



## **A Substantive Report on Investigations in Alleged Human Rights Violations in the Republic of Yemen for the Period from 31/07/2016 to 31/01/2017**

- The National Commission to Investigate Alleged Violations to Human Rights continued its duties in the monitoring and documentation of a number of these violations as reported to it through its network of monitors deployed in all governorates of the country and through civil society organizations. It also continued its inquiry and investigation in many of these violations. The investigation of alleged violations to human rights accumulating since 2011 due to the continuation of conflict until now is still ongoing.
- The rates of human rights violations have risen as a result of the continuation of armed clashes between the Government Forces on one side and the Ansar Allah forces (the Houthis) and the forces loyal to former president Ali Abdullah Saleh on the other side for the period from July 31, 2016 to January 31, 2017, which is the reporting period. The reporting period witnessed so many violations that resulted in the death, injury, and displacement of a large number of civilians. It has also witnessed a decrease in the levels of food security that have reached their lowest levels.
- The release of this report by the National Commission to Investigate Alleged Violations to Human Rights is aimed at shed light on the human rights situation in Yemen for the period this report covers. It presents the alleged violations that have been monitored, documented or investigated, and comes as a sign of the Commission's commitment to the principles of transparency, professionalism, and objectivity.
- This report also comes as complimentary to the preliminary report released by the Commission in August 2016 in the development of which it adopted the same methodology.



A Substantive Report on Investigations in Alleged Human  
Rights Violations in the Republic of Yemen

for the Period from 31/07/2016 to 31/01/2017

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## **I. First: Introduction**

1. The Commission was established under Republican Decree No. (140)<sup>1</sup> of 2012, amended with Republican Decree No. (13) of 2015<sup>2</sup>, Presidential Decree No. 66 of 2016<sup>3</sup>, Presidential Decree No. 97 of 2016<sup>4</sup>, based on the GCC Initiative and its Implementation Mechanism<sup>5</sup>, the Human Rights Council Resolution No 18/19 of 2011<sup>6</sup>, subsequent relevant resolutions of the Human Rights Council<sup>7</sup>, and the UN International Security Council resolutions calling for the promotion of human rights in Yemen through the establishment of an independent national mechanism that investigates/inquires in the allegations of human rights violations.
2. The National Commission to Investigate Alleged Violations to Human Rights was keen to fulfill its mandate and carry its functions in the process of investigating human rights violations in accordance with the aforementioned resolutions resolving its establishment.
3. The Commission welcomes the Human Rights Council Resolution Number 33/16 of 2016<sup>8</sup> which commended the preliminary report released by the National Commission to Investigate Alleged Violations to Human Rights in the Republic of Yemen and commended the extension of its mandate for one more year. The resolution also requested that the OHCHR provide technical assistance and consulting to the Commission as to enable it to carry out its works in the field of investigating allegations of human rights violations and the abuses committed by all parties in Yemen. It also provided on the allocation of additional international experts to the UNHCR office Yemen in order to support the National Commission to Investigate Alleged Violations to Human Rights.
4. This reports aims at informing the national and international public of the latest developments in the human rights situation and humanitarian situation in Yemen. The report also includes real examples of facts and incidents of alleged human rights violations investigated by the Commission and the results of investigations concluded during this reporting period.
5. This report covers a summary of the most prominent works and activities of the Commission from August 1, 2016 to January 31, 2017. It also highlights the work done in monitoring, documentation, and field investigations that the Commission carries out all around Yemen, the obstacles and challenges that it encounters, and the recommendations to the conflict parties and the regional and international community on the human rights situation and humanitarian situation in the Republic of Yemen.

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1 Republican Decree resolving the establishment and formation of a commission to inquire into the allegations of human rights violations.

2 Republican Decree resolving the amendment of Republican Decree 140 and the naming of the Commission's members

3 Republican Decree appointing four members in the Commission

4 Republican Decree extending the mandate of the Commission for one more year

5 The agreement that provided for the peaceful transition of power and which was signed on November 23, 2011 after the Popular Revolution demanding change.

6 A/HRC/RES/18/19

7 HRC/RES/21/22, HRC/RES/27/29, HRC/RES/18/30

8 HRC/RES/33/16

6. This report is also considered a complimentary report that is linked to the preliminary report the Commission released last August. It is also an integral part of the comprehensive report the Commission will release at the end of its mandate in accordance with its mandate provided for in the resolution of its establishment. That report will be submitted to the Judiciary and the Parliament in accordance with the legislative references of the Commission.

## **II. Second: Methodology:**

1. The National Commission to Investigate Alleged Violations to Human Rights in Yemen confirms its commitment to the methodology, standards and principles applicable in the UN commissions or similar commissions according to the provisions of Resolution No (140)<sup>1</sup> of 2012 resolving its establishment, particularly Paragraph (B) of Article 2 and the amendments thereto, represented in neutrality, independence, confidentiality, accuracy, clarity, and professionalism. It also reaffirms its commitment in its practice of work to the required international conditions and standards, in conformity to Paragraph (C), Article 2 of the resolution resolving its establishment obliging it to perform its mandate and duties in accordance with international standards, national legislations, and international covenants related to its activities ratified by the Republic of Yemen.
2. The Commission ensured presenting the violations that have been committed by all the different parties which have been monitored and documented by the monitors of the Commission in all governorates in the country or by the civil society organizations, or the reports and complaints directly submitted to the Commission. It also presents what the Commission members and the assisting investigation/inquiry team members have investigated.
3. Conducting direct interviews with the victims, victims' families, and eye witnesses. Listening to statements of the informants reporting violations. The Commission also relied on national experts in the field of weapons, criminal evidence, and forensics using the available resources under the current circumstances in Yemen and the Commission's limited resources. The Commission looks forward to support and technical assistance from the OHCHR Office in accordance with the Human Rights Council Resolution 33/16 of 2016<sup>2</sup>.
4. The Commission conducted a number of field visits in the areas and sites where violations had generally occurred and in the areas where the armed conflicts continue including Aden, Taiz, Al Dhalee, Al Baydha, Mareb, and Al Jawf in order to investigate human rights violations. It sometimes conducted immediate visits to locations of the violations, particularly after the terrorist bombings that happened in the temporary capital Aden and a number of other areas.
5. The Commission has sought through various means to communicate with the conflict parties to facilitate the investigation works it carries out and guarantee access to areas of violations including the areas that are not controlled by the Legitimate Government. However, the lack of cooperation from some parties formed a serious obstacle to the Commission undermining the ability to carry out investigations in these areas. To overcome such obstacle, the Commissions

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<sup>1</sup> Republican Decree resolving the establishment and formation of a commission to inquire into the allegations of human rights violations

<sup>2</sup> HRC/RES/33/16

ensured various steps including direct communication with or request of help from the OHCHR Office in Yemen.

6. The Commission through its field monitoring team managed to gather preliminary information and monitor and document many of the allegations in the various areas witnessing armed conflict and it hopes to continue its investigations especially if there is cooperation from parties in control of these areas or after the provision of security and protection for investigators to gain access to areas where there are ongoing violations.

#### 7. Field Visits:

The National Commission continued the implementation its field visits program to investigate the alleged human rights violations by the Commission members and investigation/inquiry team conducting field visits to some areas of the violations in order to inspect and investigate them.

The field visits were conducted from July 31, 2016 to January 31, 2017 – the reporting period – and covered the governorates of Al Baydha, Al Dhalee, Taiz, many areas in the temporary capital Aden, Al Jawf, and Mareb.

### **III. The Context:**

#### ***a. Local Political Developments:***

During the reporting period, Yemen witnessed myriad political and social developments that have undoubtedly affected human rights and the humanitarian situation in all the governorates of the Republic. The most prominent of which are as follows:

1. The return of some vital facilities to work in the areas under the control of the Legitimate Government. That includes the regularity of the transportation movement to and from Yemen through Aden International Airport and Sayun Airport to facilitate the travel services to patients, injured, university students, expatriates, and regional and international diplomatic missions.
2. Despite the appeals launched by the United Nations agencies and the organizations working in the field of relief and humanitarian work, what has been provided by donors did not meet the basic needs demanded by the agencies and what has reached the affected populations has remained limited. The Commission notes that the aids are not fairly distributed to the governorates. The distribution is not based on the priority and that a lot of the affected areas have not been reached with aids.
3. The efforts to reach a peaceful solution to the conflict in Yemen failed during the reporting period, and the failure of the efforts and endeavors of the Special Envoy of the Secretary General of the United Nations to Yemen also contributed greatly to the deterioration of the economic situation of the country and exacerbated the humanitarian crisis.
4. The partial or complete stoppage of basic services in many different fields in a lot of governorates in the country. The food stock has decreased, the health system has collapsed, and there has been a shortage of fuel, electricity services, water services, etc. All have caused catastrophic results and spread of diseases and epidemics in different areas.

#### ***b. Continuation of the Armed Confl***

- The armed conflict is still ongoing in a lot of areas in Yemen resulting in many civilian casualties varying from death and injury to displacement. Children, women, and elderly form

the majority of these numbers of civilian victims of landmines and shelling with all different types of weapons. The different infrastructures and the health and education facilities have also been destroyed.

**c. *Economic Impact of Conflict:***

- The economy in Yemen suffers from chronic structural imbalances. The armed conflict many areas of Yemen are witnessing came to make the economic situation more difficult causing major humanitarian issues and bigger economic crises.
- The Commission has also noted a horrible deterioration in the economic and service conditions through what has been reported to it by its monitors. There were cases of famine in some districts in Hajjah and Hodeida, and the poverty rates have increased in many governorates. However, the situation is worsening in the areas where the conflict continues and areas that are not controlled by the Legitimate Government.
- The non-payment of the salaries of government employees for months resulted in the deterioration of the humanitarian situation.
- The economic effects of the conflict had an impact on all the economic sectors in Yemen. There are economic sectors that have come to a complete stop, others the activities of which have decreased, and they are facing difficulty to persist due to the emerging overburdens. That has resulted in hundreds of thousands of civilians losing their jobs and sources of income. Another impact is the chronic budget deficit resulting from the decline in revenues due to the conflict here. The fact that conflict parties have used the state resources has led to a deterioration of the state monetary reserves and the slide of the Yemeni Riyal against foreign currencies. There is no doubt that all these economic data and indicators have certainly reflected on the economic and social aspects of the human rights situation in Yemen.

**d. *International endeavors:***

- The Special Envoy of the UN Secretary-General to Yemen sought to communicate with the conflict parties. Many meetings have been held in Aden, Sana'a, and Riyadh to reach a common ground.
- Furthermore, the former US Secretary of State John Kerry proposed an initiative to resolve the Yemeni issue. The initiative did not receive acceptance. As a result of the failure to reach a peaceful solution yet, the human rights situation in Yemen is still witnessing so many ongoing human rights violations. The Commission hopes that the efforts of the Special Envoy to Yemen succeed resulting in political stability in Yemen which will definitely reflect positively on the human rights situation and help alleviate the suffering of the Yemeni people.
- The Commission looks forward to the implementation of Human Rights Council Resolution No. 33/16 of 2016 on the provision of urgent technical support and assistance by the OHCHR Office to enable the Commission to carry out its work.
- Despite the communication between the OHCHR Office in Yemen and the Commission since November the Commission has not until the drafting of this report received any forms of support or technical assistance from the OHCHR office as provided for in the Human Rights Council



cil Resolution 33/16 of 2016.

- The Commission pays much care to working quickly and cooperating with the OHCHR Office to implement the Human Rights Council resolution. It hopes that practical steps are taken to implement it. It also hopes that the decision to appoint the current representative of the OHCHR Office in Yemen improve the cooperation between the OHCHR and the Commission.
- The Commission took the initiative immediately once the Human Rights Council Resolution 33/16 was issued and communicated with a representative of the High Commissioner's office in Yemen to welcome the Resolution, express its willingness to cooperate, and to identify the urgent needs in the area of support and technical expertise.
- Until the moment, the Commission has not received any comment from the OHCHR on the requests of the Commission nor an approval of the cooperation plan. The Commission hopes that the OHCHR will take quick action to implement the resolution, especially that it has been almost half a year since the issuance of the resolution.

