



Mwatana for Human Rights

Withering Life



Human Rights Situation in Yemen

2018

July 2019

www.mwatana.org

Mwatana is an independent Yemeni organization involved in defending human rights. Mwatana started in 2007, but the former regime of president Ali Abdullah Saleh declined to provide the organization with the permit even after re-submitting the request for several years. With the 2011 uprising that ended Saleh's regime, Mwatana was able to obtain the necessary permit on April 23, 2013. In 2018, the Baldwin Award recognized our work. Human Rights First announced awarding the 2018 Roger N. Baldwin Medal of Liberty to Mwatana. In the same year, the 10th International Hrant Dink Award was granted to Mwatana for informing the world about the status of human rights in Yemen and for struggling against rights violations in the country



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Teddy bear fell from a house due to armed ground clashes, Al Kamb, Taizz, taken: December 2017

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Introduction

Lives of Yemenis

Women and children, men and old people, are withering.

The same year as the 70th anniversary of the Universal Declaration of Human Rights, the war in Yemen entered its fifth year. The war has continuously undermined the lives of Yemeni people, a stark reminder of how much human rights protections remain needed, and how much work is yet to be done to ensure those rights are respected.

Starting in the middle of 2014, the internal conflict in Yemen escalated in March 2015 after the intervention of the coalition countries led by the Kingdom of Saudi Arabia and the United Arab Emirates (UAE). The effects of the war are most pronounced in the increasingly harmful impact it has had on civilian lives, with the sanctity of civilian life left forgotten and few lines left uncrossed by the warring parties. Civilians, including children and women, are regularly killed and wounded, and the war has destroyed an ever expanding range of the objects needed for civilian life, including critical infrastructure, public and private property, schools, hospitals, public roads, houses of worship, and homes. In 2018, the United Nations renewed its classification of the crisis in Yemen as the world's worst man-made humanitarian crisis in modern times.¹

Violations by the various parties to the conflict have increased as the conflict has continued. Many may amount to war crimes, but perpetrators continue to enjoy impunity. Violators of international humanitarian law and international human rights law—those oppressing and abusing Yemenis—include states and their forces, as well as non-state armed groups and proxy informal armed entities. In no case have warring parties in Yemen held members of their forces credibly implicated in war crimes accountable.

The increasing trend of human rights violations has become apparent given the current stalemate and the lack of good faith with the warring parties towards the interests of the people and their livelihoods.

As the world struggles with the lessons of the two world wars, expectations were that future wars will not be as costly as those two wars. However, with the war in Yemen, we have seen how reckless leaders resort to targeting of civilians to prove they are strong and courageous.

Incidents included in this report are sounding the alarm bells for all those concerned, be they parties to the conflict, states supporting them or regional and international institutions working to resolve the conflict. The priority should be for human rights. The lives of Yemeni women, children, men and elderly are vanishing and fading. The strength and bravery, in these circumstances, is exclusively in the hands of those who can stop the war, put an end to the suffering of millions of guiltless humans whose only sin is that they exist on this neglected part of the earth; Yemen.

¹ United Nations website, "Yemen": <https://news.un.org/en/focus/yemen>

Executive Summary

This report, *Withering Life*, documents violations of international human rights law and international humanitarian law committed by the parties to the conflict in Yemen during 2018. Mwatana conducted field investigative research in 20 governorates in Yemen, and conducted at least 2065 interviews in Arabic with victims, their relatives, eyewitnesses, and individuals working in the medical and humanitarian fields. This is Mwatana for Human Rights second annual report. It is made up of three main parts, including:

Part 1: The Conflict in Yemen Under International Law

This part of the report addresses the conflict in Yemen under international law. During conflict, international humanitarian law provides protections to civilians and other noncombatants from the effects of war. During 2018, Mwatana documented repeated attacks by the parties to the conflict that did not adhere to the basic principles of the laws of war, like civilian immunity and distinction. International human rights law remains in effect during armed conflicts.

Part 2: Patterns of Violations and Abuses in 2018

During 2018, the warring parties' violations and abuses continued, undermining civilian life.

Airstrikes and shelling continued to kill and wound civilians in indiscriminate and disproportionate attacks. The laying of anti-personnel mines continued, as did the recruitment and exploitation of children in various forms. Incidents of sexual violence started to surface.

People have been detained and tried in court for their religious beliefs, and others have been detained because of their journalism. Parties to the conflict have detained civilians from areas under the control of the opposing side, or because of their surnames or because they were from certain families. Detentions for lengthy periods without trial or clear charges continued. A number of detainees were forcibly disappeared and tortured, leading, in some cases, to their death. While the majority of victims of detention-related abuses were men, women have also been detained, mistreated, and sentenced to death following unfair trials.

Schools, hospitals, healthcare facilities, and medical personnel were attacked by both sides to the conflict, including in aerial and ground attacks. Some schools were used for military purposes.

The parties to the conflict used starvation as a weapon of war. They impeded or blocked humanitarian supplies, while simultaneously continuing practices that limited the ability of civilians to move freely between different parts of the country—not only at the frontlines, but also within areas under the control of one side. Security checkpoints continue to screen travelers, including discriminating based on their identity.

During the war, Yemen has witnessed the spread of different forms of oppression and violence against those seeking to gather and peacefully protest. Freedom of expression has been significantly curtailed, and the media has been subjected to different forms of attack, ranging from arbitrary detentions, enforced disappearance, physical assaults and humiliating treatment, to the raiding and burning of media institutions. Human rights work, or defending of public freedoms has become very dangerous, with those working in the field of human rights repeatedly subject to attack.

The United States drone strikes in Yemen continued, killing and wounding civilians.

The chapters in this part of the report are divided as follows:

Section 1: Airstrikes

In 2018, Mwatana documented at least 150 airstrikes against civilians or civilian objects conducted by the Saudi/UAE-led Coalition in 11 governorates in Yemen. These governorates included Hajjah, Sa'ada, Al Hudaydah, Al Jawf, The Capital Secretariat (Sana'a), Al Bayda, Taizz, Amran, Ibb, Sana'a governorate and Lahj. The attacks killed at least 375 civilians, including 165 children and 50 women, and wounded 427 others, including 172 children and 55 women.

Section 2: Ground Attacks

In 2018, Mwatana documented 87 indiscriminate ground attacks that killed at least 124 civilians, including 6 women and 52 children, and wounded at least 284 others, including 35 women and 120 children. These attacks occurred in eight Yemeni governorates: Hudaydah, Taizz, Sa'ada, Lahj, Hajjah, Al Jawf, Aden, and Marib. The armed group Ansar Allah (Houthis) was responsible for 49 of the attacks, while forces loyal to the Coalition and President Abd Rabboh Mansour Hadi were responsible for the 26 other attacks documented. The joint responsibility for 5 incidents lies with Ansar Allah (Houthis) and forces loyal to President Hadi, while a "Mwatana" has not been able to identify the violator of 7 other incidents.

Section 3: Landmines

Mwatana documented about 52 cases of landmines exploding in 2018 in Hudaydah, Al Jawf, Taizz, Lahj, Shabwah, Al Bayda, Hajjah, Saada, Hudaydah and Marib governorates, killing at least 60 civilians, including eight women and 26 children, and wounding at least 51 others, including 12 women and 21 children. The armed group Ansar Allah (Houthis) was responsible for at least 49 of these cases. Mwatana was unable to identify the violator in three incidents.

Section 4: Recruitment and Use of Child Soldiers

Mwatana documented at least 1117 children recruited or used for military purposes in 2018, through 689 observations and interviews. Of the children Mwatana identified, 72% were recruited or used by Ansar Allah (Houthis), with cases primarily in Sana'a, Sa'ada, Hudaydah, Al Jawf, and Hajjah governorates. Emirati proxy forces (the Security Belt Forces and Hadhrami Elite Forces) were responsible for 17% of cases, in Abyan, Lahj, Aden, and Hadramaut governorates. Forces loyal to President Hadi and affiliated "popular resistance" groups were responsible for 11% of the cases, in Al Bayda, Al Dhale, Hudaydah, and Abyan governorates. Extremist groups recruited and used two children in Al Bayda and Hadramaut governorates.

Section 5: Arbitrary Detention

During 2018, Mwatana for Human Rights documented at least 224 arbitrary detentions. Ansar Allah (Houthis) was responsible for at least 132 cases in 11 governorates (Ibb, Taizz, the Capital Secretariat (Sana'a), Hajjah, Sa'ada, Amran, Hudaydah, Sana'a, Dhamar, Al Mahwit, and Al Bayda). Forces loyal to President Hadi and the "Popular Resistance" were responsible for 59 incidents in the governorates of Marib, Taizz, Al Jawf, and Hadramaut. The Security Belt Forces and the Hadhrami Elite Forces (proxy Emirati forces) and the Special Forces, Counter-Terrorism Forces, Emergency Forces, security agencies, and the forces of the Support and Assistance Brigades were responsible for 33 cases in the governorates of

Aden, Lahj, Shabwah, Abyan, and Hadramaut.

Section 6: Enforced Disappearance

During 2018, Mwatana documented at least 203 enforced disappearances, including at least 112 incidents that occurred in areas under the control of armed groups loyal to the The Saudi/UAE-led coalition and President Abd Rabboh Mansour Hadi, in the governorates of Aden, Al Jawf, Taizz, and Marib. 91 other disappearances took place in areas under the control of Ansar Allah (Houthis) in the governorates of Hudaydah, Taizz, Sana'a, Ibb, and Hajjah.

Section 7: Torture

Mwatana documented 62 torture cases in 2018, including at least 45 committed by the Security Belt Forces and Hadhrami and Shabwani Elite Forces (proxy Emirati forces) and forces loyal to President Hadi in Abyan, Shabwah, Taizz, Aden, and Hadramaut governorates. Mwatana documented the torture of 11 fishermen, one a child, in the city of Jazan in Saudi Arabia, after they were stopped and taken from the coast of Midi in Hajjah governorate. Four people died as a result of torture, Ansar Allah (Houthis) group bears responsibility for the deaths of two victims in Al Hudaydah governorate, while forces loyal to President Hadi and proxy Emirati forces hold responsibility for the deaths of other two victims in Taizz and Shabwah governorates.

Ansar Allah (Houthis) committed at least 17 in Sana'a Taizz, Hudaydah, Ibb, and Sa'ada governorates.

Section 8: Sexual Violence

Mwatana for Human Rights documented seven cases of sexual violence against 8 children in 2018. Forces loyal to the Saudi/UAE-led Coalition and President Hadi were responsible in sexual violence against 6 children, while Ansar Allah (Houthis) responsible in sexual violence against 2 children.

Section 9: Attacks on Schools

In 2018, Mwatana documented at least 60 attacks on or use of schools by the parties to the conflict, including two airstrikes, 22 cases of schools occupied, and 36 cases of other forms of schools used for military purposes. Ansar Allah (Houthis) were responsible for 52 of these incidents, while the Saudi/UAE-led Coalition and forces loyal to the Coalition and President Hadi (like the Giants Brigades (Al Amaliqah), the forces of the 22nd Mechanized Brigade, the forces of the 17th Infantry Brigade, the forces of the 35th Armored Brigade, and the Abu Al Abbas Brigades or the "Popular Resistance") were responsible for eight other incidents.

Section 10: Attacks on Hospitals

During 2018, Mwatana for Human Rights documented 16 attacks on hospitals, healthcare centers, and medical personnel. Ansar Allah (Houthis) were responsible for four incidents in the governorates of Taizz and Ibb, While the Popular Resistance "Abu Abbas Brigades" and the armed group of the 62nd Brigade are responsible for 7 incidents in Taizz governorate, while Al-Qaeda in the Arabian Peninsula (AQAP) bears responsibility for one incident, while "Al-Qaeda in the Arabian Peninsula" and " Abu Abbas Brigades" bear joint responsibility for Another incident in Taizz governorate. The Saudi/UAE-led Coalition is responsible for two incidents in the governorates of The Capital Secretariat (Sana'a) and Hajjah. "Mwatana" was unable to identify the violator in one incident in Al Hudaydah.

Section 11: Blocking Humanitarian Supplies

Mwatana documented 74 incidents of obstructing humanitarian access and humanitarian supplies in 2018. Ansar Allah (Houthis) were responsible for 62 of these incidents in the governorates of Al Mahwit, Sa'dah, Al Hudaydah, Dhamar, Ibb, Al Jawf, and Raymah. The "Popular Resistance" forces and forces loyal to President Hadi were responsible for 6 incidents in the governorates of Sa'dah and Hajjah, while the Saudi/UAE-led Coalition was responsible for 6 incidents in the governorates of Sa'dah and Hajjah.

Section 12: Drone Attacks by U.S. Forces

Mwatana documented six apparent US drone strikes in 2018 that killed at least 17 civilians. Four others, including a child, and an additional child wounded, appeared to have registered in the US-aligned Yemeni army, although some did not appear to be participating in the current conflict and may have been civilians at the time of the attack. One apparent member of AQAP was wounded. The attacks occurred in Shabwa, Al Baydha, and Al Jawf governorates. Mwatana conducted more than 15 interviews with victims, relatives, and witnesses from the areas where attacks occurred, as well as conducted site visits and analyzed weapons remnants.

Part 3: Undermining Rights and Freedoms

This part includes four sections, including:

Section 1: The Press

Mwatana documented eight incidents of violations against 27 journalists and media organizations in 2018. Ansar Allah (Houthis) were responsible for five, including detaining 3 journalists and disappearing two, while three incidents occurred in areas under President Hadi's authority.

Section 2: Peaceful Assembly

In 2018, Mwatana documented three instances where Yemeni civilians making demands sought to use peaceful assembly and protest but faced oppression and new methods of abuse in response. Two incidents took place in the capital, Sana'a, and one in the city of Mukalla in southeastern Yemen.

Section 3: Religious Minorities

Mwatana documented two arbitrary detentions carried out by Ansar Allah (Houthis) in 2018, apparently related to the individuals' religious beliefs: the detention of Abdullah Al Olofi, a member of the Bahá'í community, and the detention of Yusuf Saeed Al Na'idhi, a Yemeni Jewish man.

Section 4: Movement

In 2018, Mwatana has documented 10 incidents on civilian's freedom of movement, including restrictions on movement inside the country imposed by Ansar Allah (Houthis), forces and groups loyal to the Hadi government and the Saudi/UAE-led Coalition, and armed groups affiliated with the Southern Transitional Council, as well as movement outside the country imposed by the Coalition on Yemen's various airports and border crossings. People's ability to move freely inside and outside Yemen has decreased dramatically throughout the conflict, with an enormous impact on civilians and civilian life

Methodology

This report is based on field research and investigations conducted by Mwatana for Human Rights in 20 governorates in Yemen between January 2018 and December 2018. Mwatana documented, throughout the year, human rights violations committed by all parties to the conflict in Yemen.

In this report, Mwatana presents the main types of violations carried out by the warring parties, as well as case studies of particular attacks. The report does not present an exhaustive account of all violations committed by the warring parties. Mwatana sequenced the incidents in the report in chronological order, e.g. oldest cases first. Mwatana has continued to document violations by the warring parties in 2019.

During 2018, Mwatana conducted 2065 interviews in Arabic with victims, relatives, eyewitnesses, and medical and humanitarian workers. Of the number of interviews mentioned above Mwatana also documented incidents of children being recruited and used for military purposes, carrying out more than 689 interviews and observations on child recruitment during the year.

Mwatana's field research team conducted the interviews and research for this report. The information in the report was reviewed and verified by the research unit in Sana'a. This team also visited a number of governorates in Yemen during separate field missions.

The report relies primarily on testimony and information able to be received safely and independently from primary sources. Mwatana did not provide any financial or in-kind compensation to the individuals with whom it spoke. The identities of a number of individuals who provided Mwatana information are hidden for their safety. This report was written and reviewed by specialists in international humanitarian law between November 2018 and June 2019.

Background



His foot amputated by a shell and
standing in front of a destroyed tank
at Taizz University, taken: March 2018



The armed conflict in Yemen was sparked widely when the armed group Ansar Allah (also known as the Houthis) took control of the capital, Sanaa, on 21 September 2014, after a series of small wars in Sa'dah, Al Jawf and Amran, and then the invasion of the rest of the provinces to the south of Yemen. This conflict entered a new level by announcing the start of military operations on 26 March 2015 by a coalition of nine countries and led by the Kingdom of Saudi Arabia and the United Arab Emirates in support of President Abd Rabboh Mansour Hadi and his government. Over the past five years, the coalition and its forces and groups have controlled more than 80 percent of Yemen's territory, while Hadi and the majority of his government officials still live in the Saudi capital, Riyadh, while the coalition continues to support and empower armed groups opposed to President Hadi's government and constantly undermine it, according to both UN and international reports.²

The conflict in Yemen is into its fifth year. The number of victims and those affected by the humanitarian catastrophe is ever increasing, as is the difficulty of ending and addressing the humanitarian, social, economic, and political fallout of the conflict.

The parties to the conflict in Yemen have different views on many issues, but they have all participated in the systematic stripping away of public freedoms, committed serious violations of international humanitarian law and international human rights law, and attempted to justify these violations by exchanging accusations and blaming each other for the consequences, offering biased interpretations of facts and using the other sides' abuses for political purposes. The deterioration of the human rights situation is similar in areas under the control of the President Hadi's government and the Saudi/UAE-led Coalition and in the areas under the control of the Ansar Allah armed group (Houthis).

During 2018, indicators on the ground reflected continuing, and in some cases, increased, military operations in different areas across the country. The governorate of Al Hudaydah, in western Yemen, has seen increasing military operations since June 2018, particularly on the frontlines on the western coast, as well as north, south, and east of the primary frontlines (around 140 kilometers radius) as part of a military operation launched by the Saudi/UAE-led Coalition and allied groups to take control of Al Hudaydah.

Al Hudaydah city is one of the largest residential areas in the country, and Al Hudaydah port is one of the largest ports in Yemen. Al Hudaydah port is also the country's most important port, capable of receiving humanitarian aid and commercial consumer products to cover the needs of millions of residents in 11 Yemeni governorates³ still under the control of the Ansar Allah armed group (Houthis).

Al Hudaydah battle has been brutal on civilians. The fighting has led to the displacement of 81,000 families. Airstrikes and shelling have hit hospitals, buses carrying internally displaced persons (IDPs), farms, villages, warehouses owned by the World Food Program, and private businesses. The Houthis have laid mines, which have killed or maimed many civilians. The battle for Al Hudaydah threatens to cut the most important supply line of food for millions of Yemenis, because it could close the strategic port which has brought in two-thirds of the humanitarian aid and basic goods Yemenis needed throughout most of the conflict. Some districts and streets in the city of Al Hudaydah have become battlegrounds, already threatening the operations of the Port.⁴ These developments, which happened while

² UN Experts Panel Report: <https://www.un.org/securitycouncil/ar/sanctions/2140/panel-of-experts/reports>.

³ Hudaydah, Raymah, Al Mahwit, Hajjah, Amran, Saadah, Sana'a, Dhamar, Al Baydha, Ibb, and parts of Taiz.

⁴ Doctors Without Borders, Influx of war wounded as fighting intensifies in Hodeidah, Hajjah, Saada and Taiz, <https://www.msf.org/yemen-influx-war-wounded-fighting-intensifies-hodeidah-hajjah-saada-and-taiz>

the Houthis imposed additional customs fees on the goods imported into the country,⁵ have caused the economic situation to further deteriorate. To make matters worse, the value of the Yemeni rial also plummeted to record lows in 2018.⁶ Together, these developments have resulted in a catastrophic increase in the price of food.

