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Human rights in the Middle East and North Africa: Review of 2019; Yemen

All parties to the conflict in Yemen committed serious violations of international humanitarian law. Huthi forces, which controlled large parts of the country, indiscriminately shelled residential neighbourhoods in Yemen and launched missiles indiscriminately into Saudi Arabia. The coalition led by Saudi Arabia and the United Arab Emirates (UAE), which supported the internationally recognized Yemeni government, continued to bomb civilian infrastructure and carry out indiscriminate attacks, killing and injuring hundreds of civilians. All parties to the conflict suppressed freedom of expression, using arbitrary detention, enforced disappearance and torture and other ill-treatment. Those targeted included journalists, human rights defenders and members of the Baha'i community. Children were sexually assaulted with impunity. The conflict continued to have a disproportionate impact on people with disabilities. The protracted conflict continued to exacerbate discrimination against women and girls. Dozens of death sentences were handed down and several executions were carried out.

Background

The conflict in Yemen continued with new or renewed front lines forming in Aden, Dhale', Hajjah, Sa'da and Ta'iz, governorates stretching from the south to the north of the country.

The internationally recognized government of President Abd Rabbu Mansour Hadi, while generally supported by the coalition led by Saudi Arabia and the UAE, witnessed challenges to its authority in southern parts of Yemen from the secessionist, UAE-backed Southern Transitional Council (STC) and its military wing, the Security Belt, which effectively assumed control of swathes of the governorates of Aden, Abyan and Shabwa in August. Clashes lasting a few days between forces aligned to President Hadi and the Security Belt were triggered when shooting broke out near the presidential palace in Aden on 7 August. At the time, thousands of people were attending the funerals of soldiers killed in a missile strike by the Huthis, the armed group that controls the capital, Sana'a, and much of northern Yemen, on a military graduation parade in the southern city of Aden.

In October, the UAE announced that it had withdrawn armed forces from Aden. It stated that they had accomplished their “role in liberating and stabilizing Aden”, but would maintain a presence in several governorates as part of their fight against “terrorist organizations”. Saudi Arabia assumed control of all coalition forces in southern Yemen and military operations in western Yemen.

The STC and the government of President Hadi signed a political deal brokered by Saudi Arabia on 5 November committing them to a 90-day deadline by which all the terms outlined in the agreement had to be completed, including the formation within 30 days of a new cabinet equally representative of the north and south; the return of the Yemeni government to Aden, with a view to it resuming its work; and the integration of all security and military forces under the ministries of interior and defence respectively.

On 16 September, the UN Special Envoy for Yemen publicly decried the lack of progress towards the exchange of prisoners between the Huthis and the Hadi government that had been agreed in UN-led talks in Sweden in December 2018. Three days later, in an unexpected announcement, the head of the Sana’a-based Supreme Political Council, the executive body set up by the Huthis, announced that the Huthis were willing to start “serious negotiations” with the Hadi government to commence the prisoner exchange process. Weekly prisoner exchanges then began.

Violations of international humanitarian law

Huthi and anti-Huthi forces continued to commit with impunity serious violations of international humanitarian law. They carried out indiscriminate attacks, shelling residential neighbourhoods in Aden, Dhale’, Hajjah and Ta’iz. The Huthis launched missiles indiscriminately into Saudi Arabia.

In mid-May, the Huthis began a new cross-border campaign, targeting military, economic and transport infrastructure, including civilian airports, in Saudi Arabia. On several occasions, the attacks led to civilian casualties. An attack on the car park of Abha airport in south-western Saudi Arabia on 23 June resulted in 22 civilian casualties, including one death. In September, a drone attack on Aramco’s oil processing facilities in Abqaiq in Saudi Arabia’s Eastern Province, for which the Huthis claimed responsibility, forced their shutdown for several weeks and cut the country’s oil production by about half during that period.

During the battle for Aden in August, civilians were caught in the fighting between forces aligned to President Hadi and the Security Belt, both of which employed tactics that appeared to violate the prohibition of indiscriminate attacks. They indiscriminately fired explosive munitions with wide-area effects, including mortars, into residential areas controlled or contested by opposing forces, killing and injuring civilians. In one attack in August in Dar Saad, a district of Aden governorate, a three-year-old boy was injured when a mortar landed in his family home; as a result his arm had to be amputated.

Renewed fighting between Huthi and anti-Huthi forces in the southern governorate of Dhale’ led to thousands of people being displaced and scores killed. In an attack in October, a mortar that struck a camp for internally displaced persons in Dhale’ caused civilian casualties.

Coalition aircraft bombed areas controlled or contested by Huthi forces and their allies, sometimes in retaliation for Huthi-launched cross-border attacks. The bombings killed and injured hundreds of civilians. On 28 June, a precision-guided munition made in the USA was used in a coalition air strike on a residential home in the governorate of Ta’iz, killing six civilians. Among those killed were three children.[1] On 1 September, an air strike on a Huthi-controlled detention facility in the south-western city of Dhamar killed 130 detainees and injured 40 others.

Freedom of expression and association

Huthi forces, the government of President Hadi, the coalition led by Saudi Arabia and the UAE and UAE-backed Yemeni forces continued to resort to arbitrary detention to suppress freedom of expression and association.