## ***V. The Relationship with the Conflict Parties:***

### ***a. The relationship with the Government of Yemen:***

- The Commission has faced some difficulties in communicating with the Legitimate Government for a response to some inquiries about some of the facts about violations. That is due to the absence of the Legitimate Government in the Temporary Capital before November 2016
- After the Government moved to the Temporary Capital, the Commission has lately held a meeting with the Prime Minister, agreed on the broad lines of cooperation, and discussed the remaining details with a liaison officer who was appointed by the government.
- The Commission hopes that the government returns to the temporary capital, Aden and permanently remains there. It also hopes that their return reflects positively on the cooperation with the Commission to achieve the tasks it is entrusted with.
- The General Staff Department of the Yemeni Armed Forces cooperated with regards to the Commission's request to facilitate the investigation in the airstrike targeting the funeral reception in Al Salah Al Kubrah. The Ministry of Defense also appointed a liaison officer to coordinate with the Commission.

### ***b. The Relationship with the Saudi-led Arab Coalition Supporting the Legitimate Government in Yemen***

- It should be noted that the Commission ensured that it communicates with the leadership of the Arab Coalition through the liaison officer appointed by the Coalition and asks questions for clarification on a number of violations it is investigating.
- The Commission has addressed the Coalition with a number of letters requesting clarifications and responses on a number of incidents that the Coalition Forces are accused of. However, the responses and clarifications from the leadership of the Arab Coalition supporting the Legitimate Government in Yemen were very limited and did not answer all the inquiries the Commission posed.
- On January 15, 2017, the Commission held a long meeting with the Incidents Assessment Team of the Arab coalition. In the meeting, we agreed on the communication and cooperation mechanism in cases investigated by the Commission or the future relationship between the two entities.
- The Commission hopes that the mechanism agreed upon in mid-January with the Incident's

Assessment Team will further enhance coordination and cooperation and facilitate the tasks entrusted to the Commission.

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***c. The Relationship between the National Commission and the Houthi Militia and Saleh Forces:***

- Since the Commission commenced its activity at the end of 2015, it took the initiative to communicate with the leadership of the Houthi's Political Office (Ansar Allah) and their allies to appoint a liaison officer who can respond to the inquiries and give clarifications on investigations of alleged human rights violations in the areas under their control or that they are accused of which the Commission is looking into.
- Despite the repeated letters addressed to the Houthis from the Commission, the most recent of which was about facilitating the movement of the Commission's Investigation Team in the location of the incident of Al Salah Al Kubra, the funeral reception. However, until the drafting of this report, it has not received any response or comment from the leadership of the Political Council of the Houthis.
- The Commission calls the Houthi Militias and Saleh Forces to cooperate with the Commission by appointing a liaison officer to respond to the Commission's queries about the alleged violations that are looked into by the Commission and attributed to them.

***IV. The Relationship with Civil Society Organizations:***

- The Commission held a consultative meeting of 32 civil society organizations from Aden, Lahj, Abyan, Al Dhalee, and other governorates in the headquarters of the Commission in the temporary capital Aden on December 14, 2016. The meeting discussed the horizons of cooperation in the field of monitoring and documentation of alleged human rights violations between the National Commission and civil society organizations working in Yemen.
- The Commission is closely following up with the activities and releases of human rights organizations in general about the human rights situation and humanitarian situation in Yemen.

***VII. The Relationship with the Media:***

The Commission continued the release of a monthly statement stating the majority of its works and activities, the violations to human rights that have been monitored, documented, or investigated, the national duties entrusted to it, and some exceptional statements that it releases to respond to the developments of events.

VIII. Brief of the Key Works and Activities by the Commission during the Reporting Period

1. Completion of the preliminary report and submitting it to the President of the Republic of Yemen on August 14, 2016.
2. Holding a press conference at the Yemeni Embassy in Riyadh celebrating the release of the first report on August 15, 2016
3. Holding a consultative meeting between the President, members of Commission and Director of the UNHCR Office Commissioner for the Middle East and North Africa on 28 and 29 August, 2016.
4. Holding a consultative meeting between the president and members of the Commission, ambassadors of the 18 countries, and the European Union on September 4, 2016. In the meeting, we showed a presentation demonstrating the work, methodology, mandate, terms of reference, methods of work, authorities, and achievements of the Commission in the past period.

We also responded to the inquiries of these ambassadors.

5. Holding several meetings with parties in the Government of Yemen to discuss ways to enhance the human rights situation in Yemen and alleviating the suffering of the citizens in various areas in Yemen.
6. The president of the Commission and a number of its members have participated in some parts of the 33 Regular Session of the Human Rights Council in September 2016. They have also had side meetings with some country representatives, diplomatic missions working in Geneva, representatives of many international organizations and bodies in order to enhance the experience of the National Commission in investigation and to gain expertise, knowledge, information, and capacities that enable it to perform its duties in the best manner.

### ***IX. Facts on Alleged Violations of International Humanitarian Law and International Law of Human Rights Documented, Monitored, and Investigated during the period from July 31, 2016 to January 31, 2017.***

The National Commission continued performing the tasks entrusted to it despite the difficulties arising from the continuing armed conflict in Yemeni governorates and the deterioration of the security situation in the country. The Monitoring Team of the Commission who has presence in all governorates in Yemen has monitored and documented numerous violations of the International Humanitarian Law and the International Law of Human Rights. The Commission since the beginning of its work ensured that it categorizes the violations it monitors and investigates into categories. It also drafted a reference paper for the monitors and investigators to identify the type of violation and the law related to it in accordance with the fundamental international conventions of the International Law of Human rights ratified by the Republic of Yemen, the four Geneva Conventions, the two additional protocols, and the rules of the Customary International Humanitarian Law. All of that is based on the agreed definition of the ongoing conflict in Yemen as a non-international conflict. The Commission saw that the current conflict applies to the rules and obligations of the second protocol related to the armed non-international war, Article 3 in the Geneva conventions, and the provisions and articles of the conventions and agreements ratified by the Republic of Yemen without prejudice to the general and basic principles human rights, namely the right to life, dignity, and prevention of slavery.

The members of the Commission have drafted a legal reference document to identify the identity of the conflict parties based on the characterization of the conflict in Yemen through the Security Council resolutions and the reading of the conflict by the international community. That is in order to attribute the results of the investigation to the entities and parties causing these violations based on the evidence, statements by victims and eye witnesses, expertise, examination of documents, and the response of the concerned parties.

- In the documentation and data collection process, the Commission mainly relied on its internal mechanism represented in the monitors deployed in all governorates who carry out the monitoring and documentation of a lot of alleged human rights violations criminalized by the International Humanitarian Law and the International Law of Human Rights. The Commission commends the monitors for their ability to work in the field despite all the circumstances and challenges. We commend their ability to access the violation areas especially in conflict

affected areas. It also relied on many other means for the monitoring, documentation, and investigation.

- The number of allegations the Commission has monitored and documented during the reporting period reached 6,479 allegations/claims. 3,015 were monitored and documented by the monitors of the Commission while 3,464 allegations/claims were received by civil society organizations.
- The Commission completed the investigation of 2,513 alleged violations from the total number of the allegations received by the Commission during the aforementioned period.
- 6,030 interviews were conducted with victims, victims' families, eye witnesses, informants, and experts. Official forms and minutes were used by the Commission and these were documented and archived in the database and the official archive of the Commission.
- The alleged violations which the Commission has monitored and investigated were divided into two categories: violations related to the International Humanitarian Law and violations related to the International Law of Human Rights as shown in this report.

### ***First: Violations of International Humanitarian Law:***

Due to the continuity and expansion of the armed conflict in many areas in Yemen, the Commission has monitored and investigated many types of violations classified in accordance with the classifications of the international humanitarian law. The most important of which are as follows:

#### ***1) Targeting of Civilians:***

##### **A) Targeting of Civilians (Killing):**

The number of cases of killing resulting from the targeting of civilians that were observed, documented, and investigated by the Commission during the reporting period was 1,181 claims, in which 860 men, 100 women, and 221 children died.

##### **B) Targeting of Civilians (Injuries):**

The Commission documented and investigated 2,697 allegations of civilian victims being injured while they were being targeted in residential areas in a number of governorates, including 2,227 men, 170 women, and 300 children. The injuries were divided into serious injuries and non-serious injuries, and there is no doubt that these figures reflect that the conflict parties in Yemen do not adhere to the protection of civilians and discriminating between them and fighters, especially women and children, who are doubly protected because they are groups that do not take part in the fighting in Yemen.

#### **A) Examples of Investigation B in allegations of targeting civilians by the Houthi militias and Saleh Forces:**

##### **1. Al Mansoura Incident – Aden – Block 4, 5 and the Military Buildings**

The summary of the incident, according to the documents that the Commission got, testimony

from eyewitnesses, and the testimony of the families of the dead and injured, as well the residents of the neighborhood, who were interviewed by the investigators and observers, is that Katyusha rockets fell between blocks 4 and 5 and the Military Buildings at the end of Central Prison Street in Al Mansoura, near the Bin Muthah Electrician Shop on 30/60/2015. These rockets led to 11 dead and 15 injured. The injured were taken to the Doctors Without Borders Hospital, Al Nageeb Hospital, and the May 22nd Hospital.

According to the testimony of witnesses HAAA, A.A.G.A, and M.A.M., a number of Katyusha rockets were fired from the direction of the Military Projects Area (Al Basateen), which was under the control of the Houthi militias, Saleh's forced, and their allies. What was proven from the investigation of the Commission of the site where the rockets struck was that the area was a residential neighborhood. According to the testimony of witnesses from the neighborhood, there were no military targets or resistance barracks there. The families of the victims accused the Houthi militias and Saleh Forces of this attack. The evidence that the Commission also got, including remnants of the shells and the opinions of the military expert, as well as a number of other pieces of evidence that are preserved in the incident's file with the Commission, the truth of this accusation and the responsibility of Houthi militias and Saleh Forces in what happened because of this attack.

## **2. Targeting of residential neighborhoods in Al Madam Valley (Taiz):**

In brief, on 22/6/2016, the neighborhood of Al Madam Valley in Al Qahirah District in the governorate of Taiz was struck by a number of shells, which led to the 11 civilian casualties, including 5 dead, among them 4 women, and 6 injured. A number of shops owned by civilians were damaged, and an SUV that was at the site was damaged.

According to the testimony of N.A.S.A, A.M.A.Y., and A.A.N., it was at around 12:30 on 22/6/2016 that a shell fell on the street, above the Sayilah, near the home of A Q M, while people were coming back from the market. This is what usually happens in Ramadan, and there were a number of women in the area at the time. This led to the killing of 4 women and a man from the residents of the neighborhood, and the injury of 6 others. They said that the shell came from the direction of 50 Street, where the Houthi militias and Saleh Forces are located. The neighborhood is one that is full of residents, and there is no military presence there, neither resistance forces or military barracks.

Through the investigations that were carried out by the Commission, and in accordance to the results of the investigation that is preserved in the case's file with the Commission, the testimony of the witnesses proved to the Commission that the entity that carried out this violation were the Houthi militias and Saleh Forces.