Despite the continued violence, there have been small steps towards peace, achieved through the constant efforts by local and international civil society, the United Nations, and increasing international pressure on the warring parties, particularly after the Saudi journalist, Jamal Khashoggi was killed.⁷ In December, the Houthis and Hadi government met for the first time in more than two years in Stockholm, Sweden, resulting in three agreements: An agreement on the city of Al Hudaydah and the ports of Al Hudaydah, Al Saleef, and Ra's Issa;

- The creation of an executive mechanism to activate an agreement on the exchange of prisoners and detainees;
- An understanding on Taizz.

The agreements were intended as confidence building measures, and dealt with some of the issues civil society organizations had been proposing since 2017 as urgent steps needed to begin to address the humanitarian catastrophe. The parties also agreed to look into a framework for negotiations for a next round of meetings, which were originally scheduled to take place at the end of January 2019 but were indefinitely delayed.

On 21 December 2018, the UN Security Council unanimously passed Resolution 2451 on Yemen, which supported the agreements between the Yemeni government and Ansar Allah (Houthis) concluded in Stockholm.⁸ UN Security Council Resolution 2451 also reiterated the need for the unhindered flow of commercial and humanitarian supplies and humanitarian personnel into and across the country and called on the Government of Yemen and the Houthis to remove bureaucratic impediments to flows of commercial and humanitarian supplies, including fuel. The Resolution also called upon all parties to ensure effective and sustained functioning of all of Yemen's ports, onward road access throughout the country, and the reopening and safe and secure operation of Sana'a airport for commercial flights within an agreed mechanism. It also called for the development of the national economy, support for the Central Bank, and the payment of pensioners to retirees and salaries to civil servants.⁹ Resolution 2451 was the first resolution on Yemen passed by the Security Council since 2015.

Despite the increasing international pressure during 2018, there was no clear indication of a decrease in human rights violations and other abuses across the country, and UN and international efforts in Yemen did not stop the deterioration of the humanitarian situation. This was the main theme of 2018: Humanitarian conditions in the country deteriorated at an unprecedented rate, with a very high risk Yemen would sink into famine.¹⁰ With the

5 The Houthis are imposing additional taxes on goods in areas under their control by creating new places to impose customs fees in the governorates of Dhamar, Ibb, and Al Baydha.

6 The value of the Yemeni rial to the US dollar reached, in October 2018, 800 YER per 1 USD, compared to 380 YER per 1 USD at the beginning of the year and 215 YER per 1 USD before the beginning of the conflict.

7 Jamal Khashoggi was a Saudi journalist opposed to the regime, and he was killed on 2 October 2018 in the Saudi consulate in Istanbul. After Saudi Arabia decided to kill him, there were a number of international responses that aimed to pressure the Arab Coalition, which is led by Saudi Arabia and the UAE, to stop the fighting on the western coast and sit down for negotiations and start peace talks in Sweden for the ports and the besieged city of Al Hudaydah.

8 Resolution 2451 (2018), Adopted by the Security Council at its 8439th meeting, on 21 December 2018 (<http://unscr.com/en/resolutions/doc/2451>)

9 Resolution 2451 (2018), Adopted by the Security Council at its 8439th meeting, on 21 December 2018 (<http://unscr.com/en/resolutions/doc/2451>)

10 OCHA News, <https://www.unocha.org/story/yemen-we-are-losing-fight-against-famine-un-humanitarian-chief>

exception of the relative cessation of hostilities in Al Hudaydah, which ensured the continued functioning of the main seaport, and the flow of basic materials and humanitarian aid to millions of civilians following the Stockholm Agreement, as a model of the positive impact that UN and international efforts can achieve, in case of their collusion and intensification in order to protect civilians and achieve peace.

In October, the total number of people in Yemen living in pre-famine conditions and totally reliant on external aid to survive was about 14 million Yemenis, around half of the population of Yemen, according to the UN. Mark Lowcock, the UN Under-Secretary-General for Humanitarian Affairs, warned of an “imminent and great big famine engulfing Yemen: much bigger than anything any professional in this field has seen during their working lives.”¹¹

Around 1.25 million public sector employees began to experience the third year of their monthly salaries going unpaid, with only a few exceptions. This increased the severity of the humanitarian crisis. Around 24 million Yemeni people (out of a total of 30 million) are now in need of humanitarian aid, according to the UN. There was also an increase in parties to the conflict looting significant amounts of humanitarian aid and imposing more impediments on aid reaching beneficiaries. Through the combination of these factors, an unprecedented number of Yemenis found themselves face-to-face with death and hunger.

In Hajjah and Sa’ada governorates, both on the border with Saudi Arabia, civilians found themselves in a similar situation as the civilians in Al Hudaydah. The military operations in some districts in the two governorates escalated, but these battles received less coverage in the international media than fighting in other areas. Parties to the conflict were under less scrutiny and more easily able to violate international human rights law and international humanitarian law with impunity in these areas. Civilians became easy targets for the warring parties.

Civilians in Taizz continue to pay a high cost. In addition to the ongoing conflict between the Ansar Allah armed group (Houthi) and the resistance groups and forces loyal to President Hadi, armed confrontations have erupted among the armed groups (resistance groups) that are fighting for power and control inside the city. Along with a situation in what can be described as a state of insecurity and chaos, which made the lives of civilians vulnerable to further violations in light of the deterioration of the humanitarian and human rights conditions for more than four years of conflict between the Houthis and the resistance groups and forces loyal to President Hadi. The city of Taizz has witnessed myriad violations throughout the war by various parties to the conflict, ranging from indiscriminate attacks (shelling and airstrikes) that have struck densely populated neighborhoods, to the use of landmines by Houthis, which have killed and maimed many local residents in nearby villages and neighboring districts, including children, the elderly, and women.

The city of Taizz suffered under a siege, which forced tens of thousands of its residents to choose between undergoing the difficult process of being displaced from their homes or remaining and potentially falling prey to hunger and disease. The Stockholm agreement included understandings on a ceasefire, the opening of crossings, and the opening of the crossings and airport in Taizz. This agreement was intended to address the difficult humanitarian situation and reach a permanent cessation of hostilities, but the agreement

¹¹ UN warns of unprecedented famine in war-torn Yemen, <https://www.france24.com/en/video/20181024-un-warns-unprecedented-famine-war-torn-yemen>

Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Mark Lowcock, Remarks to the Security Council on the Humanitarian Situation in Yemen, <https://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mr-mark-4>

was not implemented. The suffering of the people continued, without any progress made to normalize life in Taizz city.

As human rights violations increased, people's ability to object and express themselves decreased. Work in the civil, humanitarian, rights, development, and media field are facing a growing number of violations and restrictions, most of which are concentrated in areas controlled by the Houthis. The space available for these kinds of work is shrinking every day, making the dark situation in Yemen even darker.

This is taking place at a time when law enforcement institutions are being disabled and undone, including judicial institutions in most areas control of different parties. These practices will eventually enable armed groups to exert greater influence over the lives of millions of civilians and are creating conditions likely to increase the occurrence of horrific human rights violations.

Violations and abuses in Yemen, as well as potential perpetrators of crimes, remain subject to some scrutiny. The Group of Eminent International and Regional Experts on Yemen (GEE) issued its first report in August 2018, concluding that forces affiliated with both sides to the ongoing armed conflict in Yemen had committed war crimes. On 28 September 2018, the Human Rights Council adopted a resolution to extend the mandate of the Group of Eminent Experts on Yemen for another year and requested that the Group submit a comprehensive written report to the High Commissioner for presentation to the Human Rights Council in September 2019.

International humanitarian law, known as the laws of war, applies during the ongoing non-international armed conflict in Yemen. The conflict began between the forces of President Abd Rabbuh Mansour Hadi and the armed group Ansar Allah (Houthis) armed group. The members of the Arab Coalition, led by Saudi Arabia and the United Arab Emirates, intervened in combat operations alongside President Hadi's government.¹²

All parties to the conflict, including states and non-state armed groups, are obliged to adhere to international humanitarian law. Applicable law includes Common Article 3 to the Geneva Conventions of 1949, Additional Protocol (II) to the Geneva Conventions of 1977, and customary international humanitarian law. International human rights law remains in effect during armed conflicts.

Mwatana repeatedly found warring parties failing to abide by their international legal obligations during military operations in 2018, causing hundreds of civilian casualties, as well as wide-scale destruction of civilian objects.

International humanitarian law requires warring parties to minimize harm to civilians during conflict. Central principles of the laws of war include civilian immunity and distinction, which require that warring parties to never deliberately target civilians and to distinguish between combatant and civilians and between military objects and civilian objects at all times. A party to a conflict may not use a means or method of combat that is, by its nature, indiscriminate, nor carry out attacks that would cause disproportionate harm to the civilian population. Parties to a conflict must also take all feasible precautions to minimize harm to civilians and civilian objects. All forces must avoid locating military objectives within or near densely populated areas and endeavor to remove civilians from the vicinity of military objectives, and otherwise protect the civilian population under their control against the dangers of military operations. One party's failure to take feasible precautions does not negate the other party's own obligations under the laws of war.

Common Article 3 to the Geneva Conventions also provides a number of protections to civilians, as well as to others, like the sick or captured combatants, who are no longer taking part in hostilities. Common Article 3 prohibits violence to them, including murder, mutilation, cruel treatment and torture, taking them hostage, and outrages against their personal dignity. Additional Protocol II of the Geneva Conventions also prohibits, among other acts, collective punishment, acts of terrorism, rape, any form of indecent assault, and pillaging.

States have an obligation to investigate war crimes allegedly committed by members of their armed forces and other persons within their jurisdiction. Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible. According to International humanitarian law, a state should make full reparations for the loss caused by violations.

International human rights law continues to apply during armed conflict. Certain fundamental rights, including the rights to life, to a fair trial and to be free from torture, mistreatment and arbitrary deprivation of liberty, must be respected at all times, including during conflict. Non-state actors that exercise government like functions and control a territory are obliged to respect human rights norms when their conduct affects the human rights of the individuals under their control.

¹² For further clarification on the classification of the armed conflict that is going on in Yemen, see Q & A on The Conflict in Yemen and International Law, Human Rights Watch, available at the following link: <https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law>

Part 2

Patterns of Violations and Abuses in 2018



Communication tower after an airstrike in Jiblah, Ibb, taken: June 30, 2018 © Mwatana for Human Rights



Section 1 Airstrikes

In 2018, Mwatana documented at least 150 airstrikes against civilians or civilian objects conducted by the Saudi/UAE-led Coalition in 11 governorates in Yemen. These governorates included Hajjah, Sa'ada, Al Hudaydah, Al Jawf, The Capital Secretariat (Sana'a), Al Bayda, Taizz, Amran, Ibb, Sana'a governorate and Lahj. The attacks killed at least 375 civilians, including 165 children and 50 women, and wounded 427 others, including 172 children and 55 women. The attacks damaged private property and critical infrastructure, and struck residential neighborhoods, villages, roads, markets, service-providing and other commercial facilities, boats, and civilian vehicles.

Many of these attacks appeared to take place far from any potential military targets. In some cases, Mwatana did identify military targets near the site, but the attack caused significant harm to civilians or civilian objects.

150

airstrikes

11

governorates in Yemen

Hajjah - Sa'ada - Al Hudaydah
Al Jawf - The Capital
Secretariat (Sana'a) - Al Bayda
Taizz - Amran - Ibb - Sana'a
governorate - Lahj

375

civilians killed

165

children



50

women



427

civilians wounded

172

children



55

women



Legal Framework

International humanitarian law, also known as the laws of war, requires warring parties to minimize harm to civilians during conflict. Warring parties must distinguish between combatants and civilians and between military objects and civilian objects. Civilians and civilian objects are not legitimate targets of attack. A party to a conflict may not use a means or method of combat that is, by its nature, indiscriminate—that is, one that cannot be directed at a specific target or whose effects cannot be constrained by the principles of international humanitarian law. Combatants must consider the possible loss of civilian life and the relative value of the military objective before launching any attack. Although some collateral civilian deaths in an attack directed at a military target are permissible under the laws of war, an attack that disproportionately harms civilians relative to its military advantage is prohibited. Parties to a conflict must also do everything “feasible” to ensure that their targets are military objectives, take all feasible precautions in their choice of means to minimize incidental loss of civilian life, and refrain from attacks expected to cause disproportionate loss of civilian life or damage to civilian objects. In addition, warring parties must give the civilian population “effective advance warning” of attacks if circumstances permit. When carried out with criminal intent, indiscriminate and disproportionate attacks are war crimes.

Case Studies

On Wednesday, 10 January 2018, at about 3:30 am, Coalition aircraft bombed the home of Ali Ma'idh Al Ghamri in Al Shawmiah village in the Ghamr district of Sa'dah governorate.

“

The attack killed three children and injured their mother. Khalil Jubran (49 years old), a witness, said: “This is the fourth time that fighter jets targeted civilian homes [in the area], and I am sure that it will not be the last. These three children, Yahya (18 years old), Raja'a (10 years old), and Hana'a (8 years old) are the children of Ali Ma'idh and they were killed while sleeping. This was a horrible day for all of the people of Ghamr.”¹³

”

On Sunday, 8 April 2018, at about 9:30 pm, Coalition aircraft hit a family gathering outside their home in the Al Mahoul village in the Khidair district of Taizz governorate, killing 12 people, including five children and four women, and severely wounding one person.

“

Muhammad Sadiq (24 years old), whose relatives were killed, said: “We heard a plane flying overhead, and my father ordered the whole family to leave the house for somewhere far away because he was afraid that the plane would bomb our house. The plane, however, was focused on the terrified and fleeing women and children, and, as soon as they had gathered, the plane unleashed hell on them, leaving their body parts scattered all over the nearby trees.”¹⁴ He added: “We spent the night collecting what was left of my siblings, and the only thing left of their bodies was charred pieces of meat. We could not tell any of the bodies apart. We gathered what remained of them in plastic bags and we buried them all together.”¹⁵ Jamil Abdullah (42 years old), from the area, added: “In this village, we usually carry the dead on our shoulders when we are taking them to burial. This time, we had to carry them on a truck because there were so many of them.”¹⁶

”

¹³ Mwatana for Human Rights' interview with Khalil Jubran, 13 February 2018

¹⁴ Mwatana for Human Rights' interview with Muhammad Sadiq, 16 April 2018

¹⁵ Ibid.

¹⁶ Mwatana for Human Rights' interview with Jamil Abdullah, 16 April 2018

On Wednesday, 22 August 2018, at about 12:30 pm, Coalition aircraft fired two bombs at the farm of Muhammad Hasan Al Akwa' in Bani Hasan, Abs district, in Hajjah governorate, killing four civilians, including three children, and wounding another civilian.

“

Ali Hasan Al Akwa' (58 years old), whose relatives were killed, said: “My brother's children were waiting for lunch, and they were suddenly targeted by a traitorous airstrike. We could not find any part of them after the strike.”¹⁷

”

On Thursday, 30 August about 2018, at 6:30 pm, the Coalition carried out five airstrikes at sea near Aqban Island to the west of Al Khawbah in Al Liyah district of Al Hudaydah governorate.

“

Four of the airstrikes targeted four fishing boats belonging to fishermen from Al Khawbah and Al Hudaydah City, while the fifth hit the sea. The airstrikes killed around 7 civilians and wounded 2 others. Seven people who were on the boats at the time of the attack remain missing. The airstrikes completely destroyed the fishing vessels. A 30-year-old fisherman said: “I am psychologically devastated because I am the only one of my colleagues that made it out alive.”¹⁸

”

¹⁷ Mwatana for Human Rights' interview with Ali Hussein Al Akwa', 26 August 2018

¹⁸ Mwatana for Human Rights' interview with one of the survivors, 1 September 2018



Flowers crown on the head of the celebrants in the wedding at Bani Qais, Hajjah, taken: April 24, 2018 © Mwatana for Human Rights



A woman and a child killed here in
a ground attack on their house on
February 9, 2018, Salah, Taizz ©
Mwatana for Human Rights



Section 2

Ground Attacks

In 2018, Mwatana documented 87 indiscriminate ground attacks that killed at least 124 victims, including 6 women and 52 children, and wounded at least 284 civilians, including 35 women and 120 children. These attacks occurred in eight Yemeni governorates: Al Hudaydah, Taizz, Sa'ada, Lahj, Hajjah, Al Jawf, Aden, and Marib. The armed group Ansar Allah (Houthis) was responsible for 49 of the attacks, while forces loyal to the Coalition and President Hadi were responsible for the 26 other attacks documented. The joint responsibility for 5 incidents lies with Ansar Allah (the Houthis) and forces loyal to President Hadi, while a "Mwatana" has not been able to identify the violator of 7 other incidents. The parties to the conflict in Yemen have carried out indiscriminate ground attacks on civilians and densely-populated residential neighborhoods. They have used unguided weapons that cannot be directed at a specific military target. Explosive weapons so inaccurate they cannot be appropriately directed should not be used in populated areas.

As military operations escalated in certain areas, combatants positioned themselves in residential neighborhoods for shelter, and conducted attacks from these positions, endangering civilians. Locating military objectives within or near densely populated areas, as well as opposing forces failing to appropriately direct ground attacks, has led to the killing and wounding of large numbers of civilians, severe damage to people's livelihoods and the destruction of vital civilian infrastructure, like transportation, water, and electricity installations. The resulting harm to critical infrastructure from indiscriminate attacks has sometimes made remaining in affected areas dangerous for civilians, even after the threat of direct attack passes.

87

Ground attacks incidents

8

Yemeni governorates

Al Hudaydah - Taizz
Sa'ada - Lahj - Hajjah - Al
Jawf - Aden - Marib

49

by Ansar Allah armed group (Houthis)

26

by forces loyal to the Coalition and President Hadi

5

Joint responsibility

7

unidentified

124

civilians killed

52

children



6

women



284

civilians wounded

120

children



35

women



► Legal Framework

International humanitarian law prohibits indiscriminate attacks. Warring parties must distinguish between military objectives and civilians or civilian objects, including by not using unguided weapons that cannot be directed at a specific military objective. Attacks not specifically directed at a military target are considered indiscriminate. International humanitarian law requires commanders to choose a means of attack that can be directed at military targets and will minimize harm to civilians.

Attacks that disproportionately harm civilians are also prohibited. Parties to a conflict must do everything “feasible” to ensure that their targets are military objectives, take all feasible precautions in their choice of means to minimize incidental loss of civilian life, and refrain from attacks expected to cause disproportionate loss of civilian life or damage to civilian objects. When carried out with criminal intent, indiscriminate and disproportionate attacks are war crimes.

All forces must avoid locating military objectives within or near densely populated areas and endeavor to remove civilians from the vicinity of military objectives, and otherwise protect the civilian population under their control against the dangers of military operations. One party’s failure to take feasible precautions does not negate the other party’s own obligations under the laws of war.

Case Studies

On Saturday, 10 February 2018, at around 10 am, a projectile hit close to a vehicle transporting displaced people from Al Shuqb village¹⁹ to Aden governorate, in Al Majliah area in Salah district of Taizz Governorate.

