



The Forgotten Land ²

State of Human Rights in Yemen 2017



Executive Summary

SAM Organization for Liberties and Rights publishes its second annual report on the state of human rights in Yemen, while civilians in Yemeni continues to pay the heavy toll of the conflicting parties' disrespect to civilians' rights in sparing them from the consequences of war, and their failure to commit to their legal and ethical obligations towards civilians in the conflict areas. Impacts of war on civilians do not look like a collateral damage, apparently, they are the consequences of intentional decisions and policies adopted by the conflicting parties to cause maximum effects on civilians' life.

This report is based on the efforts of 15 male and female monitors, who verified (x) violations, through 821 personal interviews, and phone calls, during 1 January 2017, to March 2018. However, all violations included in this report covers the incidents occurred in 2017.

Although we were keen to be close to the violations areas, yet what our monitors had documented is rather a primary indicator, more accurate measure, noting that other violations are beyond our monitors reach, due to the limited capacities and the highly complicated and risk

conditions, also many violations could not be attributed to certain party, pending neutral and transparent investigation.

The report adopts the analytical and objective approaches, that based on narrating the facts and incident, in addition to the statistical figures. SAM also investigate and verify violations reported, through the field monitoring by the qualified monitors, who monitor human rights situation in Yemen and exist, where possible, near to the locations of the violations, or at a later stage to monitor and document them, according to the strict methodology based on UN documentation principles.

The figures contained in this report are based on accurate and systematic filed monitoring, applies strict verification method, where each figure in the report is backed by complete information on the violation, date, place, and parties involved, that could be easily retrieved.

SAM monitors the violations and incidents from the hospital reports, media, and journalists active in monitoring violations and war incidents, and collaborators, as the first phase that precedes the field visit, interview with victims and

witnesses, documenting their testimonies and inspecting the site of the violations.

Verification methodology followed by SAM, is based on several phases, first phase is data collection related to the violation and analyzing them, then verify the relevant information through the filed visit and communication with the victim, witnesses and the suspect – if possible, then to support the investigation with the material evidences such as medical reports and others, for each violation, then all these information is inserted in a register within a database classified according to the violation.

This report is structured in two sections; the first section on human rights violations related to individuals and divided into three chapters;

Violations of the right to life come under eight titles;

1. Indiscriminate attacks on civilians;
2. Direct targeting of civilians (snipers' victims);
3. Extralegal killing;
4. Arab Coalition airstrikes;
5. Drones attacks;
6. Victims of assassination and terrorist attacks;
7. Landmines and IEDs;

Chapter One:

Violations to the Rights to Life (Extralegal Killing):

The death toll of civilians has reached (2044) dead, including 380 children and 186 women, and hundreds of wounded are at risk of death due to serious injuries, and lack of adequate medical care, in a country with poor health infrastructure, even before the war. The Arab Coalition came in the lead of violators to the right to life, with 894 homicide cases representing (45%), followed by Houthis militia with 797 homicide (41%), unidentified parties 181 cases (9%), legitimate government and affiliated combatants 54 cases (3%), terrorist groups 50 cases (2%), and finally US drones 37 killings (2%).

8. Death under/because of torture

Chapter Two:

Violations of the Right of Physical Integrity ((Injuries, Maiming and Disability);

Violations to the right of physical integrity, comes next to violations related to the right to life, considering the number of violations documented by SAM during 2017. These numbers reveal the size of this calamity that impacted civilians, due to the war whose parties show no respect to the international human rights law and international humanitarian law.

The total number of casualties related to the physical integrity of civilians, including injuries and maiming, during the reporting period, reached 3068 violations, including 829 children, and 329 women. This number reflects the victims that SAM monitors managed to reach and verify their data.

Reasons behind casualties among civilians, vary; including indiscriminate Katyusha and artillery shelling, on populated areas, particularly in Taiz governorate, which topped the list with 2032 civilians, followed by the Saudi, UAE-led Arab Coalition, and the

landmines laid by Houthis militia at residential areas, main roads, farms, and grazing areas, and finally comes the US drones' attacks.

Chapter Three: Arbitrary Detention and Enforced Disappearance

Houthi, in the north, and UAE-backed security agencies in the south inherited many prisons act extralegally and established more prisons to accommodate the huge number of citizens who fall in their hands.

