



## 人权理事会

第三十九届会议

2018年9月10日至28日

议程项目2和10

联合国人权事务高级专员的年度报告以及  
联合国人权事务高级专员办事处和秘书长的报告  
技术援助和能力建设

## 也门的人权状况，包括自2014年9月以来侵犯和践踏人权的行为

联合国人权事务高级专员载有国际和区域知名专家小组调查结果和高级专员办事处向国家调查委员会提供技术援助情况概述的报告\*\*

### 概要

本报告根据人权理事会第36/31号决议提交。报告第一部分内容为也门人权状况国际和区域知名专家小组的调查结果、结论和建议。第二部分概述联合国人权事务高级专员办事处向也门侵犯和践踏人权的行为国家调查委员会提供的技术援助。

\* 2018年9月27日由于技术原因重发。

\*\* 本报告附件不译，原文照发。



## 目录

页次

一. 也门人权状况国际和区域知名专家小组的调查结果.....	3
A. 介绍和任务.....	3
B. 方法学.....	3
C. 法律框架.....	4
D. 背景.....	4
E. 违反国际法的行为.....	5
1. 影响平民的攻击.....	5
2. 通行限制.....	8
3. 任意拘留、强迫失踪、酷刑和虐待.....	10
4. 侵犯表达自由的行为.....	11
5. 性暴力.....	12
6. 招募和使用儿童.....	13
F. 问责.....	14
G. 结论和建议.....	14
二. 高级专员办事处向国家调查委员会提供的技术援助.....	16
<b>Annexes</b>	
I. Mapping of actors.....	17
II. Access restrictions by the Government of Yemen/coalition.....	29
III. The Joint Incidents Assessment Team.....	34
IV. Attacks affecting civilians.....	38

## 一. 也门人权状况国际和区域知名专家小组的审查结果

### A. 介绍和任务

1. 人权理事会第 36/31 号决议请联合国人权事务高级专员建立一个国际和区域知名专家小组，负责监测和报告人权状况。专家小组的任务是全面审查所有关于冲突各方自 2014 年 9 月以来违反和践踏国际人权法和其他适当和适用的国际法领域的指控，包括关于此类侵权行为可能涉及的性别层面的指控，查证据称侵犯和践踏人权行为的事实和情况，并在可能的情况下查明责任人。
2. 2017 年 12 月 4 日，高级专员设立了国际和区域知名专家小组，任命 Charles Garraway (大不列颠及北爱尔兰联合王国)、Kamel Jendoubi (突尼斯)和 Melissa Parke (澳大利亚)为专家，Jendoubi 先生为主席。
3. 专家小组审查了关于冲突各方侵犯和践踏国际人权法和其他适当和适用的国际法领域的指控。除国际人权法之外，专家小组还适用了国际人道主义法、国际难民法和国际刑法。
4. 鉴于通行途径受限、履行任务涉及面很广而可用的资源和时间有限，专家小组对事件的审查依据了下列各点：侵犯指控的严重性；对于揭示据称侵权行为模式的重要性；接触受害者、证人和佐证文献的程度；事件发生的地理位置。专家小组还考察了侵犯行为的性别层面对弱势群体的影响。专家小组的任务重点是问责，因此着重查明侵权行为的事实与情况，在可能情况下查明侵权行为的责任人。
5. 调查结果中，“亲政府部队”指与胡塞/萨利赫部队作战的行为方；“事实当局”指控制萨那及周边地区的行为方，多数也门人口居住在这些地区。
6. 本报告涵盖的时期为 2014 年 9 月 1 日至 2018 年 6 月 30 日。本报告无意详尽录述报告期内发生的极为大量的相关事件。但专家小组认为，报告可以揭示侵权行为的主要类型与模式。

### B. 方法学

7. 专家小组和秘书处成员在也门访问了亚丁、萨那、萨达、荷台达，但按计划安排访问时在安全、后勤和行政方面受到严重限制，无法访问全部受影响的省，尤其是塔伊兹。还访问了吉布提、约旦、沙特阿拉伯、瑞士和美利坚合众国。此外，专家小组还审议了来文和其他文献并审阅了照片、视频和卫星图像。
8. 专家小组 2018 年 2 月呼吁在线提交材料，截止日期为 2018 年 6 月 1 日。2018 年 4 月 17 日书面要求也门政府提交具体资料，2018 年 4 月 23 日向以下第 18 段所述联盟的全体成员国发出书面要求，2018 年 7 月 11 日向萨那的事实当局发出书面要求。截至 2018 年 7 月 24 日未收到答复。
9. 作为一个优先事项，专家小组采用旨在确保证人和受害者的安保、安全和福祉的最佳做法。本报告所载信息均经信息提供方知情同意，披露这些信息不会导致任何伤害。居住国和原籍国负有保护受害者、证人和与专家小组合作的其他人的主要责任。

10. 按照惯例，专家小组采用了“有合理理由相信”的证据标准。

11. 专家小组如认为有信息显示所称行为人与具体的侵犯行为或侵犯行为的模式有牵连，就会在严格保密的条件下将信息转交高级专员。若信息不足以认定对侵犯行为负有责任的具体个人，则尽可能认定负有责任的一方或组织。

12. 专家小组感谢受害者和证人诉说自己的遭遇，也感谢政府实体和非政府实体提供协助，感谢联合国机构与伙伴提供支持。

### C. 法律框架

13. 在武装冲突时期也适用的 13 项核心国际人权条约中，也门是 9 项条约的缔约国。政府对丧失实际控制的地区仍负有积极义务。

14. 事实当局控制了大片领土(包括萨那)，并在这些领土上行使类似政府的职能，因此负有国际人权法规定的责任。

15. 也门处于非国际性武装冲突状态。就此而言，国际人道主义法的义务来自条约法与习惯法。冲突各方、各方的武装部队及按其指令、受其指挥行事的人员或组织均受习惯国际法约束。也门、联军部队和非国家行为方身为冲突各方，在敌对行动中必须遵守区别、相称和预防的基本原则，还务必确保始终注意避免伤害平民人口、平民个人和民用物体。

16. 也门不是《国际刑事法院罗马规约》的缔约方，卷入也门冲突的多个其他国家也不是该文书的缔约方。然而，《罗马规约》的许多规定体现了习惯国际法。

### D. 背景

17. 2011 年，发生了一场针对在任 33 年的也门总统阿里·阿卜杜拉·萨利赫的人民革命。按照海湾合作委员会促成的协议，萨利赫获得豁免并将权力移交副总统阿卜杜拉布·曼苏尔·哈迪。也门人举行了全国对话会议，继而开展立宪进程。2014 年，哈迪总统领导的政府部队、胡塞组织和其他武装组织之间关于权力分配安排和宪法草案的冲突加剧。9 月，胡塞组织和武装部队与前总统萨利赫结盟，掌握并巩固了对首都萨那和国内其他地区的控制。

18. 2015 年 3 月，沙特阿拉伯与巴林、埃及、约旦、科威特、摩洛哥、塞内加尔、苏丹及阿拉伯联合酋长国结成联盟，应哈迪总统的请求发起了军事行动。<sup>1</sup> 美国和联合王国等国为联军提供了顾问和支持。联军部队发动空袭导致大量平民伤亡。2016 年 10 月 8 日死伤最严重的一次事件中，联军攻击了萨那的 Al-Kubra 礼堂，当时那里正在举行葬礼，至少 137 名男性平民丧生，695 人受伤，包括 24 名男童。除空袭外，联军海军部队实行了严格控制，2017 年末，对也门海港实施了事实上的封锁，阻碍了关键物资进口该国。2016 年 8 月，联军实际上关闭了萨那国际机场，至今仍未向商用航空开放。

<sup>1</sup> 卡塔尔是联军成员，直至 2017 年 6 月。

19. 尽管人民已受到严重的人道主义影响，但也门一些地区紧张的敌对局势仍在持续。缺乏粮食保障、医疗条件有限和关键物资进口受限等因素导致暴力加剧。2016 年 8 月，政府将中央银行从萨那迁往亚丁，此后公共部门发不出工资，这也对平民造成严重影响。

20. 虽然地方上领土控制权不断变化，但在战斗持续 3 年后，原已固定的前线基本未变。阿拉伯联合酋长国通过直接行动和代理部队(包括安全带部队、Hadrami 精锐部队、Shabwani 精锐部队)的行动控制了整个南部也门，尽管否定这些部队的哈迪总统组织了抵抗(见 S/2018/242)。

21. 2015 年和 2016 年，基地组织和附属于“伊拉克和黎凡特伊斯兰国”的组织声称发起了自杀式袭击和其他袭击，猛攻萨那、亚丁等地，导致大量平民伤亡。

22. 2017 年 11 月 4 日，胡塞组织向沙特阿拉伯发射一枚导弹。两天后，联军宣布彻底封锁陆海空国境全线；随后几周内逐步解除了封锁。2018 年，胡塞组织继续向沙特阿拉伯发射导弹。

23. 将政府与胡塞/萨利赫联盟的冲突简单化地视为二元冲突本就不准确，随着效忠改变、武装组织扩散、派系分化，情况更加混沌。

24. 胡塞组织与萨利赫盟军之间持续紧张，随后双方部队 2017 年 12 月在萨那交战。前总统萨利赫被胡塞组织杀害。2017 年 5 月成立的南部过渡委员会于 2018 年 1 月宣布亚丁进入紧急状态，其支持者与政府部队严重冲突，经联军干预暂时缓解。南部过渡委员会部队倚仗阿拉伯联合酋长国的大力支持，继续控制也门南部主要城市。

25. 2018 年 6 月，联军及附属部队对荷台达发起进攻，数周后停止，目的似为联合国调解工作留出空间。120,000 多人流离失所，逃离该省，人道主义机构警告称，如果战斗影响到这个重要港口城市，平民将面临严重风险。

26. 2017 年 3 月以来，也门局势被人道主义事务协调厅定为世界上最大的人道主义危机。2018 年 4 月，2,930 万人口中，2,220 万人需要人道主义援助，其中 1,130 万人紧急需要援助。需求遍及各部门，包括卫生、食物、清洁与用水、住房与保护。

## E. 违反国际法的行为

### 1. 影响平民的攻击

27. 2015 年 3 月至 2018 年 6 月，至少 16,706 名平民在冲突中伤亡，其中 6,475 人丧生，10,231 人受伤；但真实数字可能高出许多。

28. 有记录的伤亡大多是联军空袭所致。过去 3 年中，联军空袭了居民区、市场、葬礼、婚礼、拘留场所、民用船只、甚至医疗场所。专家小组调查了 13 起此类事件，为此询问了受害者、证人和其他可靠来源；分析了卫星影像、照片和视频；访问了荷台达、萨达和萨那省多处。

29. 居民区一再遭到空袭，往往导致大量破坏和平民伤亡。专家小组审查的 60 起空袭居民区的案件中，500 多名平民丧生，包括 84 名妇女和 233 名儿童。专家小组调查的 2017 年 8 月 25 日空袭萨那市 Faj 'Attan 区居民楼的事件中，至少 15 名平民丧生，25 人受伤，包括 7 名妇女和 11 名儿童。还调查了 2017 年 12 月 20 日萨达省 Bab Najran 区联军三次空袭住家的事件，其中至少 12 名平民丧生，包括至少 3 名妇女和 3 名儿童。

30. 专家小组审查了 29 起空袭公共空间的事件，包括袭击人口稠密地区的目标，其中 300 多名平民丧生。专家小组调查了 2 起空袭酒店的事件：2017 年 8 月 23 日空袭萨那省 Arhab 地区的 Bayt Athri 区，以及 2017 年 11 月 1 日空袭萨达省 Al Layl 集市一处酒店；两起事件共导致 50 多名男性平民丧生，另 50 多人受伤，每起事件中至少 12 名男童伤亡。

31. 专家小组还审查了 11 起空袭集市的事件。2016 年 3 月 15 日一起特别恶劣的事件中，联军空袭了哈吉省 Mastaba 区的 Khamees 集市，导致 100 多名平民丧生，包括 25 名儿童。从专家小组的任务确立至今，至少 5 处市场遭到袭击。专家小组调查了 2017 年 12 月 26 日空袭塔伊兹省 Mahsees 集市的事件，其中至少 36 名男性平民丧生，另有 46 人受伤。

32. 葬礼和婚礼也成为攻击目标。专家小组审查了 5 起空袭此类集会的事件。2016 年 10 月 8 日在萨那市 Al-Kubra 礼堂，某位高级官员父亲的葬礼受到空袭，至少 137 名平民丧生，695 人受伤，包括 24 名男童。专家小组调查了 2018 年 4 月 22 日联军空袭哈吉省 Bani Qa'is 区 Al-Raqah 村一场婚礼的事件，其中至少 23 名男性平民丧生，包括 8 名男童。