The attack in Taizz killed a man and a child and wounded 11 others, including four children and a woman. Witnesses said the attack occurred in an area under the control of the “Popular Resistance” forces, and that the projectile came from the direction of Al Salal Hill, under the control of the Ansar Allah (Houthis). Al Salal Hill is about two kilometers from the site of the attack, to the east of the city of Taizz.



Yahya Abdulsalam (21 years old), one of the men displaced, said: “We left our village because of the intensification of the siege and the worsening security situation. While the vehicle was taking us was crossing the area of Al Majliah, I heard a loud explosion, then I heard screams

¹⁹ See Mwatana for Human Rights website, blog post titled “Al-Shaqb: A Village Forgotten by All Except Death”, published on 16 December 2018. For more information on incidents of indiscriminate ground shelling, see the following site: <http://mwatana.org/en/a-forgotten-village/>

from the people who were with me on the car. I was crying, and all I smelled around me was death.”²⁰ Yahya Abdullah (18 years old) described what he saw: “I was still in the car and there was smoke everywhere. My left leg was injured, and I was screaming for help. The smoke cleared a little bit, and I was shocked to find a headless body lying behind me.”²¹

The wounded were taken for medical treatment. Dhi Yazan Abduljabbar (22 years old), another displaced person on the vehicle, said: “The hallways of the Al Thawrah Hospital in Taizz City were full of blood of poor, destitute people that have nothing in this world.”²²

On Saturday, 16 May 2018, around 11:00 am, a group of “Popular Resistance” fighters positioned in Matakhimah area in Al Bayda governorate indiscriminately shelled Al Faydh area in Al Matoun district of Al Jawf governorate.

During the attack, one of the munitions hit the home of Saleh Al Absi, located in the southern part of Al Faydh area, injuring two girls: Mani’ah Saleh Muflih Al Absi (9 years old), who was moderately injured by shrapnel in her right shoulder and chest, and Dawlah Saleh Muflih Al Absi (2 years old), who suffered from suffocation due to the smoke and gas. She still has seizures.²³

On Sunday, 15 July 2018, at about 5:30 pm, Ansar Allah shelled a government complex in northern Al Hazm, the capital of Al Jawf governorate.

The shelling hit a farm where displaced people from Amran governorate were living, near the governor’s office. The attack killed five children and wounded six other people, including four women and two children.

A witness who resides in the area (25 years old) said: “I was in a sitting room with others, near the farm, and we all rushed to try to help the victims. The things that I saw cannot be described, and it was a terrifying scene. I tried to be strong, but I could not, and I left immediately.”²⁴

²⁰ Mwatana for Human Rights’ interview with Yahya Abdulsalam, 22 February 2018

²¹ Mwatana for Human Rights’ interview with Yahya Abdullah, 22 February 2018

²² Mwatana for Human Rights’ interview with Dhi Yazan Abduljabbar, 23 February 2018

²³ Mwatana for Human Rights’ interview with the victim’s relatives, 25 October 2018

²⁴ Mwatana for Human Rights’ interview with eyewitnesses, 19 July 2019

“

The father of one of the victims (46 years old) said: “We left our homes out of fear of the brutality of this group, but our fate followed us to the place that we had been displaced to.”²⁵

”



Shrapnel penetrated the body of a victim in a ground attack on February 6, 2018, Al Qahirah, Taizz © Mwatana for Human Rights



Shoe of a woman victim of a landmine,
As Silw, Taizz, taken: May 29, 2018 ©
Mwatana for Human Rights



Section 3

Landmines

Mwatana documented about 52 cases of landmines exploding in 2018 in Al Jawf, Taizz, Lahj, Shabwah, Al Bayda, Hajjah, Saada, Al Hudaydah and Marib governorates, killing at least 60 civilians, including eight women and 26 children, and wounding at least 51 others, including 12 women and 21 children. The armed group Ansar Allah (Houthis) was responsible for at least 49 of these cases. Mwatana was unable to identify the violator in three incidents.

Since the beginning of the conflict, landmines have killed dozens of civilians and maimed hundreds of others, including many children working to shepherd livestock and women providing for their households (collecting firewood and water, or tending the fields). Landmines remain a danger and will continue to threaten the lives of thousands of civilians even after the conflict ends.

Injuries from anti-personnel mines can be especially difficult. Many victims are left disabled, and they and their families require long-term assistance and care. Uncertainty regarding the presence of mines in civilian areas, and the fear of their impact, can also impose a psychological toll on survivors, their relatives, and society as a whole.

52

landmines
exploding
incidents

9

Yemeni governorates

Al Jawf - Taizz - Lahj
Shabwah - Al Bayda
Hajjah - Saada - Al
Hudaydah - Marib

49

by Ansar Allah armed group
(Houthis)

3

unidentified

60

civilians killed

26

children



8

women



51

civilians wounded

21

children



12

women



► Legal Framework

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, also known as the Mine Ban Treaty, banned the use, production, transfer and stockpiling of antipersonnel mines. The Mine Ban Treaty also requires countries to work towards clearing antipersonnel mines and providing assistance to victims.²⁶ Yemen ratified the Mine Ban Treaty on 1 September 1998.

Landmines, including antivehicle mines, must not be used in ways that amount to indiscriminate attacks. Mines cannot discriminate between civilians and combatants and continue to kill and maim civilians long after a conflict ends. Indiscriminate attacks carried out with criminal intent are war crimes. Mwatana condemns the use of antipersonnel mines.

Case Studies

On Friday, 30 March 2018, around 9:30 am, a landmine laid by Ansar Allah (Houthis) exploded on the Ufa Al Yatimah Road in Barat Al Anan district in Al Jawf governorate, killing five civilians, among them a woman and three children.

The landmine detonated when a Toyota pick-up truck passed over it on a sandy road. Engineering units had removed a large number of mines in this area, but many mines remained. According to interviews conducted by Mwatana, Ansar Allah laid mines in the area before they withdrew in December 2017.



“Saleh” (35 years old, pseudonym), said: “I reached the area half an hour after the explosion, and the car was still burning. The victims had been burned inside the car.” He said the victims included Yahya Qayed Al Salahi (50 years old), his wife, Salehah Muhsin (45 years old), his son, Hamam Yahya (13 years old), his daughter, Suadah (11 years old), and his grandchild (his daughter’s son), Saleh Ali Hadi (5 years old).²⁷ “Saleh” said: “Landmines are always a danger to us. These landmines are haunting us.”²⁸



On Wednesday, 30 May 2018, at around 9 am, a landmine near a home in Al Qawz village in Jabal Hibshi district of Taizz governorate exploded, wounding a woman and two children.

²⁶ The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. This convention became effective on 1 March 1999, after forty countries had signed it, Article 1

²⁷ Mwatana for Human Rights’ interview with eyewitnesses, 8 May 2018

²⁸ Ibid.

“

Awf Muqbil (33 years old), a member of the family, said: “The people of the village had only returned to their homes three days before, after Ansar Allah left the area. We heard an explosion, and the windows in the room that I was sleeping in broke. I left the house, and I was shocked to see two children, Samirah Tawfiq Muqbil Saleh Abdoh (5 years old) and Rafiq Tawfiq Muqbil Saleh Abdoh (7 years old) on the ground next to my sister-in-law. Their blood had mixed with the dirt around them.”²⁹ According to interviews conducted by Mwatana, the landmine was disguised as a rock and Ansar Allah (Houthis) had laid mines in the area before they withdrew on 5 May 2018.

”

On Monday, 10 September 2018, at around 10:30 am, a landmine laid by Ansar Allah (Houthis) killed Aidarous Abdulkafi Abdulbari (26 years old) and Ali Hashem Muhammad Sallam (39 years old) after they drove over it on a motorcycle towards Al Adheer Bridge in Hayfan district of Taizz governorate.³⁰

“

Aref Shamlan (58 years old), distraught after losing his nephew, said: “Amran left behind a family made up of his wife and his toddler. Who will support them now?”

”

According to testimonies collected by Mwatana, Ansar Allah (Houthis) laid mines in the area before they withdrew on 1 September 2018. They then positioned themselves around half a kilometer to the north.³¹

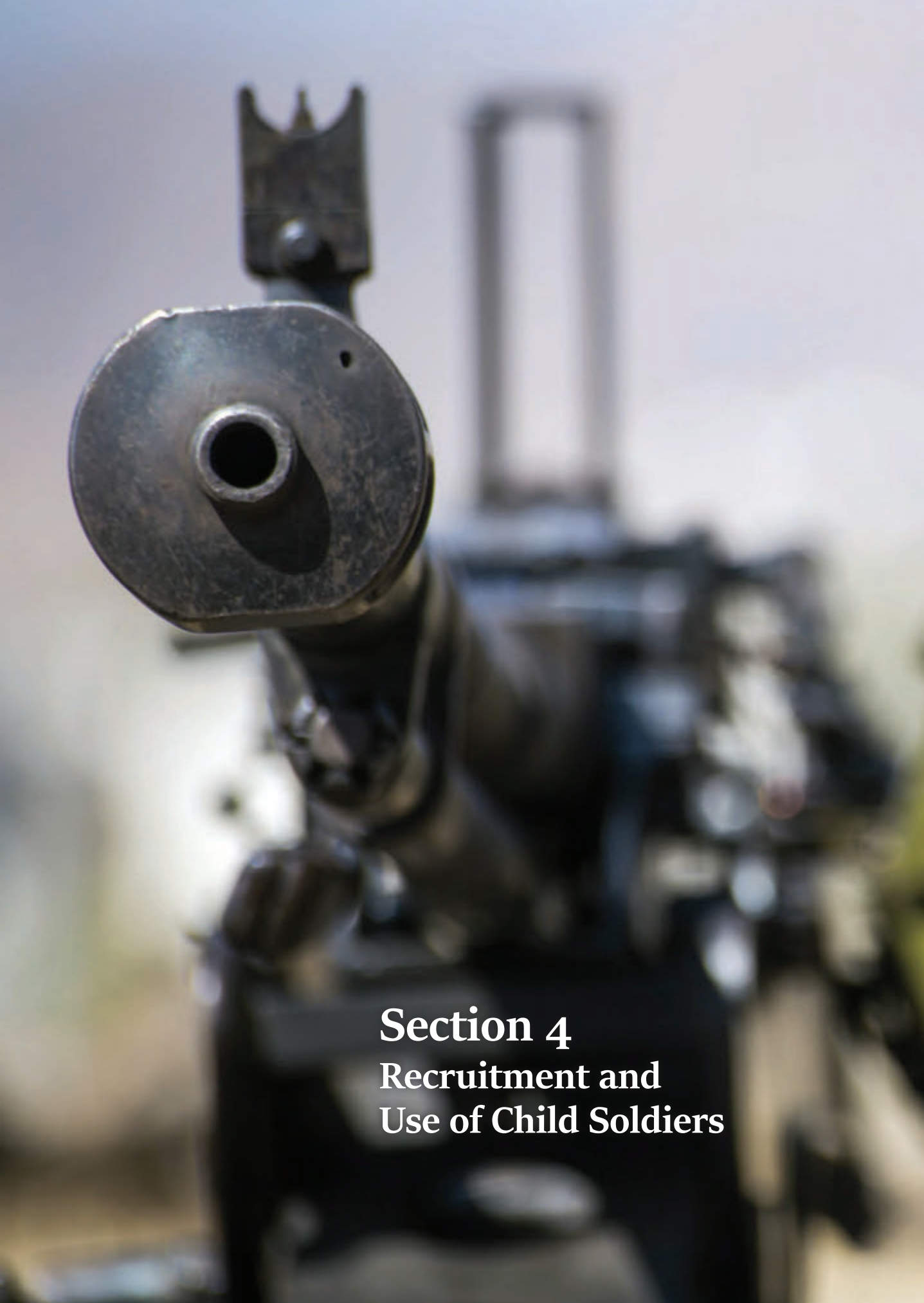
On Saturday, 29 December 2018, at around 4:30 pm, a landmine laid by Ansar Allah (Houthis) exploded in the fields of Abu Halfah’s Farm in southern Al Zuhoor Neighborhood in Al Hali district in Al Hudaydah governorate, killing three girls.

The landmine killed three girls, including Manar Muhammad Zaw’ (9 years old), Noorah Muhammad Zaw’ (12 years old), and Saeed Ahmad Shaybah (16 years old). The girls were collecting firewood from the farm, around a kilometer from the frontlines where Ansar Allah (Houthis) and forces affiliated with the Coalition and Hadi government (the Giants Brigade “Al Amaliqah” and the Tehama Resistance Forces).

²⁹ Mwatana for Human Rights’ interview with Awif Muqbil, 30 May 2018

³⁰ Mwatana for Human Rights’ interview with eyewitnesses, 3 November 2018

³¹ Ibid.



Section 4

Recruitment and Use of Child Soldiers

Mwatana documented at least 1117 children recruited or used for military purposes in 2018, through 689 observations and interviews. Of the children Mwatana identified, 72% were recruited or used by the armed group Ansar Allah (Houthis), with cases primarily in Sana'a, Sa'ada, Al Hudaydah, Al Jawf, and Hajjah governorates. Emirati proxy forces (the Security Belt Forces and Hadhrami Elite Forces) were responsible for 17% of cases, in Abyan, Lahj, Aden, and Hadramaut governorates. Forces loyal to President Hadi and affiliated "popular resistance" groups were responsible for 11% of the cases, in Al Bayda, Al Dhale, Al Hudaydah, and Abyan governorates. Extremist groups recruited and used two children in Al Bayda and Hadramaut governorates. In an apparent new, and deeply concerning, development, Mwatana also documented cases of Ansar Allah (Houthis) using young girls in searches and inspections during their raids on homes, as well as to organize events for mobilization and recruitment of fighters.

Parties on all sides of the conflict in Yemen continue to recruit children and use them for combat or security purposes, for example having them serve in security checkpoints or provide logistics support for military operations. In this regard, parties to the conflict are benefitting from the continued deterioration of the humanitarian and economic situation in the country—children are not going to school and become more vulnerable to military enlistment and mobilization.

Yemeni children are being recruited for military purposes at terrifying rates. Despite international legal protections for children during armed conflicts, children in Yemen still face a constant threat from the parties to the conflict, who continue to recruit children and use them in an environment of total impunity. Children recruited are at risk of being killed, maimed, sexually assaulted, or subjected to other forms of abuse. The warring parties have shown little, if any, interest in taking serious measures to protect children, one of the most affected groups, from the harms of war.



► Legal Framework.....

International humanitarian law prohibits the recruitment or use of children by armed groups or armed forces. The recruitment of children under the age of 15 years old—either by drafting them or by allowing them to volunteer into an armed group or the armed forces—or using them to participate in combat operations is a war crime.³² Commanders who knew or should have known and took no effective action can be held criminally liable as a matter of command responsibility. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, to which Yemen is a party, sets 18 as the minimum age for any participation in armed conflict by armed forces or armed groups.³³

Article 45 of the Yemeni Child Rights Law of 2000 prohibits the use of children in conflict and calls for an end to recruitment of any person under the age of 18.

Case Studies

One evening in September 2018, Ansar Allah (Houthis) trained at least 16 children, all under the age of 17, at a camp in the town square of Hawrah in Hajjah governorate.



One child who had been recruited by the 3rd Giants Brigade (Al Amaliqah), aligned with the Coalition and fighting on the Western Coast, told Mwatana that he and his peers were tasked with distributing food to soldiers. He stressed the importance of keeping his name hidden: “If the command know that I gave you this information, they will take me to jail. This is my source of income, and there is nothing that I can do about it.”³⁴



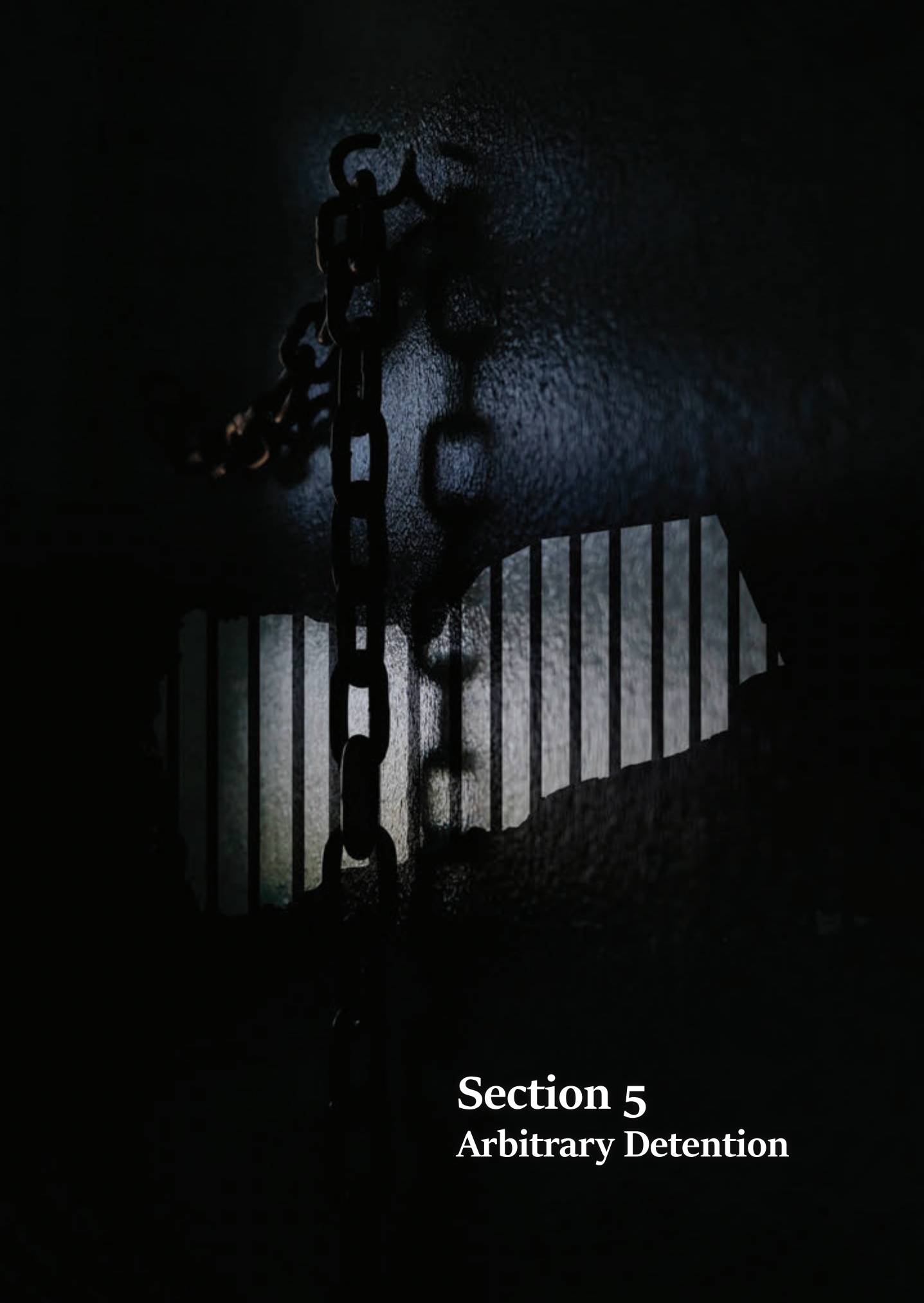
Two children recruited by forces loyal to President Hadi were injured in Al Jawf governorate, struck by shrapnel from a mortar shell while fighting on the frontlines in Al Matoun district. One died from his injuries.

