

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

CLAIM NO: CO/3579/2020

BETWEEN:

THE KING on the application of
CAMPAIGN AGAINST ARMS TRADE ("CAAT")

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF23



'BOMBS FALL FROM THE SKY DAY AND NIGHT'

CIVILIANS UNDER FIRE IN NORTHERN
YEMEN

AMNESTY
INTERNATIONAL



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Cover photo: Destruction by Saudi Arabia-led coalition airstrikes of the main street in Sa'da city. ©Amnesty International.

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EXECUTIVE SUMMARY

“This is a daily reality for us; the bombs fall from the sky day and night and we don’t know where it is safe. A few days ago, a bomb landed in the middle of the roundabout outside our shop. How can we protect our children, ourselves? We can’t so long as the bombardments are so indiscriminate, day and night”.

Abd-al-Fattah Hassan Abdullah, whose father was killed by a Saudi Arabia-led coalition airstrike in Sa’da city in July 2015

A devastating air bombardment campaign launched in March 2015 by a Saudi Arabia-led coalition has killed and injured hundreds of civilians in Yemen, many of them children.

Coalition forces, acting at the behest of the internationally-recognized Yemeni government of President Abd Rabbu Mansour Hadi, have carried out thousands of airstrikes in areas controlled by the Huthis, a northern Yemen Zaidi Shia armed group. Acting with support from part of the armed forces loyal to former President Ali Abdullah Saleh, the Huthis forcibly took over the capital Sana’a in September 2014 and in the subsequent months gained control of large swathes of the country. Many coalition strikes have targeted military objectives but hundreds have struck civilian objects – homes, public buildings, schools, markets, shops, factories, bridges, roads and other civilian infrastructure, as well as vehicles carrying civilians and humanitarian assistance.

The north-eastern Sa’da governorate, a Huthi stronghold from where Huthi fighters have launched repeated cross-border attacks and incursions into Saudi Arabia, is among the hardest hit areas. The city of Sa’da, which before the conflict was home to some 50,000 people, has suffered more destruction as a result of coalition airstrikes than any other city in Yemen. Relentless air bombardments have left the city and its surroundings in ruins and forced most of the civilian population to flee.

The thousands who remain in Sa’da governorate live in constant fear of the airstrikes and dire humanitarian conditions. There has been no electricity or running water for months and essential necessities such as food, medicines and fuel are in very short supply. What little is available is not affordable for many. The economy has been paralysed, with most shops and markets destroyed by airstrikes, and the delivery of even small quantities of goods or humanitarian aid is hindered by lack of fuel and the threat of airstrikes. Coalition forces have repeatedly struck vehicles carrying food, livestock and humanitarian assistance on the main road between Sa’da governorate and the capital, Sana’a.

On 8 May, coalition forces declared the whole of Sa’da city a military target, giving residents

less than 24 hours to leave. A day later, they suggested that in fact the whole governorate may have been treated as a military target. Declaring a whole city or region a military target violates international humanitarian law, which stipulates that those carrying out attacks must distinguish at all times between military objectives and civilian objects and must take all possible measures to spare civilians and civilian objects. It may be considered a form of collective punishment.

When Amnesty International visited Sa'da governorate in early July 2015, it found that hundreds of airstrikes had destroyed or damaged beyond repair scores of homes, several markets, the entire main shopping street and virtually every public building, including the post office, the court, banks and civilian administration offices. Amnesty International found no evidence that these had been used for military activities, which could potentially have rendered them military objectives and liable to being directly targeted. These attacks killed scores of civilians and left many more injured. Airstrikes on civilian homes in villages around Sa'da city have killed and injured hundreds of civilians not involved in the conflict, many of them children and women.

Amnesty International investigated 13 strikes, which took place during May, June and July in and around Sa'da governorate, after the coalition had declared the city a military target. These strikes killed some 100 civilians – including 55 children and 22 women – and injured a further 56, including 18 children. The youngest child killed was just 12 days old, whose body was found by relatives alongside that of his mother, who was also killed in the same airstrike. In the single worst incident investigated, 55 people, including 35 children, were killed.

Many of the strikes that Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the expected military gain from the strike, or failed to distinguish between these and military objectives. Researchers documented scores of cases of civilians – not directly participating in hostilities – who were killed or injured while asleep, carrying out their daily activities in and around their homes or in their workplace.

International humanitarian law prohibits deliberate attacks on civilians not taking a direct part in hostilities and civilian objects, and attacks which do not distinguish between civilians/civilian objects and combatants/military objectives, or which cause disproportionate harm to civilians/civilian objects in relation to the direct military advantage which may be anticipated by such attack. Such attacks are serious violations of international humanitarian law and can constitute war crimes.

The pattern of attacks in Sa'da governorate and across Yemen, which since the beginning of the coalition air bombardment campaign on 25 March 2015 have continued to cause civilian casualties, and the lack of investigations to date into such incidents raise serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law, not only by those planning and executing the strikes but also by the internationally recognized Yemeni government, at whose behest the Saudi Arabia-led coalition forces are acting.

In and around Sa'da governorate coalition forces used large bombs, up to 2,000 lbs

(approximately 900 kg), with a wide impact radius, knowing that they would likely cause death and destruction indiscriminately or far beyond the strike location. They also used cluster bombs, which have been internationally banned both because they scatter up to hundreds of submunitions (smaller bombs) over a wide area and because a high percentage of the submunitions do not explode on impact and remain a threat to the civilian population for years. They may explode if stepped on or picked up by children or others unaware of the danger.

These cluster bombs, as well as some of the other weaponry used by the Saudi Arabia-led coalition forces in their airstrikes, were produced and/or designed in the United States of America. The US government is also providing logistical support and intelligence to the coalition.

All states have legal responsibilities under international law to control the transfer of weapons and restrict or prohibit it in certain circumstances. Under Article 6 of the Arms Trade Treaty, which came into force in late 2014, where a state has knowledge that the arms it is considering for authorization would be used by a party to an armed conflict in the commission of attacks directed against civilian objects or civilians protected as such, or any other war crime as defined by international agreements to which the state is a party, it is prohibited from transferring such arms and munitions to the party.

The coalition airstrikes investigated by Amnesty International in Sa'da governorate have involved serious violations of international humanitarian law, including war crimes. In September 2015, after 45 United Arab Emirates (UAE) soldiers, 10 from Saudi Arabia and five from Bahrain were killed in combat, the coalition intensified its air campaign, particularly on the capital Sana'a and the Huthi stronghold of Sa'da governorate, with the UAE's official state news agency announcing that coalition jets had been "pound[ing] rebel positions". Although the coalition made claims that such strikes were "precise", there were multiple reports of civilian casualties.

In this context, with the air campaign intensifying, and a clear pattern of serious violations of international humanitarian law over a period of several months, Amnesty International is calling on states - including the US and UK - who supply arms to the members of the Saudi Arabia-led coalition to suspend all transfers to members of the Saudi Arabia-led coalition which are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

All the parties involved in the conflict raging across the country have committed widespread human rights abuses, including war crimes. Blatantly disregarding fundamental principles of international humanitarian law, they have killed and injured hundreds of civilians not involved in the conflict in unlawful attacks. Since 25 March 2015, more than 4,000 people have been killed, half of them civilians, including hundreds of children. Thousands more have been injured, and well over one million have been displaced.

The displaced and those unable to flee conflict affected areas – in effect most of Yemen's 25 million population – are suffering from a largely man-made humanitarian crisis that has engulfed the country. A coalition-imposed blockade on commercial imports – imposed in the

name of halting arms supplies to the Huthis – has caused acute shortages of food, medicines, fuel and other essentials. Recent attacks on aid workers in the north and south of the country have prompted humanitarian organizations to reduce or suspend operations, further exacerbating an already challenging situation.

The lawlessness reigning in the country since the onset of the conflict has entrenched an atmosphere of impunity in which gross human rights abuses, including war crimes, have proliferated. This trend is unlikely to be reversed, so long as the parties to the conflict feel that their crimes will go unpunished. Replacing impunity with accountability is crucial to preventing such crimes from becoming more widespread and ensuring justice and reparation for victims and their families.

In this light, the failure earlier this month by the UN Human Rights Council to open an independent international investigation into violations committed as part of the conflict in Yemen, instead adopting a weak resolution drafted by Saudi Arabia that made no mention of the coalition's military campaign, is a severe blow for justice and accountability. Against this grim backdrop, Amnesty International is calling for the establishment of an independent international inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable. As well as the Human Rights Council, an international investigation or inquiry could be established through a resolution adopted by the UN General Assembly or the UN Security Council – or by the UN Secretary-General or the UN High Commissioner for Human Rights on their own initiative.

METHODOLOGY

This report is based on Amnesty International field research in Sa'da governorate, in June and July 2015. Two Amnesty International delegates visited multiple air strike locations and investigated the circumstances and impact of the attacks. They examined fragments from munitions used in the attacks and weapons experts later analyzed photographs and video footage of the munition remnants.

Amnesty International researchers interviewed 40 survivors, families of victims, witnesses, medical and NGO personnel and activists on the ground. All interviews were conducted in Arabic.

In September 2015, Amnesty International wrote to the Saudi Arabian Ministry of Defence detailing its findings, and requesting information about the choice of targets and decision-making process and rationale behind the airstrikes documented in this report. The organization requested that the Saudi Arabian authorities share the findings of any investigations that may have been carried out so far into these cases. At the time of publication, Amnesty International had not received any response from the Saudi Arabian authorities.

VIOLATIONS OF INTERNATIONAL LAW

“I was by the river on my way back home when our homes were bombed, at about 10am. It was a massacre. I lost my son Hassan, four, and my 12-year-old daughter Taysir; my mother, Munawwar, my sister Aziza and her six-year-old daughter Salsabil; my brother’s son and daughter, Mohammed and Yousra, aged nine and 16, and my cousin Shama’a and her three daughters, Altaf, Zahra and Batul, aged one, three, and six. My wife and my other four-year-old son were injured, along with my 16-year-old niece.”

Ali Qassem Salah al-Shayba, an animal trader and father of four

Amnesty International investigated 13 airstrikes which took place during May, June and July in and around Sa’da governorate. These strikes killed some 100 civilians - including 59 children and 22 women – and injured a further 56, including 18 children.

Amnesty International found that strikes which killed and injured civilians and destroyed civilian property and infrastructure were frequently disproportionate or indiscriminate and in some instances they appeared to have directly targeted civilians or civilian objects. Such attacks violate international humanitarian law and constitute war crimes.

DESIGNATION OF CITIES AS MILITARY TARGETS

On 8 May, the Saudi Arabia-led coalition¹ issued an ultimatum to the entire populations of the northern cities of Sa’da and Marran to leave the cities within hours, declaring the cities military targets. At the time of publication of this briefing, this designation remains in place, as far as Amnesty International is aware. General Ahmad al-Asiri, a member of the Saudi Arabian armed forces and spokesperson for the Saudi Arabia-led coalition said:

“Starting today and as you all remember we have declared via media and leaflets that were dropped on Marran and Sa’da, and prior warnings to Yemeni civilians in those two

¹ Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan and the United Arab Emirates (UAE) are participating in the Saudi Arabia-led coalition, which has carried out airstrikes as well as ground operations in Yemen. Somalia has made its airspace, territorial waters and military bases available to the coalition, Senegal promised troops, and the United States and United Kingdom have been providing intelligence and logistical support to the coalition.

cities, to get away from those cities where operations will be carried out. This warning will end at 7pm today...We have also designated Sa'da and Marran as military targets loyal to the Huthi militias and consequently the operations will cover the whole area of those two cities and thus we reiterate our call on civilians to stay away from these groups, and leave the areas under Huthi control or where the Huthis are sheltering".²

This followed news that, according to Saudi Arabian government sources, cross-border rocket attacks launched by Huthi armed groups had killed five civilians and injured 11 others in the Saudi Arabian city of Najran.³ Residents of Sa'da governorate told Amnesty International that leaflets⁴ were dropped by coalition aircrafts warning the entire civilian population to leave by 7pm that evening. The following day, in a further statement, the coalition spokesperson suggested that in fact the coalition may have even treated the entire Sa'da (governorate) region as a military target.⁵

Treating an entire city or region as a military target, even if there are military objectives located within the area, violates the prohibition of indiscriminate attacks.⁶

International humanitarian law stipulates that 'effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit'.⁷ However, the coalition's warning was not effective. It was vague and overbroad, encompassing two entire cities with tens of thousands of civilian residents. The later statement appeared to suggest that its geographical scope extended to the entire region. Without electricity, most residents had no access to television, and the leaflets dropped by

² General Ahmad al-Asiri, Saudi Arabia-led coalition Spokesperson, press conference: https://www.youtube.com/watch?v=l38aLG9I_ec (Arabic).

³ Saudi Gazette, *10 die as Houthis shell Najran, Jizan*, 7 May 2015, <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20150507243023>

⁴ Amnesty International has not seen leaflets that were dropped in Sa'da, but has seen copies of similar leaflets that residents said were dropped by aeroplanes in the neighbouring governorate of Hajjah which read: "Warning: to people of Yemen, the Huthi militias are striking Saudi villages on the border from inside your villages. The source of fire will be struck [by the coalition]. To safeguard your safety, you have to leave the villages in which the Huthis are present – The Joint Leadership of the Coalition Forces." Amnesty International is unable to confirm who dropped the leaflets.

⁵ General Ahmad al-Asiri, Saudi Arabia-led coalition Spokesperson, press conference, 9 May 2015 (Arabic): *"I mentioned to you yesterday that the equation and work has changed, therefore the response is different...Our operations yesterday targeted first of all the area of Sa'da and by that I am speaking of the governorate of Sa'da, the city of Sa'da and the city of Marran in the governorate of Sa'da..."*, https://www.youtube.com/watch?v=l38aLG9I_ec

⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), Article 51(5)(a), customary in non-international armed conflicts https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule13#Fn_17_1 "Attacks...which treat as a single military objective a number of clearly separated and distinct military objects located in a city, town village or other area containing a similar concentration of civilians or civilian objects are prohibited."

⁷ Additional Protocol I, Article 57(2), the relevant sections of which have the status of customary international law https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter5_rule20

coalition aircraft could not possibly reach all residents.

Even had all affected residents received the warning in time, it would have been unrealistic to expect tens of thousands of civilians to flee within the timeframe – a few hours – given the shortage of fuel and transport in the area. In addition, previous coalition airstrikes targeting vehicles travelling on roads out of Sa'da governorate (including towards Sana'a, the most likely direction of travel for civilians fleeing Sa'da governorate) may have discouraged some residents from leaving the city of Sa'da for fear of such attacks. The coalition's ultimatum to the civilian population to leave Sa'da governorate (and Marran) was not accompanied by any reassurance that they would not be at risk of attacks while travelling or designation of safe routes.

In any case, warnings do not release an attacker from the prohibition of directly attacking civilians or civilian objects or from the obligation to take other necessary precautions to spare civilians. Civilian homes do not become military objectives only by virtue of their inhabitants having been warned. By the same token, warnings do not diminish the attacker's obligation to weigh expected collateral damage against the anticipated military advantage and make sure the impact on civilian objects is not disproportionate.⁸

SA'DA: 10 YEARS OF CONFLICT AND INSTABILITY

Between 2004 and 2009, Sa'da endured six bouts of armed confrontations (commonly referred to as "the six wars") between the forces of then President Ali Abdullah Saleh and the Huthi armed group, also known as Ansurallah ("God's partisans/supporters"). The outbreak of violence was sparked by the killing in September 2004 of Hussain Badr al-Din al-Huthi, a Shi'a cleric from the Zaidi sect, leader of the Believing Youth (Shabab al-Mu'min) movement, and founder of the Huthi movement.

Countless civilians were killed and injured and Sa'da suffered large-scale destruction in the repeated conflicts. The initially localised fighting eventually spread to other governorates and in 2009 spilled into neighbouring Saudi Arabia, which launched deadly strikes against the Huthis. Hostilities ended with a ceasefire in early 2010 but long-standing tensions remained largely unaddressed and new grievances resulted from the six wars.

The political instability that erupted in 2011, when mass protests against President Saleh and corruption were brutally repressed, forced President Saleh to resign. In the following three years the Huthis participated in the political transition process, the UN-backed National Dialogue Conference (NDC), while simultaneously gaining and establishing territorial control in Sa'da governorate and parts of neighbouring governorates – a process which led to increasing confrontations with the government of President Abd Rabbu Mansour Hadi, and culminated with the Huthi takeover of the capital in September 2014 and of further territory in early 2015.

⁸ Additional Protocol I, Article 51(5) b, <https://www.icrc.org/ihl/WebART/470-750065>

DISPROPORTIONATE AND INDISCRIMINATE ATTACKS

Many of the Saudi Arabia-led coalition strikes that Amnesty International has researched in Sa'da governorate were unlawful - in that they deliberately targeted or disproportionately harmed civilians and civilian objects,⁹ or failed to distinguish between these and military objectives.

Even though fighting guerrilla groups based among the civilian population poses specific challenges, including identifying and destroying military objectives while minimizing harm to civilians, the rules of international humanitarian law¹⁰ take into account such challenges, and these challenges may never be used to justify indiscriminate¹¹ or disproportionate¹² attacks or the failure to adopt precautionary measures to protect civilians.¹³

The evidence from other attacks on military objectives, infrastructure, government buildings, moving vehicles and other targets elsewhere in Yemen indicates that coalition forces are capable of striking their chosen targets with a certain degree of accuracy. In investigations into airstrikes in other parts of the country,¹⁴ Amnesty International found that Huthi/Saleh-loyalist-controlled¹⁵ military bases or other military objectives had been repeatedly targeted by coalition airstrikes. Yet researchers found civilian objects in Sa'da governorate which had been struck more than once, suggesting that they were in fact the intended target of the attack.

For example, in at least four of the airstrikes investigated by Amnesty International, houses were struck more than once, suggesting that they were the intended targets. Amnesty International also visited six markets in and around Sa'da city that were struck by airstrikes and analysed video footage of the aftermath of airstrikes on a number of markets in other nearby towns and villages. Some markets were attacked repeatedly on separate occasions, at times of day when many civilians were present. Markets are civilian objects and therefore cannot be targeted. Amnesty International found no evidence indicating that the markets had

⁹ In relation to the expected military gain from the strike.

¹⁰ International Committee of the Red Cross (ICRC) Customary IHL Study, Rule 1. See also Additional Protocol I, Article 48, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), Article 12(2).

¹¹ ICRC Customary IHL Study, Rule 12; Additional Protocol I, Article 51(4)(a) and ICRC Customary IHL Study, Rule 156, p.599.

¹² ICRC Customary IHL Study, Rule 14 and ICRC Customary IHL Study, Rule 156, p.599.

¹³ Additional Protocol I, Article 57(2).

¹⁴ For example, see Amnesty International, *Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians*, 2 July 2015, <https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/>

¹⁵ Ali Abdullah Saleh stepped down after more than three decades in power in late 2011, following widespread political unrest, after securing a deal granting him immunity from prosecution. He was replaced by Vice-President Abd Rabbu Mansour Hadi. During his presidency, Saleh launched six military campaigns against Huthi insurgents in Sa'da governorate between 2004 and 2009. However, in the current conflict Saleh and part of the armed forces loyal to him are allied with the Huthi armed group. Saleh officially announced his alliance with the Huthi armed group in May 2015.

been used for military purposes.

Amnesty International researchers investigated an attack on al-Zahra School, north east of Sa'da's city centre.¹⁶ At the school, researchers found no evidence to indicate that the school had been used for military purposes. Residents in the area told Amnesty International that the school was bombed hours after a load of grain had been unloaded there, where it was to be stored pending distribution.

In the months prior to Amnesty International's visit to Sa'da governorate, coalition forces attacked and extensively damaged key civilian infrastructure in and around the city, including water and electricity installations, communications towers, government buildings in the centre of town, a television station, the court and prosecutor general's office, finance offices, passport offices, the post office, agricultural bank, a sewing and literacy organization, petrol stations, seven markets and the main trading/shopping street in the city.¹⁷

International humanitarian law prohibits attacks on civilian objects – all objects which are not military objectives. Military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.¹⁸ Amnesty International is concerned that coalition forces' interpretation of what constitutes a military objective, and particularly of the concept of "definite military advantage", is overly broad.

From visits to a broad range of sites struck by coalition air attacks, such as markets, banks, public buildings and private businesses, and interviews with civilian residents of the areas, Amnesty International found no evidence of any military activity that would justify these being considered as military objectives, and to date coalition forces have provided no evidence that the premises were used as combat positions or military command centres or to manufacture or store weapons – or for any other purpose which, under certain circumstances, would have made it lawful to target them. Military advantage may not be interpreted so broadly as to render the prohibition of attacks on civilian objects ineffective. To justify under this concept attacks aimed at harming economic well-being or demoralizing the civilian population in order to weaken the ability to fight would be to distort the legal meaning of what constitutes a military objective and undermine the protection of international humanitarian law. If these objects were attacked on such a basis, this would be a serious violation and a war crime.

There are objects that can potentially be used for military purposes, such as electricity and fuel installations. However, the simple fact that destroying objects that could potentially have a military use could offer a military advantage does not necessarily make them military

¹⁶ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 3 July 2015: 16°56'51.2"N 43°46'16.3"E.

¹⁷ Amnesty International researchers visited the sites of all these strike locations and interviewed residents of the areas in early July 2015.

¹⁸ ICRC Customary IHL Study, rule 8.

objectives.

A legitimate military advantage cannot be one that is merely a potential or indeterminate advantage, otherwise this interpretation could be used effectively to justify any attack since almost all civilian objects could potentially have a military use.¹⁹ Under international humanitarian law in cases where it is unclear whether an object is used for military purposes, "it shall be presumed not to be so used."²⁰

If a determination is made that a dual-use facility is in fact a military objective, then the party must assess the likely harm to civilians of proceeding with the attack. If the potential harm outweighs the anticipated advantage, the facilities should not be attacked.²¹

The pattern and scope of coalition strikes on the infrastructure in Yemen in general, and in Sa'da governorate in particular, reflect this overbroad interpretation of the concept of military advantage. In fact, these attacks appear to have been aimed at inflicting a form of collective punishment on the population of Sa'da governorate, the country's historical Huthi stronghold, as well as harming the Huthis' military capability.

THE BIGGEST KILLERS OF CIVILIANS IN THE CONFLICT

The biggest killers of civilians in the Yemen conflict are explosive bombs launched from Saudi Arabia-led coalition aircraft. A joint report by the UN Office for the Coordination of Humanitarian Assistance (OCHA) and the non-governmental organization Action on Armed Violence (AOAV) found:

*"The intensity of explosive violence in the country has meant that more civilian deaths and injuries from explosive weapons were recorded in Yemen during the first seven months of 2015 than in any other country in the world. The majority of reported civilians deaths and injuries from explosive violence in Yemen from 1 January to 31 July 2015 (60 percent) were caused by air-launched explosive weapons such as missiles and large aircraft bombs. AOAV recorded a total of 3,287 deaths and injuries in Yemen from aerial explosive weapons. Of these 82 percent were reported to be civilians (2,682 civilian deaths and injuries)".*²²

The most used air-launched explosive weapons in the geographical area covered in this report are US-designed and US-produced general purpose bombs from the Mark/MK 80 series,

¹⁹ The authoritative ICRC Commentary on Additional Protocol I (at para. 2024) defines the expression "definite military advantage" by stating that "it is not legitimate to launch an attack which only offers potential or indeterminate advantages...in case of doubt, the safety of the civilian population...must be taken into account".

²⁰ Additional Protocol I, Article 52(3).

²¹ Additional Protocol I, Article 51(5), ICRC Customary IHL Study, Rule 8.

²² Office of the Coordination of Humanitarian Affairs (OCHA) and Action On Armed Violence (AOAV), *State of Crisis: Explosive Weapons in Yemen*, 2015, : <https://docs.unocha.org/sites/dms/Documents/Yemen%20EWIPA%20report.pdf>

remains of which have been found by Amnesty International researchers at the locations of Saudi Arabia-led coalition airstrikes, notably:

- MK 82 (also known as BLU-111/B) 500 lbs (about 225 kg), containing some 192 lbs (about 87 kg) of Tritonal High Explosive.
- MK 83 (also known as BLU-110B/B) 1,000 lbs (about 453 kg) containing some 445 lbs (about 201 kg) of Tritonal High Explosive.
- MK 84 (also known as BLU-117) 2,000 lbs (about 907 kg) containing some 945 lbs (about 428 kg) of Tritonal High Explosive, the largest of the MK 80 series bombs.²³

Two types of air-launched cluster bombs,²⁴ internationally banned, have also been used, remains of which have been found by Amnesty International researchers at the locations of Saudi Arabia-led coalition airstrikes:

- US-produced CBU-87 bombs, each carrying 202 BLU-97 cluster submunitions.²⁵
- US-produced CBU-105 Sensor Fuzed Weapon, each carrying 10 Blue-108 Sensor Fuzed submunitions canisters, each containing four submunitions.²⁶

The US government has repeatedly stated that it will continue to support the Saudi Arabia-led coalition and is providing arms, logistical support and intelligence. US Deputy Secretary of State Antony J. Blinken has said that the USA would be speeding up weapons deliveries to Saudi Arabia and form a “joint coordination planning cell” with its Saudi Arabian counterparts, suggesting close cooperation.²⁷

According to a report published in January²⁸ by the Congressional Research Service, between October 2010 and October 2014 there were just over \$90 billion worth of proposed major US defence sales between Washington and Riyadh. The proposed sales include weapons and equipment ranging from APACHE helicopters and Howitzers (artillery) to armoured vehicles, TOW anti-tank missiles and bombs, as well as training. In early September 2015 the

²³ The denomination weight (500 lbs, 1,000 lbs, 2,000 lbs) is approximate. Actual weight varies slightly depending on the type of fins, fuze and other components used.

²⁴ A third type of cluster munitions, ground launched M26 cluster munition rockets, each containing 644 M77 Dual Purpose Improved Conventional Munitions (DPICM) submunitions, has also been used in northern Yemen and documented by Human Rights Watch. See: Human Rights Watch, *Yemen: Cluster munition rockets kill, injure dozens*, 26 August 2015, <https://www.hrw.org/news/2015/08/26/yemen-cluster-munition-rockets-kill-injure-dozens>

²⁵ Landmines and Humanitarian Mine Action, *BLU-97 Drogue-stabilised, combined effects submunition*, <http://www.nolandmines.com/SubsBLU97.htm>

²⁶ Collective Awareness to Un-exploded Ordnance, *CBU-97 (SUU-66) American cluster bomb*, <http://www.cat-uxo.com/#/cbu-97-cluster-bomb/4589243463>

²⁷ New York Times, *Expedited Weapons Deliveries to Saudi Arabia Signal Deepening U.S. Involvement*, 7 April 2015, <http://www.nytimes.com/2015/04/08/world/middleeast/yemen-houthis.html>

²⁸ Congressional Research Service, ‘Saudi Arabia: Background and U.S. Relations’, Christopher M. Blanchard, 23 January 2015: <http://fas.org/sgp/crs/mideast/RL33533.pdf>

Bloomberg news agency reported that the Obama administration had notified Congress informally that it wanted to resupply Saudi Arabia with “thousands of precision-guided munitions”, including “Joint Direct Attack Munitions with GPS satellite guidance”.²⁹

Saudi Arabia has also been a major importer of UK weapons since the 1960s. Between 2009 and 2013, 42% of all UK arms exports went to Saudi Arabia.³⁰ Between 15 March and 1 July 2015, the UK approved 37 export licences to Saudi Arabia, which it said had been considered in line with its obligations under the Arms Trade Treaty.³¹

All states have legal responsibilities under international law to control the transfer of weapons and restrict or prohibit it in certain circumstances. Under Article 6 of the Arms Trade Treaty, which came into force in late 2014, where a state has knowledge that the arms it is considering for authorization would be used by a party to an armed conflict in the commission of attacks directed against civilian objects or civilians protected as such, or any other war crime as defined by international agreements to which the state is a party, it is prohibited from transferring such arms and munitions to the party.³²

In addition to this treaty obligation, under customary international law, states may incur liability for aiding or assisting another state to commit internationally wrongful acts such as commission of attacks directed against civilian objects or civilians protected as such, or any other war crime.³³ In this context providing means or other material support (such as military equipment) with the knowledge that its use will lead to or facilitate the commission of serious violations of international humanitarian law may lead to liability under international law.

The Saudi Arabia-led coalition airstrikes investigated by Amnesty International in Sa'da governorate have involved serious violations of international humanitarian law, including war crimes. Amnesty International is calling on states – including the US and UK – who supply arms to the members of the Saudi Arabia-led coalition³⁴ to suspend all transfers to members of the Saudi Arabia-led coalition which are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

²⁹ Bloomberg Business, *Saudi arms resupply readied by US as King to visit White House*, 3 September 2015, <http://www.bloomberg.com/news/articles/2015-09-03/saudi-arms-resupply-readied-by-u-s-as-king-to-visit-white-house>

³⁰ SIPRI, 'Trends in International Arms Transfers, 2013', Simeon T. Wezeman, Pieter D. Wezeman, March 2014, p.2, <http://books.sipri.org/files/FS/SIPRIFS1403.pdf>

³¹ UK Parliament, *Arms Trade: Saudi Arabia: written question-3711*, <http://www.parliament.uk/written-questions-answers-statements/written-question/commons/2015-06-23/3711>

³² Arms Trade Treaty (ATT), Article 6, pp. 4-5, <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf> Text taken verbatim from: Amnesty International, *Applying the Arms Trade Treaty to ensure the protection of human rights*, February 2015, Index: ACT 30/003/2015, pp. 4-5, <https://www.amnesty.org/download/.../ACT3000032015ENGLISH.PDF>

³³ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, International Law Commission, Yearbook of International Law Commission, 2001, vol. II, Part Two, Article 16, p. 36.

³⁴ Bahrain, Egypt, UAE, Kuwait, Qatar, Sudan, Jordan and Morocco are also participating in the Saudi Arabia-led coalition.

CASES OF AIRSTRIKES RESULTING IN CIVILIAN CASUALTIES

SA'DA CITY, SA'DA, 1 JULY³⁵

On the night of 1 July Majid Amin al-Hamiri was sitting across the road from the three-storey apartment building in which his family lived, when coalition forces launched three consecutive strikes on the building, just north of Sa'da city centre. The attack killed Ahmed al-Dhammari, a 40-year-old fruit and vegetable vendor; and injured six members of the Hamiri family – 18-month-old Naya al-Hamiri; her mother Anhar, 26; grandmother Samira, 48; her aunts Nidhal, 19, and Noura, 21; and her uncle Wessam, 23 – as well as three men who were working on the family's home.

Majid Amin al-Hamiri told Amnesty International:

*"The first strike hit in front of the building, the second hit the first floor and the third hit the second floor. I was sitting across the road with my 15-year-old brother and I saw everything. All I heard was the plane, as if it was descending and making a whistling sound. Then I heard an explosion. I went to get my family out after the first strike, to get out my father and brother, and then the second strike happened...Min Allah [It was written by god, meant to be]. We were already around the corner when the second strike happened. That is when my brother was injured in his leg."*³⁶

A fruit and vegetable vendor from the downstairs shop and two workers who were repairing the windows of the al-Hamiris' apartment were also injured in the strikes. *"We have no electricity in Sa'da, so the workers had to work at night because they needed electricity for their tools and the generator is only on for few hours at night"*, Majid told Amnesty International.

Majid Amin al-Hamiri also told researchers how he and his family had been living in utter fear of the airstrikes every night:

"Since the start of the coalition airstrikes, we have been sleeping under the stairs. My daughter Naya and I slept under the stairs on the ground floor, while the rest of the family slept under the stairs on the first floor. At the time of the airstrike, my family was watching television in the living room. If we had been asleep when the strike happened, we would not have survived. We choose the safest place in the house, under the stairs. The whole house is destroyed."

Majid al-Hamiri told researchers that this was not the first airstrike on his neighbourhood:

³⁵ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 3 July 2015: 16°56'50.2"N 43°45'27.3"E.

³⁶ Interview in Sa'da city, Sa'da, 3 July 2015.

"A strike prior to this one on my house targeted the 125th [army] Brigade and the Military Police [Headquarters], 500 metres from our house. But the brigade was not active at the time."

Neighbours told researchers that many residents had fled the neighbourhood after the strike, weeks earlier, on the nearby army and military police buildings and that more had fled since the 1 July strike on the al-Hamiri building. Only two families were still living in the building at the time of the strike; the al-Hamiris and the owner of the building and his family. The owner and his family lived on the ground floor, on the eastern side of the building, and were able to escape unharmed after the first bomb struck in front of the western side the building. A fruit and vegetable shop on the ground floor was open late as is customary during the month of Ramadan.³⁷

Amnesty International visited the site on 3 July, a day and a half after the airstrike, and examined munition remnants found in the rubble of the building that were consistent with the weight and material used for bombs found at the sites of other airstrikes in Sa'da governorate and elsewhere in Yemen.³⁸ A crater of about two meters in diameter in front of the building, which witnesses identified as the point of impact of the first strike, had been filled with bricks and debris from the strike. The building was partly destroyed, notably between the western façade and the stairwell, and neighbouring houses had suffered varying degrees of blast damage. Researchers found no evidence that the building was used for military purposes.

The fact that the building was the object of three successive strikes indicates that it was likely the intended target, possibly because it was associated with Military Police chief Hamid al-Hamiri, a member of the extended al-Hamiri family who, according to relatives and neighbours who spoke to Amnesty International, was no longer living in the building and was not in or near the building at the time of the strike. However, even if he had been present, attacking the building in this manner, with some 20 civilians present, would likely have been disproportionate.

DAMMAJ VALLEY, AL-SAFRA, SA'DA, 13 JUNE ³⁹

On 13 June, coalition forces killed eight children and two women from the al-Sailami family and injured seven other relatives, four children, two women and a man, when they bombed their home in al-Safra, a village south-east of Sa'da city at around 12.30pm.

At the ruins of the house, on the northern edge of the village, Abdullah Ahmed Yahya al-

³⁷ The holy month for Muslims, when people fast from sunrise to sunset and shops and markets are open late into the night. In 2015 the month of Ramadan ran from 18 June to 17 July.

³⁸ Metal fragments found at the site of this strike had the same characteristics (weight, thickness, consistency and colour) as those of fragments found by Amnesty International researchers at dozens of other airstrike locations in Sa'da and elsewhere in Yemen.

³⁹ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 5 July 2015: 16°53'38.8"N 43°48'59.9"E.

Sailami, whose one-year-old son was killed in the strike, told Amnesty International that he was praying at the nearby mosque with the other men from the family when he heard the bombing and ran back to find a scene of indescribable horror:

“We [the men] were at the mosque at noon prayers, 20 meters from the house. There were 19 people in the house when it was bombed. All but one were women who were not associated with the fighting and children. The children who would usually be playing outside during the day were in the house, because it was lunchtime. They were all killed or injured. One of the dead was a 12-day-old baby, Abdelhakim, and his mother Wafaa, 17. Then we found Sefiya’s body at the entrance of the house, where she was sitting with her two children, three-year-old Youssef and 18-month-old Zahra. All three were killed. It took us three days to dig out their body parts. Youssef was torn to shreds.”⁴⁰

Mohammed, another relative who took part in the rescue after the airstrike, told Amnesty International:

“‘Aqil still had his dummy [pacifier] in his mouth when we pulled him out of the rubble, dead. He was only one year old. That day was his first birthday. Mohammed was 14 months; we found him and his sister Mariam, six, dead in the rubble. When we dug Baraa’, and her sister Juhaina out of the rubble, Juhaina was still alive but she died a few days later, on the first day of Ramadan. She was seven, and Baraa’ was four. The youngest survivor is Abdelmalik, who is only six months old. We found him in the arms of his grandmother Aisha; she folded her body over his and protected him. He was unharmed. She was also injured but thankfully survived. Why on earth did the Saudis bomb our home? This is a farm, we are civilians. There were only women and children. My cousin Ahmad was the only man in the house. He wasn’t feeling well so he did not come to the mosque, but was praying in his room when the house was bombed. When we pulled him from the rubble, injured, he was still praying.”⁴¹

Amnesty International visited the site three weeks after the airstrike and found at the ruins of the house many items that would normally be found in a civilian house – children’s toys, books, clothes, cooking utensils and furniture. No sign of weapons or other military ware were found in or around the house. Amnesty International did not find any information to suggest that the male residents, who were all, except one, not in the house at the time of the strike, were fighters. At best, this attack demonstrates reckless disregard for the lives of civilians. If the attackers had information that fighters were present, they had a duty to take steps to verify their presence and to ascertain who else was in the house. If necessary precautions had been taken the attack would have been cancelled due to the fact that only civilians were present.

⁴⁰ Interview in Dammaj Valley, al-Safra, Sa’d’a, 5 July 2015.

⁴¹ Interview in Dammaj Valley, al-Safra, Sa’d’a, 5 July 2015.

BENI MA'ATH, SABR, SAHAR, SA'DA, 8 JUNE⁴²

On the morning of 8 June, a coalition forces airstrike on a farm in Beni Ma'ath, a rural area north-west of Sa'da city, killed three children and two pregnant women, as well as injuring two children and a 61-year-old man from the Halhal family.

The strikes created a 10-meter wide crater, where Amnesty International found remnants of a US-designed Mark (MK) 80 series general purpose bomb.⁴³ Survivors told Amnesty International that three consecutive airstrikes hit the farm, sending some of the 22 family members flying dozens of meters away. They said that they did not find the body of one of the children killed in the strike until four days later. Amnesty International found no evidence of military activities around the house, where the family's meagre possessions were strewn dozens of meters from the ruins of the house.

Ammar Mohammed Halhal, a 28-year-old farmer and father of four who survived the attack, but lost his pregnant wife and his daughter, told Amnesty International:

"I don't know why they bombed us. We are just simple farmers, we grow qat and vegetables. We are poor and spend our time working to eke a living for our families. They killed us for no reason. My wife, Nabila Ali and my little girl Fatime, my brothers Saqar and Abdullatif, who are both two years old, and my stepmother Safia Ghaleb were all killed. My wife and my stepmother were both in the last month of their pregnancies. My father and my little brother and sister, both three years old, were injured. The bombs were so powerful that we were blown far from the house. It took four days to find the body of little Abdullatif; he had been blown more than 50 meters away".⁴⁴

Ammar Mohammed Halhal's father, Mohammed, who sustained multiple injuries to his back, neck and arms, said: *"The explosion sent me flying all the way to that tree, some 30 meters from the house".⁴⁵*

AL-MAGHSAL, AL-JA'MALA, MAJZ, SA'DA, 4 JUNE⁴⁶

The al-Shayba family lived in a tight-knit cluster of small houses in al-Maghsal area in Majz, north-west of Sa'da city. On the morning of 4 June, four consecutive airstrikes ripped through the homes. 11 members of the al-Shayba family, eight children and three women, were killed, while a woman and two children and were injured.

Fragments of MK 80 bombs, which have been systematically used in coalition forces' air bombardments, were found in the ruins of the house by Amnesty International. As with many other coalition airstrikes, there was no evident military objective at or near the site of the multiple strikes, whose victims were all children and women.

⁴² The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 5 July 2015: 16°58'11.2"N 43°38'19.7"E.

⁴³ Photographs of the fragments on record with Amnesty International.

⁴⁴ Interview in Beni Ma'ath, Sabr, Sahar, Sa'da, 4 July 2015.

⁴⁵ Interview in Beni Ma'ath, Sabr, Sahar, Sa'da, 4 July 2015.

⁴⁶ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 4 July 2015: 17°04'27.8"N 43°32'37.5"E.

Ali Qassem Salah al-Shayba, an animal trader and father of four, told Amnesty International:

*"I was by the river on my way back home when our homes were bombed, at about 10am. It was a massacre; what can I tell you? A massacre. I lost my son Hassan, four, and my daughter Taysir, 12; my mother, Munawwar, my sister Aziza and her daughter Salsabil, six; my brother's son and daughter, Mohammed and Yousra, aged nine and 16, and my cousin Shama'a and her three daughters, Altaf, Zahra & Batul, aged one, three, and six. My wife and my other four-year-old son were injured, along with my 16-year-old niece."*⁴⁷

Surviving family members said that the body of three-year old Zahra had not yet been recovered when Amnesty International visited the site four weeks after the attack.

"A family of 20 lived here, my brothers and I and our families. It was a two-storey house. There were only women and children. And we don't have weapons, we are livestock traders. We have nothing to do with the war. I had 20 cows and over 50 goats. But they [coalition forces] destroyed it all," said Ali Qassem Salah al-Shayba, pointing to the carcasses of the dead animals still strewn around the house.

AL-'ERAM, BENI MA'ATH, SABR, SAHAR, SA'DA 3 JUNE⁴⁸

When coalition forces airstrikes destroyed a cluster of nine houses in the eastern side of al-'Eram, they decimated a community. The attack, which took place at about 5pm, killed at least 55 residents and injured nine others. Those killed included 35 children and 11 women.

In the village, north-west of Sa'da city, survivors told Amnesty International that several consecutive airstrikes hit the village and that the strikes had continued while rescue efforts were underway to look for bodies and survivors in the rubble.

Salah Basrallah, a farmer, lost 21 family members, including his six children and his wife, in the bombing. He told Amnesty International:

*"My brother Saleh and his wife Alya, my wife Amina Mohamed, my mother Fatimat Hadi, my six children and my brother's children were all killed. A total of 21 were killed in my family. At the time of the strikes, I was at the farm, outside the village. My wife was in the house, my children were playing outside. I heard the airstrike and I came to find my house had become a mound of rubble. We did not find some of the dead until days later. We had to dig in the rubble to look for the bodies while the planes were still flying overhead after the airstrikes."*⁴⁹

Ghaleb Dhaifallah, a father of four, whose 11-year-old son, was killed in the bombing, described the attack to Amnesty International:

⁴⁷ Interview in al-Maghsal, al-Ja'mala, Majz, Sa'da, 4 July 2015.

⁴⁸ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 4 July 2015: 16°57'42.8"N 43°36'52.7"E.

⁴⁹ Interview in al-'Eram, Sab, Beni Ma'ath, Sahar, Sa'da, 4 July 2015.

*"At the time of the airstrikes, I was at a friend's house around 200 meters from here. There were four strikes. There was a gap of one hour between the second, third and fourth attack. My eldest son Mu'az was killed, he was 11 years old. He was injured by shrapnel in the head and died on the spot. He was playing with Sadeq Hamoud's four children, my uncle's two daughters and some other children they all died on the spot. About 12 of them were not buried in the rubble. The rest were under the rubble. We had to dig for a long time to find the bodies. I swear there were no arms depots here or any [Huthi] leader here. It's just a place where normal citizens live."*⁵⁰

Residents said that it took five days to dig out all the bodies and that some of the victims were killed when coalition forces struck the area again while rescue efforts were underway. They said that no Huthi leaders or fighters were residing in the village. Amnesty International found no evidence of military activities in the village. Residents showed Amnesty International a disused school on the eastern edge of the village that had been bombed by coalition forces a month prior to the strikes on the village, causing no casualties as the school was not in use. They also showed researchers remnants of MK 80 series bombs, which they said they found in the rubble.⁵¹

Amnesty International could not establish the identity of each and every victim of the attack. However, what is clear is that a large majority of the victims were civilian women and children. Even if Huthi fighters were among those killed in the attack, their presence in and of itself would not make these homes military objectives. An attack targeting the fighters would need to take into account the presence of so many civilians. Carrying out the strikes when so many civilians were present would likely make it a disproportionate attack.

COMMERCIAL BUILDINGS, AL-JUMAYDA NEIGHBOURHOOD, SA'DA CITY, SA'DA, 2 JUNE⁵²

Sa'da city's main commercial street, south and south-east of the old city, has been repeatedly targeted by coalition airstrikes and largely destroyed, killing and injuring shopkeepers and shoppers and depriving of their livelihoods hundreds of families who used to make a living from their trade there.

On the morning of 2 June, one of these airstrikes left seven dead and more than a dozen injured among shop-owners, shoppers and passers-by. Ahsan Ahmad al-Hamis, the owner of a shop selling agricultural products, described the strike to Amnesty International:

"It was about 10.30am when the strike happened. Abdulaziz Jihad Ahsan, who was 20 and had a small shop selling electrical spare parts for cars, was killed on the spot. Abdulmalik Ahmad Nasser, who worked in my shop, was also killed on the road near the shop. Another one who was killed on the street was Hamud Yahia Sayed Zalzal. In

⁵⁰ Interview in al-'Eram, Sabr, Beni Ma'ath, Sahar, Sa'da, 4 July 2015.

⁵¹ Photographs of the fragments are on file at Amnesty International.

⁵² The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 5 July 2015: 16°55'57.3"N 43°44'27.1"E.

addition to them I saw three other dead men whose names I don't know".⁵³

Abdelsalam Ahmed Nasser told Amnesty International that his brother Abdelmalik Ahmed Nasser, 32, was a father of four young children:

"It was about 10.30am and I had gone to buy some car parts when a shop owner ran over to me and told me: 'come quickly, your brother is injured'. There were no ambulances. We had to wait half an hour. We took him to hospital but he died. He had shrapnel injuries in his abdomen. He had been about 30 meters away from the explosion"⁵⁴

Abdulaziz Jihad Ahsan's brother Shihab told Amnesty International that Abdulaziz was struck in the head by shrapnel and died instantly; and that another brother, Yasser, was also injured in the strike.

Witnesses told researchers that another airstrike a day earlier on an aluminium shop on the same street had caused further casualties.

ATTACK ON VEHICLE, SA'DA CITY, SA'DA, EARLY JUNE⁵⁵

Some victims were killed as they were trying to flee to safety. Abdullah al-Lamood Abdullah told Amnesty International that six members of his family were killed when the car they were travelling in was struck by coalition forces around 4 June in the middle of the day.

The car was by the petrol station near the political security building on the Gharaz Road, next to the specialized hospital, when a first airstrike hit the station. A second airstrike subsequently hit the car, inside which were Hassan Hussein al-Lamood, 31, his mother Aziza, 50, his wife and their four young children. All were killed except Hussein's youngest child, a 13-day-old boy.

Abdullah told researchers that later that evening he heard on television that coalition forces announced the killing of a Huthi leader. He believed from the description that they were referring to his brother Hassan. However, he maintained that his brother Hassan was neither a leader nor a member of the Huthis.

"He was just an ordinary family man who worked in a money change office. They were in the Muwasalat area and when the petrol station there was bombed they escaped and headed to Gharaz, to my sister. They were on the way there when their car was bombed".⁵⁶

It is not clear if the target of the strike was the vehicle in which the al-Lamood family was

⁵³ Interview in Sa'da city, Sa'da, 5 July 2015.

⁵⁴ Interview in Sa'da city, Sa'da, 5 July 2015.

⁵⁵ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 5 July 2015: 17°00'21.1"N 43°39'53.0"E.

⁵⁶ Interview in Sa'da city, Sa'da, 4 July 2015.

travelling, the petrol station, the political security building or another target nearby. The vehicle and the civilians in it should not have been targeted. The petrol station also is a civilian object and should not have been directly attacked as such. As part of their obligation to take necessary precautions, those planning an attack on a legitimate target in the immediate vicinity should have been aware of and taken into consideration the danger of striking a petrol station, which was likely to cause a secondary explosion and fire thereby putting civilians in the area at risk. They would have had an obligation to consider other less risky targets.

USE OF INTERNATIONALLY BANNED CLUSTER MUNITIONS

Coalition forces have repeatedly launched strikes using internationally banned cluster bombs in and around villages around Sa'da city. Amnesty International found remnants of two types of cluster bombs, BLU-97 submunitions and their carrier bombs (CBU-87) north of the city, and the more sophisticated CBU-105 Sensor Fuzed Weapon (carrying Blue-108 Sensor Fuzed submunitions) south of the city.⁵⁷

On 4 July on the outskirts of Nushoor,⁵⁸ a village north-east of Sa'da city, Amnesty International found scores of BLU-97 submunitions, many unexploded, spread over a large field, the size of a football pitch. Residents of the area told researchers that they were dropped by coalition aircraft in the last week of May. In the intervening weeks, some of the yellow soda-can sized submunitions, each with a small parachute attached, had already become partly buried and less visible, and thus even more dangerous for unsuspecting civilians who risk setting them off by inadvertently stepping on or touching them.

A 13-year-old boy, Mohammed Hamood al-Wabash, was injured in the afternoon of 30 May when he inadvertently stepped on one of the unexploded BLU-97 cluster submunitions in Nushoor. He sustained multiple fractures in his left foot. He told Amnesty International that he had seen the yellow bomblets, which he did not know at the time were explosive, but that he had not noticed the one he stepped on while walking in the area.⁵⁹

Cluster bombs of the same make were dropped earlier in May by coalition forces in the centre of al-Magash,⁶⁰ a village west of Sa'da city, where Amnesty International found fragments of exploded submunitions between the houses and saw the impact of the explosions on the walls and doors of the houses. The organization could not verify reports that civilians had been injured by cluster bombs in the village. Residents of the village said that many of their neighbours had fled after the cluster bomb strike.

Cluster bombs contain between dozens and hundreds of submunitions, which are released in mid-air, and scatter indiscriminately over a large area measuring hundreds of square meters. Cluster submunitions also have a high dud rate, with a high percentage failing to explode on impact and becoming de-facto land mines, which pose a threat to civilians for years after deployment. For these reasons the use (as well as production and sale or transfer) of cluster munitions is prohibited under the 2008 Convention on Cluster Munitions, to which 116

⁵⁷ Photographs of the cluster submunitions, their carrier bombs and fragments are on file with Amnesty International.

⁵⁸ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 4 July 2015: 17°01'55.1"N 43°49'38.0"E.

⁵⁹ Interview in Sa'da city, Sa'da, 4 July 2015.

⁶⁰ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 4 July 2015: 16°56'23.4"N 43°42'54.9"E.

countries have since become state parties.

Even though Yemen, Saudi Arabia and the other countries members of the Saudi Arabia-led coalition participating in the conflict in Yemen are not parties to the Cluster Munition Convention, they are obliged to respect the ban on the use of inherently indiscriminate weapons that forms part of customary international humanitarian law.⁶¹

The notoriously indiscriminate US-made BLU-97 cluster submunitions were previously used in Yemen by the US in 2009,⁶² and were sold by the US to Saudi Arabia, which also previously used them in Yemen.⁶³

In the Harf Sofian area south of Sa'da governorate,⁶⁴ Amnesty International found remains of another type of cluster munition, the more recent and sophisticated CBU-105 Sensor Fuzed Weapon. According to local residents, the cluster bombs struck the area on 29 June. Human Rights Watch has documented other types of air-delivered and ground-launched cluster munitions used by coalition forces in northern Yemen.⁶⁵

⁶¹ ICRC, Customary IHL Study, Rule 71.

