



REPUBLIC OF YEMEN

The National Commission to Investigate
Alleged Violations to Human Rights

EXECUTIVE SUMMARY

of the 11th Periodic Report
on the Activities Carried out
by the National Commission
to Investigate Alleged Viola-
tions to Human Rights

from 1/8/ 2022 to 31/7/2023



This report is being released amidst an undeclared cessation of hostilities between the parties to the conflict, initially announced by UN envoy Hans Grundberg on 2 April 2022 for a duration of two months. It has since been implicitly renewed throughout the preceding period. The objective of this report by the Commission is to apprise the local, regional, and international public of the latest developments concerning the human rights and humanitarian situation in Yemen. It encompasses a brief overview of the noteworthy undertakings and activities carried out by the Commission between 1 August 2022 and 31 July 2023. This report complements and is an integral part of the previous reports issued by the Commission, particularly regarding the statement of mandate, legal framework, methodology, and working methods.

The most important tasks carried out by the Commission during this reporting period

During the reporting period, the Commission's 42 observers diligently monitored and documented over 2,997 reported cases of violations in different governorates of the Republic. These cases involved more than 3,287 victims from both genders. The Commission listened to over 11,988 witnesses, informants, and victims during the reporting period and reviewed around 17,982 documents. Moreover, hundreds of photographs and videos related to the violations were reviewed, analyzed, and stored in the Commission's database.

Field visits to governorates and regions witnessing incidents of human rights violations

During the reporting period, the Commission undertook multiple field visits to Taiz Governorate, where it conducted a series of on-site investigations, and documented and carried out extensive field investigations into incidents of indiscriminate shelling and the planting of landmines in three specific neighborhoods, namely Al-Dawa'a in Salah district, Bareed Al-Rawdah, and Al-Kamb. During these visits, the team documented a total of 180 cases involving violations and carried out inspections and reviewed evidence at various locations, where severe human rights violations allegedly perpetrated against civilians, particularly women. These violations included indiscriminate shelling, obstruction of aid, landmine planting, forced displacement, shelling of schools, and arbitrary arrests.

The Commission's team also conducted assessments of the situation in Taiz prison facilities and the conditions endured by both inmates and detainees, amounting to approximately 1000 prisoners, of which 20 were female. During the evaluation, the team identified pressing issues related to insufficient food provisions, inadequate healthcare provisions, and a backlog of judicial procedures, resulting in overcrowding. Furthermore, the team documented the unlawful detention of approximately 86 detainees under the jurisdiction of the specialized criminal prosecution and 54 detainees under the jurisdiction of the military courts. The Commission inspected the detention center, run under the authority of military intelligence, where individuals captured during combats are currently being held. During their visit, they inspected the conditions and reviewed the cases of 119 detainees from different governorates.

The Commission's team conducted a visit to the detention center operated by the Criminal Investigation in Mukalla, where a total of 22 detainees were being held during the visit. The team also visited the central prison in Mukalla, which currently holds 658 prisoners involved in diverse criminal cases, including 12 women and 26 individuals who have completed their sentences for terrorism-related charges. The Commission received subsequent information that 13 individuals had been released. During the visit, the team engaged with the prison administration and documented the prisoners' requests for prisoner rehabilitation and training programs. The Commission observed that the prison conditions and the welfare of the inmates were comparatively better in terms of nutrition and healthcare when compared to other prisons. However, it also acknowledged the issue of overcrowding caused by a backlog of cases.

During their visit to Al-Mukalla city, Hadhramaut Governorate, on 30 January 2023, the members of the Commission engaged with victims of arbitrary detention, assault during peaceful assembly, and infringements upon the right to freedom of expression. From 20 to 24 May 2023 the Commission members conducted an inspection of the prisons and detention centers in Marib Governorate to evaluate the condition of these facilities and assess the prisoners' conditions of detention. They examined the Central Prison, the Criminal Investigation Prison, and the Women's Section within the Central Prison. At the time of the visit, the Central Prison housed a total of 657 inmates and detainees, while the Criminal Investigation Prison held 135 individuals. Additionally, there were 17 female prisoners in the women's section in the Central Prison. The team observed severe overcrowding and unsatisfactory hygiene conditions in both of these facilities, hence the imperative necessity to transfer the prisoners and detainees to the new building currently under construction. The team further conducted a visit to the Political Security Prison with the aim of evaluating the conditions of 182 detainees, including 4 women.