33. 专家小组审查了冲突开始后 4 起空袭拘留场所的事件，包括 2016 年 10 月 29 日空袭荷台达省 Al Zaidia 区安全局监狱，其中至少 63 名男性平民丧生，多数是被拘留者。专家小组调查了 2017 年 12 月 13 日联军空袭萨那市宪兵营地某拘留场所的事件，其中至少 42 名男性平民丧生，其中一些是被拘留者，包括 8 名男童。

34. 2015 年 11 月至 2018 年 5 月荷台达海岸发生了 11 起空袭民用船只的事件，专家小组审查了 9 起，调查了 2 起，近 40 名渔民丧生或失踪。专家小组审查的 2017 年 3 月 17 日一起事件中，联军飞机瞄准了一艘运送难民的船，船上共 32 名索马里难民、11 名索马里妇女和 1 名也门平民丧生，另 10 人据称失踪。

35. 医疗场所和教育、文化和宗教场所受国际人道主义法的特殊保护，但多处此类场所和地点在冲突期间因联军空袭被毁。专家小组审查了至少 32 起此类事件的相关资料。专家小组所收到的可靠信息显示，在联军指挥链中没有充分传达受保护物体的不打击清单。

36. 数起空袭破坏了无国界医生组织运营的场所：塔伊兹省 Houban 区一处诊所 2015 年 12 月 2 日受到袭击；萨达省一辆救护车 2016 年 1 月 21 日受到袭击；哈吉省 Abs 区一家医院 2016 年 8 月 15 日受到袭击。无国界医生组织所有设施的地点都已告知联军，救护车也有明显标记。2018 年 6 月 11 日，无国界医生组织通报称，哈吉省 Abs 区一处新的霍乱治疗中心遭到空袭，并指出，已 12 次告知联军该设施的地址。

37. 专家小组调查的个案引起了对联军选择目标之过程的严重关切。专家小组请联军就选择过程提供具体信息；遗憾的是，至今未收到任何答复。联军的事件联合评估小组的简短公报未提供选择目标过程的任何细节，因此专家小组只能审查空袭结果。

38. 根据事件审查情况以及所获关于选择目标过程的信息，专家小组有合理理由相信：

(a) 周边无任何明显军用物体情况下，受打击的物体令人对区分原则的遵守情况以及军事目标之界定和选择产生严重关切。使用精确制导武器一般说明受袭物体即目标；

(b) 平民伤亡数量令人对开展的相称评估之性质与效力产生严重关切；

(c) 袭击时机和所选之武器令人对采取的防范措施之性质与效力产生严重关切；

(d) 未确保全体相关指挥官得到不打击清单，令人对联军履行这些目标所受特别保护的能力产生严重关切；

(e) 有些情况下连续“双重打击”影响了急救人员，令人对第二次攻击是否执行了最新相称评估与防范措施产生严重关切。

39. 如果选择目标的过程发生失误，造成实际上取消国际人道主义法提供的保护，就可能构成侵权行为，视情节可能构成联军成员国和政府各级人员(包括文职官员)个人的战争罪。

40. 在哈吉、拉赫季、马里卜和塔伊兹省，冲突各方的炮击和狙击战导致大量平民伤亡。专家小组着重调查了塔伊兹市的袭击，该市是国内长期以来战斗最激烈和持续的城镇。专家小组因安全原因无法进入塔伊兹，但从大量可靠来源获取了信息。

41. 塔伊兹市内武装组织众多，包括胡塞/萨利赫部队、亲哈迪部队、萨拉菲民兵、伊斯拉赫民兵和圣战组织，因此局势复杂。塔伊兹作战各方中，很多对平民伤亡负有责任。市内冲突不断导致前线一再改变，而胡塞/萨利赫部队却自冲突伊始一直控制着城市周边的高地。专家小组采集的报告显示，胡塞/萨利赫部队从其所控高地和城区实施的炮击导致的多是平民伤亡。但塔伊兹的平民伤亡责任的详细归属仍待进一步调查。

42. 现有资料显示，平民(包括妇女儿童)在家中、家门口、在当地水井取水、外出采购食品、寻求医疗、运送关键物资时遭受了胡塞/萨利赫部队及其他冲突方的炮击和狙击手攻击。一些证人称，他们在自己的居民区几乎每天遭到袭击。

43. 大量证人一致报告说，袭击发生时，迫击炮、炮弹和小武器射击来自塔巴特一索菲特尔高地、Al-Salal 高地、空防高地、中央安全高地，以及 Al-Khalwah、Al-Hareer、Al-Houd、Al-Salheen 和 Al-Qohous 山，而这些地区在袭击发生时皆在胡塞/萨利赫部队控制下。

44. 少数受害者被交叉火力击中，但许多人都说自己遭受袭击时并不靠近敌对活动地点或部队和军用物体，这一点通常有证人佐证。

45. 专家小组对于胡塞/萨利赫部队在城市作战环境下使用大面积效应武器感到关切，因为在城市环境下使用这类武器造成滥杀滥伤。此类行为违反国际人道主义法。

## 2. 通行限制

46. 对人道主义通行途径的限制仍是也门的严重掣肘之一。国际人道主义法要求冲突各方准许和便利人道主义救济迅速和无阻碍地通过，包括药品、粮食和其他对生存至关重要的物品。

47. 联军自 2015 年 3 月以来援引安全理事会第 2216(2015)号的武器禁运规定，在不同程度上对也门进行了严苛的海空限制。冲突之前，也门近 90%的粮食、医疗物资和燃料依靠进口。事实上的封锁对平民的生活普遍产生了破坏影响，尤其是在事实当局所控区域。

48. 在这种严苛限制实施后，为便利商业航运出入不在政府控制下的红海港口，设立了联合国核查和检查机制。但联军仍保留一项额外的检查程序，并且似乎任意不准船只进入。联军未编写禁运物品清单，有时禁运也不予警示。联合国核查和检查机制放行手续平均用时 28 小时，而联军的额外放行程序用时可达数周之久。

49. 2017 年 11 月 6 日，为应对胡塞部队向沙特阿拉伯发射导弹，联军完全封锁了也门边境全线，不准任何人道主义援助和商品——包括粮食和燃料——进入该国。后来联军宣布准许紧急人道主义救援物资进入，首批粮食才于 11 月 26 日抵达荷台达，首批运送燃料的船只 12 月 22 日入境。2018 年 4 月，联军宣布重新开放全部港口，但截至 2018 年 6 月，限制依然存在。

50. 限制的任意性因 11 月的封锁而加剧，对商业航运造成了一种明显的寒蝉效应。

51. 这些事态对平民影响巨大。由于物资运进市场的成本增加，粮食和燃料的供应大幅减少。这些成本转嫁于消费者，因此多数民众买不起有限的物资。政府停发公共部门工资加重了这个问题，2016 年 8 月以来已影响了四分之一的人口。价格上涨再加上民众购买力下降，给人们带来了严重影响。

52. 也门在冲突之前就依赖进口，因此严格限制海陆进口对平民的伤害可以预见。2017 年 11 月之前，国际社会已一再强调现有限制的影响，并警告称宣布关闭全部港口后果严重。限制的持续时间更令人担心该国经济可能正受到系统的破坏。

53. 截至 2018 年 4 月，近 1,780 万人粮食无保障，840 万人濒临饥荒。保健设施不运转，获取清洁水的途径减少，而且也门还遇到了近期以来最大规模的霍乱疫情。

54. 这些限制严重影响了平民，却不太可能真正实现宣称的军事目标，因为没有公开明确的禁运物品清单。此外，实施海上限制的 3 年中，联合国核查和检查机制或联军部队的搜查均未发现武器。

55. 联军和政府知晓造成的伤害及自身的责任，并且有足够的机会纠正局面。任何军事优势都无法作为让千百万人长期遭受极度伤害的正当理由。联军没有按照国际法的要求撤销或中止限制。

56. 2016 年 8 月 9 日，联军实际关闭了萨那国际机场的商业航班，导致数千名也门人无法出国医治。同时，也门的保健系统也已崩溃，身患慢性疾病需要出境医治者只能尝试其他路线，长途跋涉，出高价冒险穿越前线。例如，2017 年 8 月 31 日，也门红新月会创始人因在也门得不到挽救生命所需的治疗又无法出国治疗而亡故。2016 年 8 月以来，只有联合国和人道主义航班被准许进入萨那国际机场，2017 年 11 月封锁期间，连这些航班都停止了 3 周。

57. 2016 年 8 月之前，飞往也门的商业航班必须经停沙特阿拉伯中途检查。联军未解释彻底关闭机场的军事必要性，对确实需要出国医治者也未给予解释。

58. 有合理理由相信这些海空限制违背国际人权法与国际人道主义法。政府应逐步完全实现也门人民的经济和社会权利，至少应确保达到这些权利的最低标准。政府和联军成员国还必须准许和便利人道主义救济迅速和无阻碍地通过。鉴于事实上的封锁对平民的严重人道主义影响，又没有任何可核实的军事影响，这些封锁构成违反国际人道主义法的相称原则。实际关闭萨那机场违反了国际人道主义法对伤病者的保护。

59. 这种行为加上必要的意图，可能构成国际犯罪。由于这些限制由国家政策计划和实施，个人刑事责任遍及联军成员国和也门政府的各个负责级别，包括最高级别。

60. 塔伊兹市位于萨那、口岸城市亚丁与荷台达之间，是一个战略要地，一直面临敌对和严格的出入限制。冲突各方阻碍向塔伊兹输送人道主义物资和平民生存必不可少的其他物资。胡塞/萨利赫部队施加的限制影响尤其严重。

61. 从大约 2015 年 3 月至 2016 年 3 月，胡塞/萨利赫部队控制了塔伊兹市东西两侧的两大入口。2015 年 3 月至 7 月，这些部队与当地武装组织在市内交战不断。关卡指挥官只准平民不携带任何个人物品出城。平民只能步行入城，所带粮食和药品多在关卡被抢或没收。装载人道主义物资的卡车通行会被延误很长时间而且还受到其他阻碍。因此，人们开始通过城南的山间土路运送人道主义物资和商品，以送达关键物资。从伊卜或亚丁比南部路线还长许多小时。

62. 2015 年 8 月，亲政府部队重新控制亚丁后北上，胡塞/萨利赫部队的限制更加严重，为执行限制使用了狙击手。

63. 联合国人道主义协调员 2016 年 1 月访问塔伊兹后指出，市内三区人道主义通行困难已持续几个月。

64. 现有资料显示, 2015 年 7 月至 2016 年 1 月, 胡塞/萨利赫部队的限制最严重时, 限制似已构成违背国际法。然而, 对各方在塔伊兹布下的限制和障碍仍需进一步调查。

### 3. 任意拘留、强迫失踪、酷刑和虐待

65. 经专家小组调查确认, 任意拘留在全国普遍存在, 一些场所存在虐待和酷刑。多数情况下, 被拘留者不知自己为何被捕、未被控罪、不得接触律师或法官、并长期或无限期受到隔离监禁, 有些失踪者仍然下落不明。冲突各方使用不对外说明的拘留场所, 似乎企图将被拘留者置于法律保护之外, 这种做法经查证可构成不法行为。事实当局控制地区有一些被拘留者称他们出庭时审理程序违反了基本的正当程序标准, 包括得到法律代表的权利。在亚丁和穆卜拉, 有被拘留者绝食抗议程序不正当。萨那和亚丁发生过在不遵守程序正当标准的情况下判处并执行死刑的情况。

66. 拘留期间, 被拘留者在审问过程中被蒙上眼睛并/或戴上手铐, 遭到毒打、电击、倒挂、溺水、家人遭暴力威逼、以及长期单独监禁, 这些都违反严禁酷刑、残忍或有辱人格的待遇的规定。报告显示, 被拘留者物质条件差, 医疗严重不足。专家小组还收到拘押中死亡的指控。

67. 专家小组就政府下属部队及联军部队的拘留行为进行了访谈, 并查看了亚丁的 Al Mansoura 监狱和 Al Mansoura B 区(也称 Bir Ahmed 2 号监狱)。

68. 亲政府部队重新掌控的地区刑事司法系统基本失效。联军支持的部队获得授权填补这个空白, 导致广泛的任意拘留。数以百计的人因被视为反对政府或阿拉伯联合酋长国而被拘留。

69. 至 2017 年初, 已不断出现关于拘留场所或阿拉伯联合酋长国控制的秘密拘留中心的侵犯行为的报告。哈迪总统要求联军交出全部国家机关框架之外设立的拘留所和秘密监狱, 并将案件卷宗交给司法机关(见 S/2018/242)。此后释放了几十名被拘留者, 但截至 2018 年 6 月, 政府官员仍在说对南部拘留场所的掌控很弱。

70. 一些场所对被拘留者施加了酷刑和其他残忍待遇, 诸如: Al Rayyan 和 Bureiqa 设施(阿拉伯联合酋长国控制); 阿比扬的 10 月 7 日设施、拉赫季中央监狱和 Al Mansoura 监狱(安全带部队控制); 马里卜政治安全设施(政府控制)。