⁶² Amnesty International, *Yemen: Images of missile and cluster munitions point to US role in fatal attack*, 7 June 2010, <https://www.amnesty.org/en/press-releases/2010/06/yemen-images-missile-and-cluster-munitions-point-us-role-fatal-attack-2010/>

⁶³ Vice News, *US cluster bombs keep killing civilians in Yemen*, <https://news.vice.com/article/us-cluster-bombs-keep-killing-civilians-in-yemen>

⁶⁴ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 6 July 2015: 16°22'39.0"N 44°05'08.6"E.

⁶⁵ Human Rights Watch, *Yemen: Cluster munition rockets kill, injure dozens*, 26 August 2015, <https://www.hrw.org/news/2015/08/26/yemen-cluster-munition-rockets-kill-injure-dozens>

ECONOMY, PUBLIC AND COMMERCIAL INFRASTRUCTURE DESTROYED

Hassan Abdallah Mohammed Hajar, a 65-year-old tailor and father of 16, was walking past Sa'da city's main financial building (al-Maliya) when a coalition airstrike destroyed the building in early May. He was killed in the blast. His son told Amnesty International:

"My father was just unlucky to be passing there when the place was bombed. This is a daily reality for us; the bombs fall from the sky day and night and we don't know where it is safe. A few days ago a bomb landed in the middle of the roundabout outside our shop.⁶⁶ How can we protect our children, ourselves? We can't so long as the bombardments are so indiscriminate, day and night".⁶⁷

The targeting of shops, markets, workshops and commercial properties in general has been so widespread and so thorough that it is now difficult to assess the full extent of the destruction and to guess how many shops or workshops stood in the place where now only rubble remains. Such comprehensive destruction suggests that the aim is not the removal of specific targets, but rather the infrastructure and economy of the city, which is known to be a Huthi stronghold.

Six members of the Mabkhut family were injured when their home in the centre of Sa'da city was bombed on the morning of 2 June. Ahmad Mabkhut told Amnesty International that he and his family, including his 10-year-old son and three daughters, aged eight, 12 and 13, had been sheltering with relatives in Wadi Alaf, 15 minutes outside Sa'da city, to avoid the frequent bombardments in the city, and had just returned home to stock up on food from their food shop, below their home:

"I was downstairs with my son, and my wife and our three daughters were upstairs. With the airstrike the first floor collapsed and they fell to the ground floor and were buried in the rubble. I rushed out to call for help and with the help of my neighbours we dug in the rubble with our hands. We got them out wounded but alive, thank God. But my home and my shop and all the food in my shop were destroyed. The shop was feeding me and my family plus my mother and my two brothers and their families. Now we have no food and no income any more".⁶⁸

It is not clear whether the house was targeted as part of the general targeting of shops and

⁶⁶ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 6 July 2015: 16°56'15.0"N 43°45'01.6"E.

⁶⁷ Interview in Sa'da city, Sa'da, 5 July 2015.

⁶⁸ Interview in Sa'da city, Sa'da, 5 July 2015.

commercial properties or for some other reason.

Several workers of the al-Nasser food supermarket⁶⁹ were injured when the store was destroyed by three airstrikes on and around it one evening in early April, neighbours and witnesses told Amnesty International. One of them told researchers:

*"There was no reason to bomb this place. This was a food store. We found nothing but food items in the rubble. The workers were injured and the food was wasted, a real shame at a time when people are struggling to put food on the table."*⁷⁰

A coalition airstrike on a warehouse of the humanitarian organization Oxfam,⁷¹ on 19 April,⁷² sent shrapnel flying into the home of Safia Hamuda Mohammed, a widow who lives nearby with her four daughters in a small tin-roofed dwelling. Safia told Amnesty International:

*"Everything shook and pieces of metal came flying in, slicing through the roof and the walls. It is a miracle we are still alive and unharmed. We crouched by the wall and prayed. The pieces of metal fell right by our feet. I shudder to think at what could have happened if one of those pieces of metal had hit my daughters."*⁷³

⁶⁹ Mahallat al-Nasser al-Tijariya li-l-Mawad al-Ghida'iya, Nasser Food Stores, Sa'da city: 16°56'05.3"N 43°45'31.5"E.

⁷⁰ Interview west of Sa'da city, Sa'da, 5 July 2015.

⁷¹ The GPS coordinates of the strike taken by Amnesty International during a visit to the site on 5 July 2015: 16°56'02.6"N 43°43'14.2"E.

⁷² See: *Oxfam condemns coalition airstrike on one of its storage facilities in Saada governorate in northern Yemen*, 20 April 2015, <http://www.oxfam.org.uk/blogs/2015/04/yemenOxfam>

⁷³ Interview in Sa'da city, Sa'da, 5 July 2015.

DETERIORATING HUMANITARIAN SITUATION

“The conditions here are dire; we sleep on a thin blanket on the ground under a plastic sheet and live of charity. Some days we have no food at all. Is this what our life will be from now on? We have no home to go back to and no means to make a living. We have lost everything”.

Ali Nasser Ahmad al-Qahsi, a displaced resident of Sa'da governorate ⁷⁴

Across the country, the conflict and restrictions imposed by the Saudi Arabia-led coalition on the import of essential goods have exacerbated an already acute humanitarian situation resulting from years of poverty, poor governance and instability. As it stands now, 80% – or 4 in 5 Yemenis – need some form of humanitarian assistance, prompting UN agencies to declare a Level 3 (most severe) emergency response for Yemen.⁷⁵ Recent attacks on aid workers in the north and south of the country – in violation of international humanitarian law ⁷⁶ – have prompted humanitarian organizations to reduce or suspend operations, further exacerbating an already challenging situation.⁷⁷

The situation in Sa'da governorate is particularly acute, owing to the widespread destruction of civilian infrastructure. After concluding a visit to Sa'da governorate in early August 2015, the UN Humanitarian Coordinator for Yemen said:

⁷⁴ Interview in camp for displaced people in Khamir (Amran governorate), south of Sa'da governorate, 6 July 2015.

⁷⁵ OCHA, *Yemen: highest emergency response level declared for six months*, 1 July 2015 <http://www.unocha.org/top-stories/all-stories/yemen-highest-emergency-response-level-declared-six-months>; Statement to the UN Security Council by Under-Secretary-General for Humanitarian Affairs Stephen O'Brien, 28 July 2015 <https://docs.unocha.org/sites/dms/Documents/UNSC-%20Yemen%20-%2028%20July%2015%20-%20USG%20%27Brien%20as%20delivered.pdf>

⁷⁶ Respect for and protection of the personnel of humanitarian organizations; ICRC Resource Centre, 19 January 1998, <https://www.icrc.org/eng/resources/documents/misc/57jp85.htm>

⁷⁷ ICRC, *Yemen: Two ICRC staff members killed in attack*, 2 September 2015, <https://www.icrc.org/en/document/yemen-two-icrc-staff-members-killed-attack>; ICRC, *Yemen: ICRC office in Aden attacked*, 25 August 2015, <https://www.icrc.org/en/document/yemen-icrc-office-aden-attacked> ; Two Yemen Red Crescent Society (YRCS) volunteers killed in a coalition airstrike in al-Swaida, Taiz Governorate on 28 September: https://twitter.com/icrc_ye: Eight ICRC and YRCS workers have been killed since 25 March 2015 (as of 29 September 2015): https://twitter.com/icrc_ye

"The escalation of the conflict in Yemen has a devastating impact on civilian populations, as I witnessed in Sa'da earlier this week. The violence has forced a large number of people to flee their homes. Civilian infrastructure such as health facilities, markets, shops, schools, banks and administrative buildings have been destroyed by airstrikes and fighting, paralyzing communities".⁷⁸

Damage to power stations and electricity networks have left the whole of Sa'da city without electricity. Some residents reported to Amnesty International that they have not had electricity since March 2015. The lack of electricity has by extension disrupted vital services such as water supply and health care, and impacts upon every aspect of life for the civilian population.

The healthcare system has completely collapsed in remote areas of Sa'da governorate, with primary care all but non-existent in rural areas, where most of the population lives, and in conflict-affected areas, where civilians are most vulnerable. During Amnesty International's visit to al-Jamhuri Hospital in Sa'da city, the director of the hospital told researchers it was becoming increasingly difficult to run the hospital because of fuel shortages and rising fuel prices. The hospital is powered 24 hours a day by a generator that requires 50 litres of petrol a day.

Officials at local hospitals told Amnesty International there was also a shortage of doctors as many had left since the start of the conflict. Airstrikes have attacked some health facilities south of Sa'da governorate in the governorate of Amran.⁷⁹ On 4 September 2015, the Saudi Arabia-led coalition reportedly bombed al-Sh'ara hospital in Razih, in the west of Sa'da governorate. According to Doctors Without Borders (MSF) personnel who visited the site afterwards, there was no evidence that the hospital was being used for any military purposes and the attack resulted in the killing of six patients and injury of six others.⁸⁰

In addition to being protected by their civilian status, hospitals and medical personnel have special protected status. The parties to the conflict must respect and protect medical units, personnel and their means of transport.⁸¹

Insecurity, fear of airstrikes, and fuel shortages have placed impediments on the movement of people and goods, as well as casualties. The targeting of key transport infrastructure by the Saudi Arabia-led coalition, such as bridges and main roads between Sa'da governorate and Sana'a, has had far-reaching consequences. On the road to Sa'da governorate in early July, Amnesty International delegates observed one bridge that had been recently destroyed by an airstrike. Five days later, on the way back to Sana'a, they found that a further three had been destroyed.

⁷⁸ OCHA, *Humanitarian coordinator for Yemen, Johannes Van Der Klaauw, returns from Saada, calls for protection of civilians and funding for scale up of aid effort*, 08 August 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/Humanitarian%20Coordinator%20for%20Yemen%20statement%20on%20Sa%27adah%20mission%20-%208%20August%202015.pdf>

⁷⁹ MSF, *Ambulances amid airstrikes: one day in Yemen*, 4 September 2015, <http://blogs.msf.org/en/staff/blogs/msf-in-yemen/ambulances-amid-airstrikes-one-day-in-yemen>

⁸⁰ Telephone Interview, 12 September 2015. Name withheld for security reasons.

⁸¹ ICRC Customary IHL Study, Rules 25 and 28.

The damage caused to the bridges hinder the movement of civilians, food and essential goods and medical supplies and personnel, while causing very little disruption to the movement of fighters. World Food Program (WFP) trucks loaded with flour could be observed parked on the side of the road, unable to continue their journey to Sa'da city. On the road between Sa'da governorate and Sana'a, Amnesty International observed over 20 charred vehicles that had been struck by airstrikes.⁸² These included oil tankers, while others were carrying apples, tomatoes, flour and goats to be slaughtered. Dead goats were strewn on the side of the road. Researchers saw no evidence of any military use for these vehicles.

Residents of Sa'da governorate have told Amnesty International that the targeting of vehicles on the road has intensified following the killing of 45 UAE, 10 Saudi Arabian and five Bahraini soldiers in early September 2015.⁸³ and that whereas airstrikes had previously mostly targeted transport vehicles, cars transporting people have recently been struck by coalition forces in and around the city of Sa'da.⁸⁴ MSF has reported that Sa'da governorate residents are increasingly unwilling to travel to reach hospitals or medical centres, leading to more people dying at home.⁸⁵ Meanwhile, roads to the north of Sa'da city remain inaccessible, difficult or unpredictable, further hindering the movement of people and goods.⁸⁶

International humanitarian law requires the parties to an armed conflict to respect and protect humanitarian relief personnel and objects used for humanitarian relief operations. In addition, they must allow and facilitate rapid and unimpeded passage of impartial humanitarian relief⁸⁷

⁸² Observed by Amnesty International delegates 3-6 July, 2015.

⁸³ AP, *Toll from Yemen rebel attack rises as 10 Saudi troops killed*, 5 September 2015, <http://bigstory.ap.org/article/8ae822828f9c429990b26fb31a2b6fc5/toll-yemen-rebel-attack-rises-10-saudi-troops-killed>

⁸⁴ MSF, *I need an ambulance*, 4 August 2015, <http://blogs.msf.org/en/staff/blogs/msf-in-yemen/i-need-an-ambulance>

⁸⁵ MSF, *I need an ambulance*, 4 August 2015, <http://blogs.msf.org/en/staff/blogs/msf-in-yemen/i-need-an-ambulance>

⁸⁶ Reliefweb, *Yemen: Status of infrastructure and access roads*, 11 June 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/infrastructure_12june2015.pdf

⁸⁷ Additional Protocol II, Article 18; ICRC Customary IHL Study, Rules 31, 32 and 55.

INTERNATIONAL LAW APPLICABLE TO THE CONFLICT

INTERNATIONAL HUMANITARIAN LAW

Yemen is a state party to principal instruments of international humanitarian law - the four Geneva Conventions of 1949 and their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).⁸⁸

International humanitarian law contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians. It applies only in situations of armed conflict and its rules are binding on all parties to a conflict, whether state forces or non-state armed groups. A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians”.⁸⁹ A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental principle of distinction.

Intentionally directing attacks against civilians not taking direct part in hostilities or against civilian objects is prohibited and is a war crime.⁹⁰ The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.⁹¹ Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.⁹² Launching indiscriminate attacks which kill or injure civilians constitutes a war crime.⁹³

Also prohibited are disproportionate attacks which are defined as attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and

⁸⁸ Additional Protocol II, 8 June 1977, <https://www.icrc.org/applic/ihl/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545> The involvement of forces from other states in the conflict in Yemen does not make the conflict an international conflict, as it is taking place at the request/with the agreement of the Yemeni government.

⁸⁹ ICRC Customary IHL Study, Rule 1. See also Additional Protocol I, Article 48, and Additional Protocol II, Article 12(2).

⁹⁰ ICRC Customary IHL Study, Rule 156, pp. 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii). See also discussion in ICRC Customary IHL Study, p. 27.

⁹¹ ICRC Customary IHL Study, Rule 11; Additional Protocol I, Article 51(4).

⁹² ICRC Customary IHL Study, Rule 12; Additional Protocol I, Article 51(4)(a).

⁹³ ICRC Customary IHL Study, Rule 156, p.599.

direct military advantage anticipated.⁹⁴ Launching a disproportionate attacks is a war crime.⁹⁵

The protection of the civilian population and civilian objects is further underpinned by the requirement that all parties to a conflict take precautions in attack. In the conduct of military operations, then, “constant care must be taken to spare the civilian population, civilians and civilian objects”; “all feasible precautions” must be taken to avoid and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.⁹⁶ The parties must choose means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.⁹⁷ Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.⁹⁸ Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population.⁹⁹

Parties must choose appropriate means and methods of attack when military targets are located within residential areas. This requirement rules out the use of certain types of weapons and tactics. The use of means of combat that cannot be directed at a specific military objective – such as using imprecise explosive weapons on targets located in densely populated civilian areas – may result in indiscriminate attacks and is prohibited. Choosing methods of attack that do not minimize the risk to civilians – for example, attacking military objectives at times when many civilians are most likely to be present – also violates international humanitarian law.

Attacks by both government forces and armed groups that are carried out in the knowledge that they will cause massive civilian casualties and destruction of civilian objects flagrantly violate the prohibition of indiscriminate attacks and constitute war crimes. Shelling and air strikes on residential areas in which there are no fighters, soldiers or military objectives constitute direct attacks on civilians and are war crimes.

Warring parties have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary.¹⁰⁰ As with precautions in attack, these rules are particularly important when fighting is taking place in areas with large numbers of civilians. Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.¹⁰¹

⁹⁴ ICRC Customary IHL Study, Rule 14.

⁹⁵ ICRC Customary IHL Study, Rule 156, p.599.

⁹⁶ ICRC Customary IHL Study, Rule 15.

⁹⁷ ICRC Customary IHL Study, Rule 17.

⁹⁸ ICRC Customary IHL Study, Rules 16-19.

⁹⁹ ICRC Customary IHL Study, Rule 20.

¹⁰⁰ ICRC Customary IHL Study, Rule 22.

¹⁰¹ ICRC Customary IHL Study, Rule 23.

INTERNATIONAL CRIMINAL LAW

International criminal law establishes individual criminal responsibility for certain violations of international humanitarian law and serious violations and abuses of human rights law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance.

Individuals, including civilians and military personnel, can be held criminally responsible for certain violations of international human rights law and international humanitarian law. International law imposes the obligation to investigate and prosecute alleged perpetrators of crimes under international law and serious violations and abuses of human rights.¹⁰²

Prohibition of genocide, crimes against humanity and war crimes is part of customary international law and, some of them, have become peremptory norms (*jus cogens*). There are *erga omnes* obligations binding upon all states to bring to trial those suspected of criminal responsibility for those crimes.¹⁰³

Based on principles of criminal responsibility under international criminal law, providing necessary means (such as weapons, ammunition and money) for the commission of those crimes may amount to aiding, assisting, abetting or otherwise facilitating those crimes.¹⁰⁴

Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances.¹⁰⁵ War crimes are serious violations of international

¹⁰² International humanitarian law contains a duty to prosecute war crimes (ICRC Customary IHL Study, Rules 157 and 158). See also the International Covenant on Civil and Political Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Amnesty International, *United Kingdom: The Pinochet case - universal jurisdiction and absence of immunity for crimes against humanity* (Index: EUR 45/01/99), January 1999.

¹⁰³ *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*, Judgement of 5 February 1970, International Court of Justice (ICJ), para 34-34: "In particular, an essential distinction should be drawn between the obligations of a State towards the international community as a whole, and those arising vis-à-vis another State in the field of diplomatic protection. By their very nature the former are the concern of all States. In view of the importance of the rights involved, all States can be held to have a legal interest in their protection; they are obligations *erga omnes*. Such obligations derive, for example, in contemporary international law, from the outlawing of acts of aggression, and of genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination."

¹⁰⁴ Rome Statute of the International Criminal Court, Article 25(3)(c); *Prosecutor v Charles Taylor*, Special Court for Sierra Leone, Judgment of 18 May 2012; *Prosecutor v Momcilo Perisic*, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 28 February 2013; *Prosecutor v Mile Mrksic et al*, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 5 May 2009.

¹⁰⁵ See for example ICJ, *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, Judgment, I.C.J. Reports 2002, p.3, where the majority of the court confirmed the right of all states to exercise universal jurisdiction. Amnesty International, *Universal jurisdiction: The duty of states to enact*

humanitarian law and engage individual criminal responsibility on the part of the perpetrators.

and implement legislation, (Index: IOR 53/003/2001), September 2001.

RECOMMENDATIONS

Since 25 March 2015, when the Saudi Arabia-led coalition began its air campaign in Yemen, more than 4,000 people have been killed, half of them civilians and including hundreds of children. Thousands more have been injured, and well over one million have been displaced.¹⁰⁶ Blatantly disregarding fundamental principles of international humanitarian law, all sides have killed and injured hundreds of civilians not involved in the conflict in unlawful attacks.

Coalition airstrikes account for most of the civilian casualties in the Yemen conflict, across the country and in the Sa'da governorate. Other parties to the conflict have also committed serious violations of international humanitarian law and grave human rights abuses. This includes the Huthi armed groups and their allies within the now divided armed forces, and the broad spectrum of anti-Huthi armed groups and militias,¹⁰⁷ which include army units loyal to President Hadi. Ground forces from coalition member states, including the United Arab Emirates, Saudi Arabia and Bahrain, are also involved in ground combat in Yemen alongside anti-Huthi armed groups.¹⁰⁸

In this context of lawlessness and abuse, there is an urgent need for accountability, with a view to ensuring that perpetrators of crimes under international law are brought to justice and that victims and their families receive adequate reparations. However, on 30 September 2015, efforts at the UN Human Rights Council to set up an independent international investigation into the conflict were scuppered when the Government of the Netherlands withdrew its draft proposing this measure, having failed to gain sufficient international

¹⁰⁶ OHCHR, *Press briefing notes on Yemen, Central African Republic, and escalating tensions in East Jerusalem and West Bank*, 29 September 2015,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16518&LangID=E>

¹⁰⁷ Broadly-defined anti-Huthi armed groups involved in ground fighting with Huthi armed groups in various parts of the country, mostly south of the capital, are often referred to as *Muqawama* ("resistance" in Arabic) or "Popular Resistance Committees" (PRC), are supported by certain units of the armed forces loyal to President Hadi, and include a variety of diverse groups/factions (including members of the Islah party, of al-Qa'eda, allegedly elements of the so-called Islamic State [IS or ISIS], and in the Aden area by supporters of the southern separatist *Hirak* group, who had long been fighting against central government forces prior to the current conflict).

¹⁰⁸ The participation of forces from coalition member states in ground combat in Yemen has never been officially announced but it was confirmed in July 2015, when UAE media reported that three members of the UAE armed forces were killed in combat in Yemen. In early September it was announced that 45 soldiers from the UAE, 10 from Saudi Arabia and five from Bahrain were killed in combat in Yemen: AP, *Toll from Yemen rebel attack rises as 10 Saudi troops killed*, 5 September 2015,

<http://bigstory.ap.org/article/8ae822828f9c429990b26fb31a2b6fc5/toll-yemen-rebel-attack-rises-10-saudi-troops-killed>, Kuwait News Agency, *10 Saudi soldiers killed in arms depot explosion in Yemen – spokesman*, 5 September 2015,

<https://www.kuna.net.kw/ArticleDetails.aspx?id=2458893&Language=en>, Gulf Digital News, *Heroes die for Yemen*, 5 September 2015, <http://www.gdnonline.com/Details/22059/Heroes-Die-For-Yemen>

backing.

Instead, the Council adopted an alternative resolution tabled by Saudi Arabia on behalf of Arab states involved in the conflict and the Yemeni government of President Abd Rabbu Mansour Hadi. The resolution made no mention of the Saudi Arabia-led coalition and fails to mention expressly the coalition's ongoing military campaign in Yemen. It requested the UN Office of the High Commissioner for Human Rights to assist a national commission of inquiry set-up by President Hadi's government. While the formation of the national commission of inquiry is a welcome development, Yemeni authorities have failed to hold thorough and independent investigations into past human rights violations, including into abuses committed in the context of anti-government protests in 2011, and lack effective control of much of the country.

Against this backdrop, Amnesty International is calling for the establishment of an independent international-inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable. As well as the Human Rights Council, an international investigation or inquiry could be established through a resolution adopted by the UN General Assembly or the UN Security Council - or by the UN Secretary-General or the UN High Commissioner for Human Rights on their own initiative.

In addition, the organization makes recommendations to a range of other actors, including members of the Saudi Arabia-led coalition and states that are providing support to them.

TO STATES MEMBERS OF THE SAUDI ARABIA-LED COALITION

- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any airstrikes by ensuring that civilians and civilian objects are not targeted; and end indiscriminate attacks and disproportionate attacks;
- Take all feasible precautions to minimize harm to civilians, including giving advance effective warnings of impending attacks when possible to the civilian population in the concerned areas;
- Immediately cease the use of cluster munitions, which are internationally banned;
- Consistent with the prohibition on indiscriminate attacks, end the use of explosive weapons with wide area effect in the vicinity of densely populated civilian areas;
- Ensure that the cases detailed in this report and any others where there is credible information that violations of international humanitarian law have taken place are independently and impartially investigated, make public the findings of the investigations, and bring those suspected of criminal responsibility to trial in fair trials;
- Provide prompt and adequate reparation to victims and families of victims of unlawful attacks which resulted in human and material damage, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Make public information on intended military targets of strikes which resulted in civilian casualties, and on the parties involved in the planning and execution of such strikes;

- Instruct all allied forces to respect and protect humanitarian workers and humanitarian aid facilities, supplies, and transportation. Allow full and unfettered access to humanitarian agencies to conduct humanitarian activities in all parts of the country and receive necessary aid supplies without arbitrary interference;
- Refrain from targeting key logistic infrastructure even if used for military purposes, if the incidental short-term and long-term consequences for civilians would be disproportionate to the concrete and direct military advantage sought in the specific attack;

TO THE GOVERNMENT OF PRESIDENT ABD RABBU MANSOUR HADI

- Demand that the states members of the Saudi Arabia-led coalition take the actions listed above and provide assistance to victims and families of victims of unlawful attacks to seek and obtain justice and reparation;
- Allow and facilitate full and unfettered access to the country to organizations providing humanitarian aid, including ensuring the safety of their staff and safe passage of all humanitarian equipment and supplies;

TO STATES PROVIDING SUPPORT TO THE COALITION, INCLUDING THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM

- Cease all transfers to members of the Saudi Arabia-led coalition of all types of cluster bombs, which are internationally banned;
- Suspend all transfers to members of the Saudi Arabia-led coalition which are carrying out attacks in Yemen, of general purpose bombs, including but not only those bombs which Amnesty International has found evidence of use in a manner which violates or facilitates the violation of international humanitarian law in the conflict: in particular bombs from the MK (Mark) 80 series, specifically MK 82, MK 83, MK 84;
- Suspend the transfer to members of the Saudi Arabia-led coalition which are carrying out airstrikes in Yemen of fighter jets, combat helicopters and associated parts and components;
- Press the coalition members to ensure reported violations of international humanitarian law, including those documented in this report, are independently, transparently and impartially investigated and that victims and their families are afforded full reparation.

'BOMBS FALL FROM THE SKY DAY AND NIGHT'

CIVILIANS UNDER FIRE IN NORTHERN YEMEN

A devastating air bombardment campaign launched in March 2015 by a coalition led by Saudi Arabia has killed and injured hundreds of civilians in Yemen, many of them children. The governorate of Sa'da has been particularly targeted, as it is the stronghold of the Huthi armed group, and its capital Sa'da city has suffered more destruction as a result of relentless coalition airstrikes than any other city in Yemen. Much of the city and its surroundings are in ruins and most of the civilian population was forced to flee.

While many coalition strikes have targeted military objectives, hundreds have struck civilian objects – homes, public buildings, schools, markets, shops, factories, bridges, roads and other civilian infrastructure, as well as vehicles carrying civilians and humanitarian assistance.

This report details the results of Amnesty International field investigations into 13 airstrikes in Sa'da carried out between May and July 2015. It includes cases of civilians who were not directly participating in hostilities but were killed or injured while asleep or carrying out their daily activities. The airstrikes featured in the report involved serious violations of international humanitarian law that should be investigated as war crimes.

The report also finds that coalition forces have used internationally banned cluster munition bombs in attacks on Sa'da, weapons that can have devastating long-term consequences. These as well as some of the other weaponry used by the Saudi Arabia-led coalition forces in their airstrikes were produced and/or designed in the USA. The report calls on states including the USA to suspend transfers of weapons used to commit violations of international humanitarian law to coalition members which are carrying out attacks in Yemen.

Amnesty International is calling for an independent international inquiry to investigate alleged violations by all parties to the conflict, and identify the perpetrators to ensure that those responsible are held accountable.

amnesty.org

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October 2015

AMNESTY
INTERNATIONAL



IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

CLAIM NO: CO/3579/2020

BETWEEN:

THE KING on the application of
CAMPAIGN AGAINST ARMS TRADE ("CAAT")

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF24

November 26, 2015

What Military Target Was in My Brother's House

Unlawful Coalition Airstrikes in Yemen

Available In [English](#) [العربية](#)

Summary

When I got to the house, there was still dust in the air, and everything was covered in a layer of black ash. My wife and kids were lying there, covered in black ash. Thank God they were alive. I saw my sister-in-law Asma and her daughter under some rocks, and I tried to dig them out. Asma's head was open, and her leg was bleeding. Her 2-year-old daughter, Hyam, was lying on her shoulder, her head was smashed open. Her other daughter, Hasna, who's 7, was shouting "Baba" [father]. Her hair and skin were covered in ash, and she was burned badly. Her father, my brother Muhammad, had been asleep when the strike happened, and the roof landed on top of him. When I dug him out, there was a thin trickle of blood dripping from his ear. He was already dead.

—Muhammad Saleh al-Qihwi, whose house was destroyed in an April 2015 airstrike on the town of Amran, July 23, 2015.

On March 26, 2015, a coalition of Arab countries led by Saudi Arabia, with United States participation, began a military campaign in Yemen that has so far resulted in the deaths of more than 2,500 civilians, mostly by coalition airstrikes. This report documents 10 coalition airstrikes from April through August that appear to have violated international humanitarian law, the laws of war.

The laws of war are intended to minimize harm to civilians and other non-combatants during armed conflict. While not all civilian casualties indicate laws-of-war violations, attacks that deliberately target civilians, that do not discriminate between civilians and combatants, or that cause disproportionate loss of civilian life or property, are all unlawful. Individuals who commit such violations with criminal intent are responsible for war crimes.

In the cases discussed in this report, which caused at least 309 civilian deaths and wounded at least 414 civilians, Human Rights Watch found either no evident military target or that the attack failed to distinguish civilians from military objectives. Under international law, states have an obligation to investigate alleged violations of the laws of war, and appropriately punish those individuals responsible for war crimes. Human Rights Watch is unaware of any investigations by Saudi Arabia or other coalition members in these or other reported cases.

In September 2014, Ansar Allah (Partisans of God), commonly known as the Houthis, a Zaidi Shia group from northern Yemen, took control of Yemen's capital, Sanaa. In January 2015, they effectively ousted Yemeni President Abdu Rabu Mansour Hadi and his cabinet members, who subsequently relocated to Saudi Arabia. The Houthis, along with elements of the armed forces loyal to former President Ali Abdullah Saleh, then swept south, threatening to take the port city of Aden.

On March 26, 2015, the Saudi Arabia-led coalition—consisting of Bahrain, Kuwait, Qatar, the United Arab Emirates, Egypt, Jordan, Morocco, and Sudan—launched an aerial campaign against Houthi and allied forces. The United States is also a party to the conflict by playing a direct role in coordinating military operations. According to >Lt. Gen. Charles Brown, commander of the US Air Force Central Command, the US military has detached personnel to the Saudi Arabian center planning airstrikes to help coordinate activities. US participation in specific military operations, such as bombing raids, may make US forces jointly responsible for laws-of-war violations by coalition forces. As a party to the conflict, the US is obligated to investigate allegedly unlawful attacks in which it took part.

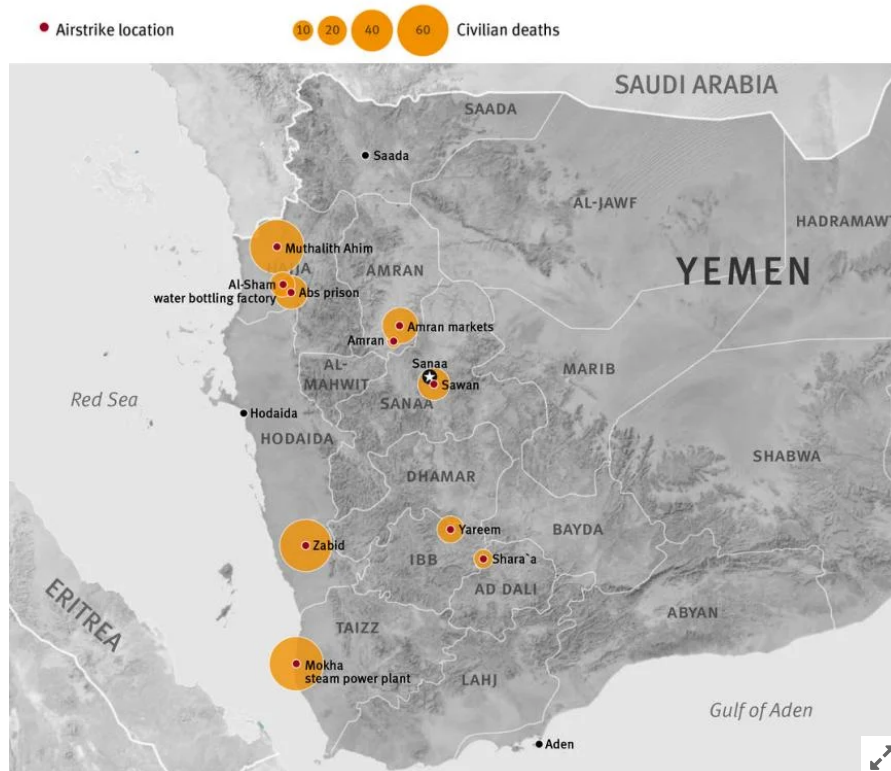
The United Kingdom and France, while not members of the coalition, have supported the coalition by making arms sales to Saudi Arabia and other members.

The 10 attacks detailed in this report occurred in the Houthi-controlled governorates of Sanaa, Amran, Hajja, Hodeida, and Ibb. Airstrikes hit residential houses, market places, a factory, and a civilian prison.

Human Rights Watch investigated each of these incidents by interviewing victims and witnesses to the attack, searching for possible military targets in the vicinity, and speaking to medical staff who treated the injured. On the basis of information from relatives, witnesses, medical staff, and local Houthi authorities, Human Rights Watch compiled the names of 309 individuals—199 men, 43 women, and 69 children—killed in the 10 attacks. We found no evidence that any of those killed in these attacks were combatants. The full casualty list from the attacks is included as an appendix to the report.

AIRSTRIKES IN YEMEN VIOLATING THE LAWS OF WAR

In 10 coalition airstrikes that took place between April 11 and August 30, 2015, Human Rights Watch found either no evident military target or the attack failed to distinguish civilians from military objectives, in apparent violation of the laws of war. At least 309 civilians were killed and 414 wounded in the 10 airstrikes.



Human Rights Watch also wrote to Saudi authorities to seek additional information about the strikes, including the weapons used, the intended targets, and the precautions taken to minimize civilian harm. At time of writing, Human Rights Watch had not received any response.

Under the laws of war, a party to the conflict may only attack military objectives, normally the enemy's forces, their weapons, and their structures. In carrying out attacks, all feasible precautions need to be taken to minimize harm to civilians and civilian objects. The weapons used and the manner in which the attack is carried out must distinguish between the military

objective and civilians. Attacks in which there is no evident military target, that strike indiscriminately, or cause civilian harm disproportionate to the anticipated military gain, are unlawful.

Human Rights Watch investigated several coalition airstrikes in which there was no evident military target in the vicinity, such as strikes on the markets at Muthalith Ahim and Amran. These amount to an unlawfully indiscriminate attack, if not a deliberate attack on civilians. In other cases, bombs struck, sometimes repeatedly, civilian objects a significant distance from any military objective, killing and wounding civilians. If insufficient precautions were taken to avoid civilian loss—such as not clearly identifying a military target or using weapons with wide area effects in populated neighborhoods—these attacks would also be indiscriminate. Attacks harming civilians might also have been the result of incorrect targeting coordinates or other errors—an inquiry would need to determine whether all feasible precautions were taken.

Parties to the conflict must also take all feasible precautions to spare civilians under their control against the effects of attacks. That includes avoiding deploying in densely populated areas, and removing, to the extent feasible, civilians in the vicinity of their military forces. In several instances, it is not clear if the Houthis or allied forces took significant measures to move civilians away from places they stored ammunition or deployed their forces.

Human Rights Watch is also concerned by the Saudi Arabia-led coalition's use of explosive weapons with wide area effect in populated areas. A weapon that impacts an area in a radius of dozens or hundreds of meters of where it explodes will almost certainly kill or wound civilians when used in populated areas. The coalition appears to use explosive weapons that are unguided or are used without spotters, which means that they cannot be targeted precisely, posing additional risk to civilians.

International law does not explicitly prohibit the use of these weapons in populated areas, but a party using weapons with wide area effect in populated areas is unlikely to be able to comply with the laws-of-war requirement that an attack should distinguish between combatants and civilians.

On May 8, 2015, coalition authorities declared the entire Houthi stronghold cities of Saada and Marran to be military targets. Such blanket determinations, effectively disregarding the status of civilians who remain in the area, violate the laws of war. Human Rights Watch investigated several attacks after the May 8 announcement on apparent civilian objects in Saada, including airstrikes on a residential house, two markets, and a school.

In September 2014, the United Nations Human Rights Council expressed concern about the escalation in armed violence in Yemen, and called for an investigation into all cases of abuses of human rights and violations of international humanitarian law.

States that are party to a conflict have an obligation to investigate credible allegations of war crimes and hold those responsible to account. War crimes are serious violations of the laws of war committed with criminal intent. Human Rights Watch has seen no indication that the Saudi Arabia-led coalition has conducted any meaningful investigations into alleged laws-of-war violations.

On August 19, 2015, Human Rights Watch, together with 22 other human rights and humanitarian organizations, called on the UN Human Rights Council at its upcoming September session to create an independent international commission of inquiry to investigate alleged laws-of-war violations by all parties to the conflict. The UN High Commissioner for Human Rights similarly called on UN member states to encourage the establishment of an “international independent and impartial” investigative mechanism.

Instead, on September 7, 2015, President Hadi announced the creation of a national commission to investigate all alleged violations of the laws of war and international human rights law since 2011. During the ensuing Human Rights Council session in Geneva, Saudi Arabia and other Arab countries effectively blocked an effort led by the Netherlands to create an international investigative mechanism.

Human Rights Watch calls on all parties to the conflict to abide by international humanitarian law. The coalition should promptly investigate alleged laws-of-war violations by its forces, including those detailed in this report, and provide compensation and other redress to civilian victims as appropriate. Human Rights Watch urges the coalition to cease using explosive weapons with wide area effect in populated areas because of the inevitable civilian harm caused. In addition, the coalition should revoke any declaration that particular cities or towns are in their entirety military targets, and take appropriate disciplinary action against officials making such declarations.

President Hadi's government should request the coalition to provide detailed information about intended military targets for airstrikes in which civilians died. His government should make such information publicly available and press for compensation where there is a finding of wrongdoing.

The United States and other coalition supporters should also press the coalition to abide by its international legal obligations. The United States should investigate any airstrike alleged to have violated the laws of war in which the US directly participated, such as by providing targeting information.

The UN Security Council should highlight its concern for ongoing abuses in Yemen by requesting a public briefing from the UN High Commissioner for Human Rights. It should publicly remind all parties to the conflict that under Resolution 2140, anyone responsible for "planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law" or "obstructing the delivery of humanitarian assistance" to Yemen is subject to travel bans and asset freezes.

The UN Office of the High Commissioner for Human Rights should monitor the national investigative mechanism created by President Hadi, provide support to help ensure that it conducts its work in accordance with international standards, and regularly report to the UN Human Rights Council on progress of the investigations. Member states of the Human Rights Council should consider holding a special session to discuss the human rights situation in Yemen if the Saudi Arabia-led coalition does not adequately address the issue of civilian casualties or if the humanitarian situation in Yemen fails to improve. The council should supplement the national mechanism set up by President Hadi by creating an independent, international investigative mechanism to investigate alleged violations of the laws of war by all parties to the conflict.

Recommendations

To Saudi Arabia and other Coalition Members, and the United States

- Abide by the laws of war, including the prohibitions on attacks that target civilians, that do not discriminate between civilians and combatants, and that cause civilian loss disproportionate to the expected military benefit.
- Take all feasible precautions to minimize harm to civilians, including making advance effective warnings of attacks when possible.
- Conduct transparent and impartial investigations into credible allegations of laws-of-war violations, including the incidents included in this report.
- Make public the findings of investigations and undertake disciplinary measures or prosecutions where violations or war crimes are found.
- Revoke any declaration that particular cities or towns are entirely military targets, and take appropriate disciplinary action against individuals making such declarations.

- Consistent with the prohibition on indiscriminate attacks, end the use of explosive weapons with wide area effect in populated areas.
- Provide prompt and appropriate compensation to civilians and their families for deaths, injuries, and property damage resulting from wrongful strikes. Consider providing payments to civilians suffering harm from airstrikes without regard to possible wrongdoing.
- Institute a policy of conducting investigations into airstrikes in which there were high numbers of civilian casualties, even where no evidence suggests violations of the laws of war.
- Make public information on intended military targets in airstrikes that resulted in civilian casualties, and all countries participating in such strikes.
- Facilitate all humanitarian aid and commercial shipments carrying items needed for the survival of the civilian population, particularly assistance for those injured in the conflict.

To President Abdu Rabu Mansour Hadi's Government

- Urge that the coalition provide detailed information about intended military targets of airstrikes in which civilians died. Make that information publicly available and press for compensation where there is a finding of wrongdoing.

To the United States

- Publicly clarify the US role in the armed conflict, including what steps the US has taken to minimize civilian casualties in air operations and to investigate alleged violations of the laws of war.

To Coalition Supporters

- Urge Saudi Arabia and other coalition members to implement the recommendations listed above, especially pressing for impartial investigations into airstrikes that allegedly violate the laws of war.
- Publicly clarify your country's role in the fighting, including whether you are participating in a manner that would make you party to the conflict.
- The United States should conduct investigations into any airstrikes for which there is credible evidence that the laws of war may have been violated and that the United States may have been a direct participant, either by refueling participating aircraft or providing targeting information, intelligence, or other direct support.
- Those countries that are supplying weapons to the coalition, including the United States, United Kingdom, France, and Germany, should investigate whether these weapons have been used in any airstrikes that have involved violations of the laws of war and end the sale or delivery of such weapons.

To Houthi and Allied Forces

- Abide by the laws of war, including taking all feasible steps to minimize the risks to populations under their control, including by assisting civilians leave areas subject to military attack.
- Avoid placing military objectives in densely populated areas and take steps to remove civilians from areas under attack.

To UN Security Council Member States

- Request a public briefing from the UN high commissioner for human rights on the current human rights situation in Yemen.
- Remind all parties to the conflict in Yemen that anyone responsible for “planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses,” as well as those responsible for obstructing the delivery of humanitarian assistance to Yemen, are potentially subject to travel bans and asset freezes under Resolution 2140.
- Encourage the Panel of Experts established pursuant to Resolution 2140 to gather evidence on individuals responsible for violations of applicable international human rights law or international humanitarian law or obstructing humanitarian aid and to share the evidence with the 2140 Sanctions Committee.

To the UN High Commissioner for Human Rights

- Monitor the work of the national investigative mechanism decreed by President Hadi on September 7, 2015, and provide support to help ensure that it conducts its work credibly and impartially in accordance with international standards.
- Regularly report to the Human Rights Council on progress of the national investigative mechanism or other investigations, and make recommendations on further steps needed to ensure that alleged violations of the laws of war and human rights since 2011 are properly investigated, documented, and publicly reported.

To UN Human Rights Council Member States

- Hold a special session to discuss the human rights situation in Yemen if the Saudi Arabia-led coalition does not address the issue of civilian casualties, or if the humanitarian situation in Yemen fails to improve.
- Supplement the national investigative mechanism by creating an independent, international investigative mechanism to investigate alleged violations of the laws of war by all parties to the conflict.

Methodology

This report is based on Human Rights Watch field research in the Yemeni governorates of Ibb, Amran, Hajja, Hodaïda, Taizz, and the capital, Sanaa, in July 2015. Human Rights Watch researchers interviewed 62 people who had witnessed airstrikes carried out by the Saudi Arabia-led coalition.

Most interviews took place at the sites of the airstrikes or in hospitals where the wounded were brought. Human Rights Watch conducted all interviews in Arabic or in English with Arabic translation.

All participants gave oral consent to be interviewed; participants were informed of the purpose of the interview and the way in which their information would be documented and reported, and that they could stop the interview at any time or decline to answer specific questions posed. No one received any remuneration for giving an interview.

Human Rights Watch also reviewed the medical log books and individual records of patients admitted to hospitals in Amran, Hajja, Mokha, and Hodaïda.

On September 26, 2015, and on November 6, Human Rights Watch wrote to the Saudi Arabian government to share its findings and to seek information on intended targets of 10 of the

airstrikes that we had investigated. At time of writing, Human Rights Watch had not received a response. Future responses to this report from the Saudi Arabian government or other coalition members will be posted on the Yemen page of the Human Rights Watch website: www.hrw.org.

I. Background

In September 2014, Ansar Allah, commonly known as the Houthis, a Zaidi Shia group from northern Yemen, seized control of Yemen's capital, Sanaa.^[1] They were backed by units of Yemen's army that remained loyal to former president Ali Abdullah Saleh, who had stepped down in 2011.^[2] In January 2015, Yemeni President Abdu Rabu Mansour Hadi and his cabinet departed Sanaa and subsequently relocated to Saudi Arabia.^[3]

In March, Houthi forces and their allies advanced southward, threatening to take the port city of Aden and other areas. On March 26, a Saudi Arabia-led coalition of Arab states began aerial attacks against the Houthi forces. Coalition aircraft began bombing Houthi forces in Sanaa and other locations.

The Saudi Arabia-led coalition comprises five members of the Gulf Cooperation Council—Saudi Arabia, Bahrain, Kuwait, Qatar, and the United Arab Emirates—as well as Egypt, Jordan, Morocco, and Sudan.^[4]

The United States is also a party to the conflict. In June, a US defense department spokesman stated that the United States was helping the coalition with “intelligence support and intelligence sharing, targeting assistance, advisory support, and logistical support, to include aerial refueling with up to two tanker sorties a day.”^[5] In November, Lt. Gen. Charles Brown, commander of the US Air Force Central Command, stated that the military had a small detachment of personnel located in the Saudi Arabian center planning airstrikes to help coordinate activities.^[6] This constitutes taking direct part in hostilities and US participation in specific military operations, such as bombing raids, may make US forces jointly responsible for laws-of-war violations by coalition forces. Under international law, the US is obligated to assist in investigations where there are credible allegations of war crimes and hold those responsible to account.^[7]

According to the Saudi ambassador to the United States, Adel bin Ahmed al-Jubeir, the coalition launched its military operations at the request of President Hadi, whom the coalition forces continue to recognize as Yemen's head of state.^[8] At least one member of Hadi's cabinet who is in exile in Riyadh is a member of the committee that selects strike sites, according to several diplomats who spoke with him about his position.^[9]

The United Kingdom, a supporter of the coalition, is “providing technical support, precision-guided weapons and exchanging information with the Saudi Arabian armed forces through pre-existing arrangements,” the UK Ministry of Defence said in response to a House of Lords question on July 14, 2015.^[10] The weapons include 500-pound Paveway IV bombs, used by Tornado and Typhoon jets.^[11] France is also providing jets, military transport aircraft, aerial refueling tanker aircraft, helicopters, amphibious assault ships, military patrol boats, light armored vehicles, and logistical support to some member states of the coalition.^[12]

Coalition airstrikes have struck alleged Houthi military targets in densely populated areas in the capital, Sanaa, and other cities, including Saada, Marran, Amran, Hajja, Hodaida, Taiz, Ibb, Lahj, al-Dale'a, Shabwa, Marib, and Aden. During a five-day ceasefire from May 12 to 17, the coalition suspended the airstrikes, except in Yemen's border regions with Saudi Arabia. The United Nations on July 10 announced a seven-day pause in strikes, which quickly collapsed. On July 25, the coalition announced a unilateral humanitarian pause, during which it again suspended airstrikes for five days, except in the border regions.^[13]

At time of writing, airstrikes were continuing, and so-called southern “resistance” forces were advancing north from Aden with the support of the coalition, including ground troops from Bahrain, Qatar, Saudi Arabia, Sudan, and the United Arab Emirates, with other countries, notably Mauritania and Senegal, pledging troops.^[14]

Human Rights Watch documented 16 airstrikes between March 26 and July 24 that appear to have been unlawfully indiscriminate, resulting in civilian casualties.^[15] These include a March 30 airstrike on a camp for internally displaced persons in Mazraq, a town in Hajja governorate of northern Yemen, about six kilometers (3.7 miles) from the border with Saudi Arabia. The strike killed at least 29 civilians and wounded 41, and damaged a medical facility at the camp, a local market, and a bridge.^[16]

A March 31 airstrike on a dairy factory outside the port city of Hodaida killed at least 31 civilians. Shortly after 11 p.m., one or more warplanes carried out four separate strikes that hit the Yemany Dairy and Beverage factory, a multi-building compound about 100 meters (328 feet) from a military air base controlled by Houthi forces. Military units loyal to former president Saleh were at another nearby military camp. Eleven days later, on April 11, coalition warplanes subsequently attacked both the military air base and the neighboring military camp. ^[17]

In Saada City, a Houthi stronghold in the north, Human Rights Watch examined more than a dozen airstrikes that occurred between April 6 and May 11 that destroyed or damaged civilian homes, five markets, a school, and a petrol station, though there was no evidence these sites were being used for military purposes. These strikes killed 59 people, mostly civilians, including at least 35 children.^[18]

On May 8, 2015, Brig. Gen. al-Assiri, the military spokesman for the coalition, declared the entire cities of Saada and Marran, another Houthi stronghold, to be military targets. This followed Houthi incursions into and rocket attacks on Saudi Arabia from Saada governorate that killed at least 12 civilians in the Saudi Arabian city of Najran and areas of Jizan province, according to Saudi Arabian government sources.^[19] Several coalition attacks on apparently civilian objects that Human Rights Watch investigated in Saada took place after the May 8 announcement.

Treating an entire city or town as the object of military attack violates the laws-of-war prohibition on attacks that treat separate and distinct military objectives in a city or town as a single military objective.^[20] Doing so unlawfully denies civilians protection from attack.

Human Rights Watch also documented the coalition's use of four types of cluster munitions in Yemen in 2015.^[21] Cluster munitions are indiscriminate when used in populated areas and pose long-term dangers to civilians. They are prohibited by a 2008 treaty adopted by 116 countries, though not Saudi Arabia or Yemen.

