



**REPUBLIC OF YEMEN**

The National Commission to Investigate  
Alleged Violations to Human Rights

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## **EXECUTIVE SUMMARY**

# **Ninth Periodic Report on the Works of the National Commission to Investigate Alleged Violations to Human Rights**

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August 1, 2020 – July 1, 2021

## **I. Introduction**

The National Commission to Investigate Alleged Violations to Human Rights, through its 9th periodic report covering the period August 1, 2020 – July 1, 2022, seeks to present the most important findings of its work accomplished during this period in the field of monitoring, documenting and investigating violations and the efforts that it has made in order to promote and protect human rights and bring remedy for victims. The Commission derives its mandate to investigate all human rights violations committed on all the territories of the Republic of Yemen by all parties pursuant to the Republican Decree No. 140 of 2012 as amended on the establishment of the National Commission. The release of this report comes following the issuance of Human Rights Council Resolutions No. A/HRC/45/L.25 and No. A/HRC/45/L.51 on October 6, 2020, and through this report, the Commission aims to inform the local and international public opinion and all those interested in the human rights file in Yemen about the human rights and humanitarian situation in Yemen, by stating some of the most important violations that the Commission monitored and investigated during the reporting period, and to review a number of investigation examples conducted by the Commission in violations to international humanitarian law and international human rights law. This report is complementary and related to previous reports launched by the Commission, in particular with regard to the mandate, legal framework, methodology and work modalities.

## **II. Methodology**

The National Commission for Inquiry into Allegations of Human Rights Violations has adopted a clear methodology in its work based on adherence to international investigation standards applicable in similar commissions, and in accordance with the principles of "objectivity, transparency, impartiality and professionalism" stipulated in the Republican Decree to establish the Commission.

The Commission carries out its work in monitoring, documenting and investigating violations in accordance with the stipulations established in national laws and legislations, through a number of methods and procedures that ensure access to truth, such as face-to-face interviews with the victims and their families, visiting locations where violations have occurred, hearing witnesses and documenting their testimonies in a way that ensures accuracy of testimonies and keeping their details to serve as legal evidence of proof, with due consideration to maintaining confidentiality and witnesses safety and privacy, in addition to examining the submitted reports, medical certificates, documents, photographs, etc, to verify their authenticity. The Commission also sought the assistance of national military experts to determine the types of weapons used in targeting residential neighborhoods and civilian objects, and to locate the source, direction and range of shelling, in order to reach contentment in determining the responsible party for each violation.

The field visits methodology to inspect the locations of violations is one of the key methods adopted by the Commission to find out the truth, with the members of the Commission, assistant investigation team and field research teams took the initiative to move to the locations experienced the violations,

particularly the grave ones. During the field visit and inspection process, all violation-related traces are monitored and documented by taking photographs and video footage, writing reports, conducting face-to-face interviews, hearing testimonies of victims and witnesses, and ensuring that the statements contained in testimonies are consistent with the established facts on the ground.

Within its work methodology, the Commission was very anxious to review and analyze the submitted documents and reports which are issued by local and international civil society organizations working in the field of monitoring and documenting violations. The Commission has also made an open invitation to all citizens through its website accounts on Facebook and Twitter to submit their communications regarding allegations of human rights violations to the Commission's headquarters, website, and offices, or to one of its monitors located in all governorates of the Republic. In all such activities, the National Commission has adhered to the international standards on the work of this type of commissions, in particular with regard to the principles of impartiality, integrity, transparency and professionalism.

### **III. The Commission Relationship with the Parties to the Conflict and Stakeholders Concerned with its Work**

The Commission has sought to constantly communicate with the parties to the armed conflict without exception to access the truth of violations allegedly to have been committed by each party. The Commission has also exerted numerous efforts to enhance cooperation and communication with the stakeholders concerned with its work, whether official institutions or local or international civil society organizations, in order to facilitate the Commission work, protect human rights and reducing violations, reflecting the approach that was followed by the Commission since the outset of its work which embodies professionalism, objectivity and impartiality standards.

During the reporting period, the Commission has conducted numerous communication activities with the parties to the conflict and the relevant stakeholders, the most important of which are as follows:

#### **1- Communication with the Parties to the Conflict**

The Yemeni Government and Entities affiliated to it:

During the reporting period, communication and coordination between the Commission and the legitimate government were made in different forms and on multiple topics, including requesting from some official government agencies to facilitate the field visits of the Commission members and researchers to a number of various areas, and as well dispatching a number of memos on requesting responds to the Commission inquiries regarding the incidents under investigation by the Commission and attributed to entities and individuals affiliated to the legitimate government, in addition to making several recommendations by the Commission to government agencies in order to improve the environment and situation of human rights. The process of communication between the Commission and the concerned ministries and institutions affiliated to the legitimate government took direct modalities through meetings, and indirect modalities

through written official correspondence. In the section on the Work of Commission, the most important of those meetings will be clarified. As of regard to correspondence, they were focused on completing the investigation proceedings into the incidents attributed to individuals at the security and military services, as well as on recommendations raised by the Commission to agencies concerned with protection of certain rights or community groups with the view to reduce violations and improve human rights environment. Of the most important correspondence made by the Commission with the government during the reporting period are as follows:

- i. During the reporting period, the Commission addressed various written memos to the government and its affiliated institutions and agencies, including 3 memos addressed to the Minister of Interior on improving the situation of prisons and prisoners in Mocha district in Taiz governorate and the districts of Al Khawkhah and Hays in Al Hodeidah governorate, and in Hadramout and Marib Governorates, in addition to a memo on the respond to the Commission inquiries regarding complaints of families victims detained at agencies affiliated to the Ministry of the Interior, and three memos addressed to the Minister of Health regarding the health situation in several central prisons given the spread of the coronavirus pandemic, in addition to exchanging various memos with the Ministry of Foreign Affairs.
- ii. The Commission has also addressed 26 memos to a number of commanders of security and military services, including two memos to Political Security Service, two memos to Taiz Security Directorate, one memo to Marib Security Directorate, four memos to Shabwa Security Directorate, two memos to Taiz Axis Command, two memos to the Military Police, five memos to the Security Belt Command in Aden, two memos to Alamalikhah Brigades, two memos to National Resistance Command, one memo to the 2nd Brigade of Tehama Resistance, one memo to the Commander of Shabwa Elite Forces, one memo to the Commander of Special Security Forces in Shabwa governorate, and one memos to the Commander of the 2nd Brigade, Mountain Infantry in Shabwa Governorate.

