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**Human Rights Council****Forty-fifth session**

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Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General****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/45/6, 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.

During this year, the Group of Eminent Experts prioritised for investigation violations occurring since mid-2019, while taking a longer temporal scope for some categories of violations not fully addressed during our previous reports. The Group of Eminent Experts found reasonable grounds to believe that the parties to the conflict in Yemen are responsible for pervasive and incessant international human rights law and international humanitarian law violations, many of which may amount to war crimes. The summary of these findings is included in A/HRC/45/6. In addition to highlighting the parties to the conflict responsible for violations, the Group of Eminent Experts identified, where possible, potential perpetrators of crimes that may have been committed. A list of names of such individuals has been submitted to the United Nations High Commissioner for Human Rights on a strictly confidential basis to assist with future accountability efforts.

The Group of Eminent Experts has taken into account the observations provided in relation to its previous report by the Government of Yemen, de facto authorities, the Southern Transitional Council, the coalition and the United Arab Emirates. However, the Group of Eminent Experts regrets that for a second consecutive year, it was not able to access Yemen and other coalition countries, despite having sent several requests for permission in January and February 2020. The Group of Eminent Experts directed specific questions to the parties to the conflict, but is yet to receive any response.

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\* 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 Human Rights Council (A/HRC/45/6).

Notwithstanding this lack of cooperation, and the challenges of conducting investigations during the more restrictive COVID environment, the Group of Eminent Experts has conducted more than 400 interviews with witnesses, victims and other sources.

The Group of Eminent Experts' report this year is entitled "A Pandemic of Impunity in a Tortured Land". It is the people of Yemen who are suffering the brunt of the parties' continued disregard for international human rights law and international humanitarian law. The title also highlights the palpable failure of the parties to hold accountable those responsible for the violations and to take action to realise victims' rights. After six unrelenting years of armed conflict in Yemen, the multi-party war continues with no end in sight for the suffering millions caught in its grip. The scale and nature of violations should shock the conscience of humanity. Yet too often Yemen is the "forgotten conflict".

Airstrikes continue to be carried out by coalition forces without appropriate regard to international law principles of distinction, proportionality and/or precaution. Persistently high civilian casualties from airstrikes on markets and farms, for instance, indicate the coalition may be failing to take all legally necessary measures to protect civilians and civilian objects. Some airstrikes may amount to disproportionate attacks. The Houthis as well as coalition forces are continuing to deploy indirect fire weapons, such as mortars and rockets, including in heavily populated areas. These indiscriminate attacks are killing and wounding civilians and damaging critical infrastructure, such as health facilities. The legacy of landmines unlawfully planted during previous years, is disturbingly apparent, in the deaths and injuries of civilians, e.g. children playing in fields, and in the diminished access to arable lands and fishing areas.

Were the parties to abide by their international obligations, the situation could and would be significantly mitigated and the death of innocent people avoided. The Group of Eminent Experts has found that the Houthis in particular are interfering in humanitarian aid, and that all parties are impeding humanitarian operations. Furthermore, parties to the conflict are failing in their obligations with respect to fundamental economic, social and cultural rights such as the right to education, the right to food and the right to health.

Away from the frontlines, serious violations continue to occur at the hands of all parties to the conflict. Persons have been unlawfully killed by security or law enforcement officials or armed groups. Individuals continue to be subjected to arbitrary detention, enforced disappearance, torture, and other forms of ill-treatment. Those perceived as dissenting from or opposing the party in control of territory – such as human rights defenders and journalists – are particularly at risk, as are vulnerable groups within the community – such as internally displaced persons, migrants, refugees and members of religious or social minorities. Gender-based violence, including sexual violence against women and girls, men and boys, is continuing, and individuals have been subjected to violations because of their sexual orientation or gender identity. Boys and girls, allegedly as young as seven years of age are being recruited into armed forces or armed groups and used in hostilities. Their right to education is being compromised both by the conduct of hostilities, but also by direct actions against educators, and the use of schools for military purposes or ideological indoctrination. While the justice system of Yemen should serve as an avenue for obtaining a remedy for violations, the Group of Eminent Experts has found that the administration of justice is gravely compromised, with serious consequences for fair trial rights. There remains an endemic lack of access to justice for survivors.

The Group of Eminent Experts is concerned that impunity continues largely unabated for those who perpetrate serious violations. While the Group of Eminent Experts has seen some progress in terms of investigations conducted by parties and some matters have been referred for criminal prosecution, to date no-one has been held accountable for the violations that the Group of Eminent Experts has identified. The Group of Eminent Experts is calling upon the international community to take a more active role in Yemen and upon the Security Council to refer the situation in Yemen to the ICC, and to list further individuals responsible for violations under their sanctions regime. The Group of Eminent Experts supports the creation of an international criminal justice investigation mechanism (similar to the bodies established for Syria and Myanmar), as well as further discussions about the possibility of a specialised court to deal with the international crimes committed during the conflict. The

Group of Eminent Experts also reiterates its call for third States to stop transferring arms to parties to the conflict given the role of such transfers in perpetuating the conflict and potentially contributing to violations. No State can now claim to be unaware of the scale of violations occurring in Yemen.

## Contents

	<i>Page</i>
I. Introduction and mandate .....	6
II. Methodology .....	7
A. Scope .....	7
B. Corroboration and standard of proof .....	7
C. Sources of information and constraints .....	8
D. Cooperation with the Group of Eminent Experts .....	9
III. Legal framework .....	10
A. Introduction .....	10
B. Applicable law .....	10
IV. Military, political and humanitarian context (July 2019 – June 2020) .....	14
V. Findings on violations of International Humanitarian Law and International Human Rights Law .....	20
A. Attacks affecting civilians or civilian objects .....	20
B. Arbitrary deprivation of life/murder of civilians .....	31
C. Violations related to the humanitarian situation .....	34
D. Arbitrary detention, torture and other forms of ill-treatment, and enforced disappearances .....	42
E. Gender and gender-based violence .....	50
F. Child recruitment and use and related violations .....	62
G. Treatment of specific groups .....	75
H. Violations related to the administration of justice .....	83
VI. Accountability .....	90
A. Criminal Justice Accountability .....	90
B. Non-Criminal Justice Accountability .....	102
C. Third States – Arms Transfers and Other Support to Parties to the Conflict .....	105
VII. Conclusions and Recommendations .....	107
A. Conclusions .....	107
B. Recommendations .....	108
Annex I .....	112
Annex II .....	150

## 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
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GC	Geneva Conventions of 1949
GCC	Gulf Cooperation Council
GPC	General People's Congress political party
IAC	International Armed Conflict
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
IDP	Internally displaced persons
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)
MOE	Ministry of Education
MP	Member of Parliament
MSF	Médecins Sans Frontières / Doctors Without Borders
NCOI	National Commission of Inquiry
NGO	Non-Governmental Organisation
NIAC	Non-international armed conflict
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
SBF	Security Belt Forces
SEF	Shabwah Elite Forces
SJC	Supreme Judicial Council
SCC	Specialised Criminal Court
STC	Southern Transitional Council
UAE	United Arab Emirates
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
UNICEF	United Nations Children's Emergency Fund
UNITAR-UNOSAT	Operational Satellite Applications Programme of the United Nations Institute for Training and Research
UXO	Unexploded ordnance
WFP	World Food Programme

## I. Introduction and mandate

1. Responding to the continued reports of violations and abuses of international law in Yemen, the Human Rights Council (the “Council”), in resolution 42/2 of 26 September 2019, renewed the mandate of the Group of Eminent International and Regional Experts (“Group of Experts”) to monitor and report on the situation of human rights in Yemen.
2. The Group of Experts’ mandate is to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible and to make recommendations on improving respect for and protection and fulfilment of international human rights law and international humanitarian law, and to provide guidance on access to justice, accountability, reconciliation and healing.
3. The Group of Experts’ mandate also requires it to engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Yemen, authorities of the 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 violations and abuses of human rights and violations of international humanitarian law in Yemen.
4. In resolution 42/2, the Human Rights Council made more explicit reference to international humanitarian law alongside international human rights law, compared with its previous mandate.<sup>1</sup> The Council also requested the Group of Experts to present its comprehensive written report to the Human Rights Council at its forty-fifth session, replacing the previous procedure of submitting its report through the High Commissioner for Human Rights.
5. In December 2019, the High Commissioner reappointed Kamel Jendoubi (Tunisia) (Chair) and Melissa Parke (Australia) and appointed Ardi Imseis (Canada) as a new expert to replace Charles Garraway (United Kingdom of Great Britain and Northern Ireland). The Experts serve in a non-remunerated, independent capacity
6. The Group of Experts continues to be supported by a Secretariat of professional staff from OHCHR, based in Beirut, consisting of a coordinator, human rights investigators, an open source investigator, child protection specialist, gender specialist, a reporting officer and an analyst, together with a legal adviser, military adviser, and translation, media and administrative support staff. Owing to budgetary restraints, the Group was unable to recruit a field security officer.
7. In keeping with its mandate, this report details the Group of Experts’ analysis and findings about the main patterns of violations and abuses identified during the reporting period. It highlights the continuity of recurring behaviours and practices by parties to the conflict that the Group identified in its previous reports, and identifies additional patterns. It should be read in conjunction with and as a supplement to the official report of the Group (A/HRC/45/6).

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<sup>1</sup> The earlier mandate of the Group of Experts referred to “all alleged violations and abuses of international human rights law and other appropriate and applicable fields of international law” (A/HRC/RES/36/31, 3 October 2017).

## II. Methodology

8. The Group of Experts continued to follow the well-established best practices and methodologies for human rights fact-finding<sup>2</sup>, 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. Scope

9. For this reporting period, the Group of Experts has focused primarily on alleged violations which took place between July 2019 and June 2020. Some incidents occurring prior to this period were investigated where, for instance, previous reports had noted the need for further investigations, or where a longer-term perspective was necessary to appreciate a pattern of violations. The Group prioritised incidents of alleged violations for examination using the criteria previously developed: namely, the gravity of allegations of violations; their significance in demonstrating patterns; access to victims, witnesses and supporting documentation; and the geographic locations of the incidents. It stresses the need for further investigations to more comprehensively address alleged violations, including in governorates not covered in this report. Despite not being able to exhaustively document the huge number of alleged violations, the Group considers that its report illustrates the main patterns and types of violations taking place in Yemen. After six years of conflict, the fact that these patterns of violations and abuses continue unabated raises serious concerns as to the will of the parties to the conflict to decisively change their behaviour on the ground.

10. As part of its mandate, the Group of Experts has identified, where possible, the party to the conflict or affiliated group responsible for violations and abuses and has named these actors in this report. It has also sought, when feasible, to identify individuals allegedly responsible for violations and abuses. A strictly confidential list of such alleged perpetrators has been submitted to the High Commissioner for Human Rights. This list is distinct from the mapping of the main actors of the conflict in Annex I.

### B. Corroboration and standard of proof

11. In line with well established practices of United Nations fact-finding bodies, the Group of Experts applied “reasonable grounds to believe” as the standard of proof to consider individual incidents and patterns established and to reach factual conclusions. On that basis, the Group then proceeded to determine whether these factual findings amounted to violations of international human rights law and/or international humanitarian law.

12. The Group considered the standard of proof to be met when it had 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 had occurred. The Group of Experts assessed both the reliability and credibility of the sources and the validity of the information. To make those factual determinations, the Group corroborated the information it received by comparing it with other sources to check whether the various parts of an allegation raised by a source coincided with the information from other independent credible sources. In doing so, it required at least one credible direct source of information, independently corroborated by at least one or more additional credible sources of information. In cases where there was only a single credible direct source for an incident, if the incident fitted a pattern of incidents established by the Group and for which it could identify similarities in various fields, such as the methods or modus operandi, the location, and/or the perpetrators, the Group relied on corroboration by pattern.

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<sup>2</sup> 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, available at: [https://www.ohchr.org/Documents/Publications/CoI\\_Guidance\\_and\\_Practice.pdf](https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf)

13. Accordingly, the incidents and patterns included in the present report and in the report submitted to the Council are all those for which the Group considered it had “reasonable grounds to believe” had occurred, even when this expression or alternate terms of “verified” or “concluded” are not explicitly used. Additionally, when relevant to an understanding of certain violations, the Group has indicated in the text when it has received “allegations” that it has not been able to verify due to constraints in accessing sources of information. Finally, the Group has also referred to “credible reports” it received when allegations originated from credible sources but they could not be verified.

### **C. Sources of information and constraints**

14. As with the approach followed during the two previous reporting periods, the following sources were considered 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 or de facto authorities; 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. For the purposes of corroborating information from direct sources, and for providing a contextual understanding, the Group of Experts considered 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 statements provided to reputable human rights organisations where the Group of Experts was able to validate the methodology used by the organisations to obtain the statement. Where the Group relied upon information contained in secondary sources, such as reports, for corroborative purposes it aimed to discuss the methodology, findings, and/or analysis with the author whenever possible.

15. The Group of Experts reviewed a substantial quantity of primary and secondary sources of information, including conducting more than 400 interviews with victims and witnesses, and collecting and reviewing open source and digital information. The Group continued to adhere to interview protocols and representativeness in the selection of persons to be interviewed as well as gender and age sensitivity.

16. The Group of Experts strictly adhered to the principles and standards 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. 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. While taking these steps, the Group underlines that the primary responsibility for protecting victims, witnesses and other persons cooperating with the Group lies with their States of residence and nationality.

17. The Group of Experts also reviewed satellite imagery and obtained expert analysis from UNITAR-UNOSAT<sup>3</sup>, which supplemented its own internal review of the imagery, as well as documents, photographs and videos, including recordings made by witnesses and judicial documents. 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 that served either as leads to inform further investigation by the Group, as means to assess the credibility and reliability of other sources or the validity of information, or as part of the corroboration process. In all cases of review of open source material, the authenticity, veracity and credibility of the content was established using best practices of current open source analytical methods.

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<sup>3</sup> All UNITAR-UNOSAT assessments included in this report are also available on the website of the Group of Experts at:  
<http://www.ohchr.org/en/HRBodies/HRC/YemenGEE>



18. In February 2020, the Group of Experts circulated public calls for written submissions from non-governmental and other organizations and individuals interested in bringing information to the attention of the Group. The Group is grateful to all of the victims and witnesses who entrusted their information to the Group, as well as the organizations and individuals that provided information in response to its calls for submissions.

19. Significant constraints limited the Group's ability to gather information during this reporting period. The Group regretted that for a second consecutive year, it was not able to access Yemen and other coalition countries, despite having sent requests for permission in January and February. The Group sought to mitigate the effects of this limitation through conducting interviews remotely, using secure channels of communication and taking additional precautions to ensure the reliability of sources and the safety of the interviewees. Further limitations arose due to the emergence of the COVID-19 pandemic and related restrictions. In Yemen, this environment precluded victims and witnesses being able to move freely, in particular impeding their access to safe spaces to engage in interviews with investigators. The Group of Experts and its supporting Secretariat in Beirut were compelled to curtail further field missions (having had the opportunity in December 2019 and between January and March 2020 to conduct three missions), and substantially alter their working methods. As a result, the Group was forced to narrow the scope of its investigations in terms of the breadth of subject matter covered. The Group continues to be concerned about the climate of fear in Yemen that prevents many witnesses, victims and organisations from engaging and sharing information with the Group of Experts. In the case of specific violations, the difficulties are compounded by additional factors, e.g. societal stigma, risk of marginalisation or reprisals from family members and the wider community in the case of survivors of gender-based violence and children recruited into armed groups. Moreover, the explosion that occurred on 4 August in Beirut caused minor injuries to some personnel, dislocation and property damage to others, and ultimately further delayed and interrupted the work of the Secretariat.

20. Despite the above constraints, the Group of Experts was able to gather sufficient information to make findings in keeping with the standard of proof and methodological requirements. The Group stresses that the findings in this report account only for a fraction of the violations and abuses taking place in Yemen. The Group reiterates once more that its findings, supplementing those made in its two previous reports (A/HRC/39/43 and A/HRC/42/17), necessitate further investigations to provide a more comprehensive picture of the situation in Yemen.

#### **D. Cooperation with the Group of Eminent Experts**

21. The Group of Experts remains grateful for the assistance and support it has received from government and non-governmental entities, United Nations agencies and partners working on Yemen, as well as the cooperation provided by individual officials and institutions within Yemen.

22. However, the Group regrets the lack of cooperation from parties to the conflict. As noted above, the Group's requests to visit Yemen and some members of the coalition were unanswered. Following its previous practice, in June 2020, the Group addressed specific queries to the Government of Yemen, the de facto authorities,<sup>4</sup> the Southern Transitional Council (STC), Saudi Arabia, the United Arab Emirates (UAE), and the Sudan. As of the time of the preparation of this report, no answers had been received. The Group was, however, able to review the comments and responses taking issue with some of the findings of the Group that were sent by the Government of Yemen through its 35th Brigade, the United

<sup>4</sup> The term "de facto authorities" is used to refer to the authorities based in Sana'a, where Ansar Allah as a political movement is the main actor, supported by an armed group referred to as the "Houthis." The Group uses "STC" to refer to the Southern Transitional Council operating in Aden and southern Governorates, notwithstanding that during part of the reporting period, the STC acted as a de facto authority.

Arab Emirates, the coalition, the de facto authorities, and the STC, following the publication of the Group's second report in September 2019.

### **III. Legal framework**

#### **A. Introduction**

23. The mandate given by the Human Rights Council resolution 42/2 to the Group of Experts directs the Group to use the framework of international human rights law and international humanitarian law. Given the multiple references to accountability in the Group's mandate, the Group has also used the lens of international criminal law to consider whether violations may amount to international crimes, while recognising that the Group is not a criminal adjudicative body.

#### **B. Applicable law**

24. The particular legal standards governing violations are detailed in the introductory paragraphs of each section under Chapter V. However, the general approach of the Group of Experts is set out below.

##### **1. International Human Rights Law**

25. Yemen has ratified seven of the nine core international human rights treaties. It is a party to the ICCPR, ICESCR, CEDAW, CERD, CAT, CRC and the CRPD. It has also ratified a number of related Optional Protocols, including the OP-CRC-AC. As a party to these treaties, Yemen is bound to respect, protect, promote and fulfil the human rights of all persons within its territory and/or subject to its jurisdiction. This includes the responsibility to investigate and bring to justice perpetrators of violations amounting to crimes under national or international law, and to afford an effective remedy to those whose rights have been violated.<sup>5</sup> Yemen is also bound by rules of international human rights law that form a part of customary international law.

26. The Group of Experts notes that the ICCPR permits States to take measures derogating from obligations "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed".<sup>6</sup> Such derogations are permissible only to the extent strictly required by the exigencies of the situation, and measures must not be inconsistent with other obligations under international law or involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.<sup>7</sup> The Government of Yemen does not appear to have notified the Secretary-General of any general state of emergency arising from the conflict. In any event, several rights under the ICCPR are explicitly non-derogable, including the right to life, the prohibition of torture or cruel, inhuman or degrading punishment, and freedom of thought, conscience and religion.<sup>8</sup> The Human Rights Committee has highlighted that other rights should be regarded as non-derogable.<sup>9</sup> The ICESCR does not contain any derogations clause.

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<sup>5</sup> See further the Chapter on Accountability (paras. 363-417).

<sup>6</sup> ICCPR, art. 4(1).

<sup>7</sup> ICCPR, art. 4(1).

<sup>8</sup> ICCPR, art. 4(2). Art. 4(2)'s full listing of non-derogable rights is arts. 6, 7, 8(1) and (2), 11, 15, 16 and 18.

<sup>9</sup> Other rights that the Human Rights Committee has recognised as non-derogable include: the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person, the prohibition against taking hostages, abductions or unacknowledged detention, certain elements of the right of minorities to protection, the prohibition of deportation or forcible transfer of population and the prohibition of propaganda for war and advocacy of national, racial or religious hatred that would constitute incitement to discrimination, hostility or violence, right to an effective remedy, fundamental fair trial rights as well as procedural rights necessary for the

27. International human rights law applies both in times of peace and in times of armed conflict. As the International Court of Justice (ICJ) stated in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, “the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in article 4 of the [ICCPR]” which, as noted, has not been invoked by Yemen.<sup>10</sup> Its application during armed conflict may, however, be modified by international humanitarian law as the *lex specialis*. In practice, the inter-relationship may be more complex than this description suggests. As the ICJ has recognised, “some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law”.<sup>11</sup> Ultimately, international humanitarian law and international human rights law are “complementary, not mutually exclusive”.<sup>12</sup>

28. 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, within the limits of its effective power.<sup>13</sup> Indeed, a State’s obligation to protect individuals under its jurisdiction extends to responding to the threats to the enjoyment of human rights posed by non-State armed groups, including de facto authorities.<sup>14</sup> Similarly, in areas outside their control, for instance, there remains a need not to impede the enjoyment of human rights.

#### *De Facto Authorities*

29. Non-State actors, such as *Ansar Allah/Houthis*, the de facto authorities in the north-west of Yemen, and the STC in parts of the south of Yemen, cannot formally become parties to international human rights treaties. However, where these authorities exercise territorial control and government-like functions, they can be regarded as being bound by international human rights norms.<sup>15</sup>

#### *Extra-territorial application of international human rights law*

30. Other States carrying out operations in Yemen also bear responsibilities under international human rights law. It has been recognised that the scope of application of international human rights law is not restricted to a State’s territorial limits, but extends to

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protection of non-derogable rights. This includes for instance, the right to bring proceedings before a court to enable the court to decide on the lawfulness of detention as well as procedural rights associated with the application of the death penalty: Human Rights Committee, General Comment No. 29 on states of emergency (art. 4), (2001) paras. 13-15.

<sup>10</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004, p 136, para.106.

<sup>11</sup> *Ibid.* The Court maintained the same approach in *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v Uganda) ICJ Reports 2005, p 168, para. 216.

<sup>12</sup> Human Rights Committee, General Comment No. 36: Article 6: the right to life (2019), para.64.

<sup>13</sup> Concluding Observations of the Human Rights Committee on the Republic of Moldova, 4 November 2009, para. 5 (CCPR/C/MDA/CO/2). The Government of Yemen has stated 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: Joint memo dated 8 August 2018 addressed to the Group of Experts by the Government of Yemen, Saudi Arabia and the United Arab Emirates.

<sup>14</sup> 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, p. 15.

<sup>15</sup> See A/HRC/42/CRP.1, para.82. The Group notes that the de facto authorities have in their written correspondence to the Group of Experts acknowledged these obligations in stating that their forces respect their international obligations to protect civilians in accordance with both international humanitarian law and international human rights law and have also referred to the applicability of human rights treaties ratified by the Government of Yemen to their administration. The Group also notes that the STC signed the 3 of the Geneva Call Deeds of commitments, see <https://stc-eu.org/en/the-supreme-commander-of-the-stc-signs-3-deeds-of-commitment-with-geneva-call-to-improve-the-protection-of-civilians-during-armed-conflicts/#:~:text=The%20Deed%20of%20Commitment%20is,legal%20recognition%20to%20these%20actors>

the exercise of jurisdiction outside its territory.<sup>16</sup> The Group of Experts has taken the approach that where States exercise power or control over a person, area or facility in Yemen, they must do so in compliance with international human rights obligations.<sup>17</sup>

## 2. International Humanitarian Law

31. All parties to the conflict in Yemen are bound by relevant norms of international humanitarian law. The conflict between the armed forces of the Government of Yemen and the Houthis is a non-international armed conflict (NIAC) between a State and a non-State armed group. Within international humanitarian law treaty law, NIACs are regulated by Common Article 3 of the four Geneva Conventions of 1949 (“Common Article 3”), and Additional Protocol II thereto, to which Yemen is a party, provided the relevant thresholds are met. Common Article 3 applies to an “armed conflict not of an international character occurring in the territory of one of the High Contracting Parties”. Additional Protocol II adopts a narrower definition of NIACs – providing for the scope of its application to a conflict “which takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organised armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol”. The Group of Experts has previously concluded that the conflict occurring in Yemen meets both threshold tests. It is also bound by other international humanitarian law treaties it has ratified, including those relating to the methods and means of warfare, such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (“Anti-Personnel Mine Ban Convention”). In addition to these treaty obligations, Yemen is bound by all relevant norms of customary international humanitarian law.<sup>18</sup>

32. As a party to the conflict, the Houthis/de facto authorities are also obliged to abide by these same international humanitarian law norms. The precise legal mechanism by which this occurs is debated.<sup>19</sup> However, the application of relevant treaty and customary international humanitarian law norms to all parties in a NIAC is a broadly accepted proposition. Furthermore, as the Group of Experts has noted previously, the de facto authorities have acknowledged in their correspondence with the Group of Experts, the application of international humanitarian law to their forces, both in a general sense and in relation to the

<sup>16</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004, p 136, paras. 109, 111-113; Most of the academic and judicial focus has been on the extraterritorial application of human rights treaties, but as to arguments in favour of the extraterritorial application of human rights under customary international law, see Noam Lubell, *Extraterritorial Use of Force Against Non-State Actors* (2011). In its General Comment on the right to life, the Human Rights Committee elaborated that “persons subject to its jurisdiction” covers all persons over whose enjoyment of the right to life a State exercises power or effective control, including persons located outside any territory effectively controlled by the State whose right to life is nonetheless affected by its military or other activities in a direct and reasonably foreseeable manner: General Comment No. 36: Article 6: the right to life (2019), para. 63.

<sup>17</sup> In relation to Coalition members, all members have ratified the CERD, CAT and the CRC, all members (besides Saudi Arabia and the United Arab Emirates) have ratified the ICCPR and ICESCR, all members (except the United Arab Emirates) have ratified the CPRD, and all members (except the Sudan) have ratified CEDAW. Low ratification rates apply to the CPED and the ICRMW. Full ratification information related to Coalition members can be accessed at <<https://indicators.ohchr.org/>>. Coalition members are also bound by customary international human rights law.

<sup>18</sup> Whilst the existence of a rule of customary international law depends on there being State practice supported by *opinio juris*, the ICRC Customary Law Study represents a useful starting point in determining the customary status of particular rules: Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, ICRC/Cambridge, 2005 (hereinafter “ICRC Study on Customary International Humanitarian Law”).

<sup>19</sup> For a useful summary of the different bases that have been put forward, see Annyssa Bellal and Ezequiel Heffes, “ ‘Yes I do’: Binding Armed Non-State Actors to IHL and Human Rights Norms Through their Consent” (2018) 12 *Human Rights and International Legal Discourse* 121

specialised treaties such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997.<sup>20</sup>

33. The Group of Experts has previously concluded that member States of the coalition intervening at the request of the Government and supporting it in its operations became parties to the pre-existing NIAC between Yemen and the Houthis as of March 2015. The involvement of the international coalition does not change the non-international character of the conflict given that the international coalition intervened at the request of Yemen in its conflict with a non-State armed group. As such there is no conflict between two or more States, an essential condition for a conflict to be considered an international armed conflict (IAC). As parties to the NIAC, the members of the coalition are bound to respect all applicable international humanitarian law, including Common Article 3 and Additional Protocol II, as well as customary international humanitarian law.<sup>21</sup> Members of the coalition are also bound by the additional relevant treaty obligations they have accepted through ratification of various instruments.<sup>22</sup>

34. Several other NIACs of different levels of intensity remain ongoing in Yemen between the Yemeni armed forces and non-State armed groups, or as between differing 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.<sup>23</sup> This includes the conflict between the Government of Yemen and Al-Qaeda in the Arab Peninsula (AQAP) and the so-called “Islamic State”, and the conflict which emerged between armed groups in the South (affiliated with the STC) and the Government of Yemen. In relation to such parallel non-international armed conflicts, all parties are similarly bound by relevant provisions of international humanitarian law.

### 3. International Criminal Law

35. International criminal law provides the framework for considering, at the international level, which egregious violations of international human rights law and serious violations of international humanitarian law, attract individual criminal responsibility. Yemen is not a party to the Rome Statute of the International Criminal Court (ICC),<sup>24</sup> nor are most coalition members, including Saudi Arabia and the United Arab Emirates.<sup>25</sup> This however, does not preclude the Security Council referring the situation in Yemen to the ICC nor a future referral by the Government of Yemen. Furthermore, it does not preclude the exercise of jurisdiction by individual third States that have enacted legislation covering international crimes. The Rome Statute, in particular its coverage of genocide, war crimes and crimes against humanity, has thus been used as the lens through which to consider whether violations committed in Yemen may amount to international crimes.<sup>26</sup>

<sup>20</sup> Letter of 31 May 2019 from the de facto authorities to the Group of Experts, response to question no. 15.

<sup>21</sup> All members of the coalition have ratified the four Geneva Conventions and both Additional Protocols of 1977.

<sup>22</sup> All members of the coalition, except for Egypt and the Sudan, are parties to the Convention prohibiting Certain Conventional Weapons 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 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). A 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.

<sup>23</sup> As the Group has previously acknowledged, the conflict between the Government and the Houthis is more complex than a simple binary conflict: there are shifting loyalties, the proliferation of armed groups and fragmentation of factions.

<sup>24</sup> Yemen signed the Rome Statute on 28 December 2000, but has not ratified it.

<sup>25</sup> The only members of the coalition that are party to the Rome Statute are Jordan and Senegal.

<sup>26</sup> Additional crimes recognized under international law exist, e.g. torture, and enforced disappearance.

36. International criminal law recognises a range of modes of liability. Individuals can be held responsible for committing a crime (individually, jointly or through another), ordering, soliciting or inducing the commission of a crime; aiding, abetting or otherwise assisting to facilitate the commission of a crime; or contributing to the commission of a crime by a group acting with a common purpose.<sup>27</sup> Military Commanders can be held liable if they knew or should have known that forces under their effective command were committing or about to commit crimes and they failed to take all necessary and reasonable measures to prevent or repress the crimes or to submit them to the competent authorities for investigation and prosecution. Likewise, superiors can be held liable in similar circumstances where they knew or consciously disregarded information clearly indicating that subordinates were about to commit such crimes.<sup>28</sup> Members of armed forces, non-State armed groups and political leaders can all be prosecuted before the courts of the State in which they operate, as well as before the courts of other States that apply universal jurisdiction and/or any international courts with relevant jurisdiction. Individuals, including from third States, may also be held criminally responsible if they aid, abet or otherwise assist in the commission of war crimes.

#### 4. State responsibility

37. State responsibility arises under international law where there is an internationally wrongful act (or omission) that is attributable to a State, and where the act constitutes a breach of that State's international obligations.<sup>29</sup> Acts attributable to a State include the conduct of its organs (whether the organ exercises legislative, executive, judicial or other functions),<sup>30</sup> the conduct of a person/entity empowered under law to exercise elements of governmental authority,<sup>31</sup> and the conduct of persons/groups acting on the State's instructions or under its direction or control.<sup>32</sup>

38. International law also recognises that States bear responsibility for "aiding or assisting" another State in the commission of an internationally wrongful act. This arises when States give such aid or assistance with knowledge of the circumstances of the wrongful act, and the act would be wrongful if it had been committed by the assisting State itself.<sup>33</sup>

## IV. Military, political and humanitarian context (July 2019 – June 2020)

39. It has been more than six years since the conflict in Yemen started, and it continues unabated.<sup>34</sup> It is estimated that, since the beginning of the conflict, approximately 112,000 people have died as a direct result of hostilities, of whom around 12,000 were civilians.<sup>35</sup> A projection in 2019 indicated that over 130,000 people would have died by the end of that year as a result of the worsening socio-economic, health and humanitarian conditions.<sup>36</sup> The Office of the United Nations High Commissioner for Human Rights documented that at least 7,825 civilians were killed (including at least 2,138 children and 933

<sup>27</sup> Rome Statute, art. 25.

<sup>28</sup> Rome Statute, art. 28.

<sup>29</sup> International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, arts. 1 and 2.

<sup>30</sup> Ibid. art. 4.

<sup>31</sup> Ibid. art. 5.

<sup>32</sup> Ibid. art. 8. Other less common bases of attribution include acts of organs placed at the disposal of a State by another State (art. 6) and conduct by persons not falling within any of these categories that is acknowledged and adopted by the State as its own (art. 11).

<sup>33</sup> International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, and the commentary thereto, art. 16.

<sup>34</sup> See A/HRC/39/43, A/HRC/42/17 and A/HRC/42/CRP.1

<sup>35</sup> Armed Conflict Location & Event Data Project (ACLED), Resources: War in Yemen, available at <https://acleddata.com/2020/03/25/acled-resources-war-in-yemen>

<sup>36</sup> United Nations Development Programme (UNDP) and the Frederick S. Pardee Center for International Futures, *Assessing the Impact of War on Development in Yemen*, 23 April 2019, available at:

<https://www.undp.org/content/dam/yemen/General/Docs/ImpactOfWarOnDevelopmentInYemen.pdf>

women) and 12,416 civilians injured (including 2,898 children and 1,395 women) in Yemen as a direct result of the armed conflict between March 2015 (when it began such tracking) and June 2020.

40. During the reporting period, many military, political and humanitarian developments have taken place. On the military side, in northern Yemen, the Houthis made noticeable advances, including taking control of parts of Nihm, Al-Jawf including Al-Hazm, and Ma'rib. Several other fronts, such as Sa'ada, Ta'izz, Al-Bayda and Al-Dhale'e, witnessed tense confrontations. Fighting intensified on the southern front between the Government of Yemen forces and the forces affiliated with the STC backed by the United Arab Emirates. Developments in the south have weakened the Government of Yemen's control over some southern governorates. Politically, Saudi Arabia sponsored talks between the Government of Yemen and the STC which led to the signing of the Riyadh agreement on 5 November 2019. However, the terms of the agreement have not been implemented. In April 2020, the STC declared the establishment of a "self-rule" administration, though it withdrew that declaration in July 2020. On 25 August, the STC withdrew from its participation in the consultations on the implementation of the Riyadh agreement. Very limited progress has been made in reaching a political solution to the conflict despite the inclusive and participatory process led by the Special Envoy of the Secretary-General on Yemen. Against this backdrop, the world's worst humanitarian crisis remains dire with the cumulative effects of six years of destruction and fighting compounded by an economy and public health system in tatters, made worse by COVID-19.

### 1. Military developments

41. The coalition continued to conduct airstrikes during the reporting period. Among other major military developments was the UAE two-phase withdrawal of ground troops from Yemen in the second half of 2019. The first phase was implemented in June and July, mainly from the west coast front. The second phase, in October, left a minimal presence of troops in Mukha, Aden, Balhaf, Al-Mukalla and Socotra. The withdrawal of UAE troops from Aden was completed with the handover of its base in Al-Buraiqeh to Saudi Arabia forces.<sup>37</sup> Following these withdrawals, the UAE announced that "they fought three enemies in Yemen at the same time: the Houthi rebels, the Muslim Brotherhood and the terrorist forces of Islamic State and Al-Qaeda". The UAE stated, however, that it would continue its air operations in Yemen.<sup>38</sup> In addition, some 90,000 UAE-backed Yemeni fighters remain on the ground in Yemen. The Sudan also withdrew several thousands of its troops stationed in Yemen that were part of the coalition.

42. On 1 August 2019, the Houthis launched a missile and drone attack against a graduation ceremony at Al-Jala'a military camp in Al-Buraiqeh, in western Aden, where the UAE-backed Security Belt Forces (SBF) are based, killing 18 soldiers, including high ranking officers, and injuring 23 soldiers.<sup>39</sup> Following this attack, the SBF operating in southern Yemen, carried out retaliatory attacks against people from northern governorates.<sup>40</sup>

43. On 7 August, tensions in Aden city increased as STC supporters arrived for the soldiers' funerals. After referring to the killing of three people who attended the funerals, and despite conflicting claims as to who carried out the attack, Hani Bin Brik, the STC Vice president, called for a general mobilization and the storming of Al-Ma'ashiq Palace.<sup>41</sup> Armed

<sup>37</sup> Final Report of the Panel of Experts, attached to Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council, S/2020/326, para. 24 Available at: <https://undocs.org/ar/S/2020/326>. See also: <https://yemenshabab.net/news/51137>

<sup>38</sup> Lieutenant General Eisa Saif Almazrouei, Joint Operations Commander in Yemen and Deputy Chief of Staff of UAE Armed Forces brief, 9 February 2020. Available at: <https://www.wam.ae/en/details/1395302822487>

<sup>39</sup> Confidential report on file. Also, see: A/HRC/42/CRP.1., para. 123. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx>

<sup>40</sup> Press briefing note on Yemen, Spokesperson for the UN High Commissioner for Human Rights, 6 August 2019. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24871&LangID=E>

<sup>41</sup> <https://twitter.com/HaniBinbrik/status/1159085348074545152/>

battles broke out between SBF and the Government of Yemen's presidential brigade as mourners approached Al-Ma'ashiq presidential palace.<sup>42</sup> Fighting spread through the city in the following days, and STC-affiliated forces seized control of government buildings and military bases, while the few ministers present in Aden at the time fled the city.<sup>43</sup> By 10 August, Aden had fallen under the control of the STC.

44. On 22 August, fighting began in Ataq City, Shabwah governorate, between Shabwa Elite Forces (SEF) affiliated to the STC and the pro-Hadi forces. The battle for control of Ataq continued throughout 25 August, when Saudi Arabia and the UAE announced a joint committee to supervise a ceasefire in the governorate.<sup>44</sup> Government forces then took over SEF positions in the governorate, including the coastal town of Belhaf.<sup>45</sup> On 28 August, fighting intensified in Abyan,<sup>46</sup> and the governorate remained split between zones controlled by the Government and those controlled by STC-aligned forces.

45. On 28 and 29 August, the UAE launched air strikes in Aden and its suburbs, as well as in the city of Zinjibar in Abyan Governorate, killing and injuring 300 Government of Yemen soliders. The Government of Yemen called upon the Security Council to fulfil its role and intervene to stop these attacks.<sup>47</sup> On 3 September, the UAE released a statement confirming it had launched the strikes, which it said targeted "elements of terrorist organizations" that had attacked coalition forces at Aden airport.<sup>48</sup> The Yemeni government rejected this justification and reiterated that the attack was carried against its own armed forces.<sup>49</sup>

46. From August 2019 onwards, the Houthis escalated their military operations, called "victory from God",<sup>50</sup> in the Kitaf wa Al-Boqe'e axis in Sa'ada Governorate where it controlled several positions.<sup>51</sup> On 14 September, two Saudi Aramco facilities located in Abqaiq and Khurais were attacked by drones and cruise missiles, and the Houthi forces claimed responsibility for the attack. The United Nations Security Council-mandated Panel of Experts expressed doubts that the drones and missiles used in the attack had a range allowing them to be launched from Yemeni territory under Houthi control, noting it was unlikely the Houthis were responsible for these attacks. Other attacks using similar weapons were apparently fired from Yemen, and it is not believed that these relatively sophisticated weapons were either developed or manufactured in Yemen.<sup>52</sup> On 20 September, the Houthis announced a unilateral suspension of strikes on Saudi Arabia, calling in return for a halt to Saudi airstrikes and a lifting of restrictions on access to northern Yemen. In late October, Houthi forces launched an offensive in Sa'ada Governorate against Yemeni government

<sup>42</sup> See "The Southern Implosion-The Yemen Review", Sana'a Center for Strategic Studies, August 2019, available at:

<https://sanaacenter.org/publications/the-yemen-review/8016>

<sup>43</sup> Ibid.

<sup>44</sup> Command of the joint forces of "Coalition to Restore Legitimacy in Yemen" stresses necessity of commitment by all parties in Shabwah province to continued ceasefire, maintaining truce," Saudi Press Agency, 26 August 2019, available at:

<https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1961765%22%20\1%20%221961765>

<sup>45</sup> "Ben Adayo: Shabwa toppled the coup of the UAE-backed Southern Transitional Militias," Al-Masdar Online, August 26, 2019. <https://almasdaronline.com/articles/171017>

<sup>46</sup> "Abyan governor says army controlled whole province," September Net, August 28, 2019. <http://en.26sepnews.net/2019/08/28/abyan-governor-says-army-controlled-whole-province/>

<sup>47</sup> Letter dated 29 August 2019 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council. S/2019/698. Available at :

<https://undocs.org/en/S/2019/698>

<sup>48</sup> Letter dated 3 September 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the President of the Security Council,

S/2019/706 Available at: <https://undocs.org/en/S/2019/706>

<sup>49</sup> Letter dated 30 September 2019 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council. UN document S/2019/778. Available at :

<https://undocs.org/en/S/2019/778>

<sup>50</sup> Houthi website, 26 September. See: <https://26sep.net/>

<sup>51</sup> Confidential source on file.

<sup>52</sup> S/2020/326, para. 54.



troops. Houthi forces captured most of Al-Malaheet region in Al-Dhaher following a major offensive against coalition forces.

47. In January 2020, heavy fighting recommenced in Yemen. On 18 January, the Houthis allegedly launched missiles at one of the Government of Yemen military camps, El-Estikbal camp, in Ma'rib. The strike reportedly killed more than 110 soldiers from the 4<sup>th</sup> Presidential Brigade.<sup>53</sup> Battles intensified after the strike, with both sides suffering heavy losses. At the end of January, Houthi forces captured the Sana'a - Ma'rib Governorate border checkpoint, a highly strategic intersection where the roads heading north to Al-Jawf and east to Ma'rib meet. This occurred amidst intense fighting along previously stalemated front lines in Al-Jawf, Nihm and Ma'rib. Since April 2020, the Houthis have fired several more missiles at military facilities in Ma'rib and advanced toward Ma'rib gaining more territory in Sirwah.

48. By the end of February, Al-Jawf's capital, Al-Hazm, had fallen under Houthi control. The Houthi forces continued their offensive in Al-Jawf, and by April they controlled also the district of Khabb wa ash Sha'af, which borders Saudi Arabia. On 28 March, Saudi air defenses intercepted two ballistic missiles launched by Houthi forces in Yemen – one toward Riyadh, the other toward the city of Jizan.<sup>54</sup> On 30 March, the coalition conducted a series of airstrikes in Sana'a.

49. Fighting also intensified in the Qaniyah border region, in Al-Bayda, where there is an intersection of main roads connecting Al-Abdiyah district in Ma'rib and Radman al-Awad district in Al-Bayda. These battles began in 2018, but increased in intensity and frequency after government forces began advancing on this front in April 2020. The governmental offensive coincided with Houthi forces' pressure on the frontlines in Ma'rib. The Al-Bayda front significantly hindered the Houthis' advance toward Ma'rib, due to their need to mobilise forces in Qaniyah.<sup>55</sup>

50. On 11 May 2020, government forces launched a massive military attack against STC-affiliated forces attempting to seize Zinjibar, the Abyan Governorate's capital, a location of strategic importance for advancing toward the interim capital of Aden. On 20 May 2020, Saudi Arabia invited an STC delegation led by al-Zubaidi for talks aimed at ending the southern conflict and pressuring the parties to implement the Riyadh Agreement. On 22 June the two parties agreed to a ceasefire,<sup>56</sup> and on 24 June, the coalition deployed military officers to monitor the truce in Abyan.<sup>57</sup>

51. During the reporting period, Saudi military forces maintained their presence in Al-Maharah. In Socotra, the security situation remained fragile. Clashes between government forces and STC-affiliated forces erupted at the end of April 2020. On 20 June, STC-affiliated forces seized control of Socotra, announcing they were in control of government facilities and military bases on the island.<sup>58</sup>

52. In Al-Hudaydah, the ceasefire enhancement and de-escalation mechanism (the joint operations centre, and the five observation posts in the city of Al-Hudaydah) has had a positive impact in providing overall stability in that city. By the end of 2019, there had been more than an 80 per cent reduction in the number of security incidents.<sup>59</sup> However, since the

<sup>53</sup> See: <https://www.reuters.com/article/us-yemen-security-camp/united-nations-condemns-attack-on-yemen-camp-says-it-threatens-peace-idUSKBN1ZI07C>

<sup>54</sup> "Saudi Arabia intercepts two missiles fired by Yemen's Houthis," Reuters, March 29, 2020, <https://www.reuters.com/article/us-saudi-riyadh-rockets-coalition/saudi-arabia-intercepts-two-missiles-fired-by-yemens-houthis-idUSKBN21G00D>

<sup>55</sup> Sana'a Center for Strategic Studies, Al-Bayda Governorate: Too Strategic to be forgotten, 4 June 2020. Available at: <https://sanaacenter.org/publications/analysis/10137>

<sup>56</sup> Saudi Press Agency, 22 June 2020. Available at: <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=2100861>

<sup>57</sup> <https://www.arabnews.com/node/1694806/middle-east>

<sup>58</sup> Reuters, Yemen separatists seize remote Socotra island from Saudi-backed government, 21 June 2020. Available at: <https://www.reuters.com/article/us-yemen-security-separatists/yemen-separatists-seize-remote-socotra-island-from-saudi-backed-government-idUSKBN23S0DU>

<sup>59</sup> See: [https://osesgy.unmissions.org/sites/default/files/secco\\_briefing\\_16\\_jan\\_2020\\_-\\_as\\_delivered-eng\\_0.pdf](https://osesgy.unmissions.org/sites/default/files/secco_briefing_16_jan_2020_-_as_delivered-eng_0.pdf);

beginning of 2020 several developments occurred undermining the implementation of the Stockholm Agreement.<sup>60</sup> On 11 March, the Government of Yemen liaison officer at the City Max observation post was hit by a live bullet from a Houthi sniper. He was seriously wounded and died on 17 April as a result of the injury.<sup>61</sup> The Government of Yemen withdrew its liaison officers from the ceasefire enhancement and de-escalation mechanism and suspended its participation in the Committee. On 15 April 2020, the composition of the observation mission in Al-Hudaydah was reduced to a twelve-member team.<sup>62</sup>

53. The United States of America continued to conduct military operations against AQAP in support of the Government of Yemen, including through drone strikes, but at a lower rate than in previous years. The most significant strike took place at the end of January 2020 and killed the leader of AQAP, Qasim Al-Rimi.

## 2. Political developments

54. The signing of the Stockholm Agreement in December 2018 brought hope of a political solution to the conflict. Less than a year later, the signing of the Riyadh Agreement on 5 November 2019 was meant to resolve tensions in the south between the Government of Yemen and the Southern Transitional Council. This had been preceded by informal talks between the Houthis and Saudi Arabia in September 2019.<sup>63</sup> However, the implementation of both agreements has stalled. At present, despite the inclusive and participatory process led by the Special Envoy of the Secretary-General on Yemen, there is little immediate prospect of peace. Notwithstanding an initial decrease in hostilities, there has been an intensification of fighting on the ground. 2020 has seen shifting power dynamics in the south.

55. On 25 March 2020, the United Nations Secretary-General made an urgent appeal for an immediate end to hostilities in Yemen, and for the parties to focus on reaching a negotiated political settlement and doing everything possible to counter COVID-19.<sup>64</sup> On 8 April, the coalition announced a unilateral ceasefire for an initial period of two weeks, which was extended for another month to support efforts to contain the COVID-19 pandemic. At the same time, the Houthis issued a document for a proposed comprehensive ceasefire. However, neither party implemented the ceasefire and they have continued their military operations.

56. On 25 April 2020, Aidaroos al-Zubaidi, President of the STC declared a state of emergency in Aden and all the southern governorates, and announced the creation of a self-rule administration in the regions under its control.<sup>65</sup> The Government of Yemen denounced this move as having “catastrophic consequences” for the Riyadh Agreement. Local authorities in the Governorates of Hadramaut, Shabwah, Al-Maharah, Abyan, and Socotra announced their rejection of the STC declaration of “self-administration” in southern Yemen, as did Saudi Arabia and the UAE. The members of the Security Council expressed their deep concern at the STC’s 25 April declaration. They reaffirmed their strong commitment to Yemen’s unity, sovereignty, independence and territorial integrity, and called for the implementation of the Riyadh Agreement to be expedited.<sup>66</sup> While the STC abandoned its

<sup>60</sup> S/2020/524. Available at : <https://undocs.org/S/2020/524>

<sup>61</sup> Confidential source on file.

<sup>62</sup> UN Document, S/2020/524.

<sup>63</sup> The Riyadh agreement called for the formation of a new government, with up to 24 ministers consisting of equal numbers of northern and southern members, and for the integration of STC-affiliated forces into national military and security structures as part of an initiative that would see fighters and heavy weapons removed from towns and cities across the south. In addition, it stipulated that the STC should be included in government delegations to future UN-led talks with the Houthis over a political settlement to end the war.

<sup>64</sup> See: <https://osesgy.unmissions.org/briefing-United-Nations-Security-Council-UN-Special-Envoy-Yemen-%E2%80%93-Mr-Martin-Griffiths-0>

<sup>65</sup> International Crisis Group, *Heading Off a Renewed Struggle for Yemen’s South*, 29 April 2020. Available at:

<https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/heading-renewed-struggle-yemens-south>

<sup>66</sup> SC/14176. Available at: <https://www.un.org/press/en/2020/sc14176.doc.htm>

self-rule declaration on 29 July,<sup>67</sup> it withdrew its participation in the consultations on the implementation of the Riyadh Agreement on 25 August 2020.<sup>68</sup> This has been followed by renewed fighting with the Government of Yemen.

### 3. Humanitarian situation

57. Access and operational restrictions imposed by the parties on humanitarian agencies and on food, medicine and fuel supplies, the further deterioration or destruction of water, sanitation and health infrastructure, flooding, locusts, the emergence of the COVID-19 pandemic, non-payment of salaries, currency depreciation, and donor fatigue, all further exacerbated the world's worst humanitarian crisis. According to Office for the Coordination of Humanitarian Affairs' (OCHA) July 2020 Situation Report, nearly 80 per cent of the population remain in need of humanitarian aid and protection. The World Food Programme (WFP) estimates that over 20 million people are food insecure, with some 25 per cent of the population facing acute food insecurity, which WFP predicts will rise to 40 per cent of the population by the end of the year. Malnutrition disproportionately affects marginalised and at-risk groups. There are over 3.5 million internally displaced persons (IDPs) in Yemen, most of them women and children, facing acute vulnerabilities, including 1.5 million in the Ma'rib Governorate, who lack access to adequate health care, food, water, housing, and education.

58. The COVID-19 outbreak has taken place at a time when barely half the health facilities in Yemen are functional. Facilities that are operational are under-equipped to cope with the disease. Additional constraints in the fight against the virus include the compromised immunity of many within the community due to malnutrition; successive infectious disease outbreaks, such as cholera, dengue and Chikungunya virus, which disproportionately affect women and girls; and the particular vulnerability of specific groups due to displacement and poor access to sanitation services (e.g. IDPs, migrants and refugees). Added to this are the gravely inadequate measures adopted by the Government of Yemen, de facto authorities and the STC, poor data collection and reported attempts to conceal information regarding infection rates. The Group of Experts has repeatedly called for the release of detainees, who are at increased risk of infection. The Group received some reports that under the cover of COVID-19 prevention measures, further violations have been committed, particularly against migrant groups.

59. The current lack of funding for international humanitarian aid compounds the dire humanitarian situation. The High-Level Pledging Event held in Riyadh on 2 June 2020 saw donors pledge only US\$1.35 billion of the US\$2.41 billion needed to cover essential humanitarian activities between June and December 2020. This gap is even more concerning, as, according to OCHA, since mid-April, 31 of 41 United Nations programmes critical to fighting COVID-19 in Yemen have reduced or closed for lack of funding.

60. The Group of Experts remains extremely concerned in relation to the Safer Oil Tanker. According to the Government of Yemen, on 27 May 2020, the engine room of the tanker was flooded after a seawater pipe burst, increasing the risk of the vessel sinking or exploding.<sup>69</sup> In July 2020 the Houthis reportedly sent a letter approving the deployment of a United Nations technical team to assess the Safer oil tanker, located off the coast of Ras Isa terminal in the Red Sea, after renewed warnings from the United Nations of an environmental, social and economic catastrophe in the event of a spill.

### 4. Arms transfers

61. Notwithstanding the strong recommendations by the Group of Experts in its previous reports, third States, including Canada, France, the Islamic Republic of Iran, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, continued their support of parties to the conflict including through arms transfers. Available data shows

<sup>67</sup> DW, "Yemen separatists abandon self-rule in step toward peace", 29 July 2020. Available at: <https://www.dw.com/en/yemen-separatists-abandon-self-rule-in-step-toward-peace/a-54360477>

<sup>68</sup> See <https://www.reuters.com/article/us-yemen-security-riyadh/yemen-southern-separatists-pull-out-of-riyadh-agreement-talks-idUSKBN25L2Q1>

<sup>69</sup> S/2020/477. Available at: <https://undocs.org/en/S/2020/477>

that during the period 2015-2019 Saudi Arabia was the world's largest importer of weapons.<sup>70</sup> More specific data concerning transfers by individual States gives an indication of the scale of the arms transfers concerned. For example, the United States of America, over the past five years, has approved a Foreign Military Sale (FMS) to the Kingdom of Saudi Arabia worth some US\$48.7 billion and to the UAE worth some US\$11.6 billion.<sup>71</sup> Leaked classified French Defence ministry documents indicate the use of French-made weapons in Yemen<sup>72</sup> such as CAESAR howitzer, Leclerc battle tanks, the targeting system used aboard Saudi fighter-bombers, and Mirage 2000-9 used by the UAE.<sup>73</sup> The United Kingdom is also one of the main exporters of weapons to both Saudi Arabia and the UAE. Since March 2015, more than £11 billion worth of UK arms have been licensed to Saudi Arabia.<sup>74</sup> Canada has reportedly increased its military sales to Saudi Arabia,<sup>75</sup> while the United Nations Security Council-mandated Panel of Experts has found that the Houthis are receiving military support, including drones and weapons, some with technical characteristics similar to arms manufactured in Iran, in potential violation of a United Nations arms embargo.<sup>76</sup> In a report seen by Reuters, the United Nations Secretary-General told the Security Council that cruise missiles used in several attacks on oil facilities and an international airport in Saudi Arabia last year were of "Iranian origin".<sup>77</sup> While further investigations are required to link particular imported weapons to specific violations, the Group believes that such transfers help perpetuate the conflict. Furthermore, the Group's findings below detail a series of violations by all parties that must be considered by States when authorising exports of weapons that could be used in Yemen.

## V. Findings on violations of International Humanitarian Law and International Human Rights Law

### A. Attacks affecting civilians or civilian objects

#### *Applicable law*

62. The principle of distinction, described by the ICJ as one of the cardinal principles of international humanitarian law,<sup>78</sup> requires parties to a conflict to distinguish between combatants/those taking a direct part in hostilities and civilians, and between military objectives and civilian objects.<sup>79</sup> Parties to an armed conflict must not make civilians or

<sup>70</sup> Stockholm International Peace Research Institute, 9 March 2020. See <https://www.sipri.org/media/press-release/2020/usa-and-france-dramatically-increase-major-arms-exports-saudi-arabia-largest-arms-importer-says>. Also, see:

[https://www.sipri.org/sites/default/files/2020-06/yb20\\_summary\\_en\\_v2.pdf](https://www.sipri.org/sites/default/files/2020-06/yb20_summary_en_v2.pdf)

<sup>71</sup> US Defence Security Cooperation Agency, Major Arms Sales. Available at: <https://www.dsca.mil/major-arms-sales>

<sup>72</sup> <https://www.amnesty.org/ar/latest/news/2019/04/france-leaked-military-documents-underscore-need-to-end-flow-of-arms-to-yemen-conflict/>

<sup>73</sup> <https://made-in-france.disclose.ngo/en/chapter/yemen-papers/>

<sup>74</sup> Bonyan Jamail & Dearbhla Minogue, Open Democracy, The UK must immediately stop selling arms that are killing Yemeni civilians, 20 May 2020. Available at: <https://www.opendemocracy.net/en/north-africa-west-asia/uk-must-immediately-stop-selling-arms-are-killing-yemeni-civilians/>

<sup>75</sup> <https://www.theguardian.com/world/2020/jun/09/canada-doubles-weapons-sales-to-saudi-arabia-despite-moratorium>; <https://www.rcinet.ca/en/2020/04/10/canada-cuts-new-deal-with-saudi-arabia-clearing-way-for-more-arms-sales/>

<sup>76</sup> S/2020/326, p. 2

<sup>77</sup> <https://fr.reuters.com/article/iran-usa-un-idINL1N2DP024>

Also, see:

<https://english.aawsat.com/home/article/2330556/un-missiles-used-attack-aramco-were-iranian-origin>

<sup>78</sup> *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, ICJ Reports 1996, p. 257, para. 78.

<sup>79</sup> The principle of distinction is implicit in Art 13(2) Additional Protocol II, and has been recognised as part of customary international humanitarian law applicable in NIAC: see *ICRC Study on*

civilian objects the object of attack, but instead must direct attacks only against lawful military targets.<sup>80</sup> In a NIAC, members of an organised armed group engaged in a “continuous combat function” can be considered akin to armed forces, thus falling outside the category of civilians.<sup>81</sup> Civilians participating in hostilities lose their protection only for such time as they directly participate in hostilities.<sup>82</sup> Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities constitutes a war crime.<sup>83</sup>

63. For an object or building to be considered a military objective it must fulfil a two-pronged test: firstly, by its nature, location, purpose or use, it must make an effective contribution to military action, and secondly, its total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, must offer a definite military advantage.<sup>84</sup> Towns, cities, villages, residential areas, dwellings, buildings and schools, civilian means of transportation, hospitals, places of worship and cultural property are normally civilian objects. If, however, a civilian object is being used for a military purpose, it loses its protection for such time as it is being so used. An attack against a civilian object in a NIAC can constitute the war crime of destruction of the property of an adversary unless it is “imperatively demanded by the necessities of the conflict”.<sup>85</sup>

64. Arising out of both the principle of distinction and the principle of proportionality,<sup>86</sup> is the international humanitarian law prohibition on parties to an armed conflict carrying out indiscriminate or disproportionate attacks.<sup>87</sup> Indiscriminate attacks are attacks of a nature to strike military objectives and civilians/civilian objects without distinction. They may take the form of attacks not directed at a specific military objective (e.g., an aerial bombardment that treats as a single military objective a number of clearly separated and distinct military objectives in an area in which there is a similar concentration of civilians or civilian objects).<sup>88</sup> Employing methods or means which cannot be directed at a specific military objective (e.g., using indiscriminate weapons), or using methods or means the effects of which cannot be limited as required by international humanitarian law, also constitute indiscriminate attacks.<sup>89</sup> Disproportionate attacks are attacks that are expected to cause an incidental loss of life, injury to civilians and/or damage to civilian objects that would be excessive vis-à-vis the concrete and direct military advantage anticipated.<sup>90</sup> Parties must undertake the necessary assessments to properly inform their targeting processes so as to avoid such disproportionate attacks (see further under “Failure to take all Feasible Precautions”). Launching an indiscriminate attack resulting in death or injury to civilians or an attack in the knowledge that it will cause excessive incidental civilian loss, injury or death has been recognised as a serious violation of international humanitarian law applicable in NIACs, such as to constitute a war crime under customary international law.<sup>91</sup>

65. Parties to a conflict are required to take all feasible measures to avoid and to minimize the incidental loss of civilian life, injury to civilians, and damage to civilian objects. There is

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*Customary International Humanitarian Law*, rule 1. Note in this report, legal references are provided that relate to NIACs in particular, given the legal classification of the situation in Yemen.

