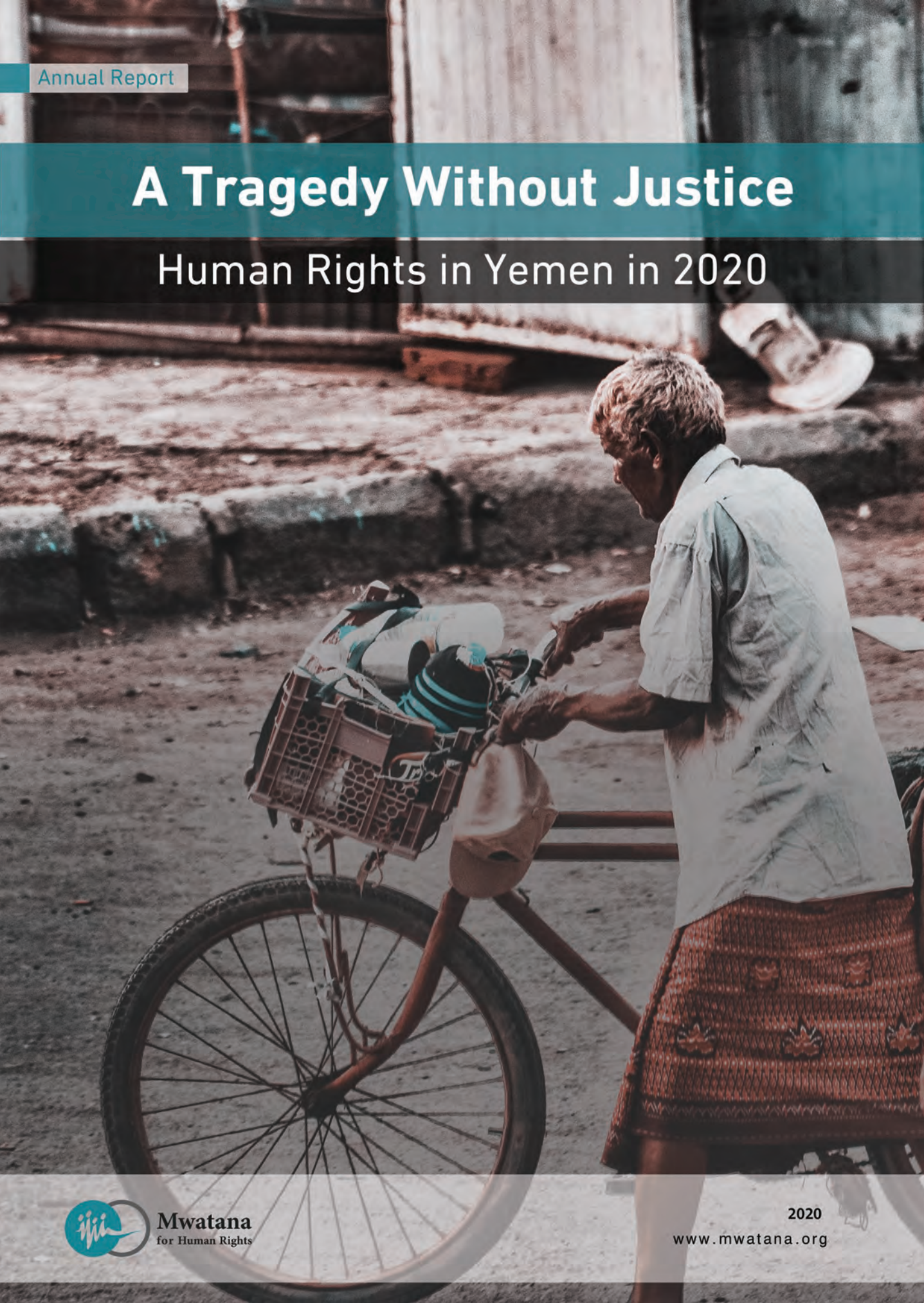
Annual Report

A Tragedy Without Justice

Human Rights in Yemen in 2020



Mwatana
for Human Rights

2020

www.mwatana.org

A Tragedy Without Justice

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Background

While Yemenis bid farewell to the year 2020, they did not bid farewell to their hopes of an imminent end to the war, even though the practices adopted by the warring parties did not leave much room for optimism. The humanitarian crisis, which has been dubbed the worst in the world, has persisted, as the conflict continues to claim innocent lives, and to tear apart the land.

According to UN's agencies in December 2020, the number of Yemenis facing significant levels of food insecurity could triple - from 16,500 to 47,000 - by June 2021, and more than 16 million people, i.e. more than half of the population, could witness some level of food insecurity. During the same period, it was estimated that the number of people facing the emergency phase of food insecurity would increase to 5 million people.[1] According to the World Food Program, 20.1 million Yemenis, out of a total of about 30 million, need some kind of humanitarian assistance.[2]

International donors also sharply cut their humanitarian assistance to Yemen in 2020. The United Nations and its partners received only $1.9 billion in 2020, half of what they received for relief operations in Yemen in 2019[3].

The Political Situation

The political situation, which remains fragmented, did not fundamentally change, with the parties maintaining their positions and influence, with the exception of the significant Saudi attempts to bring together their internal partners in Yemen under the Riyadh Agreement, signed in November 2019, which called for the establishment of a new government with Yemeni government components, including the main political parties, and the separatist Southern Transitional Council.

In December 2020, the internationally recognized Yemeni President Abdrabbuh Mansur Hadi announced[4] the formation of a new government after long deliberations, in what appeared to be an effort to bridge the rift between the government component led by President Hadi, who is supported by Saudi Arabia, and the UAE-backed Southern Transitional Council. However, given that the government viewed the steps to implement the military components that are included in the Riyadh Agreement with skepticism, the causes of the conflict remained present, and the government's role stayed marginal.

As for Ansar Allah group (Houthis), which controls most of Yemen's northern governorates, its ruling structure did not change in 2020. Ansar Allah has kept its decision-making authorities and its hierarchy ambiguous, with even minimal oversight and accountability absent. Ansar Allah has maintained its iron grip and close monitoring of the population, through a series of arrangements in which the social, security, military and intelligence agencies overlap. The scope of the powers entrusted to Sana'a's government under Ben Habtour remains equally ambiguous, and the scope

(1) Available at: http://www.fao.org/news/story/en/item/1334969/icode/

(2) Available at: https://www.wfp.org/countries/yemen?_ga=2.202486225.1159290577.1625734403-1796363613.1625734403

(3) Available at: https://p.dw.com/p/3mCm1

(4) Available at: https://p.dw.com/p/3mwR9

of power that the latter possesses to enforce his orders remains unknown, especially since the names of the officials in this government rarely appear when it comes to the residents' search for sources of power and influence.

The Military Situation

There were developments in the military situation, most notably east of the capital, Sana'a, and on the archipelago of Socotra, where the Ansar Allah group (Houthis) and the Southern Transitional Council forces, respectively, consolidated gains on the ground.

The Ansar Allah group (Houthis) launched a violent attack on the positions of government forces in the mountain chain linking the capital Sana'a and the oil-rich governorate of Ma'rib. Ansar Allah took control of large areas, leading them to the outskirts of Ma'rib city, and, in March, taking control of al-Hazm city, which is in the center of al-Jawf governorate, bordering Saudi Arabia, and, in June, the town of Qania, which is administratively affiliated to al-Bayda governorate.

These military developments formed the starting point for other fierce attacks[5] in early 2021, through which the Ansar Allah group (Houthis) attempted to take control of the city of Ma'rib, threatening the fate of nearly a million displaced people,[6] who had taken refuge in the city. The two sides suffered great human losses in this battle, one of the bloodiest battles in this war.

In southern Yemen, forces affiliated with the UAE-backed Southern Transitional Council have tightened their control over Socotra Archipelago, listed on the World Heritage List, after years of dispute and Emirati attempts to find a foothold there. At the end of June, limited confrontations erupted[7] between the forces of the UAE-backed Southern Transitional Council and government forces, which ultimately ended with the Council strengthening its influence and ending governmental influence. The Socotra governor, Ramzi Mahrous, who left Socotra, hinted at the complicity[8] of the government, and perhaps at the Saudi ally's complicity in this act.

Throughout 2020, Mwatana documented (1155) incidents that killed and wounded 1032 civilians.

(5) Available at: https://www.bbc.com/arabic/middleeast-56124532

(6) Available at: https://news.un.org/ar/story/2021/02/1071022

(7) Available at: https://www.bbc.com/arabic/middleeast-53132157

(8) Available at: https://tinyurl.com/210621france24

The year ended with a bloody attack on a delegation of the new government formed after the Riyadh Agreement as its members landed at Aden International Airport. Theinternationallyrecognized Yemeni government had left the city of Aden in August 2019,[9] after Southern Transitional Council Forces took control of the city. President Hadi had declared Aden as temporary capital earlier in the conflict. The government was returning to Aden on December 30, 2020,[10] based on a power-sharing agreement sponsored by Riyadh, when the attack occurred. The widely condemned attack left dozens dead and wounded, including civilians and aid workers who were in the departure hall of the airport at the time. A UN report submitted to the UN Security Council found the Ansar Allah group (Houthis) responsible for the attack.[11]

The Economic Situation

Yemen is in economic crisis, and is facing great risks from renewed macroeconomic fluctuations.[12] Yemenis continue to rely on aid and remittances, but economic activity continues to be hampered by the distortions created by the fragmentation of state institutions. Without stable sources of foreign currencies, the value of the Yemeni riyal collapsed in areas controlled by the internationally recognized government, exacerbated by the depletion of the Saudi deposit that had financed basic imports.

The Ansar Allah group (Houthis) made a disastrous decision at the beginning of 2020, which dried up the sources of the new currency that the internationally recognized government guaranteed to print after the war, at least in its areas of control, which caused an imbalance in the prices of the currency itself, and thus the commission of internal transfers were cut approximately by half of the transferred amount.

At the end of the year, the price of the dollar reached an unprecedented level in the areas controlled by the Yemeni government, reaching 900 riyals against one dollar, which cast a shadow over the prices of foodstuffs and oil derivatives.

In Ansar Allah controlled areas, the population continued to suffer from the suffocating crisis relating to the arrival of oil derivatives to these areas, which exacerbated the humanitarian crisis and caused additional problems related to the energy shortage. In spite of each side accusing the other over this crisis, it is clear that the two parties bear responsibility, despite their inability to address the technical aspects related to the implementation of international decisions.

(9) Available at: https://p.dw.com/p/3Nyl6

(10) Available at: https://www.bbc.com/arabic/middleeast-55508471

(11) Available at: https://tinyurl.com/310321france24

(12) Available at: https://www.worldbank.org/en/country/yemen/publication/economic-update-april-2020

It is noteworthy that these complications come at a time when the parties to the conflict, including the internationally recognized government, shirked from their duties towards paying the salaries of government employees, for more than four years, exposing more than a million government employees and their families to the risk of losing food security, and pushing them to the brink of starvation.

Executive Summary

The war in Yemen is entering its seventh year. Throughout the conflict, devastation, destruction, division, horrific violations and deepening social rifts have created an almost complete separation between Yemeni men and women and their inherent rights to life, dignity and freedom, while the country experiences the most severe man-made humanitarian disaster.[13]

In this annual report, Mwatana for Human Rights provides an extensive review of particular violations that occurred and the overall human rights situation in Yemen during 2020. Mwatana, whose work covers all Yemeni governorates, has documented—through fact-finding, evidence examination, and detailed research—hundreds of incidents that appear to violate international humanitarian law and international human rights lawome of which may amount to war crimes. The report presents some incidents as examples, highlighting different types of abuse committed by the warring parties.

The parties to the conflict in Yemen continued to commit grave violations, undermining Yemenis' ability to live, in flagrant disregard of the basic rules of international law and humanitarian standards. The warring parties, including the Saudi/UAE-led coalition as well as armed groups on the ground, such as Ansar Allah group (Houthis), have increasingly resorted to bureaucratic measures and other restrictions that have prevented basic items necessary for survival reaching vulnerable groups. Saudi/UAE-led coalition air strikes caused heavy loss of life and damage to vital infrastructure in the country. As documented in this report, ground attacks with indiscriminate and highly inaccurate weapons, like mortars, on populated areas by the Ansar Allah group (Houthis), government forces, and armed groups loyal to the Saudi/UAE-led coalition have caused significant material damage and loss of life. The landmines and booby traps left by the Ansar Allah group (Houthis) have claimed the lives of dozens of civilians, including women and children.

The report includes incidents highlighting the harsh conditions of detention, including the atrocious practices of torture and other forms of inhumane treatment, by the UAE-backed Southern Transitional Council forces and Ansar Allah group (Houthis), as well as forces affiliated with the Hadi government. In 2020, Mwatana documented a significantly higher number of incidents of civilians who experienced various forms of torture in detention centers run by the forces of the UAE-backed Southern Transitional Council. Unofficial detention sites and detention centers remain overcrowded, holding both civilian detainees and combatants.

During 2020, Mwatana for Human Rights provided legal support to victims of arbitrary detention in 19 Yemeni governorates through the work of 23 field lawyers who provided assistance and legal counselling in 541 incidents. The team's continuous follow-up aimed to secure the release of victims of arbitrary detention, or improve conditions of detention, for example, the person's environment or access to medication, etc., as well as pushing for detention procedures to proceed in accordance with national and international laws. During 2020, 277 people who had been arbitrarily detained and whose detentions were documented by Mwatana during the conflict were released, including detainees to whom Mwatana provided legal support.

(13) Available at: https://news.un.org/ar/focus/yemen

Many victims of detention-related abuse remain in detention.

The Ansar Allah group (Houthis), government forces and armed entities loyal to the Saudi/UAE-led coalition have been recruiting and using children in combat, security and logistical operations. In addition, Mwatana found an increase, compared to 2019, in the number of documented sexual violence incidents.

The report includes incidents of attacks on hospitals and medical staff. Strikingly, Mwatana documented more than double the number of these incidents by the parties to the conflict in 2020 than in 2019. The warring parties bear responsibility for the incessant damage to the already dilapidated medical sector during a time of extremely dangerous humanitarian conditions due to the spread of the novel coronavirus (COVID-19). The report also includes documented attacks on schools and educational facilities, including various forms of attack and abuse, such as air and ground strikes, and military occupation and use.

The report also includes, for the first time, one chapter dedicated to other ways in which the warring parties have harmed civilians, including through the use of live ammunition and hitting civilians with military vehicles, as civilians continue to be killed and wounded by warring parties in various ways, and the report seeks to highlight some of these patterns of civilian harm.

In its annual report, Mwatana has also devoted space to illustrate conduct that affected the rights and civil liberties of Yemenis during 2020. The warring parties continued committing violations against journalists and media professionals. The parties also restricted freedom of movement and subjected civilians to additional arbitrary restrictions that deepened their suffering. The UAE-backed Southern Transitional Council and government forces used force to break up peaceful gatherings.

Finally, the report sheds light on the human rights situation in regards freedom of belief in Yemen, and devotes a chapter of the report to addressing attacks on personal freedoms by the parties to the conflict during 2020.

Reports Published by Mwatana in 2020

- On March 18, 2020, Mwatana, in partnership with Physicians for Human Rights (PHR), released a report entitled "I ripped the IV out of my arm and started running," which sheds light on attacks on hospitals and health care centers between 2015 and 2018 in Yemen. The report includes 120 attacks on health facilities and medical facilities, including four main categories of attacks: aerial attacks, ground attacks, occupation of medical facilities and assaults against medical personnel. The report aims to draw attention to the damage done to medical facilities and medical personnel, afforded special protections under international law, by the parties to the conflict in Yemen throughout the war.

- On June 30, 2020, Mwatana issued "In the Darkness," a report on arbitrary detention, enforced disappearance, and torture in unofficial detention sites across Yemen. The report was based on research conducted in 20 Yemeni governorates between May 2016 and April 2020. Mwatana documented approximately 1,605 cases of arbitrary detention, 770 cases of enforced disappearance, 344 cases of torture, and 66 deaths in detention. The report was divided into two parts. The first part examined examples of abusive detention, including torture and ill-treatment during interrogation, at 11 unofficial detention sites across Yemen run by the various parties to the conflict. The second part of the report presented examples of civilians forcibly disappeared in different geographical areas in Yemen that fall under the control of different parties to the conflict.

- On August 18, 2020, Mwatana issued a report, "Undermining the Future," with Ceasefire Centre for Civilian Rights that examined attacks on schools and educational facilities in Yemen between March 2015 and December 2019 in 19 Yemeni governorates. Mwatana documented more than 380 incidents of attacks on and impacting schools and educational facilities. The documented incidents in the report are categorized into four main chapters: air strikes on schools, attacks impacting schools during ground fighting, military use and occupation of schools, and a chapter devoted to other types of violations and attacks that affected schools in Yemen.

The 2020 Mwatana annual report consists of four main sections:

- **Section One: The Yemen Conflict and International Law**

International humanitarian law applies to the armed conflict in Yemen. Applicable law includes Common Article 3 to the Geneva Conventions of 1949, Additional Protocol II of 1977, as well as customary international humanitarian law. International human rights law also continues to apply.

- **Section Two: Attacks and Abuses in 2020**

This section consists of 12 chapters dealing with the most prominent patterns of civilian harm and violations and abuses of international humanitarian and human rights law committed by the parties to the conflict in Yemen. Additionally, each chapter includes the number of relevant incidents Mwatana documented in 2020, a brief legal framework and some examples.

Chapter One: Air Strikes

In 2020, Mwatana documented about 32 Saudi/UAE-led coalition air strikes impacting civilians and civilian objects in eight Yemeni governorates: Amanat al-Asemah, Sana'a, Hajjah, Sadah, al-Hudaydah, al-Bayda, Ma'rib, al-Jawf. At least 104 civilians were killed, including 41 children and 17 women, and at least 81 civilians were injured, including 41 children and 19 women, in these air strikes. These attacks damaged and destroyed protected civilian objects, and hit residential homes and neighborhoods, markets, civilian vehicles, farms schools, and service and commercial facilities.

Chapter Two: Ground Attacks

In 2020, Mwatana documented approximately 131 ground attacks that killed 131 civilians, including 41 children and 35 women, and wounded at least 356 civilians, including 161 children and 56 women. The Ansar Allah group (Houthis) was responsible for 61 of the documented attacks in the governorates of al-Hudaydah, Taiz, Ma'rib, al-Bayda, al-Dhale, Hajjah, Sadah, Lahj and Aden. Saudi ground forces were responsible for 16 of the documented incidents in the governorates of Sadah and Hajjah, internationally recognized government forces for 17 attacks in the governorates of Taiz, Sadah, Shabwah, and al-Dhale, and UAE-backed Joint Forces on the West Coast for 13 of the attacks, all in al-Hudaydah. Mwatana was not able to determine the party responsible in 24 of the documented attacks, all of which occurred in al-Hudaydah governorate.

Chapter Three: Landmines

In 2020, Mwatana documented about 47 incidents of landmine explosions, which killed 35 civilians, including 18 children and 4 women, and wounded 55 civilians, including 34 children and 5 women. These incidents were concentrated in the governorates of al-Hudaydah, al-Jawf, Shabwah, Taiz, Sadah, al-Dhale and al-Bayda, Sana'a, Ma'rib and Aden. The Ansar Allah group (Houthis) planted these mines.

Chapter Four: Recruitment and Use of Children

During 2020, Mwatana verified the recruitment and use of at least 239 children, including at least 33 girls. Through 190 testimonies and interviews conducted by the organization, Mwatana found that Ansar Allah group (Houthis) recruited 82% of these children, concentrated in the governorates of Sadah, Ma'rib, al-Bayda, al-Hudaydah, al-Jawf and Sana'a, al-Mahwit, Amanat al-Asemah, Amran, Dhamar, Hajjah, Ibb, and Ryamah. The percentage of children recruited by government forces was approximately 10% of the total documented cases in the governorates of Ma'rib, al-Bayda, Shabwah, Hadramaut, Abyan, Sadah, Sana'a, al-Jawf and Ryamah. The percentage of children recruited by the UAE-backed Southern Transitional Council forces was 7% of the total documented cases, concentrated in the governorates of Abyan, Lahj, Aden and al-Hudaydah. The UAE-backed Joint Forces on the West Coast were responsible for recruiting 1% of the total documented cases in the governorates of Abyan, Taiz and Lahj.

Chapter Five: Obstruction of Humanitarian Aid

In 2020, Mwatana documented at least 87 incidents of warring parties impeding the flow of humanitarian relief supplies and essential items to civilians. The Ansar Allah group (Houthis) was responsible for 80 of the documented incidents in the governorates: Sadah, Hajjah, Ibb, al-Jawf, al-Mahwit, al-Bayda, Taiz, al-Hudyadah, Amanat al-Asemah, and Ryamah. Government forces were responsible for 6 incidents in the governorates of Taiz, al-Jawf, Hadramaut, and Ma'rib, and the UAE-backed Southern Transitional Council forces for one incident in al-Hudyadah. The humanitarian crisis has also been exacerbated by the restrictive conditions imposed by the Coalition on the entry of fuel into areas controlled by Ansar Allah group (Houthis). Fuel is crucial for sectors that are vital to civilians, including the health and service sectors. The Saudi/UAE-led coalition also continues to close Sana'a airport to commercial flights.

