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

CLAIM NO: CO/3579/2020

BETWEEN:

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

Claimant

- and -

SECRETARY OF STATE FOR INTERNATIONAL TRADE ("SSIT")

Defendant

EXHIBIT SPF12

Press briefing notes on Yemen

18 January 2022

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DELIVERED BY

Spokesperson for the UN High Commissioner for Human Rights: Ravina Shamdasani

LOCATION Geneva

We are deeply concerned by the continuing escalation of the conflict in Yemen. Overnight, air strikes by the Saudi-led coalition on the capital, Sanaa, are reported to have left at least five civilians dead. According to preliminary information, those killed were five members of the same family, including two women and a child, when a house was hit in Ma'in district of the city at around 21.25. Two other women and a child were reported to have been injured.

The latest airstrikes followed missile and drone attacks claimed by Ansar Allah forces (also known as 'Houthis') on the United Arab Emirates, which is a coalition partner, on Monday. These attacks on Abu Dhabi's International airport and a nearby industrial area were reported to have left three civilians dead. 2022 had already seen the conflict intensify. The year began with a large counter-offensive by Government forces against Ansar Allah in Shabwah Governorate to the south-west of Marib, with the fighting now pushing further into Marib and Al Baydah Governorates. In recent days, there have been dozens of airstrikes and artillery strikes launched by the parties with seemingly little regard for civilians.

The fighting has damaged civilian objects and critical infrastructure, including telecommunication towers and water reservoirs, as well as hospitals in Sana'a and Taizz. With frontlines shifting rapidly over large areas, civilians are also exposed to the constant threat of landmines.

Among recent attacks, between 9 to 11 January, three telecommunications towers were destroyed by Saudi-led Coalition airstrikes in Sa'ada Governorate. On 11 January, Coalition airstrikes destroyed a main water reservoir in Sahar district, also in Sa'ada Governorate, disrupting water supplies for more than 130,000 people.

On 13 January, airstrikes by the Saudi-led coalition injured four civilians and partially damaged the emergency and in-patient departments of a hospital in Al Sawad area, Sanhan district, Sana'a Governorate. It was reported that the airstrikes targeted a military camp, which is located close to the hospital. On 1 July 2020, airstrikes destroyed the hospital's medical supply warehouse and severely damaged the building.

On 15 January, two missiles fired by Ansar Allah forces positioned in the north of Taizz City struck and damaged Al Thawra Public Hospital, Taizz City. Three others missiles reportedly struck a neighbourhood adjacent to the hospital, injuring two civilians.

Figures collected by the UN Human Rights Office indicate that, 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.

Amid this escalation, we call on all parties to ensure the protection of civilians and civilian objects, in line with their obligations under

international law. Any attack, including airstrikes should fully respect the principles of distinction, proportionality and precautions in attack. In particular, parties to the conflict must take all feasible measure to verify that targets are indeed military objectives and suspend an attack if it becomes apparent that the target is not a military objective or that the attack would be disproportionate. Failure to respect the principles of distinction and proportionality could amount to war crimes.

We echo calls by the Secretary-General to all parties to exercise maximum restraint and avoid escalation. As has been shown time and time again, there is no military solution to the conflict in Yemen.

ENDS

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EXHIBIT SPF13

Yemen

Press briefing notes on Yemen, 28 January 2022 [EN/AR]

News and Press Release Source <u>OHCHR</u> Posted 28 Jan 2022 Originally published 28 Jan 2022 Origin <u>View original</u>



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Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville Location: Geneva Date: 28 January 2022

On 18 January, the UN Human Rights Office warned about the escalating conflict in Yemen and its devastating impact on civilians. On 21 January, three airstrikes in quick succession by the Saudi-led Coalition hit a detention facility run by Ansar Allah (also known as 'Houthis') in the northern city of Sa'ada, causing dozens of deaths.

Colleagues from our Yemen office were in Sa'ada this week as part of an inter-agency mission. The information they have collected paints a chaotic and desperate picture after the remand prison, which was believed to be holding 1,300 pre-trial detainees as well as 700 migrants, was struck. We are working to verify the civilian casualties but so far, we understand that some 91 detainees were killed, many when the upper floor of one building collapsed, and 236 others were injured. The most severely injured were taken to AI Jomhori Hospital in the city, which colleagues said was struggling to deal with the number of patients in need of urgent and life-saving treatment.

The Saudi-led Coalition reiterated this morning that it is investigating the airstrikes. We urge them to ensure that the investigation is in line with international standards and is transparent, independent and impartial, to establish why the prison was hit, to ensure individual accountability for any breaches of international humanitarian law, and to identify measures and procedures required to prevent such incidents in the future. During our recent visit, we saw no signs indicating that this site, formerly a barracks, continues to have a military function. In light of this, we have asked the coalition to share their information with us.

With regard to the escalating conflict, in 2021, the UN recorded just under 600 airstrikes a month by the Saudi-led Coalition across Yemen. Also in 2021, there were 340 missile and drone attacks by Ansar Allah on the territory of Saudi Arabia.

So far this year up to 26 January, there have been 1,403 coalition airstrikes, and 39 cross-border attacks by Ansar Allah, most on Saudi Arabia but some on UAE.

As the fighting intensifies throughout Yemen, we remind parties to the conflict that international humanitarian law must be scrupulously respected during theconduct of hostilities. This includes taking all feasible measures to verify that targets are indeed military objectives at the time they intend to strike.

Violence also continues to be reported in the strategic city of Marib and the adjacent Governorate of Shabwa, as Yemeni Government forces carry out a major counter-offensive against Ansar Allah. Among incidents this week, Ansar Allah forces launched a missile on Wednesday evening, hitting a multi-lane road across from a military camp in Marib, causing a number of casualties among a crowded group of soldiers who were gathered at the roadside at the time. The attack also caused casualties amongst civilians who were on the road at the time. So far, we have verified that three civilians were killed and nine others injured.

On a further note, we renew our demand that Ansar Allah immediately release two UN staff members who work for the UN Human Rights Office and UNESCO respectively. Our colleagues have been unacceptably detained since early November in Sana'a without any information provided as to the grounds or legal basis for their detention, or any communication with their families. We also recall the privileges and immunities accorded to staff of the UN system under international law, which are essential to the proper discharge of their official functions.

ENDS

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EXHIBIT SPF14



25 Jan STATEMENT BY THE UN SPECIAL ENVOY FOR YEMEN HANS GRUNDBERG AND 2022 THE UN RESIDENT AND HUMANITARIAN COORDINATOR FOR YEMEN DAVID GRESSLY

Amman/Sana'a, 25 January 2021– We are alarmed by the escalating spiral of violence in Yemen that continues to harm civilians and is spilling over its borders. January will almost certainly be a record-shattering month for civilian casualties in Yemen.

We reiterate the United Nations Secretary-General's condemnation of the air strikes carried out by the Saudiled Coalition on 21 January against a prison facility in Sa'ada where migrants were also held. The airstrikes reportedly killed 91 detainees and injured 226. It is the worst civilian-casualty incident in Yemen in three years.

Over the past few weeks, air strikes and missile attacks have hit hospitals, telecommunication infrastructure, airports, a water facility and a school. There has also been an alarming uptick in attacks against the United Arab Emirates and the Kingdom of Saudi Arabia that resulted in civilian casualties and damage to civilian infrastructure.

The scale of the escalation is exacerbating an already severe humanitarian crisis in Yemen, complicating efforts to provide relief, threatening regional security and undermining efforts to bring an end to the conflict.

We remind the parties that being at war does not absolve them of their obligations under international humanitarian law, which strictly prohibits disproportionate attacks and requires that all feasible precautions be taken to avoid civilian harm. We reiterate the importance of accountability for violations of international humanitarian law.

The United Nations has been in contact with all sides to explore options to achieve de-escalation and begin an inclusive dialogue aimed at reaching a negotiated political settlement that comprehensively ends the conflict. We urge all parties to engage with these efforts immediately and without preconditions. We call upon them to prioritize the needs and interests of the Yemeni people.

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EXHIBIT SPF15

Yemen Events of 2020

Women and children are pictured at a camp for people recently displaced by fighting in Yemen's northern province of al-Jawf between government forces and Houthis, in Marib, Yemen March 8, 2020. © 2020 Reuters/Ali Owidha

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Six years into an armed conflict that has killed and injured over 18,400 civilians, Yemen remains the largest humanitarian crisis in the world. Yemen is experiencing the world's worst food security crisis with 20.1 million people—nearly two-thirds of the population —requiring food assistance at the beginning of 2020.

Since March 2015, Saudi Arabia and the United Arab Emirates (UAE) have led a military coalition against Houthi-led forces that took over Yemen's capital, Sanaa, in September 2014. In 2020, fighting in northern Yemen increased sharply when the Houthis seized new areas held by the internationally recognized Yemeni government and advanced toward Marib governorate, where thousands of Yemenis were internally displaced and faced dire humanitarian conditions and increased risk of Covid-19.

In southern Yemen, the UAE continued its air operations and support for local Yemeni forces on the ground despite withdrawing most of its ground troops in mid-2019. The UAE-backed Southern Transitional Council (STC) continued to challenge the recognized Yemeni government in the south.

The protracted conflict has had a devastating impact on civilians across the country. Civilians suffer from destroyed critical infrastructure, lack of fuel, lack of basic services, abusive local security forces, a weak state, and fragmented governance. Unprecedented heavy rainfall in many parts of Yemen in 2020 killed scores of people and left others displaced. The floods destroyed and damaged houses and infrastructure, including buildings in Sanaa's old city, a UNESCO world heritage site.

Yemen's economy has been ravaged by years of conflict. Millions of people in Yemen have lost their income due to business closures and some working in the public sector have not received their full salaries regularly, leading to increased poverty. Millions of civilians in Yemen depend on humanitarian aid.

Houthi authorities did not allow United Nations experts to secure the Safer Oil Tanker off the coast of Hodeida, leaving Yemen at risk of environmental disaster if the ship's 1.1 million barrels of oil leak into the Red Sea.



Covid-19

The country's first confirmed case of coronavirus was recorded on April 10, and by late September, the UN reported 2,034 confirmed cases and 588 deaths; however, the country's limited testing capacity means that the true number of cases is unknown. Houthi authorities in the north suppressed information about the spread and impact of Covid-19 in areas under their control.

In July, Human Rights Watch warned that detainees at the Bir Ahmed unofficial detention facility faced serious health risks from the rapidly spreading pandemic. In May, Human Rights Watch called for the protection of civilians in Marib as displaced

people faced the double threat of renewed fighting and the uncontrolled spread of the virus.

Unlawful Attacks

All parties to the armed conflict in Yemen and have committed serious violations of the laws of war, many of which may amount to war crimes by responsible personnel. In 2020, Saudi-led coalition forces conducted airstrikes that indiscriminately killed and injured civilians. As of March, the Saudi-led coalition had conducted between 20,624 and 58,487 airstrikes since March 2015, according to the Yemen Data Project. Almost a third of all airstrikes carried out by the coalition hit civilian objects such as residential homes, hospitals, schools, weddings, farms, food stores, school buses, markets, mosques, bridges, civilian factories, detention centers, and water wells. The Saudi-led coalition and the Houthis have committed unlawful attacks against detention centers, killing and injuring detainees.

The Saudi-led coalition and Houthi forces continued to fire mortars, rockets, and other missiles indiscriminately into heavily populated areas including Marib, Taizz, and, *Hodeidah*. These weapons killed or wounded civilians and damaged critical infrastructure such schools and health facilities. In April, Houthi forces attacked the Taizz Central Prison complex, killing five female prisoners, two young girls, and a policewoman, and wounding nine others, according to Mwatana, a Yemeni human rights group. Houthi forces continued to fire ballistic missiles indiscriminately into Saudi Arabia.

Children and Armed Conflict

Roughly 80 percent of Yemen's population required humanitarian aid, including over 12 million children. UNICEF warned that the number of children under the age of 5 who suffer from acute malnutrition could rise to 2.4 million in 2020. The International Committee of the Red Cross (ICRC) reported in October 2019 that 50 percent of Yemeni children are experiencing irreversible stunted growth. UNICEF warned in June that 7.8 million children had no access to education following Covid-19-related school closures and nearly 10 million did not have adequate access to water and sanitation.

The UN Group of Eminent International and Regional Experts on Yemen reported in 2020 that all warring parties have recruited children as soldiers. Some Yemeni boys were sent to Saudi Arabia for military training, then deployed back to Yemen to fight against Houthi forces. Houthi forces recruited children, including girls, at schools, and used boys for combat and girls "as spies, recruiters of other children, guards, medics and members of the Zainabiyat [female security forces]."

In June 2020, UN Secretary-General Antonio Guterres removed the Saudi-led coalition from his latest "list of shame" of parties responsible for grave violations against children during conflict, even though his report concluded that the coalition was responsible for 222 child casualties and four attacks on schools and hospitals in Yemen in 2019.

Landmines

Houthi forces used landmines, in particular anti-personnel landmines, in violation of international humanitarian law, causing civilian deaths and injuries. In 2019, landmines, improvised explosive devices (IEDs), and unexploded ordnance (UXO) have caused the deaths of 498 civilians, up 23 percent from 405 in 2018, according to the Civilian Impact Monitoring Project. The use of mines has exacerbated food insecurity and impeded aid workers from reaching vulnerable communities. The UN Group of Eminent International and Regional Experts on Yemen reported in September that Houthi forces have conducted indiscriminate attacks using antipersonnel landmines. The use of banned antipersonnel mines by any party in any circumstances violates the 1997 Mine Ban Treaty, to which Yemen is a party.

Arbitrary Detentions, Torture, and Enforced Disappearances

Houthi forces, the Yemeni government, the UAE, Saudi Arabia, and various UAE and Saudi-backed Yemeni armed groups have arbitrarily arrested, detained, abducted, or forcibly disappeared people, including children, and tortured or otherwise ill-treated detainees.

Human Rights Watch in March documented Saudi military forces and Saudi-backed Yemeni forces' grave abuses against civilians in al-Mahra governorate, in eastern Yemen, including torture, forced disappearances and arbitrary detention. Across Yemen, arbitrary detention by parties to the conflict remains pervasive. In June, Mwatana reported hundreds of cases of forced disappearances as well as torture and deaths of detainees in secret prisons by Houthi forces, Yemeni government-backed forces, and UAE-backed forces.

The UN Group of Eminent Experts on Yemen found that "parties to the conflict are continuing to engage in arbitrary detention, torture, including sexual violence, and other forms of ill-treatment, and enforced disappearance in violation of international human rights law and international humanitarian law. Such acts may amount to war crimes."

In September, the Yemeni government and the Houthis conducted a prisoner exchange of 1,083 prisoners brokered by the UN special envoy for Yemen, Martin Griffiths, and the ICRC.

Houthi forces continued to harass and prosecute dissidents, including academics, lawyers, students, religious minorities, and journalists. Houthi authorities prosecuted 35 parliamentarians in March, with Houthi-controlled courts sentencing them to death in absentia on charges of treason. Women human rights activists faced repression by parties to the conflict for their work on women's rights.

Blocking and Impeding Humanitarian Access

Human Rights Watch documented in September that Houthi authorities, Yemeni government and affiliated forces, and the UAE-backed STC were severely restricting the delivery of desperately needed humanitarian aid. Millions have been suffering in Yemen because the Houthis and other Yemeni authorities have denied the UN and other aid agencies unhindered access to people in need. International and local aid groups have faced a wide range of obstacles imposed by parties to the conflict on the ground, severely restricting their work.

The Houthi authorities have imposed hundreds of regulations and lengthy delays in approving aid projects. They block aid assessments required to identify people's needs, seek to control aid monitoring, and dictate or interfere with lists of aid recipients in order to divert aid to authority loyalists.

The coalition has forced the Sanaa International Airport to remain closed since August 2016.

Violence against Women

In 2020, the Yemeni government, the Houthi armed group, and the STC-affiliated Security Belt forces abused women and committed acts of gender-based violence, including sexual violence. The UN Group of Experts reported numerous allegations of rape by STC-affiliated forces in recent years, including the rape of an internally displaced woman in Aden in April. Violence against women increased during the Covid-19 crisis, according to UN Women in Yemen. Women migrants from Horn of Africa countries continue to face abuse, rape, and torture at the hands of smugglers and traffickers in Yemen while en route through the country to Saudi Arabia.

Women also continued to face severe discrimination in law and practice. They cannot marry without the permission of their male guardian and do not have equal rights to divorce, inheritance, or child custody. Lack of legal protection leaves them exposed to domestic and sexual violence. Child marriage also continued, and Yemen still has no minimum age of marriage.

