of the city's main public hospitals, al-Thawrah Hospital, situated in the northeast of the city, was repeatedly hit by shelling and shooting, particularly in 2015. The hospital reported that these attacks resulted in the killing of an ambulance staff member on 20 April 2015,[1223] the injury of patients on 11 November 2015, and damage to different parts of the building and staff quarters, including: the intensive care unit on 26 April 2015,[1224] the dental and paediatric departments on 5 May 2015, the burns and surgery department on 20 June 2015, and the operations department on 25 October 2015.[1225] The hospital has continued to provide free medical care throughout the conflict "within the limits available".[1226] Al-Mudhaffar Hospital, in al-Ashrafia area of the city of Ta'izz, sustained serious damage from a large fire on 23 March 2019 that occurred during heavy confrontations between the Abu al-Abbas battalions and the Yemeni armed forces.[1227] Reportedly, a gunman affiliated with the Government, positioned in a house located in front of the hospital, had hit the hospital diesel fuel tanks.[1228]

(a) Legal conclusions

766. Medical facilities are specifically protected under international humanitarian law. Along with medical personnel, medical units and transport must be respected and protected at all times. Their use for military purposes may already violate the special protection to which medical units are entitled.[1229] They must not be the object of attack, as long as they are not used to commit acts harmful to the enemy. In such case, they may become legitimate military objectives and lose their protection after the issuance of an unheeded warning.[1230] Intentionally directing attacks against protected medical units is a war crime in non-international armed conflicts.[1231]

767. The Group of Experts has reasonable grounds to believe that the specific protection of medical units has been violated by all parties to the conflict, through the use of such facilities for military purposes, the lack of precautions to avoid damage to these units, indiscriminate attacks and attacks that may have been directed at such units. Such indiscriminate attacks and attacks directed at medical facilities may lead to individual criminal responsibility for war crimes.

5. Blockades and siege-like warfare

[1223] Confidential Sources on File.
[1224] Confidential Sources on File.
[1225] Confidential Sources on File; see also Mwatana, "Chapter from Hell."
[1226] Confidential Sources on File.
[1227] Confidential Sources on File.
[1228] Confidential Sources on File.
[1229] See ICRC Study on customary IHL, rule 28.
[1230] Art. 11 Additional Protocol II.
[1231] Article 8(2)(e)(ii) and (iv) Rome Statute.

(a) The coalition's blockade on Yemen

768. Access restrictions imposed on Yemen by the coalition, i.e. the de facto naval blockade and the closure of Sana'a International Airport, both of which drastically limited imports and freedom of movement, also significantly contributed to the deterioration of the Yemeni economy and hence to the current humanitarian crisis, including in further impeding the delivery of relief supplies.

769. Following its engagement in Yemen in 2015, the coalition enforced entrance restrictions to the Yemeni territorial waters, amounting to a de facto naval blockade. Every ship that seeks to enter Yemeni waters needs an authorization following an inspection carried out by the coalition's Evacuation and Humanitarian Operations Committee (EHOC). In addition, in May 2016, the United Nations Verification and Inspection Mechanism for Yemen (UNVIM) was put in place at the request of the Government of Yemen to ensure compliance with the sanction regime set up by Security Council Resolution 2216 (2015). Accordingly, UNVIM is in charge of clearing commercial vessels that seek to enter Yemen via ports that are not under the control of the Government, and making sure that they do not contain weapons.[1232]

770. Such coalition procedures, retained in addition to and amounting to a duplication of UNVIM's mandate, have significantly slowed down the entrance of goods into Yemen, adding to their cost. This has had a devastating impact on an economy relying essentially on imports, as shown by the fact that the amount of imports had already drastically dropped a few months into the conflict.[1233] The gradual restrictions that led to the total closure of Sana'a airport to commercial flights in August 2016 also significantly affected the movement of persons into and out of Yemen, and had a significant impact on the right to health of those in need of specialized medical care abroad.

771. In November 2017, the coalition imposed a total blockade on Yemen for three weeks. Following the firing of a ballistic missile by the Houthis into Saudi Arabia on 4 November 2017, Saudi Arabia announced two days later the closure of all of Yemen's air, sea, and land ports, effectively locking in 27 million people and locking out 500,000 metric tons of food and fuel, and 1,476 metric tons of aid.[1234] After 10 days, the airport of Aden and its sea port were reopened, along with the sea ports at Mokha, al-Mukalla, and the border crossing with Saudi Arabia at al-Wadi'a. The coalition ordered that all imports should be rerouted through those ports.[1235] On 23 November 2017, the ports of al-Hudaydah and Saleef reopened for limited humanitarian assistance. Given that around 80 percent of all of Yemen's imports flow through these two ports and that about two-thirds of Yemen's population live in the areas directly served by the Sana'a airport, "the continued closure of the ports puts an enormous strain on the availability of food in the market and significantly increases the risk of large-scale famine in Yemen".[1236]

772. Despite the easing of the blockade, the closure had already significantly worsened the crisis. "*Sixteen days of having part of the country cut off from all imports had already had a devastating impact on the largest humanitarian crisis in the world. Food prices have skyrocketed, moving staple food out of reach of even more people. Relief agencies and the*

[1232] Humanitarian vessels are exempted from such clearance. They can choose to use the deconfliction mechanism set up by the coalition.

[1233] By June 2015, it was reported that only 15 percent of the prewar imports had been entering Yemen, See Security Council Report, "In Hindsight: The Story of the United Nations Verification and Inspection Mechanism in Yemen", 1 September 2016 (https://www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php).

[1234] Logistics Cluster (2017). Humanitarian assistance struggling to reach affected population in Yemen as blockade continues. https://logcluster.org/blog/humanitarian-assistance-struggling-reach-affected-population-yemen-blockade-continues.

[1235] Oxfam, *Missiles and Food: Yemen's Manmade Crisis* (June 7, 2019) available at https://reliefweb.int/sites/reliefweb.int/files/resources/bn-missiles-food-security-yemen-201217-en.pdf.

[1236] Ibid..

private sector face financial burdens due to the delays of ships anchoring outside of Hodeidah in deep water; costs amounting to more than US$10,000 per ship per day. These additional costs will be eventually borne by Yemeni consumers, who are already poor and financially stretched."[1237] The restrictions on food, fuel, and commercial imports worsened the food insecurity as well as significantly weakened the Yemeni economy. The delay and diversion of fuel tankers had an important impact, not only on the economy, but also on agriculture and health, as fuel is needed to power hospital's generators and to pump water to homes and for irrigation.[1238] While the blockade was gradually eased, some restrictions set up in November 2017 still remained at the time of this report. For example, the port of al-Hudaydah remained closed to cargo containers (except for one instance in 2018).

(b) Siege-like warfare by the Houthis and Yemeni armed forces

773. Siege-like warfare as used by the Houthis around Ta'izz city since August 2015 and reported in Hajjah since the end of 2018 has also exacerbated the humanitarian situation, including by significantly impeding humanitarian access.

Ta'izz

774. In August 2015, Houthi-Saleh fighters took control of the area surrounding Ta'izz, and blocked most of the routes in and out of the city for several months, impeding the delivery of humanitarian aid, food, and medical supplies to civilians in the city. The "acute shortage" of food caused a "sharp increase in the price of food," making some staples, such as flour and rice, unaffordable for most of the population.[1239] This was compounded by the fact that these same populations also could not access free aid supplies when humanitarian organizations did reach their areas.[1240] (See "Further humanitarian access restrictions" below). As the blockade wore on, food stocks within the city were depleted and food prices soared out of reach. Instead, people began to rely on food and consumer goods that were being brought in through the Talooq Mountain road, which became known as the "path of death" or the "path of donkeys" due to the treacherous journey to make it across. The prices of medicine and consumer goods also spiked due to increased cost of transporting goods into the city through checkpoints.[1241] (For additional details, see chapter on Ta'izz, section on the "siege" of Ta'izz).

Hajjah

775. During at least two months before active hostilities broke out in Hajour in January 2019, there were reports that the Houthis had encircled the city, setting up checkpoints at its various entry points and imposing various restrictions, hence creating a "siege" or "enclave. When the hostilities broke out, cars were no longer let into Hajour. It was reported that water and food were also blocked from entering, in addition to numerous humanitarian access impediments. Because of the lack of humanitarian access, it has been impossible for relief actors to estimate the number of internally displaced persons in Hajjah, which is known to be the governorate that hosts the most internally displaced persons. It was reported to the Group of Experts that commercial goods were again allowed into Hajour once the Houthis had gained control of the city, while humanitarian relief actors were still unable to access the area in a sustained manner to resume their operations by the time of writing. (For additional details, see chapter on Sana'a and northern areas, section on Hajjah).

Al-Durayhimi

[1237] Ibid.

[1238] Human Rights Watch, *Yemen: Events of 2018*, WORLD REPORT 2019, available at https://www.hrw.org/world-report/2019/country-chapters/yemen.

[1239] Mwatana, Chapter from Hell, p. 70.

[1240] Ibid.

[1241] Ibid. at 72.

776. Of additional concern are recent reports of Yemeni armed forces and affiliated groups preventing access to the city of al-Durayhimi in al-Hudaydah Governorate. Indeed, it appears that the area of al-Durayhimi which is still under Houthi control has been under siege by Yemeni armed forces and affiliated groups. Access to this area is reportedly further complicated due to the presence of landmines. The Group of Experts could not establish the exact number of individuals still living in the area of al-Durayhimi, and therefore the precise needs of its population, although credible estimates indicate around 1,800 persons. The lack of access for humanitarian actors to carry out an independent assessment of the situation is also problematic. The Group of Experts will continue to investigate the situation. (For additional details, see chapter on al-Hudaydah).

(c) Legal conclusions

777. Blockades, sieges[1242] and siege-like warfare are not per se prohibited by international humanitarian law, as long as their purpose is to achieve a military objective and they are not imposed with the aim to starve the civilian population.[1243] However, it is the effects of such restrictions that need to be examined to determine whether these are – in any specific case – a legitimate method of warfare.

778. The Group of Experts established in its first report that there were reasonable grounds to believe that the various restrictions imposed by the coalition, including the de facto blockade of November 2017, violated the principle of proportionality. The Group concluded this on the basis that no possible military advantage could justify such sustained and extreme suffering by millions of people.[1244] In addition, in view of the impact of these restrictions on humanitarian operations, the Group found that they violate the parties' obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.[1245]

779. As regards the total blockade of November 2017, there are also concerns that such measures may have amounted to collective punishment. Collective punishments are prohibited by international humanitarian law, including in non-international armed conflicts.[1246] While not legally defined, collective punishment is generally understood as punishment imposed on persons for acts they did not commit. Such punishment is inflicted on the affected persons in response to acts or omissions, whether real or perceived, by another party or entity. The reactiveness of the punishment distinguishes it from other unlawful acts. Hence, the timing is central in the determination of whether an act may constitute collective punishment. Collective punishment imposes hardship, suffering or harm to persons who are not individually responsible for the actions that led to the reactive action of the party against them. It covers not only legal sentences but also sanctions and harassment of any sort, administrative, by police action or otherwise.[1247] Blockades during armed conflicts have been qualified as collective punishment.[1248] Collective punishment implies an intention to punish, which is often difficult to infer from events and information at hand.

780. While the timing suggests that the blockade was an immediate reaction of the coalition to the missile fired by the Houthis into Saudi Arabia, the intention to punish the broader population for these acts would need to be established. The ineffectiveness of the

[1242] The term "siege" is not defined by international law, but can be understood as "the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender" (see "International Humanitarian Law and Human Rights Law Relevant to Siege Warfare", OHCHR, January 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/sieges_legal_note_-_final_-_en_1.pdf).

[1243] See Art. 14 Additional Protocol II; see also ICRC Study on customary IHL, rule 53.

[1244] A/HRC/39/43, Annex II.

[1245] Art. 18(2) Additional Protocol II, see also ICRC Study on customary IHL, rule 55.

[1246] Art. 4(2)(b) Additional Protocol II.

[1247] Commentary to Additional Protocol I to the Geneva Conventions, Article 75, para, 3055. See also *Prosecutor v Fofana and Kondewa*, SCSL 04-14-T, Special Court for Sierra Leone, Judgment, Trial Chamber I, 2 August 2007, para. 181.

[1248] See, for example, as relates to Gaza: A/HRC/34/36, para.36; A/HRC/24/30, para.22.

measures to reach a specific military aim, as referred to in the proportionality assessment described above, and the fact that they have not been lifted despite the obvious and devastating impact on the civilian population, tends to indicate that their purpose might also have been directed towards pressurizing the civilian population, which may imply a punitive aspect. In particular, the fact that no container, except for one, could until the time of writing enter the port of al-Hudaydah since the blockade was imposed in 2017, and the fact that the military aim sought might already be fulfilled by the inspection by EHOC, does suggest some punitive intent. This element would nevertheless need to be further investigated. The same reasoning is valid for examined cases of siege-like warfare, where access restrictions are imposed by the Houthis (Ta'izz and Hajjah) and by the Yemeni armed forces (al-Durayhimi).

781. The access restrictions mentioned above – i.e. the blockade and other measures taken by the coalition and siege-like situations enforced by both the Houthis and the Yemeni armed forces – have significantly impeded humanitarian operations, considerably restricting the movement of relief personnel or supplies into or within Yemen. In view of this impact, the Group of Experts has reasonable grounds to believe that the parties to the conflict, in imposing such closures, are violating their obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. This obligation has also been violated by other restrictions, such as bureaucratic constraints and interference in humanitarian operations.

6. Further humanitarian access restrictions

782. In conflict situations, security grounds are often used to justify restrictions on the delivery of humanitarian aid. In Yemen, military operations and ongoing hostilities only account for a small proportion of access incidents (around five to six per cent).[1249] While shifting frontlines may be particularly problematic in certain districts, in other districts, humanitarian access is mainly impacted by bureaucratic restrictions. [1250] These include denials or delays in the delivery of visas, residency permits, and travel permits by both the Government of Yemen and the de facto authorities. The refusal or delay by both the Government of Yemen and the de facto authorities to sign sub-agreements is another major impediment to relief operations.

783. All parties were also responsible for delays in approving and clearing imports and movement of essential equipment. Clearance requirements put in place by the coalition in December 2018 for humanitarian movement also significantly delayed proceedings at the Dhubab checkpoint in Ta'izz.[1251] Significant delays were further registered in October 2018, when new clearance procedures were issued in Sana'a. On the road between Aden and al-Hudaydah, clearances at Ibb Customs Houses have also been posing significant challenges and costly delays.[1252]

784. In addition to imposing onerous restrictions on aid workers, the de facto authorities have confiscated food and medical supplies.[1253] Interference by the de facto authorities in humanitarian operations is pervasive. [1254] In March 2019, the de facto authorities ordered all international NGOs operating in the district of Hajjah to relocate in Hajjah city (see chapter on Sana'a and other areas under control of the de facto authorities, section on Hajjah). In June 2019, OCHA reported how multiple international NGOs were forced by the de facto

[1249] See bi-monthly OCHA Yemen Humanitarian Access Snapshots as published on www.reliefweb.int.

[1250] OCHA, Humanitarian Response Plan 2019, February 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Yemen_HRP_V21.pdf

[1251] For example, between 21 and 24 February 2019, 21 United Nations contracted trucks with food aid were blocked at the Dhubab checkpoint in Taizz because the coalition required a proof of deconfliction (despite the fact that deconfliction is a voluntary system).

[1252] On 15 February 2019, 30 United Nations trucks transporting perishable medical supplies from Aden to Al Hudaydah were impounded by the Customs House in Ibb.

[1253] Human Rights Watch, "*Yemen: Events of 2018"*, World Report 2019, available at https://www.hrw.org/world-report/2019/country-chapters/yemen.

[1254] Ibid.

authorities to suspend activities, including in parts of al-Hudaydah and Hajjah governorates. Issues behind these suspensions reportedly included disputes about the sharing of cash beneficiary lists and reporting on humanitarian activities.[1255] Such interference poses serious risks to humanitarian principles and the protection of beneficiaries.

785. On 20 May 2019, the WFP warned that it would start suspending its operations in areas controlled by the de facto authorities, if it could not get independent access to the people in need. According to WFP: "*Humanitarian workers in Yemen are being denied access to the hungry, aid convoys have been blocked, and local authorities have interfered with food distribution, and – most importantly, there have been repeated obstacles placed in the way of our independent selection of beneficiaries and a request for a roll out of a biometric registration system. This would allow WFP to identify and target the most hungry and ensure that they are the beneficiaries of food assistance*."[1256] On 17 June 2019, WFP's Executive Director David Beasley, in his address to the United Nations Security Council, advised that WFP was not allowed to operate independently, and announced that WFP would imminently start a phased suspension of food assistance, if it did not receive immediately the necessary assurances by the de facto authorities that agreements about beneficiary registration, beneficiary targeting and biometrics would be honoured. He highlighted that issues were multiple, and included difficulties in importing equipment, as well as the approval of visas for staff. He further highlighted that, while feeding more than 10 million people a month, WFP uncovered "serious evidence that some food was being diverted and going to the wrong people", further indicating that food was being diverted for profit or other purposes: *"Mr. President, our food assistance is being manipulated, and we are being blocked from fixing it. Mr. President, let me be crystal clear here: children are dying right now as we speak because of this interference and our lack of access."*[1257]

786. A few days later, on 20 June 2019, WFP issued a press statement announcing that it had started a partial suspension of aid in Yemen, reportedly affecting 850,000 people, citing a failure to reach an agreement with the de facto authorities to prevent the diversion of food. According to WFP, "the decision was taken as a last resort after lengthy negotiations stalled on an agreement to introduce controls to prevent the diversion of food away from some of the most vulnerable people in Yemen".[1258]

787. Furthermore, the lack of access to the Red Sea Mills in al-Hudaydah city has been a major issue in terms of food delivery as they used to contain – before hostilities started in al-Hudaydah – a quarter of WFP's in-country stock, i.e. enough wheat to feed 3.7 million people for one month.[1259] As hostilities reached the site of the mills, WFP lost access to the site in September 2018 and was forced to use other wheat stocks as well as importing to cover the food needs of the Yemeni population. While the ongoing fighting provided a logical explanation for the impediments to access, the continuing refusal by the Houthis to provide access to the site from January to May 2019 in the aftermath of the Stockholm Agreement lacked an obvious justification.[1260] Access to the site remained a constant

[1255] Organizations reported more than 137 separate incidents between April and May 2019, including interference in local beneficiary registration and a ban on mobile clinics, hence impeding the delivery of health services for at least 47,000 patients in 87 districts across 18 governorates, see OCHA, Humanitarian Access Snapshot, April-May 2019(https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Humanitarian%20Access%20Snapshot_April%20May%202019.pdf).

[1256] https://www1.wfp.org/news/world-food-programme-consider-suspension-aid-houthi-controlled-areas-yemen.

[1257] https://insight.wfp.org/world-food-programme-wfp-executive-director-addresses-un-security-council-on-yemen-88ba18622ea.

[1258] https://www1.wfp.org/news/world-food-programme-begins-partial-suspension-aid-yemen

[1259] https://www1.wfp.org/news/wfp-gains-access-vital-wheat-stocks-needed-yemens-hungry-people

[1260] While the Government of Yemen agreed to the United Nations accessing the mills, the Houthis denied such access from January 2019. The Houthis reportedly alleged security concerns: they suspected that an incident might happen to the United Nations once arrived at the site or during the frontline crossing, which then would be blamed on them. The Houthis required that for access to happen, an investigation team needed to be attached to the WFP team for it to investigate, immediately, any security incident that might take place.

advocacy point of the United Nations, until access to the mills was eventually granted on 5 May 2019. The status of the Red Sea Mills supply, in particular the total quantity of wheat that would still be fit for human consumption, remained to be determined at the time of writing. [1261]

788. Violence against humanitarian personnel, assets and facilities has also been reported as an impediment to humanitarian access. Since September 2014, the Aid Worker Security Database registered a total of 62 humanitarian workers as victims of attacks in Yemen (59 national and 3 international employees), including 27 workers killed, 20 injured and 15 kidnapped.[1262] One of these victims was ICRC delegate Hanna Lahoud, shot and killed in Ta'izz on 21 April 2018 (see chapter on Ta'izz, section on targeting of humanitarian relief personnel).

(a) Legal conclusions

789. Humanitarian personnel and humanitarian relief objects are specifically protected under international humanitarian law. Parties to the conflict, including non-international conflicts, must respect and protect humanitarian personnel and humanitarian relief objects.[1263] Under this rule, humanitarian relief personnel are not only protected from attack, but also from harassment, intimidation and arbitrary detention.[1264] It is a war crime to intentionally direct attacks against personnel or installations, material, units or vehicles involved in a humanitarian assistance mission in accordance with the United Nations Charter, as long as such personnel or objects are entitled to the protection given to civilians/civilian objects under international humanitarian law.[1265]

790. International humanitarian law further provides that the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, provided that such relief is of impartial nature and conducted without adverse distinction.[1266] Parties have the right to control humanitarian operations.[1267] However, such control shall not arbitrarily impede the prompt delivery of relief supplies. Consent may not be withheld for arbitrary reasons, and restrictions on humanitarian activities may only be justified in case of imperative military necessity and on a temporary basis.[1268]

791. The Group of Experts has reasonable grounds to believe that all parties to the conflict are violating their obligations to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. When humanitarian needs are as prevalent as in Yemen, and it is of public knowledge that people are starving, this raises serious concerns with regard to the possible use of starvation as a method of warfare.

7. Measures affecting economic and social rights

792. The disastrous economic situation is a main driver of the humanitarian crisis in Yemen. A number of factors – in addition to the measures described above – have contributed to the steady contraction of the Yemeni economy since the beginning of the conflict.

[1261] https://reliefweb.int/report/yemen/world-food-programme-accesses-yemeni-frontline-district-first-time-conflict-began.
[1262] https://aidworkersecurity.org/incidents/search?start=2014&detail=1&country=YE.
[1263] See ICRC Study on customary IHL, rules 31 and 32.
[1264] See ICRC Study on customary IHL, rule 31.
[1265] Art. 8 2. (e)(iii) Rome Statute.
[1266] Art. 18(2) Additional Protocol II, see also ICRC Study on customary IHL, rule 55.
[1267] Art. 18(2) Additional Protocol II, see also ICRC Study on customary IHL, rule 55.
[1268] See ICRC Study on customary IHL, rule 55; See also Art. 71(3) Additional Protocol I; See *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict*, Commissioned by OCHA, October 2016 (https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf).

793. Even before the conflict broke out, Yemen had the lowest per capita gross domestic product in the Middle East.[1269] On the Human Development Index, it has been ranking among the worst performing nations for health and education, falling back from the 161st position in 2014 to 178th in 2018.[1270] Yemen is highly dependent on international trade. Prior to the conflict, Yemen was importing 90 percent of its food, 85 percent of medical supplies and the majority of its fuel.[1271] The limitation of exports and essential imports due to the access restrictions described above, mainly the blockade by the coalition, is the main factor behind the decline of the economy. Inspection mechanisms, congestion at ports, and destroyed infrastructure are significant factors that have caused a rise in food prices. "Significant delays in food imports and marked up prices have increased the cost for food to the extent that it has become out of reach for most of the population, even though food has been readily available in large quantities in the markets."[1272]

794. Rapid currency depreciation due to inflation added to the increase of the price of imports. In the absence of official figures, the World Bank estimates that inflation has continued to rise while the gross domestic product contracted by a total of 39 percent since 2014 and the start of the war.[1273] As the deepening inflation has drastically inhibited the purchasing power of a significant part of the population, it has become increasingly difficult for Yemeni families on or below the poverty line to afford basic needs like food and water, further exacerbating the crisis.[1274] According to Peter Salisbury, journalist and political economy analyst, "the economic crisis comes at a time when aid agencies, traders, and government institutions are struggling, for a variety of reasons, to deliver much-needed basic goods, and when prices are rising to the point where a large proportion of the population simply cannot afford to eat, in no small part because the overall economy has ground to a halt."[1275]

795. According to the United Nations Food and Agriculture Organization, in Yemen in February 2019 "[t]he minimum survival [food] basket cost remains more than 110 percent higher than prior to the conflict's escalation in March 2015."[1276] Calling the situation an "income famine", Lise Grande, United Nations Humanitarian Coordinator for Yemen, declared that "[t]he key to stopping it is to ensure that people have enough money to buy what they need to survive".[1277] The dependency on imports cannot be compensated by humanitarian aid alone.[1278]

[1269] International Monetary Fund, *World Economic Outlook Database*, at 1 (2014), available at https://www.imf.org/external/pubs/ft/weo/2014/01/weodata/index.aspx.

[1270] Yemen Human Development Indicators, UNDP, available at: http://www.hdr.undp.org/en/countries/profiles/YEM.

[1271] Security Council Report, "In Hindsight: The Story of the United Nations Verification and Inspection Mechanism in Yemen", September 2016 (https://www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php?print=true).

[1272] Oxfam, *Missiles and Food: Yemen's Manmade Crisis* (June 7, 2019) available at https://reliefweb.int/sites/reliefweb.int/files/resources/bn-missiles-food-security-yemen-201217-en.pdf.

[1273] Yemen's Economic Update – April 2019, The World Bank (Apr. 1, 2019), https://www.worldbank.org/en/country/yemen/publication/economic-update-april-2019.

[1274] According to the WFP, by February 2019, the Yemeni rial had depreciated 165 percent compared to the U.S. dollar in the pre-conflict era. See Yemen Market Watch Report, World Food Programme, No. 33, 1 (Feb. 2019), https://docs.wfp.org/api/documents/WFP-0000103864/download/.

[1275] Peter Salisbury, "Bickering While Yemen Burns: Poverty, War, and Political Indifference", The Arab Gulf States Institute In Washington, June 22, 2017, p. 1.

[1276] Quoted in Yemen – Complex Emergency Fact Sheet #4, FY 2019 (Feb. 8, 2019), https://www.usaid.gov/sites/default/files/documents/1866/yemen_ce_fs04_02-08-2019.pdf

[1277] Declan Walsh & Tyler Hicks, The Tragedy of Saudi Arabia's War, N.Y. Times (Oct. 29, 2018), https://www.nytimes.com/interactive/2018/10/26/world/middleeast/saudi-arabia-war-yemen.html.

[1278] Security Council Report, "In Hindsight: The Story of the United Nations Verification and Inspection Mechanism in Yemen", September 2016 (https://www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php?print=true).

796. The devaluation of the Yemeni Rial has been exacerbated by the continuous printing of money by the Government of Yemen.[1279] A series of cash injections from Saudi Arabia helped stabilize the exchange rate, but black market exchange rates still hover well above the official rate.[1280] Exaggerated currency exchange rates on the black market have been further sustained by the relocation of the Central Bank from Sana'a to Aden by the Government of Yemen in September 2016. Indeed, its relocation left the Central Bank considerably weaker nationally, as it became unable to play the role of economic stabilizer.[1281] This also incited Yemenis to rely on informal money transfer systems,[1282] further contributing to the black market and the corruption prevailing in the war economy.[1283] The relocation also undermined the National Bank's credibility at the international level.[1284]

797. As a most tangible consequence, the relocation of the Central Bank by the Government of Yemen led to the non-payment of salaries of hundreds of thousands of governmental civil servants, including teachers and medical personnel, working in areas controlled by the de facto authorities. On 23 September 2016, President Hadi had acknowledged before the United Nations General Assembly that the relocation of the Central Bank from Sana'a to Aden might result in a failure to pay the salaries of public sector employees.[1285] In May 2019, the Sana'a Centre reported that hundreds of thousands of civil servants had not received regular salaries for three years, i.e. since the relocation of the Central Bank.[1286] In May 2019, the Federation of Yemen Chambers of Commerce and Industry emphasized that the non-payment of salaries to employees has been one of the most significant factors deepening the economic and humanitarian crisis in Yemen.[1287] On 29 September 2016, the International Crisis Group had already warned that "*[e]fforts to move Yemen's Central Bank will likely add to risks of insolvency and starvation".*[1288]

798. The governmental tax revenue system has collapsed, as the de facto authorities have reportedly been pursuing aggressive tax collection practices to fund war efforts.[1289] These additional financial constraints on the Yemeni population deepened the humanitarian crisis,

[1279] Economist Intelligence Unit, Country Report Yemen (Feb. 19, 2019) quoted in Jeremy M. Sharp, Yemen: Civil War and Regional Intervention, Congressional Research Service (Mar. 21, 2019), https://fas.org/sgp/crs/mideast/R43960.pdf at 13.

[1280] *See*, for example, https://shilfa.com/saudi/exchange-rates-in-yemen-now-the-price-of-the-dollar-and-the-saudi-rial-on-wednesday-29-5-2019/

[1281] Mansour Rageh, Amal Nasser, and Farea Al-Muslimi, "Yemen Without a Functioning Central Bank: The Loss of Basic Economic Stabilization and Accelerating Famine", Sana'a Centre for Strategic Strategies (Nov. 2, 2016), http://sanaacenter.org/publications/main-publications/55.

[1282] Sherine El Taraboulsi-McCarthy and Camilla Cimatti, "Counter-terrorism, de-risking and the humanitarian response in Yemen: a call for action", Humanitarian Policy Group (2018) at 10.

[1283] While Yemen was one of the lowest scoring countries in Transparency International's Corruptions Perception Index (CPI) prior to the current conflict, its score has further dropped since 2014; Yemen is currently ranked 176 out of the 180 countries. Corruption Perceptions Index *2018*", Transparency International (2018): https://www.transparency.org/cpi2018#results.); see also, for example, as regards corruption networks: http://sanaacenter.org/publications/the-yemen-review/6732; http://sanaacenter.org/files/Rethinking_Yemens_Economy_policy_brief_9.pdf.

[1284] Sherine El Taraboulsi-McCarthy and Camilla Cimatti, "Counter-terrorism, de-risking and the humanitarian response in Yemen: a call for action", Humanitarian Policy Group, 2018.

[1285] President Hadi stated, "We might fail to pay the salaries of people working in public service." 71st Session of the General Assembly (Sept. 23, 2016), https://gadebate.un.org/en/71/yemen.

[1286] Spencer Osberg and Hannah Patchett, "An Unending Fast: What the Failure of the Amman Meeting Means for Yemen", Sana'a Centre for Strategic Strategies (May 20, 2019), http://sanaacenter.org/publications/analysis/7433.

[1287] "Federation of Yemen Chambers of Commerce and Industry: Non-Payment of Salaries Most Important Reason for Humanitarian Crisis in Yemen*"*, Almasirah Media Network (May 5, 2019), https://english.almasirah.net/details.php?es_id=6930&cat_id=1.

[1288] International Crisis Group, "Central Bank Crisis Risks Famine in Yemen", 29 September 2016 (https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/central-bank-crisis-risks-famine-yemen)

[1289] Peter Salisbury, "Bickering While Yemen Burns: Poverty, War, and Political Indifference," The Arab Gulf States Institute in Washington, June 22, 2017, at 10. https://agsiw.org/wpcontent/uploads/2017/06/Salisbury_Yemen_ONLINE.pdf.

especially as it also paralysed the middle class, on whose monetary donations the local humanitarian aid organisations were mainly relying.[1290]

799. On 3 September 2018, the Government of Yemen issued Decree 75, as an attempt to regulate fuel imports. According to the decree, only fuel importers that have been approved by the government-established Economic Committee can import fuel into Yemen. These regulations have reportedly "disqualified many Houthi-affiliated traders from importing fuel."[1291] On 19 February 2019, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, briefing the Security Council, expressed concerns about the impact of Decree 75 that "continues to hinder commercial fuel imports, which are needed to pump water and to keep hospital generators running, among other critical functions". [1292] He further added that four vessels carrying the equivalent of half an average month's commercial fuel imports were being denied entry by the Government of Yemen under Decree 75.[1293]

800. As described within this chapter, several measures taken by the authorities have contributed to the economic and humanitarian crisis. "[T]his is a man-made crisis. Many of the limiting economic and logistical factors are driven not so much by the violent nature of the war but by political decisions being made by the parties to the conflict"[1294] The Group is concerned that both the Government of Yemen and the de facto authorities are failing to meet their human rights obligations, in particular as regards the right to work, and the right to an adequate standard of living, including the right to food, the right to water, and the right to health.