<sup>80</sup> *Ibid.*

<sup>81</sup> ICRC, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, pp. 33-34.

<sup>82</sup> See Additional Protocol II, art. 13(3); *ICRC Study on Customary International Humanitarian Law*, rule 6.

<sup>83</sup> Rome Statute, art. 8(2)(e)(i).

<sup>84</sup> See *ICRC Study on Customary International Humanitarian Law*, rule 8.

<sup>85</sup> Rome Statute, art. 8(2)(e)(xii).

<sup>86</sup> The principle of proportionality requires that the effects of the means and methods of warfare used must not be disproportionate to the military advantage anticipated.

<sup>87</sup> *ICRC Study on Customary International Humanitarian Law*, rules 11 and 14.

<sup>88</sup> *ICRC Study on Customary International Humanitarian Law*, rule 13.

<sup>89</sup> *ICRC Study on Customary International Humanitarian Law*, rule 12.

<sup>90</sup> *ICRC Study on Customary International Humanitarian Law*, rule 14.

<sup>91</sup> *ICRC Study on Customary International Humanitarian Law*, rule 156. There is no specific war crime equating to indiscriminate or disproportionate attacks in NIACs in the Rome Statute.

an obligation to take all feasible precautionary measures in relation to attacks they launch (“precautions in attack”).<sup>92</sup> This includes taking precautions in the choice of means and methods of warfare; verifying that targets are military objectives; undertaking appropriate proportionality analyses; selecting the target which may be expected to cause the least danger to civilian lives and objects where there is a choice of military objectives with similar military advantage; suspending an attack if it becomes apparent that the target is not a military objective or that it would be a disproportionate attack; and giving effective advance warning of attacks which may affect the civilian population (unless the circumstances do not permit such warning). A party must also take all feasible measures to protect civilians from the effect of attacks within areas under their control (“precautions against the effect of attacks”).<sup>93</sup> This includes an obligation to avoid locating military objectives within or near densely populated areas to the extent feasible, as well as taking all feasible measures to remove civilian persons and objects under the control of a party to the conflict from the vicinity of military objectives.<sup>94</sup>

## 1. Coalition Airstrikes

66. In the first two years of its mandate, the Group of Experts analysed a number of coalition airstrikes given the apparently disproportionate impact of such airstrikes on civilians. It raised concerns with coalition processes and procedures for target selection and execution of airstrikes, and noted a consistent and significant pattern of harm from such airstrikes. During this reporting period, the Group verified a further four airstrikes or series of airstrikes involving similar failures to take all necessary measures to protect civilians and civilian objects. While the Group was only able to investigate a fraction of the alleged incidents reported to it, these incidents highlight the horrific impact of the hostilities on the daily life of civilians.

### *Factual findings*

67. The Group of Experts investigated four coalition airstrikes or series of airstrikes during the reporting period. The Group is particularly concerned that the patterns it identified during its two previous mandates have continued, in violation of the fundamental norms of the law on targeting, in particular the principles of distinction, proportionality and precaution.

68. The Group examined the three airstrikes launched on 11 August 2019 on a location in the Al-Sawamil region, Mustaba district, Hajjah Governorate. Soon after 8 a.m., the first strike hit a house, while the second strike, 10 minutes later, hit a location approximately 150m away from the house. The third strike, some 4 to 5 minutes later, struck an open area far from the village and did not cause damage to persons or property. While the Group of Experts was unable to verify the exact number of casualties, the next day the Office of the Resident and Humanitarian Coordinator for Yemen reported that 12 persons were killed, including six children, and 16 persons were injured. Most casualties belonged to the same IDP family who had fled their place of origin in Haradh district, Hajjah Governorate in 2015. No official statement has been made by the coalition in relation to this attack, and the Group of Experts is not aware of any military targets among either the persons or objects impacted, or in the immediate vicinity.

69. Another example is the series of airstrikes launched on 31 August 2019, at approximately 11.45 p.m., by the coalition on a site called Dhamar Community College, located approximately 10 km north of Dhamar City in Dhamar Governorate. One of the buildings was being used as an unofficial detention facility by the Houthis, holding mostly civilian male detainees. The existence of this detention facility was publicly known since at least 2018, having been referred to by the United Nations Security Council-mandated Panel of Experts.<sup>95</sup> This unofficial detention facility was also well-known by human rights

<sup>92</sup> See *ICRC Study on Customary International Humanitarian Law*, rule 15 for the general principle, and rules 16-21 for subsidiary rules.

<sup>93</sup> *ICRC Study on Customary International Humanitarian Law*, rule 22.

<sup>94</sup> *ICRC Study on Customary International Humanitarian Law*, rules 22-24.

<sup>95</sup> See S/2018/594, para. 176. Available at: <https://undocs.org/en/S/2018/594>

organizations as well as the ICRC, which had visited the site before the airstrikes.<sup>96</sup> As a result of the strikes, at least 134 male detainees were killed and 40 were injured. Satellite imagery analysis and other material reviewed by the Group confirm that four buildings, including the detention site, were severely damaged and one building was totally destroyed.



*Satellite images of the Dhamar Community College compound (in red) before and after the airstrikes, of 30 January 2019 (left picture) and 21 October 2019 (right picture). Detention facility site circled in orange. (Source: Google Earth – Maxar Technologies)*

70. The coalition’s Joint Incidents Assessment Team (JIAT) investigated the incident, concluding in a statement released on 10 March 2020 that the “[...the facility was] used to store drones and air defence missiles, the observation also showed the presence of military vehicles belonging to Al-Houthi armed militia in the same location”<sup>97</sup>. JIAT also referred to the detention facility not being on the “no-strike list” and not being marked with an emblem as per article 83 of Geneva Convention IV. The Group of Experts has not been able to independently verify claims regarding the military use of some buildings or the presence of military equipment. However, even if this were the case, the presence of military targets does not negate the coalition’s legal obligation to assess the likely civilian impact of attacks, undertake necessary proportionality analyses and ensure sufficient precautions in attack. The Group also rejects the coalition’s implicit attempts to deflect legal responsibility through reference to the “no-strike” list, noting that the OCHA deconfliction mechanism relates only to static humanitarian locations and humanitarian movements in Yemen. Non-inclusion of any facility on the list cannot be used as a justification for the coalition’s failure to comply with its fundamental international humanitarian law obligations. In addition, the Group notes that the reference to article 83 of the Geneva Convention IV is misconceived, given that this provision only applies in times of international armed conflict, raising concerns as to the adequacy of legal assessments being carried out by JIAT.

71. The Group of Experts also verified that on 24 September 2019, at 8.30 a.m., Al-Muzaimir village, Al-Fakhir town, Al-Dhale’e Governorate, over 30 civilians were killed and injured as a result of two airstrikes. The first airstrike hit a house in a farm in this remote rural area, killing at least 10 people – three men, three women, three girls and one boy, and destroying most of the western part of the main building. A second airstrike, 15 to 20 minutes later, set a pick-up truck on fire when the munition landed four metres behind the moving vehicle that was carrying an injured 8-year-old girl who had survived the first strike. At least 20 people, mostly children, were injured from the two strikes, including 11 seriously injured. Some of the injured were taken to a hospital in Ibb governorate. The casualties were mainly from the same family, which is now displaced in Ibb governorate. Witnesses reported that the frontlines located in Qa’atabah were about 15 km away from the area of the airstrike, and

<sup>96</sup> See: <https://www.icrc.org/en/document/yemen-scenes-devastation-every-single-detainee-either-killed-or-injured-attack> and: <https://drive.google.com/file/d/1kA0ObdipkpyVHfl--c7mH2gkLDdpWnAB/view>

<sup>97</sup> See statement of 10 March 2020 available at: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2045274>

that there had been no military activity or fighting in the area for several months. One witness reported that he had heard airplanes flying around two or three days before the strikes. Based on satellite imagery analysis the Group was able to establish that the structure that was damaged stood alone with no other objects in the vicinity. While it is possible to infer that the house, its inhabitants and/or the vehicle were the intended target of the airstrike, there is no information available to the Group to indicate on what basis this targeting occurred.



DigitalGlobe WorldView-2 image 4 December 2019 07:37 UTC (© DigitalGlobe Inc.) Analysis conducted by UNITAR-UNOSAT

72. One of the deadliest series of airstrikes of 2020 was conducted by the coalition in the early hours of 15 February 2020 on a village in Al-Hayjah Area, Al-Maslub District, Al-Jawf Governorate, killing 32 people - six men, seven women, eight boys and 11 girls - and injuring 21 - three men, six women, seven girls and five boys. Two houses and one car were also damaged. The airstrikes occurred during a period when the Houthis were making sweeping advances through the Al-Jawf Governorate. The frontline of hostilities between the Houthis and the Government of Yemen forces was approximately 13 km from the site of the airstrikes. The night before the airstrikes, on 14 February 2020, at 11:45 p.m. local time, a Royal Saudi Air Forces Tornado jet crashed, while conducting a close air support mission in support of the Yemen armed forces in Al-Jawf Governorate. The Houthis claimed responsibility for this. The day of the airstrikes, the Saudi Press Agency published a statement announcing that a search and rescue operation had been conducted following the crash of an aircraft, and that this operation had possibly resulted in civilian casualties.<sup>98</sup> The crash happened some 750 m north-west of the impact site of the airstrikes. At the time of writing this report, no information had been provided by JIAT in relation to questions posed by the Group regarding this incident, and there has been no public statement concerning the outcome of any investigation by JIAT. There appeared to be no legitimate military objective at the site of the airstrikes. No warning was given prior to the strikes.

<sup>98</sup> Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2034939> (Last Accessed 24 August 2020).





DigitalGlobe WorldView-2 image 2 February 2020 07:26 UTC (© DigitalGlobe Inc.) Analysis conducted by UNITAR-UNOSAT



Airbus D&S Pléiades image 15 June 2020 07:54 UTC (© Airbus D&S 2019) Analysis conducted by UNITAR-UNOSAT

73. At the time of writing this report, the Group had received initial information concerning several other questionable airstrikes. On 12 July 2020, a coalition airstrike killed nine civilians, including seven children and two women and injured two children and two women, in Washhah District, Hajjah Governorate. On 15 July 2020, another airstrike resulted in the death of at least 10 civilians, including six children and two women, and injured three adults and four children, in Masafa village, east of Al-Hazm in Al-Jawf Governorate. On 6 August, in the same governorate, reports indicate an airstrike killed nine children and injured

seven others. The circumstances of these incidents warrant further investigation against the background of the pattern of violations revealed in the Group's investigations of coalition airstrikes over the last three years.

#### *Legal findings*

74. In the four airstrikes or series of airstrikes it examined, the Group of Experts concluded that the coalition may have failed to take all legally necessary measures to minimise civilian casualties, namely in fulfilling duties to verify a target as a legitimate military target, to collect and assess intelligence relating to likely civilian impact, to cancel or suspend an attack if it becomes apparent that the target is not a lawful one, and to give an effective advance warning if circumstances permit, or if it would be a disproportionate attack (that is, an attack that could be anticipated to cause incidental loss of civilian life, injury to civilians or damage to civilian objects excessive in relation to the concrete and direct military advantage anticipated). Even if it were confirmed that the coalition were directing attacks against legitimate military targets in some of these airstrikes, the extent of civilian casualties that could have been anticipated raises significant questions as to the proportionality of the attacks and whether sufficient precautions in attack were taken.

## **2. Mortar/Rocket Shelling**

#### *Factual findings*

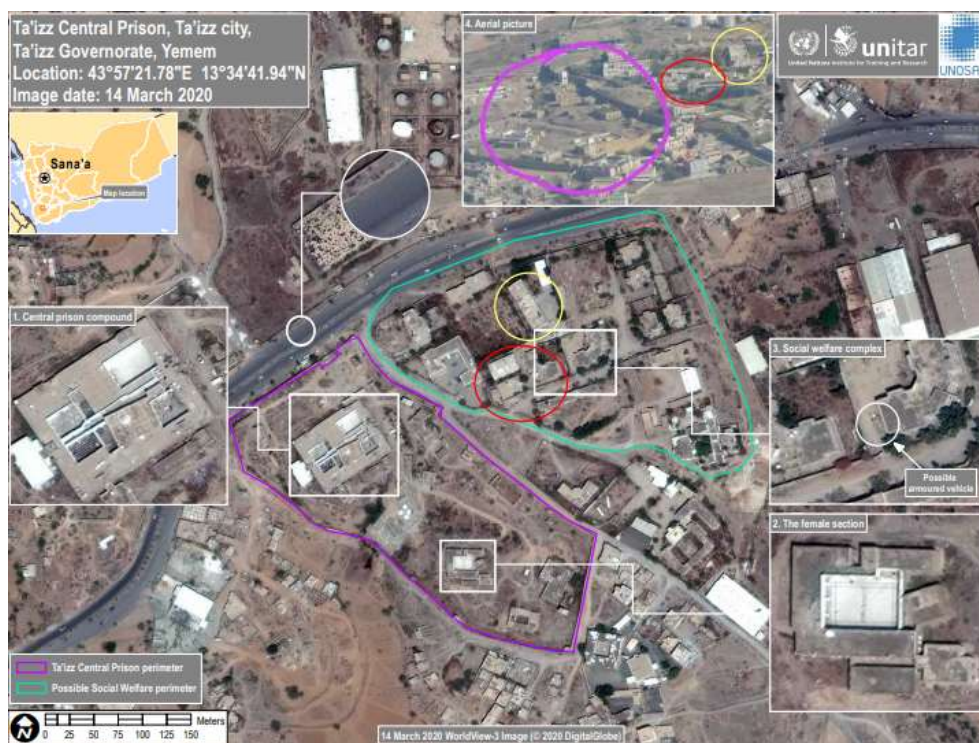
75. The Group of Experts is concerned at the continued practice by parties to the conflict of using indirect-fire weapon systems with wide-area impact, such as rockets and mortars, especially in populated areas. Given the imprecision of such weaponry, their usage in such environments gives rise to the likelihood of significant civilian casualties and damage to civilian buildings in excess of any anticipated military advantage, and increases the risks of misdirected attacks.

76. In one case investigated by the Group of Experts, for example, four boys were injured, including two severely, when a ground-fired munition (likely a mortar) exploded nearby as they played outside on the morning of 26 June 2019 in the village of Ghoal Al-Deymah, located approximately 1 km from a frontline, in Qa'atabah district, Al-Dhale'e Governorate. The munition was allegedly fired from Husn Al-Aql, a plateau 800m north of the village under Houthi control.

77. On 5 April 2020, at approximately 4.30 pm, several mortar rounds were fired by the Houthis towards the area of the Central Prison (Central Rehabilitation Facility) in the north-west of Ta'izz city. One round killed 6 women - 5 inmates and 1 guard – as well as two young girls who were visiting their mothers in the female section of the prison, and injured 6 other female inmates. A man who was inside his vehicle was injured by another round that landed outside the prison on the road. Earlier on the day of the attack, discussions had taken place at the prison to finalise the release the next day of over 100 prisoners, including some of the women who were killed and injured, as part of efforts by the judiciary and lawyers to ease the prison population amid concerns over COVID-19.

78. The prison is located in the middle of a residential area, some 250-300 metres from what is commonly known as the "social welfare compound". The 17th Brigade of the Ta'izz Axis Command of the Government of Yemen had been using the buildings in this area as administrative headquarters. In January 2020, the National Commission for the Investigation into Human Rights Violations (also known as the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, (NCOI) wrote to the Ta'izz Axis Command requesting them to leave the buildings so they could be returned to the Office of Social Affairs and Labour and their original use. The Group understands this did not occur. The Group also received reports that the compound may have housed military equipment such as an armoured vehicle or tank. It is not known if the "social welfare compound" was the objective of this attack. However, even if a legitimate military objective were involved, the attack appears to have been carried out in an indiscriminate fashion. Witnesses interviewed by the Group reported that the general area had been shelled several times prior to that incident and throughout the conflict.

79. Local sources reported that the Houthis fired the mortar rounds from their positions in the north of the city, around Al-Khamseen street. Images collected from the site show that the mortar rounds were fired from a northerly direction based on an analysis of the impact crater highlighting the point of impact, ejecta trails and incoming mortar trajectory. Further analysis of the impact crater and blast radius indicate that the mortar was probably medium sized in calibre.



DigitalGlobe WorldView-3 image 14 March 2020 - 07:44 UTC (© DigitalGlobe Inc.) Analysis conducted by UNITAR-UNOSAT



DigitalGlobe WorldView-3 image 8 April 2020 - 07:39 UTC (© DigitalGlobe Inc.) Analysis conducted by UNITAR-UNOSAT

80. On 1 June 2019, at approximately 6 pm, an anti-tank missile was fired at a grocery shop near the village of Al-Qufalah in Al-Zubairiyat between Al-Fakir and Qa'atabah in Al-Dhale'e governorate. The missile hit the stairs in front of the shop, killing a 16-year-old boy and injuring three others - two boys aged 12 and 17, and a 25-year-old male shopkeeper. It was allegedly fired by the 5th Giant Brigades from Jabal al Qahwar, near the village of Shakhb, in Zoubairiyat. The 5th Giant Brigades were reportedly fighting alongside the national army and southern resistance in the area against the Houthis. The grocery shop is near a gas station, just across from a main road linking the cities of Ibb to the west with Qa'atabah in the east, but apart from this there are no other buildings in the immediate vicinity. At the time of the attack, the area where the grocery shop is located was under the control of the Houthis, 5 to 10 km away from the frontlines and there had been recent fighting in the area. On 8 October 2019, the national army forces and the joint forces advanced to the city of Al-Fakir, and at the time of writing this report, still controlled the area, including the area of the incident. An anti-tank missile is precise over a medium distance. Further investigation is needed to establish from which distance the missile was fired.

81. The Group of Experts investigated three incidents related to Al-Raqw "market", Monabbih district in Sa'ada Governorate on 20 and 27 November and in December 2019. The Group verified, including through satellite imagery analysis, that on 24 December 2019, in the early afternoon, at least two mortar shells landed on this market, which is understood to be an informal hub and transit centre for Yemenis, Ethiopians and Somalis, and a key location for cross-border smuggling activities into Saudi Arabia. The mortar shells caused the death of at least 17 civilians, and injured at least 12 others, according to a public statement by the Office of the Resident Coordinator and Humanitarian Coordinator for Yemen. While the Group was able to independently verify that at least two shells also fell on the market on 20 November, further investigations are required to verify the shelling on 27 November, and to establish the number of victims of each attack. The Office of the Resident and Humanitarian Coordinator for Yemen reported that there were at least 89 civilian casualties as a result of the three incidents.

82. The coalition Joint Incidents Assessment Team (JIAT) report acknowledged only the third (24 December) incident, and stated that the coalition land forces were responding with indirect fire weapons to the infiltration of armed elements into Saudi Arabia who were shooting at coalition forces. These weapons were viewed as the only means available to deal with the threat. It added that it was likely that one of the mortar shells landed on the market due to a technical failure or changing weather conditions. This explanation has, however, been disputed by witnesses the Group interviewed, and is inconsistent with material the Group reviewed. Furthermore, the Group received reports that for the second incident, the shelling came in response to smugglers firing AK-47s in the air to distract the attention of the Saudi Border Guards Units (SBGU) in order to allow their colleagues to cross the borders. The shelling allegedly came from one of the SBGU posts. If the situation were more in the nature of a "law enforcement border protection" operation than a military operation related to the armed conflict, this would also raise significant issues concerning the excessive use of force under international human rights law.

#### *Findings on violations*

83. The Group of Experts concludes that such incidents amount to indiscriminate attacks prohibited under international humanitarian law, being either attacks not directed at a specific military objective, and/or attacks involving resort to a means of warfare not capable of being directed at a specific military objective. Indiscriminate attacks constitute war crimes under customary international law. Such incidents also reflect a failure to take all feasible precautions to minimise civilian casualties under international humanitarian law.

### **3. Attacks affecting hospitals**

#### *Applicable law*

84. Under international humanitarian law, medical personnel, facilities and transportation – already protected given their civilian status as detailed above – are awarded special protection. Accordingly, medical personnel must be respected and protected in all

circumstances.<sup>99</sup> Their functioning is not to be impeded, other than for reasons of military necessity. The same protection extends to medical units and medical transportation, which shall be respected and protected at all times and in all circumstances, and shall not be the object of attack.<sup>100</sup> They lose protection if they commit or are used to commit hostile acts. Even in relation to a medical unit that is being used to commit acts harmful to the enemy, prior to any attack, a warning has to be issued and whenever appropriate, a reasonable time-limit set for the attack. An attack can only take place after such warning has remained unheeded.<sup>101</sup> 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.<sup>102</sup> International humanitarian law further provides that the wounded and sick shall be respected and protected, notwithstanding their prior participation, or not, in the conflict.<sup>103</sup> In addition to these specific international humanitarian law protections, international human rights law recognises everyone's right to the highest attainable standard of health.<sup>104</sup> Measures that directly interfered with access to health care, would also constitute violations of this right.

#### *Factual findings*

85. The Group of Experts continues to be concerned at the extensive damage to hospitals and medical facilities as a result of the conduct of the parties to the conflict. This is exacerbating the humanitarian crisis within Yemen. During its previous reporting periods, the Group of Experts investigated cases of the military use of hospitals and damage caused as a result of attacks. A recent report by Physicians for Human Rights and Mwatana documented at least 120 cases of attacks affecting medical facilities and health workers from March 2015 to December 2018.<sup>105</sup> On 13 March 2020, the Office of the Resident Coordinator and Humanitarian Coordinator for Yemen reported that two attacks had occurred in 10 days damaging Al-Thawra General Hospital, which serves hundreds of thousands of Yemenis in Ta'izz City, with missiles hitting two buildings of the hospital. While the Group was unable to investigate this incident, it has previously documented the repeated damage caused to that hospital throughout 2015.

86. In the present reporting period, the Group investigated damage caused to Al-Jafrah Hospital and Al-Saudi Field Hospital in Majzar District, Ma'rib Governorate, allegedly by the Houthis. On 7 February 2020, at around 6 p.m., a Katyusha rocket exploded in the yard of Al Jafrah Hospital, resulting in extensive damage to the building, the wounding of one male paramedic, and interruption to most of the medical services. Hundreds of patients were transferred to Ma'rib General Hospital. At dawn the next day two Katyusha rockets hit the Al-Saudi Field Hospital, which is a mobile clinic adjacent to Al-Jafrah Hospital, damaging the facility. Eye-witnesses recounted that there was no military presence inside or around the hospitals but that the facilities were located at the time in an area controlled by the Government of Yemen armed forces who were stationed some 4 km away. The Popular Committees affiliated with the Houthis were positioned in Mafraq Al-Jawf and Fardhat Nihm areas, some 10 km from the hospitals. To compound the situation, since 15 June, the Houthis have occupied both facilities and converted them into military barracks. This increases the risk they may be attacked in the future and deprives Ma'rib's population, mainly comprised of IDPs, of access to health care at these facilities.

<sup>99</sup> Additional Protocol II, art. 9(1). See also *ICRC Study on Customary International Humanitarian Law*, rule 25.

<sup>100</sup> Additional Protocol II, art. 11(1). See also *ICRC Study on Customary International Humanitarian Law*, rules 28-29.

<sup>101</sup> Additional Protocol II, art. 11(2); *ICRC Study on Customary International Humanitarian Law*, rule 28.

<sup>102</sup> Rome Statute, art. 8(2)(e)(ii).

<sup>103</sup> Additional Protocol II, art. 7(1); Common art. 3 of the Geneva Conventions. See too *ICRC Study on Customary International Humanitarian Law*, rule 110.

<sup>104</sup> ICESCR, art. 12.

<sup>105</sup> "'I ripped the IV out and started running' - Attacks on Health Care in Yemen", March 2020, available at: <https://mwatana.org/wp-content/uploads/2020/03/Attacks-on-Health-Care-in-Yemen-Report.pdf>

*Legal findings*

87. The Group of Experts does not have sufficient information to conclude that these attacks were directed at the hospitals. The Group concludes, however, that these attacks were at a minimum prohibited indiscriminate attacks due to the imprecise nature or deployment of the weapons used (Katyusha rockets). Further investigations are required to confirm the party responsible for these attacks.

**4. Landmines***Applicable Law*

88. Under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Anti-Personnel Mine Ban Convention), which Yemen has ratified and the de facto authorities have acknowledged being bound by, it is forbidden to use anti-personnel mines.<sup>106</sup> It is also prohibited to develop, produce, otherwise acquire, stockpile, retain or transfer such mines.<sup>107</sup> Each State party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the Convention.<sup>108</sup> States are also obliged to destroy stockpiled and planted landmines,<sup>109</sup> and to make every effort to mark areas under their jurisdiction or control in which landmines are known or suspected to be emplaced and to provide perimeter marking, monitoring and fencing to ensure the exclusion of civilians until the landmines have been destroyed.<sup>110</sup>

89. In relation to anti-vehicle landmines, customary international law does not prohibit their use per se, but it sets restrictions on their use. Accordingly, particular care must be taken by the parties to the conflict to minimise their indiscriminate effects.<sup>111</sup>

*Factual findings*

90. The Group of Experts has previously investigated the unlawful use of anti-personnel and anti-vehicle landmines. Reports continue to indicate numerous cases of civilians killed or injured by such devices. According to the the Civilian Impact Monitoring Project, a humanitarian data source, landmines, improvised explosive devices (IED) and unexploded ordnances (UXO) collectively resulted in 498 civilian casualties in 2019, up 23% from 405 in 2018.<sup>112</sup> In this reporting period, the Group continued to investigate deaths and injuries directly attributable to anti-personnel and anti-vehicle landmines planted earlier in the conflict by the Houthis in violation of international humanitarian law.

91. The Group of Experts verified four incidents in Lahj, Shabwah, and Al-Dhale'e Governorates that illustrate the horrific effects of landmines. On 19 June 2019, for instance, a 15-year-old girl who was herding sheep in the area of her village Al-Khasja, in Tur Al-Bahah district, Lahj Governorate, was killed when she stepped on an anti-personnel mine.

92. On 8 January 2020, at 4 p.m., a 12-year-old boy herding cattle in the area of his village Al-Ribi, in Qa'atabah district, Al-Dhale'e Governorate, stepped on an anti-personnel mine which exploded, resulting in the loss of his right leg. The boy requires home care and can no longer attend school or herd cattle. His father hopes his son will receive a prosthetic leg, which would aid the boy's movement. The Houthis planted mines between March 2019 and October 2019 when they controlled the area surrounding the village. When the area was taken over by the Government of Yemen armed forces on 8 October 2019, demining teams removed many of the mines, but some have remained. Displaced persons who fled the area and returned remain particularly susceptible as they are unaware of the mines planted in villages and on farming land.

<sup>106</sup> Anti-Personnel Mine Ban Convention, art. 1(a).

<sup>107</sup> Ibid., art. 1(b)

<sup>108</sup> Ibid., art. 2.

<sup>109</sup> Ibid., arts 4, 5(1).

<sup>110</sup> Ibid., art 5(2)

<sup>111</sup> See *ICRC Study on Customary International Humanitarian Law*, rule 81.

<sup>112</sup> Civilian Impact Monitoring Project (CIMP), 2019 Annual Report, available at: <https://civilianimpactmonitoring.org/onewebmedia/2019%20CIMP%20Annual%20Report.pdf>

93. Those involved in clearing mines also face considerable danger. In one incident verified by the Group, a landmine engineer from the 19th infantry brigade of the Government of Yemen died of injuries sustained from an exploding landmine on 3 January 2020. He had been attempting to remove a landmine from the roadside in Wadi Thahba Sub-district, Usaylan District, Shabwah Governorate.

94. In the Shabwah Governorate again, in the morning of 4 June 2020, a 16-year-old boy was killed and five adult men were injured by the explosion of an anti-vehicle landmine in As Safra region, Usaylan district. The victims were on their way from the village of Thlemin to Baihan district. Since regular roads were blocked due to the recent flooding, the driver decided to go off-road, which led to them driving over a landmine that was allegedly planted by the Houthis in 2017.

95. While the Group of Experts has during this reporting period focused on the effects of illegally planted landmines, the Group also recalls the obligation of authorities to not use such anti-personnel landmines, to destroy or ensure the destruction of all anti-personnel landmines under their jurisdiction and control as soon as possible, and to make every effort to identify areas under their jurisdiction in which mines are known to be or suspected and undertake requisite perimeter-marking, monitoring and protecting by fencing/other means.<sup>113</sup>

#### *Legal findings*

96. The Group found reasonable grounds to believe that the Houthis have planted landmines, in particular anti-personnel landmines, in violation of international humanitarian law and that such landmines continue to cause the death and injuries of civilians.

## **B. Arbitrary deprivation of life/murder of civilians**

#### *Applicable law*

97. International human rights law prohibits the arbitrary deprivation of life.<sup>114</sup> Law enforcement officials (whether police, military or other members of State security forces) must only use lethal force where it is a proportionate response to the legitimate objective to be achieved and is strictly necessary.<sup>115</sup> Firearms are to be used only: in self-defence or in defence of others against imminent threat of death or serious injury; to prevent a particularly serious crime involving grave threat to life; or to arrest a person posing such a threat who is resisting efforts to stop the threat, or to prevent that person's escape.<sup>116</sup> Even in these circumstances, firearms are only to be used when less extreme means are insufficient to achieve these objectives, with lethal use of force only employed when strictly unavoidable in order to protect life.<sup>117</sup> The State is also responsible for violations committed by non-State actors (e.g. militias, armed groups) operating in support of or as agents of State authorities.<sup>118</sup> States also have a positive obligation of due diligence to protect the right to life from threats posed by others, including for instance, putting in place effective criminal justice response systems.<sup>119</sup>

98. During periods of armed conflict, the prohibition on arbitrary deprivation of life needs to be interpreted and applied having regard to the rules of international humanitarian law. A

<sup>113</sup> Anti-Personnel Mine Ban Convention, arts. 1 and 5.

<sup>114</sup> ICCPR, art. 6(1).

<sup>115</sup> Specialised standards have been developed in the area of use of force by law enforcement officials: see Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 (17 December 1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the 8<sup>th</sup> UN Congress on the Prevention of Crime and the Treatment of Offenders (1990).

<sup>116</sup> See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.

<sup>117</sup> Ibid.

<sup>118</sup> See Principles in the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Recommended by ECOSOC resolution 1989/65, principle 2.

<sup>119</sup> Human Rights Committee, General Comment No. 36: Article 6: the right to life (2019) paras. 19-20.

use of lethal force consistent with international humanitarian law will, in general, not be considered “arbitrary”. Conversely, use of lethal force inconsistent with international humanitarian law (e.g., targeting civilians) will also violate international human rights law.<sup>120</sup>

99. Under international humanitarian law, it is unlawful to murder civilians and any persons not taking (or who have ceased taking) an active part in hostilities, including members of armed forces who have surrendered or are otherwise *hors de combat*.<sup>121</sup> Murder of such persons constitutes a war crime.<sup>122</sup> Murder may also constitute a crime against humanity, if committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack.<sup>123</sup>

#### *Factual findings*

100. The loss of life brought about by attacks violating international humanitarian law also represents a violation of international human rights law’s prohibition on arbitrary deprivation of life. However, even away from the battlefield, individuals continue to be killed unlawfully at the hands of parties to the conflict. During this reporting period, the Group of Experts investigated six killings by groups affiliated with different parties to the conflict, revealing a pattern of unlawful uses of lethal force by actors during security or law enforcement operations. The Group also continued to investigate allegations of deaths in custody.

101. Amongst these cases, on Friday 7 June 2019, at around noon, members of the Security Belt forces shot dead five men and injured six other men who were worshipping at Al-Taweed mosque in Mathad village in Al-Azariq district, Al-Dhale’e Governorate during Friday prayers. According to an eye-witness, the armed men entered the mosque and started accusing the worshippers of being affiliated to the Houthis. They shot dead two worshippers inside the mosque who challenged them, and injured several others when they opened fired inside the mosque. They then selected six men from the mosque and took them outside to where their vehicle, a pick-up truck with the emblem of the Security Belt forces on it with a mounted weapon, was parked. The men were accused of being Houthi and from the Hashemite family. The general perception in Yemen is that the Hashemites are pro-Houthi. Three of them were summarily executed, including the village imam and a soldier from the 33rd brigade of the Government of Yemen armed forces in Al-Dhale’e, though it is unclear if the forces knew of the man’s affiliation. The other three men were then taken on the vehicle and driven outside the village to Qa’atabah, to the STC headquarters, where they were detained for two days. They were then released reportedly due to pressure from village notables.

102. Several official documents and letters obtained by the Group, dated from June, July and September 2019, show that the criminal investigation department of Al Dhale’e Governorate undertook a police investigation. Medical autopsies on the five bodies were undertaken. The reports detailed the entry and exit points of the bullets showing that the men were each shot at least two or more times. A warrant was issued for the arrest of the accused, naming eight individuals whose occupation was listed as “military”.<sup>124</sup> Requests were made by the Director-General of the Al-Dhale’e Police to the Commander of the Security Belt forces in the Al-Dhale’e Governorate to hand over the accused, naming one of the men as being in charge of the military vehicle affiliated with the Security Belt forces along with the other individuals.<sup>125</sup> This same named individual is also referred to in official documents

<sup>120</sup> Ibid. para.64. Note the Human Rights Committee’s broad approach in regarding practices inconsistent with international humanitarian law which entail a risk to lives including targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields as violating art. 6. Ibid. Incidents examined under Chapter V(A) above could also be examined through the lens of international human rights law.

<sup>121</sup> Additional Protocol II, art. 4(2)(a) and Common art. 3 of the Geneva Conventions. See also *ICRC Study on Customary International Humanitarian Law*, rule 89.

<sup>122</sup> Rome Statute, art. 8(2)(c)(i).

<sup>123</sup> Rome Statute, art. 7(1)(a).

<sup>124</sup> Confidential sources and documents on file.

<sup>125</sup> Confidential sources and documents on file.



from September 2019, which note he has been subsequently appointed as the head of a battalion in 12th Storm Brigade.<sup>126</sup> Appeals were made by the police in Al-Dhale'e and Aden to the President of the STC asking for his intervention to ensure the accused were brought to justice.<sup>127</sup> In March 2020, the families of the victims, frustrated by the lack of progress, submitted a complaint to the Attorney-General. In August 2020, the file was reportedly referred to Aden.<sup>128</sup> At the time of writing, the Group understands that the accused have still not been arrested.

103. In early January 2020, Special Security Forces of the Government of Yemen converted Al-Aram secondary school near the village of Al-Khubar, Haban district, Shabwa Governorate, into military barracks. On 1 February, dozens of students demonstrated against the requisition of their school. In response, the following day, hundreds of Special Security Forces, referred to by witnesses as "al-Islah militants", raided Al-Khubar, searching for the students and arrested two brothers aged 14 and 16 years, detaining them on the basis of their alleged ties to the Shabwah Elite Forces affiliated with the STC. Later in the afternoon, when a group of men from the village approached the school to negotiate their release, Special Security Forces guarding the facility opened fire with AK-47s, killing two men from the group.

104. In another example, at 11 a.m. on 6 April 2020, a 19-year-old man, who was a student at Al-Mimlah Technical Institute, was driving home with his female colleague. Two armed men, allegedly from STC forces, stopped the car at a security checkpoint in Al-Mualla district near the beach promenade, in front of Coral Hotel in Aden Governorate. After they checked the man's identification, they asked the victim to hand over his phone. When he refused, they aimed their weapons at him and assaulted him. The victim attempted to escape, and the soldiers opened fire, killing him.

105. During its previous mandate, the Group of Experts investigated cases of alleged deaths in custody relating to ill-treatment by the Houthis in detention places in Sana'a between 2015 and 2016.<sup>129</sup> This year, the Group received credible reports of two women who died in their cell in a detention facility outside Sana'a in 2019, after violent beatings from the guards for resisting attempts to rape them.<sup>130</sup> It also received an allegation that a boy was tortured to death in one of the police stations in Sana'a.

106. There are additional cases in which the Group of Experts has verified unlawful killings but has not been able to determine the affiliation of the perpetrator. An example is the killing of a man in Aden Governorate on 28 August 2019. The victim had been on a minibus which was stopped at gunpoint, at Jawlat Al-Karra Intersection on the Aden-Ta'izz highway, Dar Sad district, by a group of armed men with military pickups. The armed men started checking passengers' identification documents and verbally abused them, accusing them of being affiliated with the Security Belt forces. All adult male passengers were ordered to get off the minibus. After the search, the victim, who was wearing military pants, together with two other civilians, were not allowed to get back into the minibus. The victim was taken to a gas station located some 50 m from the Jawlat Al-Karra Intersection. After removing his clothes, the armed men took him to a rural area less than 1km away from the Jawlat Al-Karra Intersection, close to Dar Sad Police Station. His body was found the next morning, riddled with bullets.

107. In another case, the Group of Experts verified that on 18 March 2020, two male staff of the Emirates Red Crescent were abducted as they were leaving a gym club in Al-Drain neighbourhood, Al-Mansoura district in Aden. The victims were separated. One was placed in his car and the other in the perpetrator's car and they were taken to an unknown location. The next day they were found dead by the Kabuta police and representatives of the criminal investigation department at a deserted building in Kabuta city in north-east Aden. This

<sup>126</sup> Documents on file.

<sup>127</sup> Documents on file.

<sup>128</sup> Confidential source on file.

<sup>129</sup> A/HRC/42/CRP.1, para. 423.

<sup>130</sup> Confidential source on file.

happened in the context of recurring threat messages received by aid workers of this organisation.

108. In the most recent case verified, a male photojournalist, 34 years old, was killed on 2 June 2020 by unidentified armed men close to his house in Dar Saad district, close to Aden. He had worked for various international press agencies covering the war in southern governorates. His work was praised internationally, in particular by other journalists, for the French Press Agency documentary “The Battle of Aden”. It was reported that before Ramadan 2020 he had received various death threats. On 3 June 2020, the STC made a public statement condemning his death and announced that a thorough investigation would be conducted.

#### *Legal findings*

109. The Group of Experts concludes that these killings amount to arbitrary deprivation of life under international human rights law. Depending on the level of nexus with the conflict, some of these killings may also amount to the violation of murder of civilians under international humanitarian law and constitute war crimes.

### **C. Violations related to the humanitarian situation**

#### *Applicable law*

110. International humanitarian law strictly prohibits starvation of the civilian population as a method of warfare. The prohibition is enshrined in treaty law and recognised under customary international humanitarian law.<sup>131</sup> There is no exception to this rule, even in the case of imperative military necessity. As a corollary to the prohibition of starvation, it is prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population.<sup>132</sup> Such objects include foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.<sup>133</sup> The prohibition on starvation as a method of warfare also has implications for the use of sieges and blockades. Blockades, and sieges 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.<sup>134</sup> As noted in Section A (para. 64), international humanitarian law also prohibits attacks that are indiscriminate or disproportionate in nature, as well as prohibiting collective punishment.<sup>135</sup>

111. International humanitarian law contains specific norms governing access to humanitarian relief. Should the population, during a non-international armed conflict, suffer undue hardship due to a lack of supplies essential for its survival, international humanitarian law provides that relief actions are to be undertaken.<sup>136</sup> Parties to the conflict must allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need, provided that such relief is of an impartial nature and conducted without adverse distinction.<sup>137</sup> While State consent for relief operations is required, consent must not be withheld arbitrarily.<sup>138</sup> Parties must not impede access on grounds and conditions not

<sup>131</sup> Additional Protocol II, art.14; see also *ICRC Study on Customary International Humanitarian Law*, rule 53.

<sup>132</sup> Additional Protocol II, art. 14.

<sup>133</sup> *Ibid.* Note that this listing is not an exclusive one and other candidates put forward in this category include clothing, bedding, medical supplies, shelter and fuel: See the coverage of these aspects as part of the supplies essential for survival in the context of humanitarian relief obligations: Art. 16, Additional Protocol I (applicable in IAC), Additional Protocol II, art. 18(2).

<sup>134</sup> See Additional Protocol II, art. 14; see also *ICRC Study on Customary International Humanitarian Law*, rule 53.

<sup>135</sup> Additional Protocol II, art. 4(2)(b). See also *ICRC Study on Customary International Humanitarian Law*, rule 103.

<sup>136</sup> Additional Protocol II, art. 18(2).

<sup>137</sup> *ICRC Study on Customary International Humanitarian Law*, rule 55.

<sup>138</sup> Additional Protocol II, art. 18(2), *ICRC Study on Customary International Humanitarian Law*, rule 55.

provided for under international humanitarian law. Humanitarian relief personnel must be respected and protected, and restrictions on freedom of movement are permitted on a temporary basis only when required for imperative military necessity.<sup>139</sup> Violations of humanitarian relief norms may also constitute the use of starvation as a method of warfare.<sup>140</sup>

112. In May 2018, the Security Council in resolution 2417 unequivocally condemned “the use of starvation of civilians as a method of warfare in a number of conflict situations.”<sup>141</sup> It further referred to the prohibition on depriving civilians of objects indispensable to their survival and the obligation to allow and facilitate humanitarian access.<sup>142</sup> Adopted unanimously, this resolution is considered a landmark in acknowledging the link between conflict and food insecurity.<sup>143</sup>

113. In December 2019, the Assembly of State Parties to the Rome Statute voted to include a specific offence relating to the use of starvation as a method of warfare in non-international armed conflict in the Rome Statute of the ICC, largely mirroring the offence included in the Rome Statute for international armed conflicts.<sup>144</sup> The offence is not yet in force. However, the use of starvation of civilians as a method of warfare has been recognised as a serious violation of international humanitarian law amounting to a war crime in NIACs under customary international law.<sup>145</sup>

114. Under international human rights law, everyone has the right to an adequate standard of living, including the right to adequate food.<sup>146</sup> Adequate food means food being available, accessible, acceptable within a given culture and of sufficient quality to satisfy the dietary needs of individuals.<sup>147</sup> Accessibility, in this context, encompasses both physical and economic accessibility (i.e., affordability).<sup>148</sup> States are under an obligation to use the maximum available resources available to achieve progressively the right to adequate food. However, there are immediate obligations – e.g., not to directly or indirectly interfere with persons’ access to food, or discriminate in relation to access to food. Failure to provide for the “core content” of the right, including freedom from hunger, would also be regarded as a *prima facie* violation. Thus as the Committee on Economic, Social and Cultural Rights has stated, 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”.<sup>149</sup>

115. 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”.<sup>150</sup> For example, the prevention of access to humanitarian food aid in a NIAC can constitute a violation of the right to food. The Committee on Economic, Social and Cultural Rights has drawn attention to the obligation on other States to recognise the essential role of international cooperation and comply with their commitments to take joint and

<sup>139</sup> ICRC Study on Customary International Humanitarian Law, rules 31, and 56.

<sup>140</sup> Violations of humanitarian relief norms are independent international humanitarian law violations. However, violations in this category may also represent violations of the use of starvation as a method of warfare.

<sup>141</sup> S/RES/2417 (2018), para. 5.

<sup>142</sup> S/RES/2417 (2018).

<sup>143</sup> <https://www.un.org/press/en/2018/sc13354.doc.htm>

<sup>144</sup> The adopted offence largely mirrors the wording used in the Rome Statute in the context of IAC, omitting only the reference to the Geneva Conventions at the end of the offence. The offence is phrased in terms of “Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies”.

<sup>145</sup> ICRC Study on Customary International Humanitarian Law, rule 156 commentary.

<sup>146</sup> ICESCR, art. 11.

<sup>147</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999) on the right to adequate food, para. 8.

<sup>148</sup> Ibid., para.13.

<sup>149</sup> Ibid., para.17

<sup>150</sup> Ibid.

separate action to achieve the full realisation of this right.<sup>151</sup> Furthermore, 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.”<sup>152</sup> Moreover, under the Convention on the Rights of the Child, States shall ensure children’s right to health, including by providing adequate nutritious foods and clean-drinking water.<sup>153</sup>

#### *Factual findings*

116. The parties to the conflict have contributed to the deterioration of the humanitarian situation through the way in which they have conducted military operations, and through impeding, and failing to properly facilitate access to, humanitarian relief supplies. Further, certain actions by parties, such as the non-payment of salaries, access restrictions, economic policies, or ongoing restrictions on international entry points for supplies, have diminished further the population’s capacity to access basic necessities. The dire humanitarian situation in Yemen could be substantially mitigated if parties to the conflict implemented their obligations under international human rights law and international humanitarian law.

### **1. Attacks affecting objects indispensable to the survival of the civilian population**

117. The Group continued to investigate a series of attacks impacting the Red Sea Mills (Mills) in Al-Hudaydah. As a major wheat storage and processing site, the significance of the Mills as a source of humanitarian relief increased during the reporting period as food insecurity worsened.

118. Between August and October 2018, when the Mills were controlled by the Houthi forces, mortar shelling allegedly fired by the Government of Yemen armed forces against the Houthi forces led to some of the shells falling inside and around the Mills compound. Mines and IEDs were subsequently planted inside the warehouses and in the yards of the compound, allegedly by Houthi forces, to slow the enemy advances. The most severe shelling happened in December 2018 and January 2019, with the latest incident reportedly causing serious damage by fire to one silo. A source indicated to the Group that the most recent attacks, allegedly by the Houthis, occurred on 18, 19 and 20 May 2020, further damaging the production line and some parts of the silos resulting in the Mills not functioning for more than ten days. The various attacks on the Mills not only directly affected the functioning of the site but also impacted the distribution of food aid as they used to contain – before hostilities started in Al-Hudaydah – a quarter of WFP’s in-country stock, access to which was halted several times. Reportedly, during 2019, attacks affecting the Mills restricted access to critical food supplies for as many as 455,571 households.<sup>154</sup> Before the conflict, the Mills contained an estimated 51,000 metric tons, enough wheat to feed 3.7 million people for one month.

119. Other attacks and restrictions affecting WFP food storage and distribution were reported to the Group, and require further investigation to verify the circumstances of the attacks and the affiliation of the perpetrators. For example, the Group received allegations of WFP trucks being held at checkpoints and sometimes having their cargo unloaded. It also received reports of WFP trucks being shelled.

120. On 16 December 2018, a coalition airstrike struck a water tanker transporting a fresh supply of water for a village and crops in As Sawadiyah district, Al-Bayda Governorate, in a rural area with no known military targets nearby. A witness and survivor of the airstrike reported hearing noises overhead while driving the water tanker with his six-year-old son and

<sup>151</sup> Ibid., para.36, recalling the “spirit” of art. 56 of the UN Charter, arts. 11, 2(1) and 23 of the ICESCR and the Rome Declaration of the World Food Summit.

<sup>152</sup> Ibid., para. 37.

<sup>153</sup> Convention on the Rights of the Child (1989), art. 24(c).

<sup>154</sup> See, for instance, Civilian Impact Monitoring Project (CIMP), Yemen 2019 Annual Report, reporting period: 1 January – 31 December 2019, p. 7 and 12, available at: <https://civilianimpactmonitoring.org/onewebmedia/2019%20CIMP%20Annual%20Report.pdf>

seven-year-old nephew, both of whom were killed by the airstrike. Neighbours also reported hearing the noise of a plane and missiles overhead the same morning of these events.<sup>155</sup>

121. Despite most of the damage to the Mills being caused by military operations and further investigations being needed to establish the purpose of the other attacks on WFP facilities and the water truck, the Group of Experts considers that, in a situation of such acute food insecurity, the conduct of the parties displays a reckless disregard for the impact of their operations on the civilian population and their access to food and water.

## 2. The impact of mines on access to food

*“Poorer communities that always had problems accessing food, now can’t even get to the coast, so they cannot fish” –Yemeni fisherman<sup>156</sup>*

122. The Group is concerned at how the use of mines has exacerbated food insecurity through, for instance, the destruction of fishing vessels when mines explode in the sea, as well as the deterrent effect of the presence and explosion of both land and sea mines, diminishing access to arable lands and other food gathering activities.<sup>157</sup>

123. In 2018, a sea mine explosion killed three fishers, two men and one woman, from At Tuhayat district, Al-Hudaydah. The fishers were reportedly pulling in a fishing net when the mine exploded, destroying much of the fishing vessel and injuring four persons. Several persons interviewed by the Group expressed concerns about the rise in the number of sea mines reportedly off the coast of Al-Hudaydah.<sup>158</sup> Two interviewees reported that the mines cleared from the sea recently were of a homemade nature, some with parts from old explosives. It was also reported that because the sea mines are mobile, the authorities themselves do not know where they are located.<sup>159</sup>

124. Landmines have prevented fishers from reaching coastal areas to fish, in particular in Al-Hudaydah, where mines riddle the coastal roads. In turn, these restrictions on fishing have affected the availability and price of fish for sale. The presence of landmines has also made many farmers afraid to farm their lands, or let their livestock herd or graze. The Group received reports that many farmers around Al-Hudaydah, especially in the north, have stopped farming because of fear of landmines and the conduct of hostilities more generally.<sup>160</sup> There have been reports of children, as well as cows, camels and other livestock, being hurt or killed by landmines.<sup>161</sup> All of this has decreased the agricultural opportunities for farmers and devastated an already import-heavy food supply system in which products have become prohibitively expensive.<sup>162</sup>

125. It has been reported to the Group that the Yemen Executive Mine Action Centre (YEMAC)<sup>163</sup> involved in the mine clearing process indicated that many mines have been cleared in the Government of Yemen controlled areas of Al-Hudaydah, but that little progress has been made clearing mines in Houthi controlled areas.<sup>164</sup> It was also reported that they have not been allowed by Houthi authorities to operate in their areas of control and that the Houthis are actively preventing mine clearing efforts, as well as obstructing the identification of the whereabouts of known, planted mines.<sup>165</sup> It was reported that a YEMAC team was diverted from mine clearing efforts and sent out from Al-Hudaydah to Al-Jawf, and on 20

<sup>155</sup> Confidential sources on file.

<sup>156</sup> Confidential source on file.

<sup>157</sup> See also the cases investigated by the Group in Section A (paras. 90-95) of this report.

<sup>158</sup> Confidential sources on file.

<sup>159</sup> Confidential source on file.

<sup>160</sup> Confidential sources on file.

<sup>161</sup> Confidential source on file.

<sup>162</sup> Confidential sources on file.

<sup>163</sup> The Yemen Executive Mine Action Centre (YEMAC), under the National Mine Action Committee (NMAC), is the coordination and implementation body that executes mine action projects, including demining activities.

<sup>164</sup> Confidential sources on file.

<sup>165</sup> Confidential source on file.

March 2020, a YEMAC team member was killed in Al-Jawf dismantling a mine.<sup>166</sup> It was also reported that the Houthis have not provided a mapping of mines or participated in mine clearing in Al-Hudaydah, meaning that the authorities themselves may not know where they are located. This is further complicated when mines are mobile, for example being washed up on shores or making their way down from the mountains or rural areas.

### 3. Interference in humanitarian aid

126. The Group of Experts has documented a range of conduct by parties to the conflict amounting to interference with the delivery of humanitarian aid in violation of international norms, either by unduly restricting access or by engaging in practices that undermine the ability of humanitarian organizations to carry out their work.<sup>167</sup>

127. The types of interference with humanitarian aid in Yemen are diverse. The Group received reports of interference with the aid itself such as: stealing or diverting food baskets; destroying food or storing it in a way that results in it being unfit for human consumption or until its expiration; as well as parties arbitrarily denying food aid by selectively providing it only to persons loyal to the controlling party to the conflict (to the detriment of others in need of that same aid); and distributing spoiled food. At the same time, the Group documented cases in which the interference took the form of burdensome requirements imposed on aid organizations, including unreasonable and prolonged registration and permitting processes for aid organizations to operate within the controlling parties' territory. These sometimes resulted in the cancellation of a project or its untimely delay. Other examples included the arbitrary denial of project and travel permits; and controlling and manipulating project parameters, beneficiaries, and locations. Additionally, aid organizations and workers themselves have suffered harassment, defamation, detention, arrest, attacks and abduction/disappearance.

128. The World Food Programme has criticised the Houthis for their interference with humanitarian aid, and called for the Houthis to cease such interference.<sup>168</sup> Since 2017, the WFP has repeatedly complained of interference with and diversion of humanitarian aid by the Houthis.<sup>169</sup> In June 2019, the WFP reiterated the difficulties in distributing humanitarian aid, called for parties to allow WFP to do its job and highlighted that “[f]ood assistance provided by the United Nations is being diverted in areas controlled by Ansar Allah at the expense of children, women and men”.<sup>170</sup> As recently as 20 June 2020, the WFP partially suspended its aid operations in Houthi controlled territory citing the Houthis' refusal to negotiate an agreement concerning the use of biometrics and beneficiary identification to prevent the diversion of aid from those determined most vulnerable.<sup>171</sup> The Group received allegations of families who volunteered their children as Houthi fighters being allocated food baskets as compensation. These reports remain to be verified.

129. In the last reporting period, the Group of Experts concluded that no legitimate justification existed for the Houthis to deny WFP access to the Mills between January and May 2019.

130. This year the Group examined reports of cumbersome requirements imposed by the Houthis on humanitarian agencies and organizations in relation to permits, access, management, and operations. While parties to a conflict are entitled to oversee the delivery

<sup>166</sup> Confidential source on file.

<sup>167</sup> This interference has been documented by Human Rights Watch, see HRW, *Deadly Consequences Obstruction of Aid in Yemen During Covid-19*, September 2020, available at:

<https://www.hrw.org/report/2020/09/14/deadly-consequences/obstruction-aid-yemen-during-covid-19>

<sup>168</sup> Several key donor States also criticised such interference.

<sup>169</sup> See also: <https://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mark-26> where the WFP states that last year alone, the Houthis passed 200 regulations managing humanitarian aid and citing the problems arising from Houthi interference with aid over the years.

<sup>170</sup> <https://insight.wfp.org/world-food-programme-wfp-executive-director-addresses-un-security-council-on-yemen-88ba18622ea>. See also <https://www.state.gov/special-briefing-via-telephone-on-yemen-humanitarian-aid/>.

<sup>171</sup> <https://www.wfp.org/news/world-food-programme-begins-partial-suspension-aid-yemen>.

of assistance, bureaucratic requirements cannot unjustifiably delay or impede access. The Group also received allegations that both the Houthis and the Government of Yemen imposed conditions that food distribution projects include beneficiaries considered loyal to the relevant party.<sup>172</sup>

131. The Houthi regulating body, the National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery (NAMCHA, replaced since November 2019 by the Supreme Council for Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA)), controls the management, permitting, access, and operations of aid efforts in Houthi controlled territory. Specifically, SCMCHA controls the process for allocation of operational and road permits required for organizations to engage in humanitarian relief projects and to distribute food aid.

132. The Group received allegations that SCMCHA, in particular, has conditioned and restricted the grant of operation permits for humanitarian aid projects, including for distribution of food baskets. These conditions and restrictions may include, for instance, the organization being obliged by the authorities controlling the territory to replace its designated beneficiaries with those who do not otherwise qualify for aid from the organization but are loyal to the controlling party. One organization reported that it could not refuse to provide aid to the “authority-imposed beneficiary lists” or it risked being unable to operate, resulting in the organization having to stop the delivery of food baskets.<sup>173</sup>

133. The Group of Experts investigated allegations that the Houthis hampered aid distribution in Al-Jawf. On 1 March 2020, at around 11 a.m., armed elements, allegedly linked to the Houthi forces, raided several aid organizations headquartered in Al-Hazm Directorate of Al-Jawf, forcing those organizations to cease operations, and used these buildings as military barracks, placing snipers on the headquarters premises. Two organizations - providing *inter alia* aid for water infrastructure, medicine, medical services, shelter and other relief - had their premises completely looted. Two of the organizations reported that all their staff members were displaced from Al-Jawf due to fear for their lives after these events and had ceased operations due to incapacitation from the raids. One organization reported that due to the cessation of their operations at least 1,500 families in the area will no longer receive aid.<sup>174</sup> At least three other organizations were reportedly subject to the same raids and use of their premises by the Houthis for example, as barracks for fighters returning from the front lines.

134. The Group also received allegations of arrest and/or detention (or attempts thereof) of aid workers by the Houthis, in particular the detention of one aid worker in 2018. He was reportedly arrested by Houthi security forces on the grounds that he was gathering information for another party to the conflict. He is still detained at the time of writing.

135. Another organization reported that their financial manager had nearly been arrested on two occasions this year while trying to obtain project operation permits from Houthi authorities. Eventually the organization changed the parameters of their projects to prevent the arrest of their financial manager and to obtain operational permits. This same organization reported that, in 2017-2018, two of their workers had been detained and the organization had to negotiate their release with Houthi authorities. The organization has also had to hire armed security to support their food basket delivery due to the threats of arrest and violence, with the result being less funds for aid supplies.

#### 4. Other practices affecting access to food and health

136. Some policies by parties to the conflict, in particular the Government of Yemen and the Houthis, might also violate the right to adequate food, including water. In Aden, for example, while some interruptions to water supplies were due to damage arising from the conduct of hostilities, the Group of Experts received allegations of water being diverted to the highest bidder in the areas of Al-Qallo'ah, Al-Safi, and Al-Zaytoon near the highlands in Aden, despite complaints to the Government of Yemen and STC water authorities.

<sup>172</sup> Confidential sources on file.

<sup>173</sup> Confidential sources on file.

<sup>174</sup> Confidential sources on file.

137. In addition, the closure of the Sana'a International Airport since August 2016 by order of the Government of Yemen and the coalition has precluded thousands of civilians from accessing necessary life-saving health care and treatment, and the delivery of medicine and humanitarian aid. A few exceptions were made but they remained insufficient to address the overwhelming humanitarian need. For instance, the airport was reportedly reopened for limited humanitarian purposes from 3 February 2020,<sup>175</sup> with for example a medical flight transporting seven patients, and for shipments of goods after the floods in March-April 2020, as well as for essential medicines from mid-July 2020. On 14 March 2020, the Houthis announced that the airport would close for two weeks over concerns about the spread of COVID-19. However, its full re-opening continues to be linked to the peace negotiations.