On 31/1/2023, the Commission members visited the Petro Masylla facility to investigate the incident of the Al-Dabah port bombing that occurred on 22/11/2022. They opened an investigation report and listened to the testimonies of the incident from the company's management and workers. They also obtained photos and video footage of the aftermath of the bombing. However, the company's management did not cooperate with the Commission team in facilitating access to the site of the bombing.

The members of the Commission conducted a visit to the Central Prison facility and the Detention Center affiliated with the Criminal Investigation in Shabwah Governorate on (insert British date system), in order to evaluate their appropriateness for housing the 217 detainees and prisoners who are currently facing a range of criminal charges. During the visit, they also engaged in discussions with some of the individuals and recorded their requests, which primarily focused on enhancing their living conditions and expediting the legal proceedings surrounding their cases, including the involvement of appropriate prosecutors and courts.

The members of the National Commission and its observers paid a field visit to Dhale Governorate from 7 to 9 June 2023 to evaluate the conditions of 243 detainees and prisoners, held in both sections of Dhale Central Prison, situated within the premises of the Al-Dhale Security Department and Sanah area. In order to assess the degree to which the Political Security leadership adheres to human rights principles and guarantees outlined in Yemen's domestic legislations and ratified treaties, the members and observers of the Commission conducted an inspection visit of the Detention Center affiliated with the Political Security Bureau, wherein four individuals were under detention.

The members and observers of the Commission convened a meeting with individuals and their families from Dar Al-Saqmah Village in Al-Dhale. These individuals allegedly suffered grave infringements of their fundamental rights by an individual belonging to the 30th Brigade along with other personnel from the affiliated battalion. Consequently, the Commission has initiated investigations into these allegations.

From 17 to 20 June 2023, the Commission undertook a field visit to the West Coast areas and districts in Hodeidah and Taiz Governorates, which had witnessed various violations over the past two years. The visit aimed to investigate incidents such as the shelling of residential areas, projectile attacks, targeting by drones, and individual mine explosions that resulted in the death of numerous civilians. The Commission also assessed the situation of detainees and detention centers. During the visit, the following activities were carried out:

The Commission's team assessed the impact of the conflict on the residential properties and assets belonging to citizens in the subdistricts of Dhubab district and the destruction caused to both Dhubab Hospital and the new clinic, resulting in citizens being deprived of much-needed services and healthcare, particularly for women who have to be transferred to the city of Al-Mukha when experiencing difficult childbirth. This has led to fatalities, miscarriages, and other health risks to both mothers and infants. Furthermore, the team conducted interviews with several victims of landmine explosions, most of whom were children.

The Commission's team conducted an inspection of the detention center in Al-Mukha under the supervision of the Security Department. At the time of the visit, there were 40 detainees held for various charges. The detention center comprised of three rooms were ill-suited to serve as detention facility.

The Commission's team inspected the detention center in Al Khawkhah District, where 100 detainees are held for different criminal charges. The majority of the prisoners and detainees are facing delays in judicial proceedings, a cause of prison overcrowding.

During their visit to Hodeidah, members of the Commission met with both the President of the Court of Appeal in Hodeidah and the Deputy Prosecutor of Al-Khokha and Hays districts, as well as the liberated areas of Hodeidah Governorate. The Commission was briefed on the difficulties facing the members of the judiciary, due to the delays in appointment of the judges of the Court of Appeal, the Court of First Instance and the Public Prosecution which resulted in the inability of the courts to diligently carry out their work. During the meeting, they agreed

to maintain cooperation and coordination between the two parties to ensure a better delivery of justice.

Recognizing the significant role played by the civil society in safeguarding human rights, promoting the rule of law, ensuring accountability for perpetrators of human rights violations, the Commission held a number of meeting and workshops with active civil society organizations, with the aim exchanging information, referring victims from local organizations to the Commission.

Working with UN mechanisms concerned with human rights in Yemen and the international community; the Chairman and members of the Commission convened and or attended meetings with different UN institutions including the sanctions committee under the Security Council; the United Nations High Commissioner for Human Rights (OHCHR) and the diplomatic community to coordinate efforts, promote human rights and strengthen the capacities of the Commission.

Establishment of a Commission's Office in Marib

In order to improve access to a greater number of displaced persons, the Commission has established an office in Marib on 23 May 2023 in line with its policy to establish offices in as many governorates as possible. During the presence of Commission members in Marib from 10 to 23 May 2023, meetings were held with 11 civilian detainees who were released as part of the exchange deal between the parties under the auspices of the United Nations and ICRC on 16 April 2023. These detainees had spent over 6 years in the Political Security Headquarters in Sana'a, where they had been subjected to restrictions on their freedom and deprivation of basic rights, as well as torture and inhumane treatment. These facts were documented in the victims' files previously compiled by the Committee researchers.