(a) Legal conclusions

The right to work

801. Article 6 of the ICESCR guarantees the right to work, i.e. the right of everyone to the opportunity to gain his/her living by work freely chosen or accepted, while Article 7 guarantees favourable conditions of work. These include remuneration that provides fair wages for all workers, as well as a decent living for workers and their families. This "decent living" is not determined by the work performed by an individual worker, as is the case for wages. The determinative factors for the "decent living" instead are external costs like the cost of living and other prevailing economic and social conditions, such that workers and their families can fully enjoy their rights laid out in the ICESCR.[1295]

802. The non-payment of the salaries of the civil servants living in areas under the control of the de facto authorities is a direct violation of the right to work and to earn a fair wage. Both the Government of Yemen and the de facto authorities are violating their human rights obligations in this regard, as they are not taking all necessary steps to mitigate the consequences of the move of the Central Bank from Sana'a to Aden. Furthermore, the Government of Yemen, the coalition and the de facto authorities, have all taken measures – as described in this chapter – that have exacerbated the economic crisis in Yemen, in

[1290] Sherine El Taraboulsi-McCarthy and Camilla Cimatti, "Counter-terrorism, de-risking and the humanitarian response in Yemen: a call for action", Humanitarian Policy Group, 2018, at 7-8.

[1291] Waleed Alhariri, Holly Topham, Hussam Radman, Ghaidaa Alrashidy, Anthony Biswell, Sala Khaled, Aisha al-Warraq, Ali Abdullah, Victoria K. Sauer, Hamza al-Hamadi, Taima al-Iriani and Spencer Osberg, "The Yemen Review – October 2018", (Nov. 10, 2018) http://sanaacenter.org/publications/the-yemen-review/6620 In the October 23, 2018.

[1292]https://reliefweb.int/sites/reliefweb.int/files/resources/190219_Yemen_USG%20SECCO%20statement-Final.pdf.

[1293]https://reliefweb.int/sites/reliefweb.int/files/resources/190219_Yemen_USG%20SECCO%20statement-Final.pdf; see also https://reliefweb.int/sites/reliefweb.int/files/resources/181116_Yemen_USG%20SECCO%20statement-Final.pdf.

[1294] Peter Salisbury, "Bickering While Yemen Burns: Poverty, War, and Political Indifference", The Arab Gulf States Institute in Washington, June 22, 2017, p. 1.

[1295] General Comment 23 (2016) on the right to just and favourable conditions of work, para. 19-24.

particular that have contributed to the depreciation of the Yemeni currency. They have all contributed to depriving large parts of the population in Yemen of a decent living.

The right to food

803. The right to food is guaranteed by Article 11 of the ICESCR as part of the right of everyone to an adequate standard of living. The Committee on Economic Social and Cultural Rights considers that the core content of the right to adequate food implies the availability and accessibility of food, i.e. "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights".[1296] It further explains that "availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand"[1297], while accessibility encompasses both economic and physical accessibility.[1298] The right to adequate food may be realized progressively. However, States have the obligation to take the necessary action to mitigate and alleviate hunger as provided for in Article 11, paragraph 2, even in times of natural or other disasters.[1299]

804. Article 11 would be violated "when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger".[1300] Should a State claim that it is unable to fulfil this obligation for reasons beyond its control, it would have to be proven that this is the case, and also that "it has unsuccessfully sought to obtain international support to ensure the availability and accessibility of the necessary food".[1301] For example, the prevention of access to humanitarian food aid in a non-international conflict can constitute a violation of the right to food. Other States "should refrain at all times from food embargoes or similar measures which endanger conditions for food production and access to food in other countries. Food should never be used as an instrument of political and economic pressure."[1302]

805. Based on the above, the Group of Experts has reasonable grounds to believe that all parties to the conflict are violating the right to food. In view of the pervasive food insecurity, the Government of Yemen has failed to respect, protect and fulfil the right to food, in coordinating with the coalition to actively block imports, in impeding the prompt delivery of humanitarian relief, and through all other measures that exacerbate the economic and humanitarian crisis. This includes measures taken within the scope of the conduct of hostilities, such as siege-like warfare and the damage to objects essential to the survival of the population. The coalition, in imposing a blockade and related import restrictions, as well as through the destruction of objects necessary to ensure essential food production, is also infringing upon the right to food of the population of Yemen, in violation of international human rights law. Finally, the de facto authorities are also violating their obligations as regards the right to food, in impeding the delivery of humanitarian assistance, and through all other measures taken that exacerbate the economic and humanitarian crisis, including the destruction of farmland and food production facilities.

The right to water

[1296] General Comment No. 12 (1999) on the right to adequate food, para. 8.
[1297] General Comment No. 12, para. 12.
[1298] General Comment No. 12, para. 13.
[1299] General Comment No. 12, para. 6.
[1300] General Comment No. 12, para. 17
[1301] General Comment No. 12, para. 17.
[1302] General Comment No. 12, para. 37.

806. The right to water is considered as covered by Article 11 of the ICESCR, as it is essential for securing an adequate standard of living.[1303] According to the Committee on Economic Social and Cultural Rights, the human right to water "entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."[1304] An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.[1305]

807. Following a similar reasoning as for the right to food, the Group of Experts has reasonable grounds to believe that the right to water has likewise been violated by the parties to the conflict. This is particularly true in relation to measures that led to the destruction of or damage to water facilities, and others that limit access to clean water for drinking and irrigation, including those limiting access to the necessary fuel for water pumps. As shown by the cholera outbreak, which is said to be linked to the lack of access to clean water for drinking and irrigation, the right to water and the right to food are closely connected to the right to health.

The right to health

808. The right to health is closely linked to both the right to food and the right to water, as well as economic rights, e.g. the right to work. For an individual to be able to realize the right to health, one would need sufficient nourishment (right to food), hydration (right to water), and sufficient income (economic rights) to afford that food, water, and a basic level of healthcare. While interconnected to the other human rights examined above, Article 12 of the ICESCR explicitly sets out a distinctive right to health and defines steps that states should take to achieve progressively, to the maximum available resources, the highest attainable standard of health, including maternal and child health; environmental hygiene; the prevention, treatment and control of disease; and medical service and attention for all.

809. The Group of Experts has reasonable grounds to believe that both the Government of Yemen and the de facto authorities have violated the right to health in failing to ensure basic services, as well as the implementation of disease control programmes, leaving the population vulnerable to preventable diseases. The non-payment of the salaries of health workers in the areas under the control of the de facto authorities is also likely to affect the fulfilment of the right to health. Finally, the right to health has further been violated by all parties to the conflict during military operations, i.e. through the destruction of or damage to health care facilities and their use for military purposes.

A looming environmental disaster: The Floating Storage and Offloading (FSO) Oil Tanker – Ras Isa

810. The Emergency Relief Coordinator has issued repeated warnings about the risk of "an environmental disaster" posed by the FSO Safer oil tanker, which is a floating storage and offloading facility eight kilometres off the coast of the Ras Isa terminal in the Red Sea. The facility, containing 1.1 million barrels of oil, has had no maintenance since 2015. According to experts, a spill from the FSO Safer would involve more than four times the amount of oil released in the 1989 Exxon Valdez oil spill.[1306] Since September 2018, the United Nations had sought to conduct an assessment of the tanker.

811. Despite the potential for environmental disaster, no agreement has been reached on how to deal with the FSO Safer oil tanker. The main problem seems to hinge on what to do with the oil, with the Houthis suggesting that it has to be sold in international markets[1307] and the coalition blaming the Houthis for refusing to allow the offloading of the oil.[1308]

[1303] General Comment No. 15 (2003) on the right to water para. 3.
[1304] General Comment No. 15 at para. 2.
[1305] General Comment No. 15 at para. 2.
[1306] http://sanaacenter.org/publications/the-yemen-review/7504#An-Environmental-Apocalypse-Looming-on-the-Red-Sea.
[1307] https://twitter.com/Moh_Alhouthi/status/1120092336208404482
[1308] https://www.almushahid.net/?p=43175.

While both parties seem to want to have a say on what to do with the oil, both seem to be positioning to place the blame on the other in case the feared environmental catastrophe materialises.

812. In mid-June 2019, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, reportedly received an initial written approval from the de facto authorities to proceed with a technical mission to assess the decaying oil tanker. Provided the Houthis continued to facilitate this work, the assessment team should have started its work by the end of June 2019.[1309] In his briefing to the Security Council on 18 July 2019, Mark Lowcock informed the Council that the de facto authorities continued to delay the United Nations technical assessment.[1310]

813. The impact of an oil spill from the FSO Safer on the population of Yemen and other countries around the Red Sea would be of an unimaginable nature and dimension. The fact that access was denied to an assessment team for so long is beyond comprehension. The Group of Experts urges both sides to provide United Nations actors with the access needed to assess the situation and to carry out any work to prevent a disaster that would haunt Yemen and the region for generations.

814. In the case of an environmental catastrophe, the lack of measures by the parties to prevent such an event would amount to a further violation of their obligations under international human rights law, considering that an adequate and healthy environment is a precondition for the realization of several other human rights, mainly the economic, social and cultural rights described above.

B. Impact of the conflict on minorities

1. Violations of freedom of religion and belief against the Baha'i

815. As de facto authorities imposed their monolithic control over northern parts of Yemen, the Group of Experts documented violations targeting Baha'is in Yemen. The Group also received allegations of individuals who self-identify as atheists[1311] being targeted for their belief by the Houthis. The Group gathered further allegations of one member of a religious community suffering from enforced disappearance and torture in Houthi detention. Information relating to his case was withheld for reasons relating to his security and that of his community.

(a) The targeting of Baha'is by the de facto authorities

816. The Group of Experts documented three cases of arbitrary arrest and detention of members of the Baha'i faith in Sana'a. The three individuals (two men and one woman) were arrested during a community event organized in Sana'a on 10 August 2016, where there were reportedly around 60 participants, mostly Baha'is and some described as "friends of the community". The event was stormed by members of the security forces – all reportedly masked and armed – who took all the participants to detention places, including the national security detention facility and other unknown facilities. While most participants, including children and women, were reportedly released in the days that followed the arrest, a group of 11 individuals (including three women) reportedly remained in detention for almost a month. One of them was detained for about three and a half months, while others were released at different stages before that. While no charges were brought against them, detainees were reportedly forced to sign guarantees that they would not resume any community-based activities following their release.[1312] They did not have

[1309] https://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mark-19.

[1310] https://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mark-20.

[1311] Confidential Sources on File.

[1312] Confidential Sources on File.

access to legal counsel nor to their families during their detention period. They were additionally not informed of the grounds for their detention.

817. The Group of Experts documented another case where two Baha'i men were arrested and held for three days in March 2015 without charges. When one of them asked about the grounds of his arrest, he was reportedly told: "*Because you are Baha'i*".[1313]

818. On 17 April 2017, the criminal prosecution authority of Sana'a issued an order to arrest 25 individuals, a list that reportedly included more than 20 Baha'is. The individuals were summoned by the prosecutor by phone in some cases,[1314] while others heard of the list and that their names were on it and went into hiding.[1315] Reportedly, five were arrested while the others have been in hiding since. The list included one girl under the age of 18.[1316] The Group of Experts received reports, and examined official documentation and United Nations statements indicating that the accusations brought against a Baha'i man, Jawahir Hamid Kamal Bin Haydara, who has been held in detention since 2013, and who was sentenced to death in 2018, are centred around his beliefs.[1317]

819. On the basis of Bin Haydara's case and others, the Group of Experts hold serious concerns about the targeting of Baha'is on the basis of their faith. In a televised speech dating from March 2018, Abdelmalik al-Houthi[1318] "denounced" a number of "faiths" as waging a war against Islam, and stated that they constituted an imminent and "violent threat" to Yemeni society and Islam, a threat that he alleged was born during the conflict. The leader of the Houthis focused in his speech on the Baha'i faith, which he qualified as a newly arrived and "satanical emissary" to Yemen, that was bred and cared for by Israel to combat Islam. In the same speech he also attacked other religious or belief groups, including the Ahmadiya, secularism and Christianity. While the speech by al-Houthi was not aimed at specific members of the various religious communities he cited, and while he referred to the Baha'i faith rather than its followers, his words raise serious concerns in light of the present conflict where sectarian sentiments have been on the rise. His position of religious and political leadership within the movement lends further gravity to his statements. The fact that prior to his speech, Baha'is had been already arbitrarily detained by the Houthis in Sana'a, gives more weight to his speech and its potential impact on Baha'i individuals, whose names were by then publicly available.[1319] The issuance of an arrest warrant against the 20 Baha'is and the arrests documented by the Group of Experts are considered indicative of a pattern of targeting Baha'is by the de facto authorities.

820. In a written reply to questions raised by the Group of Experts on members of the Baha'i community,[1320] the de facto authorities replied that it had charges including exchanging information with a foreign state, labelled in the letter as "The Zionist entity", against 20 members of the Baha'i faith. According to the de facto authorities' response, these charges fall under Law 12 (1994) concerning Crimes and Penalties as an external state security crime that might endanger or harm the state and are punishable by article 125 of the same Law. The Group of Experts notes that article 125 carries the death sentence.[1321] The de facto authorities further stated that the accused are presently undergoing a public trial, that their right to defence was respected, and that most of them had been released, with the exception of three individuals, in accordance with court decisions. The de facto authorities emphasized that charges held against these individuals were unrelated to their

[1313] Confidential Sources on File.
[1314] Confidential Sources on File.
[1315] Confidential Sources on File.
[1316] Confidential Sources on File.
[1317] For more on this case, see Chapter Life in Sana'a and other areas under control of the de facto authorities, section on arbitrary arrest and detention, enforced disappearances, torture and other ill-treatment, and violations of fundamental freedoms in Sana'a.
[1318] https://www.youtube.com/watch?v=Ioy_G-rlMX4.
[1319] Confidential Sources on File.
[1320] Letter dated 29 July 2019.
[1321] Republican Decree for Law No 12 for the Year 1994 Concerning Crimes and Penalties, available at http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83557/92354/F1549605860/YEM83557.pdf.

faith. In a separate letter[1322], the de facto authorities stated that freedom of religion and belief were guaranteed by the Yemeni Constitution, noting nevertheless there were "no racial, linguistic or religious minorities in Yemen, apart from the Jewish community".

Findings

821. International human rights law guarantees freedom of thought, conscience and religion.[1323] Similar to other fundamental freedoms, the freedom to manifest one's religion or beliefs may be restricted, but only as provided by law and as necessary for the protection of the rights and freedoms of others, as well as for the protection of national security, public safety, order, health or morals. In addition, non-discrimination is enshrined in international human rights law and duty-bearers have to respect and ensure the rights of individuals subject to their jurisdiction without distinction of any kind, including those based on religion.[1324]

822. International human rights law guarantees the right to liberty and security of person and provides that no one shall be subjected to arbitrary arrest or detention.[1325] Arbitrary detention is also prohibited under international humanitarian law.[1326] Considered as arbitrary are deprivations of liberty that result from the exercise of fundamental freedoms, as well as detention based on discriminatory grounds.[1327] In the cases described above, there are reasonable grounds to believe that members of the Baha'i faith have been detained on the basis of their belief. Accordingly, the Group of Experts has reasonable grounds to believe that the de facto authorities have arbitrarily detained members of the Baha'i faith.

2. The marginalized "Muhamasheen" community

> *"When the war came, it was a death sentence for us…we left our homes forcibly and we reached places that are not our places, where some people could not accept us, or rather refused for us to live in their lands temporarily until the war ended and we returned to our homes… This was the tragedy, when we felt we were living in exile inside of our exile, while being in our own country…"*[1328]
>
> **Displaced member of the "Muhamasheen" community, Ta'izz**

823. The "Muhamasheen", meaning the "marginalized ones", is a denomination given to a social minority in Yemen that suffers from ancestry-based discrimination. The "Muhamasheen" are sometimes referred to by the derogatory name "al-Akhdam", meaning "the servants." Their numbers are estimated between 500,000 and 3.5 million individuals.[1329] While Yemeni laws do not discriminate against the "Muhamasheen", the entrenchment of social stigma and myths surrounding them have led to their sustained isolation from the remainder of Yemeni society. Although social caste systems were formally abolished with the advent of the Republic of Yemen in 1990, the "Muhamasheen" remained confined to slums in most cities, and could not easily inter-marry with other Yemenis. Most worked in various cleaning roles including public cleaning jobs such as garbage collection and street sweeping[1330].

824. The "Muhamasheen" were among those who took to the streets in the 2011 Arab Spring protests and were represented in the National Dialogue Conference. However while laws affording them protection were proposed, they have not been adopted due to the conflict, which represented a significant step backwards and had a negative impact on "Muhamasheen" communities throughout Yemen. As the conflict unfolded, in Ta'izz for

[1322] Letter dated 30 May 2019.
[1323] Article 18 ICCPR.
[1324] Article 2 ICCPR.
[1325] See Article 9 ICCPR; See also Universal Declaration of Human Rights, article 9.
[1326] See ICRC Study on customary IHL, rule 99.
[1327] See Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).
[1328] Confidential Sources on File.
[1329] See Report of the Special Rapporteur on minority issues, A/HRC/31/56 – para 37
[1330] Ibid.

instance, the cuts in public funds and non-payment of salaries affected the jobs of all "Muhamasheen" who were working in the municipality, leaving them without an income for reportedly around two years.[1331] In places where "Muhamasheen" families were displaced, such as Hajjah and Ta'izz, their social status forced them to move further to the outskirts of cities and they reportedly did not benefit as other internally displaced from community structures in place to host displaced persons.[1332] In addition, the Group of Experts received a number of allegations of "Muhamasheen" being either among those forcibly recruited into armed groups, or voluntarily joining them for economic incentives.

825. The fact that the "Muhamasheen" do not belong to Yemen's tribal system has made them more vulnerable during the conflict, as the tribal system reportedly plays a vital role in aid distribution and allocation at community level, especially in locations where humanitarian organizations are operating "remotely" and hence do not have the ability to directly monitor distributions.[1333] The Group of Experts received allegations of "Muhamasheen" families being removed from assessments and lists of distributions in Ta'izz or receiving fewer food baskets than the number intended for them.[1334] During the early days of the "siege" of Ta'izz[1335] by the Houthi-Saleh fighters, many of the "Muhamasheen" who had resided inside the city until then, moved to al-Hawban area, which is presently under the control of the de facto authorities. Most continued to live in informal settlements. Some suffered from multiple displacements where they were not allowed to live on private land and moved to more remote and "wilder parts"[1336] of the area. The Group of Experts received three reports of members of "Muhamasheen" dying from sniper fire along the frontlines of Ta'izz while attempting to make a living, such as washing cars at the cross points. In one example, the mother of a young man was allegedly hit by a sniper while trying to rescue her son who had just been hit.[1337] Access to schools and universities became harder to secure, as roads previously leading into Ta'izz were closed during the conflict, forcing people to undertake long and expensive trips, which "Muhamasheen" students, among many others, could not afford.[1338] Interviewees described to the Group of Experts the hardship of daily life during the conflict, including difficulties with having their children accepted at school, and their inability to afford clean clothes for them.[1339]

826. While the conflict has ravaged the lives of all Yemenis, it has affected the "Muhamasheen", as well as other vulnerable groups, in disproportionate ways. Cases documented by the Group of Experts show that the "Muhamasheen", while seeking coping mechanisms to overcome the impact of the conflict on their lives, take additional risks, such as working close to frontlines, or moving into areas that are uninhabitable, or joining various armed groups. This section highlights the risks they run as a result of the endemic discrimination they face, exacerbated by the conflict, and their need for increased protection by all parties to the conflict in light of their increased vulnerabilities.

(a) Arbitrary arrest and detention, death from injuries sustained during torture

827. The Group of Experts investigated[1340] 10 cases (two boys, one woman, and seven men) of alleged arbitrary arrest and detention, torture and sexual violence against members of the "Muhamasheen" community in Ta'izz. In two instances, the detainees were released after long periods of enforced disappearance and torture, and died shortly after, reportedly in part as a result of injuries they sustained during detention. In all cases, the socio-

[1331] Confidential Sources on File.
[1332] Confidential Sources on File.
[1333] Confidential Sources on File.
[1334] Confidential Sources on File.
[1335] For further details on the "siege" of Ta'izz, see chapter on Ta'izz: a continual frontline, section on the "siege" of Ta'izz.
[1336] Confidential Sources on File.
[1337] Confidential Sources on File.
[1338] Confidential Sources on File.
[1339] Confidential Sources on File.
[1340] Confidential Sources on File.

economic vulnerabilities faced by the victims as members of the "Muhamasheen" community played a role in exposing them to risks of human rights violations, or to exacerbating their condition.

828. In one of the cases documented by the Group of Experts,[1341] a young man from the "Muhamasheen" was reportedly taken by Houthi elements from the streets of Ta'izz, close to the spot where he worked cleaning cars. He was accused of working for "the other side" and referred to as a "Da'eshi".[1342] He was forcibly disappeared, subjected to sexual violence and other forms of torture, resulting in severe harm to his testicles as a result of beatings, and to his kidneys. He was reportedly released when a benevolent person found him in prison and paid for his release. He eventually died in hospital, reportedly as a result of his sustained injuries, exacerbated by the lack of access to urgent medical care. The Group of Experts reviewed footage of the victim recounting his ordeal in hospital, prior to his death. His social and economic vulnerability exacerbated his medical condition as his family was reportedly not able to promptly afford the much-required medical care.

829. The Group of Experts also investigated[1343] another case of a man from the "Muhamasheen" who also reportedly died as a result of his medical condition, following torture. The victim was reportedly[1344] abducted by the Houthis from his home in al-Hawban on 4 April 2017, in front of his family and children and together with one of his cousins. He was taken into detention in al-Hawban (Saleh prison) then to the Political Security Prison in Sana'a. His family did not have access to him during his entire period of detention. Like many others who were perceived not to support the Houthis, he was also accused of being a "Da'eshi" (see Ta'izz chapter for more details). He was severely ill when released, and was hospitalized soon after, where it was revealed that he was missing his left lung. He died as a result of his medical condition. While the Group of Experts verified his enforced disappearance, it could not ascertain the exact cause of his death. Eight other members of the same family, all men, were reportedly abducted by the Houthis in al-Hawban. Three remained disappeared at the time of writing. All were reportedly kept in detention without charges. The Group of Experts received reports that the incidents were linked to pressure by the Houthis to forcibly enrol the men.

Forced recruitment by the Houthis and enlistment in Saudi-commanded Yemeni armed forces

> *"And my brother said to my mother 'mother, pray for me and I will gather some money and make you happy, God willing'… He made us happy… On the day of his funeral, my mother did not see him. Until this day, she is crying…"*
>
> **Young man from the "Muhamasheen" community, speaking of his brother who died fighting on one side of the conflict**

830. The Group of Experts documented one case of attempted forced recruitment by the Houthis in the area of al-Hawban in Ta'izz. The man, who fled with his entire family looking for safety, spoke of pressure exerted by Houthi fighters on a group of 21 families of "Muhamasheen" living in al-Hawban. The families were pressured to provide one or two men from each family to join Houthi ranks.[1345] The Group of Experts also received an unverified report of a "Muhamasheen" man trying to escape forcible recruitment by the Houthis, who had allegedly also tried to recruit a group of "Muhamasheen" in the area of Ibb in 2016.[1346]

[1341] Confidential Sources on File.
[1342] Referring to the term 'Da'esh', the acronym in Arabic for the Islamic State in Iraq and the Levant, this word was often encountered by the Group of Experts during its investigations as it seemed to be used by the Houthis towards anyone perceived as not in support of them.
[1343] Confidential Sources on File.
[1344] Confidential Sources on File.
[1345] Confidential Sources on File.
[1346] Confidential Sources on File.

831. The Group of Experts documented the case of a boy, aged 17, who went from al-Hawban, where he had been displaced early on during the war together with his family, to Ta'izz city, because he heard of the Yemeni armed forces recruiting and paying wages for boys and young men to join. He reportedly joined with some friends from the "Muhamasheen" community. He was immediately sent to fight, without training, to the borders of Saudi Arabia, to a location where intense fighting had been reported between Yemeni armed forces under operational command of Saudi Arabia, and Houthi fighters. He was killed four months later, in a landmine explosion. The young man was reportedly fighting with the Yemeni armed forces, under Saudi command. According to sources, his salary and that of soldiers joining that front were paid in Saudi Riyals, which created an incentive for young men to join. The Group of Experts further confirmed that the young man was recruited via "brokers" in Ta'izz city.

832. The Group of Experts also documented another case of a recruit from the "Muhamasheen" community in Ta'izz city, who voluntarily joined the Yemeni armed forces under operational command of Saudi Arabia, reportedly in a non-combatant role, also in return for economic incentives. The Group of Eminent Experts received reports of recruitment by the Saudis in various parts of Yemen, through local "brokers", who were allegedly operating the recruitment and transfer of soldiers to the northern fronts. While voluntary in nature, reports gathered by the Group of Experts allege that these recruitments are specifically targeting vulnerable men and boys from poor families, including the "Muhamasheen". One of the recruits interviewed by the Group of Experts spoke of the dire situation he and his family were in, as a result of the conflict. "*There was no other way*", he said.

3. Situation of Migrants and Refugees

833. Despite the breadth of conflict that has been ravaging the country for four years and causing millions of people to be displaced within the country, Yemen remained a destination for migrants, mainly Ethiopians, thousands of whom made a dangerous trek across the sea from the Horn of Africa every month. These migrants arrived mainly on Yemen's southern shores, with most attempting to reach Saudi Arabia, seeking employment opportunities and escaping political instability in their own countries.[1347]

834. In 2019, there was reportedly a sharp increase in the numbers of migrants arriving in Yemen.[1348] According to IOM, 10,045 migrants entered Yemen in June alone, including 2,003 women, 723 boys and 348 girls. The vast majority were Ethiopians, with a small number of Somalis (977 in total). New arrivals of Nigerians into Yemen were also reported in 2019. With these figures, the number of migrants reaching Yemen from January to June 2019 was estimated at around 84,378,[1349] a massive influx, unabated by conflict or the reported detentions of migrants throughout the country.

835. The Group of Experts looked into the situation of migrants in Yemen, due to their accrued vulnerabilities and to understand the impact of the conflict on those who are stranded in Yemen and who reportedly suffer from a lack of access to various services, mainly protection-related.[1350] Migrants who are driven by the desire to reach Saudi Arabia often make a near-impossible crossing overland through Yemen, from the far south to the north, going through a number of territories under the control of various armed groups, and hence increasing the risks to their protection[1351] along the route. The Group of Experts gathered accounts of migrants stranded in Mareb, Ta'izz and Hajjah[1352]. Reports[1353] suggest

[1347] Mixed Migration Centre, East Africa & Yemen, "Quarterly Mixed Migration Update", Quarter2-2019.
[1348] Ibid.
[1349] IOM, "Flow Monitoring Points: Migrant Arrivals and Yemen Returns from Saudi Arabia in June 2019", available at https://reliefweb.int/sites/reliefweb.int/files/resources/YE-Migrants_FMR_June%202019_Dashboard.pdf.
[1350] Confidential Sources on File.
[1351] Confidential Sources on File.
[1352] Confidential Sources on File.
[1353] Confidential Sources on File.

that migrants have come under increased risk as both sides of the conflict have accused them of collaborating with and being recruited by the other,[1354] which has only increased their vulnerabilities. Lack of access to Yemen significantly impacted the Group's ability to document and verify allegations of human rights violations occurring against migrants, due to difficulties in reaching and communicating with migrant communities inside the country.

(a) Detention of migrants and increased protection risks

836. The Group of Experts gathered reports of increasing numbers of migrants facing arbitrary detention in areas under Government of Yemen control as well as areas under the control of the de facto authorities. The Group investigated allegations of this sort in Aden, Lahij, Abyan, Sana'a and Sa'dah. For those migrants stranded in Sana'a, and northern parts of Yemen, such as Hajjah or Sa'dah, many had reportedly already done the crossing to Saudi Arabia and been returned.[1355] Interviewees informed the Group of Experts of poor detention conditions for migrants in both Sana'a and Sa'dah. Some migrants formerly detained in the north reportedly showed signs of ill-treatment, although the Group of Experts had not verified these reports or ascertained their cause by the time of finalization of this report due to lack of access.[1356] Lack of food and capacity to care for migrants was generally cited as contributing to poor detention conditions.

837. In its 2018 report, the Group of Experts found reasonable grounds to believe that Security Belt forces had committed sexual violence including rape primarily against African migrants and refugees in two areas in Aden: the al-Bureiqa migrant detention facility and the Basateen neighbourhood. Although the migrant facility was closed, a new one was opened in 2019, where an estimated 5,000 individuals from Eritrea and Ethiopia were detained between 21 April and 30 May, including men, women, girls and boys. The Group has concerns that similar situations to those in 2018 may have arisen again in the new facility.[1357]

838. The Group of Experts further documented[1358] the detention of 63 Ethiopian migrants (including 37 women) who arrived in al-Shamaytan, a district of Ta'izz governorate on 10 April 2019, followed by 13 Somalis a few days later. All of the new arrivals were taken by the security services in Ta'izz and placed in "detention", although local authorities informed the Group of Experts that they were not denied their liberty but rather provided with a "place to shelter them".[1359] The local authorities reportedly provided the migrants, who had found themselves in Ta'izz, with food, as well as with access to healthcare for a few who were in a bad health condition on arrival. The authorities issued a call to United Nations agencies to come and collect the migrants, but reportedly did not get a response. Security forces then escorted the entire group out of Ta'izz Governorate, and towards the road to Aden. The Group was not able to obtain further information on their whereabouts. This incident, as with others, raises concerns over the protection mechanisms in place for migrants in Yemen, their access to humanitarian and protection services, and the risks that multiply through their crossing of various parts of Yemen.

(b) Arbitrary arrest and detention of refugees by the de facto authorities

839. The Group of Experts investigated three cases of arrests of Somali refugees by the de facto authorities.[1360] At least two were involved in a refugee committee they co-founded to support Somalis and other refugees in Yemen. The arrests took place at different times from December 2018. There were reportedly more arrests related to the case.[1361] One of the refugees remained in detention at the time of writing, without charges. He was arrested in

[1354] Confidential Sources on File.
[1355] Confidential Sources on File.
[1356] Confidential Sources on File.
[1357] For further details on this case, see chapter on Control of Aden and the south (2016-2019).
[1358] Confidential Sources on File.
[1359] Confidential Sources on File.
[1360] Confidential Sources on File.
[1361] Confidential Sources on File.

front of his house and detained initially in al-Thawra Prison.[1362] He was then transferred into the visa and immigration detention centre, where he was being threatened with deportation at the time of writing.[1363] Reports indicate that he was detained solely in relation to his advocacy.