71. 专家小组还调查了阿拉伯联合酋长国人员的性暴力行为, 包括强奸成年男性被拘留者的情况。Bureiqa 联军设施的被拘留者描述了裸体受审并被捆绑和蒙上双眼、遭到性骚扰和强奸的情况。阿拉伯联合酋长国部队袭击 Bir Ahmed 监狱并犯下性暴力行为。2018 年 3 月, 近 200 名被拘留者被当众脱去衣服, 遭阿拉伯联合酋长国人员强行检查肛门。搜查时, 多位被拘留者遭到使用手指、工具和棍棒的强奸。

72. 荷台达省周边的海军行动中，沙特阿拉伯部队经常逮捕也门渔民。专家小组调查了 2016 年 10 月至 2018 年 4 月间发生的案件，其中联军部队逮捕了 148 名渔民。受害者被带往沙特阿拉伯的拘留场所隔离监禁。很多人遭到毒打和审问，一些人长期受到单独监禁。受害者多已获释，但 18 名拘留 1 年以上的渔民仍全体下落不明。

73. 专家小组有合理理由相信，也门、阿拉伯联合酋长国和沙特阿拉伯政府对强迫失踪等侵犯人权行为负有责任。这些侵权行为多数似乎与冲突相关，可能构成以下战争罪：强奸、有辱人格和残忍的待遇、酷刑和损害个人尊严。

74. 专家小组就事实当局的拘留进行了访谈，包括访谈前被拘留者，并查看了萨那中央监狱。事实当局准许对萨那的国家安全局和政治安全组织进行访问的条件是保证受访的设施不成为空袭目标。专家小组无法做此保证，因此访问未能成行。

75. 2014 年 9 月起，事实当局获得地盘的同时也巩固了对之前政府管理的拘留场所的控制，包括萨那、萨达、伊卜、荷台达、塔伊兹部分地区的拘留场所，任命了拘留场所“管理员”，原有官员被解职或被裁撤，还将从政治对立面手中没收的清真寺、校园和住家变为秘密拘留所。

76. 被拘留者包括视为反对事实当局者，包括学生、人权维护者、记者和政党支持者。

77. 巴哈教徒也成为目标。专家小组了解到，一些巴哈教徒因信仰被拘留在萨那，有人被拘留超过两年。2018 年，又一名 2013 年起被拘留的巴哈教徒在萨那被判死刑，他和家人均未获准出席判刑的听证。同一判决还解散了巴哈教徒的所有集会。事实当局拒绝了专家小组探视被拘留受害者的请求。胡塞组织的领导在 2018 年 3 月 23 日的电视演说中称巴哈教“妖魔”，并称他们“与伊斯兰教作战”。

78. 专家小组收到的信息显示，被拘留者在国家安全局、政治安全组织、刑事调查部和萨那的 Habrah 与 Al-Thawra 监狱等事实当局控制的设施遭到虐待和酷刑。

79. 大量前被拘留者认为，自己是因冲突各方之间的拘留者交换协议而获释。

80. 专家小组有合理理由相信事实当局对国际人权侵权行为负有责任。事实当局与武装冲突相关的侵权行为可能构成以下战争罪：有辱人格和残忍的待遇、酷刑和损害个人尊严。

#### 4. 侵犯表达自由的行为

81. 专家小组有合理理由相信，自 2014 年 9 月以来，也门冲突各方严重限制了表达自由权。此外，人权维护者不断受到政府、联军部队(包括沙特阿拉伯、阿拉伯联合酋长国)及事实当局的骚扰、威胁和诽谤。

82. 这种环境下，妇女人权维护者、记者和活动人士由于性别而受到特定的压制。专家小组至少记录了 20 起冲突各方犯下的此类行为的案件。很多妇女面临来自各方面的压力，说明歧视妇女的问题普遍存在。

83. 联军一直阻碍国际媒体和人权组织的工作，至少从 2017 年初以来不准这些组织的人员使用联合国航班。因此这些独立观察员只得乘坐商业航班前往政府管控地区，再从陆上穿过危险的前线前往其他地区。联军此种措施造成了不安全，阻碍了对也门局势独立可信的报导，加剧了全球对这场冲突的忽视。

84. 2016 年以来，亲政府部队在其所控地区审查电视台并突袭民间社会组织，以此骚扰媒体和监测人员。2017 年 8 月以来情况似乎有所恶化，被视为批评阿拉伯联合酋长国及该国支持的部队的人受到了亚丁的安全带部队及哈德拉毛和舍卜沃省的精锐部队的恐吓。就此而言，有记者和示威者因和平抗议拘留行为和公开批评军事行动被拘留。此外，隶属南部过渡委员会的各行为方整合之后，阿拉伯联合酋长国支持的媒体被视为附属于政府的亲哈迪部队而成为目标，例如，2018 年 3 月亚丁一家报刊的办事处被袭击并烧毁。

85. 2015 年以来，事实当局在其所控地区对公开批评者进行恐吓、任意拘留、虐待和酷刑，同时突袭萨那的媒体机构，还封锁了新闻网站，审查电视台，禁止报刊出版。他们还袭击或关闭大量民间社会组织的所在地。受害者因隶属于或被视为隶属于政治对立面或曾对持续冲突表达自己的观点而成为目标。事实当局还冻结了至少两家非政府组织的资产，包括银行账户；其中一家的账户至今仍关停。专家小组了解到，至少 23 名记者仍被事实当局拘留，多数据称关押在政治安全组织和萨那的国家安全局，其他人据信关押在扎马尔和伊卜的非正式拘留所。这些记者中数人下落不明。

## 5. 性暴力

86. 2014 年 9 月以来，也门的性暴力问题普遍升级。刑事司法体系本已有限的应对性暴力和基于性别的暴力的能力已崩溃。幸存者再度受害。流离失所、贫困和滥伤无辜的暴力等因素引起了新的脆弱性。妇女、儿童和男子面临各种形式的性暴力的严重风险，争取保护和正义的空间有限。

87. 专家小组调查了亚丁 Bureiqa 移徙者拘留所的性暴力案件。该设施关押了数百名被安全带部队围困并拘留的厄立特里亚、埃塞俄比亚和索马里移徙者、寻求庇护者与难民。拘留场所条件恶劣。据称该设施多处发生强奸和性攻击并且通常有被拘留者、家人和卫兵在场。幸存者和证人向专家描述道，每天晚上卫兵选择几名妇女和男童施以虐待。根据一名前被拘留者的描述，卫兵室里有三张床，卫兵同时侵犯多名妇女，让这些妇女服从强奸或自杀。还有人称，试图抵抗或干预者遭到毒打、射击或杀害。卫兵至少一次下令数百名埃塞俄比亚男性被拘留者在十几名埃塞俄比亚女性被拘留者面前裸体站立数小时作为惩处。据称惩处还伴有口头威胁强奸。

88. 2018 年 4 月初，内政部公开声明解除 Bureiqa 移徙者拘留所指挥官的职务。至 2018 年 5 月，移徙者全部获释，但拉赫季省又开设了一家新设施。

89. 专家小组还调查了关于安全带部队在亚丁 Dar Saad 区 Al Basateen 犯下性暴力行为的指控。安全带部队自 2017 年起控制了该区，基地设在 Al Basateen 警察局。该区至少居住着 40,000 名难民、境内流离失所者和边缘化的也门人。这些人多数是在也门已居住多年的索马里难民。

90. 受害者和证人向专家小组的描述了安全带部队持续和广泛的恶行，包括性暴力，例如强奸、逮捕或绑架、失踪和勒索。

91. 一种常见的做法是安全部队绑架和强奸或威胁妇女，以此向家人和社区勒索钱财。据称安全部队夜间入户劫走妇女施以强奸。社区领袖大约每隔几天就接到性暴力举报。当局未就这些侵犯行为开展调查或逮捕。截至 2018 年 5 月，侵犯行为还在持续发生。

92. 有合理理由相信政府人员和安全带部队对目标弱势群体(例如外国移徙者、境内流离失所者和弱势群体，包括妇女儿童)犯下强奸和其他形式的严重性暴力。政府对违反国际人权法(因为这些侵犯似乎与冲突相关)和国际人道主义法的侵犯行为负有责任。另一些国家可能也负有责任。

93. 此外，个人也可能因损害他人尊严的行为而需对战争罪负责，尤其是侮辱和有辱人格的待遇、强奸和其他形式的性暴力。

94. 上述之外，专家小组还收到关于也门冲突各方 2015 年至 2018 年性暴力行为的指控。本报告中已核实的侵犯行为说明，冲突各方可能犯下了更多性暴力行为，有待进一步调查。

## 6. 招募和使用儿童

95. 2017 年，秘书长报告了发生在也门的 842 起经核实的招募和使用男童的案件，年龄低至 11 岁(见 A/72/865-S/2018/465)。近三分之二的案件是胡塞/萨利赫部队所为，安全带部队和也门武装部队犯案数量比 2016 年大幅增加。联合国还记录了武装部队和组织剥夺据称与敌对方有关联的男童的自由。专家小组对招募和使用儿童案件的调查显示了类似关切。

96. 专家小组所获大量资料显示，政府、联军支持的部队和胡塞/萨利赫部队均有征召儿童加入武装部队或组织并使用这些儿童参加敌对活动。招募的儿童多为 11 至 17 岁，但一直有关于招募或使用 8 岁儿童的报告。专家小组掌握的可靠资料显示，很多冲突影响的省使用了儿童。

97. 证人和信息提供方称，胡塞/萨利赫部队在一些地区强行进入校园、医院或挨家挨户招募儿童，在其他地区则靠鼓动爱国和经济刺激吸引儿童兵。胡塞/萨利赫部队还使用儿童参加战斗、驻守关卡和设置爆炸装置。

98. 信息提供方称，亲政府部队主要从马里卜的境内流离失所者营地招募弱势儿童，并为儿童兵支付高额费用。亲政府部队经常使用儿童从事辅助职务，但也曾用于前线战斗，例如在舍卜沃和荷台达的战斗。还有可信指控称，政府和联军部队拘留了与胡塞/萨利赫部队作战的儿童并将他们用于囚犯交换。

99. 尽管也门各方表示了相反的意见，但也门批准的各项文书仍具有约束力，这些行为构成违反国际人权法，有些行为构成违反国际人道主义法和构成战争罪。

## F. 问责

100. 专家小组记录的信息明确显示，在也门发生过并且还在发生对国际法的违反和罪行。

101. 应对这些违法行为和罪行的首要法律责任在政府，政府有义务保护辖区内人民。身为冲突各方的所有国家，包括也门和联军成员国，有责任调查和起诉本国国民和武装部队犯下的构成犯罪的侵犯行为。

102. 鉴于也门严峻的人权状况，需要一种全面的问责方针，争取实现了解真相的权利及充分、有效和迅速赔偿并保证不再发生。这些进程有助于打击有罪不罚，恢复法治，并最终实现和解。

103. 国家调查委员会第四次报告显示，打击冲突各方侵犯行为的意愿有所增强。但是，该报告称，萨那的事实当局不与委员会合作，通行困难仍阻碍委员会的工作。此外，政府与联军的合作似乎仍然不深。最后，该委员会并不是一个独立机构。

104. 2016 年，联军成立了事件联合评估小组，调查关于联军非法袭击的指控。但该小组似乎缺乏独立，其公开评估结果缺少细节，同时没有确保其建议得到执行的机制。

105. 实现也门长期和平与稳定必须通过真正的、联合的和全面的问责，所有负有责任的国家和非国家行为方都应参与其中。为此需要更深入地思考可行的问责方案。为了按照国家义务和国际标准制定可行且可持续的刑事问责框架，审查国家和国际问责机制是必不可少的一步。

## G. 结论和建议

106. 专家小组有合理理由相信，也门、阿拉伯联合酋长国和沙特阿拉伯政府对侵犯人权行为负有责任，包括非法剥夺生命权、任意拘留、强奸、酷刑、虐待、强迫失踪和招募儿童、严重侵犯表达自由权与经济、社会和文化权利，尤其是充足生活水准权和健康权。

107. 专家小组有合理理由相信事实当局对其有效控制区内的侵犯人权行为负有责任，包括任意拘留、酷刑、虐待和招募儿童、严重限制表达自由和信仰自由。

108. 专家小组有合理理由相信，也门武装冲突各方都犯下了大量违反国际人道主义法的行为。在经独立合格的法庭判定的前提下：

(a) 政府和联军中的个人，包括沙特阿拉伯和阿拉伯联合酋长国，从事过可能构成战争罪的违背区别、相称和预防原则的袭击；

(b) 政府和联军中的个人，包括沙特阿拉伯和阿拉伯联合酋长国，从事过可能构成战争罪的行为，包括残忍待遇和酷刑、损害个人尊严、强奸、征召或使用 15 岁以下儿童参加敌对活动；