Abuses against Migrants

The International Organization on Migration (IOM) reported that nearly 140,000 migrants entered Yemen in 2019. For those migrants stranded as a result of Covid-19, border closures, movement restrictions, and increasingly discriminatory attitudes in Yemen impacted migrants' access to essential services such as food, water, shelter and health assistance. Additionally, migrants stranded in Yemen have faced increased detention and have been subjected to forced transfers across front lines.

Using Covid-19 as a pretext, Houthi forces in April forcibly expelled thousands of Ethiopian migrants from northern Yemen, killing dozens and forcing them to the Saudi border. Saudi forces fired on the fleeing migrants, killing dozens more, while hundreds of survivors escaped to a mountainous border area until Saudi officials allowed hundreds to enter the country. After the Houthis forcibly expelled the migrants from Saada governorate in northern Yemen, Human Rights Watch reviewed satellite imagery that showed widespread destruction of over 300 tents and houses consistent with witness accounts in the migrant settlement area of al-Ghar.

Key International Actors

Arms sales to Saudi Arabia, the UAE, and other coalition members continued from Western countries including the US, France, Canada, and others. In July, the UK announced that it would resume arms sales to Saudi Arabia despite documented evidence of continuing laws of war violations by the coalition. News reports revealed that US State Department officials have warned that US officials could face prosecution for war crimes over arms sales to Saudi Arabia and coalition partners. Houthi forces continued to receive support from Iran.

In October, the UN Human Rights Council renewed and strengthened the mandate of the Group of Eminent International and Regional Experts on Yemen. In their third report, the group of experts urged the international community to address the longstanding impunity for serious crimes in Yemen, including by recommending the creation of a "criminally focused investigation body" and calling on the UN Security Council to refer the situation to the International Criminal Court.

In June, 31 international donors pledged about US\$1.35 billion in humanitarian aid for Yemen, far below the \$2.4 billion the UN agencies required to keep all its programs running in the country. Lack of funding has led to the reduction or shutdown of more than one-third of the UN's humanitarian programs in Yemen.

UN Special Envoy for Yemen Martin Griffiths has been leading negotiations between the Houthi armed group and the Yemeni government with little progress. The UN Security Council continued to impose a sanctions regime against just one side, the Houthis, even though the Saudi-led coalition has committed numerous violations of the laws of war. CORRECTION 9/9/2021: A correction has been made to state that 18,400 civilians were killed and injured in the conflict.

Keynote



Biden's Challenge: Redeeming a US Role for Human Rights



Kenneth Roth Former Executive Director



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EXHIBIT SPF16

Starvation Makers

The use of starvation by warring parties in Yemen



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Global Rights Compliance

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In Yemen, parties to the conflict have deprived civilians of objects that are essential to their survival (OIS), starving them, in some cases to death.

When asked about the impacts that warring party attacks and other conduct have had on their lives, people across Yemen described dire effects on food sources, water sources and critical civilian infrastructure. After the Saudi and United Arab Emirates-led coalition started bombing artisanal fishermen in the waters off Al-Hudaydah, one woman

said her "son was no longer able to go fishing." They "decided to flee," fearing [they] would either die from starvation or that [a Saudi/UAE-led coalition] aircraft would kill [them]."ⁱ The sea "meant everything for the community"ⁱⁱ but had become a place of fear. Some fishermen had no choice but to return to fishing, "because [they] have no other source of food or income."ⁱⁱⁱ Similarly, in

The sea "meant everything for the community" but had become a place of fear.ⁱⁱ

Dhubab District in Taiz governate, a man talked about how the Ansar Allah (Houthi) armed group (Ansar Allah) had laid landmines everywhere, with "no signs or maps showing their whereabouts," becoming "a threat to all of [them]."^{iv} Residents of areas in which landmines had been planted by Ansar Allah said that they had not "suffer[ed] from starvation or water scarcity before the mines were planted, and [their] livelihood was fine," but because of the

Because of the landmines, they "stopped herding, logging, and agriculture, and [their] water has been cut off."

landmines, they "stopped herding, logging, and agriculture, and [their] water has been cut off."v

Following a year-long investigation, and several years of research and documentation across

Yemen, this Mwatana for Human Rights (Mwatana) and Global Rights Compliance (GRC) report documents conduct of the Saudi/UAE-led coalition—acting with the consent of the

i Mwatana for Human Rights interview with Aisha Ahmed on January 11, 2020.

ii Mwatana for Human Rights interview with Ahmed Ali on January 10, 2020.

iii Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

iv Mwatana for Human Rights interview with Waheed Zaid on October 15, 2019

v Mwatana for Human Rights interview with Saleh Ahmed on December 22, 2020.

internationally recognized Government of Yemen and fighting with the Yemeni military and Ansar Allah that has likely violated prohibitions under international humanitarian law (IHL) and international humanitarian law (IHRL).

In Part G, we document airstrikes by the Saudi/UAE-led coalition on farms in Abs District in Hajjah Governate, on water facilities in the Sahar and Kitaf wa Al Buqa'a districts in Saada Governate, and on artisanal fishing boats and equipment in Alluheyah District in Al-Hudaydah Governate. The attacks destroyed, damaged and/or rendered useless OIS, namely agricultural areas, irrigation works, livestock, foodstuffs, water infrastructure, fishing boats and fishing equipment. Airstrikes on fishermen, in particular, instilled fear in the fishing population, preventing them from fishing at their pre-existing capacity.

In Part H, we document Ansar Allah-imposed restrictions on humanitarian relief actions in Saada Governate and their widespread use of landmines in Taiz Governate. Restrictions on humanitarian organizations' operations and the diversion and redirection of humanitarian aid to Ansar Allah-loyalists constituted effective refusals to consent to humanitarian relief action and to allow and facilitate the passage of impartial relief action; restrictions were so severe that they forced the World Food Programme (WFP) to suspend its operations in 2019 and again in 2020. Ansar Allah actions deprived civilians of indispensable aid, including food. Ansar Allah's widespread and indiscriminate use of landmines in wholly civilian areas, including in the Al-Omari area of Dhubab District, Taiz Governate, constituted attacks on grazing and agricultural areas (OIS) that damaged, destroyed or otherwise rendered the areas useless. The widespread and indiscriminate use of landmines in the area, which have injured and killed some shepherds and their livestock, has instilled fear in the farming population, preventing them from accessing agricultural land.

Mwatana and GRC conclude that members of the Saudi/UAE-led coalition and Ansar Allah used starvation as a method of warfare. Their conduct severely impeded civilians' access to food and water, and they acted in spite of the widespread knowledge of the dire humanitarian situation in Yemen, where people, including children, were dying from starvation. Members of the Saudi/UAE-led coalition and Ansar Allah were aware of the virtual certainty that, following their conduct, starvation would occur in the ordinary course of events—that is, without humanitarian intervention—or intended to use starvation as a method of warfare.

Further investigation with a view to mapping and identifying those responsible for the use of starvation as a method of warfare, as well as other crimes committed in the context of the conflict in Yemen, is required to determine the identity of the perpetrators and the mode/s of liability under which they may be held responsible.

Parties to the conflict in Yemen committed starvation as a war crime

This report focuses on the use of starvation as a war crime in the conflict in Yemen. We analyse the conduct of the Saudi/UAE-led coalition and Ansar Allah in the context of the IHL prohibition and the corollary war crime.

IHL prohibits the use of starvation as a method of warfare. Article 14 of AP II prohibits the use of "starvation as a method of warfare" in non-international armed conflicts, stating that "[it] is therefore prohibited to attack, destroy, remove or render useless, for that purpose, [OIS], such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works."

Using starvation as a method of warfare is a war crime. As recognized by Article 8(2) (e)(xix) of the Rome Statute of the International Criminal Court (ICC), in addition to the conduct Article 14 of AP II prohibits, wilfully impeding relief supplies may also constitute the war crime of starvation. Although the ICC does not currently have jurisdiction over the parties to the conflict in Yemen, the definition under the Rome Statute is nevertheless relevant. It provides the most recent and comprehensive articulation of the crime of starvation. Any future domestic proceedings based on universal jurisdiction are likely to rely on the Rome Statute (see Part F, Section 2).

After finding that the Saudi/UAE-led coalition and Ansar Allah intentionally (Part G, Section 5.2.2.2 and Part H, Sections 2.4.1.3(ii) and 3.2.2.2(ii)), and unlawfully (Part F, Sections 1.2.2 and 2.2.1; Part G, Section 5.2.1; and Part H, Sections 2.4.1.2 and 3.2.2.1), deprived civilians of objects which constituted OIS, and that Ansar Allah wilfully impeded relief supplies, we examine whether members of the Saudi/UAE-led coalition and Ansar Allah may have intended to starve civilians or whether they had knowledge of the virtual certainty that starvation would result from their actions in the ordinary course of events (that is, without intervention); the defining mens rea element of the crime under Article 30 of the Rome Statute.

The report assesses a range of indicators of intent relevant to determining whether starvation as a war crime was committed. Indications of intent in conflict are rarely overt, particularly with respect to crimes that require specific intent, like starvation. Instead, indirect or circumstantial evidence from which intent can be inferred is often necessary to determine what was in the minds of the perpetrator/s when they decided on, ordered, or otherwise assisted or participated in the conduct documented. It is also difficult, although not impossible, to establish that a single attack on OIS or restriction of access to OIS was carried out with intent to starve civilians. Bearing this in mind, the pattern of conduct—relied upon in numerous criminal trials in which war crimes have been prosecuted—and the context surrounding the attacks becomes vital to understanding why individuals acted as they did.

The general context in which the conduct occurred

Food insecurity is not incidental to the conflict in Yemen—the conflict, and the conduct of the warring parties, drives it. When the conflict began in 2014, approximately 41% of the population in Yemen was food insecure (see Part E, Section 2.1). According to the WFP and the UN Office for the Coordination of Humanitarian Affairs (OHCA), the percentage of the population that is food insecure has increased almost every year since 2014. In early 2021, WFP reported that Yemen was "headed straight toward the biggest famine in modern history," with "over 400,000 children at risk of dying" and 16.2 million people facing acute food insecurity (see Part E, Section 2.2).

OCHA reported that 66% of people needing support to treat or prevent malnutrition in 2021 are women and, of the 4.7 million people requiring treatment for acute malnutrition in 2021, 1.2 million are pregnant and lactating women (see Part E, Section 4).

Chronic food insecurity and the risk of famine have been particularly acute in the Hajjah, Saada, Al-Hudaydah and Taiz Governates, wherein the starvation-related conduct documented in this report occurred. These governates have been classified by the Integrated Food Security Phase Classification as Phase 3 (crisis) or Phase 4 (emergency) throughout the conflict, with pockets of them at various times projected to be in Phase 5 (famine) (See Part C and Part E, Section 2.2).

While the number of people who have been killed during the conflict in Yemen vary by source, OCHA estimated that the conflict has directly and indirectly caused 233,000

deaths (including of persons directly participating in hostilities), with more than half— 131,000 deaths—resulting "from indirect causes such as a lack of food, health services and infrastructure."

Members of the Saudi/UAE-led coalition and Ansar Allah must have known of the dire humanitarian situation. They very likely had knowledge that segments of the civilian population were entirely reliant on access to specific agricultural produce and livestock, artisanal fishing and water infrastructure, and that the destruction of such objects and restrictions on humanitarian access would mean these civilians would be unable to access affordable food and clean water. Humanitarian organizations, as well as UN bodies such as the UN Group of Eminent Experts on Yemen (GEE) and the UN Panel of Experts on Yemen (PoE), engaged directly with parties to the conflict and reported on food and water security-related issues, and advocated for humanitarian access to ameliorate the devastating impacts the war was having on the civilian population. The Saudi/UAE-led coalition, the Yemeni government and Ansar Allah must also have known that the conduct of other parties to the conflict was exacerbating food insecurity throughout the areas in which hostilities occurred.

1.2 The manner, timing and repetition of attacks on OIS or restrictions on humanitarian access

The manner, timing and repetition of attacks on OIS and the restrictions on humanitarian access that were documented in this report, particularly in the context of the broader pattern of attacks on OIS, support a finding of intent.

With respect to the Saudi/UAE-led coalition, the airstrikes documented formed part of a pattern of repetitive attacks on similar OIS, e.g. on farms, water facilities and artisanal fishing boats and equipment, and on other types of OIS, including food markets, means of transporting food and water, and food and water storage and production facilities. Saudi/UAE-led coalition attacks on OIS have been documented by Mwatana, the GEE, the PoE and other groups. In the attacks on the water facilities documented in this report, multiple airstrikes were carried out on each facility, some of which occurred immediately after the facilities had been built or repaired.

Ansar Allah's obstruction of humanitarian access—including arresting and intimidating humanitarian workers, blocking aid convoys and illegally seizing the

property of humanitarian organizations and workers—have been widely reported on in Saada Governate and elsewhere by the GEE, the PoE, WFP, OCHA and others. As noted above, the impediments were so severe WFP suspended humanitarian operations in Ansar Allah-controlled areas in 2019, impacting an estimated 850,000 beneficiaries, and again in 2020. The GEE, Mwatana, and others have also reported on the widespread and repeated use of landmines in civilian areas by Ansar Allah, without any precautions to minimize their indiscriminate effects, in violation of IHL.

1.3 Other drivers of food insecurity in Yemen attributable to the parties to the conflict

Other factors driving food insecurity can be attributed to the Saudi/UAE-led coalition, the Yemeni Government, and Ansar Allah, supporting a finding of intent.

The Saudi/UAE-led coalition, the Yemeni government, and Ansar Allah-imposed targeted restrictive economic policies, which—in the context of a population vulnerable to fluctuations in the value of the Yemeni riyal and to disruptions to the supply chain—adversely impacted purchasing power, and consequently, access to food and water. These include the movement of the Central Bank of Yemen (CBY) from Sana'a to Aden by the Yemeni Government in 2016, followed by their withholding of salaries of hundreds of thousands of civil servants, and Ansar Allah's banning of new bills issued by the CBY in Aden, diversion of 50 billion Yemeni riyals from the CBY in March 2020, withholding of salaries, imposition of heavy taxes (some of which were funnelled to support the war effort) and other tariffs in territories under their control, including on direly needed fuel. These are just a few examples of a wide array of restrictive policies.

Since 2015, the Saudi/UAE-led coalition has also imposed a de facto naval and aerial blockade on Yemen's sea and airports, which—with varying levels of intensity throughout the conflict—has severely restricted the flow of food, fuel, and medicine to civilians. The Saudi/UAE-led coalition and Yemeni government's decision to keep Sana'a international airport closed to commercial flights since 2016 "has precluded thousands of civilians from accessing necessary life-saving health care and treatment," according to the GEE, which consequently found that the Government of Yemen violated the right to food and water.

Ansar Allah has also used siege-like warfare in Yemen, which has had a particularly acute impact on Taiz, where they confiscated food and medicine critical for meeting civilian's survival needs and impeded civilian's movement into and out of the city. Ansar Allah has also taken direct actions that have impacted civilians' food security, including shelling areas affecting access to food and laying mines inside the Red Sea Mills in Al-Hudaydah, which previously contained enough wheat to feed 3.7 million people for one month; a quarter of WFP's in-country stock.

1.6 Systematic violations of IHL and violations and abuses of IHRL throughout the conflict

Warring parties' adherence, or non-adherence, to norms and prohibitions of IHL and IHRL can provide a window into the minds of their members. According to reports by the GEE, the PoE, Mwatana and numerous international and non-governmental organizations, the Saudi/UAE-led coalition and Ansar Allah have committed other serious violations of IHL and violations and abuses of IHRL—beyond those outlined above—in connection with the conflict, which may constitute war crimes.

The Saudi/UAE-led coalition has attacked, destroyed and damaged other critical infrastructure, some of which may also constitute OIS in the Yemen context, including food storage sites, oil and gas, roads and bridges, electricity supplies and markets, and health facilities, which are necessary to access life-saving treatment, including to prevent wasting and death from malnutrition.

Ansar Allah has also indiscriminately shelled areas affecting access to food with a particular acute impact on Taiz, including those seeking food or safety.

Numerous other violations, including unlawful killings, enforced disappearances, arbitrary detention, torture and other forms of cruel, inhuman and degrading treatment or punishment, sexual and gender-based violence, and the recruitment and use of children and other violations against children have also been committed by parties to the conflict.

Although further criminal investigation is required to identify the perpetrator/s and their mode/s of liability, this report ultimately concludes that it is possible to find, based on the above factors, that members of the Saudi/UAE-led coalition and Ansar Allah

were aware of the virtual certainty that starvation would occur in the ordinary course of events, that is, without humanitarian intervention, or intended to use starvation as a method of warfare. (see Part G, Section 5.2 and Part H, Sections 2.4.1 and 3.4.2).

