

Republic of Yemen
The National Commission to Investigate
Alleged Violations to Human Rights - (Aden)



الجمهورية اليمنية
اللجنة الوطنية للتحقيق في ادعاءات
انتهاكات حقوق الإنسان - عدن

Executive Summary of the Seventh Report Issued by National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) in Yemen

From 1/2/2019 to 31/7/2019



Introduction

The National Commission to Investigate Alleged Violations to Human Rights derives its mandate to investigate all violations committed in all parts of Yemen by all parties from the Republican Decree No. 140 of 2012, in addition to the recommendations of the UN Security Council and decisions by the Human Rights Council that are related, the latest of which were Decrees 39/16 and 39/21, which were issued on 29/9/2018.

This report includes a summary of the most important work and activities conducted by the Commission during the period from 1/2/2019 and until 31/7/2019, and it shines a light on the monitoring, documentation, and investigation activities that were conducted by the Commission in all parts of Yemen. It also shines a light on the most important work done by the Commission during this period, as well as the biggest challenges and difficulties that face it, ending with recommendations from the Commission to all of the parties to the conflict and other entities with the objective of protecting human rights and curbing violations that affect Yemenis.

The Commission aims, through this report, to inform local and international public opinion about the latest developments in human rights and the humanitarian situation in Yemen. This report includes a statement on the number of violations that the Commission has monitored and investigated during the period that is covered by the report, as well as a presentation of a number of examples of the different types of violations relating to International Humanitarian Law and International Human Rights Law that the Commission investigated and the results of these investigations. This report is a completion of and is connected to the previous reports that were issued by the Commission, and part and parcel of them, especially with regards to the statement on the legal jurisdiction, framework, methodology, and work methods.

Methodology

The Commission confirms its adherence to the methodology, criteria, and principles that are applicable to similar international investigation commissions, the most important of which are transparency, independence, impartiality, objectivity, professionalism, and secrecy. Based on what is stated in the decree to establish the Commission, Decree No. 140 of 2012, in Paragraph C of Article 2, the Commission is obliged to carry out its tasks based on international standards and national laws, as well as the treaties and conventions that are ratified by the Republic of Yemen.¹

The Commission has been keen to monitor and document all of the violations that are committed in the Republic of Yemen by any and all parties, and these violations are monitored and documented by the Commission's monitors, who are present throughout the governorates of the Republic of Yemen. The Commission also receives reports of violations through civil society organizations and the direct complaints that reach the Commission through its head office or through its website on the internet.

The Commission conducts direct interviews with the victims and their families, as well as with eyewitnesses, and it listens to the statements of those reporting the violations. The Commission also relies on experts in the fields of weapons and criminal forensics, as well as forensic doctors, based on what is available to it within its limited resources.

The Commission relies on field visits to the sites of the violations and the areas where there are heavy armed clashes, whether these are field visits conducted by the members and assistant investigators in the areas under the legitimate government, or through the monitors who are in the governorates that are outside of the control of the legitimate government.

The Most Important Work that Was Completed by the Commission During the Period Covered by the Report

The Commission conducted, during the period covered by the report, a number of important activities that are a part of its tasks to monitor, document, and verify violations of human rights based on its 2018/2019 annual plan. Among the most important things that the Commission did are the following:

Republican Decree No. 140 of 2012 and its amendments

In the Field of Monitoring and Documentation

The Commission doubled its efforts in the field of monitoring and documenting human rights violations during the period that is covered by this report by increasing the number of its monitors to 40 male and female monitors. The Commission did this to ensure that it can have access to the highest number possible of victims of violations throughout Yemen. The Commission also expanded its network of volunteers in remote and distant districts, especially in the governorates of Saadah, Hajjah, Al Hudaydah, and Raymah.

The Commission has been able, during the period that is covered by the report, to conduct monitoring and documentation activities for more than 2644 cases of allegations of violations of human rights in the governorates of Yemen, categorized into more than 30 kinds of human rights violations. The Commission also listened, during this process, to more than 7932 eyewitnesses, complainants, and victims, reviewed around 10576 documents, and reviewed and analyzed hundreds of photographs and video clips relating to the violations. These photographs and video clips were worked on and preserved as a part of the Commission's database.