## **3. Targeting of Al Qariah Neighborhood in Osaifirah – Taiz**

The incident, according to the evidence that the Commission has, took place when a Katyusha rocket fell on Al Qariah Neighborhood in the Osaifirah area on 20/8/2015, and it led to the death of 10 persons, including 9 children. Al Qariah neighborhood in Taiz is a neighborhood that is full of residents. The residents of this area are the very poor, and Al Saeed Cemetery is to the east of the neighborhood, which is next to a mosque and Al Saeed College in Osaifirah. To the north is the Wadi Al Qadhi Street and Al Masbah Neighborhood, and to the south is Al Mughtaribeen Street. The rockets fell at 5 in the afternoon, which is a time when children usually leave their afternoon schools. This meant that most of the casualties were children, and the rocket also destroyed a part of S.M.M and M.M.'s homes, which were simple homes, and it also destroyed A.G. and A.M.G.'s



buses.

According to the testimony of A.M.S., K.M.G., A.A.A., and A.H.Q.M, at around five in the afternoon on 20/8/2015, Katyusha rocket fell while the children in the neighborhood were playing soccer in front of Al Alaa School. There was a lot of smoke in front of Al Khadhmi Store, and all of the goods that were in that store were damaged. When they went, they saw body parts and bodies of the children all over.

When the Commission surveyed the area where the rocket fell, it found that the area is a residential area, and there was no military presence of military vehicles belonging to the resistance, which controls the area, there. There could not have been any clashes near the area because it is very far from the fighting, which was taking place on the outskirts of the city. The testimony of the witnesses confirmed that the rocket was fired from the direction of the area of Al Janadiah in Al Hawban, which is an area that is under the control of the Houthis and their allies. The Commission's military expert in Taiz, A.A.B., said that, after he inspected what remained of the shell and the effect that it had, he concluded that the shell was a Katyusha rocket, which is usually fired from a truck carrying 40 rockets. The shortest distance they can be used for is 30 kilometers, and he said that the rocket was fired from the direction of Al Janad or Al Siteen. These are both areas that are under the control of the Houthi militias and Saleh Forces. He also added that when this type of rocket strikes, there are burns on the victims, and that the rocket explodes into shrapnel. From the inspections that were carried out for this case, and what was reached from the evidence, it was clear to the Commission that the Houthi militias and Saleh Forces were responsible for this violation, and they were in control of the area of Al Janadiah and Al Hawban.

#### **4. Targeting of civilians in the Sha'b Al Daba Neighborhood, near Mosque Al Salam, in the Salah District in Taiz:**

At around 6:30 in the evening, on 8/4/2016, a mortar shell fell while people were leaving the mosque after Maghrib prayer. Shrapnel from the shell flew around the area where it fell, which led to the injury of the people in the street. This led to 14 casualties, including 2 dead and 12 injured. According to the testimony of M.A.S, Y.N.M, A.A.N, and Q.A.M, it was confirmed that, at around 6:30 PM, after Maghrib prayer, on 8/4/2016, a mortar shell fell while people were leaving the mosque, and this led to the people that were there getting injured, as well as some children who were playing. They also said that the rocket was fired from areas where the Houthi militias and Saleh Forces were in the Republican Palace, and that the neighborhood was constantly targeted.

Through the investigation that was carried out by the Commission, the testimony of the eyewitnesses, statements of the victims, and the opinion of the Commission's military expert, it became clear that the entities responsible for the violation are the Houthi militias and Saleh Forces, which were positioned in the Republican Palace and Al Salal Hill.

#### **5. Targeting of civilian areas in Dar Sa'd in Aden**

The incident took place in a number of homes in the neighborhoods and streets of Dar Sa'd<sup>1</sup>, which is a highly populated area, specifically in the eastern neighborhoods of Dar Sa'd, Al Maydan Street, and the streets near the Shaikhan Mosque. There were casualties from Katyusha rockets

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<sup>1</sup> One of the districts of the governorate of Aden, bordering the governorate of Lahj.

and mortar shells targeting those streets multiple times in the area of Dar Sa'd on 1, 4, 6, 7, 11, 18, 19, 20, 21, 22, and 24 of July 2015. These attacks took place in the early morning, mid-morning, noon, and around midnight, and they led to 56 dead, including 15 children and 8 women, as well as 89 people injured, including 16 children and 17 women.

- According to the statement made by witness H.M.G.A., who lives in Dar Sa'd on Al Maydan Street, on 19/7/2015 (the third day of Eid), at 8 in the morning, he was surprised when a mortar shell fell and exploded near Saleh Al Hadhrami's Grocery Store. A car belonging to M.M. started burning, and M.A. and W.A. were injured, as well as others. While the people were busy tending to the injured, around half an hour after the first shell fell, another shell fell near where the people were gathered, and it killed 10 people and injured more. The injured were taken to the Doctors Without Borders Hospital and Al Naqeeb Hospital. The shells continued falling on the area and led to more dead and injured on Al Maydan Street, Al Tawbah Street, and in the eastern area of the district.

According to the statement made by witness M.A.M.A., who lives on Al Maydan Street, on 19/7/2015, he was near his home, which is 20 meters from the location of the incident. When he heard the explosion of the shell and the people screaming, he went to the site of the incident, and saw people carrying the bodies of the people killed and the people that were injured by the mortar shells and Katyusha. He added that this bombing came from the areas that the Houthi militias and Saleh Forces were located.

According to witnesses M.S.N., M.A.H., and M.S.Q.H., who live in the area that the shell hit, the Houthi militias and Saleh Forces fired a number of shells one after the other in a heavy barrage on the neighborhoods of Dar Sa'd, including Al Maydan Street and the areas near Mosque Shaikhan and the eastern part of the district. These shells killed a number of civilians and injured others. They added that this area is a very crowded residential area, and that it is far from any military fronts or any resistance forces. These shells were fired indiscriminately from the areas that the Houthi militias and Saleh Forces were positioned in.

The Commission concluded from listening to the testimony of the victims, the victims' families, informants, and witnesses, from inspecting the remains of some of the shells in the areas that were shelled, like Al Hadhrami Grocery Store, and from the remains on the car that was near the grocery store, the shrapnel struck the walls and metal doors of the homes, it can be seen that the shell was fired from the east to west, which is the direction from Al Kara'a Intersection to the warehouses, and these are areas that were under the control of Houthi militias, Saleh Forces, and their allies. The pictures and the remains of these shells, which were analyzed by the Commission, show that the allegations include that the Houthi militias and Saleh Forces, from the positions that they controlled to the northeast of Dar Sa'd and northwest of the area, including Dirham Lots, Al Kara'a Intersection, through the emigrant housing and the farms until the area of Al Luhoom, would fire mortar shells and Katyusha rockets one after another, and for several days.

The Commission has reached the conclusion, through the investigations that it carried out at the site of the incident, that the Houthi militias and Saleh Forces are responsible for committing these violations that resulted in many dead and injured in the area of Dar Sa'd.

## **6. Targeting the Farah Mall Commercial Center in Al Masbah neighborhood (Al Qahirah District) in Taiz**

The incident, which took place on 19/5/2015, took place when a number of shells hit the middle of Al Masbah residential area, specifically the Farah Mall Commercial Center, which is adjacent to Al Ta'awon Hospital. This attack led to 12 casualties, including 5 dead, including two women, and 7 injured.

According to the testimony of H.M.M., M.A.S.M K.M.S., and A.A.M.M., it was confirmed that at around 6:30 PM, on 19/9/2015, a shell fell on the Farah Mall Commercial Center while civilians, including women and heads of households were buying the goods that they needed inside the center in preparation for the celebration of Eid Al Adha. The first shell fell next to the center. When the people gathered to take the victims to the hospital, another shell fell on the same place, and this caused 12 casualties. Women's bodies and body parts were all over the ground, and blood was everywhere. There was a lot of damage done to a shop and one of the nearby houses, where people that were there to help the victims were standing.

Through the investigation in the field that was carried out by the Commission, in accordance with what was said by the witnesses, the families of the victims, and the informants, because the area that the shells hit is an area that is under the control of the Houthi militias and Saleh Forces, and because, according to the inspection of the site by the investigation team of the Commission, it became clear that the area is a civilian area that is far from the areas of the clashes, and there are no military targets in the area. The entities that carried out this violation are the Houthi militias and Saleh Forces that were in the area of Al Hawban<sup>1</sup>.

### **B) Alleged violations committed by the Arab Coalition (Airstrikes):**

#### **1) Coalition Air Force Targeting Al Ahmadi neighborhood in the city of Khwar Maksar on March 30th, 2015**

On 30/3/2015, during the battles between the resistance on one side and the Houthi militias and Saleh Forces on the other side, during a battle in Al Ahmadi neighborhood in Khawr Maksar, the air force of the Coalition launched a number of airstrikes against a number of sites that were under the control of the Houthi militias and Saleh Forces, who were positioned from Aden Airport to Al Areesh Intersection. At 8 in the evening on the same day, a rocket hit the corner of Al Koshab Building on the main road between Sirah and the Airport Junction. There were a number of youth from the neighborhood there, and 10 were killed.

The investigators of the Commission listened to the statements of the families of the victims, their relatives, and the witnesses, and they are S.Q.A., M.A.A., N.A.M.S., A.H.N, A.M., M.A., and M.A. They said that they had seen a fighter jet bombing the location where the youths were gathered, and they confirmed, in their statements, that the area that had been bombed by the jets was a residential area that did not have any military forces. Despite the Commission sending a request for clarification about the incident to the Coalition Forces, it has yet to get a response from the Coalition. This has called for the Coalition to blame the Arab Coalition Forces for this incident due to the evidence and results from the investigations until receiving a response from the Arab Coalition or Joint Incident Assessment Team on the incident according to the mechanism adopted between the Commission and Team.

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<sup>1</sup> An area in Taiz that is under the control of the Houthi militias and Saleh's forces.



## **2) Bombing the home of Fikri Muhammad Ali Assim in the area of Tabeesha'ah<sup>1</sup> Bilad Al Wafi in the Jabal Al Hibshi<sup>2</sup> in Taiz:**

At 7 in the evening on Friday 25/3/2016, a missile from a jet fell on the home of F M A A. The missile killed 10 individuals and destroyed the two-story home.

According to the testimony of R.M.M., G.A.M., A.A.S., and A.G.A., on Friday, at 6:45 in the evening, there were jets flying over the village of Tabeesha'ah Bilad Al Wafi in Taiz, and this continued for a quarter of an hour. Afterwards, a missile was launched from a jet and hit the home of the victim, which led to the house being completely destroyed, and the death of everyone in it. The site of the airstrike was not an area of clashes, and there were no militants or military vehicles positioned there.

From the investigation that was carried out by the Commission, it became clear that the incident was caused by an airstrike, and the entity responsible for this violation was the Arab Coalition Forces, because the only jets that fly over the area that was targeted are the jets of the Arab Coalition. The Commission contacted the leadership of the Arab Coalition to get information about the incident, but the Commission has yet to get any response, waiting for the response from the Joint Incident Assessment Team on the incident based on the mechanism adopted between the Commission and Team in this regard.

## **3) Incident of airstrikes against the area of Tahroor in the Tabn district – Lahj**

During the battles in Lahj between the Popular Resistance on one side and the Houthi militias and Saleh Forces on the other side, a number of families were displaced from the city of Al Houtah and took refuge in the Omar bin Abdulaziz school, which is known as Tahroor in the district of Tabn. On 9/7/2015, a Coalition jet bombed the school, which led to 22 casualties,

A.S.S., A.M.S.A., M.S.M., F.A.S., S.N.A., and S.T.A., all of whom were witnesses of the incident or people injured during it, testified that on 9/7/2015 a Coalition jet bombed the school by firing a rocket that hit the school building. They testified that there were no military barracks in the school or near it, and, according to the report of the military expert of the Commission, who inspected the remaining shrapnel from the rocket, confirmed that the rocket was fired by a military jet. Since the Coalition forces were the only forces that are in the skies over Yemen during that period, and due to the fact that the Commission has not gotten a response from the Coalition Forces, the Commission believes that the air force of the Arab Coalition Forces are responsible for the incident until receiving a response from the Arab Coalition or Joint Incident Assessment Team on the incident according to the mechanism adopted between the Commission and Team.