Detention and raid squads use humiliating means that degrade human dignity in their operations, also they show no respect to the house and people privacy, or feelings of the family members, where many people were detained from their houses, and before their relatives' eyes, in a humiliating way. SAM has documented instances of fire shooting accompanied these raids on houses of detainees.

During the reporting period, SAM documented the detention of 3966 civilians, including 3258 at Houthis militia's prisons, 583 by the armed group supported by UAE, and 86 by the armed group loyal to the legitimate government.

Most detainees are exposed to different levels of torture, some die under torture, and others sustained severe injuries that lead to disability. Forms of torture include mock executions, tie the private organs, depriving of urinating for hours, sexual harassment, the threat of rape, forcing to stand for hours under the sun, hanging from hands, electric shocks, burial till neck, beating by gun butts, and denial of food.

The detention facilities are not under legal authority, lack minimum legal standards of prisons, with inhumane prison conditions, where scores of detainees locked in one room and bathroom. Prisons were in fact houses, basements, newly built houses, or goods containers, as seen in Al-Rayan airport, which is under UAE authorities' control.

Torture is interrelated to arbitrary detention and enforced disappearance. SAM noticed from interviews conducted with many released detainees, either by Houthis militia, or UAE backed security forces, that all these parties practiced torture systematically, and at orders made from the top of the chain of command hierarchy, in another term, torture is not an individual behavior or violation.

Torture cases that SAM has monitored have reached 100 cases, including 80 at Houthis prisons, and 20 at the prisons of the security forces supervised and funded by UAE in Aden and Hadhramout.

Means of torture that SAM has verified, that might lead to death or cause severe pains, include electricity shock, burial of victims, mock execution, nail removal, plucking the beard, standing at narrow rooms for long hours, spray with cold water all night, depriving from sleep, beating savagely, depriving from food, beating on old wounds and denial of medication.

Private (informal) Prisons:

The phenomena of informal prisons revealed in the year 2017, in most of the Yemeni governorates, where all parties that control part of the land, operate private prisons in such area.

During 2017, SAM has documented 232 illegal detention facilities, where detainees are exposed to various forms of physical and psychological torture and deprived of their basic rights guaranteed by the Yemeni constitution and international laws.

180 of these prisons are operated by Houthis group, 25 by UAE funded

forces, 15 by groups loyal to the legitimate government, and 11 by the government forces, however this is not a comprehensive count of detention centers, where these parties establish new prisons and close the old ones and establish secret prisons in unidentified areas.

Section Two; Violations by Type

Chapter One; Violations to the Rules of Judicial Justice:

Judiciary independence from executive power and its neutrality and integrity are prerequisites to achieve justice and apply law indiscriminately. Many provisions of the international conventions and treaties have provided for the right of fair trial, including the Universal Declaration of Human Rights 1948, the International Covenant of the Civil and Political Rights, as well as regional conventions and treaties, such as the African Chart on Human and Peoples Rights 1981, and the American Convention on Human Rights 1969.

During 2017, the case of 36 inmates was presented before the penal specialized court in Sana'a, they a group civilian who were disappeared and incommunicado for two years, and their fate was unknown, till the date of the trial on

8 April 2017. During the court proceedings, they reported that they have been exposed to torture during their disappearance, and the torture continued, they've punished for refusing to confess with the charges before the judge and punished with more torture when they complain about the torture they received. This is a flagrant violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.

One of the most important cases, is the death sentence against journalist Abduraqeeb Al-Jubaihi 63, on 12 April 2017, by the specialized penal court in Sana'a, and the death sentence against Asma Al-Omaisi 22, by the same court for collaborating with the aggression charges.

Chapter Two; Press and Media Freedoms

Media outlets were subjected to systematic obliteration in 2016, where SAM has documented raid. Looting and seizure of more than 50 media outlets, killing of 24 journalists, and detention of 234 detention of journalists and media personnel, with 16 still under detention at Houthis militia prisons.

The year 2017 was a cruel and dangerous year for the journalists, where SAM has documented 207 violations against them, and 3 were killed while reporting on the fighting, by snipers or indiscriminate bombing. Some journalists were also arbitrarily detained and tortured in Aden, in 20th camp, one of the UAE-supervised and funded Security Belt camps, also others were harassed in Aden, Sana'a, Taiz and Mareb.

