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Amnesty International Report 2017/18 - 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 inadequate accountability measures in place to ensure justice and reparation to victims. The Saudi Arabia-led coalition supporting the internationally recognized Yemeni government continued to bomb civilian infrastructure and carried out indiscriminate attacks, killing and injuring civilians. The Huthi-Saleh forces indiscriminately shelled civilian residential areas in Ta'izz city and fired artillery indiscriminately across the border into Saudi Arabia, killing and injuring civilians. The Yemeni government, Huthi-Saleh forces and Yemeni forces aligned to the United Arab Emirates (UAE) engaged in illegal detention practices including enforced disappearance and torture and other ill-treatment. Women and girls continued to face entrenched discrimination and other abuses, including forced and early marriage and domestic violence. The death penalty remained in force; no information was publicly available on death sentences or executions.

Background

Yemen's territorial divisions and controls became deeply entrenched as the armed conflict continued between the internationally recognized government of President Hadi, supported by the Saudi Arabia-led coalition, and the Huthis and allied forces, which included army units loyal to former President Ali Abdullah Saleh. The Huthi-Saleh authorities continued to control large parts of the country including the capital, Sana'a, while President Hadi's government officially controlled southern parts of Yemen including the governorates of Lahj and Aden. On 4 December, Ali Abdullah Saleh was killed by Huthi forces consolidating their control over Sana'a.

Meanwhile, rival armed factions proliferated and vied to assert control against a background of economic collapse and widespread lawlessness, in the absence of functioning state institutions.

The authority of President Hadi, weak or absent in large swathes of the country, continued to wane and faced challenges from multiple actors and entities. Through its Supreme Political Council, the Huthi-Saleh alliance undertook, in the areas under their control, responsibilities and functions of the state. This included the formation of a government, the appointment of governors and the issuing of governmental decrees.

In May, former Governor of Aden Aidarous al-Zubaydi, and Hani bin Brik, a former Minister of State, formed a 26-member Southern Transition Council. The Council, which expressed the aim of an independent South Yemen and which enjoyed public support, held several meetings and established headquarters in the city of Aden.

The continued conflict led to a political and security vacuum and the establishment of a safe haven for armed groups and militias, assisted by outside states. Some of these forces were trained, funded and supported by the UAE and Saudi Arabia. Some local security forces, including the Hadrami Elite Forces and Security Belt Forces, were armed and trained by and reported directly to the UAE. Such forces were characterized by infighting and competing agendas.

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 the governorates of Aden, Abyan, Lahj and al-Bayda. Air strikes and strikes by remotely piloted vehicles (drones) against AQAP by US forces increased threefold. US forces also carried out at least two ground assault raids. The armed group Islamic State (IS) continued to operate in parts of the country, albeit on a small scale.

There was no progress in political negotiations nor any cessations of hostilities during the year. As military operations and fighting continued in and around the port cities of Mokha and Hodeidah, all parties to the conflict refused to engage with the UN-led process at different times depending on military gains on the ground.

Armed conflict

According to the Office of the UN High Commissioner for Human Rights, 5,144 civilians, including more than 1,184 children, had been killed and more than 8,749 civilians wounded since the conflict began in March 2015 until August 2017. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than two thirds of the population were in need of humanitarian assistance and at least 2.9 million people had fled their homes. The WHO reported that more than 500,000 people were suspected of having cholera due to lack of clean water and access to health facilities. Nearly 2,000 people had died of cholera since the outbreak began in 2016. The ongoing conflict was a major factor in the prevalence of cholera in Yemen.

Violations by Huthi-Saleh forces and pro-government militias

Huthi and allied forces, including army units loyal to former President Saleh, continued to employ tactics that appeared to violate the prohibition of indiscriminate attacks. They indiscriminately fired explosive munitions with wide-area effects, including mortars and artillery shells, into residential areas controlled or contested by opposing forces, killing and injuring civilians. The city of Ta'iz was particularly affected, with such attacks intensifying at particular times including in January and May. The UN reported that a series of attacks from 21 May to 6 June between Huthi and anti-Huthi forces killed at least 26 civilians and injured at least 61. The Huthis and their allies also continued to lay

internationally banned anti-personnel landmines that caused civilian casualties. On 15 September, the UN reported a further series of apparently indiscriminate attacks launched by Huthi-Saleh forces in Ta'iz, including shelling on a house in the Shab al-Dhuba district and al-Sameel Market, killing three children and injuring seven others.

The Huthis and allied forces, as well as pro-government forces, continued to recruit and deploy child soldiers.

Violations by the Saudi Arabia-led coalition

The UN reported that the Saudi Arabia-led coalition supporting President Hadi's government continued to be the leading cause of civilian casualties in the conflict. The coalition continued to commit serious violations of international human rights law and humanitarian law with impunity.

Coalition aircraft carried out bomb attacks on areas controlled or contested by Huthi forces and their allies, particularly in the Sana'a, Ta'iz, 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, schools, markets, residential areas and civilian boats.

In March, a helicopter attacked a boat carrying 146 Somali migrants and refugees off the coast of the port city of Hodeidah, killing 42 civilians and injuring 34 others. Another attack in August on a residential neighbourhood in southern Sana'a killed 16 civilians and injured 17 others, the majority of whom were children.