Other violations of IHL and violations or abuses of IHRL, which may constitute war crimes

Through the conduct documented in the report, the Saudi/UAE-led coalition and Ansar Allah, as well as the Yemeni Government, violated their obligations to respect, and in some cases protect and fulfill, the rights to food and water, as well as the rights to life, work, health and property (see Part. F, Section 3; Part G, Section 5.3.2; Part H, Sections 2.4.2, 3.4.3.2 and 3.4.4).

In addition to starvation, the conduct documented in this report may violate Article 13 of AP II and customary IHL and constitute other war crimes, in particular attacks on civilians and civilian objects and terrorizing the civilian population. Ansar Allah's restrictions on humanitarian access also violate Article 18 of AP II and customary IHL, which require parties to a conflict to consent to, and allow and facilitate, impartial humanitarian relief actions carried out without adverse distinction. For further discussion, see Part F, Sections 2.3 and 2.4; Part G, Section 5.3.1; and Part H, Section 3.4.3.1.

Limited steps have been taken to prevent further international crimes and ensure accountability for Saudi/UAE-led coalition and Ansar Allah conduct

To date, steps taken at the international and domestic levels have had little impact in holding the perpetrators of international crimes accountable and ensuring reparations for civilian victims. Much more must be done to ensure accountability and redress.

The avenues for accountability and redress on the domestic level, to date, have not, and are unlikely to, meet the standards applicable to investigations and prosecutions under international law (see Part I, Section 1.3). The domestic criminal justice systems in Yemen, Saudi Arabia and the UAE (as well as Iran) are unable to provide an effective remedy, either because they do not penalize the use of starvation as a method of warfare or do not ensure criminal proceedings are compliant with international law and standards governing the right to a fair trial and victims' right to participate meaningfully in proceedings. Even if they could dispense effective justice, such States are unwilling or unable to hold perpetrators of starvation-related conduct liable (see Part I, Section 1.1).

The Yemeni National Commission of Inquiry, activated in 2015 to "investigate all alleged violations of human rights and [IHL] that have taken place since 2011 and to identify the perpetrators," has faced significant challenges associated with its lack of structural independence, including because NCI commissioners are appointed by and report to the coalition-backed internationally recognized Yemeni Government. The NCI has also faced significant obstacles to carrying out its documentation mandate, and completed investigations have not resulted in the prosecution of alleged perpetrators (see Part I, Section 1.2).

The Saudi/UAE-led coalition's Joint Incidents Assessment Team lacks the transparency, independence and impartiality necessary of an investigative mechanism.

At the international level, options for holding perpetrators accountable for starvationrelated conduct appear to be more viable, but mechanisms which currently exist have not yet resulted in effective remedies for victims.

The GEE, in particular, has reported extensively on the conduct of the Saudi/UAE-led coalition, the Yemeni government, Ansar Allah, and other warring parties, and has laid the groundwork for future accountability mechanisms. However, it is not mandated to collect and preserve evidence for criminal prosecutions per se, nor can it prepare case files for prosecution (see Part I, Section 2.2). The GEE itself recommends the adoption of some of the measures we recommend, set out below and in Part J.

Targeted sanctions, both by the UNSC and at the domestic level, have only thus far been imposed on Ansar Allah (see Part I, Section 2.3).

The ICC currently only has jurisdiction over persons involved in the conflict who are nationals of a state party to the ICC—such as nationals of state parties to the ICC who have provided assistance to the coalition, or nationals of one of the members of the coalition, like Jordan, who are state parties to the ICC. Communications submitted to the ICC in relation to such states parties, including by Mwatana, have yet to result in the opening of an investigation by the Office of the Prosecutor (See Part I, Section 2.4). The ICC could exercise jurisdiction over Saudi Arabia, the UAE, Yemen and Ansar Allah if the UN Security Council referred the situation in Yemen to the Court, or if Yemen joined the Court or made a declaration accepting the court's jurisdiction.

As states like Yemen, Saudi Arabia and the UAE have not ratified the relevant protocols, treaty bodies, such as the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Committee, are not able to receive individual complaints regarding non-compliance with the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights on Yemen (see Part I, Section 2.1).

To fill ongoing gaps in accountability, non-government organizations, including Mwatana, have sought to institute criminal proceedings in Italy for complicity, targeting Italian arms manufacturers, or administrative proceedings in the United Kingdom (UK), seeking to prevent the UK government's licensing of arms sales. Such proceedings are ongoing (See Part I, Section 3). Given the considerable gaps in the measures currently available at the domestic and international levels, significantly more needs to be done by the warring parties, by the internationally recognised Government of Yemen, by the UN Security Council, by the UN Human Rights Council, and by States to ensure accountability for international crimes and reparations for victims.

What should States do to prevent and ensure accountability for Saudi/UAE-led coalition and Ansar Allah conduct?^{vi}

In Part J of the report, we set out a comprehensive range of recommendations directed at parties to the conflict, other states and UN actors aimed at preventing further violations of IHL, violations and abuses of IHRL, and war crimes, holding perpetrators accountable, ensuring reparations for victims, and strengthening the institutional and normative architecture by which states and UN actors can do so. A selection of the core, most urgent, recommendations is set out below.

We call on all parties to the conflict to cease all violations of IHL, violations and abuses of IHRL and war crimes and to take steps to protect civilians and civilian objects, including OIS, and facilitate access to full humanitarian aid, including food and water. Additionally, parties to the conflict should (amongst other things):

- Agree to a cessation of hostilities with a view to ensuring a sustainable and inclusive peace.
- Resume and ensure uninterrupted civil servant salary payments to civil servants throughout the country, with a priority for health, education, sanitation, and other essential workers.
- Take proactive steps to adhere to the fundamental rules and principles of IHL, including the prohibition on the use of starvation as a method of warfare.
- · Facilitate unimpeded access and movement of humanitarian aid, medical supplies,

vi For a full list of recommendations, see Part J.

humanitarian workers, and life-saving commercial goods without interference or discrimination throughout Yemen, including supplies needed to maintain food production, water, health facilities, and fuel needed to operate water pumps and generators.

Cooperate fully with the GEE, the POE, UN special procedures mandate holders, including the UN Special Rapporteur on the Right to Food and the UN Special Rapporteur on the human rights to safe drinking water and sanitation, and other UN entities, as well as the ICC and other criminal investigators, where appropriate, so that allegations of violations and abuses committed by all parties to the conflict in Yemen can be properly investigated, documented and the perpetrators thereof brought to account.

The internationally recognized Government of Yemen, in particular, should:

- Take proactive steps to prevent further harm to civilians, including by proactively seeking to prevent further damage to OIS, including by working to ensure the coalition's nostrike list is up-to-date and includes essential food, water, and health facilities, as well as functioning educational facilities; and by raising specific cases of civilian harm with the coalition, including those documented in this report;
- Ensure that any transitional justice mechanism established to address violations and abuses of IHL and IHRL during the current conflict addresses economic, social, and cultural rights, as well as the impact of the conflict on groups disproportionately affected by it, including women and girls; adopts transparent, inclusive and fair procedures, and gender-aware and intersectional approaches to peace-building and accountability processes, with sufficient information publicly released for independent monitoring; and offers meaningful reparations and amends to civilians.
- Extend an invitation to relevant UN entities, including the GEE and UN special procedures mandate holders, including the UN Special Rapporteur on the right to food and the UN Special Rapporteur on the human rights to safe drinking water and sanitation, to visit Yemen, and cooperate with these entities.
- Clear landmines in areas under the government's control, with a focus on those that are on or fall along paths to, or are otherwise near, water and food sources.

With a view to preventing and ensuring accountability for starvation-related conduct and other criminal conduct committed during the conflict in Yemen, as well as violations and abuses of IHL and IHRL, we call on the UNSC, the UN Human Rights Council and states to urge parties to the conflict to cease committing violations of IHL and violations and abuses of IHRL, and proactively

and decisively take the steps set out below.

UN Security Council

To facilitate a range of preventative and accountability-oriented tools available under UN Security Council (UNSC) Resolution 2417, as well as other relevant UNSC resolutions (see Part J, Section 5), the UNSC should:

- Refer the situation in Yemen to the ICC to conduct a full investigation into alleged international crimes committed by the parties to the conflict and into actors that may be complicit in them.
- Call for and provide support to independent, impartial, full, prompt, and effective criminal investigations into alleged violations and abuses of IHRL and IHL by all parties to the conflict, as well as those providing support to such parties, pursuant to international standards.
- Appoint a special envoy on UNSC Resolution 2417 to monitor and quickly inform the UNSC about conflict-induced food insecurity in armed conflicts, including Yemen, with a view to facilitating and encouraging the safe and reliable reporting of information to the UN Secretary General within 30 days after emerging situations.
- Establish an independent body of experts, building on the Famine Review Committee (FRC) of the Integrated Food Security Phase Classification process, to collect and channel sensitive information and equip the Special Envoy, the UNSC and the Secretary-General to take action.

UN Human Rights Council

To ensure justice and redress for violations and abuses of IHL and IHRL, as well as contribute to accountability for international crimes, at the 48th regular session in 2021, the UN Human Rights Council (UN HRC) should:

- Support the establishment of an international criminally-focused investigative mechanism with a mandate to collect, consolidate, preserve and analyse evidence, and to prepare case files in order to facilitate and expedite fair and independent criminal proceedings.
- Ensuring the continuity of the GEE's operations through an ongoing or multi-year mandate to continue investigating the warring parties' violations and abuses of IHL and IHRL in Yemen, including with respect to the impact these violations have had on starvation, and

preserve the information from these investigations for future use, including efforts towards accountability and reparation, and renew the GEE's mandate to advise states on practical steps to ensure justice and redress.

States

To combat food insecurity and famine, prevent further violations and abuses of IHL and IHRL and secure justice and redress for victims, States, where appropriate, should:

- Support the establishment of an international criminally-focused investigative mechanism with a mandate to collect, consolidate, preserve and analyse evidence, and to prepare case files in order to facilitate and expedite fair and independent criminal proceedings.
- Conduct independent, impartial, full, prompt, and effective criminal investigations into alleged international crimes, including in relation to the starvation of civilians, and hold the perpetrators accountable, including through the exercise of universal or other forms of jurisdiction.
- Immediately cease activities perpetuating the conflict and potentially contributing to violations in Yemen, including by ceasing arms sales and transfers to the warring parties.
- Ratify the amendment to the Rome Statute making the use of starvation as a method of warfare a crime in non-international armed conflicts.

The US, UK and France in particular, should:

- Support and actively call for a referral of the situation in Yemen to the ICC to conduct a full investigation into alleged international crimes committed by the parties to the conflict and into actors that may be complicit in them.
- Support and actively call for the establishment of an international criminally-focused investigative mechanism with a mandate to collect, consolidate, preserve and analyse evidence, and to prepare case files in order to facilitate and expedite fair and independent criminal proceedings.;
- Immediately cease all sales of arms to the warring parties.

Iran

• Immediately cease the transfer of weapons and the provision of logistical Support and other military support to the Ansar Allah armed group (Houthi) .

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Methodology

Mwatana for Human Rights and Global Rights Compliance co-authored this report.

Mwatana for Human Rights (Mwatana) is an independent Yemeni organization that advocates for human rights through the documentation of civilian harm, the provision



of legal support to victims, and through advocacy and legal action. Mwatana has worked extensively to document civilian harm caused by all warring parties in Yemen, including publishing reports on violations and abuses by the Ansar Allah (Houthi) armed group, the Saudi/UAE-led Coalition, the internationally recognized Yemeni government, the UAE-backed Southern Transitional Council and others.¹⁷



Global Rights Compliance (GRC) is a foundation of international lawyers and development experts focused on "democratising" complex international human rights, criminal and humanitarian law. GRC's "root and branch"

philosophy combines innovative accountability strategies, capacity building and bespoke expertise in evidence gathering in conflict settings, as well as assisting communities to seek remedies for violations. GRC's global expertise and granular knowledge on the crime of starvation and right to food violations is derived from its dedicated starvation portfolio, established in 2017.¹⁸

This report's findings are based on information collected by Mwatana researchers in Yemen between 2015 and 2021. The findings were analysed by both Mwatana and GRC.

18 See https://starvationaccountability.org/.

¹⁷ See https://mwatana.org/en/.

Mwatana's researchers use rigorous and peer-reviewed investigation methods to investigate alleged incidents. They visit attack sites; interview survivors, family members, and witnesses; photograph weapons remnants found in the aftermath of attacks; and collect supporting documents that relate to victims or witness accounts. All cases documented by Mwatana field researchers are reviewed and cross-checked by Mwatana's central research team. In addition to the field researchers, Mwatana's central research team also conducts periodic field visits to different governorates to further investigate particular cases. Mwatana chooses cases to investigate based on the existence of civilian harm and regardless of the party that conducted the attack.

The information examined in this report was gathered as part of a wider effort by Mwatana to document human rights abuses and violations of IHL and IHRL during the ongoing conflicts in Yemen. In almost all of the incidents detailed in this report, Mwatana initially documented the civilian harm that was immediately apparent in the aftermath of attacks or incidents—for example, civilian deaths and injuries or damage and destruction to civilian property—by collecting witness statements first-hand and documenting physical evidence found at sites, including by taking or collecting photographs of the strike sites and surrounding areas.

This report documents the impact on access to food and water caused by attacks and other conduct by the Saudi/UAE-led Coalition and the Ansar Allah (Houthi) armed group in the Hajjah, Saada, Al-Hudaydah, and Taiz governorates between 2015 and 2021. Mwatana researchers conducted an additional 101 interviews across Yemen for this report. The interviews conducted for this report focused on individuals' and communities' access to food, water, and other objects indispensable to survival and how specific attacks and incidents affected such access, including by impacting livelihoods. The interviewees were asked questions about, amongst other things, their food and water security before and after certain attacks and incidents; how these incidents impacted their food and water security, including their ability to make use of agricultural land, farms, water facilities and other objects and areas crucial for food and water security; and how these incidents impacted individuals' livelihoods.

Mwatana researchers specifically asked interviewees several questions related to the existence of a military target at or near the site of attack, including: whether the area or object in question was being used by any armed forces; whether there was any reason to believe the area or object may have been used in support of military action; whether there were any hostilities at or near the site of attack; and what made it clear that

the area or object targeted was not a military target. All of Mwatana's researchers are trained to conduct interviews and field visits, including to detect, through observation and investigation, whether an affected object or person may have military connections. Any military targets that were identified or reported are mentioned in the report.

The 101 individuals interviewed for this report included victims, family members of victims, witnesses, individuals working at or near the objects or areas impacted, residents of the impacted areas, and others. All interviews were conducted in person. In some cases, follow-up interviews to gather further information from the same individuals were conducted by phone or during additional site visits. A description of the sources of information gathered for each incident is included in each case summary below.

All interviews were conducted in Arabic. Interviewees were informed of the purpose of the interview and asked if they consented to their identities being disclosed in this report. In some cases, the report does not provide identifying information in the interests of individuals' security and privacy. No financial or other incentives were offered to the interviewees for speaking with researchers.

The incidents described in this report are just a few examples of documented incidents that were selected after careful research. Since 2014, Mwatana has documented thousands of cases of civilian harm by the different warring parties, including patterns of attack and conduct that have killed and wounded civilians, damaged and destroyed civilian objects and caused other types of long-lasting civilian harm. For this report, Mwatana examined cases documented by Mwatana since 2014 that directly impacted food and water.

It should be noted that while Mwatana's information set is extensive, it is not exhaustive. The volume and scale of violations and abuses in Yemen have not allowed for coverage of each incident of civilian harm, nor each potential international law violation.

For this report, Mwatana identified particular types of attack and types of conduct that repeatedly presented themselves in the information set as impacting food and water, namely: airstrikes on farms; airstrikes on water facilities; airstrikes on fisherman and fishing facilities; landmines impacting food and water access; and humanitarian obstruction. Using case studies, the report discusses each of these five patterns of attack or conduct by focusing on a particular geographic area in which Mwatana repeatedly documented the specific pattern impacting food and water, namely: airstrikes on farms in Hajjah Governorate, airstrikes on water facilities in Saada Governorate, airstrikes on fisherman and fishing facilities in Al-Hudaydah Governorate, landmines impacting food and water security in Taiz Governorate, and humanitarian obstruction in Saada Governorate.