Other strikes may not have violated the laws of war, but resulted in civilian casualties and should be investigated to determine if all feasible precautions were taken and to avoid such loss of civilian life in the future. For instance, an airstrike on Hajja City, about 120 kilometers (75 miles) northwest of Sanaa, on May 29, 2015, killed at least three civilians, including one child, and wounded at least 17 civilians. Human Rights Watch visited Hajja City and the site of the attack on July 24. At the site of the attack, it was evident that a bomb had struck right outside the wall of the Naman camp for private security personnel, which is located near the top of a high hill in the city. According to residents, the Houthis were apparently using the camp to store weapons. The blast had spewed rocks and pieces of concrete onto residential houses located on the steep hillside below the camp, significantly damaging at least five houses.^[22]

Since late 2014, Houthi and allied forces conducted ground operations primarily against local armed groups in the southern cities of Taizz, Lahj, al-Dale'a, and Aden. They have conducted unlawfully indiscriminate shelling, including in some cases by launching Katyusha rockets, killing dozens of civilians.^[23] Houthi forces also carried out indiscriminate attacks by firing artillery rockets from Saada governorate into the southern Saudi Arabian border city of Najran and areas of Jizan province.^[24] The Houthis also laid antipersonnel landmines, which are

banned under the laws of war as inherently indiscriminate, in Aden before withdrawing from the city in July 2015. The landmines have killed at least 11 civilians.^[25]

Houthi forces and their allies and opposition armed groups have engaged in military operations around Aden, Taizz, and other areas that repeatedly put civilians and civilian structures such as hospitals at unnecessary risk.^[26]

According to the UN Office of the High Commissioner for Human Rights the fighting in Yemen had killed at least 2,500 civilians, most as a result of airstrikes, by October 23.^[27]

The high commissioner has expressed >grave concern at the high number of civilian casualties in Yemen and called for urgent and thorough investigations.^[28]

Nongovernmental organizations have increasingly called for an international investigation into alleged attacks by all parties to the conflict that may violate the laws of war. President Hadi instead announced on September 7 the creation of a national commission to investigate all alleged violations of the laws of war and human rights since 2011.^[29] During the three-week-long UN Human Rights Council session that began in Geneva one week later, the Netherlands put forward a draft resolution that would have mandated the Office of the High Commissioner for Human Rights, together with relevant experts, to document violations by all sides since September 2014. It withdrew its draft on September 30 under pressure from Saudi Arabia and due to weak backing from key countries, including the United States and the United Kingdom. The Yemeni government boycotted negotiations on the Dutch resolution during the council session. Several members of the coalition, including Qatar, Bahrain, Egypt, Jordan, and the United Arab Emirates, openly opposed the proposed UN inquiry.^[30]

The Arab group in the council, led by Saudi Arabia, prepared the draft resolution that the council adopted on October 2. This resolution lacked any reference to an independent UN inquiry, calling instead on the high commissioner for human rights to provide Yemen with “technical assistance” to support Hadi’s national investigative mechanism and to report to the council on the resolution’s implementation.^[31]

The Humanitarian Crisis

With the beginning of the bombing campaign, Saudi Arabia imposed an aerial and naval blockade, which has limited aid and commercial shipments to Yemen. About 90 percent of Yemen’s basic food intake before the war came from imports, with only 15 percent of prewar imports reaching the country as of June 2015.^[32] By July, the UN stated that 13 million Yemenis were food insecure, that is, lacking reliable access to a sufficient quantity of affordable, nutritious food.^[33]

Throughout the blockade, only 20 percent of the country’s minimum fuel needs have been met, gravely exacerbating difficulties of food and water distribution.^[34] Fuel is also needed to operate clean-water pumps, and according to UN reports water and sanitation aid has reached only 3.3 million of the over 20 million Yemenis who lack access to clean water.^[35]

On July 2, the UN designated Yemen to be at the highest level of humanitarian emergency—level 3—with an estimated 80 percent of the country’s population in need of immediate humanitarian aid.^[36]

In mid-July, coalition-backed armed groups were able to reestablish control over the city of Aden, thus allowing aid shipments into the port.^[37] Soon afterwards, on August 2, Saudi Arabia announced the closure of the Houthi-controlled port of Hodeida, one of Yemen’s largest, which received more than two-thirds of all ship arrivals during the blockade.^[38] On August 18, coalition aircraft bombed the port. It remains unclear the extent of the damage to the port and the military objectives targeted.^[39] It was reported in October that coalition warships have been “broadcasting a warning to commercial vessels to stay clear of operational areas.”^[40]

Aid agencies report that, outside of Aden, the remainder of Yemen’s southern governorates remain inaccessible because of ongoing fighting.^[41] Al-Qaeda in the Arabian Peninsula, and to

a lesser extent, Islamic State in Yemen, have become more active in Aden, threatening the activities of humanitarian organizations.^[42]

Under the laws of war, fuel and other goods with military uses can be prevented from entering the country unless it would threaten the population's survival or otherwise cause disproportionate harm to the civilian population compared with the expected military gain.

Human Rights Watch has documented specific instances in which the coalition has prevented commercial ships carrying urgently needed fuel from berthing in Yemen, despite their fulfilling all the procedural requirements that the Saudi government has put in place since March. In these instances, the coalition violated humanitarian law restrictions on the imposition of a military blockade.^[43]

II. Applicable International Humanitarian Law

International humanitarian law, also known as the laws of war, applies to the armed conflict between the Saudi Arabia-led coalition and the Houthis. It also applies to the non-state armed groups allied to the coalition or the Houthis, as well as to other states that are parties to the conflict.

The fundamental tenets of the laws of war are civilian immunity from attack and distinction. While the laws of war recognize that some civilian casualties are inevitable, they impose a duty on warring parties at all times to distinguish between combatants and civilians, and to target only combatants and other military objectives.

Civilian objects are those that are not considered military objectives.^[44] Military objectives are combatants, including civilians directly participating in the hostilities, and those objects that "by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."^[45]

In general, the laws of war prohibit direct attacks against what are by their nature civilian objects, such as homes and apartments, places of worship, hospitals, schools, or cultural monuments, unless they are being used for military purposes.^[46]

Deliberate, indiscriminate, or disproportionate attacks against civilians and civilian objects are prohibited. Attacks are indiscriminate when they are not directed at a specific military objective, or employ a method or means of warfare that cannot be directed at a military objective or whose effects cannot be limited.^[47] They are also indiscriminate if they treat as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village, or other area containing a similar concentration of civilians or civilian objects.^[48] Threatening such attacks may amount to unlawful acts for which the primary purpose is to spread terror among the civilian population.^[49]

A disproportionate attack is one in which the expected incidental loss of civilian life and damage to civilian objects would be excessive in relation to the concrete and direct military advantage anticipated.^[50] The expected danger to the civilian population and civilian objects depends on various factors, including their location (possibly within or near a military objective), the accuracy of the weapons used (depending on the trajectory, the range, environmental factors, the ammunition used, etc.), and the technical skill of the combatants (as lack of technical capacity can result in imprecise targeting).^[51]

In the conduct of military operations, parties to a conflict must take constant care to spare the civilian population and civilian objects from the effects of hostilities.^[52] Parties are required to take precautionary measures with a view to avoiding, and in any event, minimizing, incidental loss of civilian life, injury to civilians, and damage to civilian objects.^[53]

Before conducting an attack, a party to the conflict must do everything feasible to verify that the persons or objects to be attacked are military objectives, and not civilians or civilian objects.

^[54] According to the International Committee of the Red Cross (ICRC) the requirement to take all “feasible” precautions means, among other things, that those conducting an attack are required to take the steps needed to identify the target as a legitimate military objective “in good time to spare the population as far as possible.”^[55]

They also must take all feasible precautions in the choice of means and methods of warfare to minimize loss of civilian life and property.^[56] The laws of war do not prohibit fighting in urban areas, although the presence of civilians places greater obligations on warring parties to take steps to minimize harm to civilians.

Forces must avoid locating military objectives within or near densely populated areas, and endeavor to remove civilians from the vicinity of military objectives.^[57] Belligerents are also prohibited from using civilians to shield military objectives or operations from attack.

“Shielding” refers to purposefully using the presence of civilians to render military forces or areas immune from attack.^[58] The unlawful deployment of forces within or near densely populated civilian areas does not relieve opposing forces from taking into account the risk to civilians when conducting attacks. The obligation to respect the laws of war does not depend on reciprocity by belligerent forces.^[59]

Human Rights Watch opposes the use of explosive weapons with wide area effect in populated areas due to the inevitable civilian harm caused.

Individuals who commit serious violations of international humanitarian law with criminal intent are responsible for war crimes. Criminal intent has been defined as violations committed intentionally or recklessly.^[60] Individuals may also be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding, or abetting a war crime. Responsibility may also fall on persons planning or instigating the commission of a war crime.^[61] Military commanders and civilian leaders may also bear personal responsibility as a matter of command responsibility if they knew or should have known about the commission of war crimes and failed to prevent them or punish those responsible.

Those acts considered to be war crimes can be found in customary law as reflected in the Geneva Conventions and their additional protocols, the Rome Statute of the International Criminal Court, and other sources. They include a wide array of offenses, including deliberate, indiscriminate, and disproportionate attacks harming civilians, and mistreatment of persons in custody.^[62]

III. Cases of Unlawful Airstrikes

Amran

On April 11, 2015 at about 11:45 a.m., a coalition aircraft dropped two bombs near the office of the Ministry of Education in Amran, a town under Houthi control 40 kilometers (25 miles) northwest of Sanaa. One bomb hit a single-story building housing three families about 20 meters (66 feet) outside the education ministry compound, killing four members of one family, including two women and a girl, and wounding one more.

April 11, 2015
CIVILIAN DEATHS: 4
Men Women Children

■ ■ ■



Muhammad Saleh al-Qihwi, whose house was destroyed in the strike, said he was at the Tawheed Mosque, about 100 meters (328 feet) away, when he heard the blast:

When I got to the house, there was still dust in the air, and everything was covered in a layer of black ash. My wife and kids were lying there, covered in black ash. Thank God they were alive. I saw my sister-in-law, Asma, and her daughter under some rocks, and I tried to dig them out. Asma's head was open, and her leg was bleeding. Her 2-year-old daughter, Hyam, was lying on her shoulder, her head was smashed open. Her other daughter, Hasna, who's 7, was shouting "Baba" [father]. Her hair and skin were covered in ash, and she was burned badly. Her father, my brother Muhammad, had been asleep when the strike happened, and the roof landed on top of him. When I dug him out, there was a thin trickle of blood dripping from his ear. He was already dead.[63]



The house of Muhammad Saleh al-Qihwi was destroyed in an airstrike on April 11, 2015, killing four members of his family. © 2015 Ole Solvang/Human Rights Watch © 2015 Ole Solvang/Human Rights Watch

Al-Qihwi told Human Rights Watch that as far as he knew, there were no Houthi or other military forces or structures in the area at the time of the airstrike, nor had he seen Houthis using the education ministry building. On that morning he had not seen any Houthi vehicles on the road. He said that the only other airstrike in the area had taken place a few days earlier, and had struck a park a few kilometers away, near Amran University, but he did not know what the intended target of that strike was either. [64]

Muhammad al-Harasi, 31, a guard at the Ministry of Education building who was present at the time of the airstrike, told Human Rights Watch that he saw anti-aircraft fire coming from a mountain a couple of kilometers to the southwest. He also said that he believed that senior officials from Amran's administration had been meeting in a nearby house.[65]

Human Rights Watch examined the site on July 23. Al-Qihwi's house had been completely destroyed by the bomb blast, which had also blown out a section of the concrete wall surrounding the Ministry of Education compound. A second bomb had left a crater next to the road near the compound.

An attack on the Ministry of Education compound would have been unlawful, unless the compound was being used for military purposes. Civil authorities would not be legitimate military targets unless they were directly involved in planning or participating in military operations.

Abs/Kholan Prison

At about 3:15 p.m. on May 12, just before the afternoon prayer time, two bombs hit the Abs/Kholan Prison and other buildings in Abs, a town 150 kilometers (93 miles) north of the port city of Hodaïda. Thirty-three men convicted of petty crimes were incarcerated there at the

time. The strikes killed at least 25 civilians, including one woman and three children, and wounded at least 18 civilians.



Human Rights Watch examined the site on July 25. The bomb hit the prison's mosque, at the corner of the prison compound, collapsing the structure. Ali Muhammad Hassan Mualim, 55, a local builder, told Human Rights Watch that he was chewing *qat* with friends at the

time of the strike, in a building about 200 meters (219 yards) away and facing the prison: [66]

When I heard the explosion, I went out and ran toward the prison. I saw bodies, about 30 of them, some cut in half, some with severed limbs. Sometimes I get flashbacks to that day and I get sick—I start throwing up and get headaches.[67]

Among those killed were 17 prisoners, a prison guard, and two people in a shop near the prison, according to a medic at the hospital in Abs.[68] Mualim said he also saw the body of a man who had been driving by the prison on his motorcycle at the time of the attack.

The second bomb struck minutes later, hitting the home of Omar Ali Farjain, about 50 meters (164 feet) from the prison, killing his wife and three of their children. The strike injured Farjain and his daughter, Maryam, 5, who was left with burns and metal fragments in her head.[69] The blast ripped the façade off the building and incinerated the family's car parked in front.

Muhammad Ahmed Yahya Wadar, a government soldier who lost his brother in the attack, arrived at the scene right after the bombing:

I heard the bombing from home, and immediately came running to the prison. I saw torn bodies—legs and hands lying where the prison mosque used to be, including my brother Kamal's. He was a guard at the prison. His son was wounded in the explosion as well.[70]

Human Rights Watch has not been able to determine the intended target of the attack. Khalid Ali Farjain, the brother of Omar Farjain, said he had visited the prison every day since the war began to provide food to the inmates, and that he had never seen any military activity at the prison, such as weapons stored inside or nearby, or Houthi or allied military personnel.[71]

One local resident said that a few dilapidated buildings near the prison belonged to the Yemeni military and had been used to house families of officers, but others denied this. Human Rights Watch discovered the chassis and parts of what appeared to be two military jeeps among the dilapidated buildings, but found no other signs that the area had been used for military purposes, or that people had recently lived in the buildings.

A National Security officer in Sanaa told Human Rights Watch that at the time of the strike, the Houthis had been holding several Saudi prisoners of war at the Abs/Kholan Prison. Human Rights Watch was unable to verify this information.[72]

Since the beginning of the war, several airstrikes in other parts of Abs targeted the military airport, a military compound, and another building off the main road that residents said was being used for military purposes.



The remains of Abs/Kholan Prison, hit by an airstrike on May 12, 2015. Minutes later, another bomb struck the home of Omar Ali Farjain across the street. The two attacks killed at least 25 civilians. © 2015 Ole Solvang/Human Rights Watch

Ordinary prisons are civilian objects that may not be targeted unless they are being used for military purposes. Had the Houthis been using the prison to hold captured combatants, it would be a legitimate military objective, though any attack would need to be proportionate, not causing more civilian casualties than the anticipated military gain of the attack.

Zabid

At about 4:15 p.m. on May 12, aircraft dropped at least five bombs on the Houthi-controlled town of Zabid, 96 kilometers (0.6 miles) south of the western port city of Hodaida, killing at least 60 civilians, including 13 women and eight children, and wounding at least 155.^[73]



Human Rights Watch examined the site on July 26. Three of the bombs had struck a three-story building in the middle of the Shagia market. The first bomb struck a sweets shop in the building. The second strike, which witnesses said took place about five

minutes later, hit a restaurant on the building's ground floor. The third struck the building's second floor, causing the structure to collapse. The force of the blasts also destroyed two other buildings housing another restaurant and four grocery stores.

Abdu Ahmed Thayfi, 36, a *qat* seller at the Shagia market, was injured in the second strike:

I heard the first strike, and then a few minutes later, the second. I felt as if everything was spinning around me, and then it went black. I woke up and saw the muscle of my left leg torn open. My right leg bone was snapped in half. My brother Muhammad suddenly appeared and wanted to take me to the hospital, but I refused to go, because I knew they would want to amputate my leg.^[74]

Thayfi ended up having a bone transplant in his left leg and avoided an amputation.

Abdullah Amin al-Dhabi, 34, a local freelance editor, told Human Rights Watch that after hearing the explosion, he rushed to the market to find his cousin, a *qat* seller there:

I saw at least 50 limbs ripped apart from the fragments of the explosion. I also saw other bodies of people I could recognize in front of the Shagia restaurant. There I saw my cousin, next to the bodies of three other people I knew: two of them were kids under the age of 12, another was a woman who used to sell bread by the door of the restaurant. Days later, we heard that neighbors were still finding the hands and heads of other victims on their roofs and their shops. The whole area stank.^[75]

Dr. Faisal Awad, chairman of the Zabid Relief Society, which led efforts to identify the dead, told Human Rights Watch that the authorities gathered 66 unidentified body parts from the marketplace.^[76]

At the same time as the strikes hit Shagia market, two bombs fell on a lemon grove about 600 meters (656 yards) from the market, and about 50 meters (54 yards) from the entrance to the home of Ahmed Bagesh, the owner of one of the restaurants destroyed in the market attack, killing nine civilians, including two women and four children. Three witnesses said that one of the two bombs did not explode, and that Houthi fighters came soon after the incident and removed the munition.^[77]

Three bombs hit a building housing a restaurant and sweet shop in the middle of Shagia market in the town of Zabid on May 12, 2015. This airstrike, and another minutes later on a neighboring lemon grove, killed at least 60 civilians. © 2015 Ole Solvang/Human Rights Watch

Bagesh told Human Rights Watch:

Just as I heard the strikes on the marketplace, there were also two strikes right outside our doorway. My sister's husband had just left our house—he had been over for a visit—and when I ran out, I found the top half of his body lying on the path by the door. The bottom half had been blown about 10 meters away.



Three bombs hit a building housing a restaurant and sweet shop in the middle of Shagia market in the town of Zabid on May 12, 2015. This airstrike, and another minutes later on a neighboring lemon grove, killed at least 60 civilians. © 2015 Ole Solvang/Human Rights Watch

Thabit Hamdain, 55, a *qat* seller at the Shagia market, told Human Rights Watch that a large public-sector textile factory about one kilometer (0.6 miles) from the market had been producing military uniforms for the Houthis, and said he suspected this was the target of the airstrike. [79] The factory was unaffected by the airstrikes and had not been subsequently targeted by the time Human Rights Watch visited Zabid on July 26.

Hamdain noted that the day before the airstrike he recognized three mid-level Houthi commanders eating lunch in one of the restaurants in the market. [80] Bagash, the restaurant owner, said that Houthi fighters often came to the market to buy *qat* and to eat at the restaurants, but they did not “hang around.” He also said there were no Houthi checkpoints near the market. [81]

The presence of small numbers of Houthi military personnel at the market would not make the entire market a legitimate target for a bombing attack. A factory producing uniforms or others goods for the military would be a valid military target, but the workers inside would not be considered civilians directly participating in the hostilities. The coalition should conduct an investigation to determine whether the attack was unlawfully indiscriminate, whether an attack on the factory during working hours was disproportionate, and whether all feasible precautions had been taken to minimize civilian casualties.

Muthalith Ahim

At about 10 p.m. on July 4, coalition aircraft bombed the marketplace in the middle of the village of Muthalith Ahim, about 20 kilometers south of the Saudi border in Yemen's northwest. Because the attack occurred during the holy month of Ramadan, the area was crowded with people breaking their fast in restaurants late in the evening. The airstrike destroyed at least six buildings along the main road of the village, including a four-story building housing the Sanaa Restaurant, a small shop and hotel, and a water truck and car parked outside.

Human Rights Watch examined the site on July 24 and spoke to the staff of four hospitals that received the dead and wounded, as well as officials with the Ministry of Human Rights. The attack killed at least 65 people, including at least six African migrants and three children, and wounded at least 105. Forty of the wounded who were sent to al-Jumhuri Hospital in Hajja were suffering from metal fragment injuries, and most needed surgery, according to a nurse who was on call that night. [82]



The remains of two buildings destroyed in a July 4, 2015 airstrike on the marketplace in the village of Muthalith Ahim, which killed at least 65 people. © 2015 Ole Solvang/Human Rights Watch

Muhammad Hassan, 35, a waiter at Sanaa Restaurant who was wounded in the attack, told Human Rights Watch that several hours earlier, there had been a strike on a gas station about two kilometers (1.2 miles) further north. Then, about an hour later, there was a strike on a football field about one kilometer (0.6 miles) away, and at the same time another strike on an empty building about two kilometers away. He said he had heard from some people in town that the Houthis were using the empty building to store weapons.^[83] None of the other interviewees raised this allegation with Human Rights Watch.

Hassan estimated that at the time of the strike, there were about 50 people in the restaurant, and about 100 in the hotel above. Outside the restaurant, there was a large open space with fishmongers and people selling vegetables, cell phones, *qat*, and other items. He believed that there were also about 50 to 60 African migrants, as well as many displaced Yemenis from northern border villages, sitting on the steps of the restaurant at the time of the bombing. Hassan told Human Rights Watch:

I was outside in the alley beside the restaurant taking out the trash when the strike hit. I saw fire and smelled gunpowder. The pressure of the explosion threw me back about 10 meters into a pile of trash bags. I tasted blood, and felt a pain in my chest, and then I lost consciousness. I woke up here at the Hajja hospital, only to find out that 13 waiters from the restaurant who worked with me were killed in the explosion.^[84]

Muhammad's doctor said he had metal fragment injuries to his left shoulder, chest, and right leg. After multiple surgeries, Muhammad had yet to regain movement in his left arm.^[85]

Salem al-Mashwali, 40, a truck driver who was in the market at the time, described the scene after the explosion:

I counted 45 bodies intact, many lying under the stalls of the *qat* sellers. I saw other bodies that had been shattered to bits, some already stiff. People all around me were shouting. I saw the driver of the water truck, a friend of mine, and his assistant both dead in the vehicle, as it was burning. I witnessed a terrible thing, a very scary scene.^[86]

Dr. Adnan al-Wazzan, a pharmacist at al-Jumhuri Hospital in Hajja, some 140 kilometers (87 miles) away, drove an ambulance to Muthalith Ahim after the strike:

We got news of the strike about 30 minutes after it happened, but we waited two hours before leaving because we were scared the coalition might target

us on the road. We finally left at 12:30 a.m. While on the road we passed a truck carrying 23 of the victims—we stopped the driver to see if we should help the people on the truck or keep driving. It was piled high with bodies, heads open and bleeding. Two of the people in the truck were already dead, another 10 were near death. We kept on driving and made it to the Bani Hassan medical center [in Hajja, about 30 kilometers (19 miles) south of Muthalith Ahim], where most of the wounded had been brought. I will never forget the scene—there were bodies all over the floor.^[87]

Abd al-Rauf al-Silwi, 52, a mechanical engineer who went to the site of the bombing early the next morning, told Human Rights Watch:

When I arrived, there were still many bodies—most of their faces looked normal, like they were sleeping, just with some marks from metal fragments. In front of Sanaa Restaurant, I saw one man with his backbone sticking out of his neck. By the *qat* market, I saw dozens of bodies, charred, some headless, others without legs. I saw 10 bodies inside the Hadramawt Restaurant, many missing their arms and legs, all killed while they were in the middle of having their dinner. The arm of one man was still attached to the large water cooler by the entrance. A water truck had exploded, and I saw the head of the driver hanging off the end of what was left of the truck.

It is not clear if any Houthi or allied fighters were killed in the attack. Al-Mashwali, the truck driver, told Human Rights Watch there had been a Houthi checkpoint about 50 meters (55 yards) from where the strike hit, manned by 10 to 12 Houthi fighters.^[88]

Witnesses who spoke to Human Rights Watch said the strike did not damage the checkpoint.

Even if the checkpoint, a legitimate military objective, was the target of the attack, the coalition should conduct an investigation to determine if all feasible precautions were taken to minimize the harm to civilians, and whether the attack as carried out was unlawfully indiscriminate or disproportionate.

Amran Markets

Starting about 4:30 p.m. on July 6, bombs hit two locations in the governorate of Amran, north of Sanaa, killing at least 29 civilians, including a woman and 15 children, and wounding at least 20 civilians.

July 6, 2015

CIVILIAN DEATHS: 29

Men Women Children



The first strike hit an area known as Bawn market, where vegetable sellers gather near the main road between Amran and Raydah, about 10 kilometers (6.2 miles) northeast of Amran City. Mufarih, 35, a potato seller who only goes by his first name, told Human

Rights Watch he was walking towards the local mosque because he had missed the afternoon prayer, when the bomb hit:

I suddenly saw all this dust rise and felt something hit my back, and then I blacked out. I woke up at Raydah Hospital at about 6 p.m. The doctors had removed a metal fragment from my back. I later went back to the site of the strike and saw how close I had been, I was only 15 meters away from where the bomb landed.^[89]

Nishwan, 21, a vegetable seller who only goes by his first name, described the blast to Human Rights Watch: “It was like fire lifting me into the air. My leg was broken in three places. I tried to stand up, but couldn’t.” ^[90]



Khaled 'Odah, 35, a local vegetable seller who had his right leg amputated after sustaining injuries in an airstrike on Bawn market outside the town of Amran on July 6, 2015. © 2015 Ole Solvang/Human Rights Watch

Radwan Yahya Ahmed, 25, a fruit seller injured in the strike, showed Human Rights Watch his wounds. Doctors had to remove large pieces of skin from his shoulders to transplant to his cheeks.^[91] He and other witnesses to the strike interviewed by Human Rights Watch said that they had not seen any Houthi or allied military vehicles on the road at the time of the strike, nor did they know of any military targets in the area. The Bawn market strike killed at least 10 civilians, including nine children, and wounded at least six.

Minutes later, a second bomb struck the Jawb market along the road just over one kilometer (0.62 miles) further north, damaging a gas station, a car outside the local mosque, and the home of Mansour Ahmed Taqi, 40, a local farmer.^[92] The market had been there for at least two years and was the largest in the area, attracting hundreds of people daily.^[93]

Faten Saleh said she was standing at the doorway of her home with her baby and her older son and daughter when the bomb hit the first market. She saw her husband, Zahir Mabkhoot Taqi, running towards her with their son Taqi, 9, close behind:

He [Zahir] was calling and waving at me to grab my bag and to leave the house as quickly as possible, saying that the planes might bomb us as well. About 15 meters (16 yards) from our house, suddenly another bomb landed. A piece of metal hit him in the back and cut through his side, killing him. We found Taqi's body ripped to pieces. My husband's cousin was close by, but was only wounded. My husband was just a simple farmer, but later on TV, they said he was a Houthi trainer. I don't know why they would lie about that, but I promise you it's not true.^[94]

Mabkhoot al-Jawbi, a local farmer, 70, said his son, grandson, aged 17, and two cousins were killed in the blast. He helped with the burial at the local mosque and said that he helped with 17 funerals of local villagers.^[95]

Mansour Ahmad Taqi, another relative of Zahir Taqi, said he was home when the strike hit, damaging part of his house. When he came to the gate, he saw at least 20 wounded and dead lying in the market place, at least three in the car outside the local mosque, another person lying at the gate of the mosque, and another three people lying near the entrance to the home of Zahir Taqi—



Bawn market outside the town of Amran was hit by a bomb on July 6, 2015, killing 10 civilians. © 2015 Ole Solvang/Human

namely Zahir, his son Taqi Zahir

Mabkhoot Taqi, aged 9, and his cousin

Habib Saleh Taqi. "His son's hand was found inside the electricity meter of the house on the other side of the road days later," Mansour Taqi told Human Rights Watch.^[96]

The Jawb market strike killed 22 people, at least 19 of them civilians, including one woman and six children, and wounded 14. Four of the dead were members of the Taqi family. Three people who were in a car at the time of the attack had not been identified at the time that Human Rights Watch visited, so it was not possible to determine whether they were civilians.

Al-Jawbi told Human Rights Watch that after the attack, there was no more market in the area: "Now there is nothing. People are afraid." He said that

he was unaware of any military targets in the area, such as military vehicles, at the time of the strike.^[97]

According to Khaled Sanad, the representative of an aid organization linked to the Houthis, a third airstrike hit a security checkpoint south of Amran, about 15 kilometers (9.3 miles) away, at about the same time as the attack on the two markets, killing four Houthi members manning the checkpoint and three civilians who were on the road at the time.^[98]



Jawb market outside the town of Amran was hit by a bomb on July 6, 2015, minutes after a bomb struck nearby Bawn market, killing at least 19 civilians and damaging a gas station, a car outside the local mosque, and the home of Mansour Ahmed Taqi. © 2015 Ole Solvang/Human Rights Watch © 2015 Ole Solvang/Human Rights Watch

Shara`a, Ibb

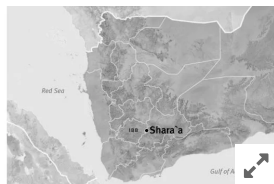
On August 8, starting at 8:30 p.m., coalition aircraft dropped five bombs in the span of several minutes, destroying eight homes in the village of Shara`a, located in southern Ibb governorate's Radhma district. The village has a population of about 800 people.^[99] The strikes killed eight civilians, including three women and three children, and left at least two civilians wounded. The al-Salam military base, which was occupied by Houthi forces, is located two kilometers (1.2 miles) from the village.^[100] Although the base was apparently not struck, 10 minutes before bombs hit Shara`a, two strikes hit the Al-Ahram event hall, located next to the base.

July 8, 2015

CIVILIAN DEATHS: 8

Men Women Children

■ ■ ■



Human Rights Watch was not able to visit the village, but spoke to seven residents by telephone.

At 8:30 p.m. the first bomb hit the home of Mane`a al-Haddi, killing his mother, wife, sister and his sister's two children,

ages 6 and 7. The blast wounded him as well. He told Human Rights Watch:

The first strike that hit the village targeted my house. I ran out to see what had happened, despite being injured. But two minutes later, my cousin's house was hit by a second bomb. Then minutes later, two more fell, one on my house again, and a fourth on my cousin's house again.^[101]

Another resident described the scene after the first strike:

I never expected to see something similar, people running around and crying. It was horrific. We were trying to pull some of the people out the rubble when two minutes later another bomb fell and sent us running.^[102]

The attack severely damaged Sheikh al-Haddi's house and left it uninhabitable. Two men who ran from the house after the initial blast on the home of Mane`a al-Haddi were killed.

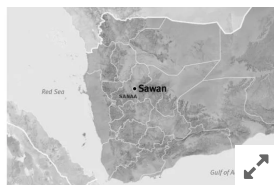
About two minutes later, two more bombs hit at the same time, one on the southern corner of Mane`a al-Haddi's home, and one by the entrance to Sheikh al-Haddi's house. Two minutes later a fifth bomb fell on the neighboring home of Naji Saleh Hadash, a retired military officer.



Mane'a al-Haddi told Human Rights Watch, "It is the first time our village witnessed anything like this, the village is still in a state of terror. Even the dogs run away whenever a plane passes by now."

All of the witnesses interviewed said that there were no Houthi or allied forces in the village or passing through at the time of the strikes.

At about 12:30 a.m. on July 12, an airstrike killed 23 people, all from the same family, including seven women and 14 children, from the ages of 2 months to 16 years, in Sanaa's residential neighborhood of Sawan. The strike also wounded 31 people. The area is populated by the marginalized *muhamashee* people part of Yemen's minority group, about 11 percent of the population, that suffers social segregation and discrimination, including in accessing public education and employment.



Residents told Human Rights Watch that an airstrike hit the External Medical

Majid al-Jamal, 30, whose relatives were killed in the blast, said he was sleeping at the time the bomb struck:

I didn't hear the strike itself,
or the plane. But I awoke to
the sound of bricks being
smashed against the side of
my home. I jumped out of
bed and rushed outside and
saw burned bodies, but I
could not do anything to help.

Yumna Obayth, 35, a mother of 10
whose house was damaged in the strike,
said:

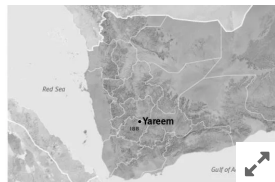
Why, I ask, why would they bomb us? We have no guns, no food, nothing.
We are poor. They brought down the house over the heads of my children.
Now we are living outside in the street, what can I do?

The Military Engineers' Compound was a legitimate military target. The nearby military medical facility was not a valid military target—medical facilities, including those serving military personnel, may not be targeted unless they are being used to commit hostile acts and a warning has been given. The proximity of the hospital to the engineer's compound unnecessarily placed it at risk of being damaged in an attack on the compound.

Yareem

At about 2 a.m. on July 19, airstrikes killed at least 16 civilians, including three women and nine children, and wounded at least 16 civilians, in Yareem town, about 120 kilometers (75 miles) south of Sanaa.

July 19, 2015
CIVILIAN DEATHS: 16
Men Women Children



Human Rights Watch examined the site on July 22. The strike had partially damaged, and in some cases completely destroyed, 11 one-story residential homes and a two-story building.

Human Rights Watch also established that the site is located about 200 meters (219 yards) from the entrance to the 55th Rocket Artillery Brigade. Residents told Human Rights Watch that since the beginning of the air campaign in March, and on that night, they heard anti-aircraft guns being fired from the base. One nearby resident said that the now-dismantled Republican Guard, the military wing under the command of former president Ali Abdullah Saleh's son, Ahmed Ali Abdullah Saleh, had controlled the base since 1994. The base had been the main depot of Scud ballistic missiles for the Yemeni military, the resident said, but those had been removed about four years ago, and now the main weapons at the base were artillery rockets. There had been as many as 2,000 troops at the base in the past, he said, but only 300 troops were there since current conflict started.

Local residents told Human Rights Watch that at about 1:30 a.m., three strikes hit the military base at 10-minute intervals. The fourth strike hit the residential area.

Sabah Saleh Ahmed al-Boghomy, 50, said she and her husband owned most of the houses in the neighborhood, and her relatives lived in several of them. She said she was asleep at the time of the strike and was awakened by her daughter screaming and shaking her, saying that planes were bombing the military base. Al-Boghomy tried to calm her by taking her outside:

After we left the home, all of a sudden the windows of the house shattered and the roof collapsed. We heard a loud explosion but had no idea that it was in our own yard. At the time my three sons, their wives and children and my



The rubble after a July 12, 2015 airstrike destroyed homes in the residential neighborhood of Sawan in Sanaa, the capital. The airstrike killed 23 civilians. © 2015 Ole Solvang/Human Rights Watch

two [other] daughters were still inside the house.... I remember hearing my neighbor screaming, "Save my children, save me, we are under the rubble!" [109]

Her family survived the attack without injury, but she said she knew of at least 12 neighbors who were killed in the strike. The attack destroyed six of their family homes and three cars.

A local resident, Hana Saad al-Nazhi, told Human Rights Watch that when she heard the first explosion, she grabbed her children and hid in a small room in their home:

We stayed in that room while all the strikes happened, so I assumed that my brothers were safe and had escaped, only to realize when I went outside that one strike had hit my brother's house. It wiped his house to the ground, they blew it up and killed him and his daughters... What was the military target in my brother's house? [110]



Hana Sa'ad al-Nazhi and her son, who were both injured when an airstrike hit a residential area in Yareem on July 19, 2015, killing at least 16 civilians. © 2015 Ole Solvang/Human Rights Watch

Another brother, Radwan Saad al-Nazhi, came to the site of the strike after hearing the blasts from his home, located a few streets away. He told Human Rights Watch that altogether eight members of two of his brothers' families were killed, five of them children. His sister, Hana Saad al-Nazhi, and her children were the only ones who survived the airstrike, but with injuries:

I am not employed, my brothers were, I am not. I make a living doing odd jobs in the streets.... I had to take my sister and her three kids out of the hospital because I could not pay their bill.[111]

Muhammad al-Faqih, 45, said he was sitting in his living room when he heard the initial strikes on the military base. He grabbed his clothes and woke his five children and wife, telling them to get dressed and be ready to leave. His son Osama al-Faqih, 20, was walking down the steps out of the house just as the strike hit about 20 meters (7 feet) from the door of their home. Muhammad al-Faqih, standing behind him just inside the door, was blown back into the house:



Residents sifting through the rubble of homes destroyed in an airstrike three days prior in Yareem town. The strike killed at least 16 civilians. © 2015 Ole Solvang/Human Rights Watch

We scrambled to our feet and got out of the house, and I heard cries. I turned to my left and saw my neighbor, an older woman. She was lying on the ground, with a large rock crushing her legs. She was begging us to help her so we did. After we helped move it, we rushed off to get my son, who we realized was injured, to the hospital. As we got to the main road we saw another neighbor, Salma, wandering along, and wailing for help. She was badly burned and her head was open and gushing blood.... I don't know what happened to her. [\[112\]](#)

Osama had a metal shard lodged in his neck that the doctors planned to remove, Muhammad al-Faqih told Human Rights Watch. He said that they were lucky that other families had helped to pay their medical bill. His house was only slightly damaged by the strike.

Ali Muhammad al-Milah was in his house, which was destroyed in the strike, at the time of the blast:

I didn't see anything when the explosion happened, it was all black. My ears started ringing, they are still ringing now, days later. I came back the next morning and saw five bodies just lying on the ground, including the bodies of two young kids. Only yesterday when I was here they found the body of another kid, a young girl. They pulled her out of the rubble. [\[113\]](#)

[\[114\]](#) Another resident said he heard a fifth strike about 10 minutes later, again on the military base.

The military base was a legitimate military target. The attack that struck the residential neighborhood should be investigated by the coalition to determine if it was unlawfully targeted and whether all feasible precautions had been taken to minimize civilian loss of life and property.

Mokha Steam Power Plant

On July 24, in a series of attacks that began between 9:30 and 10 p.m., coalition aircraft repeatedly struck two residential compounds of the Mokha Steam Power Plant, which housed plant workers and their family members, killing at least 65 civilians, including 13 women and 10 children, and wounding at least 55. The plant is located outside Mokha City, a western port about 280 kilometers (174 miles) southwest of Sanaa. The main residential compound is one kilometer (0.6 miles) from the power plant, and the smaller compound is adjacent to the plant.



Human Rights Watch examined the site on July 26. Craters and building damage showed that six bombs had struck the plant's main residential compound. This compound housed at least 200 families, according to the plant's director general. [\[115\]](#) One bomb had struck a separate

compound for short-term workers about a kilometer (0.6 miles) north of the main compound, destroying the water tank for the compounds, and two bombs had struck the beach and an intersection nearby. Bombs hit two apartment buildings in the main compound directly, collapsing part of their roofs. Other bombs exploded between the buildings, including in the main courtyard, stripping the exterior walls off dozens of apartments, leaving only the load-bearing pillars standing. Workers and residents at the compounds told Human Rights Watch that one or more aircraft dropped nine bombs in separate sorties in intervals of a few minutes.

Wajida Ahmed Najid, 37, a resident in one of the compounds, whose husband is a plant employee, said that when the first strike hit, she grabbed her three children close and they huddled together hoping the danger would pass:

After the third strike, the entire building began to collapse on top of us. Then I knew we needed to leave because it was not safe to stay. I grabbed my girls and we started running in the direction of the beach, but as we were running pieces of metal were flying everywhere, and one hit Malak, my 9-year-old daughter. Thank God she is going to be okay. While we were running, I saw bodies, seven of them, just lying on the ground, in pieces.^[116]

A doctor at Amal Hospital in Hodaïda told Human Rights Watch that they had removed a metal fragment from Malak's abdomen.

Khalil Abdullah Idriss, 35, a nurse at the plant's clinic, said that he rushed to al-Salam clinic in Mokha City when he heard news of the attack.^[117] There, he and other medics administered basic first aid, then sent the wounded on to hospitals in Hodaïda. He said that within an hour of the airstrikes, they had received at least 30 wounded and eight bodies. At 1 a.m., he said, he went to the main compound:

As I walked through the gates, I saw my friend, an engineer at the plant, Abdu Samid al-Subaie. He was lying on the ground, just outside his apartment. He had a deep gash to his waist and he was bleeding to death as his two children lay at his side screaming and crying. But it was hopeless. At the same time, the airplanes were still buzzing above us. We could hear them for hours afterward.^[118]

Loai Nabeel, 20, who works at a shop in the compound, said he rushed to his family's apartment when the attack started.^[119] A second bomb hit the apartment before he got there, collapsing the roof. He found his mother and younger brother by the entrance and brought them to the beach before he went back to search for his sisters Hadeel, 12, and Taghreed, 17:

It was dark. It took me 10 minutes to find Hadeel under the rubble. The bomb hit the roof of the room where she was sleeping and her head was seriously wounded. I found Taghreed in another room with minor injuries to her head. Hadeel is still in a coma.^[120]

Power plants that produce electricity used by the military are legitimate military targets. However, the harm incurred to the civilian population by an attack on a power plant can be enormous, making its destruction unlawfully disproportionate, as the long-term harm to civilians will be far greater than the immediate military gain.



The residential compound of a steam power plant in the coastal city of Mokha two days after a July 24, 2015 airstrike by the Saudi-led coalition killed 65 workers and their family members. © 2015 Ole Solvang/Human Rights Watch

The Mokha power plant, built in 1986, was not struck in the attack. Human Rights Watch found no sign that either of the two residential compounds for the power plants had been used for military purposes. More than a dozen workers and residents said that there had been no Houthi or other military forces at the compounds.

Early in the morning of July 25, a news ticker on *Al-Arabiya* TV, a Saudi-owned media outlet, reported that coalition forces had attacked a military air defense base in Mokha. The ticker was swiftly taken down and the story can no longer be found anywhere on *Al-Arabiya*'s website. Human Rights Watch identified a military facility about 800 meters (875 yards) southeast of the Mokha Steam Power Plant's main compound, which plant workers said had been a military air defense base. The plant workers said that it had been empty for months, and Human Rights Watch saw no activity or personnel at the base from the outside, except for two guards.

Al-Sham Water Bottling Factory

On August 30 at about 3:50 a.m., an airstrike hit Al-Sham Water Bottling Factory in the outskirts of Abs. The strike destroyed the factory and killed 14 workers, including three boys, who were nearing the end of their night shift, and wounded 11 more. Many of the dead and wounded, as well as the owner of the factory, were from the same family.

July 30, 2015
CIVILIAN DEATHS: 14
Men Women Children



Hamza Abdu Muhammad Rouzom, 26, a factory worker present at the time of the explosion, told Human Rights Watch he was on the shift that started at 8 p.m. and was set to end at 5 a.m.:

Because we work with noisy machines, if there were planes flying overhead, we would not have heard them. The explosion was almost like a dream, it all happened so quickly. I heard a whizzing sound for a second, then a huge explosion. I lost consciousness for at least 30 minutes, and when I woke up I saw people were trying to help me. I was covered in blood and dust and had a big cut on my right foot. They carried me to my car, and as they did, I looked around me and saw fire everywhere. I saw my friends and coworkers wounded, some completely burned. It was one of the worst moments of my life.^[121]

He was taken to a hospital in Hodaida, but because of a lack of medical supplies, was transferred to a second hospital soon after.

Khaled Ibrahim Musa'ed, 34, a journalist who lives about 10 kilometers (6.2 miles) from the factory, said that coalition aircraft carried out more than a dozen strikes on a range of military and government installations that night in other parts of Hajja governorate, and the strike on the factory was the last.^[122] Two workers at the plant told Human Rights Watch that this was the only strike in the direct vicinity and that they knew of no military targets close to the area.



Residents gather on August 30, 2015 on the outskirts of Abs at Al-Sham Water Bottling Factory, which an airstrike hit hours earlier, killing 14 workers. © 2015 Khaled Ibrahim Musaied

Later on August 30, after the airstrike, Brig. Gen. Ahmed al-Assiri, the military spokesman for the coalition, reportedly told Reuters that the plant had been used by the Houthis to make explosive devices, and was not, in fact, a bottling factory^[123] All of the individuals Human Rights Watch interviewed said that plant was being used to bottle water and was not used for any military purposes. A group of international journalists traveled to the site of the blast two days after it was hit and reported that they could not find evidence of any military targets in the area.^[124] They said that they carefully examined the site, and took photos and videos of piles of scorched plastic bottles melted together from the heat of the explosion. They could not find any evidence that the factory was being used for military purposes.

IV. Houthis Endangering Civilians

Human Rights Watch documented several cases in which Houthi forces endangered civilians by establishing a military presence and using military bases located in populated areas, including to store weapons and ammunition, and took inadequate steps to remove civilians from danger.

For example, residents of the northern town of Haradh told Human Rights Watch that Houthi commanders at checkpoints told them in April that the entire town and surrounding areas were a military zone. The Houthis said that the local council had signed off on the decision, and that local residents would be allowed to enter the area between 7 and 10 a.m. to collect their belongings, but then they had to evacuate.^[125] The residents said that many poorer residents of Haradh had no place to go, so they stayed in town despite these orders. All of the residents of Haradh with whom Human Rights Watch spoke said that the Houthis had not provided any assistance to families that needed help in leaving the area.

Haradh residents told Human Rights Watch that Houthi forces established a checkpoint near the abandoned office of the International Organization for Migration (IOM) and stored what appeared to be ammunition in its courtyard.^[126] One resident who lives near the IOM office said that fighters set up the checkpoint on June 3, and that it was manned by gunmen wearing a mix of civilian dress and military caps and uniforms. Several days later, he said, he saw a pickup truck arrive. Gunmen got out and unloaded dozens of what looked like weapons crates and stored them in the yard of the IOM office. Two men had to carry each crate. He said that since then, he had seen many cars coming to bring and remove boxes. He said at least 70 families were still living in the area at the time.^[127]

A second Haradh resident, who also lives near the former IOM office, told Human Rights Watch that he saw eight men with weapons arrive at the office one day in late June to unload about 200 heavy crates.^[128] He estimated that there were 100 families, about 600 people, living in the area at the time.^[129] On July 1, the IOM office was damaged by an airstrike.^[130]

Declaring an area a military zone and ordering civilians to leave does not relieve a warring party from taking all feasible measures to protect civilians still present, such as assisting in their relocation. The civilians remaining near the IOM building were at grave risk.

The May 29, 2015 airstrike on the apparent Houthi camp in Hajja City killed at least three civilians and wounded at least 17 when a bomb blast sent rocks and pieces of concrete onto residential houses located on the steep hillside below the camp. Residents of the neighborhood told Human Rights Watch that they had seen Houthi forces bringing weapons into the security camp from the beginning of the war. Two residents said that they saw fighters remove light weapons from the building in the evening after the strike. The residents told Human Rights Watch that the Houthis had not taken any steps to inform them or their neighbors that they were storing weapons at the facility, or to warn them that the area was a military target.^[131]

V. Acknowledgments

This report was researched and written by Belkis Wille, researcher for the Middle East and North Africa division, with assistance from Ole Solvang, senior researcher in the Emergencies division, and former Yemen research assistants Osamah al-Fakih and Abdullah Qaid.

Joe Stork, Middle East and North Africa division deputy directors, Ole Solvang, senior researcher in the Emergencies division, and Robin Shulman, program editor, edited the report. James Ross, legal and policy director, provided legal review. Mark Hiznay, senior researcher in the Arms division, Josh Lyons, satellite imagery analyst, Bede Sheppard, deputy director of the Children's Rights division, and Adam Coogle, Middle East and North Africa researcher, provided specialist review. Sandy Elkhoury, Middle East and North Africa senior associate, Kathy Mills, publications specialist, and Jose Martinez, senior coordinator, prepared the report for publication.