Chapter Six: Arbitrary Detention

In 2020, Mwatana documented 195 incidents of arbitrary detention that involved the arbitrary detention of 287 people, including 21 children . The Ansar Allah group (Houthis) was responsible for 94 of the documented incidents of arbitrary detentions in the governorates of Dhamar, Amran, al-Bayda, al-Mahwit, Hajjah, al-Dhale, Sadah, Amanat al-Asemah, al-Hudyadah, Taiz, Ibb, Ma'rib and Ryamah, government forces for 59 incidents of arbitrary detentions in the governorates of Ma'rib, Shabwah, Taiz, Lahj, Abyan and Hadramaut, the UAE-backed Southern Transitional Council forces for 38 incidents of arbitrary detention in the governorates of Aden, Lahj and Abyan, the UAE-backed Joint Forces for four incidents in the governorates of Taiz and al-Hudyadah. Mwatana documented 22 women arbitrarily detained in Yemen in 2020 by the Ansar Allah group (Houthis) in governorates of Hajjah, Dhamar and al-Bayda, by government forces in the governorates of Ma'rib and Taiz, and by the Southern Transitional Council forces in the governorates of Hadramaut, Abyan, and Aden

Chapter Seven: Enforced Disappearance

In 2020, Mwatana documented 89 incidents of enforced disappearance involving 91 people, including two children, who were disappeared. The Ansar Allah group (Houthis) was responsible for 53 of these enforced disappearances in the governorates of Dhamar, Ibb, Amanat al-Asemah, Taiz, Hajjah, Sadah, al-Bayda, Dhale, Sana'a, al-Mahwit and Amran. Government forces were responsible for 14 of the incidents in Ma'rib, Abyan, al-Jawf, Dhale, al-Mahrah, Hadramaut and Shabwah, and the UAE-backed Southern Transitional Council forces for 22 incidents of enforced disappearance in Aden, Dhale, Lahj, Hadramaut and Souqatrah.

Chapter Eight: Torture

In 2020, Mwatana documented 46 incidents of torture. 26 of these incidents were committed by the UAE-backed Southern Transitional Council forces in the governorates of Abyan, Aden, and Lahj, including two deaths in detention. 12 incidents were carried out by Ansar Allah group (Houthis) in the governorates of Ibb, Hajjah, al-Bayda, al-Hudaydah, Ryamah and Amran, and including five deaths in detention. Government forces were responsible for 6 incidents in the governorates of Ma'rib and Hadramaut, and the UAE-backed Joint Forces for one incident in Taiz governorate. In one incident, Eritrean forces tortured seven Yemeni fishermen while they were detained in Eritrea.

Chapter Nine: Sexual Violence

In 2020, Mwatana documented 15 incidents of sexual violence. Those subjected to sexual violence in the 15 incidents included 10 girls, 6 boys and a woman. Three of these incidents were sexual assaults. The Ansar Allah group (Houthis) was responsible for 11 of these incidents in the governorates of Taiz, Hajjah, al-Jawf and Amran. Government forces were responsible for three incidents in Taiz governorate, and the UAE-backed Joint Forces on the Western Coast for one incident in al-Hudaydah. Most of those subjected to sexual violence lived in dangerous environments where they were exposed to a variety of violations, and were already vulnerable as members of a marginalized group, working children, displaced people, or those with special needs.

Chapter Ten: Attacks on Schools

In 2020, Mwatana documented at least 85 incidents impacting schools, including attacks on schools and the occupation and use of schools for military purposes. The Ansar Allah group (Houthis) was responsible for 72 of the documented incidents in the governorates of Ryamah, al-Mahwit, Sadah, Ibb, al-Jawf, Ma'rib, al-Hudyadah, Taiz and Sana'a. These incidents included one incident of ground shelling, two incidents of occupation, and 69 incidents of using schools for military purposes. Government forces were responsible for 7 of the documented incidents in the governorates of Taiz and Shabwah, including 5 incidents of occupation and two incidents of using schools for military purposes. Mwatana documented 6 incidents in which more than one party to the conflict was involved, including the Saudi/UAE-led coalition carrying out an air strike on a school occupied by Ansar Allah group (Houthis) in Ma'rib governorate; Ansar Allah group (Houthis) carrying out four ground attacks on four schools occupied by government forces in Taiz governorate; and Ansar Allah group (Houthis) carrying out a ground attack on a school occupied by the UAE-backed Joint Forces on the Western Coast in al-Hudaydah governorate.

Chapter Eleven: Attacks on Health Care

Throughout 2020, Mwatana documented 44 incidents of various types of attacks on hospitals, health centers and medical staff. 17 of these incidents involved armed intrusions and attacks; 6 were ground attacks;12 incidents involved health worker detention; and 9 involved humanitarian and medical aid obstruction. During these attacks, 2 people were killed, including a health worker and a doctor's aid, 5 were wounded, including two health workers and a child. The Ansar Allah group (Houthis) were responsible for 22 of the 43 incidents documented by Mwatana in the governorates of Taiz, al-Mahwit, Sadah, Ma'rib, Ryamah, Amanat al-Asemah, al-Bayda and Dhamar. Government forces were responsible for 15 of the incidents in Taiz, Hadramaut, Shabwah and Ma'rib, the UAE-backed Southern Transitional Council forces were responsible for 5 incidents in the governorates of Lahj, Aden and Abyan, and the UAE-backed Joint Forces on the Western Coast for two incidents in the governorates of Taiz and Lahj.

Chapter Twelve: Other Civilian Harm

The warring parties also killed and wounded civilians in other ways. In 2020, Mwatana documented 27 incidents where warring parties hit civilians with their military vehicles, killing 22 civilians, including six children, and wounding 23 others, including 3 women and 3 children. Government forces were responsible for five of these incidents in the governorates of Taiz, al-Jawf and Hadramaut, Ansar Allah (Houthi) forces for seven incidents in the governorates of Hajjah, Sadah, al-Hudaydah and al-Jawf, the UAE-backed Joint Forces on the West Coast for two incidents in the governorates of al-Hudaydah and Abyan, the UAE-backed Southern Transitional Council forces for 12 incidents in the governorates of Abyan and Aden, and the Saudi/UAE-led coalition for one incident in Abyan governorate. In addition, in 2020, Mwatana documented 57 civilians killed by live ammunition, including 9 children and 10 women, and 161 civilians wounded by live ammunition, including 83 children and 25 women. Mwatana was unable to determine the identity of the perpetrators in these incidents.

- ## Section Three: Undermining Rights and Freedoms

This section of the report contains five chapters examining some of the primary ways in which the parties to the conflict have undermined rights and freedoms in Yemen.

Chapter One: The Press

In 2020, Mwatana documented 14 incidents of violence and abuse against the press involving 20 journalists and media professionals. Nine of these incidents were committed by governmental forces in the governorates of Taiz, Ma'rib and Hadramaut. The UAE-backed Southern Transitional Council forces were responsible for four of these incidents in the governorates of Lahj and Hadramaut, and Ansar Allah group (Houthis) for one in al-Hudaydah governorate. In addition, Ansar Allah group (Houthis) continues to arbitrarily detain four journalists for nearly five years. In April 2020, the Specialized Criminal Court in Sana'a sentenced them to death in an unfair trial that involved six other journalists who have subsequently been released— one in April 2020 and the other five in the mid-October 2020 detainee exchange.

Chapter Two: Freedom of Movement

In 2020, Mwatana documented 20 incidents of parties to the conflict impeding freedom of movement in different Yemeni regions. The Ansar Allah group (Houthis) was responsible for 16 incidents in the governorates of al-al-Mahwit, al-al-Bayda, Dhamar and Ma'rib, and the UAE-backed Southern Transitional Council for four incidents in the governorates of Aden, Abyan and Lahj.

Chapter Three: Peaceful Assembly and Freedom of Expression

In 2020, Mwatana documented 16 incidents of warring parties' impeding the right of peaceful assembly and freedom of expression in various ways, ranging from arbitrary detentions, enforced disappearances, torture to assaults against protesters. Governmental forces were responsible for 8 of these incidents in the governorates of Taiz, Hadramaut, Shabwah and Ma'rib, Ansar Allah group (Houthis) for six incidents in the governorates of Ibb, al-al-Mahwit, Hajjah and Dhamar, the UAE-backed Joint Forces on the West Coast for one in al-Hudaydah governorate, and the UAE-backed Southern Transitional Council forces for one in Aden governorate.

Chapter Four: Religious Minorities

On March 23, 2020, the Specialized Criminal Court's Court of Appeal in Sana'a upheld the death sentence issued against Hamid Haydara, a leader of the Baha'i community, after a lengthy and unfair trial that lasted nearly five years. Mahdi al-Mashat, head of Ansar Allah Supreme Political Council, announced on March 25 that Haydara would be pardoned and all Baha'i prisoners released if they left Yemen, which was their home. Haydara and another five Baha'i men had remained detained for several years, and were transferred by plane from Sana'a outside Yemen. The International Baha'i Community announced the transfers in a press release on July 30. Then, the Specialized Criminal Court held a trial session on August 22, 2020, declaring the six Baha'is released as "fugitives from justice."

Chapter Five: Personal Freedoms

In 2020, the parties to the conflict attacked personal freedoms, imposing arbitrary restrictions and blatantly interfering with individuals' private lives. The Ansar Allah group (Houthis) in Sana'a issued orders forcing some university administrations to separate male and female students in classrooms, issued a circular banning female students from wearing "narrow and short" clothes, and demanded the owners of wedding and event halls prohibit mixed graduation parties. Meanwhile, the Ethics Police in the coastal city of Mukalla, in Yemen's southeast, arrested and detained young men and women in markets and public parks due to their clothes, haircuts and hairstyles, allegedly due to the fact that their "manifestations violate public morals."

• Section Four: Accountability and Reparations in Yemen

As part of its efforts to seek broader accountability and reparations for violations and abuses against civilians in Yemen, Mwatana has sought to pursue the few available avenues that exist outside Yemen to bring Yemen-related claims. None of the currently available avenues is able to provide holistic and credible accountability and redress commensurate with the scope and scale of abuse in Yemen. As such, Mwatana has also conducted advocacy with UN bodies and relevant states, urging a holistic and credible accountability and redress strategy for Yemen, as well as the establishment of independent accountability and reparation mechanisms capable of addressing all warring parties' abuses and ensuring criminal justice for perpetrators and reparations for civilian victims.

Key Recommendations

Mwatana for Human Rights calls on the parties to the conflict to:

- Adhere to international humanitarian law, including the fundamental principles of distinction, proportionality and precaution.
- Immediately cease unlawful attacks on civilian objects, including on hospitals, schools, and residential homes in densely populated areas.
- Cooperate with and provide unimpeded access to the UN Human Rights Council Group of Eminent Experts on Yemen and other United Nations experts.
- Immediately end use of explosive weapons that cannot be directed at a specific military objective.
- Facilitate safe and urgent access for humanitarian supplies and relief personnel in all Yemeni governorates.
- Immediately cease attacks on hospitals and health workers, and immediately cease interfering with humanitarian work, especially given the Covid-19 pandemic and the spread of other diseases.
- Wherever possible, work on promptly paying salaries of civil servants, including medical and educational personnel.
- End use of antipersonnel and antivehicle mines and submit maps of mine-affected areas to facilitate the demining process.
- Close unofficial detention centers, release the arbitrarily detained, resolve disappearances, and investigate incidents of torture and other forms of cruel, inhumane and abusive treatment in detention centers.
- Stop the recruitment and use of children under the age of 18 in hostilities and dismiss those in military service immediately.
- Withdraw from schools militarily occupied and cease the use of schools for military and mobilization purposes.
- Take all necessary steps to end and prevent gender-based and sexual violence.
- Respect international human rights law, including economic and social rights.
- Cooperate fully with the UN GEE and other investigative and judicial entities, where appropriate, so that allegations of violations and abuses committed by all parties to the conflict in Yemen can be properly investigated, documented and the perpetrators thereof brought to account.
- Support, cooperate fully with, and contribute to efforts to ensure accountability for international crimes and prompt, effective and adequate reparations, as well as other forms of amends, to impacted civilians.

Methodology

In order to draft this report, Mwatana for Human Rights conducted investigative field research, including in-depth investigations and direct inspections of the sites where attacks and incidents occurred. Mwatana interviewed witnesses, relatives of victims, survivors, and doctors, and examined documents, photos, videos, and other forms of physical evidence between January and December. Throughout 2020, Mwatana documented (1155) incidents that killed and wounded 1032 civilians.

This is Mwatana's fourth annual report, including an in-depth review of the most prominent patterns of violations of international humanitarian law committed by the warring parties in Yemen. It also contains examples of attacks on a variety of fundamental rights and freedoms.

Mwatana has field researchers in 22 Yemeni governorates that collected data by conducting more than (2183) interviews in Arabic with victims, relatives, witnesses and medical and humanitarian workers. In 2020, the team carried out (80) field visits to remote districts to verify information. Mwatana's researchers received informed consent from survivors and witnesses. Researchers obtained testimonies independently and securely from primary and reliable sources. During 2020, rather than using field observation, Mwatana used interviews as a tool for documenting cases of recruitment of children under the age of 18.

The year 2020 also brought with it the challenge of working during the coronavirus pandemic (Covid-19). Due to the necessity of adopting preventive measures, such as social distancing, Mwatana conducted a review of its adopted work mechanisms, and relied on telephone interviews during the period between late February to July 2020.

The field researchers also documented, whenever possible, other forms of physical evidence, including photographs, documents and supporting documents that helped corroborate the occurrence and corresponding details of incidents. In some cases, international experts specializing in weapons analysis analyzed photos or videos to help identify weapons remnants found after an attack. The researchers strove to document each incident with a minimum of three independent witnesses. They relied on fewer testimonies when conditions in the field prevented them from collecting more information. Mwatana did not provide any material or in-kind assistance, or any form of payment to those who provided their testimonies. The Mwatana team has withheld the identity of some witnesses and survivors in the interests of their safety and confidentiality.

In 2020, Mwatana's team encountered many security risks, including Ansar Allah group (Houthis) arresting a Mwatana researcher in early February and placing her in a prison for three days. In another incident, an Ansar Allah (Houthi) checkpoint fired live ammunition towards a civilian car that was carrying another Mwatana researcher. Fortunately, she and the driver of the vehicle were not harmed, but the researcher was interrogated and stopped for seven hours.

The information was analyzed, verified and the reliability of sources confirmed by the Research and Studies Unit at the head office in Sana'a as well as the Legal Support Unit. The Research and Studies Unit team conducted field visits to several governorates in separate fact-finding missions, documenting some specific incidents. The team began writing this report in early 2021, and international humanitarian law specialists reviewed it from March to June 2021.

Mwatana presented the cases detailed in this report in chronological order, from oldest to most recent. The cases mentioned in this report are not the only ones that occurred. The patterns of human rights violations covered in this report are examples of the most prominent documented by Mwatana during 2020. In no way do they represent all the cases and patterns of abuses in Yemen. Mwatana continues to document violations and abuses that have occurred since the beginning of 2021.

Section One

The Yemen Conflict and International Law

International humanitarian law applies to the armed conflict in Yemen. Applicable law includes Common Article 3 to the four Geneva Conventions of 1949, Additional Protocol II of 1977 and customary international humanitarian law. International human rights law continues to apply.

The non-international armed conflict in Yemen, which began between Ansar Allah (Houthi) armed group and Yemeni government, now involves multiple warring states and non-state armed groups. Parties directly involved in hostilities include state members of the Saudi/UAE-led coalition, the regular armed forces of the internationally recognized Yemeni government under President Abdrabbuh Mansur Hadi and non-state armed groups like Ansar Allah, the UAE-backed Southern Transitional Council, and the Joint Forces on Yemen's Western Coast. All parties to the conflict, including states and non-state armed groups, are obligated to comply with international humanitarian law applicable to the intensifying conflict in Yemen.

In 2020, Mwatana frequently found that military actions documented did not comply with basic international humanitarian law principles like distinction and civilian immunity. Military actions killed, wounded and harmed hundreds of civilians.

Parties to the conflict are obligated to respect international humanitarian law, including minimizing harm to civilians and civilian objects. Warring parties must take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks. Forces must avoid locating military objectives within or near densely populated areas, and endeavor to remove civilians from the vicinity of military objectives, and otherwise protect the civilian population under their control against the dangers of military operations, including by refraining from storing weapons and explosive materials within densely populated areas. One party's failure to take feasible precautions does not negate the other party's own obligations under the laws of war. An attacking party must also take all feasible precautions to minimize civilian harm, including doing everything feasible to verify that the objects of attack are military objectives, and giving "effective advance warning" when circumstances permit.

Warring parties are prohibited from launching attacks using indiscriminate weapons, attacks that do not distinguish between civilian and military objectives, and disproportionate attacks (those that may be expected to cause incidental harm to civilians or civilian objects that would be excessive to the concrete and direct military advantage expected).

International humanitarian law provides a number of protections to persons not taking part in hostilities, and requires civilians be treated humanely without any adverse distinction. International humanitarian law also prohibits the arbitrary passing of sentences and carrying out of executions without a fair trial before a legally constituted court affording all the judicial guarantees which are recognized as necessary.

Common Article 3 provides for a number of protections for civilians, as well as for others, such as sick or captured fighters, who have ceased participating in hostilities. Common Article 3 prohibits violence to them, including murder, mutilation, cruel treatment and torture, as well as prohibiting the taking of hostages, outrages upon personal dignity, and unfair trial. Additional Protocol II to the Geneva Conventions prohibits, among other acts, collective punishment, acts of terrorism, rape, and any other form of indecent assault, looting, and pillaging.

State parties to a conflict are obligated to investigate war crimes allegedly committed by members of their armed forces and other persons under their jurisdiction. Civilian leaders and commanders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible. According to international humanitarian law, states should make full reparations for losses caused by violations.

International human rights law applies during armed conflict. Certain basic rights, including the right to life, the right to a fair trial, the right not to be subjected to torture and ill-treatment, nor the arbitrary deprivation of liberty, must be respected at all times. Non-state actors that exercise government-like functions and control a territory must respect the human rights of individuals under their control.

Section Two

Attacks and Abuses in 2020

Chapter One: Air Strikes

Air Strikes

In 2020, Mwatana documented at least 32 Saudi/UAE-led coalition air strikes impacting civilians and civilian objects in eight Yemeni governorates: Amanat al-Asemah, Sana'a, Hajjah, Sadah, al-Hudaydah, al-Bayda, Ma'rib, al-Jawf. At least 104 civilians were killed, including 41 children and 17 women, and at least 81 civilians were injured, including 41 children and 19 women, in these attacks. These attacks damaged and destroyed protected civilian objects, and hit residential homes and neighborhoods, markets, civilian vehicles, farms, schools, and service and commercial facilities.

Through investigations, including interviews with witnesses, victims, and medical personnel, Mwatana did not identify a military objective at, near or in the vicinity of the site in the majority of these attacks. In the few cases where Mwatana did identify a military target near the site of the attack, the civilian harm resulting from the attack was significant, and appeared disproportionate to the apparent military advantage. In no attacks did Mwatana find an indication that Saudi/UAE-led coalition forces warned civilians ahead of the attacks.

Legal Framework

The rules and principles that make up international humanitarian law provide protections to civilians, as well as to others not participating in armed conflict. International humanitarian law requires parties to a conflict to take the necessary measures to reduce, to the greatest extent, human suffering during the conduct of hostilities.

International humanitarian law requires all parties to the conflict to distinguish between military targets and civilian objects and to direct all hostilities against military targets. It also requires that parties to the conflict take all feasible precautions to minimize harm to civilians. Warring parties must consider the potential harm to civilian life and the relative value of the military objective before launching an attack, and refrain from carrying out disproportionate attacks. Indiscriminate and disproportionate attacks, when carried out with criminal intent, are considered war crimes.

Some Examples:

- On Wednesday, July 15, 2020, at approximately 07:00 am, the Saudi/UAE-led coalition dropped two bombs on the al- Masa'fa village in al-Hazm district, al-Jawf governorate. The first bomb fell on the eastern side of a residential house in which five families were meeting to hold a circumcision ceremony for one of the children. The second bomb fell approximately three minutes later on another residential house about 150 meters north of the previous house. As a result of the air strike, 12 civilians were killed, including seven children and two women, and five children and one woman were wounded. The attack also destroyed the two homes almost completely and damaged a civilian car that was in the yard of the first house.