138. In both Houthi and Government of Yemen controlled territories, as well as recently in STC controlled Aden, many civilians are without access to drinking water and electricity.<sup>176</sup> For instance, the Group interviewed residents of Aden, including IDPs, who complained of their inability to access municipal water or the unreliability of such access.<sup>177</sup> As a result, many people have been forced to buy water in canisters at a significant cost, thereby further limiting their already crippled purchasing power. This is particularly dire for IDPs and other vulnerable groups.<sup>178</sup>

139. The Group received allegations and collected further information on two specific incidents of water shortages in Aden and in Ibb.<sup>179</sup> One case concerned the situation of people in the areas of Al-Qallo'ah, Al-Safi, and Al-Zaytoon near the highlands in Aden, who since September 2019, have not been receiving municipal water. Additionally, in these areas, water is allegedly being diverted for private use and profiteering. The residents of these areas and the highlands are forced to buy water they cannot afford and/or walk very long distances to retrieve water from other municipal pipes. Both the Government of Yemen and the STC claim that the water failures are simply due to challenges in infrastructure. However it appears they may be neglecting their duty to use maximum resources to provide water to these areas.<sup>180</sup>

140. As another example, in Ta'izz, it has been reported to the Group that most houses do not have water in their pipes. This means that most people are relying on water trucks for water. The cost of this form of water supply is expensive, reportedly about six to eight times what it cost before the conflict. For those homes with water pipes, water is reportedly only provided, at most, for half of the month. In Government of Yemen controlled areas people can use new and old bank bills to pay for water from trucks and tanks, whereas in Houthi controlled areas, the new bills are not generally accepted, further crippling individuals' purchasing power.<sup>181</sup>

141. The limited availability of water is having a detrimental effect on the health of civilians. Cholera cases are on the rise due to the lack of clean drinking water, while dengue fever and chikungunya are on the rise as people store water sources, harnessing whatever water they can find and thus encouraging mosquito spread diseases.<sup>182</sup> Skin diseases are also increasing throughout Yemen because of the inability to access water.<sup>183</sup> Moreover, in times of COVID-19, diminished access to water is of particular concern given the necessity of water for practicing proper hygiene routines and preventive measures. The COVID-19 case fatality ratio<sup>184</sup> of 25 per cent in Yemen is one of the highest in the world.

<sup>175</sup> World Health Organization, "Journey to recovery: Yemeni patients get new lease on life in Jordan," February 9, 2019, <http://www.emro.who.int/yem/yemen-news/journey-to-recovery-yemeni-patients-get-new-lease-on-life-in-jordan.html>

<sup>176</sup> Confidential sources on file.

<sup>177</sup> Confidential sources on file.

<sup>178</sup> Confidential sources on file.

<sup>179</sup> See also NHFR Report.

<sup>180</sup> Confidential source on file.

<sup>181</sup> Confidential source on file.

<sup>182</sup> Confidential sources on file.

<sup>183</sup> Confidential sources on file.

<sup>184</sup> Case fatality ratio estimates the proportion of deaths among identified confirmed cases.



142. In Yemen, domestic water collection is primarily the responsibility of women and girls, even more so given the conflict-related increase in female-led households. The disruption of piped water supplies places an increased burden on women and girls to travel further for water and thus exposes them to increased risk of harm and direct violence from the conflicting parties. Additionally, it also risks long-term consequences on women and girls in other respects, for example girls' access to education. The previous development of such water supplies in Yemen has been shown to correlate with greater school attendance for girls.<sup>185</sup>

143. Similar to this inability to access water, many areas of Yemen also suffer from a lack of electricity or intermittent electricity at best.<sup>186</sup> Interviewees complained of unreliable access to electricity. In Aden, the availability of electricity varies from district to district, some receiving it on and off every 3-4 hours and others receiving electricity only for a few hours a day or every few days. This has led to a deterioration in peoples' ability to store food, in particular protein items such as fresh meat, and has negatively impacted on fishing communities' ability to refrigerate produce, further decreasing the food supply and affecting markets. The unpredictable electricity supply severely compromises the already strained health care system.

144. Other policies have contributed to a substantial decline in the already marginal purchasing power of Yemenis. The dual Central Bank System, which has limited Yemenis' access to cash since 2016, has resulted in the creation and regulation of alternative currencies, and has further destabilised the economy. For example, the Central Bank of Yemen (CBY) relocated to Aden by President Hadi in 2016 began printing new bills while the Central Bank in Sana'a also printed new bills. This complicated an already strained exchange system in Yemen, further devaluing the Yemeni Riyal and contributing to depreciation, inflation, and the black market. The complications reached new heights in December 2019, when the de facto authorities banned the use of the bills newly printed by CBY Aden in their territories. The dual currencies also resulted in increased fees for money transfers. For example, even as between March to May 2020, the same amount of money, say, 30,000 Riyals, cost an additional 1,950 Riyals more to send from Aden to Sana'a (March: 3,450 Riyals and May: 5,400 Riyals).<sup>187</sup>

145. The Group has previously reported on the irregular payment or non-payment of salaries to civil servants since 2016.<sup>188</sup> Some delays in the disbursement of salaries by the Government of Yemen were still being reported in 2020, including irregular public sector salary payments in the southern governorates and no salary payments in the north. The failure of the Government of Yemen to pay these salaries, as well as the way in which it is paying the salaries at infrequent times, is forcing some working Yemenis and their families further into poverty and compromising their rights to work, health, standard of living, education and even life. For instance, one employee of the Government of Yemen Ministry of Education told the Group that he had not received any salary between 2015-2018.<sup>189</sup> Another stated he had not received any salary from March 2018 until now,<sup>190</sup> while other employees told the Group that their salary was intermittent (i.e. when they did receive a salary, it would be one salary payment for every 3-6 month period). In the north, the absence of salary payments to school principals and teachers in particular was found by the Group to be a driving factor that enabled Houthi child recruitment in schools (see paras 282 and ff). The devaluation of the Yemeni Riyal has further diminished the real value of those salaries that are received. One government minister explained that his monthly net salary was the equivalent of

<sup>185</sup> *Narrowing the Gender Gap in Yemen: A Gender Analysis* International Rescue Committee 2019 <https://reliefweb.int/sites/reliefweb.int/files/resources/finalyemengenderassessmentreport2020.pdf> <https://ceobs.org/international-womens-day-2020-women-war-and-water-in-yemen/> ; Situation Analysis of Gender and Development in Yemen, Marta Colburn 2002; *infra*. paras. 147, 189.

<sup>186</sup> Confidential sources on file.

<sup>187</sup> See receipts from confidential source on file. See also other interview with confidential source on file.

<sup>188</sup> See, for instance, A/HRC/42/CRP.1, para. 797.

<sup>189</sup> Confidential source on file.

<sup>190</sup> Confidential source on file.

approximately US\$400 in 2015, but was now worth only about US\$121. In parallel, according to the World Bank, in April 2020, the Houthis announced the payment of “half-month” salaries to all public employees in the north.<sup>191</sup> This situation of irregular payment or non-payment of salaries worsens an already destabilised economy and leaves people in Yemen extremely vulnerable to any price increases.<sup>192</sup>

146. Many Yemeni people interviewed by the Group noted that even when food, water, medicine and fuel are available, they are prohibitively expensive. The restrictions since 2015 on imports and access to Al-Hudaydah port have contributed to a man-made fuel crisis and to the rise of prices against the backdrop of currency depreciation. The port controls meant that for several years almost the only import coming in through Al-Hudaydah port was fuel, and even in this case, it was often delayed, possibly due to corruption and the intention to inflate fuel prices.<sup>193</sup> All fuel shipments destined for Houthi-controlled Hudaydah port must pass through the United Nations Verification and Inspection Mechanism (UNVIM) and then through the port and anchoring process before the fuel can be purchased and used in Yemen, all of which contributes to an increase in fuel prices in Yemen.<sup>194</sup> There were only a few reported exceptions in which, for example, WFP, UNICEF, and medical aid agencies were able to get goods through Al-Hudaydah.<sup>195</sup>

#### *Legal findings*

147. The Group of Experts concludes that actions and omissions by the Government of Yemen and the de facto authorities are violating the right to an adequate standard of living, particularly with respect to adequate food and water. Their failures in these areas also adversely impact on the enjoyment of other rights, such as the right to health. The Group concludes that the Houthis have interfered with humanitarian aid in violation of their international obligations under both international human rights law and international humanitarian law. Wilfully impeding relief supplies is part of the war crime of the use of starvation as a method of war recognised under customary international law. The Group further concludes that all parties to the conflict have impeded humanitarian operations and the population’s access to food and healthcare. The Group considers that the dire humanitarian situation in Yemen could be substantially mitigated if parties to the conflict began to respect and comply with their obligations under international law.

## **D. Arbitrary detention, torture and other forms of ill-treatment, and enforced disappearances**

### **1. Introduction**

148. The Group of Experts continued to investigate cases of arbitrary detention, torture including sexual violence, and other forms of ill-treatment, and enforced disappearances, committed by parties to the conflict, building upon the previous work of the Group. Some violations falling within these categories are also dealt with in other sections of this Report. This section should thus be read in conjunction with those portions of this report dealing with gender-based violence, including sexual violence (paras. 182 and ff), the treatment of specific groups, including migrants, minorities, journalists and human rights defenders (paras. 296 and ff) and administration of justice (paras 384 and ff).

### **2. Applicable law**

149. Under international human rights law, everyone has the right to liberty and security of the person. “Arbitrary detention” is prohibited, and no one is to be deprived of liberty

<sup>191</sup> World Bank, Yemen Monthly Economic Update, April 2020, available at: <http://pubdocs.worldbank.org/en/609141590055031061/Yemen-Monthly-Economic-Update-April-2020-eng.pdf>

<sup>192</sup> Confidential source on file.

<sup>193</sup> Confidential sources and documents on file.

<sup>194</sup> Confidential source on file., and:

[https://sanaacenter.org/publications/main-publications/10093#\\_Toc40179965](https://sanaacenter.org/publications/main-publications/10093#_Toc40179965)

<sup>195</sup> Confidential sources on file.

“except on such grounds and in accordance with such procedures as are established by law”.<sup>196</sup> Relevant to whether a detention is “arbitrary” or not are factors such as the detention’s legality, appropriateness, proportionality, and reasonableness.<sup>197</sup> Persons arrested are to be informed of the reasons for arrest at the time of the arrest and have the right to be promptly informed of any charges.<sup>198</sup> Anyone arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorised by law to exercise judicial power, and is entitled to trial within a reasonable period or release.<sup>199</sup> Persons have a right to take proceedings before a court for the purposes of reviewing the lawfulness of detention and to be released if the detention is unlawful (with lawfulness being considered both as a matter of domestic and international law).<sup>200</sup>

150. Under international humanitarian law, a prohibition on “arbitrary detention” arises from the requirement that persons taking no active part in the hostilities are entitled to be treated humanely.<sup>201</sup> Arbitrary deprivation of liberty is also prohibited by customary international humanitarian law.<sup>202</sup> International humanitarian law treaty law related to NIACs is not explicit concerning the “security detention” of civilians where absolutely necessary for the security of the detaining power (unlike IAC<sup>203</sup>). However, any such power is likely to be conditioned by similar procedural requirements as apply in IAC, in particular that the person be informed of the reason for detention, is able to challenge the lawfulness of the detention, and that there be initial and periodic reviews by an independent body.<sup>204</sup> The procedural guarantees established under international human rights law continue to apply.

151. Yemen is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED). However, by virtue of its ratification of the ICCPR, Yemen is obliged not to engage in enforced disappearances<sup>205</sup> given that the act violates a range of civil and political rights, including a person’s right to recognition as a person before the law,<sup>206</sup> and his/her right to liberty and security including freedom from arbitrary detention.<sup>207</sup> Enforced disappearances has been described as a “grave threat to life” violating the right to life,<sup>208</sup> as well as implicating the prohibition on torture and other cruel, inhuman or degrading treatment.<sup>209</sup>

152. While enforced disappearance is not referred to explicitly in international humanitarian law treaties, the act of disappearing persons taking no active part in hostilities

<sup>196</sup> ICCPR, art. 9(1).

<sup>197</sup> Human Rights Committee, *A. v. Australia*, Communication No. 560/1993, CCPR/C/59/D/560/1993, para. 9.2. Inappropriateness, injustice and lack of predictability may also render arbitrary an otherwise lawful detention; see Human Rights Committee, *Van Alphen v. The Netherlands*, Communication No. 305/1988, CCPR/C/39/D/305/1988, para. 5.8.

<sup>198</sup> ICCPR, art. 9(2).

<sup>199</sup> ICCPR, art. 9(3).

<sup>200</sup> Human Rights Committee, *A. v. Australia*, Communication No. 560/1993, CCPR/C/59/D/560/1993, para. 9.5.

<sup>201</sup> Additional Protocol II, art. 4(1); Common art. 3 of the Geneva Conventions. See also *ICRC Study on Customary International Humanitarian Law*, rule 99.

<sup>202</sup> *ICRC Study on Customary International Humanitarian Law*, rule 99.

<sup>203</sup> Geneva Convention IV, art. 42 (applicable in IAC).

<sup>204</sup> See Geneva Convention IV, arts. 43, 78 (applicable in IAC).

<sup>205</sup> For the purposes of this report, the Group of Experts has adopted the definition of “enforced disappearance” used in the CPED: ie that an enforced disappearance occurs where there is an “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (art. 2, CPED). It is noted that the Rome Statute uses a slightly different formulation of enforced disappearance in art. 7(2)(i).

<sup>206</sup> ICCPR, art. 16.

<sup>207</sup> ICCPR, art. 9.

<sup>208</sup> ICCPR, art. 6(1). See Human Rights Committee, General Comment No. 36: Article 6: the right to life (2019), para.58.

<sup>209</sup> *Ibid.*, ICCPR, art. 7.

violates the requirement of humane treatment.<sup>210</sup> Furthermore, the act will violate a number of obligations under customary international humanitarian law – including the prohibition on arbitrary deprivation of liberty, respect for detainees’ family life and permission to receive visitors, especially near relatives, to the degree practicable.<sup>211</sup> It may also lead to torture or cruel treatment, and murder. The combined effect of these obligations has led to a recognition that enforced disappearance is prohibited by customary international humanitarian law.<sup>212</sup>

153. Both “imprisonment or other severe deprivation of liberty in violation of fundamental rules of international law” and enforced disappearance are recognised in the Rome Statute as potentially giving rise to a crime against humanity if committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack.<sup>213</sup>

154. International human rights law contains an absolute prohibition of torture and other forms of cruel, inhuman or degrading treatment.<sup>214</sup> While “torture” is not defined under the ICCPR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (to which Yemen is also a party), defines “torture” as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind”. For torture under the CAT, the pain or suffering must be inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>215</sup> Violations such as rape or enforced disappearance may also amount to torture. Cruel or inhuman treatment involves either a less severe form of pain or suffering, or the absence of the purposive element of “torture”. Degrading treatment or punishment refers to other conduct, which is humiliating. International humanitarian law also explicitly prohibits the torture and cruel, humiliating and degrading treatment of persons taking no active part in hostilities (including members of armed forces who have laid down their arms or been rendered *hors de combat*).<sup>216</sup> Such conduct constitutes a war crime.<sup>217</sup> Torture can potentially give rise to a crime against humanity, if committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack.<sup>218</sup>

### 3. Factual findings

#### (a) Arbitrary detention

155. During the reporting period, the Group of Experts verified cases of at least 30 individuals who were arbitrarily arrested and detained in violation of Yemeni and/or international law by all parties to the conflict in Yemen. Persons arrested on criminal charges were systematically and routinely denied their right to be brought before the Court within 24 hours as required under the Yemeni Constitution.<sup>219</sup> Many cases investigated by the Group involved persons being detained by militias affiliated with authorities in control of territory and held without charges for prolonged periods, including in unofficial and secret detention facilities.

156. In many cases investigated by the Group, persons were arbitrarily detained for voicing opinions contrary to the interests of the ruling party. Examples include the detentions of

<sup>210</sup> Additional Protocol II, art. 4(1), Common art. 3 of the Geneva Conventions

<sup>211</sup> ICRC Study on Customary International Humanitarian Law, rule 126

<sup>212</sup> ICRC Study on Customary International Humanitarian Law: rule 98. Note also that parties to an armed conflict must take all feasible measures to account for persons reported missing as a result of the conflict and efforts must be made to provide family members with information the party has on their fate: ICRC Study on Customary International Humanitarian Law, rule 117.

<sup>213</sup> Rome Statute, arts. 7(1)(e) and 7(1)(i).

<sup>214</sup> ICCPR, art. 7.

<sup>215</sup> CAT, art. 1(1).

<sup>216</sup> Additional Protocol II, art. 4(2)(a), Common art. 3 of the Geneva Conventions, AP II art. 4(2)(e). See also ICRC Study on Customary International Humanitarian Law, rule 90.

<sup>217</sup> Rome Statute, arts. 8(2)(c)(i) and 8(2)(c)(ii).

<sup>218</sup> Rome Statute, art. 7(1)(f).

<sup>219</sup> See Constitution of Yemen, art. 48.

journalists and human rights defenders outlined in Section G. In other cases, arbitrary detentions involved discrimination of various forms, including discrimination on the basis of religious beliefs, race and/or gender.

157. Political considerations have also been key motivating factors, with persons being detained on the basis of their perceived affiliation with an opposing party. Examples of this type of arbitrary detention include cases investigated by the Group involving civilians detained at the Ma'rib Political Security Prison between 2016 and 2020. These civilians were initially detained by Government-affiliated forces on or just after entry to Ma'rib, at the Passport Department, or elsewhere, having travelled to the area from Houthi-controlled areas or from abroad. They were detained under accusations of being affiliated with the Houthis, because they had family names associated with the Houthis, or on the basis they were from northern Yemen. Detainees were kept incommunicado for long periods, without formal charges or legal proceedings. Some remained incommunicado for the entire length of their detention of two to three years.

158. In some cases investigated by the Group, persons were held for the specific purpose of prisoner exchange deals. For instance, the Government of Yemen authorities at Ma'rib Political Security Prison informed detainees they would only release them as part of a prisoner exchange with the Houthis. This was regardless of whether the individual was affiliated with the Houthis or not. One detainee described a system by which men and boys were divided up by perceived affiliation, and then assigned the number of prisoners they were worth in exchange. Almost all the former detainees from this facility interviewed by the Group were released in such prisoner exchanges.<sup>220</sup> Another example is the case of five journalists (whose case is discussed in Section H on Administration of Justice, para 344) being detained in Sana'a since 2015, whose release was ordered on 11 April 2020, but who remain in detention. Their legal representative informed the Group that their release was conditional upon the conclusion of a prisoner exchange deal.

159. The Group found that the Houthis and their affiliates repeatedly demanded payments from the families of detainees to help them locate or visit their loved ones and to obtain their release, often to no avail. The Group also received credible reports that two male relatives of civilian detainees killed in the airstrike on the Dhamar Community College were arbitrarily arrested and detained for up to two days by the de-facto authorities while they were searching for information about the fate of their loved ones in the airstrike. The Group also confirmed that the Dhamar Community College was used to conduct interrogations of male civilians who had been arbitrarily arrested and detained without charges. Many were brought in from other detention facilities, including Al-Saleh detention facility in Ta'izz.

#### (b) Enforced Disappearance

160. The Group of Experts continues to be concerned about the number of individuals subjected to enforced disappearance by parties to the conflict. As one interviewee stated to the Group:

*"In the beginning of [the] kidnapping, I suffered from anxiety, fear, sadness, crying, and despair. It was a real disaster that had befallen us. I swear each day felt like a year" – Son of a disappeared<sup>221</sup>*

#### (i) By the Government of Yemen and affiliated actors – in Ta'izz

161. The Group verified eight cases of enforced disappearance of men by the Ta'izz Axis of the Government of Yemen and actors affiliated to the Islah Party. Individuals had been disappeared for periods ranging from several months to more than four years, that is, since early on in the conflict. In addition, torture and other-ill treatment including sexual violence has occurred in cases the Group documented. Sometimes, families learned of the fate and whereabouts of their loved one only several months after they died.<sup>222</sup>

<sup>220</sup> Confidential sources on file.

<sup>221</sup> Confidential source on file.

<sup>222</sup> Confidential source on file.

162. Unofficial detention facilities in Ta'izz, including those located in public buildings, are believed to have been used to detain persons during their disappearance. These include Al-Nahda school, the Public Funds Office, the Oversight and Accounting Bureau, and the National Institute.<sup>223</sup> Those disappeared are from a range of different backgrounds, but include people perceived to have criticised the military and Islah party.

163. Members of the public in Ta'izz have regularly protested against enforced disappearances and there has been considerable local media coverage of individual cases. Ayoub Salihi and Akram Hameed are two well-known cases of individuals who have both been forcibly disappeared for over four years.<sup>224</sup> Ayoub was a teacher and affiliated with the Nasserist Party. He was abducted on 12 June 2016 while driving his vehicle on Jamal street.<sup>225</sup> His vehicle was subsequently sighted being driven by other people, including entering Al-Nahda school. It was suspected that he was being held in the school, which was used as an unofficial detention facility until late 2017 when it resumed its original function. Akram was a soldier in the 22nd Mechanised Brigade and reportedly active on social media highlighting looting by members of the military. He was last seen on 3 June 2016. Both Ayoub and Akram are still forcibly disappeared and, despite multiple requests for information including from the Committee for the Follow-up on the Forcibly Disappeared and Yemen's Public Prosecutor,<sup>226</sup> no information on their fate or whereabouts has been disclosed by any of the military, security or political actors in Ta'izz.

164. The National Commission of Inquiry, the Ministry of Human Rights, and the Office of the Public Prosecutor have all called for information on the fate and whereabouts of individuals disappeared in Ta'izz. In January 2019, Yemen's Attorney-General, Ali Al-Awash sent a letter with a list of 34 names of those forcibly disappeared<sup>227</sup> to the Prosecutor General of the Court of Appeal in Ta'izz to request details of their fate and to insist they be referred to the public prosecution if they were detained on criminal charges, or released immediately in accordance with the law. Correspondence seen by the Group between the Prosecutor General of the Court of Appeal in Ta'izz and the military and security apparatus there centred on requests for information on the fate and whereabouts of certain individuals. Such calls and correspondence demonstrate high level knowledge of allegations of enforced disappearance. The Group understands that five cases of individuals forcibly disappeared were referred to the competent authorities in October 2019 and those individuals were released. In general, however, there has been a lack of proper investigation into cases of enforced disappearance. According to the Committee for the Follow-up on the Forcibly Disappeared, at least 50 individuals in Ta'izz remain forcibly disappeared.<sup>228</sup>

165. There is a climate of fear in Ta'izz for people seeking information on the fate and whereabouts of those disappeared. Families have been afraid to pursue cases, and the criminal justice responses to allegations of enforced disappearance remain limited. As discussed in para. 357, judges in Ta'izz have faced a number of violent attacks and intimidation. The groups alleged to be responsible for enforced disappearance are mainly military actors, such as the 22<sup>nd</sup> Mechanised Brigade,<sup>229</sup> military intelligence,<sup>230</sup> which are affiliated to the Al-Islah party, and the Resistance,<sup>231</sup> which during military operations into villages would arrest

<sup>223</sup> Confidential sources on file.

<sup>224</sup> Confidential source on file.

<sup>225</sup> Confidential sources on file.

<sup>226</sup> Confidential source on file.

<sup>227</sup> Confidential source on file.

<sup>228</sup> Confidential source on file.

<sup>229</sup> Confidential source on file.

<sup>230</sup> Confidential source on file.

<sup>231</sup> There were several armed groups which formed the main Resistance in Ta'izz, which emerged as the Houthis took over the city in April 2015. The government-aligned Popular Resistance Council was formed in April 2015 under the leadership of Hamoud Al-Mekhlafi. The Resistance joined forces with citizens from Ta'izz and military brigades that remained loyal to President Hadi (battalions from the 22<sup>nd</sup> and 35<sup>th</sup> Ta'izz brigades after the brigades split between the two parties). In early 2017, the resistance groups were incorporated into the national army and came under the control of the Ta'izz Axis Command.

men who subsequently disappeared.<sup>232</sup> Key figures from the Al-Islah party are members of the Government of Yemen in Ta'izz and hold influential positions.<sup>233</sup> For those released there is no legal redress. One man who was released through a prisoner exchange to another governorate told the Group he could not return to his village and that his property has been illegally confiscated by the authorities.<sup>234</sup> Families of the disappeared suffer mental anguish and are at risk when trying to seek the truth and redress.

(ii) By the De Facto Authorities – in Sana'a

166. The Group is similarly concerned that individuals continue to be subjected to enforced disappearance by de facto authorities. The Group investigated 21 cases, 9 men and 12 women, who were disappeared in Sana'a. Many of these people appear to have been targeted for their perceived opposition to the Houthis, or as human rights defenders and journalists, or for being members of religious minorities. In some cases, the period of disappearance extended over years. In at least three verified cases, the victims were disappeared for over two years. For example, 53-year old Khalida Al-Asabhi was abducted on 11 May 2018 along with her then three-year-old nephew by members of the Political Security. While the child was returned to the family the same day, at the time of writing, Khalida Al-Asabhi, who suffers from health conditions, remains disappeared. Her family reported the incident to the local police station the next day, and was told that, in light of the circumstances of the abduction, she could have been taken by the Security Police or the National Police. The family also checked the official prisons in Sana'a but the victim's name did not appear in any of the records. There is information to suggest she is being held in one of the secret facilities in the Dar Salim area.<sup>235</sup> Due to the prevailing climate of fear and intimidation, the family were only able to instruct a legal representative in the case in 2020, after relocating to an area not controlled by the Houthis.

(c) Torture including sexual violence and other forms of ill-treatment

167. As with previous reporting periods, the Group of Experts verified the widespread practice of torture and other forms of cruel, inhuman or degrading treatment in places of detention, including in both official prisons and unofficial and secret detention facilities operated by the Government of Yemen, the de facto authorities, the STC and the UAE.

(i) By the Government of Yemen at Ma'rib Political Security Prison, Ma'rib

168. The Group of Experts verified that the Government of Yemen conducted torture, including sexual violence, and other forms of ill-treatment, at the Ma'rib Political Security Prison and the linked Al-Saleh Institute facility in Ma'rib. The Group investigated in particular the treatment of five men and two boys held at these facilities. Detainees were subjected to lengthy interrogations, accused of being affiliated with, or working with the Houthis. In these interrogations Political Security personnel applied torture to humiliate, degrade, 'emasculate' and coerce detainees to admit to false allegations. Sexual violence was used in conjunction with other forms of torture. Torture methods included beating, electrocution, suspension in painful positions, use of scorpions and snakes, fake executions, crawling on broken glass and screws, and sexual violence via burning, beating and electrocution of genitals, and brushing genitals with a broom stick.<sup>236</sup> In two cases they informed two detainees that they were going to transform them to "*be like their wife*" and prevent them ever having intercourse again. For example, in one case they stripped a boy naked, suspended him from the ceiling by his hands, and informed him that they were going to damage his genitals to prevent him ever having intercourse again. For an hour, they beat his penis and testicles with a metal bar and electric cables, pausing only to continue their interrogation and ordering him to confess. He was left with lasting trauma and injuries to his reproductive organs which may affect his capacity to reproduce.<sup>237</sup>

<sup>232</sup> Confidential source on file.

<sup>233</sup> Confidential source on file.

<sup>234</sup> Confidential source on file.

<sup>235</sup> Confidential source on file.

<sup>236</sup> Confidential sources on file.

<sup>237</sup> Confidential sources on file.

## (ii) By de facto authorities in Al-Saleh City detention facility in Ta'izz

169. The Group of Experts verified that the de facto authorities conducted torture, including sexual violence, and other forms of ill-treatment, at the Al-Saleh City detention facility in Ta'izz, particularly in the national security section. The Group verified cases of 14 men and one boy who were subjected to torture, including sexual violence in eight cases, at the Al-Saleh facility. The torture was inflicted in order to extract written confessions or to punish detainees while levelling accusations of affiliations to different political and military groups such as ISIS, AQAP, the Resistance, the coalition and the Government of Yemen. Those tortured included human rights activists, educators, and legal professionals who had been held in prolonged detention from two to four years. Some of the cases the Group documented go back as far as 2016 when the men were first detained. Methods included repeated and severe beating with sticks, electric cables, iron bars; electrocution; removal of fingernails; the electrocution and beating of the genitals with threats of sterilisation; forced nudity; and solitary confinement.

170. Interrogation sessions during which the torture occurred took place at night and lasted several hours with regular frequency across several weeks. Several detainees told the Group they were then forced to confess, signing several documents using a pen or their fingerprints with no knowledge of what they were signing.<sup>238</sup> The coerced signing of documents would usually come after a series of interrogation sessions. Detainees spoke of being subjected to repeated severe beatings during the interrogation sessions before, during or after being asked questions or being accused. Beatings involved strikes to the head and the back, with the intention of causing long-term disabilities, and to the legs, feet and genitals. Interrogators electrocuted detainees using electric cables attached to different parts of their bodies including the hands,<sup>239</sup> tongue, testicles and penis, and detainees reported blacking out.<sup>240</sup> Stress positions, the removal of fingers nails, and threats including mock executions were also some of the other methods employed at the facility. Solitary confinement was used during the period of interrogation.<sup>241</sup>

171. The Al-Saleh City detention facility was established when the Houthis took control of large parts of the Ta'izz Governorate during their southern advance in the beginning of 2015. The facility is located in the "Al-Saleh" residential city, in Hawban, an area east of Ta'izz city, which was built as a housing complex originally constructed in 2010 with the purpose of creating affordable housing for average-income citizens. It consists of multiple high-rise residential tower blocks, of which approximately 20 buildings were allocated as places of detention when the complex was taken over in 2015.<sup>242</sup> It is collectively referred to as Al-Saleh City detention facility, and encompasses several sections: national, political and preventive security, and military.

172. For detainees held in Houthi controlled detention facilities the Group verified, as already identified in its second report, the frequent practice of transferring detainees between different facilities. Detainees were usually held at Al-Saleh City detention facility before being transferred onto Dhamar Community College detention facility in the Dhamar Governorate. Between July-August 2019, in the month prior to the coalition airstrike on the Dhamar Community College detention facility, groups of detainees were transferred from the Community College to Al-Ghabra Prison. They were held at Al-Ghabra before being taken for prisoner exchanges. Three detainees described to the Group how they were transferred from Al-Saleh City detention facility to Dhamar Community College detention facility and Dhamar North "Al-Ghabra" Prison, and also subjected to torture during interrogations at these two facilities, including sexual violence by electrocution of the genitals in two of these cases.<sup>243</sup> Detainees held in facilities in Dhamar reported that Houthi prison guards attempted to recruit both child and adult detainees as a condition of their release (See para. 264).

<sup>238</sup> Confidential sources on file.

<sup>239</sup> Confidential sources on file.

<sup>240</sup> Confidential sources on file.

<sup>241</sup> Confidential sources on file.

<sup>242</sup> Confidential sources on file.

<sup>243</sup> Confidential sources on file.



## (iii) By the de facto authorities in Sana'a

173. Throughout 2019 and 2020 the de facto authorities continued to operate a network of official prisons along with unofficial and secret detention facilities. This network includes a series of secret facilities in former residential buildings in and around Sana'a, in which women and girls have been detained and subjected to violations.<sup>244</sup> Other facilities included Sana'a Central Prison, Habra and the Security and Intelligence detention facility. The violations committed in these facilities were previously described in the Group's 2018 and 2019 reports; this mandate's investigations found no evidence that the violations have ceased or that the conditions of detention have improved.

174. Detainees in facilities in Sana'a were subjected to prolonged solitary confinement, in one case, for example, a man was held in a small dark room for five months.<sup>245</sup> In another case, a woman was held in confinement for seven days in a bathroom.<sup>246</sup> In at least 15 cases, the Group verified that detainees were subjected to torture, in some cases including sexual violence, as well as cruel and inhuman treatment, both during and outside of interrogation.<sup>247</sup> A wide range of physical and psychological ill-treatment and torture methods were used, including suspension for prolonged periods of time, electrocution, burning, severe beating with sticks and batons, kicking, forced nudity, and rape, the latter being a widespread practice in the secret detention facilities where women and girls were kept. In one case, for instance, a woman human rights defender was rendered blind in her right eye and partially deaf as a result of severe beatings under torture.<sup>248</sup> In another case, as a result of the severe beating, including with electric cables, a survivor was rendered unable to walk and suffers from severe chronic pain that has prevented him from resuming his job as a military judge.<sup>249</sup> Forms of psychological torture included threats to family members, threats of rape and sexual violence, mock executions, threats to be transferred to detention facilities that had previously been targeted by coalition airstrikes, denial of access to the toilet,<sup>250</sup> sleep deprivation and denial of natural light for long periods of time. Detainees were not provided with medical care and often the injuries and illnesses resulting from torture remained untreated, with long-term consequences for victims.<sup>251</sup> In one of the cases investigated by the Group, the relatives of a detainee, including two children, witnessed and remained traumatised by the beating of their loved one at the hands of the prison guards during a family visit.

## (iv) By United Arab Emirates forces at Al-Bureiqah coalition Base, Aden

175. The Group of Experts continued to investigate torture including sexual violence perpetrated by United Arab Emirates forces at the secret detention facility in al-Bureiqah coalition Base, prior to these forces' reported departure from the base in mid-2019. In addition to its findings in 2018 and 2019,<sup>252</sup> the Group has verified two further cases, in which forces tortured one man and one boy. In conjunction with other torture, including beating and electrocution, they raped one detainee on more than one occasion and subjected the other to another form of sexual violence. The rape was both penile and with objects, and was used in order to humiliate detainees and coerce them into admitting false allegations. Both detainees were kept for prolonged periods of time. The length of victims' detention at Al-Bureiqah, combined with the severity of the torture used and consequent long-term trauma and stigma, means that former detainees are likely to be delayed and/or reluctant in reporting the full extent of violations at the facility.

#### 4. Impact on victims of detention-related violations

<sup>244</sup> See Gender and Gender-Based Violence section paras. 205 and ff for more details

<sup>245</sup> Confidential sources on file.

<sup>246</sup> Confidential sources on file.

<sup>247</sup> Confidential sources on file.

<sup>248</sup> Confidential sources on file.

<sup>249</sup> Confidential sources on file.

<sup>250</sup> Confidential sources on file.

<sup>251</sup> Confidential sources on file.

<sup>252</sup> See A/HRC/42/CRP.1 paras. 224, 225, 228 for more details.

176. The physical, psychological, socio-economic, and gendered impact of these violations for victims, their families and their communities are complex and severe.

177. Detainees who had been tortured described to the Group the injuries and pain endured in the course of violations, and the long-term physical and psychological trauma. For the most part, no medical treatment or rehabilitation is available for detainees during detention and after their release, unless they can afford to pay and are able to flee to safe areas. Survivors of sexual violence, and women former detainees, particularly struggled to access services due to stigma and a lack of specialist gender-based violence services.<sup>253</sup> Specialised treatment and rehabilitation for victims of torture is not available. Detainees spoke of the financial strain on them and their families after they had paid large sums of money to learn the whereabouts of their loved ones, visit them or to seek their release, barring them from being able later to pay for any medical care and other essential support, including legal aid.

178. Some former detainees told the Group upon their release that they were unable to return home because they had been released through a prisoner exchange to a different governorate, or they had been forced to relocate to a safer area, under the control of a different party to the conflict. This displacement involves financial costs, the loss of property and livelihoods, separation from families and communities, as well as the psychological impact on the victims and their family. Others who were released and continued to live in areas under the control of those who had detained them were unable to leave, and spoke of their fears of reprisal.

179. Many men and women released after prolonged detention, found themselves jobless and with no income; their families having survived their detention by relying on savings, or support from relatives, or women and girls in their families taking on extra economic burdens, as previously found by the Group.<sup>254</sup> Children and young people who were detained similarly lost months or years of secondary or higher education, with profound implications for their futures. In addition to the socio-economic consequences, the families of detainees have endured the psychological impact of their loved one's detention or disappearance.

180. The lack of legal redress, the failure to investigate and prosecute those responsible for the violations, and the lack of reparations leaves victims disillusioned, with a sense of hopelessness and lack of trust in the justice system.

## 5. Legal findings

181. The Group of Experts concludes that parties to the conflict are continuing to engage in arbitrary detention, torture, including sexual violence, and other forms of ill-treatment, and enforced disappearance in violation of international human rights law and international humanitarian law. Such acts may amount to war crimes, including cruel treatment and torture, committing outrages upon personal dignity, and rape and other forms of sexual violence.

## E. Gender and gender-based violence

### *Applicable law*

182. Yemen has ratified a number of treaties enshrining the fundamental principle of equality and non-discrimination. In both ICCPR and ICESCR, for instance, there are clear statements that men and women must enjoy all rights equally and without discrimination on the basis of sex.<sup>255</sup> CEDAW provides a more detailed framework concerning non-discrimination against women. The fundamental importance of non-discrimination is replicated in other human rights instruments. While treaties refer to discrimination on the basis of sex, this report uses the terms “gender-based discrimination” and “gender-based violence” to take into account the underlying social construction of roles that underpins these violations.

<sup>253</sup> See section on Gender and Gender-Based Violence, paras. 192 and ff for more details.

<sup>254</sup> A/HRC/42/CRP.1 paras. 624 and 625

<sup>255</sup> ICCPR, arts. 2(1), 3 and 26; ICESCR, arts. 2(2) and 3.

183. Gender-based violence is a form of prohibited discrimination.<sup>256</sup> States are obliged to take all appropriate measures to eliminate gender-based violence and act with due diligence to prevent, investigate, mediate, punish and redress gender-based violence, including that perpetrated by non-State actors.

184. Rape and other forms of sexual violence violate international human rights law's prohibition on torture and other forms of cruel, inhuman or degrading treatment.<sup>257</sup> Sexual violence also impairs other human rights including the right to the highest attainable standard of physical and mental health under the ICESCR. International humanitarian law also contains express prohibitions in relation to rape and other forms of sexual violence when committed against persons taking no active part in hostilities.<sup>258</sup> Rape, along with sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and other forms of sexual violence of similar gravity constitute war crimes under the Rome Statute<sup>259</sup> and may constitute a crime against humanity if committed as part of a widespread or systematic attack on civilians.<sup>260</sup>

185. In resolution 1325 (2000), the Security Council called upon all parties to conflict to take special measures to protect women and girls from rape and other forms of sexual abuse, and in resolution 1820 (2008), drew attention to the fact that “sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict”.

186. The right to enjoy human rights on an equal basis and to not be discriminated against on a prohibited ground is part of the bedrock of international human rights law. The right of non-discrimination includes the right not to be discriminated against on the basis of sex, sexual orientation, gender identity or sex characteristics. Sex discrimination is explicitly prohibited in a range of treaties, and sexual orientation, gender identity and sex characteristics have been recognised as grounds of prohibited discrimination by all treaty bodies.<sup>261</sup> Further guidance is available in the form of the Yogyakarta Principles<sup>262</sup> elaborated by a number of United Nations and other human rights experts.

#### *Factual findings*

<sup>256</sup> See CEDAW Committee General Recommendation No 19 (1992) on violence against women and No 30 (2013) on women in conflict prevention, conflict and post-conflict situations. See also Committee on Economic, Social and Cultural Rights, General Comment No. 16, The equal right of men and women to the enjoyment of all economic, social and cultural rights (2005).

<sup>257</sup> ICCPR, art. 7. For recent consideration, see *A v Bosnia and Herzegovina*, Views adopted by the Committee Against Torture on 2 August 2019, CAT/C/67/D/854/2017.

<sup>258</sup> Additional Protocol II, art. 4(2)(e). Such acts would also be covered by common art. 3 of the Geneva Conventions' reference to “violence to life and person, in particular ... cruel treatment and torture, and “outrages upon personal dignity, in particular, humiliating and degrading treatment”. See also *ICRC Study on Customary International Humanitarian Law*, rule 93

<sup>259</sup> Rome Statute, art. 8(2)(e)(vi).

<sup>260</sup> Rome Statute, art. 7(1)(g).

<sup>261</sup> International instruments such as the ICCPR and ICESCR refer to specific grounds of prohibited discrimination and “sex” is one of those specified grounds. However, the grounds for discrimination are not closed – hence the language of ICCPR art 2(1) referring to States needing to respect and ensure rights “without distinction of any kind such as...”. Either on the basis of this, or a broad reading of “sex”, it has been recognised that the prohibited grounds of discrimination include also sexual orientation, gender identity and sex characteristics: See, for example, Committee on Economic, Social and Cultural Rights, General Comment No. 22 on the right to sexual and reproductive health (2016) at paras. 9, 23; *Toonen v. Australia*, Human Rights Committee, Communication No. 499/1992 (CCPR/C/50/D/499/1992), para. 8.7; Committee on the Rights of the Child, General Comment No. 4 on adolescent health and development in the context of the Convention of the Rights of the Child (2003), para. 6; Committee against Torture, General Comment No. 2 on Implementation of article 2 by States Parties (2008), para. 21, and No. 3 on Implementation of article 14 by States Parties (2012), paras. 32, 39.

<sup>262</sup> Yogyakarta Principles, 2006 and Yogyakarta Principles plus 10, 2017.

## 1. Gender Analysis

187. The armed conflict has affected women, girls, men and boys differently. Yemeni society was already patriarchal and many women and girls, particularly those from minority groups or rural communities, and those with a non-conforming sexual orientation and/or gender identity (SOGI) 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. In 2019, the Group of Experts presented a Gender Analysis of the conflict, which complements this section.<sup>263</sup> During the reporting period, the Group conducted deeper investigations into various forms of gender-based violence, four of which will be detailed in this section. The Group also continued documenting violations against women human rights defenders, activists and journalists, and received allegations of gender-based violence violations occurring in the course of recruitment and use of children by some parties to the conflict.<sup>264</sup>

188. In 2019-2020, figures show that the majority of direct casualties from fighting continue to be men and boys.<sup>265</sup> The humanitarian crisis has worsened health care, access to food, nutrition and secure housing, affecting primarily women and girls and putting them at higher risk of enduring some form of gender-based violence, mainly those displaced.<sup>266</sup> Additional economic burdens were borne by some women and girls who became, by virtue of the conflict, their families' bread winners. Some parties to the conflict recruited into their forces men and boys as fighters using, *inter alia*, religious and patriarchal discourses, as well as financial incentives as explained in Section F (See paras. 273 and ff).

189. In 2019-2020, women continued to participate in the security sector, as they have since prior to the conflict. For instance, the Zainbiyat<sup>267</sup> forces continued operating in areas under the control of the de facto authorities. These forces include women and girls who joined for financial gain or personal reasons. The Group received credible reports that the de facto authorities indoctrinated and recruited girls to join the Zainabiyat from schools, detention facilities, Houthi-affiliated families and poor families as detailed in Section F (See paras. 273 and ff).<sup>268</sup> Additionally, in 2020, there were media outlet reports of new female security forces, namely the "al-Fatimiat" linked to the de facto authorities, and the "Female Special Forces" linked to military forces in Aden.<sup>269</sup>

190. The criminal justice system is unable to deal with conflict-related violations.<sup>270</sup> Some law enforcement actors, armed forces and armed groups continued to pose a direct threat to the population. In particular, in some governorates, women found it easier and more reliable to access informal community conflict-resolution mechanisms to address their security concerns.<sup>271</sup>

<sup>263</sup> See A/HRC/42/CRP.1, Chapter VII.

<sup>264</sup> See the Treatment of specific groups and Child Recruitment and Use and Related Violations sections.

<sup>265</sup> See WHO Yemen: Snapshot of Reported Deaths and Injuries, May 2020.

<sup>266</sup> According to UNFPA, with limited shelter options, displaced women and girls tend to suffer most from lack of privacy, threats to safety and limited access to basic services, making them ever more vulnerable to violence and abuse. Displaced girls are more likely to lose access to schooling as families with limited resources de-prioritise their right to education. See UNFPA Humanitarian Response in Yemen 2020, available at:

[https://www.unfpa.org/sites/default/files/resource-pdf/English\\_-\\_2019\\_UNFPA\\_Response\\_brochure\\_-\\_final\\_for\\_Web-compressed.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/English_-_2019_UNFPA_Response_brochure_-_final_for_Web-compressed.pdf)

<sup>267</sup> The Zainabiyat are Houthi-organized women's security groups, trained to support the Houthis through, *inter alia*, indoctrination of women and girls in Houthi ideology, maintaining order in detention facilities and conducting law enforcement activities.

<sup>268</sup> See the section on Child Recruitment and Use and Related Violations.

<sup>269</sup> See, for instance, [www.yemen14.com/3345](http://www.yemen14.com/3345) and [www.youtube.com/watch?v=dbU37lo5fV4](https://www.youtube.com/watch?v=dbU37lo5fV4)

<sup>270</sup> See Accountability section. See also A/HRC/42/CRP.1, Chapter VII, paras. 634-636.

<sup>271</sup> Confidential Sources on file. See, for instance, Yemen Polling Center, Policy Report 2020: Gendered Security Gender-based Violence and Women's Access to State and Nonstate Security Provision in al-Dhali', April 2020, available at:

191. There is a strong tradition of women activists and leaders at all levels of Yemeni society, playing key mediation, negotiation, protection and humanitarian roles.<sup>272</sup> In 2020, there are emerging opportunities for women's essential participation and leadership in national ceasefire planning and oversight.<sup>273</sup> Realising the full participation of women and girls, particularly survivors of the conflict, in peace negotiations and transitional justice processes and mechanisms, is key to achieving gender responsive peacebuilding, reconciliation and prevention of further conflict.<sup>274</sup>

## 2. Gender-based violence

192. Women, girls, men, boys and those with a non-conforming sexual orientation and/or gender identity are at serious risk of all forms of gender-based violence due to the conflict and normative context. Gender-based violence was widespread before the conflict due to entrenched gender norms and inequality.<sup>275</sup> Since the advent of the war, UNFPA and service providers have documented continuous rises in survivors accessing gender-based violence services, despite the multiple barriers to reporting and increased challenges to these services. UNFPA statistics to June 2020 indicate an estimated 13 per cent increase in survivors accessing gender-based violence services in 2020 compared to 2019, and a 15 per cent increase compared to 2018.<sup>276</sup> In one governorate in southern Yemen, statistics indicate that the increase in 2020 could be as high as 29 per cent compared to 2019, and 41 per cent compared to 2018.<sup>277</sup> UNFPA estimates 3 million women and girls are at risk of gender-based violence, and 120,000 are at risk of being killed.<sup>278</sup>

193. Ongoing displacement is a key risk factor for all types of gender-based violence, whether in more secure host environments or informal insecure settlements. Between 2018 and 2020, the Group has received allegations of sexual violence against internally displaced persons in Hudaydah, Aden and Ibb, by perpetrators linked to different parties to the conflict, as well as camp management, host communities, and other displaced persons.<sup>279</sup> This requires further investigation.

### (a) Sexual Violence by Security Belt Forces against Ethiopian Migrants

194. In 2018 and 2019, the Group of Experts found that the UAE-backed Security Belt forces had perpetrated rape and other forms of sexual violence targeting marginalised black African communities. Many of these violations occurred at the Bureiqa Migrant Detention Facility, which was closed down in May 2018.<sup>280</sup> During this reporting period, the Group focused its investigations on allegations of sexual violence committed by Security Belt forces against Ethiopian migrants during the "anti-migrant detention campaign" of 2019.

195. Between March and June 2019, UAE-backed Security Belt forces, under the command of Major General Shallal Ali Shaye, conducted the mass arrest and detention of Ethiopian migrants in Lahij and Aden on the pretext of national security grounds. Forces arbitrarily arrested and detained an estimated 5,000 migrant women, girls, men and boys in appalling conditions in ad-hoc facilities in Lahij and Aden.<sup>281</sup> The Group has already expressed its concerns about the situation of the migrants detained in Lahij and Aden.<sup>282</sup> The

<http://www.yemenpolling.org/gendered-security-gender-based-violence-and-womens-access-to-state-and-non-state-security-provision-in-al-dhali/>

<sup>272</sup> See A/HRC/42/CRP.1 Chapter VII, paras. 650-654 and 659-661.

<sup>273</sup> Rana Ghanem, UN Women and the Group of Nine Network 2020 Policy Paper: Women in the Security Sector and the Military, and the Potential Role in the Ceasefire and Peace Process.

<sup>274</sup> See, for instance, WILPF and others, *Changes ahead: Yemeni women map the road to peace*, p. 23-24, available at:

[https://www.wilpf.org/wp-content/uploads/2019/04/WILPF\\_Yemen-Publication\\_web.pdf](https://www.wilpf.org/wp-content/uploads/2019/04/WILPF_Yemen-Publication_web.pdf)

<sup>275</sup> Confidential sources on file. See also Oxfam-CARE-GenCap Study 2016.

<sup>276</sup> See UNFPA GBV IMS Data 2018-2020

<sup>277</sup> Confidential sources on file.

<sup>278</sup> UNFPA 2019 and 2020; OCHA 2020.

<sup>279</sup> Confidential sources on file.

<sup>280</sup> See A/HRC/42/CRP.1, para. 837.

<sup>281</sup> See A/HRC/42/CRP.1, para. 290.

<sup>282</sup> See A/HRC/42/CRP.1, para. 837.

Group received reports that around July 2019 these forces stopped detaining migrants in those facilities, due to alleged lack of funding.<sup>283</sup> This coincides in time with the UAE commencing its withdrawal of ground troops from Yemen.

196. During this reporting period, as a result of its further investigations into the situation of detained migrants, the Group verified that during the four month period from March to June 2019, Security Belt forces raped five women and four girls, and subjected 12 men and three boys to forced nudity and two women and two girls to other forms of sexual violence.<sup>284</sup> The Group also received credible reports of the rape of one boy and the attempted rape of another boy, and allegations that forces raped another 30 women and girls and three boys.

197. Survivors told the Group that they initially arrived in Yemen via the Ras Al-Ara' coastline in south-west Yemen. Upon arrival, smugglers would detain them in informal captivity camps, with some recounting being raped and tortured in those same camps.<sup>285</sup> Those released or those who managed to escape travelled in groups on foot towards Aden en route to Saudi Arabia, their original final destination. Unable to avoid the checkpoints and military patrols along the Lahij-Aden highway, or even when directly seeking help from the military, they were detained and taken to ad-hoc military facilities nearby, including the "22 May Stadium", in Sheikh Othman, in Aden. Migrants reported ultimately being transferred to this stadium from the other ad hoc facilities.



23 May 2019 DigitalGlobe WorldView-3 Image (©2019 DigitalGlobe)

*“They raped us as if we were animals. The violence and humiliation from the soldiers was so much worse than from the smugglers. One night they were raping me and I was in severe pain because of the previous rapes. My friend, who they were not raping that night, came over to help, and offered to switch places, for her to be raped instead of me.”* **Woman survivor of rape**<sup>286</sup>

198. United Arab Emirates-backed Security Belt forces perpetrated rape and sexual violence at one such facility<sup>287</sup> on the Lahij-Aden highway as well as at the “22 May Stadium”. Sometimes violations happened in full view of others, which created fear among

<sup>283</sup> Confidential source on file.

<sup>284</sup> Confidential sources on file.

<sup>285</sup> See also Treatment of specific groups section.

<sup>286</sup> Confidential sources on file.

<sup>287</sup> At the time of writing, the Group is yet to verify the exact location of this military facility.

the other migrant detainees. In all the cases verified by the Group, perpetrators used vaginal, anal and oral rape, and gang rape against migrant women and girls. They used similar types of violence against survivors before, during and after inflicting sexual violence, including inflicting severe beatings and threats at gunpoint to repress attempts to resist or to escape. Women and girls described how they were raped on multiple occasions over several days. In some cases at the same time they could hear or see other soldiers and guards raping others in the vicinity. One woman was raped multiple times over 13 days by 28 different soldiers.<sup>288</sup>

199. The Group has identified that these acts of sexual violence displayed several commonalities, including the temporal and geographical circumstances, the type of victims and perpetrators, the perpetrators' modus operandi and the repetition of the acts. The Group concluded that these acts of sexual violence were committed as part of a pattern of violations by the UAE-backed Security Belt forces.

*“The second time they raped me was even more painful and distressing. Four soldiers took me to a hill. They tore off all my clothes. One stuffed his headscarf in my mouth so I couldn't scream, one forced me to the floor. All four took it in turns to rape me, it was extremely painful and I was in and out of consciousness. They left me there naked and bleeding, until a kind Yemeni woman found me.”*

**Woman survivor of rape<sup>289</sup>**

200. Security Belt soldiers and guards at the ad-hoc facility on the Lahij-Aden highway physically accosted two women and two girls - aged 17 and 15 years - while making sexually suggestive comments and/or touching their sexual organs. The survivors also told the Group that there were instances in which soldiers and guards – both at the ad-hoc facility on the highway and at the “22 May Stadium” - attempted to coerce some women and girls to engage in sexual intercourse with them in exchange for their release and then they took them away elsewhere. Witnesses did not see these women and girls again after they were taken away.

201. The Group received credible reports that Security Belt forces in these facilities attempted to rape a 15-year-old boy and left him badly injured and unconscious as a result. These same forces reportedly raped another boy in similar circumstances. The Group also received allegations that on one occasion, soldiers took three migrant boys (10-12 years old) away from the other detainees, and the three returned later, traumatised, stating that they had been raped.

202. According to witnesses, guards used forced nudity as part of cruel and inhuman treatment to humiliate, control and punish groups of male migrants. This included removing all their clothes except their underwear, and forcing them to roll on top of each other in mud or breaking bottles on their heads.<sup>290</sup>

203. The Group found that these sexual violence violations were not isolated acts of sexual violence but acts that were all committed in a particular context, which cannot be disregarded. These acts were committed under the guise of the armed conflict, in a period - March-June 2019 - in which the UAE-backed Security Belt forces were present in the South of the country and in control of several military facilities between Aden and Lahij, where migrants were arbitrarily detained. Furthermore, when these same forces committed similar violations in the past (e.g., in the Bureiqa Migrant Detention Facility) they were not held to account, with the consequence that perpetrators are aware of the situation of impunity arising from, *inter alia*, a criminal justice system that is not dealing effectively with conflict-related violations or victims' security concerns.

204. These sexual violence acts were situated in a broader context of structural discrimination against the survivors, all of whom were Ethiopian migrants. The caste-like system in Yemen reinforces the “subordinate” status of black African communities, reminiscent of the treatment of the minority “Muhamasheen” community in Yemen, and embeds the perception that women and children from these communities are worth less than

<sup>288</sup> Confidential sources on file.

<sup>289</sup> Confidential sources on file.

<sup>290</sup> Confidential sources on file.

those from “Yemeni” tribes. It also means that they are not afforded the same protections by tribal mediation that others may enjoy.

(b) De Facto Authority Detention, Torture and Sexual Violence against Women and Girls in Sana’a

205. Between 6 December 2017 and December 2019, members of the de facto authorities, including the Criminal Investigation Department (CID) and National Security, detained women and girls because of their political views and/or participation in demonstrations, and tortured them, including inflicting rape and other forms of sexual violence, as well as other cruel, inhuman and degrading treatment, in a series of secret detention facilities in and around Sana’a. In this context, the Group of Experts verified that members of the de facto authorities raped six women, and also subjected two of these women to other forms of sexual violence.<sup>291</sup> Over extended periods of time they raped three of these women on more than twenty occasions.

*“They detained me for attending the protest. After they interrogated me and falsely accused me of promoting drugs and prostitution, a man came into the room who they called ‘Wali Allah’.<sup>292</sup> He told me he was going to purify my sins by forcing me to perform ‘nikkah jihad’.<sup>293</sup> They blindfolded me, restrained me with handcuffs, and removed my clothes. For the next hour, he and other men took it in turns to rape me. I tried to scream but they gagged me. I could only cry. It was brutal, they had no mercy.” **Woman survivor of rape**<sup>294</sup>*

206. Members of the de facto authorities conducted these violations under the guise of tackling “immorality” and prostitution. In its 2019 report, the Group found that they arbitrarily detained women and girls who spoke out against the Houthis, were involved in women’s rights work and/or were part of women-led protests that occurred in Sana’a between December 2017 and April 2019.<sup>295</sup> During this current reporting period, the Group of Experts received credible reports that the de facto authorities detained an estimated 279 women and girls, some as young as 14 years old according to witnesses, in five former residential buildings in and around Sana’a, which had been converted into secret detention facilities. They took women directly to the facilities or some via the CID on Al-Adal Street and police facilities in central Sana’a. Women and girls were kept at these facilities for periods of between one month and nine months, and some, reportedly, for much longer. They were kept incommunicado and in some cases in solitary confinement.<sup>296</sup>

207. The de facto authorities subjected the women and girls at these facilities to a routine of humiliation, indoctrination and torture, including rape. Facility supervisors, interrogators and other male personnel, repeatedly and regularly raped detainees. This conduct was described by the perpetrators and by female Zainabiyat guards as “purification” and “rehabilitation” for their immoral behaviour. They told all six survivors that the “purification” was by way of, and justified by, “*nikkah jihad*”. The men, often armed, violently beat, and threatened them, sometimes with the assistance of the female guards. They raped them one at a time, vaginally, anally and orally. In some cases, this included gang rape. This was always in the room where detainees were interrogated or in adjacent rooms. They informed survivors during the rapes of the “accusations” against them,<sup>297</sup> that they were complicit with the enemy, and referred to the superiority of the rapist. In several cases survivors were told by perpetrators or female guards that the “purification” was by a *Wali*

<sup>291</sup> Confidential sources on file.

<sup>292</sup> Vice-regent of God, a term used to denote a man of seniority who is pious and close to God.

<sup>293</sup> Reportedly, also referred to by perpetrators as *Jihad Al Nikkah*, and *Jihad Al Mara Bilfarj*. This translates as “war marriage” or “sexual jihad”, the assertion that women and girls “contribute” to the war effort through the consensual practice of temporary or long-term marriage, including sexual intercourse with fighters.

<sup>294</sup> Confidential sources on file.

<sup>295</sup> Confidential sources on file.

<sup>296</sup> Confidential sources on file.

<sup>297</sup> None of the former detainees interviewed by the Group, including the six survivors of sexual violence, were formally charged.