4. Discrimination under international human rights law

840. Non-discrimination is guaranteed by international human rights law. Duty-bearers have to respect and to ensure the human rights of all individuals within their jurisdictions without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.[1364] In line with the obligation to respect, protect and fulfil human rights, this cross-cutting principle is not only meant to ensure that duty-bearers do not take discriminatory measures, but also that they protect individuals against discrimination by other entities and take positive steps to that effect. International humanitarian law also provides that any adverse distinction in its application is prohibited, whether it is based on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.[1365]

C. Military use and destruction of cultural property

841. Yemen hosts a unique cultural heritage dating back thousands of years. It has four sites inscribed on the UN Educational, Scientific and Cultural Organization (hereinafter "UNESCO") World Heritage List, 10 more on the tentative list, and hundreds of diverse cultural sites across the country, ranging from museums, libraries, archives, archaeological sites and citadels, to religious and natural sites.[1366]

842. Cultural property is specifically protected in times of armed conflict. According to international humanitarian law, parties to a conflict must respect cultural property and must take special care to avoid damage to such property in military operations. Also, property of great importance to the cultural heritage must not be the object of attack unless imperatively required by military necessity. In addition, Additional Protocol II prohibits the commission of "any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort".[1367] This provision applies only to objects of exceptional interest and universal value, in order to "safeguard the heritage of mankind."[1368]

843. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter the "1954 Convention") and its second Protocol[1369] to which

[1362] Confidential Sources on File.

[1363] Confidential Sources on File.

[1364] Article 2 ICCPR and Article 2 ICESCR.

[1365] Article 4 (1) Additional Protocol II; see ICRC Study on customary IHL, rule 88.

[1366] The four UNESCO World Heritage sites are the 'Old Walled City of Shibam', the Old City of Sana'a, the historic town of Zabid and the Socotra Archipelago. For additional information see https://whc.unesco.org/en/statesparties/ye.
The cultural heritage of Yemen is protected by the law on antiquities N. 21/1994 amended by Law No. 8 of 1997. Under this law, the General Organization of Antiquities and Museums registers and documents cultural sites, including the ones referred in this chapter. Additional information at http://www.docartis.com/pagina2/Leggi%20Yemen.pdf.

[1367] Article 16 Additional Protocol II.

[1368] See ICRC 1987 Commentary to Additional Protocol II, Art. 16, para. 4846; see also ICRC Study on customary IHL, rule 38.

[1369] Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Convention), signed at The Hague, 14 May 1954, Article 4; and, Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague, 17 May 1999, UNESCO Doc. HC/1999/7, 26 March 1999, articles 6 and 7.

Yemen is a party, as well as most coalition members[1370], is also significant in this context. The protection offered by the Convention and its second Protocol is broader than the above mentioned provisions of international humanitarian law in the sense that it notably provides for specific conditions for waivers on the basis of imperative military necessity, as well as an enhanced system of protection for specifically designated cultural property.[1371] Property may be placed under enhanced protection if not used for military purposes, and parties shall refrain from making such property the object of attack, or from any use of it or its immediate surroundings in support of military action.

844. Finally, intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, and historic monuments, provided they are not military objectives is considered a war crime, including in non-international armed conflicts.[1372]

1. Destruction of Yemeni cultural heritage

845. Parties to the conflict damaged and destroyed objects subject to protection as cultural property, such as historical monuments, archaeological and religious buildings of cultural and religious significance to Yemen and to the world. This occurred through deliberate or indiscriminate attacks, or due to the proximity of such objects to military objectives. The use of such cultural property for military purposes, removing their protection from attack, is also a major cause of destruction. As the conflict endures, the actions of the parties continue to directly endanger the cultural heritage of Yemen, putting it at risk of disappearing.[1373]

846. All parties to the conflict have contributed to the erosion and damage to sites of cultural heritage throughout Yemen. The Group of Experts was informed that UNESCO shared with all parties to the conflict the coordinates of sites of cultural heritage.[1374] Yet, airstrikes had a particular toll on cities, including the old cities of Sa'dah and Sana'a. The old city of Sana'a, with its unique architecture and its Islamic heritage, which has been listed as a world heritage site since 1986, has been impacted by airstrikes since the beginning of the conflict.[1375] Damage caused during the first months of the conflict alone included damage to hundreds of structures, causing the World Heritage Committee to place it on the list of world heritage in danger in July 2015.[1376] In Ta'izz, Al-Qahira, or the Cairo Castle, has also sustained significant damage.[1377] The citadel, which dates back to the Ottoman era, is one of Yemen's most famous historic sites.

847. The city of Sa'dah has been one of the most heavily affected, in terms of destruction levels, throughout Yemen, predominantly as a result of airstrikes. A statement by the Coalition's spokesperson in May 2015, implying the entire city of Sa'dah was a military target, raised serious concerns for civilians and the distinction between civilian objects and military objectives. The destruction suffered by the city of Sa'dah included sites of cultural heritage, such as the historic old city, and the historic mosque of Imam al-Hadi, which was

[1370] All members of the coalition are party to both the 1954 Hague Convention and its second Protocol, except for the United Arab Emirates, which is not a signatory to the Convention and the Sudan, which is not a party to the second Protocol.

[1371] The international list of cultural property under enhanced protection does not feature any cultural property in Yemen.

[1372] See Rome Statute, Art. 8 2.(e)(iv); see ICRC, customary study on IHL, rule 38.

[1373] Blue Shield Statement on Yemen, 3 June 2015, at https://theblueshield.org/wp-content/uploads/2018/06/03062015_Statement_Yemen_FINAL.pdf; See also Confidential Sources on File.

[1374] Copies of confidential correspondence between UNESCO and the parties to the conflict on file.

[1375] UNESCO condemned the 12 June 2015 air raid on the city conducted by coalition forces. UNESCO Statement, 12 June 2015, available at https://whc.unesco.org/en/news/1295/

[1376] https://whc.unesco.org/en/news/1310/.

[1377] Confidential Sources on File.

partially destroyed by an airstrike on 9 May 2015 and bears a particular significance to Yemen's Zaidi faith.[1378]

848. The ancient citadel of Baraqish,[1379] an archaeological protected site in al-Jawf governorate, was destroyed during the first year of the conflict. While the Group of Experts was not able to assign responsibility, witnesses who visited the site attributed the damage to the citadel as being a result of shelling during 2015. This damage was also captured by UNITAR–UNOSAT. An image dated 29 October 2015, contrasted against an image dated 13 November 2013, shows the Temple in the citadel destroyed and several craters in the immediate vicinity of the old citadel.[1380]

849. During the confrontations in Aden in 2015, the al-Husseini Shia Mosque in the Crater area under the control of Houthis-Saleh forces, was partially destroyed during a coalition airstrike on 16 July 2015. The al-Husseini Mosque was Aden's renowned Shia mosque, built at the end of the 19th century. The mosque held a particular religious, historical, and cultural importance for Aden's Shia minority. According to the information received by the Group, the Mosque was closed throughout the war and it was not used for military purposes. Once the Southern Resistance took over the area, they renamed it the Mosque of the Sunni Martyrs.

850. The al-Fazah Sufi Mosque in al-Hudaydah was destroyed in June 2018 while the area was under the control of the United Arab Emirates-backed Giants Brigades. The Group of Experts found reasonable grounds to believe that elements of the Giants Brigades were responsible for the intentional destruction of this seventh century historical religious site, for which no military reason was apparent. (For additional information see Chapter on the Battle of al-Hudaydah)

851. Parties to the conflict in Yemen regularly used civilian objects for military activities, including those with special protection such as religious and cultural sites. In a number of cases, this had the effect of removing the protection to which these objects were entitled, blurring the distinction between civilian objects and military objectives, and often resulting in damage or destruction of those objects, further compromising the historical and cultural heritage of Yemen. The Group is not aware that any advance warning was given prior to those sites being attacked.[1381]

852. At the beginning of the war, the National Museum of Ta'izz, while under occupation by the Houthis, was shelled by the Resistance forces, which took it over in August 2015. On 4 February 2016 the Houthis shelled the museum causing extensive damage.

853. Similarly, in Aden, Houthi-Saleh fighters took control over the Military Museum, which dates back to 1918, establishing therein a military warehouse and a secret detention facility. [1382] In addition to the looting of the museum by the Houthis, [1383] a coalition airstrike struck the museum on 16 July 2015, destroying the northeast wing of the museum. [1384]

2. Violations

[1378] The Group of Experts recorded more than 3,124 distinct impact locations between May and June 2015 alone in its first report (see A/HRC/39/43).
[1379] Confidential Sources on File.
[1380] Confidential Sources on File; see also https://theintercept.com/2015/11/16/u-s-and-saudi-bombs-target-yemens-ancient-heritage/.
[1381] The Second Protocol, article 6(d) requires that in case of attack, an effective advance warning shall be given whenever circumstances permit. This duty did not exist under the 1954 Convention. The protection of cultural property in some respects approximates the protection of the civilian population as such and goes beyond the protection of other civilian objects.
[1382] Confidential Sources on File; see also Mwatana for Human Rights, The Degradation of History, Violations Committed by the Warring Parties against Yemen's Cultural Property, November 2018. See also https://www.nytimes.com/2015/06/27/opinion/yemeni-heritage-saudi-vandalism.html.
[1383] Confidential Sources on File; see also Mwatana for Human Rights, The Degradation of History, Violations Committed by the Warring Parties against Yemen's Cultural Property, November 2018.
[1384] UNITAR-UNOSAT satellite imagery-based assessment for numerous incidents in Aden, Yemen, between 14 and 16 July 2015 on file.

854. The Group of Experts has reasonable grounds to believe that all parties to the conflict have failed to respect cultural property as required by international humanitarian law. While the Group of Experts was unable to determine whether the destruction of the mosque by the coalition in the Craiter area involved a violation of the principles of distinction, proportionality or precaution, it appears that the mosque in al-Hudaydah was destroyed by the Giants Brigades in the absence of any military necessity, hence in violation of international humanitarian law. This act may trigger individual criminal responsibility for the war crime of intentionally directing an attack against a historical building dedicated to religion. The Houthis, in using the museums in both Ta'izz and Aden for military activities, have triggered their partial destruction by removing their protection and turning them into military objectives, which amounts to a violation of the obligation to respect cultural property and take special care to avoid damage to the latter. It remains unclear whether the respective strikes on the museums by the Resistance forces and the coalition were compliant with the conditions set forth by the Second Protocol to the 1954 Hague Convention regarding waiver on the basis of imperative military necessity.[1385]

3. Situations of concern

855. The Group of Experts is concerned with regard to the situation of the old town of Zabid, capital of Yemen from the 13th to the 15th century, and the archipelago of Socotra, both listed as UNESCO World Heritage sites.

856. The conflict has created conditions that have put at riskcultural property throughout Yemen. In Zabid, for example, the Group of Experts received reports that a large collection of more than 1,000 manuscripts was removed from the Zabid museum, and there are concerns over their protection and maintenance. This is one of many examples of information received by the Group of Experts of how the conflict has prompted confusion, mismanagement and disputes over how to deal with Yemeni cultural property.[1386]

857. The conflict has not spared the archipelago of Socotra, located at the crossroads between the Horn of Africa and the Gulf of Aden. Considered as a site of outstanding universal importance because of its biodiversity with rich and distinct flora and fauna, Socotra was inscribed in the UNESCO World Heritage list in 2008. Since the end of 2015, the island has reportedly been under varying levels of control by the UAE. According to information received by the Group,[1387] Socotra has since been subjected to substantive environmental degradation, looting and spoiling, including from construction projects by the UAE.

X. Accountability

1. Introduction

858. This section examines the mechanisms available to hold parties to the armed conflict accountable for the international law violations described in this report, in particular with respect to those which may lead to individual responsibility for international crimes.

(a) Responsibility of parties to an armed conflict

859. Parties to an armed conflict are required to take measures to prevent the commission of violations of international humanitarian law and to suppress those violations that have taken place:

(a) Preventive action: Measures need to be taken by the parties to a conflict to ensure that fighters in particular are aware of applicable law[1388];

[1385] Art. 6, Second Protocol to the 1954 Hague Convention.
[1386] Confidential Sources on File; see also ICRC Statement at: https://www.icrc.org/en/document/yemen-citys-architectural-connection-islam-risk-fighting-nears
[1387] Confidential Sources on File.
[1388] See generally ICRC Study on customary IHL, rule 142.

(b) During the course of the conflict: a party that has suffered violations of international humanitarian law can appeal to the international community to take whatever measures it can to put a stop to the violations. On occasion this has been effective, although it may take some time.[1389]

(c) After the event: It is clear that a State bears responsibility for violations of international humanitarian law attributable to it.[1390]This includes a requirement to make full reparation for the loss or injury caused.[1391] While logic would also suggest that armed opposition groups bear responsibility for violations of international humanitarian law carried out by their members, it is less clear what the implications of such responsibility are.[1392] Serious violations of international humanitarian law constitute war crimes.[1393] Individuals are criminally responsible for war crimes they commit.[1394]

860. Parties to an armed conflict are required to take the steps necessary to prevent, put a stop to and punish the commission of violations of international humanitarian law. This includes an obligation to investigate war crimes allegedly committed by their armed forces or on their territory and, if appropriate to prosecute the suspects.[1395]

861. While progress has been made in the operationalization of these obligations,[1396] there remain significant areas where the content of the obligation still needs to be clarified. For example, the obligation to suppress violations of international humanitarian law requires the conduct of an investigation. It is not clear whether the requirement is triggered by an incident in which it is first necessary to determine whether a war crime has been committed, or whether it is only triggered by something already characterized as a war crime. It is submitted that logically the first has to be the correct view. Another issue requiring clarification is what constitutes an "investigation" for the purposes of satisfying the requirement. Clearly, it is necessary to take into account the context in which any investigation may need to be conducted. In particular, it needs to be established how closely the international humanitarian law definition of an investigation is related to the definition in human rights law.[1397]

862. It will be noted that this formulation requires a State on whose territory possible war crimes were committed to investigate the incidents, including presumably where the incidents were committed by members of a non-State armed group.[1398]

863. If in fact an investigation is, in the circumstances, required, the party to the conflict will usually have to consider three issues:

(a) What has been done to determine whether it violated the law

(b) Was the law in fact violated

(c) Has any corrective action revealed to be necessary been taken

864. There are a number of specific pitfalls that can occur when investigating violations of international humanitarian law. The first is the reaching of premature legal conclusions, without the necessary evidence being available. Where, for example, a house is destroyed, killing fifteen people sheltering inside, it is not possible to determine whether a breach of

[1389] See ibid. rule 144, second sentence, and commentary thereto.
[1390] Ibid, rule 149.
[1391] Ibid, rule 150.
[1392] Ibid, commentary to rule 149.
[1393] Ibid, rule 156.
[1394] Ibid, rule 151.
[1395] Ibid, rule 158.
[1396] For example, legal advice must be available at the appropriate level of command and members of armed forces must be instructed in what behaviour is required and what prohibited; ibid rules 141 & 142.
[1397] The question of the applicability of the obligation to investigate under human rights law to military operations carried out during belligerent occupation was before the House of Lords in Al Skeini & others v. Secretary of State for Defence, [2007] HL 26, judgment of 13 June 2007.
[1398] This is the role of the National Commission of Inquiry established in Yemen.

international humanitarian law has occurred unless one knows the answers to the following questions:

(a) What was the attacking party targeting

(b) What information was available to the party regarding the use to which the house was being put

(c) What information was available to the party regarding the presence of nonfighters in the house and in its vicinity

(d) In the circumstances, was the attacking party entitled to rely on the information that it had[1399]

(e) When choosing how to attack the house, did the attacking party take into account the risk of harm to those known to be in the vicinity

(f) Was the attack in fact directed against something else and, if so, was the destruction of the house and/or its inhabitants foreseeable and proportionate to the concrete and direct military advantage anticipated, or was it not foreseeable

865. In some circumstances, it may also be important to know whether the total harm caused was the result of several separate attacks over many days or the result of just one attack. For the most part, this is information solely within the knowledge of the attacking party. Whilst it may appear to be straightforward to determine the result of the attack[1400], generally no conclusion can be drawn solely on the basis of the result.

(b) State responsibility for violations

866. Violations of international humanitarian law and human rights law give rise to State responsibility, if an act is committed by State organs, which includes its armed forces as well as by individuals or entities empowered with governmental authority. A violation is also attributable to the State if committed by persons or groups acting on the States' instructions, or under its direction or control.

867. With regard to international humanitarian law in particular, these rules are valid for both international and non-international armed conflict.[1401] In a non-international armed conflict, the question arises as to whether non-State armed entities, in particular when such entities assume the role of de facto authorities, have a similar responsibility as a group. While international humanitarian law does not regulate this question, the International Law Commission (ILC)[1402] draft Articles on State responsibility appear to leave some space for the responsibility of non-State entities. The draft Articles explicitly attribute such responsibility to insurrectional movements that eventually succeed in establishing a new State (draft Article 10). In such cases, the acts of the non-State entity are eventually attributed to the new State. However, in cases where a new State is not established, it remains controversial whether responsibility could be attributable to the non-State entities per se.[1403] Some scholars have nevertheless affirmed that non-State armed entities are

[1399] For example, if the information comes from informers, it may be necessary to put in place measures to guard against the settling of scores. The time that has elapsed since the information became available may also affect the degree of reliance that may be placed on it.

[1400] In some circumstances, the "result" may have been manufactured or improved by the defending party, to make it appear that the attacking State had violated the rules.

[1401] See ICRC Study on customary IHL, rule 149.

[1402] The International Law Commission was established by the General Assembly, in 1947, to undertake the mandate of the Assembly, under article 13 (1) (*a*) of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification". See http://legal.un.org/ilc/.

[1403] ICRC 'Commentary on Common Article 3 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field' (2016), para. 890.

accountable for acts committed by their members,[1404] an interpretation that appears reasonable, in particular when non-State entities are equipped with organs that have the capacity to act on their behalf, similar to a State's structure. This is the approach adopted in the present report with respect to the de facto authorities in Yemen.

868. Victims of human rights violations are entitled to effective and prompt reparations, including compensation and guarantees of non-repetition. Similarly, a State responsible for violations of international humanitarian law is required to make full reparation for the loss or injury caused.[1405] While international law places the responsibility for reparations on the State, there is increasing recognition that non-State entities must also provide reparations.[1406] This is particularly pertinent when these entities are considered to be de facto authorities.

(c) Individual criminal responsibility

869. Serious violations of IHL constitute war crimes.[1407] Individuals are criminally responsible for war crimes they commit[1408]and are required to disobey an order to commit what is manifestly a war crime[1409]. Commanders are criminally responsible for violations of IHL committed pursuant to their orders.[1410] They may also be responsible for violations carried out by persons under their command where they knew or ought to have known that the violations were being or were going to be committed and where they failed to take necessary and reasonable measures in their power to prevent their commission. Commanders also have a responsibility where they knew or ought to have known that violations had been committed by persons under their command to report the matter to the appropriate authorities for investigation and, where appropriate, prosecution.

870. Individual criminal responsibility for violations of international law applies to members of both the State armed forces and non-State armed groups.[1411] In the context of Yemen, this applies to war crimes. Under international humanitarian law, States have an obligation to investigate all allegations of war crimes committed by their armed forces or nationals, as well as those allegedly committed on their territory. Where there is sufficient evidence, they have the duty to prosecute those responsible.[1412] The question then arises as to whether non-State armed entities are bound by the same obligation. The present report adopts the approach that where the non-State entity has reached a sufficient level of organization required for running functioning courts, it should be bound by the obligation to prosecute where there is sufficient evidence. This would be the case with regard to Yemen and the obligation of the de facto authorities to prosecute crimes committed by armed groups operating in the territory it controls.

[1404] See ICRC Study on customary IHL, rule 149 and commentary thereto; Ezequiel Heffes & Brian E. Frenkel, "The International Responsibility of Non-State Armed Groups: In Search of Applicable Rules", Goettingen Journal of International Law 8 (2017) 1, p. 60-61.

[1405] See ICRC Study on customary IHL, rule 158; see also Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

[1406] Luke Moffett, *Reparations by Non-State Armed Groups*, Armed Groups and International Law, May 2019 (https://armedgroups-internationallaw.org/2019/05/29/reparations-by-non-state-armed-groups/).

[1407] ICRC Study on customary IHL, rule 156.

[1408] Ibid, rule 151.

[1409] Ibid, rule 155.

[1410] Ibid, rule 152. This applies equally to commanders within a State's armed forces and to the commanders of a non-State armed group.

[1411] William A. Shabas, "Punishment of Non-State Actors in Non-International Armed Conflict", Fordham International Law Journal, Volume 26, Issue 4, 2002, p. 922; Geneva Academy of International Humanitarian Law and Human Rights, "Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council", Academy In-Brief No. 7, December 2016 (https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf), p. 22).

[1412] See ICRC Study on customary IHL, rules 158.

871. The obligation to respect, protect and fulfil international human rights obligations includes the obligation to document and investigate allegations of human rights violations and abuses, and ensure that perpetrators are held accountable[1413]. This is equally valid for all duty-bearers of human rights obligations, i.e. in the present context the Government of Yemen, the members of the coalition, and the de facto authorities.

872. To meet international law standards, investigations into human rights and international humanitarian law violations have to be independent, impartial, prompt, thorough, effective, credible and transparent.[1414] Where sufficient evidence exists, cases must be examined by a competent, independent and impartial tribunal established by law.[1415] Hence, States must ensure that their domestic legislation provides the necessary legal basis to enable domestic courts to duly exercise jurisdiction over cases where sufficient evidence of an international crime exists, in accordance with applicable principles of customary and treaty law.[1416]

873. Third States are also free to give their criminal courts jurisdiction over international crimes, including war crimes.[1417] It is preferable that alleged perpetrators should be within the jurisdiction of a prosecuting State. The question of what third States are able to require of the parties to ensure compliance with IHL will be considered separately.

2. Available accountability mechanisms

874. This section examines accountability mechanisms put in place by the main parties to the conflict and duty-bearers that are presently functioning, namely the Government of Yemen's National Commission of Inquiry (NCOI) and the coalition's Joint Incidents Assessment Team (JIAT). It further examines whether the de facto authorities have put in place any accountability mechanism to hold perpetrators of international law violations accountable. As outlined above, similar criteria are applied to both State entities and the de facto authorities, given the latter's exercise of jurisdiction and effective control over parts of Yemeni territory.

(a) The Government of Yemen's National Commission of Inquiry

875. While there have been attempts by judicial authorities from the Government of Yemen to address violations of international law that allegedly occurred within the scope of the conflict, the Yemeni judicial system has been considerably weakened by the conflict and impacted by the hostilities, insecurity, various threats against its members, and the Government's lack of effective authority, notably in parts of the South of Yemen.

876. The National Commission to Investigate Alleged Violations to Human Rights in Yemen (hereafter the National Commission of Inquiry, or "NCOI") was established as an "independent national mechanism" pursuant to a Presidential Decree of 2012, and two further decrees in 2015 and 2017,[1418] with the mandate to report and investigate all alleged human rights violations perpetrated in all governorates of Yemen that occurred since January 2011 and "until such time as the State regains full control over the territory of

[1413] See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

[1414] See for example Human Rights Committee, General Comment 36 (2018), para. 28; Human Rights Committee, General Comment No. 31, para. 15. The Human Rights Committee has noted that a failure to investigate allegations could itself constitute a separate breach of the ICCPR.

[1415] Art. 9 ICCPR, Art. 10 UDHR.

[1416] See Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Principle 19 (https://documents-dds-ny.un.org/doc/UNDOC/GEN/G05/109/00/PDF/G0510900.pdf?OpenElement).

[1417] ICRC Study on customary IHL, rule 157.

[1418] The NCOI was established following the amendment by President Hadi on 7 September 2015 of Presidential Decree No. 140 of 22 September 2012.

Yemen".[1419] Cases investigated by the National Commission are to be referred to the national judiciary "so that perpetrators of human rights violations are brought to justice and the victims receive reparations."[1420]

877. Since the time of writing of the first report of the Group of Experts in August 2018, the NCOI has issued its fifth and sixth reports, covering the respective periods of 1 February 2018 to 31 July 2018, and 1 August 2018 to 31 January 2019. The fifth report indicated that the NCOI had completed its investigations into 1,900 claims relating to more than 30 types of violations.[1421]By the sixth report, this number had risen to more than 2,500 completed investigations into incidents of allegations monitored by the NCOI.[1422] In its last two reports, the NCOI also indicated progress achieved, notably referring to an increase in monitors throughout all governorates and the implementation of new standards in terms of information preservation. It also mentioned the continuous capacity-building support received, including from OHCHR.

878. The reports of the NCOI refer to allegations of violations by various parties to the conflict. This includes the Houthis, the coalition and the Yemeni armed forces, as well as the United States for allegations related to its drone strikes. The reports also refer to violations by human rights duty-bearers, namely the Houthis and the Government of Yemen. Under international humanitarian law, violations examined in the two latest reports are the killing and injuring of civilians, child recruitment, laying of mines, attacks on cultural objects, the targeting of medical facilities, forced displacement, and besieging civilians and other impediments to the delivery of humanitarian relief. As regards international human rights law, examined violations are extrajudicial killings, arbitrary arrests and enforced disappearances, torture and ill-treatment, and the blowing up of homes. The fifth report also included a section on freedom of movement and "freedom of thought and belief". While most violations elaborated upon in the reports feature cases allegedly perpetrated by all the main parties or duty-bearers, issues of child recruitment, the laying of mines, forced displacement and the demolition of homes only feature cases attributable to the Houthis. The cases examined under the section dedicated to freedom of movement all pertain to checkpoints manned by the Security Belt Forces.

879. There are concerns that the NCOI does not meet the international standards set to ensure accountability, the lack of transparency being a pervasive issue as it prevents analysis of information crucial to allow an understanding of the functioning of the system.

Independence

880. Established by a presidential decree, the NCOI reports directly to the President, who also appoints its nine members. There is no public information about the criteria upon which these nine members are selected. Moreover, there is no public information about the financing of the NCOI. These elements in themselves raise questions about the independence of the NCOI, along with its transparency. Of further concern in terms of transparency, the criteria used by the NCOI to determine which specific cases will be selected for inclusion in its periodic reports remain unclear.

Impartiality

881. While the most recent reports show a distinct improvement towards more balanced reporting, i.e. they include several allegations of violations by the coalition and/or the Government of Yemen, it is of concern that the NCOI considers that some violations are only perpetrated by the Houthis. Indeed, according to information gathered by the Group of

[1419] Human Rights Council, National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1* Yemen, 8 November 2018 (https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/335/77/PDF/G1833577.pdf?OpenElement), para. 49.
[1420] Ibid, para. 43.
[1421] Fifth Report on the work of the National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) in Yemen, for the period 1 February – 31 July 2018, p. 13.
[1422] Sixth Report on the work of the National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) in Yemen, for the period 1 August 2018 to 31 January 2019, p. 11.

Experts, most types of violations that the NCOI attributes only to the Houthis have also been perpetrated by the coalition and/or the Yemeni forces, as is the case for recruitment of children and the destruction of residential buildings. Hence, concerns about the impartiality of the NCOI remain. Given its location in Aden, and the lack of cooperation by the Houthis, the NCOI is inherently challenged in its access to information, which may also have an impact on its effectiveness**.**

Transparency

882. The information presented in the reports as the basis for the NCOI's conclusions about specific violations and the attribution thereof remained insufficient for the Group to assess whether the NCOI took into account all necessary elements to establish the occurrence of a violation. In the majority of the cases detailed in its fifth and sixth reports, the NCOI established that a reported incident indeed took place, as well as to which party / duty-bearer responsibility could be attributed. However, in most of the cases detailed in the reports, elements that would allow drawing conclusions as to the legality of the actions at stake were missing, as well as any legal analysis. This is particularly striking in relation to cases pertaining to international humanitarian law, as the NCOI does not mention facts of specific incidents, e.g. related to the nature of the target, that would allow an assessment of the legality under international humanitarian law. For most incidents attributed to the coalition, the NCOI indicated that it is still expecting a response from the coalition to its inquiries. This raises further concerns in relation to effectiveness, thoroughness and credibility.

Credibility and thoroughness

883. In the cases where the legal basis used to assess a specific incident is mentioned, it is not always accurate in terms of international law. For most incidents detailed in its reports, the NCOI does not provide the necessary elements to allow the Group of Experts to verify whether conclusions were drawn based on a sound legal analysis grounded in international law. Hence, the Group has concerns as to whether the NCOI fulfils the required criteria of thoroughness and credibility.

Effectiveness

884. Finally, a number of operational challenges appear to affect the NCOI in its effectiveness, in particular with respect to the lack of cooperation by the Houthis. Also, the fact that it is based in Aden renders the NCOI virtually inaccessible for many individuals living in remote areas or areas under control of the Houthis. Further, in terms of effectiveness, more information would be needed about the mechanism to refer cases to the Yemeni public prosecutor,[1423] as this is meant to ensure that violations established by the NCOI will be handled by a competent judicial authority. Here, even if there were proof of an effective referral mechanism, the shortcomings of the Yemeni judicial system – mainly in terms of due process guarantees as identified in the reports of the Group of Experts – would be an additional concern in terms of effective accountability.

Conclusion

885. To conclude, the Group of Experts notes that the reports of the NCOI have become more balanced over time, in examining alleged violations committed by both sides of the conflict. Recent restructuring efforts pursued by the NCOI have also shown its commitment toward more effective accountability. The NCOI is an essential body to address impunity in Yemen. To this end, it needs to be structurally and functionally independent. However, the NCOI in its present form does not meet the standards set by international law to ensure accountability, given it is embedded in the governmental structure.

[1423] See Sixth report of the NCOI, p. 8, that mentions the right of the NCOI (in implementation of a governmental decree of 2017) to refer cases relating to incidents of human rights violations to the public prosecutor to complete the legal procedures against the perpetrators of these violations.

886. The NCOI's contribution in terms of analysis and fact-finding is indeed crucial in the fight against impunity in Yemen. It is therefore essential for the NCOI to be impartial in assessing the conduct of all parties, and effective in its investigations, with findings backed by a thorough legal analysis grounded in international law. The Group of Experts reiterates its offer to cooperate formally with the NCOI in order to work complementarily towards ensuring accountability for international law violations by all parties to the conflict and duty-bearers.

(b) The coalition's Joint Incidents Assessment Team (JIAT)

887. The Joint Incidents Assessment Team (JIAT) was established by the coalition in August 2016, with the support of the United States.[1424] Its mandate is to investigate alleged violations committed by the coalition during operations in Yemen. It should also "examine incidents of concern and identify lessons learned, including insight into patterns of civilian harm." According to Human Rights Watch, "JIAT originally consisted of 14 individuals from the main coalition members. It has a mandate to investigate the facts, collect evidence, and produce reports and recommendations on 'claims and accidents' during coalition operations in Yemen."[1425] In their joint memo addressed to the Group of Experts on 8 August 2018, the permanent missions of Yemen, Saudi Arabia and the United Arab Emirates indicated that the JIAT included representatives of a number of coalition member States. The joint memo further advised that accountability is carried out in accordance with the laws applicable in respective coalition States, and that the Government of Yemen was, likewise, ensuring accountability.

888. An examination of the information available nevertheless raises concerns that the JIAT does not meet the criteria set by international law to ensure accountability. The lack of transparency remains the main obstacle to thoroughly assessing this mechanism.