(c) 事实当局中的个人从事过可能构成战争罪的行为，包括残忍待遇和酷刑、损害个人尊严、征召或使用 15 岁以下儿童参加敌对活动。

109. 专家小组在可能的情况下指认了可能对国际犯罪负有责任的个人，名单已提交高级专员。专家小组记录的某些事件还需更多资料才可确定责任。

110. 为了确保为违反国际人权法和人道主义法的行为的受害者伸张正义，鉴于仍在持续的武装冲突，专家小组提出以下建议。

111. 专家小组建议冲突各方：

(a) 立即停止违反适用的国际人权和国际人道主义法侵害平民的暴力行径，采取一切可行的预防措施，保护平民免受敌对行动的影响，并满足他们的基本需求，尤其是妇女儿童；

(b) 遵守国际人道主义法，包括禁止袭击平民和民用物体，以及区别、相称和预防的核心原则；

(c) 采取必要措施，取消对人道主义物资和平民不可或缺之其他商品安全迅速地进入也门以及人员流动的过度限制，包括对萨那国际机场的限制；

(d) 履行义务，便利人道主义救济迅速和无阻碍地通过，并便利人们不受阻碍地到也门和境外的医疗设施就诊；

(e) 确保由法官按照国内法和国际法审查所有被剥夺自由者的拘留情况；

(f) 确保逮捕与持续冲突相关的个人必须有法律依据和充足可信的证据；

(g) 按照国内法和国际法，记录所有非官方拘留所并将被拘留者转往官方拘留场所；

(h) 设置失踪人员国家登记册，并向家人通报所有被拘留者的下落；

(i) 立即停止一切对表达自由和信仰自由的打击，包括拘留、强迫失踪和恐吓，释放所有记者和其他因行使表达自由或信仰自由而被拘留者；

(j) 停止一切形式的性暴力和基于性别的暴力行径，包括性暴力侵害妇女儿童、拘留中的性暴力和迫害妇女活动人士；

(k) 根据国际标准，对所有侵犯行为和犯罪进行透明、独立、公正有效且顾及性别的调查，确保问责犯罪者并为受害者伸张正义；

(l) 停止并防止在武装冲突中招募和使用儿童；

(m) 设立一个独立合格的机制，以确保查明、释放敌对中冲突各方招募或使用的所有儿童并确保他们康复和重新融入。

112. 专家小组建议国际社会，包括阿拉伯国家联盟：

(a) 支持秘书长也门问题特使领导的旨在实现停止敌对行动的努力，实现可持续和包容的和平，并确保追究严重侵犯行为和犯罪；

(b) 不要提供可能用于也门冲突的武器。

113. 专家小组还建议人权理事会：

(a) 延长专家小组的任务，以确保持续审议也门的人权状况；

(b) 促请安全理事会强调也门冲突的人权维度，并强调需要确保最严重的犯罪绝不会不受惩罚。

## 二. 高级专员办事处向国家调查委员会提供的技术援助

114. 报告期内，联合国人权事务高级专员办事处(人权高专办)继续根据理事会第 36/31 号决议为国家调查委员会提供技术援助。人权高专办委员会为委员和员工组织了 7 次培训班和学习班，内容包括适用的国际法、人权监测和文献记录、调查方法、报告编写、行政、财务和信息管理。

115. 人权高专办 2017 年 11 月和 12 月在吉隆坡开办了两次培训班。第一次是培训该委员会的驻地监测员，重点是人权调查和监测方法。第二次是培训该委员会的调查员，重点是适用的国际法、人权监测、性别和融入、限制通行条件下的文献记录。

116. 人权高专办 2018 年 1 月在亚的斯亚贝巴为调查委员会委员开办了关于侵犯人权行为记录与报告编写的学习班，学习班上介绍了埃塞俄比亚人权委员会的最佳做法。人权高专办 2018 年 3 月在安曼为委员开办了一次关于打击恐怖主义背景下的人权保护的学习班。

117. 人权高专办 2018 年 3 月为该委员会的调查员在贝鲁特组织了一次关于侵犯人权行为调查方法的培训班。2018 年 4 月为该委员会的行政和财务员工举行了培训班，内容为建档、信息保护、财务和预算事务的最佳做法。还于 2018 年 7 月在安曼为委员举办了国际人道主义法研讨会。人权高专办计划在日内瓦开办的另两次学习班未能举办。

## Annex I

### Mapping of actors

#### 1. The Royal Saudi Arabian Armed Forces

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Date assumed role/Remarks</i>
1	Crown Prince Mohammad Bin Salman	Minister of Defence	23 January 2015 Commander of the coalition in “Decisive Storm” Operation <sup>1</sup>
2	General Fayyadh al-Ruwaili <sup>2</sup>	Chairman of the Joint Chiefs of Staff	27 February 2018
3	Prince Lieutenant General Fahad bin Turki bin Abdalazeez	Joint Forces Commander	27 February 2018 Commander of the coalition
4	Lieutenant General Fahd bin Abdallah al-Mtair <sup>3</sup>	Land Forces Commander	27 February 2018
5	Prince Lieutenant General Turki bin Bandar bin Abdalazeez al-Saud <sup>4</sup>	Air Force Commander	27 February 2018
6	Admiral Fahd bin Abdulla al-Ghufaili <sup>5</sup>	Naval Commander	4 November 2017
7	Lieutenant General Mazyad Sulaiman al-Amro <sup>6</sup>	Air Defence Commander	27 February 2018
8	Lieutenant General Jarallah bin Mohammed bin Jarallah Al-Elwait	Strategic Missile Force Commander	27 February 2018
9	Major General Pilot Abdullah al-Ghamdi	Air Operations Director	Deputy Commander of the coalition

<sup>1</sup> [www.mod.gov.sa/en/Leaders/Minister/Pages/CV.aspx](http://www.mod.gov.sa/en/Leaders/Minister/Pages/CV.aspx).

<sup>2</sup> Replaced General Abdulrahman bin Saleh al-Bunyan who held the post since 2014. [www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1729621](http://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1729621).

<sup>3</sup> Replaced Prince Lieutenant General Fahad bin Turki bin Abdalazeez. [www.janes.com/article/78278/top-saudi-commanders-replaced](http://www.janes.com/article/78278/top-saudi-commanders-replaced).

<sup>4</sup> Replaced Major General Mohammed Saleh al-Otibi. [www.spa.gov.sa/viewstory.php?lang=en&newsid=1729618](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1729618).

<sup>5</sup> Replaced Admiral Abdallah bin Sultan bin Mohammad al-Sultan.

<sup>6</sup> Replaced Lieutenant General Mohammed bin Awadh bin Mansour Suhaim.

## 2. United Arab Emirates Armed Forces

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
1	Sheikh Khalifa bin Zayed al-Nahyan	Supreme Commander		3 November 2004
2	Sheikh Mohammed bin Zayed al-Nahyan	Deputy Supreme Commander		
3	Mohammed bin Rashid al-Maktoum <sup>7</sup>	Minister of Defence		
4	Lieutenant General Hamad Mohammed Thani al-Romaithi <sup>8</sup>	Chief of Staff of the Armed Forces		3 January 2005
5	Major General Eisa Saif al-Mazrouei	Deputy Chief of Staff		
6	Major General Saleh Mohammad Saleh al-Ameri	Commander of Ground Forces		
7	Major General Ibrahim Nasser Mohammed al-Alawi	Commander of Air Force and Air Defence		
8	Rear Admiral Sheikh Saeed Bin Hamdan Bin Mohammad al-Nahyan <sup>9</sup>	Commander of Navy		11 October 2017
9	Brigadier General Ali Ahmed el-Tanje	Coalition Commander	Aden	May 2015–January 2016
10	Brigadier General Ali el-Nuaimi	Coalition Commander	Aden	January 2016–July 2016
11	Brigadier General Sultan el-Habsee	Coalition Commander	Aden	July 2016–January 2017
12	Brigadier General Naser el-Otaibee	Coalition Commander	Aden	January 2017–July 2017
13	Brigadier General Ahmed el-Blushee	Coalition Commander	Aden	July 2017–January 2018
14	Brigadier General Muhammad el-Hasani	Coalition Commander	Aden	January 2018–Present

<sup>7</sup> <https://uaecabinet.ae/en/biography>.

<sup>8</sup> <https://uaecabinet.ae/en/details/news/chief-of-staff-of-armed-forces-promoted-to-the-rank-of-minister>.

<sup>9</sup> Replaced Rear Admiral Ibrahim al-Musharrakh.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
15	Brigadier General Abd el-Salam al-Shahi	Coalition Commander	Western Coast	

### 3. Government of Yemen

#### (a) Yemen Armed Forces<sup>10</sup>

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
1	President Abdu Rabbu Mansour Hadi	Supreme Commander <sup>11</sup>		February 2012
2	Major General Ali Mohsen al-Ahmar	Adviser to the President for security and military affairs		December 2012
3	Major General Mohammad Ahmed Salem al-Subaihi	Minister of Defence <sup>12</sup>		kidnapped on 25 March 2015
4	Major General Mohammad Ali al-Maqdashi	Adviser to the Supreme Commander <sup>13</sup> Acting Minister of Defence, March 2018		Chief of the General Staff during May 2015 – September 2017
5	Major General Tahir Ali al-Aqaili <sup>14</sup>	Chief of the General Staff		4 September 2017
6	Major General Saleh Mohammad Timis <sup>15</sup>	1st Military District	Say'un	22 November 2016
	<i>Major General Saleh Mohammad Timis</i>	<i>37th Armored Brigade</i>	<i>Al-Khash'a</i>	<i>Al-Khash'a Axis Commander</i>
	<i>Brigadier General Ahmad Ali Hadi</i>	<i>315th Armored Brigade</i>	<i>Thamud</i>	
	<i>Brigadier General Sameer Sharaf al-Hakemie<sup>16</sup></i>	<i>23rd Mechanized Brigade</i>	<i>Al-Abr</i>	

<sup>10</sup> The new structure established five military branches under the Ministry of Defence: Army, Air Force and Air Defence, Navy and Coastal Defence Forces, Border Guard, and Strategic Reserve Forces.

<sup>11</sup> According to the new structure, Missile Brigades and Presidential Production Brigades fall under the umbrella of the Supreme Commander.

<sup>12</sup> Position vacant from March 2015 to March 2018.

<sup>13</sup> Presidential Decree 124 (2017).

<sup>14</sup> Replaced Major General Mohammad Ali al-Maqdashi, Presidential Decree 125 (2017).

<sup>15</sup> Replaced Major General Abdul Rahman al Halili, Presidential Decree 154 (2016).

<sup>16</sup> Replaced Brigadier General Hamoud Naji.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
	<i>Major General Fahmi Haj Mahros<sup>17</sup></i>	<i>11th Border Guard Brigade</i>	<i>Al-Rumah</i>	
	<i>Brigadier General Abdu Rabbu Abdel Allah</i>	<i>135th Infantry Brigade</i>	<i>Say'un</i>	<i>Thamud Axis Commander</i>
7	<i>Major General Faraj Salamin al-Bahasani<sup>18</sup></i>	<i>2nd Military District</i>	<i>Al-Mukalla</i>	<i>Since 2015</i>
	<i>Brigadier General A'oad Salem al-Joa'i<sup>19</sup></i>	<i>27th Mechanized Brigade</i>	<i>Al-Rayyan Air Base</i>	
	<i>Brigadier General Ahmed Hassan al-Hamdee</i>	<i>190th Air defence</i>	<i>Al-Rayyan Air Base</i>	
	<i>Brigadier General Abdullah Mansour al-Waleedi</i>	<i>123rd Infantry Brigade</i>	<i>Al-Hat Camp, Al-Mahrah</i>	<i>Commander of Al-Ghaidah Axis</i>
	<i>Brigadier General Mohammad Yahya al-Qadi</i>	<i>137th Infantry Brigade</i>	<i>Al-Ghaidah</i>	
	<i>Brigadier General Mohammad Ali al-Sofee</i>	<i>1st Naval Infantry Brigade</i>	<i>Socotra</i>	<i>Resigned on 12 April 2018</i>
8	<i>Major General Ahmed Hassan Gibran<sup>20</sup></i>	<i>3rd Military District<sup>21</sup></i>	<i>Ma'rib</i>	<i>21 January 2017</i>
	<i>Major General Ahmed Hassan Jibrani<sup>22</sup></i>	<i>13th Infantry Brigade</i>	<i>Sahn Al-Jin Camp</i>	<i>21 January 2017</i>
	<i>Brigadier General Mohsen al-Da'ari</i>	<i>14th Armored Brigade</i>	<i>Sahn Al-Jin Camp</i>	
	<i>Brigadier General Jahdal Hanash Karam</i>	<i>21st Mech. Infantry Brigade</i>	<i>Ateq</i>	<i>Ataq Axis</i>
	<i>Brigadier General Ali Saleh al-Kulaibi<sup>23</sup></i>	<i>19th Infantry Brigade</i>	<i>Ateq</i>	<i>October 2017 Ataq Axis</i>

<sup>17</sup> Replaced Major General Saleh Mohammad Timis, Presidential Decree 157 (2016).