A Mwatana researcher visited the site of the attack and conducted at least seven interviews with survivors, eyewitnesses, and family members of the victims, in addition to taking photographs of the damage caused by the attack. Another Mwatana researcher visited the victims, who were transferred to a hospital in the city of Ma'rib. Field research and witness statements did not identify any military target in or near the two homes before or during the attack. The nearest military target identified was approximately five kilometers from the site.[14]

- On Sunday, July 12, 2020, at approximately 01:00 pm, the Saudi/UAE-led coalition attacked, with one bomb, a residential house in al-Asre area, Washaha district, Hajjah governorate. As a result of the attack, 9 civilians were killed, including three women and six children, and one woman and three children were wounded, and the house was completely destroyed.

The brother of one of the victims, Hamid Ali (26 years old), said: "I was near the house when I heard a huge explosion. I ran to the house... and found it smashed, and the children and women who were inside were left in pieces."[15] Mwatana conducted interviews with three relatives of the victims and with witnesses, all of whom said there were no military targets in or near the house before or at the time of the attack, and only women and children were in the house.[16]

- On Thursday, August 6, 2020, at around 09:30 a.m., the Saudi/UAE-led coalition carried out an airstrike and dropped multiple bombs on civilian cars on the asphalt road linking the Khab w al-Sha'af district and the Burat al-Enan of al-Jawf governorate. There was about five to ten minutes between the first three bombs, which fell on two civilian cars carrying civilians on a holiday visit. Meanwhile, at about 10:30 a.m., another three bombs hit another civilian car while it was passing about 300 meters away from the site of the previous two vehicles. As a result of the attack, eight civilians, all children, were killed and 15 civilians were wounded, including eight children and four women. The three civilian vehicles were completely destroyed.

(14) Through Mwatana's visit to the site of the attack, the researcher's observations, and an interview with at least eight survivors, eyewitnesses, and relatives of the victims between June 18, 2020, and June 23, 2020.

(15) Mwatana for Human Rights interviewed by phone the brother of the victims/Hamid Ali, on July 16, 2020.

(16) By interviewing at least three eyewitnesses and relatives of the victims between July 15, 2020 and July 16, 2020.

Shaa'fa Abdullah (40 years old), a wounded woman and mother of three of the children who died, said: **"We were on the way to visit our relatives in Bart district for a holiday visit, and as soon as we heard the sound of the plane, it threw its bombs on us. The bomb had a violent sound and shrapnel came down on us like rain."**[17]

Mwatana's researcher visited the site of the attack and conducted ten interviews with survivors, witnesses, and family members of the victims, in addition to taking photographs of the damage caused by the attack. Mwatana researchers and the witnesses interviewed by Mwatana did not identify any military target in or near the three vehicles before or during the attack.[18]

(17) Interview conducted by Mwatana for Human Rights with the victim/Shaa'fa Abdullah, on August 10, 2020.

(18) Through Mwatana's visit to the site of the attack, the researcher's observations, and an interview with at least 10 survivors, eyewitnesses, and relatives of the victims between August 6, 2020 and August 12, 2020.

Air Strikes

32 air strikes documented by "Mwatana" during the year 2020

Victims of the attacks

104 Civilians Killed

Including

41 **41** Children

17 **19** Women

Including

81 Civilians Injured

The attacks damaged and destroyed civilian targets

Residential Neighborhoods

Farms

Markets

Civil Vehicles

Schools

Service and Commercial Facilities

Responsibility

32 Saudi/UAE-led Coalition Forces

Chapter Two: Ground Attacks

Ground Attacks

In 2020, Mwatana documented approximately 131 ground attacks that killed 131 civilians, including 41 children and 35 women, and wounded at least 356 civilians, including 161 children and 56 women. The Ansar Allah group (Houthis) bears responsibility for 61 attacks in the governorates: al-Hudaydah, Taiz, Ma'rib, al-Bayda, al-Dhale, Hajjah, Sadah, Lahj and Aden. Saudi ground forces were responsible for 16 incidents in the governorates of Sadah and Hajjah, internationally recognized government forces for 17 attacks in the governorates of Taiz, Sadah, Shabwah, and al-Dhale, and UAE-backed Joint Forces on the West Coast for 13 ground attacks in al-Hudaydah. Mwatana was not able to determine the party responsible in 24 other documented attacks in al-Hudaydah governorate.

The parties to the conflict in Yemen continue to launch indiscriminate ground attacks on civilians using imprecise weapons with wide-area effects. Many of these attacks have struck residential neighborhoods and crowded markets, and forced hundreds of people to leave the areas in which they were living in search of safer places.

With the intensification of hostilities in populated areas, some fighters were stationed in residential neighborhoods and homes for shelter and to prepare and carry out military operations. This endangered civilians and their properties. As a result, numerous civilians were killed and wounded, and their property and vital infrastructure, such as roads, water supplies and hospitals, damaged.

Legal Framework

International humanitarian law prohibits indiscriminate attacks. International humanitarian law prohibits the use of unguided weapons that cannot be directed at a specific military objective. The parties to the conflict must choose a means of attack and weapons that can be directed at military targets and will minimize as much as possible the harm to civilians and their property. At all times during fighting, warring parties must distinguish between military targets and civilian objects.

International humanitarian law requires warring parties to protect civilians in the areas they control against the dangers of military operations. Forces must avoid locating military targets in or near densely populated areas. Warring parties must also refrain from launching attacks that are expected to cause disproportionate loss of civilian life or damage to civilian objects compared to direct anticipated military gains. Indiscriminate and disproportionate attacks, when carried out with criminal intent, are considered war crimes.

Some Examples:

- On Friday, February 21, 2020, at around 10:00 am, a shell landed on a farm in al-Nasiri area, al-Tuhayta district, al-Hudaydah governorate, killing one woman and wounding four others, including a child and two women.

According to the 50-year-old farm owner, the shell came from the west, which was controlled by the UAE-backed Joint Forces, while Ansar Allah group (Houthis) controlled the area where the shell fell. The line of contact between the two sides is approximately three kilometers away from the farm. The farm owner described the situation as follows: "There were clashes with bullets and mortars, so my wife and children entered the room and I stayed outside. Suddenly, I heard a terrifying explosion. I was afraid for my children and entered the room. They were all screaming and bleeding. The shell fell directly on my son's wife, who was pregnant in her eighth month. The shell killed her and wounded my children, my wife, and my nephew. It was a catastrophe. After the incident, we left the farm and fled to the village, and now we are back to the farm again because it is our source of livelihood."[19]

- On Friday, June 19, 2020, at around 12:00 pm, Saudi border guards hit a house with a projectile in the al-Walidi area, Shada'a district, Sadah governorate. This ground attack killed a child, injured two girls and a woman, and destroyed the northern façade of the house.

According to witnesses, there are no military sites in the area, which is located approximately 2 kilometers from the Saudi border. A relative of the victims (58 years old) said: "I was in the mosque at the time of the attack. I went out and the dust was rising from the direction of our relative's house. I went to the house with the people around me, and we removed the women and children from under the rubble and drove them to the Republican Hospital in Sadah. We are bombed from time to time by border guards. We are tired of this situation and the war[20] ".

- On Tuesday, August 4, 2020, at around 4:30 pm, several shells fell on the village of Qarn al-Sharji and its surroundings, in Qa'atabah district, al-Dhale governorate, killing two girls and a man and wounding three others, including a woman.

According to witnesses, the projectiles came from the Sadrein camp, where military forces belonging to the internationally recognized government are stationed, and which is located approximately 14 kilometers southwest of the village.

A witness (29 years old) said to Mwatana: **"The victim was on his way to the valley and while he was there, a projectile fell and killed him. When the children and women saw the victim on the ground, they went towards him, and then the second shell fell on them, killing two girls and wounding three others, including a woman."**

(19) "Phone call" between Mwatana for Human Rights and the farm owner on April 7, 2020.

(20) "Interview" conducted by Mwatana for Human Rights with a relative of the victims on October 6, 2020.

The witness added: **"All the people took shelter in their homes except for those who were busy helping the victims, and I am one of them. Personally, while I was in the village, I heard about 10 shells. Residents say that the bombing continued even after treating the wounded. Mygriefforthemwasgreat."(21)**

- On Monday, November 30, 2020, at around 4:30 pm, two shells fell on al-Mufatash neighborhood, Cairo district of Taiz governorate. The first shell hit the home of Hamza Said Qaid, 22, killing two girls from his family members, and wounding two other girls and his wife. About half an hour later, a second shell landed in front of the house of Aref Amin, 40 years old, wounding two children from his family members.

Witnesses told Mwatana that the projectiles came from the east, from al-Arba'in Street, which is controlled by Ansar Allah group (Houthis). The area where the projectiles fell is located 2 kilometers to the west and is under the control of the internationally recognized government's forces.

Hamza Said (22 years old) said: **"My family was in the living room and I was in the next room when the shell fell. I found them all wounded, while Islam's body was torn to pieces. I took my daughter Hamas, who was still breathing and drove her to the nearest gathering of people and went back to transport the rest. The hostilities and the gunfire did not stop while the wounded were being treated, but I was not aware of anything at the time due to the sound of the shell." (22)**

One of the paramedics (28 years old) said: **"The clashes between both sides had been ongoing since the morning. When the first shell fell, we thought it was in the mountain, until we saw Hamza carrying his daughter Hamas, who was between life and death. As for Islam, we found nothing but the remnants of her braids."(23)**

(21) "Interview" of Mwatana for Human Rights with a relative of the victims, on September 15, 2020.

(22) "Interview" conducted by Mwatana for Human Rights with the owner of the house, on December 2, 2020.

(23) "Interview" conducted by Mwatana for Human Rights with the victims' neighbor on December 2, 2020.

Ground Attacks

131 ground attacks documented by "Mwatana" during the year 2020

Victims of the attacks

131 Civilians Killed

Including **41** Children, **35** Women

161 Including **356** Civilians Injured, **56**

Responsibility

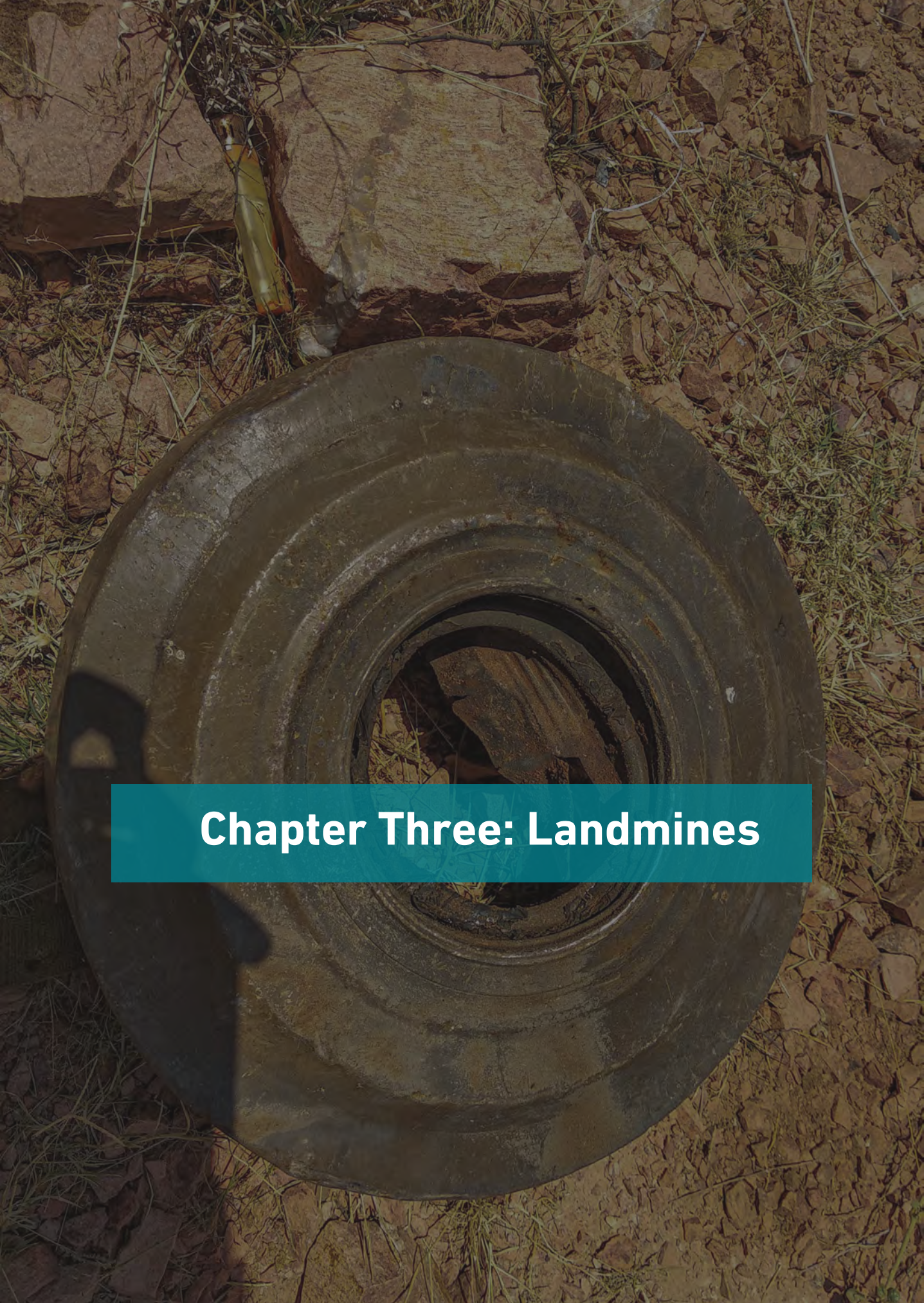
61 Ansar Allah group (Houthis)

16 The Governmental Forces

16 Saudi Ground Forces

13 The UAE-backed Joint Forces in the West Coast

24 Mwatana for Human Rights was unable to identify the violating party



Chapter Three: Landmines

Landmines

In 2020, Mwatana documented nearly 47 incidents of landmine explosions which killed 35 civilians, including 18 children and 4 women, and wounded 55 civilians, including 34 children and 5 women. These incidents were concentrated in the governorates of al-Hudaydah, al-Jawf, Shabwah, Taiz, Sadah, al-Dhale, al-Bayda, Sana'a, Ma'rib and Aden. The Ansar Allah group (Houthis) planted these mines.

Since the outbreak of the conflict, landmines have continued to claim the lives and limbs of Yemenis. Landmines have become a source of daily fear and terror for civilians in rural areas. Women and children are the primary victims of landmines laid on public roads, as they go to bring water, firewood and livestock. Landmines have forced hundreds of Yemenis to take rough roads in order to avoid the usual, now mined, roads.

Legal Framework

The Mine Ban Treaty prohibits the use, production, stockpiling, and transfer of antipersonnel mines. The convention obliges state parties to destroy any stockpiles, and clear anti-personnel mines, in addition to providing assistance to mine victims. Yemen ratified the Mine Ban Treaty on September 1, 1998.

Landmines, including antivehicle mines, must not be used in ways that amount to indiscriminate attacks. Mines do not distinguish between civilians and combatants. They continue to kill and maim civilians long after a conflict has ended. Indiscriminate attacks, when carried out with criminal intent, are considered war crimes.

Some Examples:

- On Thursday, March 26, 2020, at around 8:00 am, a mine exploded in al-Maarif village, al-Durayhimi district, al-Hudaydah governorate, killing two children. Ansar Allah (Houthi) forces planted mines before their withdrawal from the area on June 9, 2018.

The father of the victims (70 years old) told Mwatana: "My family and I moved to the village of al-Maarif two years ago, and I built a house from tree sticks and palm fronds. On that morning, my children set out to fetch water, and they were supposed to go to the wedding of my nephew's sons after they came back from the well. Suddenly I heard the sound of an explosion and some of the neighbors told me that my sons stepped on a mine."[24] The father added: "I found them in pieces, and at that time, our joy was replaced with sadness. After the accident, I left the village and was displaced again. My life has become a constant displacement."

- On Saturday, June 27, 2020, at around 2:30 pm, a landmine exploded and wounded three girls who were collecting firewood in the al-Jar'oub area, al-Muton district, al-Jawf governorate. The mine was planted by Ansar Allah group (Houthis) before they left from the region in 2016. In early 2020, Ansar Allah (Houthis) regained their control over the area.

One of the victims (15 years old) said: "My sister, my cousin and I were collecting firewood and my sister was trying to pull out a tree trunk to cut it down. Then, a strong explosion threw us to the ground. Thankfully, we survived death." The victim continued: "Our lives were affected after the accident, as it prevented us from collecting firewood, which is essential for cooking in our home. This is due to the lack of gas and its high price on the black market."[25]

(24) "Interview" conducted by Mwatana for Human Rights with the father of the victims on September 1, 2020.

(25) "Interview" conducted by Mwatana for Human Rights with the victim on October 21, 2020.

Mines

47 mines explosions that "Mwatana" documented during the year 2020

Mines Explosions Victims

35 Civilians Killed

Including

18 Children

3 Women

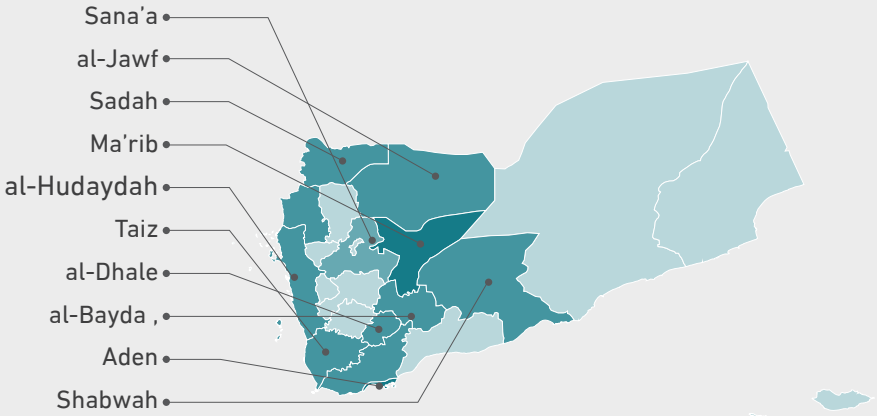
34

5

Including

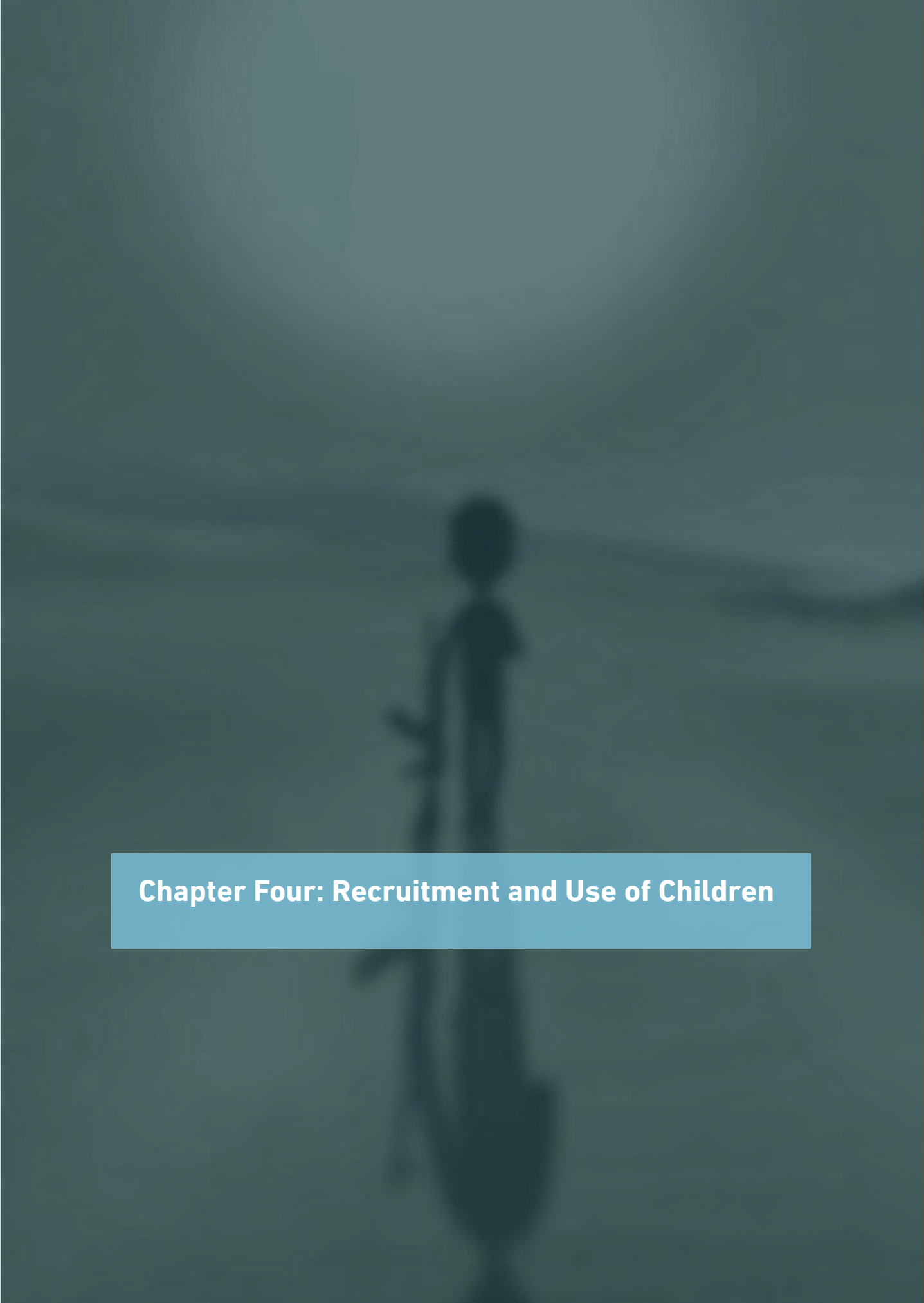
55 Civilians Injured

Governorates



Responsibility

47 Ansar Allah group (Houthis)



Chapter Four: Recruitment and Use of Children

Recruitment and Use of Children

During 2020, Mwatana verified the recruitment and use of at least 239 children, including at least 33 girls. Through 190 testimonies and interviews conducted by the organization, Mwatana found that Ansar Allah group (Houthis) recruited 82% of these children, with these cases concentrated in the governorates of Sadah, Ma'rib, al-Bayda, al-Hudaydah, al-Jawf, Sana'a, al-Mahwit, Amanat al-Asemah, Amran, Dhamar, Hajjah, Ibb, and Ryamah. The percentage of children recruited by governmental forces was approximately 10% of the total documented cases, concentrated in the governorates of Ma'rib, al-Bayda, Shabwah, Hadramaut, Abyan, Sadah, Sana'a, al-Jawf and Ryamah. The percentage of children recruited by the UAE-supported Southern Transitional Council forces was 7% of the documented cases, concentrated in the governorates of Abyan, Lahj, Aden and al-Hudaydah. The UAE-backed Joint Forces on the West Coast were responsible for recruiting 1% of the documented cases in the governorates of Abyan, Taiz and Lahj.