Communication with entities affiliated with the Yemeni government to complete the investigation process into incidents involving individuals from various security and military agencies:

| No. | Type of violation | No. of incidents | No. of victims | Classification of victims | | | Responsibility | | |
|-----|---|------------------|----------------|---------------------------|-------|----------|----------------|--------|-------|
| | | | | Men | women | children | GoY | Houthi | Other |
| 1 | Killing and injuring civilians | 782 | 945 | 673 | 73 | 199 | 94 | 609 | 79 |
| 2 | Planting Anti-personnel Land-mines | 161 | 179 | 130 | 9 | 40 | 0 | 161 | 0 |
| 3 | Assault on Medical facilities and staff | 6 | - | - | - | - | 2 | 4 | 0 |
| 4 | Assault on religious, cultural and historical objects | 23 | - | - | - | - | 3 | 18 | 2 |
| 5 | Forced displacement | 66 | 398 | - | - | - | 0 | 52 | 14 |
| 6 | Child Recruitment | 117 | 137 | - | - | 137 | 1 | 116 | 0 |
| 7 | Blowing up Houses | 20 | - | - | - | - | 0 | 20 | 0 |
| 8 | Destruction and damage to public property | 15 | - | - | - | - | 3 | 6 | 6 |
| 9 | Destruction and damage to private property | 697 | - | - | - | - | 99 | 507 | 91 |
| 10 | Assault on physical integrity | 24 | 25 | 22 | 1 | 2 | 3 | 19 | 2 |
| 11 | Arbitrary Arrest | 668 | 929 | 868 | 15 | 46 | 149 | 499 | 20 |
| 12 | Enforced disappearance | 21 | 22 | 22 | | | 3 | 17 | 1 |
| 13 | Extrajudicial Killing | 67 | 81 | 70 | 2 | 9 | 15 | 35 | 17 |
| 14 | Torture | 20 | 23 | 18 | 5 | - | 3 | 15 | 2 |
| 15 | Restrictions on movement | 9 | - | - | - | - | 4 | 5 | 0 |
| 16 | Assault on schools | 22 | - | - | - | - | 1 | 18 | 3 |
| 17 | Assault on Peaceful Assemblies | 6 | 8 | 8 | - | - | 6 | 0 | 0 |
| 18 | Assault on journalists and media | 6 | - | - | - | - | 3 | 3 | 0 |
| 19 | Illegal trials | 18 | 63 | - | - | - | 2 | 16 | 0 |
| 20 | Obstruction and confiscation of humanitarian aid | 5 | - | - | - | - | 0 | 5 | 0 |
| 21 | Assault on organizations and unions | 4 | - | - | - | - | 2 | 2 | 0 |
| 22 | Administrative arbitrariness | 19 | - | - | - | - | 1 | 18 | 0 |

| | | | | | | | | | |
|--------------|--|-------------|-------------|----------|----------|----------|------------|-------------|------------|
| 23 | Rape and sexual violence | 2 | - | - | 2 | - | 1 | 1 | 0 |
| 24 | US drone strikes | 4 | 7 | 7 | - | - | 0 | 0 | 4 |
| 25 | Terrorizing civilians | 95 | - | - | - | - | 7 | 78 | 10 |
| 26 | Using civilians as human shields | 3 | - | - | - | - | 0 | 3 | 0 |
| 27 | Infringement of freedom of opinion and belief | 4 | - | - | - | - | 2 | 2 | 0 |
| 28 | Planting anti-tank landmines and Improvised Explosive Devices (IEDs) | 91 | 169 | 104 | 11 | 54 | 0 | 73 | 18 |
| 29 | Other violations | 22 | 301 | - | - | - | 4 | 17 | 4 |
| Total | | 2997 | 3287 | - | - | - | 408 | 2319 | 273 |

Key investigations conducted by the Commission on violations related to Human Rights and International Humanitarian Law

During the reporting period, the Commission investigated a number of incidents of shelling, killing and injuring of civilians, looked into the circumstances of the incidents and identified the locations, the victims and the parties that might bear the responsibility.

During the reporting period, the commission investigated the recruitment of 12 Children in Barat Al-Anan District, Al-Jawf Governorate, the recruitment and death of a minor in Amran Governorate, recruitment of a minor in Marib Governorate and identified the party responsible.

