



SUBMISSION TO THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF YEMEN

4th CYCLE, 46th SESSION



Mwatana
for Human Rights



Columbia
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SMITH FAMILY
HUMAN RIGHTS CLINIC



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Mwatana for Human Rights is an independent Yemeni organization dedicated to defending and protecting human rights by carrying out accurate and objective field investigations and research, providing legal support to victims, pursuing accountability and redress, conducting advocacy, raising awareness, and building capacity within and outside Yemen. (**Organization website:** <https://www.mwatana.org/en/home>.)

The **Smith Family Human Rights Clinic at Columbia Law School** works in partnership with civil society organizations and communities to advance human rights around the world and educates the next generation of social justice advocates. The Clinic conducts fact-finding, legal and policy analysis, litigation, trainings, and advocacy. (**Organization**

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I. Introduction

1. This submission focuses on international human rights and humanitarian law violations by the Government of Yemen and allied armed groups, as well as by the armed group Ansar Allah (the Houthis), as supported by Mwatana's original factfinding and documentation.

2. Mwatana conducts in-depth investigations in the field, including direct inspections of attack and incident sites and interviews. For the purposes of this report, Mwatana also conducted three focus group interviews with children who faced rights abuses, as well as adults who worked with impacted child populations. Mwatana interviewed 23 children about patterns of abuse they experienced or observed, as well as eight adults who worked with children, about abuses from all parties to the conflict.

3. Yemen's armed conflict began in September 2014, when the Ansar Allah (Houthis) armed group and forces loyal to former president Ali Abdullah Saleh took control of the capital Sana'a by force. In March 2015, following a letter from then President Abd-Rabbu Mansour Hadi requesting intervention, Saudi Arabia and the United Arab Emirates (UAE), leading a coalition of nine Arab countries, began military operations in Yemen.

4. In April 2022, the Government of Yemen transitioned power from President Hadi to a Presidential Leadership Council, and Hans Grundberg, UN Special Envoy for Yemen, announced a two-month truce.¹ All offensive military operations in Yemen and across its borders were suspended under the truce. However, the parties to the conflict in Yemen did not fully implement the United Nations-backed truce agreement, which was not extended after October 2022.² During the truce, Mwatana documented numerous violations and abuses resulting in civilian casualties.³

5. Civilians in Yemen have suffered hugely from this armed conflict. After more than nine years of war, Yemen is still facing the world's worst humanitarian crisis.⁴ In 2023, an estimated 21.6 million people, 51% of them children, will need humanitarian assistance and protection services.

6. Children in particular have suffered severe and widespread abuses from conflicting parties. During the course of the conflict, children have consistently suffered from the six grave violations against children identified by the United Nations, including recruitment and use of children, killing and maiming, and attacks on schools and hospitals.⁵ Through Mwatana's focus group discussions, participants discussed abuses in these categories, including the impact of landmines on children, injuries resulting from coalition airstrikes, and the harms of child recruitment.

7. Children also highlighted the denial of their social and economic rights, including the lack of access to basic education, and lack of adequate health care--in particular services for children with disabilities, and psychosocial support.

8. There is currently no independent international accountability mechanism focused on Yemen, despite the ongoing war. Since the termination of the UN Group of Eminent International and Regional Experts (GEE), in October 2021, the lack of an accountability-focused mechanism has further entrenched impunity for violators and made the possibility of achieving justice and redress for victims seem unattainable.

9. Between January 2019 and September 2023, the warring parties continued their wider assault on human rights in Yemen. The internationally recognized government of Yemen has legal and moral obligations towards violations committed by state and non-state actors in Yemen, particularly where it has requested or consented to military action. Yemen cannot lawfully consent to acts on its territory that would be unlawful if Yemen itself carried out such acts. Yemen also cannot lawfully provide aid or assistance to other states, including to the Saudi-led coalition and the United Arab Emirates (UAE), where such assistance contributes to breaches of human rights law. Yemen must also take appropriate measures to protect individuals against violations by other states operating in Yemen, including by making adequate inquiries and putting in place sufficient safeguards to ensure that acts by other states on their territory comply with human rights law.

10. This submission sets out the most significant patterns of violations by the internationally recognized Government of Yemen, UAE-backed forces, and members of the Saudi and UAE-led coalition in section II. Section III sets out violations and abuses by the Ansar Allah (Houthi) armed group. Section IV includes recommendations, and section V sets out questions which member states could pose to the Yemeni Government.