*Allah*, or by one of the “Masters”.<sup>298</sup> In others, survivors were also told they were animals, no longer human, and the property of the perpetrators; in one case as a “spoil of war”.<sup>299</sup>

208. Sometimes interrogators or female guards selected groups of women and girls on rotation to be raped. Survivors told the Group that they were subjected to rape regardless of their caste or family political affiliations. They described how they witnessed Zainabiyat guards and other personnel take inmates away from cells and then return them afterwards. These women and girls returned traumatised, injured and/or stating that they had been raped. Detainees would hear the screams and muffled cries of other detainees in neighbouring rooms. The Group received allegations that two women and one 15-year-old girl apparently died in their cells after being raped, or after beatings from guards for resisting attempts to take them to be raped. The rapes broke some survivors’ wills, and combined with the isolation and humiliation, left them hopeless and suicidal.<sup>300</sup>

*“I considered killing myself, but there was nothing in my cell I could find to do it. When they threatened to shoot or kill me I ended up hoping they would just do it to spare me from the pain.”* **Woman survivor of rape**<sup>301</sup>

209. Detainees at the facilities were falsely accused of prostitution<sup>302</sup> and immorality, of supporting the coalition, including by inciting the so-called coalition-led “*soft war*”,<sup>303</sup> and of affiliation with other enemy parties, and spying for them. Male interrogators, assisted by female guards, subjected detainees to interrogations and torture. They used this purposefully to humiliate, stigmatise and coerce them to admit to false accusations. This included electrocution, burning, beating, suspending them for long periods in painful positions, threats to rape them or family members, forced nudity and in two cases sexual violence by grabbing their breasts or vulva.<sup>304</sup> The Group was informed that photographs and videos were taken of detainees confessing to accusations or in degrading positions, and they were reminded that these could be released to their families if they did not comply with Houthi demands.<sup>305</sup>

210. While held in these facilities, survivors told the Group it was mandatory for them to attend a “program” of lectures and indoctrination on their responsibilities as women and girls, on Houthi history and ideology, and on the coalition threat. Some women and girls had their heads shaved. A detainee described how in one facility women and girls were forced to move boxes of what looked like munitions, and work for many hours a day making large quantities of food, which guards told them was for the front line.

*“They made us take part in what they called ‘cultural courses’. They taught us about how we needed to obey the Houthis, about the corruption of the youth*

<sup>298</sup> Each of these honorific terms has specific connotations in Yemen which confer holiness or privilege or high-caste status on the holders.

<sup>299</sup> Confidential sources on file.

<sup>300</sup> Confidential sources on file.

<sup>301</sup> Confidential sources on file.

<sup>302</sup> The UN Panel of Experts noted that “Labelling women as prostitutes or criminals serves at minimum three purposes: it deters families from searching for and protesting the disappearance of the women due to the associated shame; it allows officials to conduct arrests, detentions and violations of these women with impunity; and the threat of being labelled deters these and additional women from participating in political activity or other forms of dissent.” See UN Panel of Experts, Report, 2019, Annex 5, para. 10.

<sup>303</sup> The so-called “soft war” is perceived - as per public statements made by the Houthi supreme leader (Abdul Malik Al Houthi) – as a cultural attack against the Yemeni society with diverse influences and negative factors. The “soft war” is a complex concept that, according to the Houthi leader, manifests itself through an attack on “*the faithful, in order to deprive them of their principles and deviate them from their identity and morals of religion, so the cultural war is the same as the soft war*” (excerpt from public speech by Abdul Malik Al Houthi delivered on 20 December 2019 entitled “The Faith in Yemen”).

<sup>304</sup> Confidential sources on file.

<sup>305</sup> Confidential sources on file.

*and women, and how we needed to repent our sins through purification by jihad with our vagina.”* **Woman survivor of rape**<sup>306</sup>

211. In some cases, survivors were asked by interrogators and female guards to work with the Houthis, in exchange for release or dropping (false) accusations against them. One survivor was told by a female guard: *“You’re stupid, can’t you see how we freed ourselves from humiliation and worked with them and became Zainabiyat.”*<sup>307</sup>

212. Reportedly, in 2019-2020, a large group of women and girls were transferred from these facilities to the Sana’a Central Prison and described to witnesses there that they had been detained and raped in secret facilities in former residential buildings, and in CID facilities. The Group of Experts have verified three cases of women who were detained by de facto authorities in 2018, in the wake of women-led protests in Sana’a after vocally denouncing the Houthis, who remain disappeared as of July 2020. There is information to suggest that all three were being held by the CID in these secret facilities in Sana’a.<sup>308</sup>

213. The Group concludes that members of the de facto authorities carried out sexual violence and other violations under the pretext of tackling prostitution and immorality and with the aim of fighting against what they have publically claimed since at least November 2017 is a *“soft war”* by the coalition that has sought to undermine the morals of Yemeni society including *“spoiling”* Yemeni women. The Director of CID, Brigadier Sultan Zabin, has made public statements to this effect, while denying allegations of arbitrary detention and sexual violence against women and girls.<sup>309</sup> Reportedly, in January 2020 the CID issued statistics showing that they had detained *“45 prostitution networks”* in Sana’a in 2019 alone.<sup>310</sup> Witnesses interviewed by the Group in relation to violations at these secret detention facilities recalled the use of false accusations of *“immorality”* and prostitution against those detained, which was understood as a synonym for supporting Houthi opponents. The de facto authorities appeared to use such accusations, detention and rape in the knowledge that they would attract severe stigma for women and girls, and that they would also have a deterrent effect on victims and their families, pressuring them to conform and comply with Houthi authority, preventing families from reporting violations or following-up on release, and placing survivors and families at risk of social exclusion, community violence and long-term harm.<sup>311</sup> Furthermore, such a pretext *“enables”* perpetrators and superiors to de-humanise women and girls and use rape as a means of control and coercion.

(c) Violations on the grounds of someone’s sexual orientation and/or gender identity (SOGI)<sup>312</sup>

<sup>306</sup> Confidential sources on file.

<sup>307</sup> Confidential sources on file.

<sup>308</sup> Confidential sources on file. See also the Section on arbitrary detention, torture and other forms of ill-treatment, and enforced disappearances section.

<sup>309</sup> See Red Lines’ Al Masirah 2019 [www.youtube.com/watch?v=uNbHno878QE&feature=youtu.be](http://www.youtube.com/watch?v=uNbHno878QE&feature=youtu.be), [www.ansarollah.com/archives/221513](http://www.ansarollah.com/archives/221513). See also [www.youtube.com/watch?v=tZ\\_MqWGCqD0](http://www.youtube.com/watch?v=tZ_MqWGCqD0), [www.ansarollah.com/archives/316799](http://www.ansarollah.com/archives/316799), [www.ansarollah.com/archives/123871](http://www.ansarollah.com/archives/123871) and [twitter.com/M\\_N\\_Albukhaiti/status/1257236317689262088?s=20](https://twitter.com/M_N_Albukhaiti/status/1257236317689262088?s=20)

<sup>310</sup> [www.almashhad-alyemeni.com/156556](http://www.almashhad-alyemeni.com/156556)

<sup>311</sup> See A/HRC/42/CRP.1 Chapter VI paras. 376 and 467, and Chapter VII paras. 628 and 634. See also UN Panel of Experts Report, S/2020/326, Annex 5.

<sup>312</sup> LGBTIQ+ *“markers”* do not always translate to the MENA and Yemen contexts. Survivors reported to the Group that these markers did not always adequately represent their gender performance and/or many do not have access to or knowledge of these terminologies. In 2019, at a stage in which the Group was not yet able to conduct in depth investigations on these issues, it used *“LGBTIQ+”* (see A/HRC/42/CRP.1, para. 633). Now that the Group has conducted a focused investigation and contextualised certain violations, it has opted to use the terms *“violations on the grounds of someone’s sexual orientation and/or gender identity (SOGI)”* and *“persons with non-conforming sexual orientation and/or gender identity (SOGI)”* based, *inter alia*, on the survivors’ accounts obtained directly by the Group. These terms are inclusive of persons with non-binary gender identities, which in certain contexts may include for example gender queer persons. The Group recognises that across cultures and communities different terms are often used to refer to people who

214. In 2019, the Group of Experts expressed concerns about the impact of a “resurgence” of oppressive gender norms as a result of the conflict on persons with non-conforming SOGI. Further investigation was required as to whether parties to the conflict were directly perpetrating violations based on the grounds of someone’s sexual orientation or gender identity.<sup>313</sup> The Group of Experts has now investigated the cases of ten persons with non-conforming SOGI who survived such violations and witnessed violations against others. The Group interviewed four transgender women, one transgender man, two gay men, and three persons with non-binary gender identities.<sup>314</sup> The investigation focused on violence “motivated by prejudice”<sup>315</sup> used against them by some parties to the conflict, including military and security forces, on the grounds of their real or perceived sexual orientation or gender identity.

215. People in Yemen face severe repression from their families and society for expressing masculinity, femininity and sexual orientation outside of that “expected” according to, for instance, their sex ascribed at birth. Personal status in Yemen is predicated on a patriarchal caste-like system that affords men expansive privileges and rights over subordinate groups, within which binary “male” and “female” gender roles and sexuality are strictly defined.<sup>316</sup> Perceptions of moving outside of these roles threatens these privileges, resulting in marginalisation, stigmatisation and potentially violent repercussions. Furthermore, the 1992 Personal Status Law reinforces gender binaries, and the 1994 Criminal Code criminalises homosexual practices by men and women. The offence attracts the death penalty if the accused is a married man.<sup>317</sup>

216. The Group interviewed persons with non-conforming sexual orientation and/or gender identity who live and survive in Yemen in a profoundly dangerous situation. Two transgender persons also told the Group about their struggle to access transition medication and therapies that they rely upon. Since the advent of the conflict, sources working - or who used to work - with civil society organizations and other service providers in Yemen informed the Group that specialist protection and services for persons with non-conforming SOGI are no longer present in Yemen. Reportedly operating such services may be considered “illegal” by certain authorities. Some survivors described to the Group that, prior to the conflict, they felt safer, and that at least in Sana’a and Aden, they were able to express themselves in a limited way in some safe spaces. However, since the conflict started, they felt that this had changed, due to insecurity, increased prejudice and discrimination, as well as increased violence against them by some parties to the conflict.<sup>318</sup>

*“Up until the war we lived in fear of conservative society, but at least we could live without fear of being actively targeted by the authorities. I felt free. This all changed after the arrival of the Houthis.” “Third gender” survivor of rape*<sup>319</sup>

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are attracted to people of the same gender, people with gender identities that differ from the sex assigned at birth, and people with non-binary identities or whose behaviour or characteristics do not fit with typical local definitions of male and female. In Yemen, such terms include “third gender”, which is commonly used by survivors to refer to themselves and people with non-binary identities, and “*mithli*”, both of which were used by survivors to variously convey all three categories of meaning. Other people who fall within these categories may identify with or use other terms. See also “Conceptualising Identities in the MENA Region: Implications for Rights Based Approaches” 2017, available at: [ctdc.org/publication/conceptualising-sexualities-mena-region-undoing-lgbtqi-categories/](https://ctdc.org/publication/conceptualising-sexualities-mena-region-undoing-lgbtqi-categories/).

<sup>313</sup> See A/HRC/42/CRP.1, para. 633.

<sup>314</sup> The Group is yet to interview lesbian women and intersex persons.

<sup>315</sup> This phrasing was recently used in another context by the Inter-American Court of Human Rights. See Inter-American Court of Human Rights, *Azul Rojas Marín and Another v. Peru*, Judgement of 12 March 2020, summary available in English at:

[https://www.corteidh.or.cr/docs/casos/articulos/resumen\\_402\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/resumen_402_ing.pdf) and full judgement in Spanish available at: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_402\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_402_esp.pdf).

<sup>316</sup> See A/HRC/42/CRP.1 paras. 616-633.

<sup>317</sup> Personal Status Law of Yemen, 1992; Criminal Code Decree No.12, 1994, arts 264 and 268.

<sup>318</sup> Confidential sources on file.

<sup>319</sup> Confidential sources on file.

*Violations by De Facto Authorities in Sana'a*

217. The Group verified that between 2016 and July 2020 the de facto authorities' Criminal Investigation Department (CID) and police forces violated the rights of two transgender women, one transgender man, two gay men and two persons with non-binary gender identity, in similar circumstances and using similar means and methods. All seven persons were initially arbitrarily detained based on their perceived sexual orientation or gender identity. Survivors also witnessed the detention of nine other gay men and one other person with non-binary gender identity by the police and CID. The current whereabouts and welfare of these other ten persons are unknown to witnesses and the Group. De facto authorities also targeted and shut down some of the few existing services and safe gathering spaces that had supported and welcomed survivors in areas under their control.<sup>320</sup>

218. Most of these violations occurred between December 2018 and July 2020, during the Houthi campaign against "immorality" and prostitution.<sup>321</sup> The seven survivors were detained by police and CID for between several hours to several months, during which they were subjected to interrogations and falsely accused of prostitution, spreading "immorality" and homosexuality, corrupting society, and supporting the coalition through this. For instance, one of them was accused of "*seducing the youth to prevent them going to the frontline.*"<sup>322</sup> Four survivors detained at CID were subjected to torture, including sexual violence, during interrogations by beatings, electrocution, whipping with cables, hanging for long periods of time, dousing in cold water, burning with cigarettes, beating their sexual organs, interfering with their buttocks, and forced nudity. Four survivors were raped by police or CID forces. In two cases, this consisted of penile rape and rape with a bottle. In four cases, survivors were subjected to humiliating faux "examinations" of their vagina or anus, supposedly as a means to "confirm" their sex or whether they had been penetrated in their anus. In the course of these actions, as part of the "examination", they were subjected to digital rape.<sup>323</sup>

*Violations by UAE/STC-backed Security Belt forces*<sup>324</sup>

219. The Group verified that between 2018 and June 2020 the Security Belt forces, first backed by the UAE and after 1 August 2019 by the STC, perpetrated sexual violence, arbitrary detention, cruel, inhuman and degrading treatment, and threats and harassment against two transgender women and one person with non-binary gender identity. All three survivors described to the Group how they were targeted for having visibly and clearly feminine behaviour and appearance, thus not conforming with societal notions of being "male" as they had been ascribed at birth, and posing a "threat" to society because of this.<sup>325</sup>

220. All three survivors described how they were detained in Security Belt facilities, where they were interrogated, subjected to forced nudity, beaten and had their hair or eyebrows shaved. The male interrogators perpetrated sexual violence by way of beating and faux "examinations" of their sexual organs. The transgender women described how they were subjected to particularly cruel and humiliating violence.<sup>326</sup>

221. Survivors were told that they were being investigated and punished for deviant behaviour, "tarnishing" the country, luring men, and being a threat to society. In one case, similar to the accusations made by members of the de facto authorities, a survivor was accused during interrogation of spreading homosexuality with the support of outside organisations and that thus they were "*a danger to the South*" and "*an enemy of the South*", as per the Security Belt's area of control and wider objectives. At no point were survivors formally charged with any offences. The Group received further allegations, which are yet to

<sup>320</sup> Confidential sources on file.

<sup>321</sup> See sub-section above on De Facto Authority Detention, Torture and Sexual Violence against Women and Girls in Sanaa (paras. 205 and ff).

<sup>322</sup> Confidential sources on file.

<sup>323</sup> Confidential sources on file.

<sup>324</sup> Confidential sources on file.

<sup>325</sup> Confidential sources on file.

<sup>326</sup> Confidential sources on file.

be investigated, of violations perpetrated by Security Belt forces against refugees and migrants based on the grounds of their SOGI.<sup>327</sup>

*Other findings*

222. The Group received reports, including from two survivors, of abusive and violent practices used by health providers<sup>328</sup> in order to “cure” homosexuality and transgender persons, including electroconvulsive therapy and force-feeding drugs and hormones. The Group was not able to confirm whether such so-called “conversion therapies” were occurring prior to the conflict. This requires further investigation.<sup>329</sup>

(d) Sexual Violence against men and boys in Detention

223. The Group of Experts continued to verify cases involving parties to the conflict using sexual violence in detention, to torture and humiliate detainees. In addition to the violations enumerated elsewhere in this section, in 2020 the Group has verified cases of sexual violence in detention against 19 men and boys by several parties during 2016-2020.

224. De facto authority interrogators at Al-Saleh City Prison, Ta‘izz, perpetrated sexual violence against eight men on multiple occasions, consisting of electrocution of men’s genitals under threats of sterilisation, and beating and hanging objects from them. Detainees were normally blindfolded, handcuffed and had their clothes removed. They were threatened or informed that their genitals would be damaged or destroyed. A generator (or similar device) was then switched on, and live cables applied to the detainees’ testicles or penis repeatedly for short periods with intervals of up to three hours, after which their interrogation continued.<sup>330</sup>

225. Interrogators and guards at the Government of Yemen’s Ma’rib Political Security Prison perpetrated sexual violence against nine men and two boys on multiple occasions. This consisted of beating and electrocution of detainees’ genitals, brushing them with a broomstick, and burning detainees’ penises. In two cases, interrogators told detainees that they were going to “be like their wife” and that they were going to prevent them from ever having intercourse again, before conducting these acts. In one such case, they stripped a 16-year-old boy naked and suspended him from the ceiling by his hands. For an hour, they beat his genitals with a metal bar and electric cables, pausing only to continue their interrogation and their orders to him to confess.<sup>331</sup>

226. The Group of Experts continued to investigate arbitrary detention and torture including sexual violence against men and boys, perpetrated by members of the United Arab Emirates forces at the secret detention facility in al-Bureiqa coalition Base, Aden, prior to their withdrawal in mid-2019.<sup>332</sup> The Group verified two further cases, in which personnel raped one man and subjected one boy to another form of sexual violence. Considered together with the violations verified in the Group’s 2018 and 2019 reports, the Group has now verified the cases of 14 rapes and other forms of sexual violence committed by personnel at this facility against men and boys.<sup>333</sup> The Group verified that in July 2019, a member of the Government of Yemen armed forces at another facility twice raped a man detained by these forces for his work as a human rights defender documenting alleged violations by coalition forces.

227. In all cases described above, perpetrators used sexual violence purposefully as a means of torture in conjunction with other violence to humiliate detainees and coerce them to make confessions. Rape and other forms of sexual violence for perpetrators are primarily a means of gaining power and control. Interrogators and guards used these methods to dehumanise, “dishonour” and “emasculate” men and boys.

<sup>327</sup> Confidential sources on file.

<sup>328</sup> Hospital name and location are withheld due to protection concerns.

<sup>329</sup> Confidential sources on file.

<sup>330</sup> For more details on the Group’s investigation on sexual violence, see also Ta‘izz Detention section.

<sup>331</sup> For more details on the Group’s on sexual violence here see Ma’rib Detention section.

<sup>332</sup> See A/HRC/42/CRP.1 paras. 224, 225, and 228.

<sup>333</sup> A/HRC/42/CRP.1 para. 646.

## (e) Victim Impact

228. Survivors of gender-based violence sustained severe physical and mental trauma, including long-term injuries to genitals and internal organs. This further compounded the effects of endemic discrimination, inequality, marginalisation, existing trauma and mental health issues.

229. Stigma for Yemeni and Ethiopian gender-based violence survivors and their families was a serious concern for survivors. Disclosing sexual violence or even just the fact that they have been detained, risks them being ostracised and re-victimised by their families and communities. In many cases, survivors have been unable to disclose the violence to anyone due to stigma and fear of reprisal. Many survivors were children or young people with no previous experience of sexual intercourse. This violence was profoundly disturbing and scarring, with long-term consequences for their life prospects. The continued use of sexual violence, detention, and accusations of immorality, prostitution, homosexuality and enemy affiliation, risk social exclusion, community violence and long-term harm.

230. Survivors told the Group how they had been unable to access life-saving protection and psychosocial support due to fear of reprisal, stigma, and lack of safe access to services. This is likely to become more acute with COVID-19 measures hindering victims' movement. Furthermore, since early 2020, due to a funding shortfall, United Nations partners in Yemen have suspended specialised protection programmes for 500,000 at-risk women and girls.<sup>334</sup> There is no specialised protection programming for male survivors of gender-based violence or persons with non-conforming SOGI.

231. An overriding demand from all gender-based violence survivors was for protection for them, their families and others at-risk to be able to live safely without fear of further violence. Some survivors were clear that justice meant punitive sanctions against perpetrators commensurate with the violence they had perpetrated against them.

232. Since the Group of Experts' 2019 report, the Government of Yemen armed forces 35th Armoured Brigade engaged with the Group in the light of sexual violence violations identified as committed by members of these forces. In one such case, steps were taken by these forces and the public prosecutor to attempt to prosecute alleged perpetrators. However, apart from this, the Group did not receive any information indicating that the gender-based violence violations identified in its 2019 report, or their underlying causes, have been meaningfully investigated and addressed by the parties identified as responsible.

233. Survivors have also called for financial and rehabilitative reparations, noting that while it could never fully compensate them, it would go some way towards helping them rebuild their and their family's lives.

*Legal findings*

234. The Group concludes that parties to the conflict, in particular the Government of Yemen, the Houthis and the Security Belt forces, continue to commit acts of gender-based violence, including sexual violence, in contravention of international human rights law and international humanitarian law. Other forms of gender-based violence include the targeting of individuals on the basis of their sexual orientation, gender identity or sex characteristics and in subjecting them, *inter alia*, to arbitrary detention, torture and cruel and inhuman treatment and in restricting their fundamental freedoms. Rape and other forms of sexual violence, cruel treatment and torture and committing outrages upon personal dignity constitute war crimes.

**F. Child recruitment and use and related violations***Applicable law*

<sup>334</sup> OCHA Humanitarian Response Plan June-December 2020, available at: <https://reliefweb.int/report/yemen/yemen-humanitarian-response-plan-extension-june-december-2020-enar>

235. Both international humanitarian law and international human rights law contain prohibitions on the recruitment of children into armed forces or armed groups and their use in hostilities. International humanitarian law sets the minimum age for recruitment and use at 15 years of age<sup>335</sup> and a similar approach is undertaken in the CRC.<sup>336</sup> However, States can commit to a higher threshold age under the regime of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (OP-CRC-AC). Yemen has ratified the OP-CRC-AC and accepted 18 years as the minimum age for the compulsory recruitment of children into the armed forces.<sup>337</sup> In addition, Yemen has made a binding declaration under art 3(2) of the OP-CRC-AC, indicating 18 years as the minimum age for voluntary recruitment. State parties to the OP-CRC-AC are required to take all feasible measures to keep all children in their armed forces who have not attained the age of 18 years from directly participating in hostilities.<sup>338</sup> The OP-CRC-AC provides that armed groups should not recruit or use in hostilities children under the age of 18 years, and obliges States to take all feasible measures to prevent such recruitment or use.<sup>339</sup> State parties are also obliged to take all feasible measures to ensure children are demobilised and are to accord appropriate assistance for their physical and psychological recovery and their social integration.<sup>340</sup> International criminal law allows prosecution of those violating these proscriptions for recruitment, conscription and use in direct hostilities of children younger than 15.<sup>341</sup>

236. Yemen has also ratified the International Labour Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No.182), which recognises the forced or compulsory recruitment for use in armed conflict of children under the age of 18 as one of the “worst forms of child labour”, within the category of “practices similar to slavery”.<sup>342</sup> Among the many rights specifically attaching to children under the CRC is the right to be protected from economic exploitation and from performance of any work likely to be hazardous to or interfere with the child’s education, or harmful to the child’s health or physical, mental, spiritual, moral or social development.<sup>343</sup> Recruiting, transporting, transferring, harbouring or receiving children for the purpose of exploitation (which includes, for example, their recruitment and use in hostilities) also constitutes trafficking.<sup>344</sup>

<sup>335</sup> Additional Protocol II, art. 4(3)(c). See also *ICRC Study on Customary International Humanitarian Law*, rules 136 and 137.

<sup>336</sup> CRC, art. 38(3).

<sup>337</sup> OP-CRC-AC, art. 2.

<sup>338</sup> OP-CRC-AC, art. 1. Note that, in February 2020, the Government of Yemen issued a Presidential Directive prohibiting the recruitment and use of children under 18 by “the primary and secondary armed forces and security units” affiliated with the Ministries of Defense and Interior; the Directive requires age screenings of current and new recruits, demobilisation of under 18s, and accountability for alleged perpetrators: Information Report 46 (include reference).

<sup>339</sup> OP-CRC-AC, arts. 4(1) and (2).

<sup>340</sup> OP-CRC-AC, art. 6(3).

<sup>341</sup> Rome Statute, art. 8(2)(e)(vii). See also *ICRC Study on Customary International Humanitarian Law*, rules 136-137. During the drafting of this war crime, the intention was to cover both “direct participation in combat and also active participation in military activities linked to combat such as scouting, spying, sabotage and the use of children as decoys, couriers or at military checkpoints. It would not cover activities clearly unrelated to the hostilities such as food deliveries to an airbase or the use of domestic staff in an officer’s married accommodation. However, use of children in a direct support function such as acting as bearers to take supplies to the front line, or activities at the front line itself, would be included within the terminology”, as quoted in *ICRC Study on Customary International Humanitarian Law Study*, practice for rule 137.

<sup>342</sup> ILO Convention (No 182), art. 3(a).

<sup>343</sup> CRC, art. 32.

<sup>344</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, art. 3(c). Yemen is not a party to this Protocol, Coalition States, including Saudi Arabia and the United Arab Emirates, have ratified this Protocol.

237. Most of the members of the coalition have also ratified the OP-CRC-AC.<sup>345</sup> Many of the ratifying States have submitted binding declarations under art 3(2), including, for instance, Saudi Arabia, which has stipulated 17 years as the minimum age for voluntary recruitment into its armed forces. States that permit those under 18 years to be voluntarily recruited into their armed forces, are still required under the OP-CRC-AC to maintain various safeguards, in particular: to ensure the recruitment of those under 18 years is genuinely voluntary; that it is undertaken with the informed consent of the person's parents or legal guardian; that persons are fully informed of the duties involved in military service; and that persons provide reliable proof of age prior to acceptance into military service.<sup>346</sup> Coalition States, including Saudi Arabia, have also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. .

238. As recognised in a range of international human rights instruments, children have the right to education.<sup>347</sup> Education is to be directed at the full development of the child's personality, talents, mental and physical abilities, as well as among other matters, developing respect for human rights and the preparation of the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, equality of the sexes and freedom.<sup>348</sup> International humanitarian law also specifically provides that children affected by armed conflict must be provided with the care and aid they require, in particular education.<sup>349</sup>

### 1. Impact of the armed conflict on children

239. After six years of conflict, flagrant violations of child rights continue to cause irreparable harm and suffering to the development and lives of children in Yemen. Today, these children represent half of the 24.3 million people in need of humanitarian assistance. Additionally, by virtue of their dependence on families and communities for support, care and protection, children in Yemen are often the secondary victims of violations against their families, teachers and doctors, whose loss of life or livelihood, detention, displacement, or other violations, affects their children, students and pediatric patients.

240. The behaviour of all parties to the conflict in hostilities affects and often violates children's fundamental rights to life, health, development and protection from violence, injury and abuse, as well as their right to education. The Yemen Protection Cluster's Civilian Impact Monitoring Project figures show that, from January to June 2020, children made up an average of 28 per cent of civilians killed and 30 per cent injured, across all types of armed violence and all parties to the conflict, including but not limited to airstrikes.<sup>350</sup> The Group of Experts reiterates the need for all parties to guarantee higher protections for children in the conduct of military operations, by ensuring international humanitarian law is respected, in particular the principles of distinction, proportionality and precautions in attack.<sup>351</sup>

241. In several cases of unlawful attacks affecting civilians documented by the Group of Experts during this reporting period, children have been among the casualties. For example, on 14 February 2020, 19 children died and 12 others were injured in a coalition airstrike in Al-Jawf Governorate; while, on 24 September 2019, two consecutive airstrikes in Al-Dhale'e Governorate killed 4 children, and injured at least 10 others as detailed in paragraph 71 above.<sup>352</sup>

242. In June 2020, the Secretary-General delisted the coalition forces for the violation of killing and maiming children in the list annexed to his annual report on Children and Armed

<sup>345</sup> The United Arab Emirates has not ratified the OP-CRC-AC.

<sup>346</sup> OP-CRC-AC, art. 3(3).

<sup>347</sup> ICESCR, art. 13; CRC, art. 28.

<sup>348</sup> CRC, art. 29(1).

<sup>349</sup> Additional Protocol II, art. 4(3)(a). See also *ICRC Study on Customary International Humanitarian Law*, rule 135.

<sup>350</sup> See Yemen Protection Cluster, Civilian Impact Monitoring Project (CIMP) monthly reports January – June 2020, <https://civilianimpact.activehosted.com/archive/15>

<sup>351</sup> See A/HRC/42/CRP.1, para. 671.

<sup>352</sup> Moreover, the Yemen Data Project reported on the impact of airstrikes on children in Yemen in 2019 and the first half of 2020, documenting a total of 106 children killed and 143 injured in air strikes, as well as 4 children allegedly killed in an airstrike in Sa'ada, on 15 June 2020.



Conflict, outlining forces and groups involved in violation of children's rights in conflict.<sup>353</sup> The Secretary-General's action was taken despite his simultaneously reporting that 222 children were killed or maimed by coalition forces, including 171 by airstrikes in 2019. While this is a 69 per cent decrease from the 729 child casualties (685 from airstrikes) attributed to the coalition in 2018, it is still a high rate of child casualties. The Group notes that other parties to the conflict in Yemen remain listed by the Secretary-General for killing and maiming despite also seeing a decrease in child casualties during the same period.<sup>354</sup> The Group notes that the Secretary-General had previously delisted the coalition for killing and maiming children, ostensibly as a result of some measures reportedly taken by the coalition in 2016 and 2017 to reduce the impact of the conflict on children.<sup>355</sup> However, the criteria defined by the Secretary-General in 2010 specifies that de-listing may only occur following the *complete cessation* of violations for one year, regardless of protective measures taken.<sup>356</sup> The Group is concerned about the de-listing of parties while so many children are still being killed and maimed as a result of the conflict. It notes that parties other than the coalition remain on the list, and emphasises the need for the even application across all parties to the conflict in Yemen of the criteria defined by the United Nations Secretary-General in 2010 for the listing/de-listing process within the Monitoring and Reporting Mechanism (MRM).<sup>357</sup>

*Child malnutrition and health and impact of COVID-19*

243. In a context of severe food insecurity, protracted barriers to humanitarian aid and economic deterioration, there were already disturbingly high rates of malnutrition and hunger among children. These figures have risen even further since the outbreak of COVID-19.<sup>358</sup> Although the virus spares most children, the pandemic increases the risk of children losing adult caregivers, breadwinners, and life-saving health and education services. In turn, this increases the risk of economic survival strategies such as child recruitment, child labour and forced and early marriage. UNICEF and the Yemen Health Cluster report that the combination of the pandemic, the cumulative impact of years of conflict on the Yemeni health system and funding constraints, resulted in a 81% drop in child health services from January to April 2020, the discontinuation of tetanus, diphtheria and polio immunisation programs, a decrease in malnutrition risk monitoring, and school closures (affecting an estimated 7.8 million children).<sup>359</sup> According to UNICEF, by the end of 2020, these factors

<sup>353</sup> United Nations, Report of the Secretary-General on Children and Armed Conflict and Annex, 9 June 2020, A/74/845-S/2020/525 (hereinafter "UN Secretary-General Report 2020").

<sup>354</sup> For instance, the Houthis remained listed in 2018 and 2019 for 398 child casualties (2018) decreased to 313 child casualties (2019). See UN Secretary-General Report 2020, para. 188 and UN, Secretary-General's Report on Children and Armed Conflict, S/2019/509, 20 June 2019, para. 191 and Annex. Moreover, parties to other conflicts were listed by the Secretary-General in 2020 for killing and maiming for similar numbers or fewer child casualties than the coalition forces in: Afghanistan (ISIL-KP, 242 children), Nigeria (Boko Haram, 105), Somalia (Somali Federal Defence and Police Forces, 78), Iraq (ISIL, 68), and Myanmar (Tatmadaw, 25), Syria (ISIL, 23; Hay'at Tahrir Al Sham, 14), South Sudan (South Sudan People's Defence Forces, 8), and Central African Republic (Anti-Balaka, 4) (See UN Secretary-General Report 2020, paras. 20, 33, 71, 139, 150, 175, 209).

<sup>355</sup> See A/HRC/42/CRP.1, para. 667.

<sup>356</sup> UN, Report of the Secretary-General on CAAC (2010), 13 April 2010, S/2010/181, para. 178: "A party will be de-listed on condition that there is United Nations-verified information that it has ceased commission of all the said grave violations against children for which the party is listed in the Secretary-General's report on children and armed conflict, for a period of at least one reporting cycle."

<sup>357</sup> In 2005, the Security Council requested in resolution 1612 the UN Secretary-General to establish a monitoring and reporting mechanism (MRM), managed by country-based task forces co-led by UNICEF and the highest UN representative in the country, to provide timely and reliable information on six grave children's rights violations.

<sup>358</sup> Yemen Nutrition Surveillance System detected 22% of total children 6-59 months screened in May 2020, with 45% stunting and 6% Severe Acute Malnutrition (SAM). See WHO Yemen: Nutrition Surveillance, May 2020 Dashboard, <http://www.emro.who.int/images/stories/yemen/dashbaord-may-2020.pdf?ua=1>

<sup>359</sup> Yemen Health Cluster Bulletin, April-May 2020:

[https://reliefweb.int/sites/reliefweb.int/files/resources/yemen\\_health\\_cluster\\_bulletin-](https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_health_cluster_bulletin-april_may_2020.pdf)

[\\_april\\_may\\_2020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_health_cluster_bulletin-april_may_2020.pdf); UNICEF Yemen, Humanitarian Situation Report, May 2020, available at:

could lead to an additional 30,000 children in Yemen developing severe acute malnutrition, almost half of all children under five years developing malnutrition, and a 28 per cent increase in preventable deaths among children younger than five.<sup>360</sup>

*Child recruitment and use in hostilities and other related violations*

244. This year, the Group focused its investigations on examining the complex patterns of child recruitment and use in hostilities by parties to the conflict. Recruitment and use of boys and girls in hostilities is also intrinsically linked to other violations (e.g., right to education, freedom from arbitrary detention and sexual violence), some of which will be covered in the following paragraphs.

**2. Child recruitment into the armed forces or armed groups and use of children in hostilities by parties to the conflict**

245. During the reporting period, the Group of Experts documented 259 new cases of children recruited and used in hostilities by several parties to the conflict, among which it was able to verify 16 individual cases. However, this latter figure only accounts for a partial picture of the scale, nature and prevalence of child recruitment and use in Yemen, which endanger the lives of boys and girls and put them at risk of abduction, trafficking, sexual violence, arbitrary detention, torture and ill-treatment.

246. Whether and how a boy or girl in Yemen was recruited depended upon which party to the conflict controlled a child's home territory and his/her age, gender and socioeconomic status. Across all verified cases of child recruitment, one common denominator was clear: families' poverty was a powerful push factor rendering children vulnerable to manipulation from recruiters and peers.

*Recruitment and Use of Children by brigades/units with the alleged involvement of members of the coalition and/or the Government of Yemen*

247. Between May 2016 and January 2020, the Group documented cases where boys, aged 12 to 17, were recruited and transferred from south-central governorates of Ta'izz and Lahj in Yemen to Al-Wade'a, Al-Khadra, Najran, Jizan, and Dahran Al-Janub, for training in Saudi Arabia, and then used in combat by brigades/units with the alleged involvement of members of the coalition and/or the Government of Yemen. The Group reviewed documents that may indicate a link between these brigades/units and the Joint Forces Command of the coalition forces. For instance, the coalition allegedly facilitated the free movement of new recruits, through checkpoints and border crossings.<sup>361</sup> While the Group verified the presence of children among these brigades, further investigation is required to ascertain the details of how children's entry into and movement within Saudi territory was facilitated by the coalition. The Group also received reports that the coalition provided training, financial, material and combat support to these brigades/units through Saudi and Yemeni officials.<sup>362</sup> Further investigation is required to verify the control and command structure of these brigades/units.

248. Boys were mainly used in combat against the Houthis in Sa'ada, Yemen.<sup>363</sup> The Group interviewed the fathers of three of these boys (aged 15 to 17), who confirmed their sons were recruited and used in hostilities through the same modus operandi described below. While none of the three boys were abducted or forced to join the brigades, the boys' families were not aware of their whereabouts and searched for them. By the time the families received

[https://www.unicef.org/appeals/files/UNICEF\\_Yemen\\_Humanitarian\\_Situation\\_Report\\_for\\_May\\_2020.pdf](https://www.unicef.org/appeals/files/UNICEF_Yemen_Humanitarian_Situation_Report_for_May_2020.pdf); See UNICEF, "Yemen Five Years On: Children, Conflict and COVID-19, 26 June 2020, <https://weshare.unicef.org/archive/Yemen-5-years-on--Children--conflict-and-COVID-19-2AM408PCSWKZ.html>

<sup>360</sup> Ibid. Also documents on file.

<sup>361</sup> Confidential Sources on file.

<sup>362</sup> Confidential Sources on file.

<sup>363</sup> On 9 March 2020, Saudi Arabia and Yemen closed Al Wade'a border crossing due to COVID-19 movement restrictions, allegedly halting new recruitment by the Brigades through that crossing. It could not be verified whether other crossings were used but no allegations were received after that date. See Al Sahwa "Yemen Closes Key Border Crossing with Saudi Arabia", 9 March 2020: <http://www.alsahwa-yemen.net/en/p-38953>

phone calls from their sons several days or weeks after they were missing from home, the boys were already in Saudi Arabia.<sup>364</sup> The Group also received allegations of similar patterns for 26 other boys.<sup>365</sup> Of the 26 boys, eight are reported to have died in combat.

*Methods of Recruitment*

249. The recruitment and use of these boys was closely intertwined with the economic impact of the conflict in south-central areas of Yemen. Family members alleged that recruiters manipulated boys by preying on their economic vulnerability. Brokers offered boys lucrative salaries in Saudi currency, which has a significantly higher purchasing power than the Yemeni Riyal and which further destabilises Yemen's already precarious economy.<sup>366</sup> Boys were also influenced by the examples of their neighbors, family and friends who returned from the Brigades flush with cash.<sup>367</sup>

250. Rather than operating under a clear structure, recruitment of boys, men and even the elderly from Ta'izz and Lahj took place through a loose network of Yemeni civilian brokers. Allegedly, a cash payment of 1,000 Saudi Riyals was made to the broker each time a new recruit was "delivered" to the Brigade camps, situated 30 km from the Al-Wade'a border crossing. The only criteria used for the selection of new recruits was the need for concrete numbers of fighters, without any minimum age requirement.<sup>368</sup> Sources told the Group that this system incentivised brokers to amass as many new recruits as possible, regardless of age or ability.<sup>369</sup> Reportedly, large numbers of boys were recruited from the same village in a domino effect, as one recruitment led to another, and friends, brothers, nephews and cousins joined in quick succession.<sup>370</sup>

*Transfer to and training in Saudi Arabia*

251. Brokers drove the boys approximately 2,000 km northeast to Al-Wade'a crossing<sup>371</sup> on the Yemen-Saudi border, traversing Ta'izz, Ibb, Dhamar, Al-Bayda, Al-Dhale'e, Aden, Shabwa, and Mar'ib.<sup>372</sup> New recruits entering Saudi Arabia as Brigade members were allegedly not screened for age by Yemeni or Saudi military. Upon arrival, new recruits were registered in the Brigade camps or in nearby public buildings, without screening for age.

*Use of children in hostilities, and capture or detention of children*

252. With only one exception, in all the cases documented by the Group, boys recruited by these Brigades were deployed on Yemeni soil to combat the Houthis on Elb, Baqim, Kitaf, Azal and Buq'a axes in Sa'ada. The Group verified that one boy was able to escape from one of these brigades before being deployed to combat, and returned home in Yemen. It also received reports of other boys who managed to escape and returned home to their villages in Ta'izz and Lahj or, if not home, they would go to Aden.

253. Among those boys who survived combat, some were captured during hostilities and detained by the Houthis for their alleged affiliation with the enemy. The Group also received reports of compensation paid to the families of children captured or killed in battle.<sup>373</sup>

*Recruitment and use of children by Government of Yemen forces and other parties to the conflict in the South*

254. As hostilities intensified between the Government of Yemen forces and the STC forces in the south from August 2019 onwards, the Government of Yemen's Special Security Forces in Shabwah Governorate recruited and used boys in hostilities. The Group of Experts

<sup>364</sup> Confidential sources on file.

<sup>365</sup> Confidential sources on file.

<sup>366</sup> Confidential sources on file.

<sup>367</sup> Confidential sources on file.

<sup>368</sup> Confidential sources on file.

<sup>369</sup> Confidential sources on file.

<sup>370</sup> Confidential sources on file.

<sup>371</sup> Allegations were received that Al Khadrah border post was as well a crossing site for child recruits.

<sup>372</sup> Confidential sources on file.

<sup>373</sup> Confidential sources on file.

verified the cases of two boys (aged 13-16) used in hostilities in Abyan Governorate. The Group also received credible reports of two additional boys (aged 13-16) recruited and used by those forces.

255. The boys' families told the Group that their sons joined the Special Security Forces in Shabwah out of economic necessity, as they were their families' primary breadwinners. This rendered the boys vulnerable to recruiters' salary offers ranging from 20,000 to 60,000 Yemeni Riyals.<sup>374</sup>

*“Our family was in a difficult economic situation and needed the money from the promised salary and hoped that our son would stay close to home.”* **Father of a recruited boy**<sup>375</sup>

256. The boys received calls or texts messages instructing them to report to base in Ataq to collect their salaries. Instead, they were driven 300 km southeast, to Shoqrah, Abyan. From 13 May to 9 June 2020, they fought against STC-affiliated forces (allegedly the 3<sup>rd</sup> Brigade of the Security Belt Forces). During combat, two of the boys were captured and detained in Aden by STC-affiliated forces, and one was allegedly killed in battle. On the other side of this frontline, the Group also received allegations of four boys (aged 10 to 16) recruited by Security Belt Forces, with one captured and detained in Ataq by the Special Security Forces.

257. Additionally, the Group received allegations of 20 boys who were recruited and used by other parties to the conflict present in the south, namely STC-affiliated groups (Security Belt Forces and Shabwah Elite Forces), other UAE-backed forces (Giants Brigade), and Yemeni Armed Forces, as well as by unidentified armed groups.<sup>376</sup> More investigations are needed in this regard.

#### *Recruitment and Use of boys by the Houthis*

258. The Group documented Houthi recruitment and use in hostilities of 174 boys (aged 7 to 17) between June 2015 and February 2020, in all Governorates under their control, through well-organised, strategic and widespread campaigns in schools and detention centres, via abduction in poor, urban areas, and via peer recruitment. Of these 174 boys, the Group verified 11 individual cases of boys (aged 13 to 16). The wide scale and pervasive nature of recruitment of boys by the Houthis is further documented in the Secretary-General's reports, which found the Houthis responsible for recruiting the highest number of boys among all parties to conflict in Yemen (439 boys in 2019; 1,924 boys between April 2013-December 2018).<sup>377</sup>

*“Imagine the shock and horror of the situation, when a kid no more than 15 years, who has never seen a battle before, witnesses over 30 people killed, and scores injured... Now, at the mere sight of a weapon or any form of violence, he changes. Truly. He's so afraid that he can't even leave the house.”* **Brother of a former Houthi child soldier**<sup>378</sup>

#### *Methods of Recruitment*

259. The Group of Experts documented five methods used by the Houthis to recruit boys, including those verified to be as young as 13, and others allegedly as young as seven.<sup>379</sup>

##### *a. Organised child recruitment campaigns in schools and summer camps*

260. Since 2016, and particularly following cuts to teachers' salaries in September 2017, Houthi Mobilisation Committees at the governorate level worked with the Ministry of Education (MoE) officials to pressure school principals and teachers to integrate mandatory Houthi ideology and recruitment propaganda activities into schools in Sana'a, Rayma,

<sup>374</sup> Confidential sources on file.

<sup>375</sup> Confidential source in file.

<sup>376</sup> Confidential sources on file.

<sup>377</sup> UN Secretary-General Report 2020 para. 186 and United Nations, Secretary-General Report on Children and Armed Conflict in Yemen, S/2019/453, 3 June 2019, paras. 18 and 21.

<sup>378</sup> Confidential source on file.

<sup>379</sup> Confidential sources on file.

Dhamar, Sa'ada, Amran, and Hajjah Governorates.<sup>380</sup> As Houthi volunteer educators were appointed and Mobilisation Committees consolidated control over schools, recruitment and propaganda activities took place on a more regular basis. These included weapons demonstrations and speeches from the Houthis, including members of Mobilisation Committees or MoE officials who referred to students' "duty and responsibility to participate in the war." Recruitment messaging was clearly gendered; boys, not girls, were exclusively targeted as future fighters on the frontlines.

*b. Financial offers*

261. Poverty and hunger motivated boys to join the Houthis or their families to consent for their sons to fight. Out of the 11 cases verified by the Group, eight boys joined the Houthis as an economic survival strategy. Houthi supervisors<sup>381</sup> would offer boys salaries ranging from 40,000-50,000 Yemeni Riyals, as well as the prospect of owning a gun, a symbol of masculinity and adulthood in Yemeni society. For example, the Group received credible allegations of two brothers who joined to support their family of over 20 members, and a different boy whose father, after having initially refused to allow him to join, agreed two years later due to financial pressures.<sup>382</sup>

*c. Abduction*

262. In poor areas of Sana'a and governorate capitals, such as Dhamar city, abduction was a means of recruitment of some boys by Houthi supervisors. In some of the 11 cases verified, boys were abducted. For those who joined after agreeing to financial offers, their families, unaware of their whereabouts, considered their children to have been kidnapped.

*d. Peer recruitment by other boys*

263. Multiple sources reported that children already associated with the Houthis, particularly the sons or nephews of Houthi supervisors, were tasked with recruiting other boys their own age.<sup>383</sup> Brothers and male cousins volunteered one after another in a domino effect, to avenge a boy's death or to earn a similar salary.<sup>384</sup>

*e. Recruitment in male detention centres as a condition for release*

264. Child detainees in Dhamar Central Prison, Ta'izz's Al-Saleh Prison, Dhamar Ghabraa (Northern) Prison, and Dhamar Political Security Prison were reportedly offered release from detention in exchange for agreeing to fight on the frontlines.<sup>385</sup> Allegedly, boy detainees were threatened, intimidated, tortured, subjected to ill-treatment and indoctrination by Houthi guards as a way to pressure them to join the Houthis.<sup>386</sup>

265. Once recruited, boys attended a well-organised three-month training course, during which they were often transported to other governorates or trained in local schools and public places. As they proceeded through multiple levels of ideological and military trainings, the boys were not allowed to communicate with their families.<sup>387</sup> Multiple sources reported that, after training, the boys returned home with noticeably different emotional and physical

<sup>380</sup> Ibid.

<sup>381</sup> Supervisors have been described as part of the informal system of supervision created by the Houthis "next to the "formal" managers and executive officers of the security, military, and general services". They are reportedly meant to act "on behalf of the Houthi movement (...) to guarantee that central directives are locally executed." The system includes educational, social and security supervisors. See ACAPS, *The Houthi Supervisory System*, June 2020, available at: [https://www.acaps.org/sites/acaps/files/products/files/20200617\\_acaps\\_yemen\\_analysis\\_hub\\_the\\_houthi\\_supervisory\\_system.pdf](https://www.acaps.org/sites/acaps/files/products/files/20200617_acaps_yemen_analysis_hub_the_houthi_supervisory_system.pdf)

<sup>382</sup> Confidential sources on file.

<sup>383</sup> Confidential sources on file.

<sup>384</sup> Confidential sources on file.

<sup>385</sup> Confidential sources on file.

<sup>386</sup> Confidential sources on file.

<sup>387</sup> Confidential sources on file.

characteristics, and a determination to fight, despite some families' pleas with the boys to remain home.<sup>388</sup>

#### *Use in hostilities and casualties*

266. The Group documented that 135 boys (out of 174 cases investigated) were used as fighters and deployed to frontlines in at least nine governorates.<sup>389</sup> Out of those, 65 boys were younger than 15 years of age at the time. Reportedly, boys were not always told where they were being brought to fight or that they were about to take part in hostilities. Boys' roles were fluid, moving from support to combatant roles and back. For instance, one boy normally used as a security guard at a high-ranking Houthi official's home, would occasionally be deployed to the frontlines when reinforcements were needed.<sup>390</sup>

267. Hand in hand with the use of boys in combat came high rates of child casualties, including death and loss of limbs during hostilities, by unexploded ordnances or coalition airstrikes. Sixty-six of the 135 boys used as fighters allegedly died or were injured. The deadliest frontline for these boys was the Saudi-Yemeni border.<sup>391</sup>

*"He would have four choices, either to return killed so we know where he was, or injured, or taken in the hands of the legitimate government, or escape. This was our situation, those were our only four choices." Brother of a Houthi child soldier*<sup>392</sup>

268. The boys' deaths affected whole families. For instance, the Group received reports that a single family lost its entire younger male generation.<sup>393</sup> Boys' deaths allegedly spurred young male relatives to volunteer to avenge the deaths.<sup>394</sup> Such volunteerism of new fighters was encouraged in Houthi social media, in the broadcasts of boys' funerals, and in martyrdom posters. The Houthi TV and YouTube channel Al-Masirah Mubasher regularly aired video footage of boy fighters' funerals, hailing the children as martyrs who fulfilled "their duty to fight," and recorded the deceased children's relatives, including other boys, stating their intent to follow in the boys' footsteps.<sup>395</sup> By exalting the children's martyrdom, the Houthis used the boys, even in their death, to recruit other boys.

#### *Sexual violence*

269. Sexual violence against boys recruited by the Houthis remains underreported due to stigma and fears of reprisals, among other factors.<sup>396</sup> The Group verified 1 such case and received credible allegations of two other cases.<sup>397</sup> Sexual violence occurred in the early days of the boys' recruitment and was perpetrated by Houthi supervisors who were personally involved in the boys' initial recruitment or training in Sana'a, Sa'ada, and Amran.<sup>398</sup>

#### *Detention*

270. Additionally, the Group received reports of five boys (aged 10 to 15) recruited by the Houthis, who were captured on the battlefield and subsequently detained by coalition-

<sup>388</sup> Confidential sources on file.

<sup>389</sup> Including in Al Bayda's Qania frontline, Sana'a's Fardat Nehem military camp, Al-Mahwit's Al-Rajm frontline, Al-Dhale'e Damat frontline, Al-Hudaydah, Ta'izz, Dhamar, and along the Saudi-Yemeni borderline in Sa'ada and Al-Jawf at Baqim and Najran frontlines.

<sup>390</sup> Confidential source on file.

<sup>391</sup> Confidential sources on file.

<sup>392</sup> Confidential source on file.

<sup>393</sup> Confidential sources on file.

<sup>394</sup> Confidential source on file.

<sup>395</sup> See Almasirah Mubasher YouTube Channel:

<https://www.youtube.com/c/almasirahmubasher/videos>

<sup>396</sup> "The lack of access to conflict-affected areas, stigma and the fear of retaliation remain reasons for underreporting of this violation." UN Secretary-General Report2020, para. 189. See also Gender and gender-based violence section.

<sup>397</sup> Confidential sources on file.

<sup>398</sup> Confidential sources on file.

affiliated forces in Baqim and Sa'ada, the Yemeni Armed Forces or unidentified armed actors.<sup>399</sup>

*Recruitment and use of girls by the de facto authorities*

271. The Group received credible reports of the recruitment and use of 34 girls<sup>400</sup> (aged 13 to 17) by the Houthis between June 2015 and June 2020 in 6 governorates: Sa'ada, Hajjah, Sana'a City, Dhamar, Amran and Ta'izz.<sup>401</sup>

272. Girls were used in support roles (spies and recruiters of other children), and paramilitary roles (guards, medics, and members of the Zainabiyat). These allegations are consistent with similar cases reported by the Secretary-General, including 16 girls recruited by the Houthis in 2018 and 43 girls in 2019.<sup>402</sup>

*Methods of recruitment*

273. Unlike the Houthi recruitment of boys, which was widespread and public, for girls, a clear pattern emerged in which mostly female and occasionally male Houthi recruiters targeted two types of girls: those from Houthi-affiliated families (recruited by their own family members), and those in vulnerable economic and social positions. However, as for boys, schools and detention centres were also used as recruiting grounds for girls.<sup>403</sup>

*a. Internal recruitment within Houthi families*

274. Recruitment of girls by the Houthis tended to occur within family systems, creating a tight-knit and secretive community of women and girls of all ages associated with the Houthis. Daughters, nieces, sisters and female cousins of Houthi supervisors and Zainabiyat members were frequently identified and targeted for recruitment by immediate family members, female teachers, or girls already associated with the Houthis.<sup>404</sup> In nine of the 34 documented cases, girls were related to a supervisor or a Zainabiyat member.<sup>405</sup> Reportedly, women associated with the Houthis gave recruitment talks in each other's homes in order to reach female audiences, including girls.<sup>406</sup>

*b. Socio-economically disadvantaged girls targeted with financial threats and incentives*

275. Among girls in economically vulnerable circumstances, recruitment appeared to be coercive, involving financial incentives or threats to which girls agreed as a survival strategy.<sup>407</sup> Girls regarded as socially disadvantaged in Yemeni society, e.g., girls from female-headed households without older male relatives to serve as breadwinners or "protectors," were also specifically targeted.<sup>408</sup> Like boys, families' dire economic needs accrued over years of conflict rendered girls vulnerable to offers of financial gain.<sup>409</sup>

*c. Recruitment in female detention centres as condition for release*

276. The Group found that Houthi prison authorities attempted to recruit girls held in female detention in exchange for their release. Female guards encouraged female detainees of all ages to join the Zainabiyat forces to participate in "jihad", marry Houthi militants, or go to the frontlines as nurses.<sup>410</sup> The Group received allegations of four girls (aged 15-17) recruited by the Houthis in exchange for release from female detention centres and informal

<sup>399</sup> Confidential source on file.

<sup>400</sup> 11 girls alleged by primary sources; 23 girls alleged by credible secondary sources.

<sup>401</sup> Confidential sources on file.

<sup>402</sup> UN Secretary-General Report 2020, para. 186; and United Nations, Report of the Secretary-General on Children and Armed Conflict in Yemen, S/2019/453, 3 June 2019, para. 22.

<sup>403</sup> Confidential sources on file.

<sup>404</sup> Confidential sources on file.

<sup>405</sup> Confidential sources on file.

<sup>406</sup> Confidential sources on file.

<sup>407</sup> Confidential source on file.

<sup>408</sup> Confidential source on file.

<sup>409</sup> Ibid.

<sup>410</sup> Confidential sources on file.

secret detention facilities in Sana'a.<sup>411</sup> Additionally, some girls in detention were subjected to programs of indoctrination and training on Houthi ideology, their “responsibilities” as girls, and on the “coalition threat”.

*d. Organised child recruitment campaigns in girls and mixed schools*

277. Like boys, girls' education was used to incite students to violence and recruit female students, as reported in 13 mixed and girls' primary and secondary schools in five governorates (Sa'ada, Hajjah, Sana'a City, Dhamar and Amran).<sup>412</sup> For example, in one girls' school, seven female students were allegedly recruited before they graduated, despite the school being led by an “independent” principal.<sup>413</sup>

*Roles: Recruiters, Spies, Guards, Medics and members of the Zainabiyat*

278. Girls were used to enhance Houthi control over female domains of society, generate future child recruits, and assist male combatants through various support and paramilitary roles. Girls acted as recruiters (“educators”) of other children, spies, guards, medics on the frontlines and, in some cases, members of the Zainabiyat. These roles appeared fluid, allowing girls to play multiple roles at once; for instance, as guards, recruiters and spies simultaneously.<sup>414</sup> Girls with more formal roles, such as educators, guards or medics, received one month's training on weapons, first aid, military drills and Houthi ideology entitled “Methods of the Quranic Path”. The girls were not expected to perform combat roles, but weaponry skills were considered necessary.<sup>415</sup> Some training entailed travel to governorate capitals and were physically strenuous. Reportedly, one 16-year-old girl, who had been forcibly married to a man 30 years older than her, was three months pregnant at the time and miscarried during her training.<sup>416</sup>

279. Girls used as recruiters or “educators” spoke publicly in schools, universities, public squares, and in private homes to spread Houthi beliefs and encourage further recruitment.<sup>417</sup> Some of these girls were eventually promoted as assistant Zainabiyat to elder female family members or Zainabiyat supervisors themselves; they then recruited and trained younger girls and participated in arrests of adult women.<sup>418</sup>

280. At least five girls in two governorates were allegedly deployed as guards at a variety of public buildings and private events, including alleged mass weddings of children of martyrs.<sup>419</sup> While most girls remained close to home, one girl reportedly was deployed to a frontline as a medic for wounded Houthi combatants but did not participate in combat.<sup>420</sup> At least four girls were allegedly used as spies within their own communities, where they were tasked to observe private conversations inside neighbours' homes and to report individually to their handler on others' political opinions and activities.<sup>421</sup>

*Sexual violence and forced and early marriage*

281. Eleven of the 34 girls reportedly survived sexual violence and/or forced and early marriage that resulted from or led to their recruitment.<sup>422</sup> Girls are at risk of long-term trauma, physical injury, and discrimination. While these cases could not be individually verified by the Group due to protection risks, the concurrent violations of recruitment of girls, sexual violence, and forced and/or early marriage warrant mention due to the significant suffering and irreparable harm caused by the multiple violations.

<sup>411</sup> See Gender and gender-based violence section.

<sup>412</sup> Confidential sources on file.

<sup>413</sup> Confidential source on file.

<sup>414</sup> Confidential source on file.

<sup>415</sup> Confidential source on file.

<sup>416</sup> Ibid.

<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Confidential sources on file.



### 3. Military use of schools, organised child recruitment in schools, and violence against educators

282. The Group of Experts notes with great concern that some parties to the conflict continue to deprive children in Yemen of the full enjoyment of their fundamental right to education, in particular through their military use of schools, the misuse of education for child recruitment and propaganda purposes, and their attacks on educators.