While the Commission received some positive responsiveness and responses to issues contained in its memos from some agencies, such as the Political Security Service in Marib regarding a number of detention incidents under investigation by the Commission, and from the Security Directorate in Taiz Governorate regarding a detained female having instructions for release, in addition to a response from Taiz Axis Command regarding violations that affected a number of residents of Al-Medhafa village, some other agencies, particularly the Minister of Interior and the Minister of Health, ignored the Commission memos.

In general, with the exception of the Ministry of Foreign Affairs, the Commission, similar to other institutions and mechanisms, continues to face difficulties in communicating with the government as its presence in the interim capital of Aden is not allowed. The Commission hopes the return of the

government with all of its ministries and carry out its work permanently from the interim capital of Aden, which will make it easier for the government to execute its national tasks vested to it.

#### The Arab Coalition to Support Legitimacy in Yemen:

During the reporting period, the Commission made written and verbal communications with the Command of the Arab Coalition to Support Legitimacy in Yemen through the liaison officer in charge of facilitating the receipt of inquiries notes and the delivery of responses to them to the Commission, which is the mechanism the Commission has followed in the investigations since established in compliance with the international principles and standards of investigation, where a memo was addressed on Dec 3, 2020 to the Coalition Command requesting responses to the Commission inquiries some of incidents of killing and injuring civilians attributed to the coalition air force, where the Commission is investigating on these incidents. As of the time of writing the report, the Commission received no response regarding the incidents inquired for.

The Commission has also held a meeting at the beginning of March 2021 with the Joint Incident Assessment Team at the Commission main office in the interim capital of Aden, during the team visit to the city of Aden during the period 3 – 6 March 2021. In the meeting, a discussion was conducted on a number of violations related to the coalition air force in which the Commission is investigating and on which statements were released by the Joint Incident Assessment Team.

#### The Houthi Group

Since initializing to exercise its functions, the Commission sought to communicate with the leadership of the Houthi group in the capital of Sana'a, by writing a number of memos addressed to the head of political bureau of the Houthi group requesting responses to its inquiries on the violations under investigation by the Commission, in addition to requesting to assign a liaison officer to respond to those inquiries. The recent written memo addressed by the Commission was dated on June 27, 2021 and delivered through the Commission monitor in the capital of Sana'a. In spite of the Commission eagerness for communication, and its frequent request to assign a liaison officer, it has received no response yet from the Houthi group in this regard, which reflects the method used by the Houthi group in dealing with the majority of national and international agencies operating in the field of human rights.

However, this did not dissuade the Commission from continuing its work in monitoring and investigating all types of human rights violations occurred in the Houthis-controlled areas through its researchers and monitors in the governorates of the Capital City of Sana'a, Hajjah, Sa'ada, Dhamar, Amran, Al Mahwit, Ibb and Hodeidah, who conduct interviews with victims and their families and record the testimonies of witnesses in these governorates, in addition to the process of inspection and description of the locations where some violations occurred, including the targeting of population centers, damage to objects of all forms, and mine explosion on roads and in pastures.

The Commission is hopeful to receive cooperation of the leadership of the Houthi group with it and to assign a liaison officer to respond to the Commission inquiries regarding the allegations attributed to the Houthi group that soon enough.

## **2- Cooperation with the Stakeholders Concerned with the work of the Commission**

### **Cooperation with Judiciary:**

During the reporting period, the work of judicial authority has been rendered largely inoperative in a significant number of areas under the control of the legitimate government, particularly in the areas of Aden, Lahj, Dhale', Mukalla and parts of Abyan, with partial strike in Shabwa and Seiyun, which hampered a lot of communication by the Commission with the judicial authority, particularly in terms of handing over files which the Commission has completed its investigation thereof. The Commission was unable, during the reporting period, to hand over any of the files it has completed its investigation thereof due to the judicial strike, and as well due to the disruption of work in many institutions due to the outbreak of Covid-19, including the Public Prosecution, as Covid-19 caused the death of the Head of the Attorney General Office Team, Judge Shukri Farag, who was vested with receiving the files referred from the Commission. Nevertheless, the Commission made sure to communicate with the Supreme Judicial Council, by directing a number of memos to the President of the Council, regarding a number of recommendations that include some remedies recommended by the Commission on some of the shortcomings that the Commission has observed, particularly during its field visits to a number of governorates, including for instance, Al Khawkhah, and Marib and Shabwa.

Within the context of the attention of the Commission on the issue of subordinating violations perpetrators for accountability and raising the level of addressing this issue by judiciary, the Commission, with the participation of the Office of the Attorney General, on the occasion of the International Human Rights Day - Dec 10, 2020, conducted a workshop on the efforts exerted in proceedings for subordinating violations perpetrators for accountability. The workshop was attended by members of the Commission and 14 judges from Juvenile and Criminal Courts and Prosecutions and the Office of the Attorney General. In this workshop, a discussion was held on the Commission recommendation submitted to the Supreme Judicial Council to establish a court and a prosecution body concerned in considering the cases referred to the judiciary, and the role of the Commission in training the judicial staff on the mechanisms and specificity of trials related to human rights violations.

As well, during the reporting period, the Commission received a memo from the Office of the Attorney General requesting a copy of the Grand Hall case file with the aim to pursue proceedings for filing the criminal motion against those responsible for the incident and to form a committee by the Attorney General to complete the investigation procedures and to bring those accused to justice. The Commission

welcomed this step and expressed its willingness to hand over the file as soon as possible, and to coordinate with the Public Prosecution in order to ensure that violators are brought for accountability, both in this incident or others, and as agreed upon in the minutes signed between the Commission and the Attorney General on 11.07.2018.