## **4) Bombing Al Jaleelah neighborhood in Ibb – Ibb Governorate**

On 12/4/2015, at around 4 in the afternoon, the Coalition jets bombed a closed hall in the city of Ibb, a hall that had been used by the Houthi militias and Saleh Forces as military barracks and weapons stores. During the airstrikes, a number of rockets hit the home of the victim, Muhammad Abdoh Al Ba'si, which was near the hall. The rocket destroyed the house of the victim, and killed 9 civilians and injured one.

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<sup>1</sup> A village in the Jabal Al Hibshi district

<sup>2</sup> A district in Taiz

From the testimony of the witnesses, A.A.G.A. and S.A.A.: On Sunday, the witnesses heard Arab Coalition jets flying above the governorate of Ibb. After that, they were surprised by the jets bombing twice. The first targeted the sports hall, which was closed and was used by the Houthi militias and Saleh Forces, and the second strike targeted the home of the victim, Abdoh Ali Al Ba'si. They saw the home get destroyed with people in it, and they took H.A.A.A. to the hospital. He had back injuries, and they also took two girls from the family out of the rubble. One the second day, the remaining bodies were found, and they were the bodies of: Abdoh Ali Muhammad Hizam, Abdulrahman Abdoh Ali, Reem Abdoh Ali Muhammad, Hamza Muhammad Abdoh Al Ba'si, Iftikar Abdoh Muhammad Hizam, Saleem Yahiya Ahmad Abdullah, Mulook Muhammad Ali Abdullah, Anbarah Abdoh Ali Muhammad, and Afnan Yahiya Muhammad. They were taken to Al Thawrah General Hospital in Ibb." The hospital stated that the bodies were brought into the hospital on 13/4/2015, and that they had died on 12/4/2015 according to the estimates of the specialist doctor and the head of the statistics and planning in Al Thawrah Hospital in Ibb.

According to the investigations that were carried out by the Commission, it was proven that the alleged incident was a result of the Coalition airstrikes targeting the Sports Closed Hall because the Houthi militias and Saleh Forces were using the hall, which is next to the house that was destroyed, as military barracks. The Arab Coalition Forces have been addressed about this incident, but we have yet to get any response. We are waiting until receiving a response from the Arab Coalition or Joint Incident Assessment Team on the incident according to the mechanism adopted between the Commission and Team.

#### **5) The Funeral Hall Incident (Sana'a):**

On Saturday 8/10/2016 in Sana'a, in the area of Bait Baws on 50 Street, Al Salah Al Kubra was being used for the funeral of the father of Gen. Jalal Ali Al Rowaishan. At around 3 in the afternoon, the funeral hall was hit with two missiles, which killed 140 people and injured 525 others.

According to the testimony of a witness that were there, S.A.M.H., he was there with a military leader that was in the hall for the funeral. He heard the airplane, then he heard an explosion, and he did not feel anything after that. He woke up to smoke, fire, and bodies all over the hall.

A witness, M.A.H., who works as a guard for the building next to the funeral hall, says that he heard a strong explosion that shook the place, and the windows in the building broke. He went out to see what had happened, and he saw that the hall was burning. Then he heard a jet flying around again, and he saw a second explosion after that.

A witness, H.M., who is a student in the Lebanese International University, which is near the hall, said that he left the university at 3:10, and he heard a missile and an explosion, then he heard a plan and another explosion.

The fourth witness, A.A., who is a colonel in the air force, says that, when the first missile struck, people died, the windows were blown out, and there was glass everywhere. He jumped out of one of the windows before the second attack.

The Commission, from the moment the incident took place, tasked its observers in the Capital Secretariat with going to the site and investigating it, and to also listen to the victims and witnesses. They were also tasked with going to the hospitals where the dead and injured were taken so that they can get the official lists of casualties, showing the type and size of their injuries. After that, the Commission communicated with the office of the High Commission for Human Rights in Sana'a, asking for their cooperation with the Commission, that they provide specialized experts in explosives, and to help with the members of the Commission going to carry out field investigations. The Commission also contacted the Arab Coalition and asked to be informed of all of the information relating to the incident. They also contacted leaders of the Houthi militias and Saleh Forces in the capital, Sana'a, to ask for their cooperation with the Commission's monitors, and to make their investigations easier. But, unfortunately, the Commission has not yet received a response from them.

The Commission continued to investigate the incident despite the difficulties it has encountered, and it listened to the testimony of a number of witnesses and victims. The Commission also reviewed the statement that was released by the team to evaluate the incidents of the Arab Coalition Forces. This statement was given to the Commission during a meeting that was held between the two sides on 15/1/2017, and it stated that an entity within the Yemeni Military General Staff had provided information to the air force command center in Yemen. This information was later discovered to have been false, and it said that there were Houthi leaders in a location in Sana'a. They were also adamant that this site be bombed immediately because it was a military target. The air force command center in the Republic of Yemen allowed the operation to continue without getting any directions from the entity in charge in the leadership of the Coalition Forces to support the legitimacy, and without taking the precautionary measures put in place by the leadership of the Coalition Forces. These measures were to make sure that the site to be targeted was not in a list of civilian locations that could not be targeted. The air force command center in the Republic of Yemen tasked one of the jets that were in the area to carry out the operation. The Commission also got the statement that was issued by the leadership of the Yemeni Armed Forces, which said that the Ministry of Defense and the Yemeni General Staff had looked over the investigation documents that the joint incident team had released, and they expressed their appreciation of the efforts that had been expended by the members of the investigation team. They also expressed their keenness to find out what had happened, and to finish carrying out the internal investigations that will be carried out by them. The Commission also contacted the Yemeni Chief of General Staff, and asked for clarification about the circumstances of the incident. This was through a memo written on 18/10/2016. There was an oral response from the Office of the Chief of General Staff, saying that there was an internal investigation being carried out by the Ministry of Defense and the General Staff, and that, as soon as the investigation ends, they will inform the Commission of the results of the investigation. ON 13/2/2017. There was a meeting between the Commission's team that had been tasked with traveling to investigate the incident in Mareb, and the respective personnel from the General Staff. They informed the Commission, through a memo that was signed by them on 13/02/2017, that, as soon as Al Salah Al Kubra was targeted in Sana'a, a Commission was formed and tasked by the Office of the Presidency to investigate the incident. The Commission carried out an internal investigation with all of the people in charge from the armed forces and the office of the Chief of General Staff. The result of this was that a number of people that were suspected in the case were fired and handed over, along with all of the related documents, to the

military court, which is considered the entity responsible for this case and investigating it.

From the investigation that was carried out by the Commission, it became clear that the entities responsible for this incident are the Arab Coalition Air Force, the Ministry of Defense, and the Yemeni General Staff, which gave the coalition air force the coordinates for the strike.

The Commission welcomes the procedures that were carried out by the General Staff and the Ministry of Defense, as well as the Joint Incident Assessment Team, but they believe that it is very important for the investigations to be completed by the military courts with the suspects in the case. Those charged with submitting the coordinates should be taken to court, and it is very important that there be an initiative to compensate the victims and treat the injured by the Coalition Forces and the Yemeni Government. The Commission also stresses the importance of adhering to the principles of international humanitarian law and taking the necessary steps to stop these kinds of unfortunate incidents from happening again.

6) Other incidents where the Incident Assessment Team confirmed that the Coalition Air Force had targeted by mistake:

It should be noted here that, according to the information given to the Commission by the joint Incident Assessment Team of the Coalition leadership in the meeting that was held between the two on 15/1/2017, there was information that shows that the joint Incident Assessment Team reached the conclusion that there were at least 8 incidents of sites that were targeted by mistake. These incidents include: The allegations of bombing the Sha'arah Medical Facilities in Sa'dah, the bombing the Abs Hospital in Hajjah, the bombing of the main street in Sa'dah City, the targeting of Al Sham water bottling plant in Hajjah, the bombing of a well in the Bait Sa'dan village in the governorate of Sana'a, the damage to Saba University as a result of the bombing of the new Parliament Building, the bombing of two homes in the 70 Street neighborhood in Sana'a, Al Hayah Medical Center in Sa'dah, and the bombing of a residential complex in Al Makha in Taiz. The memo also said that the Coalition leadership is ready to provide suitable compensation for the families of the victims and those affected by them submitting official requests to the reparation Commission responsible for these kinds of cases. The Commission expresses its appreciation for these statements, and the Commission believes in the importance of the investigations being completed on the ground in order to protect the rights of the victims and determine the situation and circumstances of each incident.

## ***2) Recruitment of Children:***

The recruitment of children is one of the grave violations that are prohibited by national legislation and international conventions responsible for protecting children, specifically the Yemeni Child Rights law, the Convention on the Rights of the Child, which is ratified by the Republic of Yemen, and the optional additional protocol of the agreement, which prohibits the use of children in armed conflicts. This protocol is ratified by Yemen, and this is why the Commission has been concerned with these kinds of violations. The Commission is also concerned because of the many pictures that show children being used during the conflict, either as direct participants in the fighting or to provide support to the fighters. This puts the children in danger. With regards to these kinds of cases, the Commission has documented, during the period covered by the report, 25 cases of alleged recruitment of children and using them in the war fronts and armed conflict.

## Examples of allegations of children being recruited and used on the frontlines of the fighting:

- There are allegations of violations of child recruitment and use in the fighting in Mareb, Sirwah, Al Ashraaf, Mas, Al Jad'an, Al Jawf, the area of Naqeel Bin Ghailan, where a large number of children were recruited. Their ages were between ten and sixteen years old, and they were recruited by the Houthis and sent to the frontlines to fight. This puts the children in danger of being killed. The investigators of the Commission investigated the incidence of 17 children from Hajjah, the Capital Secretariat, Sana'a, Amran, Al Jawf, Sa'dah, and Dhamar were recruited. The Commission listened to the testimonies of these children, who were recruited into the conflict by the Houthis and Saleh Forces. The hearings with these children were filmed and preserved in the archives. The Commission also heard witnesses of the incident of a child, A.M.R., being killed. He had been recruited by the Houthi militias and Saleh Forces to fight with them. Two witnesses, A.M.S. and S.B.H., both of whom are residents of Hajjah, said that they were present when the family of A.M.R. got his body from the Houthi militias and Saleh Forces, after he was sent, by them, to fight on the frontlines. This led to him being killed. The witnesses confirmed that the Houthi militias in Hajjah are always taking children from their families, and taking advantage of their poverty to recruit them and send them to fight in different areas.

Allegations of recruiting two children, H.M.Y.N and A.A.Y.N.:

Informant SAA said: "The Houthi militias lured two children, HMYN and AAYN, saying that they were taking them for a summer camp. They took advantage of the poverty of the two children and lured them to one of their military bases, where they said that they were holding the summer camp. This was in the Jabal Sharq district in Dhamar. Then, one of the members of his family recognized them, and knew about how young they were, so he brought them to my house in Dhamar. We contacted their parents, who came to take them from me, and they were in a very bad psychological state because their children had disappeared. The older one was 14 years old, and the other one was 9 years old."

AYSN, one of the relatives of the two children, said: "A few days ago, two children went missing. They are HMYN and AAYN. After a while, they found out that a Houthi leader had come and taken them on his car to an unknown location. After communication and following up with the matter, they left them in the area of Rusabah, near the city of Dhamar, and their parents went there to bring them back. He added that, among the children that they took to recruit was NAH, who is in sixth grade. Most of the children that they took were killed in the fighting, and most of the children that they take are between 12 and 16 years old."

- HAAA, a witness, says that HMYN and AAYN, two children, were taken to an unknown location. When asked about them, one of the members of the Houthis said that they were getting cultural courses. The witness added that a lot of the children went to the Houthi camps and did not return to their families except as dead bodies.

