

Document #2002164

HRW – Human Rights Watch

World Report 2019 - Yemen

The armed conflict in Yemen has killed and injured thousands of Yemeni civilians since it began. As of November 2018, 6,872 civilians had been killed and 10,768 wounded, the majority by Saudi Arabia-led coalition airstrikes, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23855&LangID=E>). The actual civilian casualties are likely much higher. Thousands more have been displaced by the fighting and millions suffer from shortages of food and medical care.

In September 2014, Houthi forces and forces loyal to former president Ali Abdullah Saleh took control of Yemen's capital, Sanaa, and much of the country. On March 26, 2015, the Saudi-led coalition attacked Houthi-Saleh forces in support of Yemeni President Abdu Rabbu Mansour Hadi. The US supported coalition attacks with targeting intelligence and air refueling. As the war has continued, alliances have fractured. Houthi forces killed Saleh in December 2017 after clashes broke out in Sanaa. In January 2018, fighting broke out between Yemeni government forces and United Arab Emirates (UAE)-backed Yemeni forces in Aden. Across the country, civilians suffer from a lack of basic services, a spiraling economic crisis, and broken governance, health, education, and judicial systems.

Parties to the conflict have exacerbated what the UN has called the world's largest humanitarian catastrophe, including by unlawfully impeding delivery of desperately needed humanitarian aid.

The armed conflict has taken a terrible toll on the civilian population. The coalition has conducted scores of indiscriminate and disproportionate airstrikes killing thousands of civilians and hitting civilian objects in violation of the laws of war, using munitions sold by the United States, United Kingdom, and others, including widely banned cluster munitions. Houthi forces have used banned antipersonnel landmines, recruited children, and fired artillery indiscriminately into cities such as Taizz and Aden, killing and wounding civilians, and launched indiscriminate rockets into Saudi Arabia.

Both sides have harassed, threatened, and attacked Yemeni activists and journalists. Houthi forces, government-affiliated forces, and the UAE and UAE-backed Yemeni forces have arbitrarily detained or forcibly disappeared scores. Houthi forces have taken hostages. Forces in Aden beat, raped, and tortured detained migrants.

Despite mounting evidence of violations of international law by the parties to the conflict, efforts toward accountability have been woefully inadequate.

Unlawful Airstrikes

Since 2015, Human Rights Watch has documented about 90 apparently unlawful coalition airstrikes (<https://www.hrw.org/news/2017/09/08/yemen-hiding-behind-coalitions-unlawful-attacks>), which have hit homes (<https://www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children>), markets, hospitals, schools, and mosques. Some of these attacks may amount to war crimes. In 2018, the coalition bombed a wedding, killing 22 people, including 8 children, and in another strike bombed a bus filled with children (<https://www.hrw.org/news/2018/09/02/yemen-coalition-bus-bombing>).

apparent-war-crime), killing at least 26 children. Human Rights Watch has identified remnants of US-origin munitions at the site of more than two dozen attacks, including the 2018 attacks on the wedding and the bus.

Indiscriminate Artillery Attacks

Houthi forces have repeatedly fired artillery indiscriminately into Yemeni cities and launched indiscriminate ballistic missiles into Saudi Arabia (<https://www.hrw.org/news/2018/04/02/saudi-arabia/yemen-houthi-missile-attacks-unlawful>). Some of these attacks may amount to war crimes. Houthi attacks have struck populated neighborhoods in Yemen, having a particularly devastating impact on Taizz, Yemen's third largest city (<https://www.hrw.org/news/2017/08/09/yemen-artillery-attacks-kill-civilians-taizz>).

Banned Weapons

Landmines have killed and maimed civilians, disrupted civilian life in affected areas, and will pose a threat to civilians long after the conflict ends. Houthi forces have used landmines (<https://www.hrw.org/news/2017/04/20/yemen-houthi-saleh-forces-using-landmines>) in governorates across Yemen, killing and wounding civilians and preventing their return home. Yemen is a party to the 1997 Mine Ban Treaty. The Saudi-led coalition has used at least six types of widely banned cluster munitions (<https://www.hrw.org/news/2017/03/17/yemen-cluster-munitions-wound-children>) produced in Brazil, the US, and the UK. Yemen, Saudi Arabia, and other coalition states are not party to the 2008 Convention on Cluster Munitions.

Arbitrary Detentions, Torture, and Enforced Disappearances

Houthi forces, the Yemeni government, and the UAE and UAE-backed Yemeni forces have arbitrarily detained people, including children, abused detainees and held them in poor conditions, and forcibly disappeared people perceived to be political opponents or security threats. Yemeni human rights groups and lawyers have documented hundreds of cases of arbitrary detention and enforced disappearance.

Since late 2014, Human Rights Watch has documented dozens of cases of the Houthis (<https://www.hrw.org/news/2015/09/15/yemen-houthis-disappear-political-opponent>) and forces loyal to the late president Saleh carrying out arbitrary (<https://www.hrw.org/news/2016/11/17/yemen-abusive-detention-rife-under-houthis>) and abusive (<https://www.hrw.org/news/2016/01/10/yemen-arbitrarily-held-houthis>), as well as forced disappearances and torture. Houthi officials have used torture and other ill-treatment. Former detainees described Houthi officers beating them with iron rods and rifles, and being hung from walls with their arms shackled behind them.