### **Cooperation with the Office of the High Commissioner for Human Rights OHCHR:**

The Commission makes sure to strengthen its relationship and cooperation with OHCHR, considering that OHCHR is the agency concerned with enforcing the Human Rights Council resolutions, which stipulate that OHCHR shall provide support to the Commission in a number of areas, specifically according to Resolutions Nos. A/HRC/45/L.25 and A/HRC/45/L.51 issued on October 6, 2020. Despite the fact that the Commission appreciates the cooperation of OHCHR Office manager in Yemen, and the efforts exerted by him and his staff regarding providing assistance to the Commission, it is for the second year in a row the enforcement of resolutions is being hampered due to lack of earnestness by OHCHR in Geneva, and the agencies concerned with implementing resolutions on the provision of support, whereas, while the previous resolution issued in the 45<sup>th</sup> session of the Human Rights Council has not been implemented, although there is a time-bound agreement on the areas of support, that is due to the conditions of Covid-19 pandemic outbreak, and where the Commission anticipated to be compensated in the wake of the issuance of the two recent resolutions in the 45<sup>th</sup> session, but it was astounded when apprised by OHCHR that the amount allocated for support is very limited and does not exceed US\$ 450,000, and the more astounding is that when the Commission allocated around 70% of the amount of support to the so-called the expert, who has been assigned by OHCHR to work for it, with the fact the Commission did not request that, and that it was neither consulted in this reference nor notified on the type of expertise the expert will provide. This action prompted the Commission to hold several meetings with the concerned parties at OHCHR, in an attempt to dissuade them from this unjust action towards the Commission, which destroy its aspirations, but OHCHR insisted on its decision and that it insisted on allocating the remainder of the support amount for a number of areas that do not fit the Commission needs. However, no activity worth mentioning was carried out, except a 4-days facilitation session organized by the Commission for its monitors from different parts in Yemen in the interim capital of Aden for 4 days.

As of regard to the relationship between the Commission and the Group of Eminent Experts established by the Human Rights Council, the Commission has received a memo addressed by the Chairperson of the Group of Eminent Experts, dated on June 21, 2021, requesting the Commission to provide the Group with some information relating to a number of incidents monitored and documented by the Commission monitors in a number of areas and governorates. The Commission expressed its willingness to cooperate with the Group and assigned the General Secretariat of the Commission to communicate with the Group. As well, the Commission expressed its aspiration for meeting with the Group of Eminent Experts, as agreed upon with OHCHR manager, during the Human Rights Council session to be held next September, after the meeting could not be held at the beginning of August in Tunisia due to Covid-19 pandemic outbreak.

### **Cooperation with Local and International Civil Society Organizations:**

Unquestionably, the civil society organizations are instrumental in safeguarding human rights, and in the belief of the Commission in the process of networking and coordination with civil society organizations, principally in the shadow of the upsurge and expansion of violations that require new forms of cooperation, the Commission made sure to raise the level of communication, both directly and indirectly, with active civil society organizations in the area of monitoring and documentation of human rights violations and advocacy for victims. The Commission has integrated this trend in its annual plans and various monthly activities.

The cooperation mechanism between the Commission and the civil society included the Commission review of reports issued by these organizations on violations and the human rights situation, and communicating the meaningful information to the Commission monitors in the governorates for verification, as well as participation of civil society in the discussion of the Commission periodic reports and press releases, whereas the Commission conducted a discussion workshop on the 8th periodic report on Sep 7, 2020, with the participation of 18 international and local civil society organizations interested with the violations issue in Yemen, including Amnesty International, Human Rights Watch and Geneva Call. In this workshop, a professional discussion on the report was conducted, and identifying the most important points that serve the Commission reports in the future and modalities of cooperation with the organizations participating in the workshop and human rights defenders in accessing information.

At its main office in Aden, the National Commission also held a meeting with the Representative of CIVIC Organization Center for Civilians in Conflict, the Regional Manger in MENA region and the Organization's Projects Manager in the Middle East, in which a discussion was held on launching the cooperation process between the two sides, leveraging from the Commission expertise and its knowledge on Yemeni legislation, vision and position on violations, determining the level of integrating the rules of engagement, principles of international humanitarian law and protection of victims in Yemeni legislation, and the preliminary agreement upon aspects of partnership between the Commission and CIVIC, which included the areas of: institutionalization policies and rehabilitation, strengthening security, military, judicial and civil society capacities in the protection of civilians, as well as monitoring the performance of security and military institutions to reduce violations through correspondence in communicating with such agencies and meetings to discuss the internal accountability of individuals for violations, in addition to the role of CIVIC in briefing donors and a number of the international community institutions on the great role played by the Commission in investigating violations and bringing remedy for victims.

The Commission has also conducted a number of workshops with the participation of civil society organizations, to discuss various topics related to monitoring and documenting human rights violations in general and specific violations that affect certain groups, an aspect that will be clarified in the section on the works accomplished by the Commission during the reporting period.



During the first half of 2021, the Commission managed to sign a memorandum of understanding between it and the International Center for Transitional Justice, which included an agreement on the provision of support by the International Center for Transitional Justice to the Commission efforts to investigate human rights violations, tackle human rights violations and the pursuit of justice and peace in Yemen, through online training seminars intended towards building the knowledge and capacity of the members of the Commission regarding transitional justice, access to information and analyses related to other contexts. Accordingly, two training workshops were rolled out in April and June 2021 on the topics of the fundamentals of transitional justice and criminal accountability.

The Commission has also signed a memorandum of understanding with Geneva Call at the end of May 2021, which included the implementation of a number of activities in different areas, including sharing information on human rights violations, lobbying the parties to the conflict to conduct internal accountability and respond to the Commission inquiries and provision of training by the organization for investigators and field researchers of the Commission on topics pertaining to the work of the Commission, including violations against civilians in general and certain groups in particular.

In terms of the Commission support program implemented by the International Development Law Organization IDLO and funded by the Netherlands Ministry of Foreign Affairs, for which many of its activities implementation have been hampered, the program was completed at the end of March 2021, where the Organization delivered to the to the general secretariat of the Commission a number of software and in-kind supplies, which were requested by the Commission, as an alternative solution in exchange for the non-implementation of the agreed activities.