Independence and impartiality

889. According to information gathered by the Group of Experts, it appears that the JIAT, established by a royal decree, reports directly to the Minister of Defence of Saudi Arabia. This raises obvious concerns in terms of independence. Indeed, despite its request for related information, the Group of Experts has not received any information from the coalition that would allow it to assess how independence and impartiality could be guaranteed by the JIAT. This also raises strong concerns regarding respect for transparency as required by international law. Despite its formal requests to both the Government of Yemen and the coalition, the Group has not received any information about the methodology and process followed by the JIAT to select and review civilian casualty incidents. The Group specifically enquired about the grounds for determining that a formal investigation should be opened or that a case should be closed, and other measures of accountability in cases where prosecution is determined not to be appropriate. While it is known that the JIAT receives complaints from the NCOI, the United Nations and NGOs, little is known about the criteria for selection of the cases to be reviewed by the JIAT. Similarly, it is unclear how cases are selected to have their conclusions published in press releases, or whether any cases other than those published have actually been examined. The fact that there is no periodic compilation of the JIAT's conclusions is problematic in the sense that there is no exhaustive public repository of findings and conclusions. This is a further issue in terms of transparency. Finally, the Group has not found any information as to a possible referral mechanism from the JIAT to the judicial system of Yemen, or to coalition member States.

Thoroughness and credibility

[1424] See Larry Lewis, "Promoting Civilian Protection during Security Assistance: Learning from Yemen", CNA Analysis and Solutions, May 2019, p. 9 (https://www.cna.org/CNA_files/PDF/IRM-2019-U-019749-Final.pdf).

[1425] https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful.

890. In addition to the review of more than 70 incidents investigated by the JIAT conducted in its first mandate, the Group of Experts reviewed – in its current mandate – the most recent JIAT conclusions, as published in the media between 1 July 2018 and 30 June 2019, pertaining to more than 40 cases. Unfortunately, the Group of Experts' request to the coalition for an update on the status of all cases examined and summary of findings was not responded to by the time of finalization of this report. Despite noticeable progress over the years as to the information provided and also an increase in the recognition of 'errors', the analysis as published in press releases remains in most cases very succinct and repetitive, and does not allow one to conclude whether investigations met international standards, raising serious concerns in terms of thoroughness and credibility**.** Findings pertaining to allegations of civilian casualties or damage remained divided into three categories of conclusions: a) human error (mainly false intelligence) or technical error; b) the coalition was not the originator of the attack; c) the targeted object was a military objective. While in some cases, JIAT deplores the loss of lives or damage to civilian infrastructure and recommends some sort of assistance, only two of the press releases examined seem to reach the conclusion that members of the coalition may have violated international humanitarian law. These two cases, in which JIAT recognized that the rules of engagement were not respected, implicitly acknowledged a lack of respect for the principle of precautions in attack. These findings pertain to the airstrike on a bus and local market in Sa'dah on 9 August 2018[1426] (see below) and the airstrike on a wedding tent in Hajjah on 24 April 2018[1427] (see first report of the Group of Experts A/HRC/39/43, para. 32).

891. The Group of Experts has concerns as to the international humanitarian law provisions invoked to justify certain actions, and as to the legal analysis backing these findings.[1428] In particular, it is very concerning that once the JIAT has determined the existence of a legitimate military target, it does not refer to the necessary proportionality analysis. Indeed, according to the principle of proportionality, international humanitarian law requires that expected incidental civilian casualties or damage to civilian objects should not be excessive in relation to the concrete and direct anticipated military advantage. Accordingly, armed forces should weigh the military advantage that an attack is anticipated to give against the expected civilian casualties or damage and make sure that a specific attack does not lead to excessive civilian loss. There is no indication of such analysis in the published summaries of JIAT, which in most cases concluded that a course of action was legal as soon as the target was identified as legitimate. However, such legality would not be a given if the principle of proportionality was not also respected. As to the principle of precautions in attack, precautionary measures have been reported in some cases, such as the timing for the attack and making sure that there was no civilian presence, but there is no systematic analysis of the respect for this principle either. In view of this, the Group has concerns about whether the thoroughness and credibility of the work of the JIAT meets the requirements for an accountability mechanism to meet international law standards. This also underlines concerns as to the mechanism's impartiality.

Effectiveness

892. At the time of writing, the Group of Experts had not received any information in response to its queries about the number of cases referred to national authorities, those that led to prosecutions, and the number of convictions. The lack of transparency on this issue also raises questions as to the effectiveness of this mechanism in terms of accountability.

[1426] www.spa.gov.sa/1804423; https://www.youtube.com/watch?v=p7MC71eD-UI&feature=youtu.be.

[1427] www.spa.gov.sa/1812903.

[1428] In most cases JIAT refers to provisions of Additional Protocol I, which is only applicable in international armed conflicts (although many of its provisions are considered relevant in non-international armed conflicts as a matter of customary international law), see e.g. www.spa.gov.sa/1875235 re MSF cholera centre as developed below; www.spa.gov.sa/1933921; www.spa.gov.sa/1933919; www.spa.gov.sa/1919945; www.spa.gov.sa/1914219; www.spa.gov.sa/1914218; www.spa.gov.sa/1914214; www.spa.gov.sa/1914211; www.spa.gov.sa/1914206; www.spa.gov.sa/1904825; in another case, it applies UN Charter rules to justify self-defence in what amounted to a law-enforcement operation (www.spa.gov.sa/1875234).

Further, even if any prosecutions were underway, according to the Saudi press agency, a royal pardon was issued on 10 July 2018 for all Saudi soldiers deployed in Yemen involved in "Operation Restoring Hope", absolving them of their respective military and disciplinary penalties "in regard of some rules and discipline".[1429] Although it remains unclear to what rules this refers, it raises further concerns in terms of effectiveness and credibility.

893. In cases where the JIAT has acknowledged incidental civilian casualties or damage to civilian infrastructure, especially in cases where it identified "technical errors" (three cases[1430]) or "unintentional human errors" (two cases[1431]), it has recommended that assistance be provided to victims. Such assistance has also been recommended in cases where no errors were acknowledged, but collateral damage was assessed to have occurred. While such recommendations for assistance are a welcome step, it remains unclear how such recommendations are being followed up, and whether a specific mechanism has been put in place to ensure that they are. It must also be noted that the JIAT recommends the provision of "voluntary" assistance, i.e. assistance that is not necessarily linked to or acknowledging any wrongdoing, and hence does not amount to reparations. Furthermore, in some cases investigated by the Group of Experts, there are concerns that the objective of payments may have been to silence victims or witnesses.

894. An analysis of JIAT's findings in two cases that have also been investigated by the Group of Experts confirmed a number of the above-highlighted concerns:

Attack on the MSF Cholera Treatment Centre, Abs district, Hajjah, 11 June 2018

895. In this incident (see details and analysis in the Chapter on Life in Sana'a and areas under de facto authority control, section on airstrikes), the JIAT acknowledged an error by the coalition at the level of intelligence gathering. In its findings released on 16 January 2019, JIAT nevertheless blamed MSF for failing to request the inclusion of the site in the no-strike list, "in violation of Article 12(3) of Additional Protocol I." It further stated that satellite imagery reviewed did not evidence any sign of distinction on the roof of the warehouse, nor on the nearby buildings, "in violation of Article 5 of Annex I to Additional Protocol II." This appears to be both an inaccurate application of the treaty law, given that Additional Protocol I only regulates international armed conflicts, and a wrong interpretation of the scope of application and consequences of the mentioned provisions, as well as relevant customary international law. Contrary to JIAT's application, Article 12(3) is addressed to parties to the conflict, and the provision is a suggestion for a method for increased protection whose disregard does not alleviate the responsibility on the party to the conflict to ensure that medical units are respected and protected at all times. Article 5 of Annex I pertaining to the use of the distinctive emblem is meant to assist militaries in meeting their own responsibilities for identifying civilian objects that are specifically protected. The JIAT interpretation of these provisions incorrectly reverses the burden by placing it on civilians to make themselves clearly known to attacking parties in armed conflict. In addition, the assessment by the JIAT of the communication between the coalition and MSF appears contradictory given that – as acknowledged by JIAT – MSF had informed the coalition of its movements to the area of the strike on a number of occasions. The JIAT nevertheless blames MSF for not having formally requested the site to be included in the no-strike list. Even if MSF had not requested the site to be listed as a medical facility on the no-strike list, which perhaps could be understood since the site was not yet operational as a medical facility, the Group of Experts considers that the coalition had ample information to indicate that the facility was being used by MSF, including near to the time of the attack.

Attack on a bus in Dhahyan market, Majz, Sa'dah, 9 August 2018

896. Another incident investigated by the Group of Experts where the JIAT provided some legal analysis was the 9 August 2018 strike in Sa'dah on a bus carrying

[1429] https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1783696.
[1430] www.spa.gov.sa/1933922; www.spa.gov.sa/1914211; wam.ae/en/details/1395302707813.
[1431] www.spa.gov.sa/1875235; www.spa.gov.sa/1797113.

approximately 50 children. The most conservative figures verified by the Group of Experts confirm that the strike killed at least 11 children, as well as two adults. In a press briefing on 1 September 2018,[1432] the JIAT Legal Advisor, Lt. Gen. Mansour Ahmed al-Mansour, stated that the airstrike was not needed to prevent an imminent attack and should have been carried out earlier when the bus was in an open space, to avoid collateral damage. He further stated that the fact that this was not the case was due to a delay in the equipment of the war plane, followed by a later delay in the issuance of a cancellation order of the operation. Also, he acknowledged that no due warning had been issued to the executing air force authority as to the possibility of collateral damage. In a press release issued the same day,[1433] the JIAT indicated mistakes in compliance with the rules of engagement, stating that legal proceedings should be undertaken to hold those responsible for the mistakes accountable and noting that granting assistance to those affected should be considered.

897. While the JIAT effectively acknowledged that the coalition violated the principle of precautions in attack as it targeted the bus while it was close to a local market, it is striking that the JIAT did not question the legality of targeting a bus carrying approximately 50 children, even if there may have been military targets on board. In its analysis, the JIAT omits any reference to the children and merely qualifies the bus as a "military target", based on the alleged fact that four Houthi commanders were present on the bus. This raises concerns as to the coalition's target identification process and its respect for the principle of proportionality. It also further confirms the Group's concerns that the JIAT fails to assess the legality of a strike based on the principle of proportionality.

(c) Accountability by the de facto authorities

898. Due to a lack of information, the Group of Experts was not able to assess whether alleged violations by the Houthis are effectively being examined and investigated by any sort of accountability mechanism. In its response to the list of issues sent by the Group of Experts in January 2019, the de facto authorities asserted that all "military operations" by their "armed forces" are subject to evaluation after execution. It further wrote that the "military judiciary" was responsible for accountability, in line with the (Yemeni) military penal code and the law on military criminal procedures, as well as regulations foreseeing administrative sanctions for serving military staff. Without disclosing information as to the number of cases investigated (if any), the de facto authorities declared that no members of their "armed forces" had been found to be responsible for violations of human rights law or international humanitarian law. This assertion, in itself, raises strong concerns as to whether there is any accountability mechanism in place to investigate and prosecute such alleged cases, and suggests a blatant lack of accountability.

(d) Conclusion

899. After a thorough review of the findings of the accountability mechanisms publicly available or provided by the parties to the Group of Experts, the Group has serious concerns about the pervasive lack of accountability for violations of international law by all parties to the conflict in Yemen, many of which may amount to war crimes. The National Commission of Inquiry's focus appears to be on whether specific incidents effectively occurred and on their attribution, without providing details as to the legal analysis that would allow one to conclude whether violations occurred. The Joint Incidents Assessment Team has not publicly reached the conclusion that the coalition could be responsible for any alleged international law violations (except the two implicit acknowledgements of possible failure to respect the principle of precautions in attack), despite acknowledging the occurrence – in a few cases – of human and technical errors. Finally, the Houthis have denied the existence of any violations of international law amongst their ranks, although the

[1432] https://www.youtube.com/watch?v=p7MC71eD-UI&feature=youtu.be and https://www.washingtonpost.com/world/middle_east/in-rare-admission-saudi-led-coalition-says-airstrike-killed-yemeni-children-last-month/2018/09/01/1cbdc878-ae06-11e8-8a0c-70b618c98d3c_story.html?noredirect=on&utm_term=.a2ca91ca8e83.

[1433] www.spa.gov.sa/1804423.

Group received no evidence as to the existence of a mechanism that was effectively investigating allegations of violations.

900. The Group is not aware of any alleged perpetrator having been held accountable by parties to the conflict for a crime related to the conflict, despite a request for information to this effect addressed to the Government of Yemen, members of the coalition, and the de facto authorities. In a few cases, the Group of Experts has gathered evidence that the Government of Yemen has attempted to hold alleged perpetrators accountable by starting investigations, including in setting up special committees for this purpose. However, such investigations have been undermined by the lack of capacity and the fear of reprisals. Accordingly, it appears that none of the parties to the conflict is either willing or able to carry out investigations or prosecutions, in violation of their obligations under international law, especially in view of alleged war crimes.

901. In the absence of any international jurisdiction being seized of the situation in Yemen, the Group of Experts recommends that the Human Rights Council renew and strengthen its mandate with regard to the collection and preservation of evidence.

3. Responsibility of third States

902. According to Article 1 Common to the Four Geneva Conventions, State parties have the duty not only to respect the Conventions, but also to ensure their respect, in all circumstances. This provision has been interpreted as providing that "States, whether neutral, allied or enemy, must do everything reasonably in their power to ensure respect for the Conventions by others that are Party to a conflict".[1434] The obligation to respect and ensure respect is not limited to the Geneva Conventions, but extends to the entire body of international humanitarian law. In particular, it is now recognized as customary law that States may not encourage violations of international humanitarian law by parties to an armed conflict, and that they must exert their influence, to the degree possible, to stop such violations.[1435]

903. It is further generally acknowledged that the duty to ensure respect for the Four Geneva Conventions, and for international humanitarian law in general, encompasses both negative and positive obligations.[1436] Regarding negative obligations, State parties are expected to abstain from certain conduct, i.e. they must not encourage, aid or assist in violations of the Conventions. As for positive obligations, parties must take reasonable measures to prompt States that violate the Conventions to act in compliance with international humanitarian law.[1437]

904. The fact that international humanitarian law obligations can be considered *erga omnes* means that all States have a legal interest in their observance. This represents another basis for the obligation to respect and ensure respect of international humanitarian law, as expressed in Common Article 1 of the Geneva Conventions.

905. At the very least, this may require States to raise concerns. The duty to raise concerns over compliance, without it being perceived as an unfriendly act, may be derived from the erga omnes character of IHL obligations.[1438] If IHL obligations are not simply of a bilateral nature but represent undertakings owed to the international community as a whole, members of that community must have the standing to express concern regarding non-

[1434] ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 153.

[1435] See ICRC Study on Customary IHL, rule 144.

[1436] See ICRC Study on Customary IHL, rule 144 (commentary); See ICRC, International Humanitarian Law and the Challenges of Contemporary Armed Conflicts, Geneva, December 2003, p. 47 (www.icrc.org/eng/assets/files/other/ihlcontemp_armedconflicts_ final_ang.pdf); Knut Doermann and Jose Serralvo, "Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations", International Review of the Red Cross (2014), 96 (895/896), 707–736 (https://www.icrc.org/en/international-review/article/common-article-1)

[1437] See ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 154.

[1438] Erga omnes obligations are owed towards the international community as a whole and are not merely bilateral obligations, as is the case with much international law. IHL is not reciprocal in character.

compliance. That still leaves open the question of who or what constitutes that "community". It may be thought to include both states acting together, as for example some representative part of the United Nations, or individual States.

906. In what circumstances can third parties require something of a party to a conflict, on account of concerns that international law may have been violated, and what may they require? Presumably, whatever may trigger a legitimate enquiry by a third party must also prima facie require activity by the party to whom the enquiry is addressed. It would be surprising if a third party could request an investigation where the party to a conflict was not itself already required to conduct one. A situation may arise, however, where it never occurs to the party to the conflict to conduct an investigation or where they address the question but decide that an investigation is not necessary, in circumstances in which an investigation should, in fact, have been conducted. While it will be exceptional for third parties to be able to assert that a war crime has been committed simply on the basis of the result of an attack, they may be able to suggest that there is a legitimate cause of concern that a war crime may have been committed. In many cases, it might be justified to raise a concern or even to assert that "the attack against A is unlawful unless party B can show X, Y and Z".

907. It should be recalled here that we are dealing with civil law, not criminal law and that we are dealing with the threshold for raising a concern rather than the standard of proof for determining responsibility. A sensible basis on which a State would be under a duty to raise its concerns would appear to be one of "reliable evidence" of a possible violation. In such circumstances, logically, the State should be entitled to a response. The nature of that response will depend on the question asked. Where, for example, concern is expressed at the choice of particular targets, it will not be sufficient for the party to reply in general terms that it only targets military objectives. A general response may be appropriate in relation to a general query but not in relation to a specific question.

908. Where a particular, isolated result is the basis for the expression of concern, then the possible wrongdoer needs to indicate the reason for the action or the reason for the particular form the action took. Where the matter raised concerns about a pattern of attacks which in each of several identified cases gave rise to a potentially unlawful result, the problem may relate not just to the individual attacks. Instead of a possible individual act of wrongdoing, this raises the possibility of a systematic pattern of wrongdoing or a systemic failing in the decision-making process. In such a situation, the party questioned needs to conduct an investigation, covering both the individual actions identified and the possibility that they constitute part of a pattern. The third party should be entitled to expect a fuller explanation, on account of the greater scope of the possible violation. Subject to the constraints of genuine issues of national security, the results of the investigation should be made known to the third party.

909. Another type of situation requiring a more in depth investigation could be where a prima facie wrongful result has occurred and where the alleged wrongdoer had complete and exclusive control of all the relevant events[1439].The most obvious example is where a healthy person is detained and dies in custody.[1440] While there is no reason in principle why this should be limited to the context of detention, the exclusivity of control required over the events suggests that it will only occasionally be applicable in the context of armed conflict.

[1439] The need for exclusive control does not prevent the possibility of joint control; Lopez Burgos v. Uruguay, Human Rights Committee, Communication No. R.12/52, U.N. Doc. Supp. No. 40 (A/36/40) at 176 (1981).

[1440] For example, Ribitsch v. Austria, European Court of Human Rights, judgment of 4 December 1995; Selmouni v. France European Court of Human Rights, judgment of 28 July 1999; Salman v. Turkey, European Court of Human Rights, judgment of 27 June 2000.

910. A particular problem that arises in conflict situations is that, generally, virtually all the relevant information remains in the hands of one party. It is this particular factor that may require more transparency in the type of investigation that needs to be conducted.[1441]

911. Other proactive steps to bring to an end violations by parties to the conflict must be carried out with due diligence.[1442] Third States are free to choose between different possible measures, as long as they are designed to ensure respect for the law. This implies, for example, that the continued adoption of a measure that has so far proven to be ineffective to ensure respect of the law may no longer be considered as adequate. Engaging in diplomatic dialogue, lending good offices, offering legal assistance and referrals to international bodies are examples of measures. However, the measures can also be stronger and include measures of retorsion, such as trade restrictions and the suspension of aid or cooperation agreements.[1443]

912. The measures that third States are expected to take differ according to the level of influence that a State exercises on the party to the conflict.[1444] In Yemen, the responsibility to take measures increases with the level of influence that a specific State has over the Government of Yemen, members of the coalition or the Houthis. This is particularly pertinent for States – in addition to members of the coalition that are directly involved as parties to the conflict – that provide support, directly or indirectly, to a party to the conflict through expert advice, intelligence, training, logistic support and/or the transfer of weapons. As regards the situation in Yemen, third State responsibility is thus particularly relevant, amongst others, for the United States,[1445] the United Kingdom,[1446] France,[1447] and the Islamic Republic of Iran,[1448] in view of the influence that these States exert on parties to the conflict.

913. The issue of arms transfer is illustrative insofar as it implies obligations to take both negative and positive measures. On the one hand, the obligation to ensure respect requires that States refrain from transferring weapons "if there is an expectation, based on facts or

[1441] For the consequences of this under human rights law, see Mansuroğlu v. Turquie, 43443/98, European Court of Human Rights, judgment of 26 February 2008.

[1442] The obligation entailed in Art. 1 common to the Geneva Conventions can be seen as an obligation of due diligence, in opposition to an obligation of result (see Knut Doermann and Jose Serralvo, "Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations", International Review of the Red Cross (2014), 96 (895/896), p. 710 (https://www.icrc.org/en/international-review/article/common-article-1).

[1443] ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 181; see for example Updated European Union Guidelines on promoting compliance with international humanitarian law, 2009/C 303/06 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52009XG1215(01), which provides examples of means at the disposal of the EU in its relation with third countries.

[1444] See ICRC Customary IHL study, rule 144 and ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 165.

[1445] For the United States involvement in the conflict in Yemen, see for example: Larry Lewis, "Promoting Civilian Protection during Security Assistance: Learning from Yemen", CNA Analysis and Solutions, May 2019, p. 9 (https://www.cna.org/CNA_files/PDF/IRM-2019-U-019749-Final.pdf).

[1446] For the United Kingdom's involvement in the conflict in Yemen, see for example: "Britain's Hidden War", Channel 4 Dispatches, April 2019 (https://www.channel4.com/press/news/britains-hidden-war-channel-4-dispatches).

[1447] For France's involvement in the conflict in Yemen, see for example: Discolose, "La France et le Yémen: cartographie d'un mensonge d'Etat", Mediapart, April 2019 (https://www.mediapart.fr/journal/international/150419/la-france-et-le-yemen-cartographie-d-un-mensonge-d-etat?utm_content=buffer5e34b&utm_medium=social&utm_source=Facebook_Page&utm_campaign=CM).

According to the findings of the Panel of Experts appointed to monitor compliance with the sanctions set up by Security Council resolution 2216(2015), Iran had failed to take the necessary measures to prevent the transfer of weapons to the Houthis (United Nations Security Council - Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council (S/2018/68), para. 13).

knowledge of past patterns, that such weapons would be used to violate [international humanitarian law].” This obligation requires an assessment to be made prior to any arms transfer.[1449] Other related positive measures include conditioning, limiting or refusing such arms transfers.[1450]

914. Similarly, the 2013 Arms Trade Treaty, to which France and the United Kingdom are parties, prohibits the transfer of conventional arms or related items if the State party has knowledge that they would be used in the commission of mass atrocities, including war crimes.[1451] In other cases, States need to consider the respect for international humanitarian law by the importing State prior to authorizing the export of conventional arms.[1452] According to international law, and as explicitly provided by the International Law Commission’s draft articles on State responsibility that are considered as an expression of customary international law, States have an obligation to cooperate to bring to an end – through lawful means –any serious breach of international law.[1453] Considered as serious are breaches by a State of an obligation arising under a peremptory norm of general international law.[1454] It is generally agreed that the prohibition of aggression, genocide, slavery, racial discrimination, crimes against humanity, torture, and the right to self-determination, as well as fundamental rules of international humanitarian law, amount to peremptory norms of international law.[1455] Such duty of cooperation is further implied in the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, as expressly recalled by almost all core international human rights treaties.[1456] In addition, international cooperation is an essential element of the realization of economic, social and cultural rights.[1457]

915. Third States also have an obligation not to recognize as lawful a situation created by a serious breach of international law, nor may they render aid or assistance in maintaining

[1449] ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 162; See also Updated European Union Guidelines on promoting compliance with international humanitarian law, 2009/C 303/06 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52009XG1215(01), B (16)(i); See Dörmann/Serralvo, p. 732–735;; ICRC, “Arms Transfer Decisions: Applying International Humanitarian Law Criteria”, Practical Guide, May 2007 (https://www.icrc.org/en/doc/assets/files/other/icrc_002_0916.pdf).

[1450] ICRC commentary to article 1 common to the Geneva Conventions, 2016, para. 181. See e.g. 31st International Conference of the Red Cross and Red Crescent, Geneva, 2011, Res. 2, Annex 1: Action Plan for Implementing International Humanitarian Law, Objective 5: Arms transfers (https://www.icrc.org/en/doc/resources/documents/resolution/31-international-conference-resolution-2-2011.htm);; 28th International Conference of the Red Cross and Red Crescent, Geneva, 2003, Agenda for Humanitarian Action, Final goal 2.3 (https://www.icrc.org/en/doc/assets/files/other/icrc_002_1103.pdf); Alexandra Boivin, “Complicity and beyond: International law and the transfer of small arms and light weapons”, International Review of the Red Cross, Volume 87 Number 859, September 2005 (https://www.icrc.org/en/doc/assets/files/other/irrc_859_boivin.pdf), p. 475-479.

[1451] Art. 6, para. 3 Arms Trade Treaty.

[1452] Art. 7, para. 1 Arms Trade Treaty.

[1453] International Law Commission Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Article 41, para. 1.

[1454] International Law Commission Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Article 40.

[1455] See ILC Draft articles on the Responsibility of States for Internationally Wrongful Acts with commentaries, 2001, Art. 26, para. 5, p. 85 and Art. 40, para. 4, p. 112-113 referring to *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports 1996, para. 79; See commentary to the 1969 Vienna Convention on the Law of Treaties, Art. 50, para. 3.

[1456] United Nation Charter, article 1(3); See Preamble of International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Right of the Child; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of Racial Discrimination and Convention on the Rights of Persons with Disabilities.

[1457] This can be seen throughout the ICESCR, see for example Art. 2(1), Art. 11(2) and Art. 23; see also Committee on Economic, Social and Cultural Rights, General Comment No.3 (the nature of States parties’ obligations).

that situation.[1458] Moreover, a State which knowingly aids or assists another State with a view to facilitating the commission by the latter of an internationally wrongful act is internationally responsible for doing so, provided that the act would have been wrongful if it had been committed by the assisting State itself.[1459] Accordingly, States that knowingly aid or assist parties to the conflict in Yemen in the commission of violations would be responsible for complicity in the relevant international humanitarian law violations.

(a) Conclusion

916. As in many other conflicts, it appears that common Article 1 to the Geneva Convention is not sufficiently considered by third States that are not directly involved in the conflict in Yemen, in particular those that exert or may exert a specific influence on the parties to the conflict. More specifically, it is questionable whether the United Kingdom, the United States, France, and the Islamic Republic of Iran are taking all reasonable measures to ensure the respect for international humanitarian law in Yemen.[1460] The same may be said for all States that transfer arms to the parties to the conflict in Yemen. With the number of public reports alleging and often establishing serious violations of international humanitarian law, no State can claim not to be aware of such violations being perpetrated in Yemen. As evidenced in the reports of the Group of Experts, parties to the conflict in Yemen have been committing violations that may lead to criminal responsibility for numerous war crimes.

917. For the States party to the Arms Trade Treaty, the mere fact that the State party has knowledge that the arms transfer would be used in the commission of war crimes in Yemen would be sufficient for a breach of the treaty to be established. According to its Article 6 (3): *"A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party."*

918. For all States, including those that are not party to the Arms Trade treaty, arms transfers to members of the coalition may trigger State responsibility in the sense that they may violate the obligation of States to cooperate to bring to an end any serious breach of international law, including serious violations of international humanitarian law.[1461] In certain cases, the provision of arms or logistic support to a party to the conflict could amount to knowingly aiding or assisting the party in the commission of an internationally wrongful act, hence making the state providing arms responsible for such act.[1462] This would also expose individuals in such countries to the risk of criminal responsibility for

[1458] International Law Commission Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Article 41(2), and the commentary thereto.

[1459] International Law Commission Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Article 16, and the commentary thereto.

[1460] See for example: Oona Hathaway, Alexandra Francis, Alyssa Yamamoto, Srinath Reddy Kethireddy and Aaron Haviland, "Common Article 1 and the U.S. Duty to Ensure Respect for the Geneva Conventions in Yemen", Just Security, April 2018 (https://www.justsecurity.org/55415/common-article-1-u-s-duty-ensure-respect-geneva-conventions-yemen/).

[1461] ILC Draft articles on the Responsibility of States for Internationally Wrongful Acts, article 41(1).

[1462] ILC Draft articles on the Responsibility of States for Internationally Wrongful Acts, Art. 16; see for example Alexandra Boivin, "Complicity and beyond: International law and the transfer of small arms and light weapons", International Review of the Red Cross, Volume 87 Number 859, September 2005 (https://www.icrc.org/en/doc/assets/files/other/irrc_859_boivin.pdf); Cordula Droege and David Tuck, "Fighting together and international humanitarian law: Ensuring respect for the law and assessing responsibility for violations (2/2)", Humanitarian Law and Policy, October 2017 (https://blogs.icrc.org/law-and-policy/2017/10/17/fighting-together-international-humanitarian-law-ensuring-respect-law-assessing-responsibility-violations-2-2/#_ftnref10).

aiding and abetting war crimes.[1463] Whether the conditions for complicity, notably for war crimes, are met as regards States supplying arms to Yemen remains to be established.[1464]

919. On various legal bases, the legality of arms transfers by France, the United Kingdom, the United States and other States to parties to the Yemeni conflict remains questionable. This question is currently the subject of various domestic court proceedings and parliamentary debates.[1465] Notwithstanding the outcome of these proceedings, the Group of Experts observes that the continued supply of weapons to parties involved in the conflict in Yemen perpetuates the conflict and the suffering of the population.

XI. Conclusions and Recommendations

A. Conclusions

920. The parties to the conflict in Yemen are responsible for an array of human rights violations and violations of international humanitarian law. Some of these violations are likely to amount to war crimes.

921. The practical impact of these violations on the lives of ordinary Yemenis has been immense and wide ranging. Shelling and airstrikes hit people going about their daily lives, often without warning in areas where there is no active combat ongoing, creating the sense that there is no safe place to hide from the fighting. Landmines left by the Houthis kill and maim people long after battles have subsided. The blockade, siege-like tactics, attacks impacting objects essential to the survival of the population and impediments to the delivery of aid deprive the population of necessary items while Yemen is undergoing an unprecedented humanitarian crisis. People are arrested and detained arbitrarily, disappeared, subjected to torture and ill-treatment, including sexual violence, and in some cases documented by the Group of Experts, have died in the custody of parties to the conflict or shortly after release. The population lives in fear of being detained or otherwise targeted for any perceived dissent. Parties actively recruit children, including through force. Civilians unable or unwilling to support the cause of the party in control of the area in which they reside suffer regular punishments. Parties carefully police activists, journalists, and human rights defenders and humanitarian workers, and impose on them restrictions in

[1463] Art. 25 3. (c) Rome Statute.

[1464] See various articles on that topic as regards arms transfers to Yemen possibly amounting to complicity of the United States (https://www.justsecurity.org/62363/saudi-coalition-admission-error-bombing-cholera-treatment-center-implicates-united-states/); and/or of the United Kingdom (https://www.theguardian.com/law/2019/jun/20/uk-arms-sales-to-saudi-arabia-for-use-in-yemen-declared-unlawful?CMP=Share_iOSApp_Other; https://www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-without-us-the-uks-true-role-in-yemens-deadly-war?CMP=share_btn_fb; https://www.justsecurity.org/32656/law-aiding-abetting-alleged-war-crimes-assess-uk-support-saudi-strikes-yemen/); and of France (https://www.hrw.org/fr/news/2019/04/15/yemen-appel-de-10-ong-apres-lenquete-de-disclose-sur-le-yemen).

[1465] Court proceedings are notably currently pending in France, Italy, and the United Kingdom; the issue has also been the subject of congressional/parliamentary debates and resolutions in, for example, the United States, Australia, and Italy; several countries have reportedly suspended arms exports to Saudi Arabia, including: Belgium, Germany (although indirect sales through France were reported and questions remain over deliveries under extant licenses) and the Netherlands.. Canada reportedly announced that it would initiate a review process of arms exports but civil society have expressed concerns at the fact that this review remains pending. Data on arms transfers is available from national reports on arms exports, publicly available judicial decisions and congressional/parliamentary resolutions, and independent research of human rights organizations and think tanks which have examined arms sales and supplies. The issue of arms sales and supplies to parties to the conflict has also been widely discussed in international and national media (see for example Samuel Perlo-Freeman, “Who is arming the Yemen war? An update”, March 2019, https://sites.tufts.edu/reinventingpeace/2019/03/19/who-is-arming-the-yemen-war-an-update/).

their work, often resulting in discontinuation of services they provide to people in need. All of these acts amount to violations of the rights of the Yemeni population, and many of them amount to violations of international law, including international crimes.