Chapter Three; Human Rights Defenders

During the reporting period, SAM documented 128 violations against rights activists, including 3 female activists, 2 killings, 100 arbitrary detention, mainly in Hodiedah (42), and 4 torture and physical abuse cases, 3 threats, 10 attacks on private properties, including houses demolition. Houthis – Saleh militia bear the major responsibility with 158 violations, followed by the UAE-baked security forces, and military units affiliated to the legitimate government.

Rights activists are working in a serious condition, nonetheless, they managed to document significant part of the violations during the three years, revealed the

perpetrators, and advocate for the victims by documenting their rights, and presenting them before the world and history.

Chapter Four; Child Rights

SAM has documented 2381 violations against children during 2017, including 1600 child recruitment, 829 injuries, 380 violations to the right to life by the Arab Coalition airstrikes, sniping by Houthis snipers, and indiscriminate shelling by Houthis on residential areas in Taiz, Mareb, Lahaj and Al-Baidha.

The year 2017 has witnessed worst violations against children in Yemen. And these violations included all basic rights protected by the international conventions, mainly Paris Principles of 2007, on child recruitment, and Child Rights Convention of 1989.

The violations documented included; 148 arbitrary detention, 50 casualties by mines laid by Houthis group at the residential areas.

Chapter Five; Violations of Women's Rights

SAM organization has documented most of the violations in governorates involved in the conflict, where violations against

women during the reporting period has reached 562 violations, including 182 killings, 329 injuries, and 13799 forced displacement, most of them in Taiz governorate with 356 violations.

SAM has documented 381 violations against women by Houthis militia, 153 by the Arab Coalition airstrikes, 6 by US drones, 9 by government military formations.

Chapter Six; Human Rights related to Education

The international laws have provided for special protection to the education and its institutions, during the armed conflicts, where such facilities shall not be used as shelters, arms warehouses, combatants training centers, also shall not be targeted by shelling or airstrikes, or used as detention facilities, or for incitement for violence, or for sectarian and regional mobilization.

The total number of violations to the right of education during the reporting period has reached 73 violations, in addition to nonpayment of teachers' salaries which negatively impacted the education process.

Over the past three years since taking over of the power in Sana'a,

Houthis militia made major changes in the education administrative system, where much-qualified staff who are not loyal to the militia, were dismissed and appointed others loyal to them, thereby deteriorated the education level among majority of the students, in addition to changes in the curriculum, to include sectarian discourse, and imposed saying the Houthis chant, urging many families to stop sending their children to schools, also to avoid recruiting them and fearing changing their religious creed.

Chapter Seven; Freedom of Mobility and Travel Ban

The war in Yemen has prompted many people to flee their residents to other safer governorates, or to foreign countries. Such displacement is associated with many agonies caused by the parties to the conflict, under many allegations, including searching for wanted people. Thousands of Yemenis were exposed to humiliating treatment at the checkpoints, breaching their privacy, extortion, arbitrary detention, enforced disappearance, torture and sometimes extralegal killing.

Chapter Eight; Violations related to the Freedom of Religion and Rituals Practicing

During the reporting period, SAM organization has noticed an escalation and continuation of practices that widen and sectarian and political gap, widespread of hate speech, praising of fighting and disgracing the other, and calls began to glorify the past with all its disadvantages, representing a serious indicator to the fragmentation in the Yemeni society, and opens the door for future retaliations on sectarian, regional and religious grounds, and undermines political solution initiatives, and traditional justice approach.

In Aden governorate several activists and journalists were exposed to intimidation and persecution campaign during 2017, by extremist groups, including armed forces loyal to the UAE-backed Salafi sheikh Hani bin Breek, mounting to death at certain instances.

The Bahai faith also was exposed to harassment and sectarian discourse, by Houthis leader in the Friday of Ragab month, where he accused the sect with being an agent of Israel, naming it as a “satanic” sect, and

they came from outside Yemen. In April 2017, Houthis detained more than 60 members of Bahai in Sana’a, including women while attending a cultural event of the group.

Chapter Nine; Displacement and Expulsion

The war in Yemen created an unprecedented humanitarian tragedy in the modern history of the country and displaced manifested the cruelest images of this tragedy.

During 2017, SAM has documented displacement of about 8018 families, including 13977 women, and 5496 children.