The Ansar Allah group (Houthis) continues to recruit and use young girls in security checks and logistical services such as cooking and washing for fighters. Mwatana documented the recruitment and use of at least 33 young girls by Ansar Allah group (Houthis) in 2020. Mwatana used interviews to document incidents of recruitment and use of children. In the interests of the children, Mwatana withheld the identity of all children and their parents in this chapter.

Legal Framework

International humanitarian law prohibits the recruitment or use of children by armed groups or armed forces. The recruitment of children under the age of 15 years old, or using them in combat operations, is a war crime.[26] Military commanders of armed forces or armed groups who knew or should have known can be held criminally liable unless they take effective action to end the practice, for example demobilizing children who have been recruited.

The Yemen Child's Rights Law[27] stipulates that children cannot be directly involved in conflict, and that no person under the age of eighteen can be recruited.

(26) The Rome Statute of the International Criminal Court, adopted in Rome, and drafted on July 17, 1998, Article 8, paragraph 26.

(27) Yemeni Child Rights Law 2000, Article 45.

Some Examples:

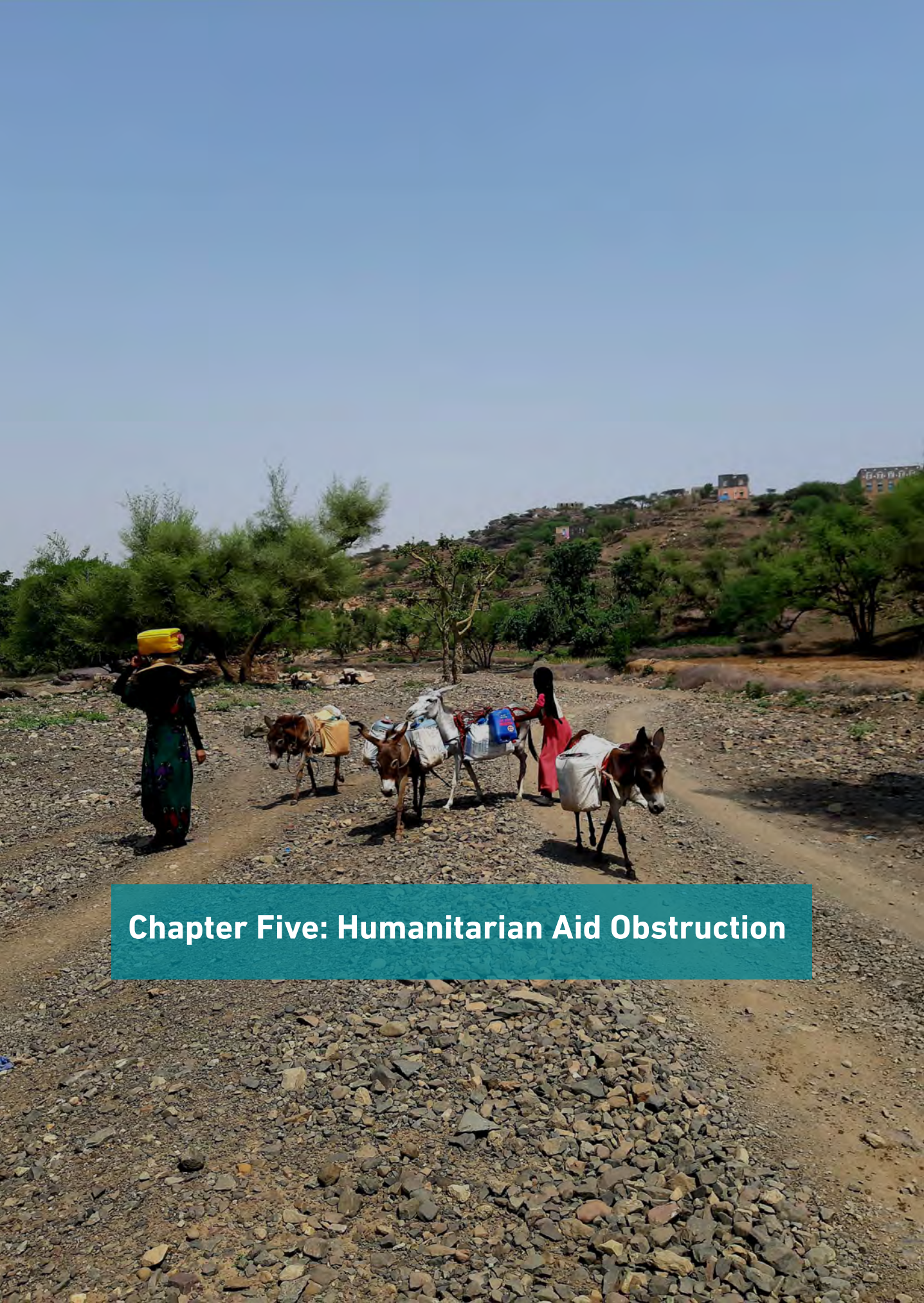
- On Tuesday, January 7, 2020, a 15-year-old child was recruited in Utmah district, Dhamar governorate, to join the ranks of Ansar Allah group (Houthis) in Dhamar city.(28)
- On Tuesday, November 26, 2020, a child recruited into the Third Infantry Brigade of the UAE-backed Joint Forces was killed in al-Tuhayta district, al-Hudaydah governorate. The child's mother said, "We tried to prevent my son from going, but they tempted him with money and weapons." Mwatana obtained a copy of the birth certificate of the recruited child, stating that he was born in 2005, making him 15 years old at the time of his death. (29)
- On Monday, February 10, 2020, a 17-year-old child was recruited from Shabwah governorate, at the Marra Special Security Forces camp for government forces.(30)
- On Wednesday, January 22, 2020, the Security Belt forces in Abyan governorate, recruited a ten-year-old child, who was later sent to participate in military actions in al-Durayhimi district,al-Hudaydahgovernorate..(31)

(28) Mwatana for Human Rights interviewed relatives of recruits, on March 11, 2020.

(29) Mwatana for Human Rights interviewed relatives of recruits on December 13, 2020.

(30) Mwatana for Human Rights interviewed relatives of recruits on March 20, 2020.

(31) Mwatana for Human Rights interviewed relatives of recruits on March 4, 2020.



Chapter Five: Humanitarian Aid Obstruction

Humanitarian Aid Obstruction

In 2020, as with each year during this war, the civilian population in Yemen faced further burdens when trying to meet their basic survival needs. Practices adopted by the warring parties exacerbated the difficult humanitarian conditions in Yemen, which is experiencing the worst humanitarian crisis in the world[32] .

In 2020, Mwatana documented at least 87 incidents of warring parties impeding the flow of humanitarian relief supplies and essential items to civilians. The Ansar Allah group (Houthis) was responsible for 80 of the documented incidents in the governorates: Sadah, Hajjah, Ibb, al-Jawf, al-Mahwit, al-Bayda, Taiz, al-Hudyadah, Amanat al-Asemah, and Ryamah. Government forces were responsible for 6 incidents in the governorates: Taiz, al-Jawf, Hadramaut, and Ma'rib, and the UAE-backed Southern Transitional Council forces for one incident in al-Hudyadah.

The warring parties have contributed to Yemen's humanitarian disaster in other ways, as well. Some of the worst manifestations of the Yemen conflict have been reflected in the collapse of civilian infrastructure and the sharp deterioration of economic and financial indicators. The failure of the Central Bank of Yemen to pay pensioners and civil servants' salaries has caused significant hardship,[33] while Saudi/UAE-led coalition restrictions on the entry of imported food and fuel into Yemeni ports have aggravated the suffering of civilians.[34] The air blockade and continued closure of Sana'a International Airport for commercial flights has also exacerbated the humanitarian situation.

Warring parties on the ground, such as Ansar Allah group (Houthis) and forces loyal to the internationally recognized government, have imposed fees and complicated bureaucratic procedures that hinder commercial flows and humanitarian aid, and have contributed to price increases and lack of availability of critical goods, like fuel.[35] They have also imposed complex restrictions on humanitarian personnel that prevent unhindered movement in different parts of the country.

By the end of October 2020, UN agencies warned that "acute malnutrition rates among children under the age of five are the highest ever recorded in parts of Yemen, with more than half a million cases in southern districts."[36]

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(32) The United Nations Website, "Yemen", is available at the following link: https://news.un.org/ar/focus/yemen

(33) The number of public sector employees is approximately 1,250,00 employees. For more information, see, "Inflation that outpaces financial capabilities: the need to reform public sector salary expenditures," The Sanaa Center for Strategic Studies, available at the following link: https://sanaacenter.org/en/publications-all/main-publications-ar/8114

(34) The report of the Group of Regional and International Eminent Experts on Yemen, September 3, 2019, p. 266, is available at the following link: https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1_EN.PDF#page=7&zoom = auto, -118,662

(35) Ibid., P. 270.

(36) Available at: https://p.dw.com/p/3kTuk; https://www.unicef.org/press-releases/malnutrition-surges-among-young-children-yemen-conditions-worsen.

Legal Framework

Warring parties are required to allow and facilitate rapid and unimpeded passage of humanitarian aid to civilians in need. They may not arbitrarily interfere with humanitarian relief, and must allow freedom of movement of humanitarian workers, which can only be temporarily restricted for reasons of urgent military necessity.

Starvation of civilians as a method of warfare is prohibited. Starvation of civilians as a method of warfare includes, for that purpose, attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies, is a war crime. The Rome Statue of the International Criminal Court was recently amended to include starvation as a method of warfare as a war crime in non-international armed conflicts.

Some Examples:

- On Monday, January 27, 2020, at around 4:00 pm, in Aslem district in Hajjah governorate, a group of men with Ansar Allah group (Houthis), who arrived in a military vehicle (pickup-Toyota), stormed three relief aid stores for an international organization working in coordination with the World Food Program. The fighters expelled the relief workers and raided the warehouses that contain foodstuffs, part of which were expired. Food items, the expired items, were transferred to the group's warehouses, which Ansar Allah later sold to food supplies traders. Approximately 19,408 civilians and displaced people benefitted from the implementation of this project. The incident caused the suspension of relief aid distribution for a period of 15 days, which led to the deprivation of 180 displaced families residing in Bani Hassan camp from aid.

One of the displaced Ahmmed (pseudonym - 50 years old) said: "I was very upset that the process of distributing relief materials had stopped because it came at our expense[37] ".

- On Friday, September 25, 2020, at around 5:15 am, in the Khibb wa al-Sha'af district in al-Jawf governorate, a member of the Sixth Military Zone of the internationally recognized government driving a civilian vehicle (Toyota pickup) hit three aid workers. The aid workers were sleeping next to a tent in the desert when the vehicle ran them over twice, killing them. The three humanitarian personnel worked on an aid distribution project funded by the World Food Program in coordination with a local organization and which served approximately 1,400 displaced persons, who received 886 food baskets.

(37) "Interview" conducted by Mwatana for Human Rights with a displaced person, on January 28, 2020.

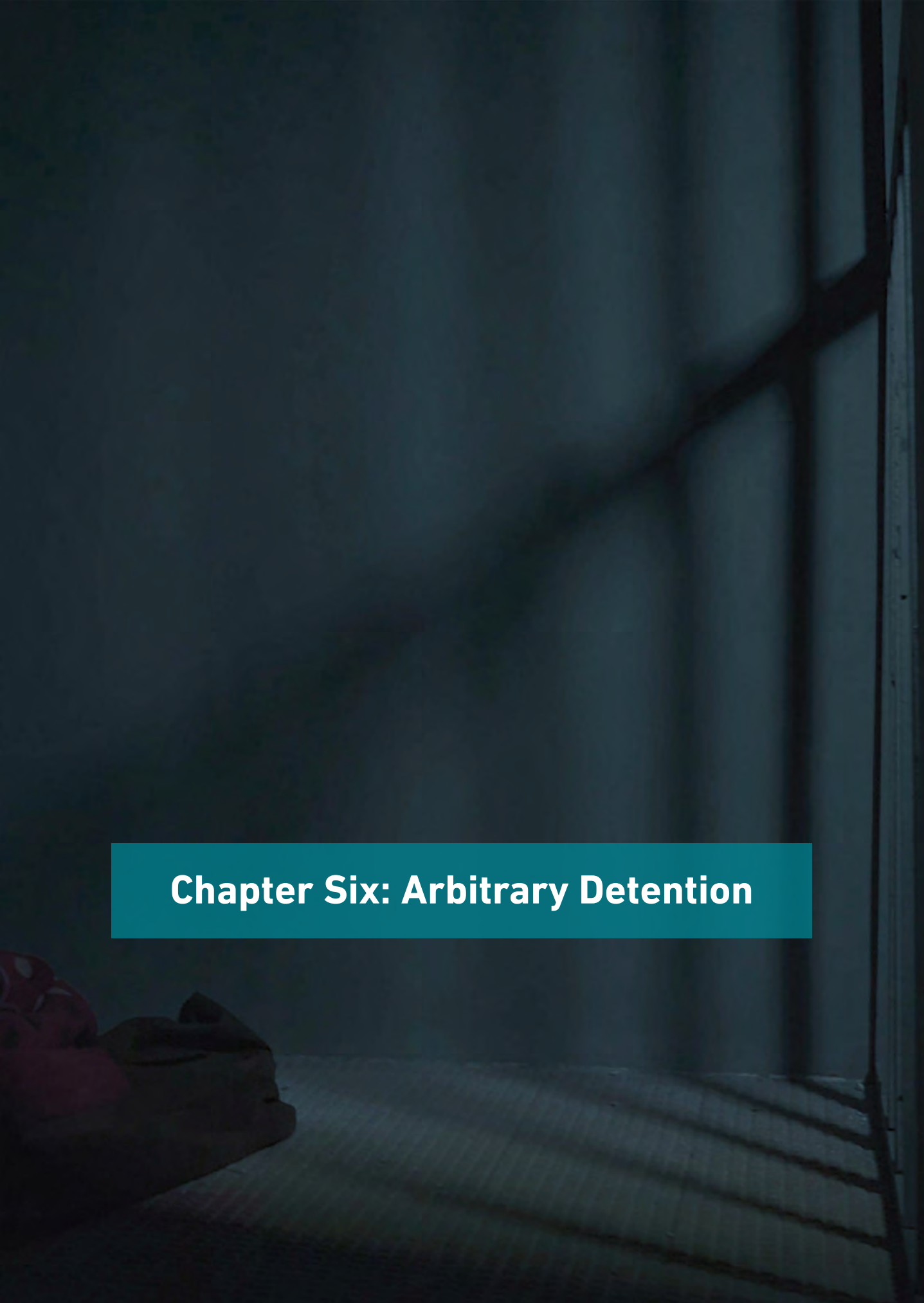
Qassem Nasser (pseudonym - 25 years old) said: "The crime was committed on purpose as revenge. The place of the accident was not a crossing, but rather it occurred next to a tent in the desert, where the team was sleeping. They were run over not once, but twice. For your information, the perpetrator asked one of the victims to include names affiliated with him in the beneficiaries' statements, and his request was rejected."[38]

- On Monday evening, March 2, 2020, on the western coast of al-Hudaydah governorate, armed men affiliated with the UAE-Backed Joint Forces raided the building of a protection and livelihood support project implemented by a local organization and funded by the United Nations Population Fund. The men destroyed some of the furniture and the signs for the project. Then, the men expelled the relief workers and psychological counseling workers and closed the building, without showing any official document explaining the reasons for the closure. The building remained closed for one month.

Amani Muhammad (pseudonym - 29 years old) told Mwatana: "In February 2020, we provided cash assistance equivalent to 100 dollars for a large number of cases registered with us. Nearly 70% percent of our cases are women in need of psychological support due to life's hardships and widespreadpanic."[39]

(38) "Interview" conducted by Mwatana for Human Rights with an aid worker over the phone, on November 1, 2020.

(39) "Interview" conducted by Mwatana for Human Rights with an aid worker, on March 2, 2020.



Chapter Six: Arbitrary Detention

Chapter Six: Arbitrary Detention

In 2020, Mwatana documented 195 incidents of arbitrary detention of 287 victims, including 21 children. The Ansar Allah group (Houthis) committed 94 of the documented arbitrary detentions in the governorates: Dhamar, Amran, al-Bayda, al-Mahwit, Hajjah, al-Dhale, Sadah, Amanat al-Asemah, al-Hudyadah, Taiz, Ibb, Ma'rib and Ryamah. Mwatana documented 59 arbitrary detentions carried out by government forces in the governorates of Ma'rib, Shabwah, Taiz, Lahj, Abyan and Hadramaut, and 38 incidents of arbitrary detention by UAE-backed Southern Transitional Council forces in the governorates of Aden, Lahj and Abyan. The UAE-backed Joint Forces were responsible for four incidents in the governorates of Taiz and al-Hudyadah. Furthermore, Mwatana verified that 22 women were arbitrarily detained in Yemeni governorates by Ansar Allah group (Houthis) in governorates of Hajjah, Dhamar and al-Bayda, the government forces in governorates of Ma'rib and Taiz, and the Southern Transitional Council forces in governorates of Hadramaut, Abyan, and Aden.

The detainees were held in official, unofficial and secret prisons. The warring parties also used arrests as a method to harass their opponents and impose their will on people in areas under their control.

Mwatana provides legal support to victims of arbitrary detention in 17 Yemeni governorates through 20 field lawyers. In 2020, Mwatana lawyers provided legal aid and legal advice in (388) incidents. The team's ongoing follow-up aims to help release those arbitrarily detained, improve conditions of detention, for example improvements to the environment of detention, access to medical care, etc., and push for detention procedures that accord with international and national laws. In 2020, 122 people whose arbitrary detention Mwatana had documented throughout the conflict were released, including people to whom Mwatana's Legal Support Unit provided assistance. Many others remain detained.

Legal Framework

International humanitarian law and international human rights law prohibit arbitrary detention during international and non-international armed conflicts. Multiple treaties provide that no one may be subjected to arbitrary arrest or detention. Article 9 of the International Covenant on Civil and Political Rights, to which Yemen is a party, states, "No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

The UN Human Rights Committee has said that states may not invoke a state of emergency to justify arbitrary detention. A valid reason for detention, both for initial detention and the continuation of detention, is required. To prevent arbitrary detention, there is an obligation to inform people of the reasons for their arrest, to bring them promptly before a judge and to allow them to challenge the lawfulness of their detention.

The Yemeni constitution includes basic criminal justice guarantees, including specifying that: "Anyone who is temporarily arrested, due to being suspected of committing a crime shall be presented to the Judiciary within 24 hours from the time of the arrest at most"[40] and that "only judges are entitled to extend the arrest warrant beyond the first seven days period." The Yemeni Penal Code also stipulates the imposition of a prison sentence of up to five years against officials who mistakenly deprive people of their liberties.

Some Examples:

- On Monday, August 31, 2020, at approximately 10:15 am, in 'Abs district, Hajjah governorate, a police car with one soldier and two policewomen belonging to Ansar Allah group (Houthis) came to the house of Afnan Shuaibi, a 14-year-old girl. Upon her return from school, she was taken to a prison in a school, and was imprisoned for 13 days accused of "having contact with her abducted cousin."