II. Violations by the internationally recognized Yemeni Government, UAE-backed forces, and members of the Saudi and Emirati-led coalition

11. Yemen has responsibility under international treaty and customary law to respect, protect, and fulfil the human rights of those within its territory or otherwise subject to its jurisdiction.⁶ Yemen cannot lawfully consent to acts on its territory that would be unlawful if Yemen itself carried out such acts. Yemen also cannot lawfully provide aid or assistance to other states, including to the Saudi-led coalition and the UAE, where such assistance contributes to breaches of human rights law.⁷ Yemen must also take appropriate measures to protect individuals against violations by other states operating in Yemen, including by making adequate inquiries and putting in place sufficient safeguards to ensure that acts by other states on their territory comply with human rights law.⁸

12. Between March 2015 and March 2022, Mwatana documented 1,026 air attacks committed by the Saudi and UAE-led coalition that targeted civilians or civilian objects,

resulting in the death of 3,599 civilians, including 493 women and 1,201 children, and the injury of 3,622 civilians, including 459 women and 711 children. These attacks struck residential neighborhoods, hospitals, villages, markets, bridges, schools, and service and commercial facilities, and other civilian objects.⁹

13. The Yemeni government and UAE-backed forces (the Security Belt Forces, Support and Reinforcement Forces in Aden, Shabwani Elite Forces and Shabwa Defense Forces in Shabwa, Hadhrami Elite Forces in Hadhramout, Giants Brigades in the West Coast, Abyan, and Shabwa, as well as the Republican Guards and Tahami Brigades in the West Coast) must adhere to international humanitarian law as parties to the armed conflict. Individuals belonging to these forces must be brought to justice if found criminally responsible for war crimes. Non-state actors, like the UAE-backed Southern Transitional Council, which perform government-like functions in the territories they control, are also bound by international human rights law and international humanitarian law.

Ground Attacks

14. International humanitarian law prohibits indiscriminate attacks, including the use of unguided weapons that cannot be directed at a specific military objective.

15. Conflicting parties in Yemen have continued to launch indiscriminate ground attacks on civilians using inaccurate and highly destructive weapons in most of their attacks. These attacks often targeted residential areas and crowded markets, forcing many to flee these areas in search of safety.

16. At times when the intensity of hostilities increases in populated areas, some fighters positioned themselves within residential neighborhoods and houses for cover, and to prepare or execute hostile operations from within, putting civilians and their properties at risk.

17. Mwatana has verified a total of 115 indiscriminate ground attacks carried out by government forces during the period from 2019 to July 2023, along with 52 such attacks by UAE-backed forces within the same period.

- On Thursday, February 4, 2021, at approximately 6:07 p.m., in the Al Hamadi neighborhood, Al Qasr intersection, Salah district, Taiz governorate, a shell fired by internationally recognized government forces resulted in the death of four civilians, including three children, and the injury of 15 other civilians, including eight children, while they were playing football in the street.
- On Saturday, July 3, 2021, at around 12:00 p.m., in the village of Al Qudhayb, Al Tuhayat district, Al Hodeidah governorate, a mortar shell struck a house, resulting in the death of a child, and the injury of another child as well as four adult civilians. The shell was fired by UAE-backed Joint Forces stationed about 2 km west of the house.

Arbitrary Detention, Enforced Disappearances, and Torture

18. In the previous review cycle, Yemen accepted a recommendation to immediately halt the practices of arbitrary detention, enforced disappearance and torture, to release all individuals arbitrarily detained, provide accountability and remedies for all such human rights violations and to ensure enforcement of the United Nations Standard Minimum Rules for the Treatment of Prisoners.¹⁰ However, these violations have remained prevalent over the current review period.

19. Under international law, arbitrary detention, enforced disappearance, and torture and other ill-treatment are prohibited.¹¹ Torture and enforced disappearance are crimes under international law.¹² Yemen is obliged to investigate and prosecute those responsible for torture and enforced disappearance, and provide reparations for victims.¹³

a. Arbitrary Detention

20. Both international humanitarian law and international human rights law prohibit arbitrary detention, whether during international or non-international armed conflicts. International treaties emphasize that no one shall be subjected to arbitrary detention. According to Article 9 of the International Covenant on Civil and Political Rights, which Yemen is a signatory to, no one shall be deprived of their liberty except on such grounds and in accordance with procedures established by law.

21. Mwatana verified 428 incidents of arbitrary detention involving government forces, in addition to 297 incidents of arbitrary arrest carried out by the Southern Transitional Council forces between 2019 and July 2023.