Mwatana and GRC also examined and compiled documentation by other organizations, including human rights and humanitarian groups and UN bodies, of patterns of attacks and conduct impacting food and water in Yemen. Outside documentation corroborated and reinforced the patterns identified by Mwatana and GRC in the report, and helped demonstrate the wider impacts these patterns of attacks and conduct have had on individuals and communities in Yemen beyond the cases highlighted in the report and, accordingly, the possible intent of the parties responsible for such patterns of attacks and conduct.

This report does not purport to provide a comprehensive account of all factors contributing to starvation in Yemen, nor even all conflict-related factors that have contributed to starvation in Yemen. There are many drivers of food insecurity in Yemen—including economic factors, the use of de facto blockades and sieges, displacement, and corruption—that are not examined in detail here. The aim of this report is to specifically examine five patterns of attack and conduct by the Saudi/UAE-led Coalition and by the Ansar Allah (Houthi) armed group related to food and water security in Yemen, and how such attacks and conduct might violate international law, including the prohibition on the deliberate starvation of civilians as a method of warfare. While each chapter is focused on a particular geographic area, it should be noted that, for each pattern of attack and conduct identified, Mwatana documented other, similar cases in additional geographic areas.

Mwatana and GRC also conducted desk research to support the report. GRC conducted legal research, with a focus on starvation, on the applicable norms under IHRL and IHL, as well as international criminal law (ICL), as well as a review of open source information on the (specific and pattern of) attacks and conduct documented in this report. GRC also conducted background research on contextual issues, including food insecurity in

Yemen and steps taken to date to hold perpetrators of violations and abuses of IHRL and IHL accountable. GRC's legal analysis of the cases documented by Mwatana has been incorporated throughout the report.

Mwatana conducted desk research to gather further information regarding the geographic areas described in the report. This included examining studies, surveys, and reports that included population statistics for different areas, information related to food and water security, data regarding various health indicators, and information regarding livelihoods amongst different populations. Mwatana also examined warring party statements regarding the incidents highlighted in the report to understand what— if any—claims the parties had made in regards to the specific incidents. Desk research corroborated and bolstered the information Mwatana gathered through interviews and field research.

Research was conducted in the context of several ongoing armed conflicts in Yemen, and extremely difficult security situations in many of the areas where attacks and incidents took place—including repeated attacks and the proliferation of armed actors, as well as local communities' fear of reprisals.



Displaced children and adults fetching water in Al-Saba'a Village. Hays District, Al-Hudaydah Governorate. March 13, 2021. 2

Starva

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 $_-$ The use of starvation by warring parties in Yemen $\,$ -

Saudi/UAE-led Coalition airstrikes on objects indispensable to the survival of the civilian population

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Introduction

Mwatana for Human Rights, UN bodies and non-governmental human rights organizations have documented how airstrikes, shelling and other artillery attacks have destroyed or damaged civilian objects essential for meeting food and water needs, including agricultural facilities and areas, water infrastructure, objects and structures related to artisanal fishing and other critical infrastructure such as markets, electricity,

The body of a cow that was killed in an air strike on a cow farm in Al-Kadan Area , Bajil District, Al-Hudaydah Governorate. January 2, 2016.



roads and bridges through the conflict and as recently as June 2021.³³¹ The NRC, for example, reported in 2020 that Yemeni farms were struck by airstrikes 348 times and impacted by at least 570 cases of ground shelling between during the January 2018 to September 2020 period.³³² Parties to the conflict have also targeted health facilities,³³³ impacting the population's ability to access life-saving treatment. Damage to critical infrastructure resulting from such attacks has increased Yemen's risk of famine and disease and its reliance on external humanitarian aid.³³⁴

The Saudi/UAE-led Coalition has conducted attacks damaging and destroying critical civilian objects through its aerial bombing campaign. Between March 2015 and August 2021, Mwatana documented approximately 579 airstrikes by the coalition that caused civilian harm, including killing and injuring thousands of civilians and damaging and destroying civilian property, accross 19 Yemeni governorates.

The coalition has "near-exclusive control over airpower in the conflict,"³³⁵ and has carried out many thousands of airstrikes, which have caused immense damage to civilian infrastructure, including OIS, in Yemen. In March 2020, YDP reported that 31% of

332 NRC, supra note 86.

^{331 &}quot;As Conflict, Humanitarian Crisis Grows, Yemen 'Speeding towards Massive Famine', Under-Secretary-General Warns, in Briefing to Security Council [Press Release]," UN Security Council (March 16, 2021), https://www.un.org/press/en/2021/sc14470.doc.htm; [could not find relevant paras. and was not in any of the pattern research docs]; UN Security Council ("Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council"), supra note 45 at p. 3, Annex 27 paras. 1-11, Appendix 2 paras. 1-7, Appendix 7; UN Security Council, "Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council," UN Doc. S/2019/83 (January 25, 2019), p. 47 Table 5, Annex 33 Table 33.1, A, Appendix 33.D, Appendix 33.F, https://undocs.org/ en/S/2019/83; UN Security Council, "Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council," UN Doc. S/2018/594 (January 26, 2018), Annex 58, Appendix A Table A.58.2, Appendix D, Annex 60 Table 60.1, 60.2, Appendix A, Appendix B, Appendix C, Appendix F, https://www.undocs.org/en/S/2018/594; UN Security Council, "Letter dated 27 January 2017 from the Panel of Experts on Yemen addressed to the President of the Security Council," UN Doc. S/2018/193 (January 31, 2017), para. 139, p. 46 Table 7, Annex 49 Table 49.1, Annex 51, https://www.undocs.org/S/2018/193; UN Security Council, "Letter dated 22 January 2016 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council," UN Doc. S/2018/192 (January 26, 2016), paras. 137 and 180, Annex 47, Annex 52, Annex 54. https://www.undocs.org/S/2018/192. Subsequent references to the Panel of Experts' reports will be abbreviated to 'PoE'. See also, GEE, supra note 88 at paras. 187, 194, 429, 440, 521-522, 594-595, 597-599, 751-755; NRC, supra note 86.

³³³ See, e.g. ""I ripped the IV out and started running:" Attacks on Health Care in Yemen," Mwatana for Human Rights (March 2020), p. 33, https://mwatana.org/wp-content/uploads/2020/03/Attacks-on-Health-Care-in-Yemen-Report.pdf; GEE, supra note 88 at para. 431; Global Rights Compliance and World Peace Foundation, supra note 87 at p. 2.

^{334 &}quot;Missiles and Food: Yemen's Man-made Food Security Crisis," Oxfam (December 2017), https://policypractice.oxfam.org/resources/missiles-and-food-yemens-man-made-food-security-crisis-620388/.

³³⁵ Mwatana for Human Rights, supra note 333 at p. 33.

the 20,624 air raids carried out by the coalition since March 2015 had hit "non-military civilian sites,"³³⁶ including farms, food storage sites, water and electricity, oil and gas, residential areas and IDP settlements.³³⁷ In its most recent report in September 2020, the GEE found that "airstrikes continue to be carried out by coalition forces without appropriate regard to international law principles of distinction, proportionality, and precaution," and that "individuals in the coalition, in particular Saudi Arabia, may have conducted airstrikes...that may amount to war crimes."³³⁸

The PoE and GEE have reported on the Saudi/UAE-led Coalition's use of precisionguided weapons, causing death and injury to civilians, including women and children.³³⁹ The use of widely-banned cluster munitions by the Saudi/UAE-led Coalition,³⁴⁰ as well as indirect fire weapons with wide-area impact—including mortars and rockets, and including in populated areas—has also been extensively documented.³⁴¹ Such weapons often result in civilian casualties and damage to civilian objects in excess of any possible militaryadvantage.³⁴²

The following three sections describe Saudi/UAE-led Coalition airstrikes on food and water across three governorates of Yemen. Section 2 of this report documents attacks on agriculture in Baghtah and Bani Adhabi villages in the Al-Jar area of Abs District in Hajjah Governate; Section 3 documents attacks on the Al-Hamazat and Al-Nushoor

- 337 Yemen Data Project, supra note 336.
- 338 GEE, supra note 23 at p. 2, para. 420(a).

³³⁶ As the Yemen Data Project explains, "[t]he dataset lists target category and subcategory for each incident, where information on the target is available. When listing permanent structures the target category refers to the original use of the target e.g. a school hit by an air raid is referred to as a school building with no further assessment made on its use at the time of the air raid, or any possible change of use over the course of the conflict." See "Five Years of Data on Saudi-led Air War," Yemen Data Project (March 25, 2020), https://us16.campaign-archive.com/?u=1912a1b11cab332fa977d3a6a&id=e0562bce18.

³³⁹ PoE (2019), supra note 331 at paras. 135-136, Annex 33.A, para. 4; GEE, supra note 88 at paras. 519, 524; GEE, supra note 98 at para. 38(a). The coalition has acknowledged its use of precision-guided weapons. See "Joint Incident Assessment Team refutes some allegations about some incidents in Yemen," Saudi Press Agency (May 22, 2019), https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1927044.

^{340 &}quot;Yemen: Cluster Munitions Wound Children," Human Rights Watch (March 17, 2017), https://www.hrw. org/news/2017/03/17/yemen-cluster-munitions-wound-children#:~:text=(S%C3%A3o%20Paulo)%20 %E2%80%93%20The%20Saudi,Human%20Rights%20Watch%20said%20today; "Yemen: Saudi Arabialed coalition uses banned Brazilian cluster munitions on residential areas," Amnesty International (March 17, 2017), https://www.amnesty.org/en/latest/news/2017/03/yemen-saudi-arabia-led-coalition-usesbanned-brazilian-cluster-munitions-on-residential-areas/.

³⁴¹ GEE, supra note 23 at p. 2, paras. 75, 80-82 and 420(c); GEE, supra note 88 at paras. 303 and 318; Human Rights Watch, supra note 46.

³⁴² See GEE, supra note 23 at para. 75.

water facilities in the Al-Hamazat area in Sahar District and Al-Assaid Area in Kitaf wa Al Buqa'a District, respectively, in Saada Governate; and Section 4 documents attacks on fishing boats near the Al-Badeaa` and Aqaban Islands in waters off Al-Hudaydah Governorate. Such attacks are discussed in the context of a pattern of evidence, where contextual evidence of similar conduct—such as repeated strikes on specific targets or areas—manifest as a pattern which can in turn be used to infer intent. While this report does not document the Saudi/UAE-led Coalition's use of the de facto blockade and other Coalition conduct to restrict access to essential food and water, they also constitute contextual evidence from which intent may be inferred, discussed in Part E, Section 3.³⁴³ Based on the information available, it is possible to conclude that members of the Saudi/UAE-led Coalition responsible for the conduct documented intended to use starvation as a method of warfare, in that they deprived civilians of OIS with intent to starve civilians or with knowledge of the virtual certainty that such deprivations and conduct would, in the ordinary course of events, lead to starvation.

³⁴³ For analysis of the blockade see Tom Dannenbaum, 'Encirclement, Deprivation, and Humanity: Revising the San Remo Manual Provisions on Blockade' [2021] 97 ILS 307. For analysis of siege warfare, see Kevin J. Riordan, 'Shelling, sniping and starvation: the law of armed conflict and the siege of Sarajevo' [2010] 41 VUWLR. See also Jordash et al., supra note 6.



Airstrikes on agricultural infrastructure in Hajjah Governate

Farmers who could provide lifesaving food have been bombed, shelled and killed while planting in their fields... Yemenis are not falling into starvation. They are pushed into the abyss by men with guns and power. ³⁴⁴

³⁴⁴ NRC, supra note 86.

Photo: Watermelons that have been damaged due to the Houthi siege. Midi District, Hajjah Governorate.Midi District, Hajjah Governorate. October 11, 2020

Farming in Hajjah Governorate

The conflict has dramatically worsened Yemen's food insecurity. As discussed in Part E, Section 2.2, the proportion of the Yemeni population that is food insecure has steadily increased since the start of the current conflict in 2014. Going into 2021, UN bodies and NGOs warned that Yemen was on the brink of famine and that without urgent intervention, 400,000 children were at risk of death.³⁴⁵

The farming and agricultural sector has been particularly impacted by the conflict. According to ACAPS data, cultivated areas of land fell by 31% between 2014 and 2018.³⁴⁶ Oxfam found that Yemen's total cereal production in 2016 had fallen by 48% compared to pre-conflict levels, and livestock production levels had fallen by 45%,³⁴⁷ further contributing to food insecurity. In a 2017 Briefing Note, Oxfam found that repeated Saudi/UAE-led Coalition airstrikes on markets and agricultural areas have had a substantial effect on farming across Yemen, and listed Coalition airstrikes as one of the reasons farmers have been abandoning theirland.³⁴⁸



Watermelons that have been damaged due to the Houthi siege. Midi District, Hajjah Governorate. October 11, 2020

³⁴⁵ See e.g., WFP, supra note 70.

^{346 &}quot;Yemen: Food Supply Chain," ACAPS (December 16, 2020), p. 6, https://www.acaps.org/sites/acaps/ files/products/files/20201216_acaps_yemen_analysis_hub_food_supply_chain.pdf.

³⁴⁷ Oxfam, supra note 334 at p. 8.

³⁴⁸ Ibid, at p. 9.

Food insecurity and poverty have historically been concentrated in rural areas of Yemen, where 63% of the population lives.³⁴⁹ Farming can be critical in rural areas as a source of key foods, and as a source of livelihoods, particularly given high food prices and a lack of access to markets selling food in rural areas; it is estimated that over 50% of rural households do not have a market in their area.³⁵⁰ From the start of the conflict through 2018, OCHA estimated that, due to the economic impacts of the conflict (and other indirect impacts), "the livelihoods of 1.7 million rural households engaged in crop and livestock production ha[d] been seriously compromised."³⁵¹

Hajjah, a largely rural governorate in northern Yemen, has been particularly affected by food insecurity. World Bank data from 2014 suggests that more than half the citizens in Hajjah—63.9% of the population, or 1,251,550 people—were living in poverty prior to the start of the conflict.³⁵² For the people of Hajjah, the ability to grow crops, keep livestock or fish is critical: they are heavily reliant upon agriculture both as a means of food security and as a source of income.³⁵³ Since the start of the conflict, poverty and food security for individuals living in Hajjah has significantly worsened. Throughout 2015, as the price of fuel increased dramatically, many farmers within Hajjah could no longer afford to water their crops using the water pumps on their farms.³⁵⁴ IPC data for Hajjah shows that food insecurity in the governate has continued to increase since the conflict began in 2014,³⁵⁵ with three Hajjah districts in IPC phase 5 famine in the January to June 2021 period.³⁵⁶

- 352 "Poverty notes," World Bank (2017), p. 21, https://documents1.worldbank.org/curated/ en/147231509378508387/pdf/Yemen-Poverty-Notes-Revised-0612.pdf.
- 353 "Drivers of food insecurity in Yemen," ACAPS (April 12, 2019), p. 5, https://www.acaps.org/sites/acaps/ files/products/files/20190411_acaps_yemen_analysis_hub_drivers_of_food_insecurity_in_ipc_5_ districts_in_yemen.pdf.
- 354 Oxfam, supra note 334 at p. 8; "Yemen's farmers forced to eat leaves as war devastates harvests," Middle East Eye (March 3, 2019), https://www.middleeasteye.net/news/yemens-farmers-forced-eat-leaves-war-devastates-harvests.
- 355 See Part E, Section 2.2.

³⁴⁹ As of 2019. See "Rural population (% of total population) – Yemen," World Bank, https://data.worldbank. org/indicator/SP.RUR.TOTL.ZS?locations=YE&name_desc=true.

³⁵⁰ Oxfam, supra note 334 at p. 9.

^{351 &}quot;Yemen: Humanitarian Needs Overview 2018," OCHA (2018), p. 2, https://www.unocha.org/sites/unocha/ files/dms/yemen_humanitarian_needs_overview_hno_2018_20171204.pdf.

³⁵⁶ Integrated Food Security Phase Classification, supra note 72 at 4.