The Houthis have also taken hostages (<https://www.hrw.org/news/2018/09/25/yemen-houthi-hostage-taking>), which is a war crime. Human Rights Watch documented 16 cases in which Houthi authorities held people unlawfully primarily to extort money from relatives or to exchange for people held by opposing forces. The Houthis have released only some of those held.

Human Rights Watch has also documented the UAE, UAE proxies, and Yemeni government forces (<https://www.hrw.org/news/2017/10/26/yemen/uae-aden-hunger-strike-highlights-detainee-abuse>) arbitrarily detaining, torturing, and forcibly disappearing scores of people in areas of southern Yemen, which is nominally under government control.

In Aden, guards tortured, raped, and executed migrants and asylum seekers (<https://www.hrw.org/news/2018/04/17/yemen-detained-african-migrants-tortured-raped>), including children, from the Horn of Africa in a detention center. The authorities denied asylum seekers an opportunity to seek refugee protection and deported migrants en masse to dangerous conditions at sea. The government shut down the facility where Human Rights Watch documented abuse, but Human Rights Watch continued to receive information of migrants and asylum seekers being arbitrarily and abusively detained in both the north and south of the country.

In 2018, the UN Group of Eminent Experts on Yemen concluded that the Houthi, Yemeni, Saudi, and UAE forces were credibly implicated in detainee-related abuse that might amount to war crimes. The UAE has run informal detention facilities in Yemen, but has not acknowledged any role in detainee abuse nor conducted any apparent investigations. Senior officials implicated in abuse remain in positions of authority across the country.

Attacks on Civil Society

One cost of Yemen’s war has been the closing of space for civil society. Yemeni activists, journalists, lawyers, and rights defenders worry about arrest, harassment, targeted violence, and joining the list of Yemen’s “disappeared.” The risk is greatest when the target of criticism is a party to the conflict, who often retaliate.

The Houthis have detained students, human rights defenders, journalists, perceived political opponents, and members of the Baha’i religious community (<https://www.hrw.org/news/2018/02/27/yemen-houthis-sentence-bahai-man-death>). A group of local journalists have been detained in Sanaa for more than three years. In January, a Sanaa court sentenced a Baha’i man to death on charges related to his religious beliefs. After Houthis killed former president Saleh, Houthi authorities cracked down further on dissent in areas under their control.

The Saudi-led coalition and Yemeni government forces have also harassed, intimidated, and arrested (https://www.hrw.org/sites/default/files/supporting_resources/joint_civilsociety_statement_mwatana_two.pdf) activists and journalists. Since May 2017, the coalition has restricted travel routes for journalists and international human rights organizations, including Human Rights Watch, to areas of Yemen under Houthi control, including via UN flights. The coalition has kept Sanaa International Airport closed since August 2016.

Blocking and Impeding Humanitarian Access

The UN considers Yemen to be the world’s largest humanitarian crisis, with 14 million people (<https://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mr-mark-4>) at risk of starvation and repeated outbreaks of deadly diseases like cholera. This crisis is linked to the armed conflict.

The Saudi-led coalition’s restrictions on imports have worsened the dire humanitarian situation (<https://www.hrw.org/news/2017/12/07/yemen-coalition-blockade-imperils-civilians>). The coalition has delayed and diverted fuel tankers, closed critical ports, and stopped goods from entering Houthi-controlled seaports. Fuel needed to power generators (<https://www.hrw.org/news/2017/09/27/yemen-coalitions-blocking-aid-fuel-endangers-civilians>) to hospitals and pump water to homes has also been blocked.

Houthi forces have blocked and confiscated food and medical supplies (<https://www.hrw.org/news/2018/06/15/yemen-key-concerns-hodeida-battle>) and denied access to populations in need. They have imposed onerous restrictions on aid workers and interfered with aid delivery.

As thousands of civilians were displaced as fighting moved up Yemen’s western coast in 2017 and 2018, Houthis and UAE-backed fighters restricted the flight of some families seeking to flee frontline areas.

Aid workers have been kidnapped, arbitrarily detained, and killed while conducting humanitarian operations in Yemen.

Children and Armed Conflict

Houthi forces, government and pro-government forces, and other armed groups have used child soldiers. In 2017, the UN verified (<http://undocs.org/en/s/2018/465>) 842 cases of recruitment and use of boys as young as 11, nearly two-thirds of which were attributable to Houthi forces. Under Yemeni and international law, 18 is the minimum age for military service.

In June, the UN secretary-general released his annual “list of shame” for violations against children in armed conflict. This list included many of Yemen’s warring parties—the Houthis, Al-Qaeda in the Arabian Peninsula, pro-government militias, and UAE-backed Yemeni forces, but the Saudi-led coalition was treated differently.