The war forced hundreds of thousands of people to flee their houses, leaving behind all their belongings for looting and damage, to safer areas. They moved into a new life that they can’t afford its expenses, without adequate assistance, and the humanitarian agencies have failed Yemenis at the time of need. While the representatives of UNHCR describes the situation in Yemen saying, “it has exceeded the limit of any humanitarian disaster that we’ve ever witnessed”, and “the situation is basically a struggle for survival”,

Yemenis did not get the response that meets the size of this disaster.

Chapter Ten; Human Rights related to Economic and Livelihood

The war has exacerbated the already deteriorated economic situation, where it has destroyed the infrastructure of the electricity, water, sanitation and transportation services, and other relevant economic sectors; such as oil, industry, and agriculture, thereby led to the cessation of revenues, customs duties and tax, and to the collapse of the public finance and government sector, making the humanitarian situation among the worst in the world according to UN reports.

The Yemeni economy, which in recession since 2015, reached 40%, continued the downturn due to the liquidity crisis in 2017, which is reflected in the private sector activity, and nonpayment of salaries for the public servant, for more than a year at areas under Houthis control in particular.

The local and international organizations continue to warn of an increasing number of people in need of humanitarian assistance, due to the economic deterioration, food insecurity, and declining of

purchasing power of Yemeni households, and their inability to meet their basic needs.

Chapter Eleven; Violations of the Rights of Yemenis in Diaspora

In spite of the unprecedented humanitarian situation in Yemen, the outbreak of cholera, and the collapse of basic services, Yemenis were deprived of their livelihood and sources of income, even imprisonment in hard conditions, and deportation through Al-Wadea'a border crossing.

During 2017, Yemeni expats in the KSA conditions deteriorated, due to the Saudization decisions, where prisons were filled with expats and tens of thousands were deported to the country which already suffers from unstable economic and political situation.

Section Three; Human Rights Violations related to Civilian Objects, Public and Private Properties

The Arab Coalition airstrikes targeted many civilian facilities, caused heavy human tolls, and destroyed the infrastructure and private properties. Houthis militia also seized many civilian properties and turned them into military positions and/or detention centers,

where schools and stadiums were used as arms depots, training centers, and detention centers for the opponents.

Chapter One; Attack on Public Property

Assaults on public properties disrupted and closed many basic services for civilians; such as schools and hospitals, exacerbating the already deteriorated humanitarian situation in Yemen. Also, attacks on bridges increased civilians' suffering, patients in particular, as they have to take longer roads, causing the death of patients, or injured.

SAM documented 324 violations on public objects, in 2017, including mosques, schools, hospitals, historical monuments, roads and bridges, security and government facilities.

Archaeological Sites and Environment:

The archaeological sites and many cultural monuments were exposed to heavy damage, and UNESCO pleads to the conflicting parties to spare the archaeological sites from any military purposes and targeting.

The most important sites that were attacked Bilqis throne in Mareb, and the northern canals of old Mareb

dam, Sana'a old city, old Sa'da city, Al-Kahera citadel in Taiz, Al-Ameria citadel in Al-Baidha, Sera citadel in Aden, the national museum in Krater, and Braqish city in Al-Jouf.

Also, indiscriminate laying of mines has damaged large areas of agricultural land.

Environmental Damage:

The collapse of the health system resulted in the outbreak of cholera, and other epidemics.

Marine mines affected the coral reefs and fishes in the Red Sea, also the airstrikes on the fisher's boats polluted the sea water, and the ecosystem in Socotra and Meyun islands was damaged due to the practices of UAE forces.

Chapter Two: Attacks on Private Facilities and Properties

Violations that SAM has documented in 2017, included partial and total damage by the Arab Coalition airstrikes, mainly in Sa'da and Taiz, and Houthis shelling, in Taiz mostly, where 616 houses were damaged, including demolishing of opponents houses by Houthis group, breaking into houses without regard to the privacy, tampering, and looting of the house, particularly at conflict

zones where Houthis displace the tenants.

SAM has documented 936 violations to the private objects, during the reporting period, and Houthis-Saleh First; to the international community

militia topped the list with 78 houses demolished, and 120 houses raided and looted.

