

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

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EXHIBIT SPF1

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# **UN Group of Eminent International and Regional Experts on Yemen Briefs the UN Security Council Urging an end to impunity, an expansion of sanctions, and the referral by the UN Security Council of the situation in Yemen to the International Criminal Court**

**03 December 2020**

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**NEW YORK / GENEVA / BEIRUT (3 December 2020)** -- Today the UN Group of Eminent Experts on Yemen (GEE) briefed the UN Security Council in a closed session on its third report “A Pandemic of Impunity in a Tortured Land” in which it detailed serious violations of international human rights law and international humanitarian law.

Violations include airstrikes that fail to abide by principles of distinction, proportionality and/or precaution leading to high civilian casualties;

indiscriminate attacks using mortar shelling; the laying of landmines; the recruitment and use of child soldiers, unlawful killings; enforced disappearance and arbitrary detention, the use of torture, including sexual violence, in detention, denial of fair trial rights, the targeting of marginalized communities and the impeding of humanitarian operations, having a devastating effect on civilians in Yemen and contributing to the world's worst humanitarian crisis.

"Civilians in Yemen are not starving, they are being starved by the parties to the conflict," said Kamel Jendoubi, the Chairperson of the Group.

The Group also denounced the endemic impunity for violations, which has the effect of fueling more abuses.

"The situation in Yemen has reached a 'surreal and absurd' dimension. The continuation of violations this year underlines the complete lack of respect for international law and human life being displayed by parties to the conflict. For civilians in Yemen, there is simply no safe place to escape the ravages of the war," said Jendoubi.

"Our investigations this year have confirmed rampant levels of serious violations of international human rights law and international humanitarian law, many of which may amount to war crimes," Jendoubi added in his remarks to the Council.

The Group of Experts stressed that there are no clean hands in this conflict. The responsibility for violations rests with all parties to the conflict. In its findings, the report concluded that violations have been committed by the Government of Yemen, the Houthis, the Southern Transitional Council, as well as members of the Coalition, in particular Saudi Arabia and United Arab Emirates. However, to the Experts' knowledge, not one person from any of the parties to the conflict has been held responsible for any violations in Yemen.

"Accountability is key to ensuring justice and a sustainable peace for the people of Yemen. We are concerned that impunity continues largely unabated for those who perpetrate serious violations, which only adds to the insecurity in Yemen. Violations of human rights need to be called out

for what they are — threats to peace, security and development, and a key driver of conflict”, said Jendoubi.

The Group noted that the human rights crisis in Yemen squarely touches upon matters on the UN Security Council’s agenda, including threats to international peace and security, the situation in the Middle East, protection of civilians in armed conflict; starvation as a method of warfare; impediments to the delivery of humanitarian assistance; women and peace and security: sexual violence in conflict; children and armed conflict: recruitment and use of children in hostilities.

The Chair of the Group Jendoubi stated, “It is now the collective responsibility of the international community to intervene to help the Yemeni people.”

The Group reiterated its call for third states to stop transferring arms to parties to the conflict given the role of such transfers in perpetuating the conflict and potentially contributing to violations.

“The continued supply of weapons to parties to the conflict is only perpetuating the conflict and prolonging the suffering of the Yemeni people” said Jendoubi.

The Group of Experts called upon the Security Council to refer the situation in Yemen to the International Criminal Court, and to expand the list of persons subject to Security Council sanctions. It called for human rights to be more fully integrated into the Security Council’s regular agenda.

It noted that such actions “would send a powerful message to the conflicting parties that there will be no impunity for serious violations of human rights.”

### ***About the Group of Eminent International and Regional Experts on Yemen (Group of Experts)***

In its resolution **36/31** (2017), the Human Rights Council requested the United Nations High Commissioner for Human Rights to establish a group of eminent international and regional experts on Yemen to monitor and report on the situation of human rights in the country. The Group of



Eminent Experts (Group of Experts) was mandated to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations.

The mandate of the Group of Experts also includes its duty to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible.

The Human Rights Council renewed the mandate of the Group of Experts in 2018, 2019 and 2020.

**The current members of the Group of Experts are:**

- Mr.Kamel Jendoubi (Tunisia) - Chairperson
- Ms. Melissa Parke (Australia)
- Mr. Ardi Imseis (Canada)

For more information, please contact: Ahmed Suliman: [asuliman@ohchr.org](mailto:asuliman@ohchr.org)

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EXHIBIT SPF2

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# General Assembly

Distr.: General  
3 October 2017

Original: English

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## Human Rights Council

### Thirty-sixth session

11–29 September 2017

Agenda item 10

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## Resolution adopted by the Human Rights Council on 29 September 2017

### 36/31. Human rights, technical assistance and capacity-building in Yemen

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

*Recognizing* the primary responsibility of States to promote and protect human rights,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015 and 33/16 of 29 September 2016,

*Recalling also* Security Council resolution 2216 (2015) of 14 April 2015,

*Welcoming* the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new Constitution,

*Welcoming also* the positive engagement of the Government of Yemen in the peace talks, its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

*Reiterating* its strong support for the efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions,

GE.17-17338(E)



\* 1 7 1 7 3 3 8 \*

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



*Taking note* of the statement made by the President of the Security Council on 15 June 2017 on Yemen,<sup>1</sup>

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Recognizing* that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of, and full respect for, international human rights law and international humanitarian law in armed conflicts,

*Aware* of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,<sup>2</sup>

*Concerned* by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

*Underlining* the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the situation of human rights in Yemen,

*Recalling* the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of an interim report by the National Commission of Inquiry in August 2017,

*Noting* the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution and judiciary to complete judicial proceedings for achieving justice and to hold those responsible of abuses and violations accountable as soon as possible,

*Noting also* the work carried out by the joint incident assessment team,

*Taking note* of the recommendations and conclusions made by the High Commissioner on the establishment of an independent international investigative mechanism to establish the facts and circumstances surrounding all alleged violations and

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<sup>1</sup> S/PRST/2017/7.

<sup>2</sup> A/HRC/30/31, A/HRC/33/38 and A/HRC/36/33.

abuses of human rights and violations of international humanitarian law,<sup>3</sup> and taking note also of the statement and comments made by the Government of Yemen on the report,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;<sup>4</sup>

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that

<sup>3</sup> See A/HRC/36/33.

<sup>4</sup> A/70/836-S/2016/360.

situation and for their pledges to provide financial support for the Yemen humanitarian response plan for 2017;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Requests* the High Commissioner to establish a group of eminent international and regional experts with knowledge on human rights law and the context of Yemen for a period of at least one year, renewable as authorized, with the following mandate:

(a) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations, and to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible.

(b) To make general recommendations on improving respect for and the protection and fulfilment of human rights, and to provide guidance on access to justice, accountability, reconciliation and healing, as appropriate;

(c) To engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the High Commissioner in Yemen, the authorities of the Gulf States and the League of Arab States, with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Yemen;

13. *Requests* the immediate operationalization of the mandate, and also requests the High Commissioner to appoint without delay the Group of Eminent International and Regional Experts, by no later than the end of 2017;

14. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner, by the time of the thirty-ninth session of the Human Rights Council, to be followed by an interactive dialogue;

15. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

16. *Requests* the Secretary-General and the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

17. *Requests* the High Commissioner to continue to provide substantive capacity-building, technical assistance, advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

18. *Also requests* the High Commissioner to present to the Human Rights Council, at its thirty-seventh session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its thirty-ninth session a report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

*42nd meeting  
29 September 2017*

[Adopted without a vote.]

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EXHIBIT SPF3

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# Oral Update of the Group of Eminent Experts on Yemen to the 46th session of the Human Rights Council

25 February 2021

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## Agenda item 2

### Address by Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen

Geneva, 25 February 2021

Madam President,  
Excellencies,  
Ladies and Gentlemen,

On behalf of my co-Experts, I have the privilege to deliver this briefing pursuant to this Council's request set forth in its Resolution 45/15 of 6 October 2020.

Since we presented our last report in September 2020, several events have occurred. Before starting with those directly affecting the implementation of the present resolution, as requested, we would like to

thank the Coalition and the de facto authorities for their responses to our report that have been duly taken into consideration.

You will recall that this Council extended our mandate for a further year, and substantively expanded our mandate in several respects. Despite this expanded mandate, the Group of Experts has not been furnished with the requisite human and material resources to carry it out, mainly because of the liquidity crisis within the United Nations regular budget. That this is the case, half way through our present mandate, is wholly unacceptable and sends the wrong message to people suffering in Yemen at a time when they need all the support the international community can muster.

The war in Yemen will soon enter its seventh year and shows no signs of abating. Tragically, as the conflict continues, violations of international human rights and humanitarian law continue to be perpetrated at an alarming rate and scale. In previous mandates, given the sheer scope and number of the violations occurring on the ground, the Group of Experts has had to prioritize the examination of various categories of violations and numerous incidents according to their gravity, intensity and significance. The current delay in the establishment of the Secretariat due to the United Nations regular budget liquidity crisis and the related recruitment freeze, has further severely impeded our ability to discharge our mandate.

The Group remains gravely concerned about the very heavy toll of the conflict on civilians.

The failure to reach a permanent and comprehensive peace agreement has mired Yemenis in a bloody quagmire, the negative impacts of which are exacerbated by the deteriorating economic and political situation.

Although the exchange of 1,056 prisoners between the Government of Yemen and the de facto authorities in October 2020 represents a positive development, it also demonstrates the magnitude of the campaign waged by the parties to the conflict against civilians, as measured through their policies of detentions and forced disappearances. Women, holding photographs of their disappeared relatives, have become an enduring image of suffering in Yemen. An image that speaks volumes about the gravity of the violation of enforced disappearance: the taking of a father, a

husband, a brother or a son, the desperate search for their whereabouts through official and unofficial channels, and the misery for those left behind.

In political developments, the formation of a government as a result of negotiations between the internationally recognized Yemeni government and the Southern Transitional Council (STC) was an important step towards reaching peace in Yemen, despite coming about thirteen months after the conclusion of the 2019 Riyadh Agreement. Unfortunately, the newly formed government is bereft of any female representation. To our knowledge, this is the first time in twenty years no woman has been appointed to cabinet.

The Group was dismayed that, as the newly formed government was landing at Aden International Airport on 30 December 2020, multiple missiles struck the airport, killing at least 25 people and injuring 110. This attack signifies the continuing disregard of international humanitarian and human rights law that characterizes the ongoing war.

Militarily, since the submission of our last report, armed confrontations have continued to rage on a multitude of distinct frontlines expanding to new areas. Civilians are the main victims of an ever-growing cycle of violence.

In recent weeks, while fierce fighting has concentrated around the northern governorate and the city of Ma'rib, the fighting between the Yemeni government forces and de facto authorities in Ta'izz city and Hudaydah governorate continued. As war goes on in Yemen, civilians continue to lose everything, their homes, livelihoods, their lives. In 2020, 172,000 persons (28,659 families) were displaced, about half of whom are women, with an estimated 82 per cent of the displacement being due to conflict, particularly in the governorates of Ma'rib, Hudaydah, Dhale', Ta'izz, Jawf and Hadramout. Additionally, the recent escalation of hostilities in Ma'rib has again forced an estimated 54,500 more people to flee their homes.

The scale of the attacks, the weaponry used, and the resulting number of casualties share certain commonalities, regardless of whether the attacks are being committed by the Government of Yemen, the Coalition, or the

de facto authorities. In no instance have the warring parties shown any genuine commitment to their obligations under international law to take all feasible precautions in attack, and to avoid or minimise incidental loss of civilian life, injury to civilians, and damage to civilian objects.

The warring parties in Yemen continue to deprive civilians of their right to access affordable medical care, notably through their continued attacks on hospitals and medical units and their targeting of health personnel. As COVID-19 spreads throughout the country, Yemen is facing an emergency within an emergency, as the remaining half of the health facilities that are operational in Yemen are underequipped to cope with the disease.

The Group of Experts remains gravely concerned at the dire humanitarian situation in Yemen and the ways in which conduct of the parties is exacerbating it. Not surprisingly, humanitarian actors are releasing ever more alarming figures about the “World’s worst humanitarian crisis” that is Yemen. In view of the continued lack of funding for international humanitarian assistance for Yemen, the already dire humanitarian crisis is only worsening.

The children of Yemen continue to endure the misery of a war inflicted by the parties to the conflict, assisted by other states. Their plight has largely been ignored by the international community. Almost 2.3 million children under the age of 5 in Yemen are projected to suffer acute malnutrition in 2021. Of these children, 400,000 are expected to suffer from severe acute malnutrition and they may die if they do not receive urgent treatment.

While the new US administration’s suspension of the decision to designate the de facto authorities as a Foreign Terrorist Organization (FTO) is an important step towards ensuring the continued provision of humanitarian assistance, we reiterate our call for the international community to act urgently to increase financial support that will help to prevent famine in Yemen.

The Group of Experts is dismayed at the shrinking democratic space and lack of fundamental freedoms manifested in continuing restrictions on freedom of expression, freedom of religion, arbitrary deprivation of liberty,

enforced disappearance, and intimidation of journalists, human rights defenders, and members of minority groups.

The Group of Experts is appalled that the Safer tanker, loaded with 1.1 million barrels of oil, is at imminent risk of rupture or explosion. If this happens, it will result in an ecological, economic and humanitarian disaster of unprecedented proportions for Yemen and the whole of the Red Sea littoral.

Today, the Group of Experts reiterates what has been established during its last three consecutive mandates: that there are reasonable grounds to believe that all parties to the conflict in Yemen have committed serious crimes, breached international human rights law, and caused an unprecedented humanitarian crisis. The situation has further worsened due to the economic breakdown and permanent damage to public infrastructure occasioned by the war. While the Group of Experts welcomes the recent decisions made by Italy and the USA on arms exports to Saudi Arabia and the United Arab Emirates, in addition to the USA decision to end support for what it calls “offensive operations” in the war in Yemen, we call upon all other States who continue to supply arms to review their positions in line with the requirements of international law. The Group also calls on all third States to contribute to the current peace negotiations to their fullest.

More than ever, the Yemeni people need an unambiguous commitment to helping them to bring lasting peace to their country. This cannot be achieved without strong support for the rule of law and human rights, and ought to be addressed by the international community in a coordinated, inclusive, and integrated manner, since the parties to the conflict have shown themselves incapable of complying with international law or having any regard for the lives and dignity of civilians in the country.

To that end, I urgently call on the Council to expedite and intensify diplomatic efforts to bring about a ceasefire and help create a framework for negotiating a comprehensive and sustainable peace in Yemen.

Thank you, Madam President.

## **Related**

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EXHIBIT SPF4

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# Advance Edited Version

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13 September 2021

Original: English

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## Human Rights Council

### Forty-eighth session

13 September–1 October 2021

Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

## Situation of human rights in Yemen, including violations and abuses since September 2014

### Report of the Group of Eminent International and Regional Experts on Yemen\*, \*\*

#### *Summary*

The Yemen conflict is moving into its seventh year against the backdrop of an intolerable lack of political will towards its peaceful resolution. With Yemen experiencing an unparalleled humanitarian crisis, the Group of Eminent International and Regional Experts regrets that the conflicting parties continue to engage in serious violations of international human rights law and international humanitarian law, and that third States continue to provide arms and military support to parties to the conflict, with little regard for the immense suffering caused to the people of Yemen.

In the present report, the Group of Eminent Experts, pursuant to Human Rights Council resolution 45/15, presents an overview of its findings concerning violations and abuses committed in Yemen from 1 July 2020 to 30 June 2021, as well as providing a select retrospective analysis. The Group also recommends avenues to ensure accountability and secure truth, justice and reparations for victims.

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\* The present report was submitted after the deadline so as to reflect the most recent developments.

\*\* The annexes to the present report are circulated as received, in the languages of submission only.

## **I. Introduction**

1. In resolution 45/15, the Human Rights Council renewed the mandate of the Group of Eminent International and Regional Experts for a further period of one year. The Group was mandated to, *inter alia*, monitor and report on the situation of human rights in Yemen and to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including possible gender dimensions of such violations. The Council also broadened the scope of the Group's mandate, which also includes to collect, preserve and analyse information, and to explore and report on recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims.

2. In October 2020, the United Nations High Commissioner for Human Rights reappointed Kamel Jendoubi (Tunisia) (Chair), Melissa Parke (Australia) and Ardi Imseis (Canada) as experts. They accepted the responsibility in the knowledge that this mandate in particular would face expected operational difficulties occasioned by the continued global pandemic and access restrictions. However, they also accepted this responsibility in the reasonable expectation that they would receive the requisite resources to discharge the expanded mission given to them by the Council. Regrettably, this was not the case. The Group is the only United Nations independent entity investigating and issuing detailed public reports on human rights violations in Yemen. It cannot succeed in its increasingly complex mission without the proper support from the international community.

## **II. Methodology and legal framework**

3. Access restrictions to Yemen, restrictions related to the coronavirus disease (COVID-19) pandemic, and significant limitations in investigation time and human resources have had a considerable impact on the work of the Group of Eminent Experts and its secretariat, who were obliged to narrow the range of their work and substantially alter their working methods. The Group deeply regrets that its work was deleteriously affected during this mandate period by the United Nations recruitment freeze, which significantly delayed the formation of its secretariat and limited its effective period of activity, including in relation to the collection, preservation and analysis of information. In addition, key posts were cut (e.g., child rights specialist and reporting officer) and no gender specialist was recruited before the completion of the drafting of the report. As a result, the Group was constrained in its investigations and compelled to adopt a strong retrospective focus, particularly in the gender and child rights-related segments of the present report. Moreover, the secretariat's move from Beirut to Addis Ababa delayed the Group's operations. To their credit, the members of the secretariat discharged their functions with the highest professionalism and commitment despite the difficulties.

4. The Group of Eminent Experts' findings in the present report should not be construed as suggesting that other violations and abuses did not occur, that some parts of the country not mentioned in the report were not similarly affected, or that parties have ceased committing particular violations. The Group continued to apply the "reasonable grounds to believe" standard of proof.

5. The Group of Eminent Experts conducted 152 interviews (mainly remotely) with victims, witnesses and other individuals, and it reviewed documents, open-source material and additional secondary sources. It also relied on a professional satellite-imagery analysis conducted by the United Nations Satellite Centre. The Group paid particular attention to integrating gender into its methodology. In November 2020, the Group issued an online call for written submissions.

6. Where possible, the Group of Eminent Experts identified the individuals and/or armed forces or armed groups responsible for violations and abuses and prepared a strictly

confidential list of individual alleged perpetrators for submission to the High Commissioner for Human Rights.<sup>1</sup>

7. The Group of Eminent Experts has continued to conduct its investigations within the framework of all relevant international legal norms, including international human rights law, international humanitarian law and international criminal law.<sup>2</sup>

8. Following its previous practice, the Group of Eminent Experts addressed requests for submissions to the Government of Yemen, the de facto authorities<sup>3</sup> and the southern transitional council, as well as to the Governments of Saudi Arabia and the United Arab Emirates, and reviewed the comments received from some parties on the Group's previous report.<sup>4</sup>

9. The Group of Eminent Experts regrets that for a third consecutive year, it was not able to access Yemen and other coalition countries despite its repeated and unanswered requests. While the de facto authorities indicated their willingness for the Group to visit areas under its control, the Government of Yemen did not respond to the Group's requests for access to the country.

10. The Group of Eminent Experts holds the utmost concern about the protracted climate of fear and lawlessness in Yemen. Even when the Group adopted methodologies aimed at ensuring the safety and security of victims, witnesses and organizations, fear still deterred many from engaging with the Group, or giving consent to the use of information. As a former detainee stated: "I don't want this to be public, I feel constantly at risk... There is no State presence."

11. The Group of Eminent Experts once again expresses its deepest gratitude to those who shared their traumatic experiences with the Group, and for the assistance provided by governmental and non-governmental entities and by United Nations agencies and partners.

### III. Over six years of unceasing suffering

12. The conflict that has been raging in Yemen for over six years did not reduce in intensity in the 2020–2021 period covered by the present report. Notwithstanding considerable international and regional efforts to reach a ceasefire and to embark upon a peace process, the conflict remains intractable owing to a continued lack of political will of the parties to the conflict and relevant external actors. The previously signed power-sharing deal between the Government of Yemen and the southern transitional council remains largely dysfunctional, and negotiations between the de facto authorities and the coalition have not achieved any tangible progress. Moreover, military confrontations have escalated over a myriad of fronts within Yemen and outside its borders.

13. In late October 2020, the Houthis started a mobilization phase to enhance their preparedness for battle over Ma'rib. In February 2021, the Houthis began their attack on Ma'rib Governorate. Within weeks, the Ta'izz and Hajjah fronts became active once more. Other fronts in Hudaydah, Dhale', Jawf, and Bayda' governorates also witnessed fighting. Heavy fighting has continued across frontline areas in Ma'rib Governorate, with hostilities particularly dominant in the Sirwah area, specifically in Mashjah, Kassarah, Zour and Tala'ah Hamraa. Currently, the frontlines are only a few kilometres away from the city of Ma'rib. The coalition provides critical close air support to the Yemeni armed forces. The Houthi offensive has led to large waves of displacement within the Ma'rib Governorate, especially after the sites hosting internally displaced persons were shelled. Since the beginning of the year, the Houthis have also carried out multiple cross-border aerial attacks on Saudi Arabia.

<sup>1</sup> That list is distinct from the mapping of main actors contained in annex IV.

<sup>2</sup> A/HRC/45/6, paras. 10–13.

<sup>3</sup> The term "de facto authorities" is used only to refer to the authorities based in Sana'a, where Ansar Allah as a political movement is the main actor, supported by an armed group referred to as the "Houthis".

<sup>4</sup> The de facto authorities, the coalition and the United Arab Emirates submitted observations on the previous report (A/HRC/45/6). Their observations will be made available at [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx).

While most of the targets have been of a military nature, civilian infrastructure has also been hit.

14. In December 2020, the southern transitional council agreed to join a newly formed government with the Government of Yemen. On 30 December 2020, an attack was launched on Aden airport, moments after the plane carrying members of the new government had landed. As a sign of the continued fractured relationship between the southern transitional council and the Government of Yemen, on 16 March 2021, supporters of the council stormed the Maasheq presidential palace in Aden.

15. The former Special Envoy of the Secretary-General for Yemen, Martin Griffiths, promoted a joint declaration with the Government of Yemen and the de facto authorities, encompassing a nationwide ceasefire, measures concerning humanitarian and economic relief, and resumption of the political process. The de facto authorities, however, have insisted on a stand-alone agreement concerning the seaports in Hudaydah and the Sana'a airport as a precondition for any further negotiations. In a positive development, in October 2020, the Special Envoy succeeded in implementing the exchange of 1,056 prisoners held by the Government of Yemen and the Houthis in a deal facilitated by the International Committee of the Red Cross as part of the Stockholm Agreement.

16. In February 2021, the new administration of the United States of America announced changes in the country's policy towards Yemen, including ending the designation of the Houthis as a foreign terrorist organization and declaring an end to its support for what it called the coalition's "offensive operations" in the conflict. It remains unclear what that terminology means in practical terms.

17. Protracted conflict, disease outbreaks, the COVID-19 pandemic, flooding, import restrictions, an economic and fuel crisis, and limited humanitarian aid have made everyday life in Yemen unbearable for many. According to the Office for the Coordination of Humanitarian Affairs, around 20.7 million people in Yemen currently require some form of humanitarian and protection assistance. More than 16.2 million of them will face significant food insecurity this year. Additionally, international funding has fallen far short of the required levels to address the humanitarian crisis.

18. A potential environmental catastrophe looms for Yemen and the whole of the Red Sea, should there be a spill of the Safer oil tanker, which is loaded with approximately 1.1 million barrels of oil. While the United Nations has sought to undertake assessment and salvage operations, the Houthis have not yet provided the necessary written security guarantees.

19. Notwithstanding the strong recommendations by the Group of Eminent Experts in its previous reports, third States, including Canada, France, Iran (Islamic Republic of), the United Kingdom of Great Britain and Northern Ireland and the United States, continued their support of parties to the conflict, including through arms transfers. Furthermore, some States, such as Italy, have loosened previous restrictions. As the Group has previously noted, arms sales are fuel that perpetuates the conflict.

## **IV. Findings of the Group of Eminent Experts**

### **A. Conduct of hostilities and their impact on civilians: unremitting violence, death and fear**

#### **1. Airstrikes**

20. Since March 2015, over 23,000 airstrikes have been launched by the coalition in Yemen, killing or injuring over 18,000 civilians.<sup>5</sup> Living in a country subjected to an average of 10 airstrikes per day has left millions feeling far from safe. Although the frequency and intensity of airstrikes have fluctuated over the last four years, the Group of Eminent Experts

<sup>5</sup> According to the Yemen Data Project, a total of 8,772 civilians have been killed and 9,841 injured. Available at <https://yemendataproject.org/>. Information on airstrikes is also contained in annex I.

has continued to observe their devastating impact on civilians. One paramedic, after visiting an airstrike site in Sana'a, stated: "One week later, I was in the area and, in the drainage of the hotel, we found more bodies. The dogs had started eating those bodies. One month later, I smelled around the area and when I went to the building, I found a leg in the drainage."

21. Since 2018, the Group of Eminent Experts has investigated some 30 airstrikes that killed and injured civilians,<sup>6</sup> including civilians shopping at markets, receiving care in hospitals, or attending weddings and funerals; children on buses; fishers in boats; migrants seeking a better life; individuals strolling through their neighbourhoods; and people who were at home.

22. The coalition has largely rejected the previous findings of the Group of Eminent Experts, characterizing them as being based on assumptions.<sup>7</sup> The Group regrets that the coalition has justified not sharing targeting-related intelligence with the Group on the basis of "internationally common practice", and the potential danger to sources, while sharing such information with its own investigation mechanism. The Group also regrets the failure of the Joint Incident Assessment Team to either provide detailed information in case summaries, or share supporting evidence. Notwithstanding these factors, the Group, on the basis of properly corroborated information and satellite imagery, has been able to draw conclusions about failures in specific airstrikes to respect the principles of distinction, proportionality and precautions in attack as required by international humanitarian law. There is little evidence to suggest that the coalition has taken these findings seriously.

23. During this mandate period, the Group of Eminent Experts investigated four coalition airstrikes or series of airstrikes that killed and injured civilians and damaged civilian infrastructure (see paras. 34 and 35 below). One example concerns an airstrike that occurred on 12 July 2020, around 1 p.m., in the village of Beit Qateeb, Washha District, Hajjah Governorate, that killed seven children (three boys and four girls) and two women in their house. A boy and a woman breastfeeding her baby were also injured. The house was in a remote area and was destroyed by the air raid. The Joint Incident Assessment Team concluded that a "technical error" had caused those deaths and injuries, with the intended target being a Houthi command and communications centre some 780 metres away. The Joint Incident Assessment Team recommended that assistance be provided for the "human losses and material damage". The frequency with which the Team finds a "technical error" to be responsible for civilian losses without it leading to apparent changes in coalition procedures itself raises significant concerns as to the coalition's commitment to meeting the requirements of international humanitarian law.

24. On 15 July 2020, at around 6.30 a.m., an airstrike hit a house in the Musa'fa village, Hazm District, Jawf Governorate, killing four men, two women, three girls and three boys, and injuring one woman, three girls and two boys, all belonging to the same family. It was followed by a second airstrike that hit a house approximately 200 to 300 metres away from the first one. The second airstrike caused property damage but no casualties, as the family living there had recently fled. The Group of Eminent Experts received information that the nearest frontline or Houthi military bases were located approximately five kilometres from the impact site. It was unable to complete its investigation at the time of finalizing the present report.

25. In each of its reports, the Group of Eminent Experts has repeatedly reminded the coalition of its obligations to take all feasible measures to protect civilians from the effects of hostilities, and to abide by the principles of distinction, proportionality and precautions in attack. The Group remains concerned that the coalition is failing to meet those obligations. Disproportionate attacks constitute war crimes under customary international law.

## 2. Shelling attacks

26. The launching of missiles, rockets and shells by parties to the conflict into densely populated civilian areas, markets, prisons, camps for internally displaced persons and homes

<sup>6</sup> A/HRC/39/43, paras. 27–39; A/HRC/42/17, paras. 24–30; and A/HRC/45/6, paras. 26–31.

<sup>7</sup> See the Coalition's response, pp. 5–6, which will be made available at [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx).

have been found to constitute indiscriminate attacks, prohibited under international humanitarian law. Over the past four years, the Group of Eminent Experts has investigated more than 15 shelling attacks<sup>8</sup> that have devastated civilian lives in this conflict. The majority of these attacks have been undertaken by the Houthis, with a small number attributed to the Government of Yemen and the coalition. In their response to the Group's last report, the Houthis denied responsibility for these attacks, attributing them to the aggression coalition and their mercenaries.<sup>9</sup> One shelling survivor in Dhale' Governorate said: "Maybe a request for you, to help the innocent civilians, to ask the two sides to spare the civilians." Another shelling survivor stated: "I fainted at the scene and later I went from hospital to hospital to find my son, and I found him. The doctor told me he had arrived dead. I am very distressed, but I usually keep quiet."

27. During the reporting period, the Group investigated a further three shelling incidents (see para. 34 below). On 30 December 2020, between 1.24 and 1.26 p.m., three consecutive munitions, most likely medium-ballistic missiles, hit Aden airport, shortly after a plane carrying members of the newly formed government had landed. As the officials were exiting the plane, the first missile struck the western side of the airport hall, creating a crater in the wall of the VIP lounge. The second missile hit a square allotted for the parking of incoming planes. A third missile hit the journalists' area, just east of the hall. The attacks reportedly killed at least 25 people and wounded 110 others, including journalists. Analysis of the impact craters and blast radii indicated that the munitions had been fired from the area north of the airport, an area reportedly controlled by the Houthis (see annex II). Further investigation of the case is warranted. As one journalist who survived the Aden airport shelling stated: "This is not a battlefield where, as a journalist, I would expect such missiles to fall ... I have been in situations while I was reporting live, such as in the west coast, and shelling would take place ... But in a civilian airport? This has certainly caused fear among journalists."

28. Two days later, on 1 January 2021, at around 9.30 p.m., a wedding was taking place in the al-Mansoura Wedding Hall in Airport Street, Hawak District, Hudaydah Governorate, when the area in front of the hall, where several wedding guests were waiting, was attacked. Two boys and one man were killed, and three boys and three men were injured. A minibus used to transport wedding guests was also damaged. Satellite imagery and video footage of the area, analysed by the Group of Eminent Experts, indicated the presence of roadblocks within 30 to 40 metres of the site. The wedding hall appears to have been located close to the frontline between the opposing military forces in Hudaydah Governorate, that is, the Houthis and the Joint Forces.<sup>10</sup> Due to its limited resources, the Group was not able to independently identify the party that had carried out the attack. Further investigation is required.

29. On 3 April 2021, at around 4.30 p.m., a rocket – most likely a Katyusha – struck the residential Rawdha neighbourhood, in the city of Ma'rib, in Ma'rib Governorate. Children were playing football in the sandy street of Haret Fateh when the rocket attack occurred. One boy was killed, and one man and three boys were injured. The rocket was allegedly launched from a western direction, in an area said to have been under the control of the Houthis. No military presence was reported at or near the site before or during the attack.

30. The Group of Eminent Experts reiterates its concern that parties to the conflict, in particular the Houthis, continue to launch indiscriminate attacks prohibited under international humanitarian law. These are attacks not directed at a specific military objective, and/or attacks involving a means of warfare not capable of being directed at a specific military objective. These acts constitute war crimes under customary international law. Such incidents also reflect a failure to take all feasible precautions to minimize civilian casualties.

<sup>8</sup> A/HRC/39/43, paras. 40–45; A/HRC/42/17, paras. 31–42; and A/HRC/45/6, paras. 32–35.

Information on shelling attacks is also contained in annex I.

<sup>9</sup> See the Houthi's response, which will be made available at [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx).

<sup>10</sup> The "Joint Forces" in the west coast are backed by the United Arab Emirates, and are composed of the National Resistance/Guards of Republic, the Giants brigades and the Tuhamma brigades.

## **B. Violations related to the humanitarian situation: the hunger for survival in the midst of war**

31. As the conflict moves into its seventh year, the intensification of hostilities, the COVID-19 pandemic and the occurrence of natural disasters have left two-thirds of the population in Yemen in need of humanitarian assistance for their very survival.<sup>11</sup> The violations of international law committed by parties to the conflict have played a major role in creating and/or exacerbating the crisis. The civilian population is sinking deeper into hunger and poverty.

32. Several cities in Yemen remain under siege or are impacted by blockades. Restrictions by parties on freedom of movement and the siege-like warfare used by the Houthis around the city of Ta'izz since August 2015 and in Hajjah since the end of 2018 have significantly impeded humanitarian access and aid delivery.<sup>12</sup> Cumbersome and overly restrictive bureaucratic measures imposed by parties have delayed relief operations and programmes.<sup>13</sup> The Group of Eminent Experts has verified cases of humanitarian personnel being targeted, harassed, detained and even killed.<sup>14</sup>

33. The protracted closure of Sana'a international airport since August 2016 by the Government of Yemen and the coalition precludes civilians from accessing life-saving health care unavailable within the country.<sup>15</sup> Its reopening, together with access to Hudaydah port, is currently being held hostage by the peace negotiations. Restrictions on imports imposed by the coalition continue to contribute to shortages of fuel and food, causing price increases. During this reporting period, the Group of Eminent Experts documented the obstruction of imports into Hudaydah by the coalition. From March to June 2021, for instance, 13 vessels carrying a total of more than 350,000 metric tons of fuel derivatives were denied entry despite possessing relevant clearances. Similarly, on 27 June 2021, a vessel carrying 8,867 metric tons of liquefied petroleum gas was denied entry. As at 30 June 2021, two other vessels carrying fuel derivatives had been held up for 191 and 212 days, respectively. In addition to impacting critical services, including the production of food, such actions diminish the potential revenues to be used under the Stockholm and Hudaydah Agreements for the payment of outstanding salaries to civil servants, compounding the loss of purchasing power of many Yemenis.<sup>16</sup>

34. The Group of Eminent Experts has previously investigated attacks by parties to the conflict that, in a context of acute food insecurity, reflected a reckless disregard for the impact of their operations on the civilian population and its access to food.<sup>17</sup> During this reporting period, the Group has continued to investigate military operations impacting on food production and farms in areas known to be affected by food insecurity. In the early hours of 21 March 2021, two consecutive coalition airstrikes hit the Salif Grains Port, in Hudaydah Governorate. As a result, five male employees were injured, and the workers' accommodation and warehouse of the Yemen International Food Industries Co. Ltd. were partially damaged. On 14 June 2021, missiles, most likely from coalition airstrikes, hit two commercial poultry farms in Khamir District, Amran Governorate. One of the farms was destroyed. The Group is not aware of any military presence in the vicinity of either location. The Group also investigated the military use of the Thabet Brothers Group Complex, since

<sup>11</sup> Office for the Coordination of Humanitarian Affairs, *Humanitarian Response Plan: Yemen*, March 2021, p. 5.

<sup>12</sup> A/HRC/42/17, para. 53.

<sup>13</sup> See the conference room paper containing the detailed findings of the Group of Eminent International and Regional Experts on Yemen on the situation of human rights in Yemen, including violations and abuses since September 2014 (A/HRC/45/CRP.7), available on the webpage of the Group ([www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)), paras. 126–135.

<sup>14</sup> See the conference room paper containing the detailed findings of the Group of Eminent International and Regional Experts on Yemen on the situation of human rights in Yemen, including violations and abuses since September 2014 (A/HRC/42/CRP.1), para. 364; and A/HRC/45/CRP.7, paras. 107 and 134.

<sup>15</sup> A/HRC/39/43, annex II, paras. 25–30.

<sup>16</sup> A/HRC/45/CRP.7, para. 145.

<sup>17</sup> *Ibid.*, paras. 117–121.

2018, by the Joint Forces. The complex comprises 16 companies, which include companies involved in the production of food and dairy products, and is located in Hudaydah Governorate. The use of the complex by the Joint Forces rendered it a military target, although any attack would still be subject to limitations imposed by international humanitarian law. The Group documented three incidents of shelling on the complex, on 3 December 2020, and on 6 and 19 June 2021, by the Houthis, causing civilian deaths and injuries, material damage to food production and water supplies, and the suspension of related activities. Due to limited resources, the Group was unable to conclude its investigations into those incidents.

35. Over the last four years, the Group of Eminent Experts has also investigated attacks by the parties on, or attacks affecting, hospitals and medical facilities, in violation of the special protection afforded to these facilities under international humanitarian law. In a country in which the provision of adequate health care is already scarce, civilians continue to pay a high price every time a hospital is destroyed, closed or used for military purposes. A joint non-governmental organization report identified 81 incidents in 2020 alone in which health facilities had been destroyed or damaged in Yemen, and indicated that in all the years of war, only half of the country's health facilities remained functional.<sup>18</sup> The Group previously documented that, in November 2018, the Houthis had set fire to three operating theatres in the 22 May hospital in Hudaydah and had destroyed all laboratory machines with gunfire.<sup>19</sup> In June 2018 a coalition airstrike destroyed a newly constructed Médecins sans frontières cholera treatment centre in Abs,<sup>20</sup> and in March 2019, an airstrike caused severe damage to the Kitaf rural hospital, Sa'dah Governorate.<sup>21</sup> In February 2020, a Katyusha rocket exploded in the yard of the Jafrah hospital in Majzar District, Ma'rib Governorate, resulting in extensive damage to the building, interrupting medical services and necessitating the transfer of hundreds of patients to the Ma'rib hospital.<sup>22</sup>

36. Based on its findings during the last four years, the Group of Eminent Experts restates its condemnation of acts by parties to the conflict that impede humanitarian operations and the population's access to food, necessary supplies and health care. The Group reiterates that the dire humanitarian situation in Yemen could be substantially mitigated if parties to the conflict began to respect and comply with their obligations under international law.

### **C. Enforced disappearances, arbitrary detention, torture and other forms of ill-treatment: perpetual anguish**

37. Away from the frontlines, families are condemned to ongoing mental anguish by being deprived of knowledge as to the fate and whereabouts of their loved ones as parties to the conflict deny families' right to the truth. Over the last four years, the Group of Eminent Experts has investigated numerous cases in which detention was the precursor to torture, sexual violence and the denial of fair trial rights.<sup>23</sup>

38. Over the past four years, the Group of Eminent Experts has further investigated disappearances, arbitrary detention and/or torture of journalists, human rights defenders (see paras. 55–61 below) and religious minorities (see paras. 52–54 below), practices designed by parties to the conflict to silence their perceived opposition or to punish them for their religious beliefs, and to legitimize their power through the spread of fear. The son of a disappeared person stated: "I swear each day felt like a year."

39. During the reporting period, the Group regrettably observed parties to the conflict continuing to perpetrate those intolerable practices.

<sup>18</sup> Safeguarding Health in Conflict Coalition, *No Respite: Violence against Health Care in Conflict* (May 2021), p. 78

<sup>19</sup> A/HRC/42/CRP.1, para. 560.

<sup>20</sup> A/HRC/39/43, para. 36.

<sup>21</sup> A/HRC/42/17, para. 26.

<sup>22</sup> A/HRC/45/6, para. 37.

<sup>23</sup> A/HRC/39/43, paras. 65–80; A/HRC/42/17, paras. 57–68; and A/HRC/45/CRP.7, paras. 148–181.



## 1. Government of Yemen

40. The Group of Eminent Experts received credible allegations regarding the arbitrary arrest and detention of a group of six medical workers (two doctors, three nurses and one hospital guard) by armed men affiliated with Government of Yemen forces. In late 2020, for instance, the house of one of the medical workers was raided by a group of 15 armed men, wearing white uniforms with blue stripes, who took him to the Criminal Investigation Department of Shabwah Governorate. He was held there for eight days and was accused of “smuggling a group of injured men escaping justice” who had been patients in the hospital where he worked.

41. During the same period, in the Shabwah Governorate, four members and supporters of the southern transitional council were reportedly arbitrarily detained for nearly a week, owing to their political affiliation, by armed men allegedly connected to the Government of Yemen. The brother of one of the disappeared stated: “We can’t even know if he is still alive or dead.”

42. The Group of Eminent Experts received allegations relating to the enforced disappearance of a man in Aden in early May 2021, whose whereabouts remained unknown as at 30 June 2021. Friends were with him when he was taken away by a group of armed men in a white car. Sources told the Group that he had been detained by the “anti-terrorism forces controlled by the southern transitional council”. His family have searched for him in all southern detention centres but have received no official acknowledgement of his detention. The Group also received allegations that in early 2021, two men had been arbitrarily detained in Aden by armed men from the southern transitional council. The two men were accused of cooperating with foreign organizations to criticize the southern transitional council.

## 2. De facto authorities

43. During the reporting period, the Group of Eminent Experts investigated the case of a woman who was allegedly forcibly disappeared and arbitrarily detained by the Houthis in a western governorate for three months in 2018, under false accusations of “working with the aggression”. She was taken from her workplace by a group of five Houthi armed men and two Houthi armed women, held in solitary confinement for three days without food, water or access to a toilet, and then transferred to a cell with inmates accused of murder. During this period, she was subjected to daily interrogation. Torture was inflicted through repeated beatings and threats made with respect to her family, as she was forced to confess she worked for the “aggression”. Her family repeatedly sought information from the authorities, who denied any knowledge of her detention. Since her release, she has lived in constant fear that it could happen again.

44. The Group of Eminent Experts investigated the case of a woman who, in early 2020, received threats aimed at stopping her from speaking out against the Houthis. Days later she went missing from her home. Her family searched for her in vain for nine months, approaching authorities who denied holding her. In late 2020, her family received a call from a stranger informing them that she was in a hospital. They found her there, paralysed by a stroke, which had left her unable to speak.

45. The Group of Eminent Experts also investigated the case of a man in a northern governorate who was taken away by six masked armed men who were wearing khaki uniforms, and arbitrarily detained in a Houthi Security and Intelligence Service prison. He was denied the ability to communicate with his family, leaving them with no information as to his whereabouts for eight months. When his family finally learned where he was being held, the Security and Intelligence Service informed them that he had been sentenced to over two years’ imprisonment. However, information collected by the Group indicates that he had not been charged, tried or sentenced. The Group has received credible accounts indicating that Houthi Security and Intelligence Service personnel have given false information to the families of disappeared persons to dissuade them from making further inquiries.

46. The Group of Eminent Experts continues to have reasonable grounds to believe that parties to the conflict have engaged in enforced disappearance, arbitrary detention and torture, in violation of international human rights law and, depending on the level of nexus

with the conflict, international humanitarian law. Such acts may amount to war crimes, including cruel treatment and torture, and committing outrages upon personal dignity.

## **D. Situation of internally displaced persons, migrants and minorities: intersecting and compounded vulnerabilities**

47. The actions of the parties to the conflict continue to exacerbate the vulnerability of those already marginalized in Yemen. Hostilities, violence and patterns of attack often force civilians to leave their homes (see paras. 20–30 above). Many displaced persons, most of whom are women and children, have had to flee repeatedly, enduring the risks that each new displacement entails. As a shelling survivor, who was forced to flee, stated: “These are real crimes. We’ve been displaced.” Notwithstanding the war, migrants continue arriving in Yemen as a transit point in search of a better future – in 2020, more than 37,000 migrants arrived<sup>24</sup> – only to be caught in deadly crossfire<sup>25</sup> or subjected to arbitrary detention and torture, including sexual violence.<sup>26</sup> Minorities continue to live under threat of persecution.<sup>27</sup>

### **1. Internally displaced persons**

48. Throughout March 2021, internally displaced persons camps in the northern outskirts of the city of Ma’rib were shelled. The camps of Meel, Tawasol, and Khair were located around 1 to 3 kilometres away from clashes between the Government of Yemen forces and the Houthis. The Houthis, who were positioned in the Haylan mountains to the west of the three camps, were allegedly firing rockets, mortars and heavy machine guns in an eastern direction towards the Yemeni armed forces.

49. Based on information collected by the Group of Eminent Experts, in March 2021, nine internally displaced persons (six women and three children) were injured, and tents and water tanks in the camps sustained significant damage. The shelling of the camps intensified in the second half of March. By the end of March, camp residents were forced to flee once again. This resulted in the reported displacement of around 460 families. One internally displaced man stated: “I was first displaced to al-Khaneq, then to Medghal, then to al-Meel, and then to al-Suwayda. Only God knows how bad the situation in which we’re living is ... We went by foot ... I carried two children on my back, and my wife carried one ... when I remember, I cannot help but tear up. It was just so sad.”

50. The Group of Eminent Experts reviewed statements by senior Houthi officials who claimed that Yemeni armed forces were using camps in the northern and western parts of the Ma’rib Governorate for military purposes. Owing to a lack of resources, however, the Group was unable to complete its investigations into those incidents.

### **2. Migrants**

51. Since 1 February 2021, the de facto authorities have reportedly detained hundreds of migrants, mostly Ethiopian and Somali nationals, holding them for months in overcrowded wards within the Immigration, Passports and Naturalization Authority’s so-called “holding facility” in Sana’a. On 7 March 2021, migrants at the facility were on a hunger strike, protesting their arbitrary detention and the conditions of their detention. A skirmish broke out between the protestors and several Houthi security guards. Migrants were pushed into a hangar-like building and locked up. Houthi anti-riot police arrived at the facility and launched several projectiles, one of which was said to have started a fire in the hangar-like building that was holding over 350 migrants. As a result, at least 46 adult migrant men were killed, and more than 202 others injured. That same day, the Houthi Ministry of Interior sought to deflect responsibility by issuing a statement claiming that the International Organization for Migration and the United Nations bore the responsibility, owing to their failure to provide

<sup>24</sup> See <https://migration.iom.int/reports/yemen-%E2%80%94-flow-monitoring-points-migrant-arrivals-and-yemeni-returns-2020>.

<sup>25</sup> A/HRC/39/43, para. 34; and A/HRC/45/CRP.7, paras. 81–82.

<sup>26</sup> See, for instance, A/HRC/45/CRP.7, paras. 194–204.

<sup>27</sup> A/HRC/42/CRP.1, paras. 639–643 and 823–832; and A/HRC/45/CRP.7, paras. 304–309.

shelter for “illegal migrants”.<sup>28</sup> On 20 March, the Ministry of Interior stated that, according to their preliminary investigations, the anti-riot police had used three tear gas grenades to control the riot, and one of those grenades had fallen on mattresses, thereby causing the fire. He added that, as a result, they had arrested 11 Houthi soldiers in connection with the incident and that investigations were ongoing.<sup>29</sup> A male migrant survivor stated: “When people rushed to the door, those who were strong enough were able to make it. Those who were sick and weak were stepped over. It was a fight for survival. No one remembered anything other than saving his own life. I thought that was the last day of my life, but thank God, I managed, but sadly many others couldn’t. I didn’t know that the life of human beings would be so cheap and worthless.”

### 3. Minorities

52. In July 2020, the Houthi Supreme Political Council “pardoned” Hamed bin Haydara and other five Baha’i men, who had been imprisoned for years without due process, and expelled them from Yemen. The six men were denied the opportunity to communicate with their families prior to being exiled. In August 2020, a local court started a trial in absentia against 24 Baha’is, including five of the six men expelled. In April 2021, the court proceedings were adjourned. During the reporting period, the Houthis have confiscated and frozen the assets of more than 70 members of the Baha’i community.

53. The Group of Eminent Experts reviewed statements by the Houthi leader, AbdulMalik al-Houthi, inciting violence and discrimination against religious minorities, including the Baha’i and Jewish communities. For instance, on 10 March 2021, he stated: “They don’t want to coexist ... they want to take away the sovereignty of Islam.”<sup>30</sup> The Group confirmed that in 2018, Houthi authorities introduced into the mandatory curriculum at Sana’a University a publication that is discriminatory against the Baha’i community. Similarly, a Yemeni Jewish man has been detained since March 2016, despite a number of judicial rulings requiring his release.

54. The Group of Eminent Experts concludes that internally displaced persons, migrants and minorities continue to face a heightened level of violations of their rights.

## E. Silencing of journalists and human rights defenders

55. Journalists and human rights defenders have told the Group of Eminent Experts of the dangers they face in undertaking their work in Yemen. Many of them stopped working after surviving arbitrary detention and torture. Others stopped owing to threats to their liberty and physical security or to that of their families, and to fear of reprisals. Some have left the country entirely. A Yemeni human rights defender affirmed: “I was forced to close my organization’s office as a result of a series of direct attacks against my staff.” A Yemeni journalist, who is also a former detainee and torture survivor, stated: “I have been asked by interrogators about spying for an international organization as a journalist ... They told me: ‘we know everyone in your family, and if you mess with us, you know what we can do’.”

56. Over the past four years, the Group of Eminent Experts has documented cases of expression and activism being “punished” by the parties to the conflict, who have subjected

<sup>28</sup> See [www.smc.gov.ye/archives/14212](http://www.smc.gov.ye/archives/14212) (in Arabic).

<sup>29</sup> Available at [www.ansarollah.com/archives/421005](http://www.ansarollah.com/archives/421005).

<sup>30</sup> See [www.almasirah.com/post/181849/%D9%83%D9%84%D9%85%D8%A9-%D8%A7%D9%84%D8%B3%D9%8A%D8%AF-%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%85%D9%84%D9%83-%D8%A8%D8%AF%D8%B1-%D8%A7%D9%84%D8%AF%D9%8A%D9%86-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%B0%D9%83%D8%B1%D9%89-%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A9-%D9%84%D9%84%D8%B4%D9%87%D9%8A%D8%AF-%D8%A7%D9%84%D9%82%D8%A7%D8%A6%D8%AF](http://www.almasirah.com/post/181849/%D9%83%D9%84%D9%85%D8%A9-%D8%A7%D9%84%D8%B3%D9%8A%D8%AF-%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%85%D9%84%D9%83-%D8%A8%D8%AF%D8%B1-%D8%A7%D9%84%D8%AF%D9%8A%D9%86-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%B0%D9%83%D8%B1%D9%89-%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A9-%D9%84%D9%84%D8%B4%D9%87%D9%8A%D8%AF-%D8%A7%D9%84%D9%82%D8%A7%D8%A6%D8%AF) (in Arabic).

journalists and human rights defenders – perceived as dissidents or opponents – to enforced disappearances, arbitrary detention, torture and even death.<sup>31</sup>

57. The Group of Eminent Experts investigated the killing in Aden in June 2020 of a male photojournalist who had previously covered the war in the southern governorates.<sup>32</sup> The Group regrets that during this reporting period, the investigation into his death did not progress substantially. Several months after the killing, a television journalist was killed, and nine other journalists were injured during the shelling attack on the Aden airport (see paras. 26–30 above).

58. The Group of Eminent Experts also continued to investigate the case of the 10 journalists detained<sup>33</sup> by the de facto authorities in 2015 on charges of “spying”. In April 2020, four of them were sentenced to death by the Specialized Criminal Court in Sana’a, and one was released. As at 30 June 2021, the four sentenced individuals remained on death row awaiting appeals. On 28 February and 29 March 2021, the Specialized Criminal Appeals Court in Sana’a reportedly held hearings without the presence of the journalists. The Group reiterates its concerns about this case and, more generally, about the use of the death penalty in Yemen in contravention of international law. The Group welcomes the release, on 15 October 2020, of the remaining five journalists as part of a prisoner-exchange agreement, and calls for the release of all journalists who remain arbitrarily detained.

59. Further to its previous investigations into cases of arbitrary detention and sexual violence against women activists by the Houthis,<sup>34</sup> during the reporting period the Group of Eminent Experts verified a case of enforced disappearance, arbitrary detention and torture, including sexual violence, against a female human rights defender. She was held in prolonged solitary confinement for four months in an underground cell with no light, and was only removed from the cell every two days to be raped. Two Zainabiyat<sup>35</sup> officers would take her to another room, take off her clothes and call a man, saying: “she is ready”. As she stated: “I lost everyone. All my friends refused me when I was released, as the Houthis spread rumours that I was accused of prostitution. I am having problems with my family too ... I need justice.”

60. During the reporting period, the Group of Eminent Experts received allegations concerning attempts by the southern transitional council to control and censor journalists and the media in Aden. The Group verified a case of enforced disappearance, arbitrary detention and ill-treatment of a journalist who now resides in exile. In 2020, he was held arbitrarily for several months by the council. After his family learned of his whereabouts, his lawyer was told by the authorities that there were orders not to release him. Owing to a lack of prosecutorial evidence, he was recently released.

61. The Group of Eminent Experts continues to have reasonable grounds to believe that parties to the conflict have continued to violate the rights of journalists and human rights defenders, including women human rights defenders. They have suffered violations, including to the right to life; the right to liberty and security; the right to freedom of expression; the right not to be subjected to torture, including sexual violence; the right to work; and the right to fair trial guarantees.

## **F. Irreparable harm to children**

62. The Group of Eminent Experts remains deeply concerned about the irreparable harm parties continue to inflict on children and the realization of their rights. During this mandate period, the Group continued to investigate cases of children killed and injured by indiscriminate shelling and airstrikes. In addition, children presently account for 54 per cent

<sup>31</sup> A/HRC/39/43, paras. 76 and 81–85; A/HRC/42/17, paras. 69–73; and A/HRC/45/6, paras. 60–67 and 89.

<sup>32</sup> A/HRC/45/CRP.7, para. 108.

<sup>33</sup> Ibid., para. 356; and A/HRC/45/6, para. 89.

<sup>34</sup> A/HRC/42/CRP.1, paras. 395–402 and 650–654; and A/HRC/45/6, para. 70.

<sup>35</sup> The Zainabiyat are Houthi women’s security groups, trained to support the Houthis by, inter alia, maintaining order in detention facilities.

of the 20.7 million people in need of humanitarian assistance or protection in Yemen,<sup>36</sup> including basic health care.

63. Since its creation, the Group of Eminent Experts has extensively investigated the recruitment and use in hostilities of children under the age of 18, and sometimes under the age of 15, by all parties to the conflict.<sup>37</sup> The Group has noted the wide-scale and pervasive nature of recruitment of boys and girls by the Houthis.<sup>38</sup> The Group has also investigated cases of children being recruited in Yemen, trained in Saudi Arabia and used in hostilities in Yemen by the coalition and the Government of Yemen.<sup>39</sup> The Group has further investigated the detention of children for their alleged association with parties to the conflict.<sup>40</sup> Due to limited resources available during this reporting period, the Group had reduced capacity to undertake further investigations, but it documented the recruitment and use of two 16-year-old boys at the Ma'rib fronts by the Houthis. One of the boys allegedly died in combat. In 2020, the report of the Secretary-General on children in armed conflict reported 163 verified cases of children being recruited and used by parties to the conflict.<sup>41</sup>

64. Economic hardship wrought by the conflict has exacerbated some pre-existing traditional harmful practices against children in Yemen, such as forced and early marriage.<sup>42</sup> Additionally, during the course of its investigations, the Group of Eminent Experts has noted accounts of children having to leave school and assume a breadwinner's role after their parents or guardians were killed, disappeared or displaced. The Group has previously noted that 21 per cent of households in Yemen are led by girls under the age of 18.<sup>43</sup>

65. Today, over two million children in Yemen are not attending school<sup>44</sup> for various reasons, one of them being the conflict itself. Parties to the conflict use schools for military purposes, rendering them military objects subject to attack.<sup>45</sup> During this reporting period, the Group of Eminent Experts documented attacks against two schools that, since around 2018, have been used for military purposes in the Hudaydah and Ta'izz Governorates, preventing students from accessing education in those locations and jeopardizing access by future generations.

66. In the light of its findings over the last four years, the Group of Eminent Experts reiterates its concerns about the blatant disregard by parties to the conflict of the rights to which children are entitled under international human rights law and international humanitarian law.

## G. Widespread gender-based violence

67. Yemen ranks second to last in the world in terms of gender equality.<sup>46</sup> Parties to the conflict have committed acts of gender-based violence, including sexual violence; have persecuted persons seen as transgressing gender norms; and have compounded existing inequalities.<sup>47</sup>

68. The Group of Eminent Experts previously investigated widespread cases of rape and other forms of sexual violence against migrant women, girls and boys committed by the Security Belt Forces backed by the United Arab Emirates in Aden.<sup>48</sup> It documented the

<sup>36</sup> Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview: Yemen*, February 2021, p. 4.

<sup>37</sup> A/HRC/42/CRP.1, para. 672.

<sup>38</sup> Ibid., paras. 687–688; and A/HRC/45/CRP.7, paras. 260–263.

<sup>39</sup> A/HRC/45/CRP.7, paras. 247–253.

<sup>40</sup> Ibid., para. 270.

<sup>41</sup> A/75/873-S/2021/437, para. 195.

<sup>42</sup> A/HRC/42/CRP.1, para. 703.

<sup>43</sup> Ibid., para. 624.

<sup>44</sup> United Nations Children's Fund, "Education disrupted: impact of the conflict on children's education in Yemen", July 2021, p. 6.

<sup>45</sup> A/HRC/45/CRP.7, para. 283.

<sup>46</sup> World Economic Forum, *Global Gender Gap Report 2021: Insight Report – March 2021*, p. 10.

<sup>47</sup> A/HRC/42/CRP.1, para. 616.

<sup>48</sup> A/HRC/42/17, para. 77; and A/HRC/45/CRP.7, paras. 194–204.

increase of violations of the rights of persons with non-conforming sexual orientation and/or gender identity by the Houthis and the Security Belt Forces.<sup>49</sup> The Group also investigated cases of women and girls arbitrarily detained and sexually abused by the Houthis in secret detention facilities in and around Sana'a between December 2017 and December 2019. In those cases, the detained individuals were often accused of prostitution and immorality, supporting the coalition, spying and affiliation with enemies.<sup>50</sup>

69. The Group of Eminent Experts continued to investigate the arbitrary detention and denial of fair trial rights to Asmaa Omeissy<sup>51</sup> by the de facto authorities. Her initial sentence of flogging, following her conviction on "morality" charges, was commuted to 15 years' imprisonment. Since her detention, she has spent most of her time in solitary confinement. A request for her to undertake medical treatment outside prison – owing to her deteriorating health condition – was allegedly denied. As at 30 June 2021, her request for appeal before the Supreme Court remained pending.

70. Another example of the de facto authorities' abuse of the justice system to reinforce traditional gender norms is the arbitrary detention of 20-year-old Yemeni actress and model, Intisar al-Hammadi, and a female colleague. On 20 February 2021, in the Shamlan area, in western Sana'a, a group of around 10 armed men in civilian clothes searched the two women and took them to a criminal investigation unit in Sana'a without informing them of any charges. They remained in incommunicado detention for 10 days, without receiving any food. During that time, they were subjected to ill-treatment and continued interrogation while blindfolded, and coerced to sign confessions for cannabis possession and prostitution. The Group of Eminent Experts was informed that in late February 2021, the specialized criminal prosecution service refused to receive the case for lack of evidence and referred it to the public prosecution in western Sana'a. The latter allegedly issued an order to extend their detention for 45 days and to transfer them to the Central Prison in Sana'a. As at 30 June 2021, Ms. al-Hammadi's lawyer had not been able to access her case file and had unsuccessfully requested her unconditional release, while himself being subjected to threats.<sup>52</sup>

71. In late 2020, a woman was taken by a large group of Zainabyat to the Security and Intelligence Prison in Sana'a where she was held in solitary confinement for several months while hearing the screams of babies and children who were reportedly in detention with their mothers. She was shocked daily with electric batons and deprived of sleep, being left to stand on one leg for periods of more than eight hours under the monitoring of Zainabyat officers. Each time she fell she was beaten. When she was not being beaten, she was taken to a room where she was regularly raped by groups of men. She stated: "Every time they raped me, I kept silent to survive ... hoping to be released." Her experience reflects almost identical patterns of violations to those previously documented by the Group.<sup>53</sup>

72. The already limited capacity to address sexual and gender-based violence in the Yemeni criminal justice system collapsed with the outbreak of the conflict.<sup>54</sup> The Group of Eminent Experts has received reports that law enforcement agencies within the Government of Yemen and the de facto authorities have refused to investigate and prosecute cases of gender-based violence.<sup>55</sup> Therefore, survivors continue to be revictimized and denied any measure of solace and redress.

73. The Group of Eminent Experts reiterates its strong condemnation of the commission by parties to the conflict of gender-based violence, including sexual violence, in contravention of international human rights law and international humanitarian law. Such acts may amount to war crimes, including rape and other forms of sexual violence, cruel

<sup>49</sup> A/HRC/42/CRP.1, para. 633; and A/HRC/45/CRP.7, paras. 214–222.

<sup>50</sup> A/HRC/45/6, para. 70; and A/HRC/45/CRP.7, paras. 205–213.

<sup>51</sup> A/HRC/45/CRP.7, para. 346.

<sup>52</sup> Yemeni Bar Association's statement, 2 May 2021, available at [www.sanaalawyers.org/modules.php?name=News&file=article&sid=1728](http://www.sanaalawyers.org/modules.php?name=News&file=article&sid=1728) (in Arabic).

<sup>53</sup> A/HRC/45/6, para. 70.

<sup>54</sup> A/HRC/39/43, para. 86.

<sup>55</sup> A/HRC/42/CRP.1, para. 635.

treatment and torture, and the commission of outrages upon personal dignity. The Group also abhors the abuse of the justice system to reinforce traditional gender roles.

## V. Accountability

74. Urgent remedial action is required if victims are to regain any hope that their rights to truth, justice and reparation will be realized. As a shelling survivor stated previously to the Group of Eminent Experts: “We are in a time of war, there is no investigation and civilians are targeted by all parties.” The small developments in the field of accountability have by no means been adequate or sufficient to quell the “pandemic of impunity” that the Group has previously described in relation to the serious violations of international human rights law and international humanitarian law being committed in Yemen, some of which may amount to international crimes.

75. During this reporting period, the Group of Eminent Experts understands that the National Commission of Inquiry of the Government of Yemen has continued to monitor and to document a large number of violations, notwithstanding the challenges posed by the COVID-19 pandemic and the security environment. However, there has been no increase in the total number of criminal prosecutions instituted. The 19 cases reported to be before the courts in 2020 remain pending. At the forty-fifth session of the Human Rights Council, held in September 2020, the Government of Yemen announced its intention to establish a specialized court to prosecute human rights violations. As at 30 June 2021, no formal action had been taken to establish such a court. While welcoming the expressed commitment of the Government of Yemen to ensure accountability, the Group notes that such an initiative alone will not relieve the need to address deep-seated weaknesses in the justice system, including compromised levels of judicial independence and politicization, inadequate victim and witness security, frequent violations of fair trial rights and gender bias.

76. In relation to the coalition, the Group of Eminent Experts notes that the Joint Incident Assessment Team has completed a further 18 investigations during this reporting period (bringing the total to more than 200 investigations), primarily relating to airstrikes. A further two cases have been referred to military prosecutors for breaches of the rules of engagement. Of the eight cases previously referred, it is understood that a first instance trial has been completed in only one case, with two other cases described as nearing completion in late 2020. No public information is yet available in relation to the proceedings. However, the Group continues to have concerns that coalition members are not acting with appropriate speed, diligence and transparency in pursuing investigations and prosecutions and that the prosecutions may not reflect the seriousness of the international humanitarian law violations and potential international crimes involved.

77. The de facto authorities have not been willing to admit to potential violations and take remedial action. They have repeatedly characterized allegations against their personnel as being based on unreliable or hostile sources. In July 2021, the de facto authorities informed the Group of Eminent Experts of their intention to establish an independent national investigation committee. They reported that the allegations in the Group’s reports had been referred to relevant authorities, despite their critique of the sources and methods employed by the Group. Little specific action has, however, been apparent. The continuing failure by the de facto authorities to undertake appropriate investigations, notwithstanding several years of consistent reporting by the Group of Experts, indicates either an alarming neglect or wilful blindness as to the seriousness of violations being committed by their personnel.

78. Accountability extends beyond the criminal justice field to incorporate all aspects of victims’ rights to truth, justice and reparation. While many aspects of a comprehensive response may need to await a post-conflict period, it is urgent that authorities, on the basis of consultations with victims, take steps to alleviate the harm that is currently being experienced. There is a pressing need to provide, for instance, immediate medical aid; psychosocial support; assistance with employment, housing and food; and other material support. As one interlocutor said to the Group of Eminent Experts in describing the victims of an airstrike: “This was a very poor family, which barely had any food to eat. They did not

receive any help from anyone after the incident, apart from some food products from [a humanitarian organization], which lasted them only a month.”

79. Available information on the fate and whereabouts of disappeared relatives can and must be shared pursuant to victims’ right to truth. Acknowledgment can be given of the violations that have occurred. Changes to procedures can be instituted to minimize the likelihood of the repetition of violations.

80. At present, the coalition has a programme to provide some relief. Financial assistance is provided to those affected by airstrikes through the Joint Committee mechanism. By late 2020, the coalition reported having made payments to those affected by six airstrikes. This, however, is only a fraction of the 18 cases referred for “accountability action” or in which “technical error” had been conceded by that time. The precise mechanisms for the choice of airstrikes or identification of beneficiaries remains opaque.

81. Neither the Government of Yemen nor the de facto authorities appear to have any current redress schemes.

82. In the light of the ongoing significant accountability gap in Yemen, the Group of Eminent Experts reiterates its call for greater and immediate international action. The Group once again urges the Security Council to refer the situation in Yemen to the International Criminal Court as a priority. While welcoming the Council’s designation of the former Director of the Criminal Investigations Department in Sana’a (now deceased) as subject to the sanctions regime under its resolution 2140 (2014) on human rights grounds, it encourages further designations across the spectrum. The creation of an international criminal investigative body similar to that established for Myanmar and the Syrian Arab Republic could practically support future prosecutions, whether at the national, regional or international level. Third States are encouraged to use all potential forms of jurisdiction, including universal jurisdiction. Equally, the Group reiterates its grave concerns about third States transferring arms to parties in the conflict, given the context of documented patterns of violations.

83. For peace to be sustainable in Yemen, it is imperative that it be based on respect for human rights, including the core principle of accountability. Even at this stage, measures can be undertaken to increase “peace preparedness”. Four areas in particular merit attention. First, there is a need to enhance the inclusiveness of the peace process. Further modalities should be adopted to ensure that the voices of underrepresented groups – including women, young people and minorities – and civil society are heard and can influence any potential peace agreement. Second, encouraging an explicit principled commitment to accountability at an early stage of discussions would significantly assist the way in which issues of accountability and transitional justice are later conceptualized and operationalized. Third, it is vital to create and preserve space for discussions on a comprehensive transitional justice response, prioritizing the involvement of victims. Fourth, targeted initiatives could strengthen the capacity of Yemeni civil society in areas such as documenting violations, integrating gender, considering comparative models of transitional justice mechanisms, and navigating and influencing peace processes.

## **VI. Conclusions and recommendations**

### **A. Conclusions**

84. **The findings of violations presented by the Group of Eminent Experts in the present report, and over the last four years, represent only a sample of those causing extreme suffering for civilians every day in Yemen.**

85. **The Group of Eminent Experts continues to have reasonable grounds to believe that the Governments of Yemen, Saudi Arabia and the United Arab Emirates, as well as the southern transitional council, to the extent they exercise jurisdiction, and as applicable to each party, are responsible for human rights violations, including arbitrary deprivation of life, enforced disappearance, arbitrary detention, gender-based violence, including sexual violence, torture and other forms of cruel, inhuman or**



degrading treatment, the recruitment and use in hostilities of children, the denial of fair trial rights, and violations of fundamental freedoms and economic, social and cultural rights.

86. The Group of Eminent Experts continues to have reasonable grounds to believe that the de facto authorities are responsible for human rights violations in the areas over which they exercise effective control, including arbitrary deprivation of life, enforced disappearance, arbitrary detention, gender-based violence, including sexual violence, torture, and other forms of cruel, inhuman or degrading treatment, the recruitment and use in hostilities of children, the denial of fair trial rights, and violations of fundamental freedoms and economic, social and cultural rights.

87. The Group of Eminent Experts continues to have reasonable grounds to believe that the parties to the armed conflict in Yemen have committed a substantial number of violations of international humanitarian law. Subject to a determination by an independent and competent court, the Group finds that:

(a) Individuals in the coalition, in particular from Saudi Arabia, may have conducted airstrikes in violation of the principles of distinction, proportionality and precaution, acts that may amount to war crimes;

(b) Individuals in the Government of Yemen and the coalition (in particular from Saudi Arabia and the United Arab Emirates) and the southern transitional council have committed, as applicable to each party, acts that may amount to war crimes, including murder of civilians, torture, cruel or inhuman treatment, rape and other forms of sexual violence, outrages upon personal dignity, denial of fair trial, and enlisting children under the age of 15 or using them to participate actively in hostilities;

(c) Individuals in the Government of Yemen and the coalition have conducted indiscriminate attacks using indirect-fire weapons, acts that may amount to war crimes;

(d) Individuals in the de facto authorities have conducted indiscriminate attacks using indirect-fire weapons and have used anti-personnel landmines, acts that may amount to war crimes;

(e) Individuals in the de facto authorities have committed acts that may amount to war crimes, including murder of civilians, torture, cruel or inhuman treatment, rape and other forms of sexual violence, outrages upon personal dignity, denial of fair trial, impeding humanitarian relief supplies, and enlisting children under the age of 15 or using them to participate actively in hostilities.

## **B. Recommendations**

88. Over the past three mandates, the Group of Eminent Experts has made recommendations addressed to the parties to the conflict, States and regional and international organizations. The Group regrets that, to a large extent, these recommendations have not been acted upon. As a result, all of the recommendations remain relevant and must be implemented if there is to be any reasonable prospect of ending the deep suffering of the civilian population. All that is required to implement the recommendations is political will.

89. The Group of Eminent Experts recommends that the parties to the conflict:

(a) Agree to a full cessation of hostilities and achieve a sustainable and inclusive peace, through a comprehensive and inclusive peace process with the full involvement of women, young people and minority groups;

(b) Immediately cease all acts of violence committed against civilians in violation of applicable international human rights and international humanitarian law and take all feasible precautions to protect civilians and civilian infrastructure;

(c) Immediately end any measures that worsen the humanitarian crisis, in particular remove all restrictions on the safe and expeditious entry into Yemen and distribution to civilians of humanitarian supplies and other goods indispensable to the

civilian population, cease attacks affecting hospitals and objects indispensable to the survival of the civilian population, and take appropriate steps to ensure the realization of the right to an adequate standard of living of the population;

(d) Immediately review, through a competent judicial authority, the legality of detention of all inmates in both official and non-official detention facilities, release those who are arbitrarily detained and ensure respect of all rights of detainees, including the right not to be subjected to torture, including sexual violence and ill-treatment, and the right to a fair trial;

(e) Respect and protect the rights to freedom of expression and religion or belief, as well as other fundamental rights and freedoms, and cease arbitrary arrests and acts of harassment aimed at preventing the free exercise of these rights, including those directed at journalists, human rights defenders and minorities.

90. Respecting human rights requires parties to the conflict to do considerably more to ensure accountability for violations and effective remedies for victims. To that end, the Group of Eminent Experts recommends that the parties to the conflict:

(a) Conduct prompt, transparent, independent, impartial, thorough, credible, effective and gender-sensitive investigations of all violations and crimes committed during the conflict, and ensure accountability of the perpetrators and justice for the victims and take measures to ensure the protection of victims and witnesses in such processes;

(b) Cooperate fully with and effectively support the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen;

(c) Strengthen the capacity of local organizations and international non-governmental organizations for monitoring human rights and humanitarian law violations, including gender-based violence and violations of children's rights;

(d) Cooperate fully with the Group of Eminent Experts.