In the Field of Investigating Violations

The Commission has achieved, thanks to the efforts of its staff, including its members, investigators, assistants, and monitors, a lot of progress in field access to the various governorates in Yemen to conduct direct investigations on these violations.

The members of the Commission conducted field visits to the governorates of Abyan, Lahj, and Taiz on 8 to 11 June 2019. During these field visits, the team met with the local authorities in these governorates, as well as the security forces, and they inspected the detention centers, prisons, and public penitentiaries. The team also investigated important allegations of incidents that were committed in these governorates, as well as the damage to civilian objects.

The members of the Commission also conducted a field visit to the governorates of Mareb, Al Jawf, and Shabwa on 10 to 16 July 2019. During these field visits, the team met with leaders in the local authorities in the governorates, as well as the security forces and law enforcement. They inspected the detention centers, prisons, and public penitentiaries and listened to the testimony of some of the detainees. They determined their legal positions and the level of rights that are protected for them, in addition to inspecting residential areas where there have been civilian victims as a result of the shelling and airstrikes. They also held two open and public hearings in the Al Jawf governorate for the victims of the targeting of civilians and human rights violations against women. These events were conducted in the districts of Al Jawf and in the IDP camps in them, as well as for a number of surrounding governorates, and they were conducted to analyze the types of violations and the methodology of harm against civilians.

In the same field, the monitors of the Commission continued to conduct field visits on a daily basis to a number of areas where there had been violations leading to casualties due to civilians being targeted by various shells, the explosion of anti-personnel landmines, blowing up of homes, and forced displacement, especially in remote areas that international organizations and the media have not been. These areas include the districts of Kishr, Shihah, Qarah, and Ka'aidinah in the area of Hajour in the Hajjah district, the Mawiyah, Saber Al Mawadim, Al Makha, and Mawza' districts in Taiz, the Al Sabrah, Al Makhadir, Yareem, and Al Qafir districts in Ibb, the Arhab and Manakhah districts in Sana'a, the Ra's Al Arah, Tawr Al Bahah, and Al Qubaitah districts in Lahj, the Al Matoun, Al Ghail, and Khab Wal Sha'f districts in Al Jawf, the Dhi Na'im, Al Zaher, Qaifah, and Rada'a districts in Al Baydha, Al Azraq, Damt, Murais, and Qa'tabah in Al Dhale, Al Duraihim, Al Tuhaita, Bait Al Faqih, Hays, Al Khawkhah, and Al Al Hali districts in Hudaydah, the Razih and Saqain districts in Saadah, Al Rajm and Al Khabt in Al Mahwit, and Lawdar, Al Mahfad, and Mikayras in Abyan.

During the period that is covered by the report, the Commission has been able to complete its investigations into 1425 cases of allegations that were monitored by the field committee. These incidents included violations in more than 30 categories of violations that the Commission made a priority in its work to monitor, document, and verify these incidents.

In this seventh report covering the period from 01.02.2019 until 31.07.2019, the Commission presents 48 sample incidents for violations of IHL and IHRL in addition to violations against women, as investigated

and verified by the Commission in different governorates and on the hands of different parties to the conflict. These samples provide descriptions of the context, the victims, the violation and the perpetrator party.

Part 1: Results of the Investigations Conducted by the Commission for Violations to IHL:

First: Killing and Injuring Civilians

Six hundred and sixty incidents involving 878 civilians being killed or injured, in which 295 victims were killed, including 28 women and 74 children, in addition to 564 victims being injured, among them 147 children and 75 women. The responsibility for these violations is distributed among the parties to the conflict as follows:

174 victims killed and 445 injured are the responsibility of the Houthis,

106 victims killed and 95 injured are the responsibility of the air force of the Arab Coalition and government forces.

Second: Recruitment of Children

During the period that is covered by the report, the Commission has investigated 27 incidents of violations relating to the recruitment of children and their use in the fighting or in military operations. Most of these violations relating to the recruitment of children were perpetrated by the Houthis, while there were a number of incidents that were investigated by the Commission that are the responsibility of some of the agencies and military units of the legitimate government or that are affiliated with it. This includes one of the cases that are included among the examples in this report, and this specific incident was perpetrated by the Shabwani Elite Forces, while some of the other incidents are still being investigated.