In separate incidents in September and November 2018, at least 20 children recruited by Ansar Allah (Houthis) were used to secure public Ansar Allahevents.

³² The Rome Statutes of the International Criminal Court, adopted in Rome, drafted on 17 July 1998, Article 8, Paragraph 26

³³ The International Committee of the Red Cross, Children protected under international humanitarian law, published on 29 October 2010, available at: <https://www.icrc.org/en/doc/war-and-law/protected-persons/children/overview-protected-children.htm>

³⁴ Mwatana for Human Rights’ interview with the child who was recruited, 29 August 2018



Section 5

Arbitrary Detention

224

Arbitrary Detention Incidents



33

The Security Belt Forces and the Hadhrami Elite Forces and the Special Forces, Counter-Terrorism Forces, Emergency Forces, security agencies, and the forces of the Support and Assistance Brigades

132

Ansar Allah (Houthis)

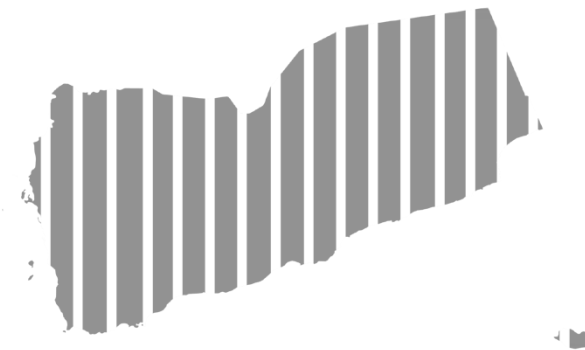
Ibb - Taizz - the Capital Secretariat (Sana'a) - Hajjah
Sa'ada - Amran - Al Hudaydah,
Sana'a - Dhamar - Al Mahwit
and Al Bayda

Aden - Lahj
Shabwah - Abyan
Hadramaut

Marib - Taizz
Al Jawf - Hadramaut

59

Forces loyal to President Hadi and the "Popular Resistance"



During 2018, Mwatana for Human Rights documented at least 224 arbitrary detentions. The armed group Ansar Allah (Houthis) was responsible for at least 132 cases in 11 governorates (Ibb, Taizz, the Capital Secretariat (Sana'a), Hajjah, Sa'ada, Amran, Al Hudaydah, Sana'a, Dhamar, Al Mahwit, and Al Bayda). Forces loyal to President Hadi and the "Popular Resistance" were responsible for 59 incidents in the governorates of Marib, Taizz, Al Jawf, and Hadramaut. The Security Belt Forces and the Hadhrami Elite Forces (proxy Emirati forces) and the Special Forces, Counter-Terrorism Forces, Emergency Forces, security agencies, and the forces of the Support and Assistance Brigades were responsible for 33 cases in the governorates of Aden, Lahj, Shabwah, Abyan, and Hadramaut.

Some of the most harmful impacts of the war on civilians and their families can be seen through the abusive detention practices adopted by the warring parties. In 2018, hundreds of civilians were arbitrarily detained and deprived of their basic rights from the moment they were arrested.

Arbitrary detention often opens the door to a series of human rights violations. Arrests are often conducted without a warrant and without the person told the reason for their detention. Human rights defenders, journalist, students and members of religious minorities have been arbitrarily detained in Yemen. The arbitrarily detained are often deprived of the necessary tools to defend themselves against any charges that may be levelled against them. Many are subjected to enforced disappearance, torture and other forms of harsh, inhumane, and degrading treatment. Many in Yemen no longer expect a fair trial—assuming it will not be granted.

During 2018, around 24 arbitrarily detained individuals whose cases Mwatana had previously documented were released, some due to follow-up and work by Mwatana's Legal Support Unit.

► Legal Framework.....

Both international humanitarian law and international human rights law prohibit arbitrary detention. Arbitrary detention is prohibited during international and non-international armed conflicts. Human rights law is also clear on the prohibition. Multiple treaties provide that no one may be subjected to arbitrary detention or arrest. Article 9 of the International Covenant on Civil and Political Rights, to which Yemen is a signatory, states that, “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” The UN Human Rights Committee has stated that states may not invoke a state of emergency to justify arbitrary detention. A valid reason for detention is required for both the initial detention and the continuation of that detention. To prevent arbitrary detention, there is an obligation to inform a person of the reasons for their arrest, to bring them promptly before a judge and to provide them an opportunity to challenge the lawfulness of their detention.

The Yemeni Constitution requires the state to “guarantee to its citizens their personal freedom, preserve their dignity and their security.” The Constitution prohibits arrests, searches, and detentions unless based on a judicial warrant or an order from the public prosecutor’s office. The Constitution also requires the Public Prosecutor to “file charges against an individual that is detained for a crime within 24 hours of their detention”; “only the judiciary can extend the detention to more than the first seven days.” Officials who deprive individuals of their freedoms accidentally shall be subject to up to five years of prison, according to the Yemeni Penal Code.

Case Studies

On the morning of Monday, 23 April 2018, two individuals wearing civilian clothes, members of the 35th Brigade, loyal to President Hadi, came to “Khaldoon’s” home (28 years old, pseudonym) in Al Silw area in Taizz governorate and detained him.

The members of the 35th Brigade took “Khaldoon” from his home to the Brigade’s headquarters, located in Bir Basha in the western part of Taizz city. Khaldoon was not charged; all he was told was that he was suspected of being a member of Ansar Allah (Houthis).



Khaldoon’s brother, “Sameer” (36 years old, pseudonym), said: “It took me four hours and a sizeable amount of money to get to the headquarters of the 35th Brigade with my mother. When we arrived, they only allowed my mother to visit him, and when my mother came out, she was unable to stop crying. Since that time, she will start crying whenever she remembers her son, and this has had a clear impact on her sight and overall health.”

The detention also affected Sameer: “I visited my brother another time in June, and I was with him for only five minutes. During that visit, there were armed men with us, and I asked him about his conditions and the area where he was being detained. He told me he was being detained in a cell that is 2 meters squared, and that he is in it with another detainee.

He told me that he gets beat by the interrogators, and I could not talk with him any more than that because there were armed men around us.”³⁵

”

During the afternoon of Sunday, 10 June 2018, Ansar Allah (Houthis) arbitrarily detained Saeed “Muhammad” (19 years old, pseudonym) from Far’ Al Udayn district in Ibb governorate.

“

“Saleh” (18 years old, pseudonym), the victim’s brother, said: “A military vehicle belonging to Ansar Allah (Houthis) came, and there were armed men on it. Some of them were in civilian clothes, while others were in military uniforms. The armed men gave the sheikh of the village a list of names of individuals wanted for questioning on security matters, and the list had my brother’s name on it. I asked the sheikh why they wanted to see my brother, and he told me that these were just routine procedures.”³⁶ Saleh confirmed that his brother works in Marib governorate, under the control of forces loyal to President Hadi. This was apparently the reason “Muhammed” was detained. He said: “Yes, my brother works in Marib, but he works in construction. We are rural people, and we have not gotten a chance to get an education... [Ansar Allah] are now harassing us just because we are trying to find work outside the borders that they have drawn for us.”³⁷

”

On Friday, 27 July 2018, at around 4 am, armed men, some wearing military uniforms and others in civilian clothes, came in six military vehicles belonging to the military police, detaining eight members of a family in Taizz.

The military police raided the home of “Hibah Ali” (female, 34 years old, pseudonym) in Al Nour in Al Mudhaffar district of Taizz governorate. The armed men detained her and her four sisters, along with her mother, father, and younger brother. The family members were all taken to the military police headquarters in Al Muroor area in Taizz governorate.

The armed men separately took each of the family members into rooms to interrogate them. The interrogating officer asked them questions and searched their phones. After that, he ordered other officers to take Hibah’s father back to their home for another search. The search and interrogations did not yield anything. Seven of the eight family members were released—except for Hibah. She was detained in the military police office for about 7 days, when she was transferred to the Central Prison in Taizz city. She remained there, until being released on 20 August 2018.

“

Her sister, “Asma’a” (27 years old, pseudonym), said: “They asked us where the weapons that Hibah brought home were, and we kept begging them and swearing up and down that Hibah was innocent and that there was nothing that linked her with her husband’s work

³⁵ Mwatana for Human Rights’ interview with one of the relatives of the victim, 23 July 2018

³⁶ Mwatana for Human Rights’ interview with one of the relatives of the victim, 3 August 2018

³⁷ Ibid.

with the Houthis.” She added, “What is the crime that we have committed to be treated and humiliated in this way? This was done to us in front of everyone in the street. They detained my sister, and they looted our electronics.”³⁸

”

Hibah’s husband was soldier for Ansar Allah, but Hibah was not involved in her husband’s work.

On the night of Tuesday, 14 August 2018, armed men dressed in military clothes from Ansar Allah (Houthis) abducted Kamal Al Shawish, an assistant Mwatana field researcher, while he was in a café in Sana’a Street in Al Hudaydah city.

The armed men from Ansar Allah took Al Shawish to a gold colored vehicle. They covered his eyes and took him to an unknown location. After Mwatana made a number of calls to determine where Shawish was being held, someone eventually said Ansar Allah was detaining Al Shawish in the Political Security Organization prison in Al Hudaydah. No warrant had been issued, he was not charged, nor was he given any formal justification for his arrest or detention.³⁹ After repeated efforts by Mwatana to secure his release, Al Shawish was released—spending a total of 43 days arbitrarily detained.

On the afternoon of Tuesday, 18 September 2018, Ali Al Sharabi (47 years old) was stopped near his home in Sana’a by a supervisor from Ansar Allah (Houthis) who had two armed men with him, and then detained for about two months.

The Ansar Allah supervisor asked Ali to go with the three men to Al Sunainah Police Station in the Maeen district of the Capital Secretariat (Sana’a). Ali was detained there for five days, and then taken to the Criminal Investigation Department for two days. After that, he was transferred to the National Security Bureau. At night on Friday, 5 October 2018, while activists on social media were calling for people to participate in protests under the name of A Revolution of the Hungry, Al Masirah channel, owned by Ansar Allah, broadcast a clip of Ali in detention. The news anchor claimed Ali was “one of the most dangerous members of the destructive cells that are managed by forces outside Yemen.” Al Sharabi appeared in the clip tired and said that he was in contact with parties outside Yemen to organize mass movements under the title of the “A Revolution of the Hungry”.

“


Ali’s friend, Muhammad Ali Wadf (48 years old), said: “Ali Al Sharabi is someone who is known for his honesty, and he will talk about the things that he believes in public, with anyone. He did not work for any side, and, if he did, he would not have remained here in Sana’a.”

”

Ali Al Sharabi was released, on 28 November 2018.

³⁸ Mwatana for Human Rights’ interview with one of the victim’s relatives, 19 August 2018

³⁹ Mwatana for Human Rights’ interview with an eyewitness, 14 August 2018. For more information on the violation, see the statement that was released by Mwatana on 15 August 2018, available at: <http://mwatana.org/en/ansar-allah-must-immediately-release-kamal-al-shawish-our-fra/>



Section 6

Enforced Disappearance

During 2018, Mwatana documented at least 203 enforced disappearances, including at least 112 incidents that occurred in areas under the control of armed groups loyal to the Arab Coalition and President Abd Rabboh Mansour Hadi, in the governorates of Aden, Al Jawf, Taizz, and Marib. 91 other disappearances took place in areas under the control of the armed group Ansar Allah (Houthis) in the governorates of Al Hudaydah, Taizz, Sana'a, Ibb, and Hajjah.

Hundreds of civilians have suffered from the prolonged horror of enforced disappearance. Often, the parties to the conflict forcibly disappear civilians due to suspected affiliation with opposing groups or due to their political opinions or affiliations. The warring parties have continued to disappear people unchecked throughout the conflict, and the practice has spread as a result. Disappearances affect not just the individual disappeared, but also their families and friends, and the society as a whole, instilling fear and terror.

► Legal Framework.....

An enforced disappearance occurs when authorities take someone into custody and deny holding them or fail to disclose their fate or whereabouts. “Disappeared” people are at greater risk of torture and other ill-treatment, especially when they are detained in informal detention facilities.

Enforced disappearances are also prohibited during conflict. Enforced disappearances violate or threaten to violate a range of rules of customary international humanitarian law applicable in both international and non-international armed conflicts, including the prohibition on arbitrary detention, on torture, on cruel or inhuman treatment and on murder. Parties are required to take steps to prevent disappearances during non-international armed conflicts, including registering those detained, and must take all feasible measures to account for missing people as a result of the conflict and to provide their family members with information on their fate.

Under the Rome Statute, the founding treaty of the International Criminal Court, the systematic practice of enforced disappearance constitutes a crime against humanity. Hostage taking, seizing or detaining someone and threatening to kill, injure, or continue to detain them to compel a third party to do or abstain from doing something as a condition of release or for the person's safety, is also a war crime under the Rome Statute.

Yemeni law does not criminalize enforced disappearance as such, nor has the state ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, constitutional and legal principles enshrined in the Yemeni constitution regarding basic rights and freedoms, including regarding arbitrary detention and torture, would appear to prohibit the practice. Yemen should ratify the Convention and align domestic law with its protections.

Case Studies

In early January 2018, a number of security officers from the “Popular Resistance” forces came on a military vehicle and a Toyota pickup truck and arrested a cleaner (female, 37 years old).

The men took her from work in Medical Center in Al Hazm city in Al Jawf governorate to the Political Security Organization prison in the city. According to witnesses, she was detained on charges of spying for Ansar Allah (Houthis).⁴⁰ Her family was unable to visit her and she remains forcibly disappeared until the time of writing the report.

On Saturday, 27 January 2018, at about 5 am, unknown men abducted Zakaria Ahmad Muhammad Qassim (55 years old) while on his way to pray the dawn prayer in Al Furqan Masjid in Al Mualla district in Aden governorate.

According to interviews, four armed men on a Hyundai and a Toyota bus blocked Zakaria’s way and forced him to get on the vehicle with them. They fired shots in the air. The two vehicles headed towards the headquarters of the Counter-Terrorism Forces, loyal to the United Arab Emirates, in Al Tawahi district.

“

Zakaria’s son, Yahya (18 years old), said: “We filed a complaint in the morning in the police station about the abduction of my father by armed men, but to no avail. We still do not know where my father is.”⁴¹ Zakaria’s fate remains unknown.

”

On Wednesday, 6 June 2018, at around 6 pm, a group of Ansar Allah (Houthi) men arrested Sameer Adham (31 years old) from a masjid in Mahdhah village in Al Safra’a district of Sa’ada governorate.

“

Adham’s mother (51 years old) said: “My son told me that he was going to go respond to a call from the Ansar Allah area supervisor for dinner. I encouraged him to go so that we would get a food basket or some financial aid, but, at night, Sameer had not returned. I tried calling him, but his phone was off.”⁴²

”

His mother said that someone came to her to tell her that her son had been detained. The person said: “They took Sameer from the village masjid. They took him on a Toyota pickup

⁴⁰ Mwatana for Human Rights’ interviews with eyewitnesses, 28 and 30 March 2018

⁴¹ Mwatana for Human Rights’ interview with the victim’s sister, 3 October 2018

⁴² Mwatana for Human Rights’ interview with the victim’s mother, 19 July 2018

truck, and they took him to Sa'ada city. They accused him of receiving money from areas under the control of President Hadi."⁴³

Sameer's mother added: "Sameer was a laborer who got a daily wage in a tomato farm, and he was the only breadwinner for our family. They tricked him by saying they wanted to meet for dinner, and I have been torn apart by what happened to him."⁴⁴ He remains forcibly disappeared.

On Friday, 10 August 2018, at around 4:30 pm, armed men in civilian clothes from Al Sa'alik Brigade, which is affiliated with President Hadi, abducted "Basheer Khalid" (18 years old, pseudonym) from Al Masbah intersection in Al Qahirah district of Taizz governorate.

According to family members, "Basheer," who worked as a motorcycle driver in Taizz city, took advantage of a calm period following clashes between different resistance factions between 8 to 12 August 2018 to retrieve some things to meet his family's basic needs. The last place he was seen was Al Masbah intersection, where he was asked by two armed men wearing civilian clothes to take them somewhere on his motorcycle, according to an eyewitness.

“

Basheer's sister, "Sawsan Khalid" (19 years old, pseudonym) said: "It had been a few hours since Basheer had left from our house, and we started to get worried. I went out with my father to look for him, and we could not find any trace of him. We looked for him in detention centers belonging to the army and the Taizz Command, the 22nd Mechanized Brigade, and even police stations, but we did not find anything."⁴⁵ She added: "I got a call a week after he disappeared, and the caller, who had just been released from detention, told me that he had been detained with my brother and other individuals in a secret prison that was controlled by the Al Sa'alik Brigade. This prison was located in the Public Funds Prosecutor's Office building."⁴⁶ Basheer remains forcibly disappeared.

”

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Mwatana for Human Rights' interview with the victim's sister, 29 August 2018

⁴⁶ Ibid.

A black and white photograph showing a person's face and upper body behind vertical metal bars. The person is looking directly at the camera with a somber expression. The bars are dark and prominent in the foreground, creating a grid-like pattern over the person. The background is out of focus, showing indistinct shapes and light. The overall mood is bleak and oppressive.

Section 7

Torture

Mwatana documented 62 torture cases in 2018, including at least 45 committed by the Security Belt Forces and Hadhrami and Shabwani Elite Forces (proxy Emirati forces) and forces loyal to President Hadi in Abyan, Shabwah, Taizz, Aden, and Hadramaut governorates. Mwatana documented the torture of 11 fishermen, one a child, in the city of Jazan in Saudi Arabia, after they were stopped and taken from the coast of Midi in Hajjah governorate. Four people died as a result of the documented torture, Ansar Allah (Houthis) group bears responsibility for the deaths of two victims in Al Hudaydah governorate, while forces loyal to President Hadi and proxy Emirati forces hold responsibility for the deaths of other two victims in Taizz and Shabwah governorates.

Despite the brutality of the torture so frequently carried out, perpetrators on all sides have escaped punishment. Victims of torture usually do not submit complaints, either because there is widespread lack of confidence in judicial institutions or because they are afraid of retaliation from the responsible authorities.

The armed group Ansar Allah (Houthis) committed at least 17 in Sana'a Taizz, Al Hudaydah, Ibb, and Sa'ada governorates. Ansar Allah used a number of torture methods, including beatings with batons, boards, and metal pipes, electrocution, removing fingernails, prolonged and solitary confinement in a very small room (1 meter by 1 meter), raising the victims with chains and hanging them, cutting the body, Pouring chemical solutions on wounds that cause seizures, and hanging heavy weights from a person's reproductive organs.

► Legal Framework.....

Torture is prohibited in all circumstances and at all times, including during conflict. It is a fundamental prohibition. Nothing justifies it. Common Article 3 to the four Geneva Conventions of 1949 specifically requires protecting people in custody, including civilians and captured fighters, from "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "outrages upon personal dignity, in particular humiliating and degrading treatment."

Torture, cruel treatment and outrages upon personal dignity constitute war crimes in non-international armed conflicts. When committed as part of a widespread and systematic attack against the civilian population, torture constitutes a crime against humanity.

International human rights law also prohibits torture in all circumstances and at all times. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment sets out a series of requirements for states to prevent, investigate, prosecute and ensure redress for torture.⁴⁷ Yemen ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991.

⁴⁷ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, drafted on 10 December 1984.