922. Where frontlines of the armed conflict have remained relatively static for years, as in Ta'izz, the continued use of siege tactics that make life unbearable for civilians is indefensible, increasingly so as the extreme impact on the population becomes ever more apparent over time. Similarly, the continuation of practices that affect the whole population such as restrictions on commercial goods and delaying and diverting humanitarian aid, which are visibly starving the population, are simply inexcusable. Yemen continues to be referred to as the "world's worst humanitarian crisis" while in the same breath it is acknowledged as "man-made", something that the Group has seen ample evidence to support. That this continues in the face of the clear knowledge of the parties as to the effects of their tactics on the survival of the population has led the Group to conclude that these acts may amount to violations of international law, and even international crimes.

923. The progress on discussions aimed at reaching a political settlement in 2018, which resulted in the Stockholm Agreement ceasefire in al-Hudaydah and agreements for three major commercial ports as well as a statement of understanding on Ta'izz, and a plan for exchange of prisoners was encouraging. However, the implementation of the Agreement has been far less so. While the ceasefire in al-Hudaydah helped prevent further exacerbation of the already catastrophic humanitarian crisis facing Yemen, instead of using this as an opportunity to focus on political settlement, the parties shifted their efforts and resources to reinforce and further push frontlines in other areas. Where battles continue, civilians flee their homes, often in dire circumstances, facing impossible journeys, and both those fleeing and those who stay are regularly affected by the indiscriminate use of weapons that destroys families and livelihoods.

924. The Group of Experts has identified a number of individuals who may bear responsibility for violations and possible crimes. The individuals concerned should be investigated with a view to prosecution. Their names have been communicated on a strictly confidential basis to the High Commissioner for Human Rights.

925. The failure of parties to acknowledge any responsibility for violations and their refusal to take any meaningful steps to remedy the situations from which they occur has resulted in a pervasive lack of accountability, which only further encourages the cycle of disregard for the rights of the Yemeni population and foments impunity for crimes committed in Yemen. The Government of Yemen has a responsibility to remedy the violations as a matter of the utmost urgency. The de facto authorities and members of the coalition, including Saudi Arabia and the United Arab Emirates, bear enormous responsibility and must take action against those within their ranks who are responsible. The onus is also on the international community, especially those States that have influence over parties to the conflict, to both condemn and take appropriate steps to prevent the violations and assist Yemen in ensuring that the perpetrators of crimes are held to account. Moreoever, the continued supply of weapons to parties involved in the conflict in Yemen perpetuates the conflict and the suffering of the population.

926. The steps required to address the human rights and international law violations in Yemen have been continually discussed, and there can no longer be any excuses made for failure to take meaningful steps to address them. The Group of Experts and the United Nations High Commissioner for Human Rights have formulated concrete recommendations in their reports to the Human Rights Council (A/HRC/30/31, A/HRC/33/38, A/HRC/36/33, A/HRC39/43, and A/HRC/42/17), as have many international and national civil society organizations. These recommendations should be implemented immediately.

927. As the population continues to suffer, it is abundantly clear that ending the suffering of the Yemeni people is impossible without peace, which will only come from a negotiated political settlement that includes measures for ensuring accountability for human rights violations. Without such a settlement, Yemen is destined to continue this cycle of violence and serious violations of international law. The international community has an obligation to support Yemen in achieving sustainable peace.

B. Recommendations

1. To all parties to the conflict in Yemen:

928. All parties to the conflict must comply with their obligations under international law to protect civilians and minimize the impact of the armed conflict on them. To this end all parties to the conflict should:

(a) cease all acts of violence directed against civilians;

(b) ensure that all military operations comply with the principles of distinction, proportionality, and precautions in attack; cease all attacks that are directed at civilians, are indiscriminate, or cause excessive loss of civilian lives or damage to civilian objects;

(c) cease all arbitrary killings, arbitrary detentions, torture, ill-treatment, and enforced disappearances;

(d) cease the perpetration of sexual and gender-based violence against women, girls, men and boys;

(e) cease any measures that exacerbate the humanitarian crisis; in particular, immediately cease attacks against objects indispensable to the survival of the population; take the necessary steps to remove disproportionate restrictions on the safe and expeditious entry of humanitarian supplies and other goods indispensable to the civilian population;

(f) allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control; permit and facilitate free and unfettered access to all parts of Yemen for national and foreign journalists and human rights workers to investigate and report on alleged violations and abuses;

(g) cease and prevent the recruitment and use of children in the armed conflict; further ensure the demobilization and effective disarmament of all children who were recruited and/or used for military purposes; and implement effective measures for their rehabilitation, physical and psychological recovery, and reintegration into society.

2. To the Government of Yemen:

929. The Government of Yemen, including civilian authorities and the Yemeni armed forces as relevant, must comply with obligations under international humanitarian and human rights law. To this end, in addition to the above recommendations to all parties to the conflict, the Government should:

(a) acknowledge the role of the Yemeni armed forces and affiliated groups in the perpetration of violations of international human rights law and international humanitarian law, including sexual and gender-based violence and violations against children;

(b) issue clear, public and explicit instructions to all branches of the Yemeni armed forces and other security forces that torture, rape, sexual violence, violations against children and other human rights violations are strictly prohibited; order the Yemeni armed forces and all security forces to comply with international human rights law and international humanitarian law, as applicable;

(c) work to end impunity and ensure full accountability for violations of international human rights law, international humanitarian law, and crimes under international law by pursuing all credible allegations of such violations, abuses, and crimes through prompt, effective and thorough, credible, independent and impartial gender-sensitive investigations, bringing perpetrators to account in line with international human rights norms and standards; include a specific focus on the investigation, prosecution and punishment of direct perpetrators and their superiors for acts of sexual and gender-based violence and grave violations against children; specifically ensure investigations are conducted into the allegations raised in the reports of the Group of Experts;

(d) ensure that all credible allegations of human rights violations, violations of international humanitarian law, and international crimes by members of the coalition are investigated impartially and transparently and that the findings are made public; ensure

accountability, including, where appropriate, prosecution by a competent judicial authority for those implicated in war crimes;

(e) establish a procedure whereby individuals can report disappearances, ensuring that reports are investigated independently from the Yemeni armed forces, efforts are undertaken to find the victim, and any perpetrators are held to account;

(f) adopt a comprehensive policy and package of measures regarding the fulfilment of the right to reparation of victims of serious human rights and humanitarian law violations; ensure compensation is provided by the Government of Yemen or the coalition for wrongful civilian deaths, injuries and harm, and ensure systems are in place for civilians to request such compensation;

(g) strengthen the independence, resources, and capacity of the National Commission to Investigate alleged Violations to Human Rights; ensure that the Commission has the capability and capacity to investigate all allegations of violations;

(h) ensure that survivors, especially in cases of sexual violence and torture, have unrestricted access to free, confidential medical support, including psychological and psychosocial support or mental healthcare as needed; integrate such support into broader long-term social care and support provided by the State to vulnerable persons;

(i) end all harassment and persecution of human rights defenders, lawyers, journalists, activists and other members of civil society, for the peaceful exercise of their rights to freedom of expression, association and assembly;

(j) ensure effective access of all children to all essential public services, including education and healthcare; have particular regard for those children who have lost their primary care givers during the conflict; provide psychological support and mental health assistance to children affected by conflict as a priority;

(k) take the appropriate steps, as feasible, to ensure the realization of the right to an adequate standard of living of the population, in particular women and children; ensure effective access to essential services including protection for vulnerable communities, including migrants, people with disabilities, and the elderly, and take positive measures to ensure these groups are not disproportionally impacted by the conflict.

3. To the de facto authorities

930. The de facto authorities, including affiliated armed actors as relevant, must comply with obligations under international humanitarian law and, in areas under their control, with international human rights law. To this end, in addition to the above recommendations to all parties to the conflict, the de facto authorities should:

(a) cease the indiscriminate use of anti-vehicle landmines and cease all use of anti-personnel landmines; mark, remove, clear, destroy or otherwise render harmless to civilians all landmines;

(b) acknowledge the role of Houthi-affiliated persons in the perpetration of violations of international human rights law and international humanitarian law, including sexual and gender-based violence and violations against children;

(c) issue clear, public and explicit instructions to all relevant actors under the control of the de facto authorities that torture, rape, sexual violence, violations against children and other human rights violations are strictly prohibited; order all relevant actors, including security forces, to comply with international human rights law and international humanitarian law, as applicable;

(d) work to end impunity and ensure full accountability for violations of international human rights law, international humanitarian law, and crimes under international law by pursuing all credible allegations of such violations, abuses, and crimes through prompt, effective and thorough, credible, independent and impartial gender-sensitive investigations, bringing perpetrators to account in line with international human rights norms and standards; include a specific focus on the investigation, prosecution and punishment of direct perpetrators and their superiors for acts of sexual and gender-based

violence and grave violations against children; specifically ensure investigations are conducted into the allegations raised in the reports of the Group of Experts;

(e) establish a procedure whereby individuals can report disappearances, ensuring that reports are investigated independently, efforts are undertaken to find the victim, and any perpetrators are held to account;

(f) adopt a comprehensive policy and package of measures regarding the fulfilment of the right to reparation of victims of serious human rights and humanitarian law violations and abuses; ensure compensation is provided for wrongful civilian deaths, injuries and harm, and ensure systems are in place for civilians to request such compensation;

(g) ensure that survivors, especially in cases of sexual violence and torture, have unrestricted access to free, confidential medical support, including psychological and psychosocial support or mental healthcare as needed;

(h) end all harassment and persecution of human rights defenders, lawyers, journalists, activists and other members of civil society, for the peaceful exercise of their rights to freedom of expression, association and assembly;

(i) ensure effective access of all children to all essential public services, including education and healthcare; have particular regard for those children who have lost their primary carer givers during the conflict; provide psychological support and mental health assistance to children affected by conflict as a priority;

(j) cease violations of fundamental freedoms and ensure that people are allowed to practice their peaceful rights to freedom of thought, belief, opinion and expression, assembly and association;

(k) cease the use of hate speech, in particular where it amounts to advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence;

(l) ensure effective access to essential services including protection for vulnerable communities, including migrants, people with disabilities, and the elderly, and take positive measures to ensure these groups are not disproportionally impacted by the conflict.

4. To the coalition, including Saudi Arabia and the United Arab Emirates

931. The coalition States, including Saudi Arabia and the United Arab Emirates as leaders of the coalition, should comply with obligations under international humanitarian law and international human rights law. Towards this end, in addition to the above recommendations to all parties to the conflict, the coalition should:

(a) acknowledge the role of the Saudi Arabian forces, United Arab Emirates forces and affiliated armed groups in the perpetration of violations of international human rights law and international humanitarian law;

(b) issue clear, public, explicit instructions to coalition forces that they must adhere to international humanitarian law, including taking all feasible measures to protect civilians from harm during military operations; further make clear that torture, rape, sexual violence, violations against children and other human rights violations are strictly prohibited;

(c) strengthen the independence and capacity of the Joint Incidents Assessment Team, including ensuring that all credible allegations of human rights violations and international crimes by members of the coalition are investigated impartially and transparently;

(d) ensure that the Joint Incidents Assessment Team provides reasoned public statements explaining the outcomes of each and every one of its investigations;

(e) ensure accountability for violations, including, where appropriate, prosecution by a competent judicial authority for civilian government officials and military personnel at all levels of command implicated in war crimes;

(f) provide compensation for wrongful civilian deaths, injuries and harm, and ensure systems are in place for civilians to be informed of investigation results and to request compensation or other forms of redress;

(g) systematically track civilian casualties from coalition military operations as part of post-operation battle damage assessments; explain the basis for determining whether a person killed or injured by a coalition operation is a civilian; provide regular public updates on the number of civilian casualties caused by coalition military operations;

(h) continually review civilian casualty findings to understand causes for harm to civilians and use the information to establish lessons learned to prevent future such occurrences;

(i) immediately shut down all secret detention facilities and hand over to the Government of Yemen all detainees under the control of coalition States or affiliated armed groups whose detention is not in accordance with the laws of Yemen or international law.

5. To third States

932. States should take all reasonable measures designed to ensure respect for international humanitarian law by all parties to the conflict, taking into account their level of influence.

933. Considering the prevailing risk that arms provided to parties to the conflict in Yemen may be used to commit or facilitate serious violations of international humanitarian law and international human rights law, States should prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to such parties.

6. To the United Nations and the international community

934. The international community, including States and regional and international organizations, should promote and support all efforts, notably by the Special Envoy of the Secretary-General for Yemen, to reach a cessation of hostilities and achieve a sustainable and inclusive peace and to ensure accountability for serious violations and crimes.

935. The international community, through the United Nations, should use all diplomatic, humanitarian and other peaceful means to assist Yemen in meeting its responsibility to protect its people from war crimes and violations of international human rights law.

936. The Human Rights Council should ensure that the situation of human rights in Yemen remains on its agenda by renewing the mandate of the Group of Experts.

937. The Human Rights Council should request the Group to report periodically to the Council and to collect and preserve evidence of alleged violations.

938. The Human Rights Council should ensure that the resources provided to the Group of Experts allow for the effective delivery of its mandate, including for assuring continuity of the secretariat.

939. The Human Rights Council should urge the Security Council to emphasize the human rights dimensions of the conflict in Yemen and the need to ensure that there will be no impunity for the most serious crimes.

940. Relevant regional organizations should develop strategies to ensure accountability for perpetrators of crimes under international law in Yemen, including through sustained engagement with Yemen and support for an international justice mechanism.

941. Member States should exercise jurisdiction to investigate and prosecute alleged perpetrators of serious crimes under international law committed in Yemen.

Annex I

[Arabic and English only]

Mapping of military and security apparatus and armed groups

1. Kingdom of Saudi Arabia

Serial	*Name*	*Position*	*Assessment/ remarks*
1	Crown Prince Mohammad Bin Salman الامير محمد بن سلمان	Minister of Defence	23 January 2015[1466] At the top of the decision-making process
2	General Fayyadh al-Ruwaili[1467] الفريق اول الركن فياض بن حامد الرويلي	Chairman of the Joint Chiefs of Staff	27 February 2018
3	Prince Lieutenant General Fahad bin Turki bin Abdalazeez الامير الفريق ركن فهد بن تركي بن عبدالعزيز	Joint Forces Commander	Coalition Commander since 27 February 2018 Commander of the Royal Saudi Land Forces from April 2017 -27 February 2018
4	Lieutenant General Fahd bin Abdallah al-Mtair[1468] الفريق ركن فهد بن عبدالله المطير	Land Forces Commander	27 February 2018
5	Prince Lieutenant General Turki bin Bandar bin Abdalazeez al-Saud[1469] الامير الفريق ركن تركي بن بندر بن عبدالعزيز آل سعود	Air Force Commander	27 February 2018
6	Vice Admiral Fahd bin Abdulla al-Ghufaili [1470] الفريق الركن فهد بن عبدالله الغفيلي	Naval Commander	4 November 2017
7	Lieutenant General Mazyad Sulaiman al-Amro[1471] الفريق الركن مزيد بن سليمان العمرو	Air Defence Commander	27 February 2018
8	Lieutenant General Jarallah bin Mohammed bin Jarallah al-Elwait الفريق الركن جار الله بن محمد بن جار الله العلويط	Strategic Missile Force Commander	27 February 2018
9	Major General Pilot Abdullah al-Ghamdi اللواء الركن الطيار عبدالله الغامدي	Air Operations, Deputy Air Force Commander	Coalition Deputy Commander[1472]

[1466] https://www.mod.gov.sa/en/Leaders/Minister/Pages/default.aspx

1467 Replaced General Abdulrahman bin Saleh al-Bunyan who had this post since 2014. See: https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1729621

[1468] Replaced Prince Lieutenant General Fahad bin Turki bin Abdalazeez. See: http://www.janes.com/article/78278/top-saudi-commanders-replaced

[1469] Replaced Major General Mohammed Saleh al-Outaibi. See: https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1729618

[1470] Replaced Admiral Abdullah bin Sultan bin Mohammad al-Sultan

[1471] Replaced Lieutenant General Mohammed bin Awadh bin Mansour Suhaim

[1472]https://www.alyaum.com/articles/6196244/%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9-%D8%A7%D9%84%D9%8A%D9%88%D9%85/%D8%A7%D9%84%D9%84%D9%88%D8%A7%D8%A1-%D8%A7%D9%84%D8%BA%D8%A7%D9%85%D8%AF%D9%8A-%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D8%AD%D8%B1%D9%8A%D8%B5-%D8%B9%D9%84%D9%89-%D8%AA%D8%B7%D8%A8%D9%8A%D9%82-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A

2. United Arab Emirates

Serial	*Name*	*Position*	*Assessment/ remarks*
1	Sheikh Mohammed bin Zayed al-Nahyan الشيخ محمد بن زايد آل نهيان	Deputy Supreme Commander	Top of decision-making process
2	Sheikh Mohammed bin Rashid al-Maktoum[1473] الشيخ محمد بن راشد آل مكتوم	Minister of Defence	
3	Lieutenant General Hamad Mohammed Thani al-Romaithi[1474] الفريق الركن حمد محمد ثاني الرميثي	Chief of Staff of the Armed Forces	3 January 2005
4	Major General Eisa Saif al-Mazrouei اللواء الركن المهندس عيسى سيف بن عبلان المزروعي	Deputy Chief of Staff	
5	Major General Saleh Mohammad Saleh al-Ameri اللواء صالح محمد صالح العامري	Commander of Ground Forces	
6	Major General Ibrahim Nasser Mohammed al-Alawi اللواء الركن الطيار ابراهيم ناصر محمد العلوي	Commander of Air Force and Air Defence	
7	Major General Sheikh Saeed Bin Hamdan Bin Mohammad al-Nahyan[1475] اللواء الركن الشيخ سعيد بن حمدان بن محمد آل نهيان	Commander of Navy	On 11 October 2017 replaced Rear Admiral Ibrahim al-Musharrakh
8	Brigadier General Ali Ahmed al-Tanjee العميد الركن علي احمد الطنيجي	Coalition Commander	Aden, May 2015 - January 2016 al-Hudaydah[1476],2018 - 2019
9	Brigadier General Ali al-Nuaimee العميد الركن علي سيف النعيمي	Coalition Commander	Aden, January 2016 - July 2016
10	Brigadier General Sultan al-Habsee العميد الركن سلطان الحبسي	Coalition Commander	Aden, July 2016 - January 2017
11	Brigadier General Naser Mushabab al-Otaibee العميد الركن ناصر مشبب العتيبي	Coalition Commander	Aden, January 2017 – July 2017
12	Brigadier General Ahmed al-Blushee aka Abu Majed	Coalition Commander	Aden, July 2017 – January 2018

[1473] https://uaecabinet.ae/en/biography

[1474] https://uaecabinet.ae/en/details/news/ chief-of-staff-of-armed-forces-promoted-to-the-rank-of-minister

[1475] His rank is Major General (Rear Admiral)

[1476] https://arabic.cnn.com/middle-east/article/2018/09/18/saudi-led-coalition-launches-offensive-strategic-yemeni-port-city; https://twitter.com/amalka4_al.; https://al-ain.com/article/al-hodeidah-yemen-arab-alliance-al-taniji

	العميد الركن احمد البلوشي المكنى ابو ماجد		
13	Brigadier General Muhammad el-Hasani[1477] العميد الركن محمد الحساني	Coalition Commander	Aden, January 2018 – July 2018
14	Brigadier General Awad Saeed al-Ahbabi[1478] العميد الركن عوض سعيد الاحبابي	Coalition Commander	Aden, July 2018 – January 2019
15	Brigadier General Rashed Saeed al-ghafli aka Abu Mohammed[1479] العميد الركن راشد سعيد الغفلي المكنى ابو محمد	Coalition Commander	Aden, January 2019 – July 2019
16	Brigadier General Abd el-Salam al-Shahi[1480] العميد الركن عبد السلام الشحي	Coalition Commander	Western Coast, 2015 – 2019
17	Abu Khalifa Said al-Mahri[1481]	Coalition Intelligence Officer	Aden, Abyan, Lahj, 2015 – 2019. UAE field commander for the Security Belt (he gives orders to the heads of the Security Belt).

[1477] Confidential Sources on File

[1478] https://almawqeapost.net/news/32379
https://www.alquds.co.uk/%EF%BB%BF%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-%D9%82%D9%8A%D8%A7%D8%AF%D9%8A-%D9%81%D9%8A-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D8%A5%D8%B5%D9%84%D8%A7%D8%AD-%D8%A7%D8%AD%D8%AA%D8%AC

[1479] https://www.alayyam.info/news/7V89EB9O-3B9G6V-A58A
https://www.alwatanvoice.com/arabic/news/2019/07/15/1259578.html
https://www.cratersky.net/posts/19296

[1480] https://www.skynewsarabia.com/middle-east/1065290-%D9%82%D8%A7%D9%8A%D9%94%D8%AF-%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D8%A8%D8%A7%D9%84%D8%B3%D8%A7%D8%AD%D9%84-%D8%A7%D9%84%D8%BA%D8%B1%D8%A8%D9%8A-%D9%8A%D8%B9%D9%84%D9%86-%D8%AA%D8%AD%D8%B1%D9%8A%D8%B1-%D9%85%D8%B7%D8%A7%D8%B1-%D8%A7%D9%84%D8%AD%D8%AF%D9%8A%D8%AF%D8%A9-%D8%A8%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84

[1481] Confidential Sources on File

Government of Yemen

a. **Yemen Armed Forces[1482]**

Serial	*Name*	*Positon*	*Assessment/ remarks*
1	President Abd Rabbu Mansour Hadi[1483] الرئيس عبد ربه منصور هادي	Supreme Commander of the Armed Forces[1484]	February 2012
2	Major General Ali Mohsen al-Ahmar الفريق الركن علي محسن الاحمر	Vice President[1485]	3 April 2016
3	Major General Mohammad Ali al-Maqdashi الفريق الركن محمد علي المقدشي	Minister of Defence[1486]	8 November 2018
4	Major General Abdullah Salem Ali al-Nakhai[1487] اللواء الركن البحري عبدالله النخعي	Chief of the General Staff[1488]	8 November 2018
5	Major General Saleh al-Zindani اللواء الركن صالح الزنداني	Deputy Chief of General Staff	Al-Zindani was among 11 people injured in a Houthi drone attack on 10 January 2019 at al-Anid Base in Lahij. He died a month later
6	Major General Tahir Ali al-Aqaili اللواء الركن طاهر علي العقيلي	Adviser to the Supreme Commander[1489]	8 November 2018 Former Chief of General Staff
7	Major General Khaled Qassem Fadhal اللواء الركن خالد قاسم فاضل	Adviser to Minister of Defence[1490]	When conflict first broke out Fadhel rallied locals to fight the Houthi/Saleh alliance in his home district of Jabal Habashi. After Ta'izz was controlled by the Houthis President Hadi appointed him commander of the Ta'izz Axis in August 2016. On 31 December 2018, he was appointed as adviser to the Minister of Defence.
8	Major General Saghir Aziz اللواء الركن صغير بن عزيز	Joint Operations Commander[1491]	11 July 2019
9	Major General Ahmad Mohsen Salem al-Yafa'ay اللواء الركن أحمد محسن سالم اليافعي	Chief of Mil. Intelligence Staff[1492]	On 22 January 2019, he replaced Major General Mohammad Saleh Tamah who was killed on January 2019 in al-Anid drone incident.

[1482] See Appendix 1, Yemen Armed Forces Organizational Structure

[1483] https://www.nytimes.com/2012/02/25/world/middleeast/yemen-to-get-a-new-president-abed-rabu-mansour-hadi.html

[1484] See appendix 2, Government of Yemen Security Apparatus

[1485]Presidential Decree 48 (2016) https://www.facebook.com/alimohsensalehalahmar/posts/1011971235550346/

[1486] Presidential Decree 71 (2018). https://almasdaronline.com/article/republic-decrees-appointing-minister-of-defence-chief-of-staff-and-governor-of-aden. Also, see UN document S/2019/83

[1487] UN document S/2019/83

[1488] Replace Major General Tahir Ali al-Aqaili

[1489] Presidential Decree 182 (2018). Available on https://www.almashhad-alyemeni.com/121600

[1490] Presidential Decree 189 (2018)available on https://almasdaronline.com/articles/162681

[1491] https://m.facebook.com/story.php?story_fbid=2496705833693803&id=476830182348055

[1492] Presidential Decree 12 (2019). Available on: https://naba-ye.com/news1105.html

10	Major General Saleh Mohammad Timis اللواء الركن صالح محمد طميس	1st Military District Commander[1493]	Seiyoun, Hadramaut, 22 November 2016
11	Major General Faraj Salamin al-Bahasani اللواء الركن فرج سالمين البحسني	2nd Military District Commander[1494]	al-Mukalla, Hadramaut, Since 2015. Most influence in al-Sahel, he is a governor and 2nd military district commander and Hadramout Elite Force Commander
12	Major General Faisal Ali Qaid Hassan اللواء الركن فيصل علي قايد حسن	3rd Military District Commander[1495]	Ma'rib , 26 May 2018 Serwah Axis commander 2018 On 14 August 2019 replaced by Brigadier General Mohammed Ahmed al-Habaishi[1496]
13	Major General Fadhl Hasan اللواء الركن فضل حسن العمري	4th Military District Commander[1497]	Aden, 21 November 2016 He has good relations with STC
14	Major General Yahya Hussien Salah اللواء الركن يحي حسن صالح	5th Military District Commander[1498]	Midi, Hajjah, 17 February 2018
15	Major General Hashem Abdallah al-Ahmar اللواء الركن هاشم عبدالله الاحمر	6th Military District Commander[1499]	al-Jawf, 17 February 2018
16	Major General Mohsen Ahmed Mohammed al-Khabi اللواء الركن محسن احمد الخبي	7th Military District Commander[1500]	Nahim, Sana'a, 5 August 2018

[1493] Presidential Decree 154 (2016). https://www.almashhad-alyemeni.com/61690
[1494] On 29 June 2017, President Hadi named Major General Faraj al-Bahasani, Governor of Hadramaut, to replace Major General Ahmed bin Breik, Presidential Decree 34 (2017) available on: https://arabic.sputniknews.com/arab_world/201508161015325772
[1495] Presidential Decree 109 (2018). Replacing Major General Ahmed Hassan Gibran. Available on https://www.alsahwa-yemen.net/p-18771
[1496] Presidential Decree No. 106 (2019). See: https://presidenthadi-gov-ye.info/ar/archives/%D9%82%D8%B1%D8%A7%D8%B1-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%85%D9%87%D9%88%D8%B1%D9%8A%D8%A9-%D8%A8%D8%AA%D8%B9%D9%8A%D9%86-%D8%A7%D9%84%D8%B9%D9%85%D9%8A%D8%AF-%D8%A7%D9%84%D8%B1%D9%83/
[1497] Yemen's Southern Powder keg, Chatham House, Peter Salisbury, 2018. Presidential Decree 155 (2016)
[1498] Presidential Decree 20 (2018). Available on: https://www.almashhad-alyemeni.com/104230. Also, https://www.youtube.com/watch?v=tbu9zpVUNPM
[1499] Presidential Decree 20 (2018) Replacing Major General Wae'l al-Dulaymi who had been in that position since 2015. See https://al-arabi.com/s/21767
[1500] Presidential Decree 151 (2018). See https://al-ain.com/article/yemen-president-army

b. Main Actors in Aden I (2015), Government of Yemen

Serial	*Name*	*Position*	*Assessment/ remarks*
1	President Abd Rabbu Mansour Hadi[1501] الرئيس عبد ربه منصور هادي	Supreme Commander of the Armed Forces	25 March 2015 left Aden to al-Mahra then to Oman then to Saudi Ariabia
2	Ali Hassan al-Ahmadi الدكتور علي حسن الاحمدي	National Security Bureau	On 25 March 2015, accompanied President Hadi when he left Aden Now, Yemen's Ambassador to Bahrain
3	Major General Mahmoud al-Subaihi, اللواء محمود الصبيحي	Minister of Defence	Loyal to President Hadi He was captured by the Houthis on March 25 near al-Anad base.
4	Major General Nasser Mansour Hadi اللواء ناصر منصور هادي	director of political security in Aden, Lahj and Abyan	President Hadi's brother Loyal to President Hadi He was captured by the Houthis on March 25 near al-Anad base.
5	Brigadier General Faisal Rajab العميد فيصل رجب	119 Infantry Brigade Commander	Loyal to President Hadi He was captured by the Houthis on March 25 near al-Anad base.
6	Colonel Abd al-Latif al-Sayyad[1502] العقيد عبداللطيف السيد	Head of Abyan popular Committees	Fought against central security forces in Aden during March 2015 Now, Commander of Abyan Security Belt Forces Supported by UAE
7	Major General Ali Naser Lakhsha' اللواء علي ناصر الاخشع	Deputy Minister of Interior	Tasked to rearrange the security departments in Aden after the escape of the central security forces
8	Brigadier General Mohammed Saleh Tamah العميد محمد صالح طماح	Al-Anad Axes Commander	Played a significant role in al-Anad front during the fight against Houthi-Saleh groups in 2015. On 13 January 2019, killed in al-Anad base by a Houthi drone.
9	Major General Fadhl Hasan اللواء الركن فضل حسن العمري	al-Anad base commander	Played a prominent role in operations of defeating Houthi-Saleh and led the recapture of al-Anad air base in August 2015
10	Major General Abed Rabbo al-Tahiri اللواء عبد ربه الطاهري	4th Military District commander	On 2 January 2015, he was appointed commander of the 4th Military District located in Aden[1503]
11	Brig. Gen. Faraj Hussein al-Atiki al-Awlaki العميد فرج حسين العتيقي العولقي	39th Armoured Brigade Commander	39th brigade HQs in Bir Ahmed, Aden. All brigade weapons' and equipment were plundered by civilians.
12	Adeeb Mohammad Saleh Al Aissi[1504]	Resident Leader	Resident leader in charge of Dar Sa'ad, Bassateen, and Bir Fadhel during the battale.