#### *Military use of schools*

283. The Group has previously documented how some schools were used for military purposes and, in certain instances, had become military objectives as a result of that use by certain parties to the conflict.<sup>423</sup>

284. The Group verified that, in January 2020, the Government of Yemen Special Security Forces converted a secondary school in Haban district, Shabwah Governorate into a military barracks, causing dozens of students to demonstrate on 1 February against the lack of access to education. The Group also received allegations of four schools used by the Houthis for military purposes, including one used for training child recruits in Sa'ada and three others used for weapons storage and/or manufacturing in Sana'a.<sup>424</sup>

#### *The use of education for child recruitment by the Houthis*

285. Linked closely to Houthi recruitment of both boys and girls, the Group found that, as early as May 2015 and as recently as June 2020, Houthi supervisors, Ministry of Education (MoE) officials and "volunteer" educators used and manipulated education provided to children in a strategic and widespread manner as part of their child recruitment efforts in 34 schools in six governorates under their control (Sa'ada, Sana'a, Ta'izz, Dhamar, Amran, and Raymah). Reportedly, this strategy resulted in 49 boys and nine girls being recruited.<sup>425</sup>

286. Multiple sources reported to the Group that this strategy gained particular traction after September 2017. The Government of Yemen stopped paying salaries to an estimated 108,000 teachers in nine governorates then under Houthi control, which led qualified teachers to leave schools in search of other income.<sup>426</sup> This exodus left a gap filled by Houthi appointment of "volunteer" teachers and principals, who readily advanced Houthi efforts to indoctrinate and recruit students from schools.<sup>427</sup> For a sense of the scale of such staffing changes, the Group received official documents reporting that, in the directorate of one governorate, by 2020, nearly 20 per cent of all educators were replaced by Houthi "volunteers."<sup>428</sup>

287. Based on the accounts of teachers and educators, the Group found a common modus operandi for Houthi incitement to violence, child recruitment activities and propaganda in schools. Houthi Mobilisation Committees<sup>429</sup> specifically targeted schools because of their large audiences of children, who were deemed more accepting of Houthi ideology and were potential future recruits. Activities in schools included weapons demonstrations, mandatory in-person radio and video speeches given both by Houthi leaders and students/teachers

<sup>423</sup> See A/HRC/42/CRP.1, paras.720-721.

<sup>424</sup> Confidential sources on file.

<sup>425</sup> Confidential sources and documents on file. The MRM verified 222 cases of military use of schools by the Houthis, including 21 schools used specifically for "recruitment and propaganda, as well as to train boys and girls on fighting methodologies and to assemble and dismantle weapons," & 3 attacks on teachers/students, 1 April 2013-31 December 2019

<sup>426</sup> Confidential sources and documents on file. Three quarters of teachers are estimated to lack salaries as of March 2018.

<sup>427</sup> Confidential sources on file.

<sup>428</sup> Confidential source on file.

<sup>429</sup> Mobilisation Committees are allegedly organized at Governorate-level, chaired by the Governor and attended by all Governorate Directors of public departments, including the Director of Education. The purpose of the Committees is to continually generate high levels of new recruits from each Directorate and Municipality across the Governorate. Allegedly, Zainabiyat and detention centres also convened their own Mobilisation Committees to recruit girls and detainees. Committees reportedly viewed students as candidates for future combatants (boys) or in support/paramilitary roles (girls).

already associated with the Houthis who encouraged students to “go to the frontlines”, compulsory courses on sectarian ideology, cancelling regular courses for ideological activities, requiring students to recite the Houthi slogan: “*God is Great, death to the US, death to Israel, curse the Jews, and victory for Islam,*” and, in some instances, military training of child recruits in school yards.<sup>430</sup> These practices were amplified to wider audiences on social media, e.g., by sharing photos and calling for more recruits on Facebook and in mass WhatsApp messages.<sup>431</sup> The strategy was effective, as eight teachers and MOE officials from five governorates interviewed by the Group tallied 49 boys and nine girls recruited, despite educators’ efforts to keep schools neutral.<sup>432</sup>

*Attacks on educators*

288. The Group found that the Houthis reinforced this strategy by targeting educators who opposed such activities in schools. The Group received accounts of 55 educators subjected to threats, attacks, unlawful dismissal, financial and administrative sanctions and forced displacement following threats. The Group verified two cases of detention and ill-treatment of a school principal and another principal’s 14-year-old son, and received reports of 26 other educators detained and subjected to violence as a result of their refusal to recruit students.<sup>433</sup>

289. Multiple sources reported that Houthi supervisors and/or Mobilisation Committees convened at a governorate level, working strategically with local and governorate-level MOE officials, to pressure school principals and teachers to include ideological and child recruitment propaganda in schools in Sana’a, Rayma, Dhamar, Sa’ada, Amran, Hajjah and Ta’izz.<sup>434</sup> Initially, this came in the form of offering financial and political rewards to educators who agreed.<sup>435</sup> Among those who refused, the Group identified a practice that started with “soft” verbal threats made in person and by phone or text from Houthi supervisors. Such intimidation then grew into explicit verbal ultimatums and threats to dismiss, prevent re-hiring or detain the educator.<sup>436</sup> Even when the threats were not acted on, they created a culture of fear and silence among educators.<sup>437</sup>

290. Faced with educators’ continued resistance, threats escalated to arbitrary dismissal and financial or administrative punishment of educators who maintained independence from or openly resisted directives from Supervisors, volunteer school principals or MOE officials to indoctrinate and/or help to recruit students. The Group documented threats against 12 teachers,<sup>438</sup> six arbitrary dismissals<sup>439</sup> and four cases in which teachers’ salaries were cut due to such resistance.<sup>440</sup> Allegations were also received of mass arbitrary dismissal of over 100 teachers in Rayma Governorate in 2016 and removal of over 700 educators from national civil service rolls for alleged disloyalty or refusal to implement such directives.<sup>441</sup>

291. Educators who fled their homes under threat did so in secret and, in some cases, were publicly named on Houthi TV and YouTube channels as “traitors” or “wanted”.<sup>442</sup> When rewards, threats, arbitrary dismissal, financial/administrative punishments and forced displacement did not silence educators’ opposition, there was, as documented by the Group, an escalation to physical violence against educators.<sup>443</sup> Violence was always linked to the

<sup>430</sup> Confidential sources on file.

<sup>431</sup> Confidential source on file.

<sup>432</sup> Confidential sources on file.

<sup>433</sup> Confidential sources on file.

<sup>434</sup> Confidential sources on file.

<sup>435</sup> Confidential sources on file.

<sup>436</sup> Confidential sources on file.

<sup>437</sup> Confidential sources on file.

<sup>438</sup> Confidential sources on file.

<sup>439</sup> Confidential sources on file.

<sup>440</sup> Confidential sources on file.

<sup>441</sup> Confidential source and documents on file.

<sup>442</sup> Confidential sources on file.

<sup>443</sup> Confidential sources on file.

victims' refusal to recruit students or their opposition to Houthi directives inciting violence in schools.<sup>444</sup>

292. The Group verified the case of one male school principal and, in a second case, the son (aged 14) of another school principal, both of whom were first disappeared, and then detained and tortured, including being subject to interrogation about the principals' educational activities. Prison guards also allegedly attempted to recruit the 14-year-old boy while he was in detention.<sup>445</sup> Moreover, prior to release, some educators were forced to sign confessions stating that they would no longer object to or interfere in Houthi activities in their schools, including child recruitment.

293. Educator accounts obtained by the Group show the complex linkages between education and child recruitment in Houthi-controlled territory, in which the risks of child recruitment or violent punishment for opposition to it are omnipresent for students and teachers alike.

#### 4. Violations

##### *Legal Findings*

294. The Group of Experts found reasonable grounds to believe that the Houthis, the Government of Yemen and the coalition have continued to violate children's right to education and to recruit and use children in hostilities in contravention of international human rights law and international humanitarian law. Enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities is a war crime. The Group of Experts also concludes that the military use of schools and violations against educators limit children's already precarious access to education during the conflict, while the indoctrination activities by the Houthis undermine the proper aims of education to develop respect for human rights, and to prepare children for responsible life in a free society.

295. It further finds that the Houthis violated educators' rights to liberty and security of person, as well as their rights to freedom of expression.

### G. Treatment of specific groups

#### *Applicable law*

##### - *Freedom of religion/Religious Discrimination*

296. International human rights law guarantees freedom of thought, conscience and religion.<sup>446</sup> 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. Religion is a prohibited ground of discrimination under international human rights law (see non-discrimination below), such that all persons have the right to enjoy their human rights without discrimination on the basis of their religion.<sup>447</sup>

##### - *Rights of minorities*

297. Members of minorities are entitled to enjoy the full range of civil, political, economic, social and cultural human rights as other members of the community, without discrimination on prohibited grounds. This includes, for instance, not being subjected to arbitrary detention, enjoying rights to life and physical integrity, being afforded fair trial rights, and enjoying economic, social and cultural rights such as the right to work, the right to the highest attainable standard of health, and the right to an adequate standard of living. International human rights law also recognises specific rights attaching to members of ethnic, religious or

<sup>444</sup> Confidential sources on file.

<sup>445</sup> Confidential sources on file.

<sup>446</sup> ICCPR, art. 18.

<sup>447</sup> ICCPR, arts. 2(1), 26; ICESCR, art. 2(2). Similar guarantees of non-discrimination are contained in other core international human rights instruments.

linguistic minorities. Persons belonging to such minorities have the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion and to use their own language.<sup>448</sup>

- *Non-discrimination (more broadly)*

298. 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.<sup>449</sup> 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.<sup>450</sup>

- *Human rights defenders and journalists*

299. During this phase of its investigations, the Group of Experts has focused on the situation of journalists and human rights defenders in Yemen. Of particular importance to journalists in their work is freedom of expression, including the freedom to access and impart information and ideas of all kinds.<sup>451</sup> Under international human rights law, 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. Both journalists and human rights defenders, are entitled to the full range of protections relating to, for example, their liberty and security, rights of fair trial, freedom of movement, and the right to work. They must be protected from violations such as torture, arbitrary detention, and enforced disappearance or unfair trials.<sup>452</sup> Under international humanitarian law, journalists and human rights defenders, as part of the civilian population, are protected from being made the object of attack.

## 1. Introduction

300. The Group of Experts is concerned at the situation of minorities, migrants, IDPs and refugees who face ongoing discrimination and whose risk of exploitation and physical abuse is exacerbated by the dire economic situation and the conflict itself. The Group has previously reported on violations by parties to the conflict against African migrants,<sup>453</sup> the religious Baha'i minority<sup>454</sup> and the social minority of Yemenis pejoratively referred to as the "*Muhamasheen*".<sup>455</sup>

301. During the reporting period, due to the challenges and limitations highlighted in the methodology section of this report, the Group had to narrow the scope of its investigation and was not able to conduct further or in depth investigations on the situation of the so-called

<sup>448</sup> ICCPR, art. 27.

<sup>449</sup> ICCPR, art. 2(1), and ICESCR, art. 2(2).

<sup>450</sup> Additional Protocol II, art. 4 (1); see *ICRC Study on Customary International Humanitarian Law*, rule 88.

<sup>451</sup> Art. 19(2) ICCPR. Freedom of expression may be derogated from during a state of emergency, though the Human Rights Committee has concluded that freedom of opinion should be considered as non-derogable: Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression, (2011), para. 5.

<sup>452</sup> *Ibid.* para. 47.

<sup>453</sup> See A/HRC/42/CRP.1, paras. 290-291, paras. 640-643, and paras. 833-840.

<sup>454</sup> See A/HRC/42/CRP.1, paras. 815-822.

<sup>455</sup> See A/HRC/42/CRP.1, paras. 295-297, para.620, paras. 639-643, para. 726, and paras. 823-832.

“*Muhamasheen*”<sup>456</sup>, IDPs and refugees.<sup>457</sup> Nevertheless, it received reports<sup>458</sup> on the severe and disproportionate impact of the conflict on the “*Muhamasheen*” communities, who are among the most affected by internal displacement, and who have endured continuous struggles to enjoy their human rights. It also received allegations of acts of sexual violence against “*Muhamasheen*” girls<sup>459</sup> and against IDPs in Hudaydah, Aden and Ibb<sup>460</sup>, which require further investigation.

302. The Group is also concerned that the parties to the conflict have not changed their patterns of behaviour with regard to the targeting of human rights defenders, journalists, lawyers and activists.

303. Additionally, the Group received reports of the numerous obstacles endured by persons with disabilities in equally accessing quality health services and assistive devices, humanitarian aid, education and employment opportunities.<sup>461</sup> Older people are also particularly vulnerable. For example, an assessment of the needs of older people living in Sana’a, Lahj and Ta’izz governorates reported that 62 per cent of older people in those governorates do not have any income, while 32 per cent do not have access to enough food.<sup>462</sup> These reports also require further investigation.

## 2. Religious Minorities

304. Religious minorities continue to face particular barriers to the enjoyment of their rights. On the basis of the information collected and reviewed, the Group is not able to publicly report on certain cases of violations experienced by some of these groups. Information relating to these cases was withheld for protection reasons relating to the victims’ security and that of their communities.

305. The Jewish population in Yemen is estimated to constitute less than 50 individuals,<sup>463</sup> living mainly in territory under the control of the Houthis in the Amran and Sana’a Governorates. The Houthis continued to develop an anti-Semitic faith rhetoric. In addition to the Houthi slogan, which includes the sentence “Curse on the Jews”, the Group reviewed multiple speeches made by the Houthi supreme leader, Abdulmalik Al-Houthi, during the course of 2019 and 2020, that incited violence against Jews. For instance, in one of these speeches, on 21 May 2020, he proclaimed: “the Jews are moving towards ensuring that the nation does not have the right vision”. Reportedly, the Jewish minority faces tough restrictions imposed by the Houthis, notably to their freedom of movement in conjunction with constant threats to their lives and security.

**“You cannot carry a bible in Yemen, you must carry the Koran” Testimony from an exiled Christian priest<sup>464</sup>**

<sup>456</sup> Translated from Arabic as “the marginalised”, the term designates a community subjected to social caste-based discrimination. Though Yemeni law does not discriminate against the *Muhamasheen*, they are commonly and pejoratively referred to as “al-Akhdam”, meaning servants.

<sup>457</sup> According to UNHCR, there are approximately 280,000 refugees and asylum-seekers living in Yemen, mainly having fled from the Horn of Africa. A large number of them are from Somalia.

<sup>458</sup> See, for instance, The Historic and Systematic Marginalization of Yemen’s *Muhamasheen* Community, Sanaa Center for Human Rights, 4 June 2019, available at: [http://sanaacenter.org/files/Muhamasheen\\_en.pdf](http://sanaacenter.org/files/Muhamasheen_en.pdf)

<sup>459</sup> Confidential sources on file.

<sup>460</sup> Confidential sources on file.

<sup>461</sup> See, for instance, Excluded: Living with disabilities in Yemen’s Armed conflict, Amnesty International, 3 December 2019, available at: <https://www.amnesty.org/download/Documents/MDE3113832019ENGLISH.PDF>

<sup>462</sup> HelpAge International, Rapid Needs Assessment of Older People, Yemen, September 2019, available at:

<https://www.helpage.org/resources/publications/?search=yemen&adv=0&topic=0&region=0&language=0&type=0>

<sup>463</sup> According to INSAF, nowadays, the Jewish community is reduced to a total number of 43 persons living in Yemen, 11 of them in Amran Governorate and the remaining 32 are restricted to live in the so-called “touristic city” in Sana’a. See: <https://insaf-ye.org/publications-and-research>, p. 44.

<sup>464</sup> Confidential source on File.

306. There are no available official figures on the number of Christians in Yemen. With the high number of Ethiopian and Eritrean Christian migrants transiting through Yemen, the total number of Christian believers in the country is subject to flux. However, the Christian community in Yemen lives in fear of persecution by parties to the conflict and is obliged to hide its religious belief in all parts of the country. The fear of harassment has increased since the outbreak of the war due to the radicalisation of religious positions by certain parties to the conflict, in particular the Houthis. Reportedly, Christian churches have had to operate “underground” and religious services are carried out in private houses with a reduced number of believers. The Group of Experts documented cases of arbitrary detention by the Houthis of Christian believers, including Ethiopians, on the grounds of religious belief, but further details cannot be revealed due to concerns over the safety of the victims and their families. Sources described how such Christian detainees were forced to follow Muslim precepts and rituals. It was also reported that some Yemenis who had converted to Christianity attended Friday prayers at the mosque to prevent suspicion regarding their Christian faith.

307. The Group of Experts has previously reported on the situation and targeting of the Baha’i religious minority in Sana’a by the de facto authorities, in particular highlighting their arbitrary arrest and detention, torture and denial of due process.<sup>465</sup> Last year, the Group concluded that members of the Baha’i faith had been detained on the basis of their belief and faith. During this reporting period, the Group called again for the immediate release of all persons detained in a manner contrary to international human rights and humanitarian law, including members of the Baha’i community.<sup>466</sup>

308. The Group has confirmed that the detention and proceedings against Baha’i members by the de facto authorities relates to their religious faith, despite the de facto authorities’ denial of the existence of the Bahai’s as a religious minority in Yemen.<sup>467</sup> In the appeal proceedings of Hamed bin Haydara on 17 September 2019, for instance, the prosecutor of the Specialized Criminal Court in Sana’a requested the Court to order the “immediate deportation abroad and banning the entry into Yemen of any believer from the Baha’i faith”. On 22 March 2020, the Appellate Division of the Specialized Criminal Court upheld Hamed bin Haydara’s conviction and his death sentence. On 25 March 2020, the President of the Houthi Supreme Political Council, Mahdi al-Mashat, announced a pardon for Hamed bin Haydara and requested that the concerned authorities release him and all Baha’i detainees. On 20 May 2020, The Yemeni Initiative to Defend Baha’is (YIDB) issued a statement<sup>468</sup> condemning the failure to implement this request for release and alleging the Specialized Criminal Court in Sana’a had demanded additional conditions for the release to take place, including the payment of “commercial guarantees”. Hamed bin Haydara was released only on 30 July 2020, together with five other Baha’i men who were detained at the Security and Intelligence detention facility in Sana’a, on condition that they leave Yemen immediately. Four weeks after the release, a local court reportedly continued with its proceedings in the case of 24 Baha’is. The Group also reviewed documents indicating that Baha’i members’ assets as well as Baha’i institutional assets were confiscated by the Houthis.<sup>469</sup>

309. Additionally, the Group received credible reports of lawyers being targeted and threatened because of their defence of the rights of Baha’i detainees, and documented the detention of one of the lawyers in 2020 by the Houthis.<sup>470</sup>

### 3. Migrants

310. Despite the ongoing armed conflict and the catastrophic humanitarian crisis, IOM reported that in 2019 over 138,000 African migrants crossed the Gulf of Aden and reached

<sup>465</sup> See A/HRC/42/CRP.1, paras. 815-822.

<sup>466</sup> See press releases of the Group issued in the context of COVID19 on 30 March and 25 June 2020 at: <https://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx>

<sup>467</sup> See A/HRC/42/CRP.1, para. 820.

<sup>468</sup> See statement in Arabic at:

<https://www.facebook.com/DefendingBahaiRights/posts/4141435122540750>

<sup>469</sup> Confidential sources on file.

<sup>470</sup> See sub-section on Journalists and Human Rights Defenders below, paras. 318 and ff.

Yemen as a transit destination.<sup>471</sup> IOM reports that it is the busiest maritime migration route in the world. The organization registered 11,101 migrants entering Yemen during January 2020.<sup>472</sup> The number of migrant arrivals progressively reduced from February onwards, due to COVID-19 movement restrictions. The total number of migrants who have arrived in Yemen in 2020 - as of July 2020 - was 32,189.<sup>473</sup> IOM's monthly monitoring indicates that approximately 85 per cent to 90 per cent of migrants are Ethiopian, while the remaining migrants are mainly Somalian.

311. Ethiopian migrants interviewed by the Group came from rural areas, most of them belonging to the Oromo, Amhara, and Tigrayan ethnic groups. The main trigger for their movement appears to have been to escape from poverty and a lack of opportunities. For many the dream was to reach Saudi Arabia. Those interviewed included girls and boys, as young as 15 years old, who chose to leave school and travel independently or as a group without informing their families. Interviewees often had relatives, or friends, or had seen or heard of people sending money back from Saudi Arabia and had seen neighbours benefiting from this. Smugglers also encouraged them, saying that the journey would only take one week, and that transportation would be provided throughout the whole journey. Some were even told that a plane would be waiting for them upon arrival in Yemen. Most migrants told the Group that they were not even aware at the time of their departure that there was an ongoing war in Yemen.

*“When we were in Ethiopia, they told us that crossing the Yemeni border to Saudi Arabia will take only 15 minutes, but it took three days. We walked for two days”.* **18-year-old Ethiopian male migrant**<sup>474</sup>

312. Migrants interviewed by the Group arrived in Yemen in large groups, up to 700 adults and children at a time, in boats disembarking at Ras al-Ara beach (South-West Lahj Governorate, bordering Ta'izz Governorate). There was no presence of any civil or security authority. Smugglers (Yemeni and Ethiopian men dressed up in civilian clothing and heavily armed) were there waiting for them. Most migrants interviewed stated that they were forced to get into open pick-up trucks with as many as 80 other migrants, or into mini vans. They assumed that they would be transported en route to Saudi Arabia. Instead, according to the accounts received, migrants, including unaccompanied children, were kidnapped by smugglers and taken to informal captivity camps in Lahj Governorate, from which they were only released upon payment of a “ransom”. Public reports mention that there are approximately 80 smugglers camps in Ras al-Ara.<sup>475</sup>

313. Migrants interviewed by the Group described how, while held in these camps, they were physically abused by smugglers for days, weeks, and even months until the payment of the ransom by their relatives was received. One of the most common forms of physical abuse was forcing migrants into painful stress positions. The most described abuse consisted of being forced to crouch on the floor, with their arms and legs tied to a stick behind their back. One young male migrant recalled: *“If we were moving, they would beat us with metallic pipes and sticks, they also hang people by their legs up and head down. They also pushed the bodies to hit the heads against the walls. One friend had his arms and legs destroyed like this, one*

<sup>471</sup> See <https://www.iom.int/news/journey-africa-yemen-remains-worlds-busiest-maritime-migration-route>

<sup>472</sup> See IOM Yemen Displacement Tracking Matrix (DTM), Flow Monitoring Points, Migrant Arrivals and Yemeni Returns from Saudi Arabia in January 2020, available at:

[https://displacement.iom.int/system/tdf/reports/YE-Migrants\\_FMR\\_%20Jan%202020%20Dashboard\\_V2.pdf?file=1&type=node&id=7784](https://displacement.iom.int/system/tdf/reports/YE-Migrants_FMR_%20Jan%202020%20Dashboard_V2.pdf?file=1&type=node&id=7784)

<sup>473</sup> See IOM Yemen Displacement Tracking Matrix (DTM), Flow Monitoring Points, Migrant Arrivals and Yemeni Returns in July 2020, available at:

[https://displacement.iom.int/system/tdf/reports/YE-Migrants\\_FMR\\_%20July%202020%20Dashboard\\_16082020\\_v2\\_1.pdf?file=1&type=node&id=9460](https://displacement.iom.int/system/tdf/reports/YE-Migrants_FMR_%20July%202020%20Dashboard_16082020_v2_1.pdf?file=1&type=node&id=9460)

<sup>474</sup> Confidential source on file.

<sup>475</sup> See Report from Euro-Mediterranean Human Rights Monitor, 14 January 2020, Ras Al Ara... Ethiopian Asylum Seekers' Gateway to Hell, available at:

<https://euromedmonitor.org/en/article/3392/Ras-Al-Ara...-Ethiopian-Asylum-Seekers%E2%80%99-Gateway-to-Hell>

*arm is not working anymore*". Other migrants reported to the Group that they were raped or had witnessed rapes in the camps. One 20-year-old woman told the Group how she was raped six days in a row by Ethiopian and Yemeni smugglers as a way to extort money. Some witnessed the death of migrants in these camps as a result of physical abuse and lack of health care to treat diseases that rapidly spread within these camps.

314. Reportedly, the time in captivity varied between a few days, weeks and months (the Group documented a maximum stay of up to six months). Migrants told the Group how they managed to escape from these captivity camps and how some started walking towards Aden. Some reported they were arbitrarily detained and subjected to sexual violence at the hands of SBF.<sup>476</sup>

*"It is hard to distinguish who is the military and who isn't".* **Ethiopian migrant**<sup>477</sup>

315. The Group also received allegations that unidentified armed men in uniform in the south were collaborating with smuggling networks. For instance, some migrants told the Group that smugglers were paying bribes to what they referred as "Southern security forces" at checkpoints on the main road to Aden while they were transporting migrants. The Group was not able to verify the affiliation of these so-called "Southern security forces."

*"It happened at different times that the police in Aden would call us by the name 'Houthis'. Every time we go to the main road and pass from one checkpoint to another, they would always say to us 'You, Houthis, where are you going?'. On the main road of Aden, at each checkpoint, they tell us to 'go back, because you are going to work for the Houthis'."* **Ethiopian male migrant living in Aden**<sup>478</sup>

316. Additionally, many migrants reported experiencing discrimination and theft of personal belongings while in Aden. Three Ethiopian migrants reported, that in around January 2020, they were violently forced to get into a car with three men wearing green uniforms, who took them to an isolated place, searched them and stole all the money they were carrying. Another migrant reported that on his way to the IOM Office in Aden, two armed policemen forced him to walk toward an isolated place where he was held at gun point and had all his belongings stolen. The Group was not able to verify the affiliation of the perpetrators.

317. Under international human rights law, the State has an obligation of due diligence to protect individuals from abuses perpetrated by other individuals and groups, including through having effective systems of investigation and prosecution of those responsible. There are no indications that authorities in the areas where migrants are being held are fulfilling their duties to protect migrants from abuse at the hands of smugglers and associated third parties. It appears that authorities are largely turning a blind eye to the abuses suffered by migrants.

#### 4. Journalists and human rights defenders

*"I imagine sometimes that military vehicles from Ansar Allah would come and attack our house because of my knowledge and experience from my work as a journalist. I don't want to be in jail or live under constant threat. I have to wear the niqab from fear of being recognised".* **Threatened woman journalist**<sup>479</sup>

318. The Group is particularly concerned about the continuous targeting of and violations against journalists and human rights defenders, including lawyers and rights activists, by parties to the conflict, which seek to repress dissent, curtail criticism, and to consolidate the party's authority in the territory under its control. The Group documented cases in which journalists and human rights defenders were prevented from working freely, threatened, arbitrarily detained and even tortured, including by sexual violence. During this reporting period, the Group continued to follow the case of the 10 journalists detained by the Houthis

<sup>476</sup> See Gender and Gender-based violence section, paras. 194 and ff.

<sup>477</sup> Confidential source on file.

<sup>478</sup> Confidential source on file.

<sup>479</sup> Confidential source on file.



in Sana'a since 2015, which is covered in another section of this report.<sup>480</sup> It also investigated specific cases that reinforced the “chilling effect” on activities the Group has previously reported.<sup>481</sup> Journalists and human rights defenders in Yemen are being forced to take life-changing decisions – in an already challenging conflict environment – such as fleeing Yemen, self-censoring or refraining from working in defence of the rights of certain groups or abandoning their jobs completely, all as a result of fearing for their and their families’ lives and security.

#### *Journalists*

319. In addition to the detention and related violations detailed in section D above (see paras. 165 and ff), the Group documented cases in which the de facto authorities have committed further violations targeting journalists’ dissenting opinions and work, apparently in order to consolidate their authority in the territories under their control. For example, in February 2020, a 30-year-old female journalist was followed in the streets of Sana'a and verbally threatened by armed men in civilian clothing, who ordered her to stop writing against the Houthis and the Zainabiyat forces if she did not want to be detained.<sup>482</sup> Since then, she has decided to stop any journalistic work, including on social media.

*“Most of the time, I wrote under a fake name as a security measure, so I could publish most of my work. I was expecting to be detained at any time.”*

**Formerly detained male journalist**<sup>483</sup>

320. Another journalist, also critical of the Houthis, was arbitrarily arrested on the streets of Sana'a in 2019 by a large group of armed men dressed in civilian clothing, and detained in the Security and Intelligence detention centre in Sana'a for almost a year without being informed of any charges against him. It was only after the Public Prosecutor intervened that family visits were allowed, some four months after the start of his detention. The Criminal Prosecution requested that he be released if no charges were being laid.<sup>484</sup> He was eventually released due to the lack of evidence two months after the reported issuance of an order by the Prosecutor.<sup>485</sup>

321. The Group also received reports of attacks against journalists by the Government of Yemen, and by Al-Islah affiliated actors in the Ma'rib and Ta'izz governorates. Journalists were targeted for publications critical of the government administration and acts of corruption, for denouncing human rights violations, and for their secular and atheist opinions.

322. The Group documented violations against a media campaigner, who has been active on social media, media channels, and online news websites in denouncing human rights violations, including corruption within the Yemeni Armed Forces military command in Ma'rib. From September 2018 to September 2019, he was arbitrarily arrested and detained in different detention facilities, including military facilities. Despite his civilian status, his case was sent to a military court as per the requests of the Military Prosecutor and the Head of the Military Judicial Department. He was charged with causing offence and insult against the Islamic religion on the ground of the opinions expressed in his writings. He was released in September 2019, and in order to avoid further persecution, he fled Yemen.<sup>486</sup>

323. The Group also documented the case of a group of male journalists who were arbitrarily detained by the Government of Yemen Political Security in Ta'izz early this year due to their writings on politics. The journalists were released after legal representations to the public prosecutor citing the lack of legal grounds for the detention and as a result of considerable local public and media pressure put on the authorities. Those journalists report receiving threats after they have been released and the risks of being detained again.

<sup>480</sup> Confidential source on file

<sup>481</sup> See, for instance, A/HRC/42/CRP.1 para. 288.

<sup>482</sup> Confidential source on file.

<sup>483</sup> Confidential source on file.

<sup>484</sup> Confidential source on file.

<sup>485</sup> Confidential sources on file.

<sup>486</sup> Confidential sources in file.

324. After the STC declared self-rule over the south on 25 April 2020, the STC Major General Ahmed Saeed bin Breik issued an instruction to the Chief of Security of the Capital Aden stating, *inter alia*, that: the “interests of our great southern people are not a subject for mockery and gossip on social media and other means. Hence, anyone who is proved to be involved in broadcasting propaganda and disturbing public tranquility shall be charged with a fine of one million riyals and imprisonment for a period of six months”.<sup>487</sup> Since the issuance of this instruction, several threats and attacks against journalists in Aden were publicly reported. The Group investigated three cases of attacks by the STC against journalists and media workers, who were threatened and harassed due to their publications critical of the STC administration and the absence of basic services in Aden, and/or their public denunciations of violations of rights by STC-affiliated officials.

*Human rights defenders*

*“The international community has not paid enough attention to activists and the dangers that they face.” Threatened human rights defender*<sup>488</sup>

325. The Group uses the term human rights defenders to describe persons who, individually or with others, act to promote or protect human rights.<sup>489</sup> As a category, it is not restricted to persons coming from a particular occupational group, but may include, for instance, staff of a human rights organisation, a national human rights institution, journalists reporting on human rights issues, lawyers working on human rights cases or doctors treating victims of violations.

326. The Group of Experts investigated cases of attacks against human rights activists, NGO workers and lawyers defending victims’ rights who were threatened, intimidated, harassed and/or detained for their legitimate work by the de facto authorities, the Government of Yemen, and coalition forces.

*“You have no idea how many difficulties we face in the field, all of us who are monitoring violations, writing and submitting reports”. Formerly detained woman working in a human rights NGO*<sup>490</sup>

327. The Group investigated, for example, the case of one of the former lawyers of the Baha’i detainees. He went missing in March 2020, and only one and a half months later, his family was informed of his detention by the Houthis at the Security and Intelligence detention centre in Sana’a. His work defending the rights of Baha’is was allegedly the reason for his arbitrary detention. Despite a request for access from the Specialized Criminal Prosecution, the victim was not seen by the Prosecutor, nor was he charged with any offence.<sup>491</sup> The Yemeni Bar Association was very vocal in advocating for his release.<sup>492</sup> He was released at the end of July 2020.

328. Another lawyer and human rights activist reported to the Group being arbitrarily detained three times for several hours each by Government of Yemen authorities at the Ma’rib Security Department and having been followed on different occasions in the street by armed men dressed in civilian clothing on motorbikes. He informed the Group that the Ma’rib Security Department was accusing him of “writing against the state’s leadership and describing the Minister of Defence as a corrupt person”.<sup>493</sup>

329. The Group investigated allegations of threats, intimidation, and attacks against human rights defenders in the Ta’izz Governorate, in areas under the control of the Government of Yemen. In one case, a human rights defender was forced to leave the governorate due to a threat to his life when the car he was in was shot at in May 2019. He considers the attacks

<sup>487</sup> Confidential source on file.

<sup>488</sup> Confidential Source on file.

<sup>489</sup> See the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by General Assembly resolution 53/144 (adopted 9 December 1998).

<sup>490</sup> Confidential source on file.

<sup>491</sup> Confidential source on file.

<sup>492</sup> Documents on file.

<sup>493</sup> Confidential source on file.

and threats to be a result of his work. He was also forced to close his organization's office due to a series of direct attacks against his staff. The practice of summoning human rights activists critical of the military also appears to be a tactic used by the Ta'izz Axis Command of the Yemeni Armed Forces to intimidate and harass such activists. The summons issued do not disclose the nature of the complaint or any relevant offence, and only cite Article 64, which gives the legal basis for issuing a summons.

330. The Group also documented the arbitrary arrest, in November 2019, of the head of the Yemen Red Crescent Society in Amran Governorate. He was at the airport, about to leave on a Red Cross plane en route to Geneva to participate in a conference. Coalition forces prevented him from travelling and the plane took off without him. He was arbitrarily arrested and held in the Political Security office for four hours. He was interrogated and accused of being affiliated with the Houthis. He was then transferred to the airport detention centre, one kilometre from the airport. He remained in detention for nine days, during which he was allegedly tortured. After his release, he participated virtually online in the International conference of the Red Cross and Red Crescent held in Geneva. He gave a speech where he denounced his arrest and acts of torture.<sup>494</sup>

331. Women human rights defenders also continue to face repression by parties to the conflict based on their gender and/or their work on women's and youth rights, including for instance the provision of legal support to victims of domestic violence. The Group has documented at least ten such cases committed by members of the de facto authorities, the STC and the Government of Yemen. Some women activists were told by Houthi interrogators that promoting women's rights was against tradition. Another woman activist was threatened with having her children detained if she did not collaborate with the Houthis. Many instances of repression involved false allegations regarding the morality of the women, including allegations of a sexual nature. Such allegations attract severe stigma for women, rendering them and their families vulnerable to social exclusion, community violence and long-term harm. They also encourage the broader community to associate women human rights defenders with "immorality". This has pressured many women more broadly to conform and curtail their public role in society. The specific targeting of women rights defenders and activists negatively impacts upon their vital role in protecting and advancing women's rights and addressing gender inequality in Yemen.

#### *Legal findings*

332. The continuation of the conflict, with its attendant breakdown of public order, has aggravated the already precarious situation of minorities, IDPs, migrants and refugees in Yemen. The Group of Experts concludes that all of these groups continue to be discriminated against in their enjoyment of rights, and face a heightened level of violations and abuse.

333. Additionally, the Group of Experts concludes that the de facto authorities, the Government of Yemen and the STC are responsible for violating the rights of journalists and human rights defenders, including women human rights defenders, their rights to liberty and physical security, as well as their freedom of expression.

## **H. Violations related to the administration of justice**

### *Applicable law*

334. International human rights law provides that all persons shall be equal before the courts and tribunals, and in either criminal proceedings or civil proceedings, that persons are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.<sup>495</sup> As noted in Section D above (see paras. 165 and ff), those who are arrested or detained have specific rights including to be informed promptly of charges, to be brought promptly before a judge/judicial official, to take proceedings before a court regarding the lawfulness of the detention, and to trial within a reasonable time or release.<sup>496</sup> Persons

<sup>494</sup> Confidential sources on file.

<sup>495</sup> ICCPR, art. 14(1).

<sup>496</sup> ICCPR, art. 9.

who are being tried for a criminal offence are entitled to fair trial rights. These include the right to be informed promptly and in detail of the charges against them; to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their choice; to be tried without undue delay; to be tried in their presence and to defend themselves in person or through legal assistance of their own choosing (as well as access to legal aid where the interests of justice require); to examine/have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf; and not to be compelled to testify against themselves or to confess guilt.<sup>497</sup> Accused persons are entitled to the presumption of innocence.<sup>498</sup> Specialised standards have been developed in relation to ensuring the proper roles of actors within the justice system, including the independence of the judiciary.<sup>499</sup>

335. International humanitarian law also provides that parties to an armed conflict must abide by fair trial standards in their administration of justice. In general terms, it will constitute a violation of international humanitarian law if a party convicts and sentences a person or executes a penalty, including the death penalty, where that person has not been granted a fair trial affording all judicial guarantees.<sup>500</sup> The Rome Statute includes the war crime of “passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.”<sup>501</sup>

336. Under international human rights law, for States that retain the penalty and have not committed to its abolition through, for instance, ratification of the second Optional Protocol to the ICCPR, the death penalty must only be applied for the “most serious crimes” and in accordance with the law in force at the time of commission of the crime.<sup>502</sup> The Human Rights Committee has concluded that “most serious crimes” should be read restrictively and be taken as referring only to crimes of extreme gravity involving intentional killing.<sup>503</sup> Even in these cases, the death penalty can only be imposed after a trial respecting fair trial rights,<sup>504</sup> pursuant to a final judgement rendered by a competent court. Any person subject to the death penalty has the right to seek pardon or commutation of the sentence.<sup>505</sup> There are also restrictions on to whom the death penalty may be applied and the method of executing the death penalty.<sup>506</sup> While fair trial rights are not listed in the non-derogable rights under the ICCPR, the Human Rights Committee has emphasised that procedural rights attaching to death penalty cases must be guaranteed at all times, even during states of emergency, given the non-derogable status of the right to life.<sup>507</sup> The Special Rapporteur on Torture has concluded that conditions on death row (in particular the intense anguish experienced), may

<sup>497</sup> ICCPR, art. 14(3).

<sup>498</sup> ICCPR, art. 14(2).

<sup>499</sup> Basic Principles on the Independence of the Judiciary, endorsed by General Assembly resolution 40/32 (29 November 1985); and the Guidelines on the Role of Prosecutors and Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990. See too, Human Rights Committee, General Comment No. 32: Article 14: Right to equality before courts and tribunals and to a fair trial (2007).

<sup>500</sup> Common art. 3 of the Geneva Conventions; Additional Protocol II, art. 6(2). See too *ICRC Study on Customary International Humanitarian Law*, rule 100.

<sup>501</sup> Rome Statute, art. 8(2)(c)(iv).

<sup>502</sup> ICCPR, art. 6(2).

<sup>503</sup> Human Rights Committee, General Comment No. 36: Article 6: the right to life (2019), para.35.

<sup>504</sup> ICCPR, art. 6(2): by virtue of the requirement that the death penalty not be imposed contrary to the provisions of the ICCPR.

<sup>505</sup> ICCPR, art. 6(4).

<sup>506</sup> The ICCPR provides that the death penalty may not be imposed on persons who were below the age of 18 years at the time of the offence, or carried out on pregnant women: art. 6(5). Soft law has developed the restrictions further, in particular to include persons with mental or intellectual impairments: Commission on Human Rights resolution 2005/59, para. 7(c). See also Economic and Social Council resolution 1989/64, para. 1(d), Economic and Social Council resolution 1984/50, para. 3.

<sup>507</sup> Human Rights Committee, General Comment No. 36, para.67. See too Human Rights Committee, General Comment No. 29: States of Emergency (art. 4) (2001), para.15.

amount to ill-treatment if not torture.<sup>508</sup> International humanitarian law also explicitly prohibits the execution of individuals taking no part in hostilities unless there is a judgement pronounced by a regularly constituted court affording judicial guarantees.<sup>509</sup>

### *Factual findings*

337. The administration of justice is crucial for the safeguarding and protection of human rights. Yet in Yemen, there are a range of violations occurring within this very sphere. These violations need to be considered against the background of considerable pre-existing weaknesses of the Yemeni justice system (detailed further in Chapter VI, see para. 363 and ff). However, the armed conflict has significantly exacerbated these weaknesses and further undermined the administration of justice in Yemen. During this reporting period, the Group of Experts focused its investigation on three main issues: the operation of the Specialized Criminal Courts, violations of fair trial rights and attacks on the judiciary.

#### **1. The Specialized Criminal Courts**

338. The Specialized Criminal Court (SCC) is a court of first instance. It is not referred to in the Constitution, but the first SCC was established by Presidential Decree 391/1999 and was originally given jurisdiction over the acts of attacking, terrorising or robbing people on public highways, deserts, buildings, ships or planes. Its jurisdiction was subsequently expanded to include a wide range of security-related offences (including drug trafficking, harming the security of the State, and aggression against members of the judicial authority). There are now four Specialized Criminal Courts which each have jurisdiction over a specific set of governorates, together covering the whole of Yemen.

339. Following the 2015 take over by the de facto authorities, state institutions have been duplicated as between the Government of Yemen and de facto authorities. There has thus been the creation of two separate Supreme Judicial Councils, one in Sana'a under the de facto authorities and the other in Aden under the Government of Yemen. With the advent of this dual system the appointment of judges, including those of the SCC, and the functioning of the justice system has become further influenced by political and sectarian considerations.<sup>510</sup>

340. By way of example, in Sana'a, since the de facto authorities have been in control, the Head of the SCC has changed at least three times, with the last two office-holders reportedly being Houthi-affiliates.<sup>511</sup> Members of the SCC are appointed by the Supreme Judicial Council in Sana'a. However, this body is seen as lacking in legitimacy due to the departure of members nominated according to the law prior to the take over by the Houthis, and their replacement with persons loyal to the Houthis and their political and security agenda.

341. The Group has documented several cases where the SCC, in particular the SCC in Sana'a, has become an instrument to suppress dissent, to pursue political objectives of intimidation of political opponents, and to develop political capital to be used in negotiations. Of further concern is the near doubling of death sentences imposed by the SCC in Sana'a since 2018. While none of the death sentences in the cases investigated by the Group have been carried out thus far, in several cases judges' orders for the confiscation of defendants' property (using the power under the Yemeni Criminal Code) have been implemented. In all cases examined by the Group, the SCC in Sana'a has consistently disregarded the fundamental rights of the accused to a fair trial (see paras 348 and ff below).

342. The SCC in Sana'a is perhaps the most active judicial body in Yemen, given also that the justice system is virtually paralysed in many areas of the country. While official records are not accessible, the SCC in Sana'a is reportedly currently handling at least 20 key political cases involving some 308 accused.<sup>512</sup> To illustrate the current operation of the SCC in Sana'a

<sup>508</sup> Report of the Special Rapporteur on Torture, A/67/279, paras. 42-51, and 78. Note also the view that there is an evolving international standard to consider the death penalty itself as a violation of the prohibition of torture and ill-treatment: para. 72.

<sup>509</sup> Common art. 3 of the Geneva Conventions, Additional Protocol II, art. 6(2).

<sup>510</sup> Confidential sources on file.

<sup>511</sup> Confidential sources on file.

<sup>512</sup> Confidential sources on file.

the Group focused on several emblematic cases: the case of the 35 members of parliament, the case of the 10 journalists, the case of the 36 academics affiliated to the Government of Yemen, and the case of Asma Omeissy.

343. On 4 March 2020, 35 members of parliament were sentenced to death in absentia by the SCC in Sana'a, ostensibly for "having taken actions threatening the stability of the republic of Yemen, its unity, and security of its territory". The charges appear to have been politically motivated – having been brought against a total of 138 members of parliament who supported the internationally recognised government and participated in the parliamentary session held in Seyoun on 11 April 2019.<sup>513</sup> Further, the convictions have been used to provide a veneer of legitimacy to the seizure of property of the defendants. The members of parliament with whom the Group spoke confirmed that they did not receive any formal communication of the legal proceedings against them and learned of the decision from social media. They did not formally instruct a legal representative to appear on their behalf as they do not recognise the legitimacy of the SCC in Sana'a.

344. Ten journalists, arbitrarily detained since 2015, were convicted on 11 April 2020 of national security offences arising out of their broadcasts and writing. Four journalists, Abdel-Khaleq Amran, Akram al-Walidi, Hareth Hamid and Tawfiq al-Mansouri, were sentenced to death. On 20 April 2020, they formally instructed their legal representative to appeal, and while the necessary documentation has been filed, there is as yet no indication of the possible date of the appeal hearing.<sup>514</sup> Six journalists, Hesham Tarmoum, Hisham al-Yousifi, Essam Balghaith, Haitham al-Shihab, Hassan Anaab, and Salah Al-Qadi, were sentenced to time already served, with three years of assigned residence, an obligation of non-disclosure of the circumstances of their arrest and detention, and the appointment of a guarantor. They should have thus been immediately released. As of 14 September 2020, despite the release order, only one of the six, Salah Al-Qadi, had been released,<sup>515</sup> while the others are reportedly to be released as part of a prisoner exchange.<sup>516</sup> This case exemplifies the way in which journalists have been subjected to a pattern of violations in order to silence their work.

345. Another case the Group has been following is that of 36 academics who were charged with *inter alia* membership of the military wing of al-Islah, participating in assassinations, detonating bombs, undertaking military training in Ma'rib, and tracking the movements of Houthi forces. On 7 July 2019, 30 academics out of the 36 defendants were convicted and sentenced to death. They are currently appealing their convictions, though no date has been set for the appeal hearing. Their property was seized, despite there being no formal confiscation order. The other six academics were found not guilty and consequently released, on condition that they not divulge information concerning their case and that a guarantor be appointed.

346. A further emblematic case is that of Asmaa Omeissy<sup>517</sup>, a woman convicted and sentenced to death by the SCC on 30 January 2019. She was tried together with another three male defendants, one of whom is her father. She was convicted of offences relating to collaboration with the enemy, immoral acts, prostitution, adultery, and for being alone with men without a male guardian. At the court hearing she was the only defendant as the other three defendants had been released on bail during pre-trial proceedings and they fled the de facto authorities' controlled areas. Her conviction for collaboration with the enemy was subsequently overturned by the Appeals Court on the basis of a lack of factual evidence and procedural violations. However, the "morality" related convictions were upheld. The initial sentence of flogging was commuted to 15 years imprisonment. A request for appeal has been lodged with the Supreme Court but the date for the hearing has not been scheduled yet.<sup>518</sup> It appears that, in this case, the de facto authorities are using the SCC to reinforce traditional

<sup>513</sup> This was the first session of the Government of Yemen's Parliament held since the outbreak of conflict and was intended to mark the restoration of the functioning of State institutions.

<sup>514</sup> Confidential sources on file.

<sup>515</sup> Confidential source on file.

<sup>516</sup> Confidential source on file.

<sup>517</sup> Confidential source on file.

<sup>518</sup> Confidential source on file.

gender norms. As detailed above, this is part of a broader trend of weaponizing gender in the conflict to legitimise parties' authority, suppress the political participation of women, and enable violations against women and girls.

347. The SCC has been less active in areas under the control of the Government of Yemen and the Southern Transitional Council, given the general disruption of the justice system in these areas. Where operational, there are some indications of greater compliance with procedural standards.<sup>519</sup> However, there are reports of ongoing political interference with the justice system, with the Supreme Judicial Council and the Attorney General of the Government of Yemen reportedly encouraging the Prosecutor to open legal proceedings against individuals within the de facto authorities. There are similar concerns about the SCC in Government of Yemen controlled areas being used as a security court to serve the political interests of the authorities in charge. On 2 April 2020, for instance, the SCC in Aden opened a trial in absentia of 32 Houthi leaders, including Abdulmalik Al-Houthi. The trial started during the judicial recess, despite Yemeni law permitting only cases of an "urgent nature" to proceed during such time. Some interlocutors reported to the Group that the launching of the case was an attempt to replicate the politicised SCC proceedings in Sana'a, but was done in such a way as to mitigate the risk of retaliation against the property of those affiliated with the Government of Yemen who remain in the North.<sup>520</sup>

## 2. Fair trial and related rights

348. Widespread violations of fair trial and related rights of individuals continue to be committed across Yemen.<sup>521</sup>

349. Investigations by the Group revealed a prevailing pattern of extorting self-incriminating statements and confessions through threats, torture and cruel, inhuman or degrading treatment by authorities of varying parties to the conflict<sup>522</sup>. In one case, a detainee was held in solitary confinement for 27 days and repeatedly subjected to torture including severe beating and electrocution. He was forced to confess on video to the commission of crimes, with the video being subsequently aired on a local TV channel affiliated to the Houthis.<sup>523</sup> In another case, a detainee held by the de facto authorities was repeatedly tortured and similarly forced to confess on video. The Group verified similar instances in relation to Government of Yemen personnel. In one case, for instance, a man who was disappeared was forced to sign confessions after being subjected to torture at an unofficial detention facility controlled by the Government of Yemen. Over a 2-3 month period, he was forced to sign a number of documents, not knowing the contents because he was blindfolded, and to fingerprint 30 to 40 documents that he was told was the full investigation report.<sup>524</sup>

350. As noted earlier in this report (see para. 155), the constitutional safeguard establishing that a person in custody shall be presented before a court within 24 hours from the time of arrest is systematically denied. In virtually all cases investigated, detainees have no access to a court, and even less access to a lawyer during the interrogation period. This significant time gap allows for torture and cruel and inhuman treatment to be committed and to continue with impunity, as by the time the defendant is brought before the prosecutor or even later before the court, time-sensitive evidence of physical abuse has been lost. A legal representative of one client referred to the difficulties in having courts make findings in relation to such torture. In the case of his client, who testified that he had been tortured during interrogation by the Houthis, the judges appointed a commission to investigate the allegations. The latter found that the evidence presented was insufficient to prove the violations as there was no medical record and, due to the lapse of time between the events and the investigation, no significant signs were visible any longer on the body of the victim.<sup>525</sup>

<sup>519</sup> Confidential sources on file.

<sup>520</sup> Confidential sources on file.

<sup>521</sup> A/HRC/42/CRP.1, including paras. 921 and 249.

<sup>522</sup> Confidential sources on file.

<sup>523</sup> Confidential sources on file.

<sup>524</sup> Confidential sources on file.

<sup>525</sup> Confidential source on file.

351. Accused persons detained on criminal charges have little access to their legal representatives. In the case of the 30 detainees sentenced to death (formerly the case of the 36 male detainees) by the SCC in Sana'a,<sup>526</sup> the lawyer representing them was not able to visit them even once an appeal against the decision was filed. In the case of the 10 journalists noted above, the four journalists sentenced to death formally instructed the lawyer to appeal against the decision via a power of attorney that was drafted and signed under the authority of the prison director as they had no access to their lawyer despite the latter having formally requested a visit. One legal representative in Sana'a stated that "even with the authorisation of the Prosecutor, visits to clients are still denied by the prison authorities."

352. Where access is permitted, the environment in which the meetings take place obstruct confidential and safe communication. Prison guards are often present in close proximity. The limited time permitted severely undermines the preparation of the defence. For example, in the case of Asmaa Omeissy, the only piece of legal advice the lawyer could provide ahead of the appeals hearing was for the defendant, who had no access to her file, to remain completely silent during the session.<sup>527</sup> It was reported to the Group that it was mostly during court hearings that lawyers could seize the opportunity to exchange a few words with their clients.<sup>528</sup> Recent measures taken with the stated objective to contain the spread of COVID-19 have further reduced the contact permitted between defendants and their counsel.<sup>529</sup>

353. Both defendants and their counsel have virtually no access to case files, further undermining the preparation of any defence. During trial proceedings, evidence adduced by the prosecution tends to be limited to written statements. There is no opportunity for the accused to cross-examine witnesses, or to present rebuttal evidence. Additionally, due to political interference, including in the process for appointing judges and prosecutors, and corruption, the right to be tried before an impartial and independent court in Yemen cannot be guaranteed.<sup>530</sup>

354. The practice of imposing restrictions on persons even after they have been acquitted was noted in several cases. In the case of the 30 detainees discussed above, the six acquitted were released upon condition of appointing a guarantor and refraining from disclosing information about their case. Another journalist who was acquitted and released on 5 May 2020 had restrictions imposed by the SCC in Sana'a, including having an assigned residence in Sana'a, the suspension of any media activity and non-disclosure of information about his case. Similar restrictions were also placed on the only journalist released in the case of the 10 journalists discussed above.<sup>531</sup>

355. The Group of Experts confirmed similar patterns of denial of fair trial and related rights in areas of Yemen under the authority of the Government of Yemen. These included denials of prompt trial, access to legal counsel, failure to communicate charges and provide information about procedures, and the extortion of confessions through the use of torture.<sup>532</sup> To provide some examples of the cases investigated by the Group, in Ma'rib, in one case, the detainee was held for over two years without ever being formally informed by the Prosecutor of the charges against him, or being brought before a judge. In another case, a journalist was arrested on the basis of an order issued by a Government of Yemen military commander and initially taken to a military prison. He was held for over 16 days at a military police detention centre and was only informed orally of the accusations against him by the commander of the axis.<sup>533</sup> In a third case, a religious figure was arrested at the end of 2019, by military forces affiliated to the Government of Yemen. He remains in detention, but is being held without formal charges and without access to a lawyer.<sup>534</sup>

<sup>526</sup> A/HRC/42/CRP.1, paras. 404-405.

<sup>527</sup> Confidential source on file.

<sup>528</sup> Confidential sources on file.

<sup>529</sup> Confidential source and documents on file.

<sup>530</sup> Confidential sources on file.

<sup>531</sup> Confidential source on file.

<sup>532</sup> Confidential sources on file.

<sup>533</sup> Confidential source on file.

<sup>534</sup> Confidential source on file.



356. Given the particular urgency of ensuring strict compliance with international law in death penalty cases, the Group is concerned that serious violations of procedural guarantees continue to be apparent in these cases. In all the SCC (Sana'a) cases referred to above in which the death penalty was imposed, there were evident failures of due process/fair trial in the proceedings. Furthermore, the death penalty was being applied to cases outside the 'most serious crimes' category (that is cases involving crimes of extreme gravity involving intentional killings). In the case of the 35 members of parliament, for instance, it was being used in relation to their exercise of political rights, while in the case of the 10 journalists, the death penalty was being applied to punish freedom of expression. Individuals remain on "death row" awaiting appeals for undefined periods. While the death penalty has not been carried out in any of the Group's emblematic cases, the Group understands that the death penalty has been carried out in other cases during the Group's mandate. The Group reiterates the concerns expressed by other United Nations bodies in relation to the use of the death penalty in Yemen in contravention of international law.<sup>535</sup>

### 3. Attacks against judges and other forms of interference

357. The Group of Experts investigated how the de facto authorities, the Government of Yemen and the Southern Transitional Council are involved in exercising pressure on judges and prosecutors. Attacks, intimidation and arrests are motivated by political/security reasons and personal interests. Among cases referred to the Group in relation to Government of Yemen controlled areas, on 1 April 2020, Judge Salah Bajash, president of the Mokha Court survived an attempted assassination in which he and the Registrar of the Court remained gravely injured.<sup>536</sup> In another case, on 31 March 2020 in Ta'izz, the judicial compound was raided by militia operatives in plain clothes who threatened Judge Anwar Al-Majeedi because of his action in handing down a decision adverse to the interests of Hisham Abdelwahid Sarhan in a land dispute. The militia group was headed by Hisham Abdelwahid Sarhan, who is the son of Abdul Wahid Sarhan, the political security advisor of the Government of Yemen and affiliated to the Al-Islah party in Ta'izz.

358. As a result of intimidation and attacks, judges and prosecutors not affiliated with the de facto authorities have fled from their assigned courts and relocated to those parts of the country under the control of the Government of Yemen. The appointments of judges and prosecutors loyal to the de facto authorities and the control over judicial decisions exercised by the supervisors appointed by the de facto authorities in all public offices, including the judiciary, may help to explain the relative decline in cases of attacks against judges and prosecutors in the areas under their control. During this reporting period, the Group investigated the case of a judge who was detained by de facto authorities in 2017 and accused of disclosing military locations to the enemies.<sup>537</sup> He was never presented with formal charges, nor was he tried before a court. He was disappeared for approximately six months, until his family saw him in a video broadcast on Al-Masirah Channel, ostensibly confessing. According to former detainees who were held with him, he was tortured and his confession extorted. He remains in detention in Ta'izz and his case has been raised with the Special Envoy of the Secretary-General on Yemen by the International Association of Judges.

359. In early 2020, in Aden, criticism by judges about judicial appointments by the Government of Yemen has been met with harassment and threats against the judges who spoke out. For example, some judges, including Rua Al-Mujahed, were threatened and harassed for publicly criticising the appointment of new members of the Supreme Judicial Council (SJC), who were reportedly connected with or even related to existing members of the SJC.

360. Faced with this climate, some judges and prosecutors have reported self-censorship in carrying out their functions in order to avoid antagonising the party in control of an area.

<sup>535</sup> See for instance, HRC, Concluding Observations: Yemen, CCPR/C/YEM/CO/5 (2012), para, 14 CRC, Concluding Observations: Yemen, CRC/C/YEM/CO/4 (2014), para.33; CAT Concluding Observations: Yemen CAT/C/YEM/CO/2/Rev.1 (2010), para.21.

<sup>536</sup> Further information on this case is expected, and could assist in further developing an analysis of the situation of the judiciary.

<sup>537</sup> Confidential source on file.

361. The Group of Experts also found that, like most of the public sector, the judiciary has suffered from curtailed payment of salaries and benefits. Since January 2020 the disbursement of salaries for the judiciary in the north of the country has been fully suspended in what appears to be a politically motivated decision by the Supreme Judicial Council under the authority of the Government of Yemen. This creates fertile ground for corruption, a feature which continues to undermine the independent and impartial administration of justice in Yemen.

#### *Legal findings*

362. The Group of Experts concludes that serious violations of international human rights law are occurring within the administration of justice in Yemen, in particular through the politicisation of the system, the regular denial of fair trial rights, attacks on judicial officers and the imposition of the death penalty in a manner contrary to international human rights law. Where there is the necessary nexus to the conflict, such breaches also constitute violations of international humanitarian law. The Group of Experts has noted a frequency of violations associated with the SCC in Sana'a in particular, but considers that violations are being committed by authorities across all areas of Yemen.

## **VI. Accountability**

363. Over the last three years, the Group of Experts has reported on serious violations of international human rights law and international humanitarian law, some of which may amount to crimes under international law. It has made repeated calls for relevant authorities to conduct prompt investigations, compliant with international standards, into alleged violations and to prosecute those responsible. The Group has also stressed the need to realise victims' rights to an effective remedy (including reparations). Regrettably, the Group of Experts has seen no timely and effective remedies for victims in Yemen. It is vital for the international community to intensify its engagement with parties to the conflict and other States, to seek to combat impunity and support accountability related initiatives.

### **A. Criminal Justice Accountability**

#### *Legal Framework*

364. States have a duty to investigate and where sufficient evidence exists, prosecute, serious violations of international human rights law and international humanitarian law that constitute crimes under national or international law. This duty attaches in particular to genocide,<sup>538</sup> war crimes,<sup>539</sup> crimes against humanity,<sup>540</sup> and other gross violations of human rights, including summary or extrajudicial killings, torture or other forms of cruel, inhuman or degrading treatment, slavery, enforced disappearance, rape and other forms of sexual violence.<sup>541</sup> While this responsibility attaches to States, as the Group of Experts has

<sup>538</sup> Genocide Convention, arts. 1 and 4.