Case Studies

In mid-June 2018, three armed men under the command of an Ansar Allah (Houthis) field supervisor attacked Ali Abdullah Sultan (39 years old) and took him in their vehicle to the Political Security Organization building in Ibb city, where he was detained and mistreated.

When Ali Abdullah Sultan arrived at the PSO in Ibb, the Ansar Allah field supervisor was there along with two armed men. They beat, assaulted, and mistreated him. They detained him for 40 days. During 30 of those days, officials in charge of the detention center tortured him.

Sultan believed he was detained in retaliation for submitting a complaint against Ansar Allah officials for mistreatment. About two years ago, Sultan had an argument he had with an Ansar Allah supervisor after the supervisor insulted some women from his village. In December 2016, shortly after the argument, armed men under the command of the same Houthi official stopped Sultan around 5 pm in Al Sayani Checkpoint in Ibb governorate, and took him with them on a bus. Sultan was surprised to see the supervisor he had argued with on the bus. He was stabbed and severely beaten, then thrown, unconscious, in a drainage ditch in Al Qaidah area. He woke in the Al Qaidah Hospital, where a motorcycle driver had taken him. A group of armed Ansar Allah men then raided the hospital and took Sultan with them to an Ansar Allah office in Al Sayani district in Ibb governorate. He was released after four days.



Sultan said that after what happened: “I was advised to submit my medical reports to the Ombudsman Commission of Ansar Allah, and I did that even though I did not want to, after I had been harassed for a year. Two days after I submitted my complaint, three armed men came and took me to the Political Security Organization building, and I found the supervisor that I had submitted the complaint against standing at the door of the building. He called me that night for questioning, and he put me in a cell, and he accused me of recruiting fighters for the resistance. I responded to his charges by saying that my case was the case of an old dispute that I had with him. Then armed men beat me and tied me by my feet to a lift, then raised me up around 9 meters in the air. They then lowered me into a barrel full of water.”⁴⁸ He added: “I was subject to horrifying types of torture, including the use of sharp instruments and chemicals that were given to me that would cause spasms and cramps. They did not allow me to use the bathroom.”⁴⁹



On Tuesday, 2 October 2018, at around 4 pm, forces from the Saudi/UAE-led Coalition stopped 11 fishermen, one a child, on their boats near Sahar Island on the coast of Midi in Hajjah governorate.

⁴⁸ Mwatana for Human Rights’ interview with eyewitnesses, 25 October 2018

⁴⁹ Ibid.

Three of the fishermen said that three armed men wearing civilian clothes on another vessel started shooting rounds into the air to force the fishermen to direct their own boats to nearby Al Fasht Island. The fishermen were taken to the city of Jazan in Saudi Arabia after spending a night on the island. Their eyes were covered during the journey. Upon arrival, the fishermen were beaten, tortured, and treated in a degrading manner for three days.

“

Othman Abkar (24 years old) said: “As soon as we arrived in Jazan, they called me in for interrogation. I went in before all of my other colleagues. They accused me of spying on the Coalition forces for Ansar Allah (Houthis), and they tortured me. They beat me and used many different methods, and this went on for an hour that day. The men that were taken with me also went through the same process, and they continued to torture us, individually and as a group, in this manner, for three days.”⁵⁰

“

“Khalid” (15 years old, pseudonym) said in his testimony: “They did not have any mercy on me as a child, and they tortured and beat me with many different methods. After they tortured us, they would force us to squat, and anyone who could not squat would get a severe beating.”⁵¹

“

Abdoh Ibrahim (21 years old), tortured severely, said: “I was tortured in a very ugly manner, and I was bleeding. After that, one of the officers at the center that we were being detained in came and said: ‘We searched your boats, and we found out that you really are fishermen.’ After that, we were taken into a room that is around 50 meters squared in size, and they told us that they will release us in five days. We were released on 14 November 2018.”⁵²

”

On Thursday, 4 October 2018, at around 11 pm, the Shabwani Elite Forces arrested Sarhan Saleh Bushamal (28 years old) in the Mayfa’ah district of the Shabwah governorate, torturing him for two days until he died in Al Hawtah Military Base in Mayfa’ah district.

“

“Dirhem Muhammad” (41 years old, pseudonym) said: “Sarhan got into an argument with one of the soldiers from Al Hawtah Military Base, which is controlled by the Shabwani Elite Forces. On the following day, a military vehicle came, and there were five soldiers on it, in addition to the commander of the military base. This vehicle came to Sarhan’s home, and they took him to the base. Three days after he was detained, on Sunday night at 7 pm, he died. This was on 7 October 2018, and marks from the torture could be seen on his body.”⁵³

”

⁵⁰ Mwatana for Human Rights’ interview with Othman Abkar, 17 November 2018

⁵¹ Mwatana for Human Rights’ interview with one of the victims, 17 November 2018

⁵² Mwatana for Human Rights’ interview with Abdoh Ibrahim, 17 November 2018

⁵³ Mwatana for Human Rights’ interview with eyewitnesses, 9 October 2018

A dark, moody photograph of a person's silhouette against a background of rain. The person is in the lower center, looking down with their hand near their face. The rain is visible as vertical streaks across the entire frame, creating a somber and intense atmosphere.

Section 8

Sexual Violence

Mwatana for Human Rights documented seven cases of sexual violence against 8 children in 2018. Forces loyal to the Saudi/UAE-led Coalition and President Hadi were responsible in sexual violence against 6 children, while the armed group Ansar Allah (Houthis) responsible in sexual violence against 2 children.

Mwatana documented the rape of six children in 2018, including of five boys—9, 12, 13, 16 and 17 years old— and one girl, 15. Mwatana also documented other forms of sexual assault of two children—a 13-year-old boy and a 17-year-old girl. In all cases, survivors were vulnerable even before the sexual violence, either children or members of the muhamisheen community. In one case, the man who raped a child was responsible for humanitarian aid distribution. In another, the child had been recruited and was raped by an adult in those forces.

The real number of victims of sexual violence is likely much higher, as social customs and stigma often prevent victims from reporting. Survivors are often afraid that perpetrators may retaliate if they report the crime.

Support for survivors of sexual violence in Yemen is extremely limited, if available at all. In no cases, either committed by Ansar Allah forces or those loyal to the coalition and Hadi government, did it appear perpetrators had been charged or appropriately prosecuted.

Given continuing risks to survivors—all of whom were children—Mwatana is providing an overview of the cases, rather than a description of individual incidents.

► Legal Framework

Sexual violence and rape are prohibited during international and non-international armed conflicts. Common Article 3 of the Geneva Conventions prohibits “violence to life and person” including cruel treatment and torture and “outrages upon personal dignity,” which Additional Protocol II of the Geneva Conventions specifically defines as including rape, enforced prostitution, and any form of indecent assault.

The Rome Statute of the International Criminal Court includes rape and other forms of sexual violence as war crimes. Rape, sexual slavery, enforced prostitution, or “any other form of sexual violence of comparable gravity” constitutes a crime against humanity if carried out as a part of large-scale or systematic attacks against the civilian populations.

International human rights law also prohibits sexual violence, amounting to a form of torture or cruel, inhuman or degrading treatment or punishment.

7 Sexual Violence Incidents


8
Children



Responsibility

Ansar Allah
(Houthis)

Forces loyal to the
Saudi/UAE-led Coalition
and President Hadi



Girls receive their education on the stairs of a residential building to escape the armed clashes, city of Taizz, taken: February 3, 2016

Section 9

Attacks on Schools

Many schools have been attacked during the conflict, and many damaged or destroyed as a result. All sides to the conflict have attacked schools. Particularly in areas where fighting continues, schools have sustained heavy damage, subjected to airstrikes and shelling, as well as occupation and use for military purposes. Schools have been used as military bases, as detention centers, as shelters for armed groups and other forces, and as supply centers for armed groups.

In 2018, Mwatana documented at least 60 attacks on or use of schools by the parties to the conflict, including two airstrikes, 22 cases of schools occupied, and 36 cases of other forms of schools used for military purposes. The armed group Ansar Allah (Houthis) was responsible for 52 of these incidents, while the Saudi/UAE-led Coalition and forces loyal to the Coalition and President Hadi (like the Giants Brigades (Al Amaliqah), the forces of the 22nd Mechanized Brigade, the forces of the 17th Infantry Brigade, the forces of the 35th Armored Brigade, and the Abu Al Abbas Brigades or the “Popular Resistance”) were responsible for eight other incidents.

Legal Framework

International humanitarian law prohibits direct attacks on civilian objects, including schools, unless they are being used for military purposes and become a military objective. Warring parties must distinguish between military and civilian objectives at all times, and refrain from carrying out attacks that will have a disproportionate impact on civilians. Warring parties must presume objects are civilian if there is doubt about their nature.

Warring parties must also take all feasible precautions to spare civilians under their control from the effects of attacks, including avoiding deploying forces in densely populated areas. Purposefully using the presence of civilians to protect military forces or areas or make them immune from attack is a war crime. Using schools for military purposes during conflict endangers students, teachers, and administrators by turning schools into targets for attack, and disrupts education. The Safe Schools Declaration, endorsed by Yemen in 2017, provides guidance to warring parties on how to protect educational facilities from military use during conflict.

Case Studies

On Saturday, 13 January 2018, at about 9 am, Saudi/UAE-led coalition aircraft bombed a warehouse of Hamzah bin Abdul Muttalib Primary School in Al Hamzat area in Sahar district of Sa’dah governorate.

The airstrike destroyed the warehouse and all the schoolbooks that were in it.⁵⁴

⁵⁴ Mwatana for Human Rights’ interview with eyewitnesses, 15 February 2018

On Monday, 5 February 2018, at about 1:30 pm, groups of armed men from the Southern Resistance and the Giants Brigades (Al Amaliqah) of the National Army raided Al Qa'qa' bin Amr Primary and Secondary School in Hays in Al Hudaydah governorate.

The armed forces used the school to store weapons. The school was forced to stop classes. More than 1,200 students who had been studying at the school were thus deprived of their right to an education.⁵⁵

Ansar Allah (Houthis) turned Hussain Mujalli Primary and Secondary School in the Rahban area in Sa'dah city into a military base to train children recruited for military purposes on 15 July 2018.

Ansar Allah trains the students to use Kalashnikov rifles and mortar shells at the school. The school, which had 1,350 students, was forced to stop classes. Classes remain interrupted.⁵⁶

On Sunday, 12 August 2018, at around 10 am, the Al Najah Primary and Secondary School for Girls in Al Jahmaliyah area in Salah district in Taizz governorate was attacked, with the 22nd Mechanized Brigade, which is loyal to President Hadi, firing cannons at the school.

The 22nd Mechanized Brigade was attempting to force out armed men with the Abu Al Abbas Brigade (supported by the UAE) from the school, who had been occupying it for two years. The attack caused significant damage to the school buildings. After the armed men of the Abu Al Abbas Brigade left the school at about 2 pm the same day, members of the 22nd Mechanized Brigade took up positions inside the school. The school remains closed to students.⁵⁷

⁵⁵ Mwatana for Human Rights' interview with eyewitnesses, 1 October 2018

⁵⁶ Mwatana for Human Rights' interview with eyewitnesses, 27 July 2018

⁵⁷ Mwatana for Human Rights' interview with eyewitnesses, 15 August 2018





School students receive their education
in a residential building, Al Dhabab,
Taizz, taken: December 12, 2018



Damage caused by a ground attack
on ICU at Al Thawrah Public
Hospital, Taizz, taken: May 23, 2016



Section 10

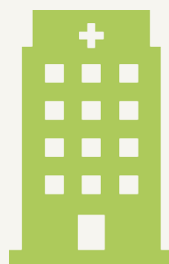
Attacks on Hospitals

During 2018, Mwatana for Human Rights documented 16 attacks on hospitals, healthcare centers, and medical personnel. The armed group Ansar Allah (Houthis) was responsible for four incidents in the governorates of Taizz and Ibb. While the Popular Resistance “Abu Abbas Brigades” and the armed group of the 62nd Brigade are responsible for 7 incidents in Taizz governorate, while Al-Qaeda in the Arabian Peninsula bears responsibility for one incident, while “Al-Qaeda in the Arabian Peninsula” and “Abu Abbas Brigades” bear joint responsibility for Another incident in Taizz governorate. The Saudi/UAE-led Coalition is responsible for two incidents in the governorates of The Capital Secretariat (Sana’a) and Hajjah. “Mwatana” was unable to identify the violator in one incident in Al Hudaydah.

Repeated attacks on hospitals across conflicts, including Yemen, are a serious challenge to the credibility of the laws governing armed conflict themselves, yet impunity reigns. Attacks on hospitals and the killing of medical personnel further endangers civilians living through war. In a context like Yemen, where so many of the country’s health facilities are already damaged or destroyed, these attacks further undermine the ability of civilians to receive even basic healthcare.

16 Attacks

on hospitals, healthcare centers, and medical personnel.



by the Popular Resistance “Abu Abbas Brigades” and the armed group of the 62nd Brigade



by Ansar Allah armed group (Houthis)



by the Saudi/UAE-led Coalition



by Al-Qaeda in the Arabian Peninsula



by “Al-Qaeda in the Arabian Peninsula” and “Abu Abbas Brigades”



unidentified

► Legal Framework.....

Hospitals, clinics, medical centers and other medical units have special protection under international humanitarian law. Hospitals lose their protection from attack only if they are being used, outside their humanitarian function, to commit “acts harmful to the enemy.” Even if a hospital is being used by an opposing force to commit acts harmful to the enemy, for example to store weapons, shelter combatants capable of fighting or to launch attacks, the attacking force must issue a warning to the opposing party to cease the misuse of the medical facility, set a reasonable period of time for the misuse to end, and attack only if and after the warning has gone unheeded.

International humanitarian law also requires that medical personnel, like doctors and nurses, and those in charge of searching for, collecting, transporting and treating the wounded, are permitted to function and are protected. They lose their protection only if they commit acts harmful to the enemy, outside their humanitarian functions. Punishing a person for performing medical duties in line with medical ethics or compelling a person to engage in medical activities contrary to medical ethics is prohibited. Medical transportation, like ambulances, must also be permitted to function and be protected. They lose their protection only if they are being used to commit acts harmful to the enemy.

International humanitarian law obliges parties to a conflict to respect and protect humanitarian relief personnel, including from harassment, intimidation and arbitrary detention. Parties to the conflict must also allow and facilitate the rapid passage of humanitarian aid and not arbitrarily interfere with it, and ensure humanitarian workers freedom of movement, which can only be restricted temporarily for imperative military necessity.

Under the Rome Statute, intentionally directing attacks against buildings, materials, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law is a war crime, as is intentionally directing attacks against hospitals and places where the sick and wounded are collected, provided they are not military objectives.

Case Studies

On Friday, 27 April 2018, at about 10:30 pm, Saudi/UAE-led Coalition aircraft bombed the National Center for Blood Transfusion and Research on the campus of 70 St. Hospital in Al Sabeen district of the Capital Secretariat (Sana'a).

The bomb did not detonate, but it went through the roof of the building and the concrete floor, destroying the water network. The rising water levels caused an electrical malfunction, which destroyed a number of medical machines and equipment. The Center was rendered partially in operational. The center's operations resumed completely four days after the airstrike. The center provides medical services to 2,000 to 2,900 cases every month, according to the Center's manager.⁵⁸

On Wednesday, 8 August 2018, at around 1 pm, groups of armed men from the Abu Al Abbas Brigades (a Salafi group supported by the UAE) in the city of Taizz carried out an armed attack on the Al Jumhoori Teaching Hospital in Al Qahirah district of Taizz governorate. They attacked again a few days later.

Witnesses said that Abu Al Abbas' armed militiamen came to the hospital claiming they were bringing in some of their fighters wounded during clashes with units from military forces loyal to President Hadi. After they entered the hospital, armed men from the Abu Al Abbas Brigades took up positions on the roofs of the hospital buildings and began shooting at the doors. They closed the warehouses and doctor's rooms, and looted the warehouses, taking medical supplies and equipment, medicine, and doctors' belongings. The attack sparked panic and fear amongst the patients in the hospital, their visitors, and the doctors and nurses, many of whom ran away from the hospital during the attack following threats from the armed men.

The hospital shut down all operations following the attack, reopening on the morning of Saturday, 11 August 2018.⁵⁹ At about noon that day, on 11 August 2018, the armed men returned to the hospital and raided it, firing shots at the emergency ward, the O.B.-G.Y.N. ward, and the kidney dialysis center. A person visiting a patient and a hospital security guard were killed and three other members of the security team were wounded. The hospital was left only partially operational, due to damage.⁶⁰

58 Mwatana for Human Rights' interview with eyewitnesses, 29 April 2018

59 Mwatana for Human Rights' interview with eyewitnesses, 11 August 2018

60 Mwatana for Human Rights' interview with eyewitnesses, 14 August 2018

On Thursday, 16 August 2018, at around 11:30 am, a shell, thought to be an anti-aircraft shell, hit the intensive care unit of Al Thawrah General Hospital in Salah district of Taizz governorate.

Shrapnel from the shell wounded a person visiting a patient, as well as a nurse and security guard. Witnesses believed the shell was shot from Al Salal Hill, under the control of Ansar Allah (Houthis) on the outskirts of the city.⁶¹

⁶¹ Mwatana for Human Rights' interview with eyewitnesses, 26 August 2018



Internally displaced people from Al Wazi'iyah, Taizz, living hard conditions, taken: February 8, 2017



Section 11

Blocking Humanitarian Supplies

Mwatana documented 74 incidents of obstructing humanitarian access and humanitarian supplies in 2018. The armed group Ansar Allah (Houthis) were responsible for 62 of these incidents in the governorates of Al Mahwit, Sa'dah, Al Hudaydah, Dhamar, Ibb, Al Jawf, and Raymah. The "Popular Resistance" forces and forces loyal to President Hadi were responsible for 6 incidents in the governorates of Sa'dah and Hajjah, while the Saudi/UAE-led Coalition was responsible for 6 incidents in the governorates of Sa'dah and Hajjah.

Blocking, obstructing or impeding humanitarian aid or critical life-saving goods in Yemen has a particularly acute impact, given the millions of civilians already living under the threat of famine. Even before the conflict, Yemen was one of the poorest countries in the Middle East. By February 2019, an estimated 24 million Yemenis out of a total population of 29.9 million people require some form of humanitarian assistance. 11.3 million of these people are in acute need of humanitarian assistance to survive.⁶²

74 Incidents

of obstructing
humanitarian access
and supplies



- 62** by Ansar Allah armed group (Houthis)
- 6** by President Hadi forces and resistance groups
- 6** by the Saudi/UAE-led Coalition

► Legal Framework.....

International humanitarian law requires that parties to a conflict allow and facilitate the rapid passage of humanitarian aid for civilians in need and not arbitrarily interfere with it, and ensure the freedom of movement of humanitarian workers, which can only be restricted temporarily for reasons of imperative military necessity.

International humanitarian law prohibits attacks on objects indispensable to the civilian population, such as food stores and drinking water installations, and prohibits using starvation as a method of warfare. Deliberately using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival or by impeding humanitarian aid is a war crime.