Throughout the reporting period, the Commission monitored and documented 161 incidents of explosions of anti-personnel landmines, leaving 55 people, including 3 women and 11 children, and 124 individuals, including 6 women and 26 children, injured, All attributable to the actions of the Houthi group.

During the reporting period the Commission investigated the alleged use of historical and Art centers as a weapon depot. The investigation led to the identification of the parties responsible.

During the reporting period the Commission has monitored and investigated six incidents where medical facilities and staff were allegedly targeted in various areas and identified the parties to which responsibility is attributed. During the reporting period, the Commission has investigated 66 incidents of forced collective and individual displacements in various areas across Yemen. After thorough investigation, the team heard the statement of the displaced families, collected their details and particulars, the documented the information collected

During the reporting period, the Commission has observed and investigated a total of (76) alleged cases of extrajudicial killings committed by various parties across different regions of the Republic of Yemen and identified the allegedly responsible party for each killing.

During the reporting period, the Commission has monitored and investigated 689 cases of arbitrary detention and enforced disappearance carried out by various parties across Yemen. The responsible parties were identified and the incidents documented.

During the reporting period, the Commission monitored and investigated a total of 20 cases of alleged torture, inhumane and degrading treatment committed by various parties in different regions across Yemen. Alleged perpetrators and victims were identified and documented.

During the reporting period, the Commission monitored and investigated 20 cases of allegedly targeted bombings of civilian dwellings. The Commission has documented allegations attributing responsibility to elements affiliated with the Houthi group.

During the reporting period, the Commission has investigated and documented six cases of assault on freedom of opinion and expression, arrest and torture of journalist committed by various parties in different areas across Yemen.

Violations Related to Women

In its previous reports, the Commission clarified the legal framework through which it investigates human rights violations, including those related to women's rights and their protection. This includes national legislation, as well as international conventions and agreements, including the International Convention on the Elimination of All Forms of Discrimination against Women, ratified by Yemen. Additionally, United Nations Security Council Resolution 1325 and its subsequent resolutions on the protection of women's rights during armed conflict, especially protection from gender-based violence. Due to the dangerous situation women are experiencing in Yemen, amidst the weakened authority of the state and the escalation of war in many Yemeni regions, resulting in violations affecting all sectors of Yemeni society, particularly the most vulnerable groups, including women, the Commission has given significant attention to this aspect.

Incidents of US Drone Strikes

During the reporting period, the Commission completed the monitoring and investigation of four incidents of alleged violations related to US drones targeting civilians. These incidents were documented, and information was collected about them and investigated. Figures indicate the death of seven victims, all of whom were civilians. The Commission had reached the conclusion that the responsibility lies with the US forces, the Yemeni government that allowed such interventions.

Challenges and Difficulties

After over 8 years of field work investigating human rights violations, the Commission has managed to overcome various challenges typically encountered in documenting and investigating serious violations of human rights and international humanitarian law. However, like any effective work in protecting human rights and seeking justice for the victims, especially in the midst of war and multiple parties involved, the National Commission, along with other local and international institutions and organizations, has faced challenges, including:

Non-compliance with humanitarian ceasefires, continuous acts of violence, targeting of civilians, landmine planting, and resulting casualties, all of which have hindered the Commission's efforts.

Lack of cooperation from some parties to the conflict, delayed responses to the Commission's inquiries and queries regarding allegations of violations committed by their affiliates.

Reluctance of certain groups of victims to come forward and report violations, due to the sensi-

tivity of the violations and the difficulty of providing evidence, particularly gender-based violence.

Difficulty of movement in districts affected by the war, due to blocked main roads, minefields, and rough secondary routes.

Deterioration of public services in most areas of the Republic, especially communication, electricity, and roads, which made it challenging for the monitors to reach remote areas, communicate with locals, and receive information from them.

Recommendations

Despite the recommendations presented in the Commission's previous ten reports and its special report on prisons and detention centers in Yemen, several recommendations have not been implemented by the parties involved, which has contributed to the continuation of ongoing violations that the Commission has investigated. In the present report, the Commission further clarifies the responsibility of each party for various types of human rights and international humanitarian law violations. The Commission puts forth the following recommendations to all parties to the conflict.