<sup>539</sup> Under customary international humanitarian law governing NIACs, States are under 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. See *ICRC Study on Customary International Humanitarian Law*, rule 158.

<sup>540</sup> While there is not yet a treaty specifically focused on crimes against humanity, this category of crime features in the Rome Statute and is recognised as one of "the most serious crimes of concern to the international community as a whole" which "must not go unpunished": Preamble to the Rome Statute.

<sup>541</sup> In some cases, the duty arises by virtue of treaty obligations to criminalise offences and establish and exercise jurisdiction in the circumstances outlined: e.g. CAT, arts. 4-7; CPED, arts. 6-11. However, the duty to investigate and prosecute has been regarded as attaching more broadly to violations amounting to crimes under national or international law: see e.g. Human Rights Committee General Comment No. 31, *The Nature of the General Obligations on States Parties to the Covenant*, (2004), para.18. See too, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*

previously discussed, the same obligation can be considered as attaching to the de facto authorities in Yemen.<sup>542</sup> In the context of the conflict in Yemen, other States that are party to the conflict have similar duties with respect to violations committed in the course of their operations.

365. Specific legal regimes provide a broader obligation on States Parties to “extradite or prosecute” alleged perpetrators of certain offences. This means that third States that find an alleged perpetrator on their territory, are obliged in the circumstances outlined under the relevant treaty regime, to undertake necessary investigations and submit the matter to prosecutorial authorities, or extradite the individual.<sup>543</sup> There has also been recognition that as a matter of customary international law, States must investigate war crimes over which they have jurisdiction under their national legislation, and, if appropriate, prosecute the suspects.<sup>544</sup> Even outside these specific contexts, third States more generally have the power under international law to launch prosecutions of international crimes committed in other States using what is called “universal jurisdiction”.

*Progress to Date in Accountability Field*

**(i) Government of Yemen**

366. In its previous reporting period, the Group of Experts examined the operation of the National Commission of Inquiry (NCOI) established by the Government of Yemen, based upon information available to it.<sup>545</sup> The NCOI was mandated to investigate all alleged international human rights law and international humanitarian law violations perpetrated in Yemen since January 2011.<sup>546</sup> Cases investigated by the NCOI are to be referred to the national judiciary “so that perpetrators of human rights violations are brought to justice and the victims receive reparations.”<sup>547</sup>

367. Since the time of the Group of Expert’s previous report, the NCOI has issued two further reports: a seventh report covering the period 1 February 2019 to 31 July 2019<sup>548</sup> and an eighth report, covering the period 1 August 2019 to 31 July 2020 (thus covering most of

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for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by General Assembly resolution 60/147 (16 December 2005) principle 4; and the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, E.CN.4/2005/102/Add.1 (2005), principle 19.

<sup>542</sup> The Group of Experts has previously considered the applicability of duties under international human rights law to de facto authorities: A/HRC/42/CRP.1, para.82 as well as the applicability of the international humanitarian law obligations: para.870.

<sup>543</sup> Explicit duties to “extradite or prosecute” are found in, for instance, the CAT, CPED, and the grave breaches regime of the Geneva Conventions (applicable in IAC). The ICJ in the *Questions relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)* ICJ Reports 2012, p. 422, determined that the obligation to prosecute under the CAT arose regardless of the existence of a prior request for the extradition of a suspect. National authorities are left to decide whether to initiate proceedings in light of the evidence before them and the rules of criminal procedure. The obligation to prosecute in this respect is the obligation to submit the case to the prosecutorial authorities. Note there are different formulations of the extradite or prosecute obligation: see “The obligation to extradite or prosecute (aut dedere aut judicare): Final Report of the International Law Commission” (2014).

<sup>544</sup> ICRC Study on Customary International Humanitarian Law, rule 158.

<sup>545</sup> The Group of Experts has previously expressed concerns about whether the NCOI conducts its investigations in accordance with international human rights standards, in particular raising issues concerning transparency, independence (e.g. in selection of cases), effectiveness, thoroughness and credibility of the NCOI, see A/HRC/42/CRP.1 paras. 879-886.

<sup>546</sup> The NCOI was established following the amendment by President Hadi on 7 September 2015 of Presidential Decree No. 140 of 22 September 2012 (as amended by Decree No. 13 of 2015, Decree No 50 of 2017 and Decree No.30 of 2019)).

<sup>547</sup> National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen, 8 November 2018 (“Government of Yemen’s UPR Report (2018)”), para. 49.

<sup>548</sup> Seventh Report: The work of the National Commission to Investigate Alleged Violations to Human Rights in Yemen (2019) (“Seventh Report of the NCOI”)

the Group's current reporting period).<sup>549</sup> In its eighth report, the NCOI indicated that it had monitored and documented a further 2490 incidents, involving over 30 categories of violations.<sup>550</sup> The report provided details of the major categories of violations examined, grouped together as: (1) international humanitarian law-related violations (the killing and injuring of civilians, laying of landmines, child recruitment, attacks on cultural and historic objects, attacks on medical staff and health facilities, forced displacement, and civilian sieges and denial of aid); (2) international human rights law-related violations (extra-judicial killings, arbitrary detention and enforced disappearances, torture and ill-treatment, and the blowing up of houses); (3) Violence against Women; and (4) US Drone related violations.<sup>551</sup> The Group of Experts welcomes the progress made by the NCOI, while noting that its operations remain somewhat hampered by non-recognition by the de facto authorities, limited cooperation from the coalition, and security/access issues for its field officers, as well as more recent COVID-related restrictions. The Group reiterates the importance of the NCOI being 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.

368. Pursuant to its obligation under art. 5 of Republican Decree No 50 of 2017, the NCOI has referred over 1000 casefiles to the Attorney-General: 416 during the first half of 2019,<sup>552</sup> and a second batch of 601 casefiles transferred to the Attorney-General reported in the eighth report.<sup>553</sup> The Group of Experts understands that some 19 cases had progressed to the trial stage at the Specialized Criminal Court in Aden, before court proceedings were suspended in May 2020 due to COVID-19.<sup>554</sup> Further information from the Government of Yemen pursuant to the Group's written request as to the status of the criminal justice investigations and any prosecutions had not been received at the time of preparation of this report.

369. Notwithstanding the NCOI's activities, the picture emerging from investigations by the Group of Experts into individual cases in 2019-2020 remains of a lack of responsiveness within the Yemeni criminal justice system to pursuing investigations and prosecutions of crimes relating to human rights or humanitarian law violations. Only in a small number of cases investigated this year were there active police investigations leading to referrals to the Attorney-General and/or the relevant Prosecution service. Such cases tended to be limited to ones in which victims' lawyers were active in agitating the case. With respect to cases in which individuals had been formally charged during the Group's previous reporting period – for example, the killing of the ICRC official, Hanna Lahoud, or the assassinations allegedly carried out by members of the Security Belt's Anti-Terrorism cell - the Group understands there have been no further developments.

370. Yemeni prosecutorial authorities have themselves identified technical challenges that they will face in investigating and prosecuting these violations. According to the seventh report of the NCOI, for instance, in meetings concerning the referral of files between the NCOI and Public Prosecutors, the latter identified specific capacity-building needs relating to mechanisms for trying perpetrators of human rights violations and relevant international law.<sup>555</sup> The subject of the readiness of the Yemeni justice system to deal with the prosecution of international crimes is a matter the Group of Experts will return to in relation to considering "future prospects" of accountability in Yemen below.

<sup>549</sup> Eighth Report: The work of the National Commission to Investigate Alleged Violations to Human Rights in Yemen (2020) ("Eighth Report of the NCOI"). This report's publication was delayed due to COVID19, so covers a longer time period than the NCOI's previous 6-monthly reports.

<sup>550</sup> Eighth Report of the NCOI, p. 21. In its Seventh Report, the NCOI reported having completed investigations into 1424 cases: Seventh Report of the NCOI, p. 13.

<sup>551</sup> Eighth Report of the NCOI, chapter 6.

<sup>552</sup> Seventh Report of the NCOI p. 10.

<sup>553</sup> Eighth Report of the NCOI, p. 17.

<sup>554</sup> This was reportedly after the death of the head of the Prosecution Service for Aden, Judge Muhammad Ali Saleh on 1 May 2020 from acute pneumonia, who was suspected to have had COVID19. <https://twitter.com/almasdaronline/status/1256241344751828992>.

<sup>555</sup> Seventh Report NCOI, p. 10.

**(ii) De Facto Authorities**

371. During the last reporting period, the de facto authorities reported to the Group of Experts that after investigation pursuant to military criminal procedures, no members of their forces had been found responsible for violations of human rights law or humanitarian law. The Group of Experts concluded that this assertion by the de facto authorities raised strong concerns as to whether there was any accountability mechanism in place to investigate and prosecute alleged cases, and was suggestive of a blatant lack of accountability.<sup>556</sup> An update was sought from the de facto authorities in relation to any investigations conducted or prosecutions undertaken. However, at the time of preparation of this report, no response had been forthcoming. The Group of Experts is not aware of any prosecutions or other proceedings having yet been instigated by de facto authorities in relation to violations documented by the Group of Experts. It remains concerned at the apparent continued lack of commitment to real accountability.

**(iii) Coalition Members**

372. Over the last three reporting periods, the Group of Experts has highlighted a range of violations arising out of coalition operations in the conflict in Yemen. In last year's report, the Group of Experts examined the work being undertaken by the coalition's Joint Incident Assessment Team ("JIAT") based on the information available to it.<sup>557</sup> The Group remains concerned at the tendency for JIAT to accept the legality of airstrikes involving military targets, without taking into proper account principles of proportionality or precaution. During this reporting period, the Group of Experts has sought to establish what follow-up is being taken to JIAT recommendations.

373. JIAT has investigated more than 190 incidents of alleged violations.<sup>558</sup> The United Nations Security Council-mandated Panel of Experts reported in January 2020 that the following eight cases had been referred by JIAT to military prosecutors for action.<sup>559</sup>

<i>No.</i>	<i>Case</i>	<i>Location</i>	<i>Date</i>
1	Haydan hospital	Sa'dah	26 October 2015
2	Abs hospital	Abs	5 August 2016
3	Great hall	Sana'a	8 October 2016*
4	Sa'dan well	Sana'a	10 September 2016
5	Car in Ma'rib	Ma'rib	16 September 2017
6	Bus	Sa'dah	9 August 2018*
7	Wedding in Bani Qees	Hajjah	22 April 2018*
8	Cholera treatment facility	Hajjah	11 June 2018*

Source: JIAT, as quoted by the the Security Council-mandated Panel of Experts

\*Previously investigated by the Group of Eminent Experts

<sup>556</sup> A/HRC/42/CRP.1, para. 898.

<sup>557</sup> As noted previously, a lack of transparency remains the main obstacle to thoroughly assessing the JIAT, but the Group of Experts has previously raised questions concerning its meeting of international standards concerning independence and impartiality, effectiveness, thoroughness and credibility: A/HRC/42/CRP.1, paras. 889-894.

<sup>558</sup> According to the case numbers in official press releases:

<https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2084967>

<sup>559</sup> Final Report of the Panel of Experts on Yemen, S/2020/326, p. 40.

374. Among these eight cases are four cases that the Group of Experts has previously documented: namely numbers 3, 6, 7 and 8 in the above listing. From examining JIAT press releases and press conferences regarding these four cases, JIAT's conclusions appear to relate primarily to failures to take the necessary steps, including following relevant procedures, to minimise damage to civilians/civilian objects.<sup>560</sup> In each case, in addition to legal proceedings, the JIAT recommended that monies be paid to families of victims and/or relevant persons in respect of material damage.<sup>561</sup> In some cases, recommendations were made to review the Rules of Engagement.

375. In February 2020, Colonel Turki al-Maliki, the Spokesman for the coalition forces, stated that the Joint Command of the coalition had referred the cases involving violation of the rules of engagement to the concerned countries. Al-Maliki indicated that the files included "documents and evidence to complete the formalities on accountability." Al-Maliki also noted that "that the judicial authorities have begun the procedures of the trial, and the judgments will be announced once they acquire the peremptory status."<sup>562</sup>

376. The Group of Experts requested further information on these cases, and any other cases subsequently referred to national authorities. In particular, the Group of Experts sought details of the identity of the relevant national authorities dealing with the cases and information concerning the status of national proceedings: e.g., the nature of any charges, the level of personnel charged, and the outcome of any proceedings (for example, convictions for offences, the imposition of punishment and/or disciplinary penalties). As of the date of the preparation of this report, the Group of Experts had not received any response. From its search of public records, the Group is not aware of any courts-martial having been concluded with respect to cases that the Group of Experts has examined.

377. The Security Council-mandated Panel of Experts also reported that JIAT had concluded there had been "technical" error in an additional 10 cases.<sup>563</sup> These cases were:

<i>No.</i>	<i>Case</i>	<i>Location</i>	<i>Date</i>
1	Street in Sa'dah	Sa'dah	2 June 2015
2	Sham water factory	Hajjah	30 August 2015
3	Sa'baa university	Sana'a	16 July 2015
4	Two houses in Saba'in district	Sana'a	22 September 2015
5	House in Faj Attan	Sana'a	25 August 2017*
6	Building in Dar Saber	Ta'izz	26 May 2015
7	Building near ministry of defence	Sana'a	10 November 2017
8	Hasabah district	Sana'a	21 December 2015
9	Kitaf hospital	Sa'dah	26 March 2019*
10	Qobari district	Sana'a	9 June 2017

Source: JIAT, as quoted by the Security Council-mandated Panel of Experts.

\*Previously investigated by the Group of Eminent Experts.

378. Of these 10 cases, two relate to airstrikes previously examined by the Group: numbers 5 and 9 above. The press releases concerning JIAT investigations in these two cases, reveals

<sup>560</sup> Details of the cases were found at: [www.spa.gov.sa/1812903](http://www.spa.gov.sa/1812903) (Wedding Tent in Hajjah case); [www.spa.gov.sa/1875235](http://www.spa.gov.sa/1875235) (MSF Cholera Treatment plant case), [www.spa.gov.sa/1804423](http://www.spa.gov.sa/1804423) (Bus in Dhahyan market, Sa'ada case); and <https://www.spa.gov.sa/1548647> (Great Hall, Al-Kubra case).

<sup>561</sup> The topic of reparations is dealt with separately below: see para. 403.

<sup>562</sup> <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2034044> (12 February 2020).

<sup>563</sup> S/2020/326, p. 40.

the “technical error” identified as being related to a fault with the bomb and/or non-responsiveness to the guidance mechanism in the Faj Attan case, and a “drifting away” of a bomb due to a technical fault in the Kitaf hospital case.<sup>564</sup> In both cases, JIAT recommended that coalition States consider providing financial assistance to the families of victims and for material damage. JIAT also recommended that coalition forces study the reasons for the technical failures and take corrective measures to prevent repetition. Several additional cases investigated by the Group of Experts in either past or present mandates have been found by JIAT to be the result of technical error.<sup>565</sup> In the February 2020 press conference, Colonel Turki al-Maliki, the Spokesman for the coalition forces, stated that technical error cases had also been referred to the relevant countries.

379. During its investigations, the Group of Experts sought further details on relevant cases: including any investigations at either the coalition or national level into the reasons for such technical errors, and on the response to such technical errors, including any changes of procedures. As of the time of preparation of this report, no information had been received.

380. The Group of Experts has previously raised concerns about the adequacy of JIAT investigations. It has highlighted the lack of transparency in relation to JIAT’s selection of cases, and noted apparent deficiencies with respect to the investigations and legal analysis. It recalls the need for investigations to meet international standards with respect to independence and impartiality, effectiveness, thoroughness and credibility. Investigations are needed into all relevant violations and JIAT should publicly identify the relevant States implicated more clearly. The Group of Experts underlines that each coalition State implicated in violations remains responsible for carrying out appropriate investigations and, where indicated, for conducting prosecutions of serious violations of both international humanitarian law and international human rights law. While recognising the complexity of relevant legal proceedings, the Group of Experts is concerned that coalition members are not acting with appropriate speed and diligence in pursuing investigations and prosecutions in these cases.

#### **Future Prospects of Prosecutions in Yemen**

381. It is apparent that there remains a significant accountability gap with respect to violations committed in Yemen. With a view to making a further contribution within this accountability field, the Group of Experts has sought to evaluate the current capacity of the Yemeni justice system to undertake prosecutions of violations amounting to international crimes. The Yemeni justice system is not the only system that may be involved in investigating and prosecuting crimes committed in Yemen. However, much of the potential caseload would ordinarily fall within the purview of the Yemeni justice system, making it a particularly important forum to evaluate.

382. As a result of its inquiries, the Group of Experts considers that the Yemeni justice system at present lacks the means and capacity to conduct independent and credible investigations into the range of serious violations committed by all parties during the conflict. The Group also has significant doubts as to the ability of the justice system to conduct trials of those responsible in a manner consistent with international human rights standards. Victims, witnesses and judicial actors lack sufficient protection against likely reprisals. Significant questions surround whether there is sufficient political will to underpin necessary reform.

383. The current system of administration of justice in Yemen needs to be understood against the background of the operation of the system in preceding years. Despite formal protections for judicial independence in the Yemeni Constitution,<sup>566</sup> during the Saleh regime

<sup>564</sup> Details of the findings drawn from:

<https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733463> (Faj Attan case); and <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1933922> (Al Kitaf hospital case).

<sup>565</sup> Additional cases attributed to technical error by JIAT that were investigated by the Group of Experts include the bombing of Raqqaa (16 May 2019), and the shelling of the Al-Raqw market (24 December 2019).

<sup>566</sup> Constitution of Yemen, art. 149.

the justice system was dominated by the executive branch, rather than operating as an independent institution.<sup>567</sup> In the transition period of 2011-2014, the justice sector was one of the key areas identified as requiring structural reform. The National Dialogue Conference (NDC), for instance, highlighted the need for greater judicial independence, recommending, *inter alia*, reform of the Supreme Judicial Council<sup>568</sup> and the taking of measures to combat bias towards political parties, and sectarian or factional groups.<sup>569</sup>

384. A number of assessments of the justice system conducted during this transition period identified key weaknesses. Significant deficiencies were reported with respect to fair trial standards, including in death penalty cases.<sup>570</sup> The use of torture to obtain confessions continued to occur, despite the unlawfulness of such conduct.<sup>571</sup> Active discrimination against women (as judicial actors and as other participants in the system) was reported.<sup>572</sup> Judges repeatedly engaged in strikes to protest at the threats and physical assaults they encountered.<sup>573</sup> Judicial education and training, case management, backlogs and basic infrastructure were all identified as areas requiring development assistance. Corruption continued to be a systemic issue, with the United Nations Human Rights Committee in 2012 describing the judiciary as suffering from “endemic corruption”.<sup>574</sup> External influences (such as political or tribal influences) at times influenced and subverted the proper application of laws.<sup>575</sup> Allegations of nepotism and cronyism tainted the process for the appointment of some judicial, prosecutorial and other staff. Existing systems for rotation of judges and the formal system of accountability to address misconduct by judicial actors was vulnerable to manipulation, with the instigation of investigations, or the transfer of personnel, being used on occasion as a form of reprisal against individuals.<sup>576</sup> Resource and infrastructure constraints also hampered performance.

385. Significant reforms were undertaken during the 2011-2014 period, particularly with respect to the composition of the Supreme Judicial Council and the restructuring of the Ministry of Justice.<sup>577</sup> Capacity building of the judiciary intensified, and programmes to

<sup>567</sup> As to pre-existing issues with respect to the independence of the judiciary, see for instance, Mohammed Alshuwaiter and Emelie Kozak, *The Judiciary in Yemen: The Status Quo, Current Challenges and Post-Conflict Considerations*, Deep Root Report (2019) pp. 2-4. See too Laila al-Zwaini, *The Rule of Law in Yemen: Prospects and Challenges*, HiiL Rule of Law Quick Scan Series, (2012), p. 64.

<sup>568</sup> Under the Constitution, the Superior Judicial Council has the function of executing “guarantees for the judiciary in the fields of appointment, promotion, discharge and dismissal according to the law.” (Constitution, art. 152) In reality, it exercises significant power: determining, for instance, the number of courts, the territorial jurisdiction of courts, the appointment, assignment, transfer and removal of judges and prosecutors, and handling disciplinary action. Reforming the membership to reduce the level of executive control has been a key focus for reform.

<sup>569</sup> National Dialogue Conference Outcomes Document, p. 59.

<sup>570</sup> A 2014 study undertaken by the United States Institute for Peace concluded that the information collected “suggested serious, frequent and widespread deviations from criminal procedure and violations of Yemeni law”: Erica Gaston and Nadwa al-Dawsari, *Justice in Transition in Yemen: A Mapping of Local Justice Functioning in Ten Governorates* (2014), p. 45.

<sup>571</sup> Laila Al-Zwaini, *The Rule of Law in Yemen: Prospects and Challenges*, HiiL Rule of Law Quick Scan Series, (2012), p. 82. As to earlier consideration by the Committee against Torture, see Concluding Observations: Yemen, CAT/C/YEM/CO/2/Rev.1 (2010), paras. 8, 28.

<sup>572</sup> As to systemic legal discrimination, see for instance, UNDP, *Yemen: Gender Justice and The Law* (2018), p. 12.

<sup>573</sup> See eg, coverage of this in previous High Commissioner for Human Rights reports: A/HRC/24/34, para.35; A/HRC/27/44, para. 42.

<sup>574</sup> Human Rights Committee, Concluding Observations: Yemen, CCPR/C/YEM/CO/5, para. 17.

<sup>575</sup> Laila Al-Zwaini, *The Rule of Law in Yemen: Prospects and Challenges*, HiiL Rule of Law Quick Scan Series, (2012), p. 64.

<sup>576</sup> *Ibid.*, pp. 26, 64.

<sup>577</sup> Government of Yemen’s UPR Report (2018), paras. 8-9.



strengthen the rule of law continue, even during the current conflict.<sup>578</sup> However, deeper justice sector reform has stalled.<sup>579</sup>

386. During the current conflict, the judicial sector has been further weakened and fragmented. Prosecutors and courts are simply not functioning in some areas of the country, particularly in the south. The Group of Experts has received multiple reports of a lack of responsiveness by authorities in investigating and prosecuting alleged violations, notwithstanding the progress in some cases referred by the NCOI to the Attorney-General. Judges and other judicial actors continue to face attacks or threats of attacks or other forms of harassment. A climate of intimidation infects the system, with some judicial actors reluctant even to pursue action in relation to attacks on themselves, and a significant degree of self-censorship reported by some actors given prevailing pressures. Corruption continues to be raised as an ongoing issue by interlocutors.

387. Notwithstanding the way in which many judicial officials have sought to defend their independence and continue to carry out their functions, the current dual governance system (including dual Supreme Judicial Councils, Higher Judicial Institutes and Presidents of the Supreme Court) across the Government of Yemen/de facto authorities divide,<sup>580</sup> has further eroded trust in the ability of the formal justice system to render impartial justice. In this report's section on the Administration of Justice (see paras. 334 and ff), the Group of Experts has highlighted serious human rights violations occurring in this sector. In some areas, the judicial system has been co-opted to pursue political goals: e.g., in the abbreviated trials in the Specialized Criminal Court of Sana'a against members of parliament or journalists. More generally, there are significant deficiencies with respect to ensuring fair trial guarantees. The authority and legitimacy of some judges and courts is disputed (e.g., with some judges and courts operating within areas controlled by the de facto authorities not recognised by Government of Yemen authorities).<sup>581</sup> The Group of Experts is not aware of any vetting processes to identify and remove judicial or prosecutorial officials involved in past or present violations.

388. Any future prosecutions of perpetrators of violations committed in the context of the conflict in Yemen may be particularly sensitive, with a significant risk of reprisals for those taking part in the proceedings. A pervasive climate of fear and distrust of authorities already reduces individuals' willingness to make official complaints and participate in legal proceedings. In the absence of rigorous security measures for judicial actors and an appropriate programme of victim and witness protection, the Group of Experts is concerned that the safety of participants (whether as judges, prosecutors, defence counsel, court staff, accused, victims and witnesses) would not be assured. Furthermore, there would need to be a significant increase in political will across the political spectrum to uphold and protect the independence of the system in dealing with politically charged cases.

<sup>578</sup> See for instance, UNDP, *Enhanced Security, Safety and Protection at the Local Level in Yemen: Rule of Law Project Annual Report 2019*.

<sup>579</sup> The stalling of such reform has been attributed by some to a lack of political will or capacity to tackle justice reform at a time of political uncertainty and state frailty, Erica Gaston and Nadwa al-Dawsari, *Justice in Transition in Yemen: A Mapping of Local Justice Functioning in Ten Governorates* (2014), p. 6.

<sup>580</sup> In addition to the formal justice system in Yemen, there is an informal justice system (e.g., tribal mediation) which is often resorted to more frequently than the formal justice system. AQAP also established its own justice system in areas under its control. The Group of Experts considers it important that criminal trials relating to serious violations committed in Yemen be dealt with through the formal justice system.

<sup>581</sup> After the Supreme Judicial Council in Aden issued Decree No 15 of 2018 moving the Criminal Court and Appeals Division from Sana'a to the Mar'ib Governorate, the Government of Yemen authorities have regarded rulings issued by the court in Sana'a as void because of a lack of jurisdiction and illegal formation: see e.g., Seventh Report, National Commission of Inquiry, p. 7, footnote 6. Some appointments within the judicial sector (e.g. judges/prosecutors) of both the de facto authorities and the Government of Yemen appear to be at variance with the requirements of Yemeni law.

389. At a technical level, Yemeni law<sup>582</sup> requires significant reform to support prosecutions for the full range of violations amounting to international crimes and to ensure coverage of appropriate modes of liability.<sup>583</sup> Its Criminal Code, for instance, currently does not appear to criminalise enforced disappearance, war crimes or crimes against humanity. It has some coverage of torture, however it is limited and does not match the definition provided in international treaties.<sup>584</sup> Nor does it cover all aspects of sexual violence. The Code does not appear to address all relevant modes of liability (e.g., superior/command responsibility). On the face of the Criminal Procedure Code, there are some potential limiting clauses, e.g., in relation to time to file complaints, or extra permissions needed for pursuing prosecutions against a judicial enforcement officer or civil servant.<sup>585</sup> While in theory there are a range of procedural guarantees attaching to defendants, all too frequently the basic procedural guarantees are illusory. Yemeni law discriminates against women, including with respect to the value accorded to women's testimonies.<sup>586</sup> Some of the domestic offences that might be used to cover serious violations (e.g., murder, kidnapping accompanied by death) attract the death penalty,<sup>587</sup> intensifying the concern about due process deficiencies. Added to this, is the fact that there is little experience in the Yemeni justice system of prosecuting international crimes.

390. Alongside the civilian justice system is the military justice system. Its proceedings are governed by the Military Criminal Procedure Law.<sup>588</sup> The substantive criminal law matters it deals with are set out in the Military Crimes and Penalties Code,<sup>589</sup> which includes a chapter on war crimes. From a textual reading of the law, it is not clear if the scope extends to all serious violations of international humanitarian law amounting to war crimes under customary international law or only those arising under treaty law.<sup>590</sup> The Military Court's

<sup>582</sup> In the following analysis, reliance has been placed on copies of Yemeni laws that are publicly available and/or provided by interlocutors. Where only Arabic versions of relevant laws are available, unofficial translations have been undertaken.

<sup>583</sup> In general, the Group considers it preferable for serious violations of human rights and humanitarian law amounting to crimes under international law to be tried as such, to demonstrate the gravity of the offences and facilitate appropriate sentencing, as well as to acknowledge the extent of harm to victims and the community.

<sup>584</sup> Under the Yemeni Law concerning Crimes and Penalties, Decree No. 12 of 1994 (Criminal Code), torture by a public employee is a criminal offence if it is used to force a confession during arrest, investigation, detention or imprisonment or to force a victim, witness or expert to testify (art.166). However, there is no stand-alone provision of torture mirroring the definition of torture under the CAT, a matter commented on by the Committee against Torture, Concluding Observations (2010), CAT/C/YEM/CO/2/Rev.1, para.7. The Constitution of Yemen contains a broader prohibition of torture, but it is the Criminal Code that would govern prosecutions. The CAT Committee also noted limitations on the modes of liability: with coverage of those who order torture or carry it out, but not for those who are otherwise complicit: *Ibid.*

<sup>585</sup> Criminal Procedure Code, Decree No. 13 of 1994, art. 26. See also Criminal Code, art. 26.

<sup>586</sup> See A/HRC/42/CRP.1, para.619.

<sup>587</sup> See Yemeni Criminal Code, arts. 234 and 249. Concerns have also been raised previously as to the scope of persons to whom the death penalty has been applied in practice: see Human Rights Committee, Concluding Observations, CCPR/C/YEM/CO/5 (2012) para.14.

<sup>588</sup> Military Criminal Procedures Law, Decree No. 7 of 1996.

<sup>589</sup> Military Crimes and Penalties Code, Decree No. 21 of 1998.

<sup>590</sup> Art. 21 of the Military Crimes and Penalties Code reads:

“A penalty of up to 10 years’ imprisonment or sanctions commensurate with the results of the crime shall be inflicted on any person subject to the provisions of this Code who in time of war commits any act that harms persons and property entitled to protection under the terms of international conventions to which the Republic of Yemen is a party. The following acts in particular, shall be deemed war crimes punishable under the terms of this Code:

- 1 – Killing prisoners of war or civilians and such penalty shall not relieve him from the criminal case if the killed person is of respectable ancestry.
- 2 - The torture, ill-treatment or deliberate infliction of severe pain on prisoners or their subjection to scientific experiments;
- 3 - The deliberate infliction of serious damage to the physical and mental integrity and health of military and civilian prisoners or their conscription into the armed forces.

jurisdiction does not appear limited solely to military personnel. The Military Criminal Procedure Law contains few “fair trial” procedural rights, although it does provide that the guarantees of the (ordinary) criminal procedure law are to apply on matters not stipulated in the military law.<sup>591</sup> In July 2020, it was announced that a first hearing had taken place in the Military Court of Ma’rib in the prosecution of Houthi leader Abdulmalik al-Houthi and some 174 defendants (military and civilian) for offences related to the coup against President Hadi.<sup>592</sup> Military court proceedings tend to be less documented than the civilian system, and as such remain somewhat opaque. However, the Group of Experts considers it unlikely that the military courts would be immune from the challenges that beset their civilian counterparts. Furthermore, the Group considers that the use of military tribunals should be restricted to specifically military offences committed by military personnel, to the exclusion of serious human rights violations, which should be dealt with through civilian courts.<sup>593</sup>

391. On the basis of the above-described factors, the Group of Experts has concluded that there are significant challenges facing the Yemeni justice system (in either its civilian or military forms) in being able to properly address the large caseload relating to violations that have occurred and are continuing to occur during this conflict. Even if the conflict were to end soon, it would take a significant period of time to rebuild a unified justice system and to address pre-existing weaknesses. This has confirmed the Group of Experts’ opinion that further initiatives are needed by the international community to help bridge the accountability gap in Yemen.

### **International Justice Initiatives**

392. While the primary responsibility to address violations remains with parties to the conflict, the international community can and should take further initiatives to help bridge the accountability gap. Particular initiatives that the international community might take are outlined below. There are some actions that the international community could take immediately. Others may require further dialogue and a more conducive national environment. However, the Group of Experts considers it important that the dialogue be commenced at the earliest possible time.

#### **1) Refer the Situation in Yemen to the International Criminal Court**

393. Yemen is not a party to the Rome Statute of the International Criminal Court (ICC). Nor have most members of the coalition supporting the Government of Yemen in the conflict ratified the Rome Statute. However, the Security Council could refer the situation in Yemen to the Prosecutor of the ICC.<sup>594</sup> This would send a powerful signal that the violations

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4 – Illegally detaining civilians or taking them as hostages or using them as human shields during military operations.

5 - The perfidious use of distinctive emblem of Yemeni Red Crescent or any other International protective emblems provided for in international conventions.

6 – Attacking civilians and persons incapable of fighting, looting and robbing properties with the judgment stipulating the return of such items or pay compensation in cases of obliteration.

7 – Attacking civilian installations whether public or private.

8 – Attacking demilitarized areas with no justification for such attacks” (unofficial translation). It is unclear the extent to which serious violations of international humanitarian law under customary international humanitarian law are covered by this Article.

<sup>591</sup> Military Criminal Procedures Law, art. 109.

<sup>592</sup> <https://www.sabanew.net/viewstory/64074>.

<sup>593</sup> See Principle 29, Updated Set of Principles for the protection and promotion of human rights through action to combat Impunity, E/CN.4/2005/102/Add.1 (2005). See also the Draft Principles Governing the Administration of Justice Through Military Tribunals, E/CN.4/2006/58 (2006) (“Decaux Principles”); and the Report of the Special Rapporteur on the independence of judges and lawyers, A/68/285, (2013), para. 34. See also See Federico Andreu-Guzman, *Military jurisdiction and international law: Military courts and gross human rights violations*, Vol. I, International Commission of Jurists, Geneva, 2004, p. 12.

<sup>594</sup> Rome Statute, art. 13(b). Note that on at least one occasion the Security Council’s referral has integrated a significant retrospective element: referring the situation in Darfur “since 1 July 2002” in a resolution passed in March 2005 (Security Council resolution 1593, S/RES/1593, 13 March 2005, para. 1).

committed in Yemen are of concern to the global community, and that no-one is above the law with respect to the commission of such crimes. Given its nature, the ICC could only investigate and prosecute a small number of persons. However, the reverberations of such prosecutions would be significant – in Yemen and globally. The Group of Experts thus calls upon the Security Council to consider referral of the situation in Yemen to the ICC.

394. At the same time, given the large number of cases that will need further investigation and mindful of the particular issues facing the Yemeni justice system, the international community should consider further initiatives. There are steps that the international community could take immediately, and others that might require a longer timeframe.

## **2) International Independent Investigative Mechanism for Yemen**

395. The Group supports the establishment of an international criminal justice investigative body that could build upon the work of the Group of Experts, but develop further specific criminal justice related files. Similar initiatives have been taken in other contexts with the General Assembly's establishment of the IIM-Syria<sup>595</sup> and the Human Rights Council's establishment of the IIM for Myanmar.<sup>596</sup> Such bodies have been mandated to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and international human rights law and international crimes, and prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over the crimes.

### **(3) A Specialised Tribunal such as a Hybrid Tribunal<sup>597</sup>**

396. In the longer term, the Group of Experts would encourage consideration to be given to the establishment of some form of specialised tribunal such as a hybrid court (involving national and international actors). It is a model that has been used successfully elsewhere – e.g., in Sierra Leone<sup>598</sup> and Cambodia<sup>599</sup> --with collaboration between the United Nations and the country concerned. Some tribunals have been established through an Agreement between the United Nations and the country concerned. Others have been established within the national justice system with legislation allowing for international involvement (e.g., in Timor Leste,<sup>600</sup> and the Central African Republic).<sup>601</sup> It is also a model that has been used successfully at a regional level by the African Union, in establishing the Extraordinary African Chambers in Senegal,<sup>602</sup> the planned Hybrid Court for South Sudan,<sup>603</sup> and in a modified fashion by the European Union in supporting the Kosovo Specialist Chambers.<sup>604</sup> There has been no similar precedent among the League of Arab States/Gulf Countries, and it is difficult to anticipate support coalescing at the regional level for such an initiative.

<sup>595</sup> The International, Impartial and Independent Mechanism for Syria was established pursuant to General Assembly resolution 71/248, A/RES/71/248 (adopted 21 December 2016).

<sup>596</sup> Independent Investigative Mechanism for Myanmar established pursuant to Human Rights Council resolution 39/2, A/HRC/39/2 (adopted 27 September 2018).

<sup>597</sup> The Group of Eminent Experts has referred previously to the potential need for an international accountability mechanism: see A/HRC/39/43, para.105; A/HRC/42/CRP.1, para.940.

<sup>598</sup> Special Court for Sierra Leone established pursuant to an Agreement between the United Nations and the Government of Sierra Leone, 16 January 2002.

<sup>599</sup> Extraordinary Chambers in the Courts of Cambodia, established pursuant to an Agreement between the United Nations and the Royal Government of Cambodia, 6 June 2003.

<sup>600</sup> Regulation on the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences, UNTAET/REG/2000/15.

<sup>601</sup> Organic Law 15/003 on the creation, organization and functioning of the Special Criminal Court (2015). The Special Criminal Court receives support in particular from the UN peacekeeping mission.

<sup>602</sup> Established pursuant to an Agreement between Senegal and the African Union (22 August 2012).

<sup>603</sup> Provided for in the Agreement on the Resolution of the Conflict in the Republic of South Sudan (17 August 2015) and the Revitalized Agreement (12 September 2018).

<sup>604</sup> The Kosovo Specialist Chambers was established under Kosovo law (Law on Specialist Chambers and Special Prosecutors Office (2017)), following an agreement with the EU.

However, in the view of the Group of Experts, the creation of such a hybrid body should be given real consideration by international actors and Yemeni authorities.

397. On the Yemeni side, a specialised structure could be created within the Yemeni judicial system, for instance, that would allow for the development of specialised knowledge by judges, prosecutors, investigators and lawyers. The involvement of international actors alongside national actors would alleviate concerns about impartiality and independence. The Group of Experts recognises that such an initiative would require not only willingness on the part of the international community to support a new structure, but would also require conducive conditions within Yemen – in particular a united governance system, and support from the Yemeni community. The Group of Experts would support further study and dialogue in relation to the creation of a specific mechanism for Yemen.<sup>605</sup>

#### **(4) Prosecution in the Domestic Courts of Third States**

398. In international law there are several bases on which non-parties to the conflict might institute prosecutions for alleged international crimes arising out of violations committed in Yemen. This includes where the alleged perpetrator is a national of the State (using nationality jurisdiction); or where the victim is a national (passive personality jurisdiction). It also includes situations where there is no link with the State, but the nature of the crime is such that international law recognises the interest of all States in its prosecution and punishment (“universal jurisdiction”). Many third States have enacted legislation covering extraterritorial international crimes of this nature - whether pursuant to ratification of the Rome Statute or, for instance, in fulfilling duties with respect to endowing their courts with jurisdiction as required by other international regimes (e.g., the grave breaches regime or the CAT). In the last five years, there has been growth in the number of States commencing “universal jurisdiction” prosecutions in their domestic systems against individuals alleged to have been responsible for international crimes in other States. Prominent among these are the prosecutions brought in European States in relation to individuals alleged to have committed violations amounting to crimes in Syria. Some of the reasons for the growth in these cases include: the number of Syrian victims, witnesses and alleged perpetrators present in Europe; the transnational efforts to share information; the commitment of immigration and law enforcement officials to work together to identify suspected perpetrators; and the role of diaspora communities, transnational NGOs and intra-European official networks.<sup>606</sup>

399. While not all of these factors may be present in the Yemen situation, at least to the same extent as in the case of Syria given, in particular, the smaller proportion of Yemenis who have been able to flee Yemen, third States have the capacity to cooperate in sharing information, and providing mutual legal assistance to each other, and can ready their systems for use in appropriate cases. Several initiatives have been undertaken by NGOs and law firms globally, seeking to have formal investigations commenced by national judicial bodies, including in Argentina, France, the United Kingdom of Great Britain and Northern Ireland and Italy (with the latter case alleging complicity of arms companies).<sup>607</sup> Regardless of the outcome in these particular cases, the Group of Experts encourages third States to actively use their networks to share relevant information, and be ready and willing to prosecute in their own domestic courts cases relating to violations committed in Yemen.

#### **(5) Ensuring peace integrates respect for accountability**

400. International attention has rightly been focused on efforts to bring an end to the conflict in Yemen. The Group of Experts supports the significant work being undertaken in

<sup>605</sup> Consideration could also be given to other models: e.g. a standalone international tribunal similar to the ICTY or ICTR. The Group of Experts, though, notes that since the creation of the ICC, there has been little international appetite for the creation of such bodies. The Group’s proposal for further consideration of a hybrid body is also informed by its view that capacity-building initiatives with respect to the Yemeni justice system, while welcome, will not adequately address the evident shortcomings and the lack of trust in the impartiality and independence of the system.

<sup>606</sup> Annemarie Devereux, “Accountability for human rights violations in Syria: reasons for hope” (2019) *Australian Journal of Human Rights* 391.

<sup>607</sup> See Trial International, *Universal Jurisdiction Annual Review 2020*.

this regard, including the work of the Secretary-General’s Special Envoy for Yemen. It notes, however, that it will be vital to ensure that negotiations integrate proper respect for human rights, including the need to ensure accountability for the serious violations that have occurred. In this regard, the Group recalls the need to uphold international law and avoid any broad amnesties,<sup>608</sup> or other measures that would undermine the prosecution of those responsible for international crimes.

#### **(6) Sanctions regime**

401. In February 2014, the Security Council passed resolution 2140 imposing various sanctions, in particular a travel ban, and assets freeze on listed individuals. The overall criteria for listing related to “engaging in or providing support for acts that threaten the peace, security or stability of Yemen”.<sup>609</sup> The resolution set out certain examples of conduct that would satisfy this test, including “planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen.”<sup>610</sup> In 2015, further examples were added, including “obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen”.<sup>611</sup> February 2020 saw the Security Council recognise that engaging in “sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law” would fulfil the human rights criteria specified in Security Council resolution 2140.<sup>612</sup>

402. To date, no individual has been listed relying explicitly on one of these human rights or humanitarian law related grounds. Only five persons have been listed in total under the sanctions regime. All have been listed pursuant to the generic threatening the peace, security or stability criteria.<sup>613</sup> It is also noticeable that all five individuals are affiliated with only one side of the conflict (the de facto authorities). The Group of Experts recommends that the Security Council consider additional listings to the regime taking into account relevant violations of international human rights and international humanitarian law committed by all sides, while ensuring compliance with rigorous procedural safeguards to guarantee minimum standards of due process.

### **B. Non-Criminal Justice Accountability**

403. Providing for accountability in relation to violations is not restricted to providing criminal justice accountability. Victims’ right to an effective remedy includes the right to reparations as recognised in international human rights law<sup>614</sup> and international humanitarian law.<sup>615</sup>

404. In this context, reparations are not limited to monetary compensation, but can take the form of:

- Restitution (measures aimed at restoring the victim, to the extent possible, to the situation before the violation occurred, such as restoration of property, or the restoration of liberty);
- Compensation (monetary payment);

<sup>608</sup> Yemen’s recent history includes the use of broad amnesties. Pursuant to the GCC Agreement, the Yemeni Parliament passed a law in early 2012 (Law No 1/2012) that granted a blanket amnesty to President Saleh and an amnesty from criminal prosecution to officials who worked under the President for politically motivated cases. The High Commissioner for Human Rights criticised these amnesties, as did the Human Rights Committee: see CCPR/C/YEM/CO/5, para.6.

<sup>609</sup> Security Council resolution 2140, S/RES/2140 (26 February 2014), para. 17.

<sup>610</sup> Ibid, para. 18(c).

<sup>611</sup> Security Council resolution 2216, S/RES/2216 (14 April 2015), para.19. This resolution also introduced a targeted arms embargo: para 14.

<sup>612</sup> Security Council resolution 2511, S/RES/2511 (25 February 2020), para 6.

<sup>613</sup> List of designated persons available at [www.un.org/securitycouncil/sanctions/2140/materials](http://www.un.org/securitycouncil/sanctions/2140/materials).

<sup>614</sup> See OHCHR, Rule-of-Law Tools for Post-Conflict States: Reparations Programmes (2008)

<sup>615</sup> Ibid.

- Rehabilitation (measures that aim to mend the physical and/or psychological injury caused to a victim by the violation of a right and promote their social reintegration);
- Satisfaction (e.g. searching for the disappeared, providing the facts regarding violations); and
- Guarantees of non-repetition.<sup>616</sup>

405. Measures of reparation should be designed with the participation of victim communities and with appropriate gender awareness.<sup>617</sup> Reparations may take a material form (e.g., monetary payments, provision of particular assistance such as health care, education, housing) and/or a symbolic form (e.g., official apologies, commemorative measures). Reparations are designed to do justice to victims, but also to contribute to the re-establishment of broader norms, including justice.<sup>618</sup> It is important for reparations to be implemented in an integrated fashion with other initiatives (e.g., prosecutions) and to ensure that reparations are not seen as a payment for the silence of victims and their families. Reparations may also be directed at rectifying historic, systemic and/or collective violations and abuses experienced by communities and regions. While recognising that certain aspects of reparations may be more properly addressed during a post-conflict phase (e.g., setting up institutions such as a truth commission), there are many aspects of reparations that can be commenced even while the conflict is ongoing. The Group of Experts is concerned that parties to the conflict are not prioritising this aspect of addressing victims' rights.

#### **(a) Government of Yemen**

406. The Government of Yemen, has been involved in a scheme jointly with the coalition to provide monetary payments and medical assistance to victims of particular airstrikes (see further below).

407. In relation to other initiatives, in Yemen's report prepared in late 2018 for its Universal Periodic Review before the Human Rights Council, reference was made to a scheme providing "support and assistance" to the families of those who have been "detained and disappeared by the militias", as well as a scheme to provide care for the families of "martyrs" and treatment for injured persons.<sup>619</sup> It is unclear, however, if these additional programmes are limited to victims from 2011 or extend to victims from the 2015-2020 conflict. In its correspondence with the Government of Yemen, the Group of Experts requested information as to any reparations schemes in place. As of the time of preparation of this report, no further response had been received. However, during the course of its investigations, most victims of violations with whom the Group interacted had not received assistance, nor were aware of any relevant options, indicating either that broader schemes do not apply to the 2015-2020 conflict, or are not accessible to most victims.

#### **(b) De Facto Authorities**

408. Previous correspondence from the de facto authorities to the Group of Experts indicated that as of May 2019, no payments had been made to individuals. They stated that their "armed forces [had]...not committed any crimes requiring compensation to victims".<sup>620</sup> In 2020, the Group of Experts sought further information concerning any reparations schemes in place, as well as details of any distributed payments to victims of violations. As of the time of preparation of this report, no information had been received. The Group of Experts understands, however, that the de facto authorities are taking some initiatives in this field. In January 2020, the Cabinet of the de facto authorities reportedly approved the establishment of the Families of the Martyrs Care Fund and entrusted the Ministers of Legal Affairs and Financial Affairs to prepare regulations for the funds and determine the means of financing.

<sup>616</sup> These measures are further outlined in the 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.

<sup>617</sup> See OHCHR, Rule-of-Law Tools for Post-Conflict States: Reparations Programmes (2008), and Guidance note of the Secretary-General: Reparations for Conflict-Related Sexual Violence (2014).

<sup>618</sup> OHCHR, Rule of Law Tools for Post Conflict States: Reparations Programmes (2008), p10.

<sup>619</sup> Government of Yemen's UPR Report (2018), paras. 44-46.

<sup>620</sup> Houthi Response to List of Issues, 31 May 2019.

Plans include the allocation of land to family of martyrs and the wounded, as well as education grants and employment opportunities for the children of martyrs and the wounded. Medical treatment grants are also to be allocated to these families. It is understood that the health and education aspects of these programmes have commenced, but that other aspects await the preparation and passage of relevant regulations and relevant financing. The Group of Experts has not had access to documentation clarifying the definition of “martyrs” or “wounded”, however, reportedly the definition only applies to individuals and families affiliated with the Houthis. The Group encourages the relevant authorities to adopt a broad approach so as to encompass definitions of victims in line with international standards.

### **(c) Coalition**

409. The coalition, in conjunction with the Government of Yemen, has established a scheme to provide some payments to victims of some incidents, though there remain concerns as to the practical implementation of these schemes. In responding to the Group of Eminent Experts’ reports, the coalition have referred to their establishment of a joint fund to provide “voluntary aid” in cases in which “mistakes” during military operations have caused collateral damage.<sup>621</sup> JIAT press releases refer to recommendations for payments in cases of airstrikes in which there has been a breach of relevant rules, that is, the cases referred to military court-martial (phrased variously in terms of “compensation”, “redress” or “financial assistance”), and in cases of technical error (usually phrased in terms of “financial assistance”). Payments have also been recommended in a small number of other cases for humanitarian reasons.

410. The Group of Experts sought further information from JIAT as to payments, including the process for the payments, the quantum and the breakdown of victims. As of the time of preparation of this report, no information had been made available. From other inquiries made by the Group of Experts, it would appear that some payments have been made through the auspices of the Joint Committee for Distribution of Humanitarian Assistance. Concerns have been raised about the efficiency of distribution systems (including the coordination between the Government of Yemen and the coalition, the accuracy of beneficiary lists and the modalities and delays in payments).<sup>622</sup> The Group of Experts encourages resolution of these issues as soon as possible. The Group of Experts is also aware of the transfer abroad for medical treatment of many severely or critically injured civilians (including a number injured in airstrikes investigated previously by the Group of Experts) through collaboration between the King Salman Humanitarian Aid and Relief Centre and the World Health Organisation. Despite these initiatives, the Group of Experts is concerned that the schemes are not sufficiently broad in scope (e.g., to cover all gross violations of human rights or serious violations of international humanitarian law) and are too selective in nature and application to represent adequate reparations according to international human rights standards.

### **Conclusion**

411. From the information available to it, the Group of Experts considers that insufficient attention is being paid to the provision of adequate reparations to victims of violations. The Group of Experts encourages relevant authorities to prioritise the development of schemes that reflect the range of alleged serious violations that have occurred and are in line with international standards. While recognising that some aspects of reparations may need to await a post-conflict period, the Group of Experts considers that there are further measures that should be taken as a matter of urgency. These include: e.g., reviewing the nature and scope of existing schemes, including financial assistance; broadening the provision of immediate assistance to include ongoing medical assistance and psychosocial support; developing more comprehensive programmes to support and rehabilitate victims; and

<sup>621</sup> In the response of the coalition to the Group of Experts’ 2018 report, reference was made to aid for “proven mistakes”. In their response to the 2019 report, reference was made to assistance for those affected by “military operations that have been unintentionally mistaken”: Statement of official spokesperson, Colonel Turki Al-Malki of 5 September 2019.

<sup>622</sup> Confidential sources on file.



developing effective mechanisms to provide victims with the truth about violations (including the fate and whereabouts of those who have been disappeared).

### C. Third States – Arms Transfers and Other Support to Parties to the Conflict

412. In the previous reporting period, the Group of Experts drew attention to the responsibilities of all States to “ensure respect” for international humanitarian law in NIACs as a matter of customary international law.<sup>623</sup> Pursuant to this, States may not encourage violations of international humanitarian law by parties to an armed conflict, and they must exert their influence, to the degree possible, to stop such violations.<sup>624</sup> Third States are free to choose between different possible measures, as long as they are designed to ensure respect for the law. 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.<sup>625</sup> In the context of Yemen, States that have particular influence are those providing support (directly or indirectly) to a party to the conflict, including the United States of America, the United Kingdom of Great Britain and Northern Ireland, France, Canada and the Islamic Republic of Iran.<sup>626</sup>

413. The obligation to ensure respect under international humanitarian law requires that States refrain from transferring weapons “if there is an expectation, based on facts or 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.<sup>627</sup> Other related positive measures include conditioning, limiting or refusing such arms transfers.<sup>628</sup> With the number of public reports establishing serious violations of international humanitarian law, no State can claim not to be aware of such violations being perpetrated in Yemen. The Group reiterates its concerns that States are failing in their duty to ensure respect for international humanitarian law and that some of the States transferring weapons may be doing so in violation of their obligations under the 2013 Arms Trade Treaty (ATT).<sup>629</sup>

414. The Group of Experts remains concerned in particular about the continued arms transfers to parties to the conflict, notwithstanding the documented serious violations of international humanitarian law and human rights law occurring in Yemen. Some major arms supplying countries, such as the United States of America, continue to provide significant arms to leading coalition members. During the reporting period, several States such as the United Kingdom of Great Britain and Northern Ireland and Canada that had previously halted the issuance of arms export licenses to a leading member of the coalition, lifted their restrictions, indicating that they would consider arms exports on a case-by case basis.<sup>630</sup>

<sup>623</sup> ICRC *Customary International Humanitarian Law Study*, rule 144

<sup>624</sup> Ibid.

<sup>625</sup> Ibid., rule 144 and ICRC commentary to common article 1 of the Geneva Conventions, 2016, para. 165.

<sup>626</sup> See para. 61 above.

<sup>627</sup> ICRC commentary to common article 1 of the Geneva Conventions, 2016, para. 162. Similar reasoning could be said to apply to the customary international humanitarian law obligation applicable to NIACs.

<sup>628</sup> ICRC commentary to common article 1 of the Geneva Conventions, 2016, para. 181.

<sup>629</sup> The ATT prohibits the transfer of conventional arms or related items if the State party has knowledge that they would be used in the commission of certain international crimes: art. 6(3) ATT. The ATT further requires, in other cases, States to consider the importing States’ respect for international humanitarian law before authorising the export of arms: art. 7 ATT. Among State Parties to the ATT are the United Kingdom of Great Britain and Northern Ireland, France and Canada.

<sup>630</sup> In early July 2020, the United Kingdom Secretary of State for International Trade announced the decision to resume consideration of export licenses to Saudi Arabia, having concluded that there was neither a pattern of non-compliance, a lack of commitment on the part of the Saudi Government to comply nor a lack of capacity or systematic weakness that might be given to a clear risk of international humanitarian law breaches. Incidents assessed to be possible international humanitarian law violations were considered to be “isolated incidents” which “occurred at different times, in different circumstances and for different reasons”: Statement available at: <https://questions->

Notwithstanding the Security Council's sanctions regime and its arms embargo on named Houthi individuals, supplies of arms of Iranian origin continue to flow also to the Houthis.<sup>631</sup> The Group of Experts is aware of legal proceedings that have been brought in several jurisdictions, questioning the legality of such arms transfers by government officials and companies, as well as the communication filed with the Office of the Prosecutor of the ICC by a grouping of international and national NGOs.<sup>632</sup> Regardless of 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.

415. The Group of Experts also notes that if a State knowingly aids or assists another State with a view to facilitating the commission by the latter of an internationally wrongful act, it is internationally responsible for doing so (provided that the act would have been wrongful if it had been committed by the assisting State itself).<sup>633</sup> This applies not only to arms transfers, but to other forms of support making a significant contribution to the unlawful act(s) such as logistical or technical support, intelligence, or provision of other equipment. Increasingly, it is recognised that providing assistance where there is "virtual certainty" of the assistance being used for a wrongful act will trigger this responsibility.<sup>634</sup> Where there is a risk of such unlawful conduct, States should put in place strategies to reduce and mitigate the risks such as attaching conditions to assistance, vetting and training recipients of assistance, and monitoring and following up on risks identified.<sup>635</sup>

416. All States also have the obligation to cooperate to bring to an end any serious breaches of obligations arising under a peremptory norm of international law.<sup>636</sup> States must not recognise as lawful a situation created by a serious breach, nor render aid or assistance in maintaining that situation.<sup>637</sup> While there is no explicit (or exhaustive) list of which norms constitute peremptory norms of international law, it is generally agreed that the category includes the prohibition of aggression, genocide, slavery, racial discrimination, crimes against humanity, and torture, as well as the obligation to respect the right of peoples to self-determination, and fundamental rules of international humanitarian law.<sup>638</sup> "Serious" breaches are those involving a gross or systematic failure by the responsible State to fulfil their obligation.<sup>639</sup>

417. Member States of the United Nations have pledged themselves to take "joint and separate action in co-operation with the Organisation" to achieve the purpose of promoting and encouraging respect for human rights and fundamental freedoms.<sup>640</sup> Most of the core

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statements.parliament.uk/written-statements/detail/2020-07-07/HCWS339 In April 2020, the Canadian Minister for Foreign Affairs announced that Canada had renegotiated the terms of its arms transfer contract with Saudi Arabia and would be proceeding to a case-by-case examination of export permit applications to ensure compliance with Canadian law and its obligations under the Arms Trade Treaty (which Canada acceded to in September 2019). While Canada earlier imposed a moratorium on new export licenses to Saudi Arabia, this did not apply to existing export licenses, such that there were record high transfers of military equipment from Canada to Saudi Arabia in 2019. Statement available at: <https://www.canada.ca/en/global-affairs/news/2020/04/canada-improves-terms-of-light-armored-vehicles-contract-putting-in-place-a-new-robust-permits-review-process.html>

<sup>631</sup> S/2020/326.

<sup>632</sup> See:

[https://www.ecchr.eu/fileadmin/Fallbeschreibungen/CaseReport\\_ECCHR\\_Mwatana\\_Amnesty\\_CAA\\_T\\_Delas\\_Rete.pdf](https://www.ecchr.eu/fileadmin/Fallbeschreibungen/CaseReport_ECCHR_Mwatana_Amnesty_CAA_T_Delas_Rete.pdf)

<sup>633</sup> International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, art. 16, and the commentary thereto.

<sup>634</sup> Chatham House, "Aiding and Assisting: Challenges in Armed Conflict and Counter-Terrorism" (2016), 13.

<sup>635</sup> Ibid.

<sup>636</sup> International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, art. 41(1). The concept of "serious breach" is outlined in art. 40.

<sup>637</sup> Ibid, art. 41(2).

<sup>638</sup> See International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, art. 40, with commentaries (2001), pp. 112-113.

<sup>639</sup> Ibid. art 40(2).

<sup>640</sup> Art. 56, in combination with art. 55 UN Charter.

international human rights treaties recall the obligation on States to promote universal respect for, and observance of human rights and freedoms.<sup>641</sup> It is important for all States to live up to this obligation in their dealings with Yemen.

## VII. Conclusions and Recommendations

### A. Conclusions

418. The Group of Experts has reasonable grounds to believe that the Governments of Yemen, Saudi Arabia, the United Arab Emirates and the Southern Transitional Council, to the extent they exercise jurisdiction, and as applicable to each party, are responsible for human rights violations including arbitrary deprivation of life, enforced disappearances, arbitrary detention, gender-based violence, including sexual violence, torture and other forms of cruel, inhuman or degrading treatment, the recruitment and use in hostilities of children, the denial of fair trial rights, violations of fundamental freedoms, and economic, social and cultural rights.

419. The Group of Experts has reasonable grounds to believe that the de facto authorities are responsible for human rights violations in the areas over which they exercise effective control, including arbitrary deprivation of life, enforced disappearances, arbitrary detention, gender-based violence, including sexual violence, torture, and other forms of cruel, inhuman or degrading treatment, the recruitment and use in hostilities of children, the denial of fair trial rights, and violations of fundamental freedoms, and economic, social and cultural rights.