The Commission has concluded, through the investigation that it has conducted for the two incidents above, and in other incidents relating to the recruitment of children, that the Houthi militias continue to violate child rights and recruit children, and they do not adhere to national legislation and international conventions, which require that a strong position be taken against whoever commits these violations, and to take all of the steps necessary to protect childhood and limit violations



that children are subject to, especially during armed conflict.

### **3) Victims of landmines:**

The crime of planting landmines is considered a criminal violation of international human rights law and the related conventions, including the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, which the Republic of Yemen ratified in 1998. The Commission has included the crime of planting landmines among the list of violations that it is working on documenting and investigating. The Commission has documented and investigated 169 cases of landmines being planted during the period covered by the report, and these landmines led to the death of 76 people, including 65 men, 3 women, and 8 children, and the injury of 93 people, including 64 men, 7 women, and 22 children.

#### **Cases of victims of landmine violations:**

Landmine exploding with the victim, Jamilah Qassim Mahyoob Ahmad Lutf, in the area of Al Jarajir – Al Mudhaffar District – Taiz

The victim stated, when she was interviewed by the investigators of the Commission in her home. It was in the afternoon of 4/5/2016, and she was looking after sheep on Al Jarajir Hill. She walked on the hill, and the sheep were in front of her. Nothing happened to them, and she wanted to bring them back from the mountain and take them home because it was almost dark. At the top of the hill, there was a small passageway for people to walk through. She walked between two rocks and when she stepped there, the landmine exploded, and she did not get to see what it looked like. She did not know anything except that her leg flew through the air (both legs were cut off under the knee, according to the inspection), and the explosion launched her into the area. Afterwards, she fell to the ground, and the shrapnel from the landmine went all over her body. She fainted and was taken to the hospital.

When she was asked about who was in control of the hill, she said that the Houthis were positioned there, and that they had left the area in the middle of March 2016. She did not expect them to leave landmines in the pastures at the top of the hill, and this is why they were take our sheep to graze there in peace never expecting that there would be landmines.”

Witness WQM (34 years old): He said that was on the roof of their home, near the site of the explosion, and he saw Jamilah, after 5 in the evening on 4/5/2016, on Mount Al Jarajir. This was in the beginning of the month of Sha’ban, and he was with her sheep near the home. At that time, she decided to go back and take the sheep back home. While she was returning with the sheep, she stepped on a mine. There were young men passing by her. The landmine exploded, but the second one did not, and only fire came out of it. Four days after the incident, the area was swept by the landmine removal team, and they took another mine out from near their home, in addition to a mine in the same area where the mine exploded.”

He also added that he did not expect that the Houthis, after they left, would leave landmines in the pastures and hills, and in the middle of the rocks and small footpaths. The Houthis were positioned on the top of the mountain, and they had a heavy machine gun, a sniper, and a B10 Canon.

Witness YAM (20 years old)

He said that in the afternoon of 4/5/2016, he heard an explosion nearby, and he went to the window because he was in the home of one of my friends, which is 100 meters from the area of the

explosion. He saw Jamila on the ground and smoke rising near her. He went out right away, and saw that she was in a bad state. One of her legs had been cut off and flew away because the mine threw her into the air, and the other leg was still hanging on after it had gotten broken, and only the skin was holding it in place. She was screaming. After 15 minutes, a vehicle belonging to the resistance arrived, and they took her to Al Thawrah Hospital in Taiz. After Isha'a prayer, he went to the hospital to donate blood to the victim, Jamilah Qassim Mahyoob Ahmad Lutf, whose right leg had been completely cut off above the knee by a landmine that the Houthis had put after they retreated on 11/03/2016.

The testimony of the military expert of the Commission:

The military expert stated that, after inspecting the shrapnel from the landmine, and what was found from the landmines in the area, it was found that the landmines that were planted in the hill were containers made up of fiber that weigh 6 kilograms, and the explosive substance that is used is TNT. These landmines are made locally, in the workshops of the Military Industry Department, which is under the control of the Houthi militias and Saleh Forces. They used to be under the control of the Ministry of Defense in the past. The Houthi militias resort to planting landmines to protect the positions that they control from being overrun or from anyone that wants to infiltrate them. They do not remove the landmines or hand over maps that show where the landmines are after they leave a position, and they do not tell the civilians that the area has landmines in it, even though these areas are near residential areas that are full of civilians.

From the investigations that the Commission carried out, the testimony of the witnesses, and the report of the military expert, this violation was carried out by the Houthi militias and Saleh Forces, which were in control of the area, and practice this kind of violation, the planting of landmines, on a regular basis in most of the areas that they are in control of. These kinds of landmines were produced locally in workshops controlled by the Houthi militias and Saleh Forces and by specialized experts that are trained in making them.

The injury of Hussein, Ahmad Mahmoud Ahmad Hussein Awad, and Muhammad Nasser Al Humaiqani, children in Al Zaher District – Al Baydha Governorate

The victim, Hussein Mahmoud Ahmad Hussein Awadi (9 years old, in third grade, lives in the village of Al Ghul in Al Zahir district), said when he was interviewed by the Commission in his home: "His brother, Ahmad (6 years old), his cousin, Muhammad Nasser Al Humaiqani (16 years old), left our village to the village of Mithlah with their sheep on Friday, 22/4/2016, at noon. They got to one of the mountains, and he saw something planted in the ground. He thought that it was a toy, and he and his brother took it. Then, his cousin Muhammad Nasser came, and he pressed it, and it blew up. Muhammad Nasser was killed instantly, and his brother's face burned, and his left eye was torn out. His face was disfigured. He was injured in his shoulder, stomach, back, and face. They took them to the Taybah Hospital in Yafa, then to Aden."

Regarding how the landmine looked, and who had put it there, the child said that he thought that the landmine was a toy, and the Houthis are the ones that put it there before they retreated from the Mithlah Valley. He said that they always go there for their sheep to graze.

Witnesses of the incident, MHA and AAA, who are from the area, said:

"On Friday 22/4/2016, the children went to shepherd in the valley, and they used to live near it.

They found a landmine that looked like a thalajah<sup>1</sup>. They thought that it was a toy, so they took it near one of the homes and pressed it with their hands, and it exploded instantly. The explosion killed Muhammad Nasser Al Nashmi Al Humaiqani, and it injured Ahmad Mahmoud Ahmad Hussein Awad (6 years old), who lost his eye and whose jaw and face were disfigured with burns after the mine exploded. The explosion also injured his brother, Hussein Mahmoud Ahmad Awad, who is 9 years old, and they were taken for medical treatment to Aden.”

He added: “The landmine was planted by the Houthis because they are the ones that have landmines, and they are in an area that overlooks the valley. It seems like the rains brought the mines down to the valley from the position of the Houthis on Dhahwah Hill, east of the village of Mithlah. After the incident, we found other landmines, and thankfully they did not explode.”

After the investigations that were carried out by the Commission regarding this incident, which were carried out during a field visit to Al Zahir district in Al Baydha, and other incidents of landmines being planted, the Commission has reached the conclusion that these violations were carried out by the Houthi militias and Saleh Forces, which do things that none of the other parties to the armed conflict in Yemen do not do, and they do these things regularly in all of the areas that they control.

#### ***4) Allegations of attacks on cultural properties:***

Six incidents of attacks on cultural properties were documented and investigated in Taiz, Al Mahweet, Al Baydha, Mareb, and the Capital Secretariat. As an example of violations that the Commission documented and investigated, we will talk about the following incident:

The bombing of the Abdulhadi Al Sawdi Dome in Al Mudhaffar district in Taiz

An introduction to the dome and mosque of Abdulhadi Al Sawdi:

The dome and mosque are in Al Mudhaffar district (in the old city of Taiz), and it is in a neighborhood that has some of the most famous landmarks of the Tahirid and Rasulid dynasties. The dome of Sheikh Abdulhadi Al Sawdi is considered one of the most prominent Sufi Islamic landmarks in Taiz and Yemen as a whole, and it is the largest dome in Yemen. It is one of the most beautiful religious landmarks in Old Taiz.

The history of the dome goes back, according to a number of books, including Taiz: A Youthful Branch of Arab History by Muhammad Al Mujahid to the Tahirid dynasty, around 500 years ago, to write the book. According to the previous imam of the mosque, Haj Ahmad Muhammad Al Adahi, Sheikh Abdulhadi died after the Mamluks came to Yemen, and he was buried in the area that the mosque was built in, which is called Akmat Al Nahd. It is to the south of the Mount Sarajiah in Taiz, and it is the current location of the mosque now. It is not far from Al Muatabiah School, which was built two centuries before the dome.

There were field visits carried out by the Commission's team that was tasked with investigating the incident, and from their inspection of the site of the violation and the remains of the explosion, as well documents and pictures that the Commission has. The Commission's team investigation team listened to a number of statements from witnesses, and they had the following to say:

1. Witness ShA – 32 years old – lives in the Abdulhadi Al Sawdi neighborhood

Most of the homes adjacent to the mosque and dome of Abdulhadi Al Sawdi shook, and most of

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<sup>1</sup> Local term used to mean a jug or kettle to preserve hot liquids.



them are old homes where the residents of Old Taiz live. It is a popular old neighborhood that is overlooked by Al Qahirah Castle. This was after the bombing by masked men at 9 in the evening on Friday 29/7/2016. The explosion was heard in most of the neighborhoods of the city of Taiz, and some people thought that a missile had hit the neighborhood. The explosion completely destroyed the building of the dome and the mosque cracked. A lot of rocks and dust flew out onto the streets and homes around the site, and Haj Ali Abu Osbo, 80 years old, was killed after being hit in the head by rocks from the dome. Some of the masked men were injured.

AMM – 45 years old – lives near the Abdulhadi Al Sawdi mosque

He said that Ali Abu Osbo has lived inside the mosque for more than 10 years, and that when the bombing was carried out by masked men at 9 in the evening on Friday 29/7/2016, Haj Ali Abu Osbo was injured by a rock that hit his head, and he died. He added that the dome was blown up by extremists that said that the dome was prohibited in Islam. In this same explosion, Abdoh Ali Muqbil (60 years old), Khaled Ahmad Abdulqadir (50 years old), and Ibrahim Al Sufi (30 years old) were injured. A number of homes near the dome were damaged, including the home of Ahmad Muhammad Mustafa, Ahmad Sidqi, and Summayah Abu Al Suroor. A number of cars were damaged, as well.

ASA, 43 years old, lives in the Abdulhadi Al Sawdi neighborhood

He said that he was in his house when the bombing took place, and, before then, masked men would come and threaten to blow up the dome, saying that there were superstitions being practiced in the name of religion in the mosque. He said that he saw lights, and, suddenly, rocks started raining down everywhere, and his wife was screaming. His son was covered in dirt, and, if it were not for the grace of god, would have been killed. They did not expect that it would be blown up, and no one had told us to vacate the area. They are very close to the mosque. They were all sad about the dome being blown up because it is the oldest and most famous dome in Taiz.

The Commission interviewed a number of witnesses, and the Commission is not releasing their names and testimonies for their safety. They said: "Improvised explosive devices were used, and it is believed that they were more than 40 IEDs in the bombing. A while before this, armed men came to the mosque and destroyed the graves that are in the mosque, and razed them to the ground. They would then come back from time to time, and they would take pictures of the dome and the mosque. Abu Al Abbas, the leader of the resistance in the area, would work to stop the bombing and not allow the armed men to damage the mosque. On the night of Friday the 29th of July 2016, a number of masked armed men came. Some of the people of the area tried to inform the resistance, but the explosion happened before the resistance could come. It was carried out by extremists belonging to the resistance, which controls the area."