Khamisa Fateh al-Din (30 years old) told Mwatana: **"My niece Nouf (15 years old) was kidnapped without the security forces taking any serious measures. All they did was arrest my daughter Afnan under the pretext of calling Nouf before the abduction! Our misfortune doubled and I was afraid that my little girl would turn into a criminal by being unjustly thrown inprison."**[41]

- Between Saturday, January 25, starting at around 9:00 am, and Sunday, January 26, 2020, until approximately 10:00 am, forces affiliated with the internationally recognized government in Habban district, Shabwah governorate, carried out a campaign of arrests. 16 civilians, including 9 children, were taken from three fixed checkpoints in the areas of al-Aaram, Qarn al-Sawda and al-Naqba to the prison of al-Aaram city in Habban district.

(40) Article No. (76), Law of Criminal Procedure, Republican Decree of Law No. (13) of 1994.

(41) "Interview" conducted by Mwatana for Human Rights with Afnan's mother, on September 9, 2020.

Lahmar Ali Salfouh (53 years old) told Mwatana: **"The security forces arrested my son (14 years old) and other members of my tribe, most of them children, and detained them in poor conditions and without any legal justification. This abuse is the price of our political opposition to the government and the local authority. (42)."**

All detainees were released through local mediation on the evening of Thursday, January 30, 2020.

- On Sunday, June 14, 2020, at approximately 10:00 am, UAE-backed Southern Transitional Council forces in two military vehicles (pickups - Toyota) stormed a village in al-Qabbaytah district, Lahj governorate. Ten soldiers wearing military uniforms arrested 10 civilians, including a child. The day before, a device on the side of the road exploded, impacting a military vehicle. Later, the civilians were taken to a prison located inside a military camp in Radfan district, Lahj governorate.

Said Hammoud (pseudonym - 51 years old) told Mwatana: **"The day after the explosion of a device on the side of the road that hit a military vehicle of the Southern Transitional Council forces, a military campaign raided homes and arrested the males in the village. All detainees were civilians who were displaced from neighboring villages due to intense fighting, and they havenoconnectionwithanyparty."(43)**

The victims were detained for a month and ten days, and then were released.

(42) "Interview" conducted by Mwatana for Human Rights with the father of one of the victims, on February 2, 2020.

(43) "Interview" conducted by Mwatana for Human Rights with the father of the victims' relative, on June 29, 2020.

Arbitrary Detention

195 incidents of arbitrary detention "Mwatana" documented in 2020

Arbitrary Detention Victims

21 Children

287 Detained Arbitrarily

22 Women

Responsibility

94 Ansar Allah group (Houthis)

59 The Governmental Forces

38 The UAE-backed Southern Transitional Council Forces

4 The UAE-backed Joint Forces in the West Coast

Chapter Seven: Enforced Disappearance

Chapter Seven: Enforced Disappearance

In 2020, Mwatana documented 89 incidents of enforced disappearance involving 91 victims, including two children. The Ansar Allah group (Houthis) bears responsibility for 53 of these enforced disappearances in the governorates of Dhamar, Ibb, Amanat al-Asemah, Taiz, Hajjah, Sadah, al-Bayda, Dhale, Sana'a, al-Mahwit and Amran. Government forces bear responsibility for 14 incidents in Ma'rib, Abyan, al-Jawf, Dhale, al-Mahrah, Hadramout and Shabwah, and the UAE-backed Southern Transitional Council forces for 22 incidents of enforced disappearance in Aden, Dhale, Lahj, Hadramaut and Souqatrah.

Forcibly disappeared people in Yemen suffer grave abuse inside prison cells. Warring parties in Yemen often disappear civilians on suspicions of belonging to hostile organizations, for their political affiliation or for having opposing opinions. One of the primary reasons enforced disappearances—often including grave violations that may amount to war crimes—are so widespread is that warring parties feel safe from accountability and redress. The damage caused by disappearances extends to families, friends and wider society.

In an effort to reduce enforced disappearances by warring parties, Mwatana provides legal support on incidents of enforced disappearance, trying to pressure the parties to the conflict to uncover the fate of the disappeared, to allow their families to visit them, and to refer them to the judiciary in accordance with legal procedures. Mwatana continues to follow up on the incidents of some individuals still forcibly disappeared.

Legal Framework

Enforced disappearance is prohibited during armed conflict. Enforced disappearances violate or threaten to violate a range of rules of international humanitarian law applicable to both international and non-international armed conflicts, including the prohibition on arbitrary detention, torture, cruel and inhuman treatment and murder. The parties to the conflict must take steps to prevent disappearances during non-international armed conflicts, including registering the names of detainees, and must take all feasible measures to clarify the fate of persons missing as a result of the conflict and provide family members with information about their fate.

Under the Rome Statute, the founding treaty of the International Criminal Court, the systematic practice of enforced disappearance is a crime against humanity. Hostage taking, seizing or detaining a person and threatening to kill, injure or continue to detain them to force a third party to do or refrain from doing something as a condition for release or safety, is also a war crime under the Rome Statute.

Yemeni law does not criminalize enforced disappearance as such, and Yemen has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, a comprehensive reading of the constitutional and legal principles set forth in the Yemeni constitution regarding fundamental rights and freedoms, including regarding arbitrary detention and torture, would appear to prohibit the practice. Yemen should ratify the International Convention for the Protection of All Persons from Enforced Disappearance and align local law with its protections.

Some Examples:

- On Thursday, April 16, 2020, at approximately 5:30 am, in al-Thaorah district in Amanat al-Asemah, a group of male soldiers and female soldiers, who are known as the Zaynabiyat, on board 7 Ansar Allah group (Houthis) military vehicles surrounded a house where Asaad Mohsen (pseudonym - 28 years old) was staying. A male soldier stormed the house, arrested Assad and took him to an unknown location.

The father of Assad (58 years old) told Mwatana: **"Two days before my son Asaad was arrested, 6 soldiers wearing masks broke into my house and shot at the door, which caused horror and panic among my family members. When they did not find my son, they went and stormed his house with weapons as well, but they did not find him."** Two days later, a large group of Ansar Allah soldiers returned to the house of Asaad's cousin and took him away.

Asaad was still forcibly disappeared at the time of writing of the present report.

- On Wednesday, September 23, 2020, at approximately 7:00 pm, a soldier belonging to internationally recognized government forces, wearing civilian clothes, broke into a café located on the eastern bank of Khor al-Mukalla, Hadramaut governorate and aimed his firearm at Mohammad Suleiman Bahwij (28 years old), ordering him to get on his motorbike. A military vehicle (pickup - Toyota) with 4 soldiers wearing military uniforms, as well as another military vehicle, arrived and took Mohammad to the al-Jawiya camp of the Second Military Region in the Rabwah area, where he was disappeared for three days.

Mohammad told Mwatana: **"I was forcibly disappeared, as a result of a personal dispute with a soldier, (and held) in the darkness of a 3x4 m cell, with nothing but a small window for ventilation and light. Three days after my disappearance, my father and brother visited me, and feelings of reassurance were mixed with feelings of bitterness over my unjust imprisonment."(44)**

- On Sunday, September 27, Mohammad was released after he asked his father to sign a guarantee regarding his commitment to resolve the personal dispute. On Monday morning, Mohammad filed a report with the al-Mukalla Security Directorate, which issued two summoning orders for the soldier, but the soldier did not respond to the orders.

(44) "Interview" conducted by Mwatana for Human Rights with the father of the victims, on October 1, 2020.

- On Saturday, June 6, 2020, at approximately 10:15 am, in the governorate of Aden, a military vehicle (pickup - Toyota) carrying 8 soldiers wearing military uniforms belonging to the UAE-backed Southern Transitional Council forces intercepted a civilian car carrying Osama Said (pseudonym - 51 years old). The soldiers removed Osama from his car and took him to one of the security services' prisons, where he was detained incommunicado for a period of one month and accused of "spying for Ansar Allah group (Houthis)."

Osama's brother (49 years old) told Mwatana: **"Minutes after Osama's arrest, I received a call from him, informing me of the place of his arrest so I went immediately to visit him. The investigators told me that I could not see him until the completion of the investigation procedures, and a soldier there advised me not to come again to visit my brother lest I would be arrested."**

Osama was still in detention at the time of writing of the present report.

Enforced Disappearance

89 incidents of enforced disappearance "Mwatana" documented during the year 2020

Enforced Disappearance Victims

91 Forcibly Disappeared

2 Children

Responsibility

53 Ansar Allah group (Houthis)

14 The Governmental Forces

22 The UAE-backed Southern Transitional Council Forces

Chapter Eight: Torture

Torture

In 2020, Mwatana documented 46 incidents of torture. 26 of these incidents were committed by the UAE-backed Southern Transitional Council forces in the governorates of Abyan, Aden, and Lahj, including two deaths in detention. 12 incidents were carried out by Ansar Allah group (Houthis) in the governorates of Ibb, Hajjah, al-Bayda, al-Hudaydah, Ryamah and Amran, including five deaths in detention. Government forces were responsible for 6 incidents in the governorates of Ma'rib and Hadramaut, and the UAE-backed Joint Forces for one incident in Taiz governorate. In one incident, Eritrean forces tortured seven Yemeni fishermen while they were detained in Eritrea.

Mwatana documented different methods of torture and ill-treatment by the warring parties, such as severe beatings with batons, electrocution, kicking, slapping, confinement in tight rooms, and other forms of degrading and humiliating treatment. Mwatana also documented people being deprived of necessary medical care after being injured due to torture of and ill-treatment.

The continued prevalence of torture in places of detention by all warring sides results from the policy of impunity that perpetrators enjoy due to warring party obstruction of efforts for accountability and for due legal process, and the absence of remedies for victims and fora to hold perpetrators to account.

Legal Framework

International humanitarian law and international human rights law prohibit torture and other inhuman and degrading treatment. No circumstances justify them. Article 5 of the Universal Declaration of Human Rights prohibits torture. Common Article 3 of the Geneva Conventions specifically provides for the protection of detained persons, including civilians and captured fighters, from "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" as well as "outrages upon personal dignity, in particular humiliating and degrading treatment."

The Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment fixes a set of requirements for states to prevent, investigate, and prosecute torture, in addition to ensuring redress. In 1991, Yemen ratified the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

Under the Rome Statute, torture, cruel treatment and outrages upon personal dignity constitute war crimes in non-international armed conflicts. When torture is carried out as part of a widespread and systematic attack against the civilian population, torture is considered a crime against humanity.

Some Examples:

- On Tuesday, August 18, 2020, at approximately 4:20 pm, a child (14 years old) from a neighborhood in Jaar district, Khanfar district, in Abyan governorate, was arrested and taken in a military vehicle (pickup) by the Rapid Intervention forces, which are affiliated with the forces of the UAE-backed Southern Transitional Council. He was detained at a place known as "Khanfar Mountain," where he was subjected to torture and ill-treatment.

One of the witnesses (22 years old) said: **"The child victim was kept in solitary confinement for two weeks. He was kicked with military shoes, beaten with sticks and rifle handles, and was electrocuted. He would be hung upside down from his feet for long periods of time. One time, the rope broke and he fell and cracked his head. In addition, the detention place did not have ventilation and had a stench, as the temperature and humidity were high, especially in summer, and the food was not good and not sufficient."(45)**

The child was accused of theft. Despite his confession, he was not transferred to the Public Prosecution Office and remained in a place of detention that did not meet the conditions of juvenile detention. He was tortured more than 15 times before his release on October 22, 2020.

- On Sunday, August 9, 2020, at approximately 5:30 pm, a 15-year-old child was arrested from his home in a village in al-Makha district in Taiz governorate. Ten armed men belonging to the UAE-backed Joint Forces arrived in a military vehicle along with four armed civilians in civilian clothes from the Criminal Investigation Department, who came in a white Toyota without a number. The child was taken to the Security Department in the city of al-Makha, where he stayed for 18 days, during which time he was held in solitary confinement and tortured more than three times.

The child was immediately placed in a solitary cell known as "The Pressure Cooker,"[46] and his interrogation began at around 11:00 pm that night and continued until nearly dawn. During the investigations, various methods of torture were used, including slapping, beating with wires, hanging with water poured into the nose, and burning by melting plastic on his body, and threats to electrocute and kill him. He was also forced to agree to put his fingerprint on written confessions that he was not allowed to read. When he was removed from the solitary cell, he was placed in a cell with other detainees who were between 17 and 25. During the interrogation and torture sessions, those questioning and beating him accused him of planting explosive devices.

- On Thursday, July 23, 2020, at around 4:30 pm, Ali Muhammad (pseudonym - 20 years old) was arrested in the border district of al-Abr, Hadramaut governorate. He was detained at the headquarters of the 142nd Infantry Brigade loyal to the internationally recognized Yemeni government. He was tortured during his two weeks in detention.

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(45) "Interview" conducted by Mwatana for Human Rights with a witness on September 20, 2020.

(46) The pressure cooker: a small cell of about 3 x 3 meters, without windows, coated with black asphalt completely, with a small iron door.

Ali was subjected to different forms of torture, including electrocution, cigarettes extinguished on his hand, beatings with wires, metal rods, and shovels, as well as with pieces of wood with nails in them.

According to a close associate of Ali (50 years old): **"After [Ali] was released from detention, his condition was dire, his clothes were torn, he had deep wounds on his head, burns on his hands and feet, traces of bruises all over his body. Furthermore, he was in a deteriorating psychological condition. He became delirious and would start laughing."(47)**

- On the morning of Sunday, July 5, 2020, four civilians were detained and tortured in the security administration building of the al-Jabin district in Ryamah governorate, which is controlled by Ansar Allah group (Houthis). The four civilians had been summoned by phone to the security building in order to hear their statements in a criminal incident.

An interviewee: **"The torture started after midnight outside the Security Administration building, each separately. The victim returned with marks of beatings on his body and blood flowing from his hands. The torture included beatings with sticks, electric shocks, and confessions obtained under duress through the use of sharp objects. (48)"**

The four civilians were released separately; they were each held for a period ranging from fifteen days to a month.

All of them were tortured and prevented from communicating with lawyers or their families while detained.

(47) "Interview" conducted by Mwatana for Human Rights with people close to the victim on October 4, 2020.

(48) " Interview" conducted by Mwatana for Human Rights with a witness on July 13, 2020.

Torture

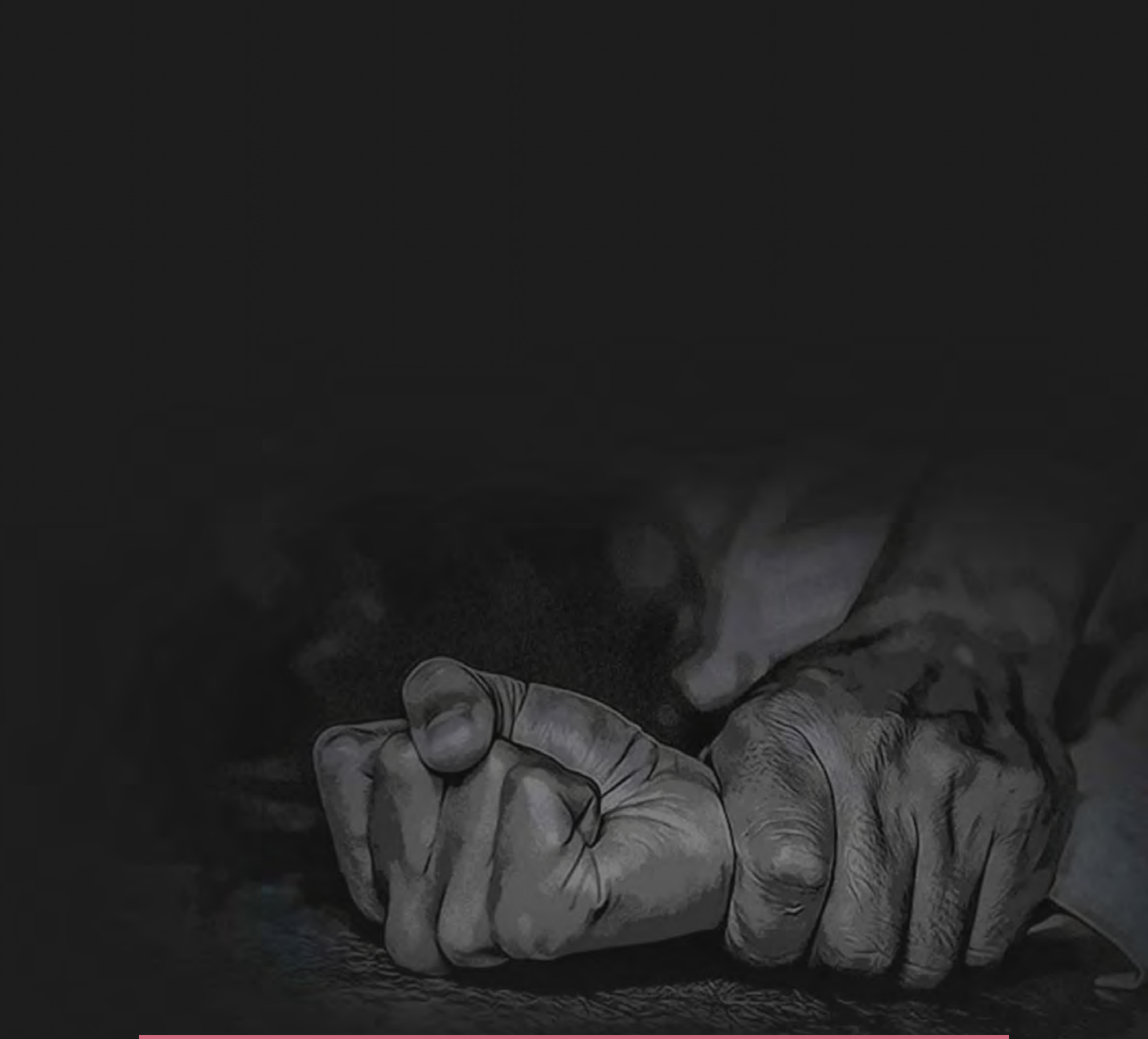
46 incidents documented by Mwatana during the year 2020

Victims of torture

7 Deaths in Detention

Responsibility

- **26** The UAE-backed Transitional Council Forces
- **12** Ansar Allah group (Houthis)
- **6** The Governmental Forces
- **1** The UAE-backed Joint Forces in the West Coast
- **1** The Eritrean Forces



Chapter Nine: Sexual Violence

Sexual Violence

In 2020, Mwatana documented 15 incidents of sexual violence. Those subjected to sexual violence included 10 girls, 6 boys and a woman. Three of these incidents were sexual assaults. The Ansar Allah group (Houthis) are responsible for 11 of these incidents in the governorates of Taiz, Hajjah, al-Jawf and Amran. The government forces are responsible for three of the documented incidents in Taiz governorate, and the UAE-backed Joint Forces on the Western Coast for one incident in al-Hudaydah governorate. Most of those subjected to sexual violence lived in dangerous environments where they were exposed to a variety of violations, and were already vulnerable.

Given the continuing risks faced by survivors and their families, Mwatana has provided an overview of the incidents documented rather than describing them in detail.

The true number of victims of sexual violence is likely to be much higher, as fear of stigma is a barrier to reporting these incidents. Victims face ostracism from families and the community after experiencing sexual violence. They are often blamed for what is considered a loss of honor. Survivors and their families also often do not report sexual violence due to their fear of the security services and the dominant forces to which abusers belonged.

Legal Framework

Sexual violence and rape are prohibited during international and non-international armed conflicts. Common Article 3 of the Geneva Conventions prohibits "violence to life and person" including cruel treatment, torture and "outrages upon personal dignity," which Additional Protocol II specifically defines as including rape, enforced prostitution and any form of indecent assault.

The Rome Statute of the International Criminal Court includes rape and other forms of sexual violence as war crimes.

International human rights law also prohibits sexual violence and rape, which amounts to a form of torture or cruel, inhuman or degrading treatment or punishment.

Sexual Violence

15 incidents documented by Mwatana during the year 2020

Victims of sexual violence

6 Children

10 Girls

1 Women

Responsibility

11 Ansar Allah group (Houthis)

3 The Governmental Forces

1 The UAE-backed Joint Forces in the West Coast

Chapter Ten: Attacks on Schools

Attacks on Schools

In 2020, Mwatana documented at least 85 incidents impacting schools, including attacks on schools and the occupation and use of schools for military purposes. The Ansar Allah group (Houthis) was responsible for 72 of the documented incidents in the governorates of Ryamah, al-Mahwit, Sadah, Ibb, al-Jawf, Ma'rib, al-Hudyadah, Taiz and Sana'a; and these incidents included one incident of ground shelling, two incidents of school occupation, and 69 incidents of school use for military purposes. Government forces were responsible for 7 of the documented incidents in the governorates of Taiz and Shabwah, including 5 incidents of school occupation and two incidents of school use for military purposes. Mwatana documented 6 incidents in which more than one party to the conflict was involved, including an incident in which the Saudi/UAE-led coalition conducted an air strike on a school occupied by Ansar Allah group (Houthis) in the Ma'rib governorate, four ground attacks by Ansar Allah group (Houthis) on four schools occupied by government forces in Taiz governorate, and an Ansar Allah group (Houthis) ground attack on a school occupied by the UAE-backed Joint Forces on the Western Coast in al-Hudaydah governorate.