- On Tuesday, March 9, 2021, at approximately 1:00 a.m., in the Al Bureiqā district, Aden governorate, forces of the UAE-backed Southern Transitional Council, involving four military pickup trucks and a police vehicle, stormed the house of a 53-year-old civilian and arbitrarily detained him on terrorism charges.
- On Thursday, November 18, 2021, around 12:30 p.m., a 20-year-old civilian was stopped and interrogated at a checkpoint, located at the entrance of Marib city in Marib governorate, manned by Yemeni government forces. He was detained for three days in a trailer behind the checkpoint.

b. Enforced Disappearances

22. Enforced disappearance is prohibited during armed conflicts and cases of enforced disappearance violate or threaten to violate a range of rules under international humanitarian and human rights law. Conflicting parties must take steps to prevent cases of enforced disappearance, including recording the names of detainees and making all possible efforts to disclose the fate of missing persons due to the conflict, and informing their families of their fate.

23. Mwatana verified 157 cases of enforced disappearance carried out by government forces and 182 cases involving the Southern Transitional Council forces between 2019 and July 2023.

- On Wednesday, April 14, 2021, at around 4:30 a.m., a security force comprised of six military trucks and an armored military vehicle belonging to the Southern Transitional Council, raided two residential houses in Capota area, Mansoura district, Aden governorate. They arrested and forcibly disappeared two civilians, including a 14-year-old boy. During the operation, the security personnel conducted searches, confiscated the detainees' mobile phones, some money, and a bus owned by one of them.
- On the evening of Sunday, March 31, 2019, armed individuals affiliated with government forces raided a marketplace in the city of Seiyun with four military vehicles without license plates. Over 10 armed individuals took part in the operation, detaining a 28-year-old civilian from his workplace. He was taken to the First Area Command building in Seiyun city. A year later, he was transferred to a secret prison known as "At-Teen" prison, and forcibly disappeared.

c. Torture

24. International humanitarian law and international human rights law prohibit torture and other forms of inhumane and degrading treatment under all circumstances.¹⁴ Yemen is obliged to investigate and prosecute those responsible for torture and provide reparations for victims.

25. Mwatana has verified 70 incidents of torture carried out by government forces and 117 by the UAE-backed Southern Transitional Council between 2019 and July 2023.

- On Sunday, August 9, 2020, at approximately 5:30 p.m., a 15-year-old boy was arrested from his house in a village located in the Mukha district of Taiz governorate. He was apprehended by a group of 10 armed individuals associated with the UAE-backed Joint Forces, in a military vehicle. The child was taken to the Joint Forces' Security Department in Mukha city, where he was detained for 18 days. Throughout this period, he was held in solitary confinement and subjected to torture on more than three occasions during interrogations. These interrogations involved various methods of torture, including slapping, beating with wires, waterboarding, burning with melted plastic, and threats of electric shock and death.
- On Sunday, January 3, 2021, at approximately 10:30 p.m., in Ataq district of Shabwah governorate, eight soldiers dressed in military uniforms and traveling in a military vehicle (pickup truck/Toyota), associated with government forces, arrested a 37-year-old man, near his residence. He was accused of filming a raid carried out by government forces on a neighboring house. He was forcibly

disappeared and arbitrarily detained for a full week, during this time he was tortured on seven occasions during interrogations.

Child Recruitment

26. Under international human rights law, the recruitment and use of children under 18 to directly participate in hostilities is not permitted. Enlisting children under the age of 15 or using them for participation in combat operations is considered a war crime.¹⁵ Furthermore, Yemeni child rights law emphasizes that children should not be directly involved in warfare and that no person under the age of 15 should be recruited.¹⁶ Lastly, the recruitment and use of children under 18 years old is considered a grave violation against children in armed conflict.

27. In its 2019 universal periodic review cycle, Yemen received and supported numerous recommendations calling upon the government to end the recruitment and use of child soldiers.¹⁷ The government also accepted recommendations to release and rehabilitate former child soldiers including through the development and provision of physical and psychosocial re-integration and recovery services.¹⁸

28. Military leaders of armed forces or groups who knew or should have known about child recruitment and failed to take effective measures to end this practice can be held criminally responsible. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which Yemen is a party to, also prohibits child recruitment, and obliges Yemen to take all feasible measures to prevent recruitment and use of children by armed groups.¹⁹ During the period from 2019 to July 2023, Mwatana found that government forces, in addition to the Security Belt and Hadhrami Elite Forces, as well as other UAE-backed forces, recruited 385 children. Amidst worsening humanitarian and economic conditions in Yemen, including a high number of children who dropped out of schools, these forces recruited children for tasks involving combat or security roles, including manning checkpoints and providing logistical assistance.