<sup>18</sup> On 29 June 2017, President Hadi additionally named Major General Faraj al-Bahasani Governor of Hadramaut to replace Major General Ahmed bin Brik.

<sup>19</sup> Replaced Brigadier General Abdulaziz al-Shamiri.

<sup>20</sup> Replaced Major General Abdel Rab al-Shadadi.

<sup>21</sup> Presidential Decree 36 (2018), forming a new axis that incorporated the 26th Mech. Brigade from the 7th Military District, and appointing Major General Farah Bahib, commander of that brigade, leader of the axis.

<sup>22</sup> Replaced Major General Abdel Rab al-Shadadi.

<sup>23</sup> Replaced Brigadier General Masfer al-Harhi.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
	<i>Brigadier General Khaled Nasser Yaslim</i>	<i>107th Infantry Brigade</i>	<i>Safir</i>	
	<i>Brigadier General Abdu Rabbu al-Shadadi</i>	<i>312th Armored Brigade</i>	<i>Sirwah</i>	
	<i>Brigadier General Naji Hanash<sup>24</sup></i>	<i>3rd Mountain Brigade</i>	<i>Ma'rib</i>	
9	<i>Major General Fadhil Hasan<sup>25</sup></i>	<i>4th Military District</i>	<i>Aden</i>	<i>21 November 2016</i>
	<i>Brigadier General Abdallah al-Subehi</i>	<i>39th Armored Brigade</i>	<i>Khor Maksar</i>	
	<i>Brigadier General Abdallah Saleh Mohammad al-Nakhebi<sup>26</sup></i>	<i>120th Air Defence Brigade</i>	<i>Aden</i>	
	<i>Brigadier General Abu Baker Hussien</i>	<i>15th Infantry Brigade</i>	<i>Zinjibar</i>	<i>Abyan Axis</i>
	<i>Brigadier General Mohammad Ahmed Mulhem</i>	<i>111th Infantry Brigade</i>	<i>Ahwar</i>	<i>Abyan Axis</i>
	<i>Brigadier General Naser Abed Rabbu al-Tamje</i>	<i>115th Infantry Brigade</i>	<i>Shaqra</i>	<i>Abyan Axis</i>
	<i>Brigadier General Hamzah Ali Salim</i>	<i>119th Infantry Brigade</i>	<i>Jaar</i>	<i>Abyan Axis</i>
	<i>Brigadier General Sadeq Serhan</i>	<i>22nd Armored brigade</i>	<i>Ta'izz</i>	<i>Ta'izz Axis</i>
	<i>Brigadier General Abdel Rhman al-Shamsani</i>	<i>17th Infantry Brigade</i>	<i>Central Prison, Ta'izz</i>	<i>Ta'izz Axis</i>
	<i>Brigadier General Adnan al-Hamadi</i>	<i>35th Armored Brigade</i>	<i>Al-Mukha and Ta'izz airport</i>	<i>Ta'izz Axis</i>
	<i>Brigadier General Abdel Aziz al-Majedi</i>	<i>170th Air Defence Brigade</i>	<i>Bab Al-Mandab</i>	<i>Ta'izz Axis</i>
	<i>Brigadier General Thabit Muthana Naji al-Jwas<sup>27</sup></i>	<i>131st Infantry Brigade</i>	<i>Anad Airbase</i>	<i>Anad Axis</i>

<sup>24</sup> Replaced Brigadier General Mansour Ali A'id.

<sup>25</sup> Yemen's Southern Powder Keg, Chatham House, Peter Salisbury, 2018. Presidential Decree 155 (2016).

<sup>26</sup> Replaced Brigadier General Muhsen Mohammad al-Khabi.

<sup>27</sup> Yemen's Southern Powder Keg, Chatham House, Peter Salisbury, 2018.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Date assumed role/Remarks</i>
	<i>Brigadier General Mohammad Ali Abedalhaq</i>	<i>201st Mech Brigade</i>	<i>Lahij</i>	<i>Anad Axis</i>
	<i>Brigadier General Abu Baker Faraj al-ataiqi</i>	<i>31st Armored Brigade</i>	<i>Aden</i>	<i>Anad Axis</i>
	<i>Brigadier General Abdullah al-Subayhi<sup>28</sup></i>	<i>39th Aviation Brigade</i>	<i>Khor Maksar</i>	<i>Anad Axis</i>
	<i>Major General Muqbil Saleh</i>	<i>33rd Armored Brigade</i>	<i>Al-Dhale'e</i>	<i>Governor of Al-Dhale'e</i>
10	<i>Major General Yahya Hussien Salah<sup>29</sup></i>	<i>5th Military District<sup>30</sup></i>	<i>Midi</i>	<i>27 February 2018</i>
11	<i>Major General Hashem Abdallah al-Ahmar<sup>31</sup></i>	<i>6th Military District<sup>32</sup></i>	<i>Al-Jawf</i>	<i>27 February 2018</i>
12	<i>Major General Naser al-Dhehani<sup>33</sup></i>	<i>7th Military District</i>	<i>Nahim</i>	<i>August 2017</i>
13	<i>Brigadier General Naser Abd Rubbo Hadi Mansour</i>	<i>Presidential Protection Brigades</i>	<i>Aden</i>	
	<i>Brigadier General Sanad Abdallah al-Rahwa</i>	<i>1st Presidential Brigade</i>	<i>Kraiter</i>	<i>Al-Masheq Palace</i>
	<i>Brigadier General Abd al-Raqib Dabwan</i>	<i>2nd Presidential Brigade</i>	<i>Ta'izz</i>	
	<i>Brigadier General Ibrahim Haydan al-Sayari</i>	<i>3rd Presidential Brigade</i>	<i>Khor Makser</i>	
	<i>Brigadier General Muhran al-Qubati</i>	<i>4th Presidential Brigade</i>	<i>Dar Said</i>	<i>Now in Al-Hudayadh</i>
	<i>Brigadier General Adnan Rzaiq</i>	<i>5th Presidential Brigade</i>	<i>Ta'izz</i>	

<sup>28</sup> Ibid.

<sup>29</sup> Presidential Decree 20 (2018).

<sup>30</sup> Area of responsibility is under control of the de facto authorities.

<sup>31</sup> Presidential Decree 20 (2018) Replaced Major General Wae'l al-Dulaymi who was commander since 2015.

<sup>32</sup> Area of responsibility (Amran, Sa'dah and Al-Jawf) is under control of the de facto authorities.

<sup>33</sup> Replaced Major General Esmaa'il Zahzoh.

**(b) Provincial Security, Security Belt Forces<sup>34</sup> and Elite Forces**

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Major General Shall al-Shaye	Security Director	Aden	
2	Brigadier General Wadah Omer Abdul Aziz	Security Belt Forces <sup>35</sup> Commander and 2nd support Brigade	Aden	
3	Brigadier General Mounir Muhamoud Ali (Abu Yamamah)	1st Support Brigade	Aden	
4	Brigadier General Nabil al-Mashoushi	3rd Support Brigade	Aden	Removed in 2017
5	Brigadier General Saleh al-Sayed	Security Director	Lahij	
6	Captain Faisel al-Saleme	Security Belt Commander	Lahij	
7	Colonel Hader al-Shukhaty	4th Support Brigade	Lahij	
8	Colonel Mukhtar Ali al-Nubi	5th Support Brigade	Rdafan, Al-Dhale'e	
9	Colonel Khader al-Nub	Security Director	Abyan	
10	Brigadier General Abd al-Latif al-Sayed	Security Belt Commander	Abyan	
11	Major General Faraj Salemin al-Bahsani	Hadramaut Elite Forces Commander	Hadramaut	Governor of Hadramaut
12	Lieutenant colonel Mohammed Salem al-bohar al-Qamishi	Shabwani Elite Forces Commander	Shabwah	
13	Major Mahdi Mohammed Barahma	Rapid Intervention Forces	Shabwah	

<sup>34</sup> Established in March 2016 by Presidential Decree under the General Security Directorate of each governorate, who fall under the umbrella of the Ministry of Interior.

<sup>35</sup> Presidential Decree No. 60 (2016).

(c) **Armed Groups**

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Area of control/Remarks</i>
1	Hamoud Saeed al-Makhlafi (no military rank)	Chief of Military Council for Resistance <sup>36</sup>	Ta'izz	<ul style="list-style-type: none"> <li>• Al-Rawdah and Zayed al-Mushki</li> <li>• Kalabah, parts of Al-Tahrir, Hawd Al-Ashraaf and Jabal Al-Ikhwah</li> <li>• The outskirts of Al-Kamb</li> <li>• Tho`baat</li> </ul>
2	Colonel Adel Abdo Farea al-Dhubhani, (Abu al-Abbas)	Homat al-Aqeedah <sup>37</sup>	Ta'izz	<ul style="list-style-type: none"> <li>• Old City</li> <li>• Cairo Fort and the buildings of Political Security</li> <li>• Entire Mudaffar and Al-Qahira</li> <li>• Jumhuri</li> <li>• Al-Jahmaliya area</li> <li>• Thawra</li> </ul>
3	Adnan Ruzayq al-Shabwani (no military rank)	Hasm Battalions	Ta'izz	<ul style="list-style-type: none"> <li>• HQ at Ta'izz University</li> <li>• Al-Manakh</li> <li>• Parts of the old airport area</li> <li>• Hawdh Al-Ashraf</li> </ul>
4	Sheikh Sadek Mahyoob Hasan (Abu al-Sadouk) (no military rank)	Kata`ib al-Tawheed	Ta'izz	<ul style="list-style-type: none"> <li>• Osaiferah</li> <li>• Al-'Ashrafiyah</li> <li>• Bab Musa and the Old Town</li> <li>• Haudh Al-Ashraf between Jahmailya and Thawra Hospital</li> </ul>
5	al-Hussein bin Ali, currently Azaam al-Farhan (no military rank)	The Tramps Brigade <sup>38</sup>		Active in the western parts of the city and in Al-Dabab mountain region

<sup>36</sup> Military commander is Brigadier General Sadeq Serhan. The Military Council for Resistance is itself an umbrella body, coordinating the military operations of fighters affiliated with Islah and military units loyal to Ali Mohsen.

<sup>37</sup> A Ta'izz Salafist group with roots in Dammaj.

<sup>38</sup> A mixture of local youth with different ideological backgrounds, not initially affiliated with any political party.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Area of control/Remarks</i>
6	Abu Zerah al-Mahrami (no military rank)	Yemeni Commander of Hudaydah Front <sup>39</sup>	Hudaydah	
7	Brigadier General Tareq Saleh <sup>40</sup>	National Resistance Forces	Hudaydah	Began operations on the western coast of Yemen front in April 2018
8	Abd Ruhman al-hajree (no military rank)	Tohama Resistance/ Tohama Brigades	Hudaydah	Since early 2017, these forces have been steadily advancing north along the Red Sea Coast toward Hudaydah <sup>41</sup>
9	Abu Zerah al-Mahrami (no military rank)	Giants Brigades	Hudaydah	Operations in Hays, Al-Tuhayat , Al-Garrahi , Al-Khawkhah , Zabid and Jabal Ras districts
	<i>Ra'ed al-Habhi (no military rank)</i>	<i>1st Brigade</i>	<i>Hudaydah</i>	
	<i>Sheikh Hamdi Shukri (no military rank)</i>	<i>2nd Brigade</i>	<i>Hudaydah</i>	
	<i>Sheikh Abd Ruhman al-lahji (no military rank)</i>	<i>3rd Brigade</i>	<i>Hudaydah</i>	
	<i>Sheikh Nizar al-Wajeh (no military rank)</i>	<i>4th Brigade</i>	<i>Hudaydah</i>	

<sup>39</sup> Supported by Coalition commander for the western front, Brigadier General (UAE) Abdul Salam al-Shehi.

<sup>40</sup> The nephew of the former president.

<sup>41</sup> The New Front in Yemen, What's at Stake in Hodeidah, Foreign Affairs, Peter Salisbury, 2018.

(4) **De facto authorities**

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Abdulmalik Bader Aldain al-Houthi	Leader of the revolution		Political, no military rank
2	Mohammed Ali Abdulkarim al-Houthi	President of Supreme Revolutionary Committee <sup>42</sup>	Sana'a	Military, no rank
3	Mahdi al-Mashat <sup>43</sup>	President of supreme political council		Political, no military rank
4	Major General Yahya Mohammed al-Shami	Assistant of Supreme Commander	Sana'a	
5	Abdulkarim Ammer Aldain al-Houthi	Chairman of Executive committee	Sana'a	Military, no rank
6	Major General Mohammed Nasser al-Atifi	Minister of Defence	Sana'a	
7	Major General Mohammed Abdulkarim al-Ghumari	Chief of General Staff	Sana'a	
8	Major General Abdullah Yahya al-Hakim (Abu Ali al-Hakem)	Chief of military Intelligence	Sana'a	
	<i>Brigadier General Amer Ali al-Marani</i>	<i>Military Intelligence</i>		
9	Major General Mehdi Mqulah <sup>44</sup>	General Reserve Forces <sup>45</sup>	Sana'a	11 December 2016
	<i>Colonel Mohamed al-Shu'aibi</i>	<i>1st Presidential Protection Brigade</i>	<i>Sana'a</i>	
	<i>Colonel Mohamed al-Jabri</i>	<i>2nd Presidential Protection Brigade</i>	<i>Sana'a</i>	

<sup>42</sup> Also commanding popular committees which are functioning in three ways: integrated within military and security forces, working in parallel with military and security forces, and working separately and unilaterally.