Recommendations:

- Exert pressure on all parties to the conflict to stop immediately all the violations to human rights in Yemen, by reaching into a solution that ends the fighting, which continues to cause more sufferings, particularly for children and women;
- Exert pressure on the Houthis group, the UAE, and the legitimate government to release all detainees at the informal and secret prisons;
- Prosecute all perpetrators of the gross violations to the international human rights law, and international humanitarian law, during the ongoing war in Yemen;
- Provide urgent humanitarian assistance to the areas affected by the military operations and blockade, and ensure delivery of assistance to the needy people, in coordination with local organizations, not the conflicting parties;
- Urges the Security Council to refer the UAE prisons case in Yemen to the International Criminal Court, noting the competence of the Council according to Rome Statute, and to bring perpetrators of torture and enforced disappearance to justice and redress the victims;
- Calls upon state parties to Geneva conventions and Switzerland in particular, being the depository state, to actively monitor the gross human rights violations in Yemen, and torture in particular.

Second; the legitimate government

- SAM organization calls upon the legitimate government to protect civilians in accordance with the provisions of the Yemeni constitution and international conventions, from all violations, either arbitrary detention, raids, or torture;
- Calls upon the legitimate government to ensure due process upon detention, under judicial supervision, to protect civilian's freedom and dignity;

- Urges the legitimate authorities to immediately activate judiciary institutions and execute judicial orders to release the detainees in the informal prisons, and refer others to prosecution/judiciary to decide on their cases;
- The legitimate government shall release immediately all detainees at its control, and investigate the torture and death of detainees in these prisons;
- Limit restrictions and measures against human rights activists and human rights defenders;
- Guarantee freedom of movement between Yemeni cities, alleviate civilians' sufferings in their areas and endeavor to reach civilians under militia control.
- Third; the Arab Coalition
- Initiate serious investigation on the civilian casualties inflicted by the airstrikes and hold perpetrators accountable;
- Ensure reparation to the victims and their relatives, who were killed or injured, or whose properties damaged by these airstrikes;
- Comprehensive review to the bank of targets and rules of combat in the residential areas, and adjacent to military positions, according to the rules and standards of the international law;
- Cooperate with the Panel of Expert established by the Human Rights Council, and facilitate its access to needed information to accomplish its mandate, and to instruct administrative and security bodies to respect Panel's independence and neutrality;
- The Coalition member, UAE shall stop all extralegal arbitrary detentions of civilians in Yemen and to refrain from operating detention centers and prisons outside the judiciary supervision. Such crimes have no status of limitation, and the perpetrators shall be held to account;
- The UAE shall handover all informal prisons to the Yemeni judiciary, investigate jointly the establishment of such prisons, release the detainees, and ensure their reparation;
- The UAE shall respect legitimate government sovereignty and commit to president Abdorabo Mansour Hadi's letter that defines the acts that UAE can undertake in Yemen;
- The Arab Coalition countries shall refrain from issuing and applying discriminatory decisions on Yemeni expatriates;

- The UAE-backed and funded armed forces, in south Yemen, shall stop all illegal practices that violate the Yemeni constitution, the international law, and human rights conventions;

Fourth; the de facto power in Sana'a (Houthis militia)

- Release immediately all detainees who are illegally detained, among the political opponents, and stop the torture of detainees and enforcedly disappeared immediately;
- Stop all indiscriminate attacks that target residential areas, especially in Taiz and Mareb;
- Cooperate with the Panel to Exert, established by the HRC by resolution 33/34, and facilitate access to information, and interviews with the victims and their relatives to document all violations;
- Refrain from using public facilities and civilian objects for military purposes;
- Allow for a serious investigation of the alleged human rights violations on the opponents, especially enforced disappearance, torture, summary and field executions, and hold perpetrators accountable;
- Stop the violations and practices that abuse the education process and using it in the military conflict, and abandon all sectarian amendments made to the curriculum;
- Handover mines map that it has laid in the southern and middle region prior to their withdrawal, and to stop using mines in other areas;
- Refrain from militarizing the public life in areas under their control;
- Refrain from disseminating hate speech in their media outlets;
- Abolish customs points established in the internal governorates, that burden civilian and raise foodstuff price, beyond the poor's affordability;
- Fifth; the US
- Stop drones attack on civilians and respect Yemen independence and sovereignty, and the international conventions that the US has signed;
- Initiate a serious investigation on the casualties among civilians resulted from the drone's attacks, and hold perpetrators accountable;
- Ensure reparation of victims of the drone's attacks, their relatives, and compensate their damaged properties;
- Refrain from issuing and applying discriminatory decisions on Yemeni expatriates.