In 2018, the UN Security Council adopted a resolution addressing the threat of famine facing people experiencing armed conflict, emphasizing the dire need to break the vicious cycle between armed conflict and food insecurity, and noting the important role relief supplies can

⁶² ReliefWeb, Media Advisory: High-Level Pledging Event for the Humanitarian Crisis in Yemen, 15 February 2019, available at: <https://reliefweb.int/report/yemen/media-advisory-high-level-pledging-event-humanitarian-crisis-yemen-0>

play in alleviating conflict's effect.⁶³ That same year, UN Security Council Resolution 2451, specifically focused on Yemen, reiterated the need for "the unhindered flow of commercial and humanitarian supplies and humanitarian personnel into and across the country" without hindrance. The Security Council called upon "the Government of Yemen and the Houthis to remove bureaucratic impediments to flows of commercial and humanitarian supplies, including fuel."⁶⁴

Case Studies

On Wednesday, 21 February 2018, at around 5 pm, Coalition aircraft bombed a relief organization truck in Al Aqlah area in Al Safra'a district of Sa'dah governorate.

The truck was carrying at least 400 bags of grain for beneficiaries in the governorate. The airstrike destroyed the truck and everything in it.⁶⁵

On Monday, 5 March 2018, Ansar Allah (Houthis) stopped a local organization in Sa'dah governorate from implementing a cash assistance program for 3,000 displaced families.

Ansar Allah allegedly stopped the project claiming cash grant projects causes social problems.⁶⁶

On Saturday, 14 July 2018, at around 11 pm, Ansar Allah (Houthis) blocked three trucks carrying relief supplies to go through a checkpoint in the Monday Market area in Al Matoun district.

The trucks were on their way to Al Hazm district, the capital of Al Jawf governorate. The trucks were carrying food supplies for 3,000 families who had been affected by the war.⁶⁷

On Tuesday, 23 July 2018, at around 11 pm, Saudi/UAE-led Coalition aircraft bombed a water project four times in Wadi Al Nushur, Al Safra'a in Al Asayid area in Kitaf Wal Biqa' district of Sa'dah governorate.

⁶³ UNSC Resolution 2417 (2018), which was adopted during 8267th meeting that was held on 24 May 2018. Available at: <http://unscr.com/en/resolutions/doc/2417>

⁶⁴ UNSC Resolution 2415 (2018), which was adopted during 8439th meeting that was held on 21 December 2018. Available at: <http://unscr.com/en/resolutions/doc/2451>

⁶⁵ Mwatana for Human Rights' interview with eyewitnesses, 25 July 2018

⁶⁶ Mwatana for Human Rights' interview with eyewitnesses, 29 March 2018

⁶⁷ Mwatana for Human Rights' interview with eyewitnesses, 26 July 2018

The water project, made up of a well, a storage tank, a solar power system, and water pumps and pipes, benefitted about 20 villages in the sub-district of Wadi Al Nushur. The project was important to the area due to the shortage of water, including drinking water.⁶⁸ The attack completely destroyed the control room of the water project, as well as the well, some solar panels and pipes.

On Monday, 25 September 2018, at around 10:20 am, in Al Mua'limin neighborhood in Al Qahirah district of Taizz governorate, members of the 22nd Mechanized Brigade carried out an armed attack on a team from an international organization.

The attack occurred while the team was distributing humanitarian assistance to beneficiaries. After the attack, the organization stopped its activities in the area. Five days later, it resumed its work at another site.⁶⁹



Residents of a neighborhood in the city of Taizz line up to get water, taken: December 2017

⁶⁸ Mwatana for Human Rights' interview with eyewitnesses, 26 July 2018

⁶⁹ Mwatana for Human Rights' interview with eyewitnesses, 6 February 2019



Section 12

Drone Attacks by U.S. Forces

The United States continued to carry out attacks in Yemen that killed and wounded civilians in 2018.

Mwatana documented six apparent US drone strikes in 2018 that killed at least 17 civilians. Four others, including a child, and an additional child wounded, appeared to have registered in the US-aligned Yemeni army, although some did not appear to be participating in the current conflict and may have been civilians at the time of the attack. One apparent member of AQAP was wounded. The attacks occurred in Shabwa, Al Baydha, and Al Jawf governorates.. Mwatana conducted more than 15 interviews with victims, relatives, and witnesses from the areas where attacks occurred, as well as conducted site visits and analyzed weapons remnants.

The United States said it carried out 36 aerial attacks in Yemen in 2018, claiming all of the attacks targeted Al Qaeda in the Arabian Peninsula (AQAP) or the Islamic State in Yemen (IS-Y).⁷⁰ In a report released in 2019, the Department of Defense again claimed it had killed no civilians in Yemen in 2018.⁷¹

► Legal Framework.....

In the case of an armed conflict, international humanitarian law governs the use of force. As discussed above, warring parties must conduct attacks in accordance with the principles of distinction, proportionality, precaution and humanity. Warring parties must distinguish at all times between military and civilian objectives, refrain from launching attacks which may be expected to cause civilian harm which would be excessive in relation to the concrete and direct military advantage anticipated, and take all feasible precautions to avoid, and in all cases, to minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects. This includes, but is not limited to, doing everything feasible to verify that targets are military objectives. Civilians may lose their protected status during a period when they are directly participating in hostilities. Where there is doubt if a person may be targeted, a warring party must assume the person may not be. Association with or membership in an extremist group is not sufficient to render someone targetable. Outside an armed conflict, international human rights law governs the use of lethal force. The right to life is a fundamental right enshrined in numerous human rights treaties. The prohibition against the arbitrary deprivation of life is a peremptory norm.

Case Studies

On Saturday, 27 January 2018, at about 12 am, an apparently American drone bombed a black four-wheel drive vehicle in Al Masna'ah village, in Al Saeed district in Shabwah governorate, killing all seven men in the car.

The vehicle was owned by Saleh Muhammad Bin Olaywah (49 years old). He and the other six men were looking for his 14-year-old son, who had been missing for days.

⁷⁰ CENTCOM updates counterterrorism strikes in Yemen, <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1683907/centcom-updates-counterterrorism-strikes-in-yemen/>.

⁷¹ Department of Defense, Annual Report on Civilian Casualties in Connection With United States Military Operations, <https://media.defense.gov/2019/May/02/2002126767/-1/-1/1/ANNUAL-REPORT-CIVILIAN-CASUALTIES-IN-CONNECTION-WITH-US-MILITARY-OPERATIONS.PDF>.

The drone hit the vehicle when they arrived at Sar' area, on the way to Al Musaina'ah village in Al Saeed district. The strike killed all seven men in the car, including Saleh Muhammad Bin Olaywah (49 years old), Ziyad Saleh Muhammad Bin Olaywah (20 years old), Khalid Faraj Muhammad Bin Olaywah (37 years old), Ali Faraj Muhammad Bin Olaywah (34 years old), Nabil Salem Ba'adlan (40 years old), Mubarak Muhammad Saleh Hudaij (41 years old), and Najeeb Muhammad Saleh Lasma' (25 years old). According to testimony, all seven men were civilians. Mwatana found no credible indication any of the men were associated with any armed extremist group.

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Jamal Saleh Bin Olaywah Al Atiqi (24 years old), a resident of the area, said that after Saleh's son went missing, his father and other relatives went to look for him. “A drone hit the car with a missile, killing everyone who was on it in a very brutal manner. They were all innocent, and they had no links to any outlaw groups. Among the occupations of these men were taxi driver, teacher, soldier, college student, and beekeeper. They all have families and children that they supported, and the way that they were targeted and killed is a crime.”⁷²

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Ahmad Ali Al Arib Al Tawsali (40 years old), a relative, said: “It was a direct hit, killing everyone that was in the car, and their bodies were turned into nothing more than burnt body parts.”⁷³

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On Thursday, 8 March 2018, at about 3 pm, a drone targeted a Toyota Land Cruiser pick-up truck, killing all six people, including a child, inside.

The vehicle was hit in Al Khab Wal Sha'f area in Al Jawf governorate. The drone hit the car directly, killed everyone inside and destroyed the car and the victim's personal weapons.⁷⁴ The attack killed six people, including a child, from the Al Wahair family: Muhsin bin Ali Hadi Al Wahair (52 years old), Hizam Abdullah Saeed Al Wahair (40 years old), Shaji' Abdullah Saeed Al Wahair (32 years old), Muhammad Abdullah Saeed Al Wahair (37 years old), Mahdi Saeed Abdullah Al Wahair (15 years old), and Abdullah bin Hasan Hamad Hiraidan (22 years old). The victims were from Al Mahashimah tribe, and were in a desert area on their way to Al Abr in the Hadramaut governorate when they died.

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Abdullah bin Saeed Al Wahair (72 years old), the sheikh of the tribe, said: “We left our area (Al Mahashimah) and came to the Al Ruwaik Desert as IDPs because this area is safe and far from the conflict. But we got none of the security that we were looking for, and an American drone struck a vehicle with six members of our family on it. .. Three of them were my sons...

⁷² Interview conducted by Mwatana for Human Rights, 10 February 2018

⁷³ Interview conducted by Mwatana for Human Rights, 10 February 2018

⁷⁴ Usually, people from tribal areas in Yemen carry their personal weapons with them, as a part of their appearance and a social practice. They might also do this while traveling for the purpose of self-defense if there are any tribal conflicts in the areas that they are traveling through, and they do this because of the weak or absent state.

and two my grandchildren. All of them were killed in a horrible manner.” He added, “They were good people and supported large families. Some of them were truck drivers, and others werelaborers.”⁷⁵

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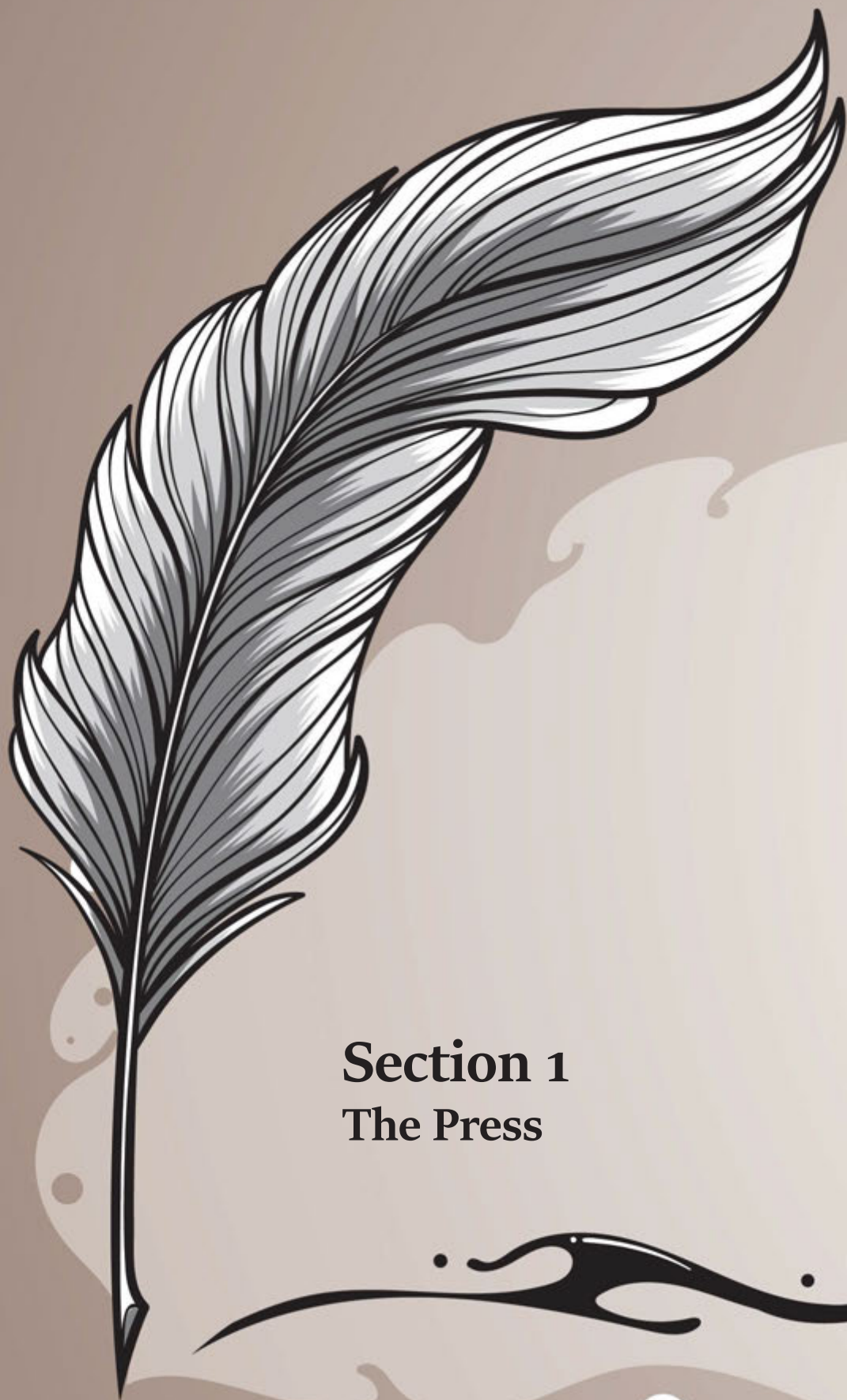
Sinan Abdullah Al Wahair (36 years old), the brother of three of the people who died, said: “When we arrived at the site of the incident, I was shocked, and I collapsed from the brutality of the scene. I wish I would have died before I saw that. This is a crime, and a crime like this has never happened in our lives, and it has not happened to any of the tribes in Al Jawf.” He added: “Our lives and the lives of our children and women have become in constant danger because of these repeated attacks that have killed innocents without any justification. If we keep quiet about this, these drone strikes will only continue in this manner because the Yemeni government’s abandonment of us.”⁷⁶

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Mwatana found no credible indication any of those killed were associated with any armed extremist group. The men were carrying weapons, which the strike destroyed. It is common for people in tribal areas of Yemen to carry personal weapons. According to two of their relatives, Mohammed and Mohsen were truck drivers, transporting goods and relief items from Saudi Arabia to Yemen. Housam and Chajeh lived and worked in Saudi Arabia, while Abdallah and Mahdi, a child, had enlisted as border guards in the First Brigade of the Yemeni army under President Hadi. U.S. Central Command confirmed it carried out an attack in al Jawf on March 8, but did not provide details regarding the intended target, nor any resulting civilian harm.

⁷⁵ Mwatana for Human Rights’ interview with an eyewitness, 16 March 2018

⁷⁶ Mwatana for Human Rights’ interview with an eyewitness, 16 March 2018



Section 1

The Press

Yemen was one of the deadliest places for journalists in 2018.⁷⁷ Journalists and media workers have been subjected to various forms of attacks, including arbitrary detention, enforced disappearance, assault, humiliation, and the raiding and burning of media institutions. Reporters Without Borders ranked Yemen 167 out of 180 countries in the world on its annual world press freedom index in 2018.⁷⁸

Journalists have been a regular target of violence and free expression routinely oppressed by the parties to the conflict in Yemen over the past four years. The space Yemenis had for expression, opposition, and voicing critical opinions has been all but closed. Any voices that remain critical of the warring parties in control of the area often pay a heavy price for voicing their opinions.

Mwatana documented eight incidents of violations against 27 journalists and media organizations in 2018. The armed group Ansar Allah (Houthis) was responsible for five, including detaining 3 journalists and disappearing two, while three incidents occurred in areas under President Hadi's authority.

One of these incidents was the arrest and detention of 21 journalists and media figures who were holding a conference on dealing with hateful rhetoric. This conference was being conducted in partnership with UNESCO on 25 October 2018, and the journalists were then later released after they had been taken to the headquarters of the Political Security Organization and interrogated there. Seven of the journalists were forced to sign pledges to not conduct any activities without informing the relevant authorities.

In addition to the specific incidents documented in 2018, Ansar Allah (Houthis) brought 11 journalists who had previously been subjected to a range of violations, including disappearance, torture and other forms of mistreatment, over the past three years to the specialized public prosecutor's office. The fate of journalist Waheed Al Sufi remains unknown since he disappeared in Sana'a in June 2015.⁷⁹ Ansar Allah (Houthis) also continued to block a number of news and media sites through their control of the internet service provider YemenNet.

► Legal Framework.....

Under international humanitarian law, journalists are civilians and may not be targets of attack unless directly participating in hostilities. International human rights law also protects the right to free expression. While some limitations may be imposed on media work during times of armed conflict, these limitations must be strictly required by the exigences of the situation, and journalists may not be arrested, detained or otherwise punished or retaliated against for doing their work as journalists.

The Yemeni Constitution reiterates the commitment of the state to work in accordance with the UN Charter, the Universal Declaration of Human Rights, and international principles. The Constitution specifically protects the right of every citizen "to participate in the political, economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law."⁸⁰

⁷⁷ Reporters Without Borders, WORLDWIDE ROUND-UP of journalists killed, detained, held hostage, or missing in 2018, pg. 9, December 2018, https://rsf.org/sites/default/files/worldwide_round-up.pdf

⁷⁸ Reporters Without Borders, RSF Index 2018: Hatred of journalism threatens democracies, <https://rsf.org/en/rsf-index-2018-hatred-journalism-threatens-democracies>

⁷⁹ Ibid., pg. 21

⁸⁰ The Constitution of the Republic of Yemen, 10 January 1994, PART TWO: THE BASIC RIGHTS AND DUTIES OF CITIZENS, Article 42

Case Studies

In the early morning of Thursday, 1 March 2018, three armed, masked men in military uniforms raided the offices of Al Shomo'a Media Organization in the city of Aden.

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Nasri Saeed (38 years old), an employee in the public relations department, said: “The warehouse that we were in was raided ... they were pointing their rifles at us. They ordered us to leave the site after taking our phones away from us, and they took us to the outside fence of the building, where there was a white Nissan military vehicle. Around 30 meters away from this vehicle, there was another military vehicle, that was beige and also had armed men on it. One of them was manning a mounted machine gun. One of the armed men brought a tank of gasoline that was in their vehicle, and he took it into the warehouse that the printing press was in. He poured the gasoline on the printing press and the newspapers that were being printed at the time, and he set it on fire. The armed men then left the scene immediately after that.”

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Ibrahim Abous (39 years old), the Deputy General Manager, said: “The whole printing press was destroyed, and around 200 employees and workers lost their jobs. These were their only sources of income. Our colleague, Walled Al Sharabi, suffered from dangerous injuries to his spine and his legs when he tried to escape the warehouse out of fear from the fire, and he had to jump from a height of around 5 meters.” Al Shumo'a published two daily newspapers and two weekly newspapers, one of which was in English, as well as a monthly newspaper. Al Shumo'a for Journalism and Media was subjected to three consecutive attacks; the raid on 1 March forced the owner to close the organization and leave Aden.

In the morning on Wednesday, 6 November 2018, five armed men and a woman from Ansar Allah (Houthis) raided two photographers' apartment in a residential neighborhood in the capital, Sana'a.

The Ansar Allah forces raided the apartment of journalist, Fuad Al Khidhr (45 years old), a photographer for Al Arabiya Satellite Channel, and Muhammad Aydhah (35 years old), a photographer for Al Hurra Channel. The apartment was on Al Qahirah Street.