420. The Group of Experts has reasonable grounds to believe that the parties to the armed conflict in Yemen have committed a substantial number of violations of international humanitarian law. Subject to a determination by an independent and competent court, the Groups finds that:

(a) Individuals in the coalition, in particular Saudi Arabia, may have conducted airstrikes in violation of the principles of distinction, proportionality and precaution, acts that may amount to war crimes;

(b) Individuals in the Government of Yemen and the coalition (in particular Saudi Arabia and the United Arab Emirates) and the Southern Transitional Council have committed, as applicable to each party, acts that may amount to war crimes, including murder of civilians, torture, cruel or inhuman treatment, rape and other forms of sexual violence, outrages upon personal dignity, denial of fair trial, and enlisting children under the age of 15 or using them to participate actively in hostilities;

(c) Individuals in the coalition have conducted indiscriminate attacks using indirect-fire weapons, acts that may amount to war crimes;

(d) Individuals in the de facto authorities have conducted indiscriminate attacks using indirect-fire weapons and used anti-personnel landmines, acts that may amount to war crimes;

(e) Individuals in the de facto authorities have committed acts that may amount to war crimes, including murder of civilians, torture, cruel or inhuman treatment, rape and other forms of sexual violence, outrages upon personal dignity, denial of fair trial, impeding humanitarian relief supplies, and enlisting children under the age of 15 or using them to participate actively in hostilities.

421. Where possible, the Group of Experts has identified individuals who may be responsible for such international crimes, and has confidentially transmitted those names to the High Commissioner for Human Rights. More information is needed on some incidents documented by the Group to establish responsibilities.

<sup>641</sup> See Preamble of ICCPR, IESCR, CRC, CAT, CERD and CPRD.

## **B. Recommendations**

### **1. To all parties to the conflict in Yemen**

422. To ensure justice for all victims of violations of international human rights and humanitarian law, and in the light of the ongoing armed conflict, the Group of Experts recommends that parties to the conflict:

- (a) Agree to a comprehensive cessation of hostilities and achieve a sustainable and inclusive peace, through a peace process which includes the full involvement of women, youth and minority groups
- (b) Immediately cease all acts of violence committed against civilians in violation of applicable international human rights law and international humanitarian law, and take all necessary measures to protect civilians and civilian infrastructure;
- (c) Immediately put an end to any measures that exacerbate the humanitarian crisis; in particular, cease attacks against objects indispensable to the survival of the population; take the steps necessary to remove disproportionate restrictions on the safe and expeditious entry into Yemen of fuel, food, medicine, humanitarian supplies and other goods indispensable to the civilian population; facilitate the rapid and unimpeded passage of humanitarian relief; and take appropriate steps to ensure realisation of the right to an adequate standard of living, in particular for women and children;
- (d) Ensure the neutrality and independence of food aid distribution, notably through establishing lists based on vulnerability and needs and investigate allegations of and enforce sanctions for all cases of diverting food or other aid;
- (e) Ensure the payment of salaries of public sector employees, including arrears;
- (f) Establish necessary conditions for access to water, sanitation and hygiene, in particular for vulnerable groups, such as IDPs, refugees, migrants, and minorities;
- (g) Ensure access to fuel at a fair market rate;
- (h) Ensure the immediate release of all persons who have been arbitrarily detained and, where possible, detainees at risk of contracting COVID-19; and ensure that all persons who are detained are housed in official detention facilities; that the legality of their detention is promptly reviewed by a competent judicial authority, and that the rights of detainees are respected, including the right not to be subjected to torture and ill-treatment and the right to a fair trial, as well as the right to communicate with their family and legal representatives, including by receiving visits;
- (i) Immediately dismantle the network of secret and unofficial detention facilities, and transfer all persons lawfully detained to official detention facilities. Ensure that official detention facilities maintain a comprehensive and up-to-date record of detainees, disaggregated by age and gender, and with charges sheets attached;
- (j) Allow regular and unannounced access to all detention facilities to independent and impartial observers including the ICRC and OHCHR for the purpose of conducting effective monitoring of facilities;
- (k) Establish a procedure whereby individuals can report disappearances, ensuring that reports are investigated independently, efforts are undertaken to find the victim, and perpetrators are held to account;
- (l) Immediately end all forms of sexual and gender-based violence against women, children and men, including in detention; and implement gender-sensitive safeguarding measures and services, including for groups particularly vulnerable to gender-based violence such as children, IDPs, refugees, migrants, and minorities;

- (m) Ensure the right of women and girls to equal enjoyment of rights, including freedom of movement, freedom of speech, the right to political participation; as well as ensuring the proper recognition and protection of those advocating for gender equality and rights of persons with non-conforming sexual orientation and/or gender identity;
- (n) Conduct a campaign of awareness raising in relation to gender and the equal rights of men and women and persons with non-conforming sexual orientation and/or gender identity;
- (o) Strengthen the capacities of police, prosecutors and the judiciary in relation to addressing gender based violence, including sexual violence;
- (p) Respect and protect the rights to freedom of expression and belief, and movement, and other fundamental rights and freedoms, and ensure that journalists and human rights defenders have free and unfettered access to all parts of Yemen, and can conduct their activities without harassment or being subjected to arbitrary detention or legal proceedings in violation of international human rights;
- (q) Cease and prevent the recruitment and use of children in the armed conflict; further ensure the demobilisation and effective disarmament of boys and girls recruited or used in hostilities, and the release of those captured; implement effective programmes for their rehabilitation, physical and psychological recovery, and reintegration into society;
- (r) Adopt all necessary implementing measures to ensure the respect of minimum age for recruitment in armed forces and groups. Establish an effective age verification system of new recruits, seeking international assistance as necessary. Where an individual's age is in doubt (e.g. lack of identity documents or forged documents), that person should not be recruited;
- (s) Intensify mapping, marking and fencing of mined areas and demining efforts across Yemen;
- (t) Strengthen local organisations' and international NGOs' capacity for monitoring human rights and humanitarian law violations, including gender-based violence and violations of children's rights;
- (u) Cooperate fully with the Group of Eminent International and Regional Experts;
- (v) Cooperate fully with the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen;
- (w) Support reform of the justice system to ensure impartial and independent administration of justice, including addressing issues associated with the recruitment and tenure of judges, corruption and gender-bias within the justice system;
- (x) 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 gender-based violence and grave violations against children; specifically ensure investigations are conducted into the allegations raised in the reports of the Group of Eminent Experts;
- (y) 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 that all reparations schemes are designed in collaboration with victims and are designed and implemented in a

gender-sensitive manner; as a matter of urgency, review the nature and scope of existing schemes, including financial assistance; broaden the provision of immediate assistance to include ongoing medical assistance and psychosocial support; develop more comprehensive programs to support and rehabilitate victims as well as effective mechanisms to provide victims with the truth about violations (including the fate and whereabouts of those who have been disappeared);

(z) Ensure that survivors, especially in cases of sexual violence and torture, have unrestricted access to free, confidential and gender sensitive medical support, including psychological and psychosocial support or mental healthcare as needed.

**2. To the Government of Yemen**

(a) Implement measures agreed upon in the National Dialogue Conference and undertake necessary legal reforms, including reforming the Personal Status Law, raising the minimum age for marriage to 18, and implementing a minimum 30 per cent representation for women in high offices, elected bodies and the civil service.

**3. To the de facto authorities**

(a) Ensure that no detainees are recruited during their detention in any military or armed groups capacity as a condition for their release from detention;

(b) Immediately halt and prevent all child recruitment activities and the incitement to violence in schools; release, reinstate and protect all educators detained or otherwise under threat for alleged opposition to Houthi educational activities, and ensure that school curricula are aimed at promoting understanding, peace, and tolerance;

(c) Allow immediate access of a UN-supervised technical mission without any pre-conditions to the SAFER oil tanker for an assessment and initial repairs.

**4. To the coalition, including Saudi Arabia and the United Arab Emirates**

(a) 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;

(b) Ensure that the Joint Incidents Assessment Team provides reasoned public statements explaining the outcomes of each and every one of its investigations;

(c) 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;

(d) 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;

(e) Reform rules of engagement and targeting processes to ensure they are in line with international humanitarian law and fully implemented;

(f) Facilitate travel through Sana'a airport for humanitarian and medical purposes and for Yemeni civilians requiring urgent medical treatment.

**5. To third States**

(a) Take all reasonable measures to ensure respect for international humanitarian law and international human rights law by all parties to the

conflict; in particular, by refraining from providing arms and military support to the parties;

(b) 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;

(c) To fulfil duties to investigate and where appropriate prosecute war crimes within their jurisdiction and relevant human rights violations, and to collaborate so as to be able pursue “universal jurisdiction” prosecutions in relevant cases.

**6. To the United Nations and the international community**

(a) 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, through a peace process which includes the full involvement of women, minority groups and youth;

(b) Take specific initiatives to support accountability for serious violations and crimes, as outlined in para 99 of the official report;

(c) Support the integration of human rights into negotiations of any peace process, avoiding any steps which would undermine respect for human rights and accountability (e.g. the granting of blanket amnesties), and supporting processes towards effective transitional justice;

(d) Ensure that the listing/de-listing process within the Monitoring and Reporting Mechanism (MRM) is based on the criteria defined by the Secretary-General Report (S/2010/181) in 2010 and is applied evenly across all parties to the conflict in Yemen.

(e) Deploy dedicated gender-based violence investigators to the field within relevant UN entities, including OHCHR;

(f) Support and build upon the pre-existing network of local and international women’s advocacy and protection NGOs, including by reinvigorating an independent network of safe spaces and shelters in partnership with the gender-based violence cluster;

(g) Ensure adequate child protection in emergencies (CPiE) expertise and resources in future budgets;

(h) Support and facilitate additional capacity development programmes in order to strengthen the operation and human rights compliance of the justice system;

(i) Provide appropriate funding of humanitarian aid to support fulfilment of human rights in Yemen.

**7. In particular, the Group of Experts recommends that:**

(a) The Human Rights Council ensure that the situation of human rights in Yemen remains on its agenda by: renewing the mandate of the Group of Eminent International and Regional Experts; and ensuring that the resources provided to the Group allow for the effective delivery of its mandate including collecting, preserving and analysing information related to violations and crimes;

(b) The Security Council integrate the human rights dimensions of the conflict in Yemen more fully into its agenda; and ensure there is no impunity for the most serious crimes by, inter alia, referring the situation in Yemen to the International Criminal Court, and expanding the list of persons subject to Security Council sanctions.

## Annex I

### Mapping of the Main Actors<sup>1</sup>

#### A. Kingdom of Saudi Arabia

1. In March 2015, Saudi Arabia formed a coalition with Bahrain, Egypt, Jordan, Kuwait, Qatar<sup>2</sup>, Morocco<sup>3</sup>, Senegal, the Sudan and the United Arab Emirates to initiate military action at the request of President Hadi. The United States and the United Kingdom, among other States, advise and support the coalition. On 25 March 2015, Saudi Arabia announced “Operation Decisive Storm” and launched an air campaign against areas controlled by the Houthis. After 28 days it announced the end of Decisive Storm operations and the achievement of its goals. It then announced the start of “Operation Restoring Hope”, in which the coalition’s land, sea and air operations have continued to the present time.

2. Established in Riyadh, the Joint Forces Command of the coalition has a military structure like other organizational military structures. According to the coalition, establishing the Joint Forces command took into consideration international rules, and all land, naval and air operations are under its command.

3. In the second half of 2019, the coalition underwent major changes as the United Arab Emirates and the Sudan withdrew most of their land forces from their areas of responsibility, which placed an increased burden on Saudi Arabia and the Yemeni government. This withdrawal led to major setbacks for the coalition on the fronts of Sa’ada, Al-Jawf and Ma’rib, in which the Yemeni forces are under the operational control of the coalition leadership, represented in Saudi Arabia. The main actors are as follows:

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Crown Prince Mohammad Bin Salman الامير محمد بن سلمان	Minister of Defence	23 January 2015
2	General Fayyadh al-Ruwaili <sup>4</sup> فريق اول ركن فياض بن حامد الرويلي	Chairman of the Joint Chiefs of Staff	27 February 2018
3	Prince Lieutenant General Fahad bin Turki bin Abdalazeez الامير فريق ركن فهد بن تركي بن عبدالعزيز	Joint Forces Commander	Coalition Commander 27 February 2018 – 31 August 2020 <sup>5</sup>

<sup>1</sup> This annex represents the main actors in Yemen during the reporting period, and is separate and distinct from the strictly confidential list of alleged perpetrators that is provided to the United Nations High Commissioner for Human Rights.

<sup>2</sup> In 2017, Qatar withdrew from the coalition.

<sup>3</sup> In February 2019, Morocco withdrew from the coalition.

<sup>4</sup> 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>.

<sup>5</sup> On 31 August 2020, Service of Lieutenant General Fahad is terminated by referring him to retirement and referring him to investigation and replaced by Lieutenant General Mutlaq bin Salim bin Mutlaq Al-Azima, Deputy Chief of the General Staff, as Acting Commander of the Joint Forces. See: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2127629>.



Serial	Name	Position	Remarks
4	Lieutenant General Fahd bin Abdallah al-Mtair <sup>6</sup> فريق ركن فهد بن عبدالله المطير	Land Forces Commander	27 February 2018
5	Prince Lieutenant General Turki bin Bandar bin Abdalazeez al-Saud <sup>7</sup> الامير فريق ركن تركي بن بندر بن عبدالعزيز آل سعود	Air Force Commander	27 February 2018
6	Admiral Fahd bin Abdulla al-Ghufaili <sup>8</sup> فريق ركن فهد بن عبدالله الغفيلي	Naval Commander	4 November 2017
7	Lieutenant General Mazyad Sulaiman al-Amro <sup>9</sup> فريق ركن مزيد بن سليمان العمرو	Air Defence Commander	27 February 2018
8	Lieutenant General Jarallah bin Mohammed bin Jarallah al-Elwait فريق ركن جار الله بن محمد العلويط	Strategic Missile Force Commander	27 February 2018
9	Major General Pilot Abdullah al-Ghamdi لواء ركن طيار عبدالله الغامدي	Air Operations Director	Coalition Deputy Commander
10	Major General Majed Hamdi al-Harbi <sup>10</sup> لواء ركن ماجد بن حمدي الحربي	Task Force 7070 Commander	Saudi Southern Border, Najran
11	Brigadier General Abdullah bin Haseed al-Inezi عميد ركن عبدالله بن حصيد العنزي	Task Force 1501 Commander <sup>11</sup>	Coalition HQs in the 6 <sup>th</sup> Yemeni Military District
12	Brigadier General Abdulrhman bin Suliman al-Haji عميد ركن عبدالرحمن بن سليمان الحجي	Task Force 808 Commander <sup>12</sup>	Socotra
13	Brigadier General Pilot Mujahed al-Outaibi عميد ركن طيار مجاهد العتيبي	Task Force 802 Commander <sup>13</sup>	Aden

<sup>6</sup> Replaced Prince Lieutenant General Fahad bin Turki bin Abdalazeez. See: <http://www.janes.com/article/78278/top-saudi-commanders-replaced>.

<sup>7</sup> Replaced Major General Mohammed Saleh al-Outaibi. See: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1729618>.

<sup>8</sup> Replaced Admiral Abdullah bin Sultan bin Mohammad al-Sultan. See: <https://www.mod.gov.sa/Leaders/CONF/Pages/CV.aspx>.

<sup>9</sup> Replaced Lieutenant General Mohammed bin Awadh bin Mansour Suhaim. See: <https://www.mod.gov.sa/Leaders/COADF/Pages/CV.aspx>.

<sup>10</sup> See: <http://www.saudpost.com/44415/> Also, see: <https://alwatanalan.com/?p=48620>.

<sup>11</sup> See: <https://freedom-ye.com/tweet/5234>.

<sup>12</sup> See: <http://www.alriyadh.com/1815418>.

<sup>13</sup> See: <https://almasdaronline.com/articles/179006>. Also, see: <https://www.spa.gov.sa/2005057>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
14	Brigadier General Mukhtar el-Mtairi عميد ركن مختار المطيري	Task Force 800 Commander <sup>14</sup>	Saudi Southern Border, Samtah, Jazan
15	Major General Abdul Hameed al-Muzaini لواء ركن عبد الحميد المزيني	Task Force Commander <sup>15</sup>	Ma'rib, on 8 July 2020, new leader appointed <sup>16</sup>
16	Major General Mohammad bin Ali al-Amri لواء ركن محمد بن علي العمري	South Military Regional Commander <sup>17</sup>	Saudi Southern Border
17	Brigadier General Hassan Abdullah al-Shihri عميد ركن حسن عبدالله الشهري	Sharurah Operations Center Commander <sup>18</sup>	Saudi Southern Border
18	Major General Saad al-Jaber لواء ركن سعد الجابر	The Saudi official in charge of the Mobilization Committee	Saudi Southern Border
19	Brigadier General Ahmed Rashid al-Shihri عميد ركن أحمد راشد الشهري	4 <sup>th</sup> Armoured 'King Khaled Force' Brigade	Saudi Southern Border
20	Brigadier General Fahd bin Daham al-Markhan <sup>19</sup> عميد ركن فهد بن دهام المرخان	11 <sup>th</sup> Brigade Commander	Saudi Southern Border

## B. United Arab Emirates

4. In the second half of 2019, the United Arab Emirates (UAE) started a two-phase withdrawal of ground troops from Yemen. The first phase, implemented in June and July, involved withdrawal of forces mainly from the western coastal front. The second phase, which occurred in October, left a minimal presence of troops in Al Mukha, Aden, Balhaf, and Al-Mukalla. The withdrawal of the UAE troops from Aden was completed with the handover of its base in Al Buraiqeh to KSA forces.<sup>20</sup> Following these withdrawals, the UAE announced that “they fought three enemies in Yemen at the same time: the Houthi rebels, the

<sup>14</sup> See :<http://www.saudpost.com/44415/>.

<sup>15</sup> See: <https://yemnews.net/index.php/reports/2020-03-17-18-28-20>. Also, see: <https://twitter.com/malarab1/status/1285251597543645186>.

<sup>16</sup> Major General Yusef al-Shahrani was appointed to replace Major General Abdul Hameed al-Muzaini. See: <http://www.yagency.net/278376>.

<sup>17</sup> <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=2020433>.

<sup>18</sup> <http://www.masa-press.net/2018/11/11/%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%AA%D9%88%D8%B3%D8%B9-%D9%85%D9%86-%D9%85%D8%B7%D8%A7%D9%85%D8%B9%D9%87%D8%A7-%D8%A8%D8%A7%D9%84%D9%8A%D9%85%D9%86-%D8%A7%D9%84%D8%AC%D9%88%D9%81/>.

<sup>19</sup> See at : <https://ajel.sa/zNRrWb/>.

<sup>20</sup> S/2020/326, para. 24. Available at: <https://undocs.org/ar/S/2020/326>. Also, see: <https://yemenshabab.net/news/51137>

Muslim Brotherhood and the terrorist groups of Islamic State and Al-Qaeda”. The UAE further announced that “it will continue its air operations in Yemen”.<sup>21</sup>

5. The Deputy Chief of Staff of the UAE Armed Forces announced a shift from what he called a ‘direct proximity’ strategy - implemented by the UAE Armed Forces for five years from the launch of the Decisive Storm Operation - to an ‘indirect proximity’ strategy as implemented by Yemeni forces formed, trained and equipped by the UAE, saying “[t]hese forces must liberate Yemeni lands”.<sup>22</sup> The forces equipped and trained by the UAE include the Security Belt forces and the Shabwah and Hadramaut elite forces, which are currently affiliated with the Southern Transitional Council. In addition, there are the UAE equipped and trained Giants brigades, Tuhama brigade and Tariq forces on the west coast, Al-Hudaydah and west of Ta‘izz.

6. Participation of the UAE Armed forces in Yemen within the Saudi-led Coalition has included Land forces, the Presidential Guard Command under Major General Michael Simon Hindmarsh,<sup>23</sup> Special Forces, Air Forces & Air Defense, and the Naval Forces.

7. UAE Land Forces, Presidential Guard Command, and Special Forces have participated in 15 taskforces with more than 15,000 soldiers in various cities and governorates of Yemen, engaging in more than 130,000 air sorties and more than 500,000 flying hours. The Naval Forces participated in 3 naval taskforces involving more than 50 naval warships, more than 3,000 personnel and more than 1000 naval missions.<sup>24</sup> The main actors are as follows:

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Sheikh Mohammed bin Zayed al-Nahyan الشيخ محمد بن زايد آل نهيان	Deputy Supreme Commander	
2	Mohammed bin Rashid al-Maktoum <sup>25</sup> الشيخ محمد بن راشد آل مكتوم	Minister of Defence	
3	Lieutenant General Hamad Mohammed Thani al-Romaithi <sup>26</sup> فريق ركن حمد محمد ثاني الرميثي	Chief of Staff of the Armed Forces	3 January 2005
4	Major General Eisa Saif al-Mazrouei لواء ركن مهندس عيسى سيف المزروعى	Deputy Chief of Staff	Joint Operations Commander
5	Major General Saleh Mohammad Saleh al-Ameri لواء ركن صالح محمد صالح العامري	Commander of Ground Forces	

<sup>21</sup> Lieutenant General Eisa Saif al-Mazrouei, Joint Operations Commander in Yemen and Deputy Chief of Staff of UAE Armed Forces brief, 9 February 2020. Available at: <https://www.wam.ae/en/details/1395302822487>

<sup>22</sup> “The UAE today celebrated the participation of its brave sons in the Arab Coalition Forces in Yemen”. ABU DHABI, 9th February, 2020 (WAM). Available at: <https://wam.ae/en/details/1395302822487>

<sup>23</sup> Following his retirement from the Australian Army, Hindmarsh accepted the positions of Special Advisor – National Security to the United Arab Emirates, and major general in charge of the United Arab Emirates Presidential Guard. See: <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2013/october/15/131015-sea-khanjar>

<sup>24</sup> “The UAE today celebrated the participation of its brave sons in the Arab Coalition Forces in Yemen”. ABU DHABI, 9th February, 2020 (WAM). Available at: <https://wam.ae/en/details/1395302822487>

<sup>25</sup> See: <https://uaecabinet.ae/en/details/news/ chief-of-staff-of-armed-forces-promoted-to-the-rank-of-minister>.

<sup>26</sup> Ibid.

Serial	Name	Position	Remarks
6	Major General Ibrahim Nasser Mohammed al-Alawi لواء ركن طيار ابراهيم ناصر محمد العلوي	Commander of Air Force and Air Defence	
7	Major General Sheikh Saeed Bin Hamdan Bin Mohammad al-Nahyan <sup>27</sup> لواء ركن الشيخ سعيد بن حمدان بن محمد آل نهيان	Commander of Navy	11 October 2017
8	Brigadier General Ali Ahmed el-Tanje عميد ركن علي احمد الطنجي	Coalition Commander	Aden, May 2015- January 2016  Al-Hudaydah <sup>28</sup> , 2018 – 2019
9	Brigadier General Ali el-Nuaimi عميد ركن علي سيف النعيمي	Coalition Commander	Aden, January 2016- July 2016
10	Brigadier General Sultan el-Habsee عميد ركن سلطان الحبسي	Coalition Commander	Aden, July 2016- January 2017
11	Brigadier General Naser el-Otaibee عميد ركن ناصر مشيب العتيبي	Coalition Commander	Aden, January 2017 – July 2017
12	Brigadier General Ahmed el-Blushee عميد ركن احمد البلوشي	Coalition Commander	Aden, July 2017 – January 2018
13	Brigadier General Muhammad el-Hasani عميد ركن محمد الحساني	Coalition Commander	Aden, January 2018 – July 2018
14	Brigadier General Awad Saeed al-Ahbabi <sup>29</sup> عميد ركن عوض سعيد الاحبابي	Coalition Commander	Aden, July 2018 – January 2019

<sup>27</sup> His rank Major General (Rear Admiral).

<sup>28</sup> The leader of the Arab Alliance on the West Coast of Yemen talks about a qualitative operation for the "liberation of Al-Hudaydah", Middle East, <https://arabic.cnn.com/middle-east/article/2018/09/18/saudi-led-coalition-launches-offensive-strategic-yemeni-port-city>, September 2018. Also see: [https://twitter.com/amalka4\\_al](https://twitter.com/amalka4_al). Also, Brigadier General Ali Al-Tanaiji. Commander of major battles against Houthi coup in Yemen, Al-Ain, 18 September 2018. See: <https://al-ain.com/article/al-hodeidah-yemen-arab-alliance-al-tanaiji>.

<sup>29</sup> Hadi meets with coalition commander in Aden, stresses need for coordination, al-mawqea post, 18 July 2018. Available on: <https://almawqea.com/news/32379>. Also, see: Al-Islah leader detained by pro-Uae forces released in Aden, Alquds, 18 July 2018, available on: <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>.

Serial	Name	Position	Remarks
15	Brigadier General Rashed Saeed al-ghafli aka Abu Mohammed <sup>30</sup> عميد ركن راشد سعيد الغفلي المكنى ابو محمد	Coalition Commander	Aden January 2019 – July 2019
16	Brigadier General Abd el-Salam al-Shahi <sup>31</sup> عميد ركن عبد السلام الشحي	Coalition Commander	Western Coast, 2015 – 2019
17	Abu Khalifa Said el-Mahri ابو خليفة سعيد المهري	Coalition Intelligence Officer	Aden, Abyan, Lahj, 2015 – 2019

## C. Government of Yemen (International Recognized Government)

### 1. The Government of Yemen Armed Forces

8. In 1990, the Yemen Arab Republic merged with the People's Democratic Republic of Yemen (PDRY) to form the Republic of Yemen. The two military services unified in one Yemeni Armed Forces, although regional and ideological divisions influenced both. The agreement at unification was for 50 per cent of the army to be from the South and 50 per cent from the North. However, what happened in practice violated the agreement. During the 1994 civil war, the former northern and southern armies faced each other on the battlefield, where the southern armed forces lost the war. Following defeat, remnants of the southern army were disbanded. Many top southern generals fled the country, and most of its officers were forcibly retired.<sup>32</sup>

9. The military was organised around five military regions or zones that covered territories of the Republic of Yemen: north west, central (including Sana'a), middle, southern and eastern. However, two formations, the First Armoured Division and the Republican Guard, retained semi-autonomous status. In 2000, then President Saleh's eldest son, Ahmed Ali, took command of the Republican Guard, expanding it by building eight new brigades. By the time of the 2011 uprising, they comprised eighteen of the nation's best equipped, trained, funded and managed brigades.<sup>33</sup>

10. On 23 November 2011, the Gulf Cooperation Council (GCC) initiative was signed, which included an article decreeing that a committee should be formed to restructure the army. Vice-president Abd Rabbu Mansour Hadi, who became President in 2012, issued a decree forming this committee on 4 December 2011. On 19 December 2012, President Hadi

<sup>30</sup> In the presence of the leader of the Arab coalition. Emergency forces launch second phase of training year, al-ayyam, 16 July 2019. Available on: <https://www.alayyam.info/news/7V89EB90-3B9G6V-A58A>. Also see <https://www.alwatanvoice.com/arabic/news/2019/07/15/1259578.html>. Arab Coalition Commander Visits Facility Protection Brigade Camp, see: <https://www.cratersky.net/posts/19296>.

<sup>31</sup> West Coast Coalition Commander Announces Complete Liberation of Al Hodaydah Airport, Sky news, 20 June 2018, see: <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>.

<sup>32</sup> See: <https://d2071andvip0wj.cloudfront.net/yemens-military-security-reform-seeds-of-new-conflict.pdf>

<sup>33</sup> Ibid

issued presidential decree 104 (2012), to regulate the structure of the armed forces. The first article of the decree described the Yemeni Armed Forces organizational structure in detail.<sup>34</sup> The decree went to the heart of the political challenge by disbanding both the Republican Guard led by Ahmed Ali and the First Armoured Division lead by Ali Mohsen al-Ahmar.

11. On 10 April 2013, President Hadi issued Decree 16 (2013), in which the military operations theatre of the Republic of Yemen was divided into seven regions. According to this structure, the current command and control of the Government of Yemen Armed Forces is as follows (see also Appendix 1):

1. **Chain of command (Leadership):**
  - a. The President of the Republic of Yemen, the Supreme Commander of the Armed Forces, and chairman of National Defence Council, President Abd Rabbu Mansour Hadi.
  - b. Minister of Defence.
  - c. Chief of the General Staff.
2. **Ministry of Defence:**
  - a. Minister of Defence, responsible for the state's defence policy and strategic security for the armed forces.
  - b. Five specialized assistants for the Minister of Defence.
3. **The General Staff.** Responsible for preparing, securing and managing the affairs of the forces. Consists of the Chief of the General Staff, his Deputy and five committees (operations, intelligence, training, human resources, and logistical support) each with specialized departments.
4. **Main branches of the Yemeni Armed Forces.** According to the decree, there are five military branches under the Ministry of Defence, as follows:
  - a. Air Force and Air Defence.
  - b. Navy and Coastal Defence.
  - c. Land Forces.
  - d. Border Guard.
  - e. Strategic Reserve.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	President Abd Rabbu Mansour Hadi الرئيس عبد ربه منصور هادي	Supreme Commander of the Armed Forces	Riyadh, KSA	February 2012
2	Major General Ali Mohsen al-Ahmar لواء ركن علي محسن الاحمر	Vice President <sup>35</sup>	Riyadh, KSA	3 April 2016
3	Major General Mohammad Ali al-Maqdashi لواء ركن محمد علي المقدشي	Minister of Defence <sup>36</sup>	Ma'rib	8 November 2018

<sup>34</sup> For more details, see A/HRC/42/CRP.1, annex I, appendix 1

<sup>35</sup> Presidential Decree 48 (2016). <https://www.facebook.com/alimohsensalehalahmar/posts/1011971235550346/>.

<sup>36</sup> Presidential Decree 71 (2018). <https://buyemen.net/news67338.html>. Also available at <https://almasdaronline.com/article/republic-decrees-appointing-minister-of-defence-chief-of-staff-and-governor-of-aden>. Also, see UN document S/2019/83.

Serial	Name	Position	Location	Remarks
4	Major General Zghair Hammoud Aziz <sup>37</sup> لواء ركن صغير حمود عزيز	Chief of the General Staff <sup>38</sup>	Ma'rib	28 February 2020
5	Major General Tahir Ali al-Aqaili لواء ركن طاهر علي العقيلي	Adviser to the Supreme Commander <sup>39</sup>	Ma'rib	8 November 2018
6	Major General Adel al-Qumari لواء ركن عادل هاشم القميري	General Inspector	Ma'rib	
7	Major General Ahmad Mohsen Salem al-Yafa'ay لواء ركن أحمد محسن سالم الياضي	Chief of Intelligence Staff <sup>40</sup>	Ma'rib	22 January 2019
8	Major General Saleh Mohammad Timis لواء ركن صالح محمد طميس	1 <sup>st</sup> Military District Commander <sup>41</sup>	Sayun, Hadramaut	22 November 2016
9	Major General Faraj Salamin al-Bahasani لواء ركن فرج سالمين البحسيني	2 <sup>nd</sup> Military District Commander <sup>42</sup>	Al-Mukalla, Hadramaut	Since 2015
10	Major General Mohammad al-Hubashi لواء ركن محمد أحمد الحبشي	3 <sup>rd</sup> Military District Commander <sup>43</sup>	Ma'rib	14 August 2019
11	Major General Fadhl Hasan لواء ركن فاضل حسن	4 <sup>th</sup> Military District Commander <sup>44</sup>	Aden	21 November 2016
12	Major General Yahya Hussien Salah لواء ركن يحيى حسن صالح	5 <sup>th</sup> Military District Commander <sup>45</sup>	Midi, Hajjah	17 February 2018
13	Major General Hashem Abdullah Al Ahmar لواء هاشم عبد الله الأحمر	6 <sup>th</sup> Military District Commander	Al-Jawf	Resigned on 11 February 2020

<sup>37</sup> Replace Major General Abdullah Salem Ali Al-Nakhai.

<sup>38</sup> Presidential Decree 10 (2020). Available at <https://almasdaronline.com/articles/178267>.

<sup>39</sup> Presidential Decree 182 (2018). Available at <https://www.almashhad-alyemeni.com/121600>.

<sup>40</sup> Presidential Decree 12 (2019). Available at: <https://naba-ye.com/news1105.html>.

<sup>41</sup> Presidential Decree 154 (2016). <https://www.almashhad-alyemeni.com/61690>.

<sup>42</sup> 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 at: <https://buyemen.net/news48340.html>. Also see: [https://arabic.sputniknews.com/arab\\_world/201508161015325772](https://arabic.sputniknews.com/arab_world/201508161015325772).

<sup>43</sup> Presidential Decree 106 (2019). Available at: <http://aden-tm.net/NDetails.aspx?contid=96231>.

<sup>44</sup> Yemen's Southern Powder keg, Chatham House, Peter Salisbury, 2018. Presidential Decree 155 (2016).

<sup>45</sup> Presidential Decree 20 (2018). Available at: <https://www.almashhad-alyemeni.com/104230>. Also, see: <https://www.youtube.com/watch?v=tbu9zpVUNPM>.

Serial	Name	Position	Location	Remarks
14	Major General Ahamad Hassan Gubran لواء أحمد حسن جبران	7 <sup>th</sup> Military District Commander <sup>46</sup>	Nihm	27 January 2020
15	Brigadier General Sanad Al-Rahwa عميد ركن سند الرهوه	Commander of 1 <sup>st</sup> Presidential Protection Brigade <sup>47</sup>	Shaqra, Abyan	It has been located in Shaqra since August 2019 <sup>48</sup>
16	Brigadier General Abdulhakeem Dawkam <sup>49</sup> عميد ركن عبد الحكيم دوكم	Commander of 2 <sup>nd</sup> Presidential Protection Brigade <sup>50</sup>	Al Abr, Hadramaut	Responsible for protecting Vice President Ali Mohsen al-Ahmar
17	Brigadier General Louay Awad Mohamed Zamiki <sup>51</sup> عميد لؤي عوض الزامكي	Commander of 3 <sup>rd</sup> Presidential Protection Brigade	Lawdar and Shaqra, Abyan	Previously stationed in Khur Maksar district of Aden, in the Jabal Hadid camp
18	Brigadier General Mahran Qubati عميد مهران القباطي	Commander of 4 <sup>th</sup> Presidential Protection Brigade <sup>52</sup>	Shaqra, Abyan	Located in Dar Sad, Aden. Then in the “Reception” military camp in Marib governorate. <sup>53</sup>
19	Brigadier General Abdullah al-Subaihi عميد ركن عبد الله الصبيحي	Commander of 39 <sup>th</sup> Armoured Brigade <sup>54</sup>	Shaqra, Abyan. Since 3 September 2019 <sup>55</sup>	Before 10 August 2019 was stationed in Bader Camp, Khur Maksar, Aden
20	Brigadier General Mohammad Ali Jaber <sup>56</sup> عميد محمد علي جابر	Commander of 89 <sup>th</sup> Infantry Brigade	Shaqra, Abyan. Since 3 September 2019 <sup>57</sup>	Before 10 August 2019 was stationed in Bader Camp, Khur Maksar, Aden

<sup>46</sup> Presidential Decree 10 (2020). See: <http://aden-tm.net/NDetails.aspx?contid=114859>.

<sup>47</sup> The 1st Brigade was specifically named in the Military Arrangements annex of the Riyadh Agreement.

<sup>48</sup> Before that it was based in the Presidential Palace in Aden’s Crater district.

<sup>49</sup> The Presidential Protection Brigades: Hadi’s muscle in the south, 11 May 2020. Available at: <https://al-masdaronline.net/national/771>.

<sup>50</sup> This brigade’s forces have been protecting the vice president since 2017, while some units in the brigade are fighting on the front lines between Ma’rib and Sana’a.

<sup>51</sup> Presidential Decree 51 (2019). Available at: <https://www.facebook.com/1784290338507592/photos/a.1795004187436207/2304017236534897/?type=3>. Also, see: <https://adenkbr.news/60171/>.

<sup>52</sup> See: Who rules the grip on the interim capital? Available at: <https://almasdaronline.com/articles/168745>.

<sup>53</sup> The brigade suffered heavy losses in January when the Houthis fired a ballistic missile at the Reception camp, killing more than 110 people. See: <https://al-masdaronline.net/national/266>.

<sup>54</sup> Military commanders appointed to merge southern resistance with army. See <https://aawsat.com/home/article/539666>.

<sup>55</sup> <https://almasdaronline.com/articles/171279>.

<sup>56</sup> Presidential Decree 67 (2019). Available at: <http://alwattan.net/news/79294>.

<sup>57</sup> <https://almasdaronline.com/articles/171279>.



Serial	Name	Position	Location	Remarks
21	Major General Abu Baker Hussien Salim لواء ابو بكر حسن سالم	Commander of Abyan Axis <sup>58</sup>	Abyan Axis, Zingibar	11 March 2017
22	Brigadier General Mohammad Ahmed Mulhem عميد ركن محمد أحمد ملحم	Commander of 111 <sup>th</sup> Infantry Brigade <sup>59</sup>	Ahwar, Abyan	6 July 2015
23	Brigadier General Saif Ali Mohammed al-Qefish عميد ركن سيف علي القفشي	Commander of 115 <sup>th</sup> Infantry Brigade <sup>60</sup>	Shaqra, Abyan	On 15 May 2020, STC captured BG Saif <sup>61</sup>
24	Brigadier General al-Hamzah Ali Salim al-Jadani عميد ركن الحمزه علي الجعدي	Commander of 119 <sup>th</sup> Infantry Brigade <sup>62</sup>	Abyan	Died in June 2020 <sup>63</sup>
25	Brigadier General Ali Muhammad al-Qamali عميد ركن علي القملي	Commander of 103 <sup>rd</sup> Infantry Brigade	Hajeen, Abyan	Died in June 2020 <sup>64</sup>
26	Brigadier General Azeez Naser al-'Atiqi <sup>65</sup> عميد ركن عزيز ناصر العتيقي	Atiq Axis commander and 30 <sup>th</sup> Infantry Brigade commander <sup>66</sup>	Atiq, Shabwah	January 2017
27	Brigadier General Jahdal Hanash al-Awlaki <sup>67</sup> عميد جحدل حنش العولقي	Commander of 21 <sup>st</sup> Brigade <sup>68</sup>	Bayhan–Atiq, Shabwah	Since 2015
28	Brigadier General Mahdi Yuslim al-Qomishi عميد مهدي يسلم القميشي	Commander of 2 <sup>nd</sup> Mountain Infantry Brigade <sup>69</sup>	Atiq, Shabwah	January 2019

<sup>58</sup> On 11 March 2017 appointed as a governor, Presidential Decree 20 (2017). Available at: <https://almawqepost.net/news/17543>, also on <http://aden-tm.net/NDetails.aspx?contid=22963>.

<sup>59</sup> See: <https://www.sahafah24.net/y/show207243.html>.

<sup>60</sup> Presidential Decree 45 (2018). Available at: <https://almandeb.news/?p=98572>. Also see: <https://www.erehnews.com/news/arab-world/yemen/1247463>.

<sup>61</sup> See: <https://yemen-press.com/news/116823.html>.

<sup>62</sup> Brigadier General Hamza al-Jadani assigned acting commander of 119<sup>th</sup> Infantry Brigade. See: <http://www.marsad.news/news/31106> also see: <https://www.al-omanaa.com/news/72621.html>.

<sup>63</sup> <https://www.alminasapress.com/news/266698>.

<sup>64</sup> See: <https://shabwaah-press.info/news/65859>.

<sup>65</sup> S/2020/326, Annex 10. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>66</sup> Presidential Decree 6 (2017). Available on <http://mosnad.net/news.php?id=18513>, also available at: <http://yemen-now.com/news/1444016.html>.

<sup>67</sup> S/2020/326, Annex 10. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>68</sup> S/2019/83, Annex 8. Available at: <https://undocs.org/en/S/2019/83>.

<sup>69</sup> Ibid.

Serial	Name	Position	Location	Remarks
29	Major General Khaled Qassem Fadhal لواء ركن خالد قاسم فاضل	Ta'izz Axes Commander and 145 <sup>th</sup> Infantry Brigade <sup>70</sup>	Ta'izz	November 2019
30	Brigadier General Abdul Rahman Thabet Shamsan عميد ركن عبدالرحمن ثابت شمسان	Commander of 17 <sup>th</sup> Infantry Brigade <sup>71</sup>	Ta'izz	Appointed as a Commander of 35 <sup>th</sup> Armoured Brigade
31	Brigadier General Sadeq Sarhan عميد ركن صادق سرحان	Commander of 22 <sup>nd</sup> Armoured Brigade	Ta'izz	Since 2015
32	Brigadier General Abdul Rahman Thabet Shamsan <sup>72</sup> عميد ركن عبدالرحمن ثابت شمسان	Commander of 35 <sup>th</sup> Armoured Brigade	Ta'izz	July 2020
33	Abu Bakr al-Jabuli أبو بكر الجبولي	Commander of 4 <sup>th</sup> Mountain Infantry Brigade <sup>73</sup>	Ta'izz	Not a military officer
34	Brigadier General Abdulaziz Ahmed Nasser al-Majidi <sup>74</sup> عميد عبد العزيز أحمد ناصر المجيدي	Commander of 170 <sup>th</sup> Air defence Brigade	Ta'izz	20 February 2018
35	Adnan Rozaiq عدنان رزيق	Commander of 5 <sup>th</sup> Presidential Protection Brigade	Ta'izz	Head of Ta'izz Axis Operation Branch
36	Brigadier General Amjad Khalid عميد ركن امجد خالد	Commander of the Transportation Brigade <sup>75</sup>	Al Mukha, Al-Hudaydah	The brigade was stationed in Aden till December 2019
37	Brigadier General Khaled Yaslam عميد ركن خالد يسلم	Commander of 107 <sup>th</sup> Infantry/Safe Brigade <sup>76</sup>	Safer, Ma'rib	August 2013

<sup>70</sup> See: <https://www.deeproot.consulting/single-post/2018/08/16/Caught-in-the-Middle-A-Conflict-Mapping-of-Ta'izz-Governorate>.

<sup>71</sup> Press interview with Brigadier General Abdel Rhman al-Shamsani, 3 April 2019, available at: <http://aljanadpost.net/p-3939>.

<sup>72</sup> Presidential Decree 33 (2020). See: <https://www.almashhadalaraby.com/amp/199770>.

<sup>73</sup> See: <https://almananiya.net/articles/1150.htm>.

<sup>74</sup> Presidential Decree 2 (2018). Available at: <http://www.alharf28.com/p-2592>.

<sup>75</sup> Transport Brigade Commander Amjad al-Qahtani promoted to Brigadier General. Available at: <http://yemen-now.com/news1510335.html>.

<sup>76</sup> S/2020/326. Annex 8. Available at: <https://undocs.org/ar/S/2020/326>.

Serial	Name	Position	Location	Remarks
38	Major General Mohammad al-Hubashi <sup>77</sup> لواء ركن محمد الحبشي	Commander of 13 <sup>th</sup> Infantry Brigade	Ma'rib	Also, commanding 3 <sup>rd</sup> MD
39	Brigadier General Ali Ammar al-Jaifi عميد علي عمار الجائفي	Commander of 14 <sup>th</sup> Armoured Brigade <sup>78</sup>	Sahn al Jin, Ma'rib	September 2019
40	Brigadier General Mujahid al-Shaddadi عميد ركن مجاهد الشدادي	180th Air Defence Brigade	Sahn al Jin, Ma'rib	
41	Brigadier General Mohammed al-Asoudi <sup>79</sup> عميد محمد العسودي	Commander of 203 <sup>rd</sup> Infantry Brigade	Sirwah, Ma'rib	January 2020
42	Maj. Gen. Mufreh Muhammad Bahih <sup>80</sup> لواء مفرح محمد علي بحبيح	Commander of 26 <sup>th</sup> Infantry Brigade and Bayhan Axis	Harib, Ma'rib	March 2018
43	Colonel Yahya Tamah عقيد يحي تامه	Commander of 29 <sup>th</sup> Infantry Brigade	Ma'rib	
44	Brigadier General Hamid Muhammad al-Theifani عميد محمد أحمد الذيفاني	Commander of 310 <sup>th</sup> Armoured Brigade	Al Mass, Ma'rib	Killed on 4 April 2020 <sup>81</sup>
45	Brigadier General Ahmed Al-Barihi عميد ركن أحمد البريهي	Commander of 139 <sup>th</sup> infantry brigade	Nihm	
46	Brigadier General Mohamed Ahmed al-Halisi al-Muradi عميد محمد أحمد الحليسي المرادي	Commander of 312 <sup>nd</sup> Armoured Brigade	Sirwah, Ma'rib	Kofel camp

a) *Brigades deployed to the 5th Military District Area of Responsibility in Hajjah Governorate at the Saudi Southern Borders, which are supported by SLC<sup>82</sup>*

Serial	Name	Position	Location	Remarks
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<sup>77</sup> Presidential Decree 106 (2019). Available at: <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/>.

<sup>78</sup> See: <https://www.almashhad-alyemeni.com/143979>.

<sup>79</sup> Replaced Zaid al-Shoumi, who was killed in January 2020.

<sup>80</sup> Presidential Decree 37(2018). Available at: <http://aden-tm.net/NDetails.aspx?contid=43845>.

<sup>81</sup> See: <https://almawqapost.net/news/49368>.

<sup>82</sup> All brigades have deployed to Hajjah fronts, and belong to the 5th MD except Al Fursan brigade. These brigades are under the operational control of the Task Force 800, Saudi-led Coalition.

Serial	Name	Position	Location	Remarks
1	Brigadier General Abdo Suleiman عميد عبده سليمان	Commander of 25 <sup>th</sup> Mika Brigade	Hajjah	Also, Chief of Staff of the 5 <sup>th</sup> Military District <sup>83</sup>
2	Brigadier General Taha al-Amiri عميد طه العامري	Commander of 105 <sup>th</sup> Infantry Brigade	Hajjah	5 <sup>th</sup> MD
3	Brigadier General Abdullah al-Malaji عميد عبدالله الملاحي	Commander of 2 <sup>nd</sup> Brigade, Border Guard	Hajjah	5 <sup>th</sup> MD <sup>84</sup>
4	Brigadier General Muhammad Salman <sup>85</sup> عميد محمد سلمان	Commander of 82 <sup>nd</sup> Infantry Brigade	Hajjah	5 <sup>th</sup> MD
5	Brigadier General Fayez al-Taresh <sup>86</sup> عميد فايز الطاهش	Commander of 3 <sup>rd</sup> Brigade, Border Guard	Hajjah	5 <sup>th</sup> MD
6	Brigadier General Muhammad Wuhan <sup>87</sup> عميد محمد وهان	Commander of 7 <sup>th</sup> Brigade, Border Guard	Hajjah	5 <sup>th</sup> MD
7	Brigadier General Mohammed al-Salami <sup>88</sup> عميد محمد السلمي	Commander of 10 <sup>th</sup> Brigade, Commandos	Hajjah	5 <sup>th</sup> MD
8	Brigadier General Mohammed al-Hajjouri <sup>89</sup> عميد محمد الحجوري	Special Forces Brigade Commander	Haradh Hajjah	Deployed in the 5 <sup>th</sup> MD AoR
9	Brigadier General Abdo Tarmoum <sup>90</sup> عميد عبده طرموم	Commander of Special Security Brigade	Hajjah	Deployed in the 5 <sup>th</sup> MD AoR
10	Zaid al-Hajjouri زيد الحجوري	Al Fursan Brigade Commander <sup>91</sup>	Hajjah	Salafist

<sup>83</sup> See: <https://alarshnews.net/?p=6292>.

<sup>84</sup> See: <https://yemen-press.net/news99470.html>.

<sup>85</sup> See: <https://m.yemenalghad.net/news19349.html>.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Replace Brigadier General Bilal Shedawah.

<sup>89</sup> See: <https://m.yemenalghad.net/news19349.html>.

<sup>90</sup> Ibid.

<sup>91</sup> Al Fursan brigade is an independent brigade backed by Saudi Arabia.

b) *Brigades deployed to the 6th Military District Area of Responsibility in Al-Jawf and Sa'ada Governorates at the Saudi Southern Borders*<sup>92</sup>

Serial	Name	Position	Location	Remarks
1	Brigadier Hadi Shalfat عميد هادي شلفط	Commander of Al-Dhafer Brigade, Border Guards <sup>93</sup>	Khabb wa ash Sha'af	Al-Jawf fronts
2	Brigadier General Muhammad bin Rasiya عميد محمد بن راسية	Commander of 101 <sup>st</sup> Brigade	Al-Jawf	Al-Jawf fronts
3	Brigadier Heikal Hanaf عميد هيكل حنتف	Commander of 1 <sup>st</sup> Brigade, Border Guards	North Axis	Al-Jawf fronts
4	Brigadier Abdullah al-Dawi عميد عبدالله الضاوي	Commander of 127 <sup>th</sup> Infantry Brigade	Al-Jawf	Al-Jawf fronts
5	Brigadier Hussein al-Usaimi عميد حسين العصيمي	Commander of 161 <sup>st</sup> Infantry Brigade	Al-Jawf	Captured and killed by Houthis in May 2020 <sup>94</sup>
6	Colonel Dhafer Haqqan al-Juaidi عقيد ظافر حقان الجعدي	Al Hasm Brigade Border Guard	Al-Jawf	Al-Jawf fronts
7	Major General Amin al-Okimi لواء أمين العكيمي	Al-Jawf axis battalions	Al-Jawf	Governor
8	Brigadier Manea Abu Saeed عميد مناع ابو السعيد	Al Amal Brigade	Al Hazm	Al-Jawf fronts
9	Colonel Hamad Rashid al-Azmi عقيد حمد راشد الحزمي	Al Izz Brigade	Al-Jawf	Al-Jawf fronts
10	Brigadier Taher Zemam عميد طاهر زممام	Commander of 9 <sup>th</sup> Infantry Brigade	Kitaf wa Al Boqe'e	Sa'ada fronts
11	Brigadier Abdo al-Mikhlafi عميد عبده المخلافي	Commander of 122 <sup>nd</sup> Infantry Brigade	Kitaf wa Al Boqe'e	Merged with Al Fateh brigade
12	Radad al-Hashimi رداد الهاشمي	Commander of Al Fateh Brigade <sup>95</sup>	Kitaf wa Al Boqe'e	Salafist

<sup>92</sup> These brigades are under the operational control of Task Force 1501, SLC. Some of these brigades are led by Salafists leaders backed by Saudi Arabia. Some of the brigades do not exceed 100 persons.

<sup>93</sup> See: <https://yemennews.com/article/241171>.

<sup>94</sup> See: <https://www.almashhad-alyemeni.com/167040>.

<sup>95</sup> Al Fateh brigade is an independent brigade backed by Saudi Arabia.

Serial	Name	Position	Location	Remarks
13	Brigadier General Bilal al-Shadiawah عميد ركن بلال شديوه	Commander of Al Tahrir Brigade <sup>96</sup>	Kitaf wa Al Boqe'e	In May 2020 merged with Al Tawhid brigade
14	Abd al-Rahman Alloom عبد الرحمن اللوم	Commander of Al Tawhid Brigade <sup>97</sup>	Kitaf wa Al Boqe'e	Sa'ada fronts
15	Brigadier General Saleh al-Majeedi عميد صالح المجيدي	Commander of 6 <sup>th</sup> Brigade , Border Guard <sup>98</sup>	Razih	Sa'ada fronts
16	Brigadier Khaled Kharsan عميد خالد خرسان	Commander of 7 <sup>th</sup> Brigade, Border Guards	Razih	Sa'ada fronts
17	Amin Yahya Hassan al-Suwaidi أمين يحي حسن السوداني	Commander of the 2 <sup>nd</sup> Special Forces Brigade	Razih	Sa'ada fronts
18	Brigadier General Adeeb al-Shuhab عميد اديب شهاب	Commander of the 9 <sup>th</sup> brigade, Border Guard	Baqim	Sa'ada fronts
19	Brigadier General Yaser al-Harhi عميد ياسر الحارثي	Commander of the 102 Special Forces Brigade	Baqim	Sa'ada fronts
20	Brigadier General Yaser Hussien Mujali عميد ياسر حسين مجلي	Commander of the 63 <sup>rd</sup> Brigade	Elb- Baqim	Sa'ada fronts
21	Brigadier General Abdul Karim al-Sadie عميد عبد الكريم السدعي	Commander of the Third Brigade, Ourouba <sup>99</sup>	Al Malaheet, Al Dhahir	Sa'ada fronts
22	Brigadier General Mohammed al-Ajani عميد محمد العجاني	Commander of the Third Brigade, Storm <sup>100</sup>	Shada Front, Sa'ada	Sa'ada fronts

## 2. Intelligence, Security, Political, and Civil Administration Actors

12. The Political Security Organisation was formed in 1992 as the primary intelligence entity responsible for both domestic and external intelligence gathering and analysis, until then President Saleh formed the National Security Bureau in 2002, with Colonel Ammar Saleh, Saleh's nephew, as deputy head director.

13. In 2001, then President Saleh appointed Brigadier General Yahya Saleh as chief of staff for the Central Security Forces, a paramilitary organisation working under the ministry of

<sup>96</sup> Al Tahrir brigade is an independent brigade backed by Saudi Arabia led by Turki Al-Wadei, Fawaz Al-Zirari, Ali Mohsen Al-Huda, Abdullah Dugaish, Jamal al-Qala'I, and Bilal al-Shadiawah.

<sup>97</sup> Al Tawhid brigade is an independent brigade backed by Saudi Arabia.

<sup>98</sup> See: <https://www.youtube.com/watch?v=N2Cy06F-Pew>.

<sup>99</sup> See: <https://lahjpress.com/news/15498>.

<sup>100</sup> See: <https://www.al-tagheer.com/news109622.html>.

interior, which focused on domestic threats. Yahya also supervised the formation of the Central Security Services' counter-terrorism force.

14. In January 2013, President Hadi announced a major overhaul of the interior ministry. Among other things, he streamlined the number of departments reporting directly to the minister; increased provincial governors' authority over ministry forces in their respective areas; rebranded the controversial Central Security Forces as the new Special Security Forces; and established a General Inspectors office to deal with human rights transgressions, corruption and police violations within the ministry.<sup>101</sup> The main actors are as follows:

Serial	Name	Position	Location	Remarks
1	Major General Abdo Mohammed al-Huthaifi لواء عبده محمد الحذيفي	Political Security Organization	Aden	
2	Major General Ahmed Abdullah al-Musabi <sup>102</sup> لواء أحمد عبدالله المصعبي	Head of National Security Bureau	Aden	29 August 2016
3	Major General Mohammad Musleh Eidah, لواء ركن محمد مصلح العيضة	National Security Bureau	Aden	Head of the Yemeni governmental team, RCC
4	Moeen Abdul Malik Saeed معين عبد الملك سعيد	Prime Minister	Riyadh	15 October 2018. On 29 July 2020 he was charged with reforming the cabinet. <sup>103</sup>
5	Ahmed bin Ahmed al-Mesry احمد بن احمد الميسري	Minister of Interior		Since 2017
6	Mohammed Abdullah al-Hadrami محمد عبدالله الحضرمي	Minister of Foreign Affairs	Riyadh	September 2019
7	Salem Saleh Salem bin Brik سالم صالح سالم بن بريك	Minister of Finance	Riyadh	September 2019
8	Dr. Ahmed Obaid al-Fadhli الدكتور احمد عبيد الفضلي	Central Bank Governor	Aden	September 2019
9	Ahmed Hamed Limlis <sup>104</sup> أحمد حامد لمليس	Governor	Aden	29 July 2020

<sup>101</sup> See: <https://d2071andvip0wj.cloudfront.net/yemens-military-security-reform-seeds-of-new-conflict-arabic.pdf>

<sup>102</sup> Presidential Decree 115 (2016). Available at: <https://www.yen-news.net/news25103.html>.

<sup>103</sup> Presidential Decree 35 (2020). Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2115408>.

<sup>104</sup> Presidential Decree 5 (2020). Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2115408>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
10	Ahmed Abdullah al-Turky احمد عبدالله التركي	Governor <sup>105</sup>	Lahj	24 December 2017
11	Abu Baker Hussien Salim ابو بكر حسن سالم	Governor	Abyan	13 March 2017
12	Mohammed Saleh bin Adio محمد صالح بن عديو	Governor <sup>106</sup>	Shabwah	26 November 2018
13	Nabil Abdu Shamsan نبيل عبده شمسان	Governor <sup>107</sup>	Ta'izz	31 December 2018
14	Amin al-Okimi أمين العكيمي	Governor <sup>108</sup>	Al-Jawf	12 August 2016
15	Sultan bin Ali al-Aradah سلطان بن علي العرادة	Governor	Ma'rib	Since 2012
16	Ali Moqbel Saleh علي مقبل صالح	Governor <sup>109</sup>	Al-Dhale'e	24 December 2017
17	Nasser Al-Khidr al-Sawadi ناصر الخضر السوادي	Governor <sup>110</sup>	Al-Bayda	6 June 2018
18	Faraj Salamin al-Bahasani فرج سالمين البحسيني	Governor <sup>111</sup>	Hadramaut	29 June 2017
19	Mohammad Ali Yasser محمد علي ياسر	Governor <sup>112</sup>	Al Maharah	23 February 2020
20	Ramzi Mahrous رمزي محروس	Governor <sup>113</sup>	Socotra	12 April 2018
21	Major General Ahmed Mohamed al-Hamed <sup>114</sup> لواء أحمد محمد الحامدي	Director of General Security	Aden	Replaced Major General Shallal al-Shaye, 29 July 2020

<sup>105</sup> UN Document, S/2018/68. Available at: <https://undocs.org/en/S/2018/68>.

<sup>106</sup> Presidential Decree 76 (2018). Available at: <https://almawqapost.net/reports/37080>.

<sup>107</sup> Presidential Decree 79 (2018). See <https://almawqapost.net/news/37080>.

<sup>108</sup> Presidential Decree 96 (2016). See: [https://suhail.net/news\\_details.php?lng=arabic&sid=5222](https://suhail.net/news_details.php?lng=arabic&sid=5222).

<sup>109</sup> See: <https://adengd.net/news/294350/>.

<sup>110</sup> Presidential Decree 40 (2018). See: <https://www.spa.gov.sa/1774040?lang=ar&newsid=1774040>.

<sup>111</sup> Presidential Decree 34 (2017). See <https://buyemen.net/news48340.html>.