Parties to the conflict in Yemen have caused extensive damage to schools and educational facilities, leading to deaths and injuries among male and female students. Many schools have closed or have become dangerous places due to remnants of projectiles and explosive materials or the possibility of air strikes and direct or indirect ground attacks. Battles broke out in several areas, with many schools located in the midst of clashes. Schools are also frequently occupied and used for military and combat purposes; such as military barracks, detention centers, harboring fighters and their supply stores, or as centers for mobilization and preparation.

Legal Framework

Both international humanitarian law and international human rights law provide for the protection of educational facilities during armed conflict. Warring parties are prohibited from directing attacks on civilian objects, including educational institutions. Parties to a conflict must distinguish between civilian objects and military objectives at all times and refrain from launching attacks that have a disproportionate impact on civilian objects. In cases of doubt, warring parties must assume an object is civilian.

United Nations Security Council Resolution (2225/2015) on children in armed conflict also calls on parties to a conflict to respect the civilian character of schools. The Safe Schools Declaration, endorsed by Yemen in 2017, provides guidance to warring parties on how to protect educational facilities from military use during conflicts.

Using schools for military purposes during conflict endangers students, teachers, and administrators by turning schools into targets for attack, and disrupts education.

Some Examples:

- On Saturday, March 8, 2020, at around 7:00 am, the Saudi/UAE -led coalition dropped two bombs on the Darb al-Ashraf primary school located in the Darb al-Ashraf village in Majzar district, Ma'rib governorate, while forces of Ansar Allah group (Houthis) were occupying the school.

The attack resulted in the total destruction of the school, which consisted of nine classrooms, an administrative office and three toilets, in addition to completely destroying two neighboring homes and damaging two other homes. Before Ansar Allah group (Houthis) occupied the school, the school was receiving 314 students. The Ansar Allah group (Houthis) began occupying he school on Wednesday, January 29, 2020 and continued occupying it until the attack. The area had also witnessed severe confrontations between the warring parties, forcing the people of the region to flee.

One of the witnesses (45 years old) said: **"The Darb al-Ashraf School was one of the best schools in Majzar district. Today, it has become a pile of rubble."(49)**

- On Saturday, September 26, 2020, at around 8:00 am, Ansar Allah group (Houthis) launched a ground attack involving three artillery shells on al-Khair Elementary Secondary School in Aba'ar village, Sabir al-Mawadim district, Taiz governorate. Soldiers affiliated with the internationally recognized government had been occupying four classrooms inside the school since early January 2018. The attack destroyed part of the school fence and wounded a 20-year-old civilian, who was hit with shrapnel in his left thigh.

According to witnesses, Ansar Allah group (Houthis) attacked the Abaar area with seven artillery shells, three of which hit the school. The shells were fired from the area where Ansar Allah was stationed in Tabat al-Jasha'a', which lies a kilometer and a half to the southeast of where the school is located. The school consisted of 17 classrooms and provided education to at least 600 students.

A resident of the area (a 20 years old student) said: **"Despite the repeated bombing of the Aba'ar region, the school was about to welcome the new school year, but now the students are displaced between schools and mosques in neighboring areas because they fear their school might be targeted again." (50)**

- On Sunday, January 5, 2020, at approximately 5:00 pm, a military force affiliated with internationally recognized government forces occupied the al-Aaram primary school in the al-Aaram area, in the Habban district, Shabwah governorate. The soldiers turned the school into military barracks following the intensification of military operations against the forces of the UAE-backed Southern Transitional Council, which led to the complete disruption of the educational process until the soldiers departed from the school on Friday, February 21, 2020.

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(49) Mwatana's interview with a witness, on March 10, 2020

(50) Mwatana's interview with a witness, dated in October 2020.

Government forces then reoccupied the school on Saturday, April 18, 2020. The educational process had been suspended since March 22, 2020, according to the Ministry of Education's decision as part of the precautionary measures aimed at curbing the spread of the Covid-19 pandemic. The forces left the school on the morning of Thursday, October 1, after tribal mediation. The school was occupied for a third time when a military force stormed the school on the evening of Thursday, October 22, 2020, and used classrooms as places to sleep and chew Qat. After leaving the school on Saturday, October 24 2020, the soldiers occupied the adjacent teachers' residence, which also contained a store for books and school supplies.

The school consists of 9 classrooms and includes 261 male and 57 female students distributed over classes from the first grade to the ninth grade. The school is located in an important location on the general line linking the governorates of Shabwah and Abyan.

The principal of the school42) years old) said: **"Before their withdrawal, the soldiers looted some doors and windows, and now there is nothing to protect the students from the cold." (51)**

- On Saturday, February 22, 2020, at around 3:00 pm, Ansar Allah group (Houthis) blew up al-Salah primary school in al-Rawd al-Salah area in Majzar district, Ma'rib governorate, destroying it completely.

The school consisted of 18 classrooms, six of which were built of stone, and 12 classrooms were mobile tents with iron structures added to accommodate the increasing number of displaced students, bringing the number of enrollments in the 2019-2020 school year to 1,000 students (boys and girls). Displaced people had come to the area before the beginning of 2020, when the area became on the frontlines between Ansar Allah group (Houthis) and government forces. When Ansar Allah (Houthi) armed group took control of al-Salah areas in the beginning of February 2020, they blew up the school to prevent the advance of the internationally recognized government forces.

A witness said: "I saw the school collapsing and saw it flattened to the ground as a result of the bombing." He added: **"Our area was safe and receiving displaced persons from different areas, until the Houthisarrived!"(52)**

(51) Interview conducted by Mwatana for Human Rights with the principal of the school, on October 5, 2020.

(52) Interview conducted by Mwatana for Human Rights with a witness on March 21, 2020.

Attacks on Schools

85 incidents documented by Mwatana during the year 2020

Types of Violations on Schools

7

Air and ground attacks

The responsibility

6 Ansar Allah "group "Houthis (ground attacks)

1 Saudi-UAE-led coalition (air (attacks

71

Use for military purposes

The responsibility

69 Ansar Allah "group "Houthis (ground attacks)

2 internationally recognized government forces

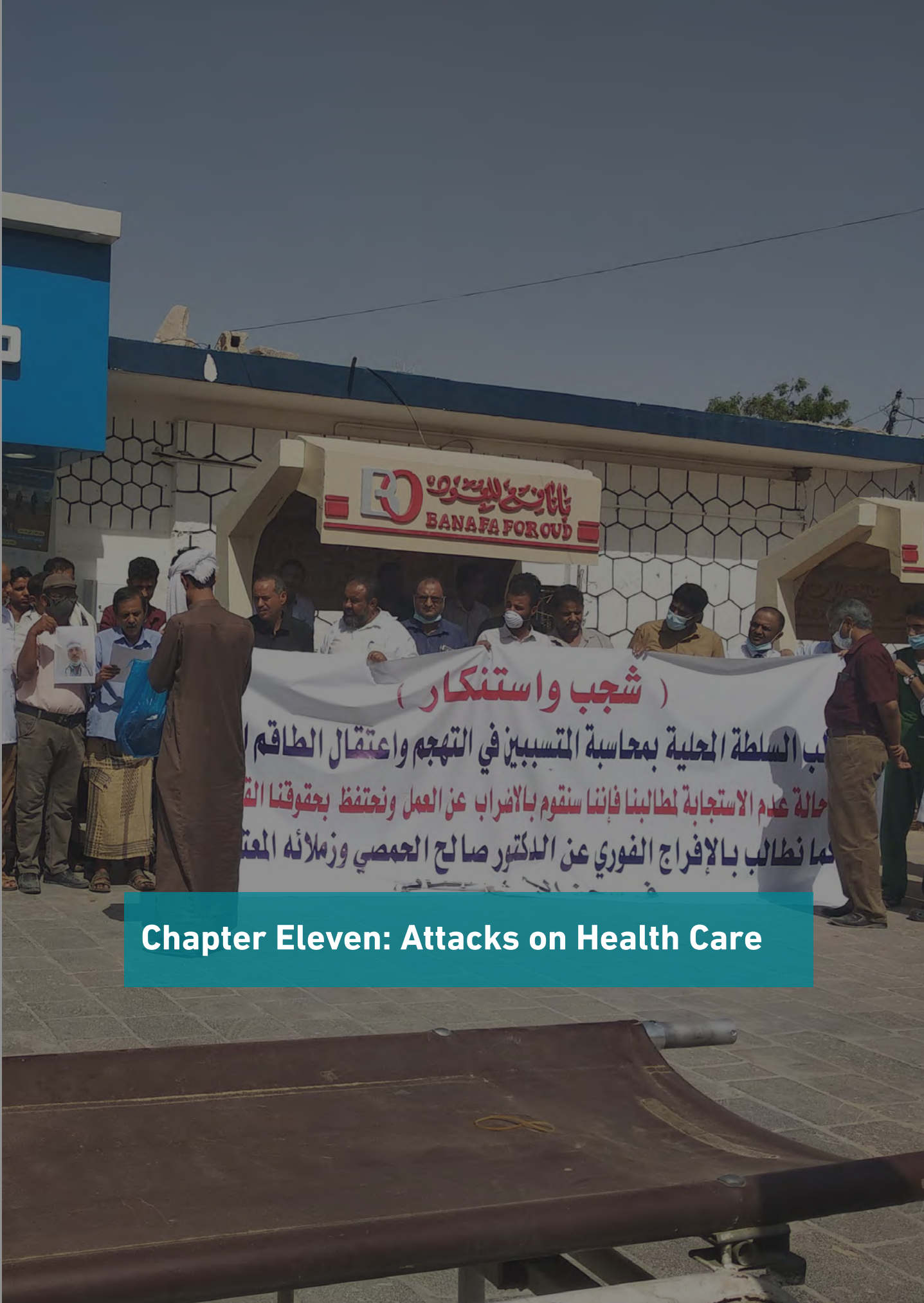
7

military occupation

The responsibility

2 Ansar Allah "group "Houthis (ground attacks)

5 internationally recognized government forces



Chapter Eleven: Attacks on Health Care

Attacks on Health Care

Throughout 2020, Mwatana documented 44 incidents of various types of attacks on hospitals, health centers and medical staff. 17 of these incidents involved armed intrusions and attacks; 6 were ground attacks;12 incidents of health workers detention; and 9 involved humanitarian and medical aid obstruction. During these attacks, 2 people were killed, including a health worker and a doctor's aid, 5 were wounded, including two health workers and a child. The. Ansar Allah group (Houthis) committed 22 of the violations documented by Mwatana in the governorates of Taiz, al-Mahwit, Sadah, Ma'rib, Ryamah, Amanat al-Asemah, al-Bayda and Dhamar. Government forces were responsible for 15 of the incidents in Taiz, Hadramaut, Shabwah and Ma'rib, while the UAE-backed Southern Transitional Council forces were responsible in 5 of the incidents in the governorates of Lahj, Aden and Abyan, and two incidents were committed by UAE-backed Joint Forces on the Western Coast in the governorates of Taiz and Lahj.

The warring parties in Yemen have repeatedly attacked an already collapsed medical sector in extremely dangerous humanitarian conditions, particularly as a result of the spread of the new coronavirus (Covid-19).

Legal Framework

Hospitals and other medical centers and units are granted special protection under international humanitarian law. International humanitarian law requires that medical personnel, such as doctors and nurses, and those in charge of searching for, collecting, transporting and treating the wounded, are permitted to function and are protected. International humanitarian law requires parties to a conflict to respect and protect humanitarian relief personnel, including from harassment, intimidation and arbitrary detention. The parties to the conflict must allow and facilitate the rapid passage of humanitarian aid, not arbitrarily interfere with it, and ensure humanitarian workers freedom of movement, which can only be temporarily restricted for reasons related to imperative military necessity.

Under the Rome Statute, intentionally directing attacks against buildings, materials, medical units, transportation, and individuals using the distinctive emblems set out in the Geneva Conventions in accordance with international law, or intentionally directing attacks against hospitals and places where the sick and wounded are collected, provided that they are not military targets, are war crimes.

Hospitals only lose their protection from attack if used to commit "acts harmful to the enemy," outside its humanitarian functions. Even if a hospital is used by an opposing force to commit acts harmful to the enemy, for example to stockpile weapons, to harbor fighters who are able to fight, or to launch attacks, the attacking force must provide a warning to the opposing party to cease misuse of the medical facility and specify a reasonable time period to stop misusing the facility and to attack only if and after the warning has gone unheeded.

Health workers also only lose their protection if they commit acts harmful to the enemy, outside the scope of their humanitarian duties. International humanitarian law prohibits the punishment of anyone for performing their medical duties in accordance with medical ethics, or forcing any person to engage in medical activities contrary to medical ethics. Medical transport, such as ambulances, must also be allowed to operate and be protected. They only lose their protection if they are used to commit acts harmful to the enemy.

Some Examples:

- On Thursday, April 9, 2020, at around 2:45 pm, in Cairo district of Taiz governorate, armed clashes took place between two competing groups of armed men, both belonging to internationally recognized government forces, near al-Rawda Specialist Hospital. The security guard immediately closed the hospital's main gate. After a few minutes, one of the groups of armed men tried to break into the hospital in order to have two of their wounded treated. The guard refused to open the gate due to the security risk, so the soldiers began firing live bullets towards the hospital, which led to minor injuries to one of the guards and spread terror and panic among the medical staff and patients.

Jamal Awad (pseudonym - 50 years old) told Mwatana: "After the incident, we submitted an official complaint to the police station and the governorate's security leadership to arrest the attackers in the hospital, but they did not take any concrete steps to restore the security that we lost."[53]

Mwatana has documented three ground attacks that have hit al-Rawda Hospital in Taiz city since the outbreak of the armed conflict in late 2014.

- On Monday, April 12, at around 10:30 am, in the city of Sadah, the center of Sadah governorate, the governor came to the quarantine center for Corona patients at al-Zahra'a School for Girls and told the people present that an international organization, in coordination with a local organization, had requested their names, but that he refused to provide them, using the pretext that it was "intelligence" work. As a result, the center's urgent humanitarian needs were not met. The organizations were working to limit the spread of the Coronavirus by providing the necessary equipment such as hygiene kits, sterilization equipment, shelter materials such as sleeping sheets, mattresses, kitchen tools, tents, tanks and water containers, and foodstuffs.

Marwan Hussein (pseudonym - 50 years old) told Mwatana: "Only water tanks and spraying equipment for sterilization arrived at the quarantine center from the Houthis. My family used to bring me food every day. During the days of isolation, they gave us courses on the Houthi movement through loudspeakers in the school. I stayed for 14 days and no humanitarian aid reachedit[54]".

(53) "Interview" conducted by Mwatana for Human Rights with a doctor, on April 13, 2020.

(54) "Interview" conducted by Mwatana for Human Rights with a victim, on May 12, 2020.

- On Thursday, May 28, 2020, at around 8:05 pm, in Radfan district, Lahj governorate, 5 soldiers wearing military uniforms of the UAE-backed Joint Forces on the West Coast arrived in a military vehicle (pickup - Toyota) to the courtyard of the Radfan General Hospital. The soldiers want the hospital to help someone that was with them. The medical staff were not able to conduct an x-ray due to a power outage, which upset the soldiers, who attacked the specialist, in addition to swearing and insulting the rest of the doctors and threatening to use their weapons.

A witness (45 years old) told Mwatana: **"While the hospital was full of sick people due to the spread of fever in the area, the soldiers assaulted, insulted us and threatened to expel us by force of arms, which led to the suspension of work for a quarter of an hour. We informed the security department of Radfan district of the incident but it did not provide us with any protection." (55)**

(55) "Interview" conducted by Mwatana for Human Rights with a health worker, on June 9, 2020.

Health Care Abuses

44 incidents documented by Mwatana during the year 2020

17
Armed Intrusion and Attacks

6
Ground Attacks

9
Humanitarian and Medical Aid Obstruction

12
Health Works Detention

Victims of Abuses

2 Two dead, one a health worker and a doctor's aid

5 Five wounded, including two health workers and a child

3 Three health workers arrested

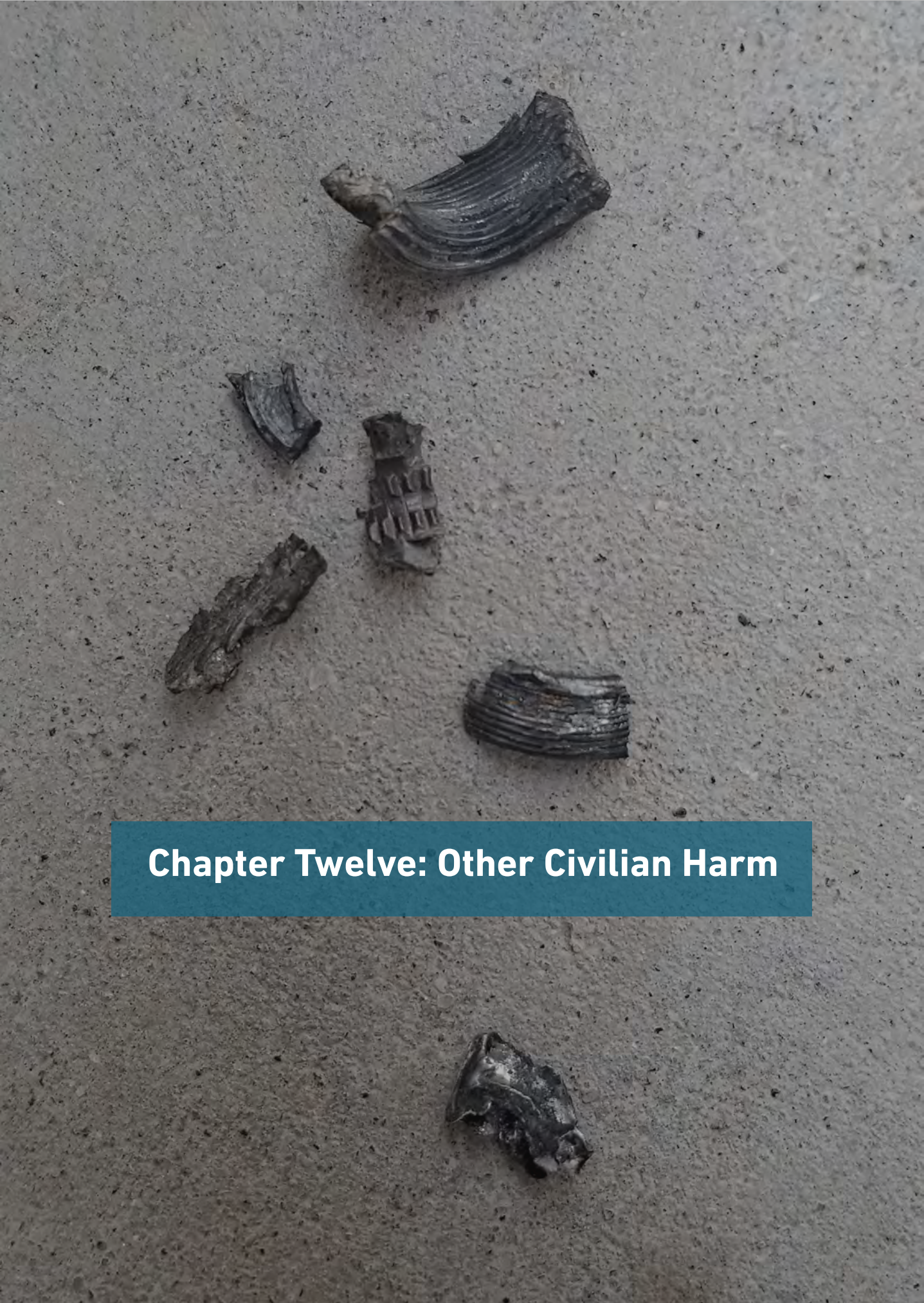
Responsibility

22 Ansar Allah group (Houthis)

15 The Governmental Forces

5 The UAE-backed Southern Transitional Council Forces

2 The UAE-backed Joint Forces in the West Coast



Chapter Twelve: Other Civilian Harm

Other Civilian Harm

The warring parties also killed and wounded civilians in other ways.

In 2020, for example, Mwatana documented 27 incidents where warring parties hit civilians with military vehicles, killing 22 civilians, including six children, and wounding 23 others, including 3 women and 3 children. Government forces were responsible for five of these incidents in the governorates of Taiz, al-Jawf and Hadramaut, Ansar Allah (Houthi) forces for seven incidents in the governorates of Hajjah, Sadah, al-Hudaydah and al-Jawf, the UAE-backed Joint Forces on the West Coast for two incidents in the governorates of al-Hudaydah and Abyan, the UAE-backed Southern Transitional Council forces for 12 incidents in the governorates of Abyan and Aden, and the Saudi/UAE-led coalition for one incident in Abyan governorate.