- On Thursday, February 18, 2021, a 16-year-old boy left his home in Mukalla city, Hadhramaut governorate, after being recruited by the UAE-backed Southern Transitional Council forces, and headed to Al Wadiah border crossing in Al Abr district, Hadhramaut governorate, to join a reception camp (Reception Battalion) on the Saudi border. On Saturday, June 19, 2021, the boy suffered pelvic injuries resulting in permanent partial paralysis during a drone attack carried out by the Ansar Allah (Houthi) group.
- On Saturday, June 29, 2019, at approximately 10:30 a.m., child riding a motorcycle triggered a landmine, which exploded and killed him. He had been recruited by government forces in Al Masloub district, Al Jawf governorate. A relative of the recruited child stated that the victim was delivering food supplies to soldiers using his motorcycle.

Use of Schools for Military Purposes and Attacks Against Schools

29. Both international humanitarian law and international human rights law stipulate the protection of educational facilities during armed conflicts. Direct attacks against civilian objects, including educational institutions, are prohibited.²⁰ Attacks against schools are a grave violation against children.²¹

30. The use of schools for military purposes during conflicts puts students, teachers, and administrators at risk by turning schools into targets and disrupting education. The right to education is protected even in times of armed conflict.²²

31. In the previous review cycle, Yemen accepted the recommendation to “refraining from attacks against schools and hospitals, and strengthen measures to ensure schools are not used for military purposes.”²³

32. Mwatana's investigations found many instances of schools being used as prisons, bases or shelters for armed groups, military supply centers, or detention centers. Between 2019 and July 2023, Mwatana documented at least 91 incidents attributed to UAE-backed forces backed by the UAE and 19 incidents attributed to Government forces, wherein these groups occupied or used schools, harming children's access to education.

- On Monday, September 13, 2021, around 8:30 a.m., masked individuals dressed in civilian clothing and affiliated with the Southern Transitional Council in Hadhramaut governorate forcibly entered Bedairi Primary School in Bedairi neighborhood of Mukalla district, Hadhramaut governorate. They forcibly evacuated all the male and female students from the school, threatening to burn it down. Around 959 students were deprived of their right to education for four days.
- On Sunday, January 5, 2020, around 5:00 p.m., a military force affiliated with Yemen's internationally recognized government occupied Al-Aram Primary School in Al-Aram area of Habban district, Shabwah governorate. The soldiers turned the school into a military barracks following intensified military operations against UAE-backed Southern Transitional Council forces. This completely disrupted the educational activities until they left on Friday, February 21, 2020.

Denial of Humanitarian Access

33. International human rights law safeguards the Yemeni population's rights to life, health, and food.²⁴ Under international humanitarian law, all parties to the conflict must allow and facilitate the rapid and unimpeded passage of humanitarian assistance to civilians in need, refraining from arbitrary interference in its distribution, and ensuring the freedom of movement for humanitarian personnel, which may only be temporarily restricted due to urgent military necessities.²⁵ The denial of humanitarian access for children is also considered a grave violation. The use of starvation as a method of warfare is prohibited.²⁶

34. In the previous review cycle, Yemen accepted numerous recommendations to facilitate unhindered humanitarian access.²⁷

35. For the period between 2019 and July 2023, UAE-backed forces were responsible for 30 incidents of obstructing humanitarian aid access and Government forces were responsible for 29 incidents, as documented by Mwatana. These incidents included hindering the passage of trucks transporting food assistance.

- On Thursday, January 21, 2021, at approximately 6:00 a.m., Southern Transitional Council forces stopped humanitarian aid trucks provided by the World Food Programme (WFP) at a military checkpoint in Al-Buwaib area, north of Al-Malah district, Lahij governorate. The aid was intended for 47 primary schools across various areas of Radfan district in Lahij governorate, to be distributed on a daily basis to 16,555 male and female students.

36. Between January 2023 and April 2023, humanitarian imports made up 14% of total imports (in comparison to nearly 10% in 2022). Furthermore, the volume of imports through Yemen has increased by 2% since 2022. Despite the increase of imports, food insecurity has only increased, with inadequate food consumption rising to 52% in the government-controlled South, and 47% in the Houthi controlled north.²⁸

Attacks on Medical Facilities

37. Hospitals and other medical centers and units are granted special protection under international humanitarian law, as are medical personnel.²⁹ Attacks on medical facilities also involve Yemen's and possibly other actors' human rights obligations in respect of the right to health, and the right to life.³⁰ Additionally, attacks against hospitals are considered a grave violation against children.³¹

38. In the previous review cycle, Yemen accepted the recommendation to refrain from attacks against hospitals.³²

39. Mwatana verified 28 attacks on hospitals, health facilities, or medical personnel in addition to 12 attacks committed by the Transitional Council between 2019 and July 2023.