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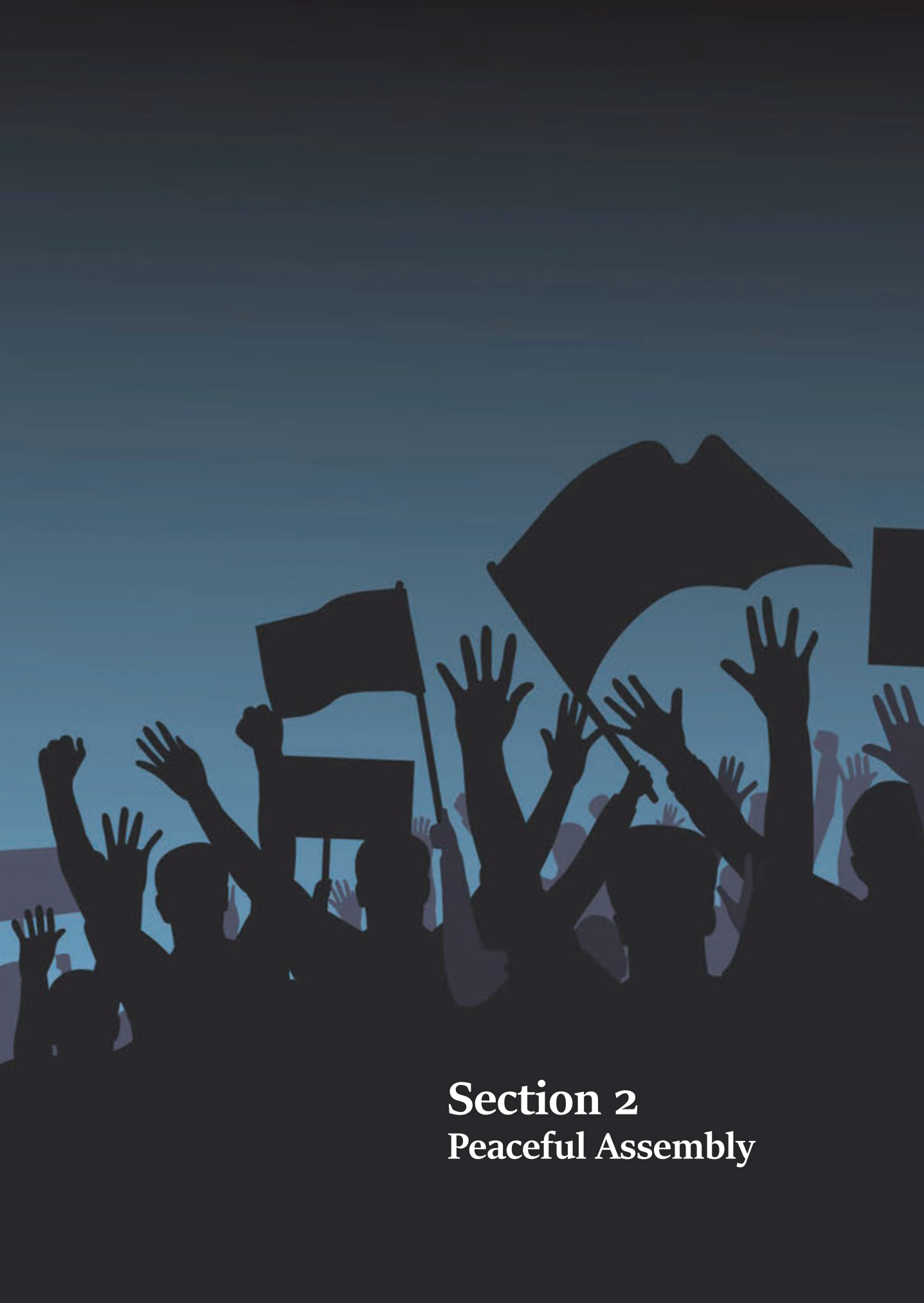
“Hamoud” (34 years old, pseudonym), who lived in the same building, said: “I heard, at around 6:30 am, a loud knocking on the doors and the sound of things breaking and a lot of movement. I heard people going up the stairs and going back down. They broke down the door to Muhammad Aydhah's apartment. His wife had left the house to take their children to school. They searched the home, but they did not find Muhammad. They found his brother and his son, who was less than two years old at the time. They took Muhammad's brother

outside the building after they had taken the children to a neighbor's house.”⁸¹ Hamoud added: “As for Al Khidhr’s apartment, it was on the third floor, and the armed men knocked the door. Al Khidhr’s wife opened the door for them, and they went straight to the bedroom and took Al Khidhr out of the apartment. When his wife stopped the armed men from searching the house, the woman who was with them searched it. The building remained surrounded by four vehicles with armed men on them until 11:00 am, and they did not allow us to leave the building until that time. We had to remain prisoners in our own homes.”

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The group attacked Al Khidhr and Aydhah and stole some of their personal belongings and property. The photographers were forcibly disappeared, and then released about two weeks after their initial detention.

81 Mwatana for Human Rights’ interview with an eyewitness, 8 November 2018



Section 2

Peaceful Assembly

Throughout the conflict, Yemen has witnessed a shrinking civil space, particularly in regards the freedom to peacefully gather and demonstrate, despite that this had been a prominent form of protest for a number of years in the country before the conflict. The violence and oppression those seeking to gather and demonstrate have faced is a stark example of the broader damage done to the human rights situation in Yemen due to the war and practices of the warring parties.

In 2018, Mwatana documented three instances where Yemeni civilians making demands sought to use peaceful assembly and protest but faced oppression and new methods of abuse in response. Two incidents took place in the capital, Sana'a, and one in the city of Mukalla in southeastern Yemen.

► Legal Framework.....

International human rights law remains in effect during an armed conflict. International human rights law protects the right to freedom of peaceful assembly and association. The International Covenant on Civil and Political Rights, which Yemen has ratified, states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law."⁸² While the Covenant allows some restrictions on certain rights during conflict or during an officially proclaimed public emergency, any restrictions must be exceptional, temporary in nature and limited "to the extent strictly required by the exigencies of the situation." Certain fundamental rights, including the rights to life, to a fair trial and to be free from torture, mistreatment and arbitrary deprivation of liberty, must always be respected.

Yemeni law also confirms the right to protest. According to Yemeni law, "citizens all over the Republic, as well as political parties, mass organizations, and professional unions, have the right to organize peaceful protests and demonstrations."⁸³

Case Studies

In the morning of Wednesday, 21 March 2018, a group of civilians supporting former President Ali Abdullah Saleh gathered in front of his house to celebrate the anniversary of his birth.

About 40 to 50 men and women started to gather in front of the eastern entrance to former President Saleh's home, across from the Al Kumaim Commercial Center. People were carrying bouquets of flowers that they wanted to put in front of Saleh's house. Suddenly, dozens of Ansar Allah (Houthis) armed men came out from Saleh's home and nearby streets and started to harass the gathering. The armed men pushed some of the women gathering. Some residents of the neighborhood objected. Some of the armed men then attacked these men, beating them with rifle butts and taking them on military vehicles to unknown location. A group of women working for the Houthis then came carrying batons and electric prods.

82 The International Covenant on Civil and Political Rights, Article 21

83 Law No. 29 of 2003 regarding the organization of protests and demonstrations, Part 2, Article 3

They started attacking the women gathered and took most of the people onto buses to the security directorate of Al Sabeen district.

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“Shadi” (21 years old, pseudonym), a laborer, said: “I arrived at the Al Kumaim Center at around 9:30 am, as I do every day, and I saw men and women carrying flowers. There were around 40 to 50 of them, and they were gathering in the street that led to the home of former President Ali Abdullah Saleh. Houthi armed men were standing in their way, and they would not allow them to reach the entrance to the house. The women started screaming ‘Peace be upon Affash’ (Affash is Saleh’s surname). Minutes later, more armed men came out of the president’s house, as well as others who came from Sakher Street, and they started pushing the girls and the women who had gathered there. They were also pointing their rifles at them, and they were threatening to shoot them if they did not leave the area immediately. Yahya, the old man who was a guard in the building, as well as some of the men from the neighborhood, intervened, and they told the Houthis that this was a shame, and that it was shameful to hit women. Three or four of the Houthis attacked Yahya, and they pushed him down to the ground. He was bleeding from a head wound, and then they took him on one of their military vehicles and took him away.”

Shadi added: “After around half an hour, around 30 women arrived, and they were carrying large sticks and electric prods. They started to attack the women who were gathered there, using the sticks and the electric prods, and three women fell to the ground, unconscious. Some of the women (from the General People’s Congress, Saleh’s party) tried to run towards the Al Rowaishan Intersection, but the Houthi women chased them down. After that, I saw the Houthi women forcing the women into large buses. They took the women who had tried to escape on a Toyota Hilux pick-up truck.”⁸⁴

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Yahya Al Wishali (50 years old), a guard in one of the nearby buildings, said: “I went out of the building to get breakfast, and I heard shots being fired. I saw three soldiers and an officer dragging 5 women in front of the entrance to the president’s house, and there was a military vehicle next to them. I went towards them and told them that what they were doing was shameful, and that it was not right to do this to women. They attacked me, and one of them hit me in the face and another pushed me to the ground. The officer pointed his rifle at my chest, and then he raised it and fired two shots in the air.”

Yahya added: “They took me, on a military vehicle, with two other individuals, one of whom had gotten stabbed. I heard that he was a tribal sheikh who was a member of the General People’s Congress. When we arrived at the Al Nasr Police Station, I saw dozens of men and women in the police station, and there were around 50 men in a small basement room that could not have been longer than 5 or 6 meters. I was detained there for five days. Afterwards, we found out that the women had been released that first night.”⁸⁵

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⁸⁴ Mwatana for Human Rights’ interview with an eyewitness, 29 March 2018

⁸⁵ Mwatana for Human Rights’ interview with an eyewitness, 30 March 2018

In the morning of 5 and 6 September 2018, people demonstrated in Mukalla city, the capital of the Hadramaut governorate in southeastern Yemen, demanding the Hadi government decrease prices and provide basic necessities, fuel, and cooking gas at prices within reach of the average consumer.

People repeated angry slogans against the government and the Saudi/UAE-led Coalition during the protests. Some of the main roads were closed and people burned tires during the protests to express their anger at the horrible living conditions, for which they blamed the government and the Coalition. A substantial number of security forces deployed throughout the city, with forces then assaulting and firing live rounds at protestors. Two children were wounded, one severely, in addition to three men.

The security forces rounded up dozens of civilians, including five children, and detained them. Those detained were released within two days. The security forces also set up checkpoints at the entrances of the city, barring some people from entering, and detained civilians at these checkpoints, accusing them of wanting to participate in the demonstrations.



“Ishraq” (28 years old, pseudonym), who witnessed the events, said: “While the protest was passing on the main road in Mukalla at around 12 pm, the military police forces of the Elite Hadhrami Forces started attacking the protesters in a shocking manner. They started firing live rounds in the air, and after the protesters got agitated, the security forces started firing live rounds at the protesters in an indiscriminate manner. A number of civilians were injured, including children, and the protesters were dispersed. Some of them took the injured to the Basharahil Private Maternity Hospital, which only provides first aid services. After that, the injured civilians were taken to the Al Rayyan Specialty Hospital to get treatment.” Ishraq added: “At around 6 pm of that same day, the protesters restarted their demonstrations, condemning the suppression of the earlier demonstrations, but the Elite Hadhrami Forces were there in large numbers, and they started conducting large-scale detention campaigns. On the next day, gatherings were completely prohibited, and there were security forces all over the city, even in the residential neighborhoods.”⁸⁶



In 2018, due to the rapid devaluation of the Yemeni rial, the collapse of the economic situation and deteriorating living conditions across the country, some activists on social media accounts called for protests⁸⁷ in all cities in Yemen to condemn the currency devaluation and rising prices.

⁸⁶ Mwatana for Human Rights’ interview with an eyewitness, 21 December 2018

⁸⁷ Al Jazeera “A Revolution of the Hungry in Yemen Continues Against the Houthis, the Coalition, and the Government”

<https://www.aljazeera.net/news/arabic/2018/10/6/%D8%AB%D9%88%D8%B1%D8%A9-%D8%A7%D9%84%D8%AC%D9%8A%D8%A7%D8%B9-%D8%A8%D8%A7%D9%84%D9%8A%D9%85%D9%86-%D8%AA%D8%AA%D9%88%D8%A7%D8%B5%D9%84-%D8%B6%D8%AF-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A%D9%8A%D9%86-%D9%88%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D9%88%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9>

On the morning of Saturday, 6 October, the armed group Ansar Allah (Houthis) suppressed the demonstrations, attacking civilians who came out to answer the call for protests and dispersing protestors using batons and electric prods where they had gathered, including in front of Sana'a University and Tahrir Square. Ansar Allah sent out a large number of armed forces and military patrol vehicles throughout the streets of Sana'a and set up checkpoints in the city. The checkpoints were also manned by armed women.

Ansar Allah forces humiliated, insulted, beat, and detained dozens of male and female students, among other civilians. Detainees were put on trucks and taken to Al Judairi Police Station, located on the Ministry of Agriculture Street in Sana'a. They also conducted raids in the College of Business and College of Journalism, with armed men and women forcibly searching the students. That afternoon, Ansar Allah conducted a military parade inside the university, followed by a protest their supporters organized against the "war conducted by the Coalition against Yemen."

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"Zainab" (22 years old, pseudonym), an engineering student in Sana'a university, said: "I was planning to go out and protest, and have been planning to do so for more than a year. The economic conditions have gotten very difficult, and everyone is suffering. I could not buy a computer to do my schoolwork because it is too expensive, and the value of a computer is now more than 1 million Yemeni rials (around 1,700 USD). My mom is employed, but she has not gotten paid in more than two years. During these two years, she only got paid three times, and she only got half of her salary those times." She added: "I decided to go to Sana'a University to participate in the protests. As soon as I arrived at around 9:40 am to the eastern entrance of the university (at the new university campus), I saw armed men all over the entrance. When I went in through the door, I saw a military parade with dozens of armed men inside the university, and they were carrying the signs of Ansar Allah and yelling theirslogans."⁸⁸

Zainab told Mwatana: "I saw girls standing in small gatherings, and I walked by them and knew some of them. They were the ones who had decided to go out and protest, but, as soon as we started to organize ourselves into a protest, we were attacked by a group of Houthi women. They took me, along with three other female students, onto a Toyota van. They beat us and kicked me in the stomach. They did not stop hitting me and cursing me, saying: 'You daughter of a dog, you illegitimate and cursed wretch.' The bus moved after it was filled with girls, but two young men that we did not know stopped the bus before it could leave the campus, and the driver of the bus went down to fight with them. One of the girls then opened the door of the bus, and we were able to run away."

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"Mirvat" (20 years old, pseudonym), a student in Sana'a University, said: "It was around 9:45 am when I arrived at the university, and I saw women attacking some students and taking off their head scarves. I was afraid and started crying, when, suddenly, one of those women took me by the hand and told me to go with her. I asked her where we were going to, but she did not respond. She was carrying a very large stick and an electric prod. She took my phone and my bag, and she forced me into the bus. They gave my things to one of

88 Mwatana for Human Rights' interview with an eyewitness, 13 October 2018

the armed men, and whenever I would ask for my things back, they would electrocute me.”⁸⁹

She added: “We were crying on the bus, and they had even taken an old lady that had come to the university campus for a walk. They took us to the Al Judairi Police Station. There, the rooms and offices of the station were filled with dozens of girls and women. They said that they will keep us in the cells, but the cells were full. They gathered us in a large room, I think that it was a conference room. There were women that had been arrested from Tahrir Square in that room with us, and some of them had just gone out to shop. There was a girl that was carrying the things that she had bought for her wedding with her.”

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89 Mwatana for Human Rights’ interview with an eyewitness, 13 October 2018



Section 3

Religious Minorities

Religious minorities in Yemen have had their rights restricted and been subjected to social pressure, particularly with the rising power of fundamentalist Islamist movements with extremist rhetoric opposed to diversity, difference, and coexistence. Authorities have also imposed discriminatory restrictions and demands on minorities.

The oppression of religious minorities in Yemen began before this war started, with members of the Jewish⁹⁰ and Bahá'í communities⁹¹ subjected to numerous abuses affecting their basic rights and freedoms. With the war and the associated collapse of state institutions, the problems facing these two minority groups only increased.

Mwatana documented two arbitrary detentions carried out by the armed group Ansar Allah (Houthis) in 2018, apparently related to the individuals' religious beliefs: the detention of Abdullah Al Olofi, a member of the Bahá'í community, and the detention of Yusuf Saeed Al Na'idhi, a Yemeni Jewish man.

In a dangerous development, the specialized criminal court in the capital, Sana'a, sentenced Hamid Kamal Haidarah to death on baseless charges after an unfair trial. Four other Bahá'í individuals remain arbitrarily detained in a prison overseen by the National Security Bureau, and another has been forcibly disappeared since April 2017.

On 15 September 2018, the specialized criminal court held the first court session in the trial against 23 defendants from the Bahá'í community, including a child and eight women. These court sessions were held in secret, and the lawyers and families of the defendants were not informed of they were being held. Some of the defendants were also not informed the sessions were being conducted. The group was charged with the same charges as Hamid Haidarah, in addition to the charge of apostasy for the Yemenis amongst them.

► Legal Framework.....

Non-state actors, including armed groups, that exercise government like functions and control a territory, as Ansar Allah does in parts of Yemen, are obliged to respect human rights norms when their conduct affects the human rights of the individuals under their control.⁹² International human rights law protects the freedom of religion. The International Covenant on Civil and Political Rights, for example, explicitly includes the freedom "to manifest one's religion or beliefs."⁹³ While the Covenant allows some restrictions on certain rights during conflict or during an officially proclaimed public emergency, any restrictions must be exceptional, temporary in nature and limited "to the extent strictly required by the exigencies of the situation." Certain fundamental rights, including the rights to life, to a fair trial and to be free from torture, mistreatment and arbitrary deprivation of liberty, must be respected at all times, including during conflict. Mwatana opposes the death penalty in all circumstances and at all times.

90 Yemeni Observatory for Human Rights, "Annual Report on Human Rights and Democracy in Yemen in 2009", pg. 95-97, 2010

91 United Nations, the Committee on the Elimination of Racial Discrimination (78th Session and 79th Session, 2011) pg. 170-171

92 Amnesty International Report, "YEMEN: 'WHERE IS MY FATHER?': DETENTION AND DISAPPEARANCE IN HUTHI-CONTROLLED YEMEN" pg. 17, First Edition, 2016

93 Article 18 of the International Covenant on Civil and Political Rights

Case Studies

In the morning of Tuesday, 2 January 2018, the specialized criminal court sentenced Hamid Kamil Haidarah (53 years old) to death, and ordered the confiscation of his monetary assets and property and the closing of any remaining Bahá'í forums in Yemen.

Officers from the National Security Bureau arrested Hamid Kamil Haidarah while he was working in Belhaf in Shabwah governorate in southern Yemen on 3 December 2013. He was taken to a detention center in Sana'a, where he remained disappeared for nine months.

Hamid Haidarah was physically and psychologically tortured during interrogations in the first nine months of his detention with the National Security Bureau, he told his family. Interrogators insulted the Bahá'í faith, electrocuted him, beat him with metal pipes, hitting his fingers and reproductive organs, and hung him from the ceiling for long periods.

According to public prosecutor records, Haidarah informed officials during a meeting on November 23, 2014 that he had been severely beaten and threatened while detained at the National Security Bureau, in order to compel him to confess and sign blank statements and other documents. The investigator showed Haidarah his "confessions," that he allegedly wrote on 20 January 2014, and asked him if those were his statements and thumbprint. Haidarah said "I did not know".