## **The Most Important Works accomplished by the Commission in Monitoring, Documentation and Investigation during the Reporting Period**

### **Monitoring and Documentation**

During the Reporting Period, the 40 monitors of the Commission, present in all Yemeni governorates, continued their daily, weekly and monthly monitoring of the incidents of human rights violations faced the victims by all parties without exception, in addition to coordination with a number of volunteers in the remote governorates, principally in the governorates of Socotra, Al Mahara and Raymah, or in remote areas in the governorates of Hajjah and Hodeidah.

With the view to reach to as many victims, and for monitoring all violations that affected various groups and tiers of society, in all Yemeni governorates, the Commission intensified its communication with organizations and institutions operation in the field of monitoring and documenting certain types of violations. To this end, the Commission undertook the following:

- 1) The Commission organized an online workshop on April 28, 2021 on violations that affected unions, and labor, professional and category-based federations and their members in all governorates, with the participation of a number of chairpersons and representatives of federations and unions operating in the Republic of Yemen, including unions of teachers, journalists, lawyers and engineers, and academic staff at universities, trade unions, the most destitute groups, Yemen Women Union, and the Chambers of Commerce and Industry. In this workshop, a discussion was held on the plan for buttressing the National Commission with documents, information and data on human rights violations that have been monitored by those institutions, and the Commission to complete investigation into these violations and merging them as well in the National Commission database. This meeting was fruitful in terms of the interaction of a number of unions, foremost of which is the Yemeni Teachers Syndicate, which handed over to the Commission a memorandum attached with a number of disclosures prepared by the syndicate, enlisting 1,165 violation incidents affected its members and the educational establishments in almost 19 governorates.
  
- 2) During its visit to the city of Seiyun, the Commission held a consultative meeting with active participation of 28 civil society organizations operating in the field of women and child protection and monitoring violations related to arbitrary detention, child recruitment and the distress of displaced persons. In the workshop, discussion was held on the nature and types of violations in Wadi and Sahara, and the role of civil society in documentation and submission of information to the National Commission as per the model devised by the Commission.
  
- 3) Developing capacity of the Commission monitors: Within its efforts to build the capacity of its staff and to upgrade their legal knowledge and technical skills in the field to ensure the quality of the outputs of the investigation process, and during the reporting period, the Commission conducted three training workshops for its monitors from different governorates on the following topics:
  - i. A training workshop in the interim capital of Aden to evaluate and review the Commission monitoring and documentation process, with the participation of 40 researchers and volunteers from all governorates during the period November 24 – 25, 2020.
  
  - ii. A three-day training course in the interim capital of Aden for the Commission monitors on “Adaptation Skills and Investigation into Violations of International Human Rights Law”, during the period 18 - 20 October 2020, with the support of OHCHR.

- iii. A four-day training course for the Commission monitors during the period June 20 – 23, 2021 on “Adaptation Skills and Investigation into Violations of International Human Rights Law”, with the participation of 40 researchers from all governorates, with the support of OHCHR.

## Findings of Monitoring and Documentation Activities during the Reporting Period

National Commission to Investigate Alleged  
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Statistics of monitoring and investigating activities (August 1, 2020 – July 1, 2021)



No.	Type of Violation	Number of Incidents	Number of Victims	Victims Classification		
				Men	Women	Children
1	Killing and injuring civilians	869	1,386	945	133	242
2	Child recruitment	132	132	-	-	132
3	Laying anti-personnel mines	130	150	108	14	28
4	Attacks on religious, cultural and historical objects	32	-	-	-	-
5	Attacks on medical objects and crews	13	15	2	-	-
6	Extrajudicial killing	76	76	63	3	10
7	Forced displacement	92	160	-	-	-
8	Arbitrary detention and enforced disappearance	1,219	1,219	1,125	6	88

9	Torture and ill-treatment	86	86	81	3	2
10	Detonation of houses	40	-	-	-	-
11	Destruction and damage to public property	16	-	-	-	-
12	Destruction and damage to private property	544	-	-	-	-
13	Prohibition of movement and mobility	19	35	27	7	1
14	Attacks on schools	33	-	-	-	-
15	Attacks on peaceful assemblies	2	2	1	-	-
16	Attacks on freedom of opinion and expression	21	21	-	-	-
17	Unlawful trials	5	8	1	-	-
18	Obstruction and seizure of humanitarian assistance	16	-	-	-	-
19	Blockade and starvation of civilians	7	-	-	-	-
20	Attacks on organizations and unions	5	-	-	-	-
21	Administrative arbitrariness	35	-	-	-	-
22	Rape and sexual violence	3	3	-	3	-
23	US drone strikes					
24	Intimidating civilians and provoking terror	64	-	-	-	-
25	Using civilians as human shields	2	2	1	-	1
26	Breach of freedom of opinion and belief	6	-	-	-	-
27	Laying of vehicle mines and improvised explosive devices	101	177	122	18	19
28	Taking hostages of civilians	1	-	-	-	-
29	Denial of the right to defence	3	-	-	-	-
30	Denial of the right to recourse to court	1	-	-	-	-
31	Denial of and discrimination in the right to education	18	-	-	-	-
32	Inhuman and degrading treatment of	8	15	14	1	-

	persons					
33	Inhuman treatment of war detainees and denial of their legal rights	5	-	-	-	-
34	Denial detainees of food, medical examination, and contact with their families	2	-	-	-	-
35	Failure to bring suspects to justice	4	-	-	-	-
36	Prohibition of the formation of unions or associations and their lockdown	2	-	-	-	-
37	Minors marriage before puberty	12	12	-	-	12
		3,624				

### Investigations into Violations

Since the rollout of its work, and in accordance with the Republican Decree on its establishment, the Commission makes sure to follow multiple mechanisms to ensure the quality of investigation process, which aims to substantiate the incidents and identify those behind them, in accordance with the national and international laws applicable to each incident, and in a manner that ensures subordinating the perpetrators of violations for accountability and brings remedy for victims.