- On Wednesday, September 1, 2021, at approximately 11:00 a.m., in the Maifaa district of Shabwah governorate, a soldier belonging to internationally recognized government forces attacked a 49-year-old man, who works at a health center. The soldier seized a weapon from a colleague, loaded it, and aimed it at the doctor, threatening to kill him. He also subjected the doctor to verbal abuse.
- On Friday, October 18, 2019, at approximately 7:00 p.m., an armed group loyal to the internationally recognized Government of Yemen, specifically from the 22nd Mechanized Brigade and the 170th Infantry Brigade, forcibly entered Al-Thawra General Hospital. The gunmen invaded the hospital with the intention

of executing a wounded patient, even as healthcare workers were attempting to provide life-saving treatment. One of the gunmen fired a series of bullets at the wounded man, who was lying on a bed in the emergency department, resulting in his immediate death.

- On Thursday, May 28, 2020, at around 8:05 p.m., in the Radfan district of Lahij governorate, a military vehicle (a Toyota pickup truck) carrying five members of the UAE-backed Joint Forces, dressed in military uniforms, entered the premises of Radfan General Hospital. They had come to seek medical assistance for a patient they were accompanying. However, due to a power outage, the medical team was unable to perform X-ray procedures for the patient. This situation resulted in the soldiers becoming angry, and as a result, they physically assaulted the X-ray specialist, directed verbal abuse towards other doctors, and made threats involving the use of their weapons.

Attacks on African Migrants

40. In its 2019 Universal Periodic Review, Yemen supported recommendations to enhance its efforts to protect vulnerable groups (including migrants, refugees, asylum seekers, and internally displaced persons) from violence and exploitation,³³ as well as to promote and implement a national strategy to combat trafficking in persons.³⁴ However, attacks on migrants have remained a concern in the period under review, as have incidences of human trafficking and smuggling.

- On Monday, March 9, 2020, at around 8:00 a.m., in the Ataq district, Sabwah governorate, Special Security Force military pickup vehicles stormed an Ethiopian migrant gathering area in the Halfooz neighborhood, where approximately 1,300 migrants were then living. Soldiers forced approximately 70 migrants into each of eight big vehicles, to be transferred to empty areas. Migrants who tried to escape were beaten with rifles or shot at close distances to force them to stop and board the vehicles.

III. Violations by the Ansar Allah (Houthi) Armed Group

41. This section sheds light on the most significant patterns of abuses and violations of human rights and international humanitarian law attributed to the forces of the Ansar Allah (Houthi) armed group, which occurred within the territories under their effective control.

42. The Houthis and other armed groups, as parties to the armed conflict, must adhere to international humanitarian law. Individuals affiliated with the Ansar Allah (Houthi) group must be held responsible for apparent war crimes under international law that they have committed or that have been committed by those under their command. There is also emerging support for the view that non-state actors, such as the Houthis, that carry out government-like functions as the de facto authorities in territory they control are bound by international human rights law.

Child Recruitment

43. From January 2019 to September 2023, at the time of writing this report, Mwatana documented at least 945 incidents of child recruitment and use by the Ansar Allah (Houthi) armed group.³⁵ This statistic is nearly twice the number reported in Yemen's previous Universal Periodic Review of 2019. Houthi forces continue to use children at checkpoints, for military or security purposes, and on the frontlines, adversely affecting the education of these children and consequently deteriorating the overall security and humanitarian situation in the country.

- On Sunday, January 13, 2019, the Ansar Allah (Houthi) armed group recruited twin 16-year-old girls in Mazj District of Saada Governorate and sent them for training on how to use light weapons for security and protection tasks related to the group's activities in Saada.³⁶
- On Wednesday, December 15, 2021, a 12-year-old child was recruited by the Ansar Allah (Houthi) armed group at a security checkpoint in Rad'a District of Al Bayda Governorate after escaping from his uncles' house due to ill-treatment.³⁷

Arbitrary Detention, Enforced Disappearance, and Torture

44. Pursuant to international humanitarian law, arbitrary detention, disappearance, and torture are explicitly prohibited.³⁸ However, the Ansar Allah (Houthi) group continued campaigns of arbitrary detention during the reporting period.

45. Mwatana substantiated this through documented instances of these violations. From January 2019 to September 2023, Mwatana documented at least 625 incidents of arbitrary detention, 302 incidents of enforced disappearance, and 77 incidents of torture within places of detention.

46. These statistics underscore how the Ansar Allah (Houthi) group has continued to target civilians or political opponents, intentionally subjecting them to detention, enforced disappearance, and/or torture. After enduring these violations and being confined in both official and unofficial prisons, some of these victims were brought before Houthi-run courts and underwent trials that do not comply with the fundamental principles of a fair trial under international law.