In 2020, Mwatana also documented 57 civilians killed by live ammunition, including 9 children and 10 women, and 161 civilians, including 83 children and 25 women, wounded by live ammunition. Mwatana was unable to determine the perpetrators in these incidents.

Some Examples:

- On Monday, February 17, 2020, at approximately 11:30 a.m., in al-Rakabiya neighborhood in al-Khawkhah district, al-Hudaydah governorate, a military vehicle belonging to the UAE-backed Joint Forces hit two young children (6-7 years old) as they were returning home from school at the 22 May Complex School for Girls. They died immediately.
- On Monday, August 17, 2020, at approximately 5:00 pm, in al-Rawda neighborhood in the Cairo district of Taiz governorate, a 6-year-old girl was injured by a live bullet while she was fetching water for her family. According to her medical report, the bullet hit the left posterior parietal side of her head, and damaged brain tissue. She underwent surgery at al-Safwa General Hospital and remained under observation in the intensive care unit until September 1, 2020.

Other Attacks on Civilians

Hitting by Military Vehicles

27 incidents documented by Mwatana during the year 2020

Victims

22 Civilian Dead

Including

3 Children

3 Women

Including

6

23 Civilian Wounded

5 The Governmental Forces

7 Ansar Allah group (Houthis)

12 The UAE-backed Southern Transitional Council Forces

3 The UAE-backed Joint Forces in the West Coast

Live Ammunition

218 incidents documented by "Mwatana" during the year 2020

Victims

57 Civilian Dead

Including

83 Children

25 Women

Including

9

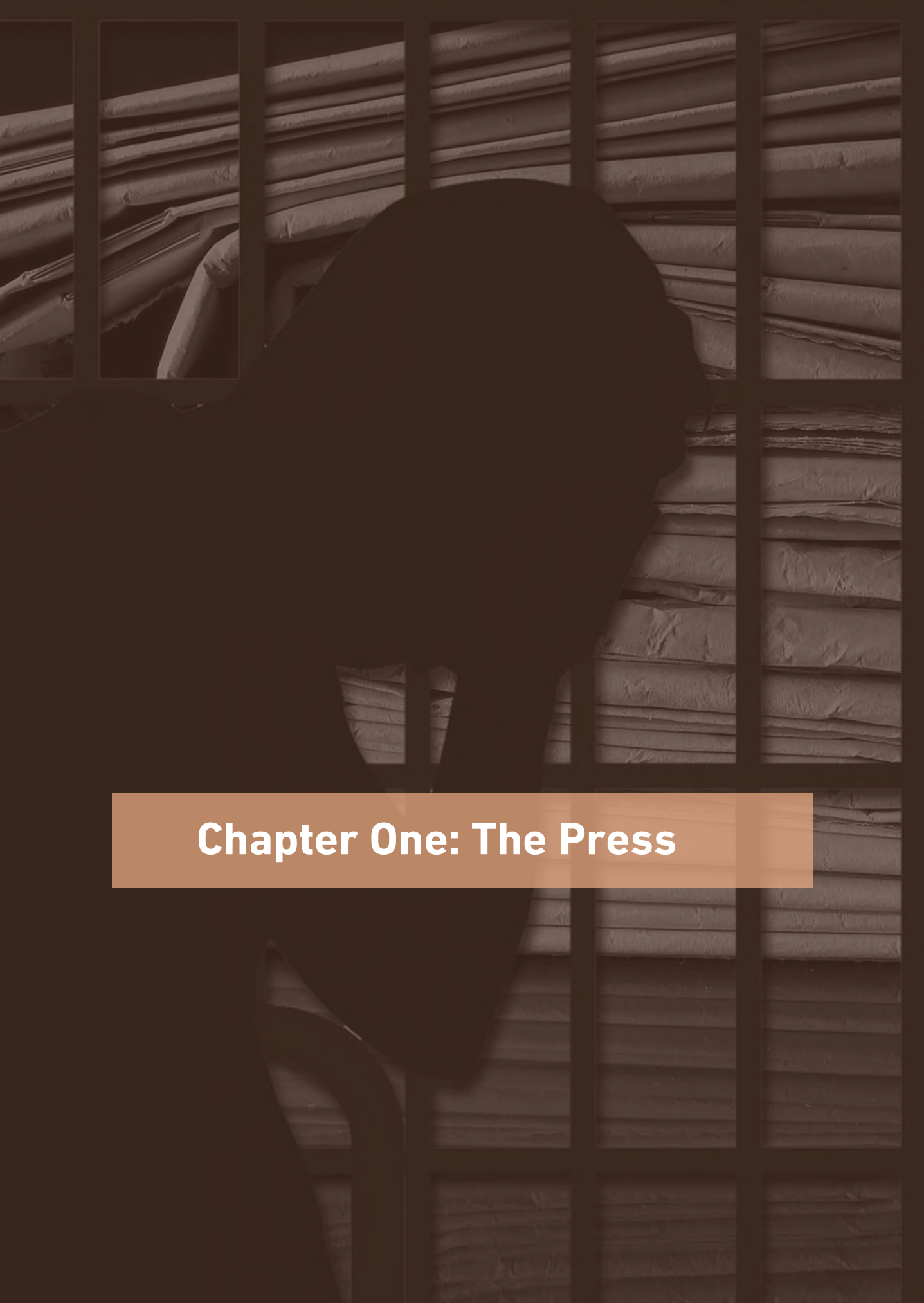
10

161 Civilian Wounded

Mwatana was unable to determine the responsibility of the violating party in these facts.

Section Three

Undermining Rights and Freedoms



Chapter One: The Press

The Press

In 2020, Mwatana documented 14 incidents of abuse against the press involving 20 journalists and media professionals. Nine incidents were committed by governmental forces in the governorates of Taiz, Ma'rib and Hadramaut. The UAE-backed Southern Transitional Council forces were responsible for four of the incidents in the governorates of Lahj and Hadramaut, and Ansar Allah group (Houthis) for one in al-Hudaydah governorate.

The situation for the press, and associated human rights, in Yemen deteriorated. After nearly seven years of war, the warring parties continue to commit different types of violations against journalists and media professionals, including arbitrary arrests, enforced disappearances, torture and humiliating and degrading treatment, restriction on the freedom of the movement of press crews and confiscation of identification papers.

According to the annual classification by Reporters Without Borders, Yemen's ranking in the 2020 Freedom of the Press Index fell one place—to 167 out of 180 countries covered by the index. The indicators state that Yemen is still one of the most difficult countries for journalism and one of the most dangerous for journalists.[56]

In addition, Ansar Allah group (Houthis) has continuesd to arbitrarily detain four journalists for nearly five years. In April 2020, the Specialized Criminal Court in Sana'a sentenced them to death in an unfair trial that involved six other journalists, who have subsequently been released—one in April 2020 and the other five in the mid-October 2020 detainee exchange.

Many news and information websites are still subject to blocking by Ansar Allah group (Houthis), as it controls the company that provides Internet service in Yemen, "Yemen Net."

(56) Available at: https://rsf.org/ar/ranking/2020
https://rsf.org/ar/ltsnyf-llmy-lsn-2019-al-lkhwf-tml-bqs-tqth?fbclid=IwAR0lLgw8ThzBjzh6Q6w-L6amnIDSEAHFa_km1ZIYIOKdpUP0PHwrUq8mx6g

Legal Framework

Under international humanitarian law, journalists are civilians. They cannot be targeted for attack as long as not directly participating in hostilities. International human rights law also protects the right to freedom of expression. Journalists may not be subjected to any form of repression or violence, such as arbitrary arrests, enforced disappearances and torture, for doing their work as journalists. While some limitations may be imposed on media during times of armed conflicts, limitations must be strictly required by the exigencies of the situation and non-arbitrary, and reprisals are prohibited.

The Yemeni constitution reiterates the commitment of the state to work in accordance with the United Nations Charter, the Universal Declaration of Human Rights, all relevant instruments and agreements and international principles. The Constitution of the Republic of Yemen recognizes freedom of expression as an inherent right, stipulating: "Every citizen has the right to participate in the political, economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.[57]"

Some Examples:

- On Wednesday, February 26, 2020, at approximately 9:00 pm, on the road linking the city of Bajil and al-Hudaydah in al-Hudaydah governorate, forces affiliated with Ansar Allah group (Houthis) arrested and forcibly disappeared journalist Ahmed Saleh al-Maksh (40 years old), who works as editor of Zawiya Newspaper and a reporter for al-Hurra TV. Two weeks after the disappearance, Ahmed's family learned that he was being held in the Political Security prison in the city of al-Hudaydah. He was then transferred to the Political Security prison in Sana'a.

Massoud (pseudonym - 35 years old) said to Mwatana: "About two years ago, Ahmed was beaten and arrested by Ansar Allah group (Houthis), which forced him to leave Yemen for Egypt, where he continued to criticize the corruption of some of the group's leaders. Ahmed was arrested and forcibly disappeared again, despite the fact that he is one of the returnees from abroad after the Houthis issued a political amnesty decree that encouraged him to return."[58]

Ahmed was held incommunicado for more than two months. He was released on Monday, May 11, 2020.

(57) Constitution of the Republic of Yemen, January 10, 1994, Chapter Two, Basic Rights and Duties of Citizens, Article No. .(42)

(58) "Interview" conducted by Mwatana for Human Rights with a relative of the victim, on April 26, 2020.

- On Friday, May 1, 2020, at around 6:00 am, journalist Assil Mustafa Sweid (24 years old) left his place in Taiz, heading to Aden. Nobody heard from him after he left and his family tried to contact him repeatedly but his mobile phone was switched off.

The brother of Assil, Osama Sweid (26 years old), told Mwatana: "My brother's friends told me through social media networks that he is being detained in the Fifth Brigade camp in Lahj governorate, which is affiliated to the UAE-backed Southern Transitional Council forces. I contacted the council's spokesperson who confirmed that they had my brother but after some hours, he denied it."[59]

Assil was still missing at the time of writing.

- On Tuesday May 5, 2020, at approximately 2:35 am, in Habban district in Shabwah governorate, a checkpoint under the control of internationally recognized government forces arrested the journalist Saleh Hussein Massawa (36 years old) while he was returning to his house in Shabwah governorate. He works for "Houna Aden" radio, owned by the UAE-backed Southern Transitional Council, which broadcasts its programs from the city of Aden. Saleh was forcibly disappeared for 4 days in the cells of government forces on accusations of "working for the separatists."

Saleh told Mwatana: "I was imprisoned in a dark prison in isolation and the soldiers beat me with their belts. Then, I was taken on board a military vehicle to another cell with a narrow area of one meter by one meter, which was dark and badly ventilated. They did not provide me with enough food and I was rarely allowed to go to the bathroom."[60]

Saleh was released on Friday, May 8, 2020.

(59) "Interview" conducted by Mwatana for Human Rights with the brother of the victim, on May 12, 2020.

(60) "Interview" conducted by Mwatana for Human Rights with the victim, on May 10, 2020.

Violations Against Journalists

14

incidents documented by Mwatana during the year 2020

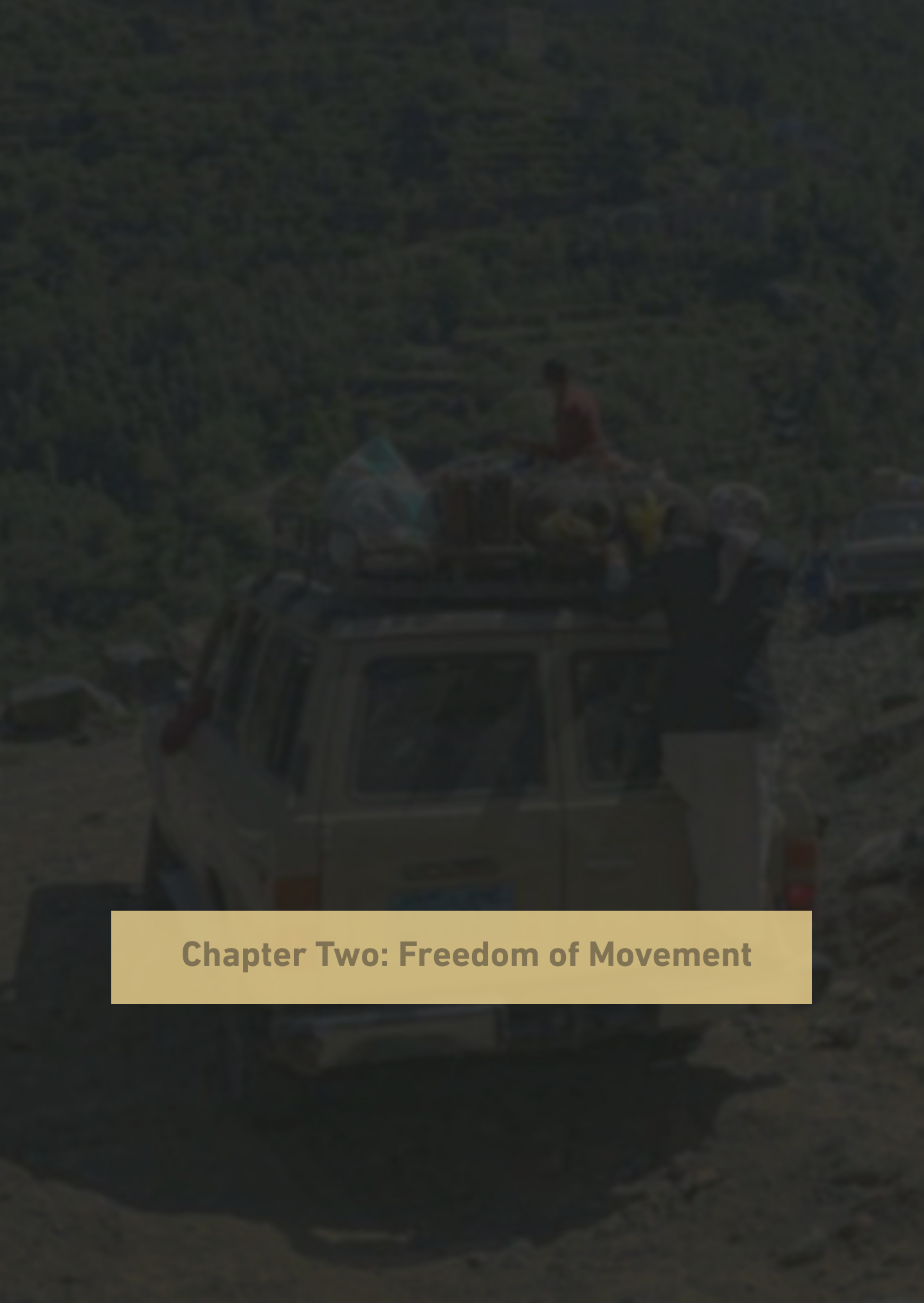
journalists and media professionals. **20**

Responsibility

9 The Governmental Forces

4 UAE-backed Southern Transitional Council Forces

1 Ansar Allah group "Houthis"



Chapter Two: Freedom of Movement

Freedom of Movement

During the years of war, Yemen witnessed various incidents affecting the right of civilians to move freely. In pursuit of extending their influence, warring parties have infringed on the movement of civilians and subjected them to additional arbitrary restrictions that exacerbate their suffering. Warring parties imposed movement restrictions for various reasons: discriminating against civilians according to their geographical and political affiliation, and gender, as well as for material extortion, unlawful gain, and the imposition of unlawful fees.

In 2020, Mwatana documented 20 incidents in which warring parties impeded freedom of movement in different Yemeni regions. The Ansar Allah group (Houthis) is responsible for 16 of these incidents in the governorates of al-Mahwit, al-Bayda, Dhamar and Ma'rib, and the UAE-backed Southern Transitional Council for four in the governorates of Aden, Abyan and Lahj.

Legal Framework

International human rights law, which protects the freedom of civilians to move, remains applicable even in times of armed conflict. The Universal Declaration of Human Rights states, "Everyone has the right to freedom of movement and residence within the borders of each state.[61]" The International Covenant on Civil and Political Rights, which Yemen has ratified, also stresses, "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.[62]" While the Covenant permits the imposition of some restrictions during conflict, any restrictions must be exceptional and of a limited and temporary nature.

Some Examples:

- On Saturday, July 25, 2020, at around 3:35 am, in At Tawilah district, in al-Mahwit governorate, an ambulance carrying a patient in a critical condition due to a brain hemorrhage and heading to Sana'a was stopped at a checkpoint for Ansar Allah group (Houthis) for nearly an hour.
- On Wednesday, August 26, 2020, at approximately 8:00 am, on the outskirts of Aden governorate, a medium-sized (Toyota) bus carrying ten civilian passengers from the northern governorates was stopped at the "al-Alam" checkpoint of the UAE-backed Southern Transitional Council for six hours. The soldiers asked the bus driver to return the passengers to the city of Aden, as there were directives banning the travel of people from northern governorates to Abyan, Hadramaut and al-Mahrah.

(61) The Universal Declaration of Human Rights, Article 13.

(62) International Covenant on Civil and Political Rights, Article: 12, paragraph 1

- On Saturday, March 7, at approximately 12:40 pm, in al-Jubah district, Ma'rib governorate, a civilian vehicle carrying four civilians, including two women, was stopped at the "al-Falaj" checkpoint of government forces for an hour and a half. They were only allowed to pass and enter the city of Ma'rib after they were asked to call a resident of the city of Ma'rib to identify them and confirm the reason for their visit.

Freedom of Movement

20 incidents documented by Mwatana during the year 2020

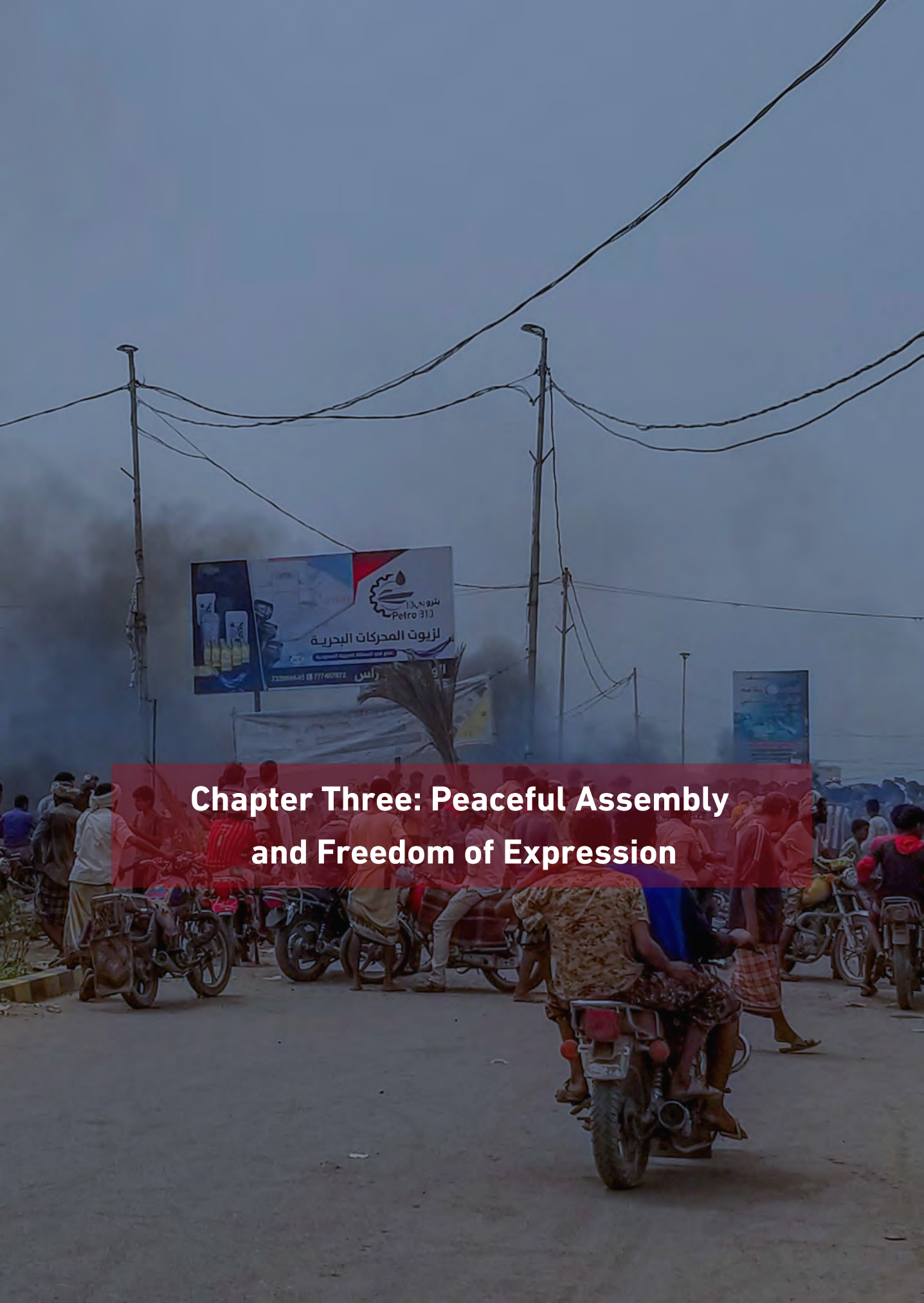
Warring parties reasons' to impose movement restrictions

- Imposition of unlawful fees
- Material extortion and unlawful gain
- Discrimination according to geographical and political affiliation

Responsibility

16 Ansar Allah group "Houthis"

4 UAE-backed Southern Transitional Council Forces



Chapter Three: Peaceful Assembly and Freedom of Expression

Peaceful Assembly and Freedom of Expression

During the war, Yemen has seen an outbreak of repressive tactics and violent practices affecting freedom of assembly and peaceful demonstration, clearly indicating the extent of the decline and restriction on civic space and political freedoms in the country due to the continuation of the conflict.