The use of starvation by warring parties in Yemen

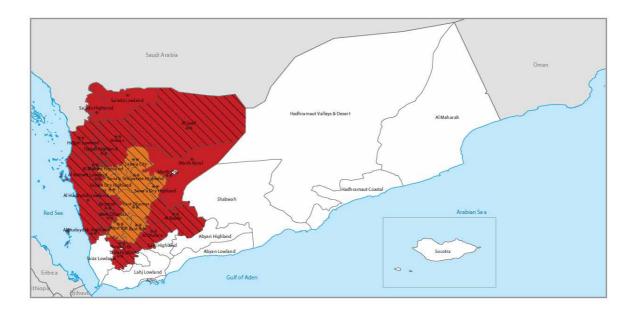


Figure 1: IPC, Yemen Acute Food Insecurity Situation, January – June 2021 (projection)³⁵⁷

Airstrikes impacting farming in Hajjah Governorate

Saudi/UAE-led Coalition airstrikes on agriculture and on water infrastructure on farms have worsened food insecurity in Yemen. Such attacks have had particularly devastating effects on rural areas reliant on agriculture, which are widespread across Hajjah Governorate. Within these areas, farmers and farm workers lost their source of livelihood and access to food after airstrikes. Some fled after Coalition attacks, living as IDPs dependent on humanitarian aid, which is not always available and may not be sufficient to meet needs. Where farms sold food, including to local markets, these attacks also impacted the availability, supply, and price of food for other Yemenis.

Mwatana has documented approximately 90 Saudi/UAE-led Coalition airstrikes on farms, livestock, agricultural land, agricultural tools and equipment, and food in stores

³⁵⁷ Integrated Food Security Phase Classification, supra note 72.

and vehicles in Yemen since 2015.³⁵⁸ Of the 90 documented Saudi/UAE-led Coalition airstrikes impacting food, 31 occurred in Hajjah Governorate, including eight strikes in 2015, four in 2016, seven in 2017, eight in 2018, three in 2019 and one in 2020. Of the 31 airstrikes documented by Mwatana as impacting food or food-related infrastructure in Hajjah Governorate 23 occurred in Abs District, which ACAPS has characterized as having "severe water vulnerability."³⁵⁹

The attacks in Abs District were particularly concentrated in Al-Jar village, which is well known for its large farms.³⁶⁰ Al-Jar is located within the Tahama Plain, which runs parallel to the western coast of Yemen, from the Yemeni-Saudi border down to Bab Al-Mandab. The Tahama Plain is famous for its fertile land and access to irrigatable water (though this requires proper infrastructure, such as wells, to be able to access the water), making it a prime location for agriculture.³⁶¹ Mwatana has documented at least 11 airstrikes on farms in the Al-Jer area, two of which are described in detail below.

As part of its research, Mwatana interviewed 23 individuals about the impact of specific Saudi/UAE-led Coalition airstrikes that hit farms in Hajjah Governorate, including victims, witnesses, residents of the different areas where attacks occurred, individuals who worked on the farms, and others.³⁶² Nine of these people were interviewed specifically about the two cases described in detail below. Mwatana also collected 17 additional pieces of evidence, including photographs of the farms after the attacks and victims' medical

³⁵⁸ Mwatana has published on some of these airstrikes, including in "Day of Judgment," supra note 31; "Blind Airstrikes: Civilian Victims of Saudi-Arabia led Coalition air strikes in Yemen," Mwatana for Human Rights (December 2015), p. 32, https://mwatana.org/wp-content/uploads/2017/10/Blind-Airstrikes-Report_ En.pdf; "Withering Life: The Human Rights Situation in Yemen 2018," Mwatana for Human Rights (July 16, 2019), p. 35, https://mwatana.org/en/withering-life2018/.

^{359 &}quot;Yemen: Conflict Escalation in Hajjah," ACAPS (April 14, 2019), p. 4, https://www.acaps.org/sites/acaps/ files/products/files/20190415_acaps_yemen_analysis_hub_hajjah_conflict_.pdf.

³⁶⁰ Al-Jer is located in the western part of Abs District. The last population census in Al-Jer was carried out in 2004, at which time there was a population of 8,551 individuals and 1,340 families across the smaller villages within Al-Jer of Al-Saqf, Bhagta, Bani Hadi, Al-Nawashir, Al-Tawila, Al-Arf, Al-Hareeq, Deer Al-Aqam, Al-Julhoufia Al-sara'ah, Habeel Al-Jalaheef, Jarb Al-A'ak, Bani Manfas and Bait Adhabi. At the time of the census, the average population growth in Hajjah Governorate was 3.04% annually, which, if remaining consistent, would lead to an estimated population of about 14,227 in 2021. However, this estimate does not take into account the impact of the conflict and persistent food insecurity since long prior to the conflict, which makes it difficult to know the size of the population today. See "Comprehensive Directory, Hajjah Governorate, Abs District," https://web.archive.org/web/20191121205540/yemenna.com/index. php?go=guide&op=show_pri&ide=706.

³⁶¹ Information provided by a Mwatana for Human Rights field researcher in Hajjah on December 2020.

³⁶² For another example of Mwatana's documentation of Saudi/UAE-led Coalition airstrikes on farms, see Ali Jameel and Niku Jafarnia, "Starvation by Warfare–The Campaign of Air Strikes Against Yemen's Farms," Opinio Juris (May 18, 2021), http://opiniojuris.org/2021/05/18/pandemic-of-hunger-symposium-starvationby-warfare-the-campaign-of-air-strikes-against-yemens-farms/.

records. In at least nine of these attacks, Mwatana did not identify any military target on the farms.

The airstrikes documented by Mwatana destroyed Al-Jar residents' main source of food and income, leaving them food insecure and in fear of future attacks.³⁶³ One of the health workers in the area, 40-year-old Muhammad Siddiq, said: "There are no alternative sources of food in this area other than farms. All the residents in this area are farm owners or workers. [...] Everyone had enough food from the crops of his farm [before the attack], and the farms were a good source of income as well, as many farms used to sell their crops in the markets of Hajjah, Sana'a and Hudaydah."³⁶⁴ Muhammad added: "I cannot recall an attack on a farm, in which the farm owner or workers were warned. The same scenario is always repeated: a sudden attack and farmers flee for their lives to any other village, camp, or sometimes to live in empty lands."³⁶⁵

Many farm owners were displaced after the attacks, as the cost of repairing the damage was often too high or the land was no longer cultivable. Additionally, in many cases, the Ansar Allah (Houthi) armed group took over the farms after the farmers fled. A 30-year-old local resident, Mohammed Yahya, said: "Many of Al-Jar 's farms were attacked by the coalition. Most of them lost their water pumps, electricity generators, and old trees that they have been growing for decades. Owners are disappointed and not willing to repair their farms. It is really costly to repair these farms, and if they can afford it, will the coalition stopattackingthem?"³⁶⁶

A 40-year-old resident of the area, Saeed (a pseudonym), said:

Many farms have stopped and become completely out of service. In most cases, the farm is targeted, and those who were in it are displaced. Then Ansar Allah occupies it and does not allow the farm owners to return."³⁶⁷ Another resident of the area also said that "[m]any of those who were displaced did not find anyone to help them or provide them with humanitarian aid, and even those who decided to stay, no one helps them."³⁶⁸

- 363 Mwatana for Human Rights interviews with residents of Al-Jer from interviews conducted between 2017 and 2020.
- 364 Mwatana for Human Rights interview with Muhammad Siddiq on December 13, 2020.

365 Ibid.

- 366 Mwatana for Human Rights interview with Mohammed Yahya on December 17, 2020
- 367 Mwatana for Human Rights interview with Residents of Al-Jer on December 14, 2020.
- 368 Ibid.

Case Study 1 Jalhouf Farm

Saudi/UAE-led Coalition Airstrike on Jalhouf Farm on April 8, 2017 Baghtah village, Al-Jar area, Abs District and Hajjah Governorate

132,000 m2

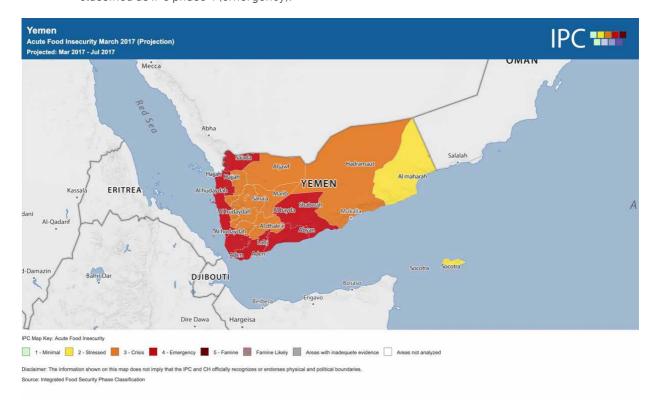
Ali Jalhouf's farm is located in Baghtah village of Al-Jar area in Abs District, Hajjah Governorate. The farm is approximately 132,000 square meters, and employed 30 workers who lived and worked on the farm cultivating corn, sesame, and watermelon, as well as melons and tomatoes on a seasonal basis. The farm is co-owned by Ali Jalhouf and 14 other partners. The owners, the workers, and their families totaled about 250 people.

The farm was a source of income and food for both the farm's owners and employees. Surplus crops were sold at Shafar Market in Abs District, Bajel market in Bajel District of Al-Hudaydah Governorate, Al-Hudaydah city and in Sana'a city. One of the owners of the farm, 28-year-old Ahmed Jalhouf, said: "The farm used to produce an average of 2000 kg of sesame and 3000 kg of corn and nearly 80 tons of watermelon per year. The farm crops met our needs and the needs of our workers, and we used to sell a large part of the crops in markets outside the region, including in Shafar, Al-Hudaydah and Sana'a."³⁶⁹

On Saturday, April 8, 2017, at approximately 5:00 a.m., the Saudi/UAE-led Coalition bombed the Jalhouf farm, striking a 3x3 meter room containing the farm's water pump and wounding 4 civilians, including a child.

The attack destroyed the farm's water pump, the pond, the irrigation network, and resulted in the death of four livestock. Everyone on the farm was a civilian.

³⁶⁹ Mwatana for Human Rights interview with Ahmed Jalhouf by phone on January 31, 2021.



At the time of the attack, the western plain of Hajjah, where Abs District is located, was classified as IPC phase 4 (emergency).

Figure 2: Yemen acute food insecurity March 2017 (projection)³⁷⁰

Mwatana interviewed two of the survivors the day of the attack and conducted followup interviews with two witnesses in December 2020. Based on interviews with these four individuals, the nearest military target Mwatana researchers identified was the front line located approximately 30 kilometers north of the farm.³⁷¹ A former employee of the farm, Hadi Thabet Ahmed Hakimi, said: "There were no armed men in the farm. All those entering it were the owners, workers or civilians who came to buy the crops."³⁷²

The survivors of the attack on the farm left without their source of income and food, and fearing another attack, fled the area. Ahmed Jalhouf said: "After the bombing,

³⁷⁰ Integrated Food Security Phase Classification (March 1, 2017), supra note 75.

³⁷¹ Dedicated research of open-source data by Bellingcat, including satellite imagery, did not reveal the presence of military objectives at the site at the time of the attack.

³⁷² Mwatana for Human Rights interview with Hadi Thabet Ahmed Hakimi on December 15, 2020.

we were displaced to different areas. I do not know where the rest of the owners and workers live, I do not know whether they are still alive or dead."³⁷³ He added: "We left our farm because it became impossible to cultivate it after the water pump was destroyed. We are unable to repair our farm. We are afraid that the planes will bomb it again, and we cannot afford the repair costs."³⁷⁴

After the attack, survivors faced food insecurity and struggled to find aid to assist them in meeting their basic needs. It is generally more difficult for humanitarian aid to reach small cities and villages like Al-Jar or the other areas to which many of the residents fled.³⁷⁵ Hadi Thabet Ahmed Hakimi said: "The farm we used to work on has been ruined. We lost our source of income and we are looking for an alternative source, but we have not found anyone to help us."³⁷⁶

Ahmed Jalhouf described the coalition's attacks on farms as being a common occurrence in the area. "The coalition has targeted many farms in Al-Jar . Most of the farms have become empty. This is wrong and aggressive behavior," he said.³⁷⁷

The Jalhouf farm was occupied by the Ansar Allah (Houthi) armed group after the owner and workers fled in the aftermath of the attack. At the time this report was drafted, the farm was still damaged and its owners were not able to reclaim it from Ansar Allah. Sameer (a pseudonym), 28-year-old farmer, said: "We cannot access the farm anymore. Ansar Allah prevents anyone trying to go in. They say 'this area is dangerous now, you are not allowed to enter for your own safety."³⁷⁸

373 Mwatana for Human Rights interview with Ahmed Jalhouf by phone January 31, 2021.

³⁷⁴ Ibid.

³⁷⁵ Mwatana for Human Rights interview with Ahmed Jalhouf by phone on March 17, 2021.

³⁷⁶ Mwatana for Human Rights interview with Hadi Thabet Ahmed Hakimi on December 15, 2020.

³⁷⁷ Mwatana for Human Rights interview with Ahmed Jalhouf on December 15, 2020.

³⁷⁸ Mwatana for Human Rights interview with Sameer (a pseudonym) on March 17, 2021.

Case Study 2 Al-Taweel Farm

Saudi/UAE-led Coalition Airstrike on Al-Taweel Farm on July 4, 2019 Bani Adhabi village, Al-Jar area, Abs District and Hajjah Governorate

374,000 m2

Muhammad Al-Taweel is the owner of a farm approximately 374,000 square meters located in the Bani Adhabi village of Al-Jar area, where there are around 40 agricultural farms.³⁷⁹ The farm was used to grow corn, tomatoes, watermelon, sesame, and fodder and had about 50 beehives. Muhammad, his relatives and 15 employees worked on the farm, which provided them with a source of food and income. The owner, his family, and some of the workers and their families lived on the farm—totaling around 172 individuals.³⁸⁰

Annually, the farm produced a total of 40 20-kilogram baskets of watermelon, 40 20-kilogram baskets of tomatoes, six 50-kilogram bags of corn and five 50-kilogram bags of sesame, in addition to fodder and honey, according to Othman Abdo, a 30-year-old farmer on the farm.³⁸¹

In addition to being a source of food for the families on the farm, the farm sold the produce to Abs Market.³⁸² Khaldoun (pseudonym), a 24-year-old farm worker, said: "The farm was our source of income. We used to eat and sell its crops, and give gifts to visitors and neighbors."³⁸³ Yusef Ashram, the 24-year-old beekeeper on the farm, said: "I used to keep bees on the farm and I had three assistants. The honey that the bees

380 Ibid.

³⁷⁹ Mwatana for Human Rights interview with Khaldoun (a pseudonym) on March 17, 2021.

³⁸¹ Mwatana for Human Rights interview with Othman Abdo on December 14, 2020.

³⁸² Mwatana for Human Rights interview with Khaldoun (a pseudonym) on March 17, 2021.

³⁸³ Mwatana for Human Rights interview with Khaldoun (a pseudonym) on December 14, 2020.

produced met our needs. We were not in need of any assistance."384

On Thursday, July 4, 2019, at approximately 1:00 a.m., the Saudi/UAEled Coalition airstrike bombed Muhammad Al-Taweel's farm in Al-Jar area. The bomb fell about 2-3 meters away from the farm's water pump, and about five meters from a tree under which the farm's beekeeper was sleeping. The beekeeper sustained serious burns as a result of the attack, and had shrapnel in his limbs and other wounds to his body.

The attack destroyed the farm's water pump, the irrigation network and the beehives.

At the time of the attack, Hajjah was projected to remain in IPC phase 4 (emergency) for the June to September 2019 period.

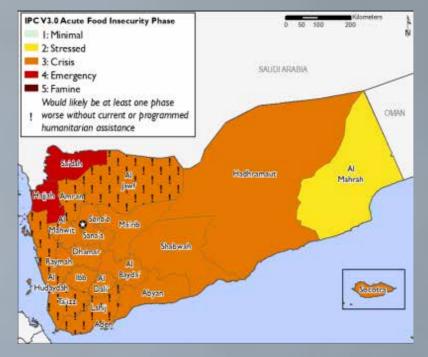


Figure 3: Projected Acute Food Insecurity Phase June – September 2019³⁸

³⁸⁴ Mwatana for Human Rights interview with Yusef Ashram on December 14, 2020.

^{385 &}quot;Yemen: Staple food prices remain generally stable, but increased conflict reported in Hajjah and Ad-Dali," FEWSNET (April 2019), https://fews.net/east-africa/yemen/food-security-outlook-update/ april-2019. See also Integrated Food Security Phase Classification (July, 2019), supra note 75.

Mwatana interviewed five individuals after the attack; Mwatana met with two of the farm workers 16 days after the attack and interviewed three individuals—including a victim, the farm owner's son, and an eye-witness—a year after the attack.

Mwatana researchers did not identify any military targets in or near the farm at the time of the attack. None of the individuals interviewed identified any military targets nearby at the time of the attack or before the attack—the nearest military target identified was a frontline about 35 kilometers to the north. Yusef Ashram said: "There was only me and some of the workers at the time of the attack. There were no militants present during or before the attack."³⁸⁶ Khaldoun added: "Many other farms were bombed. I remember eight farms in our area were bombed by the coalition. They want to starve us."³⁸⁷ According to the witnesses and Mwatana's research, everyone on the farm at the time of the attack was a civilian.