- On Monday, August 31, 2020, around 10:15 a.m., in Abs district of Hajjah governorate, a police vehicle carrying one male fighter and two policewomen affiliated with the Ansar Allah (Houthi) group arrived at the residence of a 14-year-old girl. The two policewomen apprehended her upon her return from school. They took her to a school-turned-prison, where she was arbitrarily detained for 13 days on allegations of communicating with her abducted female cousin.³⁹

- On the afternoon of March 15, 2021, in the Kahlan district of Hajjah governorate, 10 Houthi-affiliated fighters, who were wearing masks and travelling in a military vehicle, apprehended a civilian named Salem (23 years old) from his father's residence on theft charges. They transported him to one of the group's detention facilities in the city of Hajjah and denied all visitation or information about his fate for a period of five months. During his detention, Salem was tortured to death.⁴⁰

Landmines

47. According to the Anti-Personnel Mine Ban Convention, to which Yemen has been a party since September 1998, the use, production, possession, stockpiling, and transfer of anti-personnel mines are prohibited. Landmines make no distinction between civilians and fighters, as required by international humanitarian law.

48. One focus group participant described the impact of a landmine injury to Mwatana. "I was herding the sheep, and then I stepped on a land mine and lost a leg. I was taken to the hospital in Sana'a. A month later, I lost the second leg," he said. He described the loss of freedom resulting from his injury. "I am not afraid from going out with my friends, but I can't do that."

49. **According to the documentation by Mwatana, the Ansar Allah (Houthi) group has regularly used mines since the start of the war. From January 2019 to September 2022, Mwatana documented at least 277 incidents involving the use of landmines, resulting in at least 822 victims. Among them, 374 were killed, including 72 women and 181 children, and 448 were injured, including 85 women and 230 children.**⁴¹

- On Wednesday, March 16, 2019, at around 10:00 a.m., a landmine planted by the Ansar Allah (Houthi) armed group detonated in Al Sha'ib village, Al Qabayta district, Lahij Governorate. The explosion occurred when two girls (15 and 16 years old) were on the back of a donkey fetching water from a well in the area. One of the girls was killed instantly, while the second girl passed away four days later in the hospital due to her injuries.⁴²

Denial of Humanitarian Access

50. Under international humanitarian law, the Ansar Allah (Houthi) armed group is required to facilitate rapid and unimpeded humanitarian assistance for civilians in need.⁴³

51. Mwatana documented the repeated and deliberate obstruction of access to essential humanitarian aid, necessary for the survival of civilians, including children, by the Ansar Allah (Houthi) armed group through various methods in the areas under their control, which may amount to a war crime.

52. **From January 2019 to September 2023, the time of submitting this report, Mwatana has documented at least 297 incidents/crimes involving the obstruction of**

humanitarian access by the Ansar Allah (Houthi) armed group in various areas under the control of the Ansar Allah (Houthi) group.⁴⁴

- On Monday, January 27, 2020, at approximately 4:00 p.m., in the Aslam district of Hajjah governorate, armed individuals riding in a military vehicle (Toyota pickup truck) affiliated with the Ansar Allah (Houthi) group forcibly entered three warehouses. These warehouses held relief food aid intended for a international governmental organization operating in collaboration with the World Food Programme (WFP). The armed individuals expelled the relief personnel present and took control of the warehouses containing the food supplies, some of which had already expired. These expired food items were then moved to warehouses owned by the group, and subsequently sold to traders dealing in food supplies.
- Because of this incident, an estimated 19,408 civilians and internally displaced individuals, who were beneficiaries of this aid project, were adversely affected. This incident resulted in a 15-day suspension of relief aid distribution, depriving 180 displaced families residing in Bani Hasan camp of their entitled rations.⁴⁵

IV. Recommendations to the Internationally Recognized Yemeni Government

We call upon the government of Yemen to:

1. Ensure that Yemeni armed forces comply with international humanitarian law and international human rights law.
2. Immediately halt all military operations which are indiscriminate, disproportionate, and impact civilian infrastructure or objects essential for the survival of the civilian population, including to meet their rights to water and food.
3. Immediately cease the placement of military targets, including the positioning of forces, in densely populated areas or neighborhoods, as well as the storage of weapons in these locations or nearby.
4. Immediately halt the use of indiscriminate weapons.
5. Immediately release all those subjected to arbitrary detention, reveal the fate of forcibly disappeared persons, put an end to systematic practices of torture and other ill-treatment, and provide remedies to victims.
6. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
7. Investigate all reported incidents of torture and other ill-treatment in accordance with international standards, take immediate measures to hold those responsible to account, and provide remedies to victims.
8. End the recruitment of children under the age of 18 and their involvement in armed operations, including by armed groups; release all children from service without delay; and, ensure that they have access to rehabilitation programs.