To All Parties

- Implement all recommendations previously provided by the National Commission in its reports.
- Renew the humanitarian ceasefire initiated in April 2022 and abide by its provisions, including cessation of war, violence, and military operations, lifting the siege on Taiz, and reopening major roads between governorates to reduce violations and uphold human rights.
- Facilitate and support the work of international, regional, and local humanitarian organizations to ensure the delivery of aid to all deserving individuals across the Yemeni Republic.
- Enable safe access to resources for all citizens in all areas.
- Cease extrajudicial killings, unlawful arrests, forced disappearances, and restrictions on freedoms. Immediately and unconditionally release all detainees and forcibly disappeared individuals, refraining from using exceptional circumstances as justification.
- Protect children, prevent them from experiencing the six grave violations, and prevent violence and discrimination against women and marginalized individuals.
- Stop any repressive practices against activists, human rights defenders, and journalists, safeguarding their rights and the society's right to access information.
- Collaborate with the National Commission, facilitate their work, and provide them with all necessary information in accordance with resolutions issued by the Human Rights Council since 2015, including the latest resolution in October 2022.

Recommendations to the Legitimate Government

- Cease all illegal arrest operations in areas under government control and immediately release all detainees without any legal grounds, in all unlawful detention centers and prisons.
- Enhance the capacities of the justice and security sectors, urging the judiciary to fulfill its essential role in law enforcement and human rights protection, establishing specialized courts and prosecution offices to address human rights violations, ensuring accountability.
- Provide protection and care services for children and women, especially survivors of violence and internally displaced persons from war-affected areas.
- Adopt a comprehensive economic policy to halt the currency deterioration and alleviate the suffering of citizens, ensuring the timely payment of salaries to employees in all governorates of the Republic.
- Activate all public service institutions, such as health, electricity, water, and sanitation, ensuring that citizens receive their social rights as stipulated in national laws and international conventions ratified by Yemen.

Recommendations to the Houthi Group

- Cease violence against civilians, including sniper attacks and targeting with drones, and abide by the humanitarian ceasefire.
- Stop targeting civilian properties, economic and vital facilities, oil ports, and threatening ships.
- Cease recruiting and using children in the war, take measures to prevent their recruitment, and ensure non-recurrence of such practices.
- Halt sectarian amendments in the curricula, refrain from using schools and government facilities for sectarian cultural workshops and summer camps.
- Refrain from harassing and extorting traders, confiscating the properties and assets of citizens.
- Cease arbitrary arrests, enforced disappearances, and intimidation of international institutions and civil society organizations. Release all detainees and restrict measures that impede freedom of opinion and expression, particularly targeting political opponents, activists, and civil society organizations.
- Immediately stop all forms of gender-based violence, both within and outside detention centers, and restrictions on women's movement and mobility.
- Stop planting landmines and provide clear maps of mined areas.
- Appoint a communication officer to respond to the Commission's inquiries and cooperate with them to ensure they carry out their investigative tasks regarding all violations.

Recommendations to the Arab Coalition in Support of Legitimacy

- Contribute to the establishment of a comprehensive and just peace in Yemen, based on respect for human rights, holding perpetrators of violations accountable, and seeking justice for the victims.
- Support the Yemeni government in unifying security agencies and military forces, placing these agencies and forces under the legitimate government's control to ensure the establishment of its authority throughout the Republic's territories, achieving security, stability, development, and well-being for all Yemenis.
- Increase cooperation with the Commission, promptly respond to their inquiries regarding allegations attributed to the air forces, which have occurred in recent years and are still under investigation by the Commission.

Recommendations to the International Community

- Support comprehensive and effective peacebuilding processes in Yemen, endorsed by the United Nations, engaging civil society, women, and victims' associations in various stages, with a focus on justice approaches that ensure accountability, non-recurrence of violations, compensation for victims, and institutional and security reforms.
- Provide technical support to state institutions in Yemen to strengthen them, particularly the judiciary and law enforcement agencies.
- Exert pressure on the parties to the conflict in collaboration with the National Commission for Investigation, facilitating their work, and enhancing the level of support provided by the Office of the High Commissioner for Human Rights to ensure the Commission fulfills its obligations to conduct professional and transparent investigations.



REPUBLIC OF YEMEN

The National Commission to Investigate
Alleged Violations to Human Rights

A national mechanism for monitoring and investigating allegations of human rights violations committed on the territory of the Republic of Yemen by all parties established by the Republican Resolution No. (140) for 2012 and its amendments, based on the texts of the Gulf Initiative and its executive mechanism, and Security Council Resolution No. 2051 of 2012 and Resolution No. "2140" for 2014 and other related Human Rights Council resolutions.