Appendix I: List of Airstrike Casualties

Location: Abs/Kholan Prison

Date: 5/12/2015

Name	Gender	Age	Killed/Wounded
Suleiman Abdu Muhammad al-Haj	Male	18	Killed
Muhammad Ahmad Aqash	Male	18	Killed

Kamal Wadar	Male	over 18	Killed
Wife of Omar Farjain	Female	over 18	Killed
Abdullah Omar Ali Farjain	Male	8	Killed
Maria Abdullah	Female	2	Killed
Nassim	Female	3	Killed
Walid Abdu Muhammad	Male	20	Killed
Maryam Omar Ali Farjain	Female	5	Wounded
Omar Ali Farjain	Male	over 18	Wounded
Abdul Haddi Kamal Wadar	Male	under 18	Wounded

**The rest of the casualty list is on file at Abs Clinic*

Location: Zabid

Date: 5/12/2015

Name	Gender	Age	Killed/Wounded
Ahmed Sulaiman Olian	Male	over 18	Killed
Khalil Abdu Sulaiman al-Mizgagi	Male	35	Killed
Amar Muhammad Amin al-Ahdal	Male	over 18	Killed
Bunian Ahmad Sawlah	Female	over 18	Killed
Abd al-Aziz Salem Omar Orouq	Male	30	Killed
Thabit Ahmad Qaderi	Male	over 18	Killed
Ibrahim Ahmad Hiba Makbuli	Male	over 18	Killed

Name	Gender	Age	Killed/Wounded
Abdu Ahmad Dar	Male	over 18	Killed
Abdu Yusif Taher Marzouqi	Male	over 18	Killed
Muhammad Dawud Hakim	Male	over 18	Killed
Muhammad Izzi Abdullah Rukbi	Male	over 18	Killed
Mansour Muhammad Abdullah Mawqri	Male	over 18	Killed
Noaman Hassan Ragab	Male	over 18	Killed
Ahmed Ali Muftah Askri	Male	over 18	Killed
Ahmad Muhammad Awad Makbuli	Male	over 18	Killed
Aiman Muhammad Hassan Rami	Male	over 18	Killed
Gumala Ayash Said Derein (Uzaiti)	Female	over 18	Killed
Hassan Yahya Ismail Murahal	Male	over 18	Killed
Faisal Muharam Salman al-Shamiri	Male	over 18	Killed
Muhammad Anwar Futaini Wisabi	Male	over 18	Killed
Murad Muhammad Adam Haddi	Male	over 18	Killed
Wafa Yahya Salem Mauda Kabah	Female	over 18	Killed
Abdullah Abd al-Aziz Salem Qirshi (Orouk)	Male	3	Killed
Abdullah Abdullah Ridwan	Male	over 18	Killed
Ismail Dawud Sulaiman al-Ahdal	Male	over 18	Killed
Akram Abd al-Hamid al-Qubati	Male	30	Killed
al-Raimi al-Shaibah	Male	over 18	Killed
Bashar Hawash Daoud al-Wisabi	Male	12	Killed

Name	Gender	Age	Killed/Wounded
Bashlr Ghalib Mahdi al-Shamiri	Male	22	Killed
Bayan Ahmad Sawlah	Female	over 18	Killed
Gawad Muhammad Qaid al-Wisabi	Male	over 18	Killed
Husam Saif al-Qubati	Male	over 18	Killed
Hamoudah Wajih	Female	over 18	Killed
Salah Yahya Muhammad Ali	Male	over 18	Killed
Abd al-Hakim Muhammad Abdullah Ghalib	Male	over 18	Killed
Abd al-Rahman Abd al-Adhim Dabwan	Male	over 18	Killed
Abd al-Latif Yahya Muhammad Qurashi (Orouk)	Male	15	Killed
Fatima Salem Omar Qurashi (Orouk)	Female	30	Killed
Muhammad Abd al-Aziz Salem Qurashi (Orouk)	Male	5	Killed
Murad Faisal Muhram Salman al-Shamiri	Male	over 18	Killed
Nagib Qaid Abdu Ghalib	Male	over 18	Killed
Neima Hassan Omar Kaboub	Female	40	Killed
Haifa Abd al-Aziz Salim Qurashi (Orouk)	Female	8	Killed
Hassan Ali Qasim Marwai	Male	over 18	Killed
Waila Kamela	Female	over 18	Killed
Muhammad Abd al-Aziz Salem	Male	9	Killed
Hayfa Abd al-Aziz Salem	Female	7	Killed
Abd al-Latif Orouq	Male	18	Killed
Abdullah Bin Abdullah al-Shamiri (Bagesh)	Male	40	Killed
Faisal Muharam	Male	45	Killed
Murad Faisal Muharam	Male	12	Killed

Name	Gender	Age	Killed/Wounded
Numan Rajab al-Khalil	Male	over 18	Killed
1 st daughter of Yahya Ahmad Sawlah	Female	over 18	Killed
2 nd daughter of Yahya Ahmad Sawlah	Female	over 18	Killed
Daughter of Yahya Khabah	Female	over 18	Killed
Daughter of Ayash Aziz	Female	over 18	Killed
Ibrahim (Hibah)	Male	over 18	Killed
Salah al-Shamiri	Male	over 18	Killed
Hassan Murahal	Male	35	Killed
Daughter of al-Musyab	Female	18	Killed
Abd al-Majid Muhammad Abd al-Ghani	Male	15	Wounded
Qasim Ali Qasim Akil	Male	15	Wounded
Abdullah Ahmad Abdi	Male	13	Wounded
Abdullah Salim Dawud	Male	16	Wounded
Yahya Awad Yahya Murahal	Male	15	Wounded
Khawla Salim Ali Musaib	Female	10	Wounded
Ahmad Futaini Hawis	Male	10	Wounded
Ismail Abdullah Ismail Salami	Male	15	Wounded
Bassam Muhammad Abdullah Radman	Male	14	Wounded
Zyad Rabia Muafa Galal	Male	12	Wounded
Hisham Said Ahmad Hin	Male	16	Wounded
Muhammad Abdullah Mata	Male	12	Wounded
Muhammad Ammar al-Bahr	Male	13	Wounded
Murtadha Faris Hadadi	Male	9	Wounded
Qasim Ahmad Qasim Mahwat	Male	15	Wounded
Nasim Muhammad Saghyir Talha	Male	18	Wounded

Name	Gender	Age	Killed/Wounded
Akram Wahb Allah Hafid	Male	15	Wounded
Haitham Wahb Allah Hafid	Male	16	Wounded
Othman Muhammad Adam Saigh	Male	15	Wounded
Muhammad Ahmad Sulaiman Olian	Male	8	Wounded
Murad Kadaf Sulaiman Ashiq	Male	6	Wounded
Abdullah Abd al-Wahab al-Ahdal	Male	15	Wounded
Adil Hatim Ali Garwan	Male	12	Wounded
Ahmad Abdullah Hilal	Male	43	Wounded
Muhammad Ahmad Numari	Male	22	Wounded
Muhammad Abdu Hamza	Male	19	Wounded
Adel Hatim Ali Garwan	Male	12	Wounded
Ridhwan Abdu Ahmad Mizgagi	Male	over 18	Wounded
Hamada Ismail Futaini Kushi	Male	22	Wounded
Walid Muhammad Ali Omar Ahiaf	Male	35	Wounded
Sami Ahmad Muhammad Sulaiman Quba	Male	30	Wounded
Muhammad Fawzi Khadim al-Okli	Male	25	Wounded
Hassan Omar Ayash	Male	45	Wounded
Isam Ahmad Bahkali	Male	36	Wounded
Abdullah Sulaiman Daoud al-Wisabi	Male	25	Wounded
Asim Abd al-Ghafar Abd al-Wahab al-Maghbashi	Male	27	Wounded
Abd Al-Rahman Muhammad Badr al-Hubaishi al-Shamiri	Male	25	Wounded
Fathi Ghalib al-Maqbani	Male	28	Wounded
Hashid Nasr Farhan	Male	26	Wounded
Nizar Yahya Rafia	Male	25	Wounded
Faris Abdu Ali Shama	Male	30	Wounded
Mahmoud Ali Muhammad Hajri	Male	13	Wounded
Sulaiman Daoud Halabi	Male	28	Wounded

Name	Gender	Age	Killed/Wounded
Mariam Hatash Kharfag Abdullah	Female	30	Wounded
Yahya Obaid Omar Bashah	Male	30	Wounded
Ahmad Hassar Mashrai	Male	35	Wounded
Muhammad Amin Izzi al-Ahdal	Male	50	Wounded
Bassam Badr Qasim Mahreqi	Male	26	Wounded
Abdullah Muhammad Muhsin Balkam	Male	23	Wounded
Adel Muhammad Abdullah Zilal	Male	27	Wounded
Ishaq Abd al-Hakim Ahmad al-Shamiri	Male	20	Wounded
Murad Kadaf Sulaiman Asheq	Male	7	Wounded
Abdu Salim Hubal	Male	40	Wounded
Mutia Mansour Said Gabir	Male	14	Wounded
Khalid Ahmad Kadari	Male	38	Wounded
Yahya Ahmad Izzi Gubaili	Male	20	Wounded
Abdu Ibrahim Garahi	Male	45	Wounded
Murad Tahir al-Sharabi	Male	15	Wounded
Muhammad Abd al-Kadir Nassir Hizam	Male	20	Wounded
Futaini Ammar Salim Zawbal	Male	over 18	Wounded
Samir Tahir Hassan Maqbouli	Male	27	Wounded
Basil Hassan Sadiq	Male	28	Wounded
Ghalib Muhammad Antari	Male	36	Wounded
Gamal Muhammad Abdullah Gharmash	Male	25	Wounded
Nadir Rizq Izzi Saghyir	Male	25	Wounded
Haitham Wahb Allah Hafid	Male	16	Wounded
Hisham Ghalib Haroun	Male	35	Wounded
Fadl Omar Obaid Maraqa	Male	30	Wounded
Sami Ahmad Mubarak	Male	30	Wounded
Issam Omar Obaid Maraqa	Male	35	Wounded

Name	Gender	Age	Killed/Wounded
Izzi Obaid Mass Maraqah	Male	40	Wounded
Abdullah Obaid Mass Maraqah	Male	30	Wounded
Fahman Yasir Saif al-Qubati	Male	over 18	Wounded
Abd al-Majid Abdullah Izzi Shaoush	Male	20	Wounded
Muhammad Ali Abdullah al-Qirsh	Male	30	Wounded
Nakli Ahmad	Male	over 18	Wounded
Muhammad Gamal Jidi	Male	over 18	Wounded
Abdullah Awad Qasri	Male	40	Wounded
Haitham Gamal Matari	Male	20	Wounded
Muhammad Saghyir Talha	Male	50	Wounded
Muhammad Abd a-Kadir Nasr al-Sharabi	Male	35	Wounded
Arfat Ahmad Kulaib Duqn	Male	25	Wounded
Obaid Salim Abdullah Khalouf	Male	60	Wounded
Muhammad Awadh Olala	Male	19	Wounded
Hayel Said Ibrahim Khalil (Numari)	Male	19	Wounded
Ibrahim Qasim Muhammad Shalalut (Mahwat)	Male	35	Wounded
Hamdoun Ismail Futaini Qirshi	Male	27	Wounded
Abdullah Abdu Hatib	Male	25	Wounded
Muhammad Omar Muhammad Ahiaf	Male	40	Wounded
Ali Qassim Aqll	Male	55	Wounded
Muhammad Ali Ahmad al-Ammar	Male	over 18	Wounded
Najd Abdu Ali Shama	Male	28	Wounded
Majdi Maged Guman Kharfaj	Male	over 18	Wounded
Nssir Bin Nassir Nawbi	Male	25	Wounded
Ahmad Abdullah Abdu Quroush	Male	26	Wounded
Muhammad Yahya Rudaini	Male	24	Wounded

Name	Gender	Age	Killed/Wounded
Sulaiman Muhammad Ali Hajri	Male	58	Wounded
Basim Salim Yasin	Male	22	Wounded
Hussien Ismail Salami	Male	35	Wounded
Abdu Yahya Rafia	Male	over 18	Wounded
Nasser Ahmad Hamoud Fassa	Male	35	Wounded
Muhammad Sulaiman Mahmoud Olaian	Male	50	Wounded
Muhammad Said Awadh Duqn	Male	45	Wounded
Rim Hatash Abdullah Kharfaj	Female	20	Wounded
Sharjaba Muhammad Omar Faraj	Female	42	Wounded
Said Muhammad Talha	Male	30	Wounded
Mahmoud Yahya Qasim al-Ibbi	Male	50	Wounded
Muhammad Yahya Abd al-Baqi al-Ahdal	Male	40	Wounded
Fahd Ahmad Salem al-Abd	Male	25	Wounded
Harib Omar Muhammad Kadir	Male	35	Wounded
Muhammad Saghyir Ali Nahari	Male	25	Wounded
Ahmad Mahmoud Gharbi Muhsin	Male	30	Wounded
Fahim Abdu Muhammad Shaoush	Male	30	Wounded
Qaid Hassan Ibrahim Galal	Male	25	Wounded
Maged Salim Muhammad Muhjib	Male	27	Wounded
Ali Ahmad Abdullah Ilias	Male	33	Wounded
Ahmad Muhammad Antari	Male	28	Wounded
Hussein Sulaiman Awadh Kushmoua	Male	60	Wounded
Ibrahim Said Gabir	Male	over 18	Wounded
Abdu Ali Abdullah Hilal	Male	50	Wounded
Naji Muhammad Ismail Najm	Male	36	Wounded
Hisham Ahmad Abdu Bazi	Male	8	Wounded
Abdullah Ahmad Kadari	Male	29	Wounded

Name	Gender	Age	Killed/Wounded
Ahmad Muhammad Bin al-Ahdal	Male	55	Wounded
Muhammad Abdullah Numari	Male	22	Wounded
Hussien Ibrahim Muhammad Shaqika	Male	over 18	Wounded
Kamal Ahmad Muhammad Sulaiman Kuba	Male	28	Wounded
Ahmad Futaini Hwais	Male	10	Wounded
Hisham Abdu Awadh Banjooh	Male	25	Wounded
Abdu Ahmad Baishi (Thanab)	Male	35	Wounded
Zyad Rabia Muafa Galagel	Male	12	Wounded
Muhammad Ahmad Maqbuli	Male	over 18	Wounded
Hassan Ahmad Ibrahim Hubaishi	Male	55	Wounded
Saber Ahmad Ismail Dulaiqa	Male	23	Wounded
Said Nasser Tamam	Male	55	Wounded
Abd al-Rahman al-Mizgagi	Male	over 18	Wounded
Muhammad Abd al-Haddi Matah	Male	10	Wounded
Muhammad Ali Ghalib al-Inabi	Male	50	Wounded
Adel Khadim Muqtari	Male	40	Wounded
Issam Muhammad Ali Ikab	Male	36	Wounded
Rabia Murshid Omar Khadim	Female	50	Wounded
Ibrahim Ahmad Hubaishi	Male	31	Wounded
Amin Rizq Izzi Saghyir	Male	30	Wounded
Muhammad Salim al-Maqbouli	Male	35	Wounded
Muhammad Awadh Abd al-Malik	Male	21	Wounded
Ahmad Ismail Futaini Qurashi	Male	23	Wounded
Faiz Ahmad Qasim Muhawat	Male	19	Wounded
Abd al-Malik Qasri	Male	20	Wounded
Muhammad Daoud Halabi	Male	35	Wounded

Name	Gender	Age	Killed/Wounded
Ahmad Salim Amin Balkam	Male	45	Wounded
Abdullah Taher al-Sharabi	Male	21	Wounded
Taysir Muhammad Talha	Male	25	Wounded
Bashir Hussien Abdu Batash	Male	over 18	Wounded
Amro Amr Mass Marfah	Male	over 18	Wounded
Hani Said Ali Gawmah	Male	20	Wounded

Location: Hajja

Date: 5/29/2015

Name	Gender	Age	Killed/Wounded
Hamid Hassan Sabir	Male	45	Killed
Ali Matar	Male	60	Killed
Abd al-Malik Sabah	Male	10	Killed
Amjad Sabah	Male	5	Wounded
Muhammad Sabah	Male	8	Wounded
Omar al-Qarah	Male	12	Wounded
Abdullah Abdu Dahshush	Male	6	Wounded
Osama al-Hushf	Male	16	Wounded
Muhammad Abd al-Ghani al-Qushybi	Male	6	Wounded
Ismail Ali al-Dukhyna	Male	8	Wounded
Ali Kamil al-Dharwani	Male	3	Wounded
`Amir Ahmed al-Hushf	Male	25	Wounded
Abdu Dahshush	Male	30	Wounded
Bint Muhammad Nasser Sasa	Female	under 18	Wounded
Bint Muhammad Abdullah	Female	under 18	Wounded
Rahma Zid al-Ghurbani	Female	6	Wounded
Bint Abdullah al-Dukaina	Female	under 18	Wounded
Bint Ahmad Sabah	Female	18	Wounded

Ibtihal Dahshush	Female	14	Wounded
Maryam Muhammad Nasser Yaqub	Female	30	Wounded

Location: Muthalith Ahem

Date: 7/4/2015

Name	Gender	Age	Killed/Wounded
Abdul Salam al-Raimi	Male	over 18	Killed
Abdullah al-Aawar	Male	over 18	Killed
Faisal Ahmad	Male	over 18	Killed
Bashir Ali	Male	over 18	Killed
Abdu Ali	Male	over 18	Killed
Muhammad Ahmad	Male	over 18	Killed
Abdu Ali al-Raimi	Male	over 18	Killed
Waddah Said	Male	over 18	Killed
Shawki Ahmad	Male	over 18	Killed
Ali Shuai	Male	over 18	Killed
Majid Ali	Male	over 18	Killed
Sultan Ahmad	Male	over 18	Killed
Muhammad Hassan Hassan Abkar	Male	35	Wounded
Muhammad Ahmad al-Raimi	Male	over 18	Wounded
al-Maslamani	Male	over 18	Killed
His assistant	Male	over 18	Killed
Faisal Ali Yusif	Male	22	Killed
Hassan Rabia Muhammad	Male	27	Killed
Abdul Wahid al-Zabidi	Male	40	Killed

** The rest of the list is available with Abs Clinic and Jumhuri Hospital in Hajja City.*

Location: Amran Markets

Date: 7/6/2015

Name	Gender	Age	Killed/Wounded
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Yahya Yahya Taqi	Male	60	Killed
Habib Saleh Yahya Taqi	Male	38	Killed
Zahir Mabkhut Taqi	Male	29	Killed
Taqi Zahir Mabkhut Taqi	Male	9	Killed
Bashiq Ahmed Musleh	Male	18	Killed
Abd al-Malik Ibrahim Mujahid	Male	16	Killed
Muhammad Nasir al-Jasmi	Male	40	Killed
Rana Muhammad Nasir al-Jasmi	Female	over 18	Killed
Abd al-Fatah Ahmed al-Harhi	Male	30	Killed
Raja Abd al-Fatah al-Harhi	Female	12	Killed
Dhafran al-Sa`lah	Male	40	Killed
Yahya Husain al-Harhi	Male	40	Killed
Atab Yahya Husain al-Harhi	Male	20	Killed
N/A al-Babli	Male	over 18	Killed
Abd al-Ghani Yahya Yahya al-Faqih	Male	17	Killed
Abd al-Latif Mabkhoot Naji	Male	35	Killed
Khairan Abd al-Latif Mabkhoot	Male	8	Killed

Gibran Abu al-Latif	Male	17	Killed
Abdullah Abdu Samad	Male	16	Killed
Abd al-Samad Abd al-Baset Yahya Faqih	Male	12	Killed
Inas Imad al-Thari	Female	15	Killed
Abd al-Malik Ahmad Yahya	Male	15	Killed
Haitham Gamil Qaid Siraj	Male	12	Killed
Muhammad Ahmed Yahya	Male	17	Killed
Muhammad Abd al-Fatah Ahmad Hussien al-Harithi	Male	10	Killed
Atab Yahya Hussien al-Harithi	Male	20	Killed
Muhammad Nasser Muhammad al-Hussami	Male	40	Killed
Zakaria Muhammad Nasser Muhammad al-Hosseini	Male	12	Killed
Rina Muhammad Nasser Muhammad al-Hussami	Female	13	Killed
Muhammad Abd al-Latif Mabkhoot	Male	11	Wounded
Muhib Abd al-Latif Mabkhoot al-Arhabi	Male	13	Wounded
Akram Abd al-Latif Mabkhoot	Male	5	Wounded
Ahmad Gamil Qaid Siraj	Male	11	Wounded
Mustafa Hamoud Hassan al-Ashmouri	Male	over 18	Wounded

Sadam Hassan al-Mahgeri	Male	30	Wounded
Muhammad Derhim al-Tawil	Male	60	Wounded
Sad Yahya al-Qusari	Male	over 18	Wounded
Amjad Majid Mansour Taqi	Male	over 18	Wounded
Abd al-Rahman Fouad Saleh Taqi	Male	over 18	Wounded
Abd al-Malik Ahmad Yahya Saleh Taqi	Male	15	Wounded
Muhammad Ahmad Saleh al-Gawbi	Male	17	Wounded
Hana Mansour Taqi	Female	12	Wounded
Sabah Ahmad al-Abdi	Female	35	Wounded
Ismail Ibrahim al-Mujahid	Male	13	Wounded
Taysier Saleh Yahya Taqi	Male	23	Wounded
Mabrouk Saleh Yahya Taqi	Male	37	Wounded
Sadeq Amin Muhammad Hamoud al-Suala	Male	17	Wounded
Isam Muhammad Hamoud al-Suala	Male	over 18	Wounded
Muhammad Dhafran Hussein al-Suala	Male	40	Wounded

Location: Sawan, Sanaa

Date: 7/12/2015

Name	Gender	Age	Killed/Wounded

Shuba Khamis al-Jamal	Female	60	Killed
Musa Hassan Rajih al-Jamal	Male	35	Killed
Asad Musa Hassan Rajih al-Jamal	Male	16	Killed
Alaallah Hassan Ahmed Hals al-Jamal	Female	70	Killed
Hassan Musa Hassan Rajih al-Jamal	Male	14	Killed
Nasir Musa Hassan Rajih al-Jamal	Male	10	Killed
Ashuaq Musa Hassan Rajih al-Jamal	Female	8	Killed
Raziki Musa Hassan Rajih al-Jamal	Female	2 months	Killed
Mariam Muhsin al-Awdi	Female	20	Killed
Dhaifallah Said Khamis al-Jamal	Male	4	Killed
Kusi Said Khamis al-Jamal	Male	3	Killed
Odai Said Khamis al-Jamal	Male	2	Killed
Amora Ali Khamis al-Jamal	Female	22	Killed
Mutasim Darwish Hassan Rajih al-Jamal	Male	2	Killed
Musa Darwish Hassan Rajih al-Jamal	Male	4	Killed
Fuad Darwish Hassan Rajih al-Jamal	Male	2 months	Killed
Afnan Salim Hassan Rajih al-Jamal	Female	12	Killed
Kefaya Amar Khamis Sa`ad al-Jamal	Female	6	Killed
Yahya Saad al-Jamal	Male	18	Killed
Samara Muhammad Khamis Sa`ad al-Jamal	Female	20	Killed
Shuia Musa Hassan Rajih al-Jamal	Female	2	Killed
Mariam Darwish Gurina	Female	30	Killed
Sahlah Abdullah Hassan al-Jamal	Female	30	Killed

**The list of wounded is available in hard copy with Human Rights Watch*

Date: 7/19/2015

Name	Gender	Age	Killed/Wounded
Ziad Akram Ali al-Farz`i	Male	17	Killed
Muhammad Sa'ad Saleh al-Nazhi	Male	43	Killed

Name	Gender	Age	Killed/Wounded
Shadad Sa'ad Saleh al-Nazhi	Male	35	Killed
Rasha Muhammad Sa'ad Saleh al-Nazhi	Female	13	Killed
Sa'ad Muhammad Sa'ad al-Nazhi	Male	8	Killed
Su'ad Muhammad Ahmed al-Khubani	Female	37	Killed
Amin Majid Ali Zid (?) al-Suwaidi	Male	4	Killed
Mariam Shadad Sa'ad Saleh al-Nazhi	Female	6	Killed
Muna Shadad Sa'ad Saleh al-Nazhi	Female	5	Killed
Sawsan Shadad Sa'ad Saleh al-Nazhi	Female	3	Killed
Abdu Said al-Wesabi	Male	43	Killed
Najla Ali Qasim	Female	25	Killed
Saqr Adnan al-Shu'ibi	Male	3	Killed
Nasimah Adnan al-Shu'ibi	Female	10	Killed
Hani Abdullah Muhammad al-Ansi	Male	27	Killed
Fathia Muhammad Abdullah al-Ansi	Female	37	Killed
Majid Ali Zid al-Suwaidi	Male	35	Wounded
Rasha Shadad Sa'ad Saleh al-Nazhi	Female	13	Wounded
Salma Muhammad Aiash	Female	over 18	Wounded
Ibrahim Muhammad Sa'ad al-Nazhi	Male	20	Wounded
Hisham Mukhtar al-Ansi	Male	25	Wounded
Mukhtar al-Ansi	Male	35	Wounded
Muhammad Muhammad Sa'ad al-Nazhi	Male	over 18	Wounded
Jarallah Omar al-Siri	Male	25	Wounded
Ali Qasim	Male	60	Wounded
Fatima	Female	65	Wounded
Walid Rajab	Male	35	Wounded
Belkis	Female	35	Wounded
Rafiqah Muhammad al-Nazhi	Female	40	Wounded
Hana Sa'ad al-Nazhi	Female	50	Wounded

Name	Gender	Age	Killed/Wounded
Elham Ali Muhammad Qasim	Female	17	Wounded
Hasna Yahya Gaber	Female	over 18	Wounded

Location: Mokha Steam Power Plant

Date: 7/24/2015

Name	Gender	Age	Killed/Wounded
Abdullah Muhammad Moqbel Bazel	Male		Killed
Mazin Ahmed Hassan al-Mujib	Male		Killed
Moath Abdullah Ali Abdullah	Male		Killed
Ali Fazel al-Abti	Male		Killed
Aymen Abdul Karim Bashir	Male		Killed
Wasim Saif Ahmed Asad	Male		Killed
Amro Ahmed Ba Alawi	Male		Killed
Muhammad Muhammad Ali Aqlan	Male		Killed
Khaled Ahmed Muhammad Qasem al-Sabri	Male		Killed
Ahmed Khaled Muhammad Ahmed Ghamazi	Male		Killed
Muhammad Mabruk Ahmed (unclear)	Male		Killed
Ammar Abdul Wasea Andul Waham Ahmed	Male		Killed
Tawfiq Ahmed Said al-Athoori	Male		Killed
Amjad Abdul Karim Bashir	Male		Killed
Muhammad Abdu Hassan al-Sabi	Male		Killed
Ahmed Muhammad Abdu Hassan al-Sabi	Male		Killed
Osama Yusuf Abdul Razaq	Male		Killed
Othman Bajash Othman	Male		Killed
Ahmed Ali Saif al-Adoa	Male		Killed
Bashir al-Salawi	Male		Killed
Thabil Abd al-Rahman Omran Nabil Muhammad Said	Male		Killed

Name	Gender	Age	Killed/Wounded
Abd al-Rahman Ghamdan Nabil Muhammad Said	Male		Killed
Aymen Muhammad Ahmed Noaman	Male		Killed
Osama Muhammad Abd al-Hassan al-Absi	Male		Killed
Eissa Muhammad Mahyub	Male		Killed
Abd al-Samad Abd al-Haq al-Sabai	Male		Killed
Hamza Abd al-Rahman Muhammad	Male		Killed
Nazar Muhammadd Abd al-Ghani al-Harmim	Male		Killed
Adib Abd al-Wahab al-Hakimi	Male		Killed
Eissa Muhammad Abd al-Rahim	Male		Killed
Muhammad Adnan Shalan	Male		Killed
Haytham Khaled Muhammad Said al-Sharji	Male		Killed
Shakib Muhammad Abd al-Wadud	Male		Killed
Yusuf Abd al-Razaq al-Hakimi	Male		Killed
unidentified family member	Male	Under 18	Killed
unidentified family member	Male		Killed
unidentified family member	Male		Killed
Sahira Shawqi Shaher al-Adabji	Female		Killed
Bint Ahmed al-Wasabi	Female		Killed
Amana Ahmad Mohsen	Female		Killed
Ala Absi Muhammad Mahyub	Female		Killed
Rasfa Muhammad Qayed	Female		Killed
Asma Muhammad Abd al-Hassan al-Absi	Female		Killed
Eman Qayed al-Sabri	Female		Killed
Doa Qayed al-Sabri	Female		Killed
Sahar Qayed Muhammad al-Sabri	Female		Killed
Nahla Muhammad Ahmed Noaman	Female		Killed
Noha Muhammad Ahmed Noaman	Female		Killed

Name	Gender	Age	Killed/Wounded
Thoraya Adib Muhammad Taher	Female		Killed
Nedal Muhammad Abdu	Female	Under 18	Killed
Khaled Ahmed Qasem	Male	Under 18	Killed
Yasser Muhammad Saleh	Male	Under 18	Killed
Visiting child from Aden	n/a	Under 18	Killed
Sadeq Abdullah Saleh	Male		Killed
Wife of Sadeq Abdullah Saleh	Female		Killed
1 st Child of Sadeq Abdullah Saleh	n/a	Under 18	Killed
2 nd Child of Sadeq Abdullah Saleh	n/a	Under 18	Killed
3 rd Child of Sadeq Abdullah Saleh	n/a	Under 18	Killed
4 th Child of Sadeq Abdullah Saleh	n/a	Under 18	Killed
5 th Child of Sadeq Abdullah Saleh	n/a	Under 18	Killed
Sameh Muhammad Ali Ahmad	Male		Wounded
Muhammad Najib Muhammad Abd al-Wadoud	Male		Wounded
Hadil Nabil Abdu Hassan	Female		Wounded
Malak Abdu Muhammad al-Azazi	Female		Wounded
Ali Abd al-Salam	Male		Wounded
Tamir Muhammad Hassan	Male		Wounded
Zakaria Najib Muhammad	Male		Wounded
Hussein Samir	Male		Wounded
Haifa Abd al-Samad Abd al-Khaliq	Female		Wounded
Gamila Ali Hizam	Female		Wounded
Gamil Qaid Thabit al-Subaihi	Male		Wounded
Muhammad Ali Tariq	Male		Wounded

Name	Gender	Age	Killed/Wounded
Abd al-Wasia Abdullah al-Hakimi	Male		Wounded

**The details of five more casualties are on file with the power plant administration*

Location: Ibb

Date: 8/8/2015

Name	Gender	Age	Killed/Wounded
Sa'adah Ali al-Masan	Female	70	Killed
Yasmine Saleh Qaid al-Haddi	Female	28	Killed
Adhbah Sa'ad Abdullah al-Haddi	Male	38	Killed
Shehab Sinan Ahmed al-Haddi	Male	6	Killed
Inferaj Sinan Ahmed al-Haddi	Female	7	Killed
Muhammad Saleh Ahmed Sa'ad al-Haddi	Male	31	Killed
Muhammad Naji Masa'ad al-Saidi	Male	30	Killed
Said Wahib Tanbash	Male	3	Killed
Mane'e al-Haddi	Male	32	Wounded
Hamdi Ahmed Masa'ad al-Haddi	Male	31	Wounded

Location: Al-Sham Water Bottling Plant

Date: 8/30/2015

Name	Gender	Age	Killed/Wounded
Abdullah Haddi Muhammad Rouzom	Male	32	Killed
Omar Muhammad Ahmad Hashed	Male	28	Killed
Muhammad Ibrahim Muhammad Hashed	Male	25	Killed
Abdu Muhammad Ahmad Hassen Shabin	Male	20	Killed
Ahmad Ibrahim Muhammad Hashed	Male	13	Killed
Ali Shamil Ali Boheis	Male	40	Killed
Hassen Muhammad Shabin	Male	30	Killed
Hashed Ali Bin Ali Hashed	Male	16	Killed
Muhammad Hassan Jalhouf	Male	45	Killed

Muhammad al-Roussaie	Male	40	Killed
Hisham Ali Shouai Makin	Male	28	Killed
Walid Muhammad Ibrahim Hansh	Male	25	Killed
Ali Doubish	Male	25	Killed
Ahmad Ali Shabin	Male	16	Killed
Ali Bin Hashed	Male	35	Wounded
Ibrahim Ali Hashed	Male	27	Wounded
Saad Ali Ahmad Hashed	Male	19	Wounded
Hamza Abdu Muhammad Rouzom	Male	26	Wounded
Zain Yusif Zain	Male	35	Wounded
Abdu Ibrahim Muhammad Hashed	Male	32	Wounded
Yahya Ali Donami	Male	28	Wounded
Ibrahim Taib Ali	Male	24	Wounded
Abdu Ali Muhammad Hashed	Male	25	Wounded
Adel Muhammad Ismael	Male	18	Wounded
Muhammad Ibrahim Zamoh	Male	40	Wounded

Appendix II: Human Rights Watch Letter to the Minister of Defense His Royal Highness Mohammad bin Salman Al Sa`ud

September 26, 2015

His Royal Highness Mohammad bin Salman Al Sa`ud

Minister of Defense

Riyadh, Kingdom of Saudi Arabia

Your Royal Highness,

Human Rights Watch has been conducting research into alleged violations of the laws of war by all parties to the armed conflict in Yemen, including Coalition forces, Ansar Allah (the Houthis), and other armed groups. This includes research into a number of airstrikes by Coalition forces that struck residential homes, markets, and a prison, and killed and wounded civilians or damaged civilian property.

To help us understand whether these attacks were carried out in accordance with the laws of war, we would appreciate responses to the following questions with regard to each of the

attacks listed in the attachment.

1. What was the intended target of the attack?
2. What weapon or weapons were used in the attack?
3. What precautions were taken to minimize civilian harm?

Any other information you can provide on any of these incidents, including whether you are conducting an investigation into possible laws-of-war violations, would be appreciated.

To meet our publication schedule, we would need to receive a response from you by October 15 so that your answers and comments can be reflected in our reporting.

Thank you for your consideration. We look forward to your response and stand ready to discuss with you our findings.

Sincerely,

Joe Stork

Deputy Director

Middle East and North Africa Division

Human Rights Watch

Aerial attacks in Yemen under Human Rights Watch investigation:

1. Date: April 11; Time: 11:45 a.m.; Latitude: 15°39'36.04"N; Longitude: 43°57'18.59"E.
2. Date: May 12; Time: 3:15 p.m.; Latitude: 15°59'56.27"N; Longitude: 43°11'55.88"E.
3. Date: May 12; Time: 4:15 p.m.; Latitude: 14°11'49.05"N; Longitude: 43°19'17.42"E.
4. Date: May 29; Time: 4 p.m.; Latitude: 15°41'12.22"N; Longitude: 43°36'19.04"E.
5. Date: July 4; Time: 10 p.m.; Latitude: 16°19'31.58"N; Longitude: 43° 5'22.38"E.
6. Date: July 6; Time: about 4:30 p.m.; Latitude: 15°46'8.98"N; Longitude: 44° 0'22.42"E.
7. Date: July 6; Time: about 4:40 p.m.; Latitude: 15°46'38.81"N; Longitude: 44° 0'46.59"E.
8. Date: July 12; Time: 12:30 a.m.; Latitude: 15°22'48.43"N; Longitude: 44°14'19.99"E.
9. Date: July 19; Time: 2 a.m.; Latitude: 14°19'4.49"N; Longitude: 44°22'50.35"E.
10. Date: July 24; Time: about 9:30 p.m.; Latitude: 13°20'40.79"N; Longitude: 43°15'26.26"E.
11. Date: August 30; Time: 03:52 a.m.; Latitude: 16.080000°N; Longitude: 43.137183°E (MGRS: 38QLC0074478682).

Times are indicated in UTC +3:00. Impact coordinates are presented in the dd.mm.ss.sss format and were recorded with a civilian GPS unit (WGS84).

Region / Country [Yemen](#)

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

CLAIM NO: CO/3579/2020

BETWEEN:

THE KING on the application of
CAMPAIGN AGAINST ARMS TRADE ("CAAT")

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF25



'OUR KIDS ARE BOMBED'

SCHOOLS UNDER ATTACK IN YEMEN

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

AMNESTY
INTERNATIONAL



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Cover photo: The al-Asma School after it was attacked by the Saudi Arabia-led coalition, Mansouriya, Hodeidah, 8 November 2015. © Amnesty International

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EXECUTIVE SUMMARY

“Imagine. When the plane comes to strike, and even if it doesn’t, you can’t hear it, you just feel the strike that falls on your head ... Right now we are living in fear and in terror. Today I saw the plane and I was very afraid and terrified. The sound today was loud but the feeling I had was like that of all of the girls at school today, of course we are afraid.”

12-year-old student at school destroyed by coalition airstrike in August 2015

A devastating air bombardment campaign launched in March 2015 by a Saudi Arabia-led coalition, acting at the behest of the internationally-recognized Yemeni government of President Abd Rabbu Mansour Hadi, has killed and injured hundreds of civilians in Yemen, many of them children.

The coalition has carried out thousands of airstrikes in areas controlled by the Huthis, a northern Yemen Zaidi Shia armed group, and armed forces loyal to former President Ali Abdullah Saleh. The Huthis forcibly took over the capital Sana’a in September 2014 and in the subsequent months gained control of large swathes of the country.

Many coalition strikes have targeted military objectives but hundreds have struck civilian infrastructure including health facilities, schools, factories and power facilities, and bridges and roads.

These strikes have not only killed and injured civilians and destroyed civilian property but have a grave and far reaching impact on access to health care, the delivery of humanitarian aid, on children’s education, and on the ability of civilians to provide for their families.

The conflict has had a brutal impact on education in Yemen; 34% of children in the country have not gone to school since the conflict began in March 2015. As of October 2015 1.8 million children were not in school. In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed.

Amnesty International investigated five strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana’a governorates, which appear to have directly targeted schools. These strikes killed five and injured at least 14 civilians, including four children. They have severely disrupted the education of the some 6550 children who regularly

attended the schools.

The strikes that Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the concrete and direct military advantage anticipated from the attack, or failed to distinguish between civilian objects and military objectives.

International humanitarian law prohibits deliberate attacks on civilians not taking a direct part in hostilities and on civilian objects, as well as attacks which do not distinguish between civilians/civilian objects and combatants/military objectives, or which cause disproportionate harm to civilians/civilian objects. Such attacks are serious violations of international humanitarian law and can constitute war crimes. Further, the Rome Statute of the International Criminal Court specifically sets out that intentionally targeting educational facilities that are not military objectives is a war crime.

To date, the lack of investigations by the Saudi Arabia-led coalition into such incidents raises serious concerns about its apparent disregard for civilian life and for fundamental principles of international humanitarian law. The apparent absence of investigations by the internationally recognized Yemeni government, at whose behest the coalition forces are acting, raises similar concerns.

Some of the weapons used by the Saudi Arabia-led coalition forces in Yemen which have hit civilian targets, were produced and/or designed in the United States of America (USA) and United Kingdom (UK). The UK and US governments are also providing logistical support and intelligence to the coalition.

All countries have legal responsibilities under international law to control the transfer of weapons and to restrict or prohibit their transfer in certain circumstances. Under Article 6 of the Arms Trade Treaty (ATT), which came into force in late 2014, a country is prohibited from authorizing an arms transfer if it has knowledge at the time of authorization that the arms would be used in the commission of “attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” Further, article 7 of the ATT requires that states assess the potential that the arms being exported could be used to commit a serious violation of international human rights or humanitarian law; if there is an overriding risk of this, their export shall not be authorized.

The UK government has ratified the ATT and is legally bound by the treaty’s provisions. The US has signed the treaty and as such, must not take any action that would undermine its object and purpose which includes “contributing to international and regional peace, security and stability”; “reducing human suffering”; and “promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms...”.

In addition to the ATT’s provisions, under customary international law, states may incur liability for aiding or assisting another state to commit internationally wrongful acts such as commission of attacks directed against civilian objects or civilians protected as such, or any

other war crime. In this context providing means or other material support (such as military equipment) with the knowledge that its use will lead to or facilitate the commission of serious violations of international humanitarian law may lead to liability under international law.

Amnesty International is calling on states - including the USA and UK - who supply arms to the members of the Saudi Arabia-led coalition to suspend all transfers to coalition members that are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

Amnesty International is also calling for the establishment of an independent international inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.

METHODOLOGY

This report is based on research that Amnesty International conducted in Hajjah, Hodeidah and Sana'a governorates in November 2015. Amnesty International requested and received permission from the Huthi authorities to visit these areas, which are under their control.

An Amnesty International delegate visited five schools that had been hit by air strikes and investigated the circumstances and impact of the attacks.

Amnesty International interviewed 21 witnesses and victims on the ground about attacks on schools.

The names of affected persons and witnesses whose testimony is included in this report have been omitted in order to protect their identity.

In compiling this report, Amnesty International also examined photo and video material, some of which was provided by local residents and some of which was publicly available, crosschecking these sources of information with witness accounts, media articles, and other reports.

In December 2015, Amnesty International wrote to the Saudi Arabian Ministry of Defence detailing its findings, and requesting information about the choice of targets and decision-making process and rationale behind the airstrikes documented in this report. The organization requested that the Saudi Arabian authorities share the findings of any investigations that may have been carried out so far into these cases. At the time of publication, Amnesty International had not received any response from the Saudi Arabian authorities.

Amnesty International wishes to thank all those who contributed information and otherwise supported the production of this report.

SCHOOLS TARGETED

Amnesty International investigated five Saudi Arabia-led coalition¹ airstrikes that took place between August and October 2015 in Hajjah, Hodeidah, and Sana'a governorates and that appeared to target schools without any evidence that they had been used for military purposes. These strikes killed five and injured at least 14 civilians, including four children. They have also severely disrupted the education of the some 6550 children who regularly attended the schools.

These strikes deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the expected military gain from the strike, or failed to distinguish between these and military objectives. Such attacks violate international humanitarian law and can constitute war crimes.

Amnesty International found schools at a distance from any military objectives and that had been struck more than once, suggesting that these schools were in fact the intended target of the attack.

Amnesty International also found no evidence indicating that the schools that appeared to be targeted had been used for military purposes or otherwise contained military objectives.

To date coalition forces have provided no evidence that the premises struck in the cases investigated in this report were used for any purpose that would have made it lawful to target them.

There are prior cases of parties to the conflict using schools for military purposes. For example, Amnesty International received information indicating that the Arwa School in Ta'iz was being used by the Huthis as a detention centre. The Saudi Arabia-led coalition then struck the school in June 2015, killing civilians in the surrounding area, in what appeared to have been an indiscriminate attack.²

In the southern city of Aden, in July 2015 Amnesty International also documented the anti-Huthi Popular Resistance Committees (PRCs) using a school for military purposes.³ In other

¹ Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan and the United Arab Emirates (UAE) are participating in the Saudi Arabia-led coalition, which has carried out airstrikes as well as ground operations in Yemen. The United States and United Kingdom have been providing intelligence and logistical support to the coalition.

² See, Amnesty International, "Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians", 2 July 2015, <https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/>.

³ Amnesty International observed anti-Huthi PRC fighters based in the Omar Ben Khattab School in Dar Saad, Aden. See, Amnesty International, *'Nowhere Safe for Civilians': Airstrikes and ground attacks in Yemen* (Index: MDE 31/2291/2015), August 2015, <https://www.amnesty.org/en/documents/mde31/2291/2015/en/>.

cases in Aden and the western city of Ta'iz PRC fighters were stationed next to or launching attacks near schools.⁴

Both state and non-state armed groups should refrain from using schools for military purposes or operating nearby, which can have the effect of making them legitimate military targets and subject to attack, consequently putting civilians at risk and having long-term adverse impact on children's access to education.

UN Security Council Resolution 2225 on children in armed conflict adopted on 18 June 2015 calls "on all parties to conflict to respect the civilian character of schools as such in accordance with international humanitarian law" and "expresses deep concern that the military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children and in this regard encourages Member States to take concrete measures to deter such use of schools by armed forces and armed groups."⁵

Warring parties also have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary.⁶ Each party must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁷

Access to education has been severely affected across Yemen as a result of the conflict. According to UNICEF (United Nations International Children's Emergency Fund), 34% of children in Yemen have not gone to school since the conflict began in March 2015, and as of October 2015 1.8 million children were not in school.⁸

In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed or because they are being used for other purposes. Ministry of Education officials in Sana'a told Amnesty International in July that 600,000 students have been unable to sit their final high school exams because schools are

⁴ Residents said that PRC fighters frequently launched attacks from near the Omar Ben Khattab School in Dar Saad, Aden. In another incident, civilians sheltering in a school in Block 6 neighbourhood in al-Mansoura, Aden were killed and injured in an attack on the school on 6 July. Survivors said that PRC fighters operated from the area. Amnesty International researchers also observed a PRC checkpoint on the main road at al-Sha'b School some 150m south-east of al-Kawthar neighbourhood in Ta'iz city. See, Amnesty International, "*Nowhere Safe for Civilians: Airstrikes and ground attacks in Yemen*", August 2015.

⁵ UN Security Council, Resolution 2225, 18 June 2015, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225(2015)) (accessed on 7 December 2015).

⁶ ICRC Customary IHL Study, Rule 22.

⁷ ICRC Customary IHL Study, Rule 23.

⁸ UNICEF, Yemen Humanitarian Situation Report, 23 September – 1 October 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Yemen%20Crisis%20Humanitarian%20SitRep%2023Sep-1Oct%202015.pdf> (accessed on 7 December 2015).

being used to house internally displaced placed (IDPs).

According to UNICEF, as of 10 October 1000 schools were inoperable, including 146 that were totally destroyed, 398 that were partially damaged, and 439 that were being used to shelter displaced persons.⁹

Amnesty International also received detailed information from the Sana'a based Ministry of Education identifying as of 30 October 2015, 254 schools that had been completely destroyed, 608 that were partially damaged, and 421 that were being used by displaced persons, resulting in 1283 schools being affected.¹⁰ These schools were located across the country, both in and outside of Huthi control. Amnesty International was not able to independently verify these figures.

THE SCIENCE AND FAITH SCHOOL, MAGREESH, BENI HUSHAYSH, SANA'A



The Science and Faith School after it was attacked by the Saudi Arabia-led coalition, Beni Hushaysh, Sana'a, 7 November 2015. © Amnesty International

The Science and Faith school in Magreesh, Beni Hushaysh, Sana'a was struck by several aerial strikes on 27 and 28 October and approximately one week beforehand.

Amnesty International visited and interviewed four residents, including the school director,

⁹ UNICEF, Yemen Humanitarian Situation Report, 23 September – 1 October 2015.

¹⁰ On file with Amnesty International.

who told Amnesty International that the school was hit on four separate occasions.¹¹ The director told Amnesty International that 1,200 students were enrolled in the school, the only one in the village. He said that at the time of the attack they were getting ready to start the school year but that classes were not yet in session. Following the attack, he said that students were now unable to continue with their studies.¹²

The first attack, they said, took place at around 6am in mid to late October. It was followed by a second attack about a week later on 27 October at around noon. The third strike, also on 27 October, injured and killed some of the residents who went to the strike site to look at the damage inflicted earlier that day. Residents said that three civilians were killed and at least 10, possibly as many as 15, were injured.¹³

A fourth strike further damaged the school on 28 October but did not injure or kill additional residents, according to the witnesses who spoke to Amnesty International.¹⁴

Amnesty International observed the impact sites from the missiles that struck the school building and vicinity and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

The school director told Amnesty International that the school was not being used and had never been used for a military purpose and that the closest military objective to the school was a checkpoint several kilometres away in Khish al-Baker, which was not struck. Amnesty International reviewed video footage released by a local media website on 28 October taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the school director's statements.¹⁵ The repeated strikes over the space of the week indicate that the school was the coalition's intended target.

¹¹ Interviews in Yemen, 7 November 2015.

¹² Interview in Yemen, 7 November 2015.

¹³ Interviews in Yemen, 7 November 2015.

¹⁴ Interviews in Yemen, 7 November 2015; See also, "Coalition plans bomb Magreesh school in Beni Hushaysh again and destroy it completely," *Yemen Today TV*, 28 October 2015, <http://www.yementodaytv.net/details.php?recordID=28557> (accessed on 7 December 2015).

¹⁵ Yemen Today Channel, "Saudi Coalition planes resume bombing schools in Bani Hushaysh Directorate, Sana'a," published on 28 October 2015, <https://www.youtube.com/watch?v=FJq7hNjfqdQ>, (accessed on 7 December 2015).

KHEIR SCHOOL, AL-SHARAFI VILLAGE, HADHRAN, BENI HUSHAYSH, SANA'A



The Kheir School after it was bombed by the Saudi Arabia-led coalition, Beni Hushaysh, Sana'a, 7 November 2015. © Amnesty International

Approximately 300 students attended the Kheir School in the village of Hazran, which had not yet opened for the academic year when a coalition air strike struck it in late October. Amnesty International spoke with six residents, including one child, in the village, which is comprised of about 200-250 homes. Residents worked primarily in the surrounding agricultural fields (growing grapes and qat) or as government soldiers. They told Amnesty International that the Kheir School was the only school in the village or vicinity.¹⁶

The residents told Amnesty International that coalition forces conducted multiple air strikes in the village on two different days. According to the residents, three strikes on 21 October hit the Hadhran mosque in the village (at around 11:30am), a nearby hill, and then a home. The strike on the mosque killed one man and injured a second, according to the residents and pro-Ansarullah local media reports.¹⁷ Residents said the man who was killed was Ali Mohammed al-Garadee, a farmer, 25, and that his cousin Hamed Abd al-Garadee, a farmer, around 18-20 years old, was injured. They said the two men were praying in the mosque at

¹⁶ Interviews in Yemen, 7 November 2015.

¹⁷ Interviews in Yemen, 7 November 2015; "The killing of civilians in an attack on a mosque in Beni Hushaysh in Sana'a," *Almotamar.net*, 21 October 2015, <http://www.almotamar.net/news/125989.htm> (accessed on 7 December 2015); Almasirah TV, "The Coalition targets a mosque, school, and citizen homes, in the area of Hadhran in Beni Hushaysh 24-10-2015," published 24 October 2015, https://www.youtube.com/watch?v=1VqQihEO_Hc (accessed 7 December 2015).

the time of the strike.¹⁸

Residents said that two days later, on 23 October, just before dusk, coalition forces conducted an air strike that struck the Kheir School, which was vacant at the time, causing extensive damage and rendering it unusable; the attack also hit the home of Ali Ali Ahmed Khaled, 100 metres away. According to the residents, this strike killed two of Ali's children, five year old Morad Ali Ali Khaled, and his six year old sister, Abeer Ali Ali Khaled, and injured their mother.¹⁹ A further strike hit a nearby hill.

Residents told Amnesty International that there were no weapons present in either the mosque or the school.²⁰ Amnesty International observed the impact craters from the air strikes that hit the school and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

Amnesty International reviewed video footage released by a local media site on 24 October taken after the strikes on the mosque and school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.²¹ Residents said that the nearest military objective to the village was the Shujah checkpoint, several kilometres away.²²

¹⁸ Interviews in Yemen, 7 November 2015.

¹⁹ Interviews in Yemen, 7 November 2015.

²⁰ Interviews in Yemen, 7 November 2015.

²¹ Almasirah TV, "The Coalition targets a mosque, school, and citizen homes, in the area of Hadhran in Beni Hushaysh 24-10-2015," published 24 October 2015, https://www.youtube.com/watch?v=1VqQihEO_Hc (accessed 7 December 2015).

²² Interviews in Yemen, 7 November 2015.

AL-ASMA SCHOOL, MANSOURIYA, HODEIDAH



The al-Asma School after it was attacked by the Saudi Arabia-led coalition, Mansouriya, Hodeidah, 8 November 2015. © Amnesty International

1,200 students were typically enrolled in the al-Asma School in Mansouriya village: boys in the first to third grade and girls from the first to ninth grade, according to the school's deputy director.²³

Amnesty International spoke with four residents from Mansouriya village, including a student from al-Asma School and the school's director and deputy director during a visit to the school on 8 November. All four told Amnesty International that al-Asma School was never used for military purposes and was attacked by coalition forces despite its purely civilian status.²⁴

The school's director said that al-Asma school was hit at around 12:30pm on 24 August. She was at home at the time, but heard the coalition plane overhead, and heard the sound of the explosion when the missiles struck the school. She said that at the time, the school year had not yet started but that students had been coming to the school to complete their exams from the previous year. At the time of the attack however, she said the school was empty.²⁵

A student from al-Asma School who was nearby at home at the time of the attack also described to Amnesty International what she heard during the attack. She said,

²³ Interview in Yemen, 8 November 2015.

²⁴ Interviews in Yemen, 8 November 2015.

²⁵ Interview in Yemen, 8 November 2015.

*"I was in the room playing with my sister with toys. When we heard the sound of the missile my sister said to me, 'A missile, a missile!' I told her, 'No, it's not a missile, it's just a plane.' It's normal that we would hear the plane and we wouldn't be afraid. When we felt the sound of the explosion we were very afraid and upset. We didn't know where the missile struck. When we were told that it was al-Asma school we were also upset and we cried."*²⁶

Both the director and the deputy director denied that the school was being used or had been used for any military purpose. The deputy director told Amnesty International,

*"Al-Asma school is an active school, in culture, in society, in sports. It is a friendly school. It is the only school in the eastern part [of Mansouriya]... There was talk in the media that there was a strike because there were Huthi [fighters] here, but this is untrue. There is no one here except for the citizens that are around. The homes surrounding the school were affected but no one thankfully [was hurt]."*²⁷

Amnesty International reviewed video footage published by a local media site on 25 August taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.²⁸

Amnesty International also observed the impact craters from the air strikes that hit the school and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions. The strikes on the school were extensive and left the school largely inoperable.

The school director told Amnesty International that before the school was hit, representatives from UNICEF had visited it regularly and that they planned to support the reopening of the school. "We spent eight years building the school," she told Amnesty International. "And in one minute they destroyed everything."²⁹

The deputy director explained that, while there were four schools in the area, the others were five to six kilometres away from al-Asma School. The distance, he explained, was a deterrent for some parents to send their children to school, both because it was inconvenient and because of safety concerns.³⁰ He added that students continued to be terrified of potential future attacks on schools. He said,

"Psychologically there is an impact until now. Today there was a situation, I wish I had not witnessed it, when the plane came and we were distributing books [in the

²⁶ Interview in Yemen, 8 November 2015.

²⁷ Interview in Yemen, 8 November 2015.

²⁸ Almotamar.net, "Saudi coalition planes bomb al-Aama School for Girls in al-Mansouriya district in Hodeidah governorate," published 25 August 2015, <https://www.youtube.com/watch?v=knkTyMu4RDE> (accessed 7 December 2015).

²⁹ Interview in Yemen, 8 November 2015.

³⁰ Interview in Yemen 8 November 2015.