91. The Group of Eminent Experts recommends that other States and regional and international organizations:

(a) Promote and support all efforts, notably by the Special Envoy of the Secretary-General for Yemen, to reach a cessation of hostilities and achieve a sustainable and inclusive peace;

(b) Take all reasonable measures to ensure respect for international humanitarian law and international human rights law by all parties to the conflict, in particular, by ceasing to provide arms and military support to the parties;

(c) Provide support to parties in strengthening accountability mechanisms, and take specific initiatives at the international level or in third States, as appropriate, in pursuant of accountability;

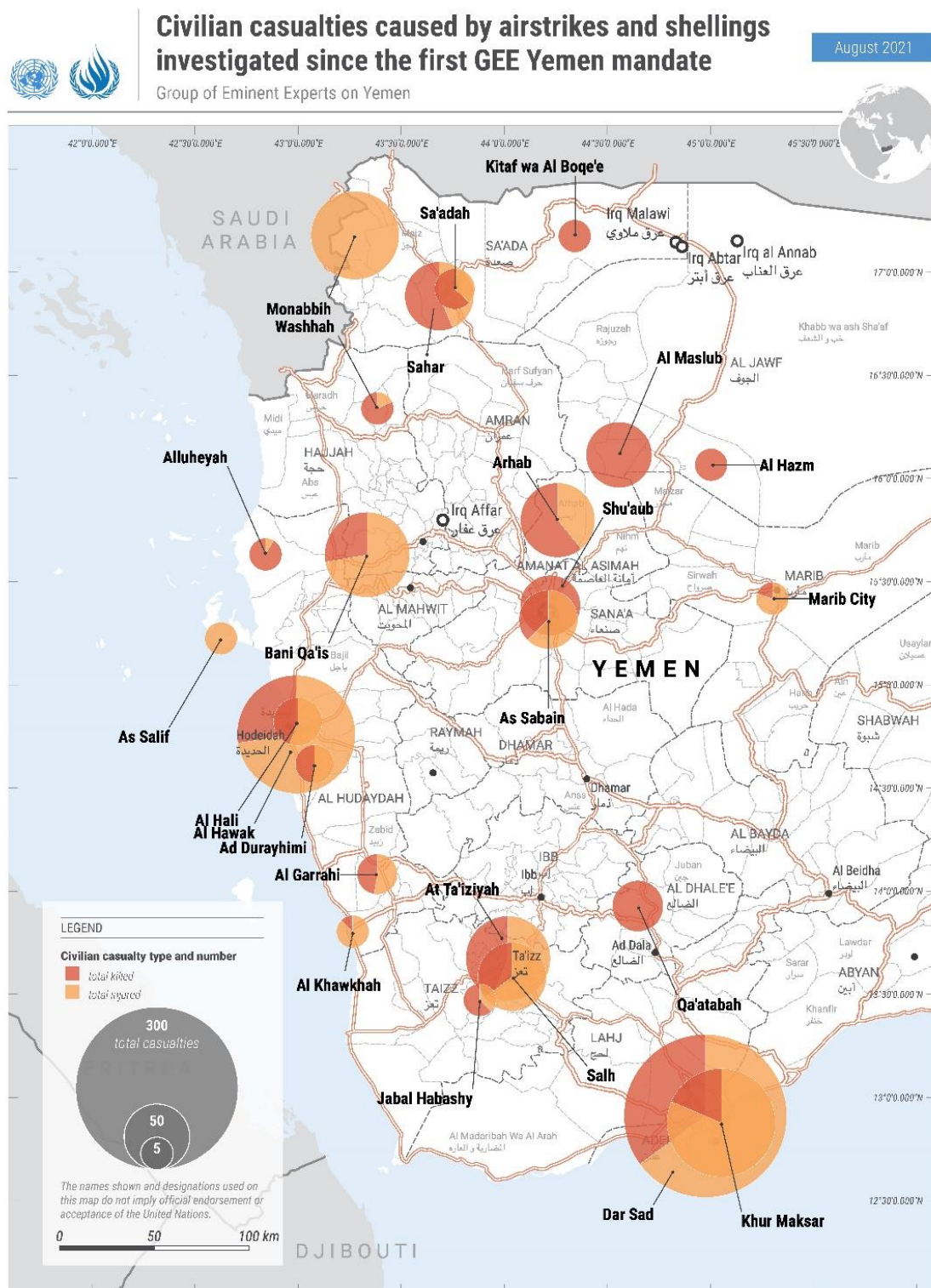
(d) Provide appropriate funding of humanitarian aid to support the fulfilment of human rights in Yemen;

(e) Keep the situation of human rights in Yemen on the agenda of the Human Rights Council and provide necessary support to the Office of the United Nations High Commissioner for Human Rights to ensure that the renewal of the mandate of the Group of Eminent Experts is accompanied with the necessary human and financial resources for the effective delivery of its mandate, including by extending its temporal mandate beyond one year.

92. Finally, the Group of Eminent Experts reiterates that the Security Council should integrate the human rights dimensions of the conflict in Yemen more fully into its agenda and ensure there is no impunity for the most serious crimes by, inter alia, referring the situation in Yemen to the International Criminal Court, and expanding the list of persons subject to Security Council sanctions under its resolution 2140 (2014).

## Annex I

## Airstrikes and shelling attacks documented by the Group since its establishment – nowhere safe





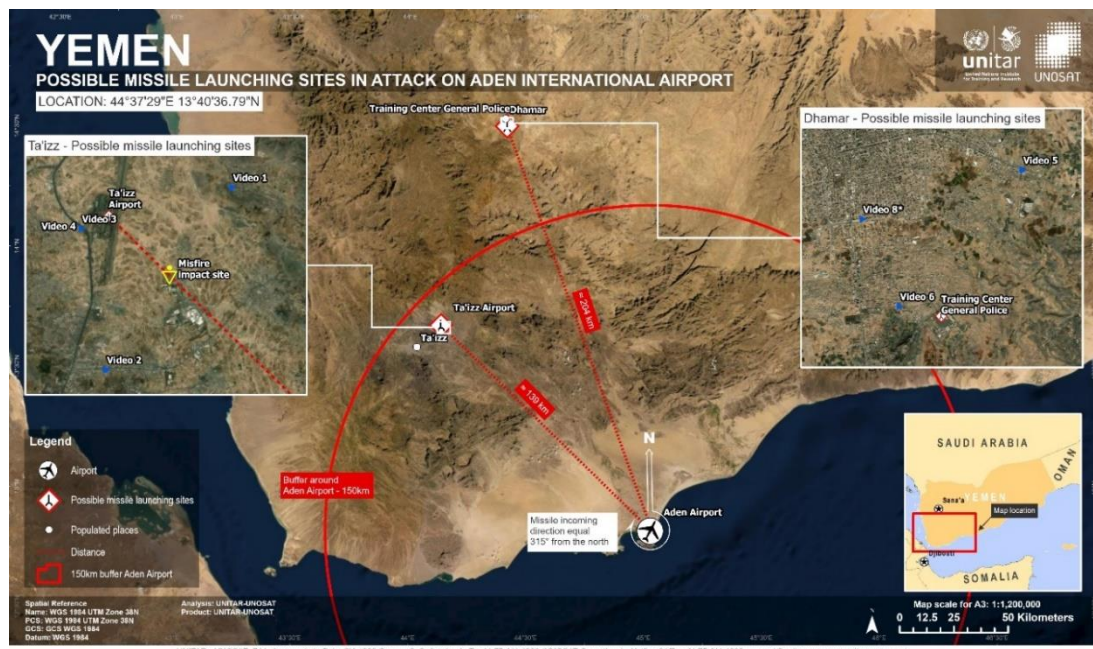
## Annex II

## Satellite imagery analysis

## A. Shelling in Aden International Airport, 30 December 2020 (para. 27)



1 January 2021 DigitalGlobe WorldView-2 image © 2021 DigitalGlobe Inc. / US Department of State, Humanitarian Information Unit, NextView License / Analysis conducted by the United Nations Satellite Center (UNOSAT).

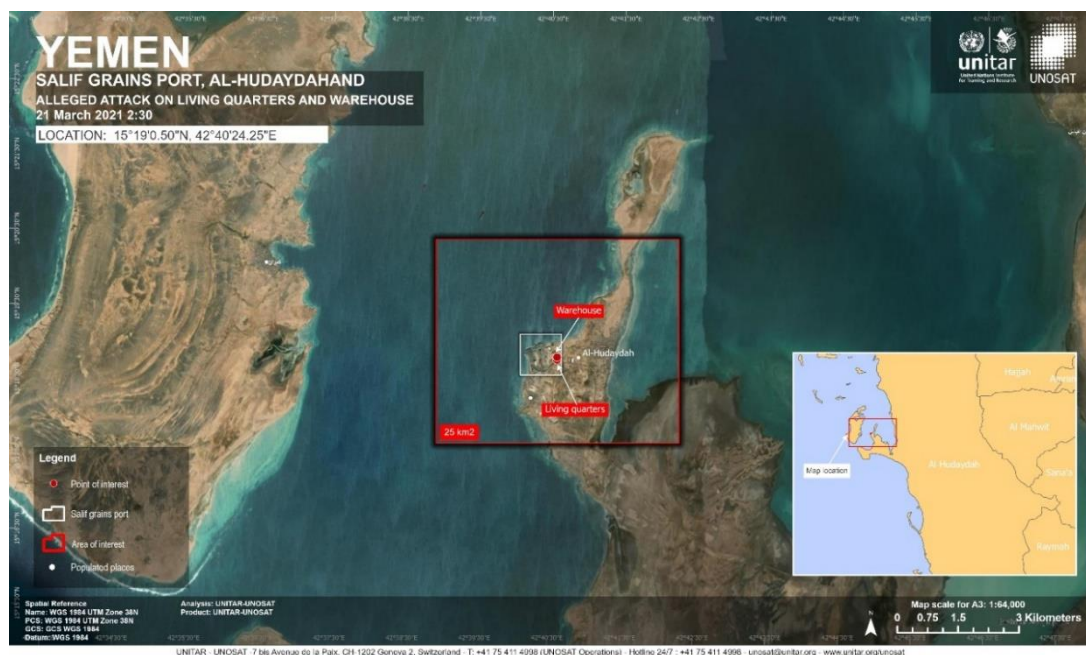


1 January 2021 DigitalGlobe WorldView-2 image © 2021 DigitalGlobe Inc. / US Department of State, Humanitarian Information Unit, NextView License / Analysis conducted by the United Nations Satellite Center (UNOSAT).



1 January 2021 DigitalGlobe WorldView-2 image © 2021 DigitalGlobe Inc. / US Department of State, Humanitarian Information Unit, NextView License / Analysis conducted by the United Nations Satellite Center (UNOSAT).

## B. Airstrike in Salif Grains Port, 21 March 2021 (para. 34)



25 March 2021 Pléiades image © 2021 Airbus D&S / Analysis conducted by the United Nations Satellite Center (UNOSAT).





25 March 2021 Pléiades image © 2021 Airbus D&S / Analysis conducted by the United Nations Satellite Center (UNOSAT).



25 March 2021 Pléiades image © 2021 Airbus D&S / Analysis conducted by the United Nations Satellite Center (UNOSAT).



## Annex IV

### Mapping of the main actors<sup>1</sup>

#### A. Kingdom of Saudi Arabia

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Crown Prince Mohammad Bin Salman الامير محمد بن سلمان	Minister of Defence	23 January 2015
2	General Fayyadh al-Ruwaili <sup>2</sup> فريق اول ركن فياض بن حامد الرويلي	Chairman of the Joint Chiefs of Staff	27 February 2018
3	Lieutenant General Mutlaq bin Salim bin Mutlaq Al-Azima فريق ركن مطلق بن سالم بن مطلق الازيمع	Joint Forces Commander	31 August 2020 <sup>3</sup>
4	Lieutenant General Fahd bin Abdallah al-Mtair <sup>4</sup> فريق ركن فهد بن عبدالله المطير	Land Forces Commander	27 February 2018
5	Prince Lieutenant General Turki bin Bandar bin Abdalazeez al-Saud <sup>5</sup> الامير فريق ركن تركي بن بندر بن عبدالعزيز آل سعود	Air Force Commander	27 February 2018
6	Admiral Fahd bin Abdulla al-Ghufaili <sup>6</sup> فريق ركن فهد بن عبدالله الغفيلي	Naval Commander	4 November 2017
7	Lieutenant General Mazyad Sulaiman al-Amro <sup>7</sup> فريق ركن مزيد بن سليمان العمرو	Air Defence Commander	27 February 2018
8	Lieutenant General Jarallah bin Mohammed bin Jarallah al-Elwait فريق ركن جابر الله بن محمد العلويط	Strategic Missile Force Commander	27 February 2018

<sup>1</sup> This annex represents the main actors in Yemen during the reporting period, and is separate and distinct from the strictly confidential list of alleged perpetrators that is provided to the United Nations High Commissioner for Human Rights.

<sup>2</sup> Replaced General Abdulrahman bin Saleh al-Bunyan who had this post since 2014. See: <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1729621>.

<sup>3</sup> On 31 August 2020, Prince Lieutenant General Fahad bin Turki was replaced by Lieutenant General Mutlaq, Deputy Chief of the General Staff, as Acting Commander of the Joint Forces. See: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2127629>.

<sup>4</sup> Replaced Prince Lieutenant General Fahad bin Turki bin Abdalazeez. See: <https://saudigazette.com.sa/article/529303>.

<sup>5</sup> Replaced Major General Mohammed Saleh al-Outaibi. See: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1729618>.

<sup>6</sup> Replaced Admiral Abdullah bin Sultan bin Mohammad al-Sultan. See: <https://www.tacticalreport.com/saudi-admiral-al-ghufaili-new-rsnf-commander/>.

<sup>7</sup> Replaced Lieutenant General Mohammed bin Awadh bin Mansour Suhaim. See: <http://www.defense-aerospace.com/articles-view/release/3/191093/surprise-reshuffle-of-top-saudi-military-leaders.html>.



<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
9	Major General Pilot Abdullah al-Ghamdi لواء ركن طيار عبدالله الغامدي	Air Operations Director	Coalition Deputy Commander
10	Major General Majed Hamdi al-Harbi <sup>8</sup> لواء ركن ماجد بن حمدي الحربي	Task Force 7070 Commander (Jazan Task Force)	Saudi Southern Border, Jazan
11	Brigadier General Abdullah bin Haseed al-Inezi عميد ركن عبدالله بن حصيد العنزي	Task Force 1501 Commander <sup>9</sup>	Coalition HQs in the 6th Yemeni Military District
12	Brigadier General Abdulrhman bin Suliman al-Haji عميد ركن عبدالرحمن بن سليمان الحجي	Task Force 808 Commander <sup>10</sup>	Socotra
13	Brigadier General Hani bin Abdulateef bin Abid عميد ركن هاني بن عبداللطيف بن عابد	Task Force 808 Commander	Socotra, since August 2020
14	Brigadier General Nafia' al-Harbee عميد ركن نافع الحربي	Task Force 808 Commander	Socotra, since 24 February 2021
15	Brigadier General Pilot Mujahed al-Outaibi عميد ركن طيار مجاهد العتيبي	Task Force 802 Commander <sup>11</sup>	Aden
16	Brigadier General Naif bin Munif al-Outaibi عميد ركن نايف بن منيف العتيبي	Task Force 802	Aden
17	Brigadier General Mukhtar el-Mtairi عميد ركن مختار المطيري	Task Force 800 Commander <sup>12</sup>	Saudi Southern Border, Samtah, Jazan
18	Major General Yusef al-Shahrani لواء ركن يوسف الشهراني	Task Force Commander	Ma'rib, 8 July 2020 <sup>13</sup>
19	Major General Mohammad bin Ali al-Amri لواء ركن محمد بن علي العمري	South Military Regional Commander <sup>14</sup>	Saudi Southern Border

<sup>8</sup> See: <http://www.saudpost.com/44415/> also, see: <https://alwatanalan.com/?p=48620>.

<sup>9</sup> See: <https://freedom-ye.com/tweet/5234>.

<sup>10</sup> See: <http://www.alriyadh.com/1815418>.

<sup>11</sup> See: <https://almasdaronline.com/articles/179006>. Also, see: <https://www.spa.gov.sa/2005057>.

<sup>12</sup> See: <http://www.saudpost.com/44415/>.

<sup>13</sup> Major General Yusef al-Shahrani was appointed to replace Major General Abdul Hameed al-Muzaini. See: <http://www.ypagency.net/278376>.

<sup>14</sup> See: <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=2020433>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
20	Brigadier General Hassan Abdullah al-Shihri عميد ركن حسن عبدالله الشهري	Sharurah Operations Centre Commander <sup>15</sup>	Saudi Southern Border <sup>16</sup>
21	Major General Saad al-Jaber لواء ركن سعد الجابر	The Saudi official in charge of the Mobilization Committee	Saudi Southern Border
22	Brigadier General Ahmed Rashid al Shihri عميد ركن أحمد راشد الشهري	4th Armoured 'King Khaled Force' Brigade	Saudi Southern Border
23	Brigadier General Fahd bin Daham al-Markhan <sup>17</sup> عميد ركن فهد بن دهم المرخان	11th Brigade Commander	Saudi Southern Border

## B. United Arab Emirates

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Sheikh Mohammed bin Zayed al-Nahyan الشيخ محمد بن زايد آل نهيان	Deputy Supreme Commander	
2	Mohammed bin Rashid al-Maktoum <sup>18</sup> الشيخ محمد بن راشد آل مكتوم	Minister of Defence	
3	Lieutenant General Hamad Mohammed Thani al-Romaithi <sup>19</sup> فريق ركن حمد محمد ثاني الرميثي	Chief of Staff of the Armed Forces	3 January 2005
4	Major General Eisa Saif al-Mazrouei لواء ركن مهندس عيسى سيف المزروعى	Deputy Chief of Staff	Joint Operations Commander until 4 March 2021 <sup>20</sup>

<sup>15</sup> See: <http://www.masa-press.net/2018/11/11/%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%AA%D9%88%D8%B3%D8%B9-%D9%85%D9%86-%D9%85%D8%B7%D8%A7%D9%85%D8%B9%D9%87%D8%A7-%D8%A8%D8%A7%D9%84%D9%8A%D9%85%D9%86-%D8%A7%D9%84%D8%AC%D9%88%D9%81/>.

<sup>16</sup> On 3 March 2021 he retired. See: <https://h2a1.com/%D8%A7%D9%84%D8%B9%D9%85%D9%8A%D8%AF-%D8%A7%D9%84%D8%B1%D9%83%D9%86-%D8%AD%D8%B3%D9%86-%D8%A8%D9%86-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D9%84%D9%87-%D8%A7%D9%84%D8%B4%D9%87%D8%B1%D9%8A-%D9%8A%D8%AA%D8%B1/>.

<sup>17</sup> See: <https://ajel.sa/zNRrWb/>.

<sup>18</sup> See: <https://uaecabinet.ae/en/details/news/ chief-of-staff-of-armed-forces-promoted-to-the-rank-of-minister>.

<sup>19</sup> Ibid.

<sup>20</sup> See: <https://wam.ae/ar/details/1395302915320>

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
5	Major General Saleh Mohammad Saleh al-Ameri لواء ركن صالح محمد صالح العامري	Joint Operations Commander	4 March 2021 <sup>21</sup>
6	Major General Rashid Saeed al-Shahi لواء ركن سعيد راشد الشحي	Commander of Ground Forces	4 March 2021 <sup>22</sup>
7	Major General Ibrahim Nasser Mohammed al-Alawi لواء ركن طيار ابراهيم ناصر محمد العلوي	Commander of Air Force and Air Defence	
8	Major General Sheikh Saeed Bin Hamdan Bin Mohammad al-Nahyan <sup>23</sup> لواء ركن الشيخ سعيد بن حمدان بن محمد آل نهيان	Commander of Navy	11 October 2017
9	Brigadier General Ali Ahmed el-Tanjee عميد ركن علي احمد الطنجي	Coalition Commander	Aden, May 2015–January 2016 Hudaydah <sup>24</sup> , 2018–2019
10	Brigadier General Ali el-Nuaimie عميد ركن علي سيف النعيمي	Coalition Commander	Aden, January 2016–July 2016
11	Brigadier General Sultan el-Habsee عميد ركن سلطان الحبسي	Coalition Commander	Aden, July 2016–January 2017
12	Brigadier General Naser el-Otaibee عميد ركن ناصر مشيب العتيبي	Coalition Commander	Aden, January 2017–July 2017
13	Brigadier General Ahmed el-Blushee عميد ركن احمد البلوشي	Coalition Commander	Aden, July 2017–January 2018
14	Brigadier General Muhammad el-Hasani عميد ركن محمد الحساني	Coalition Commander	Aden, January 2018–July 2018

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> His rank Major General (Rear Admiral).

<sup>24</sup> The leader of the Arab Alliance on the West Coast of Yemen talks about a qualitative operation for the “liberation of Hudaydah”, Middle East, <https://arabic.cnn.com/middle-east/article/2018/09/18/saudi-led-coalition-launches-offensive-strategic-yemeni-port-city>, September 2018. Also, Brigadier General Ali Al-Tanaiji. “Commander of major battles against Houthi coup in Yemen”, Al-Ain, 18 September 2018. See: <https://al-ain.com/article/al-hodeidah-yemen-arab-alliance-al-tanaiji>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
15	Brigadier General Awad Saeed al-Ahbab <sup>25</sup> عميد ركن عوض سعيد الاحبابي	Coalition Commander	Aden, July 2018–January 2019
16	Brigadier General Rashed Saeed al-ghafli aka Abu Mohammed <sup>26</sup> عميد ركن راشد سعيد الغفلي المكنى ابو محمد	Coalition Commander	Aden January 2019–July 2019
17	Brigadier General Abd el-Salam al-Shahi <sup>27</sup> عميد ركن عبد السلام الشحي	Coalition Commander	Western Coast, 2015–2019
18	Abu Khalifa Said el-Mahri ابو خليفة سعيد المهري	Coalition Intelligence Officer	Aden, Abyan, Lahj, 2015–2019
19	Brigadier General Matar Abu Said, <sup>28</sup> عميد ركن ماطر أبوسعيد	Coalition Commander	Western Coast since 2019

## C. Government of Yemen (International Recognized Government)

### 1. The Government of Yemen Armed Forces

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	President Abd Rabbu Mansour Hadi الرئيس عبد ربه منصور هادي	Supreme Commander of the Armed Forces	Riyadh, KSA	February 2012
2	Major General Ali Mohsen al-Ahmar لواء ركن علي محسن الاحمر	Vice President <sup>29</sup>	Riyadh, KSA	3 April 2016

<sup>25</sup> Hadi meets with coalition commander in Aden, stresses need for coordination, al-mawqea post, 18 July 2018. Available at: <https://almawqea.net/news/32379>. Also, see: Al-Islah leader detained by pro-Uae forces released in Aden, Alquds, 18 July 2018, available at: <https://www.alquds.co.uk/%EF%BB%BF%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-%D9%82%D9%8A%D8%A7%D8%AF%D9%8A-%D9%81%D9%8A-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D8%A5%D8%B5%D9%84%D8%A7%D8%AD-%D8%A7%D8%AD%D8%AA%D8%AC>.

<sup>26</sup> In the presence of the leader of the Arab coalition. Emergency forces launch second phase of training year, al-ayyam, 16 July 2019. Available at: <https://www.alayyam.info/news/7V89EB90-3B9G6V-A58A>. Also see: <https://www.alwatanvoice.com/arabic/news/2019/07/15/1259578.html>. Arab Coalition Commander Visits Facility Protection Brigade Camp, see: <https://www.cratersky.net/posts/19296>.

<sup>27</sup> West Coast Coalition Commander Announces Complete Liberation of Hudaydah Airport, Sky news, 20 June 2018, see: <https://www.skynewsarabia.com/middle-east/1065290>. See: <https://www.alwatan.net/news/114450>.

<sup>28</sup> See: <https://www.alwatan.net/news/114450>.

<sup>29</sup> Presidential Decree 48 (2016). <https://www.facebook.com/alimohsensalehalahmar/posts/1011971235550346/>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
3	Lieutenant General Mohammad Ali al- Maqdashī فريق ركن محمد علي المقدشي	Minister of Defence <sup>30</sup>	Ma'rib	8 November 2018
4	Lieutenant General Zghair Hammoud Aziz <sup>31</sup> فريق ركن صغير حمود عزيز	Chief of the General Staff <sup>32</sup>	Ma'rib	28 February 2020
5	Major General Tahir Ali al-Aqaili لواء ركن طاهر علي العقيلي	Adviser to the Supreme Commander <sup>33</sup>	Ma'rib	8 November 2018
6	Major General Adel al- Qumari لواء ركن عادل هاشم القميري	General Inspector	Ma'rib	
7	Major General Ahmad Mohsen Salem al-Yafa'ay لواء ركن أحمد محسن سالم الياضي	Chief of Intelligence Staff <sup>34</sup>	Ma'rib	22 January 2019
8	Major General Nasser al- Tibabani لواء ركن ناصر الذيباني	Chief of Operations Staff <sup>35</sup>	Ma'rib	
9	Major General Ahmed al- Wali لواء احمد الولي	Chief of Logistic Staff <sup>36</sup>	Ma'rib	
10	Major General Ahmed al- Marzouki لواء ركن أحمد المرزوقي	Chief of Human Resources Staff <sup>37</sup>	Ma'rib	
11	Major General Mohammed al-Radvani لواء ركن محمد الردفاني	Chief of Training Staff <sup>38</sup>	Ma'rib	
12	Major General Saleh Mohammad Timis لواء ركن صالح محمد طميس	1st Military District Commander <sup>39</sup>	Sayun, Hadramaut	22 November 2016

<sup>30</sup> Presidential Decree 71 (2018). Available at: <https://buyemen.net/news67338.html>. Also available at <https://almasdaronline.com/article/republic-decrees-appointing-minister-of-defence-chief-of-staff-and-governor-of-aden>. Also, see UN document S/2019/83.

<sup>31</sup> Replace Major General Abdullah Salem Ali Al-Nakhai.

<sup>32</sup> Presidential Decree 10 (2020). Available at: <https://almasdaronline.com/articles/178267>.

<sup>33</sup> Presidential Decree 182 (2018). Available at: <https://www.almashhad-alyemeni.com/121600>.

<sup>34</sup> Presidential Decree 12 (2019). Available at: <https://naba-ye.com/news1105.html>.

<sup>35</sup> See: <https://almasdaronline.com/articles/212047>.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Presidential Decree 154 (2016). Available at: <https://www.almashhad-alyemeni.com/61690>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
13	Major General Faraj Salamin al-Bahasani لواء ركن فرج سالمين البحسني	2nd Military District Commander <sup>40</sup>	Mukalla, Hadramaut	Since 2015
14	Major General Mansour Thawabah عميد ركن منصور ثوابه	3rd Military District Commander <sup>41</sup>	Ma'rib	14 November 2020
15	Major General Fadhl Hasan لواء ركن فاضل حسن	4th Military District Commander <sup>42</sup>	Aden	21 November 2016
16	Major General Yahya Hussien Salah لواء ركن يحيى حسين صلاح	5th Military District Commander <sup>43</sup>	Midi, Hajjah	17 February 2018
17	Major General Omar Yahya Sjaf لواء ركن عمر يحيى سجاف	6th Military District Commander	Jawf	27 March 2021 <sup>44</sup>
18	Major General Ahmad Hassan Gubran لواء أحمد حسن جبران	7th Military District Commander <sup>45</sup>	Nihm	27 January 2020
19	Brigadier General Sanad Al-Rahwa عميد ركن سند الرهوه	Commander of 1st Presidential Protection Brigade <sup>46</sup>	Shaqra, Abyan	Brigade has been located in Shaqra since August 2019 <sup>47</sup>
20	Brigadier General Abdulhakeem Dawkam <sup>48</sup> عميد ركن عبد الحكيم دوكم	Commander of 2nd Presidential Protection Brigade <sup>49</sup>	Abr, Hadramaut	Responsible for protecting Vice President Ali Mohsen al-Ahmar

<sup>40</sup> On 29 June 2017, President Hadi named Major General Faraj al-Bahasani, Governor of Hadramaut, to replace Major General Ahmed bin Breik, Presidential Decree 34 (2017) available at: <https://buyemen.net/news48340.html>. Also see: [https://arabic.sputniknews.com/arab\\_world/201508161015325772](https://arabic.sputniknews.com/arab_world/201508161015325772).

<sup>41</sup> See: <https://almahriah.net/local/6166>.

<sup>42</sup> Yemen's Southern Powder keg, Chatham House, Peter Salisbury, 2018. Presidential Decree 155 (2016).

<sup>43</sup> Presidential Decree 20 (2018). Available at: <https://www.almashhad-alyemeni.com/104230>. Also, see: <https://www.youtube.com/watch?v=tbu9zpVUNPM>.

<sup>44</sup> Replaced Major General Ameen al-Waeli who was killed on 26 March 2021 in the battle for Ma'rib. See: <https://almashhadalkhaleeji.com/news27927.html>.

<sup>45</sup> Presidential Decree 10 (2020). See: <http://aden-tm.net/NDetails.aspx?contid=114859>.

<sup>46</sup> The 1st Brigade was specifically named in the Military Arrangements annex of the Riyadh Agreement.

<sup>47</sup> Before that it was based in the Presidential Palace in Aden's Crater district.

<sup>48</sup> The Presidential Protection Brigades: Hadi's muscle in the south, 11 May 2020. Available at: <https://al-masdaronline.net/national/771>.

<sup>49</sup> This brigade's forces have been protecting the vice president since 2017, while some units in the brigade are fighting on the front lines between Ma'rib and Sana'a.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
21	Brigadier General Louay Awad Mohamed Zamiki <sup>50</sup> عميد لؤي عوض الزامكي	Commander of 3rd Presidential Protection Brigade	Lawdar and Shaqra, Abyan	Previously stationed in Khur Maksar district of Aden, in the Jabal Hadid camp
22	Brigadier General Mahran Qubati عميد مهران القباطي	Commander of 4th Presidential Protection Brigade <sup>51</sup>	Shaqra, Abyan	Located in Dar Sad, Aden. Then in the “Reception” military camp in Ma’rib Governorate. <sup>52</sup>
23	Brigadier General Abdullah al-Subaihi عميد ركن عبد الله الصبيحي	Commander of 39th Armoured Brigade <sup>53</sup>	Shaqra, Abyan. Since 3 September 2019 <sup>54</sup>	Before 10 August 2019 was stationed in Bader Camp, Khur Maksar, Aden
24	Brigadier General Mohammad Ali Jaber <sup>55</sup> عميد محمد علي جابر	Commander of 89th Infantry Brigade	Shaqra, Abyan. Since 3 September 2019 <sup>56</sup>	Before 10 August 2019 was stationed in Bader Camp, Khur Maksar, Aden
25	Major General Abu Baker Hussien Salim لواء ابو بكر حسن سالم	Commander of Abyan Axis <sup>57</sup>	Abyan Axis, Zingibar	11 March 2017
26	Brigadier General Mohammad Ahmed Mulhem عميد ركن محمد أحمد ملهم	Commander of 111th Infantry Brigade <sup>58</sup>	Ahwar, Abyan	6 July 2015
27	Brigadier General Saif Ali Mohammed al-Qefish عميد ركن سيف علي القفيش	Commander of 115th Infantry Brigade <sup>59</sup>	Shaqra, Abyan	On 15 May 2020, STC captured BG Saif <sup>60</sup>

<sup>50</sup> Presidential Decree 51 (2019). Available at: <https://www.facebook.com/1784290338507592/photos/a.1795004187436207/2304017236534897/?type=3>. Also, see: <https://mandabpress.com/news55247.html>.

<sup>51</sup> See: Who rules the grip on the interim capital? Available at: <https://almasdaronline.com/articles/168745>.

<sup>52</sup> The brigade suffered heavy losses in January 2020 when the Houthis fired a ballistic missile at the Reception camp, killing more than 110 people. See: <https://almawqapost.net/news/47339>.

<sup>53</sup> Military commanders appointed to merge southern resistance with army. See: <http://www.almlab.com/news/437489>.

<sup>54</sup> See: <https://almasdaronline.com/articles/171279>.

<sup>55</sup> Presidential Decree 67 (2019). Available at: <http://alwattan.net/news/79294>.

<sup>56</sup> See: <https://almasdaronline.com/articles/171279>.

<sup>57</sup> On 11 March 2017 appointed as a governor, Presidential Decree 20 (2017). Available at: <https://almawqapost.net/news/17543>, also at: <http://aden-tm.net/NDetails.aspx?contid=22963>.

<sup>58</sup> See: <https://adengad.net/post/amp/288548>

<sup>59</sup> Presidential Decree 45 (2018). Available at: <https://almandeb.news/?p=98572>. Also see: <https://www.erehnews.com/news/arab-world/yemen/1247463>.

<sup>60</sup> See: <https://yemen-press.com/news116823.html>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
28	Brigadier General al-Hamzah Ali Salim al-Jadani عميد ركن الحمزه علي الجعدي	Commander of 119th Infantry Brigade <sup>61</sup>	Abyan	Died in June 2020 <sup>62</sup>
29	Brigadier General Abd al-Qader al-Jaari عميد ركن عبد القادر الجفري	Commander of 103rd Infantry Brigade	Hajeen, Abyan	August 2020 <sup>63</sup>
30	Brigadier General Azeez Naser al-'Atiqi <sup>64</sup> عميد ركن عزيز ناصر العتيقي	Atiq Axis commander and 30th Infantry Brigade commander <sup>65</sup>	Atiq, Shabwah	January 2017
31	Brigadier General Jahdal Hanash al-Awlaki <sup>66</sup> عميد جحدل حنش العولقي	Commander of 21st Brigade <sup>67</sup>	Bayhan—Atiq, Shabwah	Since 2015
32	Brigadier General Mahdi Mashfar al-Qomishi عميد مهدي مشفر القميشي	Commander of 2nd Mountain Infantry Brigade <sup>68</sup>	Atiq, Shabwah	January 2019
33	Major General Khaled Qassem Fadhal لواء ركن خالد قاسم فاضل	Ta'izz Axes Commander and 145th Infantry Brigade <sup>69</sup>	Ta'izz	November 2019
34	Brigadier General Abdelmalik al-Ahdal عميد ركن عبد الملك الاهدل	Commander of 17th Infantry Brigade	Ta'izz	5 September 2020 <sup>70</sup>
35	Brigadier General Mohammed Al-Mahfadi عميد ركن محمد المحفدي	Commander of 22nd Armoured Brigade <sup>71</sup>	Ta'izz	20 December 2020
36	Brigadier General Abdul Rahman Thabet Shamsan <sup>72</sup> عميد ركن عبدالرحمن ثابت شمسان	Commander of 35th Armoured Brigade	Ta'izz	July 2020

<sup>61</sup> Brigadier General Hamza al-Jadani assigned acting commander of 119th Infantry Brigade. See: <http://www.marsad.news/news/31106> also see: <https://golden.news/articles/28313/>.

<sup>62</sup> See: <https://www.alminasapress.com/news266698>.

<sup>63</sup> Replaced Brigadier General Ali Mohammad al-Qamali who died in June 2020. See: <https://www.alwatttan.net/news/129124>.

<sup>64</sup> UN Document, S/2020/326, Annex 10. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>65</sup> Presidential Decree 6 (2017). Available at: <https://aden-alhadath.info/news/17275>, also available at: <https://www.aden-tm.net/NDetails.aspx?contid=20035>.

<sup>66</sup> UN Documents, S/2020/326. Annex 10. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>67</sup> UN Documents S/2019/83, Annex 8. Available at: <https://undocs.org/en/S/2019/83>.

<sup>68</sup> Ibid.

<sup>69</sup> See: <https://www.deeproot.consulting/single-post/2018/08/16/caught-in-the-middle-a-conflict-mapping-of-taiz-governorate>.

<sup>70</sup> See: <http://newsyemen.news/new/60836>.

<sup>71</sup> Replacing Brigadier General Sadiq Sarhan. See: <https://yemennownews.com/details/1147340>.

<sup>72</sup> Presidential Decree 33 (2020). See: <https://www.almashhadalaraby.com/amp/199770>.



Serial	Name	Position	Location	Remarks
37	Abu Bakr al-Jabuli أبو بكر الجبولى	Commander of 4th Mountain Infantry Brigade <sup>73</sup>	Ta'izz	Not a military officer
38	Brigadier General Amin Abdo Hassan Jaish عميد أمين هبده حسن جعيش	Commander of 170th Air defence Brigade	Ta'izz	10 July 2020 <sup>74</sup>
39	Adnan Rozaïq عدنان رزىق	Commander of 5th Presidential Protection Brigade	Ta'izz	Head of Ta'izz Axis Operation Branch
40	Brigadier General Amjad Khalid عميد ركن امجد خالد	Commander of the Transportation Brigade <sup>75</sup>	Mukha, Hudaydah	The brigade was stationed in Aden till December 2019
41	Brigadier General Khaled Yaslam عميد ركن خالد يسلم	Commander of 107th Infantry/Safe Brigade <sup>76</sup>	Safer, Ma'rib	August 2013
42	Brigadier General Ali Mohammad al-Houri عميد ركن علي محمد الحوري	Commander of 13th Infantry Brigade	Ma'rib	
43	Brigadier General Ali Ammar al-Jaifi عميد علي عمار الجاني	Commander of 14th Armoured Brigade <sup>77</sup>	Sahn al Jin, Ma'rib	September 2019
44	Brigadier General Mujahid al-Shaddadi عميد ركن مجاهد الشدادى	180th Air Defence Brigade	Sahn al Jin, Ma'rib	
45	Brigadier General Mohammed al-Asoudi <sup>78</sup> عميد محمد العسودى	Commander of 203rd Infantry Brigade	Sirwah, Ma'rib	Killed on 14 February 2021 in Ma'rib fronts
46	Major General Mufreh Muhammad Bahih <sup>79</sup> لواء مفرح محمد علي بحبيح	Commander of 26th Infantry Brigade and Bayhan Axis	Harib, Ma'rib	March 2018
47	Colonel Yahya Tamah عقيد يحيى تامه	Commander of 29th Infantry Brigade	Ma'rib	
48	Brigadier General Hamid Muhammad al-Theifani عميد محمد أحمد الذيفاني	Commander of 310th Armoured Brigade	Mass, Ma'rib	Killed on 4 April 2020 <sup>80</sup>

<sup>73</sup> See: <https://almadaniya.net/articles/1150.htm>.

<sup>74</sup> See: <http://yemeninews.net/show1471967.html>.

<sup>75</sup> Transport Brigade Commander Amjad Khalid promoted to Brigadier General. Available at: <https://www.almashhad-alyemeni.com/150504>.

<sup>76</sup> S/2020/326. Annex 8. Available at: <https://undocs.org/ar/S/2020/326>.

<sup>77</sup> See: <https://www.almashhad-alyemeni.com/143979>.

<sup>78</sup> Replaced Zaid al-Shoumi who was killed in January 2020.

<sup>79</sup> Presidential Decree 37 (2018). Available at: <http://aden-tm.net/NDetails.aspx?contid=43845>.

<sup>80</sup> See: <https://almawqaeapost.net/news/49368>.

Serial	Name	Position	Location	Remarks
49	Brigadier General Ahmed Al-Barihi عميد ركن أحمد البريهي	Commander of 139th infantry brigade	Nihm	
50	Brigadier General Aidroos al-Dumani <sup>81</sup> عميد عيروس الدميني	Commander of 312th Armoured Brigade	Sirwah, Ma'rib	Mashjah

(a) *Brigades deployed to the 5th Military District Area of Responsibility in Hajjah Governorate at the Saudi Southern Borders, which are supported by SLC<sup>82</sup>*

Serial	Name	Position	Location	Remarks
1	Brigadier General Abdo Suleiman عميد عبده سليمان	Commander of 25th Mika Brigade	Hajjah	Also, Chief of Staff of the 5th Military District (MD) <sup>83</sup>
2	Brigadier General Taha al-Amiri عميد طه العامري	Commander of 105th Infantry Brigade	Hajjah	5th MD
3	Brigadier General Abdullah al-Malaji عميد عبدالله الملاحي	Commander of 2nd Brigade, Border Guard	Hajjah	5th MD <sup>84</sup>
4	Brigadier General Muhammad Salman <sup>85</sup> عميد محمد سلمان	Commander of 82nd Infantry Brigade	Hajjah	5th MD
5	Brigadier General Fayez al-Tahesh <sup>86</sup> عميد فايز الطاهش	Commander of 3rd Brigade, Border Guard	Hajjah	5th MD
6	Brigadier General Faris al-Rubadi عميد فارس الربادي	Commander of 7th Brigade, Border Guard	Hajjah	5th MD
7	Brigadier General Mohammed al-Salami <sup>87</sup> عميد محمد السلمي	Commander of 10th Brigade, Commandos	Hajjah	5th MD
8	Brigadier General Mohammed al-Hajjouri <sup>88</sup> عميد محمد الحجوري	Special Forces Brigade Commander	Haradh Hajjah	Died in June 2020 <sup>89</sup>

<sup>81</sup> He replaced Brigadier General Abdo al-Habaishi in February 2021. On 6 May 2021, he rejected the chief of staff's orders to hand over the brigade to Brigadier General Sadiq Moawada. See: <https://almashhad-alduali.com/news12330.html>.

<sup>82</sup> All brigades have deployed to Hajjah fronts, and belong to the 5<sup>th</sup> MD except Al Fursan brigade. These brigades are under the operational control of the Task Force 800, Saudi-led Coalition.

<sup>83</sup> See: <https://alarshnews.net/?p=6292>.

<sup>84</sup> See: <https://yemen-press.net/news99470.html>.

<sup>85</sup> See: <http://newsyemen.news/new/35983>.

<sup>86</sup> Ibid.

<sup>87</sup> Replaced Brigadier General Bilal Shedawah.

<sup>88</sup> See: <http://newsyemen.news/new/35983>.

<sup>89</sup> See: <https://sabanew.net/story/ar/63038>.

Serial	Name	Position	Location	Remarks
9	Brigadier General Abdo Tarmoum <sup>90</sup> عميد عبده طرموم	Commander of Special Security Brigade	Hajjah	Deployed in the 5th MD AoR
10	Zaid al-Hajouri زيد الحجوري	Al Fursan Brigade Commander <sup>91</sup>	Hajjah	Salafist

(b) *Brigades deployed to the 6th Military District Area of Responsibility in Jawf and Sa'ada Governorates at the Saudi Southern Borders*<sup>92</sup>

Serial	Name	Position	Location	Remarks
1	Brigadier Hadi Shalfat عميد هادي شلفط	Commander of Al-Dhafer Brigade, Border Guards <sup>93</sup>	Khabb wa ash Sha'af	Jawf fronts
2	Brigadier General Muhammad bin Rasiya عميد محمد بن راسية	Commander of 101st Brigade	Jawf	Jawf fronts
3	Brigadier Heikal Hanaf عميد هيكل حننف	Commander of 1st Brigade, Border Guards	North Axis	Jawf fronts
4	Brigadier Abdullah al-Dawi عميد عبدالله الضاوي	Commander of 127th Infantry Brigade	Jawf	Jawf fronts
5	Brigadier General Mutti Al-Damini عميد مطيع الدميني	Commander of 161st Infantry Brigade	Jawf	Jawf fronts
6	Colonel Dhafer Haqqan al-Juaidi عقيد ظافر حقان الجعدي	Al Hasn Brigade Border Guard	Jawf	Jawf fronts
7	Major General Amin al-Okimi لواء أمين العكيمي	Jawf axis battalions	Jawf	Governor
8	Brigadier Manea Abu Saeed عميد مناع ابو السعيد	Al Amal Brigade	Hazm	Jawf fronts
9	Colonel Hamad Rashid al-Azmi عقيد حمد راشد الحزمي	Al Izz Brigade	Jawf	Defected from the Yemeni forces and joined the Houthis <sup>94</sup>
10	Brigadier Taher Zemam عميد طاهر زمم	Commander of 9th Infantry Brigade	Kitaf wa Al Boqe'e	Sa'ada fronts

<sup>90</sup> Ibid.

<sup>91</sup> Al-Fursan brigade is an independent brigade backed by Saudi Arabia.

<sup>92</sup> These brigades are under the operational control of Task Force 1501, SLC. Some of these brigades are led by Salafist leaders backed by Saudi Arabia. Some of the brigades do not exceed 100 persons.

<sup>93</sup> See: <https://www.almashhad-alyemeni.com/125453>.

<sup>94</sup> See <https://www.26sep.net/index.php/local/35-26sept/army/3603-40>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
11	Brigadier Abdo al-Mikhlaifi عميد عبده المخلافي	Commander of 122nd Infantry Brigade	Kitaf wa Al Boqe'e	Merged with Al Fateh brigade
12	Radad al-Hashimi رداد الهاشمي	Commander of Al Fateh Brigade <sup>95</sup>	Kitaf wa Al Boqe'e	Salafist
13	Abd al-Rahman Alloom عبد الرحمن اللوم	Commander of Al Tawhid Brigade <sup>96</sup>	Kitaf wa Al Boqe'e	In May 2020 merged with Al Tahrir Brigade
14	Brigadier General Saleh al-Majeedi عميد صالح المجيدي	Commander of 6th Brigade, Border Guard <sup>97</sup>	Razih	Sa'ada fronts
15	Brigadier General Abdullah Al-Ashraf عميد عبدالله الاشرف	Commander of 7th Brigade, Border Guards	Razih	Sa'ada fronts
16	Amin Yahya Hassan al-Suwaidi أمين يحيى حسن السوداني	Commander of the 2nd Special Forces Brigade	Razih	Sa'ada fronts
17	Brigadier General Adeeb al-Shuhab عميد اديب شهاب	Commander of the 9th brigade, Border Guard	Baqim	Sa'ada fronts
18	Brigadier General Yaser al-Harhi عميد ياسر الحارثي	Commander of the 102 Special Forces Brigade	Baqim	Sa'ada fronts
19	Brigadier General Yaser Hussien Mujali عميد ياسر حسين مجلي	Commander of the 63rd Brigade	Elb and Baqim	Sa'ada fronts
20	Brigadier General Abdul Karim al-Sadie عميد عبد الكريم السدي	Commander of the Third Brigade, Ourouba <sup>98</sup>	Malaheet, Dhahir	Sa'ada fronts
21	Brigadier General Mohammed al-Ajani عميد محمد العجاني	Commander of the Third Brigade, Storm <sup>99</sup>	Shada Front, Sa'ada	Sa'ada fronts

## 2. Intelligence, Security, Political, and Civil Administration Actors

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Major General Abdo Mohammed al-Huthaifi لواء عبده محمد الحذيفي	Political Security Organization	Aden	

<sup>95</sup> Al Fateh brigade is an independent brigade backed by Saudi Arabia.

<sup>96</sup> Al Tawhid brigade is an independent brigade backed by Saudi Arabia.

<sup>97</sup> See: <https://www.youtube.com/watch?v=N2Cyo6F-Pew>.

<sup>98</sup> See: <https://lahjpress.com/news/15498>.

<sup>99</sup> See: <https://www.al-tagheer.com/news109622.html>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
2	Major General Ahmed Abdullah al-Musabi <sup>100</sup> لواء أحمد عبدالله المصعبي	Head of National Security Bureau	Aden	29 August 2016
3	Major General Mohammad Musleh Eidah, لواء ركن محمد مصلح العيصه	National Security Bureau	Aden	Head of the Yemeni governmental team, RCC
4	Moeen Abdul Malik Saeed معين عبد الملك سعيد	Prime Minister	Riyadh	15 October 2018. On 29 July 2020 he was charged with reforming the cabinet. <sup>101</sup>
5	Major General Ibrahim Ali Ahmed Haydan لواء ركن إبراهيم علي أحمد حيدان	Minister of Interior		December 2020 <sup>102</sup>
6	Dr. Ahmed Awad Bin Mubarak د. احمد عوض بن مبارك	Minister of Foreign Affairs	Riyadh	December 2020 <sup>103</sup>
7	Salem Saleh Salem bin Brik سالم صالح سالم بن بريك	Minister of Finance	Riyadh	September 2019
8	Dr. Ahmed Obaid al-Fadhli الدكتور احمد عبيد الفضلي	Central Bank Governor	Aden	September 2019
9	Ahmed Hamed Limlis <sup>104</sup> أحمد حامد لمليس	Governor	Aden	29 July 2020
10	Ahmed Abdullah al-Turky احمد عبدالله التركي	Governor <sup>105</sup>	Lahj	24 December 2017
11	Abu Baker Hussien Salim ابو بكر حسن سالم	Governor	Abyan	13 March 2017
12	Mohammed Saleh bin Adio محمد صالح بن عديو	Governor <sup>106</sup>	Shabwah	26 November 2018

<sup>100</sup> Presidential Decree 115 (2016). Available at: <https://www.yen-news.net/news25103.html>.

<sup>101</sup> Presidential Decree 35 (2020). Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2115408>.

<sup>102</sup> Presidential Decree 7 (2020). Available at: <https://www.sabanew.net/viewstory/69728>.

<sup>103</sup> Ibid.

<sup>104</sup> Presidential Decree 5 (2020). Available at: <https://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2115408>.

<sup>105</sup> UN Document, S/2018/68. Available at: <https://undocs.org/en/S/2018/68>.

<sup>106</sup> Presidential Decree 76 (2018). Available at: <https://almawqeaqpost.net/reports/37080>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
13	Nabil Abdu Shamsan نبيل عبده شمسان	Governor <sup>107</sup>	Ta'izz	31 December 2018
14	Amin al-Okimi أمين العكيمي	Governor <sup>108</sup>	Jawf	12 August 2016
15	Sultan bin Ali al-Aradah سلطان بن علي العرادة	Governor	Ma'rib	Since 2012
16	Ali Moqbel Saleh علي مقبل صالح	Governor <sup>109</sup>	Dhale'	24 December 2017
17	Nasser Al-Khidr al-Sawadi ناصر الخضر السوادي	Governor <sup>110</sup>	Bayda'	6 June 2018
18	Faraj Salamin al-Bahasani فرج سالمين البحسيني	Governor <sup>111</sup>	Hadramaut	29 June 2017
19	Mohammad Ali Yasser محمد علي ياسر	Governor <sup>112</sup>	Maharah	23 February 2020
20	Ramzi Mahrous رمزي محروس	Governor <sup>113</sup>	Socotra	12 April 2018
21	Brigadier Mathar al-Shuaibi عميد مطهر الشعبي	Director of General Security	Aden	Replaced Major General Shallal al-Shaye, 29 December 2020 <sup>114</sup>
22	Major General Saleh Ahmed Mohammed Al Sayed <sup>115</sup> لواء صالح أحمد محمد السيد	Director of General Security	Lahj	20 November 2016
23	Colonel Ali Naser Abu Zaid Ba'azab Abu Mashal al-Kazmi <sup>116</sup> عقيد علي ناصر بو زيد ابو مشعل الكزمي	Director of General Security	Abyan	20 June 2019

<sup>107</sup> Presidential Decree 79 (2018). Available at: <https://almawqeaqpost.net/news/37080>.

<sup>108</sup> Presidential Decree 96 (2016). Available at: [https://suhail.net/news\\_details.php?lng=arabic&sid=5222](https://suhail.net/news_details.php?lng=arabic&sid=5222).

<sup>109</sup> See: <https://adengd.net/news/294350/>.

<sup>110</sup> Presidential Decree 40 (2018). Available at: <https://www.spa.gov.sa/1774040?lang=ar&newsid=1774040>.

<sup>111</sup> Presidential Decree 34 (2017). Available at: <https://buyemen.net/news48340.html>.

<sup>112</sup> Presidential Decree 1 (2020). Available at: <https://almahrahpost.com/news/15507#.Xv2C1SgzaUk>.

<sup>113</sup> Presidential Decree 30 (2018). Available at: <https://www.sabanew.net/viewstory/31699>.

<sup>114</sup> See: <https://aden24.net/news/74065>.

<sup>115</sup> See: <http://aden-tm.net/NDetails.aspx?contid=17541>.

<sup>116</sup> See: <https://imoyemen.com/news/7726>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
24	Brigadier General Awad Massod al-Dahboul <sup>117</sup> عميد عوض مسعود الدحبول	Director of General Security	Shabwah	3 June 2016
25	Brigadier General Mansour Abdul Rab al-Akhali عميد منصور عبد رب الاكحلي	Director of General Security <sup>118</sup>	Ta'izz	1 January 2018
26	Brigadier General Murad Abu Hatim عميد مراد ابو حاتم	Director of General Security	Jawf	
27	Brigadier General Yahya Ali Abdullah Hamid عميد يحيى علي عبدالله حميد	Director of General Security <sup>119</sup>	Ma'rib	23 May 2019
28	Brigadier General Ahmed Mohamed el-Haddad عميد محمد الحداد	Director of General Security <sup>120</sup>	Bayda'	25 April 2019
29	Major General Saeed Ali Ahmad Naseeb al-Amri عميد سعيد علي احمد نصيب العمري	Director of General Security <sup>121</sup>	Hadramaut	15 May 2020
30	Brigadier General Mufti Suhail Samouda عميد مفتي سهيل صموده	Director of General Security <sup>122</sup>	Maharah	14 July 2018
31	Colonel Fayez Salem Musa Tahs عقيد فايز سالم موسى طاحس	Director of General Security <sup>123</sup>	Socotra	3 October 2019
32	Colonel Abd Rabbo al-A'tab al-Sharif عقيد عبد ربه الاكعب الشريف	Commander of Special Security Forces <sup>124</sup>	Shabwah	4 September 2019
33	Brigadier General Salim al-Sayagi العميد/ سليم السياغي	Commander of Special Security of Special Forces <sup>125</sup>	Ma'rib	22 February 2021

<sup>117</sup> Ministerial Decree 33 (2016). Available at: <https://shabwaah-press.info/news/35417>.

<sup>118</sup> Presidential Decree 1 (2018). Available at: <https://yemenshabab.net/locales/31572>.

<sup>119</sup> Presidential Decree 7 (2019). Available at: <https://yemenpressapp.info/news106432.html>.

<sup>120</sup> See: <https://www.almashhad-alyemeni.com/131767>.

<sup>121</sup> See: <https://almawqea-post.net/news/50531>.

<sup>122</sup> See: <https://almawqea-post.net/news/32281>.

<sup>123</sup> Presidential Decree 34 (2019). See: <https://sahafahnet.com/show6492465.html>.

<sup>124</sup> See: <https://www.alwatan.net/news/84397>.

<sup>125</sup> Replaced Brigadier General Abdul Ghani al-Sha'alan, who was killed at the Battle of Ma'rib. See: <https://www.almashhad-alyemeni.com/196078>.

## D. Armed Groups – Non-State Actors

### 1. Armed groups affiliated to the Southern Transitional Council<sup>126</sup>

#### (a) Security Belt Forces and Support Brigades

Serial	Name	Position	Location	Remarks
1	Major General Saleh Ahmed Mohammed Al Sayed لواء صالح أحمد محمد السيد	Logistic and Support Brigades commander <sup>127</sup>	Lahj	25 June 2021
2	Brigadier General Ali Nasser Muthanna al-Mu'akr عميد علي ناصر مثنى المعكر	Logistic and Support Brigades, Chief of Staff <sup>128</sup>	Lahj	25 June 2021
3	Brigadier General Abdul Salam Zain Ali al-Bihani عميد عبدالسلام زين علي البيحاني	Logistic and Support Brigades, Operations Staff <sup>129</sup>	Lahj	25 June 2021
4	Brigadier General Mohsen Abdullah al-Wali <sup>130</sup> عميد محسن عبدالله الوائلي	Security Belt Commander	Aden	25 June 2021
5	Brigadier General Mukhtar Ali Muthanna al-Nubian عميد مختار علي <sup>131</sup> مثنى النوبي	Deputy of the Security Belt Commander	Aden	25 June 2021
6	Brigadier General Obaid Muthanna Qassem <sup>132</sup> عميد عبيد مثنى قاسم	Security Belt Forces, Operations Staff	Aden	25 June 2021
7	Lieutenant Colonel Nasr Atef al-Mashushi مقدم ناصر عاطف المشوشي	Commander 1st Support Brigade Emergency Forces <sup>133</sup>	Yafa'a, Lahj	April 2020
8	Brigadier General Nabil al-Mashushi عميد نبيل المشوشي	Commander of 3rd Support Brigade	Ras Abbas camp	

<sup>126</sup> The Southern Transitional Council was established in 2017, headed by Adroos Al-Zubaidi. His deputy is Sheikh Hani bin Brik. STC inherited the entirety of the military forces established by the UAE in Aden and other southern governorates.

<sup>127</sup> Decree of the Southern Transitional Council President 13 (2021), which includes the transfer of the headquarters of the Support Brigade, its brigades outside Aden, and its incorporation within the southern armed forces under the Ministry of Defence. See: <https://stcaden.com/news/15076>.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Decree of the Southern Transitional Council President 14 (2021), which includes in article 4 that the Security Belt Forces carry out security and police tasks and operate within the Ministry of Interior. See: <https://stcaden.com/news/15077>.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> See: <https://almandeb.news/?p=245302>.



Serial	Name	Position	Location	Remarks
9	Colonel Abd al-Latif al-Sayyad <sup>134</sup> عقيد عبد اللطيف السيد	Commander of Security Belt Forces <sup>135</sup>	Abyan	Mid-2016
10	Brigadier General Wadhah Omar Abdalaziz عميد وضاح عمر عبدالعزيز	Security Belt Commander <sup>136</sup>	Aden	Now in Lahj
11	Jalal Nasser al-Rubaie جلال ناصر الربيعي	Security Belt Commander <sup>137</sup>	Aden	22 December 2018
12	Colonel Hader al-Shukhaty عقيد حذار الشوحيطي	Commander 4th Support Brigade <sup>138</sup>	Lahj, al-Rebat	
13	Ali Omar Kafaien <sup>139</sup> علي عمر كافين	Security belt commander	Socotra	
14	Osan al-Anshly اوسان العنثلي	Commander of 12 Storm Brigade	Aden	
15	Colonel Ahmed Qaid al-Qubbah عقيد احمد قايد القبه	Security Belt Commander	Dhale'	
16	Major General Shallal al-Shaye لواء شلال الشايح	Counter Terrorism Unit commander <sup>140</sup>	Aden	29 May 2021

(b) *Shabwah Elite Forces*

Serial	Name	Position	Location	Remarks
1	Lt. Col. Mohammed Salem al-Buhair al-Qamishi <sup>141</sup> مقدم محمد سالم البوحير القميشي	Shabwah Elite Forces Commander	Belhaf	October 2017

<sup>134</sup> The Daily Mail, 24 March 2015. <http://www.dailymail.co.uk/wires/ap/article-3009836/In-south-Yemen-militia-leader-presidents-ally.html>.

<sup>135</sup> Nadwa Al-Dawsari, "The Popular Committees of Abyan: A Necessary Evil or an Opportunity for Security Reforms?" Middle East Institute, March 5, 2014, <https://www.mei.edu/publications/popular-committees-abyan-yemen-necessary-evil-or-opportunity-security-reform>.

<sup>136</sup> See: <https://www.4may.net/news/43846>.

<sup>137</sup> New appointments in the leadership of the Security Belt in Lahj, 22 December 2018, see: <https://almashhadalaraby.com/news/58755>. Also, see: <https://cratersky.net/posts/7810>.

<sup>138</sup> UN document S/2019/83 and UN document S/2018/68 annex 6. Also, see: <https://www.marsad.news/news/77129>. And <https://almashhadalaraby.com/news/101775>; <https://almashhadalaam.com/posts/6593>.

<sup>139</sup> See: <https://almandeb.news/?p=255528>.

<sup>140</sup> On 29 May, STC President Aidarous al-Zubaidi appointed Shallal as commander of the Counter-Terrorism Unit within the STC forces. See: <https://stcaden.com/news/14826>.

<sup>141</sup> Press interview with commander of Shabwah Elite Forces, Al-Omana post, 2 November 2017, <https://al-omana.com/news65261.html>.

Serial	Name	Position	Location	Remarks
2	Lt. Col. Wajdi Ba'aum al-Khelaifi <sup>142</sup> مقدم وجدي باعوم الخلافي	Commander of 4th Brigade, Shabwah Elite Forces	Nassab and Markha	
3	Major Mahdi Mohammed Barahma رائد مهدي محمد براهمه	Shabwah Rapid Intervention Forces <sup>143</sup>		
4	Muhammed Saleh Farah al-Kirby <sup>144</sup> محمد صالح فرح الكربي	Commander of 6th Brigade, Shabwah Elite Forces	Shabwah	Died on 20 July 2020 <sup>145</sup>

## 2. Armed Groups in the West Coast Front

### a) *Giants Brigades*<sup>146</sup>

Serial	Name	Position	Location	Remarks
1	Abu Zar'a Abd al-Rahman Al-Muharrami Al-Yafei <sup>147</sup> ابو زرعه عبدالرحمن المحرمي اليافعي	Giants Forces Commander	West Coast, Hudaydah <sup>148</sup>	Salafist leader
2	Ra'ed Hassan Abdulrahman Saleh al-Habhi رائد حسن عبدالرحمن صالح الحبهي	Commander of the 1st Giants Brigade <sup>149</sup>	The coast-Ad Durayhimi	Salafist leader, studied at Dar Al-Hadith Center in Dammaj
3	Hamdi Shukri <sup>150</sup> حمدي شكري	Commander of the 2nd Giants Brigade	Zabid-Garrahi	Salafist leader
4	Ali Nasser al-Awadali علي ناصر العوذلي	Commander of the 3rd Giants Brigade	Hudaydah	
5	Nizar Salim Muhsen al-Wajeh نزار سالم محسن الوجيه	Commander of the 4th Giants Brigade	At Tuhayat <sup>151</sup>	Salafist leader

<sup>142</sup> S/2020/326, Annex 10. Available at: <https://undocs.org/en/S/2020/326>.

<sup>143</sup> UN document S/2018/68. Available at: <https://undocs.org/en/S/2018/68>.

<sup>144</sup> Ibid.

<sup>145</sup> See: <https://www.alayyam.info/news/89YGUE54-DRXX6P-DF70>.

<sup>146</sup> Giants brigades are armed groups created between 2016 and 2019, emerging from the Southern Resistance in Aden, Lahj and Abyan. They are led by Abu Zar'a Abd al-Rahman Al-Muharrami Al-Yafei.

<sup>147</sup> See: <https://almasdaronline.com/articles/212047>.

<sup>148</sup> See: <https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen>.

<sup>149</sup> See: <https://abaadstudies.org/news-59781.html>. Also, see: <https://almasdaronline.com/article/source-assignment-of-major-general-haitham-qassem-as-a-commander-of-a-military-council-leading-combat-operations-on-the-west-coast>. Also see: <https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen>.

<sup>150</sup> Ibid.

<sup>151</sup> UN document, S/2019/206. Available at: <https://undocs.org/en/S/2019/206>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
6	Rashid Salim al-Amri رشيد سالم العامري	Commander of the 5th Giants Brigade	Fazzah <sup>152</sup>	Salafist leader
7	Murad Saif Joubah مراد سيف جويح	Commander of the 6th Giants Brigade	Wazi'iyah	Salafist leader
8	Ali al-Kanini علي الكيني	Commander of the 7th Giants Brigade	Hays <sup>153</sup>	Salafist leader
9	Mohammad Ali Muqbel محمد علي مقبل	Commander of the 8th Giants Brigade	Hudaydah	Salafist leader
10	Sulaiman Yahya Munaser al-Zarnouki <sup>154</sup> سليمان يحيى منصور الزرنوقي	Commander of Al Zaraniq Brigades	Hudaydah	Salafist leader
11	Bassam al-Mahdhar بسام المحضار	Commander of the 3rd Infantry Brigade	Hudaydah	Salafist leader
12	Safwan al-Azzibi <sup>155</sup> صفوان العزبي	Commander of 13th Giant Brigade	Hudaydah	Salafist Leader

*b) Tuhama Resistance Forces*

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Ahmad al-Kawkabani <sup>156</sup> احمد الكوكباني	1st Tuhama Resistance Brigade Commander	Mujaylis, Ad Durayhimi, Hudaydah	
2	Major General Haitham Qasim Tahir <sup>157</sup> اللواء هيثم قاسم طاهر	Field Commander	Jabaliyah <sup>158</sup>	Previous minister of defence
3	Abd Al-Rahman Hajri <sup>159</sup> عبد الرحمن حجري	2nd Tuhama Resistance Brigade Commander	Hudaydah	

<sup>152</sup> <https://abaadstudies.org/news-59781.html>. Also, see: <https://almasdaronline.com/article/source-assignment-of-major-general-haitham-qassem-as-a-commander-of-a-military-council-leading-combat-operations-on-the-west-coast>; <https://reliefweb.int/report/yemen/who-are-uae-backed-forces-fighting-western-front-yemen>.

<sup>153</sup> UN document, S/2019/206. Available at: <https://undocs.org/en/S/2019/206>.

<sup>154</sup> Ibid.

<sup>155</sup> See: <https://almawqaeapost.net/reports/44483>.

<sup>156</sup> Ibid.

<sup>157</sup> UN document, S/2019/206. Available at: <https://undocs.org/en/S/2019/206>.

<sup>158</sup> Ibid.

<sup>159</sup> See: <https://almasdaronline.com/articles/212047>.

## E. Armed Non-State Actors/Houthi De-Facto Authorities

### 1. Political, Military and Security Main Actors

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Abdulmalik Badr al-Din al-Houthi عبد الملك بدر الدين الحوثي	Leader of the Houthis <sup>160</sup>	Sana'a	Political, no military rank
2	Mahdi al-Mashat مهدي المشاط	President of Supreme Political Council	Sana'a	Promoted to marshal rank <sup>161</sup>
3	Mohammed Ali Abdulkarim al-Houthi محمد علي عبد الكريم الحوثي	Member of the Supreme Political Council <sup>162</sup>	Sana'a	Military, no rank 18 March 2019
4	Major General Yahya Mohammed al-Shami لواء يحيى محمد الشامي	Assistant of Supreme Commander <sup>163</sup>	Sana'a	Died on 26 April 2021 <sup>164</sup>
5	Major General Hussein Naji Hadi Khairan لواء حسين ناجي هادي خيران	Presidential Adviser for Defense and Security	Sana'a	Former Chief of General Staff
6	Yahya Badr al-Din al-Houthi يحيى بدر الدين الحوثي	Minister of Education	Sana'a	April 2016
7	Dr Rashid Aboud Shiryah Abu-Lahem <sup>165</sup> الدكتور رشيد عبود أبو لحوم	Minister of Finance	Sana'a	September 2019
8	Hashem Ismail Ali Ahmed <sup>166</sup> هاشم اسماعيل علي احمد	Governor of the Central Bank	Sana'a	18 April 2020
9	Amer Ali Amer Al-Marani عامر علي عامر المراني	Minister of Transportation	Sana'a	24 April 2021 <sup>167</sup>

<sup>160</sup> United Nations Security Council, available at: <https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdulmalik-al-houthi>.

<sup>161</sup> On 24 April 2019, the House of Representatives granted Mahdi Al-Mashat the rank of marshal. Available at: <https://www.yemenipress.net/archives/143698>.

<sup>162</sup> See: <https://almasdaronline.com/articles/165447>.

<sup>163</sup> See: <https://ar-ar.facebook.com/yymalshami/>.

<sup>164</sup> See: <https://almasdaronline.com/articles/222905>.

<sup>165</sup> SPC decree 41 of 2019. See: <https://www.ansarollah.com/archives/229061>.

<sup>166</sup> SPC Decree 6 (2020). Available at: <http://althawrah.ye/archives/621176>.

<sup>167</sup> Replacing Major General Zakaria Yahya al-Shami who died on 21 March 2021. SPC Decree 31 (2021). See: <https://www.saba.ye/ar/news3137707.htm>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
10	Judge Nabil Nasser Al-Azani القاضي نبيل ناصر العزاني	Minister of Justice	Sana'a	24 April 2021 <sup>168</sup>
11	Hisham Sharaf هشام شرف	Minister of Foreign Affairs	Sana'a	28 November 2016
12	Hussein Hamud Al Azi حسين حمود العزي	Assistant of the Minister of Foreign Affairs <sup>169</sup>	Sana'a	Since 2018
13	Major General Abdulkarim Ammer Aldain al-Houthi <sup>170</sup> لواء عبد الكريم امير الدين الحوثي	Minister of Interior	Sana'a	5 May 2019
14	Ahmed Mohammed Yahyah Hamid (Abu Mahfouz) أحمد محمد يحيى حميد (أبو محفوظ)	Head of the Supreme Council for the Management and Coordination of Humanitarian Affairs (SCMCHA) <sup>171</sup>	Sana'a	He is also a Director of the Office of the President of the Supreme Political Council
15	Abdul Mohsen Abdullah Qasim Attawoos (Abu Adel) عبد المحسن عبد الله قاسم الطاووس المكنى أبو عادل	Secretary General of the Supreme Council for the Management and Coordination of Humanitarian Affairs (SCMCHA) <sup>172</sup>	Sana'a	New Organization, 6 November 2019
16	Major General Abdul Hakim Hashim Ali al-Khiyawani لواء عبد الحكيم هاشم علي الخيواني	Head of Security and Intelligence Service <sup>173</sup>	Sana'a	New Organization 1 September 2019 US Treasury sanction list <sup>174</sup>
17	Major General Abdulqader Qasim Ahmad al-Shami لواء عبد القادر قاسم احمد الشامي	Deputy Head of Security and Intelligence Service	Sana'a	1 September 2019

<sup>168</sup> SPC Decree 31 (2021). See: <https://www.saba.ye/ar/news3137707.htm>.

<sup>169</sup> SPC Decree 11 (2018). Available at: <https://laamedia.net/news.aspx?newsnum=18890>.

<sup>170</sup> SPC Decree 90 of 2019. Available at: <http://en.althawranews.net/2019/05/president-al-mashat-appoints-minister-of-interior/>.

<sup>171</sup> UN document S/2021/79, para 46. Available at: <https://undocs.org/en/S/2021/79>.

<sup>172</sup> SPC Decree 133 (2019). Available at: <http://althawrah.ye/archives/583978>. Also see: SPC Decree 201 (2019). Available at: <http://althawrah.ye/archives/600344>. Leadership of SCMCHA remains unchanged from its predecessor, with Abdul Mohsen Abdullah Qasim Attawoos continuing as secretary general, see: Sana'a Center, the Yemen Review, November 2019, Houthis Replace Aid Coordination Body, available at: <https://sanaacenter.org/publications/the-yemen-review/8501#Houthis-Replace-Aid-Coordination-Body>.

<sup>173</sup> UN Documents, S/2020/326. Annex 7. See: <https://undocs.org/en/S/2020/326>.

<sup>174</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=30623>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
18	Major General Abdul Wahid Naji Abu Ras لواء عبد الواحد ناجي ابو راس	Under Secretary of the Security and Intelligence Service for External Operations Affairs	Sana'a	1 September 2019
19	Major General Abdullah Aida al-Razmi لواء عبد الله عيضة الرازمي	The Inspector General of the Ministry of Interior	Sana'a	Sa'ada supervisor
20	Colonel Sultan Saleh Zabin aka Abu Saqer عقيد سلطان صالح الزابن المكنى ابو صقر	Criminal Investigation Directorate	Sana'a	US Treasury sanction list <sup>175</sup> Died on 5 April 2021
21	Major General Muhammad Nasser Ahmed al-Atefi <sup>176</sup> لواء ركن محمد ناصر احمد العاطفي	Minister of Defence	Sana'a	28 November 2016
22	Brigadier General Mohamed Ahmed Talbi عميد محمد احمد طالبي	Assistant Minister of Defence for Logistics	Sana'a	
23	Major General Ali Muhammad al-Kahlani. لواء علي محمد الكحلاني	Assistant Minister of Defence for Human Resources	Sana'a	Former Chief of Logistic Staff
24	Major General Mohammed Abdulkarim al-Ghumari لواء ركن محمد عبد الكريم الغماري	Chief of General Staff	Sana'a	U.S. Treasury sanction list <sup>177</sup>
25	Major General Ali Hamud al-Mushki لواء ركن علي حمود الموشكي	Deputy Chief of General Staff <sup>178</sup>	Sana'a	Former commander of Bayda' Axis

<sup>175</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=30624>.

<sup>176</sup> Decree 56 (2016). Available at: <https://yemen-nic.info/ministations/detail.php?ID=10028>.