To this end, the Commission carried out a number of investigation-related activities, including the following:

#### a. Field visits to governorates and areas experiencing incidents of human rights violations

During the reporting period, a number of field visits were conducted to several governorates, with the intention to evaluate human rights situation, direct field investigation into a number of gross incidents witnessed and still witnessed by these governorates, inspect locations of violations and field evidence available and hear the statements of witnesses and reporting persons, in addition to visiting and inspecting prisons and detention centers, determining the level of prisoners and detainees access to their rights guaranteed in national laws and international covenants, hearing statements and demands of prisoners and detainees of both sexes, and communicating their needs to the concerned authorities.

As well, during the field visits conducted by the Commission, six meetings were held with the local authority leaderships in the governorates of Hodeidah, Shabwa, Marib, Taiz and Hadramout, with the intention of discussing human rights situation in these governorates and inquiring on a number of incidents under investigation by the Commission and the complaints submitted it has received. In addition, meetings were held with the security directors in these governorates and officials in security and

military authorities and institutions, in which many inquiries were discussed and posed regarding a number of violations attributed to some personnel of these authorities, in addition to discussing some transgressions that were committed by some security and military units in some cities under the control of the government. We will describe below the most important activities undertaken by the Commission members during the field visits, inspection and field investigations within the reporting period.

#### **Visiting Mocha district of Taiz Governorate:**

During the period March 29 – 31, 2021, the Commission members visited Mocha district the west coast of Taiz governorate, in which the Commission has erstwhile monitored and investigated a number of incidents the area has witnessed since May 2015 in the districts of Mocha, Mawza and Al Waziyah. During their field visit to the Mocha district, the Commission members have inspected the traces of shelling of Al Zahari area, as well as inspecting some neighborhoods which witnessed a number of landmine implanting incidents, and the traces of the weapons and gunshots that targeted Al Zahari health center, and the different traces of shelling that caused disruption of the center activities, and denial of hundreds of citizens in Yakhtul and Al Zahari areas of health services for a long time, amid the spread of epidemics in this area.

The Commission members also inspected the destruction that affected houses of a number of citizens, as well as investigating into detonation of Al Zahari Elementary School, which has been functioning since 1988 and benefitting 490 students.

#### **Visiting Hodeidah Governorate:**

During the period April 1 – 2, 2021, the Commission members visited the of Al Khawkhah and Hays districts in Hodeidah governorate, where the following activities were carried out during the visit:

- i. The Commission members discussed with the leadership of the local authority, represented by the governor of Hodeidah governorate and the directors of the districts of Al Khawkhah, Hays and Ad Durayhimi the human rights situation in the governorate and the most important violations it has witnessed, in addition to the methods of cooperation between the Commission and the local authority to reach the victims.
- ii. The Commission members met with Al Khawkhah Security Director to discuss the reasons for the spike in the number of detainees due to the delay in activating the role of judiciary and prosecution in the district. As well, a visit was made to the detention center of the Security Directorate.

- iii. The Commission members met with the Security Director of Hays district to discuss the conditions of detainees in the Security Directorate and to find out the most important difficulties facing Security Directorate of the district. As well, the detainees ward was visited to learn about their situation and conditions of detention.
- iv. The Commission members investigated into a number of incidents in the city of Hays, including inspecting the shelling traces that targeted the cholera center in the district, and inspecting and taking photographs of the remains of the artillery bombardment traces that hit Hays Rural Hospital, in addition to inspecting the traces of destruction that affected Al Qadisiyah School as a result of the war experienced in the district.
- v. The Commission members met with the official spokesman of the National Resistance Forces, where it was agreed that the National Resistance Forces would appoint a liaison officer to respond to the Commission inquiries regarding the incidents under investigation by the Commission. The Commission addressed a memo to the National Resistance Forces Commander requesting him to appoint a liaison officer pursuant to the agreement made erstwhile. Nonetheless, until the time of writing this report, no liaison officer has been appointed to communicate with the Commission. The Commission hopes that this will be done at the earliest.

#### **Visiting Shabwa Governorate:**

The Commission members conducted a field visit to the city of Ataq on June 5 – 6, 2021, during which a number of activities were carried out, including a meeting with the leadership of the local and judicial authority and security authorities in the governorate, and visiting the central prison building and the Criminal Investigation Department to find out the situation of prisoners and detainees and to learn about the conditions and locations of their detention. As well, sessions were held to hear from victims of a number of violations and to investigate into a number of incidents monitored by the Commission.

Further, the Commission members met with the Special Security Forces Commander in Shabwa governorate, where it was agreed that the Special Security Forces would appoint a liaison officer to respond to the Commission inquiries on the incidents under investigation by the Commission. The Commission addressed a memo to the Special Security Forces Commander requesting him to appoint a liaison officer pursuant to the agreement made erstwhile. Nonetheless, until the time of writing this report, no liaison officer has been appointed to communicate with the Commission. The Commission hopes that this will be done at the earliest.

#### **Visiting Hadramout Governorate Seiyun:**

During June 7 – 8, 2021, the Commission members conducted a field visit to the city of Seiyun, where they met the Security Director of the districts of Sahel and Sahara, the central prison Director and the

Criminal Investigation Department Director. The Commission also visited the central prison building to find out the situation of prisoners and detainees and to learn about the conditions and locations of their detention. Further, the Commission held an extensive workshop with a number of community-based organizations in the districts of Wadi and Sahara with the view of coordination and cooperation, particularly with regard to monitoring and documenting violations and enhancing the human rights situation in these districts.