*school courtyard]. I was shocked when the kids started screaming and running in a terrified way. Everything that we were building towards in the last two weeks, with the plan that today they would start studying, in the minute they heard the sound of the plane, it had a completely opposite impact [than getting them ready for school]."*³¹

The student who spoke to Amnesty International said that she was one of the many students who continues to be terrified of future attacks and whose education was disrupted because of the attack on the school. She said,

*"I don't study these days but God willing we will make up the year, the half of the year, that we missed. But the plane is really scary. It keeps you from being able to focus. Imagine. When the plane comes to strike, and even if it doesn't, you can't hear it, you just feel the strike that falls on your head... Right now we are living in fear and in terror. Today I saw the plane and I was very afraid and terrified. The sound today was loud but the feeling I had was like that of all of the girls at school today, of course we are afraid... We just want the aggression [coalition forces] to stop [shelling] on schools. It is a shame for them to bomb kids, a shame for them to attack schools. Their kids study in Saudi Arabia in private universities and everywhere. Our kids are bombed."*³²

AL-SHAYMEH EDUCATION COMPLEX FOR GIRLS, HODEIDAH

"I felt that humanity has ended. I mean, a place of learning, to be hit in this way, without warning, I said, where is humanity? Places of learning are considered sacred. It is supposed to be illegal, in any war, to strike such places."

*Director of al-Shaymeh School*³³

³¹ Interview in Yemen 8 November 2015.

³² Interview in Yemen 8 November 2015.

³³ Interview in Yemen, 9 November 2015.



A child in the rubble of the al-Shaymeh Education Complex for Girls after it was struck by missiles fired by the Saudi Arabia-led coalition, Hodeidah, 9 November 2015. © Amnesty International

The al-Shaymeh Education Complex for Girls was struck multiple times by coalition forces on 25 and 27 August, despite its civilian nature.

Amnesty International visited the school on 9 November and spoke with three employees there, including the school director.³⁴ According to the witnesses, at least two people, one man, Abdullah Miswak, approximately 30 years old, and a woman, approximately 25, were killed in the strikes.

The school, which is part of a larger compound that also includes an office for the Ministry of Education, has a primary and secondary school for girls and a kindergarten for boys with a total of 3200 regular students, according to the school director.³⁵

The director told Amnesty International that students had finished exams on 24 August, so that on 25 August when two air strikes hit the school compound the only people present in the school were the guard and his family, neither of whom were injured in these strikes. She told Amnesty International that after the strikes she went to the school to retrieve the school exams and move them to a safe space. She said,

"I was at home when I heard the news. In the evening we came to the school to collect the exams and move them to a safe space... I had left the school just hours

³⁴ Interview in Yemen, 9 November 2015.

³⁵ Interview in Yemen, 9 November 2015.

before and it was peaceful and now it was on the ground."³⁶

Amnesty International reviewed video footage published on YouTube on 25 and 27 August taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.³⁷

Amnesty International also observed the impact craters from the air strikes that hit the school compound and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

The school's director told Amnesty International that three missiles hit the school compound on 27 August, two days after the initial attack.

A guard working in the Ministry of Education office in the al-Shaymeh school compound told Amnesty International that, although most employees were not in the building on 27 August because of the earlier strike on 25 August, he was present. He said,

*"I was resting in the office. The plane was circling overhead. I went to wash my face and to get dressed and go out, and next thing, the sound of the missile, shhhhhboom. I turned like this, I turned like that, and there was nothing, the room was totally dark."*³⁸

He said that after the attack, he fled the compound, and saw one man, Abdullah Miswak, die as a result of a shrapnel injury to the chest.³⁹

Citing local residents, Masdar Net, an online news outlet, reported on 27 August that Huthi fighters were positioned inside the al-Shaymeh school complex.⁴⁰

However, both the guard and the school director told Amnesty International that they never saw any weapons or fighters in the school compound prior to the attacks.

³⁶ Interview in Yemen, 9 November 2015.

³⁷ Hodeidah Ministry of Education News, "The destruction of al-Shaymeh Education Complex in a Saudi coalition bombing today," published on 25 August 2015, https://www.youtube.com/watch?v=w4_vhVOF27U (accessed on 7 December 2015); Yemen Today Channel, "The Saudi coalition resumes bombing of al-Shaymeh Education Complex in Hodeidah," published on 27 August 2015, <https://www.youtube.com/watch?v=EXwp1kRD4Ik> (accessed on 7 December 2015).

³⁸ Interview in Yemen, 9 November 2015.

³⁹ Interview in Yemen, 9 November 2015.

⁴⁰ "The Coalition shells and throws leaflets," *Masadr Net*, 27 August 2015, http://msader.info/muta.php?d_no=236&no=857623 (accessed on 7 December 2015).



Scattered school books in the al-Shaymeh Education Complex for Girls after it was attacked by the Saudi Arabia-led coalition, Hodeidah, 9 November 2015. © Amnesty International

The director explained at length why she believed it was inconceivable that there were weapons in the school. She said,

*"There were no weapons in the school. People on Twitter or online say there are weapons in the school but I asked for proof. Parents and teachers came and searched the school and found nothing just 15 or 18 days before the missile struck ...And this is what is unjust and what hurts. If I had seen one weapon I would have said, that's it, that is the school's fate, and it deserves to be hit because it had weapons or fighters in it but this did not happen at all...What happened affected us very much. Approximately 3,000 students lost their classrooms, their memories, everything that connects them to this school."*⁴¹

She also told Amnesty International that she heard no secondary explosions after the missiles struck and that she had never seen any weapons or military personnel in the school before the strikes. She believed the closest military objective to the school was the Hodeidah International Airport which is also used as a military airport, which is about five kilometres away.

⁴¹ Interview in Yemen, 9 November 2015.

HUDA SCHOOL, BENI MUSHTAH, ABS, HAJJAH



Students at the al-Huda School ready to learn despite fears of Saudi Arabia-led coalition strikes, Beni Mustah, Abs, Hajjah, 11 November 2015. © Amnesty International

Amnesty International visited the al-Huda school in Beni Mushtah, Abs in Hajjah governorate on 11 November 2015 and spoke with the school director, two students, and a former student of the school. On 27 October a missile struck a field approximately 100 meters from the school in a field. On the same day, a Huthi checkpoint leading into the town of Abs approximately one kilometre away was also hit. The school does not appear to have been mistakenly targeted by an attack on the checkpoint given the distance of the checkpoint from the school and the difference in landscape surrounding the school – a rural village – and the checkpoint – a main thoroughfare.

Amnesty International observed the strike site near the school, the school, and the surrounding homes in the rural area and saw, consistent with witness statements, that there were no visible military objectives in the area.

The director told Amnesty International that the strike near the school had significantly affected enrolment. He said,

“This year we started receiving students: registering them starting from 5 September and receiving them from 3 October when we were taken by surprise by the strike next to the school to the left at a distance of about 100 meters at dusk. There was one strike here and another far away next to the checkpoint [leading to Abs about 1 kilometre away]... This strike [near the school] has really had a strong impact. Even the students who have registered for the year, today it is 11 November, the only

students who came are about five students per class. But during registration time before the strike about 300 students had registered. But now only about five from each class are attending."⁴²

The director told Amnesty International that before the war about 650-700 students attended the school. A 12-year-old al-Huda student who was among those who did continue to attend school told Amnesty International,

*"Last year when there was no war students would come from the beginning. They would be happy at school and everything. But this time when they said school was going to open some of the students did not want to come. They are afraid."*⁴³

Another student, a 15-year-old girl, said, "I just want to go to school and for Yemen to be safe." ⁴⁴

Amnesty International observed that the school suffered minor damage in the strike, including broken windows. Residents said that four civilians, all children, were injured in the attack. The school director told Amnesty International, "When I entered the school after the strike I was surprised that one of my nephews was wounded. He was playing football in the valley when a piece of shrapnel injured his leg. We have four injured from the strike." ⁴⁵ The injured children's ages were between 3 and 14.

The director refuted any suggestion that the school was used for any military purpose, insisting,

*"This place is far away from everything. There are no weapons storage or government buildings. The only government building here is the school...The school here has never been used by any soldiers or for any military purpose. It is just a school. A place for learning."*⁴⁶

⁴² Interview in Yemen, 11 November 2015.

⁴³ Interview in Yemen, 11 November 2015.

⁴⁴ Interview in Yemen, 11 November 2015.

⁴⁵ Interview in Yemen, 11 November 2015.

⁴⁶ Interview in Yemen, 11 November 2015.

APPLICABLE INTERNATIONAL HUMANITARIAN LAW

Yemen, as well as Saudi Arabia, the United Arab Emirates, Jordan and many other coalition states, are party to principal instruments of international humanitarian law the four Geneva Conventions of 1949 and their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).⁴⁷ They are also bound by customary international humanitarian law.

International humanitarian law, or the laws of war, sets out rules that legally bind all parties to armed conflict, whether state armed forces or non-state armed groups. These rules aim to minimize human suffering, and offer particular protection to civilians and those who are not directly participating in hostilities. Serious violations of international humanitarian law are war crimes and those who commit or order war crimes are individually responsible and must be brought to justice.

The principle of distinction, a cardinal rule of international humanitarian law, requires that parties at all times distinguish between combatants and military objectives and civilians and civilian objects and direct attacks only at the former. Intentionally directing attacks against civilians who are not directly participating in hostilities and civilian objects is prohibited and is a war crime.⁴⁸ The Rome Statute of the International Criminal Court specifically sets out that intentionally targeting educational facilities that are not military objectives is a war crime.⁴⁹

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.⁵⁰ Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.⁵¹ Launching an indiscriminate attack which results in death

⁴⁷ Additional Protocol II, 8 June 1977, <https://www.icrc.org/applic/ihl/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545> The involvement of forces from other states in the conflict in Yemen does not make the conflict an international conflict, as it is taking place at the request/with the agreement of the Yemeni government.

⁴⁸ ICRC Customary IHL Study, Rule 156, pp. 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(e)(i). See also discussion in ICRC Customary IHL Study, p. 27.

⁴⁹ Rome Statute of the ICC, article 8(2)(e)(iv).

⁵⁰ ICRC Customary IHL Study, Rule 11; Additional Protocol I, Article 51(4).

⁵¹ ICRC Customary IHL Study, Rule 12; Additional Protocol I, Article 51(4)(a).

or injury to civilians constitutes a war crime.⁵² It is also prohibited to launch a disproportionate attack, that is an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. Knowingly launching a disproportionate attack constitutes a war crime.⁵³

In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.⁵⁴ International humanitarian law requires an attacking party take feasible precautions to minimize harm to civilians and damage to civilians objects. Failure to take feasible precautions is itself a violation and can lead to other violations of international humanitarian law. Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, give effective advance warning to civilians unless circumstances do not permit, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.⁵⁵ In this regard the following rule is particularly important to the protection of schools: "In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." ⁵⁶

Intentionally attacking schools in which there are no fighters, soldiers or military objectives constitute direct attacks on civilian objects and are war crimes.

Parties to the conflict also have obligation to take all feasible precautions to protect civilians and civilian objects under their control from the effects of attacks.⁵⁷ Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁵⁸

There is an emerging consensus that state and non-state armed groups should refrain from using schools for military purposes. This is in keeping with provisions in international humanitarian law that offer special protection to children in armed conflict. For example, under Additional Protocol II, it is a fundamental guarantee that children receive an education, in keeping with the wishes of their parents.⁵⁹ Using schools for military purposes disrupts their education and can have other adverse consequences.

UN Security Council Resolution 2225 on children in armed conflict adopted on 18 June 2015 calls "on all parties to conflict to respect the civilian character of schools as such in accordance with international humanitarian law" and "expresses deep concern that the

⁵² ICRC Customary IHL Study, Rule 156, p.599.

⁵³ ICRC Customary IHL Study, Rule 14; Rule 156, p. 599.

⁵⁴ ICRC Customary IHL Study, Rule 15.

⁵⁵ ICRC Customary IHL Study, Rules 16-19.

⁵⁶ Additional Protocol I, Art 52(3); see also discussion of Rule 10 in ICRC Customary IHL Study.

⁵⁷ ICRC Customary IHL Study, Rule 22. See also Protocol II, Article 13(1).

⁵⁸ ICRC Customary IHL Study, Rule 23.

⁵⁹ Additional Protocol II, Art 4 (3)(a).

military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children and in this regard encourages Member States to take concrete measures to deter such use of schools by armed forces and armed groups.”⁶⁰

To this end, several states have developed the Guidelines on Protecting Schools and Universities from Military Use in Armed Conflict, which prohibit the fighting forces of parties to an armed conflict from using functioning schools and universities to support the military effort.⁶¹ Coalition members Jordan and Qatar were among the first group of states to endorse the Guidelines.⁶² As of November 2015, 51 states have committed to implementing the Guidelines,

States are responsible for violations of international humanitarian law by their forces and must make full reparation for loss or injury caused.⁶³ And states have a responsibility to investigate alleged war crimes perpetrated by their nationals and armed forces or on their territory, and if warranted, prosecute the suspects.⁶⁴ Further, under the principle of universal jurisdiction, all states have a right to investigate and, where enough admissible evidence is gathered, prosecute war crimes.⁶⁵

All states also have legal responsibilities under international law to control the transfer of weapons and restrict or prohibit it in certain circumstances. States may not encourage violations of international humanitarian law by parties to an armed conflict. They must exert their influence to stop violations.⁶⁶

Under Article 6 of the Arms Trade Treaty (ATT), which came into force in late 2014, a country is prohibited from authorizing an arms transfer if it has knowledge at the time of authorization that the arms would be used in the commission of “attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.”⁶⁷ Further, article 7 of the ATT requires that states assess

⁶⁰ UN Security Council, Resolution 2225, 18 June 2015, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225(2015)) (accessed on 7 December 2015).

⁶¹ Global Coalition to Protect Education from Attack, “37 Countries Start Process of Protecting Schools and Universities during Conflict”, 29 May 2015, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf.

⁶² Global Coalition to Protect Education from Attack, “37 Countries Start Process of Protecting Schools and Universities during Conflict”, 29 May 2015.

⁶³ ICRC Customary IHL Study, Rule 150.

⁶⁴ ICRC Customary IHL Study, Rule 158.

⁶⁵ See for example ICJ, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, I.C.J. Reports 2002, p.3, where the majority of the court confirmed the right of all states to exercise universal jurisdiction. Amnesty International, *Universal jurisdiction: The duty of states to enact and implement legislation*, (Index: IOR 53/003/2001), September 2001.

⁶⁶ ICRC Customary IHL Study, Rule 144.

⁶⁷ Arms Trade Treaty (ATT), Article 6, pp. 4-5, <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf> Text taken verbatim from: Amnesty International, *Applying the Arms Trade Treaty to ensure the protection of human rights*, February 2015, Index: ACT 30/003/2015,

the potential that the arms being exported could be used to commit a serious violation of international human rights or humanitarian law; if there is an overriding risk of this, their export shall not be authorized.⁶⁸

In addition to this treaty obligation, under customary international law, states may incur liability for aiding or assisting another state to commit internationally wrongful acts such as commission of attacks directed against civilian objects or civilians protected as such, or any other war crime.⁶⁹ In this context providing means or other material support (such as military equipment) with the knowledge that its use will lead to or facilitate the commission of serious violations of international humanitarian law may lead to liability under international law.

pp. 4-5, <https://www.amnesty.org/download/.../ACT3000032015ENGLISH.PDF>

⁶⁸ Arms Trade Treaty (ATT), Article 7, pp. 5-6, <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

⁶⁹ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, International Law Commission, Yearbook of International Law Commission, 2001, vol. II, Part Two, Article 16, p. 36.

RECOMMENDATIONS

TO STATES MEMBERS OF THE SAUDI ARABIA-LED COALITION

- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any airstrikes by ensuring that civilians and civilian objects including schools are not targeted; and end indiscriminate attacks and disproportionate attacks;
- Take all feasible precautions to minimize harm to civilians and damage to civilian objects, including giving advance effective warnings of impending attacks when possible to civilians likely to be affected; ensure that targets are in fact military objectives, and, particularly in the case of schools, adhere strictly to the presumption of civilian character in case of doubt;
- Ensure that the cases detailed in this report and any others where there is credible information that violations of international humanitarian law have taken place are independently and impartially investigated, make public the findings of the investigations, and bring those suspected of criminal responsibility to trial in fair trials;
- Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Disclose the intended targets of strikes that resulted in civilian casualties or which destroyed or damaged civilian objects, and which coalition members participated in these attacks;
- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO THE GOVERNMENT OF PRESIDENT ABD RABBU MANSOUR HADI

- Demand that the states members of the Saudi Arabia-led coalition take the actions listed above and provide assistance to victims and families of victims of unlawful attacks to seek and obtain justice and reparation;
- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO STATES PROVIDING SUPPORT TO THE COALITION, INCLUDING THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM

- Suspend the transfer to members of the Saudi Arabia-led coalition which are carrying out airstrikes in Yemen of fighter jets, combat helicopters and associated parts and components, and general purpose bombs;
- Press the coalition members to publically denounce reported violations of international humanitarian law, including those documented in this report, and ensure they are independently, transparently and impartially investigated and that victims and their families are afforded full reparation.

TO HUTHI/SALEH-LOYALIST ARMED GROUPS AND ANTI-HUTHI/PRC ARMED GROUPS

- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO THE UN HUMAN RIGHTS COUNCIL, THE UN GENERAL ASSEMBLY, AND THE UN SECURITY COUNCIL

- Publicly denounce attacks on education by all parties to the conflict in Yemen;
- Increase detailed reporting on attacks on education in Yemen under UN Security Council resolution 1612;
- Establish an independent international inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.

'OUR KIDS ARE BOMBED'

EDUCATION UNDER ATTACK IN YEMEN

The conflict in Yemen has had a brutal impact on education; 34% of children in the country have not gone to school since the conflict began in March 2015. As of October 2015, 1.8 million children were not in school. In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed.

Amnesty International investigated five strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana'a governorates, which appear to have directly targeted schools. These strikes killed five and injured at least 14 civilians, including four children. They have severely disrupted the education of the some 6550 children who regularly attended the schools.

The strikes that Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the concrete and direct military advantage anticipated from the attack, or failed to distinguish between civilian objects and military objectives.

Some of the weapons used by the Saudi Arabia-led coalition forces in Yemen which have hit civilian targets, were produced and/or designed in the United States of America (USA) and United Kingdom (UK).

Amnesty International is calling on states - including the USA and UK - who supply arms to the coalition to suspend all transfers to coalition members that are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

Amnesty International is also calling for these, and other, alleged violations to be investigated independently and impartially and for those responsible to be held accountable. It is also asking the coalition to provide full reparation to victims of unlawful attacks and their families.

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AMNESTY
INTERNATIONAL



IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

CLAIM NO: CO/3579/2020

BETWEEN:

THE KING on the application of
CAMPAIGN AGAINST ARMS TRADE ("CAAT")

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF26

Yemen: Coalition Airstrikes Deadly for Children

UN Should Create International Inquiry, Return Coalition to 'List of Shame'



People stand at the site of a Saudi-led air strike on an outskirts of the northwestern city of Saada, Yemen, August 4, 2017. © 2017 Reuters

(Beirut) – The [Saudi-led](#) coalition carried out five apparently unlawful airstrikes in [Yemen](#) since June 2017 that killed 26 children among 39 civilian deaths, Human Rights Watch said today. The attacks, which struck four family homes and a grocery, in one case killing 14 members of the same family, caused indiscriminate loss of civilian life in violation of the laws of war. Such attacks, when carried out deliberately or recklessly, are war crimes.

These attacks show that coalition promises to improve compliance with the laws of war have not resulted in significantly better protection for children. This underscores the need for the United Nations to immediately return the coalition to its annual “list of shame” for violations against children in armed conflict. The UN Human Rights Council should respond to continuing violations by the Saudi-led coalition, Houthi-Saleh forces, and other parties to the armed conflict by creating an independent, international investigation into abuses at its September session.

“The Saudi-led coalition’s repeated promises to conduct its airstrikes lawfully are not sparing Yemeni children from unlawful attacks,” said [Sarah Leah Whitson](#), Middle East director at Human Rights Watch. “These latest airstrikes and their horrible toll on children should galvanize the Human Rights Council to denounce and act to investigate war crimes, and ensure that those responsible are held to account.”

Since March 2015, the Saudi-led coalition has carried out military operations against Houthi-Saleh forces including unlawful airstrikes against homes, markets, hospitals, schools, and mosques. The UN secretary-general’s 2016 annual report on violations against children in armed conflict found that at least 785 children were killed and 1,168 wounded in Yemen in 2015, with 60 percent of the casualties attributed to the coalition. Houthi-Saleh forces have also committed numerous laws-of-war violations, including using banned antipersonnel landmines, indiscriminately shelling populated areas, and forcibly disappearing and torturing people.

Human Rights Watch interviewed nine family members and witnesses to five airstrikes that occurred between June 9 and August 4, 2017, interviewed staff at a hospital, and reviewed photo and video footage taken soon after the attacks by local residents or media outlets. The blast and fragmentation wounds of the victims and the damage patterns observed at the airstrike sites are consistent with the impact of large air-dropped bombs. Human Rights Watch did not identify military objectives in the immediate vicinity of any of the



Saudi-led coalition aircraft struck three apartment buildings in Sanaa on August 25, 2017, killing at least 16 civilians, including seven children, and wounding another 17, including

areas attacked, except for one low-ranking Houthi-Saleh fighter in his home.

eight children. After an international outcry, the coalition admitted to carrying out the attack, but provided no details on the coalition members involved in the attack. © 2017 Mohammed al-Mekhlafi

On August 4, coalition aircraft struck a home in Saada, killing nine members of the al-Dhuraifi family, including six children, ages 3 through 12. The coalition [denied](#) targeting the house, but said it was looking into the “unfortunate incident.” An airstrike on July 18 in a contested area of Taizz killed 14 family members, including nine children, and the Yemeni government called for an investigation. On July 3, coalition aircraft struck another home in Taizz, killing eight of Mohammed Hulbi’s relatives, including his wife and 8-year-old daughter.

The laws of war applicable to the armed conflict in Yemen prohibit deliberate or indiscriminate attacks on civilians. Attacks that are not directed at a specific military objective or cannot distinguish between civilians and military objectives are considered indiscriminate. An attack is unlawfully disproportionate if the anticipated loss of civilian life and property is greater than the expected military gain from the attack. Warring parties must do everything feasible to verify that targets are military objectives.

Individuals who commit serious violations of the laws of war with criminal intent – that is, intentionally or recklessly – may be prosecuted for war crimes. Individuals may also be held criminally liable for assisting in, facilitating, aiding, or abetting a war crime. All governments that are parties to an armed conflict are obligated to investigate alleged war crimes by members of their armed forces.

In response to international outrage over the large numbers of civilian casualties in the Yemen conflict, Saudi Arabia has [claimed](#) that the coalition has changed its targeting procedures and tightened its rules of engagement to minimize civilian casualties. However, the coalition has presented no evidence to substantiate such claims, Human Rights Watch said.

The Saudi-led coalition’s Joint Investigation Assessment Team (JIAT) has not announced investigations into any of the five airstrikes Human Rights Watch documented.

Related Content

 [Letters from HRW on Investigating Alleged Laws-of-War Violations in Yemen](#)

The coalition has repeatedly failed to impartially investigate alleged laws-of-war violations in Yemen. It blocks access to parts of Yemen under Houthi-control for international media and human rights organizations, continues to undercut and

undermine UN and other fact-finding efforts, and routinely issues blanket denials of any responsibility for well-documented violations. These actions highlight the [need](#) for concerned governments to support a resolution at the UN Human Rights Council in September for an international inquiry into abuses by all sides, Human Rights Watch said.

“Saudi Arabia pledged to minimize civilian harm, yet coalition airstrikes are still wiping out entire families,” Whitson said. “Yemeni civilians should not be asked to wait any longer for Human Rights Council members, including Saudi allies the US and UK, to support a credible international inquiry.”

Pledges to Reduce Civilian Casualties

In response to growing global criticism of its air campaign in Yemen, the Saudi government announced it had changed its targeting procedures and tightened its rules of engagement. In June, after US President Donald Trump announced US\$110 billion in arms sales to Saudi Arabia, the *New York Times* [reported](#) that, ahead of the deal, Saudi Arabia provided the United States assurances, including:

- 1) adhering to stricter rules of engagement;
- 2) considering estimates of potential harm to civilians in targeting – a practice US officials told the *Times* the coalition had not fully integrated into its operations;
- 3) allowing US military advisers to sit in the air operations control room in Riyadh instead of in a nearby office;
- 4) bringing the total number of locations identified as presumptively non-targetable on the “no strike list” to 33,000; and
- 5) starting a \$750 million, multiyear training program with the US for the Royal Saudi Air Force and other Saudi forces on topics including human rights and avoiding civilian casualties.

In the three months since the *New York Times* reported the changes, there has been no discernable reduction in unlawful coalition airstrikes. In addition to the five attacks reviewed, [Human Rights Watch documented an additional apparently unlawful strike in August](#) in which coalition aircraft destroyed three apartment buildings in Sanaa, killing 16 people, including seven children, and wounding 17, including eight children. After an [international outcry](#), the coalition admitted carrying out the attack, but asserted that the civilian casualties were the result of a technical error. The [Yemen Data Project](#), which uses a range of open-source data to document the number of Saudi-led coalition airstrikes in Yemen and the targets struck, said it had recorded 427 attacks on military targets in June, July, and August, and 186 coalition airstrikes that hit civilian objects.

Members of the US Congress have proposed Yemen-related amendments to the annual National Defense Authorization Act, including new US government reporting requirements on the Saudi-led coalition's [adherence](#) to the "no strike list and restricted target list" and restrictions on US arms transfers to Saudi Arabia, including prohibiting the transfer of cluster munitions. A final decision on these amendments is expected in September, and US lawmakers should support them, Human Rights Watch said.

Five Unlawful Airstrikes Harming Children

Mahda area, al-Safra district, Saada, August 4, 2017

Casualties: At least 9 civilians killed, including 7 children, and 3 wounded

At about 5 a.m. on August 4, coalition aircraft struck a house in al-Safra district, Saada, killing nine members of the same family, including six children, and wounding three, according to two witnesses, the director of a local hospital, and the [International Committee of the Red Cross](#), whose staff members visited the village soon after the attack.

Abdulrahman al-Dhurafi, the 40-year-old general director of the Education Ministry's office in Saada, told Human Rights Watch he had just finished his morning prayers when he heard "a loud blast that shook the house." A few minutes later, a friend called to tell him his nephew's home had been attacked.

Abdulla A'dayah, 33, who sells qat and lived near the home, said he was the first person to arrive after the attack: "Immediately... I heard the voice of Taha [al-Dhurafi's nephew] calling for help from under the rubble." A'dayah took the wounded man to the hospital after he and two other men had extricated him from the ruins of the house. "When I returned, I saw the [other men] took out others, but all of them were dead."

Al-Dhurafi, who arrived soon afterward, said the house was "completely flattened:"

The first thing I saw when I arrived was a neighbor running out from... what remained from the destroyed house. ... He was carrying a baby girl in his arms. I didn't recognize who she was with the dust and the blood covering her face but she looked 2-years-old maybe. ... Later I knew that this baby girl was Batool, who is two-and-a-half years old, Taha's youngest child.

The two witnesses said that Taha al-Dhurafi, a 35-year-old farmer, lived in the house with his 27-year-old wife and their six children, ages 2 to 12, as well as his wife's parents and their 17-year-old daughter. The attack killed his wife, all six of his children, his mother-in-law, and her daughter. Rescuers, after recovering the bodies of five children, searched "desperately" for hours for Fatima, his 3-year-old daughter, al-Dhurafi said. She was dead when they found her. He and his brother Ahmed, 28, were both burned and had fractured limbs.

Dr. Muhmmad Hajar, the general director of Saada's Jumhuri Hospital, said hospital ambulances went to the house immediately after the attack and that rescuers found six or seven bodies, "mostly very young children." The hospital treated three men wounded in the attack, he said.

The witnesses said they did not know of any military targets in the area, which included primarily family homes and agricultural land. A military camp for special forces was about a kilometer east, and a passport administration building – a civilian object – was about a kilometer south.

In a Saudi Press Agency [statement](#), Col. Turki al-Maliki, who [replaced](#) Brig. Gen. Ahmed Assiri as the coalition spokesman on July 27, denied reports the coalition targeted the house, saying the coalition had completed an after-action review for operations conducted that day in Saada. He said the coalition was continuing to investigate in coordination with the government of Yemen and other international partners "on this unfortunate incident," noting Houthis-Saleh forces store "weapons and explosives inside houses and civilian objects."



On July 3, the ninth day of the Eid holiday, coalition aircraft struck a home in Nobat 'Amer village, Taizz, killing eight civilians, including five children under age 10. Mohammed

Al-Ua'shira village, Mokha district, Taizz, July 18, 2017

Casualties: At least 14 civilians killed, including 9 children

Hulbi, who was about 100 meters from his house during the attack, said he ran home, but "nothing was left, everything was destroyed." © 2017 Private

At about 7:30 a.m. on July 18, coalition aircraft struck a cluster of homes in **Mokha district, Taizz**, said Hashem al-Buraiq, 32, who lived in the area with his wife and their five children. The attacks killed at least 14 civilians, including 9 children.

Al-Buraiq and his family had been living near the Khalid bin Waleed military camp in Taizz governorate. In April, Houthis-Saleh forces declared areas around the camp a military zone. So al-Buraiq and his family moved to a small area near al-Ua'shira village, about seven kilometers from the military camp, where about a dozen families had built homes. The UN Office of the High Commissioner for Human Rights (OHCHR) [had](#) recorded the three families as displaced, and the UN refugee agency [released](#) a statement noting that a number of the civilians killed in the July 18 attack were internally displaced people.

Al-Buraiq's parents and two siblings lived next to him, as did his cousin's widow, her eight children, and her father. The family chose the village "because we were sure that this area is safe... until they struck us," al-Buraiq said.

Al-Buraiq's daughter Manal, 3, and son Jawad, 9, had gone to their cousin's house to get some yogurt for breakfast: "The airstrike hit the part of the house where my cousin's family lives directly," he said. "The strike killed a whole family while they were eating breakfast."

Everyone in the house, including his daughter and son, were killed, as were three people in the neighboring house. In total, the attack killed 14 of al-Buraiq's relatives, including al-Buraiq's sister Aziza, 18, his brother Ahmad, 14, and his mother, his cousin's wife, six of her children, and her brother and father.

Al-Buraiq said he had understood why his cousin had been killed four months earlier while on a motorbike: the airstrike hit a military truck and he happened to be in the way. But, he did not understand this attack:

All people here are civilians, and if we thought that this place would be targeted we wouldn't have come here in the first place, but it was safe ... completely safe. ...

Where is the target? There is no target. ... Just us, no Houthis, no trucks, nothing. ...

OHCHR, which also [investigated](#) the attack, said that, "There do not appear to have been any military objectives anywhere in the immediate vicinity of the destroyed house." OHCHR called on the relevant authorities to investigate the incident. The Yemeni human rights minister, Mohammed Asker, called for a government investigation and described the attack as an "unfortunate incident," Reuters [reported](#). The coalition has not announced if it will investigate the attack.

Al-Hamli village, Mawza district, Taizz, July 18, 2017

Casualties: At least 4 civilians killed, including 2 children, and 3 wounded

At about 8:30 a.m. on July 18, Saudi-led coalition aircraft struck a local grocery store in al-Hamli village, Mawza district, Taizz governorate, killing four civilians, including two children, and wounding three, two men who were at the shop said in separate phone interviews.

Ahmed Farid, 47, who owned the store, was outside the building with about six other people, including his 14-year-old son, Saleh, waiting for a late employee to come with a key.



Remnants of the weapons used in a coalition attack on Nobat 'Amer village on July 3, 2017 that killed eight of Mohammed Hulbi's relatives, including five children under age 10. Human Rights Watch identified the remnants as being from a large air-dropped bomb that was equipped with a Paveway-series guidance kit. © 2017 Private

Farid and Rashad Moqbel, a 25-year-old farmer, said the attack killed four people, including Saleh, a 16-year-old boy, and two other men, and wounded two others, including Moqbel. Two weeks after the attack, Moqbel remained in the hospital, suffering from fractured limbs and bomb fragments that had entered his body, his brother said. The shop was completely destroyed.

Both men left al-Hamli after the strike. They said they do not intend to return. "I don't think it is safe for anyone to go there," Farid said. "They may strike any moving thing."

Coalition aircraft had carried out other attacks in the area during the weeks before the attack, but the nearest military camp was about 15 kilometers away, the two men said. Another airstrike hit a gasoline station about 2.5 kilometers from the grocery store about an hour earlier. A witness said he saw a

couple of Houthi fighters hiding in the area after the attack on the station.

The coalition has not announced if it will investigate the attack.

Nobat 'Amer village, Mokha district, Taizz, July 3, 2017

Casualties: At least 8 civilians killed, including 5 children

At about 10 a.m. on July 3, the ninth day of the Eid holiday, coalition aircraft struck a home in **Mokha district, Taizz**, killing eight of Mohammed Hulbi's relatives, including five children under age 10.

That morning, Hulbi, 45, a farmer, walked to a well about 100 meters from his house. His uncle was sleeping next to the well when he heard planes overhead, followed by the powerful explosion from the attack: "My uncle fell from the chair where he was sleeping. I ran to the house, but nothing was left, everything was destroyed. My uncle and I carried the remains of our family [out of the house]."

The attack killed Hulbi's wife, Saeeda, 35, and his daughter, Amani, 8. His uncle's two wives and four children, two girls and two boys, all under 10, were also killed. One of his uncle's wives was eight months pregnant. After the attack, a few men affiliated with Houthi-Saleh forces drove to the house on motorbikes, ordering people not to approach the house because coalition aircraft might attack again.

A witness photographed remnants of the weapon used in the attack. Human Rights Watch identified the remnants as being from a large air-dropped bomb that was equipped with a Paveway-series guidance kit.

Hulbi said he and his uncle "didn't leave [the area] yet, because we don't have a place to go, but we live alone now, just me and him." The coalition has not announced if it will investigate the attack.

Al-Qoubari neighborhood, 50th Street, Sanaa, June 9, 2017

Casualties: At least 4 civilians killed, including 3 children, and 8 wounded, including 3 children

At about 12:30 a.m. on June 9, coalition aircraft struck the home of Tawfeeq al-Sa'adi in Sanaa's al-Qoubari neighborhood, killing four civilians, including three children and wounding eight, including three children.

Al-Sa'adi, 36, who was not home at the time, said a neighbor called him to tell him the coalition had hit his house:

I replied to him, 'Why would they bomb my house? What do we have to bomb?'... I was shocked and in denial... I walked slowly to the house saying 'Ya Allah Ya Allah.' I arrived and saw the gathering of ambulances and police. At that moment, I lost my mind completely.

The attack destroyed al-Sa'adi's home. His wife, Ghaniya, 32, and 18-month-old daughter, Khadija, were pulled from under the rubble.

Al-Sa'adi took his wife and daughter to five different hospitals, all of which said they could not treat them, either because the hospitals were full and did not have the capacity or because they only provided care to wounded fighters. One hospital finally admitted them. The attack had fractured Khadija's skull. Ghaniya, who was eight months pregnant, had a fractured leg, a burned back, and a bruised skull. She said: "I lost the baby, he was a boy. We wanted to name him Hassan." Her husband said they were trying to save money for an operation for Khadija, but "we don't have enough money to feed ourselves."

The attack destroyed five other homes, and damaged five more, al-Sa'adi said. Al-Sa'adi's neighbor lost four of his relatives, including three of his children, ages 8 to 13, and his wife's 70-year-old grandmother. Six other people in the neighborhood were wounded, including two children, he said. He provided Human Rights Watch their names and ages.

Al-Sa'adi said the area attacked was a poor neighborhood. There were no evident military targets in the vicinity, he said, although his neighbor was a low-ranking Houthi-Saleh soldier. The coalition has not announced whether it will investigate the attack.



A man sits on the rubble of a house of his relatives, destroyed by a Saudi-led coalition airstrike in Sanaa, Yemen, June 9, 2017. © 2017 Reuters

Undermining Accountability Efforts

JIAT, the Saudi-led coalition's investigative team, has largely **absolved** the coalition of any wrongdoing in about two dozen strikes it has investigated. Despite the coalition's promises to pay compensation in a small number of the attacks it has investigated, it has not made any payments or concrete progress toward creating a compensation system, numerous Yemeni

sources said.

Even in strikes where JIAT has found fault, it has not identified the coalition forces responsible. Human Rights Watch was unable to determine which [coalition members participated in the strikes](#) most recently investigated. Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates, Egypt, Jordan, Morocco, and Sudan are current members of the coalition; Qatar [withdrew](#) in June. In July, the UN Panel of Experts expressed concern that coalition members “are deliberately hiding behind ‘the entity’ of the ‘Coalition’ to divert and shield themselves from state responsibility for violations committed by their own forces during airstrikes.” Human Rights Watch has not been able to identify any steps JIAT or coalition states have taken to hold members of their own forces accountable for laws-of-war violations.

Saudi Arabia and its allies have actively worked to avoid accountability. In 2016, then-UN Secretary-General Ban Ki-moon listed the coalition, along with Houthi-Saleh forces and other groups fighting in Yemen, on his annual “list of shame” for violations against children in armed conflict. The UN had documented the coalition killing and maiming children and attacking schools and hospitals, but the secretary-general [removed](#) the coalition from the list after Saudi Arabia and its allies [reportedly](#) threatened to withdraw millions of dollars of funding from critical UN relief programs, such as those serving Palestinian refugees. Coalition attacks harming children continued in Yemen throughout 2016 and into 2017. The UN should relist it in its forthcoming report that covers attacks on children during 2016, Human Rights Watch said.

The Human Rights Council in 2015 and 2016 failed to create an international inquiry into Yemen abuses, instead endorsing processes that over the past two years [have](#) not provided the impartial, independent, and transparent investigations needed to address the gravity of violations in Yemen. On August 29, 62 Yemeni and international nongovernmental organizations [wrote](#) to members of the Human Rights Council to urge it to create an independent international inquiry into abuses committed by all parties to the conflict in Yemen.

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EXHIBIT SPF27

August 21, 2019 12:01AM EDT

Available In [English](#) [العربية](#) [Français](#) [Deutsch](#)

Yemen: Coalition Warships Attack Fishing Boats

47 Yemeni Fishermen Killed, Dozens Detained Since 2018



Fishermen rest on their boats in Hodeida, Yemen before going out to sea, September 2018. Since 2018, Saudi-led coalition naval forces have attacked fishing boats in the Red Sea, killing at least 47 Yemeni fishermen. © 2018 Hani Mohammed/AP Photo

(Beirut) – Saudi-led coalition naval forces have carried out at least five deadly attacks on [Yemeni](#) fishing boats since 2018, Human Rights Watch said today. Coalition warships and helicopters have been involved in attacks that killed at least 47 Yemeni fishermen, including seven children, and the detention of more than 100 others, some of whom were tortured in custody in Saudi Arabia.

The coalition attacks on fishermen and fishing boats appear to be deliberate attacks on civilians and civilian objects in violation of the laws of war. Coalition officials who ordered or carried out the attacks or tortured detainees are most likely responsible for war crimes.

“Coalition naval forces repeatedly attacked Yemeni fishing boats and Yemeni fishermen without any apparent determination that they were valid military targets,” said [Priyanka Motaparthi](#), acting emergencies director at Human Rights Watch. “Gunning down fishermen waving white cloths or leaving shipwrecked crew members to drown are war crimes.”

Human Rights Watch interviewed survivors, witnesses, and knowledgeable sources about seven fishing boat attacks: six in 2018 and one in 2016. Civilians died in five of them. Coalition forces carried out the attacks using small arms and heavy weapons. Warships and helicopters were involved in the attacks from short distances away, so the civilian nature of the fishing boats should have been clear. The fishermen waved white cloths, raised their hands, or otherwise showed they posed no threat. In three attacks, coalition forces did not attempt to rescue survivors adrift at sea, and many drowned.

A fisherman described the attack on his boat: “The helicopter was close, about three meters up. They said [over a megaphone] ‘go forward,’ and four or five [fishermen] went forward, and the rest were near the [boat’s] stern. I was in the middle. Then they hit us with the big gun with bullets.” Seven fishermen died.

The coalition also detained, apparently without charge, at least 115 fishermen, including 3 children, in Saudi Arabia for between 40 days and more than two-and-a-half years. Seven former detainees said that Saudi authorities tortured and ill-treated apprehended fishermen and boat crew members and denied them contact with their families, legal counsel, and Yemeni government representatives.

The attacks and detentions severely affected remote fishing communities that lost the primary earners for dozens of families. They have also deterred other fishermen from going to sea. “Before the war, fishing was good,” said the wife of a fisherman. “But we heard that eight men from the neighborhood next to us were killed...so [my husband] stopped going.”

The San Remo Manual on Armed Conflict at Sea, which is widely viewed as reflecting customary laws of war at sea, requires attacking forces to do everything feasible to limit attacks to military targets. Vessels are presumed to be civilian unless they are carrying military equipment or presenting an immediate threat to the attacking vessel. “Small coastal fishing vessels” are specifically exempt from attacks. These vessels must submit to identification and inspection when required, and follow orders, including orders to stop or move out of the way. The laws of war also place a duty on parties to the conflict, whenever circumstances permit but particularly after an engagement, to take all possible measures [to search for and collect](#) the wounded and shipwrecked.

The Saudi-led coalition has consistently failed to investigate alleged war crimes and other unlawful attacks, including the attacks on fishing boats, Human Rights Watch said. No coalition personnel are known to have been disciplined or prosecuted for attacking Yemeni fishing boats.

The coalition body that reviews alleged laws of war violations by coalition forces, the Joint Incident Assessments Team (JIAT), has investigated fewer than 10 alleged attacks on civilians at sea, none of which appear to correspond with the attacks Human Rights Watch investigated. The JIAT did not find coalition wrongdoing in any of these cases or recommend payments to victims.

The fishermen and their relatives interviewed said that the JIAT had never contacted them. Saudi authorities gave monetary and equipment “assistance” to families of fishermen killed in only one case that Human Rights Watch investigated, and money to released crew members in another.

Human Rights Watch [wrote to the coalition](#) on June 21 about the incidents investigated, but has received no reply.

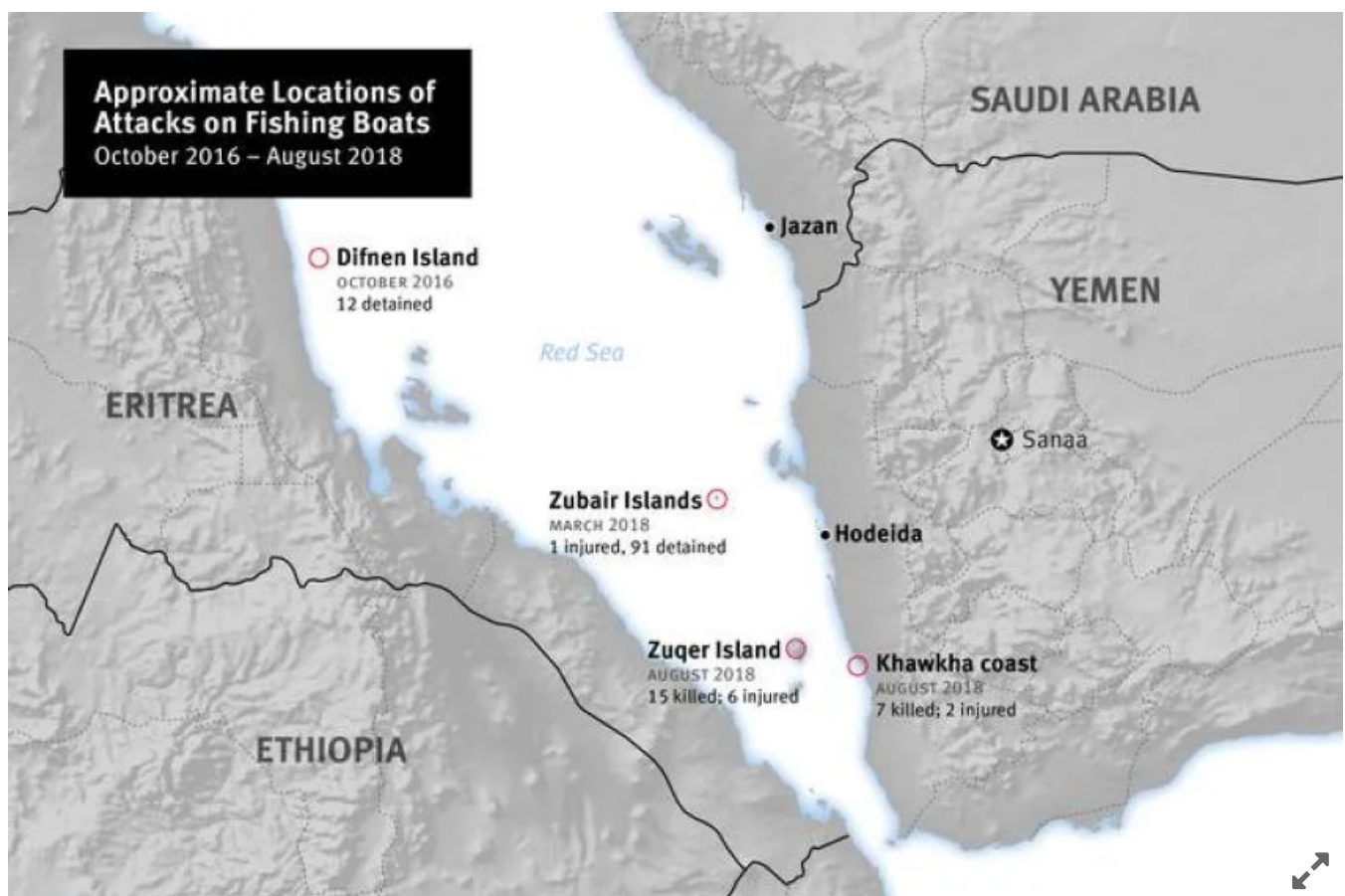
Houthi forces, who control much of northern Yemen and are the target of the coalition forces, have unlawfully attacked commercial traffic in the Red Sea. In its [2018 final report](#), the UN

Panel of Experts noted Houthi attacks on a crude oil tanker, a bulk cargo carrier, and a World Food Program charter vessel. Houthi forces launched attacks with anti-ship cruise missiles, remote-controlled boats filled with explosives, and skiffs carrying armed men. Houthi forces have also [announced their use of sea mines](#), which pose a grave risk to civilian vessels.

The UN Panel of Experts should investigate the attacks at sea and other attacks on civilians and recommend that the UN Security Council impose sanctions on officers and commanders responsible for violations of the laws of war.

Countries such as the United States, United Kingdom, and France should immediately cease all sales and transfers of weapons, including warships and helicopters, to Saudi Arabia, and should carefully review sales to coalition members given the possibility they could be used in committing violations, Human Rights Watch said.

“The naval attacks on Yemeni fishing boats make it clear that the Saudi-led coalition is not only killing civilians through countless illegal airstrikes, but also while conducting operations at sea,” Motaparthi said. “How much more proof do countries continuing to sell weapons to Saudi Arabia need to stop all sales, including of warships, or risk becoming complicit in war crimes.”



Attacks on Fishing Boats

Human Rights Watch documented 5 coalition naval attacks on Yemeni fishing boats in the Red Sea in 2018 that left 47 fishermen dead and 14 injured. In three of the attacks, coalition forces left the scene without trying to help fishermen who were wounded or adrift at sea. The coalition also detained without charge more than 100 fishermen in Saudi detention centers between 40 days and more than two-and-a-half years. Human Rights Watch documented an additional incident from 2016.

Witnesses to attacks and former detainees who spoke to Human Rights Watch are identified by pseudonyms because of fear of reprisals against them or their families. Human Rights Watch also reviewed media reports on the attacks, documents from Yemeni coast guard and local fishing authorities, and a Saudi deportation request confirming the transfer of Yemeni citizens.

The incidents investigated are not a complete accounting of coalition attacks on Yemeni fishermen. The Civilian Impact Monitoring Project, which monitors civilian casualties in Yemen's armed conflict, reported at least 12 coalition attacks on fishing boats that killed or injured fishermen between January 2018 and January 2019, including 9 reported as airstrikes. Two match incidents that Human Rights Watch documented. Given the isolated nature of maritime incidents and poor communication networks on Yemen's western coast, the number of attacks may be much higher.

All of the attacks documented appear to be violations of the laws of war applicable to the armed conflict in Yemen. In every incident, coalition forces appeared to deliberately attack fishing boats and fishermen that could clearly be identified as civilian. Human Rights Watch found no evidence that any of these boats posed a military threat to the coalition forces. Warships left the scene while fishermen were floating in the sea. The prolonged detention of fisherman and boat crews and torture and ill-treatment in custody also violated the laws of war and international human rights standards.

Commanders who willfully ordered or carried out unlawful attacks, failed without justification to rescue shipwrecked fishermen, or mistreated detainees are responsible for war crimes. Commanders responsible for the attacking units may be criminally liable as a matter of command responsibility.

Eritrean Coast, September 15, 2018: 18 killed, 1 injured

On September 15, 2018, coalition naval forces off the coast of Eritrea attacked the fishing boat *Faris* carrying 19 fishermen, apparently killing 14 men and 4 children. One man, Nafea Khadem Zayd Hurbi, survived but died in a motorbike accident about a month after the [New York Times published an article](#) that included his account. Human Rights Watch interviewed a person who knew the fishermen killed, a local human rights activist, and two fishing community members who said they had spoken to Hurbi about the attack.

Based on Hurbi's account to community members and the *New York Times*, a naval ship approached the fishing boat at about 6 p.m. A man on the ship using a megaphone ordered the fishermen to move to their boat's bow. After they gathered there, coalition forces opened fire with light weapons, killing or wounding several men and boys. The naval ship then left the area without assisting the wounded, Hurbi reportedly said. He told the *New York Times* that he floated in the water for four days, clinging to an ice box, before being rescued by a passing boat. He received treatment at a hospital in al-Khawkhah, on Yemen's west coast.

After news of the incident spread on social media, coalition representatives at the al-Khawkhah military base gave 100,000 Saudi riyals (US\$26,600) to the families of the 18 fishermen for each of their relatives that was killed, plus a boat and outboard engine, but did not admit to any wrongdoing. The coalition's Joint Incident Assessment Team did not list the incident in any of its public reporting.

Eritrean Coast, August 21, 2018: 7 killed, 4 injured, 12 detained

On August 21, 2018, at about 3 p.m., Saudi naval and air forces attacked a fishing boat carrying 19 fishermen off the coast of Eritrea. Seven fishermen died in the attack and Saudi forces detained the remaining 12, 3 of whom had burns and another who was severely

wounded. The fishing boat had left the Yemeni port of Qatabah about a week earlier with permission from the Eritrean government to fish in Eritrean waters.

Three survivors, interviewed separately, said they saw a gray and black helicopter with a Saudi flag painted on the side approach their boat. The men waved a white cloth and raised their hands to indicate they were unarmed. A man using the helicopter's loudspeaker ordered them to move toward the boat's bow. Some of the men did, but a gunman in the helicopter opened fire with an automatic weapon.