<sup>43</sup> Replaced Saleh Ali al-Sammad who was killed in April 2018.

<sup>44</sup> Replaced Major General Ali bin Ali al-Jayefi who was killed in the Al-Kubra Hall attack in October 2016.

<sup>45</sup> Combat Strength of General Reserve Force consists of Presidential Protection Brigades, Special Operations Command and Missile Brigades Group.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
	<i>Brigadier General Fuad al-Imad</i>	<i>3rd Presidential Protection Brigade</i>	<i>Sana'a</i>	
	<i>Brigadier General Abdullah Abbas</i>	<i>4th Presidential Protection Brigade</i>	<i>Sana'a</i>	
	<i>Major General Mohammad Nasser al-Atefi</i>	<i>Missile Brigades Group<sup>46</sup></i>	<i>Sana'a</i>	<i>Defence Minister</i>
	<i>Major General Husayn al-Ruhani</i>	<i>Special Operations Command<sup>47</sup></i>	<i>Al-Sobaha Camp</i>	
10	<i>Brigadier General Ali Mohsen Obayd</i>	<i>83rd Artillery Brigade, Katusha</i>	<i>Al-Sawad camp</i>	<i>Defence Reserve</i>
11	<i>Major General Ibrahim Ali al-Shami</i>	<i>Air Force &amp; Air Defence Commander</i>	<i>Dilamy Base</i>	
	<i>Brigadier General Ali Hussein al-Rooney</i>	<i>140th Air defence Brigade</i>	<i>Dala' Shemlan</i>	
	<i>Brigadier General Mohammed Abdullah al-Saar</i>	<i>160th Air Defence Brigade</i>	<i>al-Sama' Camp</i>	
12	<i>Major General Abduqalik Bader Aldain al-Houthi</i>	<i>Commander of Special Forces</i>		
13	<i>Major General Mubarak Salih al-Mishin</i>	<i>3rd Military District Commander</i>	<i>Ma'rib</i>	
14	<i>Major General Abdulatif Homood Almahdi<sup>48</sup></i>	<i>4th Military District Commander</i>		
	<i>Brigadier General Hamoud al-Tahish</i>	<i>22nd brigade</i>	<i>Ta'izz</i>	<i>Remained loyal to GPC</i>
	<i>Brigadier General Hamoud Ahmed Dahmash</i>	<i>35th armored brigade</i>	<i>Ta'izz</i>	<i>Brigade split</i>
	<i>Unknown</i>	<i>17th Infantry brigade</i>	<i>Ta'izz</i>	<i>Al-Janad, around Ta'izz International Airport</i>

<sup>46</sup> Combat Strength consists of 5th Brigade, 6th Brigade, and 8th Brigade.

<sup>47</sup> Includes the counter-terrorism and Special Forces Brigade, the latter commanded by Brigadier General Ahmed Dahhan al-Shay'ani.

<sup>48</sup> Replaced Major General Abu Ali al-Hakem.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
	<i>Brigadier General Abdullah al-Haddad</i>	<i>170th air defence brigade</i>	<i>Ta'izz</i>	<i>Tariq airbase, near Ta'izz International Airport</i>
15	Major General Yusif al-Madani	5th Military District Commander	Hudaydah	
16	Major General Muhammad Yahya al-Hawari	6th Military District Commander	Amran/Sa'dah	
17	Major General Hamid al-Kharashi	7th Military District Commander	Dhamar/Sana'a	
18	Brigadier General Zakaria al-Mataa	Military Commander		
19	Major General Salih Mosfir Alshaer	Assistant of MoD		
20	Major General Ali Homood Almoshaki	Deputy Chief of General Staff		
21	Major General Abu Ali al-kahlani	Military Logistics		
22	Major General Muhammad Fadhl	Navy and Coastal Defence Commander		
23	Major General Muhammad al-Miqdad	Chief of Operations		
24	Major General Abdulqader Ahmad Qassem al-Shami	President of Political Security		
25	Major General Abdurab Saleh Jurfan	President of National Security		

## Annex II

### Access restrictions by the Government of Yemen/coalition

#### Introduction

1. The coalition has enforced severe naval and air restrictions in Yemen, to varying degrees, since March 2015, citing the arms embargo provisions of Security Council resolution 2216 (2015). Prior to the conflict, Yemen imported nearly 90 per cent of its food, medical supplies and fuel. These *de facto* blockades<sup>1</sup> have had widespread and devastating effects on the civilian population. Among other international legal obligations, the Experts find that they violate the proportionality rule of international humanitarian law.

2. The rule of proportionality prohibits attacks that may be expected to cause harm to the civilian population that would be excessive in relation to the concrete and direct military advantage anticipated.<sup>2</sup> Proportionality assessments are prospective, and therefore must be based on reasonable expectations, not a known result. If the harm to civilians would be excessive, then an attack must be cancelled or suspended.<sup>3</sup> Attacks that violate the rule of proportionality are considered indiscriminate<sup>4</sup>.

3. The rule of proportionality applies to attacks, which are defined in international humanitarian law as acts of violence against the adversary.<sup>5</sup> “Attack” has traditionally been understood to mean the use of physical force. However, reflecting the state of armed conflict today, the Experts find persuasive the argument for a broader interpretation of “attacks”, where the requisite violence for an attack can be found in the consequences of an operation. This view has been increasingly accepted in legal literature and military doctrine manuals, and has been embraced by the International Criminal Court.<sup>6</sup>

4. If the scope of attacks is interpreted more broadly to include blockades and other restrictions that cause significant injury and death, such restrictions are prohibited if they can be expected to disproportionately harm civilians.<sup>7</sup> The purpose of the proportionality rule is to preserve humanity in times of conflict and protect noncombatants. Such a reading of the proportionality rule would be in keeping with the explicit obligation of parties, incorporated in the requirement to take precautions, to take constant care to spare the civilian population, civilians and civilian objects in the conduct of military operations.<sup>8</sup>

<sup>1</sup> In international law, a blockade is defined as a declared, notified, impartial and effective mechanism that aims to prevent *any* access, regardless of cargo or direction. The naval restrictions on access to Yemen could not qualify as a blockade, except during November 2017. The closure of Sana’a airport could qualify as a blockade. However, blockades are generally understood as applicable in international armed conflict and this report considers Yemen to be in a state of non-international armed conflict. Therefore, this report relies on the terminology “*de facto* blockades” to describe the whole of the coalition operations restricting access to Yemen.

<sup>2</sup> CIHL Rule 14.

<sup>3</sup> CIHL Rule 19, AP I Art 57(2)(b).

<sup>4</sup> AP I Art.51(5)(b).

<sup>5</sup> AP I Art.49.

<sup>6</sup> Phillip Drew, *The Law of Maritime Blockade: Past, Present and Future* (Oxford University Press, 2017), p.97 note 33; Michael Schmitt (ed.), *Tallinn Manual on the International Law Applicable to Cyber Warfare* (Cambridge University Press, 2013); *Prosecutor v Bosco Ntaganda* (Trial Chamber) [2014] ICC- 01/04-02/06 (para.46).

<sup>7</sup> Alternatively, an argument could be made that the proportionality rule should apply to military operations more broadly than attacks. This appears to be the approach of the San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994), which imported the proportionality language to cover a blockade scenario, without describing a blockade as an attack, or an act of violence.

<sup>8</sup> CIHL Rule 15, AP I Art 57(1).

### Naval restrictions

5. Shortly after the coalition engaged in Yemen, the Government of Yemen closed the country's territorial waters and empowered the coalition to enforce entrance restrictions. Ships seeking entry to Yemen required authorization and were subject to coalition inspection. The restrictions immediately caused delays and prevented commercial and humanitarian goods from entering Yemen. Delays and uncertainties for shipping companies, along with increased insurance costs and operational risks in a conflict zone, reduced shipments to Yemen. By June 2015, only 15 per cent of pre-crisis imports were entering Yemen.<sup>9</sup>

6. These restrictions have continued even following the establishment of the United Nations Verification and Inspection Mechanism in Yemen (UNVIM). In November 2017, the coalition increased the restrictions, enforcing a total blockade on the country. While the total blockade was gradually lifted, coalition restrictions and inspections remain in place as of 30 June 2018.

### *Impact*

7. Devastated by years of conflict, Yemen is only more reliant on imports now. The need cannot be met by humanitarian aid alone. Meanwhile, the capacity of Hudaydah port, where the majority of imports historically arrived and more than half of food milling and storage capacity is located, has been deleteriously affected by coalition airstrikes. Even so, during the conflict the port has remained critically important, with some 70 per cent of all imports entering the country through Hudaydah.<sup>10</sup>

8. Total imports of staple foods, though they declined at various periods during the conflict, have overall been sufficient to meet most of Yemen's needs, at least prior to the November 2017 blockade. The problem has been the price of food rather than its availability.

9. Prices have risen due to the increased costs of getting food to market. While this is in part due to prevailing insecurity, damaged infrastructure and additional taxation within Yemen, nearly all involved in business attribute the primary cause of price increases to the coalition's restrictions on naval imports. Every day that vessels are delayed, shippers incur demurrage fees, up to tens of thousands of dollars per day. The high costs of delays, as well as the unpredictability of delays and clearance, have led to inflated food prices.

10. Meanwhile, most Yemenis have suffered a loss of income due to the conflict, including the non-payment of salaries by the Central Bank of Yemen. The effects of the price increases coupled with an erosion of purchasing power have therefore been catastrophic on the population.

11. While supply became insufficient and the extreme unpredictability of the restrictions drove prices even higher, fewer people were able to afford food and more people went hungry. Humanitarian aid could not fill the gap.

12. While food requirements were generally being met prior to the November 2017 blockade, fuel imports have generally been insufficient throughout the conflict. This was exacerbated in June 2017 when the Government closed Ras Isa port, which primarily accommodated fuel.

13. The legacy of the November 2017 blockade and the ongoing restrictions imposed on vessels to the Red Sea ports have resulted in a decrease in requests to enter. From March through June 2018, requests had fallen 50–66 per cent compared to before the November 2017 blockade.

<sup>9</sup> [www.unocha.org/sites/unocha/files/dms/Documents/25%20June%202015%20USG%20Yemen.pdf](http://www.unocha.org/sites/unocha/files/dms/Documents/25%20June%202015%20USG%20Yemen.pdf).

<sup>10</sup> [https://logcluster.org/sites/default/files/logistics\\_cluster\\_yemen\\_hodeidahcontingencyplan\\_170322\\_0.pdf](https://logcluster.org/sites/default/files/logistics_cluster_yemen_hodeidahcontingencyplan_170322_0.pdf).

14. In March 2017, OCHA announced that Yemen had become the world's largest humanitarian crisis. As of May 2018, out of a population of 29.3m, nearly 17.8m were food insecure and 8.4m people were on the brink of famine. The hungry are even more susceptible to other health complications, including contracting disease. Since April 2017, a cholera epidemic has swept through Yemen at an unprecedented scale. Scarcity of fuel further drives the health crisis, limiting both the functioning of medical facilities and water supply.

### **Proportionality Assessment**

#### *Harm to the Civilian Population*

15. The harm to Yemen's civilian population caused by severe restrictions on naval imports was foreseeable, given the country's pre-conflict reliance on imports and the criticality of Hudaydah port. The reliance of the population on naval imports for basic survival, and the harm, including injury and death, that would be caused by the economic impact of a disruption to that pipeline, were knowable facts available to those who planned and implemented the naval restrictions.

16. Moreover, a proportionality assessment need not be static. The continuing nature of such naval restrictions requires a continuing assessment. Most explicitly, the November 2017 blockade presented a juncture that required an updated assessment. The coalition had an obligation to reassess the effects of their methods on the civilian population, and the proportionality thereof. By then, the international community had repeatedly underscored the effects of the existing restrictions and had warned of catastrophic effects of the announced closure of all ports.

17. An additional concern is that the longer the restrictions last, the more difficult it will be for the civilian population to recover.

#### *Military Advantage*

18. According to coalition public statements, the restrictions are intended to enforce the arms embargo of Resolution 2216 (2015). The coalition has specifically highlighted Houthi use of ballistic missiles against Saudi Arabia.

