

Amnesty International Report 2016/17 - The State of the World's Human Rights - Yemen

All parties to the continuing armed conflict committed war crimes and other serious violations of international law with impunity. The Saudi Arabia-led coalition supporting the internationally recognized Yemeni government bombed hospitals and other civilian infrastructure and carried out indiscriminate attacks, killing and injuring civilians. The Huthi armed group and forces allied to it indiscriminately shelled civilian residential areas in Ta'iz city and fired artillery indiscriminately across the border into Saudi Arabia, killing and injuring civilians. Huthi and allied forces severely curtailed the rights to freedom of expression, association and peaceful assembly in areas they controlled, arbitrarily arresting critics and opponents, including journalists and human rights defenders, forcing NGOs to close. They subjected some detainees to enforced disappearance and to torture and other ill-treatment. Women and girls continued to face entrenched discrimination and other abuses, including forced marriage and domestic violence. The death penalty remained in force; no information was publicly available on death sentences or executions.

Background

The armed conflict between the internationally recognized government of President Hadi, supported by a Saudi Arabia-led international coalition, and the Huthi armed group and allied forces, which included army units loyal to former President Ali Abdullah Saleh, continued to rage throughout the year. The Huthis and forces allied to former President Saleh continued to control the capital, Sana'a, and other areas. President Hadi's government controlled southern parts of Yemen including the governorates of Lahj and Aden.

The armed group al-Qa'ida in the Arabian Peninsula (AQAP) continued to control parts of southern Yemen and to carry out bomb attacks in Aden and in the port city of al-Mukallah, which government forces recaptured from AQAP in April. US forces continued to target AQAP forces with missile strikes. The armed group Islamic State (IS) also carried out bomb attacks in Aden and al-Mukallah, mostly targeting government officials and forces.

According to the Office of the UN High Commissioner for Human Rights, 4,125 civilians, including more than 1,200 children, had been killed and more than 7,000 civilians wounded since the conflict began in March 2015. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than 3.27 million people had been forcibly displaced in the conflict by October and nearly 21.2 million people, 80% of the population, relied on humanitarian assistance.

In April, UN-sponsored peace negotiations between the parties to the conflict began in Kuwait, accompanied by a brief lull in hostilities. Fighting intensified after the negotiations collapsed on 6 August. On 25 August, US Secretary of State John Kerry announced a "renewed approach to negotiations"; this had produced no clear outcome by the end of the year.

Huthi and allied forces appointed a 10-member Supreme Political Council to rule Yemen, which in turn appointed former Aden Governor Abdulaziz bin Habtoor to lead a government of “national salvation”. In September, President Hadi ordered the Central Bank to move from Sana’a to Aden, deepening the fiscal crisis caused by the depletion of its reserves and the humanitarian crisis by curtailing the ability of the de facto Huthi administration in Sana’a to import essential food, fuel and medical supplies.

Armed conflict

Violations by armed groups

Huthi and allied forces, including army units loyal to former President Saleh, repeatedly carried out violations of international humanitarian law, including indiscriminate and disproportionate attacks. They endangered civilians in areas they controlled by launching attacks from the vicinity of schools, hospitals and homes, exposing residents to attacks by pro-government forces, including aerial bombing by the Saudi Arabia-led coalition. They also indiscriminately fired explosive munitions that affect a wide area, including mortars and artillery shells, into residential areas controlled or contested by opposing forces, particularly in Ta’iz city, killing and injuring civilians. By November, Huthi and allied forces had reportedly carried out at least 45 unlawful attacks in Ta’iz, killing and injuring scores of civilians. One attack on 4 October killed 10 civilians, including six children, and injured 17 others in a street near the Bir Basha market, the UN reported. The Huthis and their allies also continued to lay internationally banned anti-personnel landmines that caused civilian casualties, and to recruit and deploy child soldiers. In June, the UN Secretary-General reported that the Huthis were responsible for 72% of 762 verified cases of recruitment of child soldiers during the conflict.

In Sana’a and other areas they controlled, the Huthis and their allies arbitrarily arrested and detained critics and opponents as well as journalists, human rights defenders and members of the Baha’i community, subjecting scores to enforced disappearance. Many arrests were carried out by armed men belonging to Ansarullah, the Huthi political wing, at homes, workplaces, checkpoints or public venues such as mosques. Such arrests were carried out without judicial warrant or stated reasons, and without disclosing where those arrested were being taken or would be held.

Many detainees were held in unofficial locations such as private homes without being told the reason for their imprisonment or allowed any means to challenge its legality, including access to lawyers and the courts. Some were subjected to enforced disappearance and held in secret locations; Huthi authorities refused to acknowledge their detention, disclose any information about them or allow them access to legal counsel and their families. Some detainees were subjected to torture or other ill-treatment. In February, one family reported seeing guards beat their relative at the Political Security Office detention facility in Sana’a.

Anti-Huthi forces and their allies led a campaign of harassment and intimidation against hospital staff, and endangered civilians by stationing fighters and military positions near medical facilities, particularly during fighting in the southern city of Ta’iz. At least three hospitals were shut down due to threats against their staff.

The Huthis and their allies also curtailed freedom of association in areas under their de facto administration.

Violations by the Saudi Arabia-led coalition

The international coalition supporting President Hadi's government continued to commit serious violations of international human rights and humanitarian law with impunity. The coalition's partial sea and air blockade further curtailed the import of food and other necessities, deepening the humanitarian crisis caused by the conflict, and prevented commercial flights to Sana'a.