Third: Laying Landmines

During the period that is covered by the report, the Commission has investigated 63 cases of anti-personnel mines being laid leading to 53 deaths including 2 women and 15 children, as well as 56 injured, including 6 women and 8 children. These violations were exclusively committed by Houthi group in different parts of Yemen.

Fourth: Forced Displacement

The Commission has been able, during the period that is covered by this report, to monitor and document 68 incidents of forced displacement affecting 109 families. The vast majority of cases of forcible displacement were committed by the Houthis.

Part 2: Results of Investigations Conducted by the Commission into Violations of International Human Rights Law:

First: Extrajudicial Killings

During the period covered by the report, the Commission monitored 40 cases of allegations of extrajudicial killings. The Houthis were proven to be responsible for 15 cases, while the army forces and security agencies of the government were responsible for 11 cases. Investigations are still ongoing into a number of other cases.

Second: Arbitrary Arrests and Enforced Disappearance

The Commission has been able, during the period that is covered by the report, to monitor and document 374 cases of allegations of arbitrary arrests and enforced disappearances that were perpetrated by different parties all over the Republic of Yemen. The Houthis have been proven to be responsible for 332 of the cases of violations, while government forces, security agencies belonging to the government are responsible for 36 cases.

Third: Torture and Ill-Treatment

During the period that is covered by the investigations, the Commission monitored 9 cases of allegations of torture and inhuman and degrading treatment. The Houthis were proven to be responsible for 4 cases of torture, while the army forces and the security agencies of the government were responsible for 5 cases.

Fourth: Blowing Up Homes

The Commission monitored and investigated 14 incidents of this kind of violation, all of which were committed by the Houthis.

Part 3: Airstrikes Conducted by American Drones

During the period that is covered by the report, two incidents of allegations of violations relating to American drone strikes against civilians in Yemen were monitored and investigated by the Commission. Evidence and information were gathered on them, and the bombing in the two incidents killed 9 individuals, all of whom were civilians.

Challenges

1. The continuing war and military operations, as well as their expansion, which have led to an increase in the quantity and diversity of violations
2. The parties to the conflict not adhering to the principles of International Humanitarian Law on the principles of discrimination and military necessity, as well as the principle of proportionality during the conducting of military attacks and while subjecting civilians to danger
3. Some of the parties to the conflict do not cooperate with the National Commission in its investigations, and others delay responding to the questions directed at them by the Commission regarding allegations of violations directed at them.
4. There is difficulty coordinating with some security agencies in the liberated governorates due to the numerous entities that supervise them
5. There is a difficulty in moving around in all of the districts where there is fighting because the main roads are cut off, mines have been laid, and the branch roads are very remote and difficult to drive through.

Eighth: Recommendations

The Commission reiterates the importance of all of the parties to the conflict adhering to the recommendations in its previous reports. In addition to that, the Commission also makes the following recommendations:

Recommendations to All Parties to the Conflict and other Entities

- 1- Adhering to the principles of International Humanitarian Law relating to the protection of civilians and civilian objects and facilities, not terrorizing civilians, and not putting their lives at risk.
- 2- Not conducting attacks on cultural or historical objects, medical facilities, medical transportation, and staff working in the medical field, as well as not using them in the fighting.
- 3- Taking all necessary procedures to protect IDPs and ensure their right to a safe return to their homes, as well as their right to safety and security, and access of various forms of humanitarian assistance to them.
- 4- Facilitating civilians getting the materials and methods necessary for them to live dignified lives and not hindering the access of the humanitarian assistance that is provided to them by

international, regional, and national entities.


- 5- Stopping all practices relating to the limitation of freedoms, enforced disappearance, and torture of civilians, not using the extraordinary circumstances and security situation as an excuse to take away the people's rights that are guaranteed them by the law.
- 6- Taking urgent steps and measures against the individuals and leaders who operate under them and are responsible for committing human rights violations.
- 7- Cooperating with the National Commission and its staff in all governorates and facilitating the access of its members, investigation team, and monitors to all of the sites where violations have occurred, as well as providing them with all of the required information.