In 2020, Mwatana documented 16 incidents affecting peaceful assembly and freedom of expression, ranging from arbitrarily detentions, enforced disappearances, torture to assaults against protesters. Governmental forces were responsible for 8 of these incidents in the governorates of Taiz, Hadramaut, Shabwah and Ma'rib, Ansar Allah group (Houthis) for six in the governorates of Ibb, al-Mahwit, Hajjah and Dhamar, the UAE-backed Joint Forces on the West Coast for one in al-Hudaydah governorate, and the UAE-backed Southern Transitional Council forces for one in Aden governorate.

Legal Framework

International human rights law remains in force during armed conflict, and protects the right to peaceful assembly and association. The Universal Declaration of Human Rights states, "Everyone has the right to freedom of peaceful assembly and association.[63]"

The International Covenant on Civil and Political Rights, which Yemen ratified, states, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law.[64]" The International Covenant permits certain restrictions to be imposed on some rights in times of armed conflict or in officially declared public emergencies. However, these restrictions must be of an exceptional, temporary and limited nature to the extent strictly required by the situation.

The Yemeni Law for the Freedom to Demonstrate stresses that "citizens throughout the Republic, political parties, mass organizations, and professional associations are free to organize peaceful demonstrations and marches.[65]"

(63) The Universal Declaration of Human Rights, Article 20.

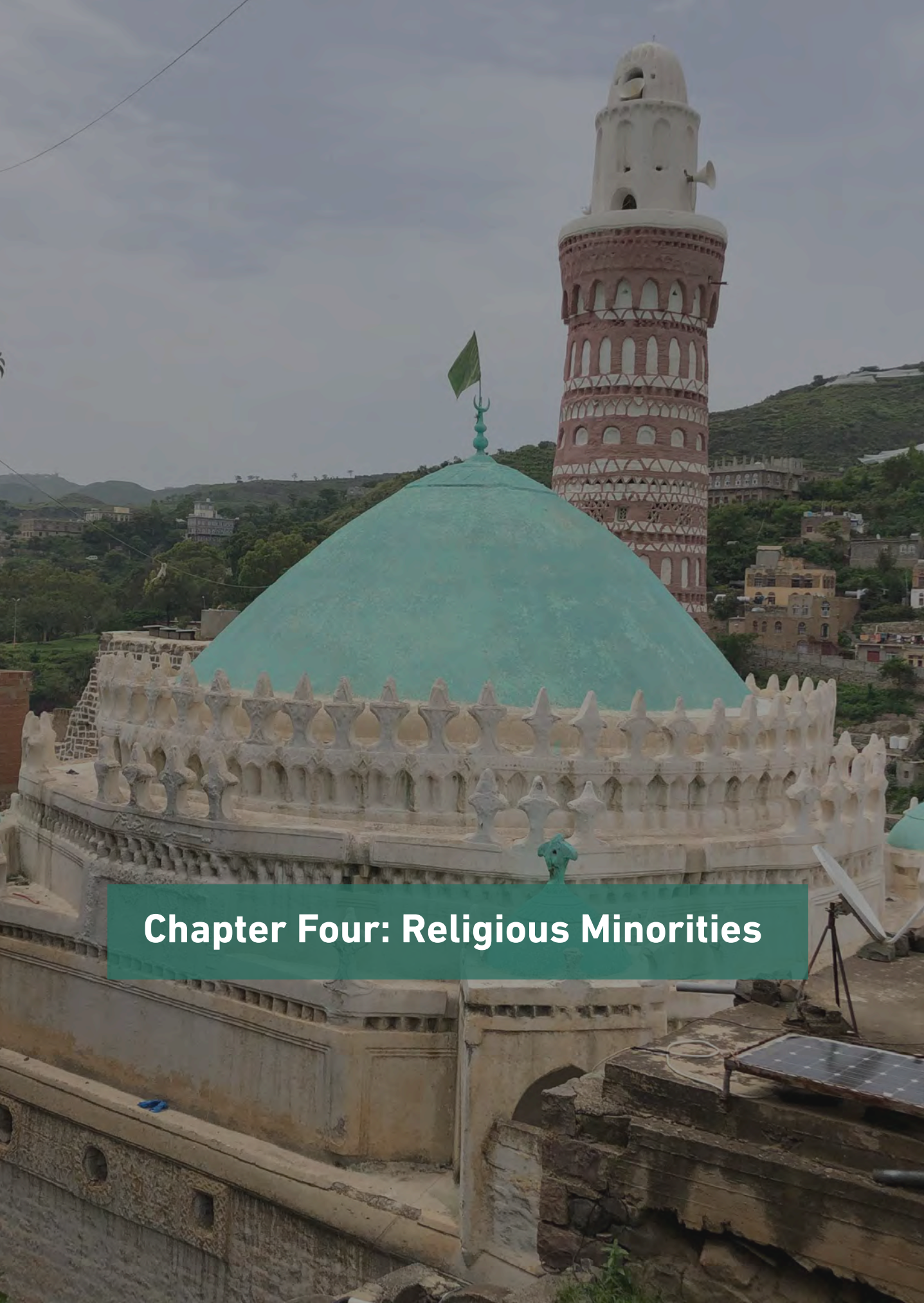
(64) International Covenant on Civil and Political Rights, Article 21.

(65) Law No. (29) of 2003 regarding organizing demonstrations and marches, Chapter Two, Article No.(3).

Some Examples:

- On Saturday, October 17, 2020, at approximately 9:00 am, in Radfan district, Lahj governorate, military and security forces aboard five military vehicles belonging to the UAE-backed Southern Transitional Council forces dispersed a peaceful gathering demanding rights and freedom of expression in the city center of al-Habilain. The soldiers arrested five local activists, including a journalist, who were among the coordinating team for this gathering.

- On Sunday May 3, 2020, at approximately 7:00 pm, in the city of Mukalla in Hadramaut governorate, military forces of the Second Military Region arrested five people, including two children, for their participation in a protest against a power outage. Soldiers fired bullets in the air to disperse the demonstrators, and the people they arrested were taken to the headquarters of the Military Intelligence in the Second Military Region Command.



Chapter Four: Religious Minorities

Religious Minorities

From the very outset of the armed conflict, the Bahá'í minority in Yemen has been living in extreme fear as a result of the abuse and repression practiced by Ansar Allah group (Houthis). Since 2014, Mwatana has documented many violations by Ansar Allah group (Houthis) against the Baha'i minority community, as well as the Jewish minority community in Yemen, including harassment and persecution related to their beliefs, and persistent abuse which has forced members of these communities to leave the country.

On March 23, 2020, the Specialized Criminal Court's Court of Appeal in Sana'a upheld the death sentence issued against Hamid Haydara, a leader of the Baha'i community, after a lengthy and unfair trial that lasted nearly five years. Mahdi al-Mashat, head of Ansar Allah Supreme Political Council, announced on March 25 that Haydara would be pardoned and all Baha'i prisoners released, but this was on condition they left Yemen, their home. Haydara and another five Baha'i men had been arbitrarily detained for several years. They were transferred by plane from Sana'a outside Yemen. The International Baha'i Community announced the transfers in a press release on July 30. Then, the Specialized Criminal Court held a trial session on August 22, 2020, declaring the six released Baha'is as "fugitives from justice."

In 2020, Mwatana documented an incident of arbitrary arrest carried out by Ansar Allah forces "Houthis" against a member of the Jewish faith, his name is Youssef Yaish Yahya Ibrahim (65 years old, male), and Youssef was arbitrarily arrested for more than a month.

After Yusef's release, he was forced to leave Yemen.

Chapter Five: Personal Freedoms

Personal Freedoms

In 2020, the parties to the conflict attacked personal freedoms, imposing arbitrary restrictions and blatantly interfering with individual's private lives. The Ansar Allah group (Houthis) in Sana'a issued orders forcing some university administrations to separate male and female students in classrooms, issued a circular banning female student from wearing "narrow and short" clothes, and demanded the owners of wedding and event halls prohibit mixed graduation parties. Meanwhile, the Ethics Police in the coastal city of Mukalla, in Yemen's southeast, arrested and detained young men and women in markets and public parks due to their clothes, haircuts and hairstyles, alleging they "violated public morals."

Section Four

Accountability and Reparations in Yemen

Despite the repeated cycles of violence in Yemen, the country has yet to see credible accountability or reparations.

Since 2011 when Yemenis rose up against long-time president Ali Abdullah Saleh, none of the wide range of perpetrators that have committed grave human rights abuses and serious violations of international law in Yemen have been held accountable. Civilian victims continue to wait for reparations addressing the significant harms done to them. This overwhelming environment of impunity has facilitated the abuses that continue to be carried out by local, regional and international actors in Yemen.

Real accountability is needed for sustainable peace in Yemen. Previous political agreements that failed to address justice concerns in Yemen did not last, and helped pave the way to further conflict. In 2011, the Gulf Cooperation Council Initiative, which aimed at transferring power from former president Saleh to his then-deputy, Abd Rabbu Mansour Hadi, disregarded the voices calling for truth telling, justice and redress. Saleh and his family were given immunity from prosecution. Saleh stayed in Yemen, allied with Ansar Allah group (Houthis), and played a significant role in the escalation of violence in the country in 2014. The immunity deal also emboldened other actors. Many of the current warring parties believe that they, like Saleh, will be politically shielded from accountability. These actors, and the others who enable impunity, have repeatedly tried to create a false dichotomy between justice and peace in Yemen. But it is not a choice between the two. Peace needs justice to survive.

Throughout the current conflict, Mwatana has documented violations, some of which amount to international crimes, by parties to the conflict in almost all of Yemen's governorates, including violations committed by Ansar Allah (Houthi) armed group, Saudi/UAE-led coalition, the internationally recognized government, the UAE-backed Southern Transitional Council and joint forces, and other armed groups and forces active on the ground. Other countries, including the United States, United Kingdom, Iran, France, Italy and Germany, have provided support to the warring parties in Yemen.

To date, no national or international fora has provided civilians living in Yemen the holistic justice or credible reparations needed to heal.

The latest report by the UN Group of Eminent Experts, "A Pandemic of Impunity in a Tortured Land," was well-received across Yemen. It spoke to many Yemenis' calls for justice.

The UNGEE underscored that the international community can and should do more to bridge what it described as "the acute accountability gap" in Yemen. The UNGEE called upon the UN Security Council to refer the situation in Yemen to the International Criminal Court and to better integrate the human rights dimensions of the conflict into its regular monthly agenda.

The UNGEE also supported the creation of an independent investigative body similar to the Syrian IIIM, recommended third countries collaborate and undertake universal jurisdiction prosecutions, reiterated the importance of victims' right to remedy, including reparations, and called for human rights to be "at the heart of any future peace negotiations" so that no steps are taken to undermine respect for human rights and accountability, such as "granting blanket amnesties." The GEE also highlighted the responsibility of arms-supplying states, and called on them to stop.

More recently, the UN Security Council Sanctions Committee Panel of Experts found that "continuous and widespread human rights and international humanitarian law violations, with impunity" is one of three central factors contributing to the catastrophe in Yemen.

As part of its efforts to seek accountability for violations in Yemen, Mwatana has sought to pursue the few available avenues that exist to bring Yemen-related claims, but none of the currently available avenues is able to provide holistic and credible accountability and redress commensurate with the scope and scale of abuse. As such, Mwatana has also conducted advocacy with UN bodies and relevant states, urging a holistic and credible accountability and redress strategy for Yemen, as well as the establishment of independent accountability mechanisms capable of addressing all warring parties' abuses and ensuring reparations for civilian victims.

Victims of different abuses across Yemen often tell Mwatana, "We want justice." Members of Mwatana's team—women and men dedicated to working towards a rights-respecting Yemen—see justice as central part to achieving sustainable peace and in building respect for the rule of law in their country. These calls—clear, simple and direct—should be heeded.

A few examples of Mwatana's accountability work:

Submission to United Nations experts regarding Ansar Allah's abuse of Yemeni journalists:

On 12 October 2020, Mwatana and the Columbia Law School Human Rights Clinic made a submission to the Working Group on Arbitrary Detention, and the Special Rapporteurs on torture, and other cruel, inhuman or degrading treatment; on extrajudicial, summary or arbitrary executions; and on freedom of opinion and expression, asking them to call on Ansar Allah to release the journalists they were arbitrarily detaining and vacate the death sentences issued against them.

Submission to the UN Committee on Economic, Social, and Cultural Rights:

On 10 August 2020, Mwatana and the Columbia Law School Human Rights Clinic made a submission to the UN Committee on Economic, Social, and Cultural Rights, which reviews the government of Yemen's compliance with the treaty, informing the Committee about the most egregious patterns of economic, social and cultural rights violations in Yemen.

Submissions on Civilian Harm Resulting from the US Use of Lethal Force in Yemen:

Mwatana and the Columbia Law School Human Rights Clinic submitted two formal submissions to the United States regarding 12 US operations that killed, wounded and otherwise harmed civilians, and calling on the US to properly investigate, acknowledge civilian harm, ensure accountability, and provide reparations, condolence payments or other forms of amends to civilian victims.

Submission to the ICC:

On 11 December 2019, Mwatana, ECCHR, Amnesty International, the Campaign Against Arms Trade, Centre Delàs and Rete Disarmo submitted a communication to the Office of the Prosecutor of the International Criminal Court regarding the potential legal responsibility of corporate and political actors from Germany, France, Italy, Spain and the UK in war crimes in Yemen.

Criminal Complaint in Italy:

On 17 April 2018, Mwatana, ECCHR, and Italian-based Rete Disarmo submitted a criminal complaint to the Italian Public Prosecutor's Office in Rome calling for an investigation into the criminal liability of Italian officials and corporate actors for the export of arms to members of the Saudi/UAE-led coalition. The three organizations appealed the Italian Public Prosecutor's Office request to dismiss and, on 26 January 2021, a court hearing was held to determine whether the criminal investigation would continue. The judge ordered the investigation to continue.

Submission to UK Government:

On 11 August 2019, Mwatana and the Global Legal Action Network submitted information directly to the UK's Secretary of State for International Trade, along with a letter setting out the case for the immediate suspension of arms sales to Saudi Arabia. The information included detailed witness evidence and comprehensive photographic documentation of attack sites and munition remnants, and addressed specific patterns of Coalition attacks and failings by the Coalition's Joint Incidents Assessment Team.

Recommendations

To United Nations Member States

- Support efforts to end hostilities, reach a sustainable and inclusive peace and ensure accountability and redress for serious violations and crimes.
- Support efforts to document violations and abuses of international human rights law and international humanitarian law.
- Insist on justice and accountability for possible war crimes, and reparations to civilian victims.
- Support the establishment of an international criminal investigative mechanism to analyze evidence, prepare files and map civilian harm in order to facilitate and expedite fair and independent criminal proceedings and lay the groundwork for credible reparations for civilians.

To the United Nations Human Rights Council

- Renew the mandate of the Group of Eminent Experts on Yemen.

To the United Nations Security Council

- Demand an immediate ceasefire in and across Yemen, and clearly state that accountability for perpetrators of war crimes and reparations to victims of serious violations of international humanitarian law and grave human rights abuses are a minimum part of any transitional process in Yemen in order to put an immediate end to rampant abuse.
- Use tools at the Council's disposal to push for an end to serious violations of international humanitarian law and grave human rights abuses, for the full and unimpeded delivery of humanitarian aid, and in support of a political process as the only meaningful way to end the conflict.
- Emphasize the human rights dimensions of the conflict in Yemen and ensure that there will be no impunity for the most serious crimes.
- Direct the Secretary-General to publish a complete and accurate list of perpetrators in the annual report on children and armed conflict, holding all of them to the same standard.

To France, the United Kingdom, the United States, and Other Countries Providing Military Support to the Saudi/UAE-Led Coalition

- Immediately cease the sale or transfer of weapons to members of the Saudi/UAE-led coalition, and suspend sales until the coalition has concretely demonstrated full respect for international humanitarian law and international human rights law in coalition operations in Yemen, and undertaken comprehensive efforts toward effective accountability and redress for all alleged crimes and violations committed throughout the conflict.
- Push the Saudi/UAE-led coalition to lift restrictions and impediments to the flow of humanitarian and vital supplies into Yemen from the land, sea and air.

To the Saudi/UAE-Led Coalition and Forces Loyal to It, such as the Southern Transitional Council and the Joint Forces on the West Coast

- Particularly in light of the millions of Yemenis currently at risk of starvation, and without access to adequate healthcare in Yemen, immediately end all measures exacerbating the humanitarian crisis, including opening all land, sea and air ports for humanitarian and other critical life-saving goods without delay or impediment, and open all air ports for humanitarian and commercial flights.
- End attacks on civilians and civilian objects, such as markets, farms, civilian infrastructure, and health and educational facilities.
- Support, cooperate fully with, and contribute to efforts to ensure accountability for international crimes and to ensure prompt and adequate reparations for civilian victims and their families.
- Cooperate fully with the UN GEE and other investigative and judicial entities, where appropriate, so that allegations of violations and abuses committed by all parties to the conflict in Yemen can be properly investigated, documented and the perpetrators thereof brought to account.
- Close unofficial detention centers, release those detained arbitrarily, and reveal the fate of the forcibly disappeared.

To Ansar Allah (Houthi) Armed Group

- Immediately end use of indiscriminate weapons.
- End use of antipersonnel and anti-vehicle mines and provide maps of mine-affected areas to facilitate de-mining.
- Respect the protected status of medical facilities and withdraw armed individuals from in and around medical centers.
- Particularly in light of the millions of Yemenis currently at risk of starvation, and without access to adequate healthcare in Yemen, immediately end all restrictions, denial and confiscations of humanitarian aid and access.
- Prohibit locating military targets, including concentrations of forces, in populated areas and neighborhoods, or the storage of weapons in or near these areas.
- Stop the recruitment of children, including all those under the age of 18, and cease use of children in hostilities. Dismiss those who are in service immediately.
- Withdraw forces from occupied schools and cease use of schools for military purposes, including mobilization.
- Immediately release all those arbitrarily detained and reveal the fate of the forcibly disappeared.
- Immediately release all journalists currently detained and cease all restrictions on journalists' work.
- Support, cooperate fully with, and contribute to efforts to ensure accountability for international crimes and to ensure prompt and adequate reparations for civilian victims and their families.
- Cooperate fully with the UN GEE and other investigative and judicial entities, where appropriate, so that allegations of violations and abuses committed by all parties to the conflict in Yemen can be properly investigated, documented and the perpetrators thereof brought to account.

To the Internationally Recognized Government of Yemen

- Condition consent for the Saudi/UAE-led coalition's ongoing operations in Yemen on their implementation of the aforementioned actions and recommendations.
- Ensure all government and security forces and associated armed units are operating under a unified command structure, and respect international human rights and humanitarian law.
- Support, cooperate fully with and contribute to efforts to ensure reparations and condolence payments to civilians, including those civilians impacted by the Saudi/UAE-led coalition, the United States and the government, and advocate for such processes to be transparent, with sufficient information publicly released for independent monitoring.
- Support, cooperate fully with, and contribute to efforts to ensure accountability for international crimes.
- Cooperate fully with the UN GEE and other investigative and judicial entities, where appropriate, so that allegations of violations and abuses committed by all parties to the conflict in Yemen can be properly investigated, documented and the perpetrators thereof brought to account.
- Ratify the Rome Statute of the International Criminal Court (ICC) without delay.

A Tragedy Without Justice

Human Rights in Yemen in 2020

While Yemenis bid farewell to the year 2020, they did not bid farewell to their hopes of an imminent end to the war, even though the practices adopted by the warring parties did not leave much room for optimism. The humanitarian crisis, which has been dubbed the worst in the world, has persisted, as the conflict continues to claim innocent lives, and to tear apart the land.

In this annual report, Mwatana for Human Rights provides an extensive review of particular violations that occurred and the overall human rights situation in Yemen during 2020. Mwatana, whose work covers all Yemeni governorates except for Socotra, has documented—through fact-finding, evidence examination, and detailed research—hundreds of incidents that appear to violate international humanitarian law and international human rights law, some of which may amount to war crimes. The report presents some incidents as examples, highlighting different types of abuse committed by the warring parties.