<sup>177</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=31193>.

<sup>178</sup> UN documents, S/2018/68 and S/2019/83.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
26	Major General Abdullah Yahya al- Hakim aka Abu Ali al-Hakim <sup>179</sup>  لواء عبدالله يحيى الحاكم المكنى ابو علي الحاكم	Chief of Military Intelligence Staff <sup>180</sup>	Sana'a	22 August 2017  US Treasury sanction list <sup>181</sup>
27	Major General Abdullah Al-Bazaghi لواء عبدالله البزاعي	Chief of Human Resources Staff <sup>182</sup>	Sana'a	
28	Major General Muhammad Muhammad Ghaleb al-Miqdad  لواء ركن محمد محمد غالب المقداد	Chief of Military Operations Staff	Sana'a	
29	Major General Salih Mosfir Alshaer <sup>183</sup>  لواء صالح مسفر الشاعر	Chief of Logistic Support Staff	Sana'a	
30	Brigadier General Ali Muhammad Abu Haleeqa  عميد ركن علي محمد ابو حليقه	Director of Military Intelligence <sup>184</sup>	Sana'a	Report to the Chief of Military Intelligence
31	Brigadier General Zakaria Hassan Mohamed al-Sharafi  عميد زكريا حسن محمد الشرفي	Officers Affairs Director	Sana'a	Reports to the Chief of Human Resources Staff
32	Brigadier General Muhammad Muhammad Salih al- Azima  عميد محمد محمد صالح العظيمه	Legal Affairs Director	Sana'a	Reports to the Chief of Human Resources Staff
33	Major General Abdul Malik Yahya Muhammad al- Durrah  لواء ركن عبد الملك يحيى محمد الدره	Logistic Support Director	Sana'a	Reports to the Chief of Logistic Staff

<sup>179</sup> United Nations Security Council, available at:  
<https://www.un.org/securitycouncil/sanctions/2140/materials/summaries/individual/abdullah-yahya-al-hakim>.

<sup>180</sup> See: <https://al-ain.com/article/al-hakim-a-houthi-terrorist-with-the-rank-of-chief-of-intelligence>.

<sup>181</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=17386>.

<sup>182</sup> See: <https://www.26sep.net/index.php/local/17860-2021-06-11-14-36-02>.

<sup>183</sup> UN document, S/2018/68, available at: <https://undocs.org/en/S/2018/68>.

<sup>184</sup> See: <http://althawrah.ye/archives/675475>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
34	Colonel Ibrahim Mohamed al-Mutawakkil عقيد ابراهيم محمد المتوكل	Military Operations Director	Sana'a	Reports to the Chief of Operations Staff
35	Brigadier General Muhammad Ahmad al-Kahlani عميد ركن محمد أحمد الكحلاني	Supply and Logistic Director	Sana'a	Reports to the Chief of Logistic Staff
36	Colonel Muhammad Abdul-Malik Muhammad Ismail al-Marouni عقيد محمد عبد الملك المروني	Housing Director	Sana'a	Reports to the Chief of Logistic Staff
37	Brigadier General Muhammad Muhammad Qaid al-Haimi عميد محمد محمد قايد الحيمي	Military Police Commander	Sana'a	Reports to the Chief of Human Resources Staff
38	Major General (Pilot) Ahmed Ali al-Hamzi لواء طيار أحمد علي الحمزي	Air Force Commander	Sana'a	Reports to the Chief of the General Staff U.S. Treasury sanction list <sup>185</sup>
39	Brigadier General Yahya Abbad al-Ruwaishan عميد يحيى عباد الرويشان	Deputy Air Defence Commander	Sana'a	Reports to the Air Force Commander
40	Colonel Muhammad Abdullah Saeed عقيد محمد عبد الله سعيد	Tariq Air Base Commander	Ta'izz Airport	Reports to the Air Force Commander
41	Brigadier General Najib Abdullah Dhamran عميد نجيب عبد الله دمران	Air Base Commander	Sana'a	Reports to the Air Force Commander
42	Brigadier General (Pilot) Zaid Ali bin Ali al-Akwa عميد طيار زيد علي بن علي الاكوع	2nd Aviation Brigade Commander	Sana'a	Reports to the Air Force Commander

<sup>185</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=31195>.



<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
43	Brigadier General Mansour Ahmed al-Saadi عميد منصور أحمد السعادي	Naval Forces Chief of Staff <sup>186</sup>	Sana'a	Reports to the Chief of the General Staff U.S. Treasury sanction list <sup>187</sup>
44	Brigadier General Ali Saleh al-Ansi عميد علي صالح الانسي	Commander of the Coastal Defence Brigade <sup>188</sup>	Hudaydah	Reports to the Naval Forces Chief of Staff
45	Brigadier General Abdul Razzaq Ali Abdullah al-Moayad عميد عبد الرزاق علي عبدالله المؤيد	Head of the Coast Guard Authority	Hudaydah	
46	Brigadier General Nasser Ahmed Subhan al-Muhammadi عميد ناصر أحمد صبحان المحمدي	Border Guard Commander <sup>189</sup>	Sa'ada	Reports to the Chief of the General Staff
47	Brigadier General Yousef Abdullah al-Fishi عميد يوسف عبدالله الفيشي	Border Guard Brigades Commander	Sana'a	Reports to the Border Guard Commander
48	Brigadier General Abdullah Yahya al-Hassani عميد عبد الله يحيى الحسني	Presidential Protection Brigades Commander <sup>190</sup>	Sana'a	Reports to the Supreme Commander
49	Major General Hussein Muhammad Mohsen al-Rouhani لواء حسين محمد محسن الروحاني	Special Operations Commander	Sana'a	Reserve Forces
50	Brigadier General Ahmed al-Shuaibi عميد أحمد الشعبي	1st Presidential Protection Brigade Commander <sup>191</sup>	Dhale'	
51	Brigadier General Khaled al-Jabri عميد خالد الجبري	2nd Presidential Protection Brigade Commander <sup>192</sup>	Sana'a	

<sup>186</sup> See: <https://www.yemenipress.net/archives/129814>.

<sup>187</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=31194>.

<sup>188</sup> See: <https://www.yemenipress.net/archives/129814>.

<sup>189</sup> SPC Decree 25 (2017). Available at: <https://www.ansarollah.com/archives/90120>.

<sup>190</sup> See: <http://althawrah.ye/archives/608851>.

<sup>191</sup> See: <https://adennews.net/100968>.

<sup>192</sup> See: <https://www.26sep.net/index.php/newspaper/26topstory/6056-2021-01-10-19-24-44>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
52	Brigadier General Fouad Abdullah Yahya al-Imad عميد فؤاد عبدالله يحيى العماد	3rd Presidential Protection Brigade Commander <sup>193</sup>	Sana'a	
53	Major General Mubarak Saleh al- Mishn al-Zaidi لواء مبارك صالح المشن الزايدي	3rd Military Region Commander <sup>194</sup>	Ma'rib	Member of the Supreme Political Council
54	Brigadier General Abdulwali al- Houthi <sup>195</sup> عميد ركن عبد الوالي محمد عبد الله الحوثي	3rd Military Region, Chief of Operations Branch	Ma'rib	Military supervisor in Sirwah front
55	Major General Abdulatif Homood Almahdi لواء عبد اللطيف حمود يحيى المهدي	4th Military Region Commander	Ta'izz	Previously was Major General Abu Ali al-Hakim
56	Major General Hmoud Ahmad Dahmush لواء حمود احمد دهمش	Chief of staff, 4th Military Region <sup>196</sup>	Ta'izz	April 2017
57	Major General Yusif Ahssan Ismail al- Madani لواء يوسف احسان اسماعيل المدني	5th Military Region Commander	Hajjah	Reports to the Chief of the General Staff  In US Treasury sanction list <sup>197</sup>
58	Major General Hilal Mansour Al-Ahumi لواء هلال منصور الأفهمي	Chief of staff, 5th Military Region	Hajjah	Killed on 14 October 2020 <sup>198</sup>
59	Major General Jamil Yahya Mohammed Zarah عميد جميل يحيى محمد زرعه	6th Military Region Commander <sup>199</sup>	Sa'ada	Reports to the Chief of the General Staff
60	Brigadier General Ali Abdullah al-Aqel عميد علي عبد الله العاقل	6th Military Region, Chief of Operations Branch	Sa'ada	

<sup>193</sup> See: <https://yemenisport.com/print/641626>.

<sup>194</sup> See: <http://www.ypagency.net/362963>.

<sup>195</sup> See: <https://www.almashhad-alyemeni.com/161287>.

<sup>196</sup> Ibid.

<sup>197</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=31971>.

<sup>198</sup> See: <https://yemenshabab.net/news/60419>.

<sup>199</sup> SPC Decree 171 (2018). Available at: <http://yemen-tv.net/index.php?mod=contents&do=view&cid=51&id=13284>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
61	Colonel Ali Saeed al-Razami عقيد علي سعيد الرزمي	6th Military Region, Chief of Staff	Sa'ada	
62	Major General Abd al-Khaliq Badr al-Din al-Houthi aka Abu-Yunus <sup>200</sup> لواء عبد الخالق بدر الدين الحوثي	Central Military Regional Command (Republican Guard & Special Forces)	Hudaydah	Nihm, Jawf, and Ma'rib fronts commander  US Treasury sanction list <sup>201</sup>
63	Brigadier General Ahmad Abdullah al-Sharafi عميد أحمد عبد الله الشرفي	Ta'izz Axis Commander <sup>202</sup>	Ta'izz	Replaced Abdullah Hizam Naji al-Dhaban <sup>203</sup>
64	Major General Yahya Abdullah Muhammad al-Razami لواء يحيى عبد الله محمد الرازمي	Hamdan Axis Chief of Staff <sup>204</sup>	Sana'a	
65	Brigadier General Abed Abdullah al-Joud عميد ركن عابد عبد الله الجود	Al Fardhah Axis Commander	Sana'a	
66	Colonel Qasim Muhammad al-Ayani عقيد قاسم محمد العياني	Ibb Axis Commander	Ibb	
67	Colonel Ahmed Mohammed Ghaylan al-Qahm عقيد أحمد محمد غيلان القحم	Al Boqe'e Axis Commander	Sa'ada	
68	Major General Amin Ali Abdullah al-Bahr لواء أمين علي عبد الله البحر	Samad 2 Brigade Commander	Ta'izz	Former Governor of Ta'izz
69	Colonel Haitham Mansour Zahran عقيد هيثم منصور زهران	Murad Brigade Commander	Sana'a	

<sup>200</sup> Security Council 2140 Sanctions Committee amends two entries on its List. Available at: <https://www.un.org/press/en/2016/sc12493.doc.htm>.

<sup>201</sup> See: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=17368>.

<sup>202</sup> Security Council 2140 Sanctions Committee amends two entries on its List. Available at: <https://www.un.org/press/en/2016/sc12493.doc.htm>.

<sup>203</sup> UN document, S/2017/81. Available at: <https://undocs.org/en/S/2018/81>.

<sup>204</sup> See: <https://www.saba.ye/ar/news3110811.htm>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
70	Brigadier General Ahmed al-Wishah <sup>205</sup> عميد أحمد وشاح	Ghmadan Brigade Commander	Sana'a	
71	Brigadier Mohamed Ahmed al-Nazili عميد محمد احمد النزيلي	Heavy Transportation Brigade Commander <sup>206</sup>	Ibb	
72	Colonel Ahmed Abdullah al-Siyani عقيد احمد عبد الله السياني	Light Transportation Brigade Commander <sup>207</sup>	Sana'a	
73	Brigadier General Hussein Ali al- Maqdashi عميد ركن حسين علي المقدشي	3rd Mountain Infantry Brigade Commander <sup>208</sup>	Ma'rib	
74	Brigadier General Zakaria Mohamed Ahmed Mohamed al- Muta'a عميد زكريا محمد أحمد محمد المطاع	4th Armoured Brigade Commander		
75	Brigadier General Ahmed Jaber Naji al- Matari عميد أحمد جابر ناجي المطري	10th Special Forces Brigade Commander	Jawf	Killed on 14 October 2020 <sup>209</sup>
76	Brigadier General Muhammad Ali Saeed عميد محمد علي سعيد	17th Infantry Brigade Commander	Ta'izz	
77	Brigadier General Ahmed Saleh Ali al- Qarn عميد أحمد صالح علي القرن	22nd Armoured Brigade Commander	Ta'izz	
78	Brigadier General Talal Muhammad Thabet al-Ajal عميد طلال محمد ثابت العجل	33rd Armoured Brigade Commander	Al-Dhale'	

<sup>205</sup> See: <https://www.26sep.net/index.php/newspaper/26topstory/6056-2021-01-10-19-24-44>.

<sup>206</sup> See: <https://yemen-press.net/news50374.html>.

<sup>207</sup> See: <https://www.saba.ye/ar/news3084419.htm>.

<sup>208</sup> See: <https://www.saba.ye/ar/news3138232.htm>.

<sup>209</sup> See: <https://yemenshabab.net/news/60419>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
79	Brigadier General Mansour Mohsen Ahmed Muajir عميد منصور محسن أحمد معجير	35th Armoured Brigade Commander	Ta'izz	Since 2014
80	Brigadier General Ahmed Ali Ahmed Qassem al-Maori عميد ركن أحمد علي أحمد الماوري	39th Armoured Brigade Commander	Ibb	
81	Brigadier General Abdallah al- Hamzi <sup>210</sup> عميد عبدالله الحمزي	89th Brigade Commander	Sana'a	
82	Brigadier General Abdul Wali Abdo Hassan al-Jabri عميد عبد الوالي حسن الجابري	115th Infantry Brigade Commander	Dhale'	
83	Major General Jihad Ali Antar لواء جهاد علي عنتر	127th Brigade Commander <sup>211</sup>	Dhale'	Dhale' Axis Commander
84	Brigadier General Abdullah Jamil al- Hadri عميد عبد الله جميل الحاضري	145th Infantry Brigade Commander	Hudaydah	
85	Brigadier General Radwan Mohamed Salah عميد رضوان محمد صلاح	201st Brigade Commander <sup>212</sup>	Dhale'	
86	Colonel Khaled Ali Hussein al-Andouli عقيد خالد علي حسين العندولي	310th Armoured Brigade Commander	Amran	
87	Brigadier General Saleh Ali Nasser al- Shami عميد صالح علي ناصر الشامي	312th Infantry Brigade Commander	Sana'a	
88	Brigadier General Hussein Saleh Sabr عميد ركن حسين صالح صبر	314th Infantry Brigade Commander	Sana'a	

<sup>210</sup> See: <https://www.26sep.net/index.php/newspaper/26topstory/6056-2021-01-10-19-24-44>.

<sup>211</sup> See: <https://adennews.net/100968>.

<sup>212</sup> See: <https://aden24.net/news/91005>.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
89	Khaled al Jaaq خالد الجقي	Director of the Military Intelligence Detention Facility	Hudaydah	
90	Harith al-Azi <sup>213</sup> حارث العزي	Ibb Security Directorate	Ibb	January 2019
91	Major General Saleh bin Saleh Al-Wahbi لواء صالح بن صالح الوهابي	Commander of the Al-Wahbi Brigades	Bayda <sup>214</sup>	

## 2. De-Facto Governors and Supervisors

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
1	Abdul Basit Ali al- Hadi عبد الباسط علي الهادي	Governor	Sana'a	1 September 2019
2	Muhammad Jaber Awad محمد جابر عوض	Governor	Sa'ada	
3	Dr. Faisal Jamaan دكتور فيصل جمعان	Governor	Amran	
4	Major General Hilal Abdo Ali Hassan al- Sufi <sup>215</sup> لواء هلال عبده علي حسن الصوفي	Governor	Hajjah	10 December 2017
5	Faisal Ahmed Qaid Haider فيصل أحمد قائد حيدر	Governor	Jawf	24 April 2021 <sup>216</sup>
5	Mohammed Nasser Al-Bakhiti <sup>217</sup> محمد ناصر البخيتي	Governor	Dhamar	Member of the Supreme Political Council
6	Sheikh Abdul Wahid Salah الشيخ عبد الواحد صالح	Governor	Ibb	
7	Major General Mohammed Saleh al- Haddi لواء محمد صالح الهدي	Governor	Dhale'	

<sup>213</sup> How al-Qaeda leader Harith al-Azi escaped to the Houthis. What is the reality of appointing him to manage Ibb security (details), Taiz online, January 2019. Available at: <https://taizonline.com/news13232.html>.

<sup>214</sup> See: <https://www.saba.ye/ar/news3120317.htm>.

<sup>215</sup> See: [https://www.saba.ye/ar/news481408.htm?utm=sahafah24com\\_D](https://www.saba.ye/ar/news481408.htm?utm=sahafah24com_D).

<sup>216</sup> Decree 32 (2021). See: <https://www.saba.ye/ar/news3137708.htm>.

<sup>217</sup> See: <https://almahrahpost.com/news/18791#.YRNeKnnV7IU>.

Serial	Name	Position	Location	Remarks
8	Haneen Muhammad Abdullah Saleh Quttaine حنين محمد عبدالله صالح قطينة	Governor	Al Mahwit	25 April 2021 <sup>218</sup>
9	Major General Faris Mujahid al-Habari لواء فارس مجاهد الحباري	Governor	Raymah	Early 2018
10	Mohammed Ayash Qahim محمد عياش قحيم	Governor	Hudaydah	5 June 2021 <sup>219</sup>
11	Colonel Salim Muhammad Numan Mughalas عقيد سليم محمد نعمان مغلس	Governor	Ta'izz	On 25 April 2021, appointed as Minister of Civil Service <sup>220</sup>
12	Yahya Al-Moayadi يحيى المويدي	Deputy of Sana'a General Supervisor	Sana'a	
13	Abdullah al-Moroni عبد الله المروني	Supervisor	Manakhah, Sana'a	
14	Fadel Mohsen Al Sharafi Abu Aqeel فاضل محسن الشرفي ابو عقيل	General Supervisor	Dhamar	Replaced Abdul Mohsen Abdullah Qasim Attawoos (Abu Adel)
15	Yahya al-Yousifi يحيى اليوسفي	General Supervisor	Ibb	
16	Brigadier General Yahya al Qasimi عميد يحيى القاسمي	Social Supervisor	Ibb	
17	Colonel Shaker Amin al-Shabibi عقيد شاكر أمين الشبيبي	Security Supervisor	Al Udayn, Ibb	
18	Aziz Abdullah al-Hatfi عزيز عبد الله العاطفي	General Supervisor	Al Mahwit	
19	Abdul Quddus al-Hakim عبد القدوس الحاكم	The Martyrs Supervisor	Al Mahwit	
20	Zaid Yahya Ahmed al-Wazir زيد يحيى احمد الوزير	General Supervisor	Raymah	

<sup>218</sup> Decree 37 (2021). See: <https://www.saba.ye/ar/news3142612.htm>.

<sup>219</sup> Decree 37 (2021). See: <https://www.saba.ye/ar/news3142612.htm>.

<sup>220</sup> Ibid.

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Location</i>	<i>Remarks</i>
21	Mansour Ali al-Lakumi, aka Abu Naser al-Jahli <sup>221</sup> منصور علي اللكومي المكنى ابو ناصر الجحلي	General Supervisor	Ta'izz	Since 2014
22	Abu Wael al-Houbara, ابو وائل الحباري	Social supervisor <sup>222</sup>	Ta'izz	
23	Ibrahim Amer, ابراهيم عامر	Educational Supervisor <sup>223</sup>	Ta'izz	
24	Amin Hamidan أمين حمدان	Ta'izz Province's Deputy, Supervisor of Ta'izz Coastal Districts	Ta'izz	
25	Naef Abdullah Abdullah Sagheer Abu Khurfshah عميد نائف عبد الله صغير ابو خرفشة	Supervisor	Hajjah	Military Leader
26	Hadi Mohammed al-Kouhlani Abu Ali هادي محمد الخولاني المكنى ابو علي	Security Supervisor <sup>224</sup>	Hudaydah	Former bodyguard and protection officer of Abdul Malik al-Houthi
27	Ali Hassan al-Marani, aka Abu Muntather <sup>225</sup> علي حسن المراني المكنى ابو المنذر	Supervisor	West Coast	Likely killed in June 2018
28	Abdul Lateef Alsharafee عبد اللطيف الشرفي	Supervisor of Hunesh Detention Facility	Hudaydah	

<sup>221</sup> He is also the general supervisor of al-Saleh prison. See <https://yemen-press.net/news111720.html>.

<sup>222</sup> See: <https://almethaqnews.com/news51956.html>.

<sup>223</sup> "Ansar Allah" Chants (2/2): Prophecies of Hussein Fulfilled? Al-Arabi, May 2016. Available on: <https://www.al-arabi.com/s/2062>.

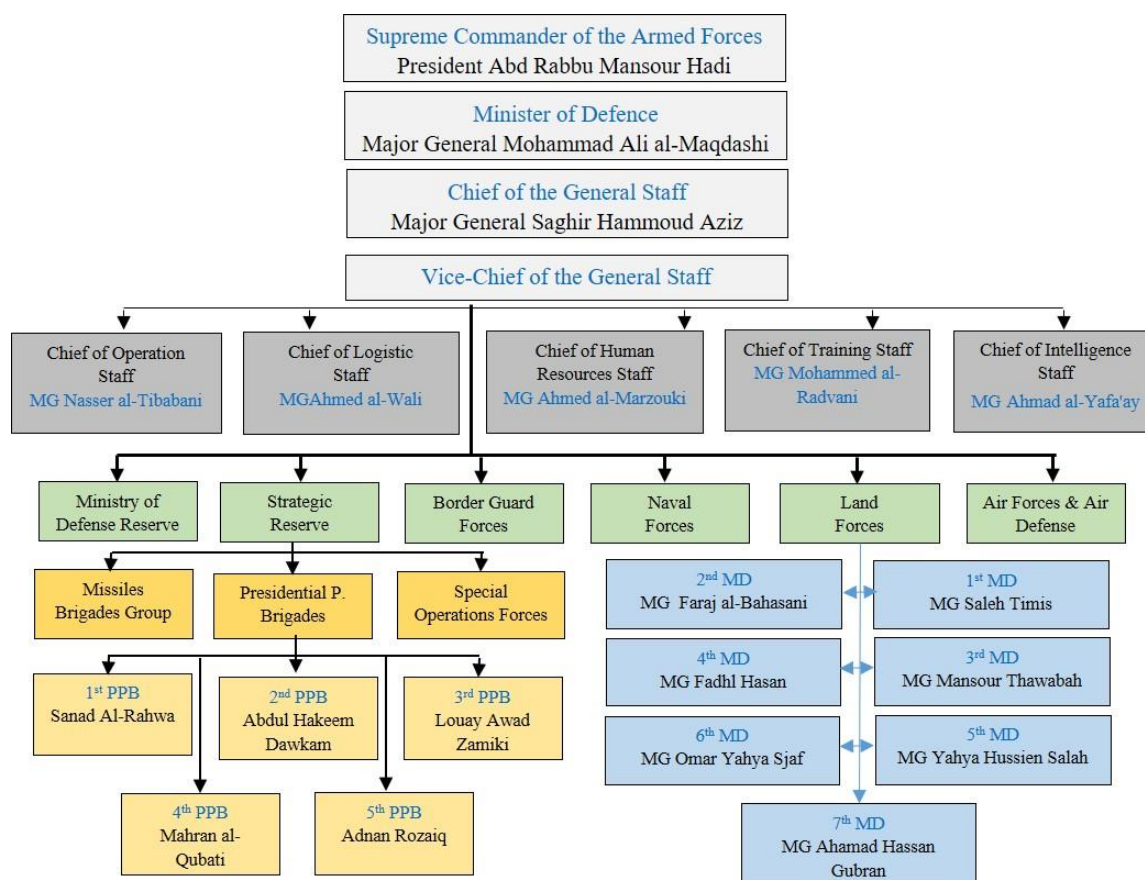
<sup>224</sup> The appearance of "The Hodeidah Butcher" next to General Kamret sparks a lot of controversy, 25 December 2018, available at: <https://mancheete.com/posts/3946>. Also see: Arab coalition's 39th wanted image angers Yemenis, Erem news. Available at: <https://www.eremnews.com/news/arab-world/yemen/1620129>.

<sup>225</sup> Two Houthi leaders killed on west coast, Mandab press, 14 June 2018. Available at: <https://www.mandabpress.com/news49514.html>.



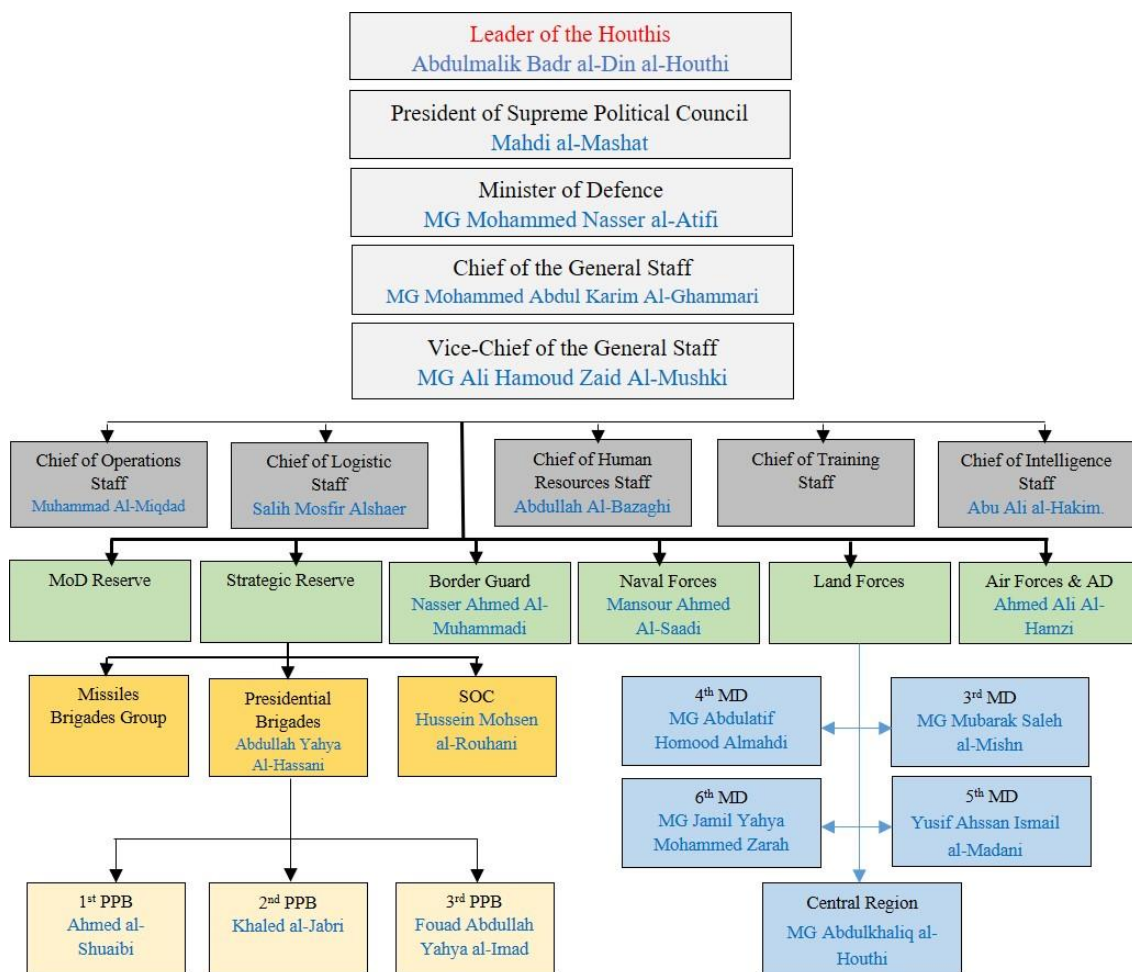
## Appendix 1

### Government of Yemen Command and Control



## Appendix 2

### De Facto Authorities Command and Control



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

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EXHIBIT SPF5

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14 September 2021

Arabic and English  
only

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## **Human Rights Council**

### **Forty-eighth session**

13 September–1 October 2021

Agenda item 2

### **Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

## **Accountability update**

### **Group of Eminent International and Regional Experts on Yemen**

#### *Summary*

The present conference room paper, submitted as a supplement to the report of the Group of Eminent International and Regional Experts on Yemen on the situation of human rights in Yemen, including violations and abuses, since September 2014 (A/HRC/48/20), evaluates the actions of parties to the conflict in Yemen in the accountability sphere during the current reporting period (1 July 2020 – 30 June 2021) and elaborates further upon necessary action at both the domestic and international levels. The relatively minor developments seen this year have by no means been adequate or sufficient to quell the prevailing “pandemic of impunity” in Yemen. Nor has there been substantive progress in relation to the provision of redress to victims. Urgent remedial action is required if victims are to regain any hope that their rights to truth, justice and reparation will be realized.

It remains vital for the international community to help bridge the accountability gap through taking specific initiatives such as referring the situation in Yemen to the International Criminal Court; expanding the list of persons subject to sanctions under Security Council resolution 2140; and establishing an international criminal justice-focused investigative mechanism.

No sustainable peace can be achieved in Yemen in the absence of accountability. Notwithstanding the ongoing conflict, concrete steps can be taken now to maximize Yemen’s preparedness for such a peace. These steps include enhancing the inclusivity of the peace process; integrating a principled approach to accountability in discussions of any peace agreement; creating and preserving the space for discussions of transitional justice, including prioritizing consultations with victims; and strengthening the capacities of Yemeni civil society.

## I. Introduction

1. For four years now, the Group of Eminent International and Regional Experts on Yemen has been reporting on serious violations of international human rights law and international humanitarian law committed by the parties to the conflict in Yemen since September 2014. Some of these violations may amount to crimes under international law. Repeated calls have been made for relevant authorities to conduct prompt investigations, compliant with international standards, into alleged violations and to prosecute those responsible. The Group has underlined the importance of victims' right to an effective remedy and associated rights to truth, justice and reparation. The primary obligations in this field remain with the parties to the conflict. However, given the vast accountability gap in Yemen, the Group has urged the international community to take specific steps to ensure accountability.

2. While there have been some relatively minor developments during the current reporting period, they have been by no means adequate or sufficient to quell the "pandemic of impunity" the Group of Eminent Experts has referred to previously. Nor have there been substantive developments in relation to the provision of redress to victims. Urgent remedial action is required if victims are to regain any hope that their rights to truth, justice and reparation will be realized.

3. In this conference room paper, submitted as a supplement to its report on the situation of human rights in Yemen, including violations and abuses since September 2014 (A/HRC/48/20), the Group of Eminent Experts details the steps taken (or not taken) by authorities over the last year to ensure accountability, and elaborates upon further necessary action at both the domestic and international levels. Pursuant to the request by the Human Rights Council for the Group to explore and report on recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims,<sup>1</sup> the Group has identified several specific actions that might be taken at this point in time. Yemen remains in a state of armed conflict, but there are ongoing efforts to encourage an end to hostilities and the commencement of a process aimed at achieving a sustainable peace.

4. No sustainable peace can be achieved in Yemen in the absence of accountability. The bitter and festering wounds arising from violations committed, exacerbated by the passage of time, must be acknowledged and addressed if the people of Yemen are to truly enjoy lasting peace. There can be no excuses for failure to take meaningful steps to ensure accountability.

## II. Accountability Updates

### A. Criminal Justice Accountability

5. As the Group of Eminent Experts has previously outlined, States have a duty to investigate and where appropriate, prosecute, serious violations of international human rights law and international humanitarian law that constitute crimes under national or international law. This duty attaches in particular to genocide,<sup>2</sup> war crimes,<sup>3</sup> crimes against humanity,<sup>4</sup> and other gross violations of human rights, including summary or extrajudicial killings, torture

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<sup>1</sup> A/HRC/RES/45/15, para. 17 (d), referring also to coordination with relevant mandates of the special procedures of the Human Rights Council.

<sup>2</sup> Genocide Convention, arts. 1 and 4.

<sup>3</sup> Under customary international humanitarian law governing non-international armed conflicts, States are under an obligation to investigate all allegations of war crimes committed by their armed forces or nationals, as well as those allegedly committed on their territory. Where there is sufficient evidence, they have the duty to prosecute those responsible. See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (ICRC/Cambridge, 2005), (hereinafter *ICRC Study on Customary International Humanitarian Law*) rule 158.

<sup>4</sup> While there is not yet a treaty specifically focused on crimes against humanity, this category of crime features in the Rome Statute and is recognized as one of "the most serious crimes of concern to the international community as a whole" which "must not go unpunished": preamble to the Rome Statute.

or other forms of cruel, inhuman or degrading treatment, slavery, enforced disappearance, rape and other forms of sexual violence.<sup>5</sup> While this responsibility attaches to States, as the Group has previously discussed, the same obligation can be considered as attaching to the de facto authorities in Yemen.<sup>6</sup> In the context of the conflict in Yemen, other States that are party to the conflict (e.g. members of the coalition) have similar duties with respect to violations committed in the course of their operations. Undertaking these investigations and prosecutions is central to fulfilling victims' rights to justice, and ensuring the non-repetition of violations.

6. Regrettably, during this reporting period, the Group of Eminent Experts has seen little evidence that the prevailing culture of impunity is diminishing.

7. During the course of its investigations this year, the Group of Eminent Experts again witnessed how victims continue to face enormous hurdles in their quest for justice. The poor infrastructure and the security context pose considerable challenges, and the atmosphere of intimidation dissuades many would-be complainants from approaching authorities. Those who tenaciously persist in seeking to register their complaints and have appropriate action taken often face obstruction from officials. Lawyers and human rights organizations assisting victims in gaining redress have faced harassment and intimidation. Amongst many victims, there remains a sense of hopelessness that justice will be achieved. As one shelling survivor stated previously to the Group: "we are in a time of war, there is no investigation and civilians are targeted by all parties".

## 1. Government of Yemen

8. The National Commission of Inquiry (NCOI), the body established by the Government of Yemen to investigate all alleged international human rights law and international humanitarian law violations perpetrated in Yemen since January 2011,<sup>7</sup> has continued to monitor and to document a large number of violations,<sup>8</sup> notwithstanding the restrictive coronavirus (COVID-19) environment and the security challenges faced by its personnel, particularly its field researchers. In addition to reiterating the importance of the NCOI acting in an impartial manner in assessing the conduct of all parties (and receiving cooperation from all relevant authorities in Yemen, including the de facto authorities),<sup>9</sup> the

<sup>5</sup> In some cases, the duty arises by virtue of treaty obligations to criminalize offences and establish and exercise jurisdiction in the circumstances outlined: e.g. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, arts. 4-7; Convention for the Protection of All Persons from Enforced Disappearance, arts. 6-11. However, the duty to investigate and prosecute has been regarded as attaching more broadly to violations amounting to crimes under national or international law: see e.g. Human Rights Committee General Comment No. 31, The Nature of the General Obligations on States Parties to the Covenant (2004), para.18. See too, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by General Assembly resolution 60/147 (16 December 2005) principle 4; and the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, E.CN.4/2005/102/Add.1 (2005), principle 19.

<sup>6</sup> The Group of Eminent Experts has previously considered the applicability of duties under international human rights law to de facto authorities: A/HRC/42/CRP.1, para. 82 as well as the applicability of international humanitarian law obligations: *ibid.* para. 870.

<sup>7</sup> The NCOI was established following the amendment by President Hadi on 7 September 2015 of Presidential Decree No. 140 of 22 September 2012 (as amended by Decree No. 13 of 2015, Decree No 50 of 2017 and Decree No.30 of 2019)). The Group of Eminent Experts has previously expressed some concerns about whether the NCOI conducts its investigations in accordance with international human rights standards, in particular raising issues concerning transparency, independence (e.g. in selection of cases), effectiveness, thoroughness and credibility of the NCOI: see A/HRC/42/CRP.1, paras. 879-886.

<sup>8</sup> An updated figure of the numbers of cases monitored and documented was not available to the Group of Eminent Experts at the time of preparation of this paper, as the Ninth Report of the NCOI (covering the period 1 August 2020 to 31 July 2021) had not yet been published.

<sup>9</sup> In their response to the Group of Eminent Experts of July 2021, the de facto authorities confirm they have no communication with the NCOI, describing it as "illegal and biased": Letter of de facto authorities to the Group of Eminent Experts in response to the list of issues, 14 July 2021, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

Group of Eminent Experts underlines the critical need for NCOI conclusions to be appropriately followed up by the Government of Yemen - both in relation to holding individuals to account and providing redress to victims.

9. According to information received, the NCOI has not referred further cases of violations to the Attorney General for potential prosecution during this reporting period.<sup>10</sup> The NCOI has, however, referred more than 1000 case files to the Attorney General since 2019.<sup>11</sup> In mid-2020, the Group of Eminent Experts was informed that 19 cases had progressed to the trial stage at the Specialized Criminal Court in Aden. Regrettably, there appears to have been no further progress in relation to these cases. The delays have been attributed to the combined impact of the COVID-19 pandemic, and a series of judicial strikes, the most long-lasting of which has involved a protest against the allegedly unlawful appointment of the Attorney General.<sup>12</sup> No additional criminal proceedings are understood to have been commenced.

10. The Group of Eminent Experts continues to note limited completion of criminal justice investigations. An example is the case of the photojournalist assassinated in Aden in June 2020 in which there appears to have been no substantial progress in the investigation.<sup>13</sup> Even in cases in which arrest warrants are issued, the completion, or even commencement, of a trial is often beset by serious difficulties. The Group previously investigated, for instance, summary executions at the Al-Taweed mosque in Mathad village in Al-Azariq district, Al-Dhale' Governorate in June 2019,<sup>14</sup> allegedly by armed men who had been travelling in a truck bearing the logo of the Security Belt Forces.<sup>15</sup> Despite the issuance of arrest warrants in mid-2019, requests from the police to the Commander of the Security Belt Forces and to the leadership of the southern transitional council (STC), the accused have not been handed over to police.<sup>16</sup> In February 2021, members of the STC-affiliated Security Belt Forces stormed the court building and surrounded the house of the Al-Azariq Prosecutor protesting the criminal charges.<sup>17</sup> The Al-Azariq District Prosecutor formally complained to the Al Dhale' Governorate Prosecutor of the threats, intimidation and harassment, indicating that his office would not attend court hearings or pursue the case further until arrests were made.<sup>18</sup>

11. In the military court system, an (in-absentia) trial of Abdulmalik Al-Houthi and other leading Houthi leaders has continued in the Ma'rib military court during the reporting period. The Group of Eminent Experts has confirmed that the nature of the charges extend beyond the carrying out of the military coup to include, for instance, the killing and injuring of civilians and the use of landmines.<sup>19</sup> Due in part to the closed nature of military trials, the Group has not been able to independently verify the full nature of the proceedings.

12. A written request to the Government of Yemen for further information concerning the status of the criminal justice investigations and any prosecutions had not elicited a response at the time of preparation of this paper in late July 2021. While appreciating the difficulties of conducting thorough criminal justice investigations and proceedings during the ongoing

<sup>10</sup> Cases investigated by the NCOI are to be referred to the national judiciary "so that perpetrators of human rights violations are brought to justice and the victims receive reparations": National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Yemen, 8 November 2018, para. 43.

<sup>11</sup> See A/HRC/45/CRP.7, para. 368.

<sup>12</sup> In January 2021, President Hadi appointed former Deputy Interior Minister, Ahmed Saleh al-Musai, as Attorney General by decree. The appointment has been criticized by the Southern Judges Club as being in violation of the constitution and the Law on Judicial Authority: see <https://debriefer.net/en/news-22514.html>. It is understood this appointment is currently the subject of legal proceedings before the Constitutional Chamber of the Supreme Court.

<sup>13</sup> See A/HRC/48/20, para. 57; A/HRC/45/CRP.7, para. 108.

<sup>14</sup> For further details of the case, see A/HRC/45/CRP.7, paras. 101-102.

<sup>15</sup> As to the nature of the Security Belt Forces, see A/HRC/45/CRP.7, Annex 1, p. 130. Following the withdrawal of the United Arab Emirates ground troops in mid to late 2019, the Security Belt Forces came under the operational command of the southern transitional council.

<sup>16</sup> Confidential sources on file.

<sup>17</sup> Confidential sources on file.

<sup>18</sup> Confidential documentation on file.

<sup>19</sup> Confidential documentation on file.

conflict, the Group of Eminent Experts reiterates the importance of authorities taking all feasible actions in this regard.

13. In September 2020, at the interactive dialogue with the Group of Eminent Experts at the forty-fifth session of the Human Rights Council, the Government of Yemen announced its intention to establish a specialized court to prosecute human rights violations.<sup>20</sup> Preliminary discussions between relevant officials took place in late 2020.<sup>21</sup> As of 31 July 2021, however, no formal legislative action to establish such a court had been taken, nor had any timeframe been announced for the institution's establishment. While welcoming the expressed commitment of the Government of Yemen to ensure accountability, the Group notes that such an initiative alone will not relieve the need to address deep-seated weaknesses in the justice system. The Group has previously highlighted,<sup>22</sup> for example, compromised levels of judicial independence, politicization of the justice sector,<sup>23</sup> corruption and frequent violations of fair trial rights, gender bias and specific capacity issues.<sup>24</sup> In addition to addressing these issues, the reform of relevant legal frameworks to allow for the prosecution of international crimes, and to bolster victim and witness security and support, is also required. The Group encourages the international community to work together with the Government of Yemen to explore further collaboration and cooperation to support accountability initiatives in Yemen.

## 2. Coalition

14. There have been some, albeit limited, developments with respect to holding individuals accountable within the ranks of the coalition. The Joint Incidents Assessment Team (JIAT) has completed a further 18 investigations during this reporting period (bringing the total to more than 200 investigations since its establishment in 2016). In its October 2020 response to the Group of Eminent Experts' third official report, the coalition confirmed that all files relating to airstrikes recommended by JIAT for military prosecution had been transferred to the concerned coalition countries for them "to enforce all accountability statutory procedures, according to the laws and regulations of each country member of the coalition."<sup>25</sup> The United Nations Panel of Experts on Yemen was informed that eight airstrike cases were being adjudicated by Saudi Arabia's military court.<sup>26</sup> Four of these cases concern airstrikes that the Group has previously investigated. As noted last year, from an examination of JIAT press releases and press conferences, in these four airstrike cases, JIAT's conclusions appear to relate primarily to failures to take necessary steps, including following relevant procedures, to minimize damage to civilians/civilian objects. In each case, in addition to legal proceedings, JIAT recommended that monies be paid to families of victims and/or relevant persons in respect of material damage. In some cases, recommendations were also made to review the coalition rules of engagement.<sup>27</sup>

15. From recent JIAT statements, it would appear that JIAT has recommended "accountability action" in a further two cases. The first case involved a series of airstrikes in

<sup>20</sup> Statement of the Representative of the Government of Yemen, interactive dialogue on the report of the Group of Eminent Experts, Human Rights Council, 29 September 2020. The NCOI previously proposed a dedicated court to deal with the cases referred by the NCOI to the Attorney General in late 2017: copy of proposal on file.

<sup>21</sup> NCOI press releases detail meetings on the court proposal between the Chair of the NCOI and the Chair of the Supreme Judicial Council in early September 2020: see <https://www.nciye.org/?p=1077>, as well as a meeting between the Chair of the NCOI, the Chair of the Supreme Judicial Council and the Attorney General on 24 September 2020: see <https://www.nciye.org/?p=1101>

<sup>22</sup> See A/HRC/45/CRP.7, paras. 382-388.

<sup>23</sup> Yemen also currently faces the challenges of a dual governance system that prevents effective cooperation between relevant agencies, including law enforcement.

<sup>24</sup> The joint meeting of the Chair of the NCOI, Chair of the Supreme Judicial Council and the Attorney General recognized the need for international assistance in rehabilitating the judicial cadre and to harmonize national legislation with international human rights treaties and conventions: see [nciye.org/?p=1101](https://www.nciye.org/?p=1101)

<sup>25</sup> Coalition response to the Group of Eminent Expert's third official report, 7 October 2020, para. 24, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

<sup>26</sup> Final report of the Panel of Experts, S/2021/79, para. 122.

<sup>27</sup> See A/HRC/45/CRP.7, paras. 373-374.



the Hayjah area, Maslub District, Jawf Governorate on 15 February 2020, examined by the Group of Eminent Experts last year. The airstrikes followed the downing of a Saudi fighter jet, allegedly by the Houthis.<sup>28</sup> In this case, while justifying the airstrikes as a response to amassed Houthi fighters at the scene, JIAT recommended action be taken against the air-controller for breaching rules of engagement in so far as there was “inaccuracy in the assessment of the possibility of entering the non-military environment” in the bombings of legitimate military targets.<sup>29</sup> The second case involved an airstrike in Khabb wa ash Sha’af District, Jawf Governorate on 6 August 2020 that reportedly caused the death of nine children and the injury of seven others.<sup>30</sup> JIAT concluded that the airstrike was focused on a number of legitimate military targets, but that a truck carrying civilians had entered between the military targets by the time of the bombing. JIAT recommended action against the targeting officer for breaching the rules of engagement due to inaccuracies in undertaking the necessary re-evaluation of a situation given the time lapse between the initial targeting decision and the operation carried out due to the re-fuelling of the plane.<sup>31</sup> In both cases, financial assistance was also recommended.

16. In both these cases, the individuals identified for potential prosecution appear to hold relatively junior positions. The relevant fault is characterized as a failure to follow the rules of engagement. No explicit reference is made to any potential breach of international humanitarian law. There is no acknowledgment in either statement, for instance, that identified “inaccuracies” in the risk-assessments of potential damage to civilians and civilian buildings may amount to violations of international humanitarian law, specifically the requirement to respect principles of distinction, proportionality, and precautions in attack.

17. There also appear to be significant discrepancies between JIAT’s investigations of the impact of such incidents and that of the Group of Eminent Experts. In the case of the February 2020 Hayjah airstrike, for instance, the Group concluded that some 32 people (including 19 children) had died and a further 21 people (including 12 children) had been injured as a result of the airstrike, with two houses and one car also damaged. By way of contrast, JIAT concluded that only damage to one building was attributable to the airstrike. It considered it likely that the loss of life or injury and other damage to property was linked to the preceding downing of the aircraft. No reference is made in the summary to JIAT having conducted interviews with victims and witnesses from the area.<sup>32</sup>

18. In terms of prosecutions, the United Nations Panel of Experts on Yemen was informed in October 2020 that of the eight referred cases being adjudicated by Saudi Arabia, the first instance military trial of only one case (the airstrike on the Abs Hospital, 5 August 2016) had been completed. Another two cases were said to be nearing completion (the airstrike on the bus in Dhayan, 9 August 2018, and the wedding in Bani Qays, 22 April 2018).<sup>33</sup> The Panel was also informed that an additional case had been referred to military prosecutors.<sup>34</sup> While it awaits receipt of the details of charges brought against relevant personnel, the Group of Eminent Experts notes the generality of the offences appearing in Saudi Arabia’s 1947 Military Penal Code. This Code does not appear to have explicit coverage of internationally

<sup>28</sup> The case was investigated by the Group of Eminent Experts in 2020: A/HRC/45/6, para. 30 and A/HRC/45/CRP.7, para. 72.

<sup>29</sup> [www.spa.gov.sa/2161522](http://www.spa.gov.sa/2161522)

<sup>30</sup> The airstrike had been raised with concern by the UN Resident Coordinator: see Statement by Resident Coordinator and Humanitarian Coordinator for Yemen, “Women and Children Killed and Injured in Khabb wa ash Sha’af District in Al Jawf Governorate”, 7 August 2020.

<sup>31</sup> [www.spa.gov.sa/2182313](http://www.spa.gov.sa/2182313)

<sup>32</sup> In the relevant press release, the spokesperson for the coalition referred to the investigation involving inter alia reviewing documentation, visiting the operations’ centre, interviewing those involved in carrying out the air mission, satellite and reconnaissance images, video recordings, information from the Panel of Experts, open sources, and rules of engagement. No reference is made to interviewing victims or witnesses from Jawf: [www.spa.gov.sa/2161522](http://www.spa.gov.sa/2161522)

<sup>33</sup> Final report of the Panel of Experts, S/2021/79, para. 122.

<sup>34</sup> Ibid.

recognized war crimes, with instead an emphasis placed on military offences such as failure to obey orders, and neglect in the performance of duties.<sup>35</sup>

19. The Group of Eminent Experts requested further information on these cases, as well as any other cases subsequently referred to national authorities. In particular, the Group sought details of the nature of the JIAT referrals, and the nature and status of the national proceedings: e.g. the nature of the charges, the rank/office of the persons charged, and the outcome of any proceedings (for example, convictions for offences, the imposition of punishment and/or disciplinary penalties). As of 31 July 2021, the Group had not received any response. Nor do the details or the outcomes of the courts martial appear to have been made public. The proceedings thus remain cloaked in some secrecy.<sup>36</sup>

20. While a lack of transparency concerning these cases inhibits the Group of Eminent Experts' inquiries, the Group remains concerned that coalition members, in particular Saudi Arabia in this instance, are not acting with appropriate speed, diligence or transparency in pursuing investigations and prosecutions and that the prosecutions may not reflect the seriousness of the international humanitarian law violations potentially involved.

21. Furthermore, while the Group of Eminent Experts agrees with the importance of investigating alleged violations relating to airstrikes, this is not the only subject-matter requiring attention. Over the last four years, the Group has identified other types of violations there are reasonable grounds to believe have been committed by coalition forces or forces backed by members of the coalition, including with respect to arbitrary detention, torture including sexual violence, and the recruitment and use in hostilities of children.

22. In some instances, in their responses to the Group of Eminent Experts, the coalition and/or individual States have simply refuted allegations made, without proffering any details of any completed investigations. The coalition in its October 2020 response, for instance, denied that children were trained as soldiers in Saudi Arabia and returned to Yemen to participate in combat operations.<sup>37</sup> No evidence of any investigation carried out into these serious allegations was provided. Similarly, the United Arab Emirates has unequivocally rejected allegations of detention-related violations against its personnel, denying that the United Arab Emirates has ever exercised effective control over places of detention or detainees in Yemen.<sup>38</sup> The Group is concerned that such blanket denials undermine the coalition's claimed commitment to proper accountability.

<sup>35</sup> Article 29 within Chapter 4 of Saudi Arabia's Military Penal Code, for instance, lists several categories of offences such as military misuse, misuse in military administration, violation of military regulations and instructions, but makes no specific references to violations of international humanitarian law and/or international human rights law. In their 2019 report, the United Nations Panel of Experts noted information provided to them that legal procedures might be based on art. 130: Final report of the Panel of Experts, S/2019/83, para. 140, footnote 121. Art. 130 provides the procedure for fixing the penalty in the case of an offence for which there is no provision in the "disciplinary or terrorization" penalties. (unofficial translation).

<sup>36</sup> The Group of Eminent Experts has previously noted that the use of military justice should be restricted to specifically military offences committed by military personnel, to the exclusion of serious human rights violations that should be dealt with through civilian courts: see A/HRC/45/CRP.7, para. 390, and footnote 593.

<sup>37</sup> Coalition response to the Group of Eminent Experts' third official report, 7 October 2020, para. 22, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx). The allegation was described as "unsubstantiated".

<sup>38</sup> United Arab Emirates' response to the Group of Eminent Experts' third official report, 6 April 2021, para. 11, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx). Note, allegations against the United Arab Emirates have also been raised in other United Nations human rights fora: see for instance the letter of 14 July 2020 addressed to the United Arab Emirates from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, concerning an alleged enforced disappearance, arbitrary detention and torture of a man held at unofficial detention facilities reportedly under the control of United Arab Emirates forces at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25364>

23. During this reporting period, JIAT concluded its investigation into only two non-airstrike related incidents. Both concerned allegations against the coalition naval forces: with one case dating from March 2018,<sup>39</sup> and the other from October 2016.<sup>40</sup> Looking at the press statement detailing JIAT's conclusions, the Group of Eminent Experts has concerns that the investigations do not appear to be comprehensive. The case in October 2016, for instance, concerned the detention by coalition naval forces of 12 individuals (nine men and three children) on fishing boats in waters off Eritrea.<sup>41</sup> While providing the rationale for the interception and arrest of some persons, and the details of some of the detention transfers,<sup>42</sup> the JIAT investigation does not address allegations with respect to the incommunicado detention and ill-treatment of detainees, nor respond to allegations that eight persons were allegedly missing for lengthy periods, after having last been seen in Saudi custody.<sup>43</sup>

24. The Group of Eminent Experts underlines the obligation of members of the coalition to investigate the full range of violations alleged against their security forces; for investigations to meet international standards with respect to independence and impartiality, effectiveness, thoroughness, credibility and transparency; and for substantiated violations to be followed up by appropriate action, including prosecutions.

### 3. De facto authorities<sup>44</sup>

25. The de facto authorities have been vocal about the need for action against coalition personnel, but less willing to admit to potential violations by their own personnel, let alone take action against responsible individuals.

26. In their May 2021 response to the third official report of the Group of Eminent Experts, the de facto authorities stressed the need to pursue "international criminal accountability" of the "US-Saudi-Emirati" coalition States' presidents, leaders and members of armed forces, in addition to militias, armed groups, and mercenaries from other countries before national and international courts.<sup>45</sup> In July 2021, the Group was informed of criminal investigations instituted against those responsible for particular airstrikes. Specific mention was made of court proceedings sentencing [in absentia] the coalition's leadership and mercenaries in respect of the airstrikes targeting the Great Hall and the children in Dhayan.<sup>46</sup>

27. The de facto authorities have not, however, shown the same vigour in responding to alleged violations by their personnel. Many allegations have been simply denied, without a showing of relevant investigations. This is the case, for instance, in relation to allegations of the recruitment of children and their use in hostilities, and breaches of fair trial rights.<sup>47</sup> On many topics, the de facto authorities describe findings of the Group of Eminent Experts as based on sources variously described as "unsubstantiated", "unconfirmed", "unreliable" or "hostile". In a media interview broadcast in May 2021, the foreign affairs minister of the de facto authorities, Hisham Sharif, accepted that "everyone should be held accountable for what

<sup>39</sup> [www.spa.gov.sa/viewfullstory.php?lang=en&newsid=2144714](http://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=2144714)

<sup>40</sup> Ibid.

<sup>41</sup> Ibid. This case was said to have been brought to the attention of JIAT by a Human Rights Watch report: see [www.hrw.org/news/2019/08/21/yemen-coalition-warships-attack-fishing-boats](http://www.hrw.org/news/2019/08/21/yemen-coalition-warships-attack-fishing-boats)

<sup>42</sup> JIAT concluded that the detentions were justified responses to activities being engaged in, namely reporting on coalition movements, and arms smuggling, and that those detained were taken firstly to the coalition authority in Jazan, with four of the 12 later transferred to Government of Yemen authorities.

<sup>43</sup> See too A/HRC/42/CRP.1, para. 600.

<sup>44</sup> The term "de facto authorities" is used only to refer to the authorities based in Sana'a, where Ansar Allah as a political movement is the main actor, supported by an armed group referred to as the "Houthis".

<sup>45</sup> De facto authorities' response to the Group of Eminent Experts' third official report, 25 May 2021, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

<sup>46</sup> Letter from the de facto authorities to the Group of Eminent Experts in response to the list of issues, 14 July 2021, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx). The references appear to be to the airstrikes involving the Great Hall in Sana'a (8 October 2016), and the bus in Dhayan, Sa'dah (9 August 2018).

<sup>47</sup> De facto authorities' response to the Group of Eminent Experts' third official report, 25 May 2021, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

they have done in the last six years”, while maintaining that the United Nations needed to “prove it” [the alleged violations].<sup>48</sup>

28. In July 2021, the de facto authorities informed the Group of Eminent Experts of their intention to establish an independent national investigation committee. They reported that the allegations in the Group’s reports had been referred to relevant authorities, despite their critique of the sources and methods of the Group.<sup>49</sup> Little specific action, however, has been apparent. Investigations tend to be exceptional (e.g. the Ministry of Interior’s preliminary investigation into the incident at the migrant detention facility in March 2021 in Sana’a),<sup>50</sup> rather than the norm. The continuing failure by the de facto authorities to undertake appropriate investigations, notwithstanding several years of consistent reporting by the Group, indicates either an alarming neglect or a wilful blindness as to the seriousness of violations being committed by their personnel.

#### 4. Conclusion

29. The Group of Eminent Experts remains concerned at the prevailing impunity in Yemen. Only limited steps have been taken to hold accountable those responsible for serious violations of international human rights law and international humanitarian law, some of which may amount to international crimes. While the ongoing conflict and the complexity of proceedings provides a partial explanation for some delays, the Group is concerned at evidence of a more deep-seated reluctance to undertake investigations and prosecutions.

### B. Non-Criminal Justice Accountability

30. Accountability extends beyond the criminal justice field.<sup>51</sup> It needs, in particular, to be understood against the background of victims’ right to an effective remedy, and associated rights to truth, justice and reparation.<sup>52</sup> While many aspects of a comprehensive response may need to await a post-conflict period, it is urgent that authorities, on the basis of consultations with victims, take steps to alleviate the harm currently being experienced by victims.<sup>53</sup> There is a pressing need to provide, for instance, medical aid, psycho-social support, assistance with employment, housing, food and other material assistance.<sup>54</sup> As one interlocutor said to the Group of Eminent Experts in describing victims of an airstrike:

<sup>48</sup> Interview with Hisham Sharif, Conflict Zone by Deutsche Welle, conducted by Tim Sebastian, Broadcast 26 May 2021, available at: [www.dw.com/en/houthi-backed-foreign-minister-we-are-not-the-ones-making-a-mess-of-yemen/av-57204988](http://www.dw.com/en/houthi-backed-foreign-minister-we-are-not-the-ones-making-a-mess-of-yemen/av-57204988)

<sup>49</sup> Letter from the de facto authorities to the Group of Eminent Experts in response to the list of issues, 14 July 2021, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx). The de facto authorities criticize, in particular, the lack of further identifying information in the Group’s report.

<sup>50</sup> For details of the case, see A/HRC/48/20, para. 51.

<sup>51</sup> Accountability has been described as a “broad process that addresses the political, legal and moral responsibility of individuals and institutions for past violations of human rights and dignity”: Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka (2011) iv. This includes a wide range of potential processes outside the criminal justice field, in respect of individuals or institutions bearing responsibility for violations, as well as a range of responses to victims. In the following discussion, the Group of Eminent Experts is focusing on the issue of reparations for victims.

<sup>52</sup> See further A/HRC/45/CRP.7, paras. 403-405; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; OHCHR, Rule of Law Tools for Post-Conflict States: Reparations Programmes (2008); and Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence (2014).

<sup>53</sup> The Group of Eminent Experts uses the term “victim” in the sense outlined in the Basic Principles and Guidelines on the Right to a Remedy and Reparation, principle 8.

<sup>54</sup> The Group of Eminent Experts acknowledges the important assistance being currently provided through the UN and national and international NGOs in addition to bilateral programmes.

This was a very poor family which barely had any food to eat. They did not receive any help from anyone after the incident apart from some food products from [a humanitarian organization] which lasted them only a month.

Many victims in Yemen are struggling to deal not only with the physical effects of violations, but also the significant psychological impact. Many have lost their livelihoods, and the ability to provide basic necessities for themselves and their families. Available information concerning the fate or whereabouts of disappeared relatives can and must be shared in accordance with victims' right to truth. Acknowledgment of violations that have occurred can be provided. Changes to procedures already identified as necessary can be instituted to minimize the likelihood of a repetition of violations.<sup>55</sup>

## 1. Government of Yemen

31. It would appear that the Government of Yemen has no active programme of either interim relief or longer-term reparations for those who have suffered the effects of violations during the current conflict. The NCOI does not appear to be developing detailed recommendations regarding reparations,<sup>56</sup> nor is there a mechanism within the Government of Yemen for considering any such recommendations. Instead, reparations appear to be regarded as a topic best left in entirety until after the end of the conflict.

## 2. Coalition

32. In response to the Group of Eminent Expert's third official report, the coalition referred to its establishment of a Joint Committee that considers granting voluntary aid to those affected in Yemen by "collateral damage resulting from military operations shrouded by unintended errors".<sup>57</sup> In 2020, the United Nations Panel of Experts on Yemen was informed that compensation had been paid to the victims of six airstrike incidents.<sup>58</sup> These six appear to be the same six incidents identified by the coalition in June 2019.<sup>59</sup> In a statement at that time, the coalition referred to voluntary financial support having been provided in 113 cases related to six incidents, totalling over 2 million Saudi riyals.<sup>60</sup> These six airstrikes, however, are only a fraction of the 18 cases referred for "accountability action" or in which "technical" error had been conceded, notwithstanding that financial assistance was recommended in a majority of these cases. Further, the six cases include only one of the seven cases investigated by the Group in which JIAT made recommendations for financial payments prior to mid-2019.<sup>61</sup> The criteria for including or excluding cases for payments, even amongst cases in which JIAT has recommended financial assistance, is unclear.

33. Similarly, the process for the identification of beneficiaries in these cases is opaque. It is understood that the NCOI has provided some assistance to the Joint Committee in identifying names of victims of specified airstrikes. Victims' associations have also provided listings to authorities. However, the Group of Eminent Experts has confirmed that there are victims of 'eligible' airstrikes who have not received any payments.<sup>62</sup> These included victims

<sup>55</sup> Changes might include, for instance, necessary changes to rules of engagement, changes to personnel, regularizing of detention arrangements, and introducing robust complaint procedures.

<sup>56</sup> The Eighth Report of the NCOI, for instance, makes no reference to reparations or compensation, with the only reference to redress appearing in a recommendation directed towards the international community: Eighth Report: The work of the National Commission to Investigate Alleged Violations to Human Rights in Yemen (2020).

<sup>57</sup> Coalition response to the Group of Eminent Expert's third official report, 7 October 2020, para. 24, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

<sup>58</sup> Final report of the Panel of Experts, S/2021/79, para. 124.

<sup>59</sup> [www.sabanew.net/viewstory/50870](http://www.sabanew.net/viewstory/50870). The six airstrikes identified were: the strikes on the wedding tent in Al Raqa Bani Qays village in Hajjah, the water well in Bayt Sa'adan village, Abs hospital in Abs city; the Al Sham water filling facility in Abs city; a residential compound in Al Mokha directorate, Ta'izz; and a house in Dar Sabr (Dar Al Nasr) in Ta'izz.

<sup>60</sup> The figure quoted was 2.593 million Saudi riyals (just under \$700,000): *ibid*.

<sup>61</sup> The one case from the Group of Eminent Experts' previous investigations included in this list was the airstrike on the wedding in Bani Qays. For details of the 18 cases either referred to military prosecutors, or in which technical error was conceded: see A/HRC/45/CRP.7, paras. 373, 377.

<sup>62</sup> Confidential sources on file.

who sustained serious injuries – including, for instance, life-threatening injuries, the severing of limbs and other permanent disabilities. Some victims have needed ongoing medical treatment for several years, without receiving any form of financial assistance.

34. From documentation reviewed by the Group of Eminent Experts, the intended quantum is, for example, 40,000 Saudi riyals (approximately US\$10,000) for the family of a deceased, although some families report receiving lesser amounts.<sup>63</sup> Lower amounts are understood to be stipulated for persons injured. Wording on the receipts for payments varies – with some describing the payments as “voluntary” humanitarian assistance for “unintended mistakes” of the coalition’s military operations. The Group has received information concerning victims receiving different amounts of money for similar impairments. The scheme is not well-publicized, and the lack of transparent procedures has left many victims unaware of how to submit claims or follow-up their cases. One interlocutor told the Group that victims in Houthi-controlled areas fear that speaking about receipt of funds might lead to their being accused of being supporters of the coalition and being subjected to arrest and detention. There is little evidence that gender or age considerations have been taken into account in the design of the scheme or its implementation. Overall, there appears to have been little consultation with victim groups. While welcoming the initiative to provide some payment to victims, the Group considers that the scheme remains inappropriately selective and inadequate for addressing the harm caused to victims and providing redress.

35. The Group of Eminent Experts requested further information on the nature, composition and mandate of the Joint Committee. It also sought specifics in relation to the nature of the payments made thus far, including the numbers of beneficiaries (segregated by gender and age), the quantum of the payments and the process for the payments (including identification of victims, assessment of assistance, and the process for designing the scheme and disbursing funds). The Group also requested information on the extent to which victims have been involved in the process and what means have been used to publicize the available assistance. As of the time of drafting this paper, no further information had been provided.

### 3. De facto authorities

36. As with investigation and prosecution initiatives, the de facto authorities have been generally less responsive to victims’ rights to redress. In their suggested “comprehensive solution to end the war”, the de facto authorities proposed that coalition countries provide compensation to persons affected by the conflict, but did not address any responsibility of the de facto authorities to make redress to victims.<sup>64</sup> On one occasion during the reporting period, the de facto authorities’ Ministry of Interior stated that funds were to be provided to those wounded and the families of those killed in the incident at the migrant detention facility.<sup>65</sup> The Group of Eminent Experts does not have information as to whether funds have been allocated for compensation or been disbursed.<sup>66</sup>

<sup>63</sup> Confidential sources and documentation on file.

<sup>64</sup> “Document suggesting a comprehensive solution to end the war against the Yemeni Republic” (April 2020). In the segment entitled “Reconstruction and compensation”, the de facto authorities called upon coalition countries to commit to reconstruction as well as compensation for those affected by the conflict. The document also called upon coalition countries to make reparation and referred to money to compensate a range of persons affected by the conflict (not restricted to those who have suffered human rights or humanitarian law violations). The document also called for the establishment of a Joint Higher Committee under the auspices of the United Nations to implement reconstruction and compensation, in a similar manner to the mechanism for Kuwait administered by the United Nations (after Iraq’s invasion and occupation of Kuwait in 1990-1991).

<sup>65</sup> This case is detailed in the Group of Eminent Experts official report: A/HRC/48/20, para. 51. The statement by the de facto authorities’ Ministry of Interior can be found at: [www.ansarollah.com/archives/421005](http://www.ansarollah.com/archives/421005)

<sup>66</sup> In relation to an attack on a petrol station located inside a military compound, the head of the Supreme Revolutionary Committee, Mohamed Ali al-Houthi indicated on twitter that if investigation proved civilian deaths, the Ministry of Defence would be obliged to pay compensation: [https://twitter.com/Moh\\_Alhouthi/status/1401617157021122566?s=20](https://twitter.com/Moh_Alhouthi/status/1401617157021122566?s=20)

#### 4. Conclusion

37. Notwithstanding the difficulties posed by the ongoing conflict, authorities are in a position to provide some level of redress for victims now. Authorities can broaden and make more transparent interim relief programmes for funds and necessary services to alleviate the current suffering of victims. Authorities can also take other actions, such as providing information to the families of disappeared persons on the fate or whereabouts of their relatives.<sup>67</sup> Necessary changes to procedures or personnel can be instituted to prevent the repetition of violations. Authorities can commit to and commence work on a more comprehensive policy and package of measures regarding the fulfilment of the right to reparation of victims of serious human rights and humanitarian law violations. All schemes – whether of an interim or comprehensive nature – must be designed in collaboration with victims and be designed and implemented in a gender and age-sensitive manner.<sup>68</sup>

#### C. International Initiatives

38. Last year, the Group of Eminent Experts recommended concrete action that the international community could take to help bridge the accountability gap in Yemen. These recommendations are not intended to minimize or divert attention from the primary responsibility of parties to the conflict to address violations. However, they do reflect the Group's conclusions that the Yemeni justice system at present lacks the means and capacity to conduct independent and credible investigations, and conduct trials of those responsible for serious violations in a manner consistent with international human rights standards. The Group remains convinced that international action will be necessary to supplement national efforts, and reiterates its call for greater and immediate international action and support.

39. In 2020, the Group of Eminent Experts identified five specific actions that could be taken by the international community.<sup>69</sup> First, it recommended that the Security Council refer the situation in Yemen to the International Criminal Court without delay. Second, it urged the Security Council to expand the list of persons subject to sanctions under resolution 2140 (2014) on the basis of violations of international human rights law or international humanitarian law. Third, the Group recommended the establishment of an independent international criminal justice-focused investigative mechanism for Yemen similar to those established for Syria and Myanmar. Fourth, it called upon third States to use all potential forms of jurisdiction (including universal jurisdiction) to investigate and prosecute war crimes committed in Yemen in their domestic courts. Fifth, as a longer-term initiative, the Group recommended the international community and the Yemeni authorities engage in a dialogue about the creation of a special tribunal such as a “hybrid” tribunal to help facilitate the prosecution of those most responsible for international crimes in Yemen.

40. In 2020-2021, the Group of Eminent Experts has seen some preliminary signs of a greater willingness in the international community to discuss accountability issues. However, these glimmers of hope need to be translated into concrete actions.

41. The Group of Eminent Experts was invited to brief the Sub-Committee on Human Rights of the European Parliament in early December 2020 and in July 2021. On 11 February 2021, the European Parliament passed resolution 2021/2539 (RSP) on the humanitarian and political situation in Yemen. That resolution, *inter alia*, urged the European Union and its member States to use all the tools at their disposal to hold perpetrators of severe violations to account, noting the possibility of applying the principle of universal jurisdiction to investigate and prosecute perpetrators.<sup>70</sup> It also called for the European Union Global Human

<sup>67</sup> The Group of Eminent Experts has previously recommended the establishment of a national register for missing persons: see A/HRC/39/43, para. 111(h).

<sup>68</sup> See Dyan Mazurana and Khristopher Carlson, *Children and Reparations: Past Lessons and New Directions*, Innocenti Working Papers (UNICEF, 2010).

<sup>69</sup> See A/HRC/45/6, para. 99; A/HRC/45/CRP.7, paras 392-402. The sixth recommendation concerning ensuring peace negotiations integrate respect for accountability is dealt with separately under Section III below.

<sup>70</sup> European Parliament resolution of 11 February 2021 on the humanitarian and political situation in Yemen (2021/2539 (RSP)), para. 25.

Rights Sanctions Regime to be deployed in order to impose targeted sanctions and for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and member States to support the gathering of evidence with a view to using them in future prosecutions, and to consider the establishment of an independent commission to oversee the process. The resolution affirmed that victims of atrocity crimes should be supported in accessing justice. In addition, the resolution called upon the European Union and Member States to take “resolute action” towards a referral by the United Nations Security Council of the situation in Yemen to the International Criminal Court, and an expansion of the list of persons subject to Security Council sanctions.<sup>71</sup>

# **1. Security Council action: referral to the International Criminal Court and expanding the sanctions list**

42. In December 2020, the Group of Eminent Experts had its first opportunity to address members of the Security Council in an Arria-formula meeting.<sup>72</sup> The meeting was co-hosted by Belgium, the Dominican Republic, Estonia and Germany, and co-sponsored by Ireland (as an incoming member). The Group was appreciative of the opportunity to provide a briefing on its findings and stands ready to regularly brief the Council, including during its formal meetings discussing the situation in Yemen.

43. It has been pleasing to see the Security Council resume references to the need to ensure accountability in its resolutions on Yemen. In the preamble of resolution 2564 (of 25 February 2021), for instance, the Security Council reaffirmed “the need for all parties to comply with their obligations under international law, including international humanitarian law and international human rights law as applicable” and underlined “the need to ensure accountability for violations of international humanitarian law and violations and abuses of human rights in Yemen.”

44. Calls have also been made for the Security Council to consider having a focused discussion on the issue of accountability for international humanitarian law and human rights violations in the agenda for the Security Council’s monthly meeting on Yemen.<sup>73</sup> This discussion could encompass mechanisms of accountability to secure justice and redress for victims. It might also include hearing from relevant Yemeni stakeholders. Issues of accountability must be further integrated into Security Council deliberations on Yemen.