19. The Experts make no assessment as to whether the restrictions could have been anticipated to be effective when first announced in 2015. But as the situation evolved, the contrary became evident, particularly in light of measures such as UNVIM. The restrictions are also unlikely to be effective in the absence of a clear and published list of prohibited items.<sup>11</sup>

20. Additional evidence of the ineffectiveness of the restrictions comes from the reports of the United Nations Security Council Panel of Experts tasked to investigate violations of the arms embargo. The Panel has found there is no indication that ballistic missiles are entering Yemen via Red Sea ports, and low likelihood that other weapons are.<sup>12</sup> In the years that the naval restrictions have been in place, no searches by either UNVIM or coalition forces have discovered weapons.<sup>13</sup>

21. Any effectiveness of the restrictions has clearly been limited, given that the Houthis continue to demonstrate the capability to strike Saudi Arabia with missiles.

22. All of these factors combined lead to the conclusion that the coalition naval restrictions cannot be reasonably expected to achieve the concrete and direct military advantage of preventing Houthi arms smuggling. Even if such a conclusion was not knowable in March 2015, it became increasingly obvious as the months and years passed.

<sup>11</sup> The law of contraband requires published, reasonably specific contraband lists. San Remo Manual (1994) para.149.

<sup>12</sup> S/2018/68 Annex 33.

<sup>13</sup> S/2018/68 para.78.

*Assessing the Proportionality*

23. The effects on the civilian population of the naval restrictions imposed by coalition forces are clear. The harm to civilians can be and has been accurately estimated, particularly as the naval restrictions have continued and evolved over more than three years. The coalition and the Government of Yemen have had sufficient notice of the harm caused and their responsibility for it, and sufficient opportunity to correct the situation.

24. No possible military advantage could justify such sustained and extreme suffering by millions of people. When the coalition was able to assess that the naval restrictions were causing harm to the civilian population that was excessive in relation to the anticipated concrete and direct military advantage of those restrictions, the coalition was required by law to cancel or suspend those restrictions. It has failed to do so.

**Closure of Sana'a Airport**

25. Sana'a International Airport is the most crucial airport linking Yemen to the world. Since 2015, the coalition has implemented measures to restrict access to the airport, including, at times, requiring flights to first land in Saudi Arabia for inspection.

26. On 9 August 2016, the coalition effectively closed the airport by closing the surrounding airspace, thereby causing the cancellation of all commercial flights. The coalition has acknowledged responsibility for the airport closure by publicly indicating that it has the power to reopen the airport to commercial traffic.<sup>14</sup> Post hoc explanations for the closure of the airport relied on enforcement of resolution 2216 (2015) and purportedly ensuring the safety of passengers.<sup>15</sup>

27. The November 2017 blockade further closed Sana'a airport to all United Nations and humanitarian flights for three weeks.

**Impact**

28. Before the conflict, thousands traveled abroad each year for medical treatment unavailable in Yemen. Due to the conflict, the healthcare available in Yemen has deteriorated, resulting in even more patients in need of traveling abroad. 'Yemenia' Airways, the main commercial airline in Yemen, estimates that prior to the airport closure, at least one-third of passengers were travelling abroad to seek medical care.<sup>16</sup> In a letter to the United Nations Secretary-General dated 22 August 2017, the Ministry of Health in Sana'a reported that more than 13,000 people had died from health conditions that could have been treated abroad but for the airport closure.<sup>17</sup> By June 2018, those casualties are surely higher.

29. The airport closure has created significant issues for those in need of immediate medical care, including the chronically ill, who cannot leave the country by alternative routes. For the majority of the population in areas controlled by the de facto authorities, access to airports in Hadramaut and Aden requires long journeys across active frontlines at often prohibitive costs. Travelers must pass through myriad checkpoints operated by the various parties to the conflict, and are often scrutinized and sometimes harassed and detained. In the aftermath of the Al Kubra Hall airstrike in October 2016, officials of Saudi Arabia and the coalition forces acknowledged that adequate health care is not available in Yemen when they directed the transfer of those wounded in the airstrike "whose cases necessitate medical treatment outside Yemen".<sup>18</sup>

<sup>14</sup> [www.spa.gov.sa/viewstory.php?lang=en&newsid=1655689](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1655689).

<sup>15</sup> [www.spa.gov.sa/viewstory.php?lang=en&newsid=1527487](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1527487); [www.spa.gov.sa/viewstory.php?lang=en&newsid=1655689](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1655689).

<sup>16</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/YEMEN%202017%20HNO\\_Final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/YEMEN%202017%20HNO_Final.pdf).

<sup>17</sup> On file.

<sup>18</sup> [www.spa.gov.sa/viewstory.php?lang=en&newsid=1547693](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1547693).

---

**Proportionality Assessment**

30. The coalition has imposed a complete effective closure of Sana'a airport to all commercial flights since August 2016, including travel for individuals requiring immediate medical treatment abroad. The only exceptions have been flights arranged by Saudi Arabia. The coalition has provided no explanation of the military necessity of closing the airport completely. In the absence of such an explanation, the closure of Sana'a International Airport appears to violate the proportionality rule of international humanitarian law.

**Conclusion**

31. Based on the evidence available, there are reasonable grounds to believe access restrictions and de facto blockades violate the proportionality rule of international humanitarian law.<sup>19</sup> While this finding relies on an evolved understanding of the application of the principles of international humanitarian law, it is consistent with those principles. Given the grave consequences of these restrictive measures for the civilian population in Yemen, the Experts consider this approach warranted.

---

<sup>19</sup> This finding is without prejudice to the application of the other rules of international humanitarian law, including the principle of precautions in attack.

## Annex III

### Joint Incidents Assessment Team

1. The Experts reviewed the summaries of 71 incidents investigated by the Joint Incidents Assessment Team (JIAT), an investigative body established by the coalition in response to allegations of air strikes hitting or affecting civilians or civilian objects. All but one referred to cases brought to the attention of JIAT by the Office of the High Commissioner for Human Rights (OHCHR) or civil society organizations.

2. In assessing the findings, consideration was given to the fact that military commanders are often required to make decisions in the “fog of war”; that a number of accidents are unavoidable, and that commanders may not have the same information that is available to those reviewing an incident in hindsight. The Experts accepted that the publicly available information may only constitute summaries of JIAT findings. They, nonetheless, expressed serious concerns as the summaries lacked details of legal analyses undertaken, and rarely addressed reports of civilian casualties.

3. The Experts requested JIAT to provide information about its terms of reference, appointments process, and reporting structure. It has received no response. However, the Experts received reliable information suggesting that at times, JIAT findings were substantially altered by the Saudi Ministry of Foreign Affairs. The Experts also sought information about JIAT rules of procedure and the coalition’s process for determining whether to implement JIAT recommendations, and has received no response.

#### Case Selection

4. The Experts requested JIAT to provide information on the case selection process. No response was received. JIAT has investigated certain prominent cases but appears to have chosen to investigate a majority of cases where very few civilian casualties or little damage to protected objects occurred. For example, JIAT investigated damage to a hospital on 7 July 2015, which the United Nations Panel of Experts<sup>1</sup> alleged was the result of collateral damage on a separate target. It does not appear to have investigated allegations in the same section of the report of direct strikes at the end of August 2015 on Maran Health Center in Sa’dah and on 3 September 2015 on Rizah Hospital, also in Sa’dah, which destroyed those facilities entirely.

5. In some instances, JIAT also appears to have opted to review cases where the organization alleging the unlawful airstrike noted the presence of a possible military objective at the strike site rather than cases in which no such suspicions were raised. For example, an international organization report documenting the 29 October 2016 attack on the al-Zaydiya security administration building north of the city of Hodeida noted the presence of Houthi/Saleh armed forces at the detention facility. JIAT appears not to have investigated other alleged incidents in the same report that make no such reference to any military presence at the sites attacked.

6. The JIAT has not responded to additional Experts’ questions about its methodology or access to After Mission Damage reports. Nor has it explained procedures for making or receiving complaints.

#### The cases

7. JIAT has generally justified strikes on apparent civilians or civilian objects on the following three grounds: 1) accident or technical fault; 2) the coalition was not responsible for the attack; and 3) the object was a military objective.

---

<sup>1</sup> The Security Council Committee on sanctions is supported by the Panel of Experts established pursuant to resolutions 2140 (2014) and 2216 (2015).

*Accident or technical fault*

8. In 10 cases, JIAT concluded that strikes on civilians or civilian objects were accidental. As noted above, the Experts accepted that accidents happen during armed conflict. It is nonetheless concerned about those cases in which the JIAT summary failed to mention civilian casualties. For example, in response to allegations regarding an attack on Sa'dah's main street on 2 May or June 2015, JIAT asserted that "a laser-guided munition missed its target", but did not mention the 29 casualties alleged by the reporting organization. In another case, JIAT concluded that an airstrike accidentally hit a house in the outskirts of Ta'izz on 26 May 2015, but failed to make reference to the 15 civilian casualties that allegedly resulted. It also did not address the 47 alleged civilian casualties associated with the mis-identification of a well on 10 September 2016 in the Arhab area north of Sanaa.

9. The Experts also observed that in one of the cases, in response to allegations of an attack on a World Food Programme (WFP) convoy, JIAT found that "these trucks were a convoy of WFP and that the coalition forces were not aware of the timings and locations of the convoy". JIAT noted that "officials supervising this programme did not provide the coalition forces with memorandum showing the dates and timings of the movement of the convoy, which is a breach of the international conventions". This interpretation of the de-confliction system is incorrect. The system was established to help promote the safety and security of humanitarian activities and personnel, but it was never intended to relieve the parties of their obligations under international humanitarian law. The burden has always been on the parties to apply the principles of distinction, precaution and proportionality. In other words, it is for the coalition to properly identify what they intend to attack; it is not for humanitarian organizations to identify what may not be attacked. Moreover, the Experts have received reliable information indicating that during the period at issue, there was a presumption in the coalition that certain convoys were carrying military materiel. This presumption may have affected the targeting process.

10. In eight of the 10 cases, JIAT recommended that victims be compensated for loss or damage. The Experts requested that the coalition provide information about the follow-up to these recommendations. It has received no response.

*The coalition is not responsible*

11. In 33 cases, the coalition denies that it carried out the alleged strikes. On these cases, the Experts make the following general observations. First, the allegations were made by reliable entities and human rights organizations. Those organizations often visited the sites and spoke with victims and witnesses immediately after the attacks took place. Some also performed crater and weapons analysis. Second, when the coalition announced the end of 'Operation Decisive Storm' on 21 April 2015, it announced that "... Operation Decisive Storm focused on very specific objectives, including controlling the Yemeni airspace and preventing the Houthi militias and their supporters from using the Yemeni air force. The coalition was able to completely control Yemeni airspace within the first 15 minutes of the operation."<sup>2</sup> Third, even if the information is not conclusive that in each of the 33 cases the site was struck from the air, it is unlikely that Houthi/Saleh forces would have attacked sites in areas under their own effective control. In 25 cases, the attacks were in areas under effective de-facto authority control at the time the attacks took place. In eight cases, it is unclear which party had effective control over the sites at the time of the attacks. It is therefore difficult to understand how the damage could have occurred other than by air strikes as alleged.

12. In eight of the nine most recent findings released by JIAT, it has concluded that the coalition did not strike the sites as alleged. Its conclusion in the ninth case is unclear. The Experts are therefore additionally concerned about what appears to be an increasing reliance by JIAT on blanket denials of coalition airstrikes.

<sup>2</sup> [www.saudiembassy.net/press-release/saudi-ministry-defense-daily-briefing-operation-decisive-storm](http://www.saudiembassy.net/press-release/saudi-ministry-defense-daily-briefing-operation-decisive-storm).

*Military objectives*

13. JIAT finding in 24 cases that it had attacked military objectives also raises concerns. The Experts received reliable information that during the period covering at least 25 of the 28 cases at issue, dynamic targeting decisions were made by field commanders who routinely failed to consult with those in the Joint Command holding information about the 'No Strike Lists' and de-confliction information before approving attacks. It is not clear whether this was still the case in 2017 and 2018.

14. The Experts have serious concerns that where field commanders either did not have access to such information or did not seek such access, they may not have had the requisite information necessary to make proportionality assessments and may have failed to take all feasible precautions to avoid or minimise civilian loss of life, injury or damage to civilian objects.

15. All but one of the 24 strikes were on what appear to be civilian objects. In one case, an international NGO reported that Houthi/Saleh armed forces had placed an office in the Nour Center for the Care and Rehabilitation of the Blind, Sanaa. This would appear to be in violation of Article 58 of Additional Protocol I on precautions against attacks. However, such violations do not release other parties to the conflict from their own obligations, particularly to take precautionary measures to protect civilians.

16. The Experts have serious concerns about the paucity of information released by JIAT about how the coalition determined that apparently civilian objects had become military objectives as a result of use by Houthi/Saleh forces. Where JIAT relies on intelligence received, there is no indication as to whether the reliability of that intelligence has been assessed by the Joint Intelligence Assessment Centre and if so, how. There is no evidence that JIAT carries out its own independent assessment of the intelligence. In addition, as noted above there may have been a presumption within the coalition that certain types of vehicles were carrying weapons. In one case, an ambulance was struck in Sa'dah on 21 January 2016. The JIAT concluded that it had been carrying weapons, a conclusion at odds with the information provided by the humanitarian organization responsible for the ambulance.