Through the investigation that was carried out by the Commission, it became clear that people affiliated with the resistance bombed the Abdulhadi Al Sawdi dome and destroyed it completely. This dome is one of the historical landmarks that Taiz is known for, and this violation is a crime in accordance with the Yemeni Penal Code and Article 11 of the Yemeni Antiquities Law No. 22 of 1994. This law prohibited the direct and indirect destruction of antiquities, as well as defaced them or damaging them in any way.

It is also a violation of Article 14 of the Hague Convention for the Protection of Cultural Property in Armed Conflict from May 14, 21954. This convention confirmed that, in the case of a non-international armed conflict on the lands of one of the signatories of the treaty, all of the parties of the

conflict must implement its rulings on respecting cultural property.

## ***Second: Incidents of Violations of International Human Rights Law***

### ***1) Extrajudicial Killings:***

The Commission documented and investigated 964 cases of extrajudicial killings, and the victims included 880 men, 37 women, and 47 children. The following are examples of the cases of violations that were investigated by the Commission:

#### **The killing of Al Omar Sheikhs in the Dhi Na'im<sup>1</sup> district in Al Baydha:**

The incident took place when the Houthi militias and Saleh Forces that were in the Dhi Na'im district in Al Baydha detained four of the sheikhs of the Dhi Na'im district. They are Sheikh Ahmad Saleh Al Omari, Sheikh Saleh Ahmad Saleh Al Omari, Sheikh Ahmad Muhammad Ahmad Al Omari, and Sheikh Saleh Salem Binah. Three days after they were detained, they were found, dead, in one of the valleys of Al Malajim district, near their district.

When the investigation team tasked by the Commission to investigate this incident went to Al Baydha, they listened to the statements of a number of people from the families of the victims and from witnesses of the incident. They said the following:

Sheikh Ali Ahmad Saleh Al Omari, 29 years old, lives in Dhi Na'im in Al Baydha and is the son of the victim, Ahmad Saleh Al Omari, and the brother of Saleh Ahmad Saleh Al Omari. (Was killed later)

He said: "On Sunday, 31/7/2016, a group of armed men from the Houthis came to the house wearing military uniforms, and they took Sheikh Ahmad Saleh and my brother, Saleh Ahmad Al Omari. They walked a little bit, to the home of Sheikh Ahmad Muhammad Al Omari, and they took the daughter of Sheikh Ahmad Muhammad Al Omari. They went towards Al Daqeeq checkpoint, and they were followed by their sons, Abdullah Ahmad Al Omari, Hussein Muhammad Al Omari, Abdulmajeed Muhammad Saleh Al Omari, and Muhammad Abdullah Al Omari. When they reached them and asked where they were taking them, they said that the men were being taken to meet the Revolutionary Commission in Al Suwadiyah. Their men returned to the village. There were thirteen individuals that came and took the sheikhs. When they arrived to Al Daqeeq checkpoint, they took Saleh Salem Binah with them, and no one heard anything more about them from that point. When they went to the Houthi supervisor of the district, Abu Radhwan, and the campaign supervisor, Abu Antar, Abu Radhwan told them that they were safe. They said that they were in Sana'a to meet with the Revolutionary Commission in Sana'a. Three days after they were taken, on 3/8/2016, they were surprised with pictures of the victims, dead. They said that they were found in the drainage ditch that is between Al Malajim<sup>2</sup> and Bayhan<sup>3</sup> in Shabwa. When he saw the pictures, he knew that these men were his father, his brother, his uncle, and Saleh Salem Binah. He informed their friends that were in the mosque, and told them that the pictures that were sent to him were of his father, his brother, his uncle, and Saleh Salem Binah. They were informed that the bodies were in a morgue in Al Baydha. They knew the names of the killers, who were Houthis. They were six individuals that killed them, and 13 people took part in the act. They had all run away to Amran, and a number of them will be captured as a result of the pressure from the sheikhs. The case had

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<sup>1</sup> A district in the south of Al Baydha governorate

<sup>2</sup> A district and an area that is bordering the district of Bayhan, in Shabwa

<sup>3</sup> One of the districts in Shabwa

become a public opinion case. They asked for the accused to be apprehended, and they include all of the individuals that came, as well as the Houthi district supervisor, and everyone that took part in their detention or covered up the act. They asked for Allah's law and the laws of the country to be used to sentencing the killers. The Houthis refused to hand over the accused to us, and they took a number of them in Sana'a to carry out a mock trial.

Witnesses: SSB, ASB, FMA, AAM, and HMA said, when they were interviewed by the members of the Commission: "On Sunday 31/7/2016, before noon, they were in the market, and they saw the Houthis going to the home of Sheikh Ahmad Muhammad Al Omari. They took Sheikh Muhammad Ahmad Al Omari from his father's home after they had taken Sheikh Ahmad Saleh Al Omari and Saleh Ahmad Al Omari from their home. The vehicle of the Houthi militias then went towards the military checkpoint in Al Daqeeq, and they took Sheikh Saleh Salem Binah from Malaf Tayyab, near Al Daqeeq checkpoint. Three days later, they found out that they had been killed. Their families followed up with the case, and the Houthis had been telling us that they would release them the next day."

From the investigation that was carried out by the Commission, the interviews with the witnesses and the families of the victims, the medical reports that were submitted to the Commission, and a number of other documents, the Commission reached the conclusion that leaders of the Houthi militias that are in the district of Dhi Na'im, specifically the supervisor of the area, Abu Radhwan, and a number of others, are responsible for this crime. They executed the sheikhs mentioned above and carried out these extrajudicial killings.

The allegations of killing two children, Muhammad Ahmad Al Sha'ti Al Khubzi (17 years old) and Faris Muhammad Ahmad Al Sha'ti Al Khubzi (16 years old)

According to the relatives of the two victims, the incident was as follows:

On 17/5/2015, the two children, Muhammad Ahmad Al Sha'ti Al Khubzi (17 years old) and Faris Muhammad Ahmad Al Sha'ti Al Khubzi (16 years old) went from their village, Al Zoob , in Al Baydha, to the city of Rada'a, in order to buy some household supplies and get their hair cut. Armed men from the Houthis kidnapped them and took them to an unknown location, then they killed them and dumped their bodies in an area near the city of Rada'a.

A number of witnesses that were interviewed by the Commission said, and they are MMA, NHA, and MAM, all of whom are from the village of Al Zoob, the same village that the two victims are from, confirmed the statement given by the relative of the two victims. The statements of the three witnesses were as follows:

The two children, Muhammad Ahmad Al Sha'ti Al Khubzi (17 years old) and Faris Muhammad Ahmad Al Sha'ti Al Khubzi (16 years old) left their village, Al Zoob, in Al Baydha for the city of Rada'a on 17/5/2015, to buy some household supplies for their families and to get their hair cut. Armed men from the Houthis, led by a man called Hussein bin Hussein Al Neeb and another from Al Sha-reef family, who are Houthi leaders in Rada'a, kidnapped the two children that noon from one of the main streets of the city of Rada'a. They took them to an unknown location. When the children were late, some of their relatives went out to look for them in the city of Rada'a. They knew, from eyewitnesses whose names will not be released in compliance with their wishes, that the children were kidnapped by the Houthis in the command center, near the Castle. Their relatives informed the prominent individuals of the village about what had happened, and they decided that a group of these individuals and the relatives of the victims go to the Houthi supervisor in Rada'a, Abu Laith Al Hamzi. They went, that same day, to the command center near the Rada'a Castle, where the

Houthi supervisor, Abu Laith Al Hamzi, was. They talked with him about the issue, and told him that they had come looking for their children. He told them that the children were with them, and told them not to be afraid because they were in a safe place, and that nothing would happen to them. He told their families that they would be interrogated and asked a few questions, then they would be released immediately. He said that these were just some security precautions, and he asked them to go back to their village. He said that he would have them released. They went back to their village, as he requested, after he promised to have the children released. At midnight, that same day, they were surprised to get a call from an officer in the CID in Rada'a, telling them that the bodies of their children were found in the Sha'b Al Tabn Valley outside the city, on the road to the area of Rijam. He asked the relatives to come identify the bodies. They went to the city of Rada'a, once again, to identify the bodies, and they found the children, Muhammad and Faris. They had been executed while their hands were bound behind their backs, and there was evidence that they had been tortured on different parts of their bodies. Afterwards, the families of the two victims contacted the Houthi supervisor who had promised to release them, but he refused to respond or meet with them. They took the bodies to the morgue in the hospital in Dhamar, where the bodies remained for a while until they were buried in the village.

From the investigations carried out by the Commission, as well as the statements of the relatives and witnesses, the Commission reached the conclusion that armed men from the Houthis, led by Hussein bin Hussein Al Neeb and Al Shareef, who are Houthi leaders in Rada'a, kidnapped the two children that day at noon from a street in Rada'a. They were executed, and this means that the Houthi militia is responsible for this violation.

## ***2) Torture and mistreatment:***

During the period that is covered by the report, the Commission documented and investigated 50 cases of torture, including 39 victims that were men, 7 women, and 4 children. Examples of the allegations that were documented and investigated by the Commission are the following:

### **A) The torture of ATA**

The victim, ATA, was detained by armed men on a Houthi militia vehicle on Thursday, 12/2/2015 on Al Zubairi Street in Sana'a, while he was out on a march commemorating the February revolution. While he was detained, he was tortured.

The victim, ATA, told the Commission that, at 4 in the afternoon on Thursday 12/2/2015, while he was participating in a march commemorating the February Revolution, he was kidnapped from Al Zubairi Street by a military vehicle used by the Houthi militia. He was taken to a basement in an unknown location, and kept there for three days. On the fourth day, he was taken to a nearby room. He was blindfolded, and his hands and feet were bound. He was beaten with a sharp instrument on his backside, and he was tortured for two hours. Afterwards, they took him to Al Zubairi street at 3 in the morning and threw him out on the street. He was in a bad state, after having been tortured. Two witnesses, AHMS and MMHN, said that, on Thursday 12/2/2015, they were with the victim and others who were participating in a popular march for the anniversary of the February Revolution. While they were going through Al Zubairi street, they were taken by armed men from the Houthi militia. They were kidnapped and taken to a basement on Al Zubairi Street, and they remained there for three days. They were tortured, psychologically and physically. On the fourth day, the victim AF was taken to a nearby room, where he was beaten on his buttocks. Then, at 3 in the morning, they threw him out on Al Zubairi Street. He was in a bad state because of the

severity of the torture.

From the investigations that were carried out by the Commission, and the statements of the victim and the witnesses, as well as the medical reports, which confirm the truth of the incident, it has become clear that the Houthi militias are responsible for this violation in the Capital Secretariat.

### **B) The allegations of kidnapping and torture of AYNA from Hajjah – Sharas Valley**

The victim said, in his statement: On Tuesday, 23/8/2016, at 9 in the morning, while he was going to visit his parents before he traveled for Hajj, he was stopped on the road and kidnapped. He was taken to a prison by the Houthi militias and Saleh Forces, and he was beaten and tortured while being interrogated. He was blindfolded and his hands were bound. He was verbally abused, and he was tortured until he fainted.

Two witnesses, DhAMASh and AAAAT said that, on 23/8/2016, while AYNA was going to visit his parents before he traveled for Hajj, the Houthi militias stopped and kidnapped him, then they put him in a prison in Hajjah. Afterwards, his family started looking for him. A while after he was detained, he was released. When he was let out, they saw that he had been tortured and burned all over his body.

After the investigations that were carried out by the Commission, it became clear that the Houthi militias and Saleh Forces, who are in Hajjah and Sharas Valley, were responsible for this violation and for torturing and detaining the victim, AYNA.