45. On 25 February 2021, the Security Council listed Sultan Saleh Aida Aida Zabin as subject to the sanctions regime, explicitly using the international human rights and international humanitarian law criteria provided for under Security Council resolution 2140 as one of the categories of acts threatening the peace, security and stability of Yemen for the first time. Sultan Zabin was Director of the de facto authorities’ Criminal Investigations Department in Sana’a, and his designation was linked to his “prominent role in a policy of intimidation and use of systematic arrest, detention, torture, sexual violence and rape against politically active women”.<sup>74</sup> The effect of this listing was limited in a temporal sense. Zabin’s death was announced in April 2021, with some media reports attributing the death to COVID-19.<sup>75</sup>

<sup>71</sup> Ibid, para. 27. This was not the first resolution addressing the issue of accountability, having repeatedly urged the international community to take steps to ensure that perpetrators of violations are prosecuted in accordance with international law in order to achieve a lasting settlement of the conflict (e.g. in resolutions 2017/2727 (RSP), 2017/2849 (RSP)) and in 2018, making reference to referral of the situation to the International Criminal Court and universal jurisdiction as well as the expansion of the Group of Eminent Expert’s mandate (resolution 2018/2853 (RSP)).

<sup>72</sup> Press Release, UN Group of Eminent International and Regional Experts on Yemen Briefs the UN Security Council Urging an end to impunity, an expansion of sanctions, and the referral by the UN Security Council of the situation in Yemen to the International Criminal Court, 3 December 2020.

<sup>73</sup> Final report of the Panel of Experts, S/2021/79, para. 159(a). See also Marta Abrantes Mendes, *A Passage to Justice: Selected Yemeni Civil Society Views for Transitional Justice and Long-Term Accountability in Yemen* (Open Society Foundations, 2021), p. 42.

<sup>74</sup> Information as per the United Nations Security Council Consolidated List, available at: <https://scsanctions.un.org>

<sup>75</sup> [www.arabnews.com/node/1838106/middle-east](https://www.arabnews.com/node/1838106/middle-east)



46. The Group of Eminent Experts encourages the Security Council to consider further designations under its sanctions regime based on violations of human rights and humanitarian law grounds, including broadening the scope of designated persons beyond those belonging only to the de facto authorities in order to recognize the serious nature of ongoing violations by all parties to the conflict.

47. As of 31 July 2021, the Group of Eminent Experts has seen no evidence of the Security Council inclining towards referring the situation in Yemen to the International Criminal Court. Yet, there is no principled reason for the Security Council not to do so. Were the Security Council to use its powers in this case, it would be making a significant contribution to defeating impunity in Yemen.<sup>76</sup>

48. The coalition has taken particular issue with this recommendation, stating in its comments to the Group of Eminent Experts:

Referral to the ICC is the Group's priority, but not that of the Yemeni people, who are more focussed on ending the conflict, next steps of reconciliation and healing; and getting justice done nationally in accordance with Yemeni means and remedies, which will be applied after achieving peace in Yemen.<sup>77</sup>

49. Respectfully, the Group of Eminent Experts suggests that this response mischaracterizes the nature and intent of a referral to the International Criminal Court. Such a referral does not usurp or prevent national action, but allows an additional forum for pursuing accountability. Indeed, the International Criminal Court is limited to "complementary jurisdiction".<sup>78</sup> A case is inadmissible before the International Criminal Court if the case is being investigated or prosecuted by a State with jurisdiction, unless that State is unwilling or unable genuinely to carry out the investigation or prosecution.<sup>79</sup> Should Yemen (or other States) demonstrate that they are willing and able to investigate and prosecute relevant cases, the International Criminal Court would be precluded from acting. Secondly, the International Criminal Court would only ever be able to handle a small number of cases arising from the conflict in Yemen. It has neither the resources, nor the mandate, to be the primary mechanism for prosecution of all cases arising in the Yemeni context. The response of judicial authorities in Yemen and other relevant States will thus remain central.

50. Referral to the International Criminal Court would, however, underline the importance of accountability within the Yemeni context and demonstrate the international community's recognition that international crimes have been and are being committed in Yemen and must be addressed. As noted in the preamble of the Rome Statute, the international community has an interest in ensuring that international crimes do not go unpunished. If the situation in Yemen were to be referred to the International Criminal Court, the International Criminal Court's investigation would also have the advantage of being able to consider the actions of all parties involved in the conflict on the territory of Yemen. Its focused investigation might also significantly contribute to the understanding of violations committed and so assist national accountability initiatives. Under the Rome Statute, the

<sup>76</sup> For an example of the Security Council affirming the contribution of the International Criminal Court to the fight against impunity: see S/RES/2150 (2014), preamble.

<sup>77</sup> Coalition response to the Group of Experts' third official report, 7 October 2020, para. 15, available at: [www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx](http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx)

<sup>78</sup> Rome Statute, art. 1.

<sup>79</sup> Rome Statute, art. 17(1). A case is also inadmissible if, after investigation, such a State decides not to prosecute the case unless that decision arises from the unwillingness or inability to prosecute: art. 17(2). Unwillingness is to be determined by considering if (a) national proceedings are intended to shield the person from criminal responsibility, (b) whether there has been an unjustified delay in the proceedings that is inconsistent with an intent to bring the person to justice, or (c) whether the proceedings have not been conducted independently or impartially and in a manner consistent with bringing the person to justice. Inability is to be determined by considering whether due to the total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out proceedings: art. 17(3).

International Criminal Court is obliged to permit views and concerns of victims to be presented and considered.<sup>80</sup>

51. Further, efforts can be focused on reconciliation and healing while simultaneously pursuing justice. Indeed, what the Group of Eminent Experts has heard during the course of its investigations over the last four years is the desire for an integrated approach to pursuing these goals. Justice is a prerequisite for long-lasting peace and should not be postponed, overlooked or set aside in the name of other policy goals.

## **2. Establishment of a criminal justice-focused investigative mechanism**

52. The Group of Eminent Experts continues to support the establishment of an independent criminal justice-focused investigative mechanism for Yemen, with a mandate similar to that of the mechanisms for Myanmar and Syria. Such a body could collect, consolidate, preserve and analyse evidence of serious violations of international humanitarian law, international human rights law and international crimes, and prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals. In the last year, this proposal has gained little traction. In part, this may reflect the significant resource limitations during the COVID-19 pandemic and the liquidity crisis of the United Nations. There may also be confusion as to the respective roles of the Group of Eminent Experts and such a body.

53. The Group of Eminent Experts continues to play its role in collecting, preserving and analysing information relating to violations and potential crimes and preparing a confidential list of alleged perpetrators. However, this is not a substitute for a mechanism focused on the collection and analysis of evidence and the preparation of case files for potential use in criminal justice investigations and proceedings – nationally or internationally. The two types of investigations use, at least in part, different methodologies and require some distinct staff profiles. The Group, for instance, is focused on corroborating and analysing a range of incidents to demonstrate the patterns of violations. It makes a public report concerning its findings. An independent criminal justice-focused investigative mechanism builds up a crimes-matrix and gathers supporting evidence to demonstrate the commission of a crime by a particular individual(s). While material collected by the Group would be useful for that purpose, a criminal justice-focused mechanism would delve further into, for example, linkage evidence. The differences in practice are reflected in the continued work of both the Independent International Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism for Syria.

54. Nor is such an investigative mechanism inherently tied to notions of international justice. The mechanisms for Syria and Myanmar, for instance, have been deliberately designed so that their files might be shared also with regional and national authorities (including third States), provided certain protections can be guaranteed. Creation of such a body would not require Security Council action, but instead could be created by the General Assembly and/or the Human Rights Council.<sup>81</sup> In light of the potential utility of such a body to practically support future prosecutions, at the international, regional or national levels, the Group of Eminent Experts encourages serious consideration to be given to the establishment of such a body.

## **3. Third State prosecutions**

55. The Group of Eminent Experts continues to encourage States with potential jurisdiction over international crimes – whether on the basis of nationality of the perpetrator or victim, or universal jurisdiction – to actively pursue investigations, and where appropriate prosecutions of responsible individuals. Non-governmental organizations and law firms have been active in several countries in filing complaints before national courts or with law

<sup>80</sup> Rome Statute, art. 68(3).

<sup>81</sup> The International, Impartial and Independent Mechanism for Syria was established pursuant to General Assembly resolution 71/248, A/RES/71/248 (adopted 21 December 2016). The Independent Investigative Mechanism for Myanmar was established pursuant to Human Rights Council resolution 39/2, A/HRC/RES/39/2 (adopted 27 September 2019).

enforcement authorities in an attempt to enliven this jurisdiction or stimulate investigation of cases by relevant authorities: for example, with Yemeni-related complaints filed in Argentina, France, Italy and the United Kingdom.<sup>82</sup> The individuals against whom such complaints have been filed vary from political and military commanders to those engaged in arms sales to parties to the conflict. Cooperation between States (for example in sharing investigative material, or in other forms of mutual legal assistance) can significantly bolster the prospects of such prosecutions. The Group continues to encourage third States to actively use their institutional networks to share relevant information and use their own domestic courts in relevant cases to conduct prosecutions.

#### 4. Longer-term hybrid initiative

56. The Group of Eminent Experts raised last year the longer-term prospect of the international community collaborating with the Yemeni authorities – giving the example of a “hybrid tribunal”. At the same time, it noted that discussion about this type of cooperation would need to take place, in particular to assess the level of interest and commitment at a national level, and responses from the international community.<sup>83</sup> In the view of the Group, there remains utility in further discussions of such an initiative.

#### 5. Third State arms transfers and other support to parties to the conflict

57. For the last four years, the Group of Eminent Experts has expressed significant concern about the continued arms transfers to parties to the conflict in Yemen, notwithstanding the documented serious violations of international humanitarian law and human rights law occurring. It has highlighted its belief that such States are failing in their responsibilities to ensure respect for international humanitarian law,<sup>84</sup> and that some States may be violating their obligations under the Arms Trade Treaty.<sup>85</sup> Furthermore, such support may amount to aiding and assisting the commission of internationally wrongful acts in contravention of international law.<sup>86</sup>

58. Notwithstanding the strong recommendations by the Group of Eminent Experts in previous reports with respect to arms sales, third States, including Canada,<sup>87</sup> France,<sup>88</sup> Iran

<sup>82</sup> See for instance, Trial International, *Universal Jurisdiction Annual Report 2020*, and *Universal Jurisdiction Annual Report 2021*.

<sup>83</sup> See A/HRC/45/CRP.7, paras. 396-397. The Group of Eminent Experts also noted the need for conducive conditions within Yemen including a united governance system.

<sup>84</sup> This obligation is set out in common article 1 to the four Geneva Conventions of 1949, and is regarded as applicable in non-international armed conflict under customary international humanitarian law: *ICRC Study on Customary International Humanitarian Law*, rule 144.

<sup>85</sup> The Arms Trade Treaty (ATT) prohibits the transfer of conventional arms or related items if the State party has knowledge that they would be used in the commission of certain international crimes: art. 6(3). The ATT further requires, in other cases, States to consider the importing States’ respect for international humanitarian law before authorizing the export of arms: art. 7 ATT. Among relevant State Parties to the ATT are the United Kingdom of Great Britain and Northern Ireland, France and Canada. European Union members are also bound by the terms of the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

<sup>86</sup> International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts, art. 16, and the commentary thereto.

<sup>87</sup> See A/HRC/45/CRP.7, para. 414, footnote 630 regarding Canada’s announcement in April 2020 that following a renegotiation of its arms transfer contract with Saudi Arabia, it would be proceeding with case-by-case examinations of export permit licenses to Saudi Arabia to ensure compliance with Canadian law and its obligations under the ATT. In 2020, Saudi Arabia received approximately \$1.3 billion (Can\$) in Canadian military exports (accounting for approximately 67 per cent of the total value of non-U.S. military exports): Government of Canada, 2020 Report on Exports of Military Goods from Canada, p. 6.

<sup>88</sup> French arms exports in general declined in 2020 (by 41 per cent), with the Ministry of Defence attributing this decline to the global health crisis and the absence of major contracts. However, its biggest client was Saudi Arabia, with orders received in 2020 worth some €703.9 million: See: [www.defense.gouv.fr/actualites/articles/rapport-au-parlement-2021-sur-les-exportations-d-armement-de-la-france](http://www.defense.gouv.fr/actualites/articles/rapport-au-parlement-2021-sur-les-exportations-d-armement-de-la-france)

(Islamic Republic of),<sup>89</sup> and the United Kingdom of Great Britain and Northern Ireland,<sup>90</sup> continued their support of parties to the conflict, including through arms transfers.<sup>91</sup> In early February 2021, the United States of America announced that it would end its support for what it has called “offensive operations” in the Yemeni conflict, including arms sales, while reserving the right to assist Saudi Arabia to defend its sovereignty and territorial integrity.<sup>92</sup> This has left some ambiguity concerning the precise ambit of halted activity.<sup>93</sup> The United States of America has announced its intention to proceed with the sale of military equipment to the United Arab Emirates.<sup>94</sup> Italy, having in January 2020 revoked licenses for the export of missiles to Saudi Arabia and the United Arab Emirates,<sup>95</sup> more recently announced a loosening of other restrictions on arms and equipment sales.<sup>96</sup> In some positive developments, Germany extended its ban on exporting arms to Saudi Arabia until the end of 2021,<sup>97</sup> and in March 2021, the Belgian Council of State again suspended some specific export licenses.<sup>98</sup> The Group reiterates its grave concern about the way in which arms sales are contributing to a perpetuation of the conflict and violations, and calls again for third States to cease providing arms and other military support to parties to the conflict.

### III. Accountability as Part of the Preparedness for Peace

59. It is crucial that there be an end to hostilities in Yemen. Equally, it is imperative to ensure that any peace is sustainable. For this, peace must be based on respect for human rights, including the core principles of accountability and respect for victims’ rights to truth, justice and reparation. Yemen at present remains mired in conflict. There are ongoing efforts, including through initiatives of the United Nations Secretary-General’s Special Envoy for Yemen, to encourage the parties to the conflict to agree to a comprehensive ceasefire and reach a negotiated agreement for peace. Even at this stage, there is a need for the parties, the Yemeni community and the international community to be ready for any peace process. With this in mind, the Group of Eminent Experts offers some reflections on what can be done now to build this ‘peace preparedness’, integrate human rights and accountability into the peace process and maximize the prospects for future transitional justice processes.

60. In offering these perspectives, the Group of Eminent Experts underlines that comprehensive transitional justice initiatives must be shaped and owned by the Yemeni community. They must be underpinned by proper consultations with victims, who must be empowered to play a key role during the conceptualization, design and implementation phases of any initiatives. Many aspects of any comprehensive transitional justice package

<sup>89</sup> See Final report of the Panel of Experts, S/2021/79, p. 2 and paras. 76, 84-85.

<sup>90</sup> See A/HRC/45/CRP.7, footnote 630, as to the United Kingdom’s resumption of consideration of arms export licenses to Saudi Arabia in early July 2020, after concluding that past international humanitarian law violations by Saudi Arabia had been “isolated incidents”. According to figures released by the Department of International Trade, for instance, the value of military export licenses to Saudi Arabia during 2020 was over £1.4 billion: See: Department of International Trade, Strategic Export Controls: Country Pivot Report, 1st January 2020 – 31st December 2020, July 2021, p. 527.

<sup>91</sup> Other States transferring arms or equipment include Australia, China, Spain and South Africa.

<sup>92</sup> [www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/](https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/)

<sup>93</sup> As to attempts by some members of the US Congress to have the parameters of the policy further clarified, see <https://theintercept.com/2021/05/27/yemen-biden-support-congress-letter/>. The US is understood to be proceeding with sales of a Terminal High Altitude Area Defence (THAAD) ballistic missile system and Blackhawk helicopters to Saudi Arabia: [www.janes.com/defence-news/news-detail/sikorsky-contracted-to-deliver-25-black-hawk-helos-to-saudi-arabia](https://www.janes.com/defence-news/news-detail/sikorsky-contracted-to-deliver-25-black-hawk-helos-to-saudi-arabia)

<sup>94</sup> The US administration has confirmed its intention to proceed with the sale of F35 Joint Strike Fighter aircraft, armed drones and other defence equipment to the United Arab Emirates: see [www.navair.navy.mil/news/Air-Air-Missiles-Program-Office-hits-new-milestone/Thu-04222021-0913](https://www.navair.navy.mil/news/Air-Air-Missiles-Program-Office-hits-new-milestone/Thu-04222021-0913); <https://nycfpa.org/?p=5065>

<sup>95</sup> [www.middleeasteye.net/saudi-uae-coalition-arms-sales-country-breakdown](https://www.middleeasteye.net/saudi-uae-coalition-arms-sales-country-breakdown)

<sup>96</sup> [www.euronews.com/2021/07/06/us-italy-arms-saudi-emirates](https://www.euronews.com/2021/07/06/us-italy-arms-saudi-emirates)

<sup>97</sup> [www.middleeasteye.net/saudi-uae-coalition-arms-sales-country-breakdown](https://www.middleeasteye.net/saudi-uae-coalition-arms-sales-country-breakdown)

<sup>98</sup> [www.esu.ulg.ac.be/belgian-council-of-state-suspends-export-licences-for-arms-to-saudi-arabia/](https://www.esu.ulg.ac.be/belgian-council-of-state-suspends-export-licences-for-arms-to-saudi-arabia/) and [www.raadvst-consetat.be/arr.php?nr=249991](https://www.raadvst-consetat.be/arr.php?nr=249991)

will need to await Yemen's entering into a transitional phase. However, steps can be taken now to help ensure that the peace process itself serves to support current and future accountability and transitional justice measures.

61. There are four areas in particular that the Group of Eminent Experts would highlight as potential areas for action:

## 1. Enhancing the inclusivity of the peace process

62. During the reporting period, there have been a variety of initiatives aimed at bringing an end to the conflict. Proposals have been put forward, for instance, by the United Nations Special Envoy on Yemen as well as individual States.<sup>99</sup> None have yet been accepted by all parties to the conflict.

63. In relation to the international peace negotiations facilitated by the United Nations Special Envoy, the emphasis has been on gathering together representatives from the Government of Yemen and the de facto authorities. From 2015 onwards, the Security Council has urged the parties to the conflict to engage in a dialogue with a view to ending the conflict. In Security Council resolution 2216 (2015), for instance, the Security Council called for the parties to resume and accelerate "inclusive United Nations-brokered negotiations, including on issues relating to governance, to continue the political transition in order to reach a consensus solution" and called on the parties "to agree on the conditions leading to an expeditious cessation of violence, in accordance with the United Nations Charter and relevant Security Council resolutions, including this resolution and resolution 2201 (2015)" (para. 5).

64. The Council, in that resolution, demanded that "all Yemeni parties adhere to resolving their differences through dialogue and consultation...and stresses that all parties should take concrete steps to agree and implement a consensus-based political solution to Yemen's crisis" (para. 6).

65. The Security Council, then and now, requested the Secretary-General to "intensify his good offices role in order to enable a resumption of a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people, including women, for peaceful change and meaningful political, economic and social reform, as set out in the Gulf Cooperation Council Initiative and Implementation Mechanism and the outcomes of the comprehensive National Dialogue Conference."<sup>100</sup>

66. The United Nations Special Envoy (as the representative of the Secretary-General) has a very particular role in enabling an inclusive political transition process. The Group of Eminent Experts welcomes the steps taken by the Special Envoy to incorporate underrepresented groups, but would call upon the Special Envoy to intensify action to ensure that the voices of underrepresented groups (including women, youth, members of minorities, and other marginalized groups) and civil society (including victims' associations) can be heard. While accepting that a peace process must be sufficiently contained to be manageable, the Group would encourage the Special Envoy to explore further modalities to ensure that such voices are afforded equal opportunity to influence the potential outcome of any peace agreement.

67. To take one example of the current exclusion of certain groups amidst the present emphasis on the 'two-party-negotiations', the Group of Eminent Experts has noted with concern that less than a handful of women were amongst the delegates at the United Nations-led talks in Kuwait in 2016 and in Sweden in 2018.<sup>101</sup> The Group has previously expressed concern as to the lack of any women appointed as Cabinet members in the government

<sup>99</sup> A/HRC/48/20, para. 15.

<sup>100</sup> S/RES/2216, para. 13. For a more recent expression of support for the UN Special Envoy in supporting the Yemeni transition process and an inclusive Yemeni-led and Yemeni-owned political process, with the full, effective and meaningful participation of women: see S/RES/2564 (2021), preamble.

<sup>101</sup> International Crisis Group, *The Case for More Inclusive – and More Effective – Peacemaking in Yemen*, Middle East Report No 221, 18 March 2021, p. 7.

formed in December 2020.<sup>102</sup> The United Nations Special Envoy's Office formed a Women's Technical Advisory Group in 2018, and in mid-2021, held a five-day meeting in Amman with women drawn from six Yemeni political parties.<sup>103</sup> At the same time, concerns have been raised about perceived limits on the ability of these select initiatives to have a meaningful influence on proceedings.<sup>104</sup> In his final briefing to the Security Council on 15 June 2021, United Nations Special Envoy Martin Griffiths recognized the need for an inclusive political process if Yemen is to move away from the cycle of violence and conflict which engulfs it. He also stated that the political settlement must "guarantee the interests and rights of those most affected by the conflict, and not only those who perpetuate and lead in the conflict", and that engagements with Yemeni civil society, women, local leaders and movements and youths had not been "as frequent as they should have been".<sup>105</sup> The Security Council has also heard directly from a representative of Yemeni civil society, Najiba Al Naggar, regarding the exclusion of women from formal, meaningful roles in the United Nations-led peace process, calling on the United Nations and Yemeni authorities to do more to ensure women's direct participation as set out in Security Council resolution 1325 (2000).<sup>106</sup>

68. The Group of Eminent Experts echoes this call for a more inclusive peace process and encourages in particular greater engagement with underrepresented groups and those who have lived experience of violations. Whether through stronger pressure on parties to broaden the representation of their delegations, or through establishing further modalities (e.g. having a clear role for under-represented groups and civil society in discussions, or establishing official consultations as part of and contributing to the negotiations, or holding additional high-level (virtual or in person) workshops involving a broader range of interlocutors),<sup>107</sup> the Group considers it vital that steps be taken to address the evident imbalances.

## 2. Integrating a principled approach to accountability in discussions of any peace agreements

69. The issue of accountability has been disappointingly absent from much of the discussion of a future Yemen peace process. The Group of Eminent Experts encourages consideration to be given to the adoption of an explicit principled commitment to accountability at an early stage of any peace process discussions. Accountability and respect for human rights could, for instance, be mentioned as amongst the fundamental principles to be taken into account in an agreement such as a 'key principles' document or 'framework agreement' preceding or accompanying peace talks. There are precedents in other processes that might be useful. In Nepal, for instance, the commitment that violations would be investigated and action taken was included as part of the 12 Point Agreement (of 2005) that preceded and helped shape the Comprehensive Peace Agreement (of 2006).<sup>108</sup> The shape of

<sup>102</sup> Address by Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen, to the Human Rights Council, 25 February 2021.

<sup>103</sup> <https://hi-in.facebook.com/OSESGY/posts/our-office-concluded-yesterday-a-5-day-meeting-in-amman-with-women-from-6-yemeni/4007266326021969/>

<sup>104</sup> International Crisis Group, *The Case for More Inclusive – and More Effective – Peacemaking in Yemen*, Middle East Report No 221, 18 March 2021, p 9.

<sup>105</sup> Briefing to United Nations Security Council by the Special Envoy for Yemen – Martin Griffiths, 15 June 2021, available at: <https://osesgy.unmissions.org/briefing-united-nations-security-council-special-envoy-yemen-%E2%80%93-martin-griffiths-4>

<sup>106</sup> Najiba Al Naggar, founding member and Programmes Manager of SOS Centre for Youth Capabilities Development, addressed the Security Council during its monthly consideration of Yemen on 15 June 2021: S/PV.8797.

<sup>107</sup> As to the range of modalities that might be considered, see for instance, Thania Paffenholz, *Inclusivity in Peace Processes* (United Nations University, Centre for Policy Research, 2015). The Group of Eminent Experts welcomes the Office of the Special Envoy for Yemen's use of technological tools to interact with a broader range of persons: see <https://osesgy.unmissions.org/cutting-edge-tech-service-inclusive-peace-yemen>

<sup>108</sup> Art 7.1.3 of the Comprehensive Peace Agreement (Nepal) of 2006 provided for instance: "Both sides express the commitment that impartial investigation and action would be carried according to law against people responsible creating obstructions to the exercise of the rights envisaged in the letter of agreement and ensure that impunity will not be tolerated. Apart from this, they also ensure the right of the victims of conflict and torture and the family of disappeared to obtain relief."

any integrated approach to transitional justice will necessarily require more detailed consideration and deliberation after any peace agreement. However, inclusion of an appropriate in-principle commitment would be of clear benefit, since the way in which accountability and impunity are treated in any peace agreement will “often set the terms of the debate and shape the mechanisms which follow”.<sup>109</sup>

70. One topic that requires particular vigilance is amnesties. While international humanitarian law encourages authorities to grant the broadest possible amnesty to persons who have participated in armed conflict at the end of hostilities, this does not apply to the commission of war crimes.<sup>110</sup> Similarly, from the international human rights perspective, amnesties are not permitted if they: prevent prosecution of individuals who may be criminally responsible for genocide, crimes against humanity or gross violations of human rights, including gender-specific violations; interfere with victims’ right to an effective remedy, including reparations; or restrict victims’ and societies’ right to know the truth about violations of human rights and humanitarian law.<sup>111</sup> United Nations mediators are precluded from endorsing “peace agreements that provide for amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, including sexual and gender-based violence”.<sup>112</sup> In the context of Yemen, with its experience of a blanket amnesty having been provided for President Saleh and his associates as part of the Gulf Cooperation Council (GCC) Initiative, particular care is needed to avoid an amnesty covering these type of crimes and violations as part of any resolution of the current conflict.

### **3. Creating and preserving space for discussions on transitional justice, prioritizing consultations with victims**

71. Whether as part of the initial peace agreement or a subsequent national compact, it will be vital to create and preserve space for discussion about transitional justice. “Transitional justice” refers to the range of processes and mechanisms introduced in order to address a legacy of large-scale violations of human rights, in order to “ensure accountability, serve justice and achieve reconciliation”.<sup>113</sup> It is focused on restoring, protecting and promoting the human rights of individuals and communities whose rights have been violated during a conflict. More broadly, it is part of a process of rebuilding trust, the rule of law and respect for human rights in a State ravaged by conflict. Transitional justice can thus be considered “a transformative process contributing to the reconstruction of the fabric of society torn apart by conflict”.<sup>114</sup> It is not separate from, but inextricably linked to, ensuring a sustainable peace for Yemen and preventing the repetition of the mass violations Yemen has witnessed in recent years.

72. It will be for the people of Yemen to decide upon the particular shape of transitional justice responses that are appropriate for the Yemeni context and that respond to the particular experiences, including the multiple conflicts that Yemen has faced. The Group of Eminent Experts does not therefore presume to prescribe a particular set of mechanisms for adoption.

73. The Group of Eminent Experts does, however, note the importance of a proper process. To be effective, the transitional justice dialogue, design process and implementation must itself be based on human rights principles – including non-discrimination and equality.

<sup>109</sup> Astrid Jamar and Christine Bell, *Transitional Justice and Peace Negotiations with a Gender Lens* (UN Women, 2018), p. 20.

<sup>110</sup> Art. 6(5) Additional Protocol II to the Geneva Conventions (applying also to persons deprived of their liberty for reasons related to the armed conflict). See ICRC, *Commentary on the Additional Protocols* (1987), para. 4617; and ICRC *Study on Customary International Humanitarian Law*, rule 159.

<sup>111</sup> OHCHR Rule of Law Tools for Post-Conflict States: Amnesties (2009), p. 11. The tool outlines the relevant legal provisions supporting this approach. See too the Special Rapporteur for the promotion of truth, justice, reparation and guarantees of non-recurrence’s recent discussion of the incompatibility of amnesties with international human rights norms in his recent report: A/HRC/48/60, paras. 26-33.

<sup>112</sup> UN Guidance for Effective Mediation (2012), p. 17.

<sup>113</sup> Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (2010), p. 2.

<sup>114</sup> Transitional Justice and accountability: a roadmap for sustainable peace in South Sudan: Conference room paper of the Commission on Human Rights in South Sudan, A/HRC/45/CRP.4, para. 15.

All relevant groups must be included in the discussion, including those often marginalized in public policy discussions in Yemen such as women, youth, minorities, migrants, and displaced persons. Victims and victims' associations must be central in the process: not as passive recipients or bystanders, but as actively engaged rights-holders, centrally involved in the debate, design and implementation of measures.

74. As the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has stressed,<sup>115</sup> it is important for transitional justice to be viewed in a holistic fashion: to seek an appropriate combination of mechanisms that can provide variously for truth-seeking, criminal justice accountability, reparations and institutional reform. Rather than being able to trade one objective over another, measures should be mutually reinforcing in addressing past violations and preventing their recurrence.

75. Yemen is no stranger to embarking upon discussions of transitional justice. In 2011, part of the mandate of the National Dialogue Conference (NDC) was "[t]aking steps aimed at achieving national reconciliation and transitional justice, and measures to ensure that violations of human rights and humanitarian law do not occur in the future".<sup>116</sup> The NDC took place from March 2013 to January 2014.<sup>117</sup> It was deliberately designed to be more inclusive than previous processes in Yemen. Of the 565 delegates, 50 per cent of places were guaranteed for representatives of the southern population, 30 per cent for women, and 20 per cent for youth.<sup>118</sup> A Working Group was established on Issues of National Dimensions, National Reconciliation and Transitional Justice. Transitional justice proved to be one of the thorniest issues, with disagreement on fundamental issues as to, for instance, the span of years/conflict periods that should be the focus of any truth commission, or the extent to which the NDC could re-open the issue of amnesties. In the Outcomes Document, there was a lengthy summary of the decisions made in principle, with significant detail on the topic of truth seeking, reparations and institutional change, but notably less in relation to prosecutions.

76. A draft transitional justice law, originally written in 2012, was modified in 2014 to bring it into line with the conclusions of the NDC.<sup>119</sup> As the United Nations High Commissioner for Human Rights noted at the time, the final draft did not comply with international norms and standards, in particular by not including any provisions on accountability. It sought to strengthen immunities for high officials and establish a mandate for a transitional justice commission.<sup>120</sup> Some broader consultations on the transitional justice law were undertaken, albeit in a limited fashion.<sup>121</sup> All legislative initiatives, however, came to a halt once conflict resumed and governmental institutions suspended their work.

77. To recall the NDC in this context is not to suggest that the NDC process was perfect and should be replicated without modification. It is acknowledged that the context has

<sup>115</sup> Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, A/HRC/21/46, paras. 21-2.

<sup>116</sup> Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council, art. 21(f).

<sup>117</sup> A technical preparatory committee process, supported by the United Nations, took place from June to December 2012: <https://osesgy.unmissions.org/national-dialogue-conference>

<sup>118</sup> Situation of human rights in Yemen: Report of the United Nations High Commissioner for Human Rights, A/HRC/24/34, para. 6. 120 seats were reserved for those unaffiliated with political parties, including 40 for civil society representatives: Elizabeth Murray and Susan Stigant (eds.), *National Dialogues in Peacebuilding and Transitions: Creativity and Adaptive Thinking* (Peaceworks, 2021) p. 92. Some note that representation did not equate with influence: see e.g. Marta Abrantes Mendes, *A Passage to Justice: Transitional Justice and Long-Term Accountability in Yemen* (Open Society Foundations, 2021), pp. 16-17.

<sup>119</sup> Situation of human rights in Yemen: Report of the United Nations High Commissioner for Human Rights, A/HRC/30/31, para. 79.

<sup>120</sup> Ibid.

<sup>121</sup> Through a joint project, OHCHR and the United Nations Development Programme, for example, provided support to different stakeholders in the area of the transitional justice, including by facilitating consultation workshops on the draft transitional justice law, convening representatives of the Government, the Parliament, political parties, national dialogue members, lawyers, victims' associations and tribal communities, as well as representatives of minorities and religious communities: *ibid.*, para. 86.



significantly changed in Yemen since the NDC took place. However, the NDC offers an important point of reference and a source of lessons. Amongst these lessons are that an inclusive process can be successfully undertaken in Yemen, though it is vital to have supporting procedures that enable meaningful participation and influence. It is also important to recognize that in Yemen, there have been a succession of conflicts, each carrying with them a legacy of unmet aspirations for truth, justice and reparations, requiring careful deliberation. After another nearly seven years of conflict, and the further fracturing of communities, the situation is necessarily more complex than in 2011.

78. Any such national dialogue will also need to be accompanied by appropriate consultations, particularly with victims. As the United Nations Secretary-General stated “the most successful transitional justice experiences owe a large part of their success to the quantity and quality of public and victim consultation carried out.”<sup>122</sup> Consultations are not only required by international human rights law (arising out of the right to take part in the conduct of public affairs), but are intrinsically linked to ensuring transitional justice programmes reflect the experiences, needs and entitlements of those who have been affected by conflict and the attendant violations. Consultations assist in shaping appropriate initiatives – for example, defining the role for victims in processes, or identifying appropriate means of truth-telling and reparations, as well as playing an important role in empowering victims, restoring dignity, and engendering support for transitional justice mechanisms.<sup>123</sup> For the consultations to be effective, victims must be empowered through access to relevant information and capacity building. The process itself must be participatory with specific attention to ensuring a conducive environment (including with respect to the safety of participants). Any consultation must also be meaningful – so that inputs feed into decision-making.

#### **4. Strengthening capacities of Yemeni civil society**

79. The Group of Eminent Experts supports the strengthening of all relevant actors within Yemen to undertake work to support accountability and future transitional justice initiatives. In its previous reports, the Group highlighted the work of the NCOI and areas requiring strengthening in its operation. It has also noted systemic weaknesses in the justice system and the technical assistance needs within the Attorney General’s Office, for instance, in relation to handling international crimes.

80. In this paper, the Group of Eminent Experts draws particular attention to the desirability of further targeted initiatives to strengthen civil society organizations in this accountability and transitional justice space. Civil society organizations play a critical role in accountability and transitional justice initiatives. In Yemen, as in many other contexts, they are often the first port of call for victims who look to them to provide support, referrals, to listen to their stories and help to amplify their voice. In the current environment in Yemen, it is civil society organizations that are regularly monitoring violations and collecting information that may be crucial for later criminal prosecutions and reparations programmes. In the course of its operations, the Group has been assisted by many non-governmental organizations and witnessed their powerful advocacy on necessary changes. From the work of organizations dedicated to monitoring violations or to obtaining information on the fate/whereabouts of the disappeared, to the efforts of local groups formed in response to the devastating experience of an airstrike advocating for compensation, to humanitarian-focused organizations assisting men, women and children access the basic necessities of life in the precarious situation of ongoing conflict and displacement, all these national and international non-government organizations are playing a key role in seeking to combat and address violations in Yemen.

81. The Group of Eminent Experts strongly supports stakeholders, including the international community, to provide targeted support to strengthen the technical capacities of such organizations. Some of the priority areas that the Group would identify in this space

<sup>122</sup> Report of the Secretary-General to the Security Council on the rule of law and transitional justice in conflict and post-conflict societies, S/2004/616, para. 16.

<sup>123</sup> As to the various contributions of consultations in this area, see Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, A/71/567, paras. 5-6.

include initiatives to strengthen civil society involvement in documenting and investigating violations, preserving evidence (including chain of custody issues), investigating sexual and gender-based violence and integrating gender more broadly into investigations, analysing violations of economic, social and cultural rights, including the right to a safe, clean, healthy and sustainable environment, and protecting victims and witnesses. Support for building a broader network of victims' associations will also be critical to allow for the voices of those most affected by this conflict to be heard.

82. As has been noted above, it is vital that civil society organizations, in particular those representing victims and marginalized groups, are empowered to play a central role in ongoing discussions about the peace process, as well as the design and implementation of transitional justice and accountability measures. Prior to the conflict, particularly around the NDC process, specific programmes aimed to build knowledge and capacity within civil society on issues of transitional justice, accountability and good governance. A recent survey of attitudes towards transitional justice in Yemen from key civil society members has highlighted, for example, the ongoing need to promote legal awareness and technical knowledge in Yemen concerning potential options to pursue criminal accountability.<sup>124</sup> Capacity-building programmes might also usefully include comparative approaches to truth-seeking and reparations, and mechanisms for promoting reconciliation. Peer-based programmes might usefully share comparative experiences of civil society in influencing peace processes and transitional justice discussions.

#### IV. Recommendations

83. **To all parties to the conflict:**

(a) **Work to end impunity and ensure full accountability for violations of international human rights law, international humanitarian law, and crimes under international law by pursuing all credible allegations of such violations and crimes through prompt, effective and thorough, credible, independent and impartial gender-sensitive investigations, and bringing perpetrators to account in line with international human rights norms and standards;**

(b) **Include a specific focus on the investigation, prosecution and punishment of direct perpetrators and their superiors for acts of gender-based violence and grave violations against children; specifically ensure investigations are conducted into the allegations raised in the reports of the Group of Eminent Experts;**

(c) **As a matter of urgency, review the nature and scope of existing assistance schemes, including financial assistance; and on the basis of consultations with victims, broaden the provision of immediate assistance, for example to include ongoing medical assistance and psychosocial support; and develop further programmes to support and rehabilitate victims as well as effective mechanisms to provide victims with the truth about violations (including the fate and whereabouts of those who have been disappeared);**

(d) **Commence work on a comprehensive policy and package of measures regarding the fulfilment of the right to reparation of victims of serious human rights and humanitarian law violations and abuses, ensuring all reparations schemes are designed in collaboration with victims and are designed and implemented in a gender-sensitive manner;**

(e) **Ensure that survivors, especially in cases of sexual violence and torture, have unrestricted access to free, confidential and gender sensitive medical support, including psychological and psychosocial support or mental healthcare as needed.**

84. **To the United Nations and the international community:**

<sup>124</sup> Marta Abrantes Mendes, *A Passage to Justice: Selected Yemeni Civil Society Views for Transitional Justice and Long-Term Accountability in Yemen* (Open Society Foundations, 2021), p.11.

- (a) Promote and support all efforts, notably by the Special Envoy of the Secretary-General for Yemen, to reach a cessation of hostilities and achieve a sustainable and inclusive peace;
  - (b) Take steps to encourage greater inclusivity in the peace process so as to ensure the full involvement of underrepresented groups such as women, minority groups and youth;
  - (c) Actively support the integration of human rights and the issue of accountability into negotiations of any peace process, and avoiding any steps which would undermine respect for human rights and accountability (e.g. the granting of blanket amnesties, or shrinking the space for consultations on accountability issues, in particular, consultations with victims);
  - (d) Support initiatives to undertake necessary mapping and needs assessments of victims with a view to informing immediate relief as well as longer-term reparations programmes;
  - (e) Support targeted programmes to advance the strengthening of civil society, including victims' associations, with a view to maximizing their contribution to accountability initiatives and ensuring their effective engagement in any peace process and evolving discussions on transitional justice;
  - (f) Take all reasonable measures to ensure respect for international humanitarian law and international human rights law by all parties to the conflict; in particular, by third states ceasing to provide arms and military support to the parties and using all potential forms of domestic jurisdiction to investigate and prosecute war crimes committed in Yemen; and for the United Nations Verification and Inspection Mechanism for Yemen to strengthen monitoring, surveillance, prevention and enforcement measures to counter the ongoing flow of arms;
  - (g) For the Security Council to integrate the accountability aspect of the Yemen conflict more fully into its agenda and ensure there is no impunity for the most serious crimes by, inter alia, referring the situation in Yemen to the International Criminal Court, and expanding the list of persons subject to Security Council sanctions;
  - (h) For the Human Rights Council and/or the General Assembly to consider the creation of an independent international criminal justice-focused investigative mechanism for Yemen that would operate alongside the Group of Eminent Experts.
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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

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EXHIBIT SPF6

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# Statement by Group of Experts on Yemen on HRC rejection of resolution to renew their mandate

[Back](#)

العربية Français

العربية | Français

**GENEVA / ADDIS ABABA (8 October 2021)** – On 7 October, despite efforts by several States, the Human Rights Council rejected a resolution to renew the mandate of the Group of Eminent Experts on Yemen, through a **roll-call decision**. This is a major setback for all victims who have suffered serious violations during the armed conflict that has been raging for over six years in Yemen.

The negative vote taken yesterday by Council members further underlines the Group's assessment that there is a lack of political will to address the situation in Yemen. Through this action, our mandate will effectively come to an end at the close of the 48th session of the Human Rights Council, next Monday.

Now is the time for more action, rather than less. By ending the only United Nations independent entity investigating and issuing detailed public reports on human rights violations committed by all parties to the conflict in Yemen, the Council appears to be abandoning the people of Yemen

Despite the fear and intimidation that victims and witnesses face, they continue to report to the Group of Eminent Experts a desire to have their suffering made known to the international community and action taken to end impunity. Local civil society organisations and human rights defenders have repeatedly stated that the Group was, for them, a reason for hope.

As our mission comes to an end, we want to renew our recommendations made over the past four years to parties to the conflict. We call upon them to:

- Agree to a full cessation of hostilities and achieve a sustainable and inclusive peace;
- Immediately cease all acts committed against civilians in violation of applicable international human rights and international humanitarian law and take all feasible precautions to protect civilians and civilian infrastructure;
- Immediately end any measures that worsen the humanitarian crisis; and to
- Conduct prompt, transparent, independent, impartial, thorough, credible, effective and gender-sensitive investigations of all violations and crimes committed during the conflict; and ensure accountability of the perpetrators and justice for the victims and take measures to ensure the protection of victims and witnesses in such processes.

We continue to call upon the international community to provide support to the parties in strengthening accountability mechanisms, and also call upon the international community to take specific initiatives at the international level or in third States, as appropriate, in pursuance of accountability. Victims of this tragic armed conflict should not be silenced by the decision of a few States. Quite the opposite, they should be supported by all means to see the realisation of their rights to truth, justice and reparation.

It is all the more important now to promote and support all efforts by the Special Envoy of the Secretary-General for Yemen to reach a cessation of hostilities and achieve a sustainable and inclusive peace with due attention for respect of human rights and for accountability. Moreover, the Security Council should integrate the human rights dimensions of the conflict in Yemen more fully into its agenda and ensure there is no impunity for the most serious crimes by, inter alia, referring the situation in Yemen to the International Criminal Court, and expanding the list of persons subject to Security Council sanctions under its resolution 2140 (2014).

We invite the Office of the High Commissioner to release reports on the human rights situation in Yemen through its country office and to support all initiatives towards accountability for victims.

We thank the Netherlands and the members of the Core Group, who called for the establishment of the Group of Eminent Experts and have supported it tirelessly over the years and all member states that voted in favour of the successive resolutions. They have rightly assessed the desperation of people whose fundamental rights have been violated for too long. Last but not least, we also thank civil society organisations and human rights activists that supported us throughout the four mandates, despite the environment of fear and reprisal created by the parties to the conflict. The people of Yemen should not be forgotten; the people of Yemen must not be silenced.

#### ***About the Group of Eminent International and Regional Experts on Yemen (Group of Experts)***

In its resolution **36/31** (2017), the Human Rights Council requested the United Nations High Commissioner for Human Rights to establish a group of eminent international and regional experts on Yemen to monitor and report on the situation of human rights in the country. The Group of Eminent Experts (Group of Experts) was mandated to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations. The mandate of the Group of Experts also includes its duty to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible.

The Human Rights Council renewed the mandate of the Group of Experts in its resolutions **39/16** (2018), **42/2** (2019) and **45/15** (2020).

#### **The members of the Group of Experts were:**

- Mr. Kamel Jendoubi (Tunisia), Chairperson (December 2017 – October 2021)
- Ms. Melissa Parke (Australia) (December 2017 – October 2021)
- Mr. Ardi Imseis (Canada) (December 2019 – October 2021)
- Mr. Charles Garraway (United Kingdom) (December 2017 – October 2019)

# **Yemen: Saudi Arabia forces an end to mandate of only international mechanism to investigate HR abuses**

Responding to today's vote at the Human Right Council, where not enough states voted to extend the mandate of the Group of Eminent Experts on Yemen, following pressure by Saudi Arabia and other coalition partners, Heba Morayef, Middle East and North Africa Regional Director at Amnesty International, said:

“This vote is an abandonment of the people of Yemen who are today suffering under one of the world's worst humanitarian crises. Saudi Arabia, Bahrain, the United Arab Emirates, other coalition members brazenly devoted their energy to defeating the sole international investigative mechanism on Yemen. Countries that voted against or abstained should be ashamed for having abandoned the Yemeni people in their time of need.

“This vote is in essence a greenlight to all sides to the conflict to carry on with their egregious violations which have upended the lives of millions of Yemenis over the past years. Stopping the GEE will not make the violations disappear. Nor will it end the urgent humanitarian needs of Yemeni civilians, the work of brave human rights defenders and organizations in Yemen, nor our work to support them. We are determined to redouble our efforts to secure justice and reparation for victims of violations in Yemen, including sustaining the GEE's key recommendations on pathways to accountability. States and UN bodies must do so as well.”

## **Background**

Over 4 million people have been internally displaced due to the seven-year-old conflict. Serious violations of international humanitarian law, including war crimes, and egregious human rights abuses by all parties to the conflict have contributed to the world's worst human-made humanitarian crisis. Indiscriminate and other unlawful attacks have killed and injured civilians, destroying or damaging civilian homes, medical facilities, and infrastructure, among other civilian sites. These attacks and the simultaneous obstruction of humanitarian assistance have exacerbated the spread of the Covid-19 pandemic and left millions of civilians ill, hungry and destitute. Moreover, the country is facing the imminent threat of large-scale famine, and as of June 2021, 16.2 million Yemenis are food insecure.

IN THE HIGH COURT OF JUSTICE  
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CLAIM NO: CO/3579/2020

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Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

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EXHIBIT SPF7

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21 January 2022

## **Statement attributable to the Spokesperson for the Secretary-General - on deadly airstrikes in Yemen**

**Stéphane Dujarric, Spokesman for the Secretary-General**

The Secretary-General condemns the airstrikes launched earlier today by the Saudi-led Coalition against a detention center in Saada city. Initial reports indicate at least 60 deaths and over 100 injured among the inmates. Further airstrikes have been reported elsewhere in Yemen, also with reports of deaths and injuries among civilians, including children. An airstrike on telecommunications facilities in Hudaydah has also significantly disrupted vital internet services across much of the country.

The Secretary-General reminds all parties that attacks directed against civilians and civilian infrastructure are prohibited by international humanitarian law. He further reminds all parties of their obligations under international humanitarian law to ensure that civilians are protected against the dangers arising from military operations, adhering to the principles of proportionality, distinction and precaution.

The Secretary-General calls for prompt, effective and transparent investigations into these incidents to ensure accountability.

The Secretary-General calls for urgent de-escalation of the situation and urges the parties to engage with his Special Envoy to advance the political process to reach a negotiated settlement to end the conflict. Recalling the severe humanitarian crisis in Yemen, he urges donors and all other stakeholders to enable humanitarian relief efforts with adequate funding, access and other support.

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EXHIBIT SPF8

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# Yemen: UN mission warns of ‘devastating’ loss of life, as Guterres condemns coalition airstrikes



**UNICEF/Taha Almahbashi** A woman, carrying her child who suffers from severe malnutrition and health complications, walks to a health centre in Hudaydah governorate, Yemen.

21 January 2022 | **Peace and Security**

The UN chief **has condemned** airstrikes launched early on Friday by the Saudi-led coalition battling Houthi rebels in Yemen, that struck a detention centre in the rebel-held city of Saada, which have left at least 60 dead, and more than hundred injured.

The Saudi-led coalition supporting the internationally recognized Government, has been fighting Houthi militants who control much of the country including the capital Sana'a, since 2015. Conflict escalated this week, **following an attack** on coalition partner, the United Arab Emirates by Houthi forces, on Monday.

Secretary-General António Guterres said in a statement issued by his Spokesperson, that Fridays bombings, which included other areas of the country, included child casualties according to local reports, and reminded all parties that "attacks against civilians and civilian infrastructure, are prohibited by international humanitarian law."

The UN Mission to support the Hudaydah Agreement (**UNMHA**) said on Friday it was gravely concerned about recent hostilities in the crucial port city of Hudaydah, that have caused "devastating loss of civilian life, multiple injuries and damage to public infrastructure."

News agencies reported that at least six civilians were killed and 18 others injured after Saudi jets bombed residential areas in the city early Friday. The UN chief's statement said that one of the

airstrikes on Hudaydah had significantly disrupted vital internet services, "across much of the country."

"The Secretary-General calls for prompt, effective and transparent investigations into these incidents, to ensure accountability", said the statement, adding that "urgent de-escalation" was needed. The UN chief called for the parties to meet the UN Special Envoy "to advance the political process, to reach an negotiated settlement to end the conflict."



On 30 June 2018 in Yemen, a ship berths in Hudaydah port and emergency humanitarian supplies sent by UNICEF are offloaded., by © UNICEF

## Protect civilians

UNMHA's mandate was approved following the historic UN-brokered Hudaydah Agreement of December 2018, [to support](#) a monitoring mission backing the ceasefire across the region and demilitarization of the city. The Red Sea port is a crucial point of entry for aid and the vast majority of Yemen's exports.

In Friday's statement, the UN mission reminded all parties of their commitments to protect civilians, to avoid continued loss and injury of innocent Yemenis and damage to public infrastructure.

**"The consequences of continued military confrontation in Hudaydah could be catastrophic for Yemenis**, given the importance of the Hudaydah ports, which remain a critical lifeline for the population" the mission warns.

According to the UN humanitarian affairs office ([OCHA](#)), close to 80 per cent of imported goods flowing through them.

The country has historically been 80 to 90 per cent dependent on imported food, medicines and fuel.

UNMHA's team is currently on the ground assessing the situation.

## Escalating violence

Earlier this week, the UN rights office ([OHCHR](#)) [said](#) that escalating conflict in Yemen has seen an alarming number of air and drone strikes this year, notably against civilians and non-military targets.

The latest data indicates that the level of violence this month could soon surpass that witnessed in December, judging by the number of airstrikes, drones and rockets employed by all sides to the long-running war.

So far in January, there were 839 airstrikes by the Saudi-led coalition, compared with 1,074 for the whole of December.

There were some 16 drone strikes, and 12 ballistic missiles and three other projectiles fired by Ansar Allah forces towards Saudi territory in December. To date in January, reports indicate there have been 10 drone strikes towards Saudi Arabia.

In a [statement](#), UN Secretary-General, [António Guterres](#), condemned the violent escalation and stressed that attacks on civilians and civilian infrastructure are prohibited by international humanitarian law.

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Defendant

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EXHIBIT SPF9

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**27 Mar**  
2022

## **STATEMENT BY THE SPOKESPERSON OF THE SECRETARY-GENERAL - ATTACKS ON CIVILIAN FACILITIES IN SAUDI ARABIA AND YEMEN**

The Secretary-General strongly condemns the recent escalation of the conflict in Yemen including Friday's aerial attacks on civilian and energy facilities in Saudi Arabia by the Houthis and the subsequent Coalition airstrikes in Sana'a, reportedly killing eight civilians, including five children and two women. These airstrikes also resulted in damage to the UN staff residential compound in Sana'a. The Secretary-General is deeply concerned about reports of ongoing airstrikes in Hudaydah city and the targeting of Hudaydah's ports, which provide a critical humanitarian lifeline for the Yemeni population. The Secretary-General calls for a swift and transparent investigation into these incidents to ensure accountability.

As the conflict enters its eighth year, the Secretary-General reiterates his calls upon all parties to exercise maximum restraint, immediately deescalate, cease hostilities and abide by their obligations under international humanitarian law, including the principles of distinction, proportionality, and precaution. He urges the parties to engage constructively, and without preconditions, with his Special Envoy to reduce violence and urgently reach a negotiated settlement to end the conflict in Yemen.

**Stéphane Dujarric, Spokesman for the Secretary-General**

**26 March 2022**

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

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Defendant

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EXHIBIT SPF10

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## Security Council

Distr.: General  
25 January 2021  
English  
Original: French

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### Letter dated 22 January 2021 from the Panel of Experts on Yemen addressed to the President of the Security Council

The members of the Panel of Experts on Yemen have the honour to transmit herewith the final report of the Panel, prepared in accordance with paragraph 8 of resolution [2511 \(2020\)](#).

The report was provided to the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) on 22 December 2020 and was considered by the Committee on 22 January 2021.

We would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Dakshinie Ruwanthika **Gunaratne**  
Coordinator  
Panel of Experts on Yemen

(Signed) Mourad Sami **Baly**  
Expert

(Signed) Henry **Thompson**  
Expert

(Signed) Marie-Louise **Tougas**  
Expert

(Signed) Wolf-Christian **Paes**  
Expert



## Final report of the Panel of Experts on Yemen

### *Summary*

The situation in Yemen has continued to deteriorate, with devastating consequences for the civilian population. Three main factors are contributing to the catastrophe: (a) economic profiteering by all Yemeni parties, affecting human security; (b) continuous and widespread human rights and international humanitarian law violations, with impunity; and (c) escalations in fighting and its impact on civilians, including displacement.

The Government of Yemen lost strategic territory to both the Houthis and the Southern Transitional Council, both of which undermine the objectives of Security Council resolution [2216 \(2015\)](#). Therefore, the Houthis are not the only force to which paragraph 1 of the resolution applies.

The activities of the Southern Transitional Council, under the leadership of Aydarus al-Zubaydi and Hani Bin Brik, constituted a violation of paragraphs 1 and 6 of resolution [2216 \(2015\)](#), which demand that all Yemeni parties refrain from unilateral actions that undermine the political transition. The Southern Transitional Council's unilateral declaration of self-administration in April 2020 led to significant destabilization in Abyan, Aden, Shabwah and Socotra.

The lack of a coherent strategy among anti-Houthi forces, demonstrated by infighting within them, and disagreements between their regional backers, has served to strengthen the Houthis. However, within the Houthi leadership, competing power brokers emerged, notably Mohammed Ali al-Houthi, Ahmed Hamid and Abdulkarim al-Houthi.

In territory controlled by the Government of Yemen, there is a risk of the disintegration of power into a patchwork of competing factions, as observed in Ta'izz. There is opacity in the relationships between non-State armed groups and the Government of Yemen, as demonstrated by the illegal recruitment of fighters by Hamoud Saeed al-Mikhlaifi. Confrontations in Shabwah between the Government of Yemen, the Southern Transitional Council and affiliated forces continues to pose a threat to stability.

There was limited progress regarding peace negotiations, with the exception of an exchange of 1,056 prisoners under the Stockholm Agreement. Developing national peace initiatives while working under the influence of wider regional struggles remains highly challenging. Conflicts in Yemen are overshadowed by tensions between the Islamic Republic of Iran and the United States of America.

The extent of external support for the parties to the conflict in Yemen remains unclear. The United Arab Emirates is a member of the Coalition to Restore Legitimacy in Yemen, yet its support to the Southern Transitional Council undermines the Government of Yemen. An increasing body of evidence suggests that individuals or entities in the Islamic Republic of Iran supply significant volumes of weapons and components to the Houthis. The Panel is also investigating a group of individuals who travelled to Oman on "mercy flights" in 2015 and onwards to the Islamic Republic of Iran. One later publicly stated that he had received naval training in Bandar Abbas and went on to facilitate maritime smuggling for the Houthis.

The Houthis continue to attack civilian targets in the Saudi Arabia, using a combination of missiles and uncrewed aerial vehicles, while waterborne improvised explosive devices are regularly launched into the Red Sea. While most attacks are foiled by the Saudi military, the group's ability to project power beyond Yemen remains a threat to regional stability and a challenge for future peace negotiations. There was an escalation of attacks on civilian vessels in the waters around Yemen in 2020; thus far, the identity of the attackers remains unclear.

The Panel documented several supply routes to the Houthis involving traditional vessels (dhows) in the Arabian Sea. Arms and equipment are trans-shipped in Omani and Somali waters to smaller boats, with the cargo being delivered to ports on the south coast of Yemen and smuggled overland to the Houthis or, in some cases, through the Bab-el-Mandab directly to Houthi-held areas. The lack of capacity of the Yemeni Coast Guard and prevailing corruption in areas held by the Government of Yemen are contributing factors that allow smuggling to flourish despite a number of high-profile seizures.

The economy of Yemen continued to contract, weighed down by double-digit inflation and a collapsing currency, which has a devastating impact on the population. Parties to the conflict appear to be indifferent to these developments, both remaining unaffected by the plight of Yemenis and continuing to divert the country's economic and financial resources. The Houthis perform functions that are exclusively within the authority of the Government of Yemen, collecting taxes and other State revenue, a large portion of which is used to fund their war effort. The Panel estimates that the Houthis diverted at least \$1.8 billion in 2019, originally destined to fill the coffers of the Government of Yemen, pay salaries and provide basic services to citizens, to fund their operations.

The Government of Yemen is, in some cases, engaging in money-laundering and corruption practices that adversely affect access to adequate food supplies for Yemenis, in violation of the right to food. The Government of Yemen implemented a scheme to divert funds from the Saudi deposit, in which \$423 million of public money was illegally transferred to traders. A total of 48 per cent of this amount was received by the Hayel Saeed Anam Group.

All parties continue to commit egregious violations of international humanitarian law and international human rights law, including indiscriminate attacks against civilians, enforced disappearances and torture. The widespread use of landmines by Houthis poses a constant threat to civilians and contributes to displacement. Houthis continue to recruit children. Migrants are regularly victims of serious human rights abuses.

The Panel documented an alarming pattern of the repression of journalists and human rights defenders by the Government of Yemen, the Southern Transitional Council and the Houthis, comprising a blatant violation of the freedom of expression and impeding their capacity to identify and report on violations of international humanitarian law and international human rights law, which can contribute to the protection of civilians.

Since the beginning of the conflict, there has been no significant initiative to hold perpetrators of violations to account. The absence of the rule of law and the dysfunction of the judicial system give leeway to impunity and contribute to the recurrence of violations.

Despite some progress made in the past few months, substantial hurdles to principled humanitarian action remain in Houthi-controlled areas. The Panel also documented obstruction to humanitarian assistance in Aden.

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\* The annexes are being circulated in the language of submission only and without formal editing.

## I. Introduction

1. The present report, provided to the Security Council pursuant to paragraph 8 of Council resolution [2511 \(2020\)](#), covers the period from 1 January to 5 December 2020 and includes updated findings from the investigations that are presented in the Panel's final report of 27 January 2020 ([S/2020/326](#)).
2. The Panel complied with paragraph 12 of resolution [2511 \(2020\)](#) concerning the best practices and methods recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see [S/2006/997](#)). The Panel placed emphasis on adherence to standards relating to transparency, objectivity and sources, documentary evidence, corroboration of independent verifiable sources and providing the opportunity to reply.<sup>1</sup>
3. In conformity with paragraph 9 of resolution [2511 \(2020\)](#), the Panel maintained cooperation with the Analytical Support and Sanctions Monitoring Team and the Panel of Experts on Somalia.
4. In 2020, Panel members travelled to Djibouti, Germany, Israel, Saudi Arabia, Spain and Ma'rib and Mukalla in Yemen.<sup>2</sup> The Panel conducted inspections of seized weapons and of debris from missiles, uncrewed aerial vehicles and waterborne improvised explosive devices in several countries of the region, including Yemen.
5. Coronavirus disease (COVID-19) significantly affected the Panel's ability to travel and investigate. Some individuals and entities, including State entities, only share sensitive information in person. It also adversely affected the drafting process.
6. The Panel remotely engaged with interlocutors, including those in Yemen. The Panel held virtual discussions with Member States, including members of the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) and officials in Saudi Arabia, the United Arab Emirates and Yemen. The Panel also held one virtual discussion with the political leadership of the Southern Transitional Council.
7. The Panel sent 117 official letters, of which 88 were sent to Member States and 29 were sent to organizations, entities and companies and to which 45 replies were still pending as at 10 December 2020 (see annex 3).

## II. Overview of threats to peace, security and stability in Yemen in 2020

8. In 2020, the country's various conflicts continued unabated. The pattern of conflicts shifted towards widespread economic profiteering perpetrated by networks of commanders, businessmen, politicians and local leaders.
9. The scale of profiteering significantly affected the humanitarian situation (see paras. 90–117). Fighting on some fronts intensified, in particular Jawf, Ma'rib, Nihm, Ta'izz, Hudaydah, Bayda' and Abyan. Violations of human rights continued to be committed on a wide scale with very little accountability for the perpetrators. The impact of COVID-19 was compounded by the loss of remittances entering Yemen, in particular from the States of the Gulf Cooperation Council. Table 1 represents a sketch of the challenges to the peace, security and stability of Yemen in the reporting period.

<sup>1</sup> Information on methodology and the opportunity to reply is provided in annex 1.

<sup>2</sup> All major locations in Yemen are spelled in accordance with the spellings used in the United Nations Geographic Information System map in annex 2.

Table 1  
**Challenges to peace, security and stability**

<i>Challenge</i>	<i>Description</i>	<i>External links</i>
Profiteering and control over economic resources by individuals and entities	The economic conflict touches all Yemenis. The Houthis have aggressively expanded their control of the State's economic units to fund their war efforts. The Government of Yemen is struggling to collect internal revenues and attract external funding (see paras. 90–117).	Internal corruption within the Government of Yemen has led to a downturn in external cash support (see paras. 103–112). Mismanagement of foreign cash receipts has damaged the credibility of the Government of Yemen.
Widespread violations of international humanitarian law and human rights by all parties with impunity	Egregious violations of international humanitarian law and human rights continue to be committed by the Houthis, the Government of Yemen, the Southern Transitional Council, the United Arab Emirates and Saudi Arabia. There has been no significant initiative to hold the perpetrators to account. The absence of the rule of law and the dysfunction of the judicial system give leeway to impunity.	After five years of intervention by the Coalition to Support Legitimacy in Yemen, eight cases relating to air strikes are being prosecuted in Saudi Arabia. The Panel is unaware of any legal procedures taken by other Coalition members, including the United Arab Emirates. (see para. 125).
Continuation of fighting between Houthi and anti-Houthi forces	The Houthis have made military gains, while infighting among anti-Houthi forces has seriously constrained their ability to respond (see annexes 4 and 5).	The Islamic Republic of Iran provides political and military support to the Houthis (see paras. 20–22). Saudi Arabia and the United Arab Emirates provide military and political support to anti-Houthi forces.
Fighting between forces affiliated with the Southern Transitional Council and Government of Yemen forces	Continued disagreements persist over implementation of the Riyadh Agreement. The Southern Transitional Council has continued to hold territory and has expanded into Socotra (see annex 6).	The Southern Transitional Council remains an entity that is politically supported by the United Arab Emirates (see para. 31).
An increase in Houthi attacks in Saudi Arabia	The Houthis have increased the frequency of aerial attacks, including using ballistic missiles, on targets in Saudi Arabia and have maintained waterborne improvised explosive device attacks (see para. 69).	These attacks have been made possible by flows of weapons and weapons components in violation of the targeted arms embargo.
Obstruction of the humanitarian response by the Houthis	In 2020, a degradation of working relations was witnessed between the Houthis and specific United Nations agencies. Improvements have been noted but substantial hurdles remain (see para. 156 and annex 8).	Donors' newly unified conditions led to uneven progress by the Houthis.

Challenge	Description	External links
Increased maritime attacks	There were five serious attacks on commercial vessels that may be related to the conflict. The situation with the floating storage and offloading vessel <i>Safer</i> remains unresolved (see para. 62).	A serious attack could lead to an unprecedented environmental catastrophe and a sudden spike in global oil prices.

Sources: Various.

### III. Summary of the Panel's visit to Yemen in 2020

#### *Findings from the Panel's visit to Ma'rib*

From 15 to 20 October, the Panel visited Ma'rib and met the Minister of Defence, the Governor and other local officials, as well as representatives of the security forces and international organizations and members of civil society. The Panel inspected the debris of uncrewed aerial vehicles and rockets deployed by the Houthis to attack the Governorate. The Panel also visited a centre for the rehabilitation of conflict-affected children and the Masam project.<sup>a</sup>

Throughout 2020, Ma'rib has been the focus of the conflict. Houthi forces tried to encircle Ma'rib and initially made significant territorial gains in Jawf. The fall of the oil-rich Governorate would be decisive. Government of Yemen forces, together with tribal allies, rallied for a "last stand", which, assisted by air power from the Coalition to Support Legitimacy in Yemen, has prevented Houthi advances into Ma'rib city.

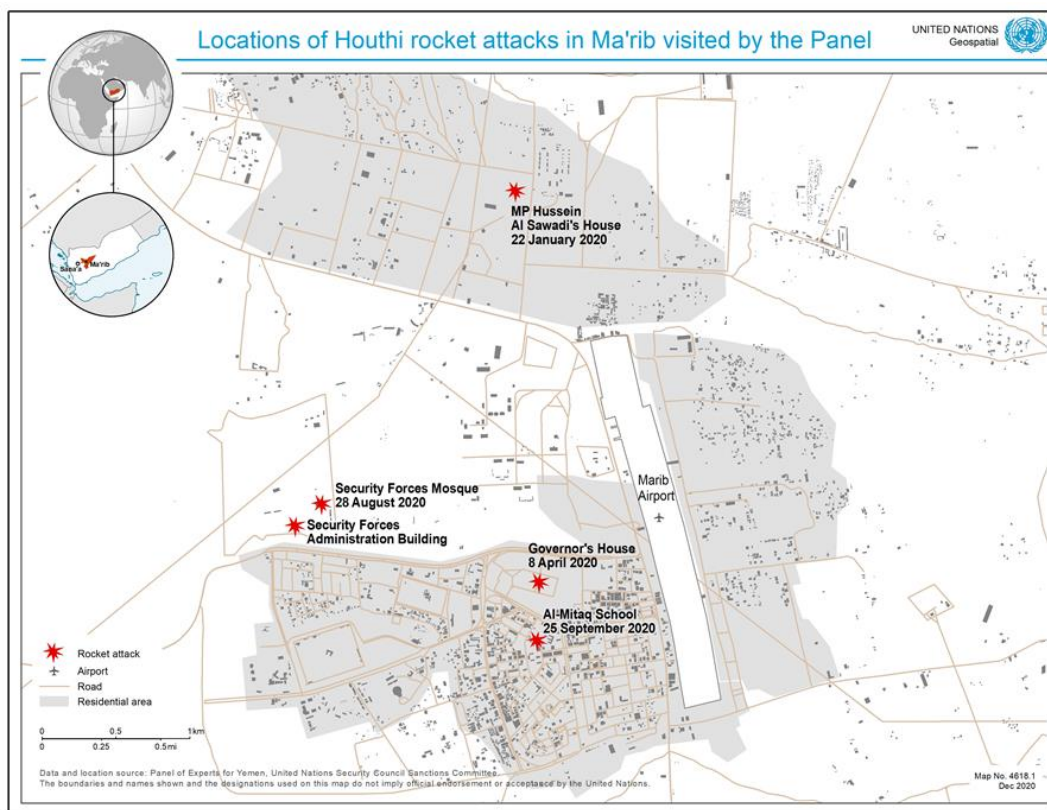
Ma'rib city has been transformed since 2015, with the population increasing from 40,000 to 1.8 million inhabitants,<sup>b</sup> mostly internally displaced persons from Houthi-controlled areas. This led to an increase in security concerns and several detention-related international humanitarian law and human rights violations (see para. 128). In areas of the Governorate controlled by the Government of Yemen, there are over 130 internally displaced persons camps. However, the majority of internally displaced persons live within host communities. The influx, as well as Ma'rib's new status as the de facto capital of the territory controlled by the Government of Yemen, triggered a development boom, but the influx has resulted in a massive strain on the city's health and education services.

Unlike other areas of Yemen, Ma'rib has functioning, if weak, State structures and local leaders express their loyalty to the Government of Yemen. Nevertheless, Governor Sultan al-Aradah complained about the limited support from the central Government during the battles with Houthi forces, noting that military salaries had not been paid for several months and that incentives paid to tribal fighters were insufficient. Government authorities also complained that international humanitarian organizations had a very limited presence in the Governorate, which was not helped by the proximity to the front lines and the absence of a functioning airfield.

The Panel visited a number of civilian buildings in Ma'rib, such as residences, a mosque and a school that had been attacked by what have been described as "ballistic missiles" since early 2020 (see map 1). The direction of the attacks suggests that they were carried out by Houthi forces. The Panel finds that the debris has technical characteristics consistent with unguided rockets, indicating that their presence in Yemen probably predates the imposition of the targeted arms embargo or that they were manufactured locally. Details of the incidents are provided in annex 33.



Map 1  
Locations of Houthi rocket attacks



#### *Findings from the Panel's visit to Mukalla*

From 20 to 23 October, the Panel visited Mukalla and met with Governorate authorities, officials of the security and armed forces, the Yemen Executive Mine Action Centre, the Yemeni Coast Guard, representatives of different political parties and members of civil society. The Panel also conducted an inspection of the dhow *Bari-2*, which is currently being held in Shihr (see para. 74).

Compared with other parts of Yemen, the coastal areas of Hadramawt have been fairly peaceful since the region was liberated from Al-Qaida in the Arabian Peninsula in April 2016. However, threats of politically motivated violence remain, as evidenced by the assassination attempt on Governor Faraj al-Bahsani in Mukalla in June. The Panel was informed that 12 people were arrested in relation to the incident.

Both civilian and military authorities complained that military salaries in the region had not been paid since February.<sup>c</sup> This is likely to have an adverse effect on both the loyalty and efficiency of the security forces in Hadramawt. During a meeting in Riyadh, Prime Minister Ma'een Abdulmalek Saeed informed the Panel that the overall cash crisis had led the Government of Yemen to prioritize payments to soldiers on active military fronts, and that there was significant corruption in the security forces, including inflated payrolls.<sup>d</sup>

Several interviewees complained about delays with the clearance of cargoes (often reported as several weeks) at Mukalla port owing to bureaucratic problems with the Riyadh-based Ministry of Transport and the need for security inspections. Another issue raised repeatedly concerned electricity shortages in Mukalla, which, together

with the devaluation of the Yemeni rial, had triggered a number of demonstrations in recent months.

A common grievance expressed by local authorities was a feeling of political marginalization, which was reinforced by the fact that the oil-rich Governorate was allocated “only” one seat in the new cabinet and that the 20 per cent share of revenues that they received from the Governorate’s sales of petroleum products was suspiciously low. Their grievances focused on the lack of transparency in oil exports.

The Panel also received information concerning detention-related human rights and international humanitarian law violations, including at the Coalition base in Rayyan,<sup>e</sup> and the ongoing threat posed by explosive ordinance left by Al-Qaida in the Arabian Peninsula (see paras. 141–142).

<sup>a</sup> See [www.projectmasam.com/eng/masam/](http://www.projectmasam.com/eng/masam/).

<sup>b</sup> Governorate authorities.

<sup>c</sup> Payrolls were presented to the Panel.

<sup>d</sup> During a meeting, the Deputy Governor mentioned that there were 10,000 soldiers in Hadramawt. Military authorities showed the Panel payroll documents for 35,000 members.

<sup>e</sup> See annex 30.

## IV. Peace negotiations

10. The Panel continues to monitor impediments to the peace, security and stability of Yemen. As noted in the Panel’s previous report (S/2020/326), the conflict in Yemen is not binary; peace negotiations should include more entities than those identified in Security Council resolution 2216 (2015) and should incorporate southern and west coast entities (see para. 52).

### A. Stockholm Agreement

11. In October, after months of negotiations, 1,056 prisoners were exchanged. Some civilians detained by the Houthis were included in the exchange. The Panel documented ongoing cases in which civilians held by Houthis are instrumentalized for the purposes of being exchanged (see para. 138). The detention of civilians solely as leverage for prisoner exchanges amounts to hostage-taking and is prohibited under international humanitarian law. Parties involved in future exchanges should be mindful of this.

12. In March, the Government of Yemen withdrew from the Redeployment and Coordination Committee.<sup>3</sup> In April, a Redeployment Coordination Committee liaison officer of the Government of Yemen died as a result of injuries sustained during an 11 March shooting incident in Hudaydah. While there is verbal support for the United Nations Mission to Support the Hudaydah Agreement by both sides, the Redeployment Coordination Committee remains dormant. The wider security situation around Hudaydah deteriorated in October. The stipulated troop redeployments from all sides remain to be implemented.