[1501] https://www.nytimes.com/2012/02/25/world/middleeast/yemen-to-get-a-new-president-abed-rabu-mansour-hadi.html
[1502] Confidential Sources on File. See also: http://www.dailymail.co.uk/wires/ap/article-3009836/In-south-Yemen-militia-leader-presidents-ally.html
[1503] https://sahafahnet.net/news1727065.html
[1504] Confidential Sources on File

اديب محمد صالح العيسى

c. Main Actors in Aden II (2018-2019), Government of Yemen[1505]

Serial	*Name*	*Position*	*Assessment/ remarks*
1	Ahmad al-Maisari	Minister of Interior	He led August 2019 operations in Aden against STC forces. Anti-UAE[1506]
2	Major General Aydaroos al-Zubaidi[1507] اللواء عدروس الزبيدي	President of Southern Transitional Council (STC)[1508]	A Salafist leader from al-Dhale'e backed by UAE , served as a governor of Aden from 7 December 2015 until 27 April 2017. On 11 May 2017, Aydaroos al-Zubaidi, established the STC and became its president.
3	Sheikh Hani Bin Brek[1509] الشيخ هاني بن بريك	Vice President of the Southern Transitional Council	A Salafist leader backed by UAE, his previous position was State Minister from 6 January 2016 until 27 April 2017[1510] . Provides religious and moral guidance to the security belt forces. He is known for his anti-al-Islah party positions.
4	Major General Shallal al-Shaye[1511] اللواء شلال الشايع	Public Security Director[1512]	On 8 December 2015, he was appointed as Public Security Director of Aden. He works simultaneously with the UAE on detentions. UAE provides logistical support and other resources to Aden Police. [1513] He commands all Security Belt forces in Aden, and the Security Belt network of unofficial detention facilities in Aden
5	Brigadier General Wadhah Omer Abdul Aziz[1514] العميد وضاح عمر عبد العزيز	Commander Security Belt and 3rd Support Brigade[1515]	No Salafi background. Security Belt force is UAE-backed force from southern Yemen affiliated with the STC; It has more than 15,000 troops, deployed in Aden, Abyan, al-Dhalea and Lahij. Involved in UAE-led operations against AQAP and the Islamic State. The Security Belt has dominated security in Aden after clashes with troops loyal to President Hadi in January 2018 and August 2019.
6	Brigadier General Mounir Muhamoud Ali, aka Abul	Commander	Security Belt units receive orders from UAE, arresting people from the streets and houses,

[1505] See Appendix 3, Main Security Actors in South Governorates of Yemen
[1506] http://abaadstudies.org//news-59816.html
[1507] Confidential Sources on File. Also, see UN document, S/2019/83
[1508] https://stc-eu.org/ar/sueduebergangsrat/. Also see https://www.facebook.com/Aidrooszubidi ; https://twitter.com/AidrosAlzubidi ; https://www.facebook.com/Aidrooszubidi
[1509] Confidential Sources on File. Also, see UN document, S/2019/83
[1510] Presidential Decree 45 (2016). Available on: https://mail.almasdaronline.info/article/78623
[1511] The Group of Experts interviewed Shallal on 25 April 2018. Also, see https://reliefweb.int/report/yemen/southern-transitional-council-and-waryemen.
[1512] Confidential Sources on File
[1513] On 14 August 2019, the Deputy Prime Minister and Interior Minister dismissed Shalal from his position as director of Aden Security Director and referred him to investigate his direct involvement in the coup.
[1514] The Group of Experts interviewed Wadah on 25 April 2018
[1515] Presidential Decree 60 (2016), Confidential Sources on File

	Yamamah[1516] العميد منير محمود علي ابو اليمامه	1st Support Brigade Emergency Forces[15171518]	keeping detainees in detention centres, and transferring detainees to Coalition HQs. Also arresting and transfering detainees to UAE detention centre in al-Buriqa base. Killed by ballistic missile launched by the Houthis on 1 August 2019 during a military parade
7	Imam Ahmed Muhammed Abdu al-Salwy, aka Imam al-Nubi[1519] امام النوبي	Camp 20[1520]	No military rank. Imam is the strongest man among the UAE's allies in Crater and his local forces, supported by the UAE, managed to control the largest part of the city in place of the weak government's presence in al-Ma'ashiq region. Imam al-Nubi was the commander of Salafist-affiliated Security Belt forces controlling Craiter, and commander of their headquarters at Camp 20 from 2015 to at least June 2019
8	Colonel Yusran al-Maqtari العقيد يسران المقطري	Counter-terrorism force commander[1521]	A young officer who has been granted a colonel rank and his forces affiliated to UAE and are close to the Southern Transitional Council. Works under Shallal and receives order from UAE Soldiers under a-Moqtari and Shallal conduct night raids with no orders from the prosecution.
9	Ghassan al-Agrrabi غسان العقربي	Bir Ahmad II detention facilities[1522]	No military rank He is backed by UAE.
10	Colonel Mohammad Saleh al-Qamli العقيد محمد صالح القملي	Criminal Investigation Director[1523]	Khormaksar, Since 2015
11	Brigadier General Louay Awad Mohamed Zamiki العميد لؤي الزامكي	Commander of 3rd Presidential Protection Brigade[1524]	One of the leaders of the southern Salafist resistance in Aden and one of the leaders of the West Coast front operation Golden Spear and the Liberation of Dhabab District in Ta'izz Governorate. 28 March 2019, replaced Brigadier General

[1516] The Group of Experts interviewed Abu al-Yamamah on 25 April 2018
[1517] Presidential Decree 60 (2016), Confidential Sources on File
[1518] After his death, new commander was appointed, Brigadier General Hanash Abdullah al-Nemri. See https://www.alayyam.info/news/7WMD5D56-W3GXH8-9E25
[1519] Confidential Sources on File
[1520] UN document S/2018/68. Also, see: https://almasdaronline.com/articles/168745
[1521] Confidential Sources on File. Also see: https://www.youtube.com/watch?v=tdGkxGETEVY and http://abaadstudies.org//news-59816.html
[1522] Confidential Sources on File
[1523] Confidential Sources on File. See also: https://www.alayyam.info/news/756V6IC0-5G1XDM, also, see https://aden-alhadath.info/amp/56956
[1524] Presidential Decree 51 (2019). Available on: https://www.facebook.com/1784290338507592/photos/a.1795004187436207/2304017236534897/?type=3. Also, see: https://adenkbr.news/60171/.

			Ibrahim Haydan
12	Brigadier General Mahran Qubati العميد مهران القباطي	Commander of 4th Presidential Protection Brigade[1525]	In December 2016 he was appointed as 4th PPB commander. He is a Salafist leader, loyal to President Hadi.
13	Brigadier General Abdullah al-Subaihi العميد عبدالله الصبيحي	Commander of 39th Armoured Brigade[1526]	Bader Camp, Khormaksar, 9 January 2016
14	Brigadier General Nasser Ahmed al-Ju'aimilani العميد ناصر الجعميلاني	Commander of 89th Infantry Brigade	Bader Camp, Khormaksar
15	Brigadier General Salim Haydan العميد سليم حيدان	Commander of the 4th Presidential Protection for the protection of the facilities[1527]	Bader Camp, Khormaksar, 14 March 2018
16	Major General Nasser al-Nuba اللواء ناصر النوبه	Military Police Forces Commander and Commander of Aden Branch[1528]	Al-Tawaihi, Aden, 20 May 2018 He was the commander of Ataq Axis and the 30th Infantry Brigade in Shabwah Governorate and loyal to President Hadi.
17	Major General Fadl Ba'ash اللواء فضل باعش	Commander of the Special Security Forces[1529]	- On 9 January 2017 promoted to MG and appointed as a commander in the Central Security Force.
18	Brigadier General Nasser al-Anbury العميد ناصر العنبوري	Commander of Special Security Forces, Aden Branch[1530]	SSF is concentrated in the Al-Sawlaban camp, but it is a force that does not have enough weapons like the rest , But the government is counting on them to find a balance in Khormaksar in place of the presence of UAE –backed forces
19	Brigadier General Amjad Khalid العميد امجد خالد	Commander of the Logistics Military Brigade[1531]	Aden, 19 February 2017 - Loyal to President Hadi - Logistic Brigade includes a large number of Salafist fighters
20	Brigadier General Sanad al-Rahwa العميد سند الرهوه	Commander of 1st Presidential Brigade[1532]	Al-Masheiq Palace, Crater, Aden
21	Brigadier General Nasaer Abd Rabbu Hadi العميد ناصر عبد ربه هادي	Commander of Presidential Brigades	Al-Masheiq Palace, Aden
22	Abdul Nasser Rajeh al-Bawa aka Abu Hammam	Southern Resistance[1533]	Supported by UAE

[1525] Confidential Sources on File. Also, see: https://almasdaronline.com/articles/168745 . Also, see: http://abaadstudies.org//news-59816.html
[1526] https://aawsat.com/home/article/539666
[1527] Presidential Decree 44 (2018), available at: http://adenobserver.com/read-news/31235
[1528] Presidential Decree 97 (2018), available at https://almahrahpost.com/news/2772#.XSxL5HllLIU; see also: http://abaadstudies.org//news-59816.html
[1529] Presidential Decree 6 (2017); see https://aden-alhadath.info/amp/12865
[1530] https://almasdaronline.com/articles/168745; also, see https://shabwaah-press.info/news/33180
[1531] http://yemen-now.com/news1510335.html
[1532] http://abaadstudies.org//news-59816.html
[1533] http://abaadstudies.org//news-59816.html

عبد الناصر راجح البعوه المكنى ابو همام

d. Main Actors in Abyan Governorate

Serial	*Name*	*Position*	*Assessment/ remarks*
1	Major General Abu Baker Hussien Salim اللواء ابو بكر حسين سالم	Governor of Abyan and Commander of Abyan Axis and 15th Infantry Brigade[1534]	Abyan Axis, Zinjibar, 11 March 2017. He is a professional military officer and served as coastal defence brigade commander for six years
2	Brigadier General Mohammad Ahmed Mulhem العميد محمد احمد ملهم العميسي	Commander of the 111th Infantry Brigade Commander[1535]	Ahor, Abyan, 6 July 2015
3	Brigadier General Saif Ali Mohammed al-Qefish العميد سيف علي محمد القفيش	Commander of 115th Infantry Brigade[1536]	Abyan Axis Shaqra, 17 March 2018
4	Brigadier General al-Hamzah Ali Salim al-Jadani العميد الحمزه علي سالم الجعدني	Commander of the 119th Infantry Brigade[1537]	Abyan, 30 March 2018
5	Brigadier General Khader al-Nub[1538] الخضر علي ناصر النوب	Former Director of General Security	Abyan, 14 November 2017
6	Colonel Ali Naser Abu Zaid Ba'azab Abu Mashal al-Kazmi[1539] العميد علي الذئب المكنى ابو مشعل الكازمي	Director of General Security	On 20 June 2019 appointed as director of general security of Abyan. From the leaders of the southern resistance, worked as a commander of the police station al-Basateen in Aden and deputy of Aden Security Director, Shallal.
7	Colonel Abd al-Latif al-Sayyad[1540] العقيد عبد اللطيف السيد	Commander of Security Belt Forces[1541]	Abyan, Mid-2016 Southern Resistance leader, He played a prominent role in fighting al-Qaeda and defending Aden and Abyan during the Houthi-Saleh attack.
8	Lieutenant Colonel Mohammed al-Oban	Deputy Commander of Security Belt Forces[1542]	Abyan

[1534] On 11 March 2017 appointed as a governor, Presidential Decree 20 (2017). Available on: https://almawqeapost.net/news/17543, also on http://aden-tm.net/NDetails.aspx?contid=22963

[1535] See https://www.sahafah24.net/y/show207243.html

[1536] Presidential Decree 45 (2018), available on: https://almandeb.news/?p=98572. Also see: https://www.eremnews.com/news/arab-world/yemen/1247463

[1537] http://www.marsad.news/news/31106 also see: https://www.al-omanaa.com/news72621.html

[1538] Appointed on 14 November 2017, replacing Brigadier General Abdullah al-Fadhli. See: UN document, S2019/83, Annex 4 and UN document S/2018/68 Annex 6

[1539] https://imoyemen.com/news/7726

[1540] Confidential Sources on File. Also, see: http://www.dailymail.co.uk/wires/ap/article-3009836/In-south-Yemen-militia-leader-presidents-ally.html .

[1541] http://www.mei.edu/content/popular-committees-abyanyemen- necessary-evil-or-opportunity-security-reform

[1542] UN Document, S/2019/83, Annex 4

e. Main Actors in Lahj Governorate

Serial	*Name*	*Position*	*Assessment/remarks*
1	Brigadier General Ahmed Abdullah al-Turky العميد احمد عبدالله التركي	Governor of Lahj and Commander of the 17th Infantry Brigade[1543]	Lahij, Hafan, 24 December 2017 Professional military officer Played a prominent role in the liberation of al-Anad base in 2015 through his leadership of the resistance
2	Brigadier General Saleh al-Sayyed[1544] العميد صالح السيد	Security Director	Lahij, 20 November 2016 He participated in the liberation of Aden and Lahij in 2015 after returning from Saudi Arabia.
3	Jalal Nasser al-Rubaie جلال ناصر الربيعي	Security Belt Commander[1545]	Lahij, 22 December 2018
4	Colonel Hader al-Shukhaty العقيد هدار الشوحطي	Commander 4th Support Brigade[1546]	Lahij, al-Rebat
5	Colonel Mukhtar al-Nubi العقيد مختار النوبي	Commander 5th Support Brigade[1547]	Lahij

f. Main Actors in Shabwah Governorate

Serial	*Name*	*Position*	*Assessment/remarks*
1	Brigadier General Azeez Naser al-'Atiqi[1548] العميد عزيز ناصر العتيقي	Atiq Axis commander and 30th Infantry Brigade commander[1549]	Atiq, January 2017
2	Brig. Gen. Awad Massod Al Dahboul [1550] العميد عوض مسعود الحبول	Shabwah Security Director	Shabwah, 3 June 2016
3	Lt. Col. Mohammed Salem Al Buhair Al-Qamishi [1551] المقدم محمد سالم البوحر القميشي	Shabwah Elite Forces Commander	Belhaf, October 2017
4	Lt. Col. Wajdi Ba'aum Al-Khelaifi المقدم وجدي باعوم الخليفي	Commander of the Martyrs' Axis, Shabwah Elite Forces[1552]	Nassab and Markha

[1543] Un Document, S/2018/68
[1544] Confidential Sources on File
[1545] https://almashhadalaraby.com/news/58755 . Also, see: https://cratersky.net/posts/7810
[1546] UN document S/2019/83 and UN document S/2018/68 annex 6. Also, see https://adenkbr.news/77088/. Also, see: https://almashhadalaraby.com/news/101775 ; https://almashhadalaam.com/posts/6593
[1547] Confidential Sources on File. Also, see: https://imoyemen.com/news/5813 . also, see: http://alhezam-media.com/site/2019/07/06/https-wp-me-p9wgzr-1d6/
[1548] Confidential Sources on File
[1549] Presidential Decree 6 (2017) .Available on http://mosnad.net/news.php?id=18513, also available on http://yemen-now.com/news1444016.html
[1550] Confidential Sources on File
[1551] Confidential Sources on File. Also, see: Press interview with commander of Shabwah Elite Forces, Al-Omana post, 2 November 2017, https://al-omana.com/news65261.html
[1552] Confidential Sources on File

5	Major Mahdi Mohammed Barahma الرائد مهدي محمد براهمه	Shabwah Rapid Intervention Forces[1553]	
6	Sheikh Saleh Farid Muhsen al-Olaki [1554] الشيخ صالح بن فريد محسن العولقي	Influence [1555]	Shabwah

g. Main Actors in Taizz Governorate

Serial	*Name*	*Position*	*Assessment/remarks*
1	Ali Al-Ma'mari[1556] علي المعمري	Former Governor[1557]	Ta'izz, January 2016 – September 2017
2	Ameen Ahmed Mahmoud [1558] امين احمد محمود	Former Governor	Ta'izz, December 2017 – December 2018
3	Nabil Abdu Shamsan نبيل عبده شمسان	Governor [1559]	Ta'izz, 31 December 2018
4	Abdulqawi al-Mekhlafi[1560] عبد القوي المخلافي	Deputy Governor	Ta'izz, Engaged in mediation related to ceasefires and road access
5	Major General Khaled Qassem Fadhl اللواء الركن خالد قاسم فاضل	Former Taizz Axis Commander[1561]	Ta'izz, 31 December 2018 Adviser for Minister of Defence [1562]
6	Major general Samir Abdallah al-Sabri[1563] اللواء سمير عبدالله صبري	Taizz Axis Commander and 145th Infantry Brigade	Ta'izz, 31 December 2018
7	Brigadier General Adnan Rozaiq العميد عدنان رزيق	head of Taizz Axis Operation Branch and commander of 5th Presidential Protection Brigade[1564]	Ta'izz, 17 November 2017 Earlier**,** he formed and led the resistance group called the Hasm Battalions

[1553] UN document S/2018/68
[1554] Confidential Sources on File
[1555] https://shabwaah-press.info/news/2068. Also, see: https://almashhadalaraby.com/news/35534
[1556] https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-
[1557] https://yemen-press.com/news100441.html
[1558] Presidential Decree 83 (2017). See http://www.alharf28.com/p-1394. Also see: https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-Governorate
[1559] Presidential Decree 79 (2018). See https://almawqeapost.net/news/37080
[1560] Conflict De-Escalation in Taiz City, DeepRoot consulting, August 2018
[1561] Confidential Sources on File. Also see https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-Governorate
[1562] Presidential Decree 189 (2018)available on https://almasdaronline.com/articles/162681
[1563] Presidential Decree 188 (2018). See https://almawqeapost.net/news/37080
[1564] Confidential Sources on File. Also, see Conflict De-Escalation in Taizz City, DeepRoot consulting, August 2018, p. 27

8	Brigadier General Abdel Rhman al-Shamsani العميد عبدالرحمن الشمساني	17th Infantry Brigade[1565]	Ta'izz
9	Brigadier General Sadeq Sarhan العميد صادق سرحان	commands the 22nd Brigade[1566]	Ta'izz, He was appointed at the beginning of the conflict and has had to rebuild a brigade that in large part sided with the Houthi/Saleh alliance
10	Brigadier General Adnan al-Hammadi[1567] العميد عدنان الحمادي	35th Armoured Brigade	Ta'izz, April 2015
11	Abu Baker al-Jabuli ابو بكر الجبولي	4th Mountain Infantry Brigade[1568]	Hefan front, Abu Baker is not a military officer[1569]
12	Brig. Gen. Abdulaziz Ahmed Nasser Al-Majidi[1570] العميد عبد العزيز احمد ناصر المجيدي	170th Air defence Brigade[1571]	The al-Shamayatain Front, 20 February 2018
13	Adel Abdu Fare'a aka Abu Al-Abbas عادل عبده فارع (ابو العباس)	Commander of the Abu Al-Abbas Battalions[1572]	al-Kadha, In October 2017, the USA and Saudi Arabia designated him a terrorist[1573]
14	Abdulhafedh al-Faqeeh عبد الحافظ الفقيه	Influence, Islah leader[1574]	Ta'izz
15	Abdu Farhan "Salem" عبده فرحان سالم	Influence, Islah Leader[1575]	Ta'izz

h. Main Actors in al-Hudaydah Governorate

S.N	*Name*	*Position*	*Assessment/remarks*
1	Abdulrahman bin Saleh al-Mahrami Yafi'i , aka Abu Zerah[1576] عبدالرحمن بن صالح المحرمي اليافي (ابو زرعه المحرمي)	Giants Forces Commander	West Coast, al-Hudaydah The Giants "al-Amaliqah" Brigades number between 20,000 and 28,000 fighters[1577]
2	Ra'ed al-Habhi	1st Giants Brigade[1578]	The coast-al-Durayhimi

[1565] Confidential Sources on File. Also see: http://aljanadpost.net/p-3939
[1566] Confidential Sources on File
[1567] Confidential Sources on File
[1568] Confidential Sources on File
[1569] Confidential Sources on File
[1570] Presidential Decree 2 (2018). Available on: http://www.alharf28.com/p-2592
[1571] Confidential Sources on File.
[1572] Confidential Sources on File
[1573] https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-
[1574] Ibid.
[1575] Confidential Sources on File. Also, see: https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-
[1576] https://abaadstudies.org/news-59781.html. Also, see: https://www.facebook.com/as118833/. https://twitter.com/samwrax/status/1007530583902351360; https://twitter.com/mohammedalqadhi/status/1008997894404403201; https://en.adenpress.news/news/271. https://www.janes.com/article/84439/uae-backed-yemeni-operation-making-progress-in-al-hudaydah
[1577] Confidential Sources on File. Also, see: https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen.
[1578] https://abaadstudies.org/news-59781.html. Also, see: https://almasdaronline.com/article/source-assignment-of-major-general-haitham-qassem-as-a-commander-of-a-military-council-leading-combat-

	رائد الحبهي		
3	Hamdi Shukri[1579] حمدي شكري الصبيحي	2nd Giants Brigade	Zabid-al-Jarahi
4	Abd Ruhman al-lahji[1580] عبدالرحمن اللحجي	3rd Giants Brigade	The coast- al-Durayhmi the Third Brigade is supported by Nabil Mashouchi
5	Nizar al-Wajeh نزار الوجيه	4th Giants Brigade	Tuhayta[1581]
6	Mohammed Albokri محمد البكري	5th Giants Brigade	Fazzah[1582]
7	Brigadier General Tariq Saleh العميد الركن طارق صالح	National Resistance Forces[1583]	Jah/Fazzah[1584]
8	Ali al-Kanini علي الكنيني	7th Giants Brigade	Hays[1585]
9	Sulaiman Yahya Munaser al-Zarnouki[1586] سليمان الزرنوقي	Commander of Al-Zaraniq Brigades	al-Hudaydah
10	Ahmad al-Kawkabani[1587] احمد الكوكباني	Tihama Resistance	Mujaylis, al-Durayhmi, al-Hudaydah
11	Major General Haitham Qasim Tahir[1588] اللواء هيثم قاسم طاهر	Field Commander	Jabaliyah[1589] Former Minister of Defence 1990 – 1994
12	Bassam al- Mahdhar بسام المحظار	3rd Infantry Brigade[1590]	al-Hudaydah
13	Basher Maqbul[1591] بشير مقبل	Commander of 13th Giants Brigade	

i. **Main Actors in al-Mahra Governorate**

Serial	*Name*	*Position*	*Assessment/remarks*
1	Rajah Saeed Ba'Krait[1592]	Governor[1593]	Origin from Hawf

operations-on-the-west-coast. Also see: https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen

[1579] https://abaadstudies.org/news-59781.html. Also, see: https://almasdaronline.com/article/source-assignment-of-major-general-haitham-qassem-as-a-commander-of-a-military-council-leading-combat-operations-on-the-west-coast. Also see: https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen

[1580] Ibid.

[1581] S/2019/206

[1582] https://abaadstudies.org/news-59781.html . Also, see: https://almasdaronline.com/article/source-assignment-of-major-general-haitham-qassem-as-a-commander-of-a-military-council-leading-combat-operations-on-the-west-coast ; https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen

[1583] Ibid.

[1584] S/2019/206

[1585] S/2019/206

[1586] Ibid.

[1587] Ibid.

[1588] S/2019/206

[1589] Ibid.

[1590] Confidential Sources on File

[1591] https://imoyemen.com/cat/2?

[1592] Confidential Sources on File

[1593] http://sanaacenter.org/publications/analysis/7606

	راجح سعيد باكريت		27 November 2017
2	Sheikh Muslim bin Hazahs [1594] مسلم بن حزحيز	Vice Governor	
3	Brig. Gen. Mufti Suhail Nahyan Salem al-Samouda[1595] العميد مفتي سهيل نهيان سالم الصموده	Security Director	
3	Ahmed Mohammad "Qahtan" Muhawi al-Mujibi احمد محمد قحطان المجيبي	Former Security Director	Replaced by Colonel Mufti Suhail Nahyan Salem Al-Samouda
4	Ali Salem al-Harizi[1596] علي سالم الحريزي	Former Assistant Governor for Desert Region	Orgin from Miz'yunah In February 2018 dismissed as border guard commander. In July 2018 dismissed from the post of Vice Governor[1597]
5	Sheikh Abdullah bin Issa bin Afrar الشيخ عبدالله بن عيسى بن عفرار	STC member[1598]	al-Mahra Lived in Saudi Arabia until 2017 Sultan
6	Colonel Mohsen Ali Naser[1599] العقيد محسن علي ناصر	Military Police Commander	al-Mahra 15 July 2019

[1594] Confidential Sources on File
[1595] https://almawqeapost.net/news/32281. Also, see: http://sanaacenter.org/publications/analysis/7606
[1596] Confidential Sources on File
[1597] https://almahrahpost.com/news/5006#.XS8tuXllLIU
[1598] https://almawqeapost.net/interviews/37936. Also, see: http://sanaacenter.org/publications/analysis/7606
[1599] Confidential Sources on File. Also, see Presidential Decree 84 (2019) available on: https://www.almashhad-alyemeni.com/138905

De-Facto Authorities[1600]

a. Political and Military Main Actors

Serial	*Name*	*Position*	*Assessment/remarks*
1	Abdulmalik Badr al-Din al-Houthi[1601] عبد الملك بدر الدين الحوثي	Leader of the Houthis'[1602]	Sana'a Political, no military rank
2	Mahdi al-Mashat مهدي المشاط	President of Supreme Political Council (SPC)	Sana'a Promoted to marshal rank[1603] The SPC has decided to extend the tenure of al-Mashat from 24 August 2019 until 24 August 2020[1604]
3	Mohammed Ali Abdulkarim al-Houthi محمد علي عبدالكريم الحوثي	Member of the Supreme Political Council[1605]	Sana'a No military rank 18 March 2019
4	Major General Yahya Mohammed al-Shami اللواء يحيي محمد الشامي	Assistant of supreme commander[1606]	Sana'a 28 November 2016
5	Abdulkarim Ammer Aldain al-Houthi[1607] عبد الكريم امير الدين الحوثي	Minister of interior	5 May 2019 He lived in Doha for a while and has military, political and financial influence inside Sana'a
6	Yahya Badr al-Din al-Houthi[1608] يحي بدرالدين الحوثي	Minister of education	Sana'a April 2016
7	Major General Mohammed Nasser al-Atifi اللواء محمد ناصر العاطفي	Minister of defence	Sana'a Previously missiles group commander[1609]
8	Major general Abu Bakar Abdulaziz al-Ghazali اللواء ابو بكر عبد العزيز الغزالي	Assistance of Minister of Defence for Technology[1610]	Sana'a
9	Hadi Mohammed al-Kouhlani Abu Ali ابو علي الكحلاني	Assistance of Minister of Defence for Human Resources[1611]	al-Hudaydah
10	Major General Mohammed Abdulkarim al-Ghumari اللواء محمد عبدالكريم الغماري	Chief of general staff	Sana'a 13 December 2016

[1600] See Appendix 4, De Facto Security Mechanism
[1601] See Appendix 5, De Facto Security Apparatus
[1602] United Nations Security Council, available on: https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdulmalik-al-houthi
[1603] https://www.yemenipress.net/archives/143698
[1604] https://twitter.com/yemenpresidency?s=11
[1605] https://almasdaronline.com/articles/165447
[1606] https://ar-ar.facebook.com/ymmalshami/
[1607] Decree No. (90) 2019. See: http://en.althawranews.net/2019/05/president-al-mashat-appoints-minister-of-interior/
[1608] Confidential Sources on File
[1609] https://www.yamanyoon.com/?p=55797
[1610] https://www.26sep.net/nprint.php?lng=arabic&sid=91093
[1611] UN document, S/2018/68. Also see: https://www.26sep.net/news_details.php?sid=141997

11	Major General Zakaria Yahya al-Shami اللواء زكريا يحي الشامي	Former Deputy chief of staff[1612]	Sana'a On 28 November 2016 appointed as minister of transportation[1613]
12	Major General Ali Hamud al-Mushki اللواء علي حمود الموشكي	Deputy head general staff[1614]	Sana'a
13	Major General Abdullah Yahya al-Hakim aka Abu Ali al-Hakim[1615] اللواء عبدالله يحي الحاكم (ابو علي الحاكم)	Chief of Military Intelligence Staff [1616]	Sana'a 22 August 2017
14	Brigadier General Ali Abu Haliqa[1617] العميد علي ابو حليقه	Military Intelligence Director	His assistant is Brigadier General Mohammad Zahrah
15	Brigadier General Amer Ali al-Marani العميد عمار علي المراني	Military intelligence	Sana'a Deputy of military intelligence chief[1618]
16	Major General Salih Mosfir Alshaer[1619] اللواء صالح مسفر الشاعر	Chief of Logistic Staff	Sana'a
17	Major General Muhammad al-Miqdad اللواء الركن محمد المقداد	Chief of operations Staff[1620]	Sana'a
18	Major General Yahya Shaalan Al-Ghabeisi[1621] اللواء الركن الطيار يحي شعلان الغبيسي	Chief of Human Resources Staff	Sana'a
19	Major General Jaber al-Saifi اللواء جابر الصيفي	Chief of Training Staff	Sana'a

[1612] UN document, S/2017/81
[1613] Yemen government website, available on: http://www.yemen.gov.ye/portal/transport/%D8%A7%D9%84%D9%88%D8%B2%D9%8A%D8%B1/tabid/705/Default.aspx
[1614] UN documents, S/2018/68 and S/2019/83
[1615] United Nations Security Council, available on: https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdullah-yahya-al-hakim
[1616] Republican Decree Appointing Abu Ali Al-Hakim, Head of General Intelligence Agency, Yemen Press, 22 August 2017, available on: https://www.yemenpress.org/yemen/republican-decree-appointing-abu-ali-al-hakim-head-of-general-intelligence-agency/
[1617] https://www.26sep.net/news_details.php?sid=159198
[1618] https://ar.shafaqna.com/fn/278805/ also available on http://www.alsyasiah.ye/25272
[1619] UN document, S/2018/68. Also see: https://www.26sep.net/news_details.php?sid=141997
[1620] UN document, S/2018/68. Also see: https://www.26sep.net/news_details.php?sid=141997
[1621] https://sabaanews.net/news492940.htm

20	Major General Mehdi Mqulah اللواء مهدي مقوله	General reserve forces[1622]	He played a prominent role during the Houthis' occupation of Aden in 2015 .After the killing of President Saleh, he encountered difficulties with the Houthis
21	Major General Ibrahim Ali al-Shami اللواء الطيار ابراهيم الشامي	Air force & Air Defence Commander	Dilamy Base Died/killed in January 2019[1623]
22	Major General Abd al-Khaliq Badr al-Din al-Houthi aka Abu-Yunus[1624] اللواء عبدالخالق بدر الدين الحوثي (ابو يونس)	Commander of special forces	al-Hudaydah al-Hudaydah front commander
23	Major General Muhammad Fadhl اللواء ركن بحري محمد فضل عبدالنبي	Navy and coastal defence commander[1625]	Sana'a
24	Brigadier General Zakaria al- Mutta' العميد زكريا المطاع	Military commander, republican guard commander	Active in many fronts
25	Major General Mubarak Salih al-Mishin اللواء مبارك صالح المحسن	3rd military district commander	Ma'rib
26	Major General Abdulatif Homood Almahdi اللواء عبداللطيف حمود المهدي	4th military district commander[1626]	Ta'izz Previously was Major General Abu Ali al-Hakim
27	Major General Yusif Ahssan Ismail al-Madani اللواء يوسف احسان اسماعيل المداني	5th military district commander[1627]	Al-Hudaydah Married to daughter of Husayn Badr al-Din al-Houthi
28	Major General Abdulqader Ahmad Qassem al-Shami اللواء عبدالقادر احمد قاسم الشامي	Director of political security	Sana'a
29	Major General Abdurab Saleh Jurfan اللواء عبدالرب صالح جرفان	Former Director of National Security Bureau	Sana'a Member of security and military committee[1628]
0	Major General Fawaz	Director of National	Appointed on 19 February 2019[1629]

[1622] Combat Strength of General Reserve Force consists of Presidential Protection Brigades, Special Operations Command and Missile Brigades Group
[1623] https://www.26sep.net/news_details.php?sid=148629
[1624] Security Council 2140 Sanctions Committee amends two entries on Its List. Available on: https://www.un.org/press/en/2016/sc12493.doc.htm
[1625] Security Council 2140 Sanctions Committee amends two entries on Its List. Available on: https://www.un.org/press/en/2016/sc12493.doc.htm
[1626] Confidential Sources on File
[1627] https://www.yemenipress.net/archives/98721
[1628] UN document, S/2017/81