### **Visiting Marib Governorate:**

During June 9 – 12, 2021, with the intention to investigate human rights situation in Marib, the Commission members conducted a field visit to Marib governorate, which is witnessing, since the outset of 2021, military operations and targeting with various types of projectiles, with an increase in the number of civilian casualties. During its visit to Marib, the Commission carried out a number of investigation and inspection proceedings, and hearing the statements of victims and witnesses, including:

- i. Holding meetings with the leadership of the local authority in Marib governorate and with a number of security leaderships and executive offices managers related to the work of the Commission.
- ii. Visiting and inspecting the detention center at the Criminal Investigation Department and the pretrial detention, where the wards and sections of the detention center at the Criminal Investigation Department were inspected, in which there were 136 detainees and prisoners, in addition to some of the convicted persons who were lodged in the premises of the Criminal Investigation Department, because the central prison capacity is overrun as a result of the restricted space of the prison and population increase in Marib Governorate.
- iii. Visiting and inspecting the central prison and hearing the complaints and needs of inmates. The Commission members visited and inspected the building of the central prison, in which there were 190 detainees and prisoners distributed over 6 rooms wards, while a major number of them are located in the yard without roof or safeguard cover, with the capacity of this prison, when built, was designed to receive 60 prisoners and detainees, as the governorate had been deemed as a remote governorate and cases were often resolved on the basis of tribal norms, while thousands of citizens are currently living in the governorate, mostly displaced persons from other governorates, which makes the relocation of prisoners to the new building an urgent matter.
- iv. Visiting and inspecting the Women's Central Prison, with the purpose to evaluate the human rights situation of female prisoners and detainees, and to learn about their situation and conditions of detention. There are 27 female prisoners and detainees in the prison pending different cases.



Some female prisoners' complaints were heard and recommendations thereof were submitted by the Commission to the concerned authorities.

- v. Inspecting As-Suwayda camp and completing investigation into a number of incidents of targeting displaced persons in a number of camps. The Commission members visited As-Suwayda camp, which spans over a vast area, over which the camps are spread widely in the middle of the desert, with 1,800 families 12,000 individuals are living in the camp, with the majority of them 1,300 families have displaced in March 2020 from Al-Khaneq camp situated at Al-Jawf boundaries, and mostly were displaced from Sana'a governorate and the Capital City, fleeing from raids, pillaging their property, recruiting their children or arresting sons and husbands.
- vi. The Commission members met with a number of displaced persons from the governorates of Hajjah, Sana'a, Dhamar and Amran, where their most important complaints focused on sanitation, lack of potable water and electricity, in addition to the inadequate food and baskets provided by humanitarian relief organizations, and women's need for special medical facilities and provision of female physicians or midwives. To complete the investigation process into the incidents of targeting Al-Tawasul, Al-Khair and Al-Mail camps, the Commission members conducted interviews with a number of displaced persons who were displaced from these camps due to the targeting of displacement camps with shelling by the Houthis group at the start of February 2021, which compelled the displaced persons, particularly women and children, to be displaced again on foot from these camps towards As-Suwayda camp. In these interviews, the displaced persons reported their observations and suffering, and the fear and panic they experienced as a result of the shelling that initiated at 7 AM targeting Al-Tawasul camp, which sheltered a number of citizens who were displaced from governorates of Hajjah, Sana'a and Amran since three years, with the shelling continued over the second day and extended to Al-Mail camp and Al-Khair camp, leading to the destruction of the camps and the injury of a number of displaced persons. During the field visit, the team members completed the investigation into a number of displaced-related incidents monitored by the Commission field researchers.
- vii. **Visiting the detention center housing detainees in connection with their engagement in the war:** The Commission team conducted a visit to the detention center at the Third Region Command, with the intention to learn about the situation and conditions of the detainees, hear to them, make sure that they were not subjected to any violation and to guarantee that their rights are respected in accordance with the national legislation and international covenants.
- viii. Field investigation into a number of incidents, including targeting of a mosque at the Facilities Department Premises of Marib Police, which was hit on June 10, 2021.

### **Visiting Taiz Governorate:**

The Commission members visited Taiz Governorate at different intervals within the reporting period, in addition to the sustained field visits by the Commission office team in Taiz to remote districts, which experienced military operations that resulted in civilian casualties and damage to public and private objects.

The Commission members visited the central prison in Taiz on February 11, 2021 to find out the prisoners legal conditions, as well as to investigate the complaint submitted by them regarding the spread of the Covid-19 pandemic, and the request made by a number of them to be released due to the spread of the pandemic, as five of them have contracted Covid-19, which poses a threat to other prisoners. As well, the Commission members visited Al Shabaka Central Prison in the Al Shamayatayn district, Al Turbah city, and investigated into the complaints of 140 prisoners and detainees submitted to the Commission on the inappropriateness of the location of detention and failure to provide basic necessary needs, in addition to the slow litigation proceedings by some court chairpersons. The Commission members also conducted a number of field visits to investigate into a number of incidents monitored by the Commission in the districts of Maqbanah and Al Shamayatayn and a number of districts in the city of Taiz.

### **b. Convening public and closed hearings**

Among the investigation work undertaken by the Commission, numerous hearings were convened for a number of victims of violations in different areas and governorates, the most important of which are as follows:

- i. **A hearing for a number of child victims of the six grave violations:** In tandem with the International Children's Day, November 20, 2021, and with the view to analyze the patterns of violations and methodologies that were followed in causing harm to children, the Commission convened a closed hearing for a whole week, in which it heard the statements of ten child victims of various grave violations that mutilated their organs due to shelling and landmines, and their denial of education and proper treatment. The Commission also heard the statements of child soldiers subjected to sexual violence and exploitation in inhuman ways by the parties that recruited them.
- ii. **A hearing for a number of victims of human rights violations against women:** The Commission, at different intervals, principally in November and December 2020 and March 2021, convened separate closed hearings at its main office in the interim capital of Aden and its branch in Taiz governorate, for a number of women victims of arbitrary detention, sexual violence, torture and exploitation of women in war, in addition to a number of women who have been susceptible to forced displacement and detonation of their houses, and the mothers of

disappeared persons in the different governorates. Women also provided individual and collective narratives and accounts on the inhuman conditions they encounter in the camps and areas of displacement.