### ***3) Arbitrary detention and forced disappearance:***

During the period covered by this report, the Commission documented and investigated 256 allegations, including 242 whose victims were men, 2 who were women, and 12 who were children. Among the most important incidents of arbitrary detentions and forced disappearance that were investigated, we present the following:

A) The forced disappearance of Ayoub Shahir Saif Al Salihi from Lower Al Tahrir Street (Al Mughtarbeen) in Al Qahirah district in Taiz on 12/6/2016:

Witnesses of the incident, ATQ and ATA, said that the victim was last seen at 5 in the afternoon on 12/6/2016, before sunset, while he was driving his vehicle, a small bus. He came to ATQ at 5 that day, and left some qat with him, saying that he will go on errand and come back, and that they will have dinner together. Since that time, the victim has been missing, and no one knows where he is. ATA said that, on 29/7/2016, he saw the victim's small bus on Al Tahrir Street, and it was being driven by a strange individual. He followed the bus, which went into Al Nahdhah School, which is being used by the resistance as a prison for their detainees.

From the investigation carried out by the Commission, and from the statements of the family of the victims and the witnesses, the Commission has concluded that the disappearance of the victim, which took place in an area under the control of the resistance, means that the resistance is responsible for this violation. The investigation into this case by the Commission is still ongoing.

B) Detention and torture of Abdurrah Ahmad Al Humaiqani, 38 years old:

When interviewed by the Commission, he said that he was traveling, on 23/8/2015, to visit his mother in Al Baydha. He left Sana'a on a taxi, and, when they got to the Idrees checkpoint, which is run by Abu Hashim Al Riami, and is in front of the home of a Houthi GPC leader, Abdullah Idrees, in Rada'a, the car was stopped, and they asked for identification. He gave them his personal ID, and the man looked at it and asked if he was Abdurrah Al Humaiqani. He said that he was, so he told him to get out of the car. When he got out, he told the taxi to leave without him. They took him



to their leader, who searched him and searched his phone. He tried to convince them that he is an employee and that he was coming from Sana'a, and had not been to Al Baydha in more than a year. He showed them his ID to prove that he is an employee and was still working, and they told him that he is a mercenary in Sana'a, and that they had been informed by my place of work of this. The victim stated that he denied this and asked them to call his family to tell them where he was, but they refused. They took his belongings, handcuffed him, and covered his eyes. Then they took him, on one of their military vehicles, to a detention center. He later learned that it was Al Qiyadah Jail near the Rada'a Castle.

He also stated that in that horrible detention they put him in a room with a lot of detainees from Taiz, Ibb, and Al Dhalee, all of whom had been kidnapped from the same infamous checkpoint. At 10 at night, they called him into a hall, and they bound his hands and covered his eyes. They took him into an interrogation room and sat him down on a metal chair. After four hours of silence, a man asked him for his name, and he told him. He then asked about his job and where he worked, etc. He asked him to be honest and forthcoming with the rest of the questioning, and he said that he would. He asked how many people he had recruited for the forces of aggression, and where they live in Sana'a. He told him that his job was a civilian job, serving people, and that he had nothing to do with what he was talking about. He said that he was lying, and he motioned to his friend, who was standing next to him, and he poured freezing water on him. He told him to stand up, and, after some time, he motioned to his colleague, who bound him to something solid. I could not move, then he put electricity wires on his limbs and started electrocuting him. He felt every single cell in his body shake, and his body was twisting from the pain. He continued to ask him the questions that he had asked, and he does not know how much time passed. He was very tired, and got to the point where he was very thirsty. He asked them for a cup of water, and they refused. He heard one of them leaving the room, and he thinks he was the interrogator. After a short time, the rest of them kept electrocuting him until he fainted and went into a coma. He does not know how long it lasted. He woke up in the middle of the room, with his clothes completely wet from the cold water. They had taken off his bindings and poured cold water on him to wake him up. He was shivering from the water, in pain from the electricity, and he was very hungry and thirsty. One of them asked him if he would sign the letter that was in front of him, or would they have to repeat the lesson.

At the time, he heard the call to Fajr prayer, and he asked him to let him see what was written in the letter before he signed it. He stated that the man said that he truly did not deserve respect, so they tied him up again, and he could barely stand. He felt a gun muzzle on his head, and heard one of them cock the weapon. The man was about to shoot him, and he really wished that he would so that it would be over. It was a horrifying moment, and he was ready to die. He was ready to go into the unknown, and he pulled the trigger, but nothing happened. He said that, unfortunately, they were out of ammunition, and that it was his lucky day. The man said that the victim was a member of ISIS, and asked if he wanted to sign the letter so that they would not kill him.

I realized that I did not have a choice, so I signed it, and I do not know what was on it. They took my fingerprint for the letters, multiple times, and I was blindfolded. They took me to another location and asked me to walk without their help. I told them that I could not, but they said, while laughing, to keep moving forward. Suddenly, I fell down the stairs, and felt like my spine had been broken. I felt blood coming out of my mouth and nose.

A while after I had been detained, I found out that the individuals who had detained and tortured me, along with a number of other people who had been kidnapped at the Idrees checkpoint in

Rada'a, are: Abdullah Ali Idrees, the person that the checkpoint was named after, Abu Dhikra Al Tahoosh, Abu Nidhal, Abu Mukhtar, and Abu Saleh. They are all members of the Houthis, and are led by Abdullah Ali Idrees. I was detained in Rada'a for a while, and I was taken to more than one place during that period. Then, they took me to another detention center in Dhamar. This place was horrible in every sense of the word. It was a secret security building, and it was surrounded by high walls. It was in a new residential neighborhood, and the people did not know what this building was for. They thought that it was a school, or something similar. I was put in a small room that is no larger than 3 meters by 4 meters, and there were 22 detainees from different governorates. We were in this place, presumed dead, for 6 months. They did not allow us to communicate with anyone or receive visitors. They took the money that all of the money from the prisoners and spent it in ways that the prisoners did not want. We used to live in darkness, especially at night. We were not allowed to have light or candles. We were not allowed to have soap or shampoo. We were given four pieces of bad cheese, a fourth of a kilogram of halva, and a little bit of bread. This was breakfast for 23 prisoners. Dinner was made up of two plates of sauce, three plates of rice, and a quarter of a chicken. I swear to you, a quarter of a chicken for 23 people that had been kidnapped and forcibly disappeared. As for the drinking water, it was contaminated, and we got it from the cell bathroom. A lot of times, the sewage water would be mixed in with it. The situation was very bad, and it caused a lot of contagious diseases, especially pox and scabies. There were insects, like lice, on the prisoners. We were not allowed sun except once every two months, and even then for only a quarter of an hour in the yard of the building, which was full of graves that had been dug there. The supervisor of the prison, Abu Nidhal, would threaten us, saying that our graves had already been dug if we were bombed or if one of us died of torture. Honestly, death was the better option, when considering the situation that we were in in the militia's detention center.

One night, the Coalition airstrikes targeted a military target near the detention center, and the Houthis ran away after they closed the doors. After the strikes ended, their supervisor came and called to us from the window of the cell, asking if we were still alive. He said that his dream was to see us burned body parts in the cell.

They purposely put us in places that were being targeted by the airstrikes so that they could kill two birds with one stone. They would get rid of us, and they would use the event, in front of the whole world, to tarnish the Coalition."

The investigation Commission tasked with this incident looked into the arbitrary detentions, as well as the torture, by getting the testimony of a number of detainees that were victims detained in Rada'a or Dhamar. The Commission listened to their statements, including the statement of AMA, 36 years old, who is from Rada'a in Al Baydha. He said, when he was interviewed by the Commission, that he had been detained by the Houthis in the Central Security building in Rada'a. The soldiers that were guarding him in the detention told him that Abdurrah Al Humaiqani had been detained, and that he worked in the Passports Office in Sana'a. They said that he had been tortured by the interrogators that interrogated him so that they could get him to confess.

The Commission also listened to the statement of AQA, 39 years old, who said that he had been kidnapped by the Houthis and kept in the Central Security building in Rada'a. The guards that were in the Abdullah Idrees checkpoint in Rada'a told him that an officer, Abdurrah Al Humaiqani, who worked for the Passport Authority in Sana'a, had been detained, and had been handed over to the supervisors of the checkpoint for interrogation.

Through investigations into this incident, in addition to a number of incidents of arbitrary detentions and torture that happened in the checkpoint mentioned above, the Idrees Checkpoint, the Com-

mission has reached the conclusion that the Houthi militias and Saleh Forces that are in Rada'a, under the leadership of Abdullah Idrees, are responsible for committing these violations against the victim, Abdurrah Al Humaiqani, in addition to a number of other victims whose cases are being investigated by the Commission. This is a crime that is punishable by national laws and international agreements and conventions that are ratified by the Republic of Yemen.

#### **4) Detonation of houses:**

During the period covered by this report, the Commission documented and investigated 86 cases of houses being blown up. Among the most important incidents in this category, and among the ones that the Commission documented and investigated, is the following:

Detonation of the houses of 6 civilians in the village of Al Janadibah – Shakir area, in the Arhab district of Sana'a:

An armed group stormed the village of Al Janadibah in Arhab, after they had besieged it for three days, on Friday 14/8/2015. When they raided the village, they blew up a number of homes with IEDs, including:

1. Hussein Muhammad Muhammad Al Daba
2. Sameer Yahya Ahmad Luqman
3. Khalid Muhammad Muslih Al Janadi
4. Saleh Mahdi Faraj Al Janadi
5. Ibrahim Ali Saleh Al Janadi
6. Hamood Al Sayyid Abdullah

The witnesses of the incident said:

##### **A. YFA and ASA:**

On Friday, 14/8/2015, a group of armed men from the Houthis, after their attack on the village of Al Janadibah, looted and blew up the home of Sameer Yahya Luqman.

##### **B. HMSA and SYAL:**

On 14/8/2015, after the village of Al Janadibah in Arhab was raided by an armed group from the Houthis and supported by heavy weaponry by the Republican Guard, including tanks and armored vehicles, this group blew up a number of homes in the village, including the home of Khalid Muhsin Muslih Al Janadi. His car was stolen, as well.

##### **C. HMSA and SYAB:**

During the raid of the village of Al Janadibah by an armed group from the Houthis, supported by forces from the Republican Guard, a number of homes were blown up, including the home of Saleh Mahdi Al Janadi.

##### **D. MSH and NHASh:**

They said that, on Friday, 14/8/2015, a group of armed men from the Houthis, with back up and heavy weaponry, attacked the village of Al Janadibah and stormed it. Then, they blew up 18 homes, including the home of Ibrahim Ali Saleh Al Janadi, which is a two story home.

##### **E. YFA and ASA:**

On Thursday, 13/8/2015, a group of armed men from the Houthis, after attacking the village of Al Janadibah, burned the home of Hamood Al Sayyid Abdoh Abdullah.

From the investigations that were carried out by the Commission, the statements that were made by the witnesses, and the statements of the victims, it has been proven to the Commission that the Houthi militias are responsible for these violations against the people listed above. The Commis-



sion stresses that this type of violation, the blowing up of the homes of opponents, is a violation that the Houthi militias are known for and practice regularly with all of their opponents that they have differences with, or that they fight with. They even do this to the relatives of their opponents or members of parties that are against them, and have done it all throughout Yemen.

### ***5) Forced displacement:***

During the period covered by this report, many cases of forced displacement were documented and investigated. Among the most important incidents that the Commission recorded and investigated are:

The displacement of 50 families from the village of Al Siratain in Al Silw, Taiz

The Houthi militias and Saleh Forces displaced 50 families from the village of Al Siratain in Al Silw, and they forced the civilians to leave their homes, which they then used as military barracks during the fighting between the Houthi militias and Saleh Forces and the resistance and National Army in January 2016.