One fisherman, "Bassam," described the attack:

At that point, a coalition warship approached the fishing boat. It fired a munition that struck the boat's stern and caused an explosion, setting the boat on fire. The 12 surviving fishermen jumped into the water, clinging to empty tanks to stay afloat. A rubber dinghy with several armed men approached the survivors.

Two witnesses said that the officers nearly executed one of the badly injured fishermen. "They yelled, 'He is wounded. Kill him! Kill him!'" said "Shihab." The wounded man shouted, "I am Muslim like you!" and started reciting the *shahaada* [prayer said before death]. At that point, the officers dragged him onto their boat.

After bringing the surviving fisherman aboard the naval ship, also marked with a Saudi flag, officers beat the fishing boat's captain, one witness said.

The badly wounded fisherman was transported by helicopter to a military hospital for treatment and the 11 others were taken by ship and vehicle to a medical clinic in Saudi Arabia, and then to a detention facility near the Jizan port, in the country's southwest. Three of them were burned severely, two witnesses said, but it was six days before they saw a doctor.

"The soldiers [in the detention facility] would cover their faces because of the smell [of the burns]," said "Hossam." "[After] five to six days, they brought us pills and ointment and gauze." Prison authorities did not transfer the burn victims to a hospital for treatment.

The men faced mistreatment during interrogation that amounted to torture. "Bassam" said:

They blindfolded and handcuffed us and hit us with a cable...[I] lost consciousness every night for 15 days. Every one of us was investigated and hit...there was blood... We were interrogated for a few hours. I would go by myself. I felt from the beating and the voices that three or four people were hitting me in different ways and in different places – on my leg, and my chest, and my waist and bottom. They also hung me from a pipe from my arm and leg, and then they dropped me. They said, "You are Houthi... [C]onfess you are Houthi and we will stop doing this." So I put my thumb print on a piece of paper [but] didn't read it.

Three months later, Saudi authorities transferred eight of the detainees to a deportation detention center, where they spent nine days. Guards then put them on a bus to the al-Wadia crossing at the Yemen border. They said they were given 5,000 Saudi Riyals (US\$1,333), which guards told them was "from King Salman," and warned them not to speak about what happened to them after returning to Yemen. Once they crossed the border, Yemeni authorities gave men money to return home, and they made their way back to Khawkha. Another detainee was released 29 days later. The situation of the three remaining detainees, including the boat's captain, remains unknown.

Zuqer Island, mid-August 2018: 15 killed in 2 attacks, 6 injured

In mid-August 2018, coalition naval forces attacked two fishing boats on the same day near Zuqer Island off the coast of Yemen, in seas controlled by the Yemeni government. Human Rights Watch spoke with two survivors of one attack, one of whom witnessed the other attack.

One fishing boat had set off from Khawkha port with a crew of nine men and five boys. “Ramzi,” a crew member, said they received permission to fish from the political security office in al-Khawkha, which coordinated these requests with the Yemeni coast guard and coalition forces.

On the fifth day at sea, between 2:30 p.m. and 4 p.m., when they were fishing near Zuqer Island, a coalition warship approached the boat, “Ramzi” said. The warship began shooting over the fishing boat, while the men onboard shouted that they were fishermen and waved at the warship to stop firing. The warship then fired at the boat, killing and injuring some of the crew.

Another fisherman, “Yousef,” gave a similar account. “I tried to hide in the boat but then I jumped,” he said. “I was injured in the head – one bullet penetrated the boat and nicked my head. I saw Ibrahim Abdo Saeed dying in front of me.”

The attack started a fire on the fishing boat, causing the surviving crew members to jump into the water. Ramzi saw the current carry two fishermen away, one a 13-year-old boy, though he later learned that they survived. Some died immediately and many others were wounded, he said. Ramzi managed to connect a cluster of jerry cans with rope, which he and four others, one of them a 13 or 14-year-old boy, used to stay afloat.

Ramzi said he saw a helicopter on the warship take off and fly toward another fishing boat about two nautical miles away, manned by fishermen whom he knew. He later learned that this boat was also attacked, and 4 of the 10 crew members died.

Ramzi and the others holding onto the bound jerrycans drifted for four days without food or water. On the fifth morning, at about 3 a.m., he said, the others began to drown, and by 5 a.m., Ramzi was the sole survivor.

Later that morning, an Eritrean boat passing by rescued him, and took him to Eritrea, where he stayed for four days before finding passage back to Yemen on another fishing vessel.

Yousef said he stayed alive by holding onto a jerrycan together with a 13-year-old boy for a day and a night before they were rescued by a passing boat. “We were new to fishing and didn’t know how to swim well,” he said.

Khawkha, August 1, 2018: 7 killed, 2 injured

On August 1, 2018, at about 5:30 a.m., three fishing boats set off from the Yemeni port of Khawkha. Human Rights Watch did not speak with any of the men aboard the vessels but interviewed “Amr,” whose relatives were killed in the incident, and who had a detailed account from two survivors. The account he provided is consistent with the [New York Times reporting](#) on the incident.

Amr said that 1 of the boats, with a crew of 9 men, together with the other 2 boats traveled approximately 22 nautical miles from Khawkha. The crew had received travel permission from the fishing institute of the Yemeni Coast Guard, which operates under coalition control, he said.

At about 10 or 11 a.m., a helicopter suddenly flew toward the boats and hovered for a few minutes overhead. The helicopter left but soon afterward, a munition apparently struck the stern of the boat, setting it ablaze.

Amr said the two survivors described hearing a warplane overhead, then a whistling sound before the munition exploded, suggesting that this attack might have been an airstrike.

The two said they remained in the water until 4 p.m., when another Yemeni boat passing by rescued them and took them back to Khawkha.

"The people whom we lost had kids and families," Amr said. "[Now] all of them are on the brink of starvation."

Al-Zubair Islands, mid-March 2018: 1 injured, 91 detained

In mid-March 2018, a group of six fishing boats set out from the Hodeida port, with a seventh boat joining them seven days later. The 7 boats with 91 men were fishing in a loose cluster near al-Zubair Islands, a small archipelago about 45 nautical miles from Hodeida. Human Rights Watch interviewed the captain of one of the boats. A Houthi-affiliated news channel [aired interviews](#) with four men from the group, who said that coalition forces had arrested them and detained them in Jizan, subjecting them to beatings and other treatment they described as torture.

The boat captain, "Saeed," said that shortly before noon he saw a large, gray warship coming toward them. Warning shots struck the water near the boats, then more shots flew over their heads, he said. Someone on the ship ordered the boats by loudspeaker to move closer to each other, and for the fishermen to raise their hands.

At that point, a rubber dinghy came toward the boats from the warship, carrying five or six armed men in uniform, Saeed said. The men boarded the fishing boats, separated the captains from the other crew members, and began searching the boats. Three armed men searched Saeed's boat, he said, and checked the crew's documents. He overheard one officer radio the warship and say, "They are fishermen...they are clear." The man on the other end replied, "Bring the captains." The coalition forces blindfolded the captains of the seven boats, including Saeed, and cuffed their arms and legs, then took them to the warship.

On board the warship, officers removed the leg cuffs and blindfolds and gave the men water but berated them for supporting the Houthis. "You are working with the Houthis, you are Houthis, you are terrorists," Saeed recalled they said.

Officers on the ship ordered the seven boats to follow their vessel. They sailed for three days, then arrived at Jizan port in Saudi Arabia. Saudi authorities held them there at a detention facility, splitting the group between two cells. Saeed said that he and other detainees were beaten during interrogations. He was interrogated twice and others up to five times, he said.

Saeed said that none of the group had access to legal counsel, and none of them spoke to a representative of the Yemeni government. One fisherman, injured in his leg by a gunshot, received medical treatment at a nearby hospital for 10 days. After he was transferred to the detention facility, guards took the injured man to the hospital for treatment every five days, Saeed said. After about 40 days, all 91 men were released.

Difnen Island, mid-October 2016: 12 detained

Around October 16, 2016, about 70 fishermen on a small boat and 2 large dhows, or *sambuk*, were fishing off the coast of Eritrea near Difnen Island. Six people interviewed separately, including fishermen who witnessed the arrests and relatives of detainees, said that coalition naval forces had stopped the boats. Over the course of the day, coalition forces detained 12 people – 9 men and 3 children – and held them for between 17 months and more than two-and-a-half years. Eight fishermen remain in detention. A local activist who investigated the case and conducted additional interviews corroborated the details that witnesses and family members provided to Human Rights Watch.

At about 8 a.m., a boat carrying eight armed uniformed military personnel approached one of the sambuks, said “Omar,” a crew member. Omar said the men were Saudi based on their uniform and accent. The forces accused the fishermen of being armed and of being Houthis, he said. The men replied that they were fishermen with permission to fish from both Yemeni and Eritrean government authorities.

The military personnel ordered the captain on one of the sambuks to sail in a particular direction, with the armed patrol boat alongside it, until about 4 p.m., Omar said.

“We arrived next to a large gray warship...with a helicopter on board,” Omar said. He saw other fishing boats in the water nearby, also apparently in coalition custody. The boats stayed next to the warship for 3 days while authorities detained and interrogated several crew members: 2 of the captains, 7 other men, and 3 boys ages 15 and under. On the third day, the Saudi authorities ordered the fishermen to return to Hodeida with their boats, but without the 2 sambuk captains and 10 other crew members from the various boats.

Saudi authorities have returned four of the detainees to Yemen. Several people familiar with the detainees’ experience said that the group had spent 17 days in a detention facility in Jizan, where they were temporarily separated from the boat captains, who were placed in solitary confinement. When the captains were reunited with the rest of the group, bruises were evident on their bodies.

The entire group of 12 was then transferred to Abu Arish prison, where they were held for about 52 days. Then they were transferred to Khamis Mashit prison. In early 2018, authorities released the three boys and returned them to the Marib governorate, where they stayed in a local detention facility for an additional month. Another man was released in late May 2019. The rest remain missing, last seen in Saudi custody. Human Rights Watch interviewed relatives of four of the missing fishermen to confirm their continued detention.

Arbitrary Detention, Torture, and Mistreatment in Saudi Custody

Saudi forces detained without apparent legal basis at least 115 fishermen and crew members for 40 days to more than two-and-a-half years in detention centers and prisons in Saudi Arabia. Some detainees reported torture and other ill-treatment in custody. None were known to have been brought before a judicial authority. None had access to their family, lawyers, or Yemeni government representatives.

Two former detainees said that Saudi security personnel beat them with cables and wooden sticks, in one case causing unconsciousness, and hung them in the air while tied by an arm and a leg. The men described seeing other detainees who appear to have been tortured, including a fellow fisherman held in Jizan:

He was in a very difficult condition. He was crawling and...couldn't stand. His whole back was bleeding from the beating, [and] his whole mattress was covered with blood. He wasn't talking at all. Even when I talked to him, he didn't answer me.

Three other former detainees said that they were held in solitary confinement for periods ranging from a few days to three weeks, and said that they observed other crew members also held in solitary confinement. They said Saudi authorities did not provide adequate medical care to those who were injured or ill. The authorities also did not separate child detainees from adults as international law requires.

Detainees' families said they did not know where their relatives were until others from their area were released. At least 10 fishermen last seen in Saudi detention facilities in these cases remain missing.

The Saudi government should immediately release all Yemeni fishermen and civilian boat crews detained without any lawful basis. Those detained should have access to a representative of their government, legal counsel, and contact with their families.

Accountability

The UN Panel of Experts should review the roles and actions of naval captains of coalition warships operating in the Red Sea during the period of the above incidents. Investigations should also review the role of naval commanders, including Adm. Fahd bin Abdullah Al-Ghafili, current commander of the Saudi Royal Navy.

Human Rights Watch compiled this list of 47 fishermen and crew members killed in the incidents it documented:

September 15, 2018:

1. Amr Yahya Radwan
2. Mansour Yahya Radwan
3. Ayash Saeed Dunini
4. Ahmed Saeed Dunini
5. Yahya Soliman Dunini
6. Ibrahim Soliman Dunini
7. Abdulla Muhammad Mussa
8. Saeed Muhammad Mussa
9. Abdul-Malik Thabit Murad
10. Anis Talib Hadrhami
11. Shaker Ali Yahya Nahari
12. Abdo Ali Bukiri
13. Hussain Muhammad Munubi
14. Fajri Ahmed Hassan
15. Abdo Ahmed Mahlbi
16. Muhammad Khadem Harbi

17. Abdulla Ali Hafez
18. Yasser Wahb-Allah Bazaz

August 21, 2018:

1. Salman Ahmad Abdo Muhammad Hassani
2. Ahmed Ghalib Salem Foufli
3. Ahmed Abdo Dabaj Qulia'b
4. Mahmmoud Thabit Salman Ahmdi
5. Muhammad Saleh Ali Hassani
6. Muhammad Abdo Muhammad Hassani
7. Magdi Abdo Ali Hassani

Mid-August 2018: 2 attacks

1. Ahmed bin Ahmed Thabit
2. Abdul-Rahman Abdo
3. Ahmad Ibrahim Qassim
4. Esam Ali Saleh Atyia
5. Bashir Ghalib Qassim
6. Murshid Rashid Thabit
7. Ibrahim Abdo Saeed
8. Muhammad Ahmad Abdu-Hamid
9. Ali Ghalib Abdli
10. Saeed Salman Muhammad Alili
11. Emad Ibrahim Ahmad

1. Najib Ibrahim Muhammad Afda
2. Ali Suliman Ibrahim
3. Abbas Muhammad Afda
4. Nasser Yousef Afda

August 1, 2018:

1. Murtadha Zayd Murshid Zaid Bujiri

2. Mahyoub Saeed Saleh Bujiri
3. Abdulla Ibrahim Ahmed Bujiri
4. Adnan Bagash Ibrahim Ahmed Bujiri
5. Hameed Saif Saleh Bujiri
6. Muhammad Abdulla Hizam Afdah
7. Hayel Abdulla Afdah

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

CLAIM NO: CO/3579/2020

BETWEEN:

THE KING on the application of
CAMPAIGN AGAINST ARMS TRADE ("CAAT")

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF28



AIR STRIKES AND CLUSTER MUNITIONS ATTACKS

AMNESTY INTERNATIONAL DOCUMENTATION OF COALITION
ATTACKS IN YEMEN: 2015 – PRESENT

AMNESTY
INTERNATIONAL



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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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Cover photo: Yemeni children stand amid the rubble of a building damaged in an air-strike by the Saudi-led coalition on the capital Sanaa on July 13, 2015. Air strikes in support of forces loyal to exiled President Abedrabbo Mansour Hadi went on despite a six-day humanitarian truce which technically took effect just before midnight on July 10, 2015.

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AMNESTY
INTERNATIONAL



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1. YEAR: 2019

1.1 28 JUNE 2019: US-MADE BOMB USED IN DEADLY AIR STRIKE ON CIVILIANS¹

A precision-guided munition made in the USA was used in a Saudi and Emirati-led air strike carried out on 28 June of this year, on a residential home in Ta'iz governorate, Yemen, killing six civilians – including three children, Amnesty International said today.

The laser-guided bomb, manufactured by US company Raytheon and used in the attack, is the latest evidence that the USA is supplying weapons that are being used by the Saudi and Emirati-led coalition in attacks amounting to serious violations of international humanitarian law in Yemen.

“It is unfathomable and unconscionable that the USA continues to feed the conveyor belt of arms flowing into Yemen’s devastating conflict,” said Rasha Mohamed, Amnesty International’s Yemen Researcher.

“Despite the slew of evidence that the Saudi and Emirati-led coalition has time and again committed serious violations of international law, including possible war crimes, the USA and other arms-supplying countries such as the UK and France remain unmoved by the pain and chaos their arms are wreaking on the civilian population.”

Amnesty International spoke to two family members and two local residents, including two witnesses to the attack. The organization also analysed satellite imagery and photo and video materials of the aftermath of the attack to corroborate the witness reports.

The organization’s arms expert analysed photos of the remnants of the weapon dug out from the site of the strike by family members and was able to use product data stencilled on the guidance fin to positively identify the bomb as a US-made 500-pound GBU-12 Paveway II.

A family ripped apart

Among the six civilians killed in the attack, which took place in Warzan village in the directorate of Khadir, were a 52-year-old woman and three children, aged 12, nine and six.

One family member told Amnesty International: “We buried them the same day because they had turned into severed limbs. There were no corpses left to examine. The flesh of this person was mixed with that person. They were wrapped up [with blankets] and taken away.”

One eyewitness told Amnesty International: “I was around three minutes’ walk away working at a neighbouring farm. I heard the plane hovering and I saw the bomb as it dropped towards the house. I was next to the house when the second bomb fell... and I got down onto the ground.”

¹ Amnesty International, *Yemen: US-made bomb used in deadly air strike on civilians* (Press Release 26 September 2019)

The closest possible military target at the time of the attack was a Huthi Operations Room on Hayel Saeed Farm – approximately 1km away. However, that stopped operating more than two years ago after being struck by several coalition air strikes in 2016 and 2017. Witnesses told Amnesty International there were no fighters or military objectives in the vicinity of the house at the time of the attack.

A second air strike occurred in the same spot approximately 15 minutes after the first, indicating that the pilot wanted to guarantee the destruction of the al-Kindi family's house. The home was struck again five days later while family members were at the house inspecting the site. No one was injured or killed in the latter attack.

Since March 2015, Amnesty's researchers have investigated dozens of air strikes and repeatedly found and identified remnants of US-manufactured munitions.

"This attack highlights, yet again, the dire need for a comprehensive embargo on all weapons that could be used by any of the warring parties in Yemen," said Rasha Mohamed.

"Serious violations continue to take place under our watch, and it is as crucial as ever that investigative bodies, namely the UN-mandated Group of Eminent Experts, are fully empowered to continue documenting and reporting on these violations.

"Arms-supplying states cannot bury their heads in the sand and pretend they do not know of the risks associated with arms transfers to parties to this conflict who have been systematically violating international humanitarian law. Intentionally directing attacks against civilians or civilian objects, disproportionate attacks and indiscriminate attacks that kill or injure civilians are war crimes.

"By knowingly supplying the means by which the Saudi and Emirati-led Coalition repeatedly violates international human rights and international humanitarian law, the USA – along with the UK and France – share responsibility for these violations."

Background

A recent report by the Group of Eminent Experts on Yemen, established by the UN Human Rights Council, concluded that the repeated patterns of air strikes carried out by the coalition raise "a serious doubt about whether the targeting process adopted by the coalition complied with [the] fundamental principles of international humanitarian law."

The report further documents a range of serious violations and abuses by all sides to the conflict in Yemen – a conflict, which the UN states will have killed over 233,000 Yemenis by year end both as a result of the fighting and the humanitarian crisis. The UN Human Rights Council is slated to vote on the renewal of the Group of Eminent Experts today or tomorrow.

According to the Defence Security Cooperation Agency, in 2015 the US government authorized the sale of 6,120 Paveway guided bombs to Saudi Arabia; in May 2019, President Trump bypassed Congress to authorise further sales of Paveway guided bombs to Saudi Arabia and the United Arab Emirates.

2. YEAR: 2018

2.1 17 MAY 2018: FIERCE NEW OFFENSIVE DISPLACES TENS OF THOUSANDS OF CIVILIANS FROM HODEIDAH²

Yemeni civilians are struggling to stay alive amid fierce ground and air attacks in the raging battle to retake western coastal governorates from Huthi armed group control, and the worst could be yet to come, Amnesty International warned after carrying out a field investigation in the south of the country.

The organization interviewed 34 civilians who arrived in Aden after the clashes displaced them from several villages and towns in Hodeidah Governorate between January and early May. They spoke of terrifying mortar attacks, air strikes, landmines and other dangers amid the new offensive as forces loyal to the internationally recognized Yemeni government, supported by ground troops and air cover from the Saudi Arabia-led coalition, attempt to rout Huthi forces.

“The human impact of this fresh military offensive on Yemen’s western coastal areas is clear in the distressing stories shared by civilians displaced by the conflict. It is a glimpse of what potentially lies in store on a wider scale if the fighting encroaches on the densely populated port city of Hodeidah,” said Rawya Rageh, Senior Crisis Response Adviser at Amnesty International.

“The human impact of this fresh military offensive on Yemen’s western coastal areas is clear in the distressing stories shared by civilians displaced by the conflict. It is a glimpse of what potentially lies in store on a wider scale if the fighting encroaches on the densely populated port city of Hodeidah.”

Rawya Rageh, Senior Crisis Response Adviser at Amnesty International.

“We are very worried about what appear to be indiscriminate attacks and other violations of international humanitarian law. All parties have an obligation to do their utmost to protect civilians. They are putting the lives and livelihoods of hundreds of thousands more at risk.”

² Amnesty International, *Yemen: Fierce new offensive displaces tens of thousands of civilians from Hodeidah* (Press Release 17 May 2018)

LIFE ON THE FRONTLINE

Since the offensive began in December 2017, many of those displaced from southern parts of Hodeidah Governorate described suffering sleepless nights and harrowing days as they huddled in their homes amid the bombardment.

Civilians from Zabid, al-Jarrah, Hays and al-Khawkhah – around 100-150km south of Hodeidah city and port – told Amnesty International how they and many others fled to Aden, in the south of the country, as fighting intensified. Some wept as they spoke of relatives and loved ones killed in the conflict.

As both sides engaged in fierce clashes, an assortment of munitions, bullets and shrapnel ripped through civilian homes, and Saudi Arabia-led coalition air strikes also killed and injured civilians.

“We left because of the bombardment and the war around us. They would fire mortars over our head. Every day people would die, every day we would see ripped bodied around us, blown to smithereens. Can we stay there? We had to leave to scape alive. We couldn’t live in such danger.”

Hassan, a 26-year-old displaced fisherman from Qataba village in al-Khawkhah.

“We left because of the bombardment and the war around us. They would fire mortars over our head. Every day people would die, every day we would see ripped bodies around us, blown to smithereens. Can we stay there? We had to leave to escape alive. We couldn’t live in such danger,” Hassan, a 26-year-old displaced fisherman from Qataba village in al-Khawkhah, told Amnesty International.

Even after they escaped the fighting, some civilians continued to receive crushing news of loved ones being killed or injured back home.

A woman from Qataba managed to escape to safety in Fuqum, on the outskirts of Aden, but other family members were not so lucky. She told Amnesty International how a relative who stayed in Qataba broke the news that her seven-year-old nephew was killed on 6 May when a mortar or other projectile landed on a shop where he was buying food. He and his father had stayed behind because they could not afford the trip to flee the fighting.

EXODUS FROM THE WESTERN COAST

Displaced civilians described an exodus as fighting intensified. According to the United Nations, clashes along Yemen’s western coast have displaced around 100,000 people in recent months, most of them from Hodeidah Governorate.

Fleeing was costly. The vast majority of those Amnesty International spoke to said they could only fund the trip by selling precious belongings, such as wedding rings, property deeds and livestock.

They paid to leave on private buses and trucks, forking out an average of 10,000 riyals (around USD\$30 under the conversion rate used in Huthi-controlled territories) per person, a small fortune in the local economy, where the clashes had forced many to stop working. In some cases, large families paid up to 150,000 riyals (USD\$480) to flee.

Mined roads, Huthi checkpoints and other hazards along the way meant that, for some, what should be on average a six-hour drive to Aden became a terrifying ordeal lasting up to three days.

Buses carrying fleeing civilians were blown up by landmines and other explosive devices allegedly planted by the Huthis in a bid to prevent government forces from advancing, and two people said they

saw severed body parts along the route. A farmer interviewed in a hospital where his daughter is in intensive care said that as he was escaping with his eight children and other family members during the first week of May, they drove over a landmine that severely injured his 13-year-old daughter and killed his wife's grandmother. Landmines are inherently indiscriminate and are banned under international law.

One woman said she had a miscarriage as soon as she arrived in Aden, which she attributed to the fear and exhaustion caused by the journey.

“It was really a difficult trip. By God we suffered. There were rockets flying above us. Someone would stop us and say there are projectiles, and then someone else would stop us and say there are landmines, and we would just scream. All the way from when we left and until we arrived we were screaming and crying. We saw dead bodies and we saw others ripped to pieces. We left not thinking we would survive. We thought we would surely die... [but] by the end of it we hoped we died instead of going through what we went through.”

A 25-year-old woman from Qataba.

A 25-year-old woman from Qataba said she was so terrified that she covered her eyes for almost the entire trip and did not breastfeed her baby for more than 13 hours on the last leg of the journey:

“It was really a difficult trip. By God we suffered. There were rockets flying above us. Someone would stop us and say there are projectiles, and then someone else would stop us and say there are landmines, and we would just scream. All the way from when we left and until we arrived we were screaming and crying. We saw dead bodies and we saw others ripped to pieces. We left not thinking we would survive. We thought we would surely die... [but] by the end of it we hoped we died instead of going through what we went through.”

She managed to bring her two daughters, aged nine-months and four-years-old, with her, but in the chaos of the clashes she left her mother and her seven-year-old son behind in Qataba.

Several people told Amnesty International they had attempted to leave Hodeidah Governorate up to three times before finally succeeding. Huthi forces allegedly branded some civilians ‘terrorists’ for abandoning their towns and villages, and in other cases people said they were aware of Huthis forcing busloads of fleeing civilians to turn back.

Some waited for several months in hopes the clashes would subside, but eventually decided to leave in late April or early May. A woman from Hays told Amnesty International:

“We were hoping the war would end, but it only got worse. The bombardment became heavier. It became so random. Bullets would land every which way, between the homes, just randomly. We would try to hide the children by the wall. ... We would hide my mother and the children under the beds. The children would cry. Even at night we couldn't get any sleep.”

Some of the displaced have scattered across relatively more secure parts of Hodeidah Governorate. Others have traveled to different southern governorates, including Aden, Lahj and Abyan, as well as eastward to Hadramawt and Mahra on the far side of the country.

In the absence of formal camps for internally displaced persons (IDPs), many of the displaced civilians interviewed by Amnesty International in Aden have sought makeshift shelter in precarious settings, including buildings under construction or crumbling structures that were badly damaged in a previous round of fighting between the Huthis and government forces in Aden in 2015. Reminders of that earlier conflict abound – from flattened buildings to signs warning of landmines in the area.

VIOLATIONS AMID SHIFTING BATTLE LINES

Those displaced in recent weeks said the battle lines are constantly shifting as government and Huthi forces take control of different areas.

Civilians caught in the middle face a range of violations of international humanitarian law by both sides.

Huthi fighters have fired mortars, which are notoriously imprecise, repeatedly into populated civilian areas. According to a man from Hays, one hit a hospital courtyard on 25 March, injuring his 13-year-old son and killing a pharmacist and a nurse. The use of mortars in the vicinity of concentrations of civilians violates the prohibition on indiscriminate attacks.

Huthi forces further endanger civilians by basing troops and vehicles in civilian neighbourhoods. They have also allegedly mined roads and have otherwise prevented civilians from leaving; in other cases they have expelled people from their homes in areas recently taken from government control.

A woman from al-Jarrahi told Amnesty International how Huthi forces have forcibly recruited civilian men and boys, including her 13-year-old brother.

Survivors have also said that Saudi Arabia-led coalition air strikes had killed civilians, leaving them in constant fear for their lives. Displaced civilians described how three civilians were killed in two air strikes in Zabid and al-Jarrahi in January.

“The most vulnerable among the civilian population are bearing the brunt of this new offensive in Yemen’s war. All sides must abide by international humanitarian law, including taking all feasible precautions to minimize civilian casualties and the destruction of homes and civilian infrastructure.”

Rawya Rageh, Senior Crisis Response Adviser at Amnesty International.

“The most vulnerable among the civilian population are bearing the brunt of this new offensive in Yemen’s war. All sides must abide by international humanitarian law, including taking all feasible precautions to minimize civilian casualties and the destruction of homes and civilian infrastructure,” said Rawya Rageh.

“Civilians fleeing in terror have reported a range of violations – we urge all sides to enforce strict compliance with international humanitarian law, and stop their forces from recklessly endangering civilians.”

2.2 23 MARCH 2018,: THREE YEARS ON, US AND UK ARMS SUPPLIES TO SAUDI ARABIA-LED COALITION³

A Saudi Arabia-led coalition attack with a US-manufactured bomb, which turned a civilian home into rubble and killed or injured six members of the same family, is the latest in a long string of potential war crimes Amnesty International has documented over the past three years of Yemen's devastating conflict.

Since the coalition's campaign of airstrikes against the Huthi armed group began on 25 March 2015, Amnesty International has documented how all parties to the conflict have repeatedly violated international law.

"Three years on, Yemen's conflict shows no real signs of abating, and all sides continue to inflict horrific suffering on the civilian population. Schools and hospitals lie in ruins, thousands have lost their lives and millions are displaced and in dire need of humanitarian aid," said Lynn Maalouf, Director of Research for the Middle East at Amnesty International.

"Three years on, Yemen's conflict shows no real sign of abating, and all sides continue to inflict horrific suffering on the civilian population. Schools and hospitals lie in ruins, thousands have lost their lives and millions are displaced and in dire need of humanitarian aid."

Lynn Maalouf, Director of Research for the Middle East at Amnesty International.

"There is extensive evidence that irresponsible arms flows to the Saudi Arabia-led coalition have resulted in enormous harm to Yemeni civilians. But this has not deterred the USA, the UK and other states, including France, Spain and Italy, from continuing transfers of billions of dollars' worth of such arms. As well as devastating civilian lives, this makes a mockery of the global Arms Trade Treaty."

SAUDI ARABIA-LED COALITION AIRSTRIKES

On 27 January 2018, between 6 a.m. and 8 a.m., a Saudi Arabia-led coalition airstrike hit a civilian home in al Rakab, in southern Yemen's Ta'iz governorate. All six members of the Naji family living there suffered casualties – the mother, Roweyda, and two sons, aged 10 and six, were killed. The father, Riyadh, and his three-year-old son sustained shrapnel injuries in the stomach, while his one-year-old daughter suffered minor injuries.

Amin Mohamad Naji, a relative, arrived at the scene within 10 minutes of the strike. He told Amnesty International: "I helped rescue the injured and [dead] from under the rubble. When I got there, I saw the house destroyed... [two of] the children were under the rubble, they had died, my brother's wife too was killed. My brother Riyadh and two of his children were severely injured."

According to witnesses, the site was at least 3km from any military object and no fighters were present at the time. Amnesty International analyzed a video from aftermath of the airstrike and confirmed that

³ Amnesty International, *Yemen: Three years on, US and UK arms supplies to Saudi Arabia-led coalition are devastating civilian lives* (Press Release 23 March 2018).

the munition used was a GBU-12 laser-guided 500-pound bomb manufactured in the USA by Lockheed Martin.

In August 2017, an overnight attack by the Saudi Arabia-led coalition on a residential neighbourhood in southern Sana'a killed 16 civilians and injured 17 others; the majority of the dead and injured were children. In that incident, too, Amnesty International [concluded](#) that a US bomb manufactured by Raytheon had been used against a civilian home.

These are far from isolated occurrences. Since the start of the conflict, Amnesty International has documented 36 coalition airstrikes that appear to have violated international humanitarian law, many of which may amount to war crimes. These have resulted in 513 civilian deaths (including at least 157 children) and 379 civilian injuries.

VIOLATIONS BY HUTHIS AND OTHER GROUND FORCES

The Huthi armed group and anti-Huthi forces have killed or injured civilians when they indiscriminately fired explosive munitions with wide-area effects into residential areas. The city of Ta'iz in particular experienced intensive attacks with mortars and artillery shells as recently as January and February 2018.

In Sana'a and other areas they control, the Huthis and their allies have continued a wave of arbitrary arrests and detentions of their perceived opponents. Scores of men and women have been subjected to enforced disappearances, with some receiving harsh sentences after grossly unfair trials.

Since the start of 2018, Amnesty International has documented two cases in which a total of four people were sentenced to death by the Huthi-controlled Specialized Criminal Court in Sana'a. These include [Hamid Haydara](#), who belongs to Yemen's Bahá'í community, as well as [Asmaa al-Omeissy](#), Saeed al-Ruwaished, and Ahmed Bawazeer, who were accused of aiding an enemy state. The defendants faced grossly unfair trials; they were subjected to enforced disappearance, lengthy pre-trial detention, torture and other ill-treatment, and had no access to lawyers.

Because the Huthis carried out these violations in connection with the armed conflict in Yemen, they may amount to war crimes.

HUMANITARIAN CRISIS

Yemen is now enduring one of the world's largest humanitarian crises, with at least 22.2 million people in need of humanitarian assistance and more than one million suspected cases of cholera. This crisis is man-made, with the war deepening and exacerbating the humanitarian situation, and all sides impeding the delivery of humanitarian aid.

After Huthi forces launched a missile unlawfully targeting civilian areas in the Saudi Arabian capital Riyadh in late November, the Saudi Arabia-led coalition unlawfully tightened its sea and air blockade on Yemen.

Despite the blockade being loosened since then, the coalition continues to impose restrictions on aid and commercial imports of essential goods, including food, medicine and fuel. The coalition claims the restrictions enforce a UN arms embargo on the Huthis, but they are deepening the humanitarian crisis and contributing to violations of the right to health and to an adequate standard of living.

Medical workers have told Amnesty International how the lack of basic supplies or the danger posed by nearby fighting has forced many medical facilities to close or suspend operations.

Thousands of Yemeni civilians have had their lives cut short and millions more lives hang in the balance amid one of the world's worst humanitarian crises in decades.

Lynn Maalouf

"Thousands of Yemeni civilians have had their lives cut short and millions more lives hang in the balance amid one of the world's worst humanitarian crises in decades," said Lynn Maalouf.

“The long list of violations underscores the need for strong action from the international community. The UN Security Council’s third Presidential Statement on Yemen last week was a positive step, but we will be watching closely to ensure it gets implemented on the ground.”

BACKGROUND

As of February 2018, the UN Office of the High Commissioner for Human Rights (OHCHR) [reported](#) that more than 5,974 civilians had been killed and more than 9,493 civilians wounded in Yemen since March 2015.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 20 million people, or 80% of the population, are in need of humanitarian aid. In a recent report, the UN Refugee Agency (UNHCR) [stated](#) that there are more than 2 million internally displaced persons in Yemen.

In a positive development, the UN Human Rights Council passed a resolution in September 2017 [mandating a group of experts](#) to investigate abuses and violations by all parties in Yemen and identify those responsible for these, where possible.

On 15 March 2018, the UN Security Council adopted a [Presidential Statement](#) (PRST) on the humanitarian situation in Yemen. The PRST represents a step forward to holding all parties to the conflict in Yemen accountable for their abuses. It calls, among other things, for full humanitarian and commercial access as well as for all parties to comply with their obligations under international humanitarian law. However, no reporting mechanism on the implementation of the PRST has been established.

3. YEAR: 2017

3.1 22 SEPTEMBER 2017: US-MADE BOMB KILLS AND MAIMS CHILDREN IN DEADLY STRIKE ON RESIDENTIAL HOMES⁴

The bomb that destroyed a residential building in Yemen's capital last month, killing 16 civilians and injuring 17 more - including five-year-old Buthaina whose photograph went viral in the aftermath of the strike - was made in the USA, Amnesty International reveals today.

Amnesty International's arms expert analysed remnants of the weapon found it bore clear markings that matched US-made components commonly used in laser-guided air-dropped bombs.

The 25 August air strike hit a cluster of houses in Sana'a, severely damaging three of them, and killing seven children including all five of Buthaina's brothers and sisters. Eight other children were injured, amongst them was two-year-old Sam Bassim al-Hamdani, who lost both his parents.

"We can now conclusively say that the bomb that killed Buthaina's parents and siblings, and other civilians, was made in the USA."

Lynn Maalouf, Director of Research for the Middle East at Amnesty International.

"We can now conclusively say that the bomb that killed Buthaina's parents and siblings, and other civilians, was made in the USA," said Lynn Maalouf, Research director for the Middle East at Amnesty International.

"There simply is no explanation the USA or other countries such as the UK and France can give to justify the continued flow of weapons to the Saudi Arabia-led coalition for use in the conflict in Yemen. It has time and time again committed serious violations of international law, including war crimes, over the past 30 months, with devastating consequences for the civilian population."

After examining photographic evidence provided by a local journalist who dug out the remaining fragments of the weapon at the site, Amnesty International's arms expert was able to positively identify

⁴ Amnesty International, *Yemen: US-made bomb kills and maims children in deadly strike on residential homes* (Press Release 22 September 2017).

the data plate from a US-made MAU-169L/B computer control group. It is a part used in several types of laser-guided air-dropped bombs.

According to the Defence Security Cooperation Agency, in 2015 the US government authorized the sale of 2,800 guided bombs to Saudi Arabia that were equipped with the MAU-169L/B computer control group, including GBU-48, GBU-54, and GBU-56 guided bombs.

Amnesty International is calling for the immediate implementation of a comprehensive embargo to ensure that no party to the conflict in Yemen is supplied with weapons, munitions, military equipment and technology that can be used in the conflict. An independent, impartial inquiry into reported violations is urgently needed and all those responsible for crimes under international law must be brought to justice in fair trials.

LIVES DEVASTATED FOREVER

“She had five siblings to play with. Now she has none,” Ali al-Raymi

The Saudi Arabia-led coalition launched the devastating attacks at around 2AM in Faj Attan, a residential area in Yemen’s capital Sana’a.

Ali al-Raymi, 32, lost his brother Mohamed al-Raymi along with his sister-in-law and his five nieces and nephews aged between two and 10 years. His niece, five-year-old Buthaina, was the sole survivor.

He told Amnesty International:

“When you ask her ‘what do you want?’, she says ‘I want to go home’... She thinks that if she goes home, she will find them [her family] there... She had five siblings to play with. Now she has none... What kind of sorrow and pain could she be feeling in her heart?”

The Saudi Arabia-led coalition has [admitted](#) to carrying out the devastating attack, but maintains that the civilian casualties were the result of a “technical error”. The coalition claims it targeted a “legitimate military objective,” which belonged to the Huthi-Saleh forces.

According to local residents, one of the buildings in the area was frequented by a Huthi-aligned individual. Amnesty International was not able to confirm his identity, role or whether he was present at the time of the attack.

However, even if there were military objectives in the vicinity, international humanitarian law prohibits disproportionate attacks, including those expected to kill or injure civilians.

“The coalition’s complete disregard for civilian lives, as well as their lack of commitment to effective investigations, highlights the need for an independent international inquiry to look into alleged violations of international law.”

Lynn Maalouf, Director of Research for the Middle East at Amnesty International.

The Saudi Arabia-led coalition spokesperson also said that the incident had been referred to the coalition’s Joint Incidents Assessment Team (JIAT) for further investigations. To date, [Amnesty International](#) is not aware of any members of the coalition taking concrete steps to investigate, take disciplinary measures against or prosecute officers suspected of criminal responsibility for war crimes.

“The coalition’s complete disregard for civilian lives, as well as their lack of commitment to effective investigations, highlights the need for an independent international inquiry to look into alleged violations of international law,” said Lynn Maalouf.

“It is shameful that instead of holding the coalition accountable for their actions in Yemen, key allies including the USA and the UK have continued to supply it with huge quantities of arms.”

BACKGROUND

Since February 2016, Amnesty International has urged all states to ensure that no party to the conflict in Yemen is supplied – either directly or indirectly – with weapons that would be used in the conflict. It has also repeatedly called for an international independent investigation to be conducted into all alleged violations of international law committed by all parties.

According to the United Nations Office of the High Commissioner for Human Rights’ (OHCHR) [annual report on Yemen](#), 1,120 children have been killed and 1,541 injured since the beginning of the conflict in March 2015. In the past year alone, more than half of these child casualties were attributed to the coalition airstrikes.

The Huthi-Saleh forces, as well as anti-Huthi forces on the ground, have also committed violations international humanitarian law and human rights abuses. According to the OHCHR, the Huthi-Saleh forces are responsible for the majority of child casualties caused by ground fighting, shelling and the use of banned antipersonnel landmines.

3.2 9 MARCH 2017: SAUDI ARABIA-LED COALITION USES BANNED BRAZILIAN CLUSTER MUNITIONS ON RESIDENTIAL AREAS⁵

Amnesty International has corroborated new evidence the Saudi Arabia-led coalition recently fired Brazilian-manufactured rockets containing banned cluster munitions striking three residential areas and surrounding farmland in the middle of Sa’da city, injuring two civilians and causing material damage.

The attack, which took place at 10.30pm on 15 February 2017, is the third confirmed use of Brazilian-manufactured cluster munitions documented by Amnesty International in the last 16 months.

“The Saudi Arabia-led coalition absurdly justifies its use of cluster munitions by claiming it is in line with international law, despite concrete evidence of the human cost to civilians caught up in the conflict,” said Lynn Maalouf, Director of Research at the Beirut regional office.

“Cluster munitions are inherently indiscriminate weapons that inflict unimaginable harm on civilian lives. The use of such weapons is prohibited by customary international humanitarian law under all circumstances. In light of mounting evidence, it is more urgent than ever for Brazil to join the Convention on Cluster Munitions and for Saudi Arabia and coalition members stop all use of cluster munitions.”

“Cluster munitions are inherently indiscriminate weapons that inflict unimaginable harm on civilian lives.”

‘Lynn Maalouf, Director of Research for the Middle East at Amnesty International.

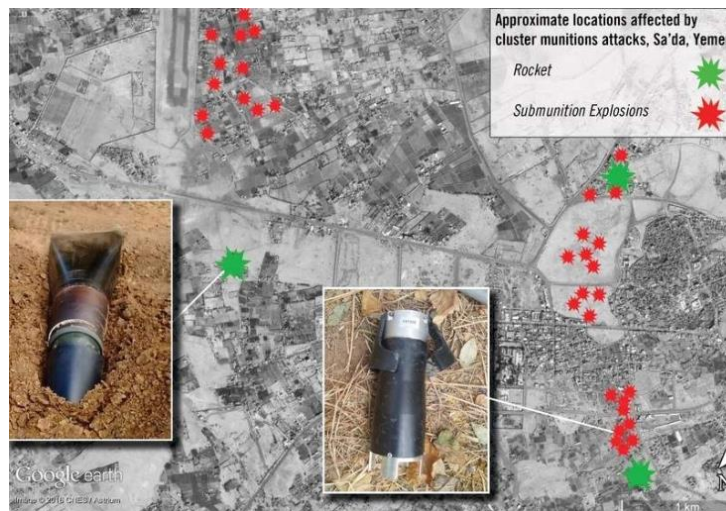
⁵ Amnesty International, *Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas* (Press Release 9 March 2017).

Following the rocket attacks, Amnesty International interviewed eight local residents over the phone, including two witnesses – one of whom was injured in the attack. It also spoke to a local activist and analyzed photographic and video evidence provided by the national munitions watchdog, the Yemen Executive Mine Action Centre (YEMAC), which inspected the site within 30 minutes of the attack.

YEMAC staff also confirmed the use of the same type of cluster munitions in a separate attack that occurred in late January in the directorate of Abdeen, five kilometres south of Sa'da city.

NEIGHBOURHOODS AFFECTED

According to witnesses and local residents, rockets struck the residential areas of Gohza, al-Dhubat and al-Rawdha, resulting in submunitions also landing on homes in al-Ma'allah and Ahfad Bilal, as well as on the new and old cemeteries in the middle of the city, and surrounding farms.



Areas affected by Brazilian Cluster munition attack on 15 February 2017 in Sa'da City © DigitalGlobe; CNES/Astrium; Google Earth. Map produced by Amnesty International

Latifa Ahmed Mus'id, 22, described the attack in Ahfad Bilal, which took place while she was asleep at home. She was with her husband Talal al-Shihri, her three-month old son, Hasan, and three-year old son, Hussain.

"The bomb came into the house, into the bedroom from the ceiling. There is a big round hole in the ceiling. At the time, we heard a big explosion and seconds later the bomb exploded in the room and we got hurt. Three exploded right outside the house... The children were unhurt but in shock... My husband sustained shrapnel injuries on his foot. I hurt my left foot and we went to al-Salam hospital that very night."

"The bomb came into the house, into the bedroom from the ceiling. There is a big round hole in the ceiling... Three exploded right outside the house... The children were unhurt but in shock... My husband sustained shrapnel injuries on his foot. I hurt my left foot."

Latifa Ahmed Mus'id, survivor of a cluster munition attack.

The family fled 78km to Sa'da city four months ago after their home in Baqim, 12km south of the Saudi Arabian border was bombed.

"We were forced to leave our home in Baqim when it was bombed. The bomb went right into our living room and destroyed the house. Everyone had to leave the area. The bombardment was constant. We left two-three months after the strike on our house... We made our way to Sa'da on foot.

We walked for 20km and I was six months pregnant at the time and then a car gave us a lift to Sa'da city."

A local resident of al-Ma'allah, one of the affected areas in the recent attack, described to Amnesty International hearing a loud explosion.

"I heard a really loud sound. And directly after I heard very dense sounds, as if something was spreading. It was so rapid and it lasted 20-30 seconds."

Head of the YEMAC 12th team Yahya Rizk told Amnesty International about his team's visit to the neighbourhoods of al-Rawdha and Ahfad Bilal.

"We found one carrier and one unexploded submunition in al-Rawdha. Al-Rawdha is a densely populated area where bombs [submunitions] penetrated the roofs of two houses. One bomb went through the roof and injured a man and his wife in Ahfad Bilal - it went into their bedroom at [approximately] 11pm. They were taken to the hospital the same night.

Most of the damage was to the property, houses and cars. We noted 12 impact holes in al-Rawdha, by the fruit farms. And 12-13 impact sites in Ahfad Bilal. We found one unexploded bomb [submunition] in al-Rawdha which came down from a tree and landed in the soil, which we photographed."

Members of the YEMAC team also confirmed carrying out a sweep of residential areas in densely populated Gohza where they noted impact holes and damage to houses. Yahya Rizk said, "The bombs [submunitions] landed in people's porches and between houses. They all exploded and no people injured. But windows were all broken and up to 30 cars damaged."

Based on the description of the YEMAC team, and after examining photographs and videos of the aftermath of the attack, including photos of the carriers and one unexploded submunition, Amnesty International was able to identify the remnants used in the attack as being an ASTROS II surface-to-surface rocket.

The ASTROS II is a truck-loaded, multiple launch rocket system (MLRS) manufactured by Brazilian company Avibrás. ASTROS II is capable of firing multiple rockets in rapid succession, with each rocket containing up to 65 submunitions, with a range of up to 80km, depending on the rocket type.

The company's marketing presentations describe it as being "[an important defence system with great deterrent power](#)."

MOUNTING EVIDENCE

Amnesty International [documented](#) the first known use of these types of cluster munitions in Yemen on 27 October 2015 on Ahma north of Sa'da city, which wounded at least four people, including a four-year old girl.

In May 2016, Amnesty International found further evidence of the same type of cluster munitions in villages 30km south of the Saudi Arabian border in Hajjah. As recently as December 2016, Human Rights Watch also [documented](#) the use of Brazilian-manufactured cluster munitions on Sa'da city.

To date, Amnesty International and Human Rights Watch have documented the use of seven types of air-delivered and ground-launched cluster munitions made in the USA, the United Kingdom, and Brazil. The coalition has [admitted using UK](#) and [US-made cluster munitions](#) in attacks in Yemen.

"How many more civilians need to be killed, injured, or see their property destroyed through use of these internationally banned weapons, before the international community condemns the use of cluster

munitions by the Saudi Arabia-led coalition and pressures coalition members to immediately become parties to the Convention on Cluster Munitions?” said Lynn Maalouf.

BACKGROUND

Cluster munitions contain between dozens and hundreds of submunitions, which are released in mid-air, and scatter indiscriminately over a large area measuring hundreds of square metres. They can be dropped or fired from a plane or, as in this instance, launched from surface-to-surface rockets.

Cluster submunitions also have a high “dud” rate – meaning a high percentage of them fail to explode on impact, becoming de-facto land mines that pose a threat to civilians for years after deployment. The use, production, sale and transfer of cluster munitions is prohibited under the [2008 Convention on Cluster Munitions](#), which has almost 100 states parties.

On 19 December 2016, the Saudi-run Saudi Press Agency [reported](#) that the Saudi Arabian government would stop using a UK-made cluster munition, the BL-755 but contended that, “international law does not ban the use of cluster munitions” and while some states are party to the Convention on Cluster Munitions (CCM), “neither the Kingdom of Saudi Arabia nor its coalition partners are state parties” to the CCM. It further claimed that UK-made cluster munitions used by the coalition had been used against “legitimate military targets” and that the cluster munitions were “not deployed in civilian population centres” and that the coalition “fully observed the international humanitarian law principles of distinction and proportionality.”

While Amnesty International is aware of the presence of a military objective, Kahlan Military base, 3km north-east of the city of Sa'da, the presence of a military objective in itself would not have justified the use of internationally banned cluster munitions – particularly not its use on populated civilian neighbourhoods. And even though Brazil, Yemen, Saudi Arabia and members of the Saudi Arabia-led coalition participating in the conflict in Yemen are not parties to the Convention, under the rules of customary international humanitarian law they must not use inherently indiscriminate weapons, which invariably pose a threat to civilians. The customary rule prohibiting the use of inherently indiscriminate weapons applies to their use under all circumstances, including when the intention is to target a military objective.

According to [Landmine and Cluster Munition Monitor](#), Avibrás has sold this type of cluster munition to Saudi Arabia in the past, and Human Rights Watch [documented their use](#) by Saudi Arabian forces in Khafji in 1991.

4. YEAR: 2016

4.1 6 JUNE 2016: EVIDENCE COUNTERS UK CLAIMS DENYING USE OF BRITISH-MADE CLUSTER MUNITIONS IN YEMEN CONFLICT⁶

In May 2016, Amnesty International researchers investigated the remains of a partially detonated UK-manufactured BL-755 cluster munition in a demining centre in northern Yemen. Questions have been raised over whether the cluster munition could have been used during a former Yemen conflict. The following evidence explains the circumstances and condition in which the cluster munition was found, underpinning Amnesty International's conclusion that this cluster munition was used during the current (2015-16) Yemen conflict by a member of the Saudi Arabia-led military coalition.

The UK-manufactured cluster munition could not have been used in a previous conflict as previous conflicts did not target the area involved.

Amnesty International has documented the use of six types of cluster bombs by the Saudi Arabia-led coalition in Yemen since March 2015. Meanwhile, Human Rights Watch has also documented the use of cluster munitions in Yemen since the start of the conflict in March 2015.