Recommendations to the Government of Yemen

- 1- Holding those responsible for the violations responsible, whether they are security or military officers or soldiers who operate under the legitimate government, and quickly trying them in court
- 2- Working to unify the security and military agencies and ensure that they operate under a single leadership, conducting the necessary reforms to ensure the safety, stability, and the protection of civilians.
- 3- Taking the necessary steps to provide assistance and protection to vulnerable groups, like children, women, and IDPs, and reactivating the role of social welfare and shelters.
- 4- Stopping all forms of violations relating to limiting peoples' freedoms in the areas under the control of the government, immediately releasing all detainees, and taking the necessary measures to ensure that these kinds of violations are not committed again.
- 5- Carrying out economic reforms, which will stop the deterioration of the currency and the government bears its responsibility in solving the problem of the payment of salaries of civil servants in all of the governorates of Yemen.
- 6- Protecting the right to freedom of movement for all Yemenis and holding those who have limited or curbed this right and mistreated civilians while they are traveling between cities accountable.
- 7- Activating the role of the judiciary and law enforcement institutions, rehabilitating penal facilities, and ensuring that they are under the supervision and monitoring of the judiciary.
- 8- Quickly responding to the questions of the Commission and facilitating its access to information relating to the incidents that it is investigating.

The Forces of the Arab Coalition:

- 1- Adhering to the principles of International Humanitarian Law and stressing the complete review of the rules of engagement, including the prohibition of attacks that target civilians or attacks that cause civilian losses.
- 2- Conducting a comprehensive assessment of the damage caused by the incidents of airstrikes and providing sufficient compensation for the civilian victims and their relatives for the damages to their property.
- 3- Taking more precautions and preventative procedures before carrying out any attacks to decrease the probability of harm to civilians, and differentiating between civilian and military targets.
- 4- Continuing to facilitate the access of humanitarian organizations to get necessary aid of food, fuel, and medicine, as well as other supplies, to civilians in all parts of the country.
- 5- Working to remove all obstacles in the way of the return of all state institutions to full operation in the interim capital, Aden.

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- 6- Increasing economic support to the government of Yemen to ensure that the devaluation of the currency is stopped, that services are provided to the people, and continuing to provide humanitarian assistance and aid to the people all over the country.
 - 7- Quickly responding to the inquiries of the Commission regarding allegations of violations attributed to the Coalition forces.

The Houthis:

- 1- Adhering to the relevant UN Resolutions and the rules and principles of International Humanitarian Law, not targeting cities and residential areas, and not creating military bases in areas with a residential population, which puts civilians at risk.
- 2- Stopping all practices relating to curbing freedoms, arbitrary arrests, torture, enforced disappearance against civilians, and stopping the so-called trials of the political and opposition activists and journalists.
- 3- Immediately releasing all individuals who were arbitrarily detained and releasing information about the fate of the disappeared.
- 4- Stopping the laying of mines and committing to providing maps to clarify the areas where the mines were laid
- 5- Stopping the recruitment of children under the age of 18 and not sending children to participate in the fighting.
- 6- Stopping discriminatory practices against women and stopping all violations that affect them, including detention, torture, inhumane treatment, and actions that curb their rights to freedom of movement and travel.
- 7- Tasking a liaison officer to respond to the inquiries of the Commission and cooperating with it on the investigations that it conducts into allegations of violations attributed to the Houthis.

The International Community:

- 1- Obliging the parties to the conflict and other entities to adhere to the principles of International Humanitarian Law and International Human Rights Law and opening safe passages for the movement and travel of civilians and get aid access to them.
- 2- Increasing support for relief operations and humanitarian assistance, the full and transparent disclosure of assistance and the coordination with the Government of Yemen.
- 3- Working to convince the parties to the conflict to restart the peace process, ensuring that the state has authority over all of the land of the Republic of Yemen, holding the individuals responsible for violations responsible, and providing redress to the victims.
- 4- Assisting the government of Yemen in activating the economic, service-providing, and security institutions of the state to ensure that Yemenis can lead a dignified life and there is stability and development in Yemen.
- 5- Continuing to support the work of the National Commission to Investigate Alleged Violations to Human Rights to ensure the implementation of the decrees of the Human Rights Council and so that the Commission can bear its responsibility to continue conducting professional and transparent investigations into all violations in the Republic of Yemen that are committed by any party.