Before his trial began, on 3 October 2014, Haidarah was transferred to the Central Prison in Sana'a, where he was kept in a cell with prisoners already sentenced to death. On 8 January 2015, the specialized criminal court prosecutor charged Haidarah with working with a foreign government to spread the Bahá'í faith in Yemen, inciting people to convert to this religion, and encouraging Yemenis to leave Islam for the purpose of



**Hamid Kamal
Haidarah, a Bahá'í
detainee**

harming Yemen's independence and its territorial integrity. He was also accused of forging documents, including a passport and a personal ID, for himself and his family, as well as other charges.⁹⁴

⁹⁴ The full charges against Haidarah are included in Mwatana's statement issued on 11 January (Hamid Kamal Haidarah, a Bahá'í Man, Faces the Death Penalty).

In January 2018, the specialized criminal court sentenced Haidarah to death. Haidarah appealed. On 1 January 2019, Haidarah attended the first sessions of the appeal. The date of the next session was set for 20 January 2019.

On Wednesday, 16 May 2018, Ansar Allah (Houthis) arrested Rabbi Yusuf Saeed Saeed Al Na'idhi (30 years old), a Jewish man.

Rabbi Yusuf Saeed Saeed Al Na'idhi Who works as a Hebrew teacher in the tourist city in the capital Sana'a , where the remaining members of the Jewish community had settled. While in a vehicle near Tourism City, two vehicles (Toyota Hilux pickup trucks) carrying around 10 armed men in civilian clothes blocked his way. The men forced him to get out of his vehicle and go with them. After his family contacted prominent tribal figures, they learned Rabbi Yusuf was detained in a Political Security Organization prison. His family was able to visit him on Saturday, 27 May 2018. Rabbi Yusuf Al Na'idhi remains detained in the Political Security Organization prison.

On Thursday 11 October 2018, Ansar Allah (Houthis) arrested Abdullah Al Olofi (43 years old), a member of the Bahá'í community while with a friend on Airport Road in the capital, Sana'a.

Two vehicles (Toyota pickup trucks) with armed men blocked Abdullah Al Olofi from moving forward and forced him to get on one of the vehicles. The men took him to the Political Security Organization, where he was interrogated for being Bahá'í and having contact with the American Embassy. He was released three days later, on 14 October 2018.



Section 4

Movement

During the conflict, the warring parties have restricted freedom of movement in Yemen, both as a form of imposing control and authority and, in some cases, as retaliation. Movement restrictions have been discriminatory, based on regional backgrounds, political affiliations, and even the surnames of civilians. In other cases, restrictions on movement have been imposed to financially exploit people, forcing them to pay bribes, sometimes large amounts, in a context where millions are already struggling to feed themselves and their families.

In 2018, Mwatana has documented 10 incidents on civilian's freedom of movement, including restrictions on movement inside the country imposed by the armed group Ansar Allah (Houthis), forces and groups loyal to the Hadi government and the Saudi/UAE-led Coalition, and armed groups affiliated with the Southern Transitional Council, as well as movement outside the country imposed by the Coalition on Yemen's various airports and border crossings. People's ability to move freely inside and outside Yemen has decreased dramatically throughout the conflict, with an enormous impact on civilians and civilian life.

► Legal Framework.....

International human rights law, which protects the right to freedom of movement, continues to apply during armed conflict. The Universal Declaration of Human Rights states that, "Everyone has the right to freedom of movement and residence within the borders of each state."⁹⁵ The International Covenant on Civil and Political Rights, which Yemen has ratified, states that, "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."⁹⁶ While the Covenant allows some restrictions on certain rights during conflict, any restrictions must be exceptional, temporary in nature and limited "to the extent strictly required by the exigencies of the situation." Certain fundamental rights, including the rights to life, to a fair trial and to be free from torture, mistreatment and arbitrary deprivation of liberty, must be respected at all times, including during conflict. Non-state actors, including armed groups, that exercise government like functions and control a territory, as Ansar Allah does in parts of Yemen, are obliged to respect human rights norms when their conduct affects the human rights of the individuals under their control.

Taizz

The city of Taizz (south of the capital, Sana'a) has been under siege by Ansar Allah (Houthis) since March 2015. Residents of this city have suffered, catastrophically, due to the siege, facing a lack of food and drinking water, severe shortages in medical supplies and medicine, and collapsing services, including education and health.⁹⁷ Their suffering has been exacerbated by the difficulty of moving into and out of the city due to the security checkpoints and inspection barriers imposed by Ansar Allah (Houthis). The checkpoints on the eastern

⁹⁵ The Universal Declaration of Human Rights, Article 13

⁹⁶ The International Covenant of Civil and Political Rights, Article 12, Paragraph 1

⁹⁷ For more information on what this city has suffered through, see the statement from Mwatana for Human Rights titled "Siege lands a fatal blow to remaining life in Taiz" from October 2015 at <http://mwatana.org/en/taiz-siege/>. Also see the statement from Mwatana for Human Rights titled "Taiz: Unremitting suffocating blockade deprives civilians of the dwindling medical care" from November 2015 at <http://mwatana.org/en/taiz-unremitting-suffocating/>.

boundaries of the city have particularly restricted people's ability to move freely. For a Taizz resident to get to the city from Al Hawban now takes more than 8 hours—Before Ansar Allah (Houthis) closed the eastern entrances to the city, it took no more than half an hour. Forces loyal to President Hadi have also imposed arbitrary restrictions on movement and exploited civilians at checkpoints they control in other areas of Taizz.

Case Studies

In the afternoon of Thursday, 16 August 2018, “Hussain” (30 years old, pseudonym) was stopped in his vehicle at a security checkpoint manned by Ansar Allah (Houthis) in Al Aqroudh area in Saber Al Mawadim district, Taizz Governorate.

“Hussain” was working, transporting travelers from Al Hawban and Al Dimnah areas to the city of Taizz. The checkpoint supervisor ordered the vehicle (a 1984 Toyota Land Cruiser) be impounded and Hussain stopped, claiming Hussain ignored the checkpoint and that he “needs to be taught some manners.” Hussain remained at the checkpoint for six hours with his vehicle. He was detained, threatened and insulted by the supervisor who was armed and dressed in civilian garb.

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Hussein said: “I was detained for six hours in the security checkpoint manned by the Houthis. This was a few days before Eid, and this is one of the most important seasons for us, as drivers who transport passengers in these areas. I was driving four passengers from Khidair to Taizz. Around 20 meters before I arrived at the checkpoint in Al Aqroudh, at 11:45 am, I was stopped by a soldier who was wearing the uniform of the general security forces. He asked me routine questions, like where I was going, what I had in the vehicle, who the passengers were, and their identifying documents. I gave him the ID cards, and he looked through them, then he gave them back to me and smiled. He then asked for his payment. Some of the soldiers in the checkpoints take money, between 200 and 500 Yemeni rials, so I gave him money. He then allowed me to cross. Meters after I went through the checkpoint, I heard someone yelling at me and cursing me. I looked to see that they were aiming their rifles at my car, and I heard someone say that they will shoot me if I do not stop immediately.”

Hussein sighed and went on speaking: “I stopped the car and got off, and I saw a man who I knew was the supervisor of the checkpoint. He was very angry at me, and he was aiming his rifle at me. He was cursing and threatening me (Do you think you can just drive through the checkpoint you idiot? You animal! I will show you.) I tried to explain to him what had happened, but he would not let me speak, and he told me to keep quiet. He stopped my car on the side of the road, and he told me that he was going to detain me and my vehicle. He said that he would never allow me to go into the city of Taizz. The passengers that were with me got off the car, found another car, and left, and I remained there, detained, until the sun went down. At around 6 pm, one of the soldiers came to me and told me that I had been released, and that I should go. I went to get permission from the supervisor to leave, and he said that he had obviously taught me some manners.” Hussein ended by saying: “I have not worked since that day, and I have rented my car to another person to work during the Eid season.”⁹⁸

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98 Mwatana for Human Rights' interview with the victim, 27 December 2018

The Al Aqroudh Road, where Hussein was stopped, is a vital route for goods and basic necessities to be brought into the city. It is a difficult, steep and unpaved road. It is now considered the only crossing into and out of the city of Taizz from the northeast, as all other roads that lead to Taizz from the northeast have been closed.

On Monday, 5 November 2018, at around 12 pm, an Ansar Allah (Houthis) checkpoint did not allow cars transporting passengers and vehicles transporting goods to pass for two hours.

Armed men at the checkpoint decided to impose additional fees (royalties) on all cars and trucks transporting goods that wanted to pass through the checkpoint.

On Tuesday, 20 November, at around 3 pm, groups of armed men from the 17th Infantry Brigade, loyal to President Hadi, blocked the main road in Al Dhabab (the western entrance to Taizz city).

The 17th Infantry Brigade forces set up five checkpoints on the main road. They did not allow any cars or trucks to pass, with the exception of cars with women or children in them. The armed men started shooting in the air numerous times to scare civilians and stop them from passing. They claimed to be searching the cars for wanted individuals. The armed men continued blocking the road until the morning of the next day, Wednesday 21 October. The route is a very active and vital road linking a number of districts in rural areas in Taizz governorate to the city of Taizz.

Arbitrary Procedures at Checkpoints at the Entrances of Southern Cities

Forces controlling the security checkpoints at the entrances of cities in southern Yemen have, during the war, frequently imposed arbitrary procedures and used violence, often barring Yemeni civilians from entering some southern cities simply because these Yemenis are from the north of the country.

Mwatana documented violent attacks and arbitrary procedures imposed by men working with various armed groups in the south, including the Security Belt Forces, the security directorates in Aden and Lahj, and groups operating under the Southern Transitional Council. Practices range from stopping civilians for excessively long periods, insulting them with racist and discriminatory language, mistreating travelers, interrogating them, extorting them and forcing them to pay bribes, to arbitrarily detaining them, forcibly disappearing them, and firing live rounds at cars and trucks, which has wounded and killed civilians.

Case Studies

On Monday, 18 June 2018, between 11 am and 2 pm, the Saudi/UAE-led Coalition and authorities in Seiyun airport in Hadramaut governorate confiscated the passports of Radhya Al Mutawakel, the chairperson of Mwatana for Human Rights, and Abdulrasheed Al Faqih, the Executive Director of Mwatana, and detained them before they were able to travel on a trip for work and medical treatment.

Al Mutawakel was traveling to participate in an event by the Center for Humanitarian Dialogue in Oslo. In addition to medical treatment, Al Faqih was traveling to prepare for a training course to be held in partnership with the European Union. Both were detained for 12 hours, during which time they were taken to the military police building. They missed their flight, which left Seiyun airport at 12:30 at night, due to the detention.⁹⁹ After local and international civil pressure, the two were eventually released and allowed to travel out of Yemen.

In the morning of Friday, 26 October 2018, at about 9 am at a checkpoint known as Al Jabalain Checkpoint manned by the security directorate of Tawr Al Bahah district in Lahj governorate and located on the paved road between Lahj and Aden, a soldier stopped a 26-seat Coaster bus transporting passengers.

The bus was transporting internally displaced people (IDPs) from Taizz governorate to Aden. The soldier told the driver of the bus that he had to pay to be allowed to pass. The driver paid 750 rials and began to pass. Then, one of the other soldiers at the checkpoint started firing at the bus, which was around 10 meters away from the checkpoint. Two of the bullets went through the bus. The first killed Anmar Ahmad Abdullah (21 years old), striking his mouth and going out through the back of his head, and killing him in front of his wife and children. The second bullet nicked another civilian, Ra'd Ahmad Muhammad Saif (35 years old), causing a minor injury in his upper lip.

On Thursday, 8 December 2018, at around 5 pm, a mass transport bus was stopped at a Security Belt checkpoint on the road between the Lahj and Aden governorates.

The Security Belt stopped the bus to search it. One of the soldiers got on the bus to inspect the travelers' IDs. The soldier stopped in front of Amr Abdulwadod Muhammad Al Qadasi (28 years old) and told him to get off the bus immediately because, the soldier claimed, Al Qadasi is a northerner and is prohibited from entering Aden. He was detained for four hours. At about 9 pm, the checkpoint supervisor ordered him to go back to Sana'a. He has

⁹⁹ For more information on this violation, see the statement that was released by Mwatana on 18 June 2018, available at: <http://mwatana.org/saudi-must-release-al-mutawakel/>

not been allowed to enter to Aden as of the writing of this report.



Amr said: “I am a driver and get a daily wage from a car dealer in Aden. I transport the vehicles from Aden Port to Sana’a to get them license plates. After I deliver the car to the customer, I return to Aden on a mass transport bus. This time, while I was returning to Aden, I was taken off the bus by one of the soldiers at the checkpoint. He would not allow me to continue my trip to Aden, saying that this was because I am a northerner. I begged him to allow me to enter because I work and only get a daily wage in Aden, and this is my only source of income. He yelled at me, telling me that I am a northerner and Aden is not my country.”¹⁰⁰



Al Falaj Checkpoint in Marib Governorate

The checkpoint at Al Falaj, located at the western entrance of the city of Marib, provokes significant worry among different groups of travelers, especially those coming from Sana’a, as well as those coming from the north more generally. The checkpoint, manned by military forces loyal to President Hadi, has been the site of different forms of violations and abuses, including arbitrary detention, enforced disappearance, and discrimination, for example not allowing travelers to pass the checkpoint because of their surnames or where they are from.

After the Coalition Command decided to close Sana’a International Airport to commercial flights on 9 August 2016, only two airports remain open in Yemen for civilians to use to travel out of the country, whether for medical treatment, to study, or for any other purpose: Aden International Airport and Seiyun International Airport, both in areas under the authority of President Hadi.

For people in Sanaa, as well as in many other areas in northern and western Yemen, Al Falaj checkpoint must be passed to reach Seiyun airport order to travel abroad. The arbitrary procedures, discrimination based on surname and abuses by soldiers manning the checkpoint has created an atmosphere of terror amongst many civilians, making them feel travel is impossible.

Case Studies

On Thursday, 14 June 2018, at around 6:30 am, government forces loyal to President Hadi detained Abdulrasheed al-Faqih, the Executive Manager of Mwatana, at Al Falaj checkpoint in Marib governorate while on his way to Seiyun city in Hadramaut governorate to travel abroad.

Individuals in special forces uniforms (formerly the Central Security Forces) stopped the vehicle Al Faqih was riding in and they his passport and phones. They asked Al Faqih for the passwords to his phones to search them. He was arbitrarily detained for around 10 hours, without any legal justification given.¹⁰¹

¹⁰⁰ Mwatana for Human Rights’ interview with an eyewitness, 11 November 2018

¹⁰¹ For more information on this violation, see the statement that was released by Mwatana on 18 June 2018, available at: <http://mwatana.org/al-fakih-detained/>

On Saturday, 16 June 2018, forces at Al Falaj checkpoint stopped a civilian, Ali Abdulmalik Al Nahari (35 years old), a Yemeni expat who resides in Saudi Arabia, and his 9-year-old son.

Ali Abdulmalik Al Nahari had come to Yemen to spend Ramadan in Sana'a with his family. After he was stopped at Al Falaj checkpoint, he was taken to the Political Security Organization prison and detained. His son was handed over to a friend in Marib city. He was apparently suspected of providing material support to Ansar Allah (Houthis).

As one man, “Muhammad” (29 years old, pseudonym), said: “The arbitrary actions in the checkpoints that separate the areas controlled by the parties to the conflict are no longer limited to political affiliations and beliefs, and people are now being treated based on their last names. There have been a number of cases of detentions and enforced disappearance in Al Falaj Checkpoint, which is located at the western entrance of the city of Marib,

These arbitrary actions have made traveling from one city to another in Yemen an adventure that might have serious consequences. I live in the capital, Sana'a, and since the beginning of the conflict in Yemen, just because of my last name; I have lost a number of opportunities for training and studying abroad. I never expected that there would come a day when my safety and freedom would be at risk while traveling inside Yemen just because of my last name. The parties to the conflict do not care if a person is actually involved in anything or not. Now, last names are enough to make you guilty in their eyes.”

Abu Hashem Checkpoint in Al Bayda Governorate

Abu Hashem checkpoint, the infamous one and called Abu Turaab currently, is located at the eastern entrance of the city of Rada'a in Al Bayda governorate, and controlled by Ansar Allah. This checkpoint is well-known as a black hole that swallows up dozens of travelers trying to go from Sana'a to the southern and eastern governorates, and vice versa. Ansar Allah forces at Abu Hashem checkpoint have imposed arbitrary procedures and carried out violent acts, targeting civilians based on their origin, names, and political affiliations. This checkpoint is located in the middle of the road heading towards Sayoun International Airport, which restricts the movement of passengers to outside of Yemen.

Case Studies

On Monday, 12 June 2018, Ansar Allah forces at Abu Hashem checkpoint stopped a civilian, Muhammad Yahya Al Sheikh (32 years old), while taking his ill father from Sana'a to Seiyun to travel to Cairo for medical treatment.

Muhammad and his father were accompanied by a doctor, two others, and the driver of the van they had rented (a Toyota HiAce), when they were stopped at Abu Hashem checkpoint at around 11 pm. Ansar Allah forces detained the group at the checkpoint until 3 am the next day. The detention caused the already poor health of Muhammad's father to deteriorate. As soon as they arrived in Seiyun, Muhammad's father's health deteriorated rapidly. He was taken to Seiyun Hospital. He died before being able to travel to Cairo.

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Muhammad said: “We were detained at this checkpoint for no reason, and the supervisor kept telling us that we were under suspicion. When I told him that my father was ill and that his condition was getting worse, he told me: ‘Let him die. He is not more important than the mujahideen that are dying every day on the frontlines.’ He said this to me callously.”

He added: “We were lucky that one of the soldiers in the checkpoint was related to the driver, and this made the soldier convince the supervisor to allow us to leave. At around 3 am, he allowed us to leave. We asked for our documents and passports, and the supervisor told us to look for them in a metal container. We spent more than half an hour to look for them in that container, which was full of hundreds of personal documents, passports, IDs, and medical reports belonging to hundreds of other travelers. After that, he took our documents and passports out of his pocket and threw them in our faces, and he told us to leave immediately.”¹⁰²

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102 Mwatana for Human Rights' interview with an eyewitness, 3 January 2019



Withering Life

The Human Rights Situation in Yemen 2018

Despite international efforts to push the peace process forward in Yemen in 2018, like the talks between the warring parties in Sweden, horrific laws of war violations and human rights abuses continued to be carried out by parties to the conflict. These violations helped push Yemen even deeper into a humanitarian crisis the United Nations has described as the world's worst.

This report, *Withering Life*, presents violations of international humanitarian law and international human rights law committed by parties to the conflict in Yemen during 2018. Mwatana for Human rights documented violations and abuses by all sides through field surveys in 20 Yemeni governorates and by conducting 2,126 interviews in Arabic with victims, relatives, eyewitnesses, and individuals working in the medical and humanitarian fields. The incidents documented in this report include the most prominent violations which affected civilians in Yemen in 2018. Abuses affected every aspect of civilian life, ranging from further restricting rights and freedoms, to destroying critical infrastructure, to affecting access to health and education.

This report includes three main parts. The first part discusses the conflict in Yemen under international law. The second part, divided into 13 sections, describes the most prominent violations and abuses documented by Mwatana in 2018. The third part describe how the warring parties have undermined various rights and freedoms—the tightening noose on civil society, increased attacks on peaceful expression, protest and belief, and restrictions on movement based on regional discrimination will have a long-term impact on Yemen and Yemeni society.