In areas they controlled, Huthi forces continued to arbitrarily detain critics and opponents as well as journalists, human rights defenders and members of the Baha’i community, subjecting scores to incommunicado detention, unfair trials and enforced disappearance. The majority of those targeted were members or supporters of the political party al-Islah.

The cases of 10 journalists who had been formally charged in December 2018, more than three years into their detention, were referred from the Political Security Organization, an internal security and intelligence force, to the Sana’a-based, Huthi-run Specialized Criminal Court (SCC), which was intended to be used for terrorism-related cases. The journalists were charged with offences that included spying – a capital offence – and helping the coalition led by Saudi Arabia and the UAE. During their detention, the men were subjected to periods of enforced disappearance, intermittent incommunicado detention and alleged torture and other ill-treatment, including by being denied access to medical care. In one incident, on 19 April, a prison warden reportedly entered their cell at night, stripped them and beat them severely. From that day, they were separated and held in solitary confinement.

In July, the SCC sentenced to death 30 academics and political figures on trumped-up charges, including espionage for the coalition led by Saudi Arabia and the UAE, following an unfair trial.[2] Before trial they had faced, among other things, enforced disappearance, excessive pre-trial detention, incommunicado detention, alleged torture and other ill-treatment, including by being denied medical care, and lack of access to legal counsel. Among them was Youssef al-Bawab, a linguistics professor and political figure who was arbitrarily arrested in late 2016 and charged in April 2019.

Sexual violence against children

The protracted conflict and the breakdown of state institutions and protection mechanisms exacerbated the vulnerability of children, leaving them with less protection against sexual and other violence.

In a series of incidents starting in the city of Ta’iz in mid-2018, three boys were raped and a fourth survived an attempted sexual assault. Among them was a boy aged eight. A pattern of impunity, reprisals and other obstacles discouraged the families from reporting the incidents. However, the four cases were reported to the Criminal Investigations Department in Ta’iz, which directed one of the city’s main hospitals to examine the three boys who had been raped and issue medical reports. The hospital implemented the instructions in two of the cases, but failed to do so in the third, despite repeated requests by the victim’s family. Moreover, the hospital asked for money to produce the report, which the family was unable to afford.

Activists and relatives of victims said that they were aware of additional cases of sexual violence, but had not reported them because of the fear of reprisal by local militias. Some affected families had to relocate in search of safety. No one was held to account for such abuses.

Discrimination – people with disabilities

People with disabilities faced immense challenges, exacerbated at times by an intersection of factors such as gender, age and descent.[3] The challenges included barriers to equal access to quality health services, education and employment opportunities. Those displaced by the conflict faced additional challenges, including difficulties in fleeing violence and accessing aid, and inadequate living conditions, which undermined their dignity.

Displaced people with disabilities described to Amnesty International arduous and repeated journeys in pursuit of safety and better livelihood opportunities. The vast majority of those with limited mobility travelled without assistive devices such as wheelchairs or crutches, relying on others to carry them. Sometimes the journey exacerbated the disability or led to a disability. Displacement sites lacked appropriate housing and dedicated latrines.

The weakening of state institutions, economic collapse and widespread lawlessness associated with the ongoing conflict further disrupted funding to enable realization of the rights of people with disabilities. The mother of a 14-year-old boy with cerebral palsy told Amnesty International that the disruption in assistance they used to receive meant that he had to discontinue physiotherapy, which led to a regression in his marked physical improvement after these sessions.

Women’s rights

The protracted conflict continued to exacerbate discrimination against women and girls and left them with less protection from sexual and other gender-based violence, including forced marriage.

Death penalty

The death penalty remained in force for many crimes.

There was a marked increase of trials before the Sana’a-based SCC of individuals being prosecuted on charges carrying the death penalty. The Huthis’ prosecution authorities appeared to have brought the charges as a means to persecute political opponents, journalists, academics and religious minorities.

[1] Amnesty International, *Yemen: US-made bomb used in deadly air strike on civilians* (Press release, 26 September 2019), <https://www.amnesty.org/en/latest/news/2019/09/yemen-us-made-bomb-used-in-deadly-air-strike-on-civilians/> (<https://www.amnesty.org/en/latest/news/2019/09/yemen-us-made-bomb-used-in-deadly-air-strike-on-civilians/>)

[2] Amnesty International, *Yemen: Huthi-run court sentences 30 political opposition figures to death following sham trial* (Press release, 9 July 2019), <https://www.amnesty.org/en/latest/news/2019/07/yemen-huthi-run-court-sentences-30-political-opposition-figures-to-death-following-sham-trial/> (<https://www.amnesty.org/en/latest/news/2019/07/yemen-huthi-run-court-sentences-30-political-opposition-figures-to-death-following-sham-trial/>)

[3] Amnesty International, *Excluded: Living with disabilities in Yemen’s armed conflict* (Index: MDE 31/1383/2019), <https://www.amnesty.org/en/documents/MDE31/1383/2019/en/> (<https://www.amnesty.org/en/documents/MDE31/1383/2019/en/>)

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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