	Hussein Qaed Nashwan اللواء فواز حسين قايد نشوان	Security Bureau	
31	Mutlaq Amer al-Marani aka Abu Emad مطلق عامر المراني	Deputy Director NSB	Sana'a National Security Bureau ('NSB')[1630]

b. Aden I, Houthi – Saleh Main Actors

Serial	*Name*	*Position*	*Assessment/remarks*
1	Ali Abdullah Saleh علي عبدالله صالح	Former President	Had a network of military and security leaders loyal to him participated in and facilitated the control of Aden Planning at strategic level
2	Abdulmalik Badr al-Din al-Houthi عبدالملك بدرالدين الحوثي	Leader of the Houthis'[1631]	Sana'a Political, no military rank Planning at strategic level
3	Major General Hussein Naji Hadi Khairan اللواء حسين ناجي هادي خيران	Chief of General Staff, acting Minister of Defence[1632]	Strategic planning The Supreme Revolutionary Committee, appointed by the Houthi group, was assigned to the Chief of General Staff, Major General Hussein Naji Hadi Khairan, to serve as Minister of Defence, succeeding General Mahmoud al-Sabihi
4	Major General Zakaria Yahya al-Shami اللواء زكريا يحي الشامي	Deputy chief of staff[1633]	Sana'a On 28 November 2016 appointed as Minister of Transportation[1634]
5	Major General Abdullah Yahya al-Hakim aka Abu Ali al-Hakim[1635] عبدالله يحي الحاكم	Chief of military intelligence [1636]	Sana'a 22 August 2017
6	Dr. Abdulaziz Al Habtoor الدكتور عبدالعزيز الحبتور	Former Aden Governor	Loyal to Saleh He became Prime Minister

[1629] https://www.26sep.net/news_details.php?sid=150509
[1630] UN document, S/2018/68
[1631] United Nations Security Council, available on: https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdulmalik-al-houthi
[1632] On 22 March 2015 appointing acting minister of defence. Available on: https://www.al-tagheer.com/news78325.html. Also, see: https://www.ansarollah.com/archives/8676
[1633] UN document, S/2017/81
[1634] Yemen government website, available on: http://www.yemen.gov.ye/portal/transport/%D8%A7%D9%84%D9%88%D8%B2%D9%8A%D8%B1/tabid/705/Default.aspx
[1635] United Nations Security Council, available on: https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdullah-yahya-al-hakim
[1636] https://www.yemenpress.org/yemen/republican-decree-appointing-abu-ali-al-hakim-head-of-general-intelligence-agency/

7	Major General Abderrazak Al Marouni[1637] اللواء عبدالرزاق المروني	Commander Special Operations Command	On 5 December 2018 replaced by MG Ali Mohammad Ali al-Yassani[1638]
8	Major General Abdul Hafiz al-Saqqaf[1639] اللواء عبدالحافظ السقاف	Commander of Central Security (Special Security Forces)	Escaped to Taizz on 19 March 2015 Appointed as Security Director in IBB
9	Major General Mehdi Mqulah اللواء مهدي مقوله	31st Brigade commander	After the killing of President Saleh, he encountered problems with the Houthis.
10	Brigadier General Abdullah Hizam Naji al-Dhaban[1640] العميد عبدالله حزم الضبعان	33rd Armoured Brigade Commander	Brigade AoR was in al-Dhale'e. The brigade is handed over to Houthi armed men
11	Brigadier Marzouq Al-Sayadi العميد مرزوق الصيادي	201 Brigade Commander	Al-Anid base
12	Colonel Naji Mohammed Saleh al-Arashi العقيد ناجي محمد صالح العريشي	201 Brigade Commander	Start 2 April 2015 Killed in Nov 2017

c. Main Actors in Ta'izz Governorate

Serial	*Name*	*Position*	*Assessment/remarks*
1	Major General Abdel al-Lateef Hmoud Yahya al-Mahdi, aka Abu Naser al-Shaith[1641] اللواء عبداللطيف حمود يحي المهدي	Commander of the 4th military district[1642]	Ta'izz April 2017, replacing Abdullah Yahya al-Hakim (Abu Ali)[1643]
2	Brigadier General Ahmad Sharaf al-Din العميد أحمد شرف الدين	Assistant of 4th military district commander[1644]	Ta'izz
3	Major General Hmoud Ahmad Dahmush	Chief of staff, 4th military district[1645]	Ta'izz April 2017

[1637] UN document, S/2016/73
[1638]https://almasdaronline.com/article/%D8%A7%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D9%85%D8%B1%D9%88%D9%86%D9%8A-%D9%85%D9%86-%D9%82%D9%8A%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D9%83%D8%B2%D9%8A-%D8%AA%D8%B4%D8%B9%D9%84-%D8%A7%D9%84%D8%AE%D9%84%D8%A7%D9%81%D8%A7%D8%AA-%D8%AF%D8%A7%D8%AE%D9%84-%D8%A3%D8%AC%D9%86%D8%AD%D8%A9-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A%D9%8A%D9%86
[1639] UN document, S/2016/73
[1640] UN document, S/2016/73
[1641] Confidential Sources on File
[1642]Mahdi al-Shamat issued presidential decree 23 (2017). Available on: http://www.almahweet.net/?p=7380
[1643] Confidential Sources on File
[1644] https://www.almasirah.net/details.php?es_id=12112&cat_id=3
[1645] Ibid.

	اللواء حمود أحمد دهمش		
4	Brigadier General Ahmad Abdullah al-Sharafi العميد أحمد عبدالله الشرفي	Ta’izz axis commander[1646]	Ta’izz Replaced Abdullah Hizam Naji al-Dhaban[1647]
5	Mansour Ali al-Lakumi, aka Abu Naser al-Jahli منصور علي اللكومي	Ta’izz general supervisor[1648]	Ta’izz Since 2014
6	Abdulmalik Yahya Ali al-Shahari, aka Abu Shehab عبدالملك يحي علي الشهري	Ta’izz security supervisor[1649]	Ta’izz Killed in 2017[1650]
7	Ameen Abdullah al-Baher أمين عبدالله البحير	Governor of Ta’izz[1651]	Ta’izz October 2018, replace Abdu Ali al-Janadi who appointed in November 2015
8	Brigadier General Abdel al-Khaliq Mohammed al-Junaid العميد عبدالخالق محمد الجنيد	Director of security[1652]	Ta’izz October 2018, replaced Brigadier Mansoor al-Maiasi[1653]
9	Abu Wael al-Houbara ابو وائل الحباري	Social supervisor[1654]	Ta’izz
10	Ibrahim Amer إبراهيم عامر	Ansar Allah's educational officer in Taiz[1655]	Ta’izz
11	Amin Hamidan أمين حميدان	Taiz Province's deputy, supervisor of Taizz coastal districts[1656]	Ta’izz
12	Ali Hamdan Al-Hamel aka Abu Ali علي حمدان الهميل المكنى ابو علي	Supervisor, al-Saleh prison[1657]	Ta’izz Directly in charge of the National Security Bureau at al-Saleh prison[1658]
13	Najib Qaed al-Najdin[1659] نجيب قايد النجدين	Influence	Ta’izz
14	Sheikh Mohammed Abdullah Nayef[1660]	Influence	Ta’izz Influence on his tribe

[1646] Ibid.
[1647] UN document, S/2017/81
[1648] Confidential Sources on File. Also, he is the general supervisor of al-Saleh prison. See https://www.almasirah.net/details.php?es_id=12112&cat_id=3
[1649] Confidential Sources on File.
[1650] Ibid.
[1651] Mahdi al-Shamat issued presidential decree 156 (2018), see https://www.al-arabi.com/s/26667
[1652] http://www.26sep.net/news_details.php?lng=arabic&sid=143947
[1653] http://www.almshhadalyemeni.net/93090/
[1654] Confidential Sources on File.
http://www.taiz-news.com/?p=146289
[1655] https://www.al-arabi.com/s/2062
[1656] Confidential Sources on File.
[1657] Confidential Sources on File.
[1658] Ibid.
[1659] Ibid.

	الشيخ محمد عبدالله نايف		
15	Abdulwali al-Jabari الشيخ عبدالولي عبده حسن الجابري	Influence, GPC[1661]	He was previously the head of the GPC party in Ta'izz
16	Harith al-Azi[1662] حارث العزي	Ta'izz security directorate	In 2014, he was one of the resistance figures in Ta'izz and fought with al-Qaeda. In 2016 al-Qaeda announced that he is no longer with them. Then, he joined Abu al-Abbas Battalions. At the beginning of 2019 he defected from the Abu al- Abbas and joined the Houthis and was appointed as deputy security director of IBB

d. Main Actors in al-Hudaydah Governorate

Serial	Name	Position	Assessment
1	Major General Abdulqalik Badr al-din al-Houthi[1663] اللواء عبدالخالق بدرالدين الحوثي	Commander of Special Forces and Republican Guard[1664]	Al-Hudaydah
2	Major General Yusif al-Madani اللواء يوسف المداني	5th military district commander[1665]	Al-Hudaydah April 2017
3	Hadi Mohammed al-Kouhlani Abu Ali هادي محمد الكحلاني الملقب ابو علي	security supervisor[1666]	Al-Hudaydah al-Kouhlani is alleged to be the former bodyguard and protection officer of Abdul Malik al-Houthi
4	Brigadier General Ali Ibrahim al-Mutawakel[1667] العميد علي ابراهيم المتوكل	Military leader	Al-Hudaydah airport. likely killed in June 2018
5	Ali Hassan al-Marani, aka	Supervisor	West coast

[1660] https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Taiz-

[1661] Conflict De-escalation in Taizz city, Deep root, August 2018

[1662] Confidential Sources on File. Also see: https://taizonline.com/news13232.html

[1663] UN document, S/2015/125

[1664] UN document, S/2018/68

[1665] https://shabwahalhadath.info/print/14295

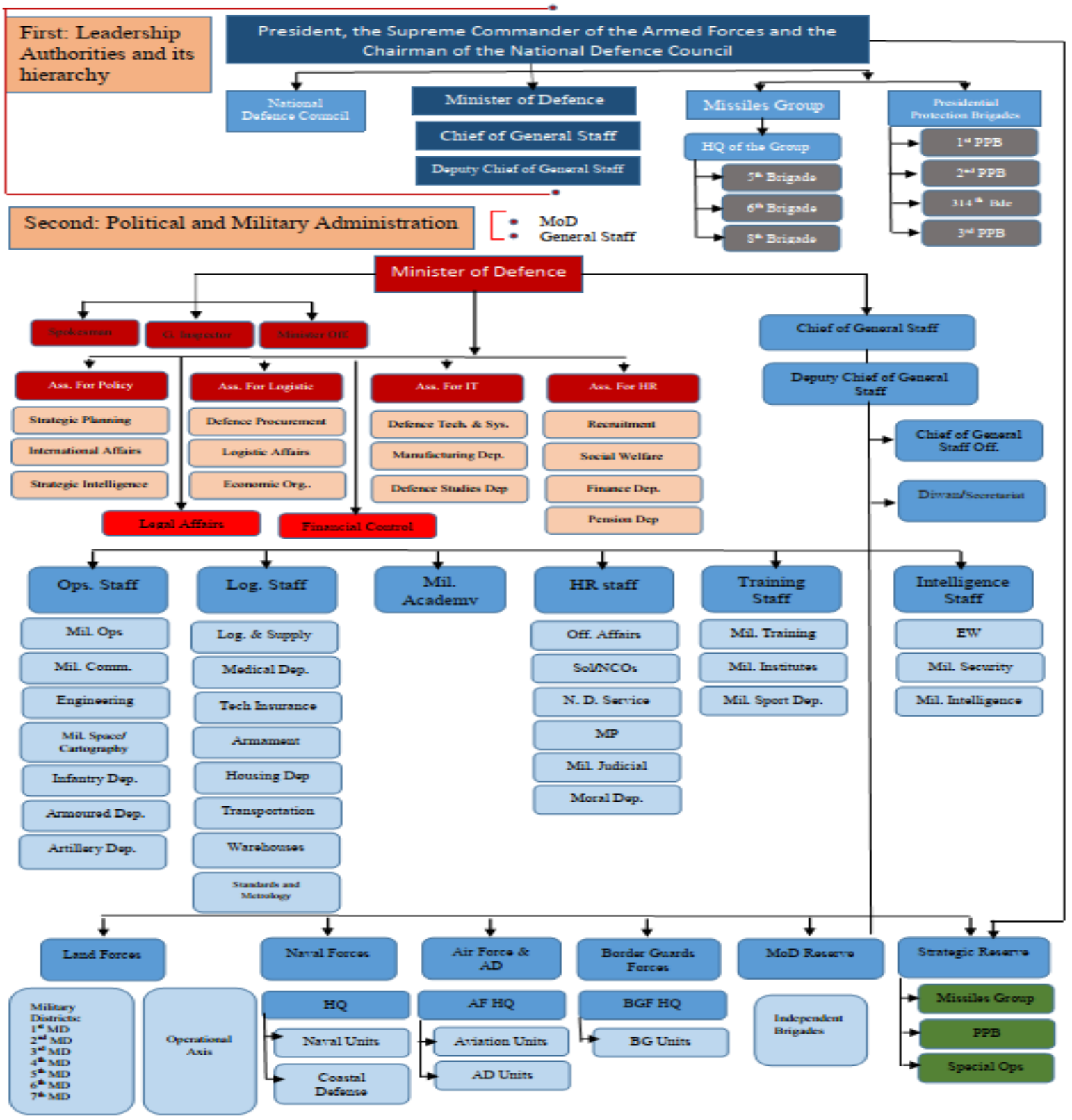
[1666] https://mancheete.com/posts/3946. Also see: https://www.eremnews.com/news/arab-world/yemen/1620129

[1667] https://www.alarabiya.net/ar/arab-and-world/yemen/2018/06/14/%D8%A7%D9%84%D8%AD%D8%AF%D9%8A%D8%AF%D8%A9-%D9%85%D9%82%D8%AA%D9%84-%D9%82%D9%8A%D8%A7%D8%AF%D9%8A%D9%8A%D9%86-%D8%AD%D9%88%D8%AB%D9%8A%D9%8A%D9%86-%D9%88%D8%A7%D9%84%D9%85%D9%8A%D9%84%D9%8A%D8%B4%D9%8A%D8%A7%D8%AA-%D8%AA%D9%81%D8%AE%D8%AE-%D8%A7%D9%84%D9%85%D9%8A%D9%86%D8%A7%D8%A1.html . also see https://www.mandabpress.com/news49514.html

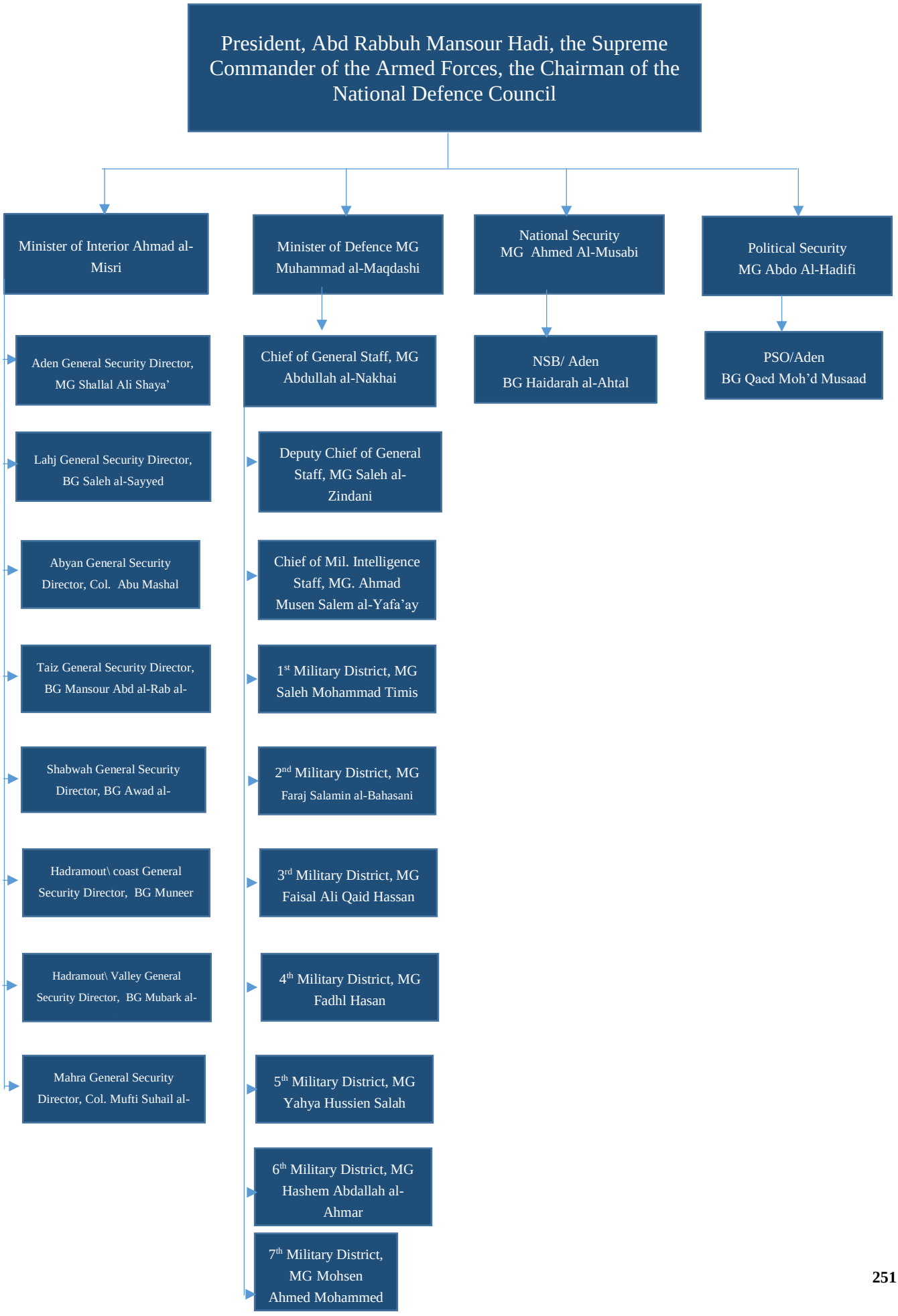
	Abu Muntather[1668] علي حسن المراني الملقب ابو منتظ ر		Likely killed in June 2018
6	Hamair Ibrahim Arij aka Ibrahim Adhabo[1669] حمير إبراهيم عريك والملقب (ابراهيم عذابو)	Houthi leader	Al-Hudaydah
7	Mohammed Ayash Qahim محمد عياش قحيم	Governor	Al-Hudaydah Replaced al-Hassan Haij[1670]
8	Major General Said Muhammad al-Hariri سعيد محمد الحريري	5th military district[1671]	Al-Hudaydah Now fighting in al-Dhale'e Also responsible for military intelligence
9	Brigadier General Riad Salah Baldhi العميد رياض صلاح بالذي	Director of Military Intelligence[1672]	
10	Khaled al-Jaaq[1673]	Manager of the military intelligence detention facility	Al-Hudaydah
11	Abdul Lateef Alsharafee, aka Abu Akra [1674]	Supervisor of Hunesh detention facility	Al- Hudaydah

[1668] https://www.mandabpress.com/news49514.html
[1669] https://almoheetpress.net/news769.html
[1670] https://almushahid.net/31743/
[1671] UN document, S/2017/81
[1672] http://www.ypagency.net/174670
[1673] Confidential Sources on File
[1674] Confidential Sources on File

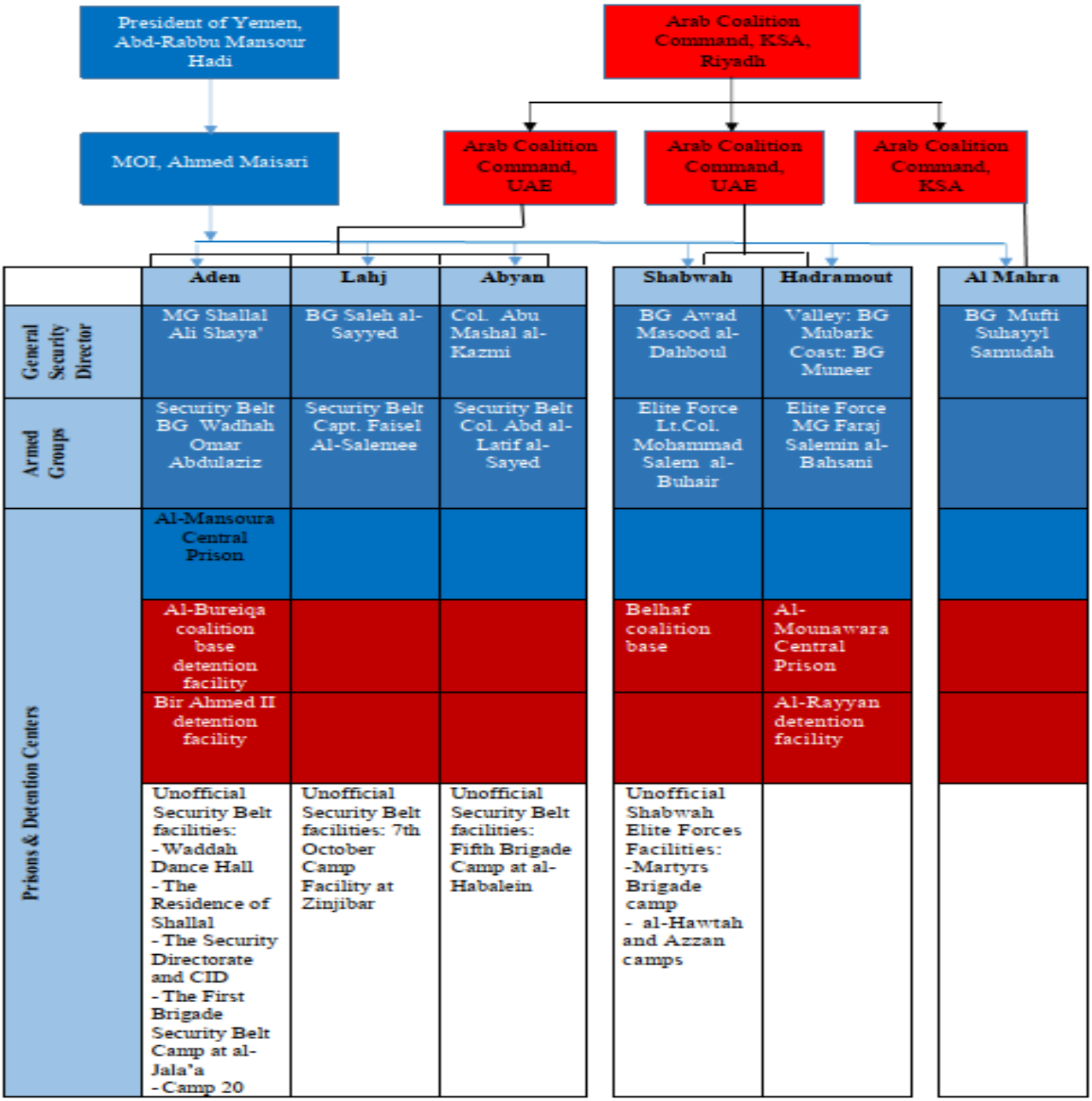
Appendix 1 Yemen Armed Forces Organizational Structure



Appendix 2 Government of Yemen Security Apparatus



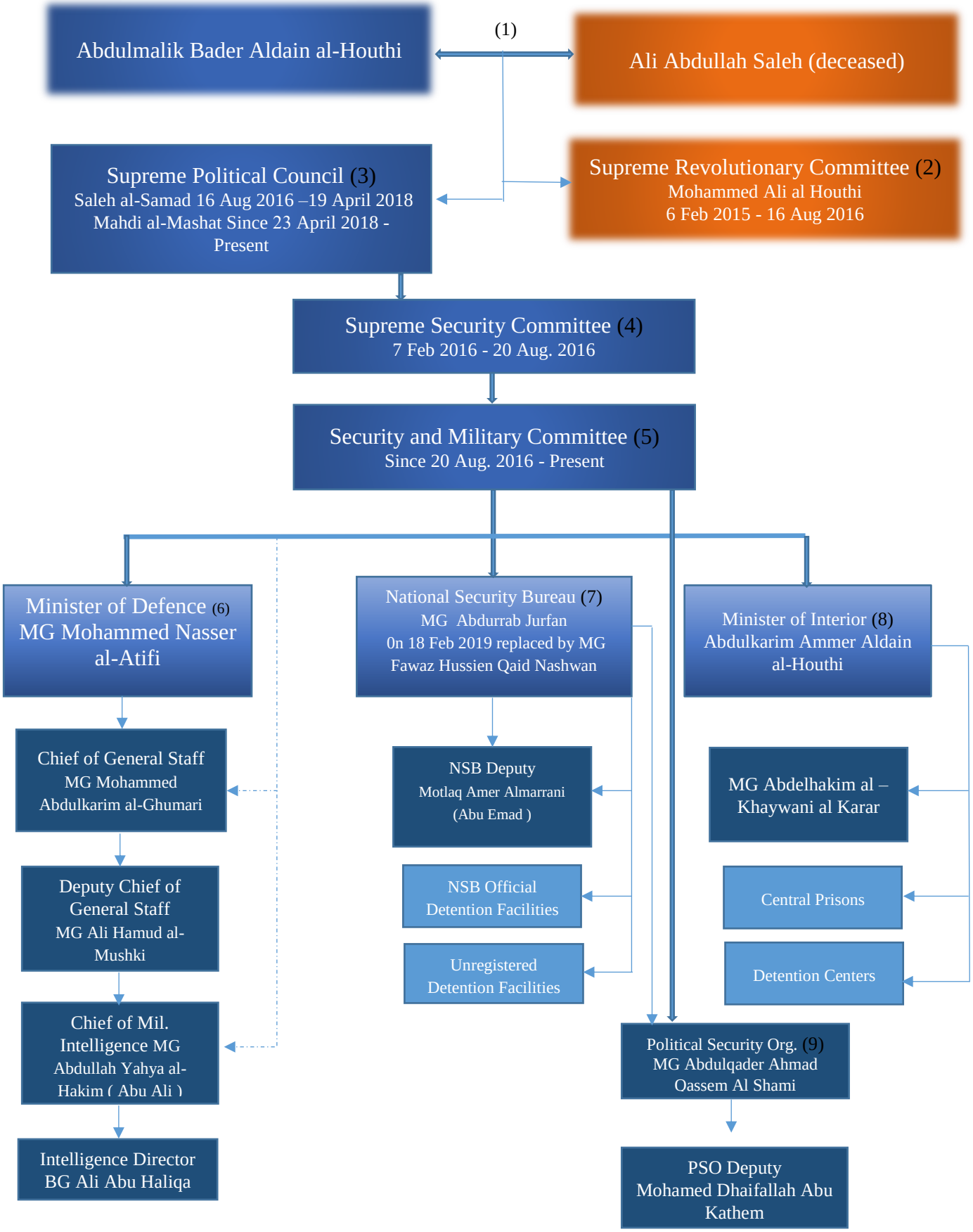
Appendix 3 Main Security Actors in South Governorates of Yemen



	Aden	Lahj	Abyan	Shabwah	Hadramout	Al Mahra
General Security Director	MG Shallal Ali Shaya'	BG Saleh al-Sayyed	Col. Abu Mashal al-Kazmi	BG Awad Masood al-Dahboul	Valley: BG Mubark Coast: BG Muneer	BG Mufti Suhayyl Samudah
Armed Groups	Security Belt BG Wadhah Omar Abdulaziz	Security Belt Capt. Faisel Al-Salemee	Security Belt Col. Abd al-Latif al-Sayed	Elite Force Lt.Col. Mohammad Salem al-Buhair	Elite Force MG Faraj Salemin al-Bahsani	
Prisons & Detention Centers	Al-Mansoura Central Prison					
	Al-Bureiqa coalition base detention facility			Belhaf coalition base	Al-Mounawara Central Prison	
	Bir Ahmed II detention facility				Al-Rayyan detention facility	
	Unofficial Security Belt facilities: - Waddah Dance Hall - The Residence of Shallal - The Security Directorate and CID - The First Brigade Security Belt Camp at al-Jala'a - Camp 20	Unofficial Security Belt facilities: 7th October Camp Facility at Zinjibar	Unofficial Security Belt facilities: Fifth Brigade Camp at al-Habalein	Unofficial Shabwah Elite Forces Facilities: -Martyrs Brigade camp - al-Hawtah and Azzan camps		

Appendix 4

De Facto Authorities Security Mechanisms



De Facto Authorities Security Apparatus

(1) Houthi/Saleh Alliances. The alliance continued during the period of 21 September 2014 – 4 December 2017 and ended when the Houthis killed Saleh on 4th of December 2017.

(2) The Supreme Revolutionary Committee. On 6 February 2015, Ansar Allah issued a constitutional declaration to establish a new body, the **Supreme Revolutionary Committee**, as the highest authority in charge of State affairs. This committee acting under the direction and guidance of Abdulmalik al-Houthi.[1675] **The Supreme Revolutionary Committee** was established by Ansar Allah following the Constitutional Declaration of 6 February 2015, to act as an executive body after the resignation of President Hadi and the Bahah Government. Mohamed Ali Al Houthi heads the Supreme Revolutionary Committee. On 6 February 2015, the Supreme Revolutionary Committee nominated 18 members to serve in the Security Commission, up to 20 Aug 2016.
On 15 August 2016, the Supreme Revolutionary Committee partially handed power to the Supreme Political Council.

(3) Supreme Political Council. On 28 July 2016, Ali Abdullah Saleh agreed to a power-sharing agreement with Abdulmalik al-Houthi. A Sana'a-based 10-member supreme political council, with five members each nominated by Saleh and the Houthis, was established on the same day, and issued its first "governmental" decree. It has since acted as a de facto government, appointing governors and officials. Headed by Saleh Ali Muhammad al-Samad until 19 April 2018 then replaced by Mahdi al Mashat.[1676] On 15 August 2016, the Supreme Revolutionary Committee partially handed power to the Supreme Political Council[1677]. On 17 March 2019, The Supreme Political Council added two new members, Mohamed Ali Al Houthi and Ahmed Ghalib Al Rahwa, to fill vacant seats.[1678] On 4 August 2019, the Supreme Political Council decided to extent the Mashat presidency period until 24 August 2020, the Council today consists of the following[1679]:

1. Mahdi Mohammed Hussein Al-Mashat مهدي محمد حسين المشاط
2. Sheikh Sadiq Amin Hassan Abu Ras الشيخ صادق أمين حسن أبو راس
3. Mohammed Ali al-Houthi محمد علي الحوثي
4. Major General Mubarak Saleh Al-Mashn al-Zaidi اللواء مبارك صالح المشن الزايدي
5. Sheikh Jaber Abdullah Ghaleb Al-Wahbani السيخ جابر عبدالله غالب الوهباني
6. Mohammed Saleh Mabkhout al-Nuaimi محمد صالح مبخوت النعيمي
7. Sultan Ahmad Abdolrab Alsamai سلطان أحمد عبد الرب السامعي
8. Khaled Saeed Mohammed Al-Dini خالد سعيد محمد الديني
9. Ahmed Ghaleb Al-Rahwi الاستاذ أحمد غالب الرهوي

(4) Supreme Security Committee. The Houthis established a Supreme Security Committee on 7 February 2016, which initially comprised 17 members[1680]. On 20 August 2016 it handed power to new committee, which is the Security and Military Committee.

(5) Security and Military Committee. On 20 August 2016, the Supreme Political Council (SPC) appointed a Security and Military Committee to replace the Supreme Security Committee.