The UK-manufactured cluster munition which Amnesty International documented in May 2016 were found in the village of al-Khadhra, in Haradh directorate in Hajjah governorate, some 40 km south-west of Sa'da governorate. While Saudi Arabia conducted airstrikes in Sa'da governorate during the six bouts of armed conflict otherwise known as the "Six Wars" between 2004 and 2009, there is no public record, to Amnesty International's knowledge, of Saudi Arabia or other coalition members conducting strikes in Hajjah governorate prior to the current conflict in Yemen which began on 25 March 2015. Furthermore, as a result of the "Six Wars", over 250,000 people were internally displaced, many of whom moved to Hajjah for shelter and specifically to Haradh which is home to one of the biggest concentration of camps for Yemen's internally displaced.

Analysis of the UK-manufactured cluster munition shows it must have been deployed recently

During its field visit to Yemen, Amnesty International collected photographic and video evidence taken by local residents and by the local demining organization, the Yemen Executive Mining Action Centre (YEMAC), in Hajjah governorate of unexploded and partially exploded cluster munitions. These photographs included images of the BL-755 in situ and captured not just the weapon, but also the impact crater and debris field. Amnesty International researchers also visited the YEMAC warehouse

⁶ Amnesty International, *Yemen: Evidence counters UK claims denying use of British-made cluster munitions in Yemen Conflict* (Index MDE 31/4194/2016).

used for unexploded ordnance storage in Hayran in Hajjah governorate where YEMAC was storing the partially exploded BL-755 in question. An Amnesty International researcher photographed and videotaped the weapon on 7 May 2016.

Amnesty International has subsequently consulted with several independent arms experts who analysed the video and photographic evidence collected by Amnesty International. By studying the images in question the weapons experts concluded that the remnant was of a BL-755 which had malfunctioned and bomblets in five of the original seven sections had neither dispersed nor detonated as designed. Amnesty International observed around a dozen bomblets were still inside in the crushed remains of the bomb casing and YEMAC had stored another 70 or so bomblets in the same warehouse indicating that 80 or so bomblets, more than half, failed to detonate. This resulted in the release of many extremely dangerous unexploded BL-755 submunitions.

Arms experts have confirmed to Amnesty International that examination of the BL-755 photographs indicates that the munition had been deployed relatively recently, most likely within the last few months. The metadata of the images Amnesty International obtained from local residents of the BL-755 in situ shows that the images were taken on 18 and 19 January 2016. The images clearly show that on 18 and 19 January the BL-755 submunitions were not corroded, which one would expect of a weapon that had been deployed years before. Further, the impact crater was not degraded, which again would have happened over the course of several years. Instead, the BL-755 remained in situ protruding from the sand. The natural elements, wind, sand, and the presence of people and animals in the area make it unlikely that it would have remained undisturbed in this position for a period of many years, particularly as the area is routinely ploughed and farmed. Moreover, upon reviewing the photographic evidence provided to them by Amnesty International, IHS Jane's Defence Weekly, a leading UK-based journal on the arms industry, noted that the submunitions bear the same markings used by the UK Royal Air Force.

Based on the condition of the BL-755 weapon in question as well as photographs of the locations in which the cluster bomb munition and submunitions were found, the evidence indicates that the BL-755 has been deployed relatively recently, most likely within the last few months.

Local testimony precludes dropping of UK-manufactured cluster munition before October 2015, and places it at end of December/early January 2016

Interviews with five local residents further support Amnesty International's assessment that the BL-755 was deployed during the current conflict in Yemen.

Amnesty International interviewed the owner of the farm where the BL-755 was found in al-Khadhra village in Haradh directorate, Hajjah governorate, as well as two of his sons who work on the farm, his nephew, also from the village and works on the farm, and one farm labourer who permanently resides on the farm.

The farm owner told Amnesty International that on 7 July 2015 his family, whose farm in al-Khadhra is 6-10 km from the Saudi Arabian border, was forced to flee due to continued heavy fighting north of the farm. However, several labourers remained on the farm to work the land. One of these labourers, Ali al-Mahasir told Amnesty International that in late December 2015/ early January 2016 he headed to a plot of land 500 metres north of the farm to plough it and plant some trees after some rainfall. When he arrived, he said he discovered a large number of unexploded submunitions and other munition debris.

In describing the impact site, he told Amnesty International he saw a hole that was approximately one metre deep and one metre across. He further described the hole as having bomblets "inside it and scattered all around it." These bomblets were cylindrical and dark in colour. He also said there were springs scattered all around on the impact site and some of these cylinders had a shiny metallic cover while others were uncovered. This matches the description of the BL-755 and is similar to the images of the weapon taken in situ by other residents.

Ali al-Mahasir, told Amnesty International that the area where he saw the crater was one that he regularly visited for work, and that the last time he visited the site in October 2015 the bombs were not there.

He also told Amnesty International that two weeks prior to his visit to the site in late December/early January, there was heavy fighting on the border and that “planes were hovering and machine guns could be heard.” At one point, he told Amnesty International that he heard a strike north of the farm, and then mini-explosions that sounded like “fireworks” that continued for 10 minutes consecutively.

Amnesty International interviewed one of the farmer’s sons and his nephew who both said they took photographic and video evidence of some of the munitions, the impact site and debris after the strike. These photos were shared with Amnesty International during our field research in May 2016. The metadata of the photographs shows they were taken on 18 and 19 January 2016 and Amnesty International has identified the weapon in the images as the BL-755.

The farmer’s nephew also told Amnesty International that in February 2016 he visited the YEMAC warehouse in Hayran, requesting that YEMAC clear the BL-755 from his uncle’s land, which YEMAC did in April 2016, storing the remaining unexploded UK-manufactured submunitions in the Hayran Centre in Hajjah. Amnesty International further corroborated this account by speaking to Ahmed al-Muntasar, who headed the YEMAC team that visited al-Khadhra village and removed the BL-755 submunitions. Ahmed al-Muntasar confirmed that a team consisting of eight people, including a doctor, visited the village on 18 April 2016 and spent two days working on the site. His description of the munition they removed matches the description of the BL-755 submunitions and he also shared with Amnesty International photographs of the YEMAC team working on the farm whilst removing the BL-755 submunitions. He recalled that the team collected 48 unexploded submunitions, including three internal racks with unexploded and partially exploded submunitions, all of which was then taken to the YEMAC warehouse in Hayran in Hajjah, where they were later seen by Amnesty International on 7 May 2016.

4.2 23 MAY 2016: CHILDREN AMONG CIVILIANS KILLED AND MAIMED IN CLUSTER BOMB ‘MINEFIELDS’⁷

Children and their families returning home in northern Yemen after a year of conflict are at grave risk of serious injury and death from thousands of unexploded cluster bomb submunitions, Amnesty International said, following a 10-day research trip to Sa’da, Hajjah, and Sana’a governorates.

International assistance is urgently needed to clear contaminated areas and countries with influence should urge the Saudi Arabia-led coalition forces to stop using cluster munitions, which are internationally banned and inherently indiscriminate.

“Even after hostilities have died down, the lives and livelihoods of civilians, including young children, continue to be on the line in Yemen as they return to de facto minefields. They cannot live in safety until contaminated areas in and around their homes and fields are identified and cleared of deadly cluster bomb submunitions and other unexploded ordnance,” said Lama Fakhri, Senior Crisis Advisor at Amnesty International.

“Even after hostilities have died down, the lives and livelihoods of civilians, including young children, continue to be on the line in Yemen as they return to de facto minefields.”

Lama Fakhri, Senior Crisis Response Advisor at Amnesty International.

⁷ Amnesty International, *Yemen: Children among civilians killed and maimed in cluster bomb ‘minefields’* (Press Release 23 May 2016).

On its most recent mission to northern Yemen, Amnesty International found evidence of US, UK and Brazilian cluster munitions used by the Saudi Arabia-led coalition forces. The use of cluster bombs is banned under the Convention on Cluster Munitions, to which the UK is a State Party.

The organization interviewed 30 people, including survivors of cluster bomb submunitions and other unexploded ordnance (UXO) as well as their families, eyewitnesses, demining experts, activists and first responders.

It documented 10 new cases in which 16 civilians were injured or killed by cluster munitions between July 2015 and April 2016. This includes nine children, two of whom were killed. These casualties took place days, weeks, and sometimes months after the bombs were dropped by coalition forces in Yemen.

With a lull in fighting along the Yemeni-Saudi border since a local ceasefire was agreed in March 2016, civilians began returning home and felt safer moving around the governorates of Hajjah and Sa'da. But demining officials, local residents and first responders told Amnesty International they continued to see civilians injured by explosions, with a rise in casualties from unexploded ordnance particularly in areas along the Saudi Arabia-Yemen border including in Midi, Haradh, Hayran, Bakil al-Mir, and Mustabah in Hajjah governorate and al-Safra, Razih, Shada and Baqim in Sa'da governorate.

Many civilians, including children, are now exposed to potentially deadly submunitions and other explosive remnants of war without any knowledge of their presence or the risk they pose. Meanwhile, recent flood waters have moved the submunitions and other unexploded ordnance into areas where civilians do not expect them to be.

Up to this point, the Saudi Arabia-led coalition has not formally confirmed its use of cluster munitions. However, in an [interview with CNN on 11 January 2016](#), the spokesperson of the coalition's military forces, General Ahmed al-Asiri, categorically denied that the coalition had used cluster munitions in attacks anywhere in Yemen other than in one instance, describing the use of air-dropped CBU-105 Sensor Fuzed Weapons on a military target in Hajjah in April 2015.

CIVILIANS DESCRIBE DIRE NEED OF ASSISTANCE TO CLEAR CONTAMINATED AREAS

Recognizing the serious risk unexploded ordnance presents to the civilian population, Yemen's sole demining agency, the Yemen Executive Mine Action Centre (YEMAC), began clearing and detonating the weapons in Sa'da and Hajjah in early April 2016, despite being ill-equipped and trained.

While the full extent of cluster munition contamination is not yet known, in the first three weeks of their work, YEMAC records show its teams working in Sa'da and Hajjah governorates cleared at least 418 cluster bomb submunitions, 810 fuses and artillery remnants, 51 mortars and more than 70 missiles.



Explosive Remnants of War in the garden of the Yemen Executive Mine Action Center (YEMAC) in Hayran © Amnesty International

Tragically, the centre had to abruptly halt its clearing operations on 26 April after three of its staff members, Mohammed Ahmed Ali Al Sharafi, Mustafa Abdullah Saleh Al Harazi, and Hussein Abdo Mohssien Al Salami, were killed in a cluster munition incident while carrying out their work in Hayran in Hajjah governorate.

The Director of YEMAC, Ahmed Yahya Alawi, told Amnesty International that the centre's clearance work was suspended pending an investigation into the men's deaths, but that he believed the deaths were caused by one of the men's failure to take adequate precautions in moving the submunitions and his proximity to his colleagues when doing so. He blamed the men's inadequate training and lamented the ineffectiveness and age of their equipment.

"[Different] types of cluster munitions have been used [by the coalition] but we have only worked with four of the types before. We were surprised by the new kind. They are more sensitive... It is difficult to get explosives to detonate the bombs but storing them is dangerous" he said. "We need to bring in trainers from the countries that made the weapons to train the employees...[and] we are looking for better technology to destroy these bombs."



Remnants of cluster bomb submunitions at the Yemen Executive Mine Action Center (YEMAC) in Sa'da. © Amnesty International

"Donor countries must act quickly to support local efforts to safely and urgently locate, mark and clear areas contaminated by unexploded ordnance and educate affected communities on how to avoid danger in the meantime," said Lama Fakih.

"Failure to safely clear submunitions and other explosive remnants of war will be a ticking time bomb for civilians, including children living in affected areas."

Lama Fakih, Senior Crisis Response Advisor at Amnesty International.

"Failure to do so will be a ticking time bomb for civilians, including children, living in affected areas."

Children are particularly at risk of picking up and playing with submunitions, which they mistake for toys, given their small size and shape. Some roughly resemble drink cans, while others resemble balls.

Amnesty International interviewed a 13-year-old boy who was injured in the late afternoon on a day in January 2016 after apparently picking up a submunition near a spring that locals rely on for water in Noug'a, a small village surrounded by agricultural land in al-Safra, Sa'da governorate, approximately 20-25 kilometres from the border with Saudi Arabia. According to locals interviewed by Amnesty International, the area is separated from the frontlines by a few kilometres and during the heavy fighting, they hear the sound of incoming and outgoing ground-launched attacks.

The victim said the bomblets were green and shaped like “a small ball that you play with.” This description is consistent with the US-made BLU-63 cluster bomb submunitions.

“The boy said the bomblets were green and shaped like “a small ball that you play with.”

13-year-old cluster bomb victim in Noug'a, al-Safra, Sa'da governorate.

“I saw the bomb [submunition] close to where we were filling water and as I was walking along I saw it [on the ground]. I picked it up and I threw it [to the side] and it exploded. I got hurt and then my brother went to get help...” He was hospitalized for two months and had an operation on his abdomen. He told Amnesty International that there are still submunitions next to the spring.

On 1 March, “Walid” (children’s names have been changed for their security) another 11-year-old from a nearby area, was also hurt by a submunition, losing three of his fingers and breaking his jaw. His brother, “Samih,” an eight-year-old, was killed.



An 11-year-old survivor of a submunition incident, which severed three of his fingers and broke his jaw. His eight-year-old brother was killed instantly. © Amnesty International

Walid told Amnesty International that he and Samih were near the village of Fard, al-Safra directorate in Sa'da, on 1 March when they encountered multiple submunitions while herding goats in a valley. He said that he and Samih were carrying around and playing with submunitions for several hours when one eventually exploded around 1pm, killing Samih instantly and injuring Walid. Amnesty International observed that Walid lost three fingers on his right hand and that he had had an operation to insert steel plates in his left jaw, which was broken in the blast. He also sustained shrapnel injuries to his chest and legs.

“I started to take the red string with my right hand and pull and [Samih] pulled on the other end of it and then it went off and I fell back. [Samih] was hurt in his stomach and he had fallen down too. We didn’t know it would hurt us.

Walid, an 11-year-old boy from Fard, al-Safra directorate in Sa’da.

“We go down every day to the valley to herd goats, where there are many small bombs. We found four of them in the morning... they were cylindrical with a red ribbon. We carried them with us while herding. At around 1pm, I started to take the red string with my right hand and pull and [Samih] pulled on the other end of it and then it went off and I fell back. [Samih] was hurt in his stomach and he had fallen down too. We didn’t know it would hurt us.”

Based on the description, these appear to be ground-launched “ZP 39” DPICM submunitions, which have been documented by Human Rights Watch in northern Yemen in May 2015.

On 16 April in a village in Hajjah governorate around 10 kilometres from the Saudi Arabian border, a 12-year-old boy was also killed and his nine-year-old brother injured when they played with cluster bomb submunitions while they herded goats in the valley nearby. According to family members, fighting fronts are a few kilometres closer to the border and local residents told Amnesty International that fighters were sometimes forced to retreat into nearby villages to seek shelter from Saudi fire.

The nine-year-old boy who survived told Amnesty International:

“I found the bomb and I went and gave it to my brother so he can have one and I had one. He hit them against each other and they exploded and I found myself lying on the ground. The explosion pushed me back [several metres]. Two or three days before the accident, my friend and I used to go and collect the bombs and put them in a bag and hide them under and between the trees. They have a white ribbon.”

His 12-year-old brother was killed on the spot, with his abdomen torn open and his arm severed.

The boys’ father, who has 13 other children, told Amnesty International that the family had only recently returned to the area, after being displaced by airstrikes. He said they do not go back to the valley after the incident, but there are no safe spaces to herd their goats: “In the area next to us, there are bombs hanging off the trees,” he said.

“In the area next to us, there are bombs hanging off the trees.”

Goat herder and father of 13 from Hajjah governorate.

Other goat herders told Amnesty International the prevalence of cluster bomb submunitions in grazing areas has forced them to keep their goats locked up and feed them straw, which is costly and not sustainable. In most cases farmers and herders told Amnesty International they had no choice but to work in contaminated areas despite the risks.

“The significant number of submunitions used by the Saudi Arabia-led coalition forces and the high dud rates have not only killed and maimed, but also severely damaged livelihoods by killing livestock and turning agricultural land into de facto minefields, interfering with animal herding as well as harvesting of banana, mango and tomato crops,” said Lama Fakih.

In many instances, civilians returning home told Amnesty International that they have had to resort to removing submunitions themselves, fearing that children will pick them up or their livestock will be injured.

Hindi Ibrahim, a 25-year-old father of two from Dugheij Village, Hayran, Hajjah governorate, told Amnesty International how his arm was injured by an explosion when he and other villagers attempted to clear hundreds of cluster bomb submunitions from their village:

“The original strike happened late July/last August during the day and [some of] the bomblets exploded. There were also Apaches [helicopters] that shot at people as they ran away. There were 500 pieces in the village everywhere ... we wanted to remove them. Some were inside the house in the courtyard and kitchen...[YEMAC] kept on promising they would come but they never came. They told us they were busy in other areas. By February, we were forced to clean them ourselves because of the [risk to] children. At the time I went into the house and put 10 [submunitions] on a tray and carried them out of the house. The bombs started hitting against each other and one went off. I dropped the tray and the rest went off.”

Hindi Ibrahim sustained shrapnel injuries in his right elbow, right abdomen and right hip.



Hindi Ibrahim, a 25-year-old father of two from Dugheij Village, Hayran, Hajjah governorate – victim of submunition explosion. © Amnesty International

Amnesty International also interviewed his brother, Weedi Ibrahim, 30, and his nephew, Yahya Shawqi, 15, who were both also injured when they handled submunitions in the village. According to Hindi Ibrahim, two other villagers were killed in recent months when they picked up submunitions and they went off.

FIRST CONFIRMED USE OF UK-MADE CLUSTER MUNITIONS IN YEMEN

Since the start of the Saudi Arabia-led air campaign on 25 March 2015, Amnesty International has documented the use of six types of cluster munitions in Yemen (see full table below) by the coalition forces. Other credible sources including Human Rights Watch have also documented their use.

Amnesty International’s most recent mission confirmed, for the first time, that coalition forces have used UK-manufactured BL-755 cluster munitions in Yemen. The BL-755 was manufactured by Hunting Engineering Ltd in the 1970s. This variant, designed to be dropped from the UK Tornado fighter jet, contains 147 submunitions designed to penetrate 250mm of armour while at the same time breaking into more than 2,000 fragments which act as an anti-personnel weapon. The weapon is known to be in the stockpiles of both Saudi Arabia and the United Arab Emirates.



The remains of the body of a UK-manufactured BL-755 cluster bomb in Hajjah in northern Yemen © Amnesty International

Amnesty International's research team located the BL-755 bomb in Hayran in the centre YEMAC was using to store unexploded ordnance they had collected. The bomb had malfunctioned and bomblets in five of the original seven sections had neither dispersed nor detonated as designed. Around a dozen bomblets were still inside in the crushed remains of the bomb casing and YEMAC had stored another 70 or so bomblets in the same facility indicating that 80 or so bomblets, more than half, failed to detonate.

This is the first confirmed use of UK-made cluster munitions since the adoption in 2008 of the Convention on Cluster Munitions, which the UK played a role in drafting and negotiating.

Other types recently identified by Amnesty International include a Brazilian-manufactured Avibras ASTROS cluster munition rocket motor and US-manufactured CBU-105 Sensor-Fuzed Weapons with BLU-108/B canisters. A US Department of Defense contract worth \$641 million for the manufacture of 1,300 CBU-105 sensor fused weapons for Saudi Arabia was agreed in August 2013. The weapon is also known to be in the stockpile of the United Arab Emirates.

The BLU-108, manufactured by Textron Defense Systems, is an air-delivered submunition, with four further smart "Skeet" submunitions. The BLU-108 is released from the bomb that carries it, and a parachute deploys to slow its descent. It then fires the four rapidly-rotating skeets, which using multi-mode optical sensors can identify a variety of targets. When the skeet identifies a target signature it detonates, propelling an explosively formed penetrator to penetrate armour and produce incendiary effects, as well as a fragmentation ring to damage soft targets and personnel.

The presence of dud skeet submunitions in Yemen which have failed to deploy, detonate or self-destruct contradicts claims by the US Security Defense Cooperation Agency that these munitions do not result in more than 1% unexploded ordnance "across the range of intended operational environments." The US government prohibits the sale or transfer of cluster munitions with greater than a 1% fail rate. The US appears to be failing to meet even this standard, which falls short of the complete ban on the use, production, transfer and stockpiling of cluster munitions that the 100 states parties to the Convention on Cluster Munitions have committed to.

RECOMMENDATIONS

"Without a concerted effort to stop the Saudi Arabia-led Coalition from using cluster munitions, and urgent international support for clearance, these cluster bombs and other explosive remnants of war will leave a deadly legacy in Yemen for years to come, posing a threat to civilian lives and wreaking havoc on the local economy," said Lama Fakih.

“[Unless action is taken,] these cluster bombs and other explosive remnants of war will leave a deadly legacy in Yemen for years to come, posing a threat to civilian lives and weakening havoc on the local economy.”

Lama Fakhri, Senior Crisis Response Advisor at Amnesty International.

Saudi Arabia and other coalition members should facilitate clearance of areas contaminated by unexploded ordnance. States in a position to do so should provide all possible technical, financial, material, and other assistance to facilitate the marking and clearance, removal or destruction of cluster bomb submunitions, duds and other explosive remnants of war. They should also provide victim assistance, including for the medical and psychological care and rehabilitation of victims and their families, as well as risk education.

Members of the Saudi Arabia-led coalition should immediately provide the UN with precise locations of cluster munition attacks, including maps, data with the exact dates of strikes, specific types and quantities of the weapons used, in order to facilitate clearance and risk-education activities and to reduce the potential for further civilian casualties.

States supplying arms to the Saudi Arabia-led coalition and the coalition members should immediately stop transferring and using cluster munitions and should decommission and dispose of their remaining stocks without further delay.

BACKGROUND

Amnesty International and others have been calling on all states for years to immediately halt the use, production, transfer and stockpiling of cluster munitions and to join the 2008 Convention on Cluster Munitions (CCM).

The other countries who have produced cluster munitions identified as being used by the Saudi Arabia-led coalition in the Yemen conflict – the USA and Brazil – have not yet joined the CCM. Neither has Yemen – although Yemeni diplomats indicated on 19 May at a UN conference that they were strongly considering acceding to the Convention, given the level of cluster munition contamination in the country.

Neither Saudi Arabia nor any of its coalition members have joined the CCM. However, under customary international humanitarian law, coalition members must not use inherently indiscriminate weapons, which invariably pose a threat to civilians.

Since February 2016, Amnesty International has urged all states to ensure that no party to the conflict in Yemen is supplied – either directly or indirectly – with weapons, munitions, military equipment or technology that would be used in the conflict until they stop serious violations of international human rights and humanitarian law and support independent, impartial investigations into allegations of violations by all parties.

4.3 15 JANUARY 2016: NEW EVIDENCE CHALLENGES COALITION’S DENIAL IT USED CLUSTER MUNITIONS IN RECENT ATTACK⁸

⁸ Amnesty International, *Yemen: New evidence challenges coalition’s denial it used cluster munitions in recent attacks* (Index MDE 31/3208/2016).

Evidence gathered by Amnesty International appears to confirm reports that the Saudi Arabia-led coalition forces dropped US-manufactured cluster munitions on the Yemeni capital, Sana'a, on 6 January 2016. The attack killed a 16-year-old boy and wounded at least six other civilians, and scattered submunitions in at least four different residential neighbourhoods. Amnesty International is calling on the coalition to immediately stop using cluster munitions, which are inherently indiscriminate weapons and are internationally banned.

From its side, the Saudi Arabia-led coalition has not confirmed that it carried out any attack on the areas hit on 6 January. In addition, in an [interview with CNN on 11 January 2016](#), the spokesperson of the coalition's military forces, General Ahmed al-Asiri, categorically denied that the coalition had ever used cluster munitions in attacks on Sana'a and claimed they had only used them in one attack in Yemen, on a military target in Hajjah in April 2015.

However, according to Amnesty International's information, the coalition is the only party to the conflict that has the capability to drop bombs from the air and its research provides compelling evidence that it did indeed drop cluster munitions on 6 January. The research has included interviews with nine local residents, including the family of the boy killed, three of those wounded, two eyewitnesses, the head of security in western Sana'a and two local photographers who visited sites impacted by the attack the day after.

The attack hit Mu'een, a district in the west of Sana'a, at around 5am on 6 January 2016. According to the head of security in western Sana'a, Ahmed Abdullah, parts of a metal cylinder that dispenses submunitions were found in two different locations: the grounds of Sana'a New University and a location in al-Rabat neighbourhood, approximately 900m to the south. He added that submunitions were also found scattered over several neighbourhoods in the district of Mu'een. Ahmed Abdullah told Amnesty International that in total 23 houses were partially damaged and 20 cars were completely burned out or partially damaged. He said that the majority of the submunitions exploded at the time of attack, though they had also found some unexploded ones.

The distances between the locations where the dispenser parts and submunitions impacted indicates that more than one bomb was dropped, but the precise number remains unclear. Even if the attack was aimed at a military target, the use of inherently indiscriminate weapons like cluster munitions is absolutely prohibited by international humanitarian law.

Eyewitnesses and victims described how, at approximately 5am, they heard one big explosion, followed by a series of small consecutive explosions after a minute. These accounts and the fact that remnants of a dispensing cylinder and submunitions were found after the attack are consistent with the use of air-dropped cluster munitions.

Mohamed Saleh, 55, a local resident of al-Sonainah neighbourhood, 2km west of where the dispenser landed, was at the mosque praying when the strike occurred: "We had been praying at around 5am at the mosque and, as we left the mosque, we heard the plane overhead going whoosh, whoosh, whoosh and then a big explosion followed. We were afraid of a second air strike so we scattered and that is when smaller explosions followed consecutively. I sustained some shrapnel injuries and I was taken to hospital right after that but the neighbourhood was covered in the small bombs. Some of them landed on cars and exploded and others inside houses. Even the water tanks were damaged." According to a photographer who visited al-Sonainah the following day, there were at least eight exploded submunitions in the neighbourhood and three partially damaged houses and five burned out cars.

Amnesty International also spoke to the brother of the 16-year-old-boy who was killed in the attack. Essa Ghaleb al-Fararsi, from al-Madhbah neighbourhood, 3.5km north-west of where the dispenser landed, died after sustaining multiple injuries from exploding submunitions. "At around 5am, he was on his way to the mosque opposite our house in al-Daqeeq district to perform the dawn prayers. We then heard the first explosion. A minute later we heard a series of consecutive explosions in the neighbourhood when the little bombs landed, one of which landed on the roof of our neighbour's house... My mother found Essa at the mosque door in a pool of his own blood... In the neighbourhood, several cars were damaged and the mosque was partially damaged as well."

A photographer who visited al-Madhbah on 7 January told Amnesty International that she counted 15 exploded submunitions, three partially damaged houses and five damaged cars. One of the vehicles was a water truck, inside which a submunition had exploded. Amnesty International also spoke to a local resident of al-Madhbah and reviewed photographs of his house, which was damaged when a cluster submunition exploded on the roof, leaving a hole in his living room ceiling. His wife told Amnesty International: "We are a family of 19 living in this house, six of them children. Two of the children, 10 months old and six months old, are still crying because they were so frightened after the attack."

Shaker Ghaleb Ahmed Rajah, 25, a father of a two-year-old girl, sustained serious shrapnel injuries to his abdomen, which necessitated surgery and 19 stitches. He told Amnesty International: "I live behind the National Institute near Kuwait Street. I was asleep when an explosion penetrated the ceiling of my house, creating a hole. All I knew was that I woke up in a pool of my own blood. Luckily my wife and daughter were not sleeping next to me so they were unharmed." The National Institute is 1.5km east of where the submunition dispenser landed.

Two local photographers also told Amnesty International that they had found some submunitions that had landed behind the Khawalani Building on the Ring Road, near al-Judairi police station.

BANNED CLUSTER BOMBS

Cluster munitions contain between dozens and hundreds of submunitions, which are released in mid-air, and scatter indiscriminately over a large area measuring hundreds of square metres. They can be air-dropped or ground-launched.

Cluster submunitions have a high "dud" rate – meaning a high percentage of them fail to explode on impact, becoming de facto land mines that pose a threat to civilians for years after deployment. The use, production, sale and transfer of cluster munitions is prohibited under the 2008 Convention on Cluster Munitions, which has almost 100 states parties.

Even though the USA, Yemen, Saudi Arabia and the majority of the other members of the Saudi Arabia-led coalition participating in the conflict in Yemen are not parties to the Convention, under the rules of customary international humanitarian law they must not use inherently indiscriminate weapons, which invariably pose a threat to civilians.

Amnesty International reviewed photographs taken on 6 and 7 January in Sana'a that showed remnants of cluster munitions, including spherical submunitions, and parts of the bomb or bombs that carried the submunitions.

Amnesty International identified the munitions as US-made BLU-63 anti-personnel/anti-materiel submunitions and components of a CBU-58 cluster bomb. Markings on the bomb remnants indicate that it was manufactured in 1978 at the Milan Army Ammunition Plant in the state of Tennessee in the USA.

Each air-dropped CBU-58 cluster bomb contains 650 submunitions. The USA transferred 1,000 CBU-58 bombs to Saudi Arabia sometime between 1970 and 1995.

Amnesty International has documented the use of three types of cluster bombs by the Saudi Arabia-led coalition in Yemen since March 2015: a US-manufactured CBU-87, which dispenses 202 BLU97 submunitions; the more sophisticated US-manufactured CBU-105 Sensor Fuzed Weapon (carrying BLU-108 Sensor Fuzed submunitions); and a third variant that resembled the Brazilian manufactured ASTROS II, all of which were used in Sa'da in northern Yemen.

5. YEAR: 2015

5.1 11 DECEMBER 2015: BOMBING OF SCHOOLS BY SAUDI ARABIA-LED COALITION A FLAGRANT ATTACK ON FUTURE OF YEMEN'S CHILDREN⁹

Saudi Arabia-led coalition forces have carried out a series of air strikes targeting schools that were still in use, in violation of international humanitarian law, and hampering access to education for thousands of Yemen's children, said Amnesty International in a new briefing published today. The coalition forces are armed by states including the USA and UK.

The briefing [*'Our kids are bombed': Schools under attack in Yemen*](#), investigates five air strikes on schools which took place between August and October 2015 killing five civilians and injuring at least 14, including four children, based on field research in Yemen. While students were not present inside the schools during the attacks, the strikes caused serious damage or destruction which will have long-term consequences for students.

"The Saudi Arabia-led coalition launched a series of unlawful air strikes on schools being used for educational – not for military – purposes, a flagrant violation of the laws of war," said Lama Fakih, Senior Crisis Advisor at Amnesty International who recently returned from Yemen.

"Schools are central to civilian life, they are meant to offer a safe space for children. Yemen's young school pupils are being forced to pay the price for these attacks. On top of enduring a bitter conflict, they face longer term upheaval and disruption to their education – a potentially lifelong burden that they will be forced to shoulder."

Lama Fakih, Senior Crisis Advisor at Amnesty International.

"Schools are central to civilian life, they are meant to offer a safe space for children. Yemen's young school pupils are being forced to pay the price for these attacks. On top of enduring a bitter conflict,

⁹ Amnesty International, *Yemen: Bombing of schools by Saudi Arabia-led coalition a flagrant attack on future of Yemen's children* (Press Release 11 December 2019).

they face longer term upheaval and disruption to their education – a potentially lifelong burden that they will be forced to shoulder.”

In some cases, the schools were struck more than once, suggesting the strikes were deliberately targeted.

“Deliberately attacking schools that are not military objectives and directly attacking civilians not participating in hostilities are war crimes,” said Lama Fakih.

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Lama Fakih, Senior Crisis Advisor at Amnesty International.

The damage has severely disrupted the schooling of the more than 6,500 children who attend classes at the schools in Hajjah, Hodeidah and Sana’a governorates. In certain cases the schools had been the only ones in the area. No evidence could be found in any of the five cases to suggest the schools had been used for military purposes.

In October 2015 the Science and Faith School in Beni Hushayash, Sana’a was attacked on four separate occasions within the space of a few weeks. The third strike killed three civilians and wounded more than 10 people. The school, which was the only one in the village, was providing education to 1,200 students.

The Kheir School in the village of Hadhran, Beni Hushaysh, also suffered multiple air strikes causing extensive damage rendering it unusable. Other air strikes on the same village struck two civilian homes, killing two children and injuring their mother, and a nearby mosque, killing one man and injuring another, who were praying at the time of the attack.

Amnesty International is calling for the five attacks highlighted in this briefing to be investigated independently and impartially and for those responsible to be held accountable. It is also asking the coalition to provide full reparation to victims of unlawful attacks and their families.

“The lack of investigations by the Saudi Arabia-led coalition, and those who provide them with arms and other support, into a growing list of suspected unlawful attacks suggests a chilling apathy for the devastating consequences this war has wrought on civilians in Yemen,” said Lama Fakih.

“Regardless of the outcome of planned peace talks next week it is crucial that independent investigations into these and other unlawful strikes are undertaken and that those responsible are held to account.”

The country’s entire education system has suffered as a result of the conflict. According to UNICEF (United Nations International Children’s Emergency Fund) at least 34% of children in Yemen have not been to school since the air strikes first began in March 2015. The Sana’a based Ministry of Education has also shared data with Amnesty International reflecting that more than 1,000 schools are out of operation: 254 completely destroyed, 608 partially damaged and 421 being used as shelters for people internally displaced by the conflict.

As well as killing and injuring people, the attacks on schools have terrified civilians and caused students to suffer psychological trauma.

“Right now we are living in fear and terror. Today I saw the plane and I was very afraid and terrified,” said one 12-year-old child who attends al-Asma school in Mansouriya, Hodeidah which was destroyed in a coalition bombing in August.

The director of another school in Hodeidah city, the al-Shaymeh Education Complex for Girls, which catered for some 3,200 students described her horror after the school came under attack twice within a matter of days in August 2015 killing two people. No students were present at the school during the attack, but a man and woman were killed.

“I felt that humanity has ended. I mean, a place of learning, to be hit in this way, without warning... where is humanity? ...It is supposed to be illegal in any war to strike such places,” she said.

“I felt that humanity has ended. I mean, a place of learning, to be hit in this way, without warning... where is humanity?... Is it supposed to be illegal in any war to strike such places.”

A school director in Hodeidah city.

Prior to the attack, rumours had circulated online, including in social media, suggesting the school had been used to store weapons, but the director told Amnesty International this was untrue and that the school had been searched following the rumours- no weapons were found.

Although there have been occasions where schools in Yemen have been used for military purposes by the various parties to the conflict, in all five of the cases highlighted in this briefing no weapon remnants, evidence of secondary explosions or any other evidence was found by Amnesty International to indicate that the schools had been used for military purposes.

Both state and non-state armed groups should refrain from using schools for military purposes or operating nearby, which can have the effect of making them schools lawful military targets and subject to attack, consequently putting civilians at risk and having long-term adverse impact on children's access to education.

UN Security Council Resolution 2225 on children in armed conflict adopted earlier this year calls on all parties to conflict to “respect the civilian character of schools” and also expresses serious concern that the military use of schools may render them legitimate targets of attack under international law and would endanger the safety of children.

Amnesty International's briefing also highlights the urgent need for all states who supply arms to the Saudi Arabia-led coalition, including the USA and UK, to suspend all transfers of weapons which are being used to commit violations of international law, including war crimes, to those carrying out attacks. In particular, states supplying arms to coalition forces should suspend transfers of general purpose bombs, fighter jets, combat helicopters and their associated parts and components.

Last month the US State Department approved an arms transfer worth \$1.29 billion to Saudi Arabia, which includes the transfer of general purpose bombs from the Mark/ MK89 series, despite the fact that Amnesty International has documented their use in unlawful air strikes that have killed scores of civilians.

“It is simply appalling that the USA and other allies of the Saudi Arabia-led coalition have continued to authorise arms transfers to members of the coalition, despite the clear evidence that they are not complying with the laws of war – international humanitarian law. All such transfers must halt immediately,” said Lama Fakih.

“States supplying weapons to the coalition must also use their influence to press coalition members to act in compliance with their international obligations and to investigate violations of international humanitarian law.”

Countries such as the UK, that are party to the [Arms Trade Treaty](#), are prohibited from authorizing an arms transfer if they have knowledge that the arms would be used to commit attacks against civilians, civilian objects or other violations of international humanitarian law.

5.2 25 NOVEMBER 2015, YEMEN: COALITION USED UK MISSILE IN UNLAWFUL AIRSTRIKE¹⁰

The Saudi Arabia-led coalition used a British-made missile to destroy a Yemeni ceramics factory, a civilian object, on 23 September, 2015, Amnesty International and [Human Rights Watch](#) said today, based on field research and interviews with eyewitnesses at the scene.

The attack on the factory in the Sana'a governorate, which appeared to be producing only civilian goods, killed one person, and was in apparent violation of international humanitarian law (IHL), the laws of war.

This strike, using a British missile supplied in the 1990s, undermines the claim of Ministers that the Saudi Arabia-led coalition's use of UK military equipment is consistent with IHL, and that the UK monitors such compliance "very carefully". The organizations are unaware of any credible coalition investigation into this or other apparently unlawful airstrikes for possible IHL violations.

"The UK Foreign Secretary Philip Hammond claims he favours 'proper investigations' into possible breaches of the laws of war in Yemen. This strike provides a perfect test case – the UK should urgently press the Saudi Arabia-led coalition to open a credible investigation into this strike, as well as others that appear to have violated the laws of war," said Lama Fakihi, Senior Crisis Advisor at Amnesty International.

"The UK Foreign Secretary Philip Hammond claims he favours 'proper investigations' into possible breaches of the laws of war in Yemen. This strike provides a perfect test case – the UK should urgently press the Saudi Arabia-led coalition to open a credible investigation into this strike, as well as others that appear to have violated the laws of war."

Lama Fakihi, Senior Crisis Advisor at Amnesty International.

"The latest revelations show UK policy to be both misleading and seriously ineffective. Despite multiple, well-documented cases of violations of the laws of war by the Gulf coalition in Yemen, UK Ministers have consistently refused to acknowledge this. The UK should suspend further sales of aerial munitions to coalition members pending a thorough investigation into this case, and other apparently unlawful air strikes," said David Mephram, UK Director at Human Rights Watch.

"The UK should suspend further sales of aerial munitions to coalition members pending a thorough investigation into this case, and other apparently unlawful air strikes."

¹⁰ Amnesty International, *Yemen: Coalition used UK missile in unlawful airstrike* (Press Release 25 November 2015).

David Mepham, UK Director at Human Rights Watch.

ANALYSIS OF WEAPON REMNANTS

Amnesty International and Human Rights Watch have examined the [weapon remnants at the 23 September strike site](#) and identified the munition used as a PGM-500 'Hakim' air-launched missile, supplied in the mid-1990s and manufactured by the UK firm Marconi Dynamics. The analysis compared fragments photographed at the strike site with unexploded remnants of the same missile type from a separate strike and found both were consistent with the deployment of an air-launched PGM-500 'Hakim'. The other recorded strike using this type of missile hit an open field on 4 or 5 November in Sahar in Sa'da governorate in northern Yemen and did not result in any known casualties.

Marconi markings are clearly visible on a component part recovered from the Sana'a strike site. Stocks of this missile are in service with the United Arab Emirates (UAE) Air Force, which has the capability to fire them from both Mirage 2000s and F-16F aircraft.



The analysis compared fragments photographed at the strike site with unexploded remnants of the same missile type from a separate strike and found both were consistent with the deployment of an air-launched PGM-500 'Hakim'. © Private

WITNESS ACCOUNTS OF 23 SEPTEMBER STRIKE

Amnesty International staff visited the Sana'a strike site on 6 November and they, as well as Human Rights Watch, later interviewed one of the factory owners and other witnesses to the strike.

The airstrike took place between 11 and 11:30 a.m. on 23 September in the village of Matna in Beni Matar district, west of Sana'a. Witnesses and one of the factory owners said that four missiles hit the Radfan Ceramics Factory in quick succession.

Ibrahim Ghaleb Mohammad al-Sawary, the son of one of the factory directors, who was in the vicinity during the attack, told Human Rights Watch: "I was getting ready to pray, leaning back on the wall of the factory when suddenly I heard whizzing followed by a very loud explosion. I started running away but less than two minutes later we heard the second explosion. I saw people running away from their homes – kids, older people and young people – all of them scared like us and running away without knowing where."

He later returned to the factory, which had smoke rising from it and was in ruins, particularly the section with heavy machines used to heat and press the ceramics, which was entirely destroyed.

One man in the vicinity, Yahya Abd al-Karim al-Sawary, 28, was killed by shrapnel as he was fleeing the area. A local resident who asked to remain anonymous told Human Rights Watch that the victim had been working as a guard at a makeshift detention facility run by Ansarullah, the political wing of the Huthis, a Zaidi Shi'a armed group in northern Yemen. The site had originally been a government building known as the Productive Families Centre, approximately 140 metres from the factory compound. The airstrikes did not hit the detention facility.

Ali Ahmad al-Faqih, 55, who was injured in the attack, said that he had been on a motorbike trying to check on his family who live next to the factory during a brief lull between airstrikes – not realizing the attack had not finished: “I heard a whizz and knew it was a rocket coming,” he said. “I lay down and prayed out loud. I saw all my body covered in blood.” Al-Faqih was later taken to a private hospital, where he underwent surgery to remove shrapnel from his chest.

Another local resident told Human Rights Watch that a second civilian, Elham Hussein Hussein Taher, a 14-year-old girl who lived near the factory, was also injured in the attack.

Ghalib Muhammad al-Sawary, one of the factory owners, told Amnesty International that the factory had never been used for any military purpose. Other witnesses told Human Rights Watch that no fighters or military vehicles were in or near the factory at the time of the attack.



One of the factory owners told Amnesty International that the factory had never been used for any military purpose. © Amnesty International

ON-SITE INVESTIGATION

During its on-site investigation Amnesty International did not observe any evidence that would indicate that the factory had been used for a military purpose. The organization observed that the area directly surrounding the factory compound appeared to be residential and that it was next to the 26 September Hospital.

The strikes on the factory caused minor damage to the hospital. Amnesty International visited the hospital on 6 November and observed the damage and spoke with staff who had been there during the strike.

The owners of the ceramics factory, which opened in 1994, said that it was the only such facility in the country, and employed around 330 workers, primarily from the village of Matna. However, its owners said they were forced to stop operations in April this year due to security fears for its staff and difficulties obtaining fuel to operate machinery.

IHL prohibits deliberate attacks on civilians not taking a direct part in hostilities and on civilian objects, and attacks that do not distinguish between civilians or civilian objects and combatants or military objectives, or that cause disproportionate harm to civilians or civilian objects in relation to the direct military advantage that may be anticipated. Such attacks are serious violations of IHL and if committed with criminal intent can constitute war crimes.

All countries have legal responsibilities under international law to control the transfer of weapons and to restrict or prohibit their transfer in certain circumstances. The UK is a party to the [Arms Trade Treaty \(ATT\)](#), which came into force in late 2014, and played a leading role in its establishment. Under article 6 of the treaty, a country is prohibited from authorizing arms transfer if it has knowledge at the time of authorization that the arms would be used in the commission of “attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” Further, article 7 of the ATT requires that states assess the potential that the arms being exported could be used to commit a serious violation of international human rights or humanitarian law; if there is an overriding risk of this, their export shall not be authorized.

As it is now evident that there is such a risk, the UK and all other countries that supply arms to the members of the Saudi Arabia-led coalition should suspend all transfers of weapons that pose a substantial risk of being used in unlawful airstrikes in Yemen, particularly air-to-ground munitions, Amnesty International and Human Rights Watch said.

An independent international inquiry should be established to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify those responsible for violations with a view to ensuring that they are held accountable.

5.3 30 OCTOBER 2015: BRAZILIAN CLUSTER MUNITIONS SUSPECTED IN SAUDI ARABIA-LED COALITION ATTACK¹¹

Saudi Arabia-led coalition forces appear to have used a Brazilian variant of internationally banned cluster munitions on a residential neighbourhood in Ahma in Sa'da, northern Yemen, this week, wounding at least four people and leaving dangerous unexploded submunitions strewn around the surrounding farmland, Amnesty International said today.

The organization interviewed a number of local residents including two victims, the medical personnel treating them, an eyewitness and a local activist who visited the site shortly after the attack. Unexploded “duds” pictured at the attack site bear similarities to Brazilian-manufactured cluster bombs Saudi Arabia is known to have used in the past.

“Because cluster munitions are inherently indiscriminate weapons, their use is prohibited by customary international humanitarian law. In fact, nearly 100 states have totally banned their production, stockpiling, transfer and use, in recognition of the unique and lasting harm they cause,” said Philip Luther, Middle East and North Africa Programme Director at Amnesty International.

¹¹ Amnesty International, *Yemen: Brazilian cluster munitions suspected in Saudi Arabia-led coalition attack* (Press Release 30 October 2015).

“In addition to killing and injuring civilians when they are initially used, many submunitions fail to explode upon impact and continue to pose a risk to the lives of anyone who comes into contact with them for years. The Saudi Arabia-led coalition must immediately cease their use and all sides should publicly commit never to deploy cluster munitions and agree to join the global Convention on Cluster Munitions.”

Philip Luther, Middle East and North Africa Director at Amnesty International.

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EYEWITNESS ACCOUNTS

The cluster munition attack was carried out at around noon on 27 October 2015 in a residential area of Ahma, approximately 10km north-west of al-Talh in Sahar directorate, near Sa'da city. Ahma is approximately 40km south of the border with Saudi Arabia.

A local activist who visited the site several hours after the attack found three unexploded submunitions around 20m apart, one in the field of a local farm, another near a greenhouse and the third next to a mosque. The nearest military objective known to Amnesty International is a market in al-Talh, approximately 10km to the south-east, which is known to sell weapons and has been targeted by airstrikes on at least five different occasions since the start of the Saudi Arabia-led bombardment campaign in March.

Eyewitnesses described how, despite the complete absence of military aircraft, a series of rockets screamed across the sky and exploded in mid-air, followed by dozens of explosions on the ground. These accounts and the remnants found on the ground are consistent with the use of cluster munitions fired via surface-to-surface rockets, using a multiple launch rocket system (MLRS).

Salah al-Zar'a, 35, a local farmer, was on the main road 50m away when the strike occurred: “I was on my motorcycle going in the direction of Dhahyan with another friend, when I saw... four rockets coming down... Each went in a different direction with two minutes between each rocket. There were four explosions in the sky first and then 50 explosions when they hit the ground. They landed on a group of 30 houses and shops.”

Saleh al-Mu'awadh, 48, a farmer who has 10 children, spoke to Amnesty International over the phone from his hospital bed in al-Jamhuri hospital in Sa'da city: “I was passing by on my motorbike on the main road next to the attack site, when all I felt was pieces of shrapnel. The impact of the strike affected farms a couple of kilometres away from the site.”

SHRAPNEL WOUNDS

According to medical personnel treating the patients, one of the injured, 25-year-old Abdelaziz Abd Rabbu is in a critical condition with shrapnel injuries to the abdomen and chest.

Abdelbari Hussein, 22, another civilian injured in the attack, told Amnesty International: “I was sitting in my shop when the attack happened. I did not hear a plane, all I heard was the explosions.” He sustained shrapnel injuries to the abdomen.



Four year old Hasna Mohamed Hussein Jumaan's left leg was injured a couple of day after the attack when she came into contact with an unexploded submunition. Pictured with her father, Mohamed Hussein Jumaan.

Even though the attack may have targeted Huthi and other armed groups among the civilian population, the use of inherently indiscriminate weapons like cluster munitions is absolutely prohibited by international humanitarian law. Any use of cluster weapons violates this rule.

BANNED CLUSTER BOMBS

Cluster bombs and munitions contain between dozens and hundreds of submunitions, which are released in mid-air, and scatter indiscriminately over a large area measuring hundreds of square metres. They can be dropped or fired from a plane or, as in this instance, launched from surface-to-surface rockets.

Cluster submunitions also have a high “dud” rate – meaning a high percentage of them fail to explode on impact, becoming de-facto land mines that pose a threat to civilians for years after deployment. The use, production, sale and transfer of cluster munitions is prohibited under the [2008 Convention on Cluster Munitions](#), which has almost 100 states parties.



Unexploded submunitions pictured at the attack site bear similarities to Brazilian-manufactured cluster bombs Saudi Arabia is known to have used in the past. The attack was on a residential neighbourhood in Ahma, Sa'da, Northern Yemen on 27 October 2015.

Even though Brazil, Yemen, Saudi Arabia and the other members of the Saudi Arabia-led coalition participating in the conflict in Yemen are not parties to the Convention, under the rules of customary international humanitarian law they must not use inherently indiscriminate weapons, which invariably pose a threat to civilians.

BRAZILIAN ASTROS II

[Amnesty International](#), [Human Rights Watch](#) and the [Cluster Munition Coalition](#) have documented the Saudi Arabia-led coalition's use of four types of cluster munition in the Yemen conflict to date, including three US-manufactured variants.

But this marks the first suspected use of Brazilian-made cluster munitions in the conflict.

Several Brazilian companies produce cluster munitions. While Amnesty International was unable to independently verify with absolute certainty the make and model of the submunitions dropped on Ahma, they bear similarities to one manufactured by a Brazilian company called [Avibrás Indústria Aeroespacial SA](#).

The ASTROS II is a truck-loaded, multiple launch rocket system (MLRS) manufactured by Avibrás. ASTROS II can fire multiple rockets in rapid succession and three of its rockets can be fitted with up to 65 submunitions, with a range of up to 80km, depending on the rocket type. The company's website describes it as "[capable of launching long-range rockets, designed as a strategic weapon system with great deterrent power.](#)"

According to [Landmine and Cluster Munition Monitor](#), Avibrás has sold this type of cluster munition to Saudi Arabia in the past, and Human Rights Watch documented their use by Saudi Arabian forces in Khafji in 1991, "leaving behind significant numbers of unexploded submunitions."

"Brazil must immediately come clean about the extent of its international transfers of banned cluster munitions, which go back decades. Brazil and other states that continue to allow the production and transfer of these weapons cannot claim

ignorance of the toll they are taking on civilians in Yemen and elsewhere. Brazil must stop production immediately, destroy its stockpiles and accede to the Convention on Cluster Munitions without delay.”

Átila Roque, Executive Director of Amnesty International Brazil.

“Brazil must immediately come clean about the extent of its international transfers of banned cluster munitions, which go back decades. Brazil and other states that continue to allow the production and transfer of these weapons cannot claim ignorance of the toll they are taking on civilians in Yemen and elsewhere. Brazil must stop production immediately, destroy its stockpiles and accede to the Convention on Cluster Munitions without delay,” said Átila Roque, Executive Director of Amnesty International Brazil.

Amnesty International spoke to a senior official at Avibrás today who had seen the images from Yemen. He said the shape “resembles” Avibrás designs and did not rule out that it was theirs, but he said the probability of this was low because of the calibre size. However, he admitted that the company manufactured similar calibres in the early 1990s and said he would investigate further.