- iii. **A hearing for victims of violations in Al Khawkhah District:** During its visit to Al Khawkhah District, Hodeidah Governorate, the Commission convened a public hearing on March 30, 2021, with the participation of a number of victims of violations of both sexes, in which the statements of 20 victims were heard, mostly women and children whose limbs were mutilated by landmines, and their houses were destroyed by shelling, and were affected with disabilities due to sniping and indiscriminate shelling of residential neighborhoods, in addition to hearing the statements of a number of those released following years of arbitrary detention and enforced disappearance.
- iv. **A hearing session for women victims of mine explosions in the West Coast, Taiz Governorate, in Mocha, Yakhtul and Al Zahari:** With the purpose to analyze the methodology of harms that affected women in rural communities in Tehama areas, and in order to learn about the situation of human rights in general, and those of women in particular, in the western coast of Taiz, which witnessed plenty of incidents since mid-2015 to mid-2018, the Commission members convened a hearing for 10 women from Mocha, Al Zahari and Al Hamli in the coast of Taiz on April 1, 2021, in which the women victims provided narrative of their suffering of violations that affected their bodies and their physical and psychological health, their loss of breadwinners husbands, sons and their forced displacement and living in camps or in the open, as part of the reality of violations that affected civilians in general and women in particular.
- v. **A hearing for victims of human rights violations in the city of Hays, Hodeidah governorate:** The Commission convened a public hearing on April 2, 2021, for 20 victims, as a sample of the grave and systematic human rights violations committed against victims of both sexes at different intervals from 2015 to 2020, including torture, mutilation, rape, forced disappearance, arbitrary detention, laying landmines and forced displacement. In this hearing, the victims provided detailed narrative of their suffering of which its effects remain apparent on their bodies and livelihoods hitherto. This is a part of the face-to-face investigation process carried out by the Commission into these incidents. The hearings also contribute in spotting the responsibilities of parties for violations that were grounded on a systematic approach and adoption of policies in infringement of a number of rights prohibited to be prejudiced.
- vi. **A hearing for victims of human rights violations in Shabwa governorate:** In tandem with the Commission visit to Shabwa governorate on June 5 and 6, 2021, the Commission members convened a closed hearing for 8 survivors of different violations in the districts of Ataq, Markhah and Mayfa'a, in which two groups of victims provided their narratives of violations they faced, and their statements regarding the harms affected them, as a result of assault, detention and torture they were exposed to, in addition to the "indirect" victims or "members of their families" who were harmed due to their kinship with the victims, principally wives, mothers and sons.

## VI. Findings of investigations conducted by the Commission

National Commission to Investigate Alleged  
Violations to Human Rights  
www.nciye.org



Statistics of Monitoring and Investigation during the period from 1.8.2020 to 1.7.2021

### Findings of investigations into a number of violations of International Humanitarian Law



#### Killing and Injuring Civilians

<b>869</b> incidents	435 killed 43 women, 63 children	235 killed (male and female) 714 injured (male and female)	Responsibility of Houthi
	858 injured 90 women, 179 children	151 killed (male and female) 123 injured (male and female)	Responsibility of Arab Coalition airstrikes and government forces hostilities
		14 killed (male and female) 17 injured (male and female)	Responsibility of other parties



#### Under 15 Child Recruitment

<b>132</b> incidents	123 Responsibility of Houthi group 9 Responsibility of government and its affiliated parties
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#### Targeting Medical Objects

<b>13</b> incidents	11 Responsibility of Houthi group 2 Joint responsibility of pro-government national army forces and Arab Coalition warplanes
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#### Targeting Medical Objects

<b>130</b> incidents	61 killed 8 women, 11 children 89 injured 6 women, 17 children	This type of violations is solely practiced by Houthi group
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#### Attacks on religious, cultural and historical objects

<b>32</b> incidents	28 Responsibility of Houthi group 2 Responsibility of pro-government national army forces and Arab Coalition warplanes 2 Joint responsibility of government forces and Houthi group
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### Findings of investigations into a number of violations of International Human Rights Law



#### Extrajudicial Killings

<b>76</b> incidents	42 Responsibility of Houthi group 6 Responsibility of pro-government army forces and security services
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#### Detention and enforced disappearance

<b>1,219</b> incidents	1,031 Responsibility of Houthi group 188 Responsibility of pro-government army forces and security services
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#### Torture and ill-treatment

<b>86</b> incidents	76 Responsibility of Houthi group 10 Responsibility of pro-government army forces and security services
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#### Attacks on freedom of opinion and expression

<b>21</b> incidents	13 Responsibility of Houthi group 7 Responsibility of pro-government army forces and security services
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#### Detonation of houses

<b>40</b> incidents	This type of violations is solely practiced by Houthi group
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### Incidents of US Drone Attacks

Investigation has been conducted into one alleged violation of targeting civilians by drones. It was documented and investigated by the Commission, with collecting information related thereof. Statistics indicate the killing of one child.

## **VII. Challenges and Difficulties**

The work of the Commission, like that of other entities working in the field of human rights protection and access to victims, as well as work in the humanitarian and relief field, faces a number of difficulties and challenges. Some of these challenges continue due to the security and military situation since the end of the year 2014, and some of them are recent due to developments on the ground that occurred during the reporting period. Those challenges did not stand in the way of the Commission carrying out its tasks as stipulated in the republican decree establishing for its establishment, including the investigations in all human rights violations committed by all parties. Based on this report, the Commission points out some of the general challenges it faces during its work, which are considered as affecting to the human rights situation in general. That requires more efforts by everyone in order to overcome these challenges, and improve the work environment and the human rights situation in Yemen. The most important of these challenges are as follows:

1. The continuation of the war that erupted in Yemen since nearly seven years. Also the fact that it has expanded in recent period, as well as the resulting military actions and an increase in the number of various violations.
2. The non-compliance of the parties to the conflict with their international obligations relating to the application of the principles of international humanitarian law related to distinction and proportionality during the implementation of military attacks. That results in their perpetration of serious violations against protected persons and objects.
3. Lack of cooperation by some parties to the conflict with the National Commission during investigations. Therefore, the Commission had to rely only on its monitors and field researchers. Moreover, some parties were late in responding to inquiries addressed by the Commission regarding allegations of violations attributed to them.
4. The difficulty of obtaining some medical and criminal documents, papers and official statements of the victims due to the suspension of work of many official institutions, especially in areas of armed conflict.
5. The double effort required to investigate gender-based violations, especially sexual violence against females, and the reluctance of many victims to report them. That is in addition to the difficulty of monitoring violations related to diseases, malnutrition, and epidemics, including COVID-19, either for lack of information sources, or for lack of ability to access some areas to determine the damages.
6. The displacement of many victims and their families, and the movement of witnesses due to the continuation of the war, which leads to inability to complete the files of some incidents.
7. The difficulty of moving in dangerous areas, especially those planted with mines, the deterioration of communications and electricity services, which made it difficult for researchers to communicate and send information.