13. In March, the Houthis diverted 50 billion Yemeni rial (YRI) from the Central Bank of Yemen in Hudaydah, a violation of the Stockholm Agreement, which stipulated that revenues derived from the ports should be deposited at the Central

<sup>3</sup> See <https://osesgy.unmissions.org/hudaydah-agreement>.

Bank of Yemen and subsequently used to pay civil service salaries. The Panel received information that only a small portion of the funds were used to pay salaries.

14. The Panel notes no progress on the Ta'izz component of the Agreement.

## **B. Riyadh Agreement**

15. The Riyadh Agreement of 5 November 2019 was ambitious in its scope and timelines (see [S/2020/326](#), paras. 35 and 44–46). Despite pressure from Saudi Arabia and continued political posturing by the Southern Transitional Council and the Government of Yemen, there has been little practical progress in implementation, with the Southern Transitional Council withdrawing on a number of occasions.<sup>4</sup> A new Governor and General Security Director for Aden were appointed; however, only the Governor assumed his office. Forces affiliated with the Southern Transitional Council continue to consolidate control over the civilian population, including through excessive use of force.<sup>5</sup> Government of Yemen forces located in Aden prior to August 2019<sup>6</sup> are now fighting the Southern Transitional Council in Abyan. There has been no meaningful relocation of the forces affiliated with the Southern Transitional Council or those of the Government of Yemen or their equipment in accordance with the Agreement, which has also failed to re-establish the military status quo that existed prior to August 2019 in Abyan, Aden and Shabwah.

## **C. Joint declaration**

16. Beginning in April 2020, the Office of the Special Envoy of the Secretary-General for Yemen has worked on a set of negotiations heading towards a joint declaration to be signed by the Houthis and the Government of Yemen. The negotiations focus on three areas: a nationwide ceasefire, economic and humanitarian measures, and the resumption of political processes aimed at comprehensively ending the conflict. The Panel notes that the preconditions in the Houthi proposal of 8 April include items that, if they were to be accepted by the parties, would require additional safeguards to ensure compliance with resolution [2216 \(2015\)](#): (a) free access to all airports and ports in Yemen for direct flights and shipping, respectively; and (b) sharing of hydrocarbon revenues.

17. Free access to ports and airports would require an internationally monitored, robust verification system to ensure compliance with paragraph 2 of resolution [2511 \(2020\)](#). In both cases, ships and aircraft would have to be subject to inspections outside Houthi-controlled areas to ensure compliance.

18. An independent and transparent mechanism for sharing oil and gas revenues could involve the creation of an escrow account in a foreign jurisdiction managed by an inclusive board with oversight from an international agency.

<sup>4</sup> See annex 6.

<sup>5</sup> For example, the security entities in Aden have vigorously enforced a motorcycle ban that had resulted in several killings of civilians.

<sup>6</sup> They include the First, Third and Fourth Presidential Protection Brigades and the Thirty-ninth Armoured Brigade.

## V. Regional challenges to the peace, security and stability of Yemen

19. In relation to Yemen, the key external actors remain the Islamic Republic of Iran, Oman, Saudi Arabia and the United Arab Emirates. While there are allegations that other regional States, including Qatar and Turkey, are directly active within Yemen, to date, the Panel has found no credible evidence to substantiate those allegations. It continues to investigate. The impact of the potential designation of the Houthis as a foreign terrorist organization by the United States of America is of significance.

### A. Islamic Republic of Iran

20. On 22 September, Brigadier General Abolfazl Shekarchi, a spokesperson of the Iranian armed forces, was quoted as saying, “we provided them (Yemenis) with the experiences in technology in the defense sphere”,<sup>7</sup> an act that would place the Islamic Republic of Iran in breach of paragraph 14 of resolution 2216 (2015).

21. Following a Panel request, the Islamic Republic of Iran clarified that “the [Brigadier General Shekarchi] referred to the capabilities of Yemeni Army and Ansarallah to design and manufacture missiles and UAVs domestically and their professional technical expertise in this field. He also mentioned cooperation between the Islamic Republic of Iran and Yemen before the adoption of resolution 2216 (2015) and transfer of defensive experiences before imposition of Security Council sanctions against Yemen.”<sup>8</sup> Nevertheless, the Panel finds that there is a growing body of evidence (see paras. 76, 84–85 and 88) that shows that individuals or entities within the Islamic Republic of Iran are engaged in sending weapons and weapons components to the Houthis in violation of paragraph 14 of resolution 2216 (2015).

22. On 17 October, the Islamic Republic of Iran installed a replacement “ambassador” to Yemen, indicating State recognition of Houthi authority, a move that threatens the integrity and stability of Yemen. This is contrary to the spirit of resolution 2216 (2015), as elaborated in paragraph 25 above.

23. In 2020, prominent billboards in Sana’a have honoured Iranian leaders<sup>9</sup> and high-ranking Houthi leaders have claimed to be a part of the “axis of resistance”,<sup>10</sup> thus slowly making the political proximity of the Islamic Republic of Iran to the Houthi leadership more apparent, in particular in Sana’a, where the Houthi ideology is visibly aligned with that of the Islamic Republic of Iran.

<sup>7</sup> See [www.tasnimnews.com/en/news/2020/09/22/2354460/iran-has-supplied-yemen-with-defense-know-how-spokesman](http://www.tasnimnews.com/en/news/2020/09/22/2354460/iran-has-supplied-yemen-with-defense-know-how-spokesman). Brigadier General Shekarchi continued “... We provide them with advisory help. In order to share our experiences with the people of ... Yemen, our experienced forces go there and give them intellectual assistance...”.

<sup>8</sup> Letter from the Islamic Republic of Iran to the Panel dated 19 November 2020.

<sup>9</sup> In the weeks following the killing of Qasem Soleimani, several large official billboards appeared in Sana’a eulogizing Soleimani with the words: “We will continue your path to Jerusalem.” In February, at the College of Education at Sana’a University, the banners aligned Mohammed Ali al-Houthi with Hassan Nasrallah and Ali Khamenei (see [https://twitter.com/Ali\\_Albukhaiti/status/1228807992482631681?s=20](https://twitter.com/Ali_Albukhaiti/status/1228807992482631681?s=20)).

<sup>10</sup> See <https://youtu.be/NIs6Dbe8hYk>, [https://youtu.be/VqvmcwFgc\\_0](https://youtu.be/VqvmcwFgc_0), <https://youtu.be/pIIIUNWTSrE>, <https://youtu.be/NIs6Dbe8hYk> and <https://www.google.com/amp/s/ar.irna.ir/amp/83625875/>.

## B. Oman

24. The desire of Oman to remain resolutely neutral and apart from the conflicts is being tested. Since 2015, a number of “mercy flights” have operated between Sana’a and Muscat to take sick and wounded Yemenis for medical treatment. While the flights fulfil a humanitarian function, the Panel remains concerned about their potential misuse. The Panel received information about four individuals who travelled through Oman to the Islamic Republic of Iran in 2015. One of them later publicly stated that they had received naval training in Bandar Abbas and went on to facilitate the maritime smuggling of weapons to the Houthis (see annex 17). For the most recent flight on 14 October, which involved the exchange of United States citizens for Yemenis in Muscat, the Government of Yemen informed the Panel that it had received the passenger list at the last minute and had no means of verifying the identity of the passengers. Concerns over open access to Sana’a on direct flights is a central issue for the development of a joint declaration (see para. 17).

25. In addition to the seizure of smuggled arms and components that arrived in Yemen overland from Salalah in 2019 (see S/2020/326, para. 62), GPS data taken from smuggler’s dhows in 2020 suggest that weapons smugglers perform ship-to-ship transfers of weapons within Omani territorial waters (see para. 73). The Panel has not received evidence that the Omani authorities are complicit in these activities, which may reflect a lack of enforcement capacity.

## C. Saudi Arabia

26. The continued economic dependency of Yemen on Saudi Arabia is not limited to repeated Saudi deposits of hard currency into accounts held by the Government of Yemen. More importantly, it extends to the millions of Yemenis who benefit from inflows of remittances from their compatriots in Saudi Arabia. By contrast, Saudi Arabia primarily needs a stable neighbouring State that poses no threat. It is noted that, throughout the conflict with the Houthis, Saudi Arabia has not changed the status of Yemenis living within its borders.<sup>11</sup>

27. With the reduction in overall aid inflows, Yemen is increasingly reliant on remittances, and the dependency on Saudi Arabia is more significant than ever. The conundrum for Saudi Arabia is that the Houthis’ capture of remittances, by taxing populations and businesses under its control, is increasingly efficient (see para. 93).

28. The Panel finds that the Coalition to Support Legitimacy in Yemen is ineffective in applying unified control over the anti-Houthi forces. The ongoing fighting between the Southern Transitional Council and the Government of Yemen, despite the Riyadh Agreement, demonstrates continuing divisions between the agendas of Saudi Arabia and the United Arab Emirates in Yemen. Despite the dependency of the Government of Yemen, the west coast forces and the Southern Transitional Council on support from the Coalition, Saudi Arabia has not yet found the leverage to resolve the apparent disunity that continues to pose a threat to the territorial integrity of Yemen.

29. Saudi Arabia clearly wants an exit path from Yemen, but it is also united with the Government of Yemen in calling for the United States to designate the Houthis as

<sup>11</sup> The Ministry of Human Resources and Social Development of Saudi Arabia launched a labour reform initiative for private sector workers that reduces the disparity between Saudi workers and expatriates. See [https://twitter.com/HRSD\\_SA/status/1323912538883559425?s=20](https://twitter.com/HRSD_SA/status/1323912538883559425?s=20) (Arabic) and [https://twitter.com/HRSD\\_SA/status/1323913000395427840?s=20](https://twitter.com/HRSD_SA/status/1323913000395427840?s=20) (English).

a foreign terrorist organization. In the short term, this probably places the Houthis further away from any prospective peace deal (see para. 34).<sup>12</sup>

## **D. United Arab Emirates**

30. The United Arab Emirates appears keen to confront three elements in Yemen: the Houthis, Al-Islah elements within the Government of Yemen and terrorist groups. While the United Arab Emirates informed the Panel that it continues to support Yemeni counter-terrorism forces, the Panel also documented the continuing support of the United Arab Emirates for the Southern Transitional Council, some forces affiliated with the Southern Transitional Council and some west coast forces (see annex 5).

31. The United Arab Emirates originally recruited, trained and paid most of the forces affiliated with the Southern Transitional Council, a situation that has evolved since 2015. Forces affiliated with the Southern Transitional Council are in a military confrontation with the Government of Yemen in Abyan and, to a lesser extent, in Socotra and Shabwah. The political leadership of the Southern Transitional Council has failed to stop this fighting and has taken repeated measures to undermine the authority of the Government of Yemen and the territorial integrity of Yemen. However, the United Arab Emirates provides continuing political support to the leadership of the Southern Transitional Council. The United Arab Emirates therefore supports an entity that threatens the peace, security and stability of Yemen and is acting against the spirit of resolution 2216 (2015), which calls for “Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen.” The United Arab Emirates informed the Panel that it does not support any unilateral action by any party to the conflict (see annexes 5 and 6).

32. In the second half of 2020, the Government of Yemen was keen to place blame for the actions of the Southern Transitional Council on the United Arab Emirates. The Panel finds that the United Arab Emirates has scaled down its direct control over most forces affiliated with the Southern Transitional Council.<sup>13</sup> However, the Government of Yemen asserted that the United Arab Emirates continues to provide financial and military support to the Security Belt Forces and the Shabwani Elite Forces.<sup>14</sup> This, together with the political support of the United Arab Emirates to the Southern Transitional Council, fuels the hostility of the Government of Yemen towards the United Arab Emirates.

## **E. United States of America**

33. The Panel notes that the United States is currently considering designation of the Houthis as a foreign terrorist organization. Saudi Arabia and the United Arab Emirates have designated the Houthis as a terrorist organization, but the United States

<sup>12</sup> The designation by Saudi Arabia occurred in February 2014 (see [www.reuters.com/article/us-saudi-security/saudi-arabia-designates-muslim-brotherhood-terrorist-group-idUSBREA260SM20140307](http://www.reuters.com/article/us-saudi-security/saudi-arabia-designates-muslim-brotherhood-terrorist-group-idUSBREA260SM20140307)). The designation by the United Arab Emirates occurred in November 2014 (see [www.thenationalnews.com/uae/government/list-of-groups-designated-terrorist-organisations-by-the-uae-1.270037](http://www.thenationalnews.com/uae/government/list-of-groups-designated-terrorist-organisations-by-the-uae-1.270037)). The Government of Yemen called on the Security Council to designate the Houthis as a terrorist group in 2017 (see [www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1615541](http://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1615541)).

<sup>13</sup> The Panel finds that the United Arab Emirates directly controls the Yemeni guard forces at the main bases of the United Arab Emirates in Balhaf and Rayyan. See S/2020/326, table 2.

<sup>14</sup> See annex 5.



has not yet done so; the potential designation reflects ongoing tensions between the United States and the Islamic Republic of Iran.

34. Designating the Houthis as a foreign terrorist organization: (a) risks harming both aid and commercial food imports into Houthi-controlled Yemen, which could in turn exacerbate malnutrition in the country; and (b) makes the logistics of developing and extending the peace process more complex.

## **VI. Impediments to the implementation of Security Council resolution 2216 (2015)**

35. The Panel finds that the full implementation of resolution 2216 (2015) has become even more unlikely owing to the shifts in power dynamics and territorial control. The Panel bases its assessment on the fact that all parties to the conflict have taken measures to undermine the objectives of resolution 2216 (2015).

36. During the reporting period: (a) the Government of Yemen, the Houthis and the Southern Transitional Council undermined a peaceful transition by resorting to hostilities and military posturing; (b) the Houthis and the Southern Transitional Council used force to gain territory; (c) the Southern Transitional Council and the Houthis continued to exercise governmental functions; (d) neither the Southern Transitional Council nor the Houthis had withdrawn their forces; instead, they were fortifying seized areas; and (e) the west coast forces had consolidated their control over the west coast. The Houthis are no longer the only non-State armed group to which the requirements of paragraphs 1 (a), (b), (c) and/or (d) of the resolution apply. Since the resolution was adopted, the Government of Yemen has steadily lost authority and territory.

### **A. Escalation of hostilities**

37. In 2020, there was a significant escalation in hostilities. The Houthis gained strategic territory in Nihm, Jawf, Bayda' and Ma'rib, mostly from the Government of Yemen (see annex 4). They entered Durayhimi after a two-year siege. The Southern Transitional Council held onto Aden and parts of Abyan, Lahij and Dali', and gained control over Socotra.

38. Infighting, local and regional interests, and competition for resources among the various anti-Houthi forces prevent a united front being presented against the Houthis. For the Houthis, this is perhaps their greatest strategic advantage in the current conflict (annex 5 contains a classification of anti-Houthi forces). The Houthis benefit from the flow of recruits, rapid deployment capabilities, quick suppression of dissent, and different and contrary measures adopted by regional States to resolve the conflict (see paras. 20–23 and 26–32). Coalition airstrikes will become less effective as fighting comes closer to populated areas.

### **B. Consolidation of power by the Southern Transitional Council**

39. The Panel finds that the activities of the Southern Transitional Council in 2020 constituted a violation of paragraphs 1 and 6 of resolution 2216 (2015), which demands that all Yemeni parties refrain from unilateral actions that undermine the political transition. On 25 April, the Southern Transitional Council unilaterally declared self-administration on the basis that the Government of Yemen "no longer

has the mandate or the legitimacy to administer the South”.<sup>15</sup> The Southern Transitional Council rescinded the declaration on 28 July.

40. Hostilities between the Southern Transitional Council and the Government of Yemen also escalated in Abyan and Socotra. The Southern Transitional Council took over government functions in Socotra around 20 June (see annex 6). Since then, neither Saudi Arabia nor the Government of Yemen has been successful in re-establishing the control of the Government of Yemen in Socotra. In November, the Southern Transitional Council announced that, in Socotra, it had established a joint operations room with the “southern forces”.<sup>16</sup> In Abyan, intermittent and serious hostilities continue and Saudi Arabia has been unable to ensure any ceasefire for a prolonged period. In at least two instances, serious clashes broke out while the ceasefire monitoring team of Saudi Arabia was in Abyan.<sup>17</sup> The Government of Yemen and the Southern Transitional Council both sent reinforcements to the Abyan front, making a sustained ceasefire unlikely in the short term. In the absence of a mutually acceptable political settlement, the Southern Transitional Council and the Government of Yemen appear to have begun a war of attrition focused on Abyan.

41. In Aden, security operations are conducted by the forces affiliated with the Southern Transitional Council. The Southern Transitional Council also used force to appropriate around YRI 80 billion (\$125 million) from the Government of Yemen during the period of its self-rule. The Panel concludes that, although the leaders of the Southern Transitional Council, including Aydarus al-Zubaydi, Hani Bin Brik and Shallal Ali al-Shaye, are all prevented from returning to Aden by the Coalition,<sup>18</sup> they continue to influence acts on the ground. Their actions, individually and collectively, have undermined peace, security and stability in Yemen (see annexes 5 and 6).

42. The creation of the Southern National Coalition appears to be an attempt to open a political front against the Southern Transitional Council in Aden and Shabwah. Its head, Ahmed Saleh Alessi, is one of the largest oil traders in Yemen.<sup>19</sup> His financial backing makes the Southern National Coalition a significant opponent to the Southern Transitional Council. As a close associate of the President of Yemen, Abdrabuh Mansour Hadi, Alessi has decisive influence on the governance of Yemen. The Panel continues to monitor developments that may amount to a threat to peace in Yemen.

### C. Developments in Houthi-controlled areas

43. The reinterpretation of the *khums* law in June 2020, which allowed Houthis to collect 20 per cent of the value of public resources and private assets and to “redistribute it to Hashemites”, triggered opposition, even from Houthi loyalists. However, air strikes continue to give the Houthis the opportunity to unify the population against their enemies. Other factors that help the Houthis to prevent large-scale uprisings include their increasingly autocratic state structures and the efficient suppression of dissent through the preventative security and intelligence apparatuses (see S/2020/326, paras. 13–16).

44. In the Houthi-controlled areas, the security situation has remained tightly controlled. Expulsions of those perceived as supporting the enemy from intelligence, military and security systems continued.<sup>20</sup> On 27 October, the minister for youth and

<sup>15</sup> See <https://stc-eu.org/en/self-administration-of-south-yemen/>.

<sup>16</sup> See <https://www.almashhadalaraby.com/news/231748> and <https://aden24.net/news/62247>.

<sup>17</sup> In July and November 2020.

<sup>18</sup> Confidential sources.

<sup>19</sup> See [https://snycoalition.org/?page\\_id=314](https://snycoalition.org/?page_id=314).

<sup>20</sup> See [https://m.facebook.com/sultan.zabinye/videos/1174271749581022/?refsrc=https%3A%2F%2Fm.facebook.com%2Fstory.php&\\_rdr](https://m.facebook.com/sultan.zabinye/videos/1174271749581022/?refsrc=https%3A%2F%2Fm.facebook.com%2Fstory.php&_rdr).



sport, Hassan Zaid, was assassinated in Sana'a. This was the most high-profile assassination since the announcement of the killing of Ibrahim al-Houthi in August 2019.

45. The Panel finds that the primary threat to Abdulmalik al-Houthi's (YEi.004) leadership possibly emanates from within the Houthi movement. Behind the veneer of unity, those in the top political leadership compete to enrich themselves from limited state and public resources. Mohammed Ali al-Houthi, Ahmed Hamid, and Abdul Karim al-Houthi have built competing power bases secured by their separate security and intelligence structures (see annex 8). The emergence of these distinct power blocks based on economic interests undermines peace and humanitarian efforts. Thus far, the Houthi military has remained impervious to political infighting.

### **Ahmed Hamid**

46. Ahmed Mohammed Yahyah Hamid (Abu Mahfouz)<sup>21</sup> (see figure I) is currently the director of the office of the president of the supreme political council and the head of the supreme council for the management and coordination of humanitarian affairs, with links to preventative security and the security and intelligence bureau. The Panel received information on Hamid's influence on civil appointments, intimidation of opponents, corruption activities, including diversion of humanitarian aid, and support to Sultan Zabin after allegations began emerging on the latter's involvement in the repression of women (see annex 8).<sup>22</sup>

47. In January, the minister of education and brother of Abdulmalik al-Houthi, Yahyah al-Houthi, came into direct conflict with Hamid, accusing him of creating tensions with humanitarian actors through the supreme council for the management and coordination of humanitarian affairs (see annex 7). Despite this, Hamid has only consolidated his power.<sup>23</sup>

Figure I

### **Ahmed Hamid**



Source: [www.alyqyn.com/3917](http://www.alyqyn.com/3917).

48. The Panel documented acts of intimidation and direct threats issued against humanitarian actors by five members of the supreme council for the management and coordination of humanitarian affairs: Ahmed Hamid, Abdul Mohsen Tawous (secretary-general), Taha al-Mutawakel (minister of public health and population),

<sup>21</sup> See [www.yemen-media.gov.ye/الوزير/](http://www.yemen-media.gov.ye/الوزير/).

<sup>22</sup> See [https://m.facebook.com/sultan.zabinye/?ref=page\\_internal&mt\\_nav=0](https://m.facebook.com/sultan.zabinye/?ref=page_internal&mt_nav=0).

<sup>23</sup> See [www.ansarollah.com/archives/377365](http://www.ansarollah.com/archives/377365).

Nabil al-Wazir (minister of water and environment) and Abdulkarim al-Houthi (minister of interior).<sup>24</sup>

49. Despite his prominent role in the policy of intimidation and the use of sexual violence against politically active women (see [S/2020/326](#), paras. 21–23), Sultan Zabin remains the director of the criminal investigation department. The Panel documented further violations associated with the Houthi policy of curbing prostitution conducted (see annex 34) as a part of their “soft war” campaign targeting dissidents.

## **D. Developments on the west coast**

50. On the west coast, the National Resistance/Guards of the Republic,<sup>25</sup> a non-State armed group, continued to demonstrate governance ambitions that extend beyond military control. Its commander, Tareq Saleh, strengthened his political and military control over the west coast with strong support from the United Arab Emirates, presenting a challenge both to President Hadi’s authority and to the Tihamah people’s quest for self-rule under a future federal structure, as outlined in the National Dialogue Conference (see annex 5). Tareq Saleh has distanced himself from the conflict between the Government of Yemen and the Southern Transitional Council and focused exclusively on fighting the Houthis.

51. In July 2020, in Mukha’, Tareq Saleh met the commander of the Fifth Presidential Protection Brigade, Adnan Roseiq, in the presence of the United Arab Emirates Commander “Abu Hammam”. This was the first time that both parties formally engaged with each other. They agreed to a formal *détente*.<sup>26</sup> Prior to this agreement, there were significant tensions between the Ta’izz military axis and the Guards of the Republic. The military axis alleged that the Guards of the Republic had supported those fighting them in Turbah in mid-2020 (see para. 57), a claim that the Guards of the Republic denies.

52. The Amaliqah Brigades, the Guards of the Republic and the Tihamah Brigades are all provided with some payments by the United Arab Emirates; some brigades also receive salaries from the Government of Yemen. None of these forces have been formally included in any of the existing peace agreements, which raises concerns about their future impact on the peace, security and stability of Yemen.

## **E. Challenges to the authority of the Government of Yemen**

53. The security situation is rapidly disintegrating in areas controlled by the Government of Yemen. Three emerging trends were observed that have significant impacts on the stability of Yemen. They are: (a) the distribution of economic and political power into regional power centres (see annex 5); (b) the proliferation of forces that are affiliated with the State but recruited by individuals or entities outside the State (see annexes 5 and 9); and (c) the perceived Al-Islah and non-Al-Islah divide within the political and military spheres (see annex 6).

### **1. Military and security development in Ta’izz**

54. The military and security situation rapidly deteriorated in Ta’izz in mid-2020, with an escalation of the fighting between different brigades of the Government of Yemen. The main fighting occurred between elements of the Thirty-fifth Brigade and

<sup>24</sup> See annexes 7 and 8. See also [www.saba.ye/ar/news3116185.htm](http://www.saba.ye/ar/news3116185.htm).

<sup>25</sup> The Guards of the Republic is the military wing of the group, while the National Resistance encompasses both the political and military wings.

<sup>26</sup> Panel discussions with both forces.

the Ta'izz military axis after the appointment of the Abdulrahman al-Shamsani as the commander of the Thirty-fifth Brigade.

55. In Ta'izz, several commanders and officials engaged in illegal appropriations and other illegal activities with impunity. For example, the Panel received information concerning 58 civilian houses that were forcefully appropriated by individuals belonging to the 17th, 22nd and 170th Brigades in acts that appear widespread and recurrent. The Panel verified five of the forcefully appropriated houses; in one case, a houseowner was killed by members linked to the occupying Seventeenth brigade.<sup>27</sup>

56. In another case documented by the Panel, Gazwan Ali Mansour al-Mekhlafi, an officer of the Twenty-second Brigade and the nephew of the Twenty-second Brigade Commander, Sadiq Sarhan, was implicated in several killings in Ta'izz since, at minimum, 2018, with limited accountability (see figure II). In August 2020, he was involved in a revenge killing of an 11-year-old child and his brother. He is now detained in the Central Prison of Ta'izz.<sup>28</sup> The Panel is not aware of any formal proceedings initiated against him.

Figure II

**Gazwan Ali Mansour al-Mekhlafi (left) with his uncle, Sadiq Sarhan (centre)**



Source: [www.from-yemen.com/alymn/amp/89251](http://www.from-yemen.com/alymn/amp/89251).

57. On 8 December 2019, Hamoud Saeed al-Mikhlaifi announced the creation of a “resistance force” to fight alongside the National Army in Ta'izz (see figure III).<sup>29</sup> This initiative was undertaken in his capacity as the “Head of the Higher Coordination Council for Resistance”. The Panel considers the creation of this non-State armed group as a threat to stability in Ta'izz (see annex 9). These fighters sided with military units of the Government of Yemen involved in some of the worst incidents of infighting in Turbah in 2020. The Panel also documented the use of school facilities by these fighters (see annex 10).<sup>30</sup> The Panel is investigating sources of funding to support recruitment efforts by al-Mikhlaifi and finds it unlikely that the funding comes from a member State of the Coalition (see annex 9).

<sup>27</sup> The Panel was informed by the Ta'izz military axis that the individuals responsible for the killing were arrested.

<sup>28</sup> Information provided by the Ta'izz military axis was independently verified by the Panel. Yet, four others involved were not arrested.

<sup>29</sup> See [www.facebook.com/hamoodsaeed20/videos/3221472207893885/](https://www.facebook.com/hamoodsaeed20/videos/3221472207893885/).

<sup>30</sup> In contradiction of the Safe Schools Declaration signed by the Government of Yemen in 2017, which protects schools and universities from military use during armed conflict. See <https://ssd.protectingeducation.org/>.

Figure III  
Recruitment at Yufrus Camp in December 2020



Source: [www.facebook.com/hamoodsaeed20/videos/3221472207893885/](https://www.facebook.com/hamoodsaeed20/videos/3221472207893885/).

Note: The camp belongs to the Seventeenth Brigade of the Government of Yemen and is located at N 13.442712°, E 43.955177°.

58. The Panel is investigating the training of the al-Hashd al-Sha'bi armed group under the Seventeenth Brigade in Ta'izz in 2018 and 2019. In 2019, the Panel found that elements of the al-Hashd al-Sha'bi armed group fought alongside the military axis against the forces of Abu al-Abbas' (see S/2020/326, para. 37). The Panel is investigating links between the al-Hashd al-Sha'bi armed group, al-Mikhla'fi fighters and Abdulrahman al-Shamsani, the former commander of the Seventeenth Brigade (see para. 60).

## 2. Confrontations in Shabwah over the Shabwani Elite Forces supported by the United Arab Emirates

59. Local authorities in Shabwah accused the United Arab Emirates of involvement in security incidents and undermining their economic independence. They claimed that the United Arab Emirates had obstructed the arrest of Shabwani Elite Forces fighters, given support to Shabwani Elite Forces involved in the sabotage of oil export infrastructure<sup>31</sup> and impeded the resumption of liquid natural gas exports from Balhaf.<sup>32</sup> While there have been some minor security incidents when the forces of the United Arab Emirates move between their bases at Balhaf and Alam, the most significant was an explosion that occurred on 14 November, targeting a convoy. Since October, there have also been protests outside the Alam camp, seeking compensation for a joint United Arab Emirates-Shabwani Elite Forces operation in January 2019 that allegedly killed civilians and the creation of a local compensation committee to collect compensation from the United Arab Emirates. In early 2020, security operations aimed at arresting former Shabwani Elite Forces personnel in Nisab and Jirdan resulted in at least two deaths. The situation in Shabwah may escalate unless the Government of Yemen or Saudi Arabia intervenes.

## F. Influence of Al-Islah

60. The bitterly contested appointment of Abdulrahman al-Shamsani, former commander of the Seventeenth Brigade, as the new Commander of the Thirty-fifth Brigade, was perceived as a consolidation of Al-Islah dominance over the military in Ta'izz. The Panel finds that the influence of any political party in the military sphere may degrade the cohesion of anti-Houthi forces. The opposition of the United Arab

<sup>31</sup> See [www.facebook.com/109978104080735/posts/113547560390456/](https://www.facebook.com/109978104080735/posts/113547560390456/).

<sup>32</sup> Confidential discussions. See [www.youtube.com/watch?v=hlVoQq7qmRg&feature=youtu.be](https://www.youtube.com/watch?v=hlVoQq7qmRg&feature=youtu.be).

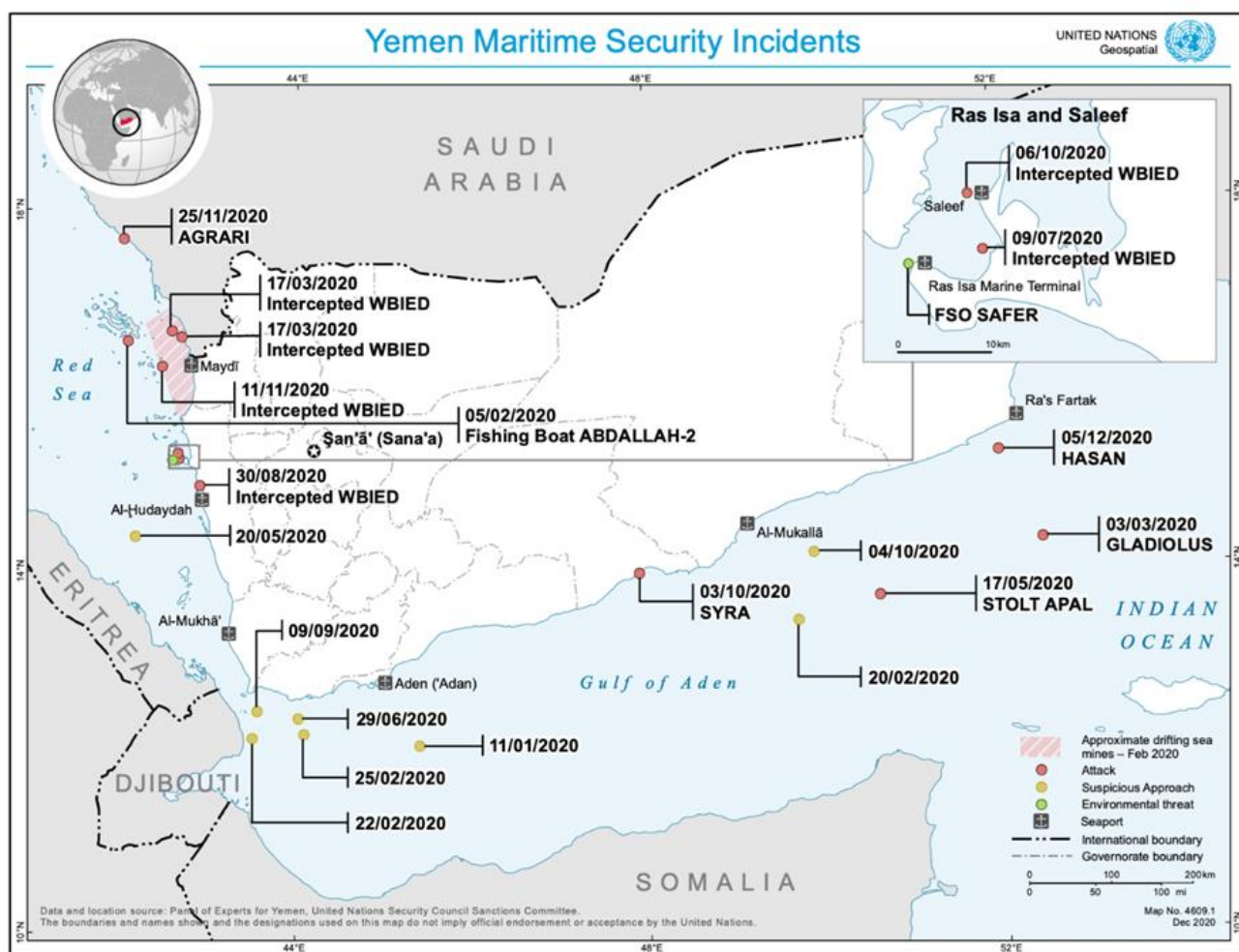
Emirates and the Southern Transitional Council to Al-Islah, and vice versa, fuels further unrest in Yemen (see annex 6).

61. The Panel documented the arrest, enforced disappearance and torture of one Yemeni, Radwan al-Hashdi, who was the former media office manager for the Abu al-Abbas Brigade.<sup>33</sup> There is evidence to indicate that the arrest was linked to his perceived opposition to Al-Islah forces in Ta'izz.

## VII. Maritime security

62. The Panel noted an increasing number of incidents involving suspicious approaches and attacks on civilian ships in 2020, in comparison with 2019. The Panel also remains concerned about the floating storage and offloading vessel *Safer* (International Maritime Organization (IMO) ship identification number: 7376472), which is in urgent need of repair and poses a critical threat to the environment of the Red Sea (see annex 21). Map 2 shows the distribution of maritime security incidents off the coast of Yemen.

Map 2  
Maritime security incidents, 2020



<sup>33</sup> See annex 35.



63. On 3 March, the Saudi-flagged oil tanker *Gladiolus* (IMO: 9169548) was approached by three skiffs, two of which appeared to be remotely controlled by the third. One of the unmanned skiffs made contact with the hull of the tanker without an explosion occurring, while the other came within 10–15 metres of it (see figure IV). Another vessel operating in the area later reported a boat going around in circles before exploding, which was likely the skiff that had sustained damage to its steering mechanism as the result of the collision or shots fired by the security team of the *Gladiolus*. A naval helicopter later collected debris from the sea, the analysis of which has shown traces of fuel and Research Department explosive (RDX) military explosives. This implies that the unmanned skiffs were intended to be used as waterborne improvised explosive devices (see annex 22).

Figure IV

**Photographs of the unmanned skiff approaching the port side of the *Gladiolus***



Source: Confidential.

64. The second attack took place on 17 May when two skiffs approached the chemical oil product tanker *Stolt Apal* (IMO: 9719240), sailing under the flag of the United Kingdom of Great Britain and Northern Ireland. One of the skiffs closed in on the tanker from the stern, leading the vessel's security team to fire warning shots. The people on board the skiff returned fire with several rapid and accurate bursts from an automatic weapon, likely a machine gun, hitting the superstructure of the tanker, as well as the head of a dummy posted on the bridge wing (see figure V). At a distance of 200 metres, the skiff exploded, possibly as a result of shots fired by the armed guards. The other skiff left the scene of the attack in a northerly direction. Photographs obtained by the Panel show smoking debris in the wake of the *Stolt Apal*. The presence of a plume of white smoke in the images led some analysts to theorize that the skiff carried military-grade explosives and was therefore intended as a waterborne

improvised explosive device. It is also possible that the explosion was the result of the ignition of gasoline fumes, for example from a faulty fuel line (see annex 23).<sup>34</sup>

Figure V

**Photograph of the head of the dummy showing the impact of multiple projectiles**



Source: Confidential.

65. On 3 October, the Maltese-flagged tanker *Syra* (IMO: 9436941) was loading oil at the Rudum terminal when two explosions occurred, damaging ballast tanks on the port side (see figure VI). Later, the crew reported a floating “barrel with a light” on the port side about 20 metres from the vessel, which detonated about one hour after the first explosions without damaging the tanker. The Panel obtained information showing that the explosions ruptured the tanker’s bilge keel approximately 10–11 metres below the waterline, indicating that explosive devices (possibly linear-shaped charges) were planted there by divers (see annex 24).

<sup>34</sup> On 5 December, the merchant vessel *Hasan* (IMO: 9016179) was also attacked in the same waters by two skiffs carrying armed men. The Panel is investigating whether these two incidents are related.

Figure VI

**Photograph of the *Syra* in dry dock showing the location of the damaged hull sections**



Source: Confidential.

66. In the cases described above, the identity of the attackers remains unclear, even though it is likely that the incident involving the *Syra* is related to a dispute over the control of the oil revenue from the Rudum terminal. While there have been some similarities in the modus operandi of the two attacks in March and May, which also occurred in the same geographic area, there were also significant differences. The waterborne improvised explosive devices used in the attack on the *Gladiolus* are different from the two models that have been used by the Houthis in the past, which raises the possibility that a new actor with access to relatively sophisticated weapon systems has emerged on the shores of the western Gulf of Aden.

67. On 25 November, the Maltese-flagged tanker *Agrari* (IMO: 9389083) suffered an explosion on the port side, approximately 1 metre above the waterline, while offloading cargo at the Shuqayq plant in Saudi Arabia. While earlier reports mentioned a sea mine,<sup>35</sup> Coalition sources quoted by the media later stated that the damage had been caused by the destruction of a waterborne improvised explosive device by Saudi Arabia.<sup>36</sup> Both drifting sea mines, which in February had already claimed the lives of four sailors on the fishing boat *Abdallah-2*, and Houthi waterborne improvised explosive devices, which are frequently directed at Saudi ports, continue to pose a threat to commercial navigation in the southern Red Sea.

## VIII. Arms and implementation of the targeted arms embargo

68. Pursuant to paragraphs 14 to 17 of resolution [2216 \(2015\)](#), the Panel continues a range of monitoring and investigative activities in order to identify whether there have been any violations of the targeted arms embargo involving the direct or indirect supply, sale or transfer to, or for the benefit of individuals and entities designated by the Security Council Committee established pursuant to resolution [2140 \(2014\)](#).

<sup>35</sup> See [www.washingtonpost.com/world/middle\\_east/mine-explodes-damaging-oil-tanker-off-saudi-arabia/2020/11/25/4f6b3566-2f24-11eb-9dd6-2d0179981719\\_story.html](http://www.washingtonpost.com/world/middle_east/mine-explodes-damaging-oil-tanker-off-saudi-arabia/2020/11/25/4f6b3566-2f24-11eb-9dd6-2d0179981719_story.html).

<sup>36</sup> See [www.dailysabah.com/world/mid-east/explosion-rocks-greek-operated-tanker-in-saudi-port-after-attack-blamed-on-houthis](http://www.dailysabah.com/world/mid-east/explosion-rocks-greek-operated-tanker-in-saudi-port-after-attack-blamed-on-houthis).

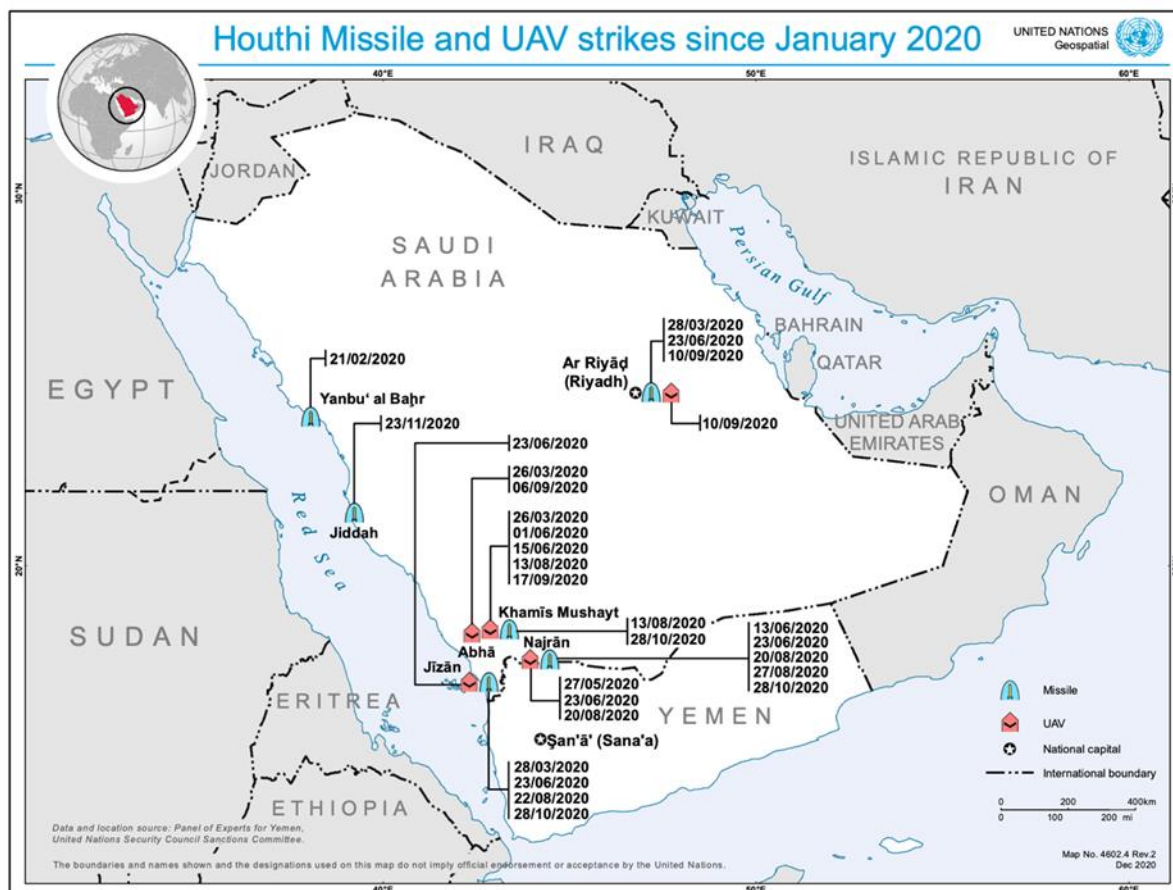


## A. Attacks on targets in Saudi Arabia

69. Following a hiatus of several months, in February, Houthi forces resumed their aerial campaign on targets inside Saudi Arabia and maintained it throughout 2020, using a combination of ballistic and cruise missiles, as well as uncrewed aerial vehicles (see map 3). While most attacks are foiled by the Saudi military without incurring significant damage, the group's ability to project power beyond Yemen remains a threat to regional stability and a challenge for future peace negotiations.

Map 3

### Missile and uncrewed aerial vehicle attacks by the Houthi forces



70. The Panel inspected the debris of three ballistic missiles and one land attack cruise missile used in the attacks on Riyadh and Yanbu' (see annex 11), as well as the debris of several uncrewed aerial vehicles used in recent attacks (see annex 12). The Panel notes that the debris is consistent with liquid propellant ballistic missiles, likely a modified version of the Borkan-2H, which was deployed in 2017 and 2018 (see S/2018/594, paras. 80–91), and the Quds-1 cruise missile, which has been in use since 2019 (see S/2020/326, paras. 58–60).<sup>37</sup> Based on technical findings, the Panel continues to believe that the uncrewed aerial vehicles and waterborne improvised explosive devices are manufactured in Yemen, making use of commercially available components, such as engines, propellers and servo actuators sourced from abroad,

<sup>37</sup> On 23 November, the Houthis attacked an Aramco facility in Jeddah with what they claim is a new type of cruise missile dubbed Quds-2 (see <http://en.ypagency.net/198784/>). The Panel is investigating whether this was indeed a new weapon system.

whereas the missiles are assembled from parts that are transferred to Houthi-held territory in violation of the targeted arms embargo. Despite a number of high-profile seizures during the reporting period, the Houthi supply networks appear to be sufficiently intact to ensure that the frequency of attacks can be sustained.

## B. Diversion of arms from stockpiles of the Government of Yemen and/or the Coalition to Support Legitimacy in Yemen

71. The Panel is investigating allegations made by a tribal leader in Jawf that arms and other equipment from stores of the Government of Yemen military have been diverted to Houthi forces by individuals associated with senior Government of Yemen commanders. The Panel contacted both Saudi Arabia and Yemen to find out whether a letter from the Coalition regarding the incident posted on social media (see figure VII) is authentic; responses are pending. As the Panel is unable to travel close to the front lines, it is difficult to assess to what extent Houthi forces are using arms diverted from stockpiles of the Government of Yemen and/or the Coalition, but it is likely that this remains a factor in Houthi supplies.

Figure VII

**Letter from the Coalition to Support Legitimacy in Yemen regarding the diversion of arms**



Source: <https://alkhabarnow.net/47673/>.

## C. Maritime seizures

72. On the basis of an analysis of maritime seizures since 2018 (see table 2), the Panel documented three distinct supply routes for arms and related materials destined for Houthi forces (see map 4). Smuggling networks use traditional cargo vessels (dhows), which often operate without proper registration papers and without transmitting an automatic identification signal. These vessels can unload their cargoes in small ports across the region or trans-ship cargo at sea, making them an ideal choice for arms smuggling. The lack of capacity and of a unified command structure for the Yemeni Coast Guard, as well as the prevailing corruption in Yemen, are factors that contribute to the scale of smuggling.

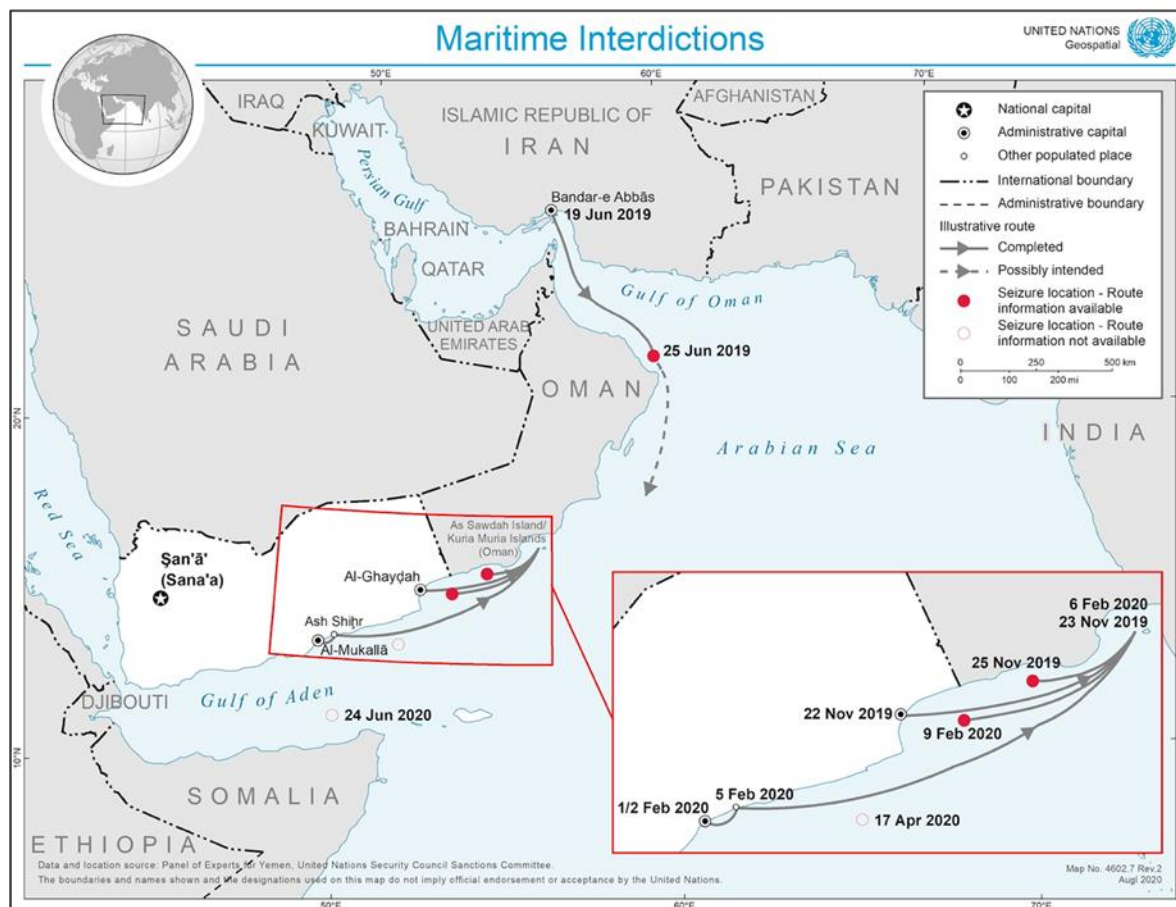
Table 2  
**Maritime interdictions, 2018–2020**

<i>Date</i>	<i>Interdiction authority</i>	<i>Location</i>	<i>Name of vessel</i>	<i>Seized material</i>
25 June 2018	United States Navy	N 13°21.5' E 47°22.7'	<i>Ibrahim Dhibayn</i>	2,522 type 56-1 assault rifles
25 June 2019	Australian Navy	N 23°00.4' E 59°42'	Unknown	476,000 rounds of 7.62 mm ammunition and 697 bags of chemical fertilizer
25 November 2019	United States Navy	Gulf of Aden	<i>Al-Raheeb</i>	21 9M133 anti-tank guided missile launch containers, two 358 surface-to-air missiles, components for Quds-1 and C802 cruise missiles, uncrewed aerial vehicle and waterborne improvised explosive device parts
09 February 2020	United States Navy	Gulf of Aden	<i>Al-Qanas-1</i>	150 9M133 anti-tank guided missile launch containers, three 358 surface-to-air missiles, various optical sights
17 April 2020	Saudi Arabian Navy	N 14°34.03' E 51°35.02'	<i>Al-Shimasi</i> (or <i>Al-Khair-4</i> )	3,002 type 56-1 assault rifles and 4,953 matching cartridge boxes, 9 AM-50 anti-material rifles, 49 PK-type light machine guns, various optical sights
24 June 2020	Saudi Arabian Navy	N 12°20' E 49°42'	<i>Bari-2</i> (also known as <i>Al-Bashir</i> and <i>Al-Sabir</i> )	1,298 type 56-1 assault rifles, 200 RPG-7 launchers, 50 AM-50 anti-material rifles, 5 RPG-29 launchers, 385 PK-type light machine guns, 60 heavy machine guns, 21 9M133 anti-tank guided missile launch containers, 160 Walter air rifles, various optical sights and other components

*Sources:* Panel and other confidential sources.

73. The first route follows the coastlines of Oman and Yemen and is used to smuggle high-value military cargo, such as missile components, anti-tank guided missile containers and uncrewed aerial vehicle and waterborne improvised explosive device components. The two dhows seized in November 2019 and February 2020 belong to this route (see annex 13 to the present report and [S/2020/326](#), para. 52 and annex 20). Data retrieved from GPS devices on the vessels show that they proceeded from ports in Hadramawt and Mahrah to Sawdah Island in Oman before their capture. This implies that they received their cargo at this point, possibly by trans-shipment from another vessel.

Map 4  
Maritime interdictions, 2019–2020



74. A second route involves trans-shipment at sea off the coast of Somalia and seems to mostly supply small arms and light weapons. It appears that some of the weapons are destined for Somalia, while others closely match arms documented in the Houthi arsenal. Three seizures during the analysis period fit into this pattern: on 17 April and 24 June 2020 the Saudi Navy interdicted two large shipments of small arms and light weapons (see annex 14). The first one involved a Yemeni dhow named *Al-Shimasi* (other sources give the name *Al-Khair 4*), which was seized about 90 nautical miles from Nishtun port, while the second, *Bari-2*, was a larger, Jelbut-type dhow with a Somali crew, which was seized 70 nautical miles north-east of Boosaaso. The Panel has been able to analyse the data from a GPS receiver found on the vessel and noted that it was headed towards a rendezvous point 10 nautical miles off the Somali coast. It carried cigarettes loaded in Dubai on 12 June destined for Boosaaso, as well as an illicit cargo of arms concealed in hidden compartments (see figure VIII). Documents found on the *Bari-2*, as well as GPS coordinates, show that the vessel has previously sailed between ports in Somalia, Yemen and the Islamic Republic of Iran (see annex 15). A number of sources have informed the Panel that smaller Yemeni dhows carry the cargo from the Somali coast to ports in Hadramawt and Mahrah. It seems likely that the *Al-Shimasi* was one of those “feeders”.



Figure VIII  
Hidden cargo compartments on the *Bari-2* used to smuggle weapons



Source: Panel.

75. The Panel received information regarding a third dhow, which was seized on 25 June 2019 by the Australian Navy in the Gulf of Oman with a cargo of 476,000 rounds of 7.62 mm ammunition and 697 bags of chemical fertilizer (see annex 16). The crew of the vessel was Iranian and Pakistani and stated that it had received the cargo from the “Sepah Navy” in Bandar Abbas and had set sail on 19 June 2019 for “Somalia and Yemen”. This dhow may have been part of the same supply route as the two vessels seized in April and June 2020; however, the composition of the cargo suggested that Somalia was the final destination.

76. The Panel also obtained information about a third route through the Bab al-Mandab. On 7 May 2020, the Yemeni Coast Guard seized a boat with four individuals who later admitted to having been part of a smuggling network,<sup>38</sup> stating that they had been moving weapons on behalf of the Houthis. The leader of the group stated that, in 2015, he had gone through Oman to the Islamic Republic of Iran for training, and later on had received illicit cargoes from other vessels off the coasts of Djibouti and Somalia, which he had transported to Red Sea ports under the control of the Houthis (see annex 17).<sup>39</sup> The Panel has not been able to interview these “smugglers” or to ascertain the conditions under which these statements were made. Nor has the Panel been able to inspect any weapons seized in the Red Sea; however, other sources have confirmed the existence of this route.

#### D. Overland smuggling of components from Oman

77. The Panel continues to investigate the smuggling of three tons of uncrewed aerial vehicle and other components seized in Jawf in January 2019 (see S/2020/326,

<sup>38</sup> See [www.youtube.com/watch?v=Zdbxpc8U6Kg](https://www.youtube.com/watch?v=Zdbxpc8U6Kg).

<sup>39</sup> The Islamic Republic of Iran has informed the Panel that it hosts injured Yemenis and that “such travels have been made solely on humanitarian grounds”.

para. 62). The Panel received information from Oman regarding the identity of the individual behind the company that imported the cargo from China and was informed that the shipment was picked up from Muscat International Airport on 2 December 2018 and “exported” on the same day to the Salalah Free Zone (see annex 18). The Panel continues to investigate the chain of custody of the shipment after its arrival in Salalah.

## **E. Chain of custody of arms and components**

78. Within its mandate, the Panel continues to investigate the chain of custody of seized arms and related equipment, as well as of components recovered from the debris of missiles, uncrewed aerial vehicles and waterborne improvised explosive devices (see annex 19). Pursuant to paragraph 8 of resolution 2511 (2020), the Panel has compiled a list of commercially available components found in weapon systems used by individuals designated by the Committee (see annex 20). The list is aimed at assisting Member States with the implementation of the arms-related measures pursuant to resolution 2216 (2015).

### **1. Land attack cruise missiles**

79. The Panel continues to investigate the chain of custody of several components recovered from the debris of missiles used in attacks on Saudi Arabia, as well as those found on the dhow *Al-Raheeb*. It has noted the presence of 30.600 G OEM pressure transmitters produced by BD Sensors<sup>40</sup> in Germany, which are part of the fuel-feed system of the missile. The Panel traced the transmitters to two shipments, exported to companies in Turkey in 2016 and the Islamic Republic of Iran in 2018. The Islamic Republic of Iran informed the Panel that the importer is “a private commercial company (...), that has not been involved in any act in contravention of resolution 2216 (2015)”.

80. The Panel also notes the presence of servo actuators used to operate the control surfaces of the missile with technical characteristics similar to motor RE30 and gear GP32C manufactured by Maxon Motor AG<sup>41</sup> in Switzerland. The inspected servo actuators were exported in 2017 to a company in Hong Kong, China. The Panel learned that additional exports to this customer were blocked by Swiss authorities over proliferation concerns. China informed the Panel that the company in Hong Kong, China, does not exist at the stated address and that there is no record of the company importing servo actuators in 2017. The Panel continues to investigate.

### **2. Surface-to-air missiles**

81. The Panel is investigating the chain of custody of components of the surface-to-air missiles, which were seized from the dhows *Al-Raheeb* and *Al-Qanas-1*. Thus far, there has been no indication that this weapon system was ever deployed by Houthi forces. The main engine of the missile is a Titan gas turbine manufactured by AMT Netherlands.<sup>42</sup> The Panel learned that the engines were part of two shipments in 2017 and 2019 that were received by companies in Hong Kong, China. The export licence for the engines issued by the Netherlands explicitly states that they should not be sold or re-exported. China has informed the Panel that the company whose name was used to import the engines ceased to exist in 2014. The Panel continues to investigate. The Panel received evidence that the MTi 100-series inertial sensor modules manufactured

<sup>40</sup> See [www.bdsensors.de](http://www.bdsensors.de).

<sup>41</sup> See [www.maxongroup.ch/maxon/view/content/index](http://www.maxongroup.ch/maxon/view/content/index).

<sup>42</sup> See [www.amtjets.com](http://www.amtjets.com).

by Xsens Technologies<sup>43</sup> were exported between 2015 and 2016 to a company in China. The Panel has contacted China requesting information on the chain of custody; a response is pending.

### 3. Uncrewed aerial vehicles

82. The Panel continues to investigate the chain of custody of components recovered from uncrewed aerial vehicles used by Houthi forces to attack targets in Saudi Arabia and Yemen. It has received information that the AM7 ignition coils manufactured by Swedish Electro Magnets,<sup>44</sup> which the Panel documented as part of the delta-wing uncrewed aerial vehicle's engine system (see [S/2020/326](#), annex 15), were exported in 2016 to a company in the Islamic Republic of Iran through an intermediary in India.

83. In October 2020, the Panel inspected the debris of several uncrewed aerial vehicles in Yemen and documented a 3W-110i B2 engine manufactured in 2018 by 3W-Modellmotoren.<sup>45</sup> The Panel has documented engines of this type as part of Samad-pattern uncrewed aerial vehicles before (see [S/2019/83](#), para. 87, and [S/2020/326](#), para. 64), but this specific engine was part of a different shipment, which the Panel has traced back to a company in Germany.

### 4. Small arms and light weapons

84. Between November 2019 and June 2020, a total of 191 launch container units with technical characteristics similar to 9M133 Kornet anti-tank guided missiles were seized on dhows in the Gulf of Aden. As anti-tank guided missiles of this type have been part of the Houthi arsenal at least since 2018, the seizures indicate supplies in violation of the targeted arms embargo. On the basis of external inspections of the launch containers (despite requests, it was not possible to have the container opened), the Panel finds that materials, colours and markings are consistent with the Dehlaive version of the 9M133 anti-tank guided missile, which is manufactured in the Islamic Republic of Iran, rather than the original, which is manufactured in the Russian Federation (see figure IX). The Islamic Republic of Iran states that these weapons do not conform to products manufactured in the country.

<sup>43</sup> See [www.xsens.com](http://www.xsens.com).

<sup>44</sup> See <https://sem.se>.

<sup>45</sup> See <https://3w-modellmotoren.de>.

Figure IX

**9M133 anti-tank guided missile seized on 9 February 2020 (left), 9M133 Kornet anti-tank guided missile manufactured in the Russian Federation (right)**



Source: Panel.

85. The seizures in 2020 also included a total of 200 RPG-7 launchers, the markings and technical characteristics of which are consistent with launchers manufactured in the Islamic Republic of Iran, as well as 59 12.7x99 mm AM-50 Sayyad anti-materiel sniper rifles, also produced in that country. Both weapons systems are in use by the Houthi forces; the RPG-7 launchers were also documented by the Panel in a previous seizure (see [S/2020/326](#), para. 61). The Islamic Republic of Iran informed the Panel that it does not export arms to Yemen and disputes the Panel's finding that the RPG-7 launchers were manufactured in the Islamic Republic of Iran.

86. A total of 4,300 type 56-1 7.62x39 mm assault rifles were seized in the two maritime seizures in April and June 2020. All had technical characteristics and markings consistent with production by Factory Number 26 ("Jianshe") in China in 2016 and 2017. The Panel notes that these rifles seem to belong to the same production batch documented in seizures in 2018 (see [S/2019/83](#), paras. 95–96, and [S/2020/326](#), para. 61). The seizures also included 434 PK-type light machine guns, some of which had markings consistent with Chinese manufacture (see figure X). China informed the Panel that it does not export weapons to Yemen but has not provided information clarifying the chain of custody of the weapons described above.



Figure X  
**Markings on type 56-1 assault rifle (left), M80/PK-type light machine gun (right)**



Source: Panel.

87. The seizures also included 160 LG 1250 Dominator air rifles manufactured in Germany, as well as 530 Tippmann 98 paintball markers manufactured in the United States (see figure XI). The Panel believes these “weapons” were intended for training purposes. The Panel traced the chain of custody of the air rifles to a dealer in Lebanon, who sold them in 2019 to an undocumented client.

Figure XI  
**LG 1250 air rifle (left) and Tippmann 98 paintball marker (right)**



Source: Panel.

## 5. Weapons sights

88. The seizures in February and June 2020 also included a total of 35 POSP optical weapon sights (five 8x42 models, ten 4x24 models and twenty 12x50 models) manufactured in Belarus. The Panel was informed that they were exported between 2016 and 2018 to two entities in the Islamic Republic of Iran with end user declarations stating that they were for the exclusive use of the Iranian armed forces. The Panel observes that PGO-7V3 optical sights seized in Aden in 2018 had also been exported to the same company in the Islamic Republic of Iran (see [S/2020/326](#), para. 61). The Islamic Republic of Iran has informed the Panel that the sights imported from Belarus “are still in use within the Armed Forces of the Islamic Republic of Iran”. The seizures in November 2019 and in February and June 2020

also included a total of 56 Iranian-manufactured RU-series thermal optical weapon sights<sup>46</sup> and thirty-seven 3-12x50 PM II Ghadir-4 rifle scopes.

## IX. Economic context and overview of finance

89. The Panel investigated the economic context within which the individuals designated pursuant to resolutions 2140 (2014) and 2216 (2015), and their networks, have continued to operate in violation of sanctions measures. In particular, the Panel examined flows of money and mismanagement of public funds that pose a threat to the peace, security and stability of Yemen.

### A. Control of financial resources by the Houthis and their network

#### 1. Revenue collected by the Houthis from State assets

90. The Panel continues to investigate the manner by which the Houthis generate revenues to fund their war effort. By controlling State-owned revenue-generating entities and collecting personal and corporate taxes, the Houthis have been able to collect and mobilize billions of Yemeni rials (YRI) on a yearly basis.

91. The Panel obtained copies of the Houthis' budget estimates presented to the Sana'a-based house of representatives for approval. The budget included estimates for the first and second half of fiscal year 2019, as well as key figures from the 2018 budget.

92. While revenue collected under Title 1 (tax revenue) remained steady during the period, there was a collapse in revenue in Titles 2 and 3 (grants and the share of the Government of Yemen of profit from parastatals, corporate entities and others) from 2015 to date. Total revenue was halved from YRI 1.053 trillion in 2015 to under YRI 500 billion in 2019. Factors that led to this sharp drop include the following:

(a) The collapse in tax revenues for the period 2015–2019, which resulted from the diversion of resources from profits and capital gains generated from the stake of the Government of Yemen in State-owned enterprises and parastatals, and the application of arbitrary and illegal taxation measures. The Houthis aggressively targeted the revenue streams of the Government of Yemen by controlling the management of companies and institutions. In 2019, the Houthis increased their efforts to leave the Government of Yemen with very little revenue from Title 3 (in 2018, revenue stood at YRI 471.49 billion, while projections for 2019 showed a very sharp drop to YRI 76.89 billion). The Panel finds that the Houthis diverted the difference (YRI 394.6 billion) from this tax category in 2019. In controlling these companies, the Houthis impose expenses that affect the companies' bottom lines, leaving very little tax revenue for the Government of Yemen (see annex 25);

(b) The non-budgeting of Title 2 items, such as foreign aid grants and assistance (in-kind and cash), which, according to Yemeni law, have to be accounted for. The Houthis created a stand-alone agency outside the "State" budget, the supreme council for the management and coordination of humanitarian affairs, to directly manage these grants in a very autonomous manner, with very little accountability and transparency.

93. The Panel's conservative calculations and estimates, coupled with a careful analysis of the documents collected, have revealed that the Houthis' diversion efforts,

<sup>46</sup> The Islamic Republic of Iran states that these sights "do not conform to products manufactured by ... Iran and that similar products are manufactured by several companies in different countries".

through the numerous channels and mechanisms they have set up, have allowed them to divert, on aggregate, at least YRI 1.039 trillion in 2019 – the equivalent of \$1.8 billion (\$1 = YRI 568 in 2019) – that was originally destined to fill the coffers of the Government of Yemen, pay salaries, and provide basic services to citizens. The Houthis have diverted this amount to fund their operations (see annex 25).

## 2. Diversion of funds

94. The Panel investigated one case of the diversion of funds concerning the State-owned enterprise Kamaran Industry and Investment (see annex 26). The company paid corporate taxes in excess of YRI 23.9 billion (\$64.7 million) in 2015, making it one of the largest financial contributors to the Government of Yemen. In 2017, the Houthis took control of Kamaran and appointed Ahmad al-Sadiq as its Chief Executive Officer. At the time of his appointment, Kamaran was in a very healthy financial situation, with a cash position of approximately YRI 17.7 billion, \$24.585 million (YRI 6.146 billion) and 666,000 euros (YRI 200 million).

95. The Houthis began to exert pressure on the company by asking for significant financial contributions in favour of the “State’s” treasury. For example, the ministry of finance asked the company to make a YRI 38 billion transfer, the equivalent of \$152 million (in 2017, \$1 = YRI 250), as a sign of solidarity with the “State” during the 2017 financial crisis. This amount far exceeded the company’s treasury position at the time, which stood at approximately YRI 24 billion in cash and cash equivalent.

96. The Panel’s investigation also revealed that the company’s Houthi-appointed Chief Executive Officer began to spend millions of rials in disbursements, bonuses and gifts to Houthi loyalists and militia leaders. The Panel has obtained documents showing that, in 2019, Kamaran gave more than YRI 8.5 million to members of a parliamentary committee that included the Houthi speaker of parliament, his deputy and other parliamentarians, while another document shows a YRI 11 million cash transfer to parliament.

## 3. Unlawful seizure of assets

97. The Panel continues to investigate, within its mandate, the funding of Houthi military operations through the unlawful seizure of assets. As reported in its final reports, S/2018/594 and S/2019/83, the Houthis established the judicial guard headed by Saleh Mosfer Saleh Alshaer. He is a key figure in the Houthis’ efforts to confiscate assets from opponents and businessmen, and a very close ally to Abdulmalik al-Houthi, a listed individual.

98. Based on past and current investigations, the Panel compiled a list of individuals and companies whose assets have been illegally confiscated by the judicial guard for the past three years (see annex 27). The list will be updated as more information on Alshaer’s confiscations is collected. The Panel considers that unlawful appropriation is a violation of applicable human rights norms and international humanitarian law.<sup>47</sup>

99. The Panel received information from various sources that Alshaer, acting as the judicial custodian, is preparing a court order to confiscate the homes and properties of the former president, Ali Abdullah Saleh (YEi.003). The judiciary guard is also plotting to confiscate the properties and funds of Saleh’s children: Tariq Muhammad

<sup>47</sup> Article 17 of the Universal Declaration of Human Rights (1948); article 25 of the Arab Charter on Human Rights (1994); article 4 (2) (g) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977); and rules 50 and 52 of the International Committee of the Red Cross study on customary international humanitarian law (available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul)).

Abdullah Saleh, Ahmed Ali Abdullah Saleh (YEi.005) and Ammar Muhammad Abdullah Saleh. The Panel is investigating these cases, noting that some confiscations fall within the asset freeze measures.

100. The Panel received additional evidence showing that the specialized criminal court in Sana'a has designated Alshaer as the judicial custodian of funds and assets appropriated from Houthi opponents. The court is using its powers and position to add legitimacy and legality to the looting, theft and appropriation of assets for the benefit of Alshaer, the judicial custodian (see [S/2020/326](#), annex 26).

101. The court issued rulings to seize all of the assets, inside and outside the country, belonging to 75 military leaders, 35 parliamentarians, at least 100 political leaders, President Hadi and members of his Cabinet. These rulings fail to comply with due process requirements.<sup>48</sup>

102. The Panel continues to investigate these rulings, their impact on the accused and whether the judiciary guard is executing the court's orders to confiscate assets. The Panel is also investigating the financial windfall accrued from these seizures, how these assets are seized and managed and whether this money is being used to fund the Houthis' war effort.

## **B. Corruption and money-laundering by officials associated with the Government of Yemen**

### **1. Saudi deposit with the Central Bank of Yemen in Aden**

103. The Panel investigated a case of money-laundering<sup>49</sup> and corruption perpetrated by officials of the Government of Yemen (see annex 28), which affected the access to adequate food supplies for Yemeni civilians, in violation of the right to food.<sup>50</sup>

104. With an economy reeling from years of conflict and instability, and food shortages starting to affect the population, the country sought foreign financial assistance to redress the country's finances and secure much-needed foreign reserves to fund imports of essential foodstuffs. Under the Saudi Development and Reconstruction Programme for Yemen, Saudi Arabia deposited \$2 billion with the Central Bank of Yemen in January 2018. This deposit provided the dollars needed to fund letters of credit<sup>51</sup> to purchase commodities, such as rice, sugar, milk, wheat and flour, in order to strengthen food security and stabilize domestic prices.

105. Under this mechanism, in order to benefit from the Saudi deposit, traders were allowed to finance their imports through local commercial banks, which would handle all the administrative requirements directly with the Central Bank of Yemen. While this operation should be straightforward and follow standard trade finance procedures, the Panel's investigations show that the Central Bank of Yemen broke its

<sup>48</sup> See article 11 of the Universal Declaration of Human Rights, article 14 of the International Covenant on Civil and Political Rights and articles 7 and 9 of the Arab Charter on Human Rights. Copies of the rulings are with the Panel.

<sup>49</sup> Corruption offences, such as theft of public assets, generate proceeds that need to be laundered. Money-laundering, the process of concealing money derived from crime, occurs after the predicate offence. Annex 28 shows the link between corruption and money-laundering: funds from the Saudi deposit were illegally funnelled through the banking system by manipulating exchange rates and then wired abroad via the letter of credit system.

<sup>50</sup> Article 11 of the International Covenant on Economic, Social and Cultural Rights. On the issue of the right to food in armed conflict see, among others, [A/72/188](#). On the applicability of the Covenant in armed conflict, see, among others, [E/2015/59](#). See also [www.ohchr.org/EN/Issues/ESCR/Pages/Food.aspx](http://www.ohchr.org/EN/Issues/ESCR/Pages/Food.aspx).

<sup>51</sup> A letter of credit is a promise by a bank on behalf of the buyer (applicant or importer) to pay the seller (beneficiary or exporter) a specified sum in the agreed currency, usually United States dollars.

foreign exchange rules, manipulated the foreign exchange market and laundered a substantial part of the Saudi deposit in a sophisticated money-laundering scheme.<sup>52</sup>

106. The preferential rates given to traders for the funding of their imports has resulted in significant losses for the Central Bank of Yemen, which exceeded \$423 million. By taking on these losses, the Bank essentially converted an asset into a liability on its balance sheet, a simple accounting manipulation with serious financial implications for the Bank, while the “preferred” traders received a \$423 million windfall, at the expense of the Yemeni population.