5.4 27 OCTOBER 2015: BOMBING OF MSF HOSPITAL MAY AMOUNT TO A WAR CRIME¹²

The apparently deliberate targeting and destruction of a hospital supported by [Médecins Sans Frontières \(MSF\)](#) in northern Yemen last night, which may amount to a war crime, demands an urgent, independent and thorough investigation, Amnesty International said today.

According to sources on the ground, at around 11.30 pm on 26 October the Saudi Arabia-led coalition forces allegedly carried out up to six consecutive airstrikes on Haydan Hospital, located in the Haydan Directorate in Sa'da governorate. The hospital had more than 20 people inside at the time, including three patients and various medical and other staff members. Seven staff members were injured, but could not be taken to another hospital 60km away in Sa'da until 7am due to fears of further strikes.

“The attack on Haydan Hospital appears to have been an unlawful attack causing harm to civilians and civilian objects. The consecutive airstrikes show deliberate targeting of the medical facility - this is another sad day for civilians,” said Philip Luther, Director for the Middle East and North Africa at Amnesty International.

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Philip Luther, Director for the Middle East and North Africa at Amnesty International.

¹² Amnesty International, *Yemen: Bombing of MSF hospital may amount to a war crime* (Press Release 27 October 2015).

“Hospitals and medical units must be respected and protected in all circumstances - they only lose their protection against attack if they are used for military purposes - and the destruction of this one means the loss of vital humanitarian treatment for civilians across four directorates of northern Yemen.”

MSF staff confirmed the attack, saying they witnessed two consecutive airstrikes before fleeing the hospital compound. Three to four further airstrikes were reported, coming around five minutes apart. According to Hassan Boucenine, MSF head of mission in Yemen, the Saudi Arabia-led coalition has the coordinates of all MSF hospitals in Yemen, including Haydan Hospital.

According to the hospital’s director Dr Ali al-Mughli, the hospital is now completely destroyed with the exception of the storage rooms. He said that while the hospital often receives injured fighters, there was no military activity in the hospital at the time of the attack.

Haydan is 60km south-west of Sa'da city, where the injured have now been taken. Dr Ali said there was a delay in taking them to the city’s al-Jamhour hospital because airstrikes have been targeting convoys of people, meaning that even ambulances are not safe. The hospital also lost 60 litres of petrol and 1,000 litres of diesel in the strike, a huge loss at a time when fuel supplies are scarce.

This is not the first strike on a hospital in Sa'da since the Saudi Arabia-led coalition’s military intervention in Yemen began last March. On 4 September 2015, the coalition reportedly bombed al-Sh’ara hospital in Razih, in the west of Sa'da governorate, resulting in the killing of six patients and the injury of six others. MSF personnel who visited the site afterwards said there was no evidence that the hospital was being used for any military purposes.

“We call on all parties to the conflict to respect and protect medical personnel and units and take every precaution to protect civilians caught up in the conflict. There must be an independent investigation into why hospitals and their patients are being targeted, rather than protected, as international humanitarian law requires.”

Philip Luther, Director for the Middle East and North Africa at Amnesty International.

“We call on all parties to the conflict to respect and protect medical personnel and units and take every precaution to protect civilians caught up in the conflict. There must be an independent investigation into why hospitals and their patients are being targeted, rather than protected, as international humanitarian law requires,” said Philip Luther.

5.5 7 OCTOBER 2015: CALL FOR SUSPENSION OF ARMS TRANSFERS TO COALITION AND ACCOUNTABILITY FOR WAR CRIMES¹³

Damning evidence of war crimes by the Saudi Arabia-led coalition, which is armed by states including the USA, highlights the urgent need for independent, effective investigation of violations in Yemen and

¹³ Amnesty International, *Yemen: Call for suspension of arms transfers to coalition and accountability for war crimes* (Press Release 7 October 2015).

for the suspension of transfers of certain arms, said Amnesty International in a new report published today.

[*'Bombs fall from the sky day and night': Civilians under fire in northern Yemen*](#) examines 13 deadly airstrikes by the coalition in Sa'da, north-eastern Yemen, which killed some 100 civilians, including 59 children. It also documents the use of internationally banned cluster bombs.

"This report uncovers yet more evidence of unlawful airstrikes carried out by the Saudi Arabia-led coalition, some of which amount to war crimes. It demonstrates in harrowing detail how crucial it is to stop arms being used to commit serious violations of this kind," said Donatella Rovera, Amnesty International's Senior Crisis Response Adviser who headed the organization's fact-finding mission to Yemen.

"The USA and other states exporting weapons to any of the parties to [the Yemen conflict](#) have a responsibility to ensure that the arms transfers they authorize are not facilitating serious violations of international humanitarian law."

Amnesty International is calling for a suspension of transfers to members of the Saudi Arabia-led coalition, that are participating in the military campaign, of weapons and munitions which have been used to commit violations of international humanitarian law, including war crimes in Yemen: in particular, bombs from the MK (MARK) 80 series and other general purpose bombs, fighter jets, combat helicopters and their associated parts and components.

More civilians have died as a result of coalition airstrikes than from any other cause during [the conflict in Yemen](#). The city of Sa'da has suffered more destruction from coalition airstrikes than any other city in the country.

"The USA and other states exporting weapons to any of the parties to the Yemen conflict have a responsibility to ensure that the arms transfers they authorize are not facilitating serious violations of international humanitarian law."

Donatella Rovera, Amnesty International's Senior Crisis Response Adviser.

The report reveals a pattern of appalling disregard for civilian lives displayed by the Saudi Arabia-led military coalition which declared the entire cities of Sa'da and nearby Marran - where tens of thousands of civilians live - military targets in violation of international law. In at least four of the airstrikes investigated by Amnesty International, homes attacked were struck more than once, suggesting that they had been the intended targets despite no evidence they were being used for military purposes.

"The designation of large, heavily populated areas as military targets and the repeated targeting of civilian homes are telling examples revealing the coalition forces' flagrant failure to take sufficient precautions to avoid civilian loss of life as required by international humanitarian law," said Donatella Rovera.

Overall at least 59 children were killed in the 13 airstrikes documented by Amnesty International in the Sa'da region between May and July 2015, many of them while they were playing outside their homes, others while sleeping.

In one airstrike on 13 June 2015 at a home in Dammaj valley in al-Safra, coalition forces killed eight children and two women from the same family and injured seven other relatives.



A member of the al-Sailami family stands in rubble of destroyed house in al-Safra, Sa'da.

“There were 19 people in the house when it was bombed. All but one were women and children. The children who would usually be outside during the day were in the house because it was lunchtime. They were all killed or injured. One of the dead was a 12-day-old baby,” said, Abdullah Ahmed Yahya al-Sailami, whose one-year-old son was among those killed.

“There were 19 people in the house when it was bombed. All but one were women and children... One of the dead was a 12-day-old baby.”

Abdullah Ahmed Yahya al-Sailami, whose one-year-old son was among those killed.

Another relative who helped with the rescue efforts said the body of a one-year-old baby was found in the wreckage with his dummy [pacifier] still in his mouth. Amnesty International researchers found only household items – children’s toys, books and cooking utensils – among the rubble. No sign of weapons or military-ware could be found, nor any other evidence to suggest the house was a legitimate military target.

Other attacks struck vehicles carrying civilians fleeing the conflict, foodstuff, humanitarian supplies and animals. The report also details several attacks on shops, markets and other commercial properties. Civilians in Sa'da living under the terror of constant airstrikes are also contending with a major humanitarian crisis, which has seen electricity cut off to the whole of the city, the healthcare system collapsed in remote areas and a severe shortage of doctors.

Amnesty International researchers also found remnants of two types of cluster bombs, BLU-97 sub-munitions and their carrier (CBU-97) and the more sophisticated CBU-105 Sensor Fuzed Weapon. Cluster bombs, which are banned under international law, scatter scores of bomblets over a wide area. Many of the bomblets fail to explode upon impact, posing an ongoing deadly threat to anyone who comes into contact with them.

Mohammed Hamood al-Wabash, 13, sustained multiple fractures in his left foot after stepping on an unexploded bomblet from a cluster bomb. Amnesty International is urging coalition members to cease the use of cluster munitions immediately, and for all states to stop transferring such weapons.



Mohammed Hamood al-Wabash, who was injured by a cluster bomb, Sa'da

CALLS FOR ACCOUNTABILITY

Last week, attempts to set up an independent, international investigation into the conflict at the UN Human Rights Council in Geneva collapsed and instead a resolution was adopted supporting a national-led investigative committee.

“The world’s indifference to the suffering of Yemeni civilians in this conflict is shocking. The failure of the UN Human Rights Council last week to establish an international investigation into violations committed by all sides is the latest in a series of failures by the international community to address total impunity for perpetrators of serious violations in Yemen,” said Donatella Rovera.

“Lack of accountability has contributed to the worsening crisis and unless perpetrators believe they will be brought to justice for their crimes, civilians will continue to suffer the consequences.”

“The world’s indifference to the suffering of Yemeni civilians in this conflict is shocking.”

Donatella Rovera, Amnesty International's Senior Crisis Response Adviser.

An international investigation or inquiry could be established through a resolution adopted by the UN General Assembly or the UN Security Council - or by the UN Secretary-General or the UN High Commissioner for Human Rights acting on their own initiative.

5.6 18 AUGUSTS 2015: NOWHERE SAFE FOR CIVILIANS¹⁴

Civilians in Yemen are bearing the brunt in the conflict raging between Huthi militias (and army units loyal to former President Ali Abdullah Saleh), who seized control of the capital and large parts of the country since last September, and anti-Huthi armed groups (and army units loyal to exiled President Abd Rabbu Mansour Hadi), who are supported by a Saudi Arabia-led military coalition.

The conflict has been raging in 20 out of the country’s 22 governorates and has killed close to 4,000 people, half of them civilians including hundreds of children, and displaced over one million since 25 March 2015.

¹⁴ Amnesty International, *Yemen: Nowhere safe for civilians* (Index MDE 31/2291/2015).

All the parties involved in the conflict have displayed a flagrant disregard for civilian lives and fundamental principles of international humanitarian law. They have killed and injured hundreds of civilians not involved in the conflict, many of them children and women, in unlawful (disproportionate and indiscriminate) ground and air attacks.

In the southern region of the country, Huthi and anti-Huthi armed groups battling for control of Yemen's second and third largest cities, Aden and Ta'iz, and surrounding areas have routinely launched attacks into densely populated residential neighbourhoods, using imprecise weapons which cannot be aimed at specific targets and which should never be used in residential areas, killing and maiming scores of civilians.

Fighters on both sides have been operating in the midst of residential neighbourhoods, launching attacks from or near homes, schools and hospitals, endangering civilians in those areas by exposing them to the risk of reprisal attacks (and at times putting them in the line of fire of their own malfunctioning weapons). In addition to large numbers of civilian casualties resulting from indiscriminate attacks, dozens of civilians returning home after the end of the fighting in the Aden region have been killed and injured from landmines laid by the warring parties.

The Saudi Arabia-led coalition forces have killed and wounded civilians, in unlawful airstrikes which failed to distinguish between military targets and civilian objects in Huthi-controlled areas.

Amnesty International has documented hundreds of cases of civilians, many of them children and women, killed or injured while asleep in their homes or going about their daily activities – fetching water, buying food, visiting relatives. Scores were struck in the very places where they had sought refuge after having been displaced from their homes by the conflict. Some were killed or injured by mortars and crude Grad-type rockets fired by armed groups, and others by MK-type bombs, some weighing up to 900kg (2,000 lbs), launched by coalition forces.

Entire neighbourhoods have virtually emptied as residents fled their homes in fear of attacks or because strikes on civilian infrastructure left the areas without water, electricity and other essential services. In some neighbourhoods, as residents fled the conflict other civilians displaced by the fighting elsewhere moved in for lack of better options. Many have been unable to relocate to safer areas due to lack of resources. With frequently shifting frontlines, residents have struggled to keep out of harm's way, often finding themselves in the line of fire where they thought they would be safe.

The sick and wounded have faced restrictions in accessing medical care due to the shortages and high prices of fuel and medicines and to difficulties in securing safe passage through checkpoints manned by the different armed groups. The parties to the conflict have hindered the delivery of humanitarian aid to areas controlled by their opponents, causing a sharp deterioration in the humanitarian situation.

5.7 2 JULY 2015: AIRSTRIKE AND WEAPON ANALYSIS SHOWS SAUDI ARABIA-LED FORCES KILLED SCORES OF CIVILIANS¹⁵

New research and weapons analysis by Amnesty International in Yemen bring into sharp focus the high price civilians continue to pay amid the Saudi Arabia-led military coalition's airstrikes all over the country and demonstrate a failure to abide by the requirements of international humanitarian law.

Amnesty International researchers investigated eight airstrikes in different parts of the country, including multiple strikes in the capital, Sana'a, on 12 and 13 June and in Tai'z on 16 June. In total, the eight incidents killed 54 civilians (27 children, 16 women and 11 men) including a one-day-old infant, and injured 55, (19 children, 19 women and 17 men).

"International humanitarian law is clear that belligerents must take all possible steps to prevent or minimize civilian casualties. But the cases we have analysed point to a pattern of attacks destroying civilian homes and resulting in scores of civilian deaths and injuries. There is no indication that the

¹⁵ Amnesty International, *Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians* (Press Release 2 July 2015).

Saudi Arabia-led military coalition has done anything to prevent and redress such violations,” said Donatella Rovera, Senior Crisis Response Advisor at Amnesty International, who is currently in Yemen.

“There is no indication that the Saudi Arabia-led military coalition has done anything to prevent and redress such violations.”

Donatella Rovera, Senior Crisis Response Advisor at Amnesty International.

“These eight cases investigated by Amnesty International must be independently and impartially investigated as possible disproportionate or indiscriminate attacks. The findings of any investigation must be made public, and those suspected of responsibility for serious violations of the laws of war must be brought to justice in fair trials. All victims of unlawful attacks and their families should receive full reparation.”



Destroyed home of the al-Akwa family in which five civilians were killed in two consecutive airstrikes on 13 June 2015 ©Amnesty International.

A triple strike launched by the coalition against Beit Me'yad, a residential suburb of the capital Sana'a, on 13 June killed 10 civilians – including three children and five women, and injured 28, including 11 children and 10 women – who lived near the intended targets of the strikes.

In one of these strikes a 2,000 lb (900 kg) bomb killed an 11-year-old boy, two of his sisters, his brother, and his 10-year-old cousin, and injured five other members of the al-'Amiri family. The bomb, identified from the markings on fragments found at the site by Amnesty International, pulverized the house of Yahya Mohamed 'Abdullah Saleh, a nephew of the former President 'Ali 'Abdullah Saleh who has been living abroad for years, and caused extensive damage to the surrounding houses.

Most of the neighbours had fled minutes before the strike – the third in the neighbourhood in less than 10 minutes – but the al-'Amiri family did not manage to escape on time. “We did not move fast enough,” Mohamed al-'Amiri, who lost four of his children in the strike, told Amnesty International. A double strike launched minutes earlier a few streets away destroyed the home of the al-Akwa family, killing 40-year-old Fatma, her two children Malek and Reem, and two of her relatives, and injuring 18 other family members and five neighbours.

Amnesty International spoke to a 12-year-old girl who suffered third-degree burns and shrapnel wounds all over her body as well as a deep cut across her face. She writhed in pain on her hospital bed as she told Amnesty International: “We were all in one room, my mum and my siblings, and the explosion happened and were all hurt. Now my mum, little brother and sister are in another hospital.” Hospital staff told Amnesty International that in fact the child’s family were killed in the strike and they would tell her imminently.

The strike missed its apparent target – Tareq Mohamed ‘Abdullah Saleh, another nephew of the former President, who owns but does not live in a nearby house which was bombed later that night. Media reports citing the Saudi-based Yemeni government’s statement that the strike had targeted and killed Tareq Mohamed ‘Abdullah Saleh turned out to be unfounded.

“We were all in one room, my mum and my siblings, and the explosion happened and were all hurt. Now my mum, little brother and sister are in another hospital.”

12-year-old air strike survivor.

On 12 June, five members of the ‘Abdelqader family were killed in another bombardment which destroyed four adjacent houses in the Old City in Sana’a. The strike would have likely caused many more casualties had many of the neighbours not left the area after a powerful airstrike targeted the nearby Defence Ministry compound (200 metres to the south) two days earlier.

The Saudi Arabia-led coalition spokesman Brigadier-General Ahmed al-‘Assiri denied responsibility for the strike but a fragment of the bomb recovered from the rubble of the houses shows that it comes from a 2,000 lb (900 kg) bomb, the same type which has been widely used by the coalition in various parts of Yemen.



A coalition strike in Sana'a Old City, destroyed four adjacent houses on 12 June 2015 killing five members of the Abdelqader family ©Amnesty International.

In an earlier attack investigated by Amnesty International the same type of bomb dropped by the coalition destroyed a cluster of three houses in al-Akma village (Ta'iz governorate) on 14 April. That strike killed 10 members of the al-Hujairi family, including seven children, a woman and an elderly man, and injured 14 other relatives, most of them children and women.

Rabi' Mohamed al-Haddadi, a neighbour who helped rescue the dead and wounded, told Amnesty International: "We gathered the body parts, the bodies were torn to pieces."

The bomb, identified from the markings on fragments found at the site by Amnesty International as a US-designed General Purpose Mark 84 (MK84, also known as BLU-117), manufactured in 1983 and contains over 400 kg of high explosive. Field investigations showed that the bomb failed to detonate on impact, limiting potentially greater destruction and more civilian casualties.

The same type of bomb killed 17 civilians and injured 17 others in an airstrike north-east of the capital on 1 May. According to expert analysis of fragments and craters found at the location of two other airstrikes which hit Hajr Ukaish and al-'Erra villages in the suburbs of Sana'a, similar types of 500-1,000 lb bombs were deployed.

Eyewitness testimonies from the aftermath of these and other strikes provide yet more damning evidence that coalition forces are failing to take necessary precautions to minimize civilian deaths and injuries when they target military installations in areas controlled by the Huthi rebels and forces loyal to the former President. In fact, some of the apparent intended targets, such as homes owned by relatives of former President 'Ali 'Abdullah Saleh, do not appear to be military objectives or at least do not appear to be of sufficient importance to warrant the risk attacking them poses to civilians and civilian objects in the immediate vicinity.



Destruction in the Mi'yad neighbourhood resulting from an airstrike on 13 June, killing five members of the al-Amiri family ©Amnesty International.

The sites of most of these strikes have a common trait: they are close – between several hundred metres and a few kilometres – to Huthi/Saleh-loyalist-controlled military bases or other military objectives which have been repeatedly targeted by coalition airstrikes.

For example, al-Akma village residents told Amnesty International that a Huthi/Saleh loyalist-controlled air force base and airport, 1.5 km west of the village, was targeted by several airstrikes shortly before and after the 14 April strike on their village. The bomb which hit the village completely destroyed the al-Hujairi family home and partially destroyed two other adjacent homes – poor dwellings made of corrugated iron and cardboard. Wadhha, a neighbour of the victims, told Amnesty International: "I heard the explosion. I thought that the house was going to collapse on my head."

“I heard the explosion. I thought that the house was going to collapse on my head.”

Al-Akma resident.

In the case of Hajr Ukaish village, more than three kilometres north of a Huthi/Saleh-loyalist-controlled Jabal Nabi Shu'aib military base, coalition forces apparently claimed that three adjacent homes reduced to rubble in an airstrike, which killed 11 and injured six members of the al-Ukaishi family, had been used to store weapons. The surviving relatives deny this claim, saying they are farmers. An Amnesty International researcher who visited the site found no evidence to support the claim that the target was a weapons store. The coalition forces have so far failed to provide any evidence to substantiate their allegation.

“Even if the intended target had in fact been an arms cache this would not justify such a deadly attack on homes full of civilians without prior warning. Those planning the airstrike must have known it was likely to result in high civilian casualties and failed to take the necessary steps under international humanitarian law,” said Donatella Rovera.

“Even if the intended target had in fact been an arms cache this would not justify such a deadly attack on homes full of civilians without prior warning.”

Amnesty International's Senior Crisis Response Adviser.

Since the beginning of the Saudi Arabian-led military intervention on 25 March 2015, Amnesty International has investigated 17 separate airstrikes in five areas of Yemen (Sa'da, Sana'a, Ta'iz, Hodeidah, Hajjah and Ibb). These incidents killed at least 223 people, including at least 197 civilians (32 women, 68 children) and injured 419, including at least 259 civilians.

According to recent UN data, there have been more than 1,400 civilian deaths and 3,400 civilian injuries in three months of the armed conflict.

TESTIMONIES AND ANALYSIS

Al-Mujaliyya neighbourhood, Ta'iz (Ta'iz governorate), 16 June 2015

Forty-eight-year old Jamila and four of her children were killed when an airstrike destroyed their home in al-Mujaliyya neighbourhood at 3.45AM on 16 June. Jamila's daughter Leila Hayel, who lost her mother and siblings Suha (10), Amal (14), Samah (23), and Hani (25), told Amnesty International about the incident. She lives 600 metres away from her parents' house:

“The whole family had been staying in the Hawban neighbourhood [east side of Ta'iz city] for the last two months because of the continuous fighting [between armed groups] in al-Mujaliyya [south side of Ta'iz city]. In fact, the majority of the residents have left the neighbourhood. They had only returned home one week before the strike, in time for Ramadan. On that night, a bomb struck al-Arwa school, located 30 metres away from our house. Fearing for their lives, my family rushed to leave the house after the explosion. While my sisters and mother were putting on their abayas [long traditional dress worn outdoors] and my brother Hani was locking up the house, a bomb landed in the middle of the house. The force of the explosion sent my sisters and mother flying five metres, killing them instantly. Hani's body was not dug out until 12 hours later. My father Faisal (60) was the only survivor.”

On that night, three airstrikes struck al-Mujaliyya neighbourhood for the first time ever, only minutes apart. The first targeted al-Arwa School, which was reportedly being used as a detention centre by the

Huthi/Saleh loyalists. The second struck the Hayel home and the third landed in the courtyard of al-Ahdal family, where 13 relatives (10 women, three men) were sheltering in the basement of the house after hearing the first two strikes. The bomb at al-Ahdal house, only a couple of doors down from the Hayel family, failed to detonate, limiting what could have been even greater destruction and likely more civilian casualties.

Beit-Me'yad (Sana'a governorate), 13 June 2015

The Saudi Arabian-led coalition bombed several houses belonging to former President Ali Abdullah Saleh and some of his relatives, killing and injuring other relatives and neighbours – at times striking the intended target and at times missing the apparent intended target and striking civilians instead. A series of strikes which targeted the houses of two of the former President's nephews on 13 June killed 10 civilians (four children, five women, and one man) and injured 28 others (11 children, 10 women, seven men) in nearby houses.

The strike which destroyed the house of Yahya Mohamed 'Abdullah Saleh, the former President's nephew and a former commander of the Central Security Forces (who has been outside the country for years), killed five neighbours from the al-'Amiri family and injured five others. Two other strikes apparently aimed at his brother Tareq Mohamed Abdullah Saleh, a former commander of the Presidential Guard, missed the intended target and struck the nearby house of Tareq's estranged relatives and other neighbours, killing five and injuring 23. Tareq's house was struck later that night.

The first and second airstrikes hit the house of the al-Akwa family, where 23 relatives were present at the time. Hareth al-Akwa, who lost his wife Fatma (35), his daughter Reem (18) and his son Malek (8), spoke to Amnesty International about the incident:

"The whole family had relocated to Hodeidah for a whole month and we had only returned home two days before the strike, in time for Ramadan. The first airstrike killed, the second one burned. My little boy Malek, he was an angel. My daughter Hala (four) was thrown from the first floor by the force of the explosion. Luckily she fell into her grandmother's arms downstairs. They [the coalition] said that the airstrike killed Tareq Mohamed Abdullah Saleh, my nephew, but it's not true. In fact, Tareq came to pay his condolences. We had had no contact with him in years. We are only related through marriage. My two sisters married the brothers of [former President] Ali Abdullah Saleh. His house has been empty since the start of the airstrikes."

'Abdullah Mohamed al-Akwa, 24, who lost his wife Ibtihal (20) and his father Mohamed (45), told Amnesty International:

"I was on the roof turning off the generator when the first rocket struck. The explosion sent me flying onto the neighbour's roof, around 20 metres away. My wife Ibtihal was killed while she was sleeping in our room. We had only been married for five months."

Five neighbours from the Mahyoub family, a 52-year-old woman and four of her children, were also injured in the strike. Thyazin Mahyoub told Amnesty International:

"We were six people at home: my mother, my four siblings and I. The rocket first struck our house, destroying the third floor where the kitchen was, and then it struck the al-Akwa's house next door. My mother, Maryam, lost her right arm and my brothers and sisters were all injured by shrapnel. I was at the far end of the house and did not suffer any injuries."

Mohamed al-'Amiri, who lost four children and his nephew, told Amnesty International:

"We heard the first explosion at midnight, we all went to the living room. We did not move fast enough, the strike [in front of our house] came five to eight minutes later – around 12:10AM. We were 13 family members in the house. I heard my daughter Aysha screaming from her room. She was killed ... Yahya Mohamed Abdullah Saleh has not lived in his house since 2011."

The Saudi Arabia-led coalition has provided no evidence that any of the targeted houses contained legitimate military objectives, such as arm caches or command and control centres, and Amnesty International has found no evidence to that effect. The fact that two of the houses belong to relatives of

former president Saleh, who previously held high-ranking military positions and who may now to be allied with the Huthis, does not make their houses military objectives.

The Old City, Sana'a (Sana'a governorate), 12 June 2015

A coalition strike in the Old City of Sana'a destroyed four adjacent houses on 12 June at 2AM killing the five members of the Abdelqader family who were inside: Hassan Yahya Abdelqader, his wife Ummat al-Malik, his brother Rashad and son Abdullah and his cousin Shawqi. Hassan's brother, Mohamed, who lives nearby, told Amnesty International:

"We heard a plane flying over us at around 1:50AM. So my family and I hid under the staircase, the safest place in the house. At 2AM we heard an explosion. A few minutes later Shawqi's mother called me and asked me to go to check on him. He had called her from under the rubble asking for help ... I ran over there. With the neighbours we started to dig through the rubble with our hands. Shawqi was dead when he was pulled out of the rubble at 5AM. He was married with five-year-old twins and his wife is six months pregnant. Thirteen people live in the houses, most of them women and children, but they had left two days earlier, after another airstrike hit the Defence Military Compound [200 metres to the south]."

Al-'Erra village, Hamdan, (Sana'a governorate), 2 June 2015

Five children and three women were killed from the al-'Etmi and al-Qibli families and another relative was injured in an airstrike at around 5:30PM on 2 June. It completely destroyed one house and part-demolished two others. The location of the strike is less than one kilometre west of al-Kawla Air Force base and some two to three kilometres west of al-Dailami Air Force base, but residents said there were no hostilities or fighters operating in the area at the time.

Hasan Mohamed Qaed al-'Etmi, a 35-year-old ice cream seller, lost four of his children, and his wife and sister were injured. He told Amnesty International:

"I was away from the house, when at around 5:30PM on that Tuesday my son called me and said that an airstrike had hit a place next to our house. He didn't want to shock me. He asked me to come over. When I got back, I found that my sister Hooria had been injured on her head. After I made sure she was alright, I headed towards my house and I saw a big crowd gathered ... I saw my wife injured and crying and she was looking for our children. After looking amongst the rubble, we found the bodies of two of our children Qaed (four) and Adeeb (seven). We then continued to search and we found [the bodies of] Radina (eight) and Amira (11), but we did not find them until three hours later ... Amira's head and face had been smashed."

Ali al-Qibli, a maths teacher who lost his five-year-old son Shihab and his 18-year-old daughter Noura, told Amnesty International:

"I couldn't recognize my daughter Noura because her face was destroyed. My son pointed out her dress amongst the rubble...In the previous week there were three or four airstrikes on the al-Dailami Air Force base in the airport compound [two to three kilometres west]."

Neighbour Mohamed Ali, who was playing football about 200 metres from house at the time of the incident, said:

"I heard an explosion west of our village; I later knew it was an airstrike. Five minutes later I saw a bomb drop on the house of al-Qibli family about 200 metres from where I was playing football. A cloud of dust and smoke went up from the al-Qibli's house and the al-'Etmi house next to it. We ran over. I saw a girl under the rubble. She had a head injury and was not moving, Body parts were scattered up to 10 metres away."

After the strike many residents fled from their homes fearing further airstrikes.

Al-Akma village (Ta'iz governorate), 14 April 2015

At approximately 12:30AM on 14 April, an airstrike killed 10 civilians of the al-Hujairi family, including seven children, a woman and an elderly man, and injured 14 other relatives, most of them children and women. It struck a marginalized residential area in al-Akma village, where people live in humble dwellings made of corrugated iron and cardboard.

The village, 20km north-east of the city of Ta'iz, lies in between two Huthi/Saleh loyalist-controlled military installations, which are between 500 metres and 1km outside the village in either direction.

Rabi' Mohamed al-Haddadi, a neighbour who helped rescue the dead and wounded, told Amnesty International:

"On Saturday night [14 April] at about 12AM, a rocket hit a cluster of three houses that belong to al-Hujairi family. All the dead and wounded were from the same family. We gathered the body parts, the bodies were torn to pieces. After that airstrike, they left the area and we never saw them again ... those people were poor ... What did they do to deserve to be killed?"

He spoke about the frequent airstrikes:

"In the same week the airstrike happened on our village, there were two previous airstrikes in the same week on 22 May military camp west of our village. It was the first and only strike on our village. Up to a week before Ramadan, the strikes continued targeting the military camp."

Wadhha, another resident present on the night of the airstrike, described the aftermath:

"It was approximately 12:00 at night when I heard the plane flying over us. My neighbour came to my house because she had heard the plane too and told me to get up and wear my 'abaya [long traditional dress worn outdoors]. I told her that I sleep in my 'abaya all the time. Then I heard the explosion. I thought that the house was going to collapse on my head. I was at home on my own. I kept reciting the shahada [Islamic profession of faith] and waited for death. We had been warned not to go out if a rocket lands in order to avoid shrapnel... Then, after it was quiet again, I went out to see. It smelt like tyres were burning. I no longer understood what was going on. I fainted and fell to the ground... We are now all displaced. We only come back here for quick visits but we do not sleep in our homes."

Hajr Ukaish village, Beni Matar (Sana'a governorate), 3 April 2015

A bomb hit three houses belonging to the family of Hussein 'Abdullah al-Ukaishi, killing 11 civilians (six children, two women, three men) and injuring six (two children, two women, two men). Among those killed was a one-day-old baby who had not yet been named.

Amnesty International interviewed 10 relatives and neighbours about the incident. Other residents fled their homes in fear after the airstrike and sought shelter in the caves in the nearby mountains.

Hussein Abdullah al-Ukaishi's brother, Ahmed 'Abdullah al-Ukaishi, 42, told Amnesty International:

"On that Friday evening, I suddenly heard two explosions in a row that shook my house. I tried to locate the site of the explosion from my window, then I saw my brother Hussein's house had turned into rubble ... I tried to move to go to his house, but I could not move from my place. I saw my brother's house ablaze, all I could imagine was my brother and family within the flames and the rubble. After putting out the fires, from 7:30PM to 4AM we tried to rescue who we could."

According to Ahmed, there were no hostilities or fighters present in the vicinity at the time, and Hajr Ukaish village is three to four kilometres north of the Huthi/Saleh loyalist-controlled Jabal Nabi Shu'aib military base – which may have been the intended target. The strikes came without prior warning. He said the first rocket hit the main road, less than 1km south of the village, and the second was a direct hit on the house.

Hameed Hussein al-Ukaishi, a family member who was injured inside the house and has had to resort to living in his neighbour's house after the airstrike destroyed their home, said:

"I heard the plane and then the house was struck. I fainted. Then I found myself buried up to my neck in the rubble. There was no warning before the strike. They [the coalition forces] said that there were weapons in our home but we are just simple farmers and we have nothing to do with anything."

Beit Rijal Village, Beni Matar, (Sana'a governorate), 6 April 2015

Two airstrikes against the home of the Sha'lan family and a neighbouring qat farm in the village at around 2PM on 6 April killed three children and two women and injured six others (two children, two women, two men).

Saleh Yahya Sha'lan, 53, the owner of the home that was struck, told Amnesty International he was at the mosque at the time of the strike:

"I heard the explosion at approximately 2PM... I ran home and I arrived to see my son Sha'lan and my grandson Hazem dead. The rocket had hit the kitchen and thrown them approximately 70 metres out of the house... We tried to rescue the injured first. My daughter Safaa was taken to the hospital, she was pregnant... I have been rendered homeless without even clothes."

His neighbour 'Abdelnasser 'Atiya, a 23-year-old qat farmer, told Amnesty International:

"At around 2:30PM, we saw the plane en route to Jabal 'Ayban [a mountaintop Republican Guard military installation 3km away] and then it veered off towards our village and hit us with two rockets, one hit house of Saleh Sha'lan and the second hit the qat farm. Eighteen-year-old Intisar [Saleh Yahya Sha'lan's daughter] was milking a cow with her nephew Hazem and the rocket threw them 50 metres into the farm. It took us an hour to find their bodies."

According to 'Abdelnasser, there were no hostilities going on or fighters present at the time. Beit Rijal village is three kilometres north-west of a Huthi/Saleh loyalist-controlled Jabal 'Ayban Air Defence base – which may have been the intended target. There was no prior warning.

5.8 8 MAY 2015: MOUNTING EVIDENCE OF HIGH CIVILIAN TOLL OF SAUDI-LED AIR STRIKES¹⁶

New eyewitness testimony gathered by Amnesty International in the aftermath of recent airstrikes in Sana'a points to a repeated failure by the Saudi Arabian-led military coalition to take adequate precautions to prevent civilian deaths in Yemen.

In the early hours of 1 May an airstrike hit a residential area in the Bab al-Sha'b neighbourhood of Sa'wan, in the east of the capital, killing 17 civilians and injuring 17 others. Amnesty International carried out interviews with local residents and eyewitnesses the following day and heard the horrific experiences of a number of survivors of the airstrike.

"These harrowing testimonies are a damning indictment of the failure of the Saudi Arabian military and its allies to take adequate steps to ensure civilians are not needlessly slaughtered in their campaign of airstrikes," said Said Boumedouha, Deputy Middle East and North Africa Programme Director at Amnesty International.

¹⁶ Amnesty International, *Yemen: Mounting evidence of high civilian toll of Saudi-led airstrikes* (Press Release 8 May 2015).

“These harrowing testimonies are a damning indictment of the failure of the Saudi Arabian military and its allies to take adequate steps to ensure civilians are not needlessly slaughtered in their campaign of airstrikes.”

Said Boumedouha, Deputy Middle East and North Africa Programme Director at Amnesty International.

“Under international humanitarian law, all parties to the armed conflict have a duty to take certain precautions in planning and carrying out attacks in order to minimize civilian suffering.

“The Saudi-led coalition must publicly disclose detailed information on all airstrikes carried out in Sana’a on 1 May, including targets and measures taken to avoid incidental harm to civilians. Even if it was believed that fighters were present in the vicinity, before attacking they still had an obligation to determine whether civilians were present and take measures necessary to avoid or at least minimize civilian casualties.”

According to eyewitnesses and local residents, the airstrike occurred between 1AM and 1.30AM on 1 May in Bab al-Sha’b, a neighbourhood encompassing a cluster of about 30 houses. Nine houses were destroyed in the airstrike and the 17 dead included seven women and six children. There were also 17 civilians injured, including six women and one four-year old boy.

Mansour Mohamed Saleh Shareeh, 22, told Amnesty International how he lost six members of his family in the airstrike and how five, including himself, were injured: “At around 1AM I woke up to the house shaking due to an airstrike in the distance and then, one or two minutes later, I found myself buried in the debris of my house. I was screaming due to the pain that I felt all over my body and I could hear my father screaming for help under the rubble. The rest were buried in their sleep.”

“There were no prior warnings before the airstrike. Twelve of us live in this house as family members had arrived seeking shelter from other targeted neighbourhoods. I lost six from my family in the airstrike: My sisters Ashwak, 20, Nawal, 18, Dalal, 16, Hanan, 15, my nephew Hamad 5, and my niece Reemas, 4, were all killed. Meanwhile, my father and my mother, both 70, were injured along with another relative, my sister and me. My mother is currently in the intensive care unit in al-Thawra Hospital. I am still in shock and I cannot digest what happened.”

Abdullah Rajih, a local resident, told Amnesty International that he had woken up as the electricity had come back on momentarily at approximately 1AM: “I decided to take the opportunity with the electricity returning to pump some water. That’s when I heard the first explosion a couple of kilometres away. Two minutes later, a rocket lands in the house a few doors away from mine, causing my whole house to shake and windows to break and shrapnel flew everywhere. The whole neighbourhood helped in the rescue efforts, we buried everybody in a funeral on Sunday.”

“Amina Mohamed al-Wisla, 28, is a mother of six children and her husband is very ill. She died in the airstrike. The children are now living in a school nearby with their uncle.”

Khadija Ahmed Abdelqader al-Kubsi lost three of her daughters Rajaa, Yusra and Najwa, 13, 15 and 20-years-old, her husband and her mother-in-law in the airstrike. She told Amnesty International: “Our house got destroyed, my family was killed, only my disabled 19-year-old son survived.”

According to the residents and local council representative of the neighbourhood, Hafizallah Ali, there was no fighting or exchange of fire prior to the airstrike, no fighters or military objectives in the neighbourhood, and the closest air force military base is approximately two kilometres away in al-Khurafi. However, according to the al-Kubsi family, whose house was hit by the airstrike that affected the neighbourhood, Saudi news outlets mentioned that the father of the family Abdullah al-Kubsi, who was

killed in the airstrike, was targeted for being a Huthi leader. But they vehemently denied these aforementioned allegations.

BACKGROUND

Under international humanitarian law, all sides in an armed conflict must distinguish between military targets and civilians and civilian structures, and direct attacks only at the former. Deliberate attacks on civilians who are not directly participating in hostilities or civilian objects – such as homes, medical facilities, schools, governmental buildings that are not being used for military purposes – are prohibited and are war crimes. Indiscriminate and disproportionate attacks (where the likely number of civilian casualties or damage to civilian property outweighs the anticipated military advantage to be gained) are also prohibited.

In the case of the airstrike on the residential area in the Bab al-Sha'b neighbourhood of Sa'wan, if the intended target was in fact a Huthi leader who could lawfully be targeted, this would not in itself justify this attack. It should have been evident to those planning the airstrike that using a powerful explosive weapon to attack an individual in a civilian home at a time when he is surrounded by civilian family members and other civilians was going to result in high civilian casualties and that such an attack would likely be disproportionate or otherwise indiscriminate.

Parties are required under international humanitarian law to take certain precautions in planning and carrying out attacks. These include: giving effective advance warning of attacks which may endanger the civilian population, unless circumstances do not permit; cancelling or suspending an attack if it becomes clear that it is likely to cause excessive civilian casualties or damage; and choosing means and methods of attack that minimize the risk to civilians and civilian objects.

Amnesty International has documented eight strikes in five densely populated areas (Sa'dah, Sana'a, Hodeidah, Hajjah and Ibb) prior to the airstrike on Sa'wan. Several of these strikes raise concerns about compliance with the rules of international humanitarian law.

According to Amnesty International's research, at least 139 people, including at least 97 civilians (33 of whom were children) were killed during these strikes, and 460 individuals were injured (at least 157 of whom are civilians).

Airstrikes and shelling have also destroyed or damaged hospitals, schools, universities, airports, mosques, food transport vehicles, factories, petrol stations, telephone networks, electricity power stations and stadiums. This has left thousands of people without power and suffering from food and petrol shortages.

5.9 24 APRIL 2015: RELENTLESS AIRSTRIKES THAT HAVE LEFT HUNDREDS OF CIVILIANS DEAD MUST BE INVESTIGATED¹⁷

The killing of hundreds of civilians, including scores of children, and the injury of thousands during the relentless Saudi Arabian-led campaign of airstrikes across Yemen must be urgently investigated, said Amnesty International, one month after the strikes began.

"The month-long campaign of air strikes carried out by Saudi Arabia and its allies has transformed many parts of Yemen into a dangerous place for civilians," said Said Boumedouha, Deputy Director of Amnesty International's Middle East and North Africa Programme.

¹⁷ Amnesty International, *Yemen: Relentless airstrikes that have left hundreds of civilians dead must be investigated* (Press Release 24 April 2015).

“Millions of people have been forced to live in a state of utter terror, afraid of being killed at home. Many feel they are left with no choice but to move away from their destroyed villages to an uncertain future.”

“The month-long campaign of air strikes carried out by Saudi Arabia and its allies has transformed many parts of Yemen into a dangerous place for civilians.”

Said Boumedouha, Deputy Middle East and North Africa Programme Director at Amnesty International.

According to the UN more than 550 civilians have been killed including more than 100 children since the military campaign began on 25 March.

Amnesty International has documented eight strikes in five densely populated areas (Sa'dah, Sana'a, Hodeidah, Hajjah and Ibb). Several of these strikes raise concerns about compliance with the rules of international humanitarian law.

According to Amnesty International's research, at least 139 people, including at least 97 civilians (33 of whom were children) were killed during these strikes, and 460 individuals were injured (at least 157 whom are civilians).

“The mounting civilian toll in some of the cases we have researched are deeply concerning. Some of the Saudi Arabian –led air strikes appear to have failed to take necessary precautions to minimize harm to civilians and damage to civilian objects. It is crucial that independent and impartial investigations are carried out to ascertain whether violations of international humanitarian law have been committed,” said Said Boumedouha.

“It is crucial that independent and impartial investigations are carried out to ascertain whether violations of international humanitarian law have been committed.”

Said Boumedouha.

One of the survivors of an airstrike that took place on Faj 'Attan, on the outskirts of Sana'a on 20 April, told Amnesty International that his relatives, a couple and their eight-year-old son died after their apartment block collapsed under heavy rocks that fell from a nearby mountain struck by a rocket. The rocket had targeted the Republican Guard military base on the top of Faj 'Attan Mountain. The couple's 12-year-old daughter, who was standing outside of the house at the time, survived.

Airstrikes and shelling have also destroyed or damaged hospitals, schools, universities, airports, mosques, food transport vehicles, factories, petrol stations, telephone networks, electricity power stations and stadiums.

This has left thousands of people without power and suffering from food and petrol shortages.

A 23-year-old man injured in a strike that struck a factory in Hodeidah on 31 March was left paraplegic after a piece of shrapnel became lodged in his vertebrae. The director of the hospital inside the factory complex said the hospital was overwhelmed with casualties after the attack. The nearest military target, an army base, was more than 300 metres away.

Internally displaced

The vast majority of the country has now been affected by the conflict and between 120,000 and 150,000 civilians have fled their homes in the last month alone (according to the United Nations). This adds to the 100,000 people who were already internally displaced from previous conflicts in Yemen.

While some have fled as a result of airstrikes, others are displaced because of the dangers posed by Huthi fighters in civilian areas.

Jihad Farouq Abdelraheem , recently told Amnesty International that he had to leave his district of Ma'llah in the first week of April after artillery shelling destroyed his house and Huthi fighters took over empty buildings in the surrounding areas. He said he escaped the city in a car with 12 children, 15 women and eight men and fled to the district of Mansoura, where his brother lives.

Another resident from 'Aydarous district in Aden told Amnesty International that Huthi bombardments and mortar attacks on his neighbourhood had forced him to flee with his entire family including a one-year-old child. They crossed over the mountain and made the journey to the other side of Aden on foot.

A resident of the Mansoura district of Aden compared intense Huthi tank shelling that struck the street behind her house to "an earthquake".

Even those trying to help people fleeing the fighting are being targeted, with scores of paramedics and those carrying medical supplies being abducted by the Huthis and loyalists of former President Ali 'Abdallah Saleh.

On 3 April two brothers working for the Yemen Red Crescent society were shot and killed in Aden while evacuating wounded people to a waiting ambulance, according to the International Committee of the Red Cross.

On 18 April the aid agency Oxfam said that an airstrike hit a warehouse in Saada containing humanitarian supplies. No clear military targets appear to have been identified in the vicinity.

Attacks on humanitarian relief personnel and objects used for humanitarian relief operations would amount to violations of international humanitarian law.

5.10 31 MARCH 2015: AT LEAST SIX CIVILIANS BURN TO DEATH IN FURTHER AIRSTRIKES OVERNIGHT¹⁸

There is growing evidence that the Saudi Arabian-led military coalition is failing to take precautions to prevent civilian deaths amid ongoing airstrikes on sites around Yemen, Amnesty International said, as it confirmed that at least six civilians, including four children, were among 14 people who burned to death in further strikes early this morning.

The attacks, carried out at around 2 AM in Ibb governorate, were apparently targeting a Huthi checkpoint as well as fuel supplies along the road between Yareem and Dhammar. The dead included four children and two women, as well as eight men, but it is unknown if any of those were fighters. At least 31 others were hospitalized with burns and shrapnel wounds.

“After several days of often intense bombardment in several areas across Yemen, it is becoming increasingly apparent that the Saudi Arabian-led coalition is turning a blind eye to civilian deaths and suffering caused by its military intervention.”

Said Boumedouha, Deputy Director of Amnesty International's Middle East and North Africa Programme.

“After several days of often intense bombardment in several areas across Yemen, it is becoming increasingly apparent that the Saudi Arabian-led coalition is turning a blind eye to civilian deaths and

¹⁸ Amnesty International, *Yemen: At least six civilians burn to death in further airstrikes overnight* (Press Release 31 March 2015).

suffering caused by its military intervention,” said Said Boumedouha, Deputy Director of Amnesty International’s Middle East and North Africa Programme.

“International humanitarian law requires all warring parties to take all feasible precautions to spare civilians amid the hostilities.”

Precautions include giving effective advance warning of attacks which may endanger the civilian population, cancelling or suspending an attack if it becomes clear that it is likely to cause excessive civilian casualties or damage, and choosing means and methods of attack that minimize the risk to civilians and civilian objects.

Two petrol stations were destroyed in the airstrikes on Ibb governorate. According to the owner of one of the stations, in al-Kadima area in al-Kita, several passengers were killed in a car which had stopped to refuel, and a petrol station worker was injured. Amnesty International has not been able to ascertain if there were casualties at the other petrol station.

A third strike, apparently aimed at a passing fuel tanker, set fire to at least three civilian homes within a cluster of around 30-40 homes.

Dr. Hamood al-Jihafi in Yareem hospital told Amnesty International how the dead and injured arrived after suffering horrific burns and shrapnel injuries.
Camp and market hit by airstrikes

The strikes on Ibb come a day after 29 civilians, including children, were killed in airstrikes on a bridge at al-Mazraq camp for internally displaced persons (IDPs) on 30 March in Sa’ada, in northern Yemen near the border with Saudi Arabia. Meanwhile, al-Kitaf market next to the al-Kitaf Military Base was targeted on 27 March, where 20 people, including three children were killed, and 16 were injured.

Humanitarian agencies, including UNICEF and Médecins Sans Frontières, condemned the attack on al-Mazraq and called on all parties to the armed conflict in Yemen to respect the neutrality of medical facilities and staff, and allow unhindered access to medical assistance for the wounded.

There have been conflicting reports about the alleged presence of Huthi fighters near the camp, but even if true, this would not justify an attack on a densely populated civilian area.

“All forces should avoid deploying or locating military targets or fighters within or near densely populated areas.”

Said Boumedouha, Deputy Director of Amnesty International’s Middle East and North Africa Programme.

“All forces should avoid deploying or locating military targets or fighters within or near densely populated areas. However, the alleged presence of fighters near civilian objects, including camps for the displaced, does not mean warring parties can forget about their obligation to minimize civilian harm,” said Said Boumedouha..

5.11 26 MARCH 2015: SIX CHILDREN AMONG DOZENS KILLED IN SAUDI ARABIAN-LED AIRSTRIKES¹⁹

At least six children under the age of 10 were among a reported 25 people killed in Saudi Arabian-led airstrikes in the Yemeni capital Sana'a early this morning, Amnesty International confirmed after speaking to hospital officials and eyewitnesses.

The organization spoke to medical personnel at four different hospitals where the dead were taken after being pulled from the rubble of 14 houses that were hit in a residential neighbourhood near the city's international airport. The rest of those killed were men, mostly in their 30s and 40s. It is believed that more people may still be buried beneath the rubble, and at least 20, including four women, were admitted to hospital with mainly shrapnel injuries.

“This high toll of civilian deaths and injuries in these attacks raises concerns about compliance with the rules of international humanitarian law. Saudi Arabian and any other armed forces carrying out airstrikes in Yemen are required to take all feasible precautions to spare civilians.”

Said Boumedouha, Deputy Director of Amnesty International's Middle East and North Africa Programme.

“This high toll of civilian deaths and injuries in these attacks raises concerns about compliance with the rules of international humanitarian law. Saudi Arabian and any other armed forces carrying out airstrikes in Yemen are required to take all feasible precautions to spare civilians,” said Said Boumedouha, Deputy Director of Amnesty International's Middle East and North Africa Programme.

“This includes verifying that targets are in fact military objectives and giving civilians effective advance warnings unless circumstances do not permit.

“The Huthi armed groups and the Yemeni armed forces also have obligations under international humanitarian law to protect civilians under their control from the effects of attacks, including by avoiding, to the extent feasible, locating their fighters and weaponry within residential neighbourhoods.”

Given the civilian deaths and injuries, Saudi Arabia and other states involved in these airstrikes must investigate whether violations of international humanitarian law were committed. And if there is evidence that war crimes were committed they must prosecute the suspects in fair trials.

Yemen's Ministry of Health today said the airstrikes killed 25 people and injured some 40 – it is not yet known if there were any fighters among the casualties.

According to a paramedic who witnessed the aftermath, the airstrike near the airport occurred shortly before 3AM local time, in a residential area called Beni Hawat. Huthi armed groups had allegedly been operating a checkpoint around 100m away, as well as al-Dailami base around 500m away.

Saudi Arabian officials today stated they had destroyed “all Huthi air defences” at al-Dailami base next to Sana'a International Airport.

¹⁹ Amnesty International, *Yemen: Six children among dozens killed in Saudi Arabian-led airstrikes* (Press Release 26 March 2015).

Beni Hawat was among a number of sites around the city hit by airstrikes overnight as Saudi Arabia announced it was launching a military intervention by a coalition of 10 countries, including five Gulf Cooperation Council states, against the Huthi armed groups. The US government today stated it had “authorized the provision of logistical and intelligence support” to this military intervention, and other governments, including the UK and Turkey, endorsed the move.