## **VIII. Recommendations:**

In the interest of the Commission to alert the parties to the conflict to fulfil their obligations towards the implementation of human rights contained in the provisions of international humanitarian law or stipulated in international human rights law, and to hold the parties and entities responsible for the protection of human rights, the Commission works in all its eight periodic reports, and press/ occasional statements, on presenting a number of recommendations to all parties to the conflict.

### **First: recommendations to all parties to the conflict:**

#### **The Commission recommends all parties to the conflict to:**

- 1- Stop random attacks directed against civilians individuals and objects in general, and residential areas for civilians and displaced persons in particular. Also to abide by the principle of distinction between civilians and combatants to avoid causing damage to residents, properties, infrastructure and educational facilities.
- 2- Respect the rights of civilians to obtain basic necessities such as food, water, treatment and services, and facilitating the access of humanitarian and medical aid to all governorates, as that represents a basic right of citizens.
- 3- Stop all extrajudicial killings, illegal detention and enforced disappearances, and promptly and unconditionally release all detainees and forcibly disappeared persons.
- 4- Respect the dignity of detainees and those deprived of their liberty, treating them with dignity and humanity, preserving their lives, personal rights, and their religious and political beliefs, and ensuring that they communicate with their families to know their news.
- 5- Not invoke security and exceptional circumstances and conditions of war to carry out raids, restrict freedoms, enforce displacement, prevent movement and movement, or harass activists, media professionals, and civil society institutions in all areas witnessing these forms of violations.
- 6- Cooperate with the National Commission, facilitate its work, and provide access for its members, the assistant investigation team, and the monitors to reach all places, persons and entities, as well as provide them with all the required information.

### **Second: The Commission recommends the Houthi group to:**

- 1- Stop targeting residential neighbourhoods and camps, and stop harming civilians, especially in the governorates of Ma'rib, Hodeidah and Taiz.
- 2- Stop arbitrary arrests and enforced disappearances of male and female citizens, release all male and female detainees, and reduce measures restricting freedom of opinion and expression, especially against political opponents, activists and civil society organizations.
- 3- Immediate cessation of all forms of sexual and gender-based violence in general and against women in particular, including violations in various places of detention.

- 4- Stop all forms of recruitment and exploitation of children in war, and stop activities of inciting violence in schools, and amending curricula in a way that damages the values of coexistence and peace.
- 5- Stop manufacturing and planting anti-individual mines, which has caused deliberate harm to civilians and endangered their lives. Also to destroy the stockpile of mines under their control.
- 6- Stop interfering in the work of the judiciary, especially the behaviour of directing the issuance of judicial rulings against opponents.
- 7- Respond to the correspondences of the National Commission and provide the required information urgently.

**Third: the Commission recommends the Arab Coalition to:**

- 1- Help state institutions in Yemen to fulfil their obligations to provide public services, including education and health.
- 2- Continuously update the list of medical facilities, civilian and cultural objects, and infrastructure that must not be bombed or targeted under the international humanitarian law. Also to involve bodies and organizations working in providing humanitarian aid in updating those lists.
- 3- Quickly respond to the letters sent by the National Commission related to inquiries about some incidents of air strikes that are being investigated by the Commission.
- 4- Implement the Commission's recommendations contained in previous periodic reports, especially those related to conducting a comprehensive assessment of the damage resulting from air strikes, and providing compensations to civilians for unlawful deaths and injuries.
- 5- Continuing the meetings between the National Committee and the joint team for assessment of incidents, and continuing to discuss all cases and allegations attributed to coalition aviation.

**Fourth: the Commission recommends the Yemeni government to:**

- 1- Comply with the rules of international humanitarian law during military operations, and with the obligations contained in the texts of international human rights law related to ensuring and protecting civil, social, cultural, economic and political rights. Also to raise the capabilities of members of the armed forces and security services in the field of application and respect for the principles of humanity, distinction and protection.
- 2- Improve the level of social rights and services for citizens, especially in the sectors of electricity, water, hygiene, education and security, payment of salaries to employees in all governorates, as well as providing oil derivatives at a reasonable price for the citizens
- 3- Stop all forms of arbitrary detention, torture and harassment of journalists and human rights defenders for exercising their right to freedom of opinion and expression.

- 4- Raise the level of cooperation with the National Commission, respond to its recommendations contained in this report and previous reports, speed up interaction with the Commission's correspondence, and provide the required information and data within a reasonable time.
- 5- Adopt a matrix of measures to ensure an end to impunity for perpetrators of human rights violations, and compensation for victims of violations of both sexes, as well as rehabilitating them physically, psychologically and economically.
- 6- Provide children with adequate support and ensure their access to all basic services, particularly food, health, education and psychological support.
- 7- Provide protection and care services for women, especially survivors of violence and those displaced from war zones.

**The Commission recommends the international community to:**

- 1- Intensify diplomatic efforts to reach a comprehensive cease-fire in preparation for establishing lasting peace in Yemen, provided that the peace framework is based on respect for human rights, full participation of women, and achieving redress and reparation for victims.
- 2- Increase the level of support provided by the Human Rights Council to the National Investigation Commission in areas of technical support, advice and capacity-raising to ensure that it carries out its tasks to the fullest. Provide funding to the OHCHR Office in Yemen to promote and protect human rights in the country.
- 3- Raise the level of funding for projects and grants provided to the state in all its forms to achieve adequate humanitarian aid that contributes to the promotion of human rights and the achievement of a decent life for male and female citizens.
- 4- Putting pressure on the parties to the conflict in Yemen to abide by the guarantees of protecting human rights and reducing violations.