Coalition forces used imprecise munitions in some attacks, including large bombs with a wide impact radius that caused casualties and destruction beyond their immediate strike location. They also continued to use cluster munitions in attacks in Sa'da governorate, despite such munitions being widely prohibited internationally because of their inherently indiscriminate nature. Cluster munitions scattered explosive bomblets over wide areas and presented a continuing risk because of their frequent failure to detonate on initial impact. In February, the coalition fired Brazilian-manufactured rockets containing banned cluster munitions on residential areas and farmland in Sa'da city, injuring two civilians and causing material damage.

Aerial and naval blockade

The coalition continued to impose a partial sea and air blockade that was tightened in November, purportedly to enforce the UN-sanctioned arms embargo on the Huthis and Saleh-aligned forces. Throughout the year, these blockades curtailed the movement of people and goods, deepening the humanitarian crisis caused by the conflict and contributing to violations of the right to health and to an adequate standard of living, including adequate food. This contributed to pervasive food insecurity and what became the world's worst cholera epidemic. In March, the NGO Save the Children reported that the coalition prevented three of its aid shipments from reaching the port

of Hodeidah, forcing them to reroute to Aden and delaying the delivery of aid for three months. In August, OCHA reported that four vessels carrying more than 71,000 tonnes of fuel were denied access to Hodeidah by the coalition. In November, 29 ships carrying essential supplies were prevented by the coalition from reaching Hodeidah port, according to OCHA.

Arbitrary arrests and detentions

The Huthi-Saleh forces, Yemeni government and Yemeni forces aligned with the UAE engaged in arbitrary and illegal detention practices. Amnesty International documented a few cases in Sana'a and Marib of civilians being detained solely to be used as leverage in future prisoner exchanges, which amounts to hostage-taking and is a violation of international humanitarian law.

In Sana'a and other areas they controlled, the Huthis and their allies continued to arbitrarily arrest and detain critics and opponents as well as journalists, private individuals, human rights defenders and members of the Baha'i community, subjecting scores to enforced disappearance. Five Baha'i men remained in detention at the end of the year. One of the men had been held for nearly four years, accused by the Huthis of apostasy, which carries the death penalty under Yemeni law.

UAE-backed Yemeni forces in Aden perpetrated a campaign of arbitrary detention and enforced disappearances. Amnesty International documented 13 cases of arbitrary detention during the year; some of these detainees were held incommunicado or had been subjected to enforced disappearance. Members of the Baha'i community were also arbitrarily detained at Aden International Airport by local forces aligned with the UAE and were held without charge for nine months.

Professor and political figure Mustafa al-Mutawakel was arbitrarily arrested by the internationally recognized Yemeni government forces in Marib on 27 April. He remained in detention without charge.

Impunity

Since the conflict began, all parties committed serious violations of international humanitarian law and violations and abuses of human rights law with absolute impunity.

Since its inception in September 2015, the National Commission to Investigate Alleged Violations of Human Rights, established by the Yemeni government, failed to conduct prompt, impartial and effective investigations consistent with international standards into alleged human rights violations committed by all parties to the conflict in Yemen. Similarly, the Saudi Arabia-led coalition investigative mechanism continued to appear to lack the necessary impartiality and independence to carry out its work credibly.

With the proliferation of armed groups and security forces without command and control and the lack of effective control of the central government over its security forces and territories, the space for impunity further widened. In its mid-term report, the UN Panel of Experts on Yemen expressed concern that member states of the coalition were expressly shielding themselves from accountability and individual responsibility by hiding behind the umbrella of the coalition.

In a positive development, the UN Human Rights Council passed a resolution in September mandating a group of experts to investigate abuses by all parties in Yemen. This constituted a first step towards justice for victims of human rights abuses and grave violations of international law.

Freedoms of expression and association

The Huthis and their allies, as well as armed factions in Ta'iz, Aden and Sana'a, waged a campaign against journalists and human rights defenders, curtailing freedom of expression in areas under their de facto administration.

The Huthis and allied forces continued to hold at least nine journalists without charge; they had been arbitrarily detained for more than two years. Meanwhile in Aden and Ta'iz, armed groups and security forces assassinated, harassed, intimidated, detained and in some cases tortured human rights defenders and journalists, forcing some to exercise self-censorship and others to flee Yemen.

The Saudi Arabia-led coalition and the Yemeni government prevented journalists from entering Yemen, including by preventing the UN from allowing journalists onto their flights into Yemen, minimizing coverage and effectively imposing a media blackout. This ban was also extended to human rights organizations in May.

Women's rights

The protracted conflict exacerbated existing discrimination and inequality for women and girls and gave rise to the adoption of negative coping mechanisms, such as child marriage, especially in the governorates of Ta'iz, Hajjah, Hodeidah, Ibb and Sana'a. Societal and legal protection mechanisms – however inadequate – broke down. This left women and girls with less protection from, and fewer avenues of redress for, 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. On 12 April, the Huthi-Saleh authorities in Sana'a convicted journalist Yahya al-Jubaihi and sentenced him to death on charges of spying. This was the first time the Huthi-Saleh authorities had sentenced somebody to death. Yahya al-Jubaihi was released in September.

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