Coalition aircraft carried out bomb attacks on areas controlled or contested by Huthi forces and their allies, particularly in the Sana'a, Hajjah, Hodeidah and Sa'da governorates, killing and injuring thousands of civilians. Many coalition attacks were directed at military targets, but others were indiscriminate, disproportionate or directed against civilians and civilian objects, including funeral gatherings, hospitals, schools, markets and factories. Some coalition attacks targeted key infrastructure, including bridges, water facilities and telecommunication towers. One attack in August destroyed the main road bridge between Sana'a and Hodeidah. Some coalition attacks amounted to war crimes.

In August, the humanitarian NGO Médecins Sans Frontières (MSF) said it had lost "confidence in the Coalition's ability to avoid such fatal attacks". MSF withdrew its staff from six hospitals in northern Yemen after coalition aircraft bombed an MSF-supported hospital for the fourth time in a year, killing 19 people and injuring 24. In early December, the Joint Incidents Assessment Team (JIAT) created by the Saudi Arabia-led coalition to investigate alleged violations by its forces concluded that the strike was an "unintentional error". The JIAT public statement contradicted MSF's own investigations which found that the incident was not the result of an error, but rather of hostilities conducted "with disregard for the protected nature of hospitals and civilian structures".

On 21 September a coalition air strike on a residential area of Hodeidah city killed 26 civilians, including seven children, and injured 24 others, according to the UN. On 8 October, a coalition air strike killed more than 100 people attending a funeral gathering in Sana'a and injured more than 500 others. The coalition initially denied responsibility for the 8 October attack but admitted liability after it was condemned internationally, and said the attack had been based on "incorrect information" and that those responsible would be disciplined.

Coalition forces also used imprecise munitions in some attacks, including large bombs made in the USA and the UK that have a wide impact radius and cause casualties and destruction beyond their immediate strike location. The coalition forces also continued to use cluster munitions made in the USA and the UK in attacks in Sa'da and Hajjah governorates although such munitions were widely prohibited internationally because of their inherently indiscriminate nature. Cluster munitions scattered explosive bomblets over a wide area and presented a continuing risk because of their frequent failure to detonate on initial impact. In December the coalition admitted that its forces had used UK-manufactured cluster munitions in 2015 and stated that it would not do so in the future.

Impunity

All parties to the armed conflict committed serious violations of international law with impunity. The Huthis and their allies took no steps to investigate serious violations by their forces and hold those responsible to account.

The National Commission of Inquiry, established by President Hadi in September 2015, had its mandate extended for another year in August. It conducted some investigations but lacked independence and impartiality; it was unable to access large parts of the country, and focused almost entirely on violations by the Huthis and their allies.

The JIAT created by the Saudi Arabia-led coalition to investigate alleged violations by its forces was also seriously flawed. It did not disclose details of its mandate, methodology or powers, including how it determines which incidents to investigate, conducts investigations, or verifies information; nor what status its recommendations carry either with coalition commanders or member states.

Lack of humanitarian access

All parties to the conflict exacerbated the suffering of civilians by restricting the provision of humanitarian assistance. Huthi forces and their allies continued to curtail the entry of food and vital medical supplies into Ta'iz, Yemen's third most populous city, throughout the year, exposing thousands of civilians to further suffering. Elsewhere, humanitarian workers accused Huthi security officials of imposing arbitrary and excessive restrictions on their movement of goods and staff, seeking to compromise the independence of aid operations, and forcibly closing some humanitarian aid programmes.

Humanitarian aid workers accused the Saudi Arabia-led coalition of hampering the delivery of humanitarian assistance by imposing excessively burdensome procedures that required them to inform the coalition of their planned operations in advance, in order to avoid possible attack.

Internally displaced people

The armed conflict caused massive civilian displacement, particularly in the Ta'iz, Hajjah and Sana'a governorates. In October, the UN Office for the Coordination of Humanitarian Affairs reported that some 3.27 million people, half of them children, were internally displaced within Yemen, an increase of more than 650,000 since December 2015.

International scrutiny

The UN Panel of Experts on Yemen released its final report on 26 January. The Panel concluded that all parties to the conflict had repeatedly attacked civilians and civilian objects, documenting "119 coalition sorties relating to violations of international humanitarian law", including many that "involved multiple air strikes on multiple civilian objects". A subsequent report to the UN Security Council by a new Panel of Experts, leaked in August, accused all parties to the conflict of violating international human rights law and international humanitarian law.

In June, the UN Secretary-General removed the Saudi Arabia-led coalition from an annual list of states and armed groups that violate the rights of children in armed conflict after the Saudi Arabian government threatened to cease funding key UN programmes.

In August, the UN High Commissioner for Human Rights called for the establishment of an "international, independent body to carry out comprehensive investigations in Yemen". However,

the UN Human Rights Council resolved in September that the High Commissioner would continue providing technical support to the National Commission established in 2015 and allocate additional international experts to their Yemen office.

Women's and girls' rights

Women and girls continued to face discrimination in law and in practice and were inadequately protected against sexual and other violence, including female genital mutilation, forced marriage and other abuses.

Death penalty

The death penalty remained in force for many crimes; no information was publicly available about death sentences or executions.

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