Parts of the farm became unsuitable for agriculture after the attack, including due to the destruction of the water pump and the water network. Without food or income from the farm and without access to humanitarian aid, the survivors faced food insecurity. Many of them fled the area the day of the attack and did not return.

Khaldoun said: "The farm that was the source of our food was destroyed, and we are consuming basic supplies that come from outside the area at high prices. No one helped us flee the area or provided us with humanitarian aid. Even the aid provided by relief organizations does not reach us because members of the Ansar Allah seize them."³⁸⁸ Another worker added: "We are tired of filling out forms! The staff of relief organizations visit us and ask us to fill out forms requesting humanitarian aid, but nothing has arrived."³⁸⁹

Khaldoun added: "The farm I was working on was occupied by the Ansa Allaharmedgroup[after we fled]."³⁹⁰

At the time the report was written, the Al-Taweel farm was still occupied by the Ansar

³⁸⁶ Mwatana for Human Rights interview with Yusef Ashram on December 14, 2020.

³⁸⁷ Mwatana for Human Rights interview with Khaldoun (a pseudonym) on December 14, 2020.

³⁸⁸ Mwatana for Human Rights interview with Khaldoun (a pseudonym) on December 14, 2020.

³⁸⁹ Mwatana for Human Rights interview with Al Taweel farm workers on December 14, 2020.

³⁹⁰ Ibid.

Allah (Houthi) armed group, and the owners and workers of the farm were unable returntoit³⁹¹

Other documentation of airstrikes impacting farming in Hajjah

In addition to Mwatana's documentation of airstrikes impacting food and food infrastructure in Yemen, other credible organizations and groups have also reported on airstrikes impacting farming, food and agriculture in Yemen, including in Hajjah. Organizations have documented the conflict's impact on farming and agriculture since the start of the war, and data suggests that, in spite of the worsening food insecurity, these attacks have continued.

In their 2016 report, the PoE reported on three Coalition attacks on farms and agricultural areas between April 7, 2015 and January 26, 2016.³⁹² The PoE also investigated an airstrike on Al Aqil Factory, a food production facility located in Sana'a, on August 9, 2016, and included the investigation in two separate reports.³⁹³ The Panel concluded that the evidence "strongly demonstrate[d]" that the Saudi/UAE-led Coalition had violated IHL principles, finding "that the use of precision-guided weapons demonstrates that the factory complex was the intended target of these air strikes," and that "there was no evidence to support a finding that the complex had become a legitimate military objective."³⁹⁴ The PoE has also documented several airstrikes on marketplaces, which may have further impacted access to food.³⁹⁵

³⁹¹ Mwatana for Human Rights follow-up interview with Khaldoun (a pseudonym) on May 25, 2020.

³⁹² PoE (2016), supra note 331 at Annex 47.

³⁹³ PoE (2018), supra note 331 at Annex 59, Appendix A to Annex 60; PoE (2017), supra note 331 at p. 46, Table 7.

³⁹⁴ PoE (2018), supra note 331 at para. 9, 10 of Appendix A to Annex 60.

³⁹⁵ PoE (2019), supra note 331 at Appendix 33.F; PoE (2018), supra note 331 at Appendix A to Annex 49, Appendix D to Annex 58; PoE (2017), supra note 331 at p. 53, Table 9.

The GEE has also investigated airstrikes by the Saudi/UAE-led Coalition that have impacted farming and access to food. In 2019, the GEE stated that while all parties to the conflict have attacked OIS, "Coalition airstrikes notably destroyed or damaged farmland, water facilities, essential port infrastructure and medical facilities."³⁹⁶ The GEE's 2019 report stated that the group had "examined 14 airstrikes that hit locations in Sa'dah and Hajjah governorates between March 2018 and June 2019," all of which had reportedly "hit civilian infrastructure, including farms, telecommunication towers, banks, schools, and trucks carrying agricultural goods."³⁹⁷ From 2015 to 2019, the GEE recorded "14 incidents of airstrikes hitting mostly crowded marketplaces, 19 incidents of airstrikes hitting food processing or storage facilities; and 12 incidents of airstrikes on civilian food transports."³⁹⁸

In the same report, the GEE also included information from two detailed investigations the group had conducted regarding Coalition airstrikes on farms. One such investigation described an airstrike that occurred on October 24, 2018 in Mahatat al-Mas`odi area, al- Mansuriyah district, Al-Hudaydah Governorate, in which 21 civilians, including two children, were killed, and seven injured, by the airstrike.³⁹⁹ The GEE stated that they had not received "reports of any apparent military objectives near the farm at the time of the attack."⁴⁰⁰ The GEE concluded that "the destruction of the farm and the killing of breadwinners destroyed the sources of income for many in the area,"⁴⁰¹ and that the evidence suggested that the coalition "may not have complied with the principles of distinction, proportionality and precautions in attack."⁴⁰² The report also described an airstrike that took place on March 9, 2019 and hit two civilian homes and a farm in Maghrabat Talan, Kushar, in Hajjah,⁴⁰³ finding that "there [was] nothing to suggest" that there had been any military targets in the area.⁴⁰⁴ The GEE found that the evidence suggested the Saudi/UAE-led Coalition may have violated the principles of distinction.

- 396 GEE, supra note 88 at para. 52.
- 397 GEE, supra note 88 at para. 429.
- 398 GEE, supra note 88 at para. 755.
- 399 GEE, supra note 88 at para. 521.
- 400 Ibid, at para. 521.
- 401 Ibid, at para. 522.
- 402 Ibid, at para. 527.
- 403 Ibid, at para. 440.
- 404 Ibid, at para. 446.

and proportionality in the March 9 attack. 405

In 2020, NRC, using data from the Civilian Impact Monitoring Project (CIMP), found that from January 2018 to September 2020, Yemeni farms were struck by airstrikes 348 times, leaving crop fields "barren" and leading to the loss of livelihoods for millions of Yemenis.⁴⁰⁶

A separate NRC report also described an airstrike on May 6, 2020 that hit a family on their farm in Al-Jar .⁴⁰⁷ The airstrike killed three members of the family.⁴⁰⁸ One of the individuals NRC interviewed stated that after this strike, "other strikes followed," and that "[w]e saw the deaths in front of us."⁴⁰⁹ Many of the individuals and families described in the report were displaced.⁴¹⁰

Amnesty International has also described the devastating impact of the Saudi/UAE-led Coalition's use of cluster munitions, which are widely banned,⁴¹¹ on farming populations in Yemen.⁴¹² Amnesty found, based on investigations into attacks in Saada, Hajjah, and Sana'a, that cluster munition attacks have killed and injured civilians, and had the effect of "severely damag[ing] livelihoods by killing livestock and turning agricultural land into de facto minefields, interfering with animal herding as well as harvesting of banana, mango and tomato crops."⁴¹³ In interviews, Yemeni farmers and herders told Amnesty International that they felt they had "no choice but to work in contaminated areas despite the risks."⁴¹⁴

408 Ibid.

409 Ibid.

410 Ibid.

411 Convention on Cluster Munitions (adopted on May 30, 2008).

412 "Yemen: Children among civilians killed and maimed in cluster bomb 'minefields," Amnesty International (May 23, 2016), https://www.amnesty.nl/actueel/yemen-children-among-civilians-killed-and-maimedin-cluster-bomb-minefields.

413 Ibid.

414 Ibid.

⁴⁰⁵ Ibid, at para. 448.

⁴⁰⁶ NRC, supra note 86.

^{407 &}quot;Forced to flee during the 'coronavirus ceasefire'," Norwegian Refugee Council (NRC) (May 25, 2020), https://www.nrc.no/perspectives/2020/forced-to-flee-during-the-coronavirus-ceasefire/.

Martha Mundy, a Professor Emeritus in Anthropology at the London School of Economics, relying on data compiled by the Sana'a-based Ministry of Agriculture and Irrigation and YDP, found that the target most frequently hit by Coalition airstrikes in almost every governorate from March 2015 to August 2016 was agricultural land.⁴¹⁵ From the fact that agricultural land only constituted "just under 3% of the land" in Yemen, she argued that the coalition would have had to intentionally target agricultural land to hit it so frequently.⁴¹⁶

YDP's data includes about 1112 Saudi/UAE-led Coalition air strikes impacting food and food-related sites.⁴¹⁷.In its dataset as of mid-October 2020, YDP had recorded about 103 airstrikes on farms in Hajjah Governorate, including about 59 in Abs District, and about 54 of these in Al-Jer (spelled as "Al-Jar").⁴¹⁸

⁴¹⁵ Martha Mundy, "Empire of Information: The War on Yemen and its Agricultural Sector," LSE (June 19, 2017), https://blogs.lse.ac.uk/mec/2017/06/19/empire-of-information-the-war-on-yemen-and-its-agricultural-sector/.

⁴¹⁶ Ibid.

⁴¹⁷ This number is based on the Yemen Data Project's data on airstrikes impacting farms, fishers' boats, food storage facilities and transportation, and markets. The Yemen Data Project does not make specific claims about the legality of individual recorded airstrikes under IHL, as each object's category is recorded based on its status before the war, and does not take into account any change of use.

⁴¹⁸ See Annex A.1. Attacks for which the target is unknown or where the target was food storage/ transportation or a market are included, such that even more attacks may have occurred than outlined above. An up-to-date incident table is available for download here: https://yemendataproject.org/data. html.



Airstrikes on water facilities and water sources in Saada Governorate

[Saudi/UAE-led coalition planes] waged an "out-and-out coercive air campaign" of "terror bombing" over the city of Saada in 2015 and 2016 ... Saudi military chiefs "worked their way down a list of all the national infrastructure targets ... that meant everything: cranes, bridges [and] ministries...."⁴¹⁹

⁴¹⁹ Michael Knights, a Gulf military expert at the Washington Institute for Near East Policy, quoted in Arron Merat, "The Saudis couldn't do it without us': the UK's true role in Yemen's deadly war" The Guardian (June 18, 2019), https://www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-withoutus-the-uks-true-role-in-yemens-deadly-war.

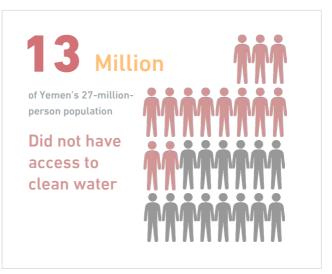
[|] Photo: Two child girls fetching water in Ma'een District, Amanat Al-Asimah Governorate. November 12, 2020.

Access to water in Saada Governorate

Yemen is one of the most water scarce countries in the world. Long before the outbreak of the current conflict, water scarcity was a significant issue in Yemen.⁴²⁰ Accordingly, the infrastructure supporting Yemen's water is indispensable to the population's access to water.

Data from Oxfam indicates that in 2014. 13 million of Yemen's 27-million-person population did not have access to clean water.421 Six years later, UNICEF reported that 18 million people in Yemen were in need of "water support" across the country-about two-thirds of Yemen's population at that time.⁴²² According to ICED Facility, the Water and Environment Centre of Sana'a University conducted an assessment of the war's impact on rural water, sanitation and hygiene (WASH) and found that water and sanitation infrastructure had

2014



Source: Oxfam

^{420 &}quot;Bled Dry: How war in the Middle East is bringing the region's water supplies to breaking point," ICRC (March 2015), https://www.icrc.org/en/download/file/5508/full_report-water-middle-east-icrc.pdf. See also "Yemen, Water, Conflict and Cholera," Centre for International Governance Innovation (May 24, 2017), https://www.cigionline.org/articles/yemen-water-conflict-and-cholera.

^{421 &}quot;Two-thirds of people in conflict-hit Yemen without water," Oxfam (May 26, 2015), https://www.oxfam. org/en/press-releases/two-thirds-people-conflict-hit-yemen-without-clean-water.

^{422 &}quot;Water: The essential lifeline," UNICEF (May 19, 2020), https://www.unicef.org/yemen/stories/wateressential-lifeline. See also Part E, Section 2.2.

been damaged across Yemen.⁴²³ The Centre's data from 2014-2016 included damage to 962 WASH facilities, 39% of which were destroyed completely. Of these WASH facilities, 438 were water facilities. OCHA reported in February 2021 that the country's water infrastructure was operating at less than 5% efficiency.⁴²⁴

2020

18 Million

People in Yemen were in need of "water support"

Source: UNICEF



Source: ICED Facility

The right to water and its protection under IHL is intertwined with the right to food and the deliberate starvation of civilians as a violation of IHL and as a war crime. As set out in Part F, Section 1.2.2.1, water installations and supplies and irrigation works, including reservoirs, are all listed as OIS under IHL.⁴²⁵ A reduction in access to clean water—an

^{423 &}quot;Effects of war on water security in Yemen: Stocktaking study," ICED Facility (June 2019), http:// icedfacility.org/wp-content/uploads/2019/07/190618-Yemen-Stocktaking.pdf (based on an assessment conducted by the Water and Environment Centre of Sana'a University on the war's damage on rural WASH). ICED Facility supports the UK's Department for International Development.

⁴²⁴ OCHA, supra note 118 at p. 21.

⁴²⁵ Additional Protocol II, Article 14.

essential component of human consumption and necessary to maintain nutrition⁴²⁶— adversely affects the survival of the population.

Access to water is also closely linked to resilience, livelihoods and food production. According to OCHA, the vast majority of Yemen has an arid climate, and 90% of Yemen's groundwater is used for irrigation,⁴²⁷ meaning that where water resources have declined, agriculture—and thus access to food—has also declined.

Further, reduced access to clean water impacts Yemenis' ability to remain physically healthy, and thereby affects their ability to endure the malnutrition that follows food insecurity. Water-borne diseases such as cholera that thrive in contaminated water and in areas that do not have proper water and sanitation structures⁴²⁸ have persisted throughout the conflict in Yemen. The largest-ever documented cholera outbreak occurred after the conflict began, in which over a million suspected cases were reported in just two years, from 2016 to 2018.⁴²⁹ UNICEF has warned that attacks on water infrastructure "jeopardize efforts to prevent another outbreak of cholera and acute watery diarrhoea in Yemen."⁴³⁰ Access to clean water has also impacted the spread of other diseases, such as COVID-19, as water scarcity reduces peoples' abilities to take preventative measures, such as handwashing, thus increasing the risk of the further spread of the disease⁴³¹ and exacerbating the impacts of food insecurity.

Access to water is of particular relevance in Saada Governorate, which is located in a mountainous, semi-arid area of Yemen with little rainfall⁴³² and with high rates

^{426 &}quot;Humanitarian Needs Overview: Yemen 2019," OCHA (December 2018), p. 23, https://reliefweb.int/sites/ reliefweb.int/files/resources/2019_Yemen_HNO_FINAL.pdf.

⁴²⁷ Ibid, at p. 36.

^{428 &}quot;Fighting Cholera in Yemen," ACTED (November 14, 2019), https://www.acted.org/en/fighting-cholerain-yemen/.

⁴²⁹ Alanna Shaikh, "Yemen is currently facing the largest documented cholera epidemic in modern times. A new report warns it could get worse," UN Dispatch (May 8, 2018), https://www.undispatch.com/yemenis-currently-facing-the-largest-documented-cholera-epidemic-in-modern-times-a-new-report-warnsit-could-get-worse/.

^{430 &}quot;Yemen: Attacks on water facilities, civilian infrastructure, breach 'basic laws of war' says UNICEF," UN News (August 1, 2018), https://news.un.org/en/story/2018/08/1016072.

⁴³¹ ACAPS, supra 62 at p. 6.

⁴³² Rafik A. Al-Sakkaf, Yangxiao Zhou and Michael J. Hall, 'A Strategy for Controlling Groundwater Depletion in the Sa'dah' Plain, Yemen' [1999] 15(3) International Journal of Water Resources Development 349.

of water scarcity. It is also one of Yemen's northernmost and poorest governorates.⁴³³ According to the Berghof Foundation, a German NGO focused on conflict transformation and peacebuilding,⁴³⁴ the poverty rate in Saada was already 84.5% prior to the start of the war.⁴³⁵ Since then, it has very likely increased.⁴³⁶ Water-borne diseases, such as cholera and acute watery diarrhoea, spread easily in Saada, due in part to the shortage of clean water.⁴³⁷ These diseases can in turn lead to loss of nutrients and malnutrition.⁴³⁸



Empty water tanks in Dar Naji village. Al-Khokha, Al-Hudaydah Governorate. May 27, 2021.