107. In the “Food security and price monitoring” report on Yemen of the World Food Programme (WFP),<sup>53</sup> a positive correlation was noted between the United States dollar-Yemeni rial exchange rate and food prices in Yemen. For example, in 2019, the Yemeni rial depreciated by 23 per cent versus the United States dollar. As a result, the price for the minimum food basket increased by 21 per cent. The basket’s price was primarily affected by two commodities – cooking oil and sugar – which increased by 47 per cent and 40 per cent, respectively. Traders importing these two commodities received preferential exchange rates from the Central Bank of Yemen; however, it is very clear that this discount was not passed on to consumers. Furthermore, the international price of cereals was trading at multi-year lows, and vegetable oil traded at an 11-year low in 2019,<sup>54</sup> yet their prices still increased in Yemen.

108. An assessment published by WFP on 2 November<sup>55</sup> found that the cost of the minimum food basket had increased “remarkably” during the first half of 2020 to exceed the 2018-level crisis benchmark by 23 per cent, reaching YRI 6,755 per person per month in areas under the control of the Government of Yemen. Higher food prices meant that around 70 per cent of surveyed households were forced to employ coping mechanisms, such as shifting to less preferred and cheaper foods or limiting the portion size of the meal adopted.

## 2. Elite capture

109. The Panel’s analysis shows that 91 commercial companies benefited from the Saudi letter of credit mechanism. Just nine companies captured 48 per cent of the \$1.89 billion Saudi deposit; all nine belong to a single holding corporation, the Hayel Saeed Anam Group.<sup>56</sup>

110. The Hayel Saeed Anam Group received a total of \$872.1 million from the Saudi deposit. It benefits from a vast presence in Yemen through numerous business ventures in different sectors. It has the ability to access foreign markets and suppliers and has placed ex-employees in key roles in the Government of Yemen (including in top positions at the Central Bank of Yemen and advisers within the Cabinet); this gives it a comparative and competitive advantage versus other importers, which explains its ability to capture a large share of the deposit.

<sup>52</sup> The Government of Yemen sent an official communication to the Panel informing it that letters of credit from the Saudi deposit undergo a long list of due diligence at several levels (local banks, Central Bank of Yemen, Saudi Ministry of Finance, Saudi Central Bank and National Commercial Bank), meeting the international standards for countering money-laundering and financing of terrorism.

<sup>53</sup> Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP-0000119039.pdf>.

<sup>54</sup> See <https://news.bio-based.eu/fao-vegetable-oil-price-index-at-eleven-year-low/>.

<sup>55</sup> Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP-0000120471.pdf>.

<sup>56</sup> See [www.hsagroup.com/](http://www.hsagroup.com/).



111. The Panel's analysis shows that, between mid-2018 and August 2020, the Hayel Saeed Anam Group<sup>57</sup> made a profit of approximately \$194.2 million from the letter of credit mechanism alone, excluding profits made from the import and sale of commodities. The preferential exchange rate given by the Central Bank of Yemen to importers resulted in significant "pre-import" profits to the Hayel Saeed Anam Group and other traders, reaching nearly \$423 million over the two-year period.

112. The \$423 million is public money, which has been illegally transferred to private corporations. Documents provided by the Central Bank of Yemen fail to explain why they adopted such a destructive strategy. The Panel views this case as an act of money-laundering and corruption perpetrated by government institutions, in this case the Central Bank of Yemen and the Government of Yemen, in collusion with well-placed businesses and political personalities, to the benefit of a select group of privileged traders and businessmen – practices that fit the definition of "elite capture".<sup>58</sup>

## **C. Tension between the Government of Yemen and the Houthis over oil imports**

### **1. Fuel importers affiliated with the Houthis**

113. The Panel gathered and analysed data from various sources inside Yemen and the United Nations Verification and Inspection Mechanism pertaining to oil shipments to Hudaydah port in 2019 and 2020 in order to fully understand the effects of Decrees No. 49 and 75 of the Government of Yemen on the Houthis' fuel trade (see [S/2019/83](#), para. 116). The data show that the Decrees forced the Houthis to consolidate operations, principally because a number of importers did not meet the requirements in the Decrees, and that this halved the number of importers from approximately 30 in 2018 to 15 in late 2019. The Panel is seeing similar patterns in the first half of 2020, with Tamco now controlling over 30 per cent of the fuel import market into Hudaydah.

114. Tamco<sup>59</sup> has been steadily increasing its market share since the implementation of Decree No. 75. Owned by Ahmed al-Muqbil, Tamco entered the oil derivatives market after the Houthis decided to liberalize the derivatives trade in 2016. The Panel's investigation of Tamco revealed that, in 2018, it supplied oil to Star Plus, which is owned by Al Faqih and Associates. Al Faqih is an employee of Salah Fleetah, brother of Mohamed Salah Fleetah, the spokesperson of Abdulmalik al-Houthi.

### **2. The instrumentalization of oil**

115. The Panel is witnessing a re-escalation of tensions between the Government of Yemen and the Houthis over oil imports. In May, in retaliation for the Houthis' violation of the Hudaydah Agreement,<sup>60</sup> the Government of Yemen delayed up to 23 tankers at the Coalition holding area in Hudaydah. With the slowdown of oil imports

<sup>57</sup> The Hayel Saeed Anam Group informed the Panel that, although it, along with other traders, did receive below-market or preferential exchange rates from the Saudi deposit, the discount was passed on to consumers with no financial gain to the Hayel Saeed Anam Group. The Panel has requested further documentation from the Hayel Saeed Anam Group to verify the accuracy of the statement

<sup>58</sup> Elite capture is a form of corruption whereby public resources are biased for the benefit of a few individuals of superior social status to the detriment of the welfare of the larger population.

<sup>59</sup> See <https://tamco-petroleum.com/>.

<sup>60</sup> In March 2020, the Houthis diverted YRI 50 billion from the Central Bank of Yemen in Sana'a, a violation of the Hudaydah Agreement, which stipulates that revenues derived from Hudaydah port should be deposited at the Central Bank of Yemen in Hudaydah and subsequently used to pay civil service salaries. The funds were not used to pay salaries.

through Hudaydah, the Houthi-controlled Yemen Petroleum Company started to unjustifiably ration fuel, despite the fact that volumes distributed within the country remained constant on a year-on-year basis.<sup>61</sup> At the request of the Office of the Special Envoy of the Secretary-General for Yemen, the Government of Yemen allowed 13 ships to dock in Hudaydah between June and November to appease tensions between both parties.

116. The Panel has also seen a change in strategy in the handling by the Government of Yemen of oil imports into Yemen. It has been redirecting ships from Hudaydah to Aden, a move that is a clear attempt by the Government of Yemen to have greater control over oil supply, reduce the dominance of Hudaydah port and gain a greater share of oil taxes and customs. This is also an attempt by the Government of Yemen to break the monopoly that certain oil traders have over the port of Aden. Sana'a-based oil importers, such as Tamco, have recently used the port of Aden for their oil imports and, according to various sources, the company has plans to open an office there.

117. The Panel continues to investigate these changes; however, it views the current oil crisis as increasingly political in nature, as the commodity is being instrumentalized by both parties to reach their sociopolitical objectives. This trend could eventually have an adverse effect on the country's peace and stability.

## **X. Monitoring of asset freeze measures**

118. Pursuant to paragraph 2 of resolution [2511 \(2020\)](#), the Panel continues to investigate the implementation by Member States of the asset freeze measures.

119. The Panel is closely monitoring the decision of 19 May 2020 of the Swiss Federal Tribunal<sup>62</sup> in favour of United Bank of Switzerland (UBS), ordering the restitution to the Bank of three folders containing sensitive information on two bank transfers totalling \$65 million wired from a UBS bank account belonging to an unspecified listed individual to bank accounts in Singapore belonging to a family member of the listed individuals Ali Abdullah Saleh and Ahmed Ali Abdullah Saleh. The Panel understands that the Swiss Financial Market Supervisory Authority, the Office of the Attorney General of Switzerland and the Money Laundering Reporting Office Switzerland are following this case. The Panel has requested information from Switzerland and is awaiting a response.

## **XI. Acts that violate international humanitarian law and human rights**

120. Pursuant to paragraphs 9, 17, 18 and 21 of Security Council resolution [2140 \(2014\)](#), read together with paragraph 19 of resolution [2216 \(2015\)](#) and paragraph 6 of resolution [2511 \(2020\)](#), the Panel investigated several violations of international humanitarian law and international human rights law, as well as human rights abuses by all parties in Yemen.

<sup>61</sup> See [www.facebook.com/economiccommittee/photos/a.273096309986297/657519248210666/](https://www.facebook.com/economiccommittee/photos/a.273096309986297/657519248210666/).

<sup>62</sup> Available at [www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=highlight\\_simple\\_query&page=1&from\\_date=&to\\_date=&sort=relevance&insertion\\_date=&top\\_subcollection\\_aza=all&query\\_words=1B\\_28%2F2020+&rank=1&azaclir=aza&highlight\\_docid=aza%3A%2F%2F19-05-2020-1B\\_28-2020&number\\_of\\_ranks=1](https://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=1B_28%2F2020+&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F19-05-2020-1B_28-2020&number_of_ranks=1).

## **A. Acts and incidents attributed to the Coalition to Support Legitimacy in Yemen**

### **1. Violations of international humanitarian law associated with air strikes by the Coalition to Support Legitimacy in Yemen**

121. The Panel investigated five air strikes and concluded investigations of two incidents (14 February and 12 July) which resulted in the death of 41 people and the injury of 24. The majority of victims were women and children. The Panel continues to investigate the remaining incidents. More details are provided in annex 29.

122. In October, the Panel met the Joint Incident Assessment Team and officials of Saudi Arabia in Riyadh. It was informed that eight cases related to air strikes were being adjudicated by the Saudi military court (see [S/2020/326](#), para. 99 and table 7). Of these cases, one has completed the first instance trial (Abs hospital, 5 August 2016), two more are about to be completed (Bus in Dayan, 9 August 2019 and a wedding in Bani Qays, 22 April 2018). One additional case was referred to the military prosecutor in 2020. In addition, the Panel received evidence that three Yemeni military officials are being detained in Saudi Arabia in connection with the 8 October 2016 funeral hall strike in Sana'a but no proceedings have been initiated against them since their arrest in 2016.

123. In November, Saudi Arabia provided information on eight air strikes investigated by the Panel between 2016 and 2019 (see annex 29).

124. The Panel was informed that compensation had been paid to the victims of six incidents by the Coalition and that the beneficiaries had to travel to Ma'rib to receive payments. The Panel sent a letter to Saudi Arabia requesting more details and is awaiting a reply.

125. The Panel is unaware of any legal procedures undertaken by other members of the Coalition, including the United Arab Emirates,<sup>63</sup> with regard to allegations of violations of international humanitarian law and human rights in Yemen.

### **2. Violations associated with detention by Saudi Arabia and the United Arab Emirates**

#### **Saudi Arabia**

126. The Panel investigated the arrests of five people in Yemen who were then transferred to Saudi Arabia, where three remain detained (see annex 30). The Panel continues to investigate the case of Mustafa Hussain al-Mutawakel,<sup>64</sup> who was last known to be in custody in Saudi Arabia in September 2018.<sup>65</sup> The Panel sent letters to Saudi Arabia and the Government of Yemen and is awaiting a reply.

#### **United Arab Emirates**

127. The Panel continues to investigate cases of arbitrary arrest and detention, enforced disappearance and torture involving forces of the United Arab Emirates in Yemen. The Panel received evidence that three people were detained in the following sites under control of these forces: Balhaf (Shabwah), Rayyan International Airport

<sup>63</sup> The Panel investigated several cases of violations of international humanitarian law and human rights by the United Arab Emirates in Yemen. See [S/2020/326](#), paras. 100–101, [S/2019/83](#), para. 142, [S/2018/594](#), paras. 166–172, and [S/2018/193](#), paras. 132–134.

<sup>64</sup> The name is divulged with the consent of the family.

<sup>65</sup> See [S/2018/594](#), para. 18 and annex 65.



(Mukalla) and a location close to Dubbah oil port (Shihr, Hadramawt) (see annex 30). The Panel sent a letter to the United Arab Emirates and is awaiting a reply.

## **B. Violations of international humanitarian law and international human rights law attributable to the Government of Yemen**

### **1. Violations associated with detention**

128. The Panel is investigating 21<sup>66</sup> cases of arbitrary arrest and detention by the forces of the Government of Yemen in Hadramawt, Lahij, Ma'rib, Shabwah and Ta'izz, including one woman, and one case of denial of medical assistance which led to death (see annex 31). Among those detained, six are journalists (see paras. 143–146). Three of the cases involved authorities of both the United Arab Emirates and Yemen (see para. 127).

### **2. Extrajudicial killings**

129. The Panel investigated two cases of extrajudicial killings inside hospitals in Ta'izz by members of the military – one in March 2019 in Tharwah hospital and another in November 2020 in Rawdah hospital (see annex 31).

### **3. Attacks and threats against members of the judiciary**

130. The Panel investigated one case of arbitrary arrest and detention, another case of assault and three cases of direct threats, including one with the use of weapons against members of the judiciary in Ta'izz by elements associated with the military of the Government of Yemen in an attempt to limit their independence and persuade them not to investigate or prosecute specific cases.<sup>67</sup> These incidents happened in 2019 and 2020. The Panel also received information about similar incidents in Aden and Shabwah.

131. These actions undermine the capacity of the judicial sector to function and contribute to impunity. This affects the right of victims to effective legal recourse.<sup>68</sup> The situation in Ta'izz demonstrates that the military take advantage of the complete absence of rule of law in the Governorate (see paras. 54–58).

## **C. Act and incidents attributed to the Southern Transitional Council**

132. The Panel investigated one case of extrajudicial killing and five cases of arbitrary arrest and detention by forces affiliated with the Southern Transitional Council in Aden, Lahij and Socotra, including two journalists (see paras. 143–148) and two men who died in detention (see annex 32). The Panel investigated a case of sexual violence by the Security Belt Forces against two female internally displaced persons in Dar Sa'd, Aden.<sup>69</sup>

<sup>66</sup> One of these cases concerned the arrest and detention of 13 people.

<sup>67</sup> In August 2020, the Government of Yemen informed the Panel that these attacks were the work of individuals involved in personal disputes before the judiciary and did not represent the military. The competent authorities in Ta'izz proceeded to arrests and investigations. The Panel continues to investigate.

<sup>68</sup> See, among others, article 8 of the Universal Declaration of Human Rights and article 2 of the International Covenant on Civil and Political Rights.

<sup>69</sup> As of November 2020, despite an initial police report documenting the incident and identifying suspects as members of the security forces, no legal procedures had been undertaken.

133. The Panel also received information about several assassinations in Aden by unknown people, demonstrating a lack of control by “authorities” and a climate of impunity.

## D. Acts and incidents attributed to the Houthis

### 1. Indiscriminate use of explosive ordnance against civilians

134. The Panel investigated nine incidents of the use of explosive ordnance against civilians attributed to the Houthis in Dali', Ma'rib, and Ta'izz, which led to the death of 22 people, including three children, and injuries to at least 180 others (see table 3). Two of these attacks hit medical facilities in Ta'izz (see annex 33).<sup>70</sup>

Table 3  
Attacks by Houthi forces

<i>Date</i>	<i>Location</i>	<i>Impact point</i>	<i>Victims/damage</i>
28 December 2019	N 13°42'19.3" E 44°44'11.1"	Al-Samoud stadium, Dali'	4 killed Approximately 30 injured
22 January 2020	N 15°29'23" E 45°19'6"	Member of Parliament's house, Ma'rib city	2 females killed, including 1 minor 7 injured, including 1 woman
5 March 2020	N 13°35'12.16" E 44°1'25.01"	Laboratory, Tharwah hospital, Ta'izz	2 females injured
5 April 2020	N 13°34'35.78" E 43°57'20.84"	Ta'izz Central Prison	8 killed, all females, including 2 children 6 injured
8 April 2020	N 15°27'59.66" E 45°19'18.02"	Governor's house, Ma'rib	2 injured
26 June 2020	N 13°35'24.49" E 43°59'19.026"	Leprosy hospital, Ta'izz	3 patients injured
28 August	N 15°28'13.90" E 45°18'21.74"	Mosque, security forces compound, Ma'rib city	7 killed, Approximately 120 injured, including minor injuries
21 September	N 13°34'34.39" E 44°01'30.05"	House, Hawd al-Ashraf, Ta'izz	1 woman killed, 10 injured including 5 children
25 September	N 15°27'45.18" E 45°19'13.73"	Mithaq School, Ma'rib city	8 people with minor injuries

135. Cases investigated by the Panel demonstrate a blatant disregard by the Houthi forces for the principle of distinction and the protection of civilians. The use of mortar

<sup>70</sup> Medical personnel and medical units exclusively assigned to medical purpose must be respected and protected in all circumstances. They must not be the object of attack. See common article 3 of the Geneva Conventions, articles 9 and 11 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and customary international humanitarian law rules 25 and 28.

bombs and artillery shells in populated areas, such as the cities of Ta'izz and Ma'rib, is likely to have indiscriminate effects.<sup>71</sup> The Panel is investigating the responsibility of major general Abdullatif Hammoud al-Mahdi, Houthi commander of the fourth military region in Ta'izz, for his responsibility in this respect.

## 2. Violations associated with detention

136. In mid-October, the Houthis and the Government of Yemen proceeded to exchange 1,056 prisoners under the Stockholm Agreement of 2018 (see para. 11). The Panel interviewed six men formerly detained by the Houthis.<sup>72</sup> Their accounts of the time they spent in Houthi prisons include severe torture, repeated denial of medical care and constant exposure to life-threatening conditions.

137. The Panel investigated 38 cases of violations of international humanitarian law and human rights norms associated with detention committed by Houthis, including enforced disappearances, arbitrary arrest and detention, ill-treatment, sexual violence, torture, denial of medical assistance and a lack of due legal process.<sup>73</sup> Of the 38, 2 died in detention as a result of torture, 11 are journalists (see paras. 143–148), 6 are Baha'is (see para. 139), 9 are women, including 4 detained by the network associated with Sultan Zabin,<sup>74</sup> and 6 were detained in the al-Saleh complex prison in Ta'izz, including 2 minors<sup>75</sup> (see annex 34).

138. Since 2017, the Panel has documented ongoing cases in which civilians held by Houthis are instrumentalized for the purposes of being exchanged for Houthi fighters. The detention of civilians, including foreigners, as leverage for future prisoner exchanges amounts to hostage-taking, which is prohibited under international humanitarian law.<sup>76</sup> For instance, in April 2020, four journalists were sentenced to death and an order to release six others was issued. Only one was released. According to information received by the Panel, the Houthis retained the others to use in a prisoner exchange. They were eventually exchanged in October. In the majority of cases documented by the Panel, Houthi authorities profited from detention by demanding that relatives pay money to visit detainees or to secure their release. This practice appears to be becoming a means of profiteering by the Houthis.

## 3. Persecution and deportation of Baha'is

139. The Panel received additional evidence that six Baha'i men were victims of human rights abuses and violations of international humanitarian law because of their faith, including discrimination, arbitrary arrest and detention, ill-treatment, torture, denial of medical care and deportation.<sup>77</sup> On 30 July, according to an agreement between the Houthis and the Government of Yemen, and facilitated by the United Nations, the six men were expelled from Yemen.<sup>78</sup> According to evidence received by

<sup>71</sup> Especially when used at long range at targets in proximity to civilians and civilian objects. See common article 3 of the Geneva Conventions and customary international humanitarian law rule 1.

<sup>72</sup> The Panel refrains from identifying them for their protection.

<sup>73</sup> See, among others, common article 3 of the Geneva Conventions, articles 4, 5 and 6 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and customary international humanitarian law rules 90, 93, 98, 100, 123 and 125.

<sup>74</sup> See S/2020/326, paras. 22 and 118.

<sup>75</sup> The Panel is also investigating the responsibility of major general Abdullatif Hammoud al-Mahdi, Houthi commander of the fourth military region in Ta'izz in these violations.

<sup>76</sup> Common article 3 of the Geneva Conventions and customary international humanitarian law rule 96.

<sup>77</sup> See S/2018/193, para. 149, and S/2019/83, para. 154.

<sup>78</sup> See articles 2, 9, 13 and 18 of the Universal Declaration of Human Rights, articles 2, 12 (4) and 18 of the International Covenant on Civil and Political Rights and article 17 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

the Panel, they would have preferred to stay in Yemen, where many still have family, but their only choice was either to stay in Houthi prisons or be expelled from Yemen.

#### **4. Violations associated with the use of landmines and other explosive ordnance**

140. In Ma'rib, the Panel visited the Masam project and received information about the Houthis' use of landmines in villages, schools, near water supplies and on roads leading to villages. North of Bab al-Mandab on the west coast, many beaches and villages had been heavily mined by Houthis.<sup>79</sup> Since July 2018, the Masam project has cleared 2,335 anti-personnel landmines, 57,570 anti-vehicle mines, 126,816 items of unexploded ordnance and 5,756 improvised explosive devices.

141. In Mukalla, the Panel was informed by the Yemen Executive Mine Action Centre that it had cleared approximately 21,000 explosive devices laid between 2016 and 2020 in Hadramawt, Mahrah and Shabwah, mostly by Al-Qaida in the Arabian Peninsula and Islamic State in Iraq and the Levant.

142. The Panel also received evidence that, in both locations, anti-vehicle mines were modified with sensitive pressure plates to become large anti-personnel landmines.<sup>80</sup> Large-scale laying of landmines has contributed to the displacement, killing and injury of civilians.

#### **E. Violations of international humanitarian law and international human rights law against journalists and human rights defenders**

143. Attacks against journalists, media workers and human rights defenders in Yemen have reached an alarming level. The Panel documented several cases of arbitrary arrest and detention, ill-treatment and torture, assassination and intimidation of journalists, media workers and human rights defenders by all parties to the conflict.

144. The Panel documented two cases of the arbitrary detention of journalists by the forces affiliated with the Southern Transitional Council: one in Aden, who was heavily beaten in detention, and one in Socotra. The Panel also documented the case of one journalist who was assassinated by unknown people in Aden and four journalists who received direct threats.

145. In Ta'izz, in an area controlled by the Government of Yemen, the Panel documented three cases of journalists who were detained by the political security forces after expressing views that were critical of the military.<sup>81</sup> The Panel also documented the case of one journalist and two human rights defenders who received threats because of their work in Ta'izz.

146. In Shabwah, the Panel documented cases of two journalists who were arbitrarily arrested and detained. One was arrested twice; in October 2019 and again in May 2020. On both occasions, he was beaten during his detention.<sup>82</sup> The other was arrested in November 2020. They were not formally accused nor presented before a judge before their release.

<sup>79</sup> The Panel reported on landmines in this area in [S/2020/326](#), para. 117.

<sup>80</sup> Although not binding on non-State armed groups, it is worth noting that Yemen is party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. On the international humanitarian law rules relating to landmines, see customary international humanitarian law rule 81, 82, and 83.

<sup>81</sup> In August 2020, the Government of Yemen informed the Panel that the three journalists were held under the 1994 Criminal Code for publication of information related to State security.

<sup>82</sup> See [S/2020/326](#), para. 102.

147. In Sana'a, the Panel has documented 10 cases of journalists who were arbitrarily arrested and detained by Houthis.<sup>83</sup> The Panel received additional evidence of the egregious violations committed against them. During their detention, they were submitted to torture, ill-treatment and denial of medical care. They were detained in overcrowded, dark and/or cold cells, which resulted in long-term health issues. According to information received by the Panel, Abdulmalik al-Houthi's speech on 20 September 2015 criticizing journalists had a direct impact on their treatment in detention and triggered more physical and verbal violence against them. During their trial, defence lawyers were denied access to court documents and private communications with their clients. The Panel also documented the case of one journalist who was detained in al-Saleh prison in Ta'izz for 15 months.

148. All of these cases demonstrate the systematic repression of journalists, media workers and human rights defenders and a manifest violation of the freedom of expression in Yemen. This impedes the capacity of journalists to play their role in identifying and reporting on violations of international humanitarian law and international human rights law, which can contribute to the protection of civilians. This contributes to the recurrence of such violations.<sup>84</sup>

## **F. Recruitment and use of children in armed conflict**

149. The Panel visited a rehabilitation centre in Ma'rib for conflict-affected children. It is the only centre of its kind in Yemen and it only offers support to boys. The 75-day programme is offered to groups of 25 children selected from populations of internally displaced persons. The Panel was informed that, between December 2019 and February 2020, the centre hosted 20 children between 12 and 16 years of age who had been recruited by Houthi forces in Sa'da', Amran, Ibb, Ta'izz, Sana'a, Hajjah, Raymah and Dhamar. The boys were used by Houthis to bring supplies to fighters and some were directly involved in fighting. Not all received a salary while working for the Houthis.<sup>85</sup>

150. During a meeting with the Minister of Defence, the Panel was informed that, since January, the Yemeni armed forces had found approximately 200 children on the battlefield, including 13 in Ma'rib in October. Most of them were sent back to their families and some were referred to non-governmental organizations. The Panel received information about some children suspected of working for the Houthis who were detained between 2018 and 2020 in Ma'rib. During their time in prison, some of them were beaten and at least one was sexually abused.<sup>86</sup> The Panel continues to investigate.

151. The Panel also received information about 75 children between the ages of 12 and 17 who were recruited by Houthis and killed on the battlefield in 2020 in Amran, Bayda', Dhamar, Hajjah, Jawf, Mahwit, Ma'rib and Sa'dah.

152. The Panel received information from several sources concerning the recruitment of children by the Special Security Forces in Shabwah. The Government of Yemen has denied the allegations.

<sup>83</sup> See [S/2019/83](#), para. 153.

<sup>84</sup> See, for example, Security Council resolutions [2222 \(2015\)](#) and [1738 \(2006\)](#).

<sup>85</sup> This is consistent with cases documented by the Panel's previous report ([S/2020/326](#), para. 120).

<sup>86</sup> The Panel received a response from the Government of Yemen denying the allegations.

## G. Migrants

153. The Panel continues to receive information and evidence of violence, including shooting, beating, sexual violence, including rape, illegal detention and extortion, mainly by smugglers, against migrants in Yemen and on the border with Saudi Arabia. The first official case of coronavirus disease (COVID-19) declared by the Houthis was a Somali migrant, leading to an increase in direct attacks and threats against migrant populations. The Panel received information about several instances of the deportation of migrants by Houthis between April and May, either to the border between Lahij and Ta'izz, or towards the border with Saudi Arabia. In April, approximately 350 migrants were killed while trying to cross the border to Saudi Arabia near Ghar in Munabbih district, Sa'da'. Approximately 3,000 migrants stayed trapped in the area after the incident, without access to basic necessities. The Panel also received information about a campaign to expel migrants from Ataq launched by the Shabwah authorities in March.

## H. Abuses related to coronavirus disease

154. The Panel received evidence that, in March, thousands of travellers were held by Houthis in dangerous sanitary conditions at an improvised and overcrowded quarantine centre at the Afarah customs point in Bayda'. On 19 March, a group of armed men stormed the location. Several people fled, but approximately 1,200 were arrested and detained in three different locations in Rada' district.

## XII. Obstruction of delivery and distribution of humanitarian assistance

155. Pursuant to paragraph 19 of resolution [2216 \(2015\)](#), the Panel investigates obstructions to the delivery and distribution of and access to humanitarian assistance.

156. From the end of 2019 to mid-2020, the Panel documented a degradation in relations between the Houthis and specific United Nations agencies and humanitarian actors. This involved an increase in threats, intimidation, movement restrictions and violence against humanitarian personnel (see annex 7). Although these acts did not stop, they decreased in the past few months and some progress has been reported: the 2 per cent tax on all humanitarian projects<sup>87</sup> was cancelled, more than 130 pending project agreements were approved and a pilot programme using biometric identification for food assistance beneficiaries started in Sana'a. However, substantial hurdles to principled humanitarian action remain in Houthi-controlled areas and the Panel continues to receive evidence of threats and intimidation towards humanitarian actors.

157. The Panel investigated the cases of six people – two men and four women – working for humanitarian organizations who were arrested and detained by the Houthis in Ta'izz, Bayda', Sana'a and Hajjah (see annex 34).

158. The Panel received information that delays in concluding agreements and subagreements are a recurring problem in areas controlled by the Government of Yemen, notably because these agreements have to be approved by several entities at the ministerial and local levels, and that local authorities often try to interfere in humanitarian assistance despite the official policy of the Riyadh-based Government of Yemen. In late November, after accusations of corruption arose relating to the

<sup>87</sup> See [S/2020/326](#), para. 127.

presence of expired or damaged foods, WFP was unable to access its warehouses in Aden owing to the presence of military personnel, which delayed the delivery of food assistance. According to information received by the Panel, the food was awaiting disposal and two WFP staff were put under an interdiction to leave Yemen.<sup>88</sup>

### XIII. Recommendations

159. The Panel recommends that the Security Council:

(a) Include in the agenda of the monthly meeting on Yemen a focused discussion on the issue of accountability for international humanitarian law and human rights violations and abuses, including exploring mechanisms of accountability to secure justice and redress for victims, and consider including in this discussion relevant Yemeni stakeholders;

(b) Consider, in its next resolution, calling on the Islamic Republic of Iran and the United Arab Emirates to respect their obligations under resolution [2216 \(2015\)](#) to refrain from taking actions that may undermine the unity, sovereignty, independence and territorial integrity of Yemen;

(c) Consider, in its next resolution, calling on all non-State armed groups in Yemen to refrain from taking actions that may undermine the unity, sovereignty, independence and territorial integrity of Yemen, as envisaged in paragraph 1 (a), (b), (c) and (d) of resolution [2216 \(2015\)](#);

(d) Consider noting, in its next resolution, that the mismanagement of public resources undermines security and efforts to rebuild the country's institutions, and urge parties to the conflict to take immediate measures to improve the transparency and accountability of the country's public financial management system;

(e) Consider noting, in its next resolution, that the delayed payment of salaries, as well as the lack of capacity of the security and military forces of the Government of Yemen, poses a threat to the peace, security and stability of Yemen and is an impediment to the implementation of the targeted arms embargo pursuant to paragraph 14 of resolution [2216 \(2015\)](#).

160. Noting the lack of provisions directly relating to the need for accountability relating to international humanitarian law and human rights violations by all parties to the conflict in resolutions [2140 \(2014\)](#), [2216 \(2015\)](#) and subsequent resolutions, the Panel recommends that the Security Council include in its next resolution language that stresses that all those responsible for human rights and international humanitarian law violations and abuses must be held accountable, and that underlines the need for a comprehensive, independent and impartial investigation consistent with international standards into alleged human rights abuses and violations, to prevent impunity and ensure full accountability.

161. Noting the impact of acts of asset diversion on the economy and the food security of Yemenis, which exacerbates the humanitarian crisis and undermines the overall security and stability of the country, the Panel calls on the Security Council to consider further elaborating the criteria contained in paragraph 18 of resolution [2140 \(2014\)](#) to include such acts.

162. The Panel recommends that the Committee:

<sup>88</sup> The Panel received a response from the Government of Yemen informing the Panel that authorities had had to intervene to prevent the distribution of rotten or expired food and providing additional information. The Panel continues to investigate.

(a) Consider working with the Special Representative of the Secretary-General for Children and Armed Conflict with a view to engaging with Member States to further support the development of programmes and centres that provide assistance to children, including girls, affected by the conflict in Yemen;

(b) Consider engaging with members of the Coalition to Support Legitimacy in Yemen, including the United Arab Emirates, to clarify what measures have been taken to investigate and prosecute international humanitarian law violations, and to provide remedies or assistance to those individuals affected by their operations, including ground operations and detention;

(c) Consider writing a letter to the Government of Yemen, asking it to provide a mapping of all the forces currently under its command and control in view of the discrepancies concerning command and control accounts provided by the Government of Yemen at different stages, as noted in the present report, including its annexes, and annex 8 to [S/2020/326](#);

(d) Consider writing a letter to the United Nations Children's Fund, suggesting that it engage with the Government of Yemen, in particular in Ta'izz, with regard to the continued use of schools for conflict-related purposes, and provide support, as appropriate, in finding alternative locations for education (see annex 10);

(e) Consider engaging with the Coalition to Support Legitimacy in Yemen to request that it provide assistance in reconstructing schools (see annex 10) and other civilian infrastructure affected by Coalition air strikes, including those identified by the Panel in its reports;

(f) Consider designating the individuals identified in statements of case by the Panel in 2019 and 2020, since they continue to commit acts that violate peace, security and stability in Yemen;

(g) Consider writing to all Member States, requesting them to provide implementation reports to the Committee, as required under paragraph 10 of Security Council resolution [2456 \(2019\)](#);

(h) Consider bringing the list of commercially available components found in weapon systems used by individuals or entities designated by the Committee (see annex 20) to the attention of Member States and making it available as a separate document on the Committee's website;

(i) Consider engaging with Member States to increase the support for capacity-building efforts for the Yemeni Coast Guard, as well as for border control forces in Yemen and in other regional States to improve the implementation of the targeted arms embargo pursuant to paragraph 14 of resolution [2216 \(2015\)](#).



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## Annex 1 Methodology

1. The Panel used satellite imagery of Yemen procured by the United Nations from private providers to support investigations. It also used commercial databases recording maritime and aviation data and mobile phone records. Public statements by officials through their official media channels were accepted as factual unless contrary facts were established. While it has been as transparent as possible, in situations in which identifying sources would have exposed these sources or others to unacceptable safety risks, the Panel does not include identifying information.
2. The Panel reviewed social media, but no information gathered was used as evidence unless it could be corroborated using multiple independent or technical sources, including eyewitnesses, to appropriately meet the highest achievable standard of proof.
3. The spelling of toponyms within Yemen often depends on the ethnicity of the source or the quality of transliteration. The Panel has adopted a consistent approach in the present update.
4. The Panel has placed importance on the rule of consensus among the Panel members and agreed that, if differences and/or reservations arise during the development of reports, it would only adopt the text, conclusions and recommendations by a majority of four out of the five members. In the event of a recommendation for designation of an individual or a group, such recommendation would be done on the basis of unanimity.
5. The Panel has offered the opportunity to reply to Member States, entities and individuals involved in most incidents that are covered in this report. Their response has been taken into consideration in the Panel's findings. The methodology for this is provided in appendix A.

## **Appendix A: ‘The opportunity to reply’ methodology used by the Panel**

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity<sup>1</sup> in a Panel’s public report, could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
  - (a) Providing an individual with an ‘opportunity to reply’ should be the norm.
  - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
    - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation.
    - (ii) Restrict further access of the Panel to vital sources.
    - (iii) Endanger Panel sources or Panel members.
    - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field.
    - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.
6. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.
7. The individual, on the other hand, in making their determination of the level and nature of interaction with the Panel, may consult third parties or allow third parties (for example, legal representative or his government) to communicate on his/her behalf on subsequent interactions with the Panel.

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<sup>1</sup> Hereinafter just the term individual will be used to reflect both individuals and entities.

## Appendix B: Investigations methodology on violations relating to IHL, IHRL, and acts that constitute human rights abuses

1. The Panel adopted the following stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from visiting places in Yemen. In doing so it has paid particular attention to the “Informal Working Group on General Issues of Sanctions Reports”, [S/2006/997](#), on best practices and methods, including paragraphs 21, 22 and 23, as requested by paragraph 12 of resolution [2511 \(2020\)](#).

2. The Panel’s methodology, in relation to its investigations concerning IHL, IHRL and human rights abuses, is set out as below:

- (a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.
- (b) In carrying out its investigations on the use of explosive ordnance, the Panel relies on at least three or more of the following sources of information:
  - (i) At least two eyewitnesses or victims.
  - (ii) At least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel will endeavor to obtain copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations.
  - (iv) Technical evidence, which includes imagery of the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open source imagery, the Panel verifies that imagery by referring it to eyewitnesses or by checking for pixilation distortion:
    - a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and
    - b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other sources of information.
  - (v) The utilization of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident.
  - (vi) Access to investigation reports and other documentation of local and international organizations that have independently investigated the incident.
  - (vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing

- weapons of the type it is alleged to have produced.
- (viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground, for example, if the Panel wished to confirm the presence of an armed group in a particular area.
  - (ix) Statements issued by or on behalf of a party to the conflict responsible for the incident.
  - (x) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:
- (i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview.
  - (ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody.
  - (iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iv) Medical documentation and, where applicable, death certificates.
  - (v) Documentation issued by prison authorities.
  - (vi) Interviews with medical personnel who treated the victim, wherever possible.
  - (vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim.
  - (viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates.
  - (ix) Statements issued by the party to the conflict responsible for the incident.
  - (xx) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
  - (xxi) Detainees do not have always access to medical care, nor is it always possible to obtain medical reports, especially in cases of prolonged detention. Therefore, the Panel accepts testimonies received from detainees alleging that violence was used against them during detention by the detaining parties as prima facie evidence of torture.
  - (xxii) For the same reasons, medical and police reports are not required by the Panel to conclude that rape or sexual violence took place.
- (d) In carrying out its investigations on other violations, including forced displacement human rights violations and abuses against migrants, or threats against medical workers, the Panel relies on information that includes:
- (i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview.

- 
- (ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iii) Documentation relevant to verify information obtained.
  - (iv) Statements issued by the party to the conflict responsible for the incident.
  - (v) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (e) In carrying out its investigation in respect to the recruitment of children by parties to the conflict, the Panel is particularly mindful of the risk posed by its investigations for the children and their family. The Panel also refrains from interviewing directly the victim unless it is sure that this will not have a negative impact on them. Therefore, the Panel often relies on sources such as:
- (i) Investigations and other documentation from local and international organizations that have independently investigated the incident.
  - (ii) Interviews with people and organization providing assistance to these children.
  - (i) Interviews with other people with knowledge of the violations such as family members, community leaders, teachers, and social workers.
- (f) The standard of proof is met when the Panel has reasonable grounds to believe that the incidents had occurred as described and, based on multiple corroboratory sources, that the responsibility for the incident lies with the identified perpetrator. The standard of proof is "beyond a reasonable doubt".
- (f) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. This is undertaken in accordance with the Panel's standard methodology on the opportunity to reply. Generally, the Panel would provide detailed information in any opportunity to respond, including geo-locations. However, detailed information on incidents are not provided when there is a credible threat that it would threaten Panel sources, for example, in violations related to deprivation of liberty, violations associated with ground strikes on a civilian home, or in violations associated with children.
- (g) If a party does not provide the Panel with the information requested, the Panel will consider whether this is of sufficient gravity to be considered as non-compliance with paragraph 10 of resolution [2511 \(2020\)](#) and thus consideration for reporting to the Committee.
3. The Panel will not include information in its reports that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel will deposit such information in the custody of the Secretariat for viewing by members of the Committee.
4. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: 1) with the specific permission of the sources; and 2) where the Panel is, based on its own assessment, certain that these individuals would

not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to support the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.



## Annex 29: Case studies of Airstrike in Yemen in 2020

1. In this annex, the Panel presents case studies of airstrikes investigated since January 2020.
2. The Covid-19 pandemic affected the capacity of the Panel to have access to all information needed in respect to its investigations on airstrikes. The Panel's sources were unable to undertake as many visits to incident sites as in previous years, to meet with victims and witnesses and to take pictures immediately after the incidents.
3. The Panel was able to conclude its investigation in two cases (the incidents of 14 February and 12 July).
4. The Panel continues to investigate the incidents of 2 May, 15 July and 6 August. Appendix 3 presents preliminary findings on the incident of 15 July.
5. The Panel sent letters to KSA requesting information about these incidents. In respect to the incidents of 14 February and of 2 May, the Panel was informed by KSA in November that their investigations are still ongoing.
6. In November 2020, the Panel also received public information from KSA about eight airstrikes investigated by the Panel between 2016 and 2019. The Panel presents the information in appendix 4 of the present annex.

**Table 29.1**

Cases of airstrikes in 2020

Case	Date	Location	Impact point	Victims/damage
1	14 February	16°11'18.7"N, 44°33'15.2"E	Residential area, Al Jawf	32 dead and 21 injured. The majority of victims were women and children
2	2 May	14°16'23.6"N 45°16'46.3"E	Customs point, Afar, Al Baydah	Damage to trucks
3	12 July	around 16°18'48.3"N 43°24'54.7"E	Civilian house, Washahah, Hajjah	9 dead, including 5 women and 4 children, and 3 injured including one woman and 2 children
4	15 July	15°59'19.4"N 45°12'02.2"E	Civilian house, Al Musaeafa village, Al Hazm, Al Jawf	Allegedly 12 dead and 6 injured
5	6 August	16°45'14.5"N 44°44'53.1"E (for 2 cars) and 16°45'07.3"N 44°44'51.9"E (for the third one)	3 cars, Khub Washaf district, Al-Jawf	8 children killed and 15 people injured, including 8 children

Source: Panel

## **Appendix 1: Case Study of an airstrike against civilians and civilian houses in Al Masloub, Al Jawf, 14 February 2020**

### **I. Background**

1. On the night of 14-15 February 2020 between 23:45 and 02:00, at least 4 explosive devices launched from at least one aircraft (see figure 29.1) hit a residential area in al Saida village, (16°11'18.7"N, 44°33'15.2"E, see figure 29.2), in Al-Maslub district, Al-Jawf (see figure 29.3). The incident resulted in the death of approximately 32 people, the majority of whom were female, including 19 children, and the injury of 21 others, again mostly females, including 12 children.
2. According to reports and testimonies received by the Panel, the first strike hit a civilian house, the second strike fell near another house. The third strike hit civilians who were running away. A fourth explosive device failed to explode.

### **II. JIAT's findings**

3. In a press released published in November 2020, JIAT confirmed that one of the Coalition aircraft crashed in the area. After a group of Houthis approached the wreckage of the fighter plane aircraft, on Saturday afternoon (15 February 2020) the location was hit by one guided bomb.
4. JIAT stated that it: “believes is it likely that damage to civilians and civilian objects occurred as a result of the shooting down of the fighter plane by Al-Houthi armed militia, which caused some parts of it to fall near (Al-Haijah) village. Through the evaluation and investigation JIAT found that one of the military operations carried out by the Coalition Forces caused collateral damage to a small traditional building east of the crash site, as a result of the targeting of a gathering of Al-Houthi armed militia that were seizing parts of the aircraft and loading it into a pick-up truck.”
5. JIAT also found that: “Due to the inability of land forces to reach and rescue the air crew, because of the clashes and the intense presence of Al-Houthi armed militia fighters around the crash site of the fighter plane and the whereabouts of the air crew, and due to the acceleration of the operational situation during the handling of military targets, where a number of vehicles and personnel are present at the wreckage of the aircraft late at night, in a military operations area free of civilian objects, loading parts of the wreckage of the aircraft, which led to the exposure of the air controller to the effects of the urgent need to take the decision to try to rescue the air crew before they were captured by Al-Houthi armed militia, and prevent them from obtaining parts of the aircraft, which caused inaccuracies by assessing the possibility of entering the non-military environment within the side effects of targeting, in accordance with the Coalition Forces rules of engagement.”
6. JIAT recommended that the air controller be held accountable for breaching the rules of engagement of the Coalition Forces, due to the inaccuracy of his assessment of the possibility of entering the non-military environment. JIAT also recommended that the Coalition provide ‘assistance’ for human losses and material damage caused by the collateral damage to the building.

### **III. Legal analysis**

7. According to information and testimonies received by the Panel, there were no Houthi military present in the area and no civilians who had lost their protection under IHL. The Panel has received information that there was a Houthi security point approximately 3-4km away to the North-East of the targeted area. The Panel has not received the specific location indicating where the Coalition aircraft crashed.

8. Under IHL, parties to the conflict must at all times distinguish between civilians and combatants, and direct attacks only against combatants.<sup>152</sup> They also have the obligation to take all feasible precautions to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>153</sup>
9. JIAT concluded that the residential area was not the intended target, and it was possible that attacks on the residential areas were also caused by Houthis' shelling. Based on the pictures of the debris found at the site of the incident and received by the Panel (see figure 29.1), the Panel concludes this debris is not consistent with rocket-type explosive devices as used by Houthis. Therefore, the Panel concludes that at least one of the explosive devices which hit the area came from a Coalition aircraft.
4. The Panel did not have access to the information and evidence reviewed by JIAT. The Panel recalls that IHL requires military commanders and those responsible for planning and executing decisions regarding attacks, to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.
10. The Panel also recalls that under IHL, reprisals against persons not participating or no longer participating in hostilities, are prohibited.<sup>154</sup>

**Figure 29.1**

Debris found on the site of the incident



**Source:** Confidential

<sup>152</sup> See CIHL, rule 1 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

<sup>153</sup> CIHL rule 16 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

<sup>154</sup> Common article 3, article 4 Additional Protocol II to the Geneva Conventions of 1949, and CIHL, rule 148. Collective punishment is also prohibited, see CIHL rule 103.

**Figure 29.2**  
Location of the incidents



Source: Google earth

**Figure 29.3**  
Damage to civilian houses and a vehicle



Source: Confidential

## Appendix 2: Case Study airstrike against civilians and civilian house in Washahah district, Hajjah governorate, 12 July 2020

### I. Background

1. On 12 July at approximately 13:20 an explosive device launched from at least one aircraft (see figure 29.4) hit an isolated civilian house in a rural area on Washahah, Hajjah (around 16°18'48.3"N 43°24'54.7"E).<sup>155</sup> The incident resulted in the death of nine people, five adult women and four children, and the injury of three including two children and one woman. The house was completely destroyed (see figure 29.5) and the survivors had to leave the area.

### II. JIAT's findings

2. According to JIAT's press release, JIAT reviewed the incident and found that: "[b]roken clouds around the target area appeared during the targeting phase, and broken clouds reached over the military target approximately (15) seconds after the bomb is released [sic].
  - The bomb did not fall on the specified military target.
  - Al-Houthi Armed militia elements flee the site and disperse in a (deployment) manner after the targeting operation.
  - The surveillance and reconnaissance system were unable to locate the bomb and assess the results of the mission, due to the entry of clouds over the area where the bomb was hit.
  - A post-targeting survey and assessment was conducted the following day on site where the bomb was hit, and traces of damage from an air targeting were observed on (a building) (780) meters away from the military target.
  - By reviewing what was published in the media about the damage to (a building) at the foot of a mountain in the target area, it was the same building that was (780) meters away from the military target.
  - JIAT believes that the bomb did not fall on the military target due to the entry of (broken clouds) into the target area, (15) seconds after the bomb was released, affecting the bomb's response to the laser guidance and it fell short of the military target. (...)".
3. JIAT recommended that: "The coalition states to provide assistance for human and material losses, caused by the accidental fall of the bomb on the site of the claim" and that the "Coalition Forces to study the reasons for the failure of the bomb to hit its target, and to take a corrective measure to prevent this from happening in the future."<sup>156</sup>

### III. Legal analysis

4. According to evidence received by the Panel, the house is located in a remote area not accessible by road and there were no Houthis, military facilities or activities, nor civilians having lost their protection under IHL in the house or the surrounding area. Only women and children were present in the house at the time of the attack. It was the first time the area was hit by an airstrike. JIAT stated that the house was not the intended target.

<sup>155</sup> The Panel continues to investigate to identify the specific location of the house.

<sup>156</sup> See <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2161528>.



5. The Panel did not have access to the information and evidence reviewed by JIAT. The Panel notes that the house in an isolated position in a rural area,<sup>157</sup> thus the chances of hitting the house by accident appear to be low. The Panel sent a letter to KSA requesting more information on this incident and is awaiting a reply.
6. The Panel recalls that IHL requires military commanders and those responsible for planning and executing decisions regarding attacks, to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. This includes all necessary verification of the material, aircraft and explosive devices to be used, as well as meteorologic conditions at the time and location of the attack.

**Figure 29.4**

Fragments of explosive device found on the site after the incident



Source: confidential

**Figure 29.5**

House after this incident



Source: confidential

<sup>157</sup> See video on: <https://news.sky.com/story/yemen-evidence-of-potential-war-crime-by-saudi-coalition-12083413>

### Appendix 3: Preliminary information on an airstrike on a civilian house in Al Musaefa village, Al Hazm district, Al Jawf governorate, 15 July 2020

#### I. Background

1. The information presented here is preliminary, and the Panel continues to investigate.
2. On 15 July 2020, at approximately 06:30, a first explosive device launched by an aircraft hit a civilian house in Al Musaefa village, Al Hazm district, Al Jawf (15°59'19.4"N 45°12'02.2"E). This incident allegedly resulted in the death of 12 people, including two women and seven children, and injuries to six more, comprising one woman and five children. The house was also destroyed (see figure 29.6).
3. According to information received by the Panel, there was a family celebration around the time of the attack.
4. According to information received by the Panel, few minutes after the first strike, a second explosive device was launched from an aircraft and hit another house which was empty. This second incident resulted in the destruction of the house.
5. The Panel received information that there is a Houthi military camp five kilometers North of the village.
6. The Panel continues to investigate.

**Figure 29.6**

Damage to the house and a truck





**Source:** Confidential



## Appendix 4: Information provided by JIAT to the Panel in November 2020

1. In this appendix, the Panel presents the information provided by the Joint Investigation Assessment Team (JIAT) in November 2020 and its impact on the Panel's previous findings. This information was contained in JIAT's previous press releases, but the Panel did not receive the evidence on which JIAT based its findings.

**Table 29.2**

JIAT findings in respect to Panel findings

<i><b>Incident</b></i>	<i><b>Panel's report</b></i>	<i><b>JIAT findings/information</b></i>	<i><b>Panel's finding</b></i>
Al Khamees market, Mastaba, Hajjah, 15 March, 2016.	Annex 49, S/2018/193	<p>"Confirmed intelligence data shows that the target was a large gathering of armed Houthis militia recruits. The gathering was near a weekly market where the only activity takes place on Thursday each week. The operation took place on a Tuesday, and the target was a legitimate, high-value military objective that conferred a strategic advantage. It was also located 34 kilometers from the Saudi Arabian border, and therefore posed a threat to the troops positioned there".</p> <p>"No proof of the claims that there was civilian casualties was provided, and the JIAT found no proof of any fault made by the coalition forces, in the process, and that the Coalition forces have abided by the rules of international humanitarian law".</p>	<p>KSA send this press release to the Panel in 2016.</p> <p>Evidence of civilian casualties are available, the UN verified that 116 individuals, including 22 children, were killed by the air strike. MSF also recorded over 40 wounded.</p> <p>The Coalition did not provide to the Panel information or evidence on the presence of a "large gathering of armed Houthis militia recruits" at the time of the incident.</p> <p>In absence of such evidence, the Panel is not in a position to review its previous findings.</p>
House, T'baisha, Tai'zz, 25 March 2016.	Annex 49, S/2018/193	<p>JIAT verified the incident and, after reviewing all the documents, including the procedures; rules of engagement, the schedules of daily air missions, and the satellite images. After assessing gathered evidence, JIAT found that during clashes between one of the coalition's ground units and a group of Houthis armed militia that were taking shelter inside a house with a submachine gun on its roof, in the village of (Tabisha) in (Taiz) governorate. The ground unit called for close air support, to target the building after being subjected to heavy fire from it. Coalition air forces attacked the target using one guided bomb that hit the target.</p> <p>In light of this, JIAT concludes that the procedures of Coalition Forces were correct, and in accordance with international humanitarian law and its customary rules.</p>	<p>The Panel found that the house was in a remote location. There was no indication of any military activity. The Panel welcomes satellite images demonstrating that existence of a submachine gun on its roof.</p>

Market,  
Saddah, 1<sup>st</sup>  
November  
2017

Appendix C,  
Annex 58,  
S/2018/594

The JIAT vetted the incident, and reviewed all documents, including procedures and rules of engagement, daily mission schedule, after mission report, satellite images, provisions and principles of International Humanitarian Law and its customary rules, and assessment of evidences. JIAT found that on Wednesday (01/11/2017), intelligence information from reliable sources were available to the Coalition Forces on the presence of a group of operators, technicians and ballistic missile experts, one of whom was identified as (Qais Al-Qimantar) at a specific location, in (Sohar) directorate of (Saada) governorate, which is considered to be a legitimate military target of high value, that the destruction of it would achieve a military advantage based on Article (52), paragraph (2) of the First Additional Protocol to the Geneva Conventions.

Verification degrees were also available through intelligence information about the presence of a high-value military target which is (a building in which a group of operators, technicians and ballistic missile experts) in a specific location, and through the implementation of the (reconnaissance and surveillance) operation, which confirmed the intelligence information received, based on customary rule (16) of customary International Humanitarian Law.

The legal protection of the civilian objects (a building in which a group of operators, technicians and ballistic missile experts) lost due to the effective contribution to military actions, and the fact that the target was of high value, in accordance with Article (52), of the First Additional Protocol to the Geneva Conventions.

Accordingly, the Coalition Forces carried out a reconnaissance mission on the target, and at (02:00) AM on Wednesday (01/11/2017), the Coalition Forces targeted (a building in which a group of operators, technicians, and ballistic missile experts). using one guided bomb that hit its target, the Coalition Forces took all feasible precautions to avoid accidental loss of or damage to civilian objects, or to reduce them in any case to a minimum, by choosing the appropriate time to target at (2:00) AM, as markets closes and civilians movement is least, as well as using a single guided bomb which proportional to the size of the target, in accordance with Article (57) of the First Additional Protocol to the Geneva Conventions, and customary rules No. (15) and No. (17) of customary international humanitarian law.

The targeting resulted in the killing of the ballistic missile expert (Qais Ali Al-Qimantar) and several operators, technicians, and ballistic missile experts, , thereby achieving the desired military advantage.

The Panel received information from one witness that two vehicles belonging to Houthi fighters were regularly present, approximately 1,000m from the market and that Houthi fighters frequent the market to buy Qat and other commodities.

The Panel notes, contrary to JIAT's findings, that at the impact point, there was no building, but rather simple structures.

The Coalition did not provide evidence of the presence of Houthi operators, technicians and ballistic missile experts, including Mr. Qais Al Qimantar.

In the absence of such evidence, the Panel is not in a position to review its previous findings.

By analyzing the satellite images of the military target site and comparing it with what was published in the media and the reports issued, JIAT found the following:

- (1) The target site corresponds to the photos published in the media, as well as the photos attached to the reports issued by international organizations, which is (a building in which a group of operators, technicians, and ballistic missile experts).
- (2) The bomb struck the military target directly.
- (3) The buildings adjacent to the targeted military target were not affected.

In light of that, JIAT found that the procedures taken by Coalition Forces, in dealing with the legitimate military target (a building in which a group of operators, technicians, and ballistic missile experts) were correct and in accordance with the International Humanitarian Law and its customary rules.

Wedding,  
Bani Qais,  
Hajjah, 22  
April 2018

Appendix B,  
S/2019/83

JIAT vetted the incident and reviewed all related documents, including procedures and rules of engagement, the daily tasks schedule, the air mission command, after mission report, mission video recordings, satellite images, and assessment of evidences, the rules of engagement of the coalition forces, interviewing and listening to statements by those involved in the operation carried out, and the principles and provisions of international humanitarian law and its customary rules and after the evaluation of the evidence, the joint team found that on Sunday evening, 22 April 2018, the coalition forces received intelligence information from inside Yemen confirming the presence of foreign ballistic missile experts with one of the known Houthi leaders in a specific location in Hajjah governorate.

Coalition forces had previous information on the arrival of ballistic missile experts to Yemen through the port of Hodeidah. Since the province of Hajjah saw seven cases of ballistic missile firing on Saudi territories, the coalition forces carried out a reconnaissance mission to the coordinates from the source. 3 persons, two vehicles and one thermal source were observed beside a building, which was a legitimate military target. The building was targeted at 8:10 pm in the

The Coalition did not provide details about the “number of errors indicating non-compliance with some Rules of Engagement procedures”.

The Panel maintains its finding.



evening with a single guided bomb which hit the targeted building. After seeing the videos of the mission, JIAT did not find the tent of the target area and no signs of civilian gatherings that suggest that there is a celebration ceremony in the target area.

In light of this, the Joint Team concluded that the coalition forces did not target the claimed wedding tent at the place. After reviewing the results of the operation and the actions of the coalition forces, the Joint Team found a number of errors indicating non-compliance with some of the Rules of Engagement procedures to minimize damage which caused collateral damage to the tent in the claim as a result of the bombing of the target building. The Joint Panel recommends that legal measures be taken to hold perpetrators accountable and provide assistance for the damage and losses resulting from this operation.

Bus, Dahyan, Sa'ada, 9 August 2018

Appendix F,  
S/2019/83

JIAT found that on Thursday morning (9 August 2018) the Coalition Forces received intelligence of the presence of several houthi leaders and elements at a specific coordinate in (Magz) directorate, (Sa'ada) governorate, including the (Houthi leader/ Muhammed Abdulhafed Steen) the responsible of training the recruits in using weapons, and field skills.

The Coalition Forces monitored the situation, and approximately at (08:00) a (vehicle), and a (bus) were observed, and intelligence sources confirmed that the observed bus at the location was transferring leaders and elements of the Houthi armed militia.

During the movement in vacant areas of civilians and civilian objects an order was issued twice to target the bus, but the target was not attacked because the fighter aircraft was not available at

the right time and location. The bus then stopped at two locations but none of its occupants got out of the bus, and approximately at (08:20) the bus stopped in front of a building for approximately (5) minutes, the occupants again did not get out of the bus. The Coalition Forces executed an air mission at (08:25) Thursday (9 August 2018) on the (bus) in (Dahyan) town, (Magz) directorate, (Sa'ada) governorate with one guided bomb hit its target.

JIAT found that after interviewing those involved in the operation, the targeting order was issued on more than one occasion during the movement of the bus while passing in open areas, which were vacant of civilians and civilian objects, but were not targeted due to the none availability of the fighter aircraft at the right time and location. when the bus stopped, an order was issued to abort the attack due to the presence of civilians and civilian objects. However, the order was late. The bus was bombed based on the previous repeated orders.

The Coalition did not provide evidence that the targeted bus was "transferring leaders and elements of Houthis armed militia".

The evidence and testimonies received by the Panel did not indicate the presence of Houthis armed militia in the bus.

In the absence of such evidence, the Panel is not in a position to review its previous findings.

After reviewing the video recordings of the executed mission JIAT found that the target was identified before the targeting.

JIAT found that based on reliable intelligence that the bus was carrying leaders and elements of Houthi armed militia, which considered to be a legitimate military target which its destruction achieves a military advantage based on article (52) clause (2) of the first additional protocol of Geneva Convention. But the targeting was incompatible with the Rules of Engagement of the Coalition that requires minimizing the damage to the civilians and civilian objects, also the target did not pose an immediate threat on the Coalition Forces, and the order to abort the mission was not issued in a sufficient time, also the air controller did not comply with the Rules of Engagement of the Coalition to notify the decision maker of the possibility and level of collateral damages, and regarding to the circumstances related to the delay of the execution of the military operation due to the absence of the aircraft in the location

and time to target, that caused not to target in an isolated areas that lead to the reduction of collateral damage to the minimum.

In light of this, JIAT found that although the bus was a legitimate military target which its destruction achieves military advantage, the Rules of Engagement were not followed to minimize collateral damages as the target was bombed in an inappropriate location, based on that JIAT believes that legal procedures should be taken against those responsible for the following errors:

1. The delay issuing the order of aborting the targeting until the target reaches an isolated area, to minimize collateral damages to the minimum in accordance with the Rules of Engagement of the Coalition Forces.
2. The delay in providing an aircraft in the right time, and location.
3. Not informing the decision maker about the possible collateral damage based on the Rules of Engagement approved by the Coalition Air Force.

JIAT recommends the offer of support for the human losses and the damages of the civilian objects caused by the targeting, and the Coalition Forces to immediately review the application of the Rules of Engagement to ensure its been committed.

Regarding to the video recordings and images shown in the media, JIAT found that its source is Houthi armed militia, and their credibility, relation to the time and location of the incident has not been ascertained, especially as they contradict the facts reached by JIAT.

Hospital,  
Kitaf, Sa'ada,  
26 March  
2019

Appendix 2,  
Annex 27,  
S/2020/326

JIAT vetted the incident and, reviewed all documents, including interviewing and listening to the statements of those involved in the military operation carried out, and after studying the air tasking order, daily mission schedule, after mission reports, satellite images of the target site, video recording of the tasked and supporting flights, video recording of the surveillance system, rules of engagements of the Coalition Forces, the principles and provisions of International Humanitarian Law and its customary rules, and after the assessment of evidences, JIAT found that, based on an intelligence information received by the Coalition Forces about (weapons, ammunition, and combat elements of Al-Houthi armed militia) to support Al-Houthi armed militia to attack the legitimate Yemeni forces in the area of operations in the Kitaf axis, which is moving towards the village of Kitaaf to free it from the grip of Al-Houthi armed militia, and near the axis of progress of the legitimate forces, which is witnessing combat confrontations with light and heavy weapons.

On the basis of this information, a surveillance operation was carried out on Tuesday (26/03/2019), which spotted an intensive activity of vehicles, motorcycles and fighters of Al-Houthi armed militia northeast of the village of (Kitaf) in (Saada) governorate including a vehicle carrying weapons, ammunition and combat elements. The vehicle stopped under a tree in a location that is about (430) meters from the hospital. Coalition Forces examined the Collateral Damage Estimation (CDE), the military target was approximately (430) meters from the site of the hospital, which is on the No Strike List (NSL) of the Coalition Forces, the distance between them does not affect that protected location, the tasked flight had experienced a defect in the Laser Designation Pod (LDP) just before the implementation of the targeting operation, which required a support aircraft to guide the bomb to the target, meanwhile the military target (a vehicle carrying Weapons, ammunition and combat elements of Al-Houthi armed militia) moved from its location and stopped next to another armed vehicle carrying (10) fighter elements, the two vehicles then moved to another location (a building used by the Houthi as a distribution and supply point) known to the Coalition Forces and previously included in the observation and reconnaissance list, when the supporting aircraft arrived at the site to support the operation by guiding the bomb, the two vehicle moved away from the building, (distribution and supply point), one of them was parked near a building in the village of (Kitaf), the other vehicle went into hiding under a tree, the fighters on board left the vehicle and hid under another tree that was about (125) meters away from the hospital, the moving target which hid under the trees in the latest location, was re-evaluated, however the fierce clashes between the legitimate forces and the Al-Houthi armed militia in the area

The Panel took into account the declaration made by JIAT in its analysis.

The Panel maintains its findings.



of operations, and the continued military necessity, hastened the work procedures to ensure that the military advantage is not lost, which result in imprecision evaluation of the likely hood that the none military surrounding could be inside the effect of the targeting.

JIAT through the study of the after-mission report, the analysis of satellite and intelligence images, and the open source of the Coalition Force's target location, found that a support aircraft was used to guide the bomb from the other fighter aircraft to the specific military target using one guided bomb, a malfunction in the bomb caused it to fall about (100) meters away from the military target, causing damage to an entrance and a small building inside the hospital wall of the claim, and the destruction of a gas station.

The video of the fighter aircraft confirmed the precise aiming on the military target (Al-Houthi armed militia) hiding under a tree, and showed that the bomb had been diverted and dropped at another location approximately (100) meters from the designated military target.

The video of the aircraft that guided the laser bomb showed that the targeting was aimed at the military target (Al-Huthi armed militia) hiding under a tree in a building-free area, laser guidance continued on the specific military target until the bomb impact, which was drifted about (100) meters away from the designated military target, an explosion was seen north of the military target near Kitaf hospital, which confirms the bomb malfunction.

In light of that, JIAT reached the following:

a. The validity of what was referred to JIAT by the Coalition Forces for collateral damage as a result of an accidental incident during a targeting operation, in the area of operations northeast of the village of (Kitaf) in (Saada) governorate on (26/03/2019).

B. Kitaf rural hospital the place of the claim is on the NO Strike List (NSL) of the Coalition Forces.

C. The availability of intelligence information about a military, enforcements (weapons, munitions, and Al-Houthi armed militias) to support the Al-Huthi armed militia in the attack on Yemeni legitimate forces in the area of operations (the Kitaf axis), which is considered to be a legitimate military target whose destruction achieves a military advantage based on Article (52) Paragraph 2 of Additional Protocol (I) to the Geneva Conventions.

D. Verification degree is achieved by executing (monitoring and surveillance) operation by the surveillance system, which discovered (two vehicles carrying weapons, ammunition, and combat elements) of Al-Houthi armed militia, based on customary rule No. (16).

E. The legal protection of the civilian objects (a vehicle carrying weapons, ammunition, and combat elements) of the Al-Houthi armed militia was lost, due to the use of it to support the war effort, in accordance with article 52 (3) of Additional Protocol (I) to the Geneva Conventions.

F. The bomb drifted away and fell about (100) meters from the location of the specific military target, due to a technical defect in the bomb.

G. The validity of the actions taken by the Coalition Forces in dealing with the legitimate military target, in accordance with the International Humanitarian Law and its customary rules.

H. The mission commander hastened the work procedures to ensure that the military advantage is not lost, which resulted in inaccuracies in the assessment of the possibility of entering the non-military environment within the side effects of targeting.

I. The commander of the mission did not request a re-targeting despite the lack of achieving the military advantage due to the deviation of the bomb, and its fall in another location due to a defect, in order to protect the safety of civilians and civilian objects.

JIAT recommends the following:

a. The Coalition Forces to study the reasons for the failure of the bomb to hit its target, and to take a corrective measures to prevent this from happening in the future.

B. Accountability of the Task Commander for breaching the rules of engagement of the Coalition Forces, due to the inaccuracy in the assessment of the possibility of entering the non-military environment within the side effects of targeting.

C. It is appropriate for Coalition states to provide assistance as a result of an accidental incident during the targeting of a legitimate military target, resulting in human and material damage caused by the deviation of the bomb.

After the assessment of evidences, JIAT found that based on intelligence information received by the Coalition Forces of a specific location belonging to Al-Houthi armed militia, and is used to support the war effort, which is a multi-storey building located north of (Sana'a) city in an isolated location, and is about (300) meters away from the closest civilian object.

With the availability of verification (intelligence information) based on customary rule 16 of customary international humanitarian law, at (8:15) am on Thursday (16/5/2019), Coalition Forces conducted an aerial mission on the military target using two guided bombs, the first bomb hit its target,

In light of the JIAT findings that the incident was due to a defect in the second bomb launched and that the civilian building was not the target, the Panel stands ready to review its findings if the relevant evidence on which JIAT's findings was based, is shared with the Panel.

The Panel takes note of the recommendation made by JIAT that Coalition forces should study the reason why the guided bomb did not fall on its target and ensure that

House,  
Raqqas,  
Sana'a, 16  
May, 2019

Appendix 4,  
Annex 27,  
S/2020/326



while the second bomb did not hit the target, the air crew could not spot where it fell.

By studying the planning stages of the mission, JIAT found that the task was within the pre-planned task, which means the availability of full planning, and the planners took into account several factors including the targeting angle of attack, type of ammunition, timing and the type of the target to be targeted.

JIAT also studied the stages of implementation, and analyzed satellite and reconnaissance images, video recordings of the task carried out, and what was highlighted by the various media reports and found the following:

1. By reviewing the video recordings of the executed task, JIAT found that the target area is free of individuals movement.
2. The targeting designation Pod for the first bomb was directed to the specified military target before and during the targeting where the bomb directly hit the target.
3. The targeting designation Pod for the second bomb was directed at the specified military target before and during the targeting.
4. The air crew could not spot the second bomb impact point, although the targeting designation Pod was aimed on its specified target, which concludes that the defect was in the second bomb. knowing that the bomb did not fall on its target, the air crew decided to stop the targeting.
5. The air crew also conducted a post-targeting assessment (BDA), and photographed the target area and was unable to determine the location where the bomb fell.

By analyzing satellite and reconnaissance images, JIAT found:

- A. The military target is located in an isolated area away from civilian objects.
- B. Damages to the military target as a result of an aerial targeting from the first bomb.
- C. Damages to several buildings which are not close to each other and in different places, and partial effects which are inconsistent at the claimed location about (2500) meters away from the military target.

this will not be repeated in the future.

The Panel recalls that IHL requires military commanders and those responsible for planning and executing decisions regarding attacks, to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. This includes all necessary verification of the material, aircraft and explosive devices to be used.

By analyzing Aerial and photographic pictures and open sources images by specialists, JIAT found that the size of the damage in the buildings (of the claim) does not reflect the impact of aerial targeting with one bomb, the effect of a single bomb is limited to the surrounding of the point of impact, while the Aerial and photographic and open sources images showed damages to several buildings which are not close to each other and even in different places, and partial effects which are inconsistent with the effects of a single bomb.

Based on the above JIAT found the following:

A. The timing of the claim corresponds to the timing of the task performed.

B. The location of the claim was in the vicinity of the course of the attack.

C. The second bomb did not fall on the military target.

D. The executing air crew was unable to determine where the second bomb fell.

E. The executing air crew decided to stop completing their mission after it was proved that the second bomb did not hit its target.

F. The procedures followed by the executing air crew were correct.

In light of that, JIAT reached the following:

a. The actions taken by Coalition Forces in targeting the legitimate military target were correct and in accordance with the International Humanitarian Law and its customary rules.

B. JIAT see that it is likely that the second bomb fell on the site of the claim, which is about (2500) meters away from the military target, due to a technical defect.

JIAT recommends that:

1. The Coalition States provide assistance for human and material losses, as a result of a bomb likely to have accidentally fell away from the legitimate military target.

2. Coalition Forces study the reasons why the guided bomb does not fall on its target, and address it to ensure that it will not be repeated in the future.

Dhammar  
Community  
College, 31  
August 2019

Appendix 7,  
Annex 27,  
S/2020/326

JIAT vetted the incident, and reviewed all documents, including Procedures And Rules Of Engagement, Air Task Order, Daily Mission Schedule, After Mission Report, video recordings of the mission, satellite images, provisions and principles of International Humanitarian Law and its customary rules, and assessment of evidences, JIAT found that, based on the availability of reliable intelligence information to the Coalition Forces, confirmed through monitoring by the air reconnaissance systems for the buildings complex (formerly Community College) in the city of (Dhamar), which was seized by Al-Houthi armed militia, and used to store drones and air defence missile, the observation also showed the presence of military vehicles belonging to Al-Houthi armed militia in the same location, which is considered to be a legitimate high-value military target that its destruction would achieve a military advantage according to Article (52), paragraph (2) of the First Additional Protocol to the Geneva Conventions.

The availability of degrees of verification through the reconnaissance system of the Coalition Forces based on customary rule No. (16) of the International Humanitarian Law, showed Al-Houthi armed militia taking over a compound (formerly the Community College) and using it to store drones and air defence missile, and the presence of military vehicles to support the war effort and effective contribution to military actions, and accordingly, the complex (formerly Community College) lost its legal protection for civilian objects, in accordance with Article (52) paragraph (3) of the first additional protocol to the Geneva Conventions.

Accordingly, in the late night of Saturday (31/08/ 2019), the Coalition Forces carried out an air mission on (drones stores, air defence missile stores, and military vehicles) in a building complex.

The Coalition did not provide the Panel with evidence of storage of drones (UAVs) and air defense missiles by the Houthis at the Dhammar Community College.

In respect to the claim that the Coalition forces were not aware that the complex was used as a detention center, the Panel recalls that this was mentioned in its report S/2018/68 at paragraph 176. It was also reported by the National Commission to Investigate Alleged Violations of Human Rights, in its report *Prisons and detention centers in Yemen during the war*, issued 2018.

The obligation to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects requires military commanders and others responsible for planning, deciding upon, or executing attacks to assess information from all sources available to them and to obtain the best intelligence possible.

The Panel notes that the protection of the prison does not depend upon it displaying any emblem or marking and in addition, Article 83 of the 4<sup>th</sup> Geneva Convention does not apply to non-international armed conflict.

In the absence of evidence provided by the Coalition, the Panel maintains its findings that even if some Houthi fighters were present on the site, as well as weapons, considering the high number of people killed in the incident, and the fact that several buildings on the site were directly targeted, it is unlikely that the principles of proportionality and

precautions were respected.