(6) Minister of Defence. Major General Mohamed Nasser Ahmed al-A'tifi, an officer from the Hadr subtribe of Khawlan, was appointed as Missile group commander by President Hadi in 2013. After the Houthis took control of

[1675] UN Document, S/2016/73, Para 22-23
[1676] https://arabic.rt.com/middle_east/940035-%D9%85%D9%82%D8%AA%D9%84-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A-%D8%A7%D9%84%D8%A3%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%AA%D8%A7%D8%A8%D8%B9-%D9%84%D9%84%D8%AD%D9%88%D8%AB%D9%8A%D9%8A%D9%86-%D8%B5%D9%86%D8%B9%D8%A7%D8%A1-%D8%B5%D8%A7%D9%84%D8%AD-%D8%A7%D9%84%D8%B5%D9%85%D8%A7%D8%AF/#
[1677] http://sabanews.net/en/news437023.htm
[1678] t.me/YemenPresidency, also available on https://debriefer.net/news-7381.html
[1679] https://www.ansarollah.com/archives/211608
[1680] UN Document, S/2017/81

Sana'a, Abdulmalik al-Houthi has praised the force for its creativity and Major General al-A'tifi was appointed as Minister of Defence on 28 November 2016.

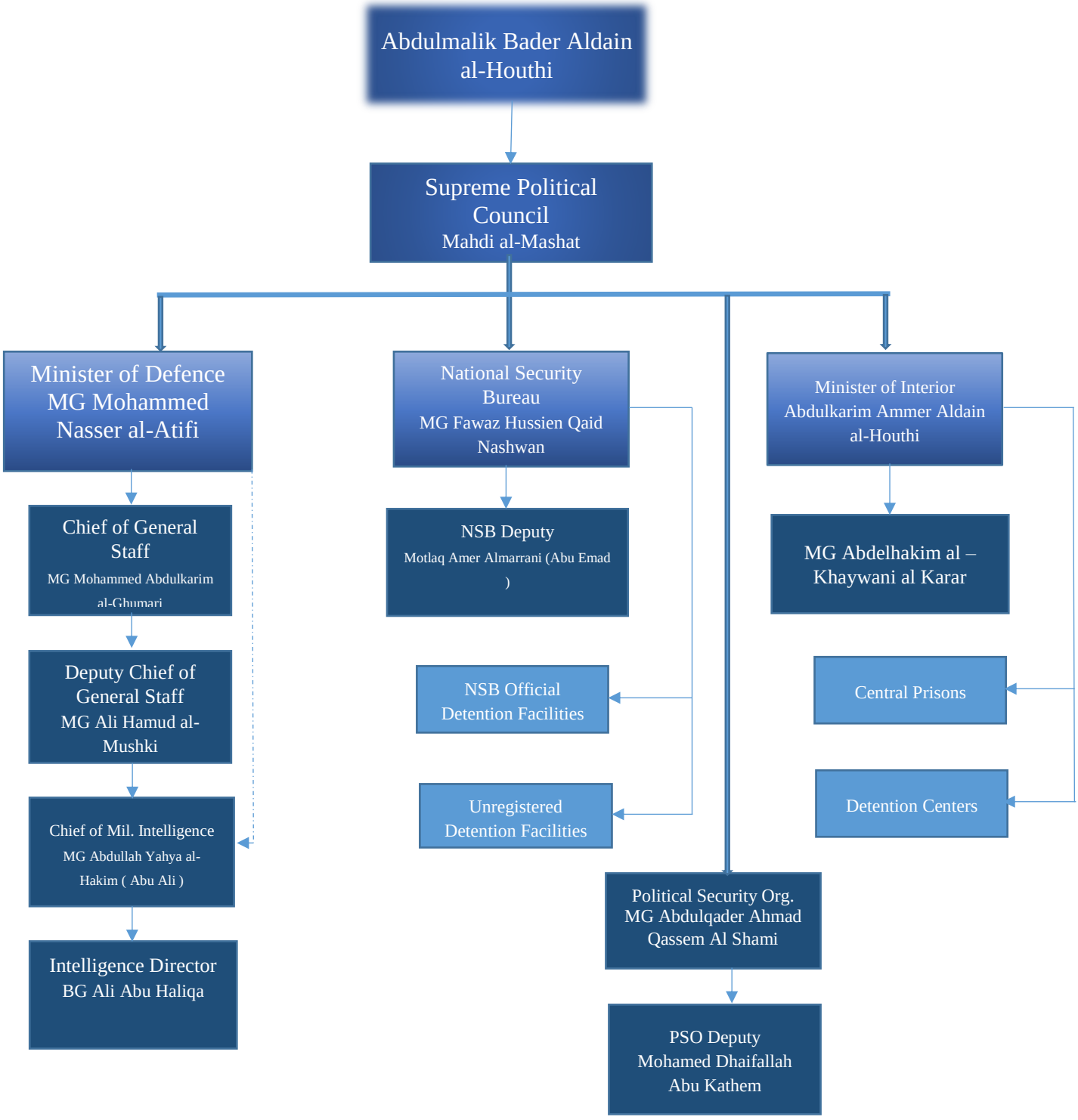
(7) The National Security Bureau. NSB is the most powerful intelligence service in Yemen under the Houthis[1681]. It was originally formed in 2002. Ali Abdullah Saleh swiftly co-opted the new organization by making his nephew, Ammar Muhammad Abdullah Saleh, principal deputy in the Bureau, a position that he held until President Hadi removed him in 2012. When the National Security Bureau came under the control of the Houthis, Abdulrabb Saleh Ahmed Jarfan was appointed as head of the NSB. He also appointed to the Supreme Security Council for the Houthis in February 2015.[1682] On 20 August 2016, he was similarly appointed to the Military and Security Committee.[1683] **Abdulrabb Saleh Ahmed Jarfan**, also known as Abu Taha has emerged as the highest Houthi authority in charge of the intelligence services. Since early 2015, he has acted as the head of the National Security Bureau and has significant influence over all other Yemeni intelligence and investigation services under the control of the Houthis involved in allegations of violations of international humanitarian law. The Yemeni intelligence and security services also include the Political Security Organization and the Central Security Forces (also known as the Special Security Force)[1684]. 0n 18 Feb 2019 he was replaced by MG Fawaz Hussien Qaid Nashwan[1685].

(8) Minister of Interior. On 13 December 2017, Major General Abdel Kareem al-Maory was appointed as Misister of Interior.[1686] He replaced Major General Muhammed Abdullah al-Qwsee,[1687] who was appointed as Minister of Interior on 28 November 2016 by Supreme Political Committee Decree 56 (2016)[1688]. On 5 May 2019, President of the Supreme Political Council Mahdi al-Mashat issued Decree 90 (2019), appointing Abdulkarim Ammer Aldain al-Houthi as Minister of Interior

(9) Political Security Organization. It is Yemen's internal intelligence service, established by Resolution 121 of 1992 under the name of the Central Political Security Agency. Its powers of detention and detention are derived from this decision and not by any other law, and its detention centres are not official detention centres, as enshrined in the Yemeni Constitution. the political security apparatus is directly accountable to the President. On 1 January 2018, Major General Abdulqader Ahmad Qassem Al Shami, who was working as an acting director for this organization from the beginning of the conflict was appointed as a director of the Political Security Organization[1689].

[1681] see www.globalsecurity.org/intell/world/yemen/index.html
[1682] See www.almashhad-alyemeni.com/news46910.html.
[1683] See www.gulfeyes.net/middle-east/582499.html
[1684] See www.globalsecurity.org/intell/world/yemen/index.html.
[1685] https://www.26sep.net/news_details.php?sid=150509
[1686] Saba-Net Yemen New agency. See http://www.yemenipress.net/archives/93659 also for his CV see http://thelinkyemen.info/news/20993
[1687]https://www.raialyoum.com/index.php
[1688] https://www.alalamtv.net/news/1890621
[1689] http://www.masa-press.net/2018/01/01/%D8%A5%D9%82%D8%A7%D9%84%D8%A9-%D9%88%D8%B2%D9%8A%D8%B1%D9%8A%D9%86-%D9%85%D9%86-%D8%A3%D9%86%D8%B5%D8%A7%D8%B1-%D8%A7%D9%84%D9%84%D9%87-26-%D9%82%D8%B1%D8%A7%D8%B1-%D8%AC%D9%85%D9%87%D9%88%D8%B1/

De Facto Authorities Security Apparatus



Annex II

[Arabic and English only]

Selected communications with parties related to access restrictions

** SENDING NOTIFICATION : FAX SENT SUCCESSFULLY **				
TIME SENT	REMOTE CSID	DURATION	PAGES	STATUS
January 24, 2019 11:27:16 AM GMT+01		163	2	Sent

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The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Representative of the Republic of Yemen to the United Nations Office at Geneva and other International Organizations at Geneva and has the honour to refer to the enclosed resolution 39/16 on "Human rights situation in Yemen", adopted by the Human Rights Council on 28 September 2018.

As you know, in its Resolution 39/16, the Human Rights Council decided to extend the mandate of the Group of Eminent International and Regional Experts (GEE) for a further period of one year. The Resolution also "Encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the Group . . . ."

The Office of the United Nations High Commissioner for Human Rights would like to invite the Permanent Mission of the Republic of Yemen to make submissions to the GEE on relevant information or documentation related to this mandate by 30 May 2019, at the latest.

Additionally, in fulfilment of this mandate, the Experts and secretariat staff plan to visit Yemen to investigate human rights violations, meet representatives of civil society organizations and relevant authorities and stakeholders.

The GEE has received and reviewed the official responses by the Government of Yemen and other member states. In this context, the Office of the United Nations High Commissioner for Human Rights would like to refer to the interactive dialogue under item 10 of the Human Rights Council held on 28 September 2018, and the responses provided by the Experts to comments raised by certain member states.

At the interactive dialogue, the Experts highlighted logistics, time and security constraints to the work of the GEE and acknowledged the need for further research on some key issues and geographic areas. As mentioned in the interactive dialogue, issues on which the GEE would like to carry out further research include access restrictions and shelling in Ta'izz. The Experts have stressed that access to Ta'izz and other areas of Yemen would facilitate the work of the GEE to complete this additional research.

The Experts and secretariat staff who will travel to Yemen in the first visit include the following:

[redacted]

The Office of the United Nations Commissioner for Human Rights would appreciate the facilitation of the Permanent Mission to provide access to the Experts and Secretariat as well expedite the consideration of visa applications from the Group of Eminent International and Regional Experts (copies of official identification attached).

The Office of the High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Representative of the Republic of Yemen to the United Nations Office at Geneva and other International Organizations at Geneva the assurances of its highest consideration.

Geneva, 24 January 2019

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The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Mission of the Republic of Yemen to the United Nations Office and other international organizations in Geneva and has the honour to refer to resolution 39/16 on "Human rights situation in Yemen", adopted by the Human Rights Council on 28 September 2018.

The Office of the United Nations High Commissioner for Human Rights has the honour to enclose a letter to H.E. Mr. Khaled Al-Yamany, Minister of Foreign Affairs of Yemen, from Mr. Kamal Jendoubi, the Chair of the Group of Eminent Experts on Yemen. The Office respectfully requests the transmission of this note to H.E. Mr. Al-Yamany.

The Office of the United Nations High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Republic of Yemen to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Geneva, 20 March 2019

Permanent Mission of the Republic of Yemen
to the United Nations Office and other International Organizations at Geneva
Chemin du Jonc 19
1216 Cointrin

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Date : 20/03/2019
Ref :06/GEE

جانب معالي الوزير خالد اليمني المحترم،
وزير الخارجية في الجمهوريّة اليمنيّة

يسعدني باسم فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن أن أهدي أحرّ التّمنيات إلى وزارة الخارجية في الجمهوريّة اليمنيّة وأتشرّف بالإشارة إلى القرار 16/39 حول "حالة حقوق الإنسان في اليمن" الذي اعتمده مجلس حقوق الإنسان في 28 أيلول/ سبتمبر 2018.

في هذا الصدد، نودّ وبقائق الاحترام أن تسترعي انتباهكم إلى قرار مجلس حقوق الإنسان رقم 19/39 الذي قضى بتمديد ولاية فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن لمدّة عام إضافيّ إشارة إلى أنّ القرار "يحثّ جميع أطراف النزاع في اليمن على تسهيل الوصول الكامل والشفاف للفريق والتعاون معه..."

كما نودّ دعوة وزارة الخارجية في جمهورية اليمن إلى تقديم البيانات المتضمّنة معلومات أو وثائق ذات صلة بولاية فريق الخبراء إلى الأمانة العامة للفريق بحلول 30 أيّار/ مايو 2019 على أبعد تقدير.

من المرجّح أنكم على بيّنة أنّه بتاريخ 24 كانون الثاني/ يناير 2019 ، أرسلت المفوّضية السامية لحقوق الإنسان كتابًا إلى المبعوث الدائم للجمهورية اليمنية لدى مكاتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف سعيًا لتأمين وصول وفد مؤلّف من الخبراء وأعضاء من الأمانة العامة إلى اليمن. ولكن للأسف، لم يصل أي رد من الحكومة اليمنية حتى اليوم.

تعيد في هذا الإطار تأكيد رغبتنا في زيارة اليمن لإجراء بحث إضافيّ في المناطق التي اشتملت عليها الولاية الموكلة إلينا. وسيكون الفريق مقدّرا لجهود وزارة الخارجية في الجمهورية اليمنية في إتاحة وصول الخبراء وأعضاء

الأمانة العامّة إلى اليمن وتسريع النظر في طلبات تأشيرات الدخول. كذلك سنكون ممتنين في حال تيسّر لنا ردّ خطّي من وزارة الخارجيّة بحلول 10 نيسان/ أبريل 2019.

أمّا الوفد الأوّل الذي يعتزم زيارة اليمن فتتألّف عضويّته من:

[redacted]

أخيرًا، في حال دعت الحاجة إلى أي ايضاحات، رجاء عدم التّردد في التواصل معي. أنتهز هذه الفرصة لأعبّر عن فائق الاحترام والتقدير لوزارة الخارجية في الجمهوريّة اليمنية.

وتفضّلوا بقبول فائق الاحترام،

كمال الجندوبي

رئيس فريق الخبراء البارزين الدوليين والإقليميين المعنى باليمن

** SENDING NOTIFICATION : FAX SENT SUCCESSFULLY **

TIME SENT	REMOTE CSID	DURATION	PAGES	STATUS
January 24, 2019 10:26:57 AM GMT+01		209	2	Sent

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The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva and has the honour to refer to the enclosed resolution 39/16 on "Human rights situation in Yemen", adopted by the Human Rights Council on 28 September 2018.

As you know, in its Resolution 39/16, the Human Rights Council decided to extend the mandate of the Group of Eminent International and Regional Experts (GEE) for a further period of one year.

The Office of the United Nations High Commissioner for Human Rights would like to invite the Permanent Mission of the Kingdom of Saudi Arabia to make submissions to the GEE on relevant information or documentation related to this mandate by 30 May 2019, at the latest.

The mandate of the GEE includes, among other things, the need to 'engage with Yemeni authorities and all stakeholders, in particular [. . .] the authorities of the Gulf States and the League of Arab States'. Resolution 39/16 also "Encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the Group … ." To fulfill their mandate the Experts plan to visit Saudi Arabia in the next few weeks for the purpose of meeting relevant Saudi and Yemeni authorities.

The GEE has received and reviewed the official responses by the Government of Yemen and other member states. In this context, the Office of the United Nations High Commissioner for Human Rights would like to refer to the interactive dialogue under item 10 of the Human Rights Council held on 28 September 2018, and the responses provided by the Experts to comments raised by certain member states.

The Experts have stressed that meaningful interaction with all parties involved in the Yemen conflict and access to Yemen would be crucial to fulfil their mandate and to follow up on the areas that require further investigation as outlined in the first report. The Experts would like to engage with the Member States involved in the Yemen conflict and would like

H.E Mr. Abdulaziz Alwasil
Ambassador
Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva
Route de Lausanne 263
1292 Chambésy

to visit the Kingdom of Saudi Arabia to have meetings with representatives of the JIAT, Ministry of Defence and Ministry of Foreign Affairs respectively.

The Experts and their team will include the following members:

[redacted]

The Office of the United Nations Commissioner for Human Rights would appreciate the facilitation of the Permanent Mission to expedite the consideration of visa applications from the GEE team (copies of official identification attached).

The Office of the High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Geneva, 24 January 2019

H.E Mr. Abdulaziz Alwasil
Ambassador
Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva
Route de Lausanne 263
1292 Chambésy

** SENDING NOTIFICATION : FAX SENT SUCCESSFULLY **

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March 1, 2019 3:35:24 PM GMT+01:00		90	1	Sent

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The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva and has the honour to refer to the enclosed resolution 36/31 on 'Human rights, technical assistance and capacity-building in Yemen, adopted by the Human Rights Council on 29 September 2017.

Further to the *note verbale* sent to the Permanent Mission of the Kingdom of Saudi Arabia on 1 February 2019, the Office of the United Nations High Commissioner for Human Rights requested for the support of the Permanent Mission of the Kingdom of Saudi Arabia to assist in obtaining visa for the experts and the staff of the secretariat, the Office of the United Nations High Commissioner for Human Rights kindly requests the support of the Government of the Kingdom of Saudi Arabia in obtaining travel authorizations for the experts and officials from the Secretariat.

The Office of the High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Geneva, 1 March 2019

Permanent Representative of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva
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Ref : GEEY/23/2019

The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva and has the honour to refer to its *notes verbale* of 1 February, 1 March, and 25 March 2019 concerning cooperation with the Group of Eminent International and Regional Experts on Yemen.

In the above mentioned *notes verbale*, the Office of the United Nations High Commissioner for Human Rights requested the support of the Kingdom of Saudi Arabia in obtaining visas for the experts and staff of the Group of Experts, conveyed a list of issues from the Group of Experts for which responses were requested by 10 May 2019, and invited the Permanent Mission of the Kingdom of Saudi Arabia to make submissions to the Group of Experts on relevant information or documentation related to its mandate by 30 May 2019. To date no responses have been received.

Recalling that the mandate of the Group of Experts includes, among other things, the need to 'engage with Yemeni authorities and all stakeholders, in particular [. . .] the authorities of the Gulf States and the League of Arab States', and that Human Rights Council resolution 39/16 also "Encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the Group … .", the Office of the High Commissioner for Human Rights would be grateful to receive responses from the Kingdom of Saudi Arabia with respect to the mentioned *notes verbale*.

The Office of the High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Geneva, 14 June 2019

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The Office of the United Nations High Commissioner for Human Rights presents its compliments to the Permanent Mission of the Arab Republic of Egypt to the United Nations Office and other international organizations in Geneva and has the honour to refer to resolution 39/16 on "Human rights situation in Yemen", adopted by the Human Rights Council on 28 September 2018.

In fulfilment of this mandate, the Office of the United Nations High Commissioner for Human Rights has established the Group of Eminent Experts on Yemen, with a secretariat of staff based in Beirut, Lebanon. The Office of the High Commissioner for Human Rights has the honour to inform the Permanent Mission of the Arab Republic of Egypt that two of the Experts and three staff members of the secretariat will be travelling to Cairo to meet with Yemeni interlocutors based in Cairo. The meetings are organised with the support and assistance of the Yemeni Embassy in Egypt. They will stay in Cairo from 14-16 March, 2019. The delegation is made up of the following members:

[redacted]

The Office of the High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Arab Republic of Egypt to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Geneva, 4 March 2019

Permanent Mission of the Arab Republic of Egypt to the United Nations Office and other international organizations in Geneva
261, Route de Lausanne
1292 Chambesy

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

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March 18, 2019 11:02:20 AM GMT+01:0	0227384415	76	1	Received

18/03/2019 10:58 0227384415 EGYP/MISSIONGENEVE PAGE 01/01

Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the WTO and other International Organizations at Geneva

البعثة الدائمة لجمهورية مصر العربية
لدى مكتب الأمم المتحدة ومنظمة التجارة العالمية والمنظمات
الدولية الأخرى
جنيف

CHAN.2019. 076

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to its Note Verbal dated 4th of March 2019 regarding the visit of the members of the Group of Eminent Experts on Yemen to Egypt, the Permanent Mission of Egypt would like to reiterate its position regarding the renewal of the mandate of the Group of Eminent Experts by Human Rights Council Resolution 39/16 which Egypt has voted against in September 2018.

Consequently, the Egyptian government is of the view that this visit is inappropriate and will not be in a position to cooperate with the Group of Eminent Experts on Yemen.

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 18 March 2019

United Nations Human Rights Commission
Office of the High Commissioner for Human Rights,
Special Procedures Branch
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Date : 28/1/2019
Ref :02/GEE

جانب معالي الوزير هشام شرف عبدالله المحترم،
وزير الخارجية

يهدي فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن تحيّاته إلى وزارة الخارجية في صنعاء ويتشرّف بالإشارة إلى القرار 16/39 حول "حالة حقوق الإنسان في اليمن" الذي اعتمده مجلس حقوق الإنسان في 28 أيلول/ سبتمبر 2018.

ينصّ قرار مجلس حقوق الإنسان رقم 16/39 على تجديد ولاية فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن لمدّة عام إضافيّ كما و"يحثّ جميع أطراف النزاع في اليمن على تسهيل الوصول الكامل والشفاف للفريق والتعاون معه."

في هذا الإطار، يودّ الفريق دعوة وزارة الخارجية في صنعاء إلى تقديم البيانات والوثائق ذات الصلة بهذه الولاية إلى الفريق في مهلة أقصاها 30 أيّار/ مايو 2019.

كذلك، يعتزم الخبراء والأمانة العامة، سعيًا لتحقيق الولاية الموكلة إليهم، زيارة اليمن للتحقيق في انتهاكات حقوق الإنسان ولقاء ممثلين عن منظمات المجتمع المدني والسلطات والجهات المعنية.

أمّا وفد الخبراء وموظفو الأمانة العامة الذي سوف يقوم بأوّل زيارة لليمن فتتألف عضويته من:

[redacted]

يقدّر فريق الخبراء جهود وزارة الخارجية في سبيل تأمين الوصول للخبراء وللأمانة العامة وتسريع الإجراءات ذات الصلة بطلبات تأشيرات الدخول.

ينتهز فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن الفرصة ليعبر عن فائق الاحترام والتقدير لوزارة الخارجية في صنعاء.

وتفضلوا بقبول فائق الاحترام،

كمال الجندوبي

رئيس فريق الخبراء البارزين الدوليين والإقليميين المعني باليمن

الجمهورية اليمنية
وزارة الخارجية
مكتب الوزير

بسم الله الرحمن الرحيم

الرقم: خ-أ-444
التاريخ:
الموافق: 28-4-2019

السيد / كمال الجندوبي

رئيس فريق الخبراء البارزين الاقليميين والدوليين المعني باليمن الأكرم

تحية طيبة وبعد:

يطيب لي أن أُعرب لكم مجدداً عن خالص تقديرنا للجهود التي تبذلونها وأعضاء فريق الخبراء بغية التحقيق في الجرائم التي ارتكبها تحالف العدوان بحق الشعب اليمني منذ 26 مارس 2015.

وإلحاقاً برسالتنا الموجهة لكم برقم خ/أ/393، وتاريخ 17 ابريل 2018 ، أود أن أعرب لكم مجدداً عن ترحيب حكومة الإنقاذ الوطني بصنعاء بزيارة الفريق إلى صنعاء في الوقت الذي ترونه مناسباً.

كما أود أن أؤكد لكم بأن السلطات المعنية سوف تقوم بالتعاون مع الفريق وتقديم كافة التسهيلات اللازمة وبما من شأنه نجاح الزيارة وتحقيق الأهداف المرجوة منها .

وختاماً، فإننا نتطلع إلى موافاتنا بموعد الزيارة وقوام الوفد الزائر وغيرها من الوثائق اللازمة من أجل اصدار تأشيرات الدخول والبدء باتخاذ الترتيبات اللازمة في اسرع وقت.

وتفضلوا بقبول أسمى إعتباري

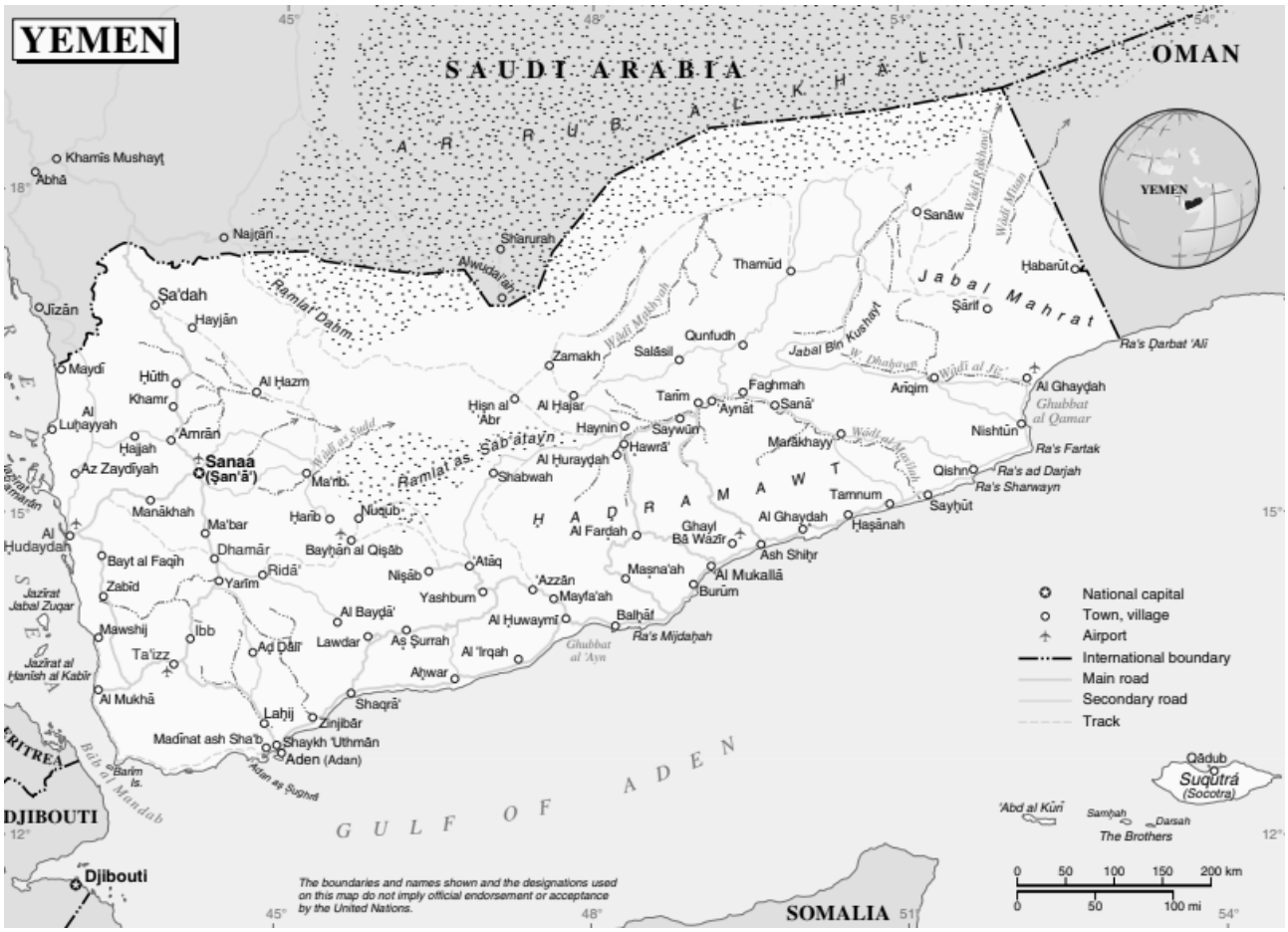
د. هشام شرف عبد الله
وزير الخارجية

حرر بصنعاء في 28 إبريل 2019

وزارة الخارجية

Annex III

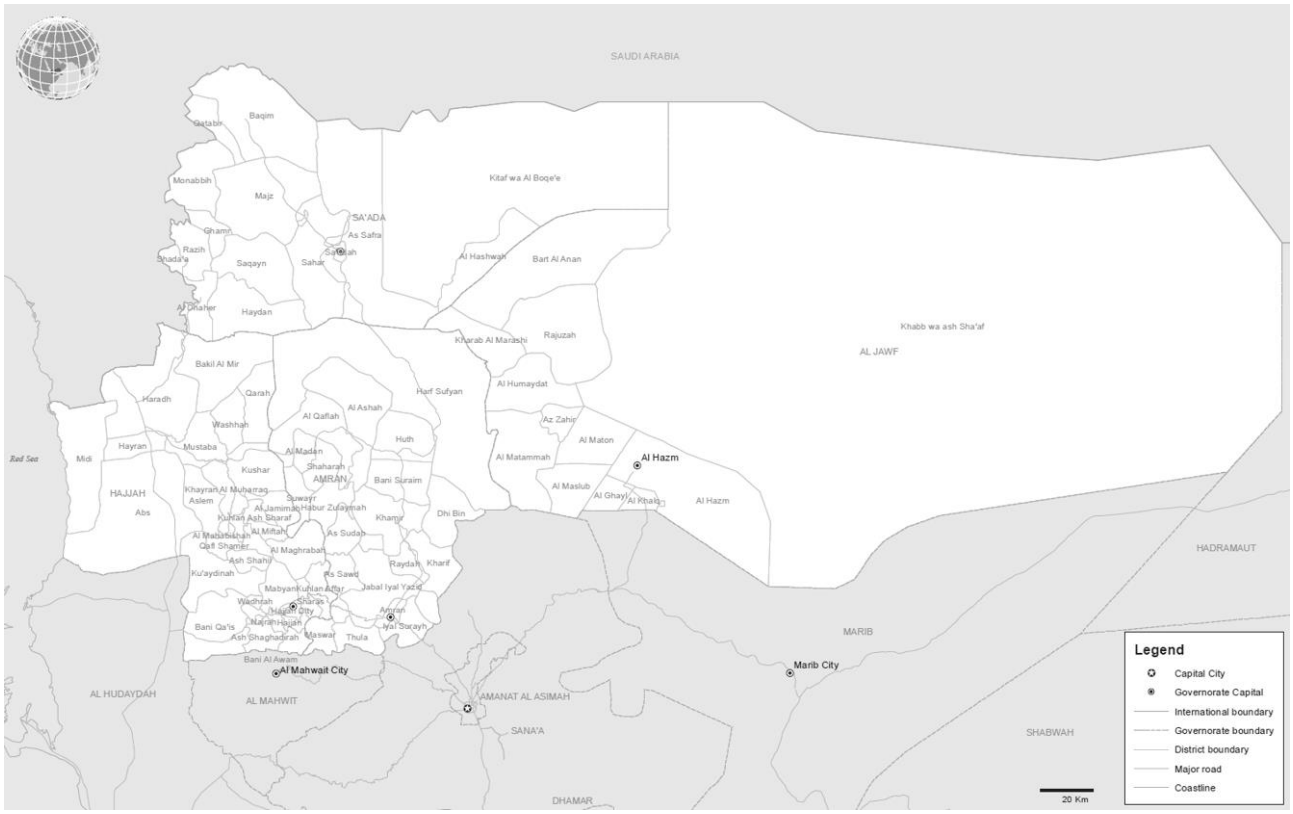
Maps of Yemen



Aden Governorate

Sana’a Governorate

Sa’dah, Hajjah, and Al-Jawf governorates



Ta’izz Governorate

Al-Hudaydah Governorate