17. As so few details are contained in JIAT summaries, it is impossible to ascertain how, once a military objective has been identified, proportionality assessments were carried out and what precautions in attack were implemented. Nor is it possible to ascertain whether JIAT has carried out its own independent assessments on how those procedures were carried out in individual cases. The response to the attack on Khamees market 15 March 2016 is emblematic as the JIAT findings contradict earlier coalition claims and appear to suggest that because the market struck was named "Thursday market", the coalition could not have anticipated that civilians would be present on a Tuesday.

18. With respect to the 11 October 2015 attack on a detention facility, the coalition found that Al-Bayda prison "was not a prison" but rather a weapons storage depot. Neither the coalition nor JIAT addressed the large number of civilian or *hors de combat* casualties alleged. Similarly, in response to allegations that the coalition unlawfully attacked a teachers' syndicate on 18 August 2015, JIAT claimed that the building had lost its protected status because Houthi leaders were in the building but failed to address the 49 civilian casualties alleged by OHCHR. With respect to another case, JIAT asserted that the targeted bridge was clear of civilians and vehicles during the time of both attacks but did not address the OHCHR report of at least 110 civilian casualties.

19. That proportionality assessments and precautionary measures are not mentioned in the JIAT summaries does not necessarily indicate that they were not performed. However, reliable information indicates the Saudi military is trained for conventional state on state conflict, and in particular, to attack military columns in austere environments, and has little if no training relevant to combatting insurgents in urban environments.<sup>3</sup> The type of conventional warfare that the Saudi military is trained to fight would require a different

<sup>3</sup> The Experts were unable to obtain information about military training with respect to other coalition member states.

approach to proportionality assessments and precautionary measures from that required when planning military operations in populated areas.

### **Conclusion**

19. Based on the information available, the Experts have serious concerns about JIAT's independence and its ability to carry out impartial investigations. It would therefore appear that the coalition does not have a mechanism consistent with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.<sup>4</sup> The Experts also have serious concerns over whether, and if so how JIAT carries out its own proportionality and precautions assessments.

---

<sup>4</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147(2005).

## Annex IV

### Attacks affecting civilians

1. On 26 March 2015, 10 countries, led by Saudi Arabia, formed a coalition to initiate military action against the Houthis in Yemen. The coalition also included Bahrain, Egypt, Jordan, Kuwait, Morocco, Senegal, Sudan, the United Arab Emirates and, until June 2017, Qatar.
2. The first phase of the operation, called ‘Operation Decisive Storm’, lasted less than one month, and reportedly focused on gaining air supremacy and targeting the Houthis’ ballistic missile capabilities, troop concentrations, leadership locations, military camps and arms depots.<sup>1</sup> On 22 April 2015, the coalition announced the new ‘Operation Restore Hope’, with a shift in focus from military operations to the political process, though it still entailed the use of force, including airstrikes.<sup>2</sup> Credible information collected by the Yemen Data Project, shows that the coalition carried out approximately 18,000 raids in Yemen from 1 March 2015 to 30 June 2018,<sup>3</sup> which provides an indication of the campaign’s intensity.<sup>4</sup>
3. Coalition airstrikes have been and continue to be the leading direct cause of civilian deaths and destruction of civilian infrastructure in the conflict. The intensity of the air campaign has been unceasing, even after its impact on the civilian population became apparent. While there is no comprehensive account of civilian casualties in Yemen, according to OHCHR, coalition airstrikes have killed at least 4,300 civilians.<sup>5</sup> Likewise, there is no comprehensive and independent assessment of the consequences of airstrikes on Yemen’s infrastructure, but the coalition’s air campaign has certainly contributed to Yemen’s dire economic and humanitarian situation.
4. As with many other aspects of coalition operations, opacity has been a prominent and continuous feature of the air campaign in Yemen. To date, despite requests, the coalition has not shared its rules of engagement, standard operations procedures or methods to carry out proportionality assessments and its criteria to differentiate between civilians and combatants/fighters. The coalition’s establishment of the JIAT in 2016, has not resulted in any meaningful improvement with respect to transparency or clarity (see Annex 3).
5. The first nine months of the air campaign were the most intense; according to OHCHR, at least 1,750 civilians were killed. Many airstrikes during that period raise serious concerns about international humanitarian law violations and possibly war crimes. An illustrative example is the coalition’s bombing of Sa’dah Governorate between 6 April and 11 May 2015, in response to Houthi attacks on Saudi Arabia launched from the governorate. On 8 May 2015, the coalition’s spokesperson seemed to imply that the entire city of Sa’dah was a military target.<sup>6</sup> Satellite imagery of Sa’dah after May 2015 shows over 3124 distinct impact locations, causing damage to or destruction of hundreds of buildings. On a visit to Sa’dah, the Experts confirmed the significant destruction and spoke to survivors. One airstrike hit a home, killing 27 members of a single family, including 17 children; others hit a market and a crowded petrol station. The Experts also witnessed first-hand the destruction of civilian infrastructure.
6. In likely the most visible attack on Yemen’s economic infrastructure, whose reverberating effects on the civilian population are still felt today, in August 2015, the coalition bombed the Hudaydah seaport. The airstrikes destroyed critical cranes and

<sup>1</sup> [www.youtube.com/watch?v=3EGe51MjqOk](http://www.youtube.com/watch?v=3EGe51MjqOk).

<sup>2</sup> [www.operationrenewalofhope.com/operation-decisive-storm-ends-operation-renewal-of-hope-begins/#sthash.p0HaZrz6.dpbs](http://www.operationrenewalofhope.com/operation-decisive-storm-ends-operation-renewal-of-hope-begins/#sthash.p0HaZrz6.dpbs).

<sup>3</sup> Approximately 5,800 in 2015, 4,800 in 2016, 5,200 in 2017, and 2,000 in 2018 (January to July 2018).

<sup>4</sup> In the absence of a response from the coalition to requests for specific information on its operations, the Experts are reliant on the scant publicly available information.

<sup>5</sup> Approximately 1,750 (2015), 1,070 (2016), 970 (2017) and 500 (January-June 2018).

<sup>6</sup> [www.youtube.com/watch?v=l38aLG9l\\_ec](http://www.youtube.com/watch?v=l38aLG9l_ec).

warehouses in the main entry point for commercial and aid supplies to northern Yemen, where the majority of the population lives. The Experts visited the port, spoke to sources and observed the impact of these strikes on the port's operations. The foreseeable harm, affecting nearly all of Yemen, caused by the airstrikes on the port raises serious concerns about violations of international humanitarian law.

7. In 2016, ongoing peace negotiations seemed to have had a limited effect, but in August 2016, when the talks collapsed, the air campaign intensified dramatically. From August to December 2016, at least 600 civilians were killed in various airstrikes. The Experts have received information indicating that targeting practices adopted by the coalition in this period were found to be so flawed that some of the coalition's international backers ceased cooperation, and eventually stopped selling weapons to coalition member states. Two of the most prominent airstrikes of the conflict occurred during this period, Al Kubra hall, in Sana'a, and Abs hospital, in Hajjah Governorate.

8. The Experts visited the incident site and met with survivors and relatives of victims of the 8 October 2016 airstrikes that hit Al Kubra Hall in Sana'a city during the funeral of the father of the de facto Minister of Interior. The strikes killed at least 137 men, and injured 671 men and 24 boys. At the time of the attack, the hall, the largest public hall in Sana'a with a capacity to hold approximately 1,000 people, was full of mourners. Those in attendance included political and military leaders affiliated with the Houthis and former President Saleh, but the vast majority in attendance were civilians. According to the JIAT, the targeting was based on faulty intelligence provided by Yemeni authorities, and the airstrike was conducted without proper approval or in non-compliance with coalition procedures, including the use of precautionary measures. Based on the circumstances, including the prior advertisement and public nature of the funeral, as well as the timing of the strike, coalition actors should have been aware of the high risk of significant civilian casualties inherent in such a strike. The JIAT explanation would seem to indicate a major fault in the targeting process but it is unclear from their summary where the fault lies.

9. With respect to the 15 August 2016 airstrike against Abs Hospital, information reviewed by the Experts indicates that earlier that day airstrikes occurred within 10–15 km of the hospital and medical staff were preparing to receive casualties from those strikes. Around 15:30, a vehicle arrived and was admitted within the hospital compound. Within minutes, an airstrike hit within the hospital compound, near the emergency ward, where the vehicle had stopped and dozens of patients and caretakers were waiting for treatment. As a result of the strike, MSF reported that 19 people were killed, including five children, and 24 injured, including four children. The organization had previously provided the coordinates of the hospital to the coalition. The JIAT stated that coalition forces were "to apologise for the unintentional error, provide appropriate assistance to those affected, and launch an investigation with the persons in charge of the incident to look into whether they have violated the accredited rules of engagement and take appropriate action as regards the incident".<sup>7</sup> This attack raises serious concerns about proportionality and precautions.

10. Based on the available information, the Experts have not identified significant changes in the coalition's modus operandi. Airstrikes continued to hit markets, residential buildings, civilian vehicles, civilian boats and weddings celebrations in the last year. From 1 July 2017 until 30 June 2018, according to OHCHR, at least 1,114 civilians have been killed by airstrikes (604 men, 122 women and 388 children). Another 1,002 were injured (629 men, 91 women and 282 children).

11. As in previous years, significant peaks in the intensity of the air campaign and the number of civilian casualties seemed correlated to strategic developments, such as the 4 November 2017 Houthi missile fired at Riyadh, the first against the Saudi capital, and the unravelling of the Houthi/Saleh alliance in early December 2017. In the month between these developments, Yemen Data Project registered more than 900 air raids and it was also one of the bloodiest periods of the air campaign, with 465 civilians killed by airstrikes, according to OHCHR.

<sup>7</sup> [www.spa.gov.sa/viewstory.php?lang=en&newsid=1567351](http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1567351).

12. A second peak in airstrikes and casualties took place following seven Houthi missiles launched against Saudi Arabia on 25 March 2018, and as significant changes were implemented in the military leadership of the coalition and the Yemen Armed Forces (see Annex 1). In April 2018, according to Yemen Data Project, approximately 400 air raids took place and, according to OHCHR, at least 200 civilians were killed.

13. The Experts prioritized investigation of incidents occurring since August 2017, to update OHCHR's last public report. Although the incidents investigated are only a small sample of the devastation caused by airstrikes, the Experts' detailed fact-finding in these cases allowed a more in-depth knowledge of the practices of the coalition.

### Incidents Investigated

<i>Date</i>	<i>Location</i>	<i>Civilian Casualties</i>
23 August 2017	Bayt Al Athri area, Arhab district, Sana'a Governorate	At least 39 civilians killed, including eight children and one woman. 25 injured, including at least six children and one woman.
25 August 2017	Faj Attan neighborhood, Sabeen district, Amanat Al Asimah Governorate	At least 15 civilians killed, including three women and six children. 25 injured, including four women and five children.
1 November 2017	Al Layl Market/Hotel Olaaf area, Sahar district, Saa'da Governorate	31 male civilians killed, including six boys. 24 male civilians injured, including six boys.
11 November 2017	Fishermen' boats, Island of Al Bodhi, near Al Hudaydah	11 male civilians killed, one male civilian injured.
13 December 2017	Military Police College (used as a detention facility) Shaub area, Shaub district, Amanat Al Asimah Governorate	At least 42 male detainees killed, including eight boys.
20 December 2017	Private House, former Al Salam Sports Club. Bab Najran area, Sa'ada district, Sa'ada Governorate	At least 12 civilians killed, including at least three children and three women. Seven injured.
26 December 2017	Mahsees Market Shahrah, Al Haymah area, Attazziah district, Ta'izz Governorate	At least 36 male civilians killed, including nine boys. 46 men injured.
3 April 2018	Al Saleh City (Residential Complex of IDPs) Al Hudaydah city, Al Hudaydah Governorate	At least 12 civilians killed, including 10 children and two women. Approximately 15 civilians injured.
22 April 2018	Wedding Celebration, Al-Raqah village, Bani Qa'is district, Hajjah Governorate	At least 23 male civilians killed, including eight boys. More than 60 male civilians injured, including 29 boys.
22 May 2018	Fishing boat, Turfa Island, Al Hudaydah Governorate	Four male civilians killed, including one child.

---

<i>Date</i>	<i>Location</i>	<i>Civilian Casualties</i>
26 June 2018	Bus Road between Zabid and Al Jarrahi, Hudaydah Governorate	Nine male civilians killed, including two children. Ten civilians injured, including three children.

---

### **Conclusion**

14. The 11 incidents investigated by the Experts raise serious concerns about the targeting process applied by the coalition. If there are errors in the targeting process that effectively, remove the protections provided by international humanitarian law, these would amount to violations. These may, depending on the circumstances, amount to war crimes by individuals at all levels in the member states of the coalition and the Government, including civilian officials.

---