The secretary-general placed the coalition on a special list for countries that put in place “measures to improve child protection,” despite noting that the coalition continued to kill and maim children and attack schools and hospitals. In October, the UN Committee on the Rights of the Child found (https://tbinternet.ohchr.org/Treaties/CRC-OP-AC/Shared%20Documents/SAU/CRC_C_OPAC_SAU_CO_1_32743_E.pdf) that children “are being killed, maimed, orphaned, and traumatized” by the coalition’s military operations, “aggravated by an aerial and naval blockade” that had made many children food insecure.

In October, Yemen endorsed the Safe Schools Declaration, thereby committing to do more to protect students, teachers, and schools during conflict, including by implementing the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict.

Terrorism and Counterterrorism

Both Al-Qaeda in the Arabian Peninsula (AQAP) and the Islamic State in Yemen have claimed responsibility for suicide and other bombings. Until 2016, AQAP controlled major swathes of territory and, at times, governed cities.

The US continued to carry out drone attacks in Yemen against both groups. The US has also worked closely with the UAE, which leads coalition efforts in southern Yemen, including by supporting Yemeni forces carrying out security campaigns. Human Rights Watch has documented abuses by the UAE and UAE proxy forces, including arbitrary detentions, forced disappearances and torture.

Women’s and Girls’ Rights

Women activists have played a prominent role during the conflict advocating for better rights protection and protesting mistreatment. Some have been threatened, subjected to smear campaigns, beaten and detained in retaliation.

Women in Yemen face severe discrimination in law and practice. Violence against women in Yemen has increased (<https://yemen.unfpa.org/en/publications/unfpa-humanitarian-response-yemen-2018>)—an estimated 3 million women and girls were at risk of violence by 2018, according to the UN. Forced marriage rates, including child marriage, have increased. Yemen has no minimum age of marriage.

They cannot marry without the permission of their male guardian and do not have equal rights to divorce, inheritance, or child custody. Lack of legal protection leaves them exposed to domestic and sexual violence.

Accountability

None of the warring parties carried out credible investigations into their forces' alleged laws-of-war violations.

The coalition's Joint Incidents Assessment Team (JIAT) did not conduct credible investigations (<https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful>). JIAT failed to release full investigation reports or detailed information on their methodology, including how they determine which strikes to investigate, which state's forces participated in attacks they investigated, or what steps, if any, coalition states have taken to prosecute individuals responsible for war crimes. While JIAT has recommended the coalition pay civilian victims some form of assistance in more than a dozen attacks, the coalition does not appear to have made any concrete progress toward creating a fair, effective redress or condolence payment system.

The US is not known to have conducted investigations into any alleged unlawful attacks in which its forces have taken part.

In September, despite attempts by the Saudi-led coalition to terminate the mandate, the UN Human Rights Council voted by a substantial margin to renew the mandate of the Group of Eminent Experts to conduct international investigations into violations and abuses in Yemen.

Yemen has not joined the International Criminal Court.

Key International Actors

Coalition member countries have sought to avoid international legal liability by refusing to provide information on their forces' role in unlawful attacks. By early 2018, meetings of the coalition included representatives from Saudi Arabia, the UAE, Jordan, Bahrain, Sudan, Egypt, Kuwait, and Morocco, as well as Pakistan, Djibouti, Senegal, Malaysia, and Yemen, according to the Saudi state news agency.

The United States has been a party to the conflict and may be complicit in unlawful coalition attacks in which it took part. The US has provided in-air refueling and other tactical support to coalition forces, but has not provided detailed information on the extent and scope of its engagement. In November, the US said it was ending in-air refueling to the coalition.

The UK has provided training and weaponry to members of the coalition.

The US, UK, France, and others have continued to sell munitions and other arms to Saudi Arabia and other coalition states, despite the coalition's frequent unlawful attacks. A number of US and UK lawmakers have challenged their governments' continuation of these sales. UK arms sales to Saudi Arabia face ongoing litigation.

In October (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2018-0383%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>), the European Parliament called on EU member states to suspend weapons sales to Saudi Arabia due to its conduct in Yemen, decried coalition war crimes, and called for sanctions against those responsible for obstructing humanitarian assistance.

The Netherlands, Canada, Belgium, Ireland, and Luxembourg jointly presented the resolution at the UN Human Rights Council to continue the mandate of an independent international investigation.

The UN Security Council, in Resolutions 2140 (2014) and 2216 (2015), established a sanctions regime in Yemen whereby individuals that have violated international human rights law or international humanitarian law, or obstructed the delivery of humanitarian assistance, are potentially subject to travel bans and asset freezes.

ecoi.net summary:

Annual report on the human rights situation in 2018



Country:

Yemen

Source:

[HRW – Human Rights Watch \(/en/source/11207.html\)](#)

Original link:

<https://www.hrw.org/world-report/2019/country-chapters/yemen> (<https://www.hrw.org/world-report/2019/country-chapters/yemen>)

Document type:

Periodical Report

Language:

English

Published:

17 January 2019

Document ID:

2002164

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