<sup>112</sup> Presidential Decree 1 (2020). see: <https://almahrahpost.com/news/15507#.Xv2C1SgzaUk>.

<sup>113</sup> Presidential Decree 30 (2018). See: <https://www.sabanew.net/viewstory/31699>.

<sup>114</sup> Presidential Decree 6 (2020). Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2115408>.



Serial	Name	Position	Location	Remarks
22	Brigadier General Saleh al-Sayyed <sup>115</sup> عميد صالح السيد	Director of General Security	Lahj	20 November 2016
23	Colonel Ali Naser Abu Zaid Ba'azab Abu Mashal al-Kazmi <sup>116</sup> عقيد علي ناصر ابو مشعل الكزمي	Director of General Security	Abyan	20 June 2019
24	Brigadier General Awad Massod al-Dahboul <sup>117</sup> عميد عوض مسعود الدحبول	Director of General Security	Shabwah	3 June 2016
25	Brigadier General Mansour Abdul Rab al-Akhali عميد منصور عبد رب الاكحلي	Director of General Security <sup>118</sup>	Ta'izz	1 January 2018
26	Brigadier General Murad Abu Hatim عميد مراد ابو حاتم	Director of General Security	Al-Jawf	
27	Brigadier General Yahya Ali Abdullah Hamid عميد يحي علي عبدالله حميد	Director of General Security <sup>119</sup>	Ma'rib	23 May 2019
28	Brigadier General Ahmed Mohamed el-Haddad عميد محمد الحداد	Director of General Security <sup>120</sup>	Al-Bayda	25 April 2019
29	Major General Saeed Ali Ahmad Naseeb al-Amri عميد سعيد علي احمد نصيب العمري	Director of General Security <sup>121</sup>	Hadramaut	15 May 2020
30	Brigadier General Mufti Suhail Samouda عميد مفتي سهيل صمودة	Director of General Security <sup>122</sup>	Al Maharah	14 July 2018
31	Colonel Fayez Salem Musa Tahs عقيد فايز سالم موسى طاحس	Director of General Security <sup>123</sup>	Socotra	3 October 2019

<sup>115</sup> See: <http://aden-tm.net/NDetails.aspx?contid=17541>.

<sup>116</sup> See: <https://imoyemen.com/news/7726>.

<sup>117</sup> Ministerial Decree 33 (2016). See : <https://shabwaah-press.info/news/35417>.

<sup>118</sup> Presidential Decree 1 (2018). Available at: <https://yemenshabab.net/locales/31572>.

<sup>119</sup> Presidential Decree 72(2019). Available at: <https://yemenpressapp.info/news106432.html>.

<sup>120</sup> See: <https://www.almashhad-alyemeni.com/131767>.

<sup>121</sup> See: <https://almawqepost.net/news/50531>.

<sup>122</sup> See: <https://almawqepost.net/news/32281>.

<sup>123</sup> Presidential Decree 34 (2019). See: <https://sahafahnet.com/show6492465.html>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
32	Colonel Abd Rabbo al A'tab al- Sharif عقيد عبد ربه الاكعب الشريف	Commander of Special Security Forces <sup>124</sup>	Shabwah	4 September 2019

## D. Armed Groups – Non-State Actors

### 1. Armed groups affiliated to the Southern Transitional Council<sup>125</sup>

#### a) Security Belt Forces

15. The Security Belt Forces is a non-state armed group, created by the UAE in 2016 with the approval of President Hadi, who issued a presidential decree to form the support brigades. It soon became an operational and administrative force controlled by the Emirates that had formed, trained and armed it. The Government of Yemen has stated that the security belt forces has not been under its command and control since its formation.<sup>126</sup> After the withdrawal of Emirati ground forces from Yemen, the Security Belt Forces came under the operational control of the Southern Transitional Council. The number of Security Belt Forces exceed 30,000 fighters. They exercise military and security functions and are located in Aden, Abyan, Lahj, Al-Dhale'e and Socotra. Among the most prominent leaders of the Security Belt Forces are the following individuals:

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Brigadier General Mohsen Abdullah al-Wali عميد محسن عبدالله الوائلي	Security Belt Commander	Aden	
2	Lieutenant Colonel Nasr Atef al-Mashushi مقدم ناصر عاطف المشوشي	Commander 1 <sup>st</sup> Support Brigade Emergency Forces <sup>127</sup>	Yafa'a, Lahj	April 2020
3	Brigadier General Nabil al-Mashushi عميد نبيل المشوشي	Commander of 3 <sup>rd</sup> Support Brigade	Ras Abbas camp	
4	Colonel Abd al-Latif al-Sayyad <sup>128</sup> عقيد عبد اللطيف السيد	Commander of Security Belt Forces <sup>129</sup>	Abyan	Mid-2016

<sup>124</sup> See: <http://shabwah24.net/news/1274>.

<sup>125</sup> The Southern Transitional Council was established in 2017, headed by Adroos Al-Zubaidi. His deputy is Sheikh Hani bin Brik.

<sup>126</sup> UN document, S/2020/326, para 25. See: <https://undocs.org/en/S/2020/326>

<sup>127</sup> See: <https://almandeb.news/?p=245302>.

<sup>128</sup> The Daily Mail, 24 March 2015. <http://www.dailymail.co.uk/wires/ap/article-3009836/In-south-Yemen-militia-leader-presidents-ally.html>.

<sup>129</sup> (Nadwa Al-Dawsari, "The Popular Committees of Abyan: A Necessary Evil or an Opportunity for Security Reforms?" Middle East Institute, March 5, 2014, <http://www.mei.edu/content/popular-committees-abyanyemen-necessary-evil-or-opportunity-security-reform>.

Serial	Name	Position	Location	Remarks
5	Lieutenant Colonel Mohammed al-Oban مقدم محمد العوبان	Deputy Commander of Security Belt Forces <sup>130</sup>	Abyan	
6	Brigadier General Wadhah Omar Abdalaziz	Security Belt Commander <sup>131</sup>	Aden	Now in Lahj
7	Jalal Nasser al-Rubaie جلال ناصر الربيعي	Security Belt Commander <sup>132</sup>	Lahj	22 December 2018
8	Colonel Hader al- Shukhaty عقيد حذار الشوحطي	Commander 4 <sup>th</sup> Support Brigade <sup>133</sup>	Lahj, al- Rebat	
9	Colonel Mukhtar al-Nubi عقيد مختار النوبه	Commander 5 <sup>th</sup> Support Brigade <sup>134</sup>	Lahj	
10	Ali Omar Kafaien <sup>135</sup> علي عمر كافين	Security belt commander	Socotra	
11	Osan al-Anshly اوسان العنشلي	Commander of 12 Storm Brigade	Aden	
12	Colonel Ahmed Qaid al- Qubbah عقيد احمد قايد القبه	Security Belt Commander	Al-Dhale'e	

b) *Shabwah Elite Forces*

16. Like the Security Belt Forces, the Shabwah Elite Forces are a non-state armed group comprised of around 10,000 fighters established, trained and armed by the UAE, and led by Lt. Col. Muhammad Salem al-Buhair. Its mission has included combatting Al-Qaeda and expelling it from Shabwah. After the battle of Aden in August 2019, the military clashes spread to Shabwah and violent confrontations took place between the Shabwah Elite Forces and Government of Yemen forces, from which the government forces emerged triumphant. As a result, the Southern Transitional Council lost its strongest armed formations in the Shabwah Governorate, namely the Shabwah Elite Forces, consisting of seven infantry brigades, with all their facilities, light and medium weapons, wheeled infantry (combat) and other vehicles.<sup>136</sup>

Serial	Name	Position	Location	Remarks
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<sup>130</sup> UN Document, S/2019/83, Annex 4. Available at: <https://undocs.org/ar/S/2019/83>.

<sup>131</sup> See: <https://www.4may.net/news/43846>.

<sup>132</sup> New appointments in the leadership of the Security Belt in Lahj, 22 December 2018, see: <https://almashhadalaraby.com/news/58755>. Also, see: <https://cratersky.net/posts/7810>.

<sup>133</sup> UN document S/2019/83 and UN document S/2018/68 annex 6. Also, see <https://adenkbr.news/77088/>. and <https://almashhadalaraby.com/news/101775>; <https://almashhadalaam.com/posts/6593>.

<sup>134</sup> The first batch of Lahj security graduates at the 5th Brigade Camp, Minister of Interior website, available on: <https://imoyemen.com/news/5813>.

<sup>135</sup> See: <https://almandeb.news/?p=255528>.

<sup>136</sup> Ibid

Serial	Name	Position	Location	Remarks
1	Lt. Col. Mohammed Salem al-Buhair al-Qamishi <sup>137</sup> مقدم محمد سالم البوحير القميشي	Shabwah Elite Forces Commander	Belhaf	October 2017
2	Lt. Col. Wajdi Ba'aum al-Khelaifi <sup>138</sup> مقدم وجدي باعوم الخلافي	Commander of 4 <sup>th</sup> Brigade, Shabwah Elite Forces	Nassab and Markha	
3	Major Mahdi Mohammed Barahma رائد مهدي محمد براهمه	Shabwah Rapid Intervention Forces <sup>139</sup>		
4	Muhammed Saleh Farah al-Kirby <sup>140</sup> محمد صالح فرح الكربي	Commander of 6 <sup>th</sup> Brigade, Shabwah Elite Forces	Shabwah	Died on 20 July 2020 <sup>141</sup>

c) *Hadramaut Elite Forces*

17. The Hadramaut Elite Forces is, like the Security Belt and Shabwah Elite Forces, a non-state armed group that was formed, armed and trained by the UAE. This force is led by Major General Faraj al-Bahsni, who is the commander of the Second Military Region and governor of Hadramaut. Al-Bahsni did not support the STC decision to declare self-administration in the south.

## 2. Armed Groups in the West Coast Front

18. On the Red Sea coast, Brigadier General Tareq Saleh, nephew of former President Ali Abdullah Saleh, commands 'the Joint Resistance Forces', comprising 40,000 to 50,000 fighters, including a mix of Guards of the Republic, Salafi fighters and the local Tuhami Resistance forces consisting of tribesmen from Al-Hudaydah governorate. Saleh defected from the Houthis/Saleh alliance after the Houthis killed his uncle, Ali Abdullah Saleh, in December 2017. He joined the UAE-led campaign against the Houthis along the Red Sea coast in early 2018 and has never formally accepted President Hadi's authority.<sup>142</sup>

a) *The National Resistance (Guardians of Republic)*

19. These forces are non-state armed groups, formed from members of the previous Republican Guard Brigades that belong to all Yemeni governorates. The majority of the members of the National Resistance Forces belong to the so-called "Republican Guard", made up of Special Forces, as well as tribesmen. The national resistance forces are led by Brigadier General Tareq Saleh and were formed, trained and armed by the UAE. They participated in the Al-Hudaydah battle in 2018 under the operational control of the UAE.

b) *Giant Brigades*

20. These brigades are a non-state armed group formed from the southern resistance elite, most of whose leaders are Salafi. There are currently about 12 brigades, mostly formed,

<sup>137</sup> Press interview with commander of Shabwah Elite Forces, Al-Omana post, 2 November 2017, <https://al-omana.com/news65261.html>.

<sup>138</sup> S/2020/326, Annex 10. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>139</sup> UN document S/2018/68. Available at: <https://undocs.org/ar/S/2018/68>.

<sup>140</sup> Ibid.

<sup>141</sup> See: <https://www.alayyam.info/news/89YGUE54-DRXX6P-DF70>.

<sup>142</sup> International Crisis Group, Rethinking Peace in Yemen, 2 July 2020. Available at: <https://reliefweb.int/report/yemen/rethinking-peace-yemen-middle-east-report-n-216-2-july-2020-enar>

trained, armed and supported by the UAE, under supervision from the Joint Operations Center of the Coalition. These forces participated in the successful battle for Bab al-Mandab and the city of Al Mukha alongside the Emirati armed forces, and they coordinate with the various forces of National Resistance and Tuhama forces.

21. The United Arab Emirates has held complete operational control during operations on the west coast.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Ali Salim al-Hasni <sup>143</sup> علي سالم الحسني	Giants Forces Commander	West Coast, Al- Hudaydah <sup>144</sup>	Salafist leader
2	Ra'ed Hassan Abdulrahman Saleh al- Habhi رائد حسن عبدالرحمن صالح	Commander of the 1 <sup>st</sup> Giants Brigade <sup>145</sup>	The coast-Ad Durayhimi	Salafist leader, studied at Dar Al-Hadith Center in Dammaj
3	Hamdi Shukri <sup>146</sup> حمدي شكري	Commander of the 2 <sup>nd</sup> Giants Brigade	Zabid-Al Garrahi	Salafist leader
4	Abd Ruhman al-lahji <sup>147</sup> عبدالرحمن اللحجي	Commander of the 3 <sup>rd</sup> Giants Brigade	Al-Hudaydah	Salafist leader
5	Nizar Salim Muhsen al- Wajeh نزار سالم محسن الوجيه	Commander of the 4 <sup>th</sup> Giants Brigade	At Tuhayat <sup>148</sup>	Salafist leader
6	Rashid Salim al-Amri رشيد سالم العامري	Commander of the 5 <sup>th</sup> Giants Brigade	Al Fazzah <sup>149</sup>	Salafist leader
7	Murad Saif Joubeh مراد سيف جويح	Commander of the 6 <sup>th</sup> Giants Brigade	Al Wazi'iyah	Salafist leader
8	Ali al-Kanini علي الكيني	Commander of the 7 <sup>th</sup> Giants Brigade	Hays <sup>150</sup>	Salafist leader

<sup>143</sup> Some reports indicate that Abd al-Rahman Abu Zar'ah al-Muharrami has been appointed as the general commander of the Al Amaliqa Brigades. See: <https://www.alminasapress.com/news302690>.

<sup>144</sup> See: <https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen>.

<sup>145</sup> See: <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>.

<sup>146</sup> See: <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>.

<sup>147</sup> Ibid.

<sup>148</sup> UN document, S/2019/206. Available at : <https://undocs.org/ar/S/2019/206>.

<sup>149</sup> <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>.

<sup>150</sup> UN document, S/2019/206. Available at : <https://undocs.org/ar/S/2019/206>.

Serial	Name	Position	Location	Remarks
9	Mohammad Ali Muqbel محمد علي مقليل	Commander of the 8 <sup>th</sup> Giants Brigade	Al-Hudaydah	Salafist leader
10	Sulaiman Yahya Munaser al-Zarnouki <sup>151</sup> سليمان يحيى منصور الزرنوقي	Commander of Al Zaraniq Brigades	Al-Hudaydah	Salafist leader
11	Bassam al-Mahdhar بسام المحضار	Commander of the 3 <sup>rd</sup> Infantry Brigade	Al-Hudaydah	Salafist leader
12	Basher Maqbul <sup>152</sup> بشير مقليل	Commander of 13 <sup>th</sup> Giant Brigade	Al-Hudaydah	Salafist Leader

c) *Tuhama Resistance Forces*

22. These forces are a non-state armed group consisting of the Resistance Forces from Tuhama region mainly from Al-Hudaydah Governorate, in the west of Yemen. The Tuhama Resistance Forces were trained and armed by the UAE armed forces, with the aim of preparing for the battle for Al-Hudaydah. The Tuhama Resistance Forces achieved victories on ‘Al Khawkhah’ and ‘Hays’ fronts, and launched attacks on Houthi positions in ‘At Tuhayat’ and ‘Al Garrahi’. The Tuhama Resistance Forces, led by *Abd al-Rahman Hajri*, are under the supervision of the Joint Operations Room of the Coalition. The United Arab Emirates held complete operational control during operations on the west coast.

Serial	Name	Position	Location	Remarks
1	Ahmad al-Kawkabani <sup>153</sup> احمد الكوكباني	Tuhama Resistance	Mujaylis, Ad Durayhimi, Al-Hudaydah	
2	Major General Haitham Qasim Tahir <sup>154</sup> اللواء هيثم قاسم طاهر	Field Commander	Jabaliyah <sup>155</sup>	Previous minister of defence

## E. Armed Non-State Actors / De-Facto Authorities

23. After President Hadi restructured the military and security institutions, and dissolved the Republican Guard and Central Security Forces, officers loyal to former President Saleh resisted the new structure, and Saleh-linked units remained the dominant force on the ground from Sana’a to Aden.

24. 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”), which lasted until December 2017, when former President Saleh was killed by the Houthis. Houthi authorities have maintained a similar architecture to the

<sup>151</sup> Ibid.

<sup>152</sup> See: <https://imoyemen.com/cat/2?>

<sup>153</sup> Ibid.

<sup>154</sup> UN document, S/2019/206. Available at: <https://undocs.org/ar/S/2019/206>.

<sup>155</sup> Ibid.

Yemeni Armed Forces: their armed forces are organized around seven military regions, and new commanders have been appointed since the Supreme Revolutionary Committee was established in 2015. The Houthis appointed supervisors within the military units, who have enjoyed great power.

25. In 2018, a supplementary ‘central military district’, including Sana’a and the surrounding tribes, has been created and placed under the command of Abdulkhaliq al-Houthi, Abdulmalik’s brother. This new district includes military camps formerly associated with the Republican Guard and the Reserve Forces. See Appendix 2.

26. Ballistic Missiles and UAVs represent the centre of gravity for the Houthis, as the weapons posing the biggest threat to the Coalition.

### 1. Political, Military and Security Main Actors

Serial	Name	Position	Location	Remarks
1	Abdulmalik Badr al-Din al-Houthi عبد الملك بدر الدين الحوثي	Leader of the Houthis <sup>156</sup>	Sana’a	Political, no military rank
2	Mahdi al-Mashat مهدي المشاط	President of Supreme Political Council	Sana’a	Promoted to marshal rank <sup>157</sup>
3	Mohammed Ali Abdulkarim al-Houthi محمد علي عبد الكريم الحوثي	Member of the Supreme Political Council <sup>158</sup>	Sana’a	Military, no rank 18 March 2019
4	Major General Yahya Mohammed al-Shami لواء يحيى محمد الشامي	Assistant of Supreme Commander <sup>159</sup>	Sana’a	28 November 2016
5	Major General Hussein Naji Hadi Khairan لواء حسين ناجي هادي خيران	Presidential Adviser for Defense and Security	Sana’a	Former Chief of General Staff
6	Yahya Badr al-Din al-Houthi يحيى بدر الدين الحوثي	Minister of Education	Sana’a	April 2016

<sup>156</sup> United Nations Security Council, available at: <https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdulmalik-al-houthi>.

<sup>157</sup> On 24 April 2019, the House of Representatives granted Mahdi Al-Mashat the rank of marshal. Available at: <https://www.yemenipress.net/archives/143698>.

<sup>158</sup> See: <https://almasdaronline.com/articles/165447>.

<sup>159</sup> See: <https://ar-ar.facebook.com/yymalshami/>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
7	Dr Rashid Aboud Shiryan Abu-Lahem <sup>160</sup> الدكتور رشيد عبود أبو لحوم	Minister of Finance	Sana'a	September 2019
8	Hashem Ismail Ali Ahmed <sup>161</sup> هاشم اسماعيل علي احمد	Governor of the Central Bank	Sana'a	18 April 2020
9	Major General Zakaria Yahya al-Shami لواء زكريا يحيى الشامى	Minister of Transportation <sup>162</sup>	Sana'a	28 November 2016
10	Hisham Sharaf هشام شرف	Minister of Foreign Affairs	Sana'a	28 November 2016
11	Hussein Hamud Al Azi حسين حمود العزى	Assistant of the Minister of Foreign Affairs <sup>163</sup>	Sana'a	Since 2018
12	Major General Abdulkarim Ammer Aldain al-Houthi <sup>164</sup> لواء عبد الكريم امير الدين الحوثى	Minister of Interior	Sana'a	5 May 2019
13	Abdul Mohsen Abdullah Qasim Attawoos (Abu Adel) عبد المحسن عبد الله قاسم الطاووس المكنى ابو عادل	Head of National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Response (NAMCHA) <sup>165</sup>	Sana'a	New Organization, 6 July 2019
14	Major General Abdul Hakim Hashim Ali al-Khiyawani لواء عبد الحكيم هاشم علي الخيوانى	Head of Security and Intelligence Service <sup>166</sup>	Sana'a	New organization 1 September 2019

<sup>160</sup> SPC decree 41 of 2019. See: <https://www.ansarollah.com/archives/229061>.

<sup>161</sup> SPC Decree 6 (2020). Available at: <http://althawrah.ye/archives/621176>.

<sup>162</sup> Yemen government website, available at: <http://www.yemen.gov.ye/portal/transport/%D8%A7%D9%84%D9%88%D8%B2%D9%8A%D8%B1/tabid/705/Default.aspx>.

<sup>163</sup> SPC Decree 11 (2018). Available at: <https://laamedia.net/news.aspx?newsnum=18890>.

<sup>164</sup> SPC Decree 90 of 2019. Available at: <http://en.althawranews.net/2019/05/president-al-mashat-appoints-minister-of-interior/>.

<sup>165</sup> SPC Decree 133 (2019). Available at: <http://althawrah.ye/archives/583978>.

<sup>166</sup> S/2020/326. Annex 7. See: <https://undocs.org/ar/S/2020/326>.



<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
15	Major General Abdulqader Qasim Ahmad al-Shami لواء عبد القادر قاسم احمد الشامي	Deputy Head of Security and Intelligence Service	Sana'a	1 September 2019
16	Major General Abdul Wahid Najj Abu Ras لواء عبد الواحد ناجي ابو راس	Under Secretary of the Security and Intelligence Service for External Operations Affairs	Sana'a	1 September 2019
17	Major General Abdullah Aida al- Razmi لواء عبد الله عيضة الرازمي	The Inspector General of the Ministry of Interior	Sana'a	Sa'ada supervisor
18	Colonel Sultan Saleh Zabin aka Abu Saqer عقيد سلطان صالح الزابن المكنى ابوصقر	Criminal Investigation Directorate	Sana'a	
19	Major General Muhammad Nasser Ahmed al-Atefi <sup>167</sup> لواء ركن محمد ناصر احمد العاطفي	Minister of Defence	Sana'a	28 November 2016
20	Brigadier General Mohamed Ahmed Talbi عميد محمد احمد طالبي	Assistant Minister of Defence for Logistic	Sana'a	
21	Major General Ali Muhammad al- Kahlani. لواء علي محمد الكحلاني	Assistant Minister of Defence for Human Resources	Sana'a	Former Chief of Logistic Staff
22	Major General Mohammed Abdulkarim al- Ghumari لواء ركن محمد عبد الكريم الغماري	Chief of General Staff	Sana'a	13 December 2016
23	Major General Ali Hamud al-Mushki لواء ركن علي حمود الموشكي	Deputy Chief of General Staff <sup>168</sup>	Sana'a	Former commander of Al-Bayda Axis

<sup>167</sup> Decree 56 (2016). Available at: <https://yemen-nic.info/ministations/detail.php?ID=10028>.

<sup>168</sup> S/2018/68 and S/2019/83.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
24	Major General Abdullah Yahya al- Hakim aka Abu Ali al-Hakim <sup>169</sup>  لواء عبدالله يحيى الحاكم المكنى ابو علي الحاكم	Chief of Military Intelligence Staff <sup>170</sup>	Sana'a	22 August 2017
25	Major General Yahya Shaalan al- Ghbaisy  لواء ركن يحيى شعلان الغبيسي	Chief of Human Resources Staff	Sana'a	
26	Major General Muhammad Muhammad Ghaleb al-Miqdad  لواء ركن محمد محمد غالب المقداد	Chief of Military Operations Staff	Sana'a	
27	Major General Salih Mosfir Alshaer <sup>171</sup>  لواء صالح مسفر الشاعر	Chief of Logistic Support Staff	Sana'a	
28	Brigadier General Ali Muhammad Abu Haleeqa  عميد ركن علي محمد ابو حليقة	Military Intelligence	Sana'a	Deputy of military intelligence chief
29	Brigadier General Zakaria Hassan Mohamed al-Sharafi  عميد زكريا حسن محمد الشرفي	Officers Affairs Directors	Sana'a	Reports to the Chief of Human Resources Staff
30	Brigadier General Muhammad Muhammad Salih al- Azima  عميد محمد محمد صالح العظيمه	Legal Affairs Director	Sana'a	Reports to the Chief of Human Resources Staff

<sup>169</sup> United Nations Security Council, available at: <https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdullah-yahya-al-hakim>.

<sup>170</sup> Republican Decree Appointing Abu Ali Al-Hakim, Head of General Intelligence Agency, Yemen Press, 22 August 2017, available at: <https://www.yemenpress.org/yemen/republican-decree-appointing-abu-ali-al-hakim-head-of-general-intelligence-agency/>.

<sup>171</sup> UN document, S/2018/68, available at : <https://undocs.org/ar/S/2018/68>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
31	Major General Abdul Malik Yahya Muhammad al- Durrah  لواء ركن عبد الملك يحي محمد الدرّه	Logistic Support Director	Sana'a	Reports to the Chief of Logistic Staff
32	Colonel Ibrahim Mohamed al- Mutawakkil  عقيد ابراهيم محمد المتوكل	Military Operations Director	Sana'a	Reports to the Chief of Operations Staff
33	Brigadier General Muhammad Ahmad al-Kahlani  عميد ركن محمد أحمد الكحلاني	Supply and Logistic Director	Sana'a	Reports to the Chief of Logistic Staff
34	Colonel Muhammad Abdul-Malik Muhammad Ismail al-Marouni  عقيد محمد عبد الملك محمد المروني	Housing Director	Sana'a	Reports to the Chief of Logistic Staff
35	Brigadier General Muhammad Muhammad Qaid al- Haimi  عميد محمد محمد قائد الحيمي	Military Police Commander	Sana'a	Reports to the Chief of Human Resources Staff
36	Major General (Pilot) Ahmed Ali al- Hamzi  لواء طيار أحمد علي الحمزي	Air Force Commander	Sana'a	Reports to the Chief of the General Staff
37	Brigadier General Yahya Abbad al- Ruwaishan  عميد يحي عباد الرويشان	Deputy Air Defence Commander	Sana'a	Reports to the Air Force Commander
38	Colonel Muhammad Abdullah Saeed  عقيد محمد عبد الله سعيد	Tariq Air Base Commander	Ta'izz Airport	Reports to the Air Force Commander
39	Brigadier General Najib Abdullah Dhamran  عميد نجيب عبد الله ذمران	Air Base Commander	Sana'a	Reports to the Air Force Commander

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
40	Brigadier General (Pilot) Zaid Ali bin Ali al-Akwa عميد طيار زيد علي بن علي الاكوع	2nd Aviation Brigade Commander	Sana'a	Reports to the Air Force Commander
41	Brigadier General Mansour Ahmed al-Saadi عميد منصور أحمد السعادي	Naval Forces Chief of Staff <sup>172</sup>	Sana'a	Reports to the Chief of the General Staff
42	Brigadier General Ali Saleh al-Ansi عميد علي صالح الانسي	Commander of the Coastal Defence Brigade <sup>173</sup>	Al-Hudaydah	Reports to the Naval Forces Chief of Staff
43	Brigadier General Abdul Razzaq Ali Abdullah al-Moayad عميد عبد الرزاق علي عبدالله المؤيد	Head of the Coast Guard Authority	Al-Hudaydah	
44	Brigadier General Nasser Ahmed Subhan al-Muhammadi عميد ناصر أحمد صبحان المحمدي	Border Guard Commander <sup>174</sup>	Sa'ada	Reports to the Chief of the General Staff
45	Brigadier General Yousef Abdullah al-Fishi عميد يوسف عبدالله الفيشي	Border Guard Brigades Commander	Sana'a	Reports to the Border Guard Commander
46	Brigadier General Abdullah Yahya al-Hassani عميد عبد الله يحي الحسناني	Presidential Protection Brigades Commander <sup>175</sup>	Sana'a	Reports to the Supreme Commander
47	Major General Hussein Muhammad Mohsen al-Rouhani لواء حسين محمد محسن الروحاني	Special Operations Commander	Sana'a	Reserve Forces

<sup>172</sup> See: <https://www.yemenipress.net/archives/129814>.

<sup>173</sup> See: <https://www.yemenipress.net/archives/129814>.

<sup>174</sup> SPC Decree 25 (2017). Available at: <https://www.ansarollah.com/archives/90120>.

<sup>175</sup> See: <http://althawrah.ye/archives/608851>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
48	Brigadier General Fouad Abdullah Yahya al-Imad  عميد فؤاد عبدالله يحيى العماد	3rd Presidential Protection Brigade Commander <sup>176</sup>	Sana'a	
49	Major General Mubarak Saleh al- Mishn al-Zaidi  لواء مبارك صالح المشن الزايدي	3rd Military Region Commander <sup>177</sup>	Ma'rib	Member of the Supreme Political Council
50	Brigadier General Abdulwali al- Houthi <sup>178</sup> عميد ركن عبد الوالي محمد عبد الله الحوثي	3rd Military Region, Chief of Operations Branch	Ma'rib	
51	Major General Abdulatif Homood Almahdi  لواء عبد اللطيف حمود يحيى المهدي	4th Military Region Commander	Ta'izz	Previously was Major General Abu Ali al-Hakim
52	Major General Hmoud Ahmad Dahmush  لواء حمود احمد دهمش	Chief of staff, 4th Military Region <sup>179</sup>	Ta'izz	April 2017
53	Major General Hamza Abu Talib عميد حمزة ابو طالب المكنى ابو حمزه	5th Military Region Commander	Al- Hudaydah	Reports to the Chief of the General Staff
54	Major General Jamil Yahya Mohammed Zarah  عميد جميل يحيى محمد زرعه	6th Military Region Commander <sup>180</sup>	Sa'ada	Reports to the Chief of the General Staff
55	Brigadier General Ali Abdullah al-Aqel  عميد علي عبد الله العاقل	6th MR, Chief of Operations Branch	Sa'ada	
56	Colonel Ali Saeed al-Razami  عقيد علي سعيد الرزمي	6th MR, Chief of Staff	Sa'ada	

<sup>176</sup> See: <https://yemenisport.com/print/641626>.

<sup>177</sup> See: <https://www.youtube.com/watch?v=7LFu11f5-JU>.

<sup>178</sup> See: <https://www.almashhad-alyemeni.com/161287>.

<sup>179</sup> Ibid.

<sup>180</sup> SPC Decree 171 (2018). Available at: <http://yemen-tv.net/index.php?mod=contents&do=view&cid=51&id=13284>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
57	Major General Abd al-Khaliq Badr al-Din al-Houthi aka Abu-Yunus <sup>181</sup> لواء عبد الخالق بدر الدين الحوثي	Central Military Regional Command (Republican Guard & Special Forces)	Al-Hudaydah	Nihm, Al-Jawf, and Ma'rib fronts commander
58	Brigadier General Ahmad Abdullah al-Sharafi عميد أحمد عبد الله الشرفي	Ta'izz Axis Commander <sup>182</sup>	Ta'izz	Replaced Abdullah Hizam Naji al-Dhaban <sup>183</sup>
59	Major General Yahya Abdullah Muhammad al-Razami لواء يحيى عبد الله محمد الرازمي	Hamdan Axis Chief of Staff	Sana'a	
60	Brigadier General Abed Abdullah al-Joud عميد ركن عابد عبد الله الجود	Al Fardhah Axis Commander	Sana'a	
61	Colonel Qasim Muhammad al-Ayani عقيد قاسم محمد العياني	Ibb Axis Commander	Ibb	
62	Colonel Ahmed Mohammed Ghaylan al-Qahm عقيد أحمد محمد غيلان الفحم	Al Boqe'e Axis Commander	Sa'ada	
63	Major General Amin Ali Abdullah al-Bahr لواء أمين علي عبد الله البحر	Samad 2 Brigade Commander	Ta'izz	Former Governor of Ta'izz
64	Colonel Haitham Mansour Zahran عقيد هيثم منصور زهران	Murad Brigade Commander	Sana'a	
65	Brigadier Mohamed Ahmed al-Nazili عميد محمد احمد النزيلي	Heavy Transportation Brigade Commander <sup>184</sup>	Ibb	

<sup>181</sup> Security Council 2140 Sanctions Committee amends two entries on its List. Available at: <https://www.un.org/press/en/2016/sc12493.doc.htm>.

<sup>182</sup> Ibid.

<sup>183</sup> UN document, S/2017/81, available at : <https://undocs.org/ar/S/2018/81>.

<sup>184</sup> See: <https://yemen-press.net/news50374.html>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
66	Colonel Ahmed Abdullah al-Siyani عقيد احمد عبد الله السياني	Light Transportation Brigade Commander <sup>185</sup>	Sana'a	
67	Brigadier General Hussein Ali al- Maqdashy عميد ركن حسين علي المقدشي	3 <sup>rd</sup> Mountain Infantry Brigade Commander	Ma'rib	
68	Brigadier General Zakaria Mohamed Ahmed Mohamed al- Mutaa عميد زكريا محمد أحمد محمد المطاع	4 <sup>th</sup> Armoured Brigade Commander		
69	Brigadier General Ahmed Jaber Naji al- Matari عميد أحمد جابر ناجي المطري	10 <sup>th</sup> Special Forces Brigade Commander		
70	Brigadier General Muhammad Ali Saeed عميد محمد علي سعيد	17 <sup>th</sup> Infantry Brigade Commander	Ta'izz	
71	Brigadier General Ahmed Saleh Ali al- Qarn عميد أحمد صالح علي القرن	22 <sup>nd</sup> Armoured Brigade Commander	Ta'izz	
72	Brigadier General Talal Muhammad Thabet al-Ajal عميد طلال محمد ثابت العجل	33 <sup>rd</sup> Armoured Brigade Commander	Al-Dhale'e	
73	Brigadier General Mansour Mohsen Ahmed Muajir عميد منصور محسن أحمد معجبر	35 <sup>th</sup> Armoured Brigade Commander	Ta'izz	Since 2014
74	Brigadier General Ahmed Ali Ahmed Qassem al-Maori عميد ركن أحمد علي أحمد الماوري	39 <sup>th</sup> Armoured Brigade Commander	Ibb	

<sup>185</sup> See: <https://www.saba.ye/ar/news3084419.htm>.

Serial	Name	Position	Location	Remarks
75	Brigadier General Abdul Wali Abdo Hassan al-Jabri عميد عبد الوالي حسن الجابري	115 <sup>th</sup> Infantry Brigade Commander	Al-Dhale'e	
76	Major General Jihad Ali Antar لواء جهاد علي عنتر	127 <sup>th</sup> Brigade Commander <sup>186</sup>	Al-Dhale'e	
77	Brigadier General Abdullah Jamil al- Hadri عميد عبد الله جميل الحاضري	145 <sup>th</sup> Infantry Brigade Commander	Al- Hudaydah	
78	Brigadier General Radwan Mohamed Salah عميد رضوان محمد صلاح	201 <sup>st</sup> Brigade Commander	Al-Dhale'e	
79	Colonel Khaled Ali Hussein al-Andouli عقيد خالد علي حسين العندولي	310 <sup>th</sup> Armoured Brigade Commander	Amran	
80	Brigadier General Saleh Ali Nasser al- Shami عميد صالح علي ناصر الشمالي	312 <sup>nd</sup> Infantry Brigade Commander	Sana'a	
81	Brigadier General Hussein Saleh Sabr عميد ركن حسين صالح صبر	314 <sup>th</sup> Infantry Brigade Commander	Sana'a	
82	Khaled al Jaaq خالد الجق	Director of the Military Intelligence Detention Facility	Al- Hudaydah	
83	Harith al-Azi <sup>187</sup> حارث العزي	Ibb Security Directorate	Ibb	January 2019

## 2. De-Facto Governors and Supervisors

27. The structure of the Houthi supervisory system parallels the administrative structure of the state at the governorate level. The general supervisor is the apex of this hierarchical organisation, and he is the 'shadow counterpart' of the formal state governor. He is in charge of forming the Popular and Revolutionary Committees and of appointing lower-level

<sup>186</sup> See: <https://al-hekmah.net/news30451.html>.

<sup>187</sup> How al-Qaeda leader Harith al-Azi escaped to the Houthis. What is the reality of appointing him to manage IBB security (details), Taiz online, January 2019, available at: <https://taizonline.com/news13232.html>.



supervisors at the district level. Moreover, he is capable of exerting pressure to make the ‘formal’ governor comply with Houthi directives. The general supervisor also appoints three supervisors in charge of specific domains: educational, social and security supervisors.<sup>188</sup>

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Abdul Basit Ali al-Hadi عبد الباسط علي الهادي	Governor	Sana’a	1 September 2019
2	Muhammad Jaber Awad محمد جابر عوض	Governor	Sa’ada	
3	Dr. Faisal Jamaan دكتور فيصل جمعان	Governor	Amran	
4	Major General Hilal Abdo Ali Hassan al- Sufi <sup>189</sup> لواء هلال عبده علي حسن الصوفي	Governor	Hajjah	10 December 2017
5	Major General Amer Hussain Amer al-Marani لواء عامر حسين عامر المراني	Governor	Al-Jawf	
5	Sheikh Muhammad Hussain al-Maqdashi الشيخ محمد حسين المقدشي	Governor	Dhamar	
6	Sheikh Abdul Wahid Salah الشيخ عبد الواحد صالح	Governor	Ibb	
7	Major General Mohammed Saleh al- Haddi لواء محمد صالح الهدي	Governor	Al-Dhale’e	
8	Major General Faisal Ahmed Naser Haider <sup>190</sup> لواء فيصل أحمد ناصر حيدر	Governor	Al Mahwit	Early 2018
9	Major General Faris Mujahid al-Habari لواء فارس مجاهد الحباري	Governor	Raymah	Early 2018
10	Mohammed Ayash Qahim محمد عياش قحيم	Governor	Al-Hudaydah	Replaced Hassan al- Haij <sup>191</sup>

<sup>188</sup> The Houthi supervisory system, acaps, Yemen Analysis Hub, 17 June 2020. Available at: [https://www.acaps.org/sites/acaps/files/products/files/20200617\\_acaps\\_yemen\\_analysis\\_hub\\_the\\_houthi\\_supervisory\\_system.pdf](https://www.acaps.org/sites/acaps/files/products/files/20200617_acaps_yemen_analysis_hub_the_houthi_supervisory_system.pdf)

<sup>189</sup> [https://www.saba.ye/ar/news481408.htm?utm=sahafah24com\\_D](https://www.saba.ye/ar/news481408.htm?utm=sahafah24com_D).

<sup>190</sup> Decree 6 (2018). See: <https://laamedia.net/news.aspx?newsnum=18890>.

<sup>191</sup> <https://almushahid.net/31743/>.

Serial	Name	Position	Location	Remarks
11	Colonel Salim Muhammad Numan Mughalas عقيد سليم محمد نعمان مغلس	Governor	Ta'izz	
12	Major General Abd al-Khaliq Badr al-Din al-Houthi aka Abu-Yunus لواء عبد الخالق بدر الدين الحوثي	General Supervisor	Amanat Al Asimah	
13	Yahya Al-Moayadi يحيى المويدي	Deputy of Sana'a General Supervisor	Sana'a	
14	Abdullah al-Moroni عبد الله المروني	Supervisor	Manakhah, Sana'a	
15	Fadel Mohsen Al Sharafi Abu Aqeel فاضل محسن الشرفي ابو عقيل	General Supervisor	Dhamar	Replaced Abdul Mohsen Abdullah Qasim Attawoos (Abu Adel)
16	Yahya al-Yousifi يحيى اليوسفي	General Supervisor	Ibb	
17	Brigadier General Yahya al Qasimi عميد يحيى القاسمي	Social Supervisor	Ibb	
18	Colonel Shaker Amin al-Shabibi عقيد شاكر أمين الشبيبي	Security Supervisor	Al Udayn, Ibb	
19	Aziz Abdullah al-Hatfi عزيز عبد الله العاطفي	General Supervisor	Al Mahwit	
20	Abdul Quddus al-Hakim عبد القدوس الحاكم	The Martyrs Supervisor	Al Mahwit	
21	Zaid Yahya Ahmed al-Wazir زيد يحيى احمد الوزير	General Supervisor	Raymah	
22	Mansour Ali al-Lakumi, aka Abu Naser al-Jahli <sup>192</sup> منصور علي الكمى المكنى ابو ناصر الجحلي	General Supervisor	Ta'izz	Since 2014

<sup>192</sup> He is also the general supervisor of al-Saleh prison. See [https://www.almasirah.net/details.php?es\\_id=12112&cat\\_id=3](https://www.almasirah.net/details.php?es_id=12112&cat_id=3).

Serial	Name	Position	Location	Remarks
23	Abu Wael al-Houbara, ابو وائل الهبره	Social supervisor <sup>193</sup>	Ta'izz	
24	Ibrahim Amer, ابراهيم عامر	Educational Supervisor <sup>194</sup>	Ta'izz	
25	Amin Hamidan أمين حمدان	Ta'izz Province's Deputy, Supervisor of Ta'izz Coastal Districts	Ta'izz	
26	Naef Abdullah Abdullah Sagheer Abu Khurfshah عميد نايف عبد الله صغير ابو خرقشة	Supervisor	Hajjah	Military Leader
27	Hadi Mohammed al- Kouhlani Abu Ali هادي محمد الخولاني المكنى ابو علي	Security Supervisor <sup>195</sup>	Al-Hudaydah	Former bodyguard and protection officer of Abdul Malik al- Houthi
28	Ali Hassan al-Marani, aka Abu Muntather <sup>196</sup> علي حسن المراني المكنى ابو المنذر	Supervisor	West Coast	Likely killed in June 2018
29	Abdul Lateef Alsharafee عبد اللطيف الشرفي	Supervisor of Hunesh Detention Facility	Al Hudaydah	
30	Abdul Hakim al- Khawani aka al-Karrar عبد الحكيم الخواني المكنى ابو الكرار	Security Supervisor	Ministry of Interior	
31	Major General Yahya Mohammed al-Shami لواء يحيى محمد الشامي	Military Supervisor	Ministry of Defence	
32	Major General Yusuf Ahssan Ismail al-Madani لواء يوسف احسان اسماعيل المدني	Military Supervisor	Ministry of Defence	

<sup>193</sup> See: <http://www.taiz-news.com/?p=146280039>.

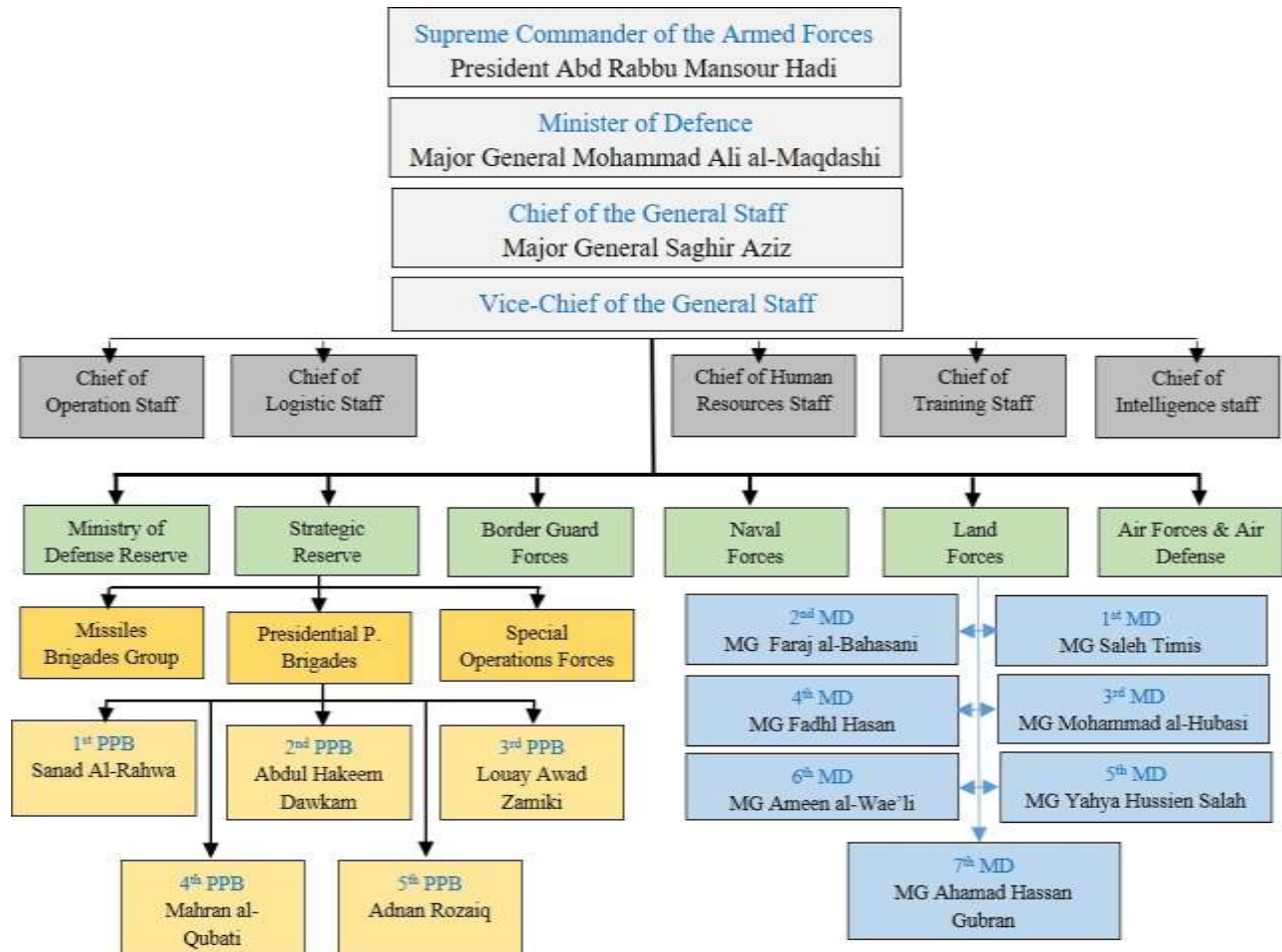
<sup>194</sup> "Ansar Allah" Chants (2/2): Prophecies of Hussein Fulfilled? Al-Arabi, May 2016, available on: <https://www.al-arabi.com/s/2062>.

<sup>195</sup> The appearance of "The Hodeidah Butcher" next to General Kamret sparks a lot of controversy, 25 December 2018, available at: <https://mancheete.com/posts/3946>. Also see: Arab coalition's 39th wanted image angers Yemenis, Erem news, available at: <https://www.eremnews.com/news/arab-world/yemen/1620129>.

<sup>196</sup> Two Houthi leaders killed on west coast, Mandab press, 14 June 2018, available at: <https://www.mandabpress.com/news49514.html>.

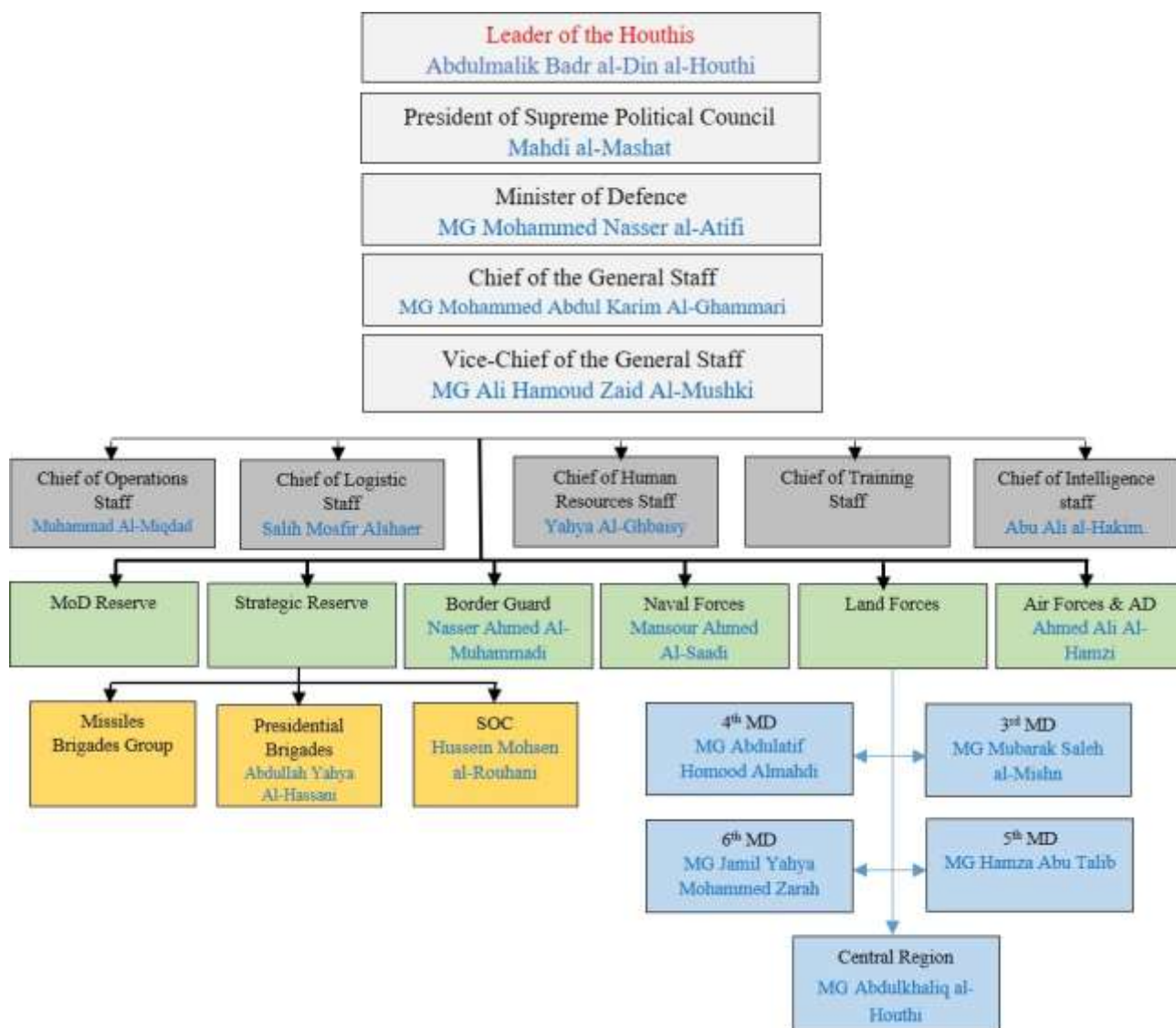
## Appendix 1

### Government of Yemen Command and Control

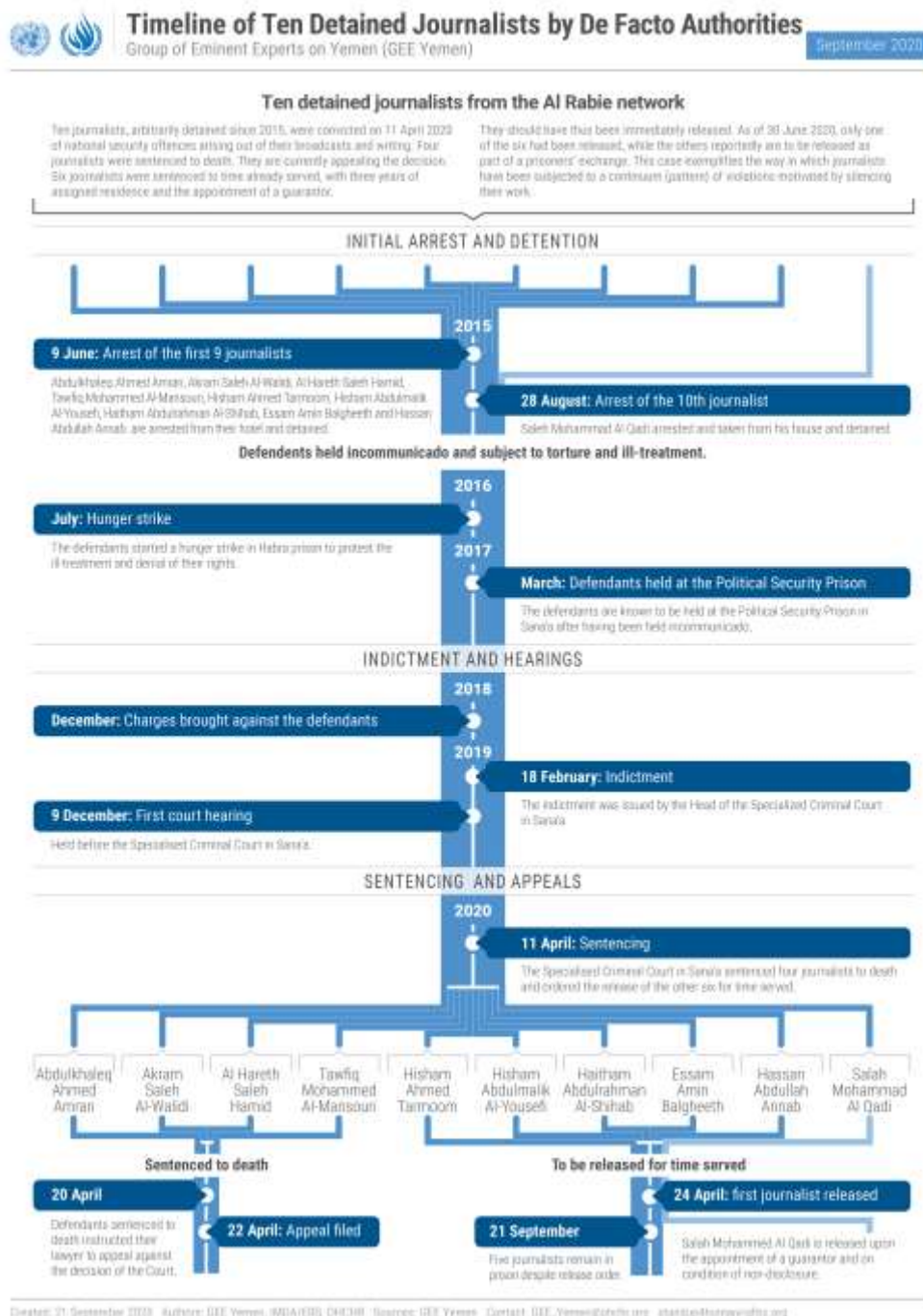


## Appendix 2

### De Facto Authorities Command and Control



## Annex II



## GENDER-BASED VIOLENCE (GBV) DURING THE CONFLICT IN YEMEN:

# NO CLEAN HANDS

During three years of investigations the Group of Experts has verified that between 2015 and 2020, the parties to the conflict committed GBV including rape and other forms of sexual violence against women, men, girls, boys, and people with non-binary gender identity, across communities in Yemen.

These findings are an indication of wider patterns of GBV committed by all parties to the conflict throughout Yemen. In its third report, the Group verified the following:

“

*I considered killing myself, but there was nothing in my cell I could find to do it. When they threatened to shoot or kill me I ended up hoping they would just do it to spare me from the pain.”*

— Woman survivor of rape,  
May 2020

1

### WOMEN AND GIRLS

Houthi forces detained women and girls in a series of secret facilities and subjected them to a routine of humiliation and torture, including rape and other forms of sexual violence.

2

### ETHIOPIAN MIGRANTS

UAE-backed Security Belt forces (SBFs) conducted the mass arrest of thousands of Ethiopian migrants, during which they subjected women, men, girls and boys to rape and other forms of sexual violence. SBFs were also previously found by the Group to have targeted Ethiopian migrants and Somali refugees in similar circumstances in 2016-2018.

3

### PEOPLE WITH NON-CONFORMING SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI)

Houthi forces and SBFs detained people on the basis of their SOGI, and subjected them to ill-treatment and torture including rape, and other forms of sexual violence.

4

### MEN AND BOYS

Government of Yemen forces at Ma'arib Political Security Prison, and Houthi forces at al-Saleh City Prison, Tai'zz, used sexual violence as part of torture against men and boys. Prior to their withdrawal in 2019 United Arab Emirates forces at Bureiqa Coalition Base committed further rapes and other sexual violence as part of torture. Including the Group's previous findings, the Government, SBF, Coalition, and Houthi forces have all committed sexual violence against men and boys in detention in facilities throughout Yemen.

5

### WOMEN HUMAN RIGHTS DEFENDERS

Government, the Southern Transitional Council and Houthi de facto authorities have harassed, detained and threatened women human rights defenders on the basis of their gender or their work defending women's rights.

“

*I want people to know what is really happening in Yemen, the torture, the rape. I want the sexual violence they are doing to our women to stop. Survivors haven't had any justice. I want the voices of the voiceless to be heard.”*

— Woman survivor of rape,  
January 2020

Created Date: 22 Sept. 2020

Source: Group of Eminent Experts on Yemen

Contact: GEE\_Yemen@ohchr.org



# VIOLATIONS AGAINST CHILDREN IN YEMEN: **NO CLEAN HANDS**

The Group of Experts has verified how parties to the conflict continued committing violations against children in Yemen, including child recruitment, and violations of their right to education. The Group's verified figures only provide a partial account of the scale and nature of child recruitment in Yemen, which risks the lives of boys in all governorates, and girls in Houthi-controlled territory, and puts them at risk of other violations.

The Group of Experts found that poverty and hunger were powerful push factors driving child recruitment. In its third report, the Group of Experts found that the Houthis, the Government of Yemen and coalition forces all recruited and used children in hostilities.

### BOYS (AGED 7-17)

were recruited by the Houthis in all Governorates under their control, through campaigns inside schools and detention centers, abduction, and peer recruitment. Many died in hostilities.

### BOYS (AGED 13-17)

were recruited by brigades in south-central Yemen with the alleged involvement of Coalition forces and/or the Government of Yemen, transferred over 2,000km into Saudi Arabia for training and used in combat in northern Yemen. Some died in hostilities and others were captured and detained by the Houthis.

### BOYS (AGED 13-15)

were recruited by the Shabwah Special Forces of the Government of Yemen and were used in combat in the South. Some were captured and detained by Southern Transitional Council forces.

### GIRLS

were allegedly recruited and used by the Houthis as spies, recruiters of other children, guards, medics, and members of the all-female paramilitary group, the Zainabiyat.

“Imagine the shock and horror of the situation, when a kid no more than 15 years, who has never seen a battle before, witnesses over 30 people killed, and scores injured... Now, at the mere sight of a weapon or any form of violence, he changes. Truly, He's so afraid that he can't even leave the house.”  
 — Brother of a former Houthi child soldier

“Our family was in a difficult economic situation and needed the money from the promised salary. [We] hoped that our son would stay close to home... The war is taking young lives.”  
 — Father of a boy recruited by the Government of Yemen



Creation Date: 24 Sept. 2020 | Sources: Group of Eminent Experts on Yemen | Contact: GEE\_Yemen@ohchr.org