The Coalition Forces also took all feasible precautions to avoid accidental loss of or damage to civilian objects, or to reduce them in any case to a minimum, by ensuring that no civilians were present before and during the targeting, and choosing the appropriate timing of targeting, late at night to ensure limited movement around the site, using guided bombs commensurate with the size of the target, as well as ensuring that the side effects of weapons stored on the site do not reach civilian objects as they are a safe distance within the (compound), according to Article (57) of Additional Protocol I to the Geneva Conventions and customary rule (15) and (17) Of International Humanitarian Law.

By reviewing the satellite imagery, as well as studying the documents of the Coalition Forces and watching the targeting video of the military target, the following was found:

1. The claimed location was formerly a (Community College), located in the city of (Dhamar) in an isolated area from the buildings, south of the city of (Sanaa).
2. No residential buildings adjacent to the target complex (formerly Community College).

3. The Coalition Forces were not aware of the use of a building in the compound as a detention site, and therefore the site was not on the Coalition Forces No Strike List (NSL).

4. No emblems on any of the buildings of the site of the claim (the former Community College) to distinguish it as a concentration camp (IC), according to Article (83) of the Fourth Geneva Convention.

5. No civilians were present around the site before and during the targeting.

In light of that, JIAT reached the following:

1. The procedures taken by Coalition Forces, in dealing with the legitimate military target (drones armouries, air defence missile armouries, and military vehicles) in a building complex (formerly Community College) which was captured by Al-Houthi armed militia were correct and in accordance with the International Humanitarian Law and its customary rules.

2. It is appropriate for humanitarian considerations that the coalition countries to provide humanitarian assistance to those detainees who have been proven to have been harmed, as a result of targeting the legitimate military target.

**Annex 30: Violations in the context of detention by members of the Coalition**

**The Panel has determined that the publication of this annex may pose a threat to individuals and entities, and their activities in Yemen. Therefore, the information in this annex is not for publication.**



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

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EXHIBIT SPF11

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# Security Council

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## Letter dated 25 January 2022 from the Panel of Experts on Yemen addressed to the President of the Security Council

The members of the Panel of Experts on Yemen have the honour to transmit herewith the final report of the Panel, prepared in accordance with paragraph 10 of resolution [2564 \(2021\)](#).

The report was provided to the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) on 23 December 2021 and was considered by the Committee on 21 January 2022.

We would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Dakshinie Ruwanthika **Gunaratne**  
Coordinator  
Panel of Experts on Yemen

(Signed) Debi Prasad **Dash**  
Expert

(Signed) Marie-Louise **Tougas**  
Expert

(Signed) Wolf-Christian **Paes**  
Expert



## Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)

### *Summary*

During the reporting period, the parties to the conflict continued to fight to consolidate their control over territories and populations. In September and October 2021, in quick succession, the Houthi forces captured several districts surrounding Ma'rib city, and in Baydah and Shabwah. In November, the withdrawal of the Joint Forces on the West Coast resulted in the Houthis gaining control over significant areas in Hudaydah Governorate.

There were measures taken to undermine the Stockholm and the Riyadh Agreements during the reporting period. Neither the Coalition to Restore Legitimacy in Yemen nor the Joint Forces informed the Redeployment Coordination Committee or the United Nations Mission to Support the Hudaydah Agreement (UNMHA), established under the Stockholm Agreement, of their intent to withdraw from areas in Hudaydah. The Houthis also hindered UNMHA from carrying out its mandate. The Southern Transitional Council undertook unilateral appointments of military and security personnel, and the Government of Yemen appointed civil servants, undermining the Riyadh Agreement. There has been limited progress on the implementation of the military and political provisions of the Agreement.

The Government of Yemen failed to provide adequate military support to tribal fighters in Ma'rib, resulting in the Houthis gaining control over strategic areas surrounding the city. Both the Southern Transitional Council and the Government of Yemen have been struggling to secure the resources necessary to ensure the provision of basic services, alleviate the current economic crisis and pay regular salaries, resulting in mass public demonstrations in areas under their control. In the second half of 2021, military infighting between forces affiliated to the Council and several serious security incidents raised questions about the Council's ability to maintain order in areas under its control.

In contrast, in areas controlled by the Houthis, the security situation remained relatively stable and there were no serious challenges to their political authority. The Houthis continued their systematic campaign to ensure the population's adherence to their ideology and to secure popular support for their cause and the conflict; this included the organization of summer camps and cultural courses for both adults and children. The Houthi policy of sexual violence and repression against politically active and professional women continued, including after the designation by the Security Council of Sultan Saleh Aida Aida Zabin (YEi.006) in February 2021.

On the military front, the Houthis continued their aerial and maritime attacks on Saudi Arabia. Targets close to the border remained most at risk and were usually attacked with a combination of uncrewed aerial vehicles and short-range artillery rockets. The Houthis also continued to strike deep inside Saudi Arabia using longer-range uncrewed aerial vehicles, as well as cruise and ballistic missiles. In the Red Sea, waterborne improvised explosive devices were used to attack commercial vessels at anchorage at ports in Saudi Arabia, in some cases more than 1,000 km away from Yemeni shores. The purpose of these attacks was primarily political, i.e. the Houthis want to push Riyadh towards accepting a political settlement beneficial to them. This contrasts sharply with the use of missiles and uncrewed aerial vehicles within Yemen, the aim of which is often to attain maximum lethality.



Most types of uncrewed aerial vehicles, waterborne improvised explosive devices and short-range rockets are assembled in Houthi-controlled areas using locally available materials, as well as commercial components, such as engines and electronics, which are sourced from abroad using a complex network of intermediaries in Europe, the Middle East and Asia.

In February and May 2021, the United States of America Navy seized two cargoes of weapons from dhows in the Arabian Sea. These included significant quantities of small arms and light weapons; container-launched, wire-guided anti-tank missiles; and associated equipment such as optical sights. An inspection of the seized weapons by the Panel revealed that they had markings and technical characteristics consistent with arms documented by the Panel in previous seizures, indicating a common pattern of supplies involving dhows in the Arabian Sea.

The conflict has devastated the economy of Yemen. Due to the country's high dependence on the import of basic commodities and foodstuffs, the rapidly depreciating value of the Yemeni rial, in areas which are not under Houthi control, has led to severe inflationary pressures on retail prices. This has made food items increasingly inaccessible for large parts of the population. With parallel systems of power in the country, there has been a systematic fragmentation of the economic system and institutions. This, in turn, has led to a further deterioration of the economy and the living conditions of the population. This state of impoverishment has created a situation that is exploited by some to further their political objectives, at times leading to civil unrest across Yemen, thereby posing a serious threat to the peace, security and stability of the country.

Houthis adopt various methods to enrich themselves and sustain their activities, notably through the use or threat of violence and coercive regulatory practices. These include the collection of illegal fees and levies from high revenue-generating economic sectors, such as oil and telecommunications, and the confiscation of the assets and funds of individuals and entities. The downstream impact of the fragmented political, regulatory and financial institutions has created a coercive and challenging environment for the economy. Unless the macroeconomic situation is seriously addressed, political solutions to the conflict will only become more complex, making the vision of peace for the region even more distant.

The ongoing Houthi offensive against Ma'rib has had dire consequences for the civilian population, especially internally displaced persons. During the reporting period, there were several attacks against internally displaced person camps, which exposed an already vulnerable population to fear, injury and death while forcing additional displacements. There were also numerous shellings of Ma'rib and Ta'izz cities, which are densely populated areas, with lethal consequences for civilians.

The indiscriminate use of landmines by the Houthis, in particular on the west coast, presents a constant threat to the civilian population, with tragic impacts on lives, security and health, and with long-term consequences if not addressed.

Impunity is the norm rather than the exception when it comes to violations of international humanitarian law and international human rights law. Violations such as arbitrary arrests and detentions, enforced disappearances, torture and ill-treatment are endemic and committed by all parties. Migrants continue to be particularly vulnerable to abuses and violations of international human rights law. In Houthi-controlled areas, detention and the judicial system are being instrumentalized to quell any opposition or perceived dissent, especially by journalists, women and religious minorities. In areas that are not controlled by the Houthis, the judicial system remains weak, dysfunctional and mostly ignored by the security forces. Coalition airstrikes also continue to result in civilian casualties.

There is almost no support available for victims of violations of international humanitarian law and international human rights law. Often, those who have been arbitrarily detained for years, having lost their houses and jobs, are left with nothing when released. This is particularly the case for women who, in addition to trauma, have to face the social stigma associated with their detention. In addition, after years of arbitrary arrests and detentions and enforced disappearances, a large number of Yemenis have gone missing. Their families are left in the lurch, with little support from any of the parties to ascertain the fate of their relatives.

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\* The annexes are being circulated in the language of submission only and without formal editing.

## I. Introduction

1. The present report, provided to the Security Council pursuant to paragraph 10 of resolution [2564 \(2021\)](#), covers the period from 6 December 2020 to 5 December 2021 and includes updated findings from the investigations that were presented in the Panel's final report of 25 January 2021 ([S/2021/79](#)).
2. The Panel complied with paragraph 14 of resolution [2564 \(2021\)](#), concerning the best practices and methods recommended by the Informal Working Group of the Security Council on General Issues of Sanctions ([S/2006/997](#)). The Panel placed emphasis on adherence to standards relating to transparency, objectivity and sources, documentary evidence, corroboration of independent verifiable sources and providing the opportunity to reply.<sup>1</sup> In conformity with paragraph 11 of resolution [2564 \(2021\)](#), the Panel maintained cooperation with the Analytical Support and Sanctions Monitoring Team and the Panel of Experts on Somalia.
3. In its previous final report, the Panel reported on the implementation of the Saudi deposit mechanism. In view of additional information received by the Panel since the publication its previous report, the Panel has undertaken a complete review of section IX.B, annex 28 and text related thereto in table 1, and the recommendation contained in paragraph 161 of that report. The findings of the present report update and replace the findings of the aforementioned parts of the previous report.
4. During the reporting period, the Panel travelled to Egypt, Germany, Iraq, Saudi Arabia and the United Arab Emirates, as well as to Aden and locations on the west coast of Yemen.<sup>2</sup> The Panel conducted inspections of seized weapons and of debris from missiles, uncrewed aerial vehicles and waterborne improvised explosive devices in the countries of the region.
5. The coronavirus disease (COVID-19) pandemic continued to have an impact on the Panel's ability to travel and investigate cases. The Panel notes that some individuals and entities share sensitive information in person only. Restrictions related to the pandemic have forced the Panel to draft remotely, which has had an adverse impact on the process. The Panel's regional expert resigned on 31 July 2021; this position had not been filled at the time of writing.
6. The Panel met with senior members of the Government of Yemen, including the Vice-President and Prime Minister, as well as leaders of the Southern Transitional Council, including its President. The Panel's visit to the west coast provided an opportunity to meet with local authorities, senior representatives of the National Resistance Forces, the Amaliqah Brigades and Tihamah leadership. The Panel also met with senior officials of Saudi Arabia and the United Arab Emirates.
7. The Panel sent 147 official letters, of which 94 letters were to 21 Member States and 53 letters were to 36 organizations, entities and companies, to which 68 replies were still pending as of 17 December 2021 (see annex 3).

## II. Developments affecting peace, security and stability

8. The conflict in Yemen cannot be understood without an analysis of its role within the region, both regarding the threats posed by the military actions of the Houthi forces to the security of Saudi Arabia and the wider region, and regional political developments affecting the search for a peaceful solution.

<sup>1</sup> Additional information on the Panel's methodology and the opportunity to reply is provided in annex 1.

<sup>2</sup> Major locations in Yemen are spelled in accordance with the spellings used in the United Nations Geographic Information System map in annex 2.

9. For Saudi Arabia, with a long and difficult border to control, strong social and economic ties, and the strategic importance of the Bab al-Mandab strait, the conflict in Yemen is as much about containing an external threat as it is about restoring the authority of the legitimate Government in the interest of bilateral relations. The Government of Abdrabuh Mansour Hadi requires the continuous military, financial and political backing of Riyadh. Nevertheless, Saudi Arabia is increasingly looking for an exit from the war, inter alia, because the war is expensive and unpopular with domestic audiences.

10. The role of the United Arab Emirates in Yemen, unlike that of Saudi Arabia, is harder to understand. The United Arab Emirates does not share a border with Yemen and there are fewer economic and social ties between the two countries. Having spearheaded anti-Houthi military operations on the west coast until the signing of the Stockholm Agreement in 2018, the United Arab Emirates officially withdrew most of its military forces in 2019, while remaining part of the Coalition and also conducting counter-terrorism operations. Nevertheless, it retains an outsized political role in Yemen, mostly through providing political, financial and military support to the Joint Forces on the West Coast, as well as political support to the Southern Transitional Council.

11. The situation is less clear with regard to external support for the Houthis. The Islamic Republic of Iran has been a political ally of the movement since at least 2015 and maintains an “ambassador” in Sana’a. It is one of few States Members of the United Nations that recognize the Houthis as the legitimate government of Yemen.

12. The other country in the region that maintains formal channels of communication with the Houthis is Oman, which shares a border with Yemen. Strong social and economic links exist between the two populations. The Sultanate maintains a neutral position vis-à-vis the conflict and hosts high-level Houthi negotiators. Overland commercial traffic remains lively. While the border crossings are under the control of the Government of Yemen, there is evidence that components for Houthi weapon systems (see paras. 69 and 70), as well as other military equipment (see para. 67), continue to be supplied overland to the Houthi forces by individuals and entities based in Oman.

13. Within Yemen, the political, security, military, economic and humanitarian situation further deteriorated during the reporting period. The unity Government, which includes representatives from the Southern Transitional Council and the Hadi Government, was sworn in on 26 December 2020. This Government, formed after months of negotiations, was the most significant achievement of the Riyadh Agreement. However, the unity Government has not been able to meet all its objectives, i.e. the withdrawal of military forces from Aden affiliated to the Southern Transitional Council, jointly confronting the Houthis, stabilizing the currency and increasing government revenues.<sup>3</sup> For example, the Government of Yemen and the Council disagree on whether the Council has removed all military units from Aden (see annex 6); the Houthis made significant territorial gains; and the exchange rate of the Yemeni rial against the United States dollar, which was 720 on the date of the announcement, has steadily deteriorated, crossing 1,700 in early December 2021.

14. During the reporting period, measures were taken by both signatories which undermined the Riyadh Agreement (see paras. 15 and 34).<sup>4</sup> The Prime Minister and some senior government functionaries were compelled to leave Aden, barely three months after the formation of the unity Government, after protestors stormed

<sup>3</sup> See [www.arabnews.com/node/1783251/middle-east](https://www.arabnews.com/node/1783251/middle-east).

<sup>4</sup> Panel discussions with the negotiating teams of both the Southern Transitional Council and the Government of Yemen in Riyadh in June and October 2021.

Masheeq Palace, where the Prime Minister was residing.<sup>5</sup> After that incident, in mid-2021 negotiation teams from Government of Yemen and the Southern Transitional Council were formed in an attempt to revive the Riyadh Agreement, and to enable the Prime Minister and his Cabinet to return to Aden. In the absence of the Prime Minister and after the return to Aden of the President of the Southern Transitional Council, Aidarous Zubaidi, in May 2021,<sup>6</sup> the Council took additional measures to establish its control over various institutions. In June 2021, the Council informed the Panel that it had taken control of Mayyun/Perim island, with the help of the Coalition.<sup>7</sup> Following protracted negotiations by Saudi Arabia, the Prime Minister returned to Aden on 28 September 2021.

15. The political relationship between the Southern Transitional Council and the Government remains tense, with the Government accusing the Council of escalating already palpable tensions with its belligerent rhetoric. The Council accuses the Government of carrying out a “war of services” by denying populations under the Council’s control access to public services.<sup>8</sup> In June 2021, Saudi Arabia stated that the political and media escalation and the subsequent political and military appointment decisions by the Council were inconsistent with what had been agreed upon between the two parties.<sup>9</sup> It is unusual for Saudi Arabia to publicly single out any party for criticism.

16. The Panel notes that both the Stockholm and the Riyadh Agreements were negotiated under time constraints during crisis situations, namely, the advances by the Joint Forces on Hudaydah city in 2018 and the open fighting between the Southern Transitional Council and the Government of Yemen in 2019. Both Agreements contain broad wording that leaves room for significant differences in interpretation by the conflict parties. As such, the Agreements per se are merely starting points for further negotiations on their implementation, which has stalled. Withdrawals in Hudaydah by the Joint Forces in November 2021 undermined the already weakened Hudaydah Agreement. Although the Riyadh Agreement was partially successful in achieving local ceasefires in Abyan in 2021, other objectives remain incomplete in terms of implementation.

### **III. Activities of armed groups that threaten the peace, security and stability of Yemen**

17. Throughout the reporting period, Houthi and Government of Yemen forces backed by the Coalition continued to fight for the control of Ma’rib city. In September and October, in quick succession, the Houthis captured several districts in Baydah, Shabwah and Ma’rib Governorates, with the aim of encircling the city (see map 1 and annex 4). As the fall of the city became a real prospect, anti-Houthi forces began repositioning themselves and forming new strategic alliances (see para. 31 and annexes 4 and 5). In October and November, there were unprecedented redeployments and withdrawals by both the Coalition and the Joint Forces (see paras. 18–20).

<sup>5</sup> Although the Government of Yemen accused the Southern Transitional Council of orchestrating those protests, the Council’s involvement was less visible than in August 2019, when the vice-president of the Council, Hani Ali Salem Binbrek, publicly called for the storming of the presidential palace (see S/2020/326, para. 29).

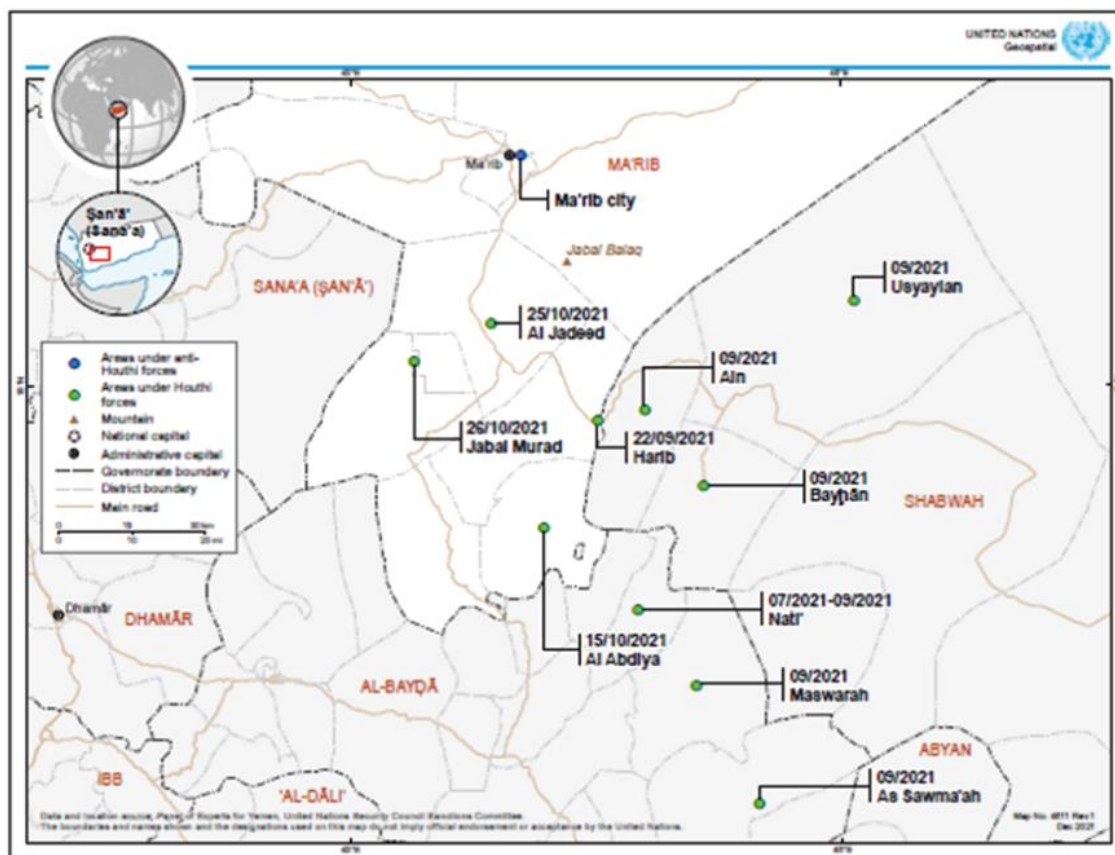
<sup>6</sup> See <https://en.smanews.org/south-arabia/president-al-zubaidi-returns-to-aden-the-capital/>.

<sup>7</sup> Meeting with the Council negotiating team in June 2021 in Riyadh. Mayyun, also known as Perim, is a very small island in the Bab al-Mandab strait.

<sup>8</sup> Discussions with the Council delegation in Riyadh in 2021.

<sup>9</sup> See <https://twitter.com/SPAregions/status/1410734209367363592?s=19>.

Map 1  
Houthi military gains, September–October 2021



#### A. Withdrawals by the Joint Forces on the West Coast from Hudaydah in November 2021

18. Around 10 or 11 November 2021, brigades of the Joint Forces began withdrawing from their positions on the north-western strip of the Hudaydah coastline. According to the Coalition and the Joint Forces, this was a pre-planned national military strategy,<sup>10</sup> aimed at reinforcing the Shabwah and Ma'rib fronts.<sup>11</sup> On 12 and 13 November, Houthi forces took control of the vacated areas (see map 2).<sup>12</sup> Around 14 November, the Coalition launched airstrikes to prevent further Houthi advances, reportedly its first engagement in the area since the signing of the Stockholm Agreement.<sup>13</sup>

19. The withdrawals had adverse consequences on the humanitarian situation of civilians. Civilian and military authorities were informed of the withdrawals 24 hours before they occurred, which did not give them sufficient time to evacuate vulnerable people from the areas.<sup>14</sup> The Government of Yemen informed the Panel of 54 alleged violations of international humanitarian law committed by the Houthi forces after they gained control over vacated areas; most occurred on 12 November 2021.<sup>15</sup> By

<sup>10</sup> For the statements, see annex 5.

<sup>11</sup> Confidential sources.

<sup>12</sup> The Houthis, having been taken by surprise, reportedly did not initially have sufficient troops to occupy those areas.

<sup>13</sup> See [www.aljazeera.com/news/2021/11/15/un-calls-for-new-talks-on-yemens-hodeidah-as-frontlines-shift](https://www.aljazeera.com/news/2021/11/15/un-calls-for-new-talks-on-yemens-hodeidah-as-frontlines-shift).

<sup>14</sup> Reportedly, it was difficult to regroup the concerned units. Some Joint Forces fighters were killed.

<sup>15</sup> The Panel also received information from multiple sources but has not yet been able to investigate.

14 November, the United Nations reported the displacement of over 800 families because of the withdrawals.<sup>16</sup> The Peaceful Tihamah Movement and the Tihamah Resistance condemned the withdrawals (see annex 5). At least one brigade refused to withdraw from its location until the families of its members were safely evacuated. The Panel finds that the Joint Forces and the Coalition should have taken adequate measures to ensure the safety of civilians and wounded fighters, notably by ensuring that civilians at risk from Houthi reprisals would be evacuated in a timely manner.

20. The Joint Forces indicated that these withdrawals were according to the redeployment plan of the Stockholm Agreement (see annex 5).<sup>17</sup> However, the withdrawals were not coordinated with the Government of Yemen<sup>18</sup> or the Redeployment Coordination Committee, which, according to the Agreement, is to supervise redeployments.<sup>19</sup> UNMHA, responsible for the facilitation of the Agreement's implementation, was also not informed,<sup>20</sup> nor was the Special Envoy of the Secretary-General for Yemen, who visited Mukha on 10 November.

21. The Stockholm Agreement, mediated by the previous Special Envoy, is unpopular among the Joint Forces. The National Resistance Forces, for example, view it as having impeded their victory in Hudaydah. Both they and the Tihamah Resistance begrudge the signing of the Agreement without their participation.<sup>21</sup> This frustration is further fuelled by the inability of the United Nations to reach an agreement in Ma'rib, which could operate to stop Houthi advances, in a similar way to how the Stockholm Agreement stopped further advances of the Joint Forces into Hudaydah in 2018–2019.<sup>22</sup>

22. The Hudaydah Agreement has failed to achieve some important objectives: there have been multiple ceasefire violations; redeployments from the ports are contested; and the Houthis have unilaterally used revenue from the Central Bank of Yemen in Hudaydah, despite undertakings in place.<sup>23</sup> The Houthis further prevented UNMHA from fully carrying out its mandate, including by controlling its observers' movements. Additionally, the Houthis instrumentalized the Agreement by using it to protect high-value military targets (see para. 49 and annex 36). The delegation of the Government of Yemen to the Redeployment Coordination Committee stopped its participation in the joint Committee mechanism in March 2020 after the Houthis allegedly killed a Government of Yemen-affiliated Committee liaison officer.<sup>24</sup>

<sup>16</sup> See [https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Situation%20Update\\_Humanitarian%20Impact%20in%20Al%20Hodeidah%20and%20Red%20Sea%20Coast\\_20211114-final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Situation%20Update_Humanitarian%20Impact%20in%20Al%20Hodeidah%20and%20Red%20Sea%20Coast_20211114-final.pdf).

<sup>17</sup> A representative of the Joint Forces informed the Panel that the Houthis were planning to launch military operations against Al-Faza in Hudaydah after capturing Ma'rib city. Taking over this narrow strip of land controlled by the Joint Forces would allow the Houthis to effectively cut off supplies to 13 brigades stationed north of Al-Faza.

<sup>18</sup> A representative of the Joint Forces stated that neither the United Nations Mission to Support the Hudaydah Agreement (UNMHA) nor the Government of Yemen had been informed due to fear that both entities were compromised, i.e. they did not want the Houthis to know about the withdrawal.

<sup>19</sup> See [www.aa.com.tr/en/middle-east/yemeni-gov-t-denies-role-in-withdrawal-of-allied-forces-from-hudaydah/2419837](http://www.aa.com.tr/en/middle-east/yemeni-gov-t-denies-role-in-withdrawal-of-allied-forces-from-hudaydah/2419837). The Government of Yemen confirmed the information. Joint Forces leaders are members of the Government of Yemen delegation to the Redeployment Coordination Committee.

<sup>20</sup> See [https://twitter.com/UN\\_Hudaydah/status/1459262407759609860](https://twitter.com/UN_Hudaydah/status/1459262407759609860).

<sup>21</sup> See <https://2dec.net/news47583.html>, <https://alamalika.net/site/2021/11/12/-القوات-عن-المشتركة-في-الساحل-2>.

<sup>22</sup> Panel discussions with the Joint Forces, the Government of Yemen and individuals from Ma'rib. See <https://alamalika.net/site/2021/11/12/2-الساحل-في-المشتركة-القوات-عن-المشتركة-في-الساحل-2>.

<sup>23</sup> Discussions with Government of Yemen, Joint Forces and Tihamah leaders. See <https://republicanyemen.net/archives/27167>, <https://almahriah.net/video/6536>.

<sup>24</sup> The Government of Yemen-affiliated Redeployment Coordination Committee team requested from UNMHA that there be an investigation of the killing and requested UNMHA to transfer its offices to a neutral area because they were currently in a Houthi-controlled area. The Government of Yemen informed the Panel that that it continued to meet with the UNMHA unilaterally; the most recent such meeting was on 7 June 2021 (see S/2021/79, para. 12).



23. Following the withdrawals on the west coast, the Joint Forces recaptured some areas in Hudaydah and West Ta'izz Governorates from the Houthis (see annex 4). The Coalition also supported some of these operations through air strikes.<sup>25</sup>

24. There were also movements by some Amaliqah Brigades to Aden and Abyan, reportedly with the intent to reinforce Shabwah (see annexes 4 and 5). The Joint Forces have not deployed into Ma'rib.<sup>26</sup>

## Map 2

### Changes in areas of control as of 1 December 2021



Source: Government of Yemen.

Note: The areas in deep red are those which the Houthis are said to have captured following the events of November 2021.

<sup>25</sup> See <https://english.aawsat.com/home/article/3305871/arab-coalition-says-supporting-yemeni-forces-west-coast-outside-areas-stockholm>.

<sup>26</sup> Representatives of the Joint Forces. Members of the 3rd Amaliqah Brigade are fighting in Ma'rib, but they are fighting in their individual capacity, according to the Government of Yemen (see para. 38).

25. The Government of Yemen does not appear to have a national-level military strategy to fight the Houthis. The front lines on the west coast and in southern Yemen are largely left to the Joint Forces and the Southern Transitional Council to defend against the Houthis. It is the Coalition, and not the Government of Yemen, that coordinates military operations between the different anti-Houthi factions. For example, in 2021, both the Council and the Joint Forces informed the Panel that it was the United Arab Emirates or the Coalition that coordinated joint military operations with the Government of Yemen (see annex 5)<sup>27</sup> and that they did not receive instructions from the Government of Yemen or the Ministry of Defence.<sup>28</sup>

26. It is unclear to what extent the Government has autonomy from the Coalition in military decision-making. Among Coalition members, there are also competing priorities, which clearly affects the military and political landscape in Yemen (see S/2021/79, para. 28). The Coalition, some officials in the Government of Yemen and some tribal leaders have expressed their concern that corruption in the Ministry of Defence, or the Yemeni Islah Party's influence over the military and high-ranking officials, has an impact on support for, and the performance of, the national army and affiliated tribal forces.<sup>29</sup>

## B. Armed groups on the west coast

27. Since 2019, the Joint Forces have largely held defensive positions against the Houthis. During the reporting period, it positioned itself as a relevant actor beyond the west coast, offering to fight in Ma'rib and to send brigades to Shabwah (see annex 5). In November 2021, it conducted offensive operations in Hudaydah and West Ta'izz.<sup>30</sup> While forces affiliated to the Southern Transitional Council experienced a level of disintegration during the reporting period (see para. 35), clashes within the Joint Forces were few and of a shorter duration, and had limited impact on civilians.<sup>31</sup> As the Coalition's frustration with Government of Yemen and the Council became more evident during the reporting period, in particular because of their inability to implement the Riyadh Agreement, the Joint Forces emerged as a more reliable partner to the Coalition, as demonstrated by the Coalition-coordinated Joint Forces withdrawal of November 2021.<sup>32</sup> The Government of Yemen and the Joint Forces also have a mutually beneficial relationship, in which the Joint Forces defend the west coast from the Houthis and derive some legitimacy by being aligned to the Government of Yemen.

28. In late 2020, all armed groups on the west coast were reorganized under the dual leadership of Tareq Saleh of the National Resistance Forces and Abu Zara Al-Mahrami of the Amaliqah Brigades.<sup>33</sup> In March 2021, Saleh created the political

<sup>27</sup> The United Arab Emirates stated in October 2021 that it did not have operational control over Southern Transitional Council or Joint Forces leaders and that the activities of those forces were directly linked to their leaders.

<sup>28</sup> Panel discussions in Aden and on the west coast, in August 2021, with military leaders. See also an interview with the Director of the Office of the President at <https://sanaacenter.org/publications/news/14136>.

<sup>29</sup> Meeting in Riyadh in October 2021. The Yemeni Islah Party denied exercising any control over the Government of Yemen and the military.

<sup>30</sup> Ta'izz military officials and the Joint Forces. See <https://2dec.net/news47596.html> and <https://twitter.com/SDwaid/status/1461714995516002314>.

<sup>31</sup> The most notable clashes being those between the 3rd Amaliqah Brigade and Abu Zara Al-Mahrami over the latter's decision to change the Brigade's leader (see para. 38).

<sup>32</sup> The November 2021 withdrawals were the most significant military movements for which the Coalition took responsibility, without informing the Government of Yemen. With regard to the Southern Transitional Council, see para. 15.

<sup>33</sup> As opposed to 2019, when different force commanders were on an equal footing. See [www.iremnews.com/news/arab-world/yemen/1883139](http://www.iremnews.com/news/arab-world/yemen/1883139) and annex 5, appendix 4.

bureau of the National Resistance Forces (see annex 5). Saleh's influence over the local authorities was visible during the Panel's visit to Khawkhah and Mukha in August 2021.<sup>34</sup> Saleh provides local authorities with financial incentives, humanitarian and development assistance, and guarantees of their security.<sup>35</sup> This is possible through the support of the United Arab Emirates for Saleh,<sup>36</sup> which allowed him to step in for the absent central Government. Saleh's activities in this regard have further eroded the authority of the Government of Yemen on the west coast.

29. Some Tihamah leaders consider the National Resistance Forces and the Amaliqah Brigades as outsiders to their region.<sup>37</sup> They resent the incorporation of Tihamah armed forces under these two entities, which, according to them, was undertaken by Saleh and the United Arab Emirates to weaken the Tihamah military leadership.<sup>38</sup> The withdrawal in November 2021 further escalated tensions because the Houthis have now gained control over more Tihamah land, and in the process committed atrocities against the Tihamah population (see annex 5). Some Tihamah military and political leaders, in meetings with the Panel throughout the reporting period, stated that they did not exclude the use of force as an option if they continued to be marginalized from local political and military decision-making, citing the example of the Southern Transitional Council's use of force in Aden.<sup>39</sup>

30. During the Panel's visit to the west coast in August 2021, local authorities stated that the main factors that undermined their authority and prevented them from undertaking developmental activities were the illegal collection of revenues by the Joint Forces (see figure I) and the continued occupation of public buildings by the Amaliqah Brigades. In Mukha, the revenues collected by the Joint Forces were not deposited in the Central Bank of Yemen.<sup>40</sup> Al-Mahrami of the Amaliqah Brigades and Ahmed Al-Kawkabani, former Commander of the 1st Tihamah Brigade, informed the Panel that they were occupying some public buildings to secure them or to provide temporary bases for their troops until they received alternative locations from the Coalition. Individuals on the west coast further alleged that the inability of the Joint Forces to halt the smuggling of small weapons, fertilizer and fuel into Houthi-controlled areas through the west coast had further eroded the authority of local institutions, to the frustration of local people and fighters.

<sup>34</sup> The influence was not always positively described, e.g. by those who feared reprisals if they carried out activities that were not approved by Saleh.

<sup>35</sup> Meeting with Mukha authorities on the west coast. See also <https://2dec.net/news47897.html>.

<sup>36</sup> Confidential discussions with local authorities. See also <https://2dec.net/last47928.html> and <https://2dec.net/last47939.html> regarding the delivery by the United Arab Emirates of 80,000 COVID-19 vaccine doses through the National Resistance Forces. The United Arab Emirates informed the Panel that it provided development and humanitarian assistance on the west coast.

<sup>37</sup> Meetings with military and political leaders of Egypt, Saudi Arabia and Yemen in 2021. See also [www.mei.edu/publications/century-old-grievances-continue-fester-yemens-tihama-region](http://www.mei.edu/publications/century-old-grievances-continue-fester-yemens-tihama-region).

<sup>38</sup> Ibid.; see also <https://almahriah.net/local/5952>.

<sup>39</sup> Meetings prior to November 2021.

<sup>40</sup> Confidential sources. The Amaliqah Brigades informed the Panel that the revenue collection was based on an agreement with authorities and that it was used for development.

Figure I

**Receipts for “entry fees” for fuel issued by the Joint Forces on the West Coast at al Dhubab checkpoint**



Sources: Confidential (redactions by Panel).

### C. Relationship between the Joint Forces on the West Coast and the Southern Transitional Council

31. The Southern Transitional Council and the National Resistance Forces informed the Panel in August 2021 that they did not engage in significant military cooperation.<sup>41</sup> Nevertheless, with the possibility of the fall of Ma'rib to the Houthis, in October 2021 the two parties alluded to their readiness to form a united front against the Houthis (see annexes 1 and 5).<sup>42</sup>

32. Some Amaliqah Brigades units, by contrast, fought alongside the Southern Transitional Council against the Government of Yemen in 2019.<sup>43</sup> In 2021, the Amaliqah Brigades used Council-controlled facilities and maintained a military camp in Aden (see para. 38). Within the Coalition, the United Arab Emirates continues to retain significant influence over Saleh, Al-Mahrami and Zubaidi. This influence has, so far, prevented serious clashes between the different forces.<sup>44</sup>

### D. Armed groups affiliated to the Southern Transitional Council

33. During the Panel's visit in August 2021, it was evident that the Government of Yemen had no effective military or security presence in Aden. The Southern Transitional Council and its affiliated forces controlled the Governorate. Notably, Panel meetings with local authorities were held in the presence of Council officials. The Council stated that it maintained a functioning Governorate, despite the absence of senior government functionaries and limited financial support.

<sup>41</sup> For example, in September 2021, the Panel visited a camp for wounded National Resistance Forces fighters in Aden, who said they felt unsafe among members of the Council, because most of the wounded were from the North.

<sup>42</sup> See <https://2dec.net/news46965.html> and <https://stcaden.com/news/15986#.YXrXgYHNXw0.twitter>.

<sup>43</sup> In discussions with the Panel, Al-Mahrami stated that his forces aimed to remain neutral and did not wish to get involved in clashes between the Government of Yemen and the Council.

<sup>44</sup> The United Arab Emirates informed the Panel that it “has good relations with the above-mentioned parties, but its influence on those parties is limited and focused on advancing the peace process” and that it “is working on reducing any armed escalations resulting from conflicting opinions”.

34. The Council stated that, in 2021, all its military and security forces had been integrated into the Government forces;<sup>45</sup> the Government of Yemen denies this.<sup>46</sup> Zubaidi relies on the continued existence of Council armed forces to fulfil his political ambition of creating an independent south.<sup>47</sup> This will likely prevent the complete integration of these forces as foreseen by the Riyadh Agreement. The Council stated that the Government of Yemen had violated the Agreement in 2021 through unilateral appointments of public servants.<sup>48</sup> The Government of Yemen responded that the requirement for consultations with the Council, according to the Agreement, was limited to the appointment of governors and security directors of specified governorates. As such, while the Agreement may have prevented military escalations between the Government of Yemen and the Council,<sup>49</sup> it is not a sustainable solution to the southern political crisis.

35. The Council's authority has significantly eroded since it took control of Aden in 2019. The military infighting and serious security incidents that occurred during the reporting period have raised questions about the Council's ability to provide security in areas under its control. For example, since June 2021 there have been three significant explosions of improvised explosive devices, as well as clashes between Council fighters that resulted in civilian casualties.<sup>50</sup> The Council continued to struggle to secure the resources necessary to ensure the provision of basic services, alleviate the economic crisis and ensure that regular salaries were paid to its fighters. Support from the United Arab Emirates to Council-controlled areas appears to have visibly decreased since 2019, while Saudi Arabia continues to largely channel its financial support through the Government of Yemen.

## E. Developments in Houthi-controlled areas

### 1. Military developments

36. During the reporting period, the Houthis continued to rule in their territories without any significant political or military opposition, while making significant military gains. The Houthis gained full control of Baydah and advanced into areas in Hudaydah, Ma'rib and Shabwah (see annex 4). The security situation in Houthi-controlled areas was stable compared with that in other areas of Yemen (see para. 35). The Houthis profited from, and at times contributed to, the instability in areas not

<sup>45</sup> See annex 6.

<sup>46</sup> However, both claim control over the Shabwani and Hadhrami Elite Forces. Discussions with the Government of Yemen and the Council in August and November 2021.

<sup>47</sup> For example, in March 2021 Zubaidi stated that: "The fall in Ma'rib ... might accelerate the process towards internationally convened talks between the North and the South. It could lead to a situation where the Southern Transitional Council are largely in control of the South and the Houthis control most of the North. In that case, it would make sense to have direct talks between the parties that are in control." See [www.theguardian.com/world/2021/mar/01/biden-can-help-end-yemen-civil-war-by-backing-referendum-say-separatists](https://www.theguardian.com/world/2021/mar/01/biden-can-help-end-yemen-civil-war-by-backing-referendum-say-separatists). He also continues to advocate for a separate South (see [www.youtube.com/watch?v=XcoCwFrwr58](https://www.youtube.com/watch?v=XcoCwFrwr58)).

<sup>48</sup> See <https://english.aawsat.com/home/article/2746991/yemen's-hadi-appoints-new-head-shura-council-attorney-general-cabinet-secretary>.

<sup>49</sup> It has, so far, prevented major confrontations in Abyan, Aden and Shabwah. There were localized clashes, for example, in Shabwah between the Southern Transitional Council-affiliated Shabwani Elite Forces and the Government of Yemen after the United Arab Emirates left the Alam camp in October 2021.

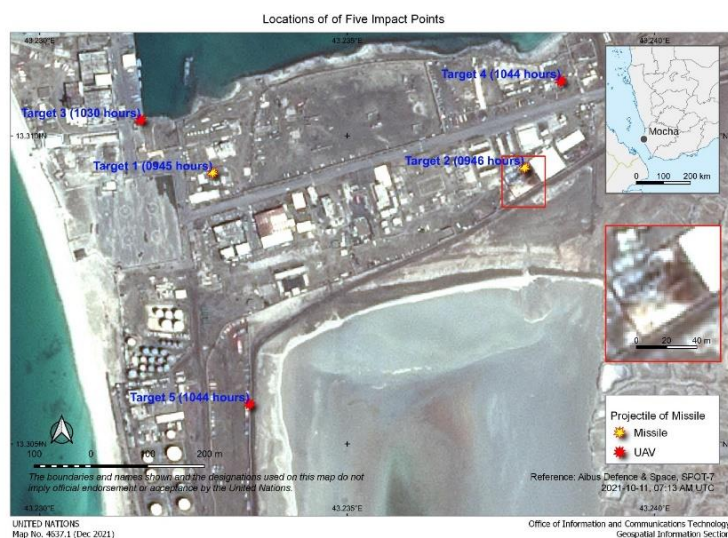
<sup>50</sup> Improvised explosive devices targeted the Governor and two journalists, and one improvised explosive device was placed outside Aden International Airport. Some attribute these incidents to the Houthis. See [www.aljazeera.com/news/2021/10/10/yemen-aden-car-bomb-several-killed](https://www.aljazeera.com/news/2021/10/10/yemen-aden-car-bomb-several-killed), [www.aljazeera.com/news/2021/11/11/yemeni-journalist-and-child-killed-in-car-bombing-in-aden](https://www.aljazeera.com/news/2021/11/11/yemeni-journalist-and-child-killed-in-car-bombing-in-aden) and [www.france24.com/en/middle-east/20211030-at-least-12-killed-in-blast-near-yemen-s-aden-airport](https://www.france24.com/en/middle-east/20211030-at-least-12-killed-in-blast-near-yemen-s-aden-airport).



under their control (see paras. 37–40).<sup>51</sup> The Houthis continued to strategically undermine their opponents.

37. During the reporting period, the Panel documented four incidents of missile and uncrewed aerial vehicle attacks on the west coast and in the south, where the attacks targeted important political initiatives or contributed to chaos among anti-Houthi forces.<sup>52</sup> On 30 December 2020, Aden International Airport was attacked by missiles, just as the newly formed unity Government landed (see annex 7). The formation of this Government was the most important achievement of the Riyadh Agreement and, had the plane not been delayed, it is likely that there would have been more casualties among Government representatives, undermining months of negotiations. The timing of the attack was also symbolic, in that the return of the Government provided hope for the people after witnessing two years of fighting between the Southern Transitional Council and the Government of Yemen. On 11 September 2021, Mukha port was attacked with five uncrewed aerial vehicles and two missiles. At the time, a governmental committee was visiting to oversee the port being converted for civilian use after years of exclusive military occupation. This conversion would be an important milestone in normalizing relationships between the Joint Forces and the Government, while opening an additional port for civilian imports on the west coast (see annex 8). On 10 November, missiles hit some military bases in Mukha, on the day that the Special Envoy for Yemen was due to undertake his first mission to the west coast (see map 3 and annex 8).

### Map 3 Mukha port attack



38. On 29 August, the Anad camp in Lahij was attacked by missiles and an uncrewed aerial vehicle.<sup>53</sup> This reportedly resulted in around 90 casualties among the 3rd Amaliqah Brigade.<sup>54</sup> The Brigade, which is usually located on the west coast, was in Anad to undertake a training session, following disagreements with Abu Zara

<sup>51</sup> The Southern Transitional Council stated that when Houthis “anonymously” carry out attacks, they allow for speculation as to who may be responsible, and create further distrust among anti-Houthi forces.

<sup>52</sup> Additional Houthi attacks that resulted in civilian casualties in Ta’izz and Ma’rib are documented at paras. 114–117 and annex 35.

<sup>53</sup> For sources, see annex 5.

<sup>54</sup> See [www.aljazeera.com/news/2021/8/29/several-killed-in-houthi-attack-on-yemens-largest-base](https://www.aljazeera.com/news/2021/8/29/several-killed-in-houthi-attack-on-yemens-largest-base).

Al-Mahrami, leader of the Amaliqah Brigades. This attack, which targeted the Third Brigade, created suspicions of collusion between Al-Mahrami and the Houthis,<sup>55</sup> which Al-Mahrami denies.<sup>56</sup> Following the attack, some Third Brigade members dispersed, as they said that they no longer trusted Al-Mahrami.

39. Except for the attack on 10 November, responsibility for the attacks documented in paragraphs 37 and 38 have not been claimed by the Houthis (see annexes 7 and 8).<sup>57</sup> It is unlikely that other armed groups in Yemen have the relevant capacity or motivation for these attacks. It is significant that, in all four attacks, missiles were reportedly launched from Houthi-controlled Ta'izz.<sup>58</sup> In at least two of the attacks, the Panel was informed that early warnings had been provided by the Government of Yemen-affiliated Ta'izz military axis to the Coalition. In the 29 August attack, surveillance uncrewed aerial vehicles were sighted over the area prior to the attack; an attack was therefore expected.<sup>59</sup>

40. The Panel was also informed that, over the course of 2021, surveillance uncrewed aerial vehicles were observed over key institutions, such as Aden International Airport and Mukha port. Anti-Houthi forces in Yemen have no means of preventing uncrewed aerial vehicles or missiles from entering their airspace. The Southern Transitional Council and the Joint Forces, which control the sites of the aforesaid four attacks, stated that, after the United Arab Emirates forces left their areas, they no longer had effective air defence systems, complaints which the Panel also heard in Ma'rib in October 2020. A Coalition member informed the Panel that it was unable to send its air defence systems to Yemen as that would be in breach of its end-user agreements. Had these systems been in place, there likely would have been fewer civilian casualties and less damage to infrastructure (see paras. 114–117).

## 2. Political and cultural developments

41. The Houthis continue their systematic campaign to ensure the population's adherence to their ideology and to secure local support for the conflict. In doing so, they specifically target vulnerable groups. For example, the Panel has documented a further nine cases in which Houthis detained, tortured, maimed, sexually violated or repressed politically or professionally active women who opposed Houthi views. In these and other cases, Houthis continued the use of claims of "prostitution" as a pretext to: (a) reduce community support for and acceptance of former detainees, (b) prevent their further active participation in their communities and (c) ensure they do not threaten the Houthi regime (see annex 9). To this end, the Houthis make and keep sexually compromising video recordings, which they continue to use as leverage against any opposition from these women. These measures also have a deterrent effect on other female leaders. Increased repression of women expressing political views affects their capacity to take part in decision-making processes related to the

<sup>55</sup> Panel conversations with Third Brigade members in 2021.

<sup>56</sup> Communication with the Panel, December 2021.

<sup>57</sup> Regarding the 10 November attack, the Houthis stated that they had launched missiles in that direction (see annex 8). The Houthis claimed responsibility for another attack at the Anad base in 2019 (see <https://apnews.com/article/yemen-ap-top-news-houthis-international-news-jamal-khashoggi-92f491d2794440afaf53967fceb0c1b9>).

<sup>58</sup> See annex 7 and 8. Information was provided by Ta'izz military leadership on attacks in August and November 2021.

<sup>59</sup> The Panel interviewed fighters who were at the camp at the time of the incident and who saw the uncrewed aerial vehicles. They said that, despite repeated calls to the Coalition, no measures were taken to evacuate the forces or to intercept the vehicles. The Southern Transitional Council military commander Abu Tahir confirmed to the Panel that warnings had been sent from their side as well, but they had no means to counter the vehicles. The fighters stated that, despite being in danger, they had been instructed to stay in the camp. The leadership of the Amaliqah Brigades denied having prior knowledge of the vehicles or the Ta'izz military communiqué.

resolution of conflict and, as such, comprises a threat to the peace, security and stability of Yemen (see S/2020/326, para. 21 and annex 5).<sup>60</sup> There were limited measures available to provide psychosocial, economic or protection-related support to former female detainees interviewed by the Panel, which has resulted in some returning to their families in Houthi-controlled areas (see annex 9).<sup>61</sup>

42. Summer camps and cultural courses targeting children and adults are part of the Houthis' strategy to gain support for their ideology, encourage people to join the fighting and motivate troops (see annex 10). While some adults join these cultural courses because they agree with the ideology, others participate in order not to lose employment benefits or humanitarian assistance, or out of fear of reprisals for non-participation. For example, two women who refused to participate in these courses were arrested and raped (see annex 10).

43. The Panel investigated some summer camps in schools and a mosque used by the Houthis to disseminate their ideology among children, to encourage them to fight, to provide basic military training or to recruit them to fight (see figures II and III). In these summer camps, hate speech and violence against specific groups are encouraged. The children are instructed to shout the Houthi slogan "death to America, death to Israel, curse the Jews, victory to Islam". In one camp, children as young as 7 years of age were taught to clean weapons and evade rockets (see annexes 10 and 11). The Panel also documented a case in which sexual violence was committed against a child who underwent military training. The Panel received information on 10 cases in which children were taken to fight on the pretext that they would be enrolled in cultural courses or in which they were taken from such courses to the battlefield. It also documented nine cases in which humanitarian assistance was provided or denied to families solely on the basis whether their children participated in fighting or to teachers on the basis of whether they taught the Houthi curriculum. These findings are detailed in annex 10.

Figure II

**Study materials used in summer camps (left) and students in a summer camp using the books (right)**



Source: Al-Masirah (left) and confidential (right) (see [www.youtube.com/watch?v=2opF11zkY88](https://www.youtube.com/watch?v=2opF11zkY88)).

<sup>60</sup> See also Security Council resolution 2467 (2019).

<sup>61</sup> Regarding support for victims of gender-based violence, see resolution 2467 (2019), especially paras. 14, 16 (a) and 16 (d).



Figure III  
Children and guests at a summer school graduation ceremony, August 2019



Source: Al-Masirah (see [www.youtube.com/watch?v=2opF11zkY88](https://www.youtube.com/watch?v=2opF11zkY88)).

Note: Guests included the prime minister, Abdul Aziz bin Habtoor; Mohammed Ali al Houthi; and the minister of health, Taha Mutawkkel.

44. Major general Mohammad Nasser Al-Atifi (see figure V), as the minister of defence, has a responsibility to ensure that children are not recruited into the Houthi military. Yahyah al Houthi (see figure IV), as the minister of education, also has a responsibility to ensure that schools and summer camps are not used to promote violence, hatred and radicalization, or to recruit children. Further information on these individuals is available in annexes 10 and 11.

Figure IV  
Yahyah al Houthi visiting a summer camp



Source: [www.youtube.com/watch?v=2opF11zkY88](https://www.youtube.com/watch?v=2opF11zkY88).

Figure V  
Major general Mohammad Nasser Al-Atifi (second from right)

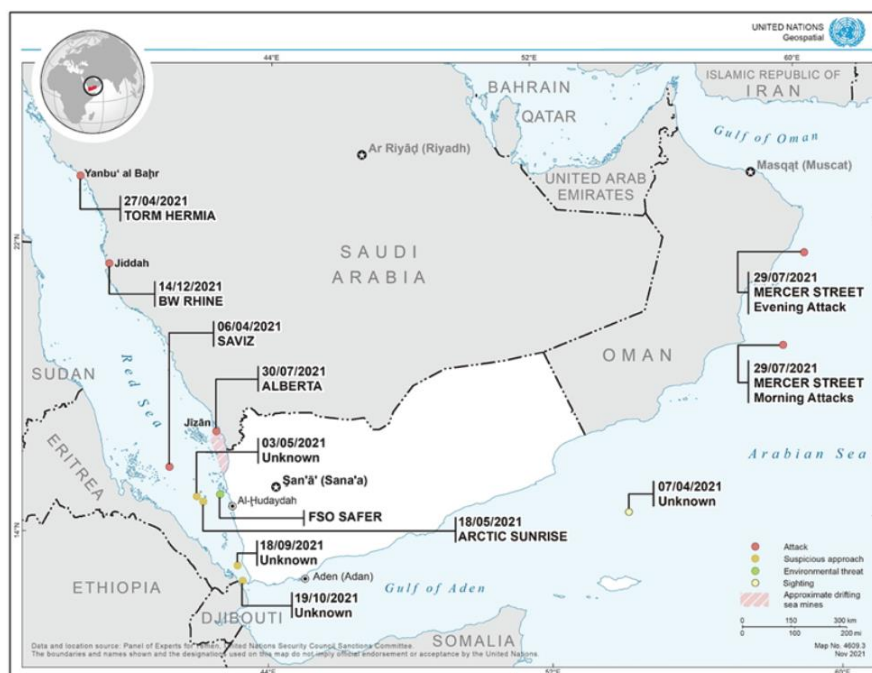


Source: [https://hodhodyemennnews.net/en\\_US/2021/01/18/yemens-defence-minister-yemen-is-rapidly-developing-new-weapons-of-deterrence](https://hodhodyemennnews.net/en_US/2021/01/18/yemens-defence-minister-yemen-is-rapidly-developing-new-weapons-of-deterrence).

#### IV. Maritime security

45. Since December 2020, the Panel has documented five attacks on commercial vessels, as well as several suspicious approaches<sup>62</sup> and one sighting of armed persons onboard small boats in the waters around Yemen (see map 4). Compared with the previous reporting period, where three commercial vessels were attacked in the Gulf of Aden, the focus shifted back to the Red Sea, where four attacks occurred.

Map 4  
Maritime security incidents since December 2020



<sup>62</sup> In at least two cases, the reported suspicious approaches turned out to be hailing by the Yemeni Coast Guard, which was not conducted in line with international procedures.

46. The situation in the Red Sea was characterized by an increase in the number of attacks involving waterborne improvised explosive devices. Successful attacks involving such devices were not directed at moving vessels, but rather towards ships moored at maritime oil facilities in Saudi Arabia, some of which were more than 1,000 km from Yemen. In some cases, a new, larger type of device was deployed, which is powered by two outboard engines and therefore has a significantly higher fuel consumption rate than the previous generation of “blowfish” devices with one engine. Given the distance cited earlier, it appears almost certain that those devices were launched from a “mothership”, which would have towed the devices for most of the journey.

47. The first attack occurred on 14 December 2020, when three waterborne improvised explosive devices were used to attack Jeddah port. Two such devices were targeted at a naval base, damaging a Saudi warship, while another hit the Singapore-flagged tanker *BW Rhine* (IMO: 9341940) at the Saudi Aramco marine terminal (see figure VI). The impact and subsequent explosion penetrated the hull at the waterline. It also caused a fire which burned for about an hour. While no injuries were reported, there was significant material and subsequent economic damage (see annex 12).

Figure VI  
**Fire on the *BW Rhine***



Source: Confidential.

48. A similar attack involving two waterborne improvised explosive devices took place on 27 April 2021 close to the Yasref terminal in Yanbu', where the Singapore-flagged tanker *Torm Hermia* (IMO: 9797993) was moored (see figure VII). The vessel's crew confirmed that the Saudi Arabian navy intercepted a device approximately 1.4 nautical miles (nm) from the ship. Saudi Arabia confirmed the attack. A second device was detected, approximately 30 nautical miles south of Yanbu' port (see annex 13). The Panel believes that the distance between the Yemeni coast and Yanbu' is too long for waterborne improvised explosive devices to operate autonomously, so it is likely that a “mothership” was involved.

Figure VII  
**Waterborne improvised explosive device used in the 27 April 2021 attack**



Source: Confidential.

49. The frequency of launches of such devices directly from Houthi-controlled areas increased significantly over the reporting period. The Panel was informed by multiple sources that the devices were assembled and launched from Hudaydah and Salif ports. The Coalition is usually able to intercept such devices, and tends to respond with aerial attacks on assembly locations in Houthi-controlled areas, which prompted UNMHA in July 2021 to call for restraint from both sides as “[threats to] operations at vital points of aid entry” constitute “a breach to the Hudaydah Agreement”.<sup>63</sup> The Panel is investigating whether areas covered by the Agreement are used to launch these devices and has requested additional information from the Coalition and UNMHA. As of 31 October 2021, 92 such devices had been launched by the Houthis since the beginning of the conflict, according to the Coalition.

50. The Panel also documented uncrewed aerial vehicle attacks on commercial vessels. On 30 July 2021, the Bahamas-flagged tanker *Alberta* (IMO: 9486922) sustained damage at Jizan port (see annex 14). The uncrewed aerial vehicle exploded over the vessel’s bow. Pieces of fiberglass debris recovered from the deck show technical features consistent with Qasef-type medium-distance uncrewed aerial vehicles, frequently used by the Houthis to attack targets in the south of Saudi Arabia. No injuries were reported, and the damage was relatively minor. However, this incident shows that moored vessels remain vulnerable, especially at ports near Yemen.

51. Another uncrewed aerial vehicle attack occurred in the Gulf of Oman, targeting the Liberia-flagged tanker *Mercer Street* (IMO: 9539585). The vessel was first attacked during the morning of 29 July 2021, when the master reported two “drone attacks” 30 minutes apart, which missed the vessel. The vessel was subsequently attacked during the evening of the same day, when a third uncrewed aerial vehicle struck the bridge roof, resulting in significant damage, as well as two casualties, including the master of the ship (see annex 15).

<sup>63</sup> See [https://twitter.com/UN\\_Hudaydah/status/1412009048862568450](https://twitter.com/UN_Hudaydah/status/1412009048862568450).



52. Initial reports suggested that the attack could have originated in Yemen.<sup>64</sup> Therefore, the Panel reviewed publicly available information, and received confidential information from several Member States on this incident. The uncrewed aerial vehicles used seem to be advanced versions of the delta-wing uncrewed aerial vehicle previously documented by the Panel (see S/2020/326, para. 57 and annex 15). Considering the distance of over 1,700 km between Houthi-controlled areas and the location of the attack, a successful attack on a ship moving at cruising speed likely requires a system of aerial or maritime relays. This makes it very likely that another actor was responsible for the attack, as the Panel is not aware of access to such systems by the Houthis. Nevertheless, the attack shows how quickly uncrewed aerial vehicle technology, which appears to be also available to the Houthis (see para. 60) is evolving, raising the possibility of similar strikes in waters surrounding Yemen.

53. The second attack in international waters in proximity to Yemen involved the Islamic Republic of Iran-flagged general cargo ship *Saviz* (IMO: 9167253), which experienced an explosion on 6 April 2021 while anchored in the southern Red Sea, approximately 115 nautical miles north-west of the Yemeni coast. According to the Tasnim News Agency of the Islamic Republic of Iran, the vessel was damaged by limpet mines, which had been attached to the hull by divers.<sup>65</sup> The *Saviz* had maintained the same position since at least 2017, leading to allegations that the vessel's role was to support military operations in the region.<sup>66</sup> The Islamic Republic of Iran informed the Panel that the ship had been assigned to combat maritime piracy, and that the attack was unrelated to the Yemeni conflict.

54. The Panel continues to receive reports about sea mines planted in the southern Red Sea by the Houthis, near different islands east of the three ports under their control, and about drifting sea mines near the border with Saudi Arabia. According to the Coalition, between the start of the conflict and 31 October 2021, 205 sea mines were detected and destroyed. The Panel is investigating allegations that mines are stored in and deployed from specific locations in Hudaydah, Salif and Ra's Isa, which would constitute a breach of the Stockholm Agreement.

## V. Arms and implementation of the targeted arms embargo

55. Pursuant to paragraphs 14 to 17 of resolution 2216 (2015), the Panel continues to focus on a range of monitoring and investigative activities to identify whether there have been any violations of the targeted arms embargo involving the direct or indirect supply, sale or transfer to, or for the benefit of, individual and entities listed by the Committee and the Security Council. In the assessment of the Panel, all military and paramilitary forces loyal to the Sana'a-based authorities fall under this definition.

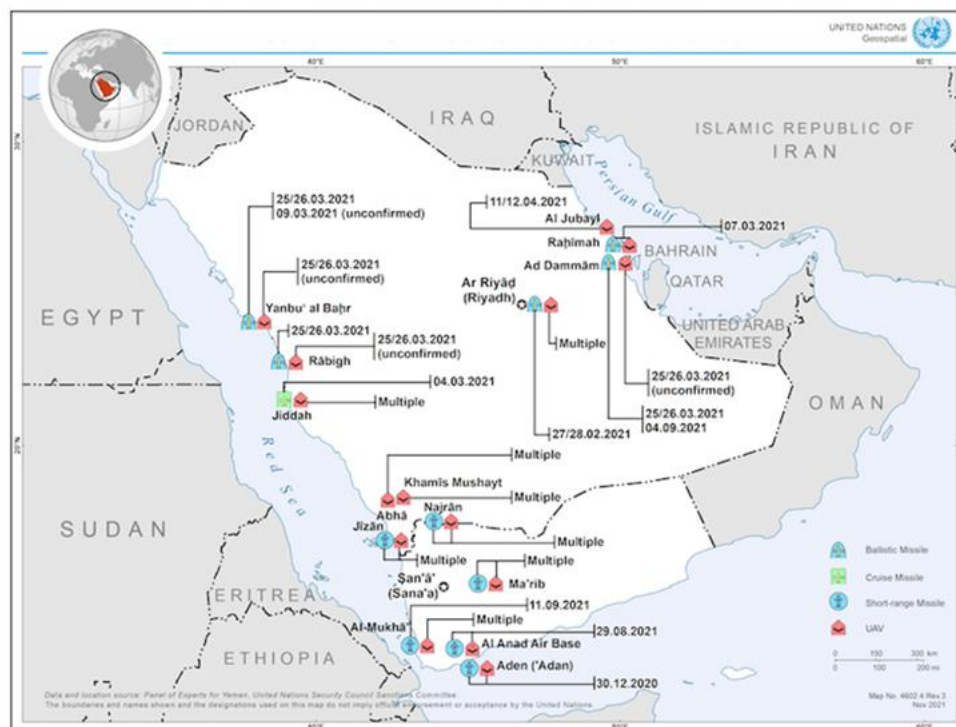
56. During the reporting period, the Houthis continued their aerial attacks on Saudi Arabia (see map 5). Targets close to the border between Yemen and Saudi Arabia were most at risk and were usually attacked by a combination of medium-range Qasf-2K uncrewed aerial vehicles and Badr-type artillery rockets. The Houthis also continued to strike deep inside Saudi Arabia, using long-range Samad-type uncrewed aerial vehicles, Quds-type cruise missiles and Zulfiqar ballistic missiles.

<sup>64</sup> See <https://english.alarabiya.net/News/gulf/2021/08/10/Senior-Pentagon-official-says-Iran-backed-Mercer-Street-attack-came-from-Yemen>.

<sup>65</sup> See [www.tasnimnews.com/en/news/2021/04/07/2480410/iranian-ship-attacked-in-red-sea-sources](http://www.tasnimnews.com/en/news/2021/04/07/2480410/iranian-ship-attacked-in-red-sea-sources).

<sup>66</sup> See <https://english.alarabiya.net/News/middle-east/2021/04/07/-Mother-ship-command-center-The-Iranian-ship-Saviz-attacked-in-Red-Sea>.

Map 5  
**Missile and uncrewed aerial vehicle strikes since 30 December 2020**



57. Attacks in the border areas took place several times a week. Longer-range operations were less frequent and often occurred in waves, i.e. Houthi forces launched several uncrewed aerial vehicles and missiles at multiple targets as part of the same operation. Locally manufactured uncrewed aerial vehicles and Badr rockets accounted for most of the attacks. The frequency of the attacks shows that the Houthis are easily able to source components for these weapons from abroad.

58. The Panel is aware of a single attack using a cruise missile and of three confirmed longer-range ballistic missile attacks during the reporting period. Those numbers are consistent with previous years, showing that the Houthis continue to struggle with sourcing sophisticated missile systems from abroad. According to the Coalition, between the start of the conflict and 31 October 2021, a total of 781 uncrewed aerial vehicles and 409 ballistic missiles were launched at targets in Saudi Arabia.

59. Houthi targets during the reporting period included civilian infrastructure, e.g. the Saudi Aramco bulk plant in Jeddah (see annex 16) and Abha International Airport (see annex 17). The purpose of these attacks is primarily political: the Houthis want to push Riyadh towards accepting a political settlement beneficial to them. This contrasts sharply with the use of missiles and uncrewed aerial vehicles in Yemen itself, where the aim is maximum lethality, as evidenced by the attack on Aden International Airport on 30 December 2020 (see annex 7), aided by the absence of effective Government of Yemen air defences.

## A. New Houthi weapon systems

60. On 11 March 2021, the Houthis presented new weapon systems to the media (see annex 18).<sup>67</sup> The exhibition included a new uncrewed aerial vehicle called Samad-4, which carries two rockets and allegedly has a range of 2,000 km, as well as a short-range hexacopter called Rujum. The latter appears to be a Chinese YD6-1000S converted to drop six small mortar grenades. Additionally, they showed a delta-wing uncrewed aerial vehicle called Waed, which seems to be an advanced version of the model documented in 2019 (see figure VIII).<sup>68</sup> It appears to have a larger wingspan and likely has a longer range. Visually, the shape of the vertical stabilizers is the most obvious design difference. In September 2020, images showing what appeared to be a damaged Waed on the Alam front, Ma'rib, was posted on social media.<sup>69</sup> The Waed appears capable of carrying advanced sensor systems, allowing remote control over distances of several hundred kilometres with the assistance of a data relay system, significantly increasing the threat to moving targets (see para. 52 and annex 15).<sup>70</sup>

Figure VIII

**Waed uncrewed aerial vehicle at the exhibition (left) and possible Waed debris near Ma'rib (right)**



Sources: Almasirah.net (left) and <https://twitter.com/almasdaronline/status/1308769942007943168> (right).

61. The Ma'rib battlefield also saw the first reported deployment of a “358” surface-to-air missile,<sup>71</sup> which was allegedly used in July 2021 to intercept a surveillance uncrewed aerial vehicle (see figure IX).<sup>72</sup> Its comparatively low speed means that it does not pose a significant threat to warplanes, but it may be effective against slower aircraft.

<sup>67</sup> See [www.tasnimnews.com/fa/news/1399/12/21/2468309/](http://www.tasnimnews.com/fa/news/1399/12/21/2468309/) - یمن-رونمایی-از-دستاوردهای-جدید-در-حوزه-دفاعی-از-پهپادهای-جدید-تا-موشک-های-سعی-قاصم-2-و-قدس-2-فیلم.

<sup>68</sup> See S/2020/326, para. 57 and annex 15.

<sup>69</sup> See <https://twitter.com/almasdaronline/status/1308769942007943168>.

<sup>70</sup> Other longer-range Houthi uncrewed aerial vehicle systems use pre-set Global Positioning System (GPS) coordinates to find their targets, as radio control is restricted by the line of sight. This means that the course of those vehicles, once launched, cannot be adjusted.

<sup>71</sup> See S/2021/79, para. 81 and annex 13.

<sup>72</sup> See <https://almasdaronline.com/articles/239284>.

Figure IX  
Debris of a “358” surface-to-air missile, allegedly recovered near Ma’rib



Source: <https://almasdaronline.com/articles/239284>.

## B. Seizures

62. On 10 February 2021 at 1701 hours, the USS *Winston Churchill* observed attempts to trans-ship cargo between two dhows approximately 70 nautical miles east of the coast of Somalia (see figure X and map 6). The first vessel, a Shu’ai dhow, was interdicted at 1105 hours on 11 February 2021, but the cargo hold was found to be empty and the dhow was released five hours later. The second vessel, a larger Jelbut dhow, was interdicted at approximately 1400 hours. It carried 3,752 type 56-1 assault rifles, 198 PKM-pattern general-purpose machine guns, components for 82 DShK heavy machine guns, 50 AM-50 Sayyad anti-material rifles (along with 50 RG-004A1 optical scopes) and 90 rocket-propelled grenade (RPG-7) launchers (see annex 19).



Figure X  
**Attempted trans-shipment of cargo between two dhows on 10 February 2021**



Source: Confidential.

63. The Panel has obtained evidence that the dhows were crewed by Yemeni nationals (see annex 21). According to a Member State, the crew of the Jelbut dhow stated that it had been told to sail to the port of Jask in the Islamic Republic of Iran in January 2021 to pick up the cargo, a claim which appears to be supported by coordinates from a navigational device recovered onboard<sup>73</sup> (see annex 19, figure 19.20). However, the Panel cannot independently verify this information and was unable to inspect the cargo, as it had reportedly been disposed of. Based on available images, the assault rifles and some of the general-purpose machine guns have technical characteristics and markings consistent with weapons manufactured in China, while the anti-material rifles (and associated sights) and the RPG launchers are likely of Iranian origin. The Islamic Republic of Iran has informed the Panel that it rejects any linkage to the dhow in question and the seized arms. The Panel also notes that the green plastic wrapping is similar to that used in previous interdictions (see figure XI and table 1; S/2021/79, annex 14, figure 14.6; and S/2019/83, annex 16, para. 7), indicating a common source.

<sup>73</sup> The Panel received only the information shown in the map in annex 19, figure 19.20; however, it notes that more detailed information on the track of the vessel is provided in the report by the Global Initiative against Transnational Organized Crime entitled “An Iranian fingerprint? Tracing type 56-1 assault rifles in Somalia”, available from <https://globalinitiative.net/analysis/iran-firearms-somalia>.

Figure XI  
Type 56-1 assault rifles wrapped in plastic



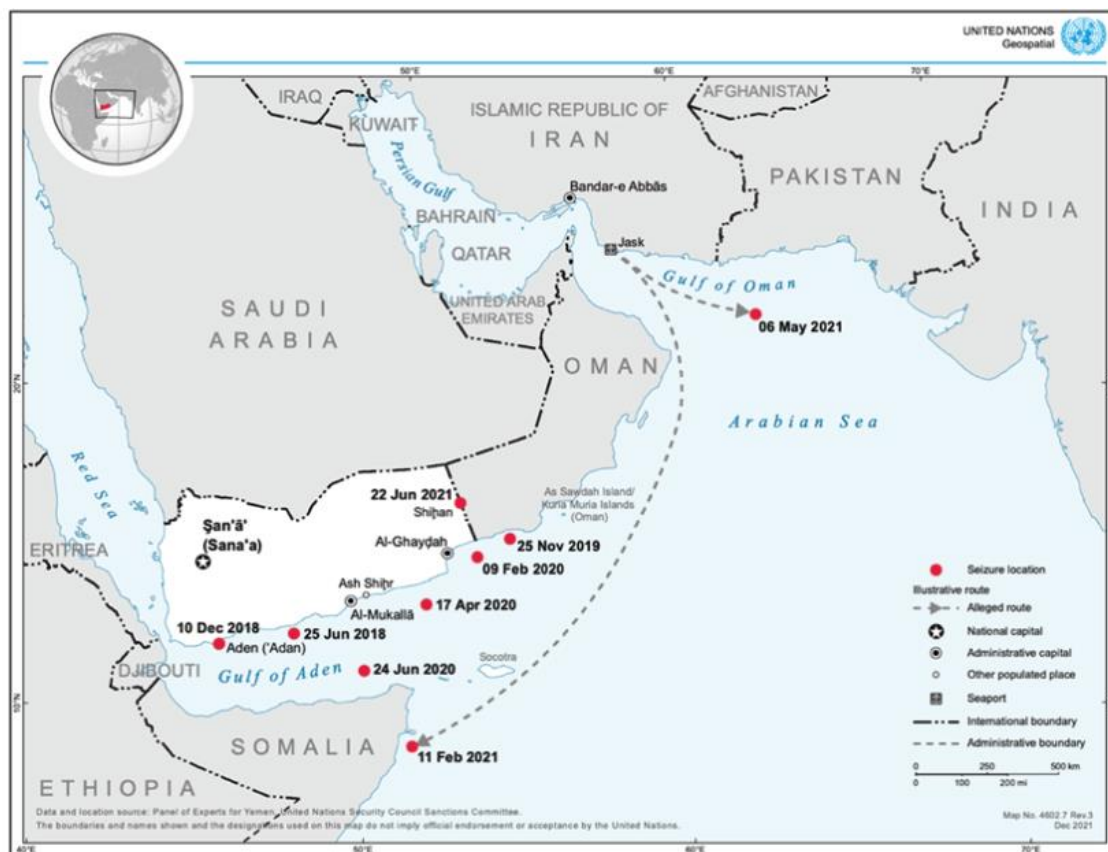
Source: Confidential.