9. To guarantee the right to education and comply with the Safe Schools Declaration, endorsed by Yemen in October 2017, ensure the protection of educational facilities as civilian objects, prioritize the rebuilding of schools; and, ensure that schools are not used for military purposes, mobilization, and recruitment.
10. Remove armed individuals from within or in close proximity to hospitals and other medical centers, in order to ensure the protection of medical facilities, medical personnel, and the right to health.
11. Facilitate the unhindered passage of humanitarian assistance to civilians and their access to basic services, in order to protect people's right to an adequate standard of living, particularly the right to food and the right to health.
12. Urge the renewal of a truce agreement and intensify peace efforts to attain a comprehensive and sustainable settlement to end the conflict, and support the integration of human rights into peace negotiations, rejecting any steps that would undermine accountability and reparations for victims.
13. Support the establishment of an independent, international, criminally-focused investigative mechanism for Yemen to investigate war crimes allegedly committed within Yemeni territory – whether by Yemen's own forces, other forces with whom it is in coalition, or opposing forces. Where there is sufficient evidence, prosecute the suspects.
14. Take immediate steps to provide adequate, effective, and prompt reparation to civilians harmed by international wrongs of the internationally recognized government, and take immediate steps to ensure the right to reparation for all civilians in Yemen.

V. Questions to the Yemeni Government

1. What measures has the government taken to investigate violations, including those documented by the UN, such as the former Group of Eminent Experts, the UN Panel of Experts, and the Office of the High Commissioner for Human Rights, and to hold accountable those identified as perpetrators?
2. What steps has the government taken to prosecute those responsible for grave violations of human rights or apparent war crimes? How many prosecutions have been initiated, and what is the status of those proceedings? How many cases have been brought to trial and what was their outcome?
3. What measures has the government taken to investigate and prevent violations related to detention as documented in this report and by the UN, and prosecute those responsible for committing such violations?
4. What measures has the government taken to provide reparation to affected civilians? What additional plans has the government made to provide reparation and ensure the right to reparation of all civilians in Yemen?
5. What measures has the government taken to release or refer to the judiciary persons arbitrarily detained in disclosed and undisclosed detention centers throughout the territory under government control?
6. What measures has the government taken to prevent the recruitment of children and to facilitate their release?

7. The Saudi and UAE-led coalition has committed serious violations of international law in Yemen. What steps has the government taken to seek accountability for those violations and compensation for those harmed?

¹ UN News, “UN welcomes announcement of two-month truce in Yemen” 1 April 2022, see <https://news.un.org/en/story/2022/04/1115392>.

² UN News, “Yemen: End of nationwide truce heralds ‘heightened risk of war’, Security Council hears” 13 October 2022, see: <https://news.un.org/en/story/2022/10/1129517>.

³ Mwatana for human rights, “Violations and Abuses against Civilians during Yemen’s Truce”, Press Release, Monday, November 7, 2022, see: <https://www.mwatana.org/posts-en/yemens-truce>.

⁴ UNHCR, “Yemen Crisis Explained”, 14 July 2022, see: <https://www.unrefugees.org/news/yemen-crisis-explained/#:~:text=After%20seven%20years%20of%20war,has%20never%20been%20more%20acute>.

⁵ The six grave violations against children are: killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children. See, for example, UN Security Council resolution S/RES/2068 (2012).

⁶ Yemen is a party to seven of the nine core international human rights treaties, as follows: International Covenant on Economic, Social, and Cultural Rights (acceded 1987); International Covenant on Civil and Political Rights (acceded 1987); International Convention on the Elimination of All Forms of Racial Discrimination (acceded 1972); Convention on the Elimination of All Forms of Discrimination against Women (acceded 1984); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (acceded in 1991); Convention on the Rights of the Child (ratified 1991); Convention on the Rights of Persons with Disabilities (acceded 2009). Yemen is also party to the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict (acceded 2007) and on the Rights of the Child on the sale of children, child prostitution and child pornography (acceded 2004), and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (acceded 2009).

⁷ Articles on Responsibility of States for Internationally Wrongful Acts, Arts. 16, 20; Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions (Christof Heyns), U.N. Doc. A/68/382, ¶ 38; cf. Lopez Burgos v. Uruguay, ¶ 12.3, Celiberti de Casariego v. Uruguay, ¶ 10.3 (“it would be unconscionable to so interpret the responsibility under article 2 of the Covenant as to permit a State party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its own territory.”); Soering v. United Kingdom, App. No. 14038/88 (Eur. Ct. H.R. July 7, 1989).