- 433 Leslie Morris-Iveson and Admed Alderwishm, "Experiences with Local Water Governance and Outcomes for Vulnerable Communities in the Tihama Region of Yemen," Water Alternatives (2018), p. 685, https:// www.water-alternatives.org/index.php/alldoc/articles/vol11/v11issue3/460-a11-3-13/file; "Sa'dah City Profile," UN Habitat (2020), p. 6, https://unhabitat.org/sites/default/files/2020/11/sadah_city_profile. pdf.
- 434 "Organisation," Berghof Foundation, https://berghof-foundation.org/about/organisation.
- 435 "Mapping of Local Governance in Yemeni Governorates," Berghof Foundation (January 2020), p. 63, https://berghof-foundation.org/library/mapping-of-local-governance-in-yemeni-governorates.
- 436 OCHA stated that the poverty rate in the country as a whole "dramatically increased" since the war began, and the Berghof Foundation stated that in Saada specifically it was very likely that the poverty rate increased since the rate prior to the war. See OCHA, supra note 426 at p.8; "Humanitarian Response Plan January-December 2018," OCHA (2018), p. 13, https://reliefweb.int/sites/reliefweb.int/files/ resources/20180120_HRP_YEMEN_Final.pdf; Berghof Foundation, supra note 435 at p. 63.
- 437 Marie Bracquemont, "Solar-power brings water to vulnerable children and their families," UNICEF (February 28, 2019), https://www.unicef.org/yemen/stories/solar-power-brings-water-vulnerable-children-and-their-families.
- 438 "Yemen Water, Sanitation and Hygiene," UNICEF (2019), https://www.unicef.org/yemen/watersanitation-and-hygiene#:~:text=In%20one%20of%20the%20world's,services%20for%20the%20 Yemeni%20people.&text=The%20threat%20of%20cholera%20and,World's%20worst%20outbreaks%20 in%202017.

Airstrikes impacting water in Saada

Bordering Saudi Arabia and an Ansar Allah stronghold, Saada has been significantly impacted by the current conflict,⁴³⁹ both by the direct physical impacts of the war, and by the psychological and economic impacts the war has had on residents of the governorate. The Civilian Impact Monitoring Project (CIMP) has reported on many instances in which different warring parties damaged and destroyed water facilities through various forms of armed violence, including repeated attacks impacting water in Saada Governorate.⁴⁴⁰

The Saudi/UAE-led Coalition has repeatedly damaged and destroyed water infrastructure in airstrikes. The assessment conducted by the Water and Environment Centre of Sana'a University mentioned above recorded 145 WASH facilities destroyed within Saada Governorate by various forms of attacks by different warring parties between 2014 and 2016.⁴⁴¹ The assessment specified that most of the documented damage was caused by airstrikes.⁴⁴² Such strikes have exacerbated the challenges residents face in meeting their basic needs in the water-poor governorate.⁴⁴³

Mwatana has documented approximately 25 Saudi/UAE-led Coalition airstrikes on water sites, water infrastructure and means of water transportation in Yemen since 2015.⁴⁴⁴ Of the 25 documented Saudi/UAE-led Coalition airstrikes on water sites, 17 occurred in Saada Governorate, including four strikes impacting water in 2015, three in 2017, seven in 2018, two in 2019 and one in 2020. These 17 strikes hit 12 different

441 ICED Facility, supra note 423.

⁴³⁹ See e.g., Mwatana for Human Rights, supra note 333 at p. 33; Belkis Wille and Ole Solvang, "Targeting Saada: Unlawful Coalition Airstrikes on Saada City in Yemen," Human Rights Watch (June 30, 2015), https://www.hrw.org/report/2015/06/30/targeting-saada/unlawful-coalition-airstrikes-saada-cityyemen.

^{440 &}quot;Annual Report 2018," Civilian Impact Monitoring Report, https://civilianimpactmonitoring.org/ onewebmedia/2018%20CIMP%20Annual%20Report.pdf; "Annual Report 2019," Civilian Impact Monitoring Report, https://civilianimpactmonitoring.org/onewebmedia/2019%20CIMP%20Annual%20 Report.pdf; "Annual Report 2020," Civilian Impact Monitoring Report (February 2021), https:// civilianimpactmonitoring.org/onewebmedia/2020%20CIMP%20Annual%20Report.pdf.

⁴⁴² Ibid.

⁴⁴³ Berghof Foundation, supra note 435 at p. 64, fn. 185.

⁴⁴⁴ See Part D.

water facilities (including wells and water rigs) of an already limited number of water facilities in Saada Governorate. Of the 17 documented strikes impacting water in Saada, most occurred in just two districts. Seven attacks occurred in Sahar District, which had a population of 207,208 in 2020, according to data from the Berghof Foundation,⁴⁴⁵ and five were in Kitaf wa Al Buqa'a, which had a population of 67,169 in 2020.⁴⁴⁶



Source: Mwatana

This report describes Coalition attacks, and the impact of those attacks, on two water facilities—one in Sahar District, and one in Kitaf wa Al Buqa'a District. As part of its research, Mwatana interviewed 24 individuals about the attacks, including eyewitnesses, residents of the areas of the attacks, engineers and others who worked at the water facilities, humanitarian workers, and others. Ten of those interviewed were asked specifically about the two attacks detailed below. Mwatana also collected 19 additional pieces of evidence, including photographs of the facilities before and after the attacks and satellite imagery of the attack sites.

Many of the individuals Mwatana interviewed believed the coalition airstrikes deliberately targeted water infrastructure.

⁴⁴⁵ Berghof Foundation, supra note 435 at p. 63.

⁴⁴⁶ Ibid.

A 37-year-old engineer working in water facilities in Saada, Abdul Salam (a pseudonym), said:

The targeting of water sources in Saada was a common pattern, especially in 2015 and 2016. Through my work in water facilities, I found more than eight water facilities that were targeted by airstrikes in Saada."447

Saad (a pseudonym), a 37-year-old engineer who works in water and sanitation in Saada, said:

Two water facilities I was working on rehabilitating were targeted. One of them was targeted less than a month after the installation of the solar panel, and the other was targeted in the cement tank twice during our work period. These can only be intentional acts."⁴⁴⁸

Because of the scarcity of water in Saada, attacks on water infrastructure in the governorate were particularly devastating.

In 2018, UNICEF said that,

[s]ince 2015, the escalation of conflict has only exacerbated this already dire situation, with attacks and military action on and around water infrastructure cutting off even more people from access to safe drinking water."⁴⁴⁹

Saada has consistently been one of the governates where humanitarian needs have been most acute.⁴⁵⁰ In 2018, OCHA reported that more than 800,000 people in Saada—

⁴⁴⁷ Mwatana for Human Rights interview with Abdul Salam (a pseudonym) on December 10, 2020.

⁴⁴⁸ Mwatana for Human Rights interview with Saad (a pseudonym) on December 16, 2020.

⁴⁴⁹ Statement of Geert Cappelaere, UNICEF Regional Direction in the Middle East and North Africa, "Military action on and around water infrastructure jeopardizes efforts to prevent another outbreak of cholera in Yemen," UNICEF (April 17, 2018), https://www.unicef.org/mena/press-releases/military-action-and-around-water-infrastructure-jeopardizes-efforts-prevent-another.

⁴⁵⁰ OCHA, supra note 426 at pp. 4-6, 11, 34 and 37. Note that in Part H, Section 2, of this report, we discuss the ways in which Ansar Allah has restricted the ability of humanitarian organizations to assess needs in Saada governorate. Although these numbers may be affected by this, the information is generally consistent with the overall context in the governorate (e.g. massive humanitarian needs, and water scarcity), which was also evident in Mwatana's field research in the governorate for this report.

at least 83% of the governorate's population—would need humanitarian assistance in 2019, with 90% of that group in dire need and pockets of the governate at risk of famine (IPC phase 5).⁴⁵¹ In 2018 alone, IDPs increased in Saada from 105,400 persons to 306,100 persons,⁴⁵² exacerbating water needs. By 2019, UNICEF reported that the water access situation in Saada was "particularly dire" and taking a "heavy toll on the health" of inhabitants.⁴⁵³ According to Oxfam, influxes of displaced people in certain areas have also strained existing water resources.⁴⁵⁴ By 2021, and as shown in Figure 1, significant parts of Saada were projected to be in IPC phase 4 emergency.⁴⁵⁵

Saada is one of the most difficult to reach governorates and therefore one of the most inaccessible for humanitarian workers,⁴⁵⁶ presenting yet another challenge for civilians who do not have, or have limited, access to water and other necessities.⁴⁵⁷ Access to humanitarian aid in Saada is adversely affected in many ways, not only by the de facto naval blockade attributable to the Yemeni Government and Saudi/UAE-led Coalition, but also due to the obstacles imposed by Ansar Allah in territories under their control, and in Saada specifically.

A humanitarian worker and engineer in Saada Governorate, 32-year-old Essam (a pseudonym), said:

"We face many obstacles on an ongoing basis. Though we only do anything after obtaining approval from the [Ansar Allah (Houthi) armed group], we are nevertheless stopped for hours at many checkpoints, and sometimes we are prevented from carrying out the work we have already obtained licenses to do. We are usually accused of sending coordinates to coalition countries."⁴⁵⁸

- 452 Ibid, at p. 16.
- 453 Bracquemont, supra note 437.
- 454 Oxfam, supra note 421.
- 455 Integrated Food Security Phase Classification, supra note 72 at p. 6.
- 456 Harriet Dwyer, "The Gift of Water," UNICEF (December 11, 2019), https://www.unicef.org/yemen/stories/ gift-water.
- 457 Dwyer, supra note 456.
- 458 Mwatana for Human Rights interview with a humanitarian worker on December 14, 2020.

⁴⁵¹ Ibid, at pp. 33-34.

Restrictions on humanitarian aid imposed by Ansar Allah are discussed in Part H, Section 2, of this report.

Within Saada, some of the hardest to reach districts include AsSafra, Sahar, and Kitaf wa Al Buqa'a districts.⁴⁵⁹ Of the coalition's airstrikes on water facilities in Saada, many of them have impacted Sahar and Kitaf wa Al Buqa'a districts, which are described in more detail below.



Children fetching water in Al-Khamri Area. Hays District, Al-Hudaydah Governorate. April 11, 2021

459 Dwyer, supra note 456.

Case-study 1 Al-Hamazat Water Facility

Saudi/UAE-led Coalition Airstrikes on Al-Hamazat Water Facility on November 17, 2015 and April 17, 2018

7,000 beneficiaries from 600 households

Al-Hamazat area, Sahar District, Saada Governorate

The Al-Hamazat Water Facility is located on a hill, southwest of the Al-Hamazat area of the Sahar District, about six kilometers northeast of Saada City.⁴⁶⁰ The area is host to many IDPs. After the Saudi/UAE-led Coalition announced the start of its military campaign in Yemen, many IDPs fled to the area due to its proximity to the city and the fact that the coalition was striking the area less than Saada city at the time.⁴⁶¹

As the Al-Hamazat region was suffering from water scarcity and a resultant decline in agricultural production, in 2014, the Rural Water Authority established the Al-Hamazat Water Facility, the first facility to cover the region's water needs. Previously, the area used to rely on shallow wells that were privately owned.⁴⁶²

The Facility consisted of an artesian well, a pump, a cement tank, and a main and auxiliary water distribution network that distributed water for drinking and personal use to about 7,000 people from about 600 families from the Al-Hamazat area.⁴⁶³

On Tuesday, November 17, 2015, at approximately 9:00 pm,⁴⁶⁴ a Saudi/ UAE-led Coalition aircraft dropped two bombs on the cement water tank <u>of the Al-Hamazat</u> Water Facility, Sahar District, Saada Governorate. As

⁴⁶⁰ Mwatana for human rights researcher's remarks and satellite imagery.

⁴⁶¹ Mwatana for Human Rights interviews with Mourad (a pseudonym) and Khaleel (a pseudonym) on December 16, 2020.

⁴⁶² Mwatana for Human Rights interviews with Mourad (a pseudonym) and Samed (a pseudonym) on December 16, 2020.

⁴⁶³ Mwatana for Human Rights interviews with Saad (a pseudonym); a worker in the field of water and sanitation and Samed (a pseudonym); a humanitarian worker on December 16, 2020.

⁴⁶⁴ Mwatana for Human Rights interview with Mourad (a pseudonym) on December 16, 2020.

a result, the cement reservoir was completely destroyed, and the facility stoppedworking.⁴⁶⁵

In the months prior to the attack, Saada was projected as being in IPC Phase 4 (emergency).

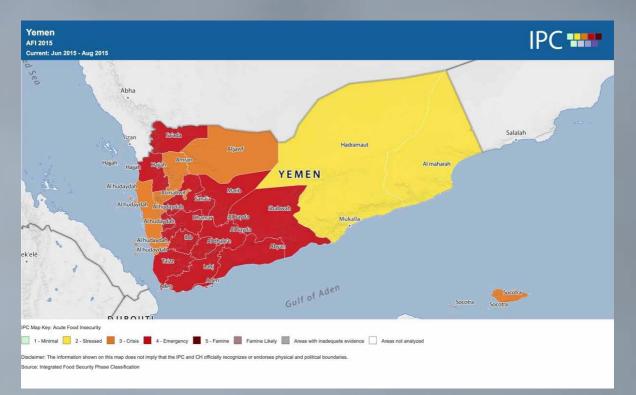


Figure 4: Yemen acute food insecurity June to March 2015 (projection)⁴⁶⁶

The facility was out of service for two years, until 2017, when UNICEF repaired the facility at a cost of more than 7.7 million Yemeni riyals (equivalent to approximately US\$22,000 at the time).⁴⁶⁷ During the two years it was out of service, the facility's 7,000 beneficiaries were forced to get water either through privately-owned wells in Al-Hamazat (which did not contain a lot of water and therefore sales were very limited)

⁴⁶⁵ Mwatana for Human Rights interviews with Mourad (a pseudonym) and Samed (a pseudonym) on December 16, 2020.

⁴⁶⁶ FSIS, supra note 75.

⁴⁶⁷ Mwatana for Human Rights interview with Saad (a pseudonym) on December 16, 2020.

or by buying water from trucks delivering water from neighbouring areas.⁴⁶⁸ Both of these options were very expensive for residents—prior to the airstrike, residents paid a monthly bill of around 1000-1500 Yemeni riyal per household, while after the attack, they paid around six times that amount.⁴⁶⁹

In April 2018, Oxfam also installed a solar energy system to run the Al-Hamazat Facility at an additional cost of US\$49,580.⁴⁷⁰ That same month, however, a Coalition airstrike hit the facility again.

On Tuesday, April 17, 2018, at around 9:30 p.m.,⁴⁷¹ a Saudi/UAE-led Coalition aircraft dropped at least one bomb on the Al-Hamazat Water Facility, causing damage to the cement tank and the solar energy system and to parts of the main water distribution network.⁴⁷² The Facility remained out of service until it was repaired by Save the Children in 2019.⁴⁷³

At the time of the attack, Saada was classified as being in IPC Phase 3 (crisis) or higher, and in the months thereafter the governorate rose to IPC Phase 4.474

⁴⁶⁸ Mwatana for Human Rights follow up interviews with Mourad (a pseudonym) and Khaleel (a pseudonym) over phone on March 14, 2021.

⁴⁶⁹ Mwatana for Human Rights follow up interviews with Mourad (a pseudonym) and Khaleel (a pseudonym) over phone on March 14, 2021.

⁴⁷⁰ Mwatana for Human Rights interviews with Saad (a pseudonym) and Samed (a pseudonym) on December 16, 2020.

⁴⁷¹ Mwatana for Human Rights interviews with Mourad (a pseudonym) and Khaleel (a pseudonym) on December 16, 2020. In interviews, individuals reported the strike took place on April 17, 2018. However, a UNICEF statement dated April 17, 2018, said that the attack occurred "earlier this week." An Oxfam report dates the airstrike as April 13, 2018. See Cappelaere, supra note 449; "UK Aid and Arms in Yemen, Oxfam Media Briefing," Oxfam (September 2019), p. 5, https://oxfamilibrary.openrepository.com/bitstream/ handle/10546/620860/mb-uk-aid-arms-yemen-090919-en.pdf?sequence=1.

⁴⁷² Mwatana for Human Rights interview with Saad (a pseudonym) on December 16, 2020.

⁴⁷³ Mwatana for Human Rights interview a humanitarian worker on December 16, 2020.

^{474 &}quot;Yemen: Staple food import levels improve in March, but scarcity of cooking gas a concern," FEWSNET (April 2018), https://fews.net/east-africa/yemen/food-security-outlook-update/april-2018.