64. The second seizure of weapons occurred at approximately 1700 hours on 6 May 2021 when the USS *Monterrey* interdicted a Shu'ai dhow in the Arabian Sea, about 114 nautical miles south of the coast of Pakistan (see map 6). The Panel obtained evidence that this dhow's master was also onboard the Shu'ai dhow seized on 11 February 2021 (see annex 21). Some weapons were again wrapped in green plastic, which has previously been documented by the Panel in other interdictions (see table 1; [S/2021/79](#), annex 14, figure 14.6; and [S/2019/83](#), annex 16, para. 7). The Panel obtained coordinates, from a navigational device allegedly found onboard the dhow, indicating that the ship had been at a location close to the port of Jask on 4 May 2021 (see annex 20, figure 20.44).<sup>74</sup> The Panel cannot independently verify this information and notes that coordinates on a Global Positioning System (GPS) device do not constitute per se conclusive evidence that the vessel was at that location.

<sup>74</sup> The Panel notes that a navigational device found on the dhow *Bahri-2*, which was seized with a cargo of weapons on 24 June 2020, also contained coordinates for Jask port (see [S/2021/79](#), annex 15, figure 15.20).

Map 6

Seizures of small arms and light weapons, anti-tank guided missiles and sights, 2018–2021



65. In August 2021, the Panel inspected the cargo, comprising 2,556 type 56-1 assault rifles, 192 PKM-pattern general-purpose machine guns, 100 type 85 sniper rifles, 52 AM-50 Sayyad anti-material rifles, 35 AKS-74U assault rifles and 194 RPG-7 launchers (see annex 20). The type 56-1 assault rifles and the sniper rifles, and 19 of the PKM-pattern machine guns, have technical characteristics and markings consistent with those made in China. Most were manufactured by Jianshe Arsenal (State Factory 26) between 2016 and 2017. Of the remaining machine guns, 164 have technical characteristics and markings consistent with manufacture in the Islamic Republic of Iran, while six were produced in Bulgaria and in three cases the origin remains unclear. The AKS-74U assault rifles have technical characteristics and markings consistent with those manufactured at the Tula arms plant in what is now the Russian Federation during the late 1980s. The AM-50 anti-material rifles and the RPG-7 launchers have technical characteristics and markings consistent with those produced in the Islamic Republic of Iran. The Panel also documented several Ghadir rifle scopes, which have characteristics consistent with those made in the Islamic Republic of Iran, as well as POSP telescopic sights manufactured in Belarus. The Islamic Republic of Iran has informed the Panel that the machine guns and rifle scopes are not Iranian products and that, in its view, the “mere appearance or similarity in markings or technical characteristics between [such] equipment and the products of Iranian companies should not lead to conclusions regarding their origin”. In addition to the small arms and light weapons, the dhow also carried 50 wire-guided, container-launched anti-tank missiles, which have technical characteristics consistent with different versions of 9M111 and 9M113 missiles manufactured between 1978 and



1999 in what is now the Russian Federation. The missiles were packaged in plastic tubes, as observed in previous maritime seizures by the Panel (see figure XII and table 1, as well as [S/2020/326](#), annex 20, figure 20.1), indicating a common source.

Figure XII

**Anti-tank guided missiles in their packaging**



Source: Confidential.

66. The Panel has not received responses regarding the chain of custody of the seized weapons. The Russian Federation stated that its military entities did not supply weapons to Yemen, while Bulgaria informed the Panel that no records regarding the machine guns were available and a response from China<sup>75</sup> is pending. The Islamic Republic of Iran stated that the weapons had not been sold, exported or transferred to Yemen. Regarding the POSP sights, Belarus informed the Panel that they had been exported to the Islamic Republic of Iran between June 2016 and April 2018<sup>76</sup> and that that country had provided an end-user certificate stating that they would be used exclusively for the needs of the Ministry of Defence and Armed Forces Logistics. The Islamic Republic of Iran informed the Panel that the sights were in use by its military units and had not been re-exported, transferred or sold. With some notable exceptions,<sup>77</sup> the mix of the weapons indicates a common pattern of supply (see table 1), likely from government stocks, involving dhows in the Arabian Sea, which transport weapons to Yemen and

<sup>75</sup> In previous years, China informed the Panel that seized type 56-1 assault rifles had not been exported to Yemen. However, this does not preclude the possibility that the weapons were exported to a third country.

<sup>76</sup> This is the fifth time since 2018 that optical sights from Belarus exported to the Islamic Republic of Iran were seized (see table 1).

<sup>77</sup> These exceptions include the AKS-74U assault and the type 85 sniper rifles.

Somalia<sup>78</sup> (see S/2021/79, paras. 72–76). The Panel continues to investigate, in cooperation with the Panel of Experts on Somalia.

67. The Panel is investigating the chain of custody of seven RU90/120G thermal weapon sights, which were seized on 22 June 2021 at the Shahn border crossing between Oman and Yemen (see figure XIII and annex 22). The sights are manufactured by Rayan Roshd Afzar, a Chinese-Iranian joint venture,<sup>79</sup> and have appeared previously in seizures commingled with weapons (see S/2021/79, para. 88 and annex 14). The Islamic Republic of Iran informed the Panel that the seized sights had not been manufactured in that country. This incident shows that small quantities of military equipment also continue to enter Yemen overland.<sup>80</sup>

Figure XIII

**RU90/120G thermal weapon sight seized at the Shahn border crossing**



Source: Confidential.

Table 1

**Seized small arms and light weapons, anti-tank guided missiles and sights documented by the Panel since 2018**

	Type 56-1 assault rifle	RPG-7 launcher	AM-50 anti- material rifle	PKM machine guns	DshK machine guns	Optical sights from Belarus	Ghadir rifle scopes	Rayan Roshd Afzar sights	Anti-tank guided missiles (different types)
Gulf of Aden, 28 Jun 2018	X <sup>a</sup>								
Aden, 10 Dec 2018	X	X				X			
Gulf of Aden, 25 Nov 2019									X <sup>a</sup>
Gulf of Aden, 9 Feb 2020						X		X	X <sup>a</sup>
Gulf of Aden, 17 Apr 2020	X <sup>a</sup>		X	X		X	X	X	
Gulf of Aden, 24 Jun 2020	X <sup>a</sup>	X	X	X	X	X	X	X	X
Gulf of Aden, 11 Feb 2021	X <sup>a, b</sup>	X <sup>b</sup>	X <sup>b</sup>	X <sup>b</sup>	X <sup>b</sup>		X <sup>b</sup>		

<sup>78</sup> The role of criminal networks in Somalia in this supply network remains opaque. There is ample evidence that trans-shipment of weapons takes place off the coast of Somalia and that some weapons from the cargo end up on the Somali black market. However, it is unclear whether the weapons are first shipped to Yemen and then trafficked back to the Horn of Africa, or if some of them are offloaded directly from dhows onto Somali shores.

<sup>79</sup> See [www.thedailybeast.com/the-chinese-company-selling-iranian-sniper-gear-around-the-world](http://www.thedailybeast.com/the-chinese-company-selling-iranian-sniper-gear-around-the-world).

<sup>80</sup> The last known seizure of this nature at the Shahn border crossing took place on 20 March 2019 and involved small arms and light weapons ammunition and mortar grenade fuses.

	Type 56-1 assault rifle	RPG-7 launcher	AM-50 anti- material rifle	PKM machine guns	DshK machine guns	Optical sights from Belarus	Ghadrif rifle scopes	Roshd Afzar sights	Anti-tank guided missiles (different types)
Gulf of Oman, 6 May 2021	X <sup>a</sup>	X	X	X		X	X		X <sup>a</sup>
Shahn border, <sup>c</sup> 22 Jun 2021								X <sup>b</sup>	

Sources: Panel and Member States.

<sup>a</sup> Items had similar packaging.

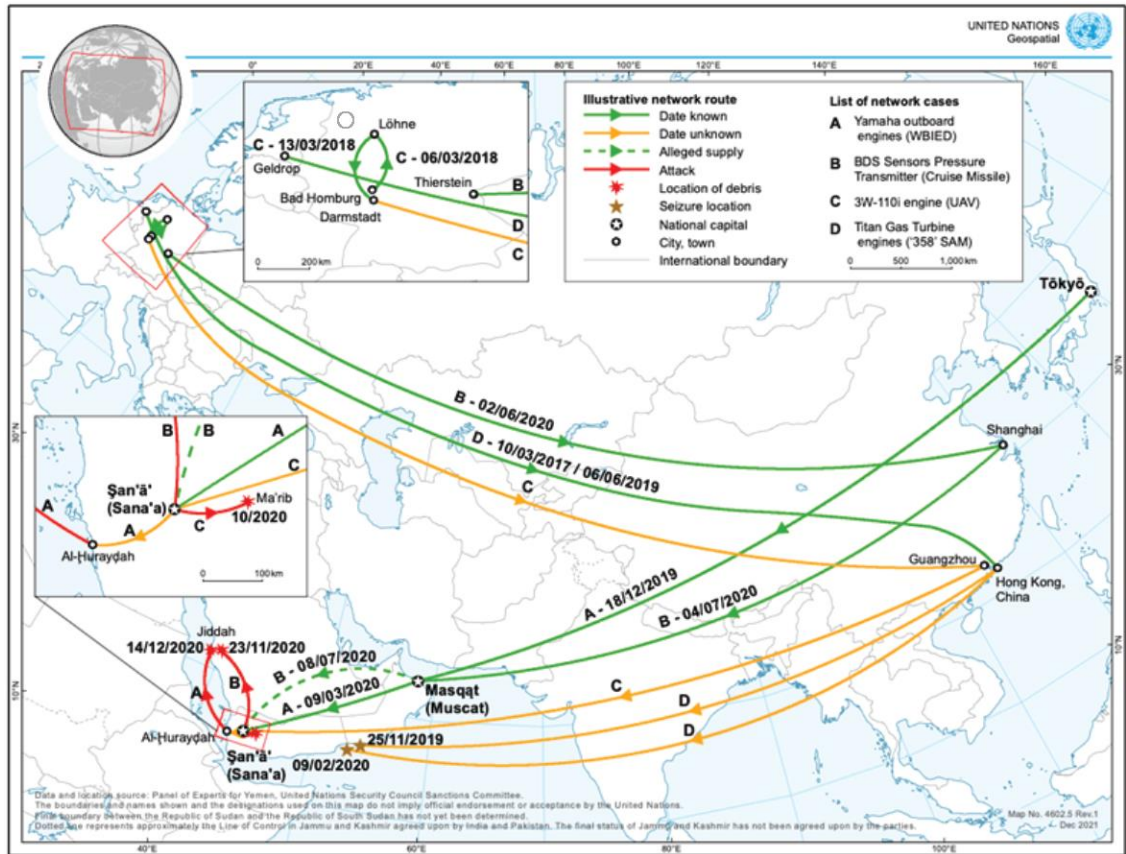
<sup>b</sup> Items were not inspected by the Panel.

<sup>c</sup> Shahn is a major border crossing point between Oman and Yemen (see map 6).

### C. Chain-of-custody investigations

68. The Houthis continue to source critical components for their weapon systems from companies in Europe and Asia, using a complex network of intermediaries to obscure the chain of custody (see map 7). The four cases described below illustrate this pattern, in line with the provisions of paragraph 8 of resolution 2511 (2020). Member States have repeatedly informed the Panel that those components are neither weapons nor dual-use items under national legislation. However, the Panel finds that, as these components have military applications, export control and customs authorities need to be particularly vigilant to prevent violations of the targeted arms embargo.

Map 7  
Houthi supply networks



69. The Panel investigated the chain of custody of a 30.600G OEM pressure transmitter manufactured by BD Sensors in Germany, which was part of the Quds-type cruise missile used in the attack on Jeddah on 23 November 2020 (see annex 16). Similar pressure transmitters were documented by the Panel as parts of previous missiles and were traced to the Islamic Republic of Iran and Turkey (see S/2021/79, paras. 79–80). This transmitter was purchased by a company in Oman, which imported it via China in July 2020, four months before the attack. The Omani company imported it on behalf of an individual claiming to represent a company in Yemen (see annex 23). The Panel so far has not been able to establish whether the transmitters were indeed exported from Oman to Yemen (which would imply that the Quds cruise missile was manufactured by the Houthis) or to another country, after which it ended up in Yemen. This is the second time in recent years that components for Houthi weapon systems were traced from suppliers in China to commercial companies in Oman (see S/2021/79, para. 77).<sup>81</sup>

70. The Panel also investigated the chain of custody of six E75BEHD outboard engines manufactured by Yamaha in Japan, which it documented among the debris of three waterborne improvised explosive devices used in the 14 December 2020 attack on Jeddah port (see annex 12). The Panel was able to establish that the engines were exported to Dawood Trading, Yamaha's general dealer in Yemen, on 9 March 2020, via another commercial company in Oman. The Panel contacted Dawood Trading requesting information about the chain of custody of the engines; a response is pending.

71. The Panel investigated the chain of custody of a 3W-110i B2 2-cylinder rotary engine manufactured by 3W-Modellmotoren in Germany, which it inspected in October 2020 among the debris of a Houthi uncrewed aerial vehicle in Ma'rib (see figure XIV). The Panel obtained evidence (see annex 24) showing that the engine had been ordered by an individual in China, via the Taobao.com e-commerce platform on 25 January 2018. Responding to this order, a company in Germany had ordered the engine from the manufacturer via another intermediary, a model aircraft retailer in Germany, and reportedly exported it to China in March 2018. The Panel has contacted China requesting information about the identity of the buyer and the engine's chain of custody; a response is pending.

<sup>81</sup> A response from the Omani authorities regarding the chain of custody of the cargo of uncrewed aerial vehicle components after their arrival in Salalah on 2 December 2018 remains pending.



Figure XIV  
3W-110i B2 engine inspected in Ma'rib



Source: Panel.

72. The Panel further investigated the chain of custody of Titan gas turbine engines manufactured by AMT Netherlands, which it documented in 2020 as part of the “358” surface-to-air missiles (see [S/2021/79](#), para. 81 and annex 13). They were exported to Hong Kong, China, on 10 March 2017 and 6 June 2019. According to end-user certificates obtained by the Panel, the engines were procured by an aircraft company, which, according to China, ceased activities in 2014 and therefore could not have imported the engines. The Panel has discovered that the end-user certificates were submitted by a company based in Hong Kong, China, HSJ Electronic (HK), which was the consignee for the engine with the serial number #7023, while the other three engines were delivered to another company based in Hong Kong, China, Vista Automation & Communication. According to publicly available records, both HSJ Electronic (HK) and Vista Automation & Communication were owned by the same individual (see annex 25). A response from China about the chain of custody of the engines is pending.

## VI. Financial and economic issues

### A. Economic issues

#### 1. Overview

73. The Panel examined various issues concerning the economy of Yemen which pose a threat to its peace, security and stability. For over seven years now, Yemen has been embroiled in conflict which has devastated its economy. In areas that are not controlled by the Houthis, the Yemeni rial has been depreciating rapidly against the United States dollar, increasing food prices and pushing more people into extreme poverty.<sup>82</sup> Since

<sup>82</sup> See [www.worldbank.org/en/country/yemen/publication/economic-update-october-2021](http://www.worldbank.org/en/country/yemen/publication/economic-update-october-2021).



about 90 per cent of the country's basic commodities are imported, inflationary pressures, triggered primarily by higher import prices, remained strong. According to the Central Bank of Yemen, average food-price inflation exceeded 30 per cent in 2020.<sup>83</sup> Real gross domestic product contracted by approximately 8.5 per cent in 2020 and the World Bank anticipates that overall inflation continued accelerating rapidly in 2021, to an estimated 45 per cent, compared with 35 per cent in 2020.<sup>84</sup>

## 2. Economic issues that pose a potential threat to peace, security and stability

74. The deteriorating economic situation has resulted in frustration, deprivation and resentment among the population in areas not controlled by the Houthis, offering a fertile breeding ground for further social unrest and conflict. The patience of ordinary individuals is wearing thin, evidenced by increasing instances of public protests, demonstrations and unrest in these areas,<sup>85</sup> with people taking to the streets to protest against spiralling exchange rates, increasing food prices, non-payment of salaries, electricity shortages and widespread poverty. Some political groups have sought to take advantage of this situation.

75. The Economic Committee of the Southern Transitional Council, under Aidarous Zubaidi, held meetings with the Southern Money Exchange Association, without the participation of the Central Bank of Yemen or other Government of Yemen entities, to discuss measures to alleviate the economic challenges arising from the volatile exchange rate situation.<sup>86</sup> Such actions by the Council are viewed by critics as a challenge to the authority of the Central Bank and the Government of Yemen over banking and exchange companies, as part of a larger ongoing power struggle between the Government of Yemen and the Council.<sup>87</sup>

76. The fragile nature of the political system and economy of Yemen continues to be threatened, endangering the country's peace, security and stability. The conscious and systematic fragmentation of the economic system and institutions of Yemen by the Government of Yemen and the Houthis alike has resulted in the emergence of separate central banks, customs and revenue authorities, financial intelligence units and telecommunications authorities, as well as separate economic, trade, banking, tariff and tax laws and policies in the two regions (see annex 26).

77. The international community should take note of the severity of this economic crisis and take concrete measures to prevent further divisions in Yemen which could lead to an irreversible fait accompli. In the absence of rapid improvements in the political and security situation, the future economic prospects appear to be gloomy, adding to the country's instability.<sup>88</sup>

<sup>83</sup> Central Bank of Yemen, *Quarterly Bulletin: Economic and Monetary Developments*, No. 4 (September 2021). The annual inflation rate in 2020 was estimated at around 25 per cent, up from an estimated average rate of 10 per cent in 2019.

<sup>84</sup> See [www.worldbank.org/en/country/yemen/overview#1](https://www.worldbank.org/en/country/yemen/overview#1).

<sup>85</sup> According to data from Intelys, as of 27 September 2021, 54 demonstrations had been recorded that month in Aden, Shabwah, Abyan, Socotra, Lahij and Hadhramaut. See <https://reliefweb.int/report/yemen/yemen-key-message-update-protests-intensify-south-due-further-sharp-depreciation>.

<sup>86</sup> See [www.aden-tm.net/NDetails.aspx?contid=179225](https://www.aden-tm.net/NDetails.aspx?contid=179225). During the Panel's meeting with the Economic Committee of the Southern Transitional Council, the Committee stated that those meetings had been held to improve the situation.

<sup>87</sup> During the meeting of the Panel with the Economic Committee on 21 August 2021 in Aden, the Committee clarified that, since the Government of Yemen and the Central Bank of Yemen had not done their job properly, leading to the collapse of the Yemeni rial and an increase in the prices of basic commodities, they had had to intervene.

<sup>88</sup> See [www.worldbank.org/en/country/yemen/publication/economic-update-october-2021](https://www.worldbank.org/en/country/yemen/publication/economic-update-october-2021).

## **B. Control of financial resources by designated individuals and their networks**

78. The Panel investigated funds, other financial assets and economic resources that are owned or controlled, directly or indirectly, by individuals designated under the sanctions regime imposed under Security Council resolution 2140 (2014), or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, in violation of resolution 2140 (2014). The following methods are allegedly being employed by them to fund their activities:

- (a) Confiscation of assets and funds of individuals and entities;
- (b) Receipt of funding from sources across the borders;
- (c) Engagement in black-market commerce and imposition of illegal fees on the import of fuel and on other business activities;
- (d) Counterfeiting, smuggling and trafficking of narcotics, drugs and psychotropic substances, currency notes, antiques and antiquities;
- (e) Collection of non-tax revenue and zakat;
- (f) Collection of customs duties and taxes.

79. A detailed examination of some of these sources of financing is discussed below.

### **1. Confiscation of funds of Abdrabuh Mansour Hadi and others**

80. The president of the al Amana specialized criminal court in Sana'a issued a memorandum on 27 June 2021 to Tadhmon Bank informing it that the frozen funds in three specified bank accounts, maintained with the Bank in the name of Abdrabuh Mansour Hadi, had been confiscated by the court upon Hadi's conviction on charges, inter alia, of "compromising the independence of the Republic of Yemen".<sup>89</sup>

81. Tadhmon Bank was further directed by this court to transfer these funds to specific accounts at the central bank of Yemen in Sana'a, managed under the supervision of the public prosecutor. The Bank informed the Panel that it considered such a transfer to be in violation of resolution 2140 (2014). As such, it had informed the governor of the central bank of Yemen in Sana'a and the head of the specialized criminal prosecution that it would not be in a position to transfer the funds. The Panel received information that these funds had not been transferred by Tadhmon Bank to the central bank of Yemen in Sana'a as of 17 November 2021. The freezing and confiscation of these accounts is considered by the Panel to be a potential violation of human rights and international humanitarian law.<sup>90</sup>

82. The Panel's investigations have further revealed that funds and assets of certain entities maintained with a bank have also been ordered by the courts to be transferred to the designated accounts in the central bank of Yemen in Sana'a, but the bank concerned did not transfer any of those funds and assets. The Panel continues to investigate the matter (see annex 27).

<sup>89</sup> The Panel believes that, considering the political nature of this case, the al Amana specialized criminal court in Sana'a was acting under the control or direction of Abdulmalik al-Houthi (YEi.004).

<sup>90</sup> See Universal Declaration of Human Rights, art. 17; Arab Charter on Human Rights of 2004, art. 31 (available from <https://digitallibrary.un.org/record/551368?ln=en>); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 4 (2) (g); and International Committee of the Red Cross (ICRC), Customary International Humanitarian Law database, rules 50 and 52.

## 2. Confiscation of funds of Tadhamon Bank

83. The central bank of Yemen in Sana'a issued a circular on 28 June 2021 – the same day on which Tadhamon Bank expressed to the Central Bank its inability to transfer the confiscated funds of Abdrabuh Mansour Hadi – directing all establishments and exchange companies operating within Houthi-controlled areas to freeze all funds and balances of Tadhamon Bank deposited with them and to transfer the same immediately to the central bank of Yemen in Sana'a (see annex 28). Tadhamon Bank reported that it did not maintain any accounts with any exchange company or establishment. The Panel finds that such reprisals by the central bank of Yemen in Sana'a in ordering the confiscation of funds and balances of banks operating within areas under its control have an adverse impact on the smooth functioning of the banking sector and on the economy and stability of Yemen.

## 3. Revenue from the telecommunications sector

84. Despite the ongoing conflict, the telecommunications industry in Yemen continues to experience significant growth and has been a major source of revenue for the Houthi authorities. Companies operating in areas under the control of the Houthis face policy uncertainties, the levy of illegal fees and charges, extortion and confiscation of their assets. Licences are deliberately issued for short durations to create operational uncertainties for companies.<sup>91</sup> The Panel is investigating the extent of control exercised by the Houthis over the major telecommunications companies, namely MTN, Sabafon, TeleYemen and Y Telecom (see annex 29). TeleYemen in Sana'a denied any takeover by the Houthis and stated that its management had been appointed prior to the current conflict. However, the Government of Yemen claims that it transferred the head office of TeleYemen to Aden and kept the company under its control. TeleYemen in Sana'a stated that the transfer had never been officially communicated and that therefore it did not recognize the transfer under company law. Eighty per cent of the shareholders of Sabafon decided to shift the company's head office to Aden in 2020. Abdullah Mesfer Al-Shaer, a close associate of Abdulmalik al-Houthi (YEi.004), has been instrumental in taking control of the management of Sabafon.<sup>92</sup>

85. The Panel is investigating whether the Houthis have gained effective control over the national top-level domain, “.ye”, and whether they are using a “bandwidth management system” purchased by TeleYemen in Sana'a. Control over the domain and the illegal use of telecommunications tools potentially would provide Houthis with the capacity to monitor and interdict traffic, censor content, carry out Internet shutdowns, ban social media sites and personal messaging services, monitor private communications of opponents and block domains in all parts of the country. It is alleged that the Houthis use this equipment to monitor data, messages, texts and voice and video traffic involving their opponents. TeleYemen in Sana'a has clarified to the Panel that “the laws of Yemen require [Internet service providers] to filter certain content that goes against the law and Islamic doctrines and that they use it for the purpose of protecting children from any inappropriate content and there is no illegal usage”.<sup>93</sup>

86. The Panel is investigating a case of seizure, by Yemeni customs authorities in Al Mahara, of telecommunications equipment imported by a Sana'a-based

<sup>91</sup> The Panel received information from confidential sources that annual renewal fees of \$13.2 million were collected by the ministry of telecommunications from the telecommunication companies in Sana'a and that, taking into account the frequency fees and the management fees, the total revenue collected from MTN and Sabafon by the Houthis was about \$22 million per annum.

<sup>92</sup> Letter from the Government of Yemen to the Panel and from confidential sources. On 29 July 2019, Abdullah Mesfer Al-Shaer (brother of Saleh Mesfer Saleh Al-Shaer (YEi.007)) was appointed managing director of Sabafon in Sana'a (see [S/2020/326](#), annex 26).

<sup>93</sup> Letter from TeleYemen in Sana'a to the Panel dated 17 December 2021.

telecommunications company, without obtaining a licence or approval from the Ministry of Telecommunications and Information Technology of the Government of Yemen.

87. The Government of Yemen informed the Panel that it had seized many consignments of telecommunications equipment and that there were dozens of such shipments that reached the Houthis through smuggling networks. The Panel continues to investigate. Access to telecommunication services is essential for the civilian population, and any measures taken in respect of this sector should not result in any adverse consequences for the civilian population (see annex 29).

#### **4. Black market in and illegal fees imposed on the import of fuel**

88. Prior to June 2020, Hudaydah port was the major port of import of fuel for Yemen (48 per cent); since then, there has been a significant change in the pattern of such imports. In April and May 2021, the share of fuel imports arriving in Hudaydah port decreased to 8 per cent<sup>94</sup> (see annex 31). According to the Government of Yemen,<sup>95</sup> the fuel supplied to the Houthi-controlled areas by the land route during April and May 2021 was about 10,000 tons per day, which represented about 65 per cent of the fuel imported into Yemen, in contrast to a supply of 6,000 tons between January and March 2021,<sup>96</sup> demonstrating an upward trend. According to various sources, the Houthis create an artificial scarcity of fuel in order to force the traders to sell it in the black market operated by them and collect illegal fees from the sales. As per information made available by the Government of Yemen, the Houthis collected official revenues on fuel imports (i.e. customs and other taxes through Hudaydah port) in excess of YRIs 70 billion.<sup>97</sup>

89. The Panel received information that, although the customs duties are collected at the first port of import in areas not controlled by the Houthis, the Houthis illegally collect additional fees and customs duties from the traders at their land customs stations.<sup>98</sup> The business of supplying fuel to Houthi-controlled areas has been found to be very lucrative for many, with the end consumers paying the price: the Government of Yemen has increased its customs revenue from the imports through ports under its control; the Southern Transitional Council also allegedly collects fees of about YRIs 12 per litre of imported fuel from the importers through Aden port;<sup>99</sup> and the importers and traders seize this opportunity to become enriched (see annex 31). The Panel was informed that the increase in fuel prices had been having a negative impact on the implementing partners of international humanitarian organizations.

#### **5. Counterfeiting of notes**

90. In paragraphs 142 to 144 and annex 53 of its report dated 26 January 2018 (S/2018/594) and paragraph 125 of its report dated 25 January 2019 (S/2019/83), the Panel mentioned a case involving the seizure of a truck carrying promissory notes of YRIs 5,000 denomination, worth YRIs 35 billion (\$140 million), printed outside Yemen,

<sup>94</sup> See the press release of the Government of Yemen available at [www.mofa-ye.org/Pages/13405](http://www.mofa-ye.org/Pages/13405).

<sup>95</sup> Ibid.

<sup>96</sup> See <https://twitter.com/SECYemen1/status/1378097160252751875>.

<sup>97</sup> See [www.mofa-ye.org/Pages/13405](http://www.mofa-ye.org/Pages/13405).

<sup>98</sup> For example, an importer stated that the Houthis had been collecting YRIs 37 per litre since February 2021.

<sup>99</sup> The Panel was informed by an importer that it had previously been paying YRIs 7 per litre as per the demand of the Southern Transitional Council but, since April 2021, that payment had increased to YRIs 12 per litre, which was deposited in one designated account with an exchange company in Aden. (For safety considerations, the details are not being shared in the present report.) During the meeting of the Panel with the Council's Economic Committee on 21 August 2021 in Aden, the Committee, however, clarified that this amount represented local taxes.

in the Government-controlled area of Jawf on 25 May 2017. This case was cited by the Panel to illustrate how the Houthis had tried to solve the problem of cash shortages by printing and bringing promissory notes into Yemen to be used as legal tender.

91. The Regional Court of Frankfurt am Main, Germany, in March 2018, convicted Reza Heidari, an Iranian national residing in Germany, imposing a prison sentence of seven years. In 2021, the Panel received further information and evidence about this case, along with a copy of the appeal judgement of 15 May 2020, which confirmed a custodial sentence of five years for his involvement in the case. The matter continues to be investigated by the Panel.

### **C. Saudi deposit**

92. In its previous final report, the Panel reported on the implementation of the Saudi deposit mechanism. Information received after that report's publication shed new light on the data presented therein. The Panel therefore updated that report to reflect that section IX.B, annex 28 and text related thereto in table 1, and the recommendation contained in paragraph 161 of the said report were to be disregarded, pending a final assessment. Accordingly, a review was undertaken by the Panel, which is provided in full in annex 32.

93. During its review, the Panel interacted with all relevant stakeholders and considered updated information received from them, including information on transactions undertaken after the submission of the Panel's previous final report. The review by the Panel has revealed that the importers who availed themselves of the benefits of the Saudi deposit have received significant benefits, totalling \$370.27 million, by way of the difference between the market rates and the letter of credit coverage rates adopted by the Central Bank of Yemen in the implementation of the Saudi deposit mechanism. The Panel's review demonstrated the shortcomings in the implementation of the mechanism that potentially could have enabled importers to retain benefits advanced to them without passing them on to consumers.

94. Based on information and evidence made available to it, as detailed in annex 32, the Panel's final review has not revealed incontrovertible evidence to substantiate allegations of corruption, money-laundering or elite capture.

### **D. Monitoring of travel ban and asset freeze measures**

95. Sultan Saleh Aida Zabin (YEi.006), director of the criminal investigation division in Sana'a, was designated by the Security Council on 25 February 2021 through its adoption of resolution [2564 \(2021\)](#). According to a media report, on 5 April 2021, the ministry of interior announced Zabin's death from a terminal illness.<sup>100</sup> The Panel has not yet received any evidence confirming his death.

## **VII. Acts that violate international humanitarian law and international human rights law**

96. Violations and abuses of international humanitarian law and international human rights law are systematic in Yemen and committed by all parties with overwhelming impunity. The judicial system is weak and, in the few cases of arbitrary arrest and/or detention for which it issues orders or decisions, such rulings are largely

<sup>100</sup> See [www.ypagency.net/354210](http://www.ypagency.net/354210).

disregarded by authorities and security forces.<sup>101</sup> The judiciary is therefore unable to carry out its preventive and protective functions against human rights abuses.<sup>102</sup>

97. The arbitrary arrest and detention of journalists and human rights defenders, and threats against them, continued to be widespread over the course of the reporting period, affecting their ability to document and report on violations (see annex 34).<sup>103</sup>

98. Not only is there little recourse for victims, but there is also virtually no assistance available; those who have been arbitrarily detained and/or tortured and/or have seen their assets looted are often left with nothing. Most cannot return to their homes due to constant threats. The same goes for families whose main breadwinner is missing or detained. In both cases, women are particularly vulnerable (see para. 41).

99. The continuation of the conflict is delaying the establishment of justice and redress mechanisms. Ensuring the protection of those documenting violations, and preserving their archives, is crucial.

## **A. Acts and incidents attributed to the Coalition**

### **1. Coalition airstrikes**

100. The Panel investigated six airstrikes conducted by the Coalition in 2021: (a) on 16 January in Mahliyah, Ma'rib; (b) on 28 February in Hawak, Hudaydah; (c) on 7 March in Thawrah, Sana'a; (d) on 10 May, in Rada', Baydah; (e) on 21 March in Salif, Hudaydah; and (f) on 18 September in Markhah al-Ulya, Shabwah. These incidents resulted in the deaths of 12 civilians, including two children and one woman, and injuries to 13 people, including three children and three women. The Panel concluded its investigations in the cases involving the airstrikes of 16 January and 28 February (see annex 33).

101. In 2020 and 2021, Saudi Arabia provided details to the Panel about the payment of compensation to victims of 10 incidents,<sup>104</sup> including the Hajjah hospital attack on 15 August 2016, investigated by the Panel.<sup>105</sup>

### **2. Detentions by the United Arab Emirates**

102. The Panel investigated cases of arbitrary arrest and detention, enforced disappearance and torture involving United Arab Emirates personnel in Yemen. The Panel received evidence of three people having been detained at the following sites controlled by United Arab Emirates forces between 2018 and 2021: Balhaf, Shabwah; Rayyan airport, Mukalla; Dubbah oil port and Ash Shihr, Hadramawt; and Mukha port, Ta'izz (see annex 34). In a letter to the Panel, the United Arab Emirates denied allegations of violations of international humanitarian law and international human rights law involving its nationals in the context of detention.

103. The United Arab Emirates informed the Panel that allegations of violations of international humanitarian law and international human rights law relating to

<sup>101</sup> The Panel documented three cases in which orders to release a detainee were ignored by the authorities. (On attacks against members of the judiciary, see S/2021/79, paras. 130–131.) During the current reporting period, the Panel investigated three additional cases.

<sup>102</sup> See Universal Declaration of Human Rights, art. 8; and International Covenant on Civil and Political Rights, art. 2.

<sup>103</sup> See also S/2021/79, sect. XI.E.

<sup>104</sup> The Panel has not yet been able to verify this.

<sup>105</sup> See S/2018/193, annex 49, appendix C. The other incidents occurred on 2 May, 2 and 11 July, 30 August and 9 September 2015, 10 September 2016, 19 December 2017, 21 May 2019 and 6 August 2020.



detention had been referred to the Joint Incident Assessment Team.<sup>106</sup> The Team confirmed that, while it had investigated a detention-related case involving six fishing boats and some 90 fishermen in March 2018, counter-terrorism activities were not part of its mandate.

104. Additionally, the United Arab Emirates stated that it had cooperated with the Director of Aden Security, Major General Shallal Ali Shaye, from December 2015 to July 2020<sup>107</sup> in the context of Coalition counter-terrorism operations, based on a decision by the Government of Yemen issued at the end of 2015. During the aforementioned period, the Panel documented several cases of violations of international humanitarian law and international human rights law attributed to him or his forces.<sup>108</sup>

## **B. Detention by the Government of Yemen**

105. The Panel investigated 18 cases of arbitrary arrest and detention by Government forces in Hadramawt, Ma'rib, Shabwah and Ta'izz; one case concerned a woman (see annex 34). In Ta'izz, two cases involved the 170th Brigade, including one case in which a civilian died in detention,<sup>109</sup> and one involved the 22nd Mika Brigade. In Shabwah, most arbitrary arrests and detentions appeared to be politically motivated, as five out of seven cases documented concerned Southern Transitional Council members or supporters, including a minor.

## **C. Detentions in areas controlled by the Southern Transitional Council**

106. During the reporting period, the Panel investigated 16 cases of arbitrary arrest and detention by armed groups affiliated to the Southern Transitional Council in Aden, Lahij and Socotra, including those of two journalists (see annex 34).

107. Three of the cases relate to allegations of detention by the counter-terrorism unit in an unofficial prison within a Council compound in Aden.<sup>110</sup>

108. Of particular concern are two cases of people shot dead at checkpoints controlled by the 9th Brigade, in Tawr al-Bahah area, Lahij.

109. In Aden, 14 people accused of participating in attacks against mosques and clerics are currently being prosecuted. The Panel received evidence that at least 10 of them were tortured during their detention and forced to sign confessions; evidence to that effect was disregarded by the presiding judge.

<sup>106</sup> The Panel investigated several cases of violations of international humanitarian law and international human rights law by United Arab Emirates officials in Yemen in respect of detention. See S/2021/79, para. 127; S/2020/326, paras. 100–101; S/2019/83, para. 142; S/2018/594, paras. 166–172; and S/2018/193, paras. 132–134. In December 2018, in a letter to the Panel, the United Arab Emirates denied any involvement in such violations in Yemen and stated that there were no detention facilities, or detainees, in any of its forces' camps in Yemen. It also informed the Panel that all arrest operations and subsequent procedures were, at that time, undertaken by the Government of Yemen. In July 2021, the United Arab Emirates informed the Panel that the content of that letter was still relevant.

<sup>107</sup> Major-General Shaye was away from Aden from March to December 2020. The United Arab Emirates stated that it had not dealt with him since he left his position as the Director of Aden Security.

<sup>108</sup> See S/2021/79, para. 132 and annex 32; S/2020/326, paras. 100–101 and 105–108 and annex 28; S/2019/83, para. 158 and annex 41; and S/2018/594, paras. 180–181 and annex 65.

<sup>109</sup> The Panel received evidence that he had been shot and that his body showed marks of violence.

<sup>110</sup> 12°46'32.1" N, 44°59'18.9" E.

110. The Panel also received evidence that three men missing in Aden since 2016 were at one point detained in Mansoura prison, before being handed over to counter-terrorism forces by prison authorities.<sup>111</sup>

111. In February 2021, members of the judiciary started a strike in southern Yemen to protest allegations of corruption within the judicial council. In August, the Panel was informed that several detainees had not been released because of the strike and that the judiciary had agreed to resume work twice a week. However, this will not be sufficient to clear the backlog of cases. Consequently, many detainees will continue to see their detention prolonged or their trials delayed.

112. In Socotra, the three cases documented involved civilians who had expressed views critical of the Southern Transitional Council. They were arrested for short periods of time and none were formally accused (see annex 34).

## **D. Detention by the Joint Forces on the West Coast**

113. The Panel investigated six cases of violations of international humanitarian law and international human rights law in Hays, Khawkhah and Mukha. Four cases involved National Resistance Forces and two cases involved the 1st and 7th Amaliqah Brigades (see annex 34). One case involved a minor who was detained for nearly two years. In none of these cases, involving detention ranging from 4 to 23 months, were the victims presented before a judicial or other impartial body. The National Resistance Forces informed the Panel that tribunals in Hays were not functioning due to hostilities.

## **E. Incidents attributed to the Houthis**

### **1. Use of explosive ordnance against civilians**

#### **(a) Shellings**

114. The Panel investigated eight incidents of indiscriminate use of explosive ordnance by Houthis in populated areas in Ma'rib and Ta'izz, which allegedly killed 33 people, including eight children, and injured 51 others, including 11 children (see annex 36).<sup>112</sup>

115. Since early 2021, intense fighting surrounding Ma'rib has had serious consequences for civilians. Several attacks, using explosive devices such as artillery shells, hit camps for internally displaced persons, resulting in deaths and injuries to civilians, as well as the destruction of civilian objects. It also led to the displacement of numerous people who had already been displaced several times, increasing their needs and vulnerability. Between 8 and 17 February, the Zawr camp was attacked at least twice, with Houthis raiding the camp and planting landmines; between 19 and 21 February, the Sawabin and Haylan camps were attacked at least twice; and between 16 March and 4 April, the Milh camp was attacked five times, the Tawasul camp twice, the Khair camp twice, the Dhat al-Ra' camp once and the Suwaydah camp once.<sup>113</sup>

116. These cases demonstrate a continuous disregard by Houthis for the principles of distinction and the protection of civilians. The Panel notes that, in at least one incident

<sup>111</sup> The Panel accessed correspondence between the Mansoura prison director and the Director of Aden Security from November 2020 and January 2021. The date of the transfer was not specified.

<sup>112</sup> In some cases, the Panel was unable to ascertain the exact number of victims despite having received information from multiple sources.

<sup>113</sup> The Panel received reports from the Ma'rib authorities and the Government of Yemen, conducted interviews and received videos, pictures and reports from local sources with direct access to the camps. The Panel took note of the letter dated 26 April 2021 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/2021/405).



in Ma'rib, an uncrewed aerial vehicle was used (see figure XV). According to the Panel's analysis, Houthi uncrewed aerial vehicles are highly accurate.

117. Systematic attacks against populated areas in Ta'izz and Ma'rib, at a distance from the active front lines, can be considered as acts aimed at spreading terror among the civilian population, which is prohibited under international humanitarian law (see annex 36).<sup>114</sup>

Figure XV

**Debris of uncrewed aerial vehicle used in the Ma'rib attack**



Source: Confidential.

**(b) Landmines, improvised explosive devices and unexploded ordnance**

118. The indiscriminate use of landmines and improvised explosive devices by the Houthis is endemic and systematic. Since 2016, the Panel has documented its devastating impact on civilians (see [S/2021/79](#), paras. 140–142; [S/2020/326](#), paras. 115–117; and [S/2018/193](#), annexes 43 and 44).

119. During the reporting period, the Panel gathered significant evidence on this issue, especially during its visit to the west coast in August, one of the most affected regions. The Panel's findings are reflected in annex 35.

**2. Detention**

120. The Panel investigated 17 cases concerning 50 victims of violations of international humanitarian law or international human rights law in respect of

<sup>114</sup> See Protocol II Additional to the Geneva Conventions of 1949, art. 13 (2); and ICRC, Customary International Humanitarian Law database, rule 2.

detention, including sexual violence and torture by Houthi authorities.<sup>115</sup> Six journalists and 11 women are among the victims (see annex 34).<sup>116</sup>

121. Since 2019, the Panel has investigated the cases of 10 people,<sup>117</sup> including one minor, arrested in relation to the killing of Saleh al-Samad, president of the Houthis' supreme political council, in April 2018. They were arrested between September and October 2018 and detained at a secret location. Their families were left without news of their whereabouts until they appeared on television on 17 April 2019, when their trial started, presided over by judge Amin Ali Ahmed Zabara.<sup>118</sup> The Panel received evidence that they had been tortured and forced to sign confessions. Although this was mentioned during court hearings, no measures were taken. One of them died in detention on 7 August 2019, allegedly from torture. The Panel also received evidence of numerous violations of the detainees' judicial guarantees: not only were their confessions obtained under torture and used as evidence against them, but the trial also began without them having access to a lawyer. Their lawyers had to make several requests to access the evidence. On several occasions, the accused were unable to meet their lawyers before court sessions. Lawyers were given very short notice of court hearings, leaving them with little time to prepare. On 24 August 2020, the detainees were all sentenced to death, which on appeal was confirmed.<sup>119</sup> All nine were publicly executed. Their families were notified one day before the execution. As many of those families live in Hudaydah, they were unable to travel in time to Sana'a.

122. The Panel continues to investigate the case of four journalists sentenced to death and still detained in Sana'a.<sup>120</sup> According to information received, during the reporting period there were discussions about including them in a prisoner exchange, but these did not yield results.

### **3. Recruitment of children**

123. The Panel received a list of 1,406 children recruited by the Houthis who died on the battlefield in 2020. The Panel also received a list of 562 children recruited by the Houthis who died on the battlefield between January and May 2021.<sup>121</sup> They were aged between 10 and 17 years old. A significant number of them were killed in Amran, Dhamar, Hajjah, Hudaydah, Ibb, Sa'dah and Sana'a (see annex 10).

### **4. Persecution and discrimination on religious grounds**

124. The Panel documented the systematic persecution of Jews in Houthi-controlled areas. Most of Jewish population left Yemen after several years of persecution, which started under former President Ali Abdullah Saleh but intensified under the Houthis. The Panel knows of seven Jewish individuals still in Yemen, including one who remains detained despite an order to release him issued in July 2019. The Panel also documented two cases of Christians detained by the Houthis based on their religion (see annex 34).

<sup>115</sup> See, among others, Geneva Conventions, Common Article 3; Protocol II Additional to the Geneva Conventions of 1949, arts. 4–6; and ICRC, Customary International Humanitarian Law database, rules 90, 93, 98, 100, 123 and 125.

<sup>116</sup> See S/2020/326, paras. 22 and 118; and S/2021/79, para. 137.

<sup>117</sup> Evidence includes interviews, reports and court documents from at least six different sources, including relatives of the victims.

<sup>118</sup> See [www.almanar.com.lb/5135682](http://www.almanar.com.lb/5135682).

<sup>119</sup> According to information received by the Panel, the Appeal judges were judges Abdul Hafeez Abdul Razzaq Al Mahbashi, Hammoud Ahmed Al-Qulaisi and Muhammad Lotf Al-Zubayri.

<sup>120</sup> See S/2021/79, para. 147.

<sup>121</sup> These lists were compiled by a confidential source and the Government of Yemen, using Houthi public media announcements. The Panel also received a report which contains the names of 640 children. The Panel stands ready to share these lists with the Committee.

125. Judicial procedures against several Baha'is remain active even though many of them were expelled from Yemen;<sup>122</sup> one of the objectives is to complete the seizure of their assets and properties. In a speech given in March 2021, Abdulmalik al-Houthi (YEi.004) accused the "Americans of seeking to establish Baha'i, Ahmadiyya and atheism in Yemen in order to undermine Islam",<sup>123</sup> demonstrating support for this policy of systematic persecution.<sup>124</sup>

## 5. Attacks against civilians

126. The Panel investigated attacks by Houthis against civilians in several villages in the Hima region, Ta'izz, in January 2021. According to information, reports and testimony received,<sup>125</sup> the attacks resulted in 13 people killed, including one child, 47 people injured, including seven children and seven women, 257 arrested, including 14 children, and approximately 150 families displaced. At least three schools were raided and used by Houthis for military purposes and detention. The Hima area was attacked before, in December 2017 and April 2019.

127. Towards the end of September 2021, Houthis surrounded Abdiyah district, Ma'rib, and blocked road access. For a few weeks, civilians were facing food and medicine shortages.<sup>126</sup> The Panel received information about 59 men arrested by Houthis during this period,<sup>127</sup> as well as testimony about the destruction of a communication antenna, which made obtaining information about the situation very difficult.

## F. Acts attributed to Al-Qaida in the Arabian Peninsula

128. On 14 June 2021, five Government of Yemen investigators were kidnapped by Al-Qaida in the Arabian Peninsula in Kura, Shabwah, near the border with Baydah, an area under the group's control. The group released a video of the detainees and asked the Government of Yemen to exchange them for members of Al-Qaida in the Arabian Peninsula. The detainees were released on 5 July 2021.

## G. Land disputes

129. Disputes over land and property are a long-standing problem in Yemen. However, years of conflict have weakened conflict-resolution systems, especially the judiciary and the security apparatus, and increased the power of armed groups and gangs involved in the disputes. The price of land has also increased in the past few years. As a consequence, violence over land disputes has increased, with civilians becoming more vulnerable as their land and houses are being taken by armed groups.

130. The Panel investigated one case to illustrate this issue. On 10 August 2021, in Bi'r Bashah, Ta'izz, a dispute occurred over land belonging to the Al-Harq family and occupied by a group led by Majid Al-Araj, affiliated to the Government of Yemen 145th Brigade. The dispute resulted in the killing of Majid Al-Araj, one of his men and four men of the Al-Harq family, and injury to another person. Subsequently, a

<sup>122</sup> See S/2021/79, para. 139.

<sup>123</sup> See <https://web.archive.org/web/20210310212347/https://www.almasirah.net/post/181849>.

<sup>124</sup> See S/2021/79, para. 139; S/2019/83, para. 154; and S/2018/193, para. 149.

<sup>125</sup> The Panel received information from local sources and non-governmental organizations that included pictures, reports and videos.

<sup>126</sup> This was mainly due to blockage of commercial items. According to information received by the Panel, food distribution to approximately 15,000 people by the World Food Programme took place at the beginning of September and at the end of October as initially planned.

<sup>127</sup> According to news reports, 52 people were released on 4 November. See <https://www.saba.ye/ar/news3162733.htm> and <https://twitter.com/abdulqadermord/status/1456239360844632068>.

group affiliated to Al-Araj raided the Al-Harq family's houses, with women and children present. Three members of the Al-Harq family were arrested: two minors and one young man, the latter of whom died in detention. The Ta'izz military informed the Panel that it had intervened to secure the area, and that two suspects resisting arrest had been killed and nine others detained.

## H. Migrants

131. On 7 March 2021, an incident occurred at the Immigration, Passport Naturalization Authority detention facility in Sana'a which resulted in the death of approximately 45 migrants and injury to 202 others.<sup>128</sup>

132. According to information received, following an argument between guards and migrants, who were on a hunger strike over detention conditions, security forces intervened and threw tear gas canisters into a hangar in which the migrants had locked themselves. As a result, a fire started in the overcrowded and poorly ventilated structure, which had only one door.<sup>129</sup> According to Houthi authorities, there were 862 migrants at the facility on that day and 358 were in the hangar when the incident occurred.<sup>130</sup> According to information received, Houthi authorities confiscated victims' cell phones, including at hospitals, in an attempt to prevent communication about the incident.

133. The Houthis publicly blamed the International Organization for Migration for the incident, saying that the organization had failed to repatriate the migrants, leading to overcrowding.<sup>131</sup> Also, according to information received, the statement issued following the incident by a group of migrants indicating that the fire was due to a fight between migrants<sup>132</sup> was released following pressure by Houthi authorities on migrant leaders.

134. Local media reported that Houthi authorities had begun an investigation, leading to 11 people being arrested.<sup>133</sup> The Panel received evidence that four people had been detained following the incident. Approximately four months later, they were released after investigations concluded that the fire was an accident and that they had not committed any crime.<sup>134</sup>

135. Between July and September 2021, the Houthis conducted a "security campaign" in Jawf, arresting over 700 migrants, some of whom were forcibly expelled from Houthi-controlled areas while others were detained.

## VIII. Obstruction of the delivery and distribution of humanitarian assistance

136. Since the end of 2020, some progress has been reported concerning humanitarian access and the possibility for humanitarian organizations to undertake programme assessments in Houthi-controlled areas. After a long period of blockage

<sup>128</sup> The Panel received information from multiple sources that approximately 28 people died from their injuries after being transported to hospitals. According to the National Commission to Investigate Alleged Violations of Human Rights of Yemen, the number of victims was 400 (see [www.nciye.org/reports/NineReport/NINE-en.pdf](http://www.nciye.org/reports/NineReport/NINE-en.pdf)).

<sup>129</sup> The Panel received information from international humanitarian organizations, local non-governmental organizations and individuals.

<sup>130</sup> See [www.ansarollah.com/archives/421005](http://www.ansarollah.com/archives/421005).

<sup>131</sup> See [www.smc.gov.ye/archives/14212](http://www.smc.gov.ye/archives/14212).

<sup>132</sup> The Panel received a copy of the statement.

<sup>133</sup> See [www.ansarollah.com/archives/421005](http://www.ansarollah.com/archives/421005).

<sup>134</sup> Copies of the documents are with the Panel.

by the Sana'a-based authorities, the implementation of a biometric project by the World Food Programme to secure humanitarian assistance is still ongoing. A regular humanitarian air service to Ma'rib has also been established.<sup>135</sup>

137. However, numerous obstacles to the effective delivery of humanitarian assistance across Houthi-controlled areas remain: delays in the approval of sub-agreements, requests to share details of beneficiary lists, pressure to influence the choice of implementing partners or programme design, restrictions on access and denial of movement, including the arbitrary imposition of a *mahram* chaperone for female personnel,<sup>136</sup> and harassment of humanitarian personnel. Local authorities often try to impose their own requirements by blocking trucks at checkpoints or threatening humanitarian actors. The Panel also documented cases in which families were threatened with removal from the beneficiaries list if they refused to allow their children to join Houthi forces (see annex 10).

138. The Panel received evidence of abuse, harassment and continuous obstruction by the Houthis of a specific humanitarian organization to force the organization to change its policy. The abuse included physical violence, arbitrary arrests and detention, denial of visa or entry, expulsion of senior staff, restrictions on movement of personnel and supplies, and interference with activities and choice of service providers (see annex 37).

139. In addition to the two United Nations employees arrested in November 2021,<sup>137</sup> the Panel documented the arrest and detention of three other humanitarian actors by Houthi authorities.

140. The media campaign against the United Nations is still ongoing. This not only is detrimental to humanitarian activities but also creates additional security risks (see S/2021/79, para. 48 and annexes 7 and 8).

141. In southern Yemen, the weakness of governmental authorities allows local actors to impose their own requirements. The security risks for humanitarian organizations are also increasing: the Panel documented five incidents of humanitarian personnel or cargo being blocked at checkpoints and three incidents in which vehicles of humanitarian organizations were hijacked by unknown actors in Abyan and Ta'izz.

142. In April 2020 in southern Yemen, some activities of a humanitarian organization were suspended for several months over a disagreement on incentives for some governmental staff.

## IX. Recommendations

143. The Panel recommends that the Security Council, in its upcoming resolution:

(a) Call on the Southern Transitional Council and the Government of Yemen to refrain from taking actions undermining the Riyadh Agreement and express its intention to impose sanctions on those who participate in these acts;

(b) Call on the Houthis, the Government of Yemen, the Joint Forces and the Coalition to refrain from taking actions undermining the Stockholm Agreement and express its intention to impose sanctions on those who participate in these acts;

<sup>135</sup> See S/2021/79, sect. III.

<sup>136</sup> This rule prevents females from traveling without being accompanied by a male member of their family. It limits the possibility of female employees of humanitarian organizations performing their duties and exposes them to arrest and detention, if not complied with.

<sup>137</sup> See <https://apnews.com/article/science-middle-east-saudi-arabia-united-nations-yemen-fl38d377483ac1e1d106b131c9676286>.

(c) Call on parties to the conflict to refrain from using educational, religious and public institutions to incite hatred or violence against any group or nationality and express its intention to impose sanctions on those who are responsible for these acts;

(d) Call on parties to the conflict to refrain from using schools, summer camps and mosques to recruit children and express its intention to impose sanctions on those responsible for these acts;

(e) Call on Member States to increase efforts to combat the smuggling of weapons and components via land and sea routes, to ensure implementation of the targeted arms embargo;

(f) Call on Member States to increase due diligence measures concerning the export of commercially available components documented by the Panel within weapon systems used for the benefit of listed individuals (see [S/2021/79](#), annexes 19 and 20) and report to the Committee thereon;

(g) Call on parties to the conflict to take measures to prevent the further fragmentation of the economy of Yemen, including banking and financial institutions, and express its intention to impose sanctions on those responsible for these acts;

(h) Call on parties to the conflict to ensure accountability for violations of international humanitarian law and international human rights law committed by their forces and to provide immediate redress and support to victims;

(i) Call on Member States, parties to the conflict and other relevant stakeholders to consider establishing transitional justice mechanisms for Yemen;

(j) Recall resolution [2474 \(2019\)](#) and call on the parties to the conflict to take all appropriate measures to actively search for persons reported missing, to put in place appropriate channels to enable communication with the families of such persons and to consider putting in place mechanisms to provide those families with support;

(k) Call on the Houthi forces to take measures to stop the indiscriminate use of landmines, record their placement and remove existing landmines from civilian areas under their control.

144. The Panel recommends that the Security Council include in the agenda of the monthly meeting on Yemen a focused discussion on:

(a) The challenges faced by female detainees in Yemen, as presented in annex 9, and include these women in future transitional justice initiatives and consider including in this discussion the Government of Yemen and other relevant Yemeni stakeholders;

(b) The use of educational, religious and public institutions to disseminate hate speech, encourage violence and recruit children, and consider including in this discussion the Government of Yemen and other relevant Yemeni stakeholders.

145. The Panel recommends that the Committee consider:

(a) Discussing with Member States the possibility of establishing a dedicated fund for survivors of sexual violence, which includes survivors from Yemen, as stipulated in paragraph 17 of resolution [2467 \(2019\)](#);

(b) Engaging with the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies to include commercial parts used in Houthi missiles, uncrewed aerial vehicles and waterborne improvised explosive devices in their list of dual-use goods and technologies;

(c) Encouraging parties to the conflict and other relevant stakeholders, including international mediators, to include measures to prevent further

fragmentation of the economy of Yemen, including banking and financial institutions, in the peace process;

(d) Encouraging Member States to support the National Commission to Investigate Alleged Violations of Human Rights of Yemen, especially with respect to the safeguarding of its archives, including through the creation of an offshore digital backup, and calling on parties to the conflict to collaborate with the Commission;

(e) Engaging with parties to the conflict and international mediators to include accountability, justice and redress measures in the peace process;

(f) Encouraging Member States to increase support for demining activities, including through training sessions for demining personnel in Yemen.

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## **Annex 1 Methodology**

1. The Panel used satellite imagery of Yemen procured by the United Nations from private providers to support investigations. It also used commercial databases recording maritime and aviation data and mobile phone records. Public statements by officials through their official media channels were accepted as factual unless contrary facts were established. While it has been as transparent as possible, in situations in which identifying sources would have exposed these sources or others to unacceptable safety risks, the Panel does not include identifying information.
2. The Panel reviewed social media, but no information gathered was used as evidence unless it could be corroborated using multiple independent or technical sources, including eyewitnesses, to appropriately meet the highest achievable standard of proof.
3. The spelling of toponyms within Yemen often depends on the ethnicity of the source or the quality of transliteration. The Panel has adopted a consistent approach in the present update.
4. The Panel has placed importance on the rule of consensus among the Panel members and agreed that, if differences and/or reservations arise during the development of reports, it would only adopt the text, conclusions and recommendations by a majority of four out of the five members. In the event of a recommendation for designation of an individual or a group, such recommendation would be done based on unanimity.
5. The Panel has offered the opportunity to reply to Member States, entities and individuals involved in most incidents that are covered in this report. Their response has been taken into consideration in the Panel's findings. The methodology for this is provided in appendix A.

## Appendix A      ‘The opportunity to reply’ methodology used by the Panel

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity<sup>1</sup> in a Panel’s public report, could have adverse effects on the individual. As such, where possible, individuals concerned should be provided with an opportunity to provide their account of events and to provide concrete and specific information/material in support. Through this interaction, the individual is given the opportunity to demonstrate that their alleged conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.
2. The Panel’s methodology on the opportunity to reply is as follows:
  - (a) Providing an individual with an ‘opportunity to reply’ should be the norm.
  - (b) The Panel may decide not to offer an opportunity of reply if there is credible evidence that it would unduly prejudice its investigations, including if it would:
    - (i) Result in the individual moving assets if they get warning of a possible recommendation for designation.
    - (ii) Restrict further access of the Panel to vital sources.
    - (iii) Endanger Panel sources or their relatives or Panel members.
    - (iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field.
    - (v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.
3. If the circumstances set forth in 2 (b) do not apply, then the Panel should be able to provide an individual an opportunity to reply.
4. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.
5. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.
6. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.
7. The individual, on the other hand, in making their determination of the level and nature of interaction with the Panel, may consult third parties or allow third parties (for example, legal representative or their government) to communicate on their behalf on subsequent interactions with the Panel.

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<sup>1</sup> Hereinafter just the term individual will be used to reflect both individuals and entities.

## **Appendix B      Investigations methodology on violations relating to IHL, IHRL, and acts that constitute human rights abuses**

1. The Panel adopted the following stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from visiting places in Yemen. In doing so it has paid particular attention to the “Informal Working Group on General Issues of Sanctions Reports”, [S/2006/997](#), on best practices and methods, including paragraphs 21, 22 and 23, as per paragraph 14 of resolution [2564 \(2021\)](#).

2. The Panel’s methodology, in relation to its investigations concerning alleged IHL, IHRL and human rights abuses, is as set out below:

- (a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.
- (b) In carrying out its investigations on the use of explosive ordnance, the Panel relies on at least three or more of the following sources of information:
  - (i) At least two eyewitnesses or victims.
  - (ii) At least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel will endeavor to obtain copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations.
  - (iv) Technical evidence, which includes imagery of the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open source imagery, the Panel verifies that imagery by referring it to eyewitnesses or by checking for pixilation distortion:
    - a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and
    - b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other sources of information.
  - (v) The utilization of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident.
  - (vi) Access to investigation reports and other documentation of local and

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- international organizations that have independently investigated the incident.
  - (vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing weapons of the type it is alleged to have produced.
  - (viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground, for example, if the Panel wished to confirm the presence of an armed group in a particular area.
  - (ix) Statements issued by or on behalf of a party to the conflict responsible for the incident.
  - (x) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:
- (i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview.
  - (ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody.
  - (iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iv) Medical documentation and, where applicable, death certificates.
  - (v) Documentation issued by prison authorities.
  - (vi) Interviews with medical personnel who treated the victim, wherever possible.
  - (vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim.
  - (viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates.
  - (ix) Statements issued by the party to the conflict responsible for the incident.
  - (xx) Open-source information to identify other collaborative or contradictory information regarding the Panel's findings.
  - (xxi) Detainees do not have always access to medical care, nor is it always possible to obtain medical reports, especially in cases of prolonged detention. Therefore, the Panel accepts testimonies received from

detainees alleging that violence was used against them during detention by the detaining parties as prima facie evidence of torture.

- (xxii) For the same reasons, medical and police reports are not required by the Panel to conclude that rape or sexual violence took place.
- (d) In carrying out its investigations on other violations, including forced displacement human rights violations and abuses against migrants, or threats against medical workers, the Panel relies on information that includes:
  - (i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview.
  - (ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident.
  - (iii) Documentation relevant to verify information obtained.
  - (iv) Statements issued by the party to the conflict responsible for the incident.
  - (v) Open-source information to identify other collaborative or contradictory information regarding the Panel's findings.
- (e) In carrying out its investigation in respect to the recruitment of children by parties to the conflict, the Panel is particularly mindful of the risk posed by its investigations for the children and their family. The Panel also refrains from interviewing directly the victim unless it is sure that this will not have a negative impact on them. Therefore, the Panel often relies on sources such as:
  - (i) Investigations and other documentation from local and international organizations that have independently investigated the incident.
  - (ii) Interviews with people and organization providing assistance to these children.
  - (i) Interviews with other people with knowledge of the violations such as family members, community leaders, teachers, and social workers.
- (f) The standard of proof is met when the Panel has reasonable grounds to believe that the incidents had occurred as described and, based on multiple corroboratory sources, that the responsibility for the incident lies with the identified perpetrator. The standard of proof is "beyond a reasonable doubt".
- (f) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. This is undertaken in accordance with the Panel's standard methodology on the opportunity to reply. Generally, the Panel would provide detailed information in any opportunity to respond, including geo-locations. However, detailed information on incidents are not provided when there is a credible threat that it would threaten Panel sources, for example, in violations related to deprivation of liberty, violations associated with ground strikes on a civilian

home, or in violations associated with children.

- (g) If a party does not provide the Panel with the information requested, the Panel will consider whether this is of sufficient gravity to be considered as non-compliance with paragraph 12 of resolution [2564 \(2021\)](#) and thus consideration for reporting to the Committee.
3. The Panel will not include information in its reports that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel will deposit such information in the custody of the Secretariat for viewing by members of the Committee.
  4. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: 1) with the specific permission of the sources; and 2) where the Panel is, based on its own assessment, certain that these individuals would not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to supports the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.

## Annex 33 Investigation of Coalition airstrikes in Yemen

1. In this annex, the Panel presents case studies of Coalition airstrikes in Yemen investigated by the Panel since January 2021.

2. The deterioration of the security situation in Yemen affected the capacity of the Panel to have access to all information needed in respect to several investigations on airstrikes. The Panel itself and its sources were unable to undertake numerous travels, especially in areas near conflict zones. The fear of witnesses in Houthi-controlled areas to communicate with the Panel or to register the geolocation of incidents also affected the Panel's investigations.

3. The Panel received information, reports and/or pictures relating to six incidents that were allegedly attributable to the Coalition and was able to conclude investigations on two incidents (see appendix hereafter). The Panel sent a letter to the Kingdom of Saudi Arabia in respect to the six cases and is awaiting a reply.

4. For the four remaining cases described below, the Panel received insufficient evidence to conclude its investigation:

a) One incident occurred on 28 February 2021 at approximately 1230 hours, in which an explosive ordnance hit a house in al Hawk district, Al Hudaydah. It resulted in the death of five people, including one child, and the injury to a woman, and a child. The Panel received information that the incident could have been a UAV attack. The Panel has not received pictures of explosive ordnance debris and is unable to reach a conclusion in this respect. According to the Civilian Impact Monitoring Project,<sup>291</sup> the location of the incident was 14° 46' 28.2" N, 42° 57' 58.32" E.

b) One airstrike occurred on 7 March 2021 at approximately 1430 hours in which a civilian area in Al Amanat Al Asimah (Sana'a city) was hit. The incident resulted in the injury to a man and two children, as well as damage to shops and houses. According to information received by the Panel from two different sources, the location of the incident was in the vicinity of 15° 23' 28.68" N, 44° 11' 7.8" E.

c) Another airstrike occurred on 10 May 2021 at approximately 1600 hours in Rada'a district, Al Bayda, which targeted a car resulting in the death of one man and the injury of two women. According to the Civilian Impact Monitoring Project, the location of the incident was 14° 22' 48"N, 44° 55' 15.6" E.

d) A fourth incident occurred on 18 September 2021, in which a car in Merkhaj al Ulya district, Shabwah, was hit, resulting in the death of five people including a child and a woman. According to the Civilian Impact Monitoring Project, the location of the incident was 14° 26' 5.28" N, 45° 54' 50.76" E. On 22 September 2021, the spokesperson of the Coalition, Brigadier General Turki Al-Maliki said that: "the Coalition confirms that it has not received any information nor coordination from UN OCHA in Yemen regarding this allegation as per the coordination mechanism in such cases. No such information has been conveyed to the Coalition regarding the claimed airstrike. The Coalition considers these claims seriously, takes all necessary and required procedures to validate them, and announce the results of any investigations through proper referral to the Joint Incidents Assessment Team."<sup>292</sup>

<sup>291</sup> <https://civilianimpactmonitoring.org/>

<sup>292</sup> See online: <https://www.spa.gov.sa/2289036>.



5. In its report S/2019/83, annex 34, the Panel presented the results of its investigation in respect to a shelling incident that occurred on 2 August 2018 in the city of Hudaydah and which hit the al Thawra hospital and a market. The Panel concluded that both Houthi forces and the Coalition could have been responsible for the attack. On 29 September 2021, the JIAT released the result of some investigations, including this specific one, and concluded that the Coalition Surface Forces did not carry out any firing in Hudaydah city on that date.<sup>293</sup> The Panel has still not received any information from Houthi forces in connection to this attack.

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<sup>293</sup> <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2290995>

## Appendix 1 Airstrike against Al Raks village, Al Mahliyah district, Ma'rib, 16 January 2021

### I. Background

1. At approximately 0830 hours on 16 January 2021, an explosive ordnance allegedly launched from an aircraft, hit a car in Al Mahliyah district, Ma'rib. The incident resulted in the death of the driver who was, according to information received by the Panel, a merchant transporting food (see figure 33.1).
2. The Panel received different information regarding the specific location of the incident but was not able to verify it. According to a report received by the Panel, the incident occurred in Wadi Dhaza (وادي دحظة) on the road between the Al Amoud area and Al Raks village in the Al Mahliyah district. According to a local source, the incident occurred on the main road of Al Raks village, while the driver was going from one shop to another. According to the Civilian Impact Monitoring Project,<sup>294</sup> the incident occurred in Al Raks village at 14° 33' 37.08"N, 45° 17' 34.8"E.

### II. Legal analysis

3. According to information received by the Panel, the victim was not involved in hostilities and there were no military activities or fighting in the area at the time of the attack.
4. Under IHL, parties to the conflict must, at all times, distinguish between civilians and combatants, and direct attacks only against combatants.<sup>295</sup> They also have the obligation to take all feasible precautions to avoid or minimise incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>296</sup>
5. Based on the information received by the Panel, it seems unlikely that the principle of distinction was respected.

Figure 33.1

Car after the incident



*Source:* Confidential

## Appendix 2: Al Salif Port, Al Hudaydah, 21 March 2021

<sup>294</sup> <https://civilianimpactmonitoring.org/>

<sup>295</sup> See CIHL, rule 1 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

<sup>296</sup> CIHL rule 16 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

## **I. Background**

1. At approximately 0230 hours on 21 March 2021, two explosive ordnances launched from an aircraft hit, approximately five minutes apart, a warehouse and a building owned by the Yemeni International Company for Food Production Ltd at Al Salif port (15° 18' 51.50"N, 42°40' 36.16"E) (see figures 33.2, 33.3 and 33.4). The incident resulted in the injury of six workers of the company.
2. The Panel received pictures of remnants of the explosive ordnances found in both buildings and they are consistent with guided bombs used by the Coalition (see figure 33.5).
3. The Panel sent a letter to the Coalition in respect to this incident and is awaiting a reply.

## **II. Legal analysis**

4. The Panel received information from several sources that the Houthis are using the port of Al Salif for military activities, among others for the manufacturing of sea mines. However, the Panel still lacks conclusive evidence.<sup>297</sup>
5. According to information received by the Panel, the two buildings in the port of Al Salif referenced above were used for civilian purposes and not for military operations. They are located in a compound separated by a concrete wall in which several offices, accommodation, warehouses and grain silos are housed.
6. Under IHL, parties to the conflict must, at all time, distinguish between civilians and combatants, and direct attacks only against combatants.<sup>298</sup> They also have the obligation to take all feasible precautions to avoid or minimise incidental loss of civilian life, injury to civilians, and damage to civilian objects.<sup>299</sup>
7. Based on the information received, the Panel concludes that it is unlikely that the principles of distinction and proportionality were respected, however, if additional information is provided, the Panel stands ready to review its findings.

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<sup>297</sup> The Panel welcomes any information and evidence in this respect.

<sup>298</sup> See CIHL, rule 1 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

<sup>299</sup> CIHL, rule 16 at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).

Figure 33.2

**Location of the two buildings hit in Al Salif port**

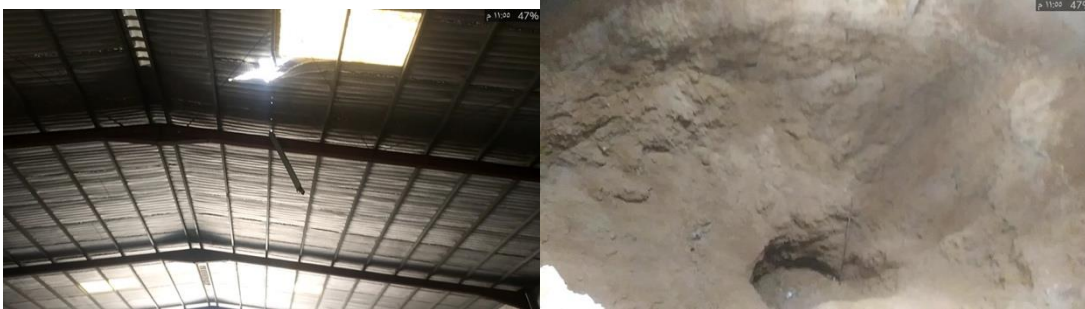
*Source:* Google Earth, Panel

Figure 33.3

**Damages to the accommodation buildings**

*Source:* Confidential

Figure 33.4  
**Damages to the warehouse and impact crater**



**Source:** Confidential

Figure 33.5  
**Pictures of debris found on the site after the incident**



**Source:** Confidential