⁸ U.N. Human Rights Committee, Communication No. 319/1988, García v. Ecuador, Views adopted on 5 Nov. 1991, paras. 5.1-5.2.

⁹ Mwatana for human rights, “Thousands of Victims Waiting for Justice and Redress”, Press Release, March 26, 2023, see: <https://www.mwatana.org/posts-en/march-26-2023>.

¹⁰ Uruguay, ¶ 12.3, Celiberti de Casariego v. Uruguay, ¶ 10.3.

¹¹ Article 5 of the Universal Declaration of Human Rights; ICCPR, articles 7 and 9; CAT, articles 1, 2, 11 and 16; Common Article 3 of the four Geneva Conventions; Additional Protocol II to the four Geneva Conventions, Article 4; ICRC Customary IHL Study, Rules 90, 98, 99.

¹² CAT, article 4.

¹³ ICCPR, article 2; CAT, article 14; UN Human Rights Committee, General Comment No. 31, ¶¶ 15-18; UN Committee against Torture, General Comment No. 3; ICRC Customary IHL Study, Rules 149-150; Soering v. United Kingdom, App. No. 14038/88 (Eur. Ct. H.R. July 7, 1989).

¹⁴ U.N. Human Rights Committee, Communication No. 319/1988, García v. Ecuador, Views adopted on 5 Nov. 1991, paras. 5.1-5.2.

¹⁵ Additional Protocol II, article 4(3)(c); ICRC Customary IHL Study, Rules 136 and 156.

¹⁶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, articles 2, 4, and 6.

¹⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendations 123.42, 123.49, 123.63, 123.159, 123.161, 123.167, and 123.173).

¹⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendations 123.49 and 123.163).

¹⁹ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, articles 2, 4, and 6.

²⁰ Common Article 3 of the Four Geneva Conventions (ratified by Yemen on May 25, 1977); Additional Protocol II to the Four Geneva Conventions (ratified by Yemen on April 17, 1990), arts. 13-15, 18(2); ICRC Customary IHL Study, Rules 1-24.

²¹ UN Security Council Resolution S/RES/1998 (2011).

²² Additional Protocol II, art 4(3)(a); ICESCR, art 13; Convention on the Rights of the Child, art 28.

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- ²³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendation 123.42)
- ²⁴ See UDHR, article 25; ICCPR, art 6; ICESCR, articles 11(1) and 12; Convention on the Rights of the Child, article 24.
- ²⁵ Additional Protocol II, Article 18(2); ICRC Study on Customary International Humanitarian Law, Rule 55.
- ²⁶ Additional Protocol II, Article 14; ICRC Study on Customary International Humanitarian Law, Rule 55.
- ²⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendation 123.24, 123.88, 123.115)
- ²⁸ World Food Program, *Yemen Food Security Update*, August 2023, available at: <https://docs.wfp.org/api/documents/WFP-0000152382/download/>.
- ²⁹ Additional Protocol II, Articles 9 – 11; ICRC Customary IHL Study, Rules 28 and 35.
- ³⁰ ICESCR, article 12; Convention on the Rights of the Child, article 24.
- ³¹ UN Security Council resolution S/RES/1998 (2011).
- ³² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendation 123.42)
- ³³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendation 123.76).
- ³⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Yemen*, UN Doc A/HRC/41/9, 17 April 2019, (recommendation 123.70).
- ³⁵ Interviews and field visits conducted by Mwatana.
- ³⁶ See Mwatana's report "*Without Accountability: Human Rights Situation in Yemen 2019*," Recruitment and Use of Children, p. 49.
- ³⁷ See Mwatana's report "*A Country Falling Apart: Human Rights Situation in Yemen 2021*," Recruitment and Use of Children, p. 59.
- ³⁸ Article 3 common to the four Geneva Conventions; Additional Protocol (II), Article 4 ; ICRC Customary IHL Study Rules 90, 98 and 99.
- ³⁹ See Mwatana's report "*A Tragedy Without Justice: Human Rights in Yemen in 2020*," Arbitrary Detention, p. 71.
- ⁴⁰ See Mwatana's report "*A Country Falling Apart: Human Rights Situation in Yemen 2021*," Torture, p. 81.
- ⁴¹ Interviews and field visits conducted by Mwatana.
- ⁴² See Mwatana's report "*A Tragedy Without Justice: Human Rights in Yemen in 2020*," Landmines, p. 46.
- ⁴³ ICRC Study on Customary International Humanitarian Law, Rule 55.
- ⁴⁴ Interviews and field visits conducted by Mwatana.
- ⁴⁵ See Mwatana's report "*A Tragedy Without Justice: Human Rights in Yemen in 2020*," Denial of Humanitarian Access, p. 20.