The use of starvation by warring parties in Yemen



Figure 5: IPC 2.0 Acute Food Insecurity Phase, April– May 2018475

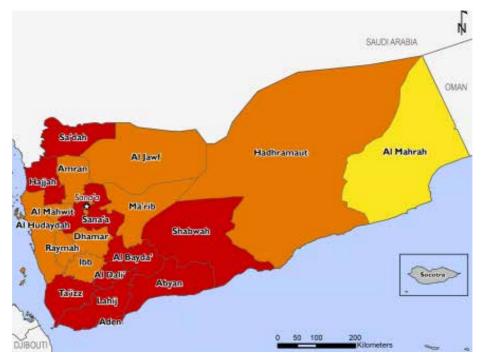


Figure 6: IPC 2.0 Acute Food Insecurity Phase, June – September 2018 (projected) 476

476 Ibid.

⁴⁷⁵ Ibid.

Mwatana visited the area, the site of the water facility and three of the beneficiary villages on December 16, 2020. Mwatana conducted interviews with four individuals, including an individual working in water and sanitation in the area, a resident of the Al-Hamazat area, an IDP living in the area, and a humanitarian worker. Two follow-up interviews were conducted over the phone with local residents on March 14, 2021.

Mwatana researchers and witnesses interviewed did not identify any military target near or at the site of the Al-Hamazat Water Facility during either attack. At the time of the attacks, there were no front lines nearby.⁴⁷⁷

The damage caused by the second airstrike on the facility meant that beneficiaries were once again left without accessible and affordable clean water.

A resident of Al-Hamazat area, 32-year-old Mourad (a pseudonym) said:

We were very happy with the establishment of the water facility that delivered water through pipes to our homes after we had struggled to bring water by trucks from Saada City. The water facility became our main source of water after most of the shallow wells in the region dried up, but the war has left us with nothing good."⁴⁷⁸

A worker in the water and sanitation sector, Saad, said:

The facility stopped from the first attack until 2017, and then stopped again from April 2018 until 2019. During those two periods, the residents used to go search for water from neighboring areas [Al-Baqlat, Zor Wadia'a, and Al-Taweelah], or they were forced to buy water from trucks transporting it from the city of Saada at prices that people with limited income cannot afford."⁴⁷⁹

477 Mwatana for Human Rights researcher's remarks and Mwatana for Human Rights interviews with Mourad (a pseudonym), Khaleel (a pseudonym) and Saad (a pseudonym) on December 16, 2020.

⁴⁷⁸ Mwatana for Human Rights interview with Mourad (a pseudonym) on December 16, 2020.

⁴⁷⁹ Mwatana for Human Rights interview with Saad (a pseudonym) on December 16, 2020.

One of the IDPs to the Al-Hamazat area, 43-year-old Khalil (a pseudonym) added:

"We were very happy after the facility was restored and the solar energy system was installed, because it made water less expensive since there was no need to pay the cost of diesel, but the second attack made our happinessfadeaway."⁴⁸⁰

Witnesses believed the two Coalition attacks on the same facility indicated the coalition had intended to target the source of water. Khalil stated that, "[t]here is no doubt that targeting vital civilian facilities and services forces civilians to bear heavy burdens, but targeting water sources in particular represents an unspeakable disaster. I cannot describe the situation of displaced children and women, who cannot afford to buy water that is delivered by trucks, and they fetch water daily by walking long distances."⁴⁸¹ Saad added: "The fact that the facility was targeted twice, especially since the second attack was less than a month after the installation of the solar system, confirms that this targeting was deliberate and was carried out on purpose."⁴⁸²

A statement issued by UNICEF on the day of the second attack notes that the facility was completely destroyed and the nearby solar energy system was severely damaged. They state:

Earlier this week, the Al-Hamazat water system in the Sahar District in Sa'ada Governorate was completely destroyed in an attack that left 7,500 people, including internally displaced families, without water. During the attack, the nearby solar energy system which provides power to the water system was also severely damaged. The same water system came under attack and was destroyed in 2015. UNICEF rebuilt it in 2017.

At the same time, armed groups have launched military attacks from sites close to water points.

⁴⁸⁰ Mwatana for Human Rights interview with Khalil (a pseudonym) on December 16, 2020.

⁴⁸¹ Ibid.

⁴⁸² Mwatana for Human Rights interview with Saad (a pseudonym) on December 16, 2020.

UNICEF urged parties to the conflict to protect basic civilian infrastructure, and "stop attacks on civilians and civilian infrastructure and any military activities near or from these facilities including schools, hospitals, water facilities and keep children out of harm'sway."⁴⁸³

Oxfam⁴⁸⁴ also reported on the second attack, and YDP includes the first attack in its airstrikesdatabase.⁴⁸⁵

⁴⁸³ See Cappelaere, supra note 449.

⁴⁸⁴ Oxfam, supra note 471 at p. 5. See also "Water and Violence in Yemen," Yemen Science Network (February 11, 2019), https://yemenscience.net/?p=2321.

⁴⁸⁵ Yemen Data Project, Incident numbers 4824, 16037, 17025 and 13109, https://yemendataproject.org/ data.html.

Case Study 2 Al-Nushoor Water Facility

Saudi/UAE-led Coalition Airstrikes on Al-Nushoor Water Facility on March 22, 2018 and July 23, 2018

10,500 beneficiaries from 600 households

Al Assaid Area, Kitaf wa Al Buqa'a District, Saada Governorate

From April 2017 to March 2018, the National Foundation for Development and Humanitarian Response (NFDHR) built the Al-Nushoor Water Facility with funding from UNICEF at a cost of US\$650,000.⁴⁸⁶ The facility, which is managed by the Local Corporation for Water and Sanitation, is located approximately eight kilometers east of Wadi Al-Nushoor in the Al-Assaid area of the Kitaf wa Al-Buqa'a District in the Saada Governorate. It is an uninhabited area, with the exception of simple settlements of nomadic Bedouins scattered across the eastern and southern portions of the area.⁴⁸⁷



Image 1: Satellite imagery of the location where Al-Nushoor Water Facility was built, prior to the establishment of the facility (December 2015)

⁴⁸⁶ Mwatana for Human Rights interview with a former engineer in the facility, on December 14, 2020.

⁴⁸⁷ Mwatana for Human Rights interviews with a Bedouin living in the area, a former engineer in the facility, and a community leader, on December 14, 2020

The Al-Nushoor Water Facility was established to meet the needs of the population of large areas of As Safra Sahar, and Kitaf wa Al-Buqa'a districts in Saada Governorate,⁴⁸⁸ which has scarce ground water. The only sources of water outside the facility are surface wells whose water is often salty and not safe for drinking, and in which water is only available during the rainy season.⁴⁸⁹

The Al-Nushoor Water Facility consists of two artesian wells, two pumps, a cement tank, and a solar energy system.⁴⁹⁰ It pumps water to an area in the middle of three different districts that includes 26 villages.⁴⁹¹ Water from the facility reached villages approximately 100 kilometers away, and served approximately 10,500 beneficiaries⁴⁹² until the Saudi/UAE-led Coalition hit the facility in an airstrike in March of 2018, just after it had finished being built.

On Thursday, March 22, 2018, a Saudi/UAE-led Coalition aircraft dropped at least one bomb on Al-Nushoor Water Facility. The airstrike destroyed a water pump and the guard room.⁴⁹³

⁴⁸⁸ Mwatana for Human Rights interviews with a former engineer in the facility and a community leader on December 14, 2020.

⁴⁸⁹ Mwatana for Human Rights interviews with a Bedouin living in the area, a former engineer in the facility, a worker in the field of water and environmental sanitation, and a community leader, on December 14, 2020.

⁴⁹⁰ Mwatana for Human Rights interviews with a Bedouin living in the area and a former engineer in the facility, on Daecember 14, 2020.

⁴⁹¹ Mwatana for Human Rights interviews with a Bedouin living in the area, a former engineer in the facility, a worker in the field of water and environmental sanitation, and a community leader, on December 14, 2020.

⁴⁹² Mwatana for Human Rights interviews a former engineer in the facility and a worker in the field of water and environmental sanitation, on December 14, 2020.

⁴⁹³ Mwatana for Human Rights interviews with Dhaifallah (a pseudonym), a former engineer in the facility, and Essam (a pseudonym), a humanitarian worker and a former engineer in the facility who currently works on water and sanitation in Saada, on March 14, 2020.



Image 2: Satellite imagery of Al-Nushoor Water Facility after its establishment and after the first attack on the facility (April 2018)

After the airstrike, and due to the damage, the facility was unable to function at full capacity. It continued operating with a single well until UNICEF purchased a new pump at a cost of about US\$20,000, and the facility started fully functioning again in June 2018.⁴⁹⁴

⁴⁹⁴ Mwatana for Human Rights interview with Dhaifallah (a pseudonym) on December 14, 2020; "Access to water continues to be jeopardized for millions of children in war-torn Yemen," UNICEF (July 24, 2018), https://mailchi.mp/unicef/statement-on-situation-in-yemen-by-unicef-executive-director-anthony-lake-englisharabic-1097775?e=2d3fbcf058.



Image 3: Satellite imagery of Al-Nushoor Water Facility after being fixed, prior to second attack (May 2018)

As discussed in relation to the Al-Hamazat water facility, at the time of the attack Saada was classified as being in IPC Phase 3 (crisis) or higher, and was projected to move into Phase 4 (emergency) in the following months.

One month later, the Saudi/UAE-led Coalition hit the water facility again.

On Monday, July 23, 2018, at around 11:00 p.m., a Saudi/UAE-led Coalition aircraft dropped four bombs, with about five to ten minutes between each bomb. The bombs fell directly on Al-Nushoor Water Facility, destroying one of the water pumps and one of the wells, and damaging the water distribution network and solar panels.⁴⁹⁵

⁴⁹⁵ Mwatana for Human Rights interviews with Waleed (a pseudonym), a worker at the facility, and Hani (a pseudonym), a local resident on July 26 and 29, 2018; Mwatana for Human Rights interview with Ali (a pseudonym), a Bedouin living in the area, and Dhaifallah (a pseudonym) on December 14, 2020.



Image 4 (above): Satellite imagery of Al-Nushoor Water Facility after the second attack on the facility (July 2018); (below): Satellite imagery displaying the distance between Al-Nushoor Water Facility and the nearest military target

After the second Saudi/UAE-led Coalition airstrike, Al-Nushoor Water Facility continued to operate with one well until UNICEF, in partnership with OCHA, restored the facility and repaired the damage, which cost hundreds of thousands of dollars, according to a former engineer at the facility.⁴⁹⁶ The water facility returned to working at its full capacity in August 2019.⁴⁹⁷

Ali (a pseudonym), a 44-year-old Bedouin who lives near Al-Nushoor Water Facility, said:

"Al-Nushoor Water Facility saved us the trouble of fetching water on donkeys from neighboring villages. This facility was bigger than a dream for us."⁴⁹⁸ He added: "We suffered a lot from the bombing of Al-Nushoor Water Facility. The water became available only for limited days and in small quantities. Many of the beneficiaries of the facility do not have another source of water, and their financial condition is poor and they cannot afford the water that comes on board the trucks."⁴⁹⁹

Two months later, the Saudi/UAE-led Coalition carried out a third airstrike near the facility.

On October 5, 2019, at around 5:30 p.m., a Saudi/UAE-led Coalition aircraft dropped a bomb that landed 100-150 meters from the site of the Al-Nushoor Water Facility. The airstrike did not cause any damage to the facility⁵⁰⁰

⁴⁹⁶ Mwatana for Human Rights interview with Qaid (a pseudonym) on December 14, 2020. UNICEF estimated that the facility would cost approximately \$300,000 to repair. UNICEF, supra note 494.

⁴⁹⁷ Mwatana for Human Rights interview with Dhaifallah (a pseudonym) on December 14, 2020.

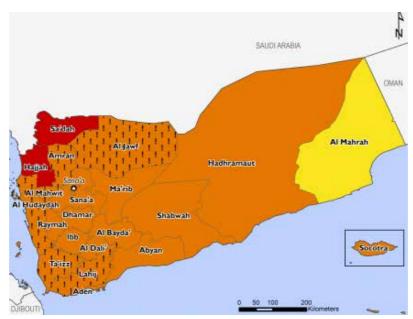
⁴⁹⁸ Mwatana for Human Rights interview with Ali (a pseudonym) on December 14, 2020.

⁴⁹⁹ Mwatana for Human Rights interview with Ali (a pseudonym) on December 14, 2020.

⁵⁰⁰ Mwatana for Human Rights interview with Dhaifallah (a pseudonym) on December 14, 2020; Dwyer, supra note 456.



Image 5: Satellite imagery of Al-Nushoor water facility after repairs by UNICEF and OCHA (Nov 2019)



Just prior to the third attack, Saada was classified as being in IPC Phase 4 (emergency) and remained in that phase until January 2020.⁵⁰¹

Figure 7: IPC 2.0 Acute Food Insecurity Phase, October 2019 – January 2019502

^{501 &}quot;Yemen: Increased conflict in Aden threatens further disruption to livelihoods and port activities," FEWSNET (August 2019), https://fews.net/east-africa/yemen/food-security-outlook-update/ august-2019.

Mwatana visited the area and the site of the facility on July 26 and 29, 2018, and conducted interviews with two individuals—one area resident and one individual who worked at the water facility, respectively. Mwatana visited the area again and conducted a second set of interviews with four individuals on December 14, 2020, including an engineer who had previously worked at the water facility, an area resident, a community leader in the area, and another individual who previously worked at Al-Nushoor Water Facility but who now works in water and sanitation in Saada. Mwatana also collected one photograph.

Mwatana researchers and those interviewed by Mwatana, including residents of the area and workers at the water facility, did not identify any military target at Al-Nushoor Water Facility at the time of the March 22, 2018 airstrike.⁵⁰³ Mwatana also did not identify any military target at the site of the facility at the time of the July 23, 2018 airstrike.⁵⁰⁴ One person said an Ansar Allah community supervisor may have visited the facility the day before, though it is unclear whether he was directly participating in hostilities with the group. The closest military target Mwatana identified at the time of each of the three attacks was a checkpoint approximately 500 meters south of the facility.⁵⁰⁵

Witnesses described what they had seen as a pattern of Saudi/UAE-led Coalition attacks against water facilities in the area.

Essam said:

"The first attack occurred less than a month after the opening of the Al-Nushoor Water Facility, then the facility was targeted about one month after it was restored, and the third time the bombing took place was a month after it was restored for the second time. It seems to me that it is a deliberate targeting of the community."⁵⁰⁶

The PoE, which investigated the July 23 strike, said it "received information that the coordinates of the three components of the [Al-Nushoor] project were communicated to

⁵⁰³ Mwatana for Human Rights interview with Hani (a pseudonym) on July 26, 2018, and Mwatana for Human Rights interviews with Ali (a pseudonym), Dhaifallah (a pseudonym), Essam (a pseudonym), and Rajeh (a pseudonym); a community leader on December 14, 2020.

⁵⁰⁴ Dedicated research of open-source data by Bellingcat, including satellite imagery, did not reveal the presence of military objectives at the site at the time of the attack.

⁵⁰⁵ Mwatana for Human Rights interview Ali (a pseudonym) on December 14, 2020, with satellite images.

⁵⁰⁶ Mwatana for Human Rights interview with Essam (a pseudonym) on December 14, 2020.

the coalition to be put on the « no strike list .""507

The Al-Nushoor Water Facility was critical for meeting the water needs of residents of As Safra and Sahar districts. Essam said: "Al-Nushoor Water Facility is of high importance, as it pumps safe water from an uninhabited and water-rich area to large, water-scarce inhabited areas. The facility is the main source of water for 26 villages, as there are no water facilities in those areas and their inhabitants rely on surface wells, which have weak production capacity and many of which have salty water."⁵⁰⁸

After the airstrikes damaged Al-Nushoor Water Facility, former beneficiaries had to go to great lengths to get clean water, and some could not afford to purchase clean water. Ali (a pseudonym), a 44-year-old Bedouin who lives near Al-Nushoor Water Facility, said after the second strike: "The water in these areas, which is located to the west of the Kitaf wa Al-Buqa'a District and east of the As Safra District, is scarce, and many of the wells here are salty and not safe for drinking. This area relies on only two water facilities—namely Al-Nushoor Water Facility and Al-Eshash Water Facility, each of which covers a part of this area—and both have been targeted by the coalition more than once. This proves that there is an intentional targeting of water sources for the residents of thisarea."⁵⁰⁹

Hani (a pseudonym), a 41-year-old Bedouin shepherd living close to the facility, said:