RAGh, AMA, and RAGh, victims, said that, in the beginning of January 2016, while they were in their homes, armed men from the Houthi militias and Saleh Forces came to their village and told them that this was a military area, and that there were clashes between Houthi militias and Saleh Forces and the resistance and National Army. They forced them, threatening them with weapons, to leave their homes, and they positioned themselves in them. The victims, who were the 50 families that lived in the village, had to leave their homes and go to the neighboring villages. According to the statements of some of the victims, the Houthi militias and Saleh Forces forced the people to leave their homes with just their clothes, and they were not allowed to take anything else. The members of these families are still displaced, until today, and the Houthi militias and Saleh Forces are not allowing them to go back to their homes.

From the investigations that the Commission carried out, the statements of the victims, and the testimony of the witnesses, the Commission has reached the conclusion that the Houthi militias and Saleh Forces, who are in Al Silw district in Taiz, are responsible for this violation.

The forced displacement of 175 families from the village of Al Dabh in Al Ta'iziyah in Taiz:

At 9 in the morning on 1/11/2016, the Houthi militias and Saleh Forces, who control the village of Al Dabh, forced all of the families out of the village. They forced out 175 families, or around 1,050 people. Women make up 65% of these people, while children make up 20%, and they were forced out under threat of violence.

According to the testimony of witnesses, including HMA and FAA, who are from the nearby village, the Houthi militias and Saleh Forces pressured, threatened, and detained the men in the village of Al Dabh within the ten days before the displacement. "In the beginning of November 2016, a large number of IDPs came to their village from Al Dabh, and they saw other people leaving the village with their furniture, clothes, and livestock. They hosted some of them in their homes, and asked why they had left their village, and they said that the Houthis had forced them to leave their homes, and that they said that any person that remains will be shot. They confirmed that a number of the homes were shot at, and more than 7 people from the village were detained. Around 40 families left the village, and the population of the village is more than 800 people. The Houthis forced them all out, and they did not allow anyone to bring trucks to move their families. They all had to walk about, and we saw more than 30 militants from the Houthi militias and Saleh Forces raiding the houses and forcing the people to leave the village. The reason that they were forced to leave the village is that the Houthis were afraid that the people of the village would join the resistance, which

had gotten closer to the area. They also forced them out so that they could use the homes of the people as military barracks.

- The displaced victims said:

FHS, a victim, said: "The Houthis and Saleh Forces, who were in the village, bothered us and pressured us by always searching the children and women, and threatening us with their weapons. Ten days before they forced everyone out, they entered homes and detained all of the men from four families. They treated them very badly, and they took them to their detention centers in Al Wazi'iah<sup>1</sup> ." He was one of the people that were detained. The number of people forced out of the village until he was detained had reached 200 people. On 1/11/2016, they forced out the remaining people, and they also turned a number of homes into military barracks and used them to store weapons.

Statement of a displaced victim, AMS: "The Houthi militias and Saleh Forces got control of the village, and they harassed the families, threatening to kill them, detain them, search their homes, and not allow them to go into or out of the village. They would take people's phones and search them, then they forced the people and their families to leave. They brought weapons into the village, and asked us to leave, or we would be detained. On 1/11/2016 we were given a final warning and told to leave. The people that remained were threatened and told that they would be shot."

Statement of a displaced victim, AAgHM, was the same as the statements made by the rest of the victims and witnesses that the Commission had interviewed and documented.

From the investigations that were carried out by the Commission for this incident, it became clear that the Houthi militias and Saleh Forces, who were in the village of Al Dabh in Al Ta'iziyah, were responsible for the displacement of 175 families from the area. They were peaceful farmers, the forced everyone out, including the elderly, the women, and the children. They threatened them with weapons, and they did this as collective punishment. This was carried out in the morning of 1/11/2016. They did not allow them to bring cars in, and they forced them to walk, on very rough and unsafe roads. This displacement was carried out with threats, fear, and pressure, and they forced the people to leave and leave their homes and farms. They detained some people and went into the homes. This is a violation of international humanitarian law and the Second Additional Protocol of the Geneva Convention, which was written on August 12, 1949, relating to the protection of victims of conflicts and forced displacement in Paragraph 2 of Article 13 of the mentioned protocol.

### ***Drone strikes:***

During the period covered by the report, the Commission documented and investigated ( ) incidents of alleged strikes by American drones that hit civilians in Al Baydha, Abyan, and Shabwa. Among the most important incidents that were investigated by the Commission are the following:

#### **1) The alleged strike by an American drone against a number of civilians in the district of Al Sawma'ah in Al Baydha on April 19th, 2014:**

As told by one of the sheikhs of Al Azzan tribe, the tribe that the victims are from, Sheikh HAA, during an interview by with the Commission, ten individuals from a single family in the tribe, Al Alkhashm Family, who lived in Al Sawma'ah, were on a car, a Toyota Land Cruiser, and they were going to work in Al Baydha.

At 6:30 in the morning, on Saturday 19/04/2014, they were surprised when, in Al Hizamiah, an area that is around 10 kilometers from the city of Al Baydha, the capital of the governorate, by a drone firing a missile at their car. Four of the individuals were killed instantly, and the six others

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<sup>1</sup> A district and an area in Taiz

were seriously injured. The ones that were killed are:

Yasser Ali Abdraboh Maswad, Sanad Hussein Al Khashm, and Ahmad and Saleh Bubakr Al Khashm. The ones that were injured are: Abdullah Nasser Al Khashm, Abdulrahman Hussein Al Khashm, Salem Nasser Al Khashm, and Nasser Muhammad Al Khashm.

A prominent figure from the area said, when interviewed by the Commission, that, one the day of the incident, after he knew about what had happened to the people from Al Khashm and Al Maswad families, and know that they were innocent civilians that had nothing to do with Al Qaeda or anything other groups and that they were going to their work on 19/04/2014. He contacted the leadership of the governorate of Al Baydha on the phone, and told them about what had happened. He told the governor that it was important to give the tribe justice for this incident, and for what had happened to its men. This incident was widely resented by the people of the tribe and the people of the governorate, as well as the neighboring tribes. The Governor told him that he is in Sana'a, and that he will get the information to the Ministry of Defense and the leadership of the Military Region, and that he will respond to him when they get back to him.

He said that, at night on that same day, the Governor contacted him and said that the Ministry of Defense had agreed to compensate the families of the victims. Afterwards, a number of prominent figures from the tribe that were in Sana'a went to the home of the governor, in the presence of the leader of the Military Region, and they were given weapons and money to prove that the state had agreed to give them justice. A document was drafted for the occasion, and it was signed by the Governor and the Leader of the Military Region, on behalf of the state. It included a commitment by the state to implement the rulings that are reached by the families of the victims. After that period, the family ruled for a compensation of 207,000,000 YER, or around 1 million dollars. This ruling was issued on 13/6/2014.

The Commission got the documents issued by the security director of Al Baydha governorate, and it was directed to the Minister of Defense. It also got other documents from the leadership of the local authorities in the governorate to the President, and it included the complaints from the families of the victims, saying that the government was not implementing the ruling and not adhering to it. The Commission listened to statements from numerous individuals, and they all agreed that there was no connection between the individuals targeted in the incident and what is called Al Qaeda, and that the victims were civilians working in the construction industry who were targeted while going to work.

## **2) The American drone airstrike on a wedding procession in Qaifah, Rada'a, in Al Baydha governorate:**

According to three of the people who survived this attack, one of whom is Sheikh Abdullah Al Khashl Al Taisi, one of the sheikhs of Al Tiyus tribe, the tribe of the victims, in addition to two others whose names will not be released by the Commission per their request, the following happened: "At 4:30 PM on Thursday, 12/12/2013, we were on our way to Yukla in a wedding procession. There were 14 cars in the procession, and, after about 50 kilometers from the city of Rada'a, in an area called Za'j, we were surprised by a number of drones flying over the procession. There were around four or three drones. When we saw them, one or two of them fired missiles at a number of the cars that were taking us. They destroyed four cars and killed 12 individuals who were inside. 13 people were injured, and they were all civilians, and all of them were our relatives and the people of the area of Yukla. They are from my tribe, Al Tiyus, and from Al 'Amir. These are the two tribes that the bride and groom are from. None of the people that were killed or injured were affiliated with Al Qaeda.

## The Names of Victims Killed:

No	Name	Sex	Age (Years)
1	Aref Ahmad Muhammad Hussein Al Taisi	Male	30
2	Ali Abdullah Muhammad Ahmad Al Taisi	Male	35
3	Shayef Abdullah Saleh Mabkhout Al Ameri	Male	20
4	Musid Dhayf Allah Hussein Saleh Al Ameri	Male	30
5	Mutlaq Hamood Muhammad Al Taisi	Male	38
6	Hussein Muhammad Saleh Al Ameri	Male	60
7	Saleh Musid Abdullah Al Ameri	Male	35
8	Muhammad Ali Musid Abdullah Al Ameri	Male	20
9	Zaidan Muhammad Saleh Al Ameri	Male	40
10	Salem Muhammad Ali Hussein Al Taisi	Male	43
11	Hussein Muhammad Dhayf Allah Al Taisi	Male	65
12	Saleh Abdullah Mabkhout Al Ameri	Male	25

In addition to the statements that were made by the witnesses that the Commission interviewed, the Commission also inspected the site of the incident and got documents that provide that the Yemeni government, represented by the governor of Al Baydha and the leader of the Military Region at the time, promised to abide by the rulings of Al Taisi and Al Amir tribes, the two tribes that the victims are from, because American drones targeted the procession that all of the victims, all innocent civilians, were in. The government paid two million YER to each one of the victims. They gave the money to the people who were injured, and to the families of the victims that were killed. This was on the second day of the attack, and 2 million YER was around 10 thousand USD at the time. Then, the state paid 16 million to each one of the heirs of the people that were killed, or around 80,000 USD.

From the investigation that was carried out by the Commission into the allegations above, and with the commitment by the Commission that it will submit the complete results of its investigations into all of the allegations of the violations that it investigates in its final report, it should be noted that the Commission would like to stress the importance that the Yemeni government adheres to the constitution and national laws. The Commission also believes that the government is responsible for taking initiative, and quickly, to pay just compensation for the victims of these kinds of violations, and work to limit these transgressions that are being carried out by American planes. The role of the judiciary must be activated to ensure that suspects are captured and justly tried.

## **X. Recommendations**

A number of recommendations can be made in the occasion of issuing report in relation to the situation of human rights in the Republic of Yemen. These recommendations are as follows:

### ***A. Recommendations for all of parties to the conflict:***

- a. Sparing civilian buildings and residential areas the effects of the armed conflict, and not using them for military purposes by any side
- b. Stopping the targeting of civilians in all areas where armed clashes are taking place, being careful to discriminate between military targets and civilian targets, stopping indiscriminant and unsuitable attacks and violations of international humanitarian law
- c. Stopping the targeting of medical facilities and their crews
- d. Stopping the targeting of the infrastructure and educational installments, and not using them for military operations
- e. The immediate and unconditional release of all of the detainees and the forcibly disappeared
- f. Ensuring that aid gets to the different governorates of the country, without any hindrance, because this is a basic right; that people get what they need to live.
- g. Easing the work of the Commission, and all parties cooperating with it, and enabling all of the members of employees of the Commission to reach all of the victims and all different parts of the country, without any exceptions.

### ***B. Specific recommendations for the Legitimate Government and the Arab Coalition:***

- a. Being keen to not damage civilian sites and infrastructure
- b. Adhering to the international humanitarian law in military and security operations
- c. Completing the rehabilitation of the system to implement the law

### ***C. Specific recommendations for Ansar Allah (the Houthis) and Saleh Forces:***

- a. Stopping the direct targeting of civilians
- b. Stopping the recruitment of children and ensuring the rights of children
- c. Stopping torture in all of its forms and pursuing people, and releasing all detainees
- d. Stopping the planting of anti-personnel landmines, and destroying any stored landmines

**The National Commission to Investigate Alleged Human Rights Violations  
The Republic of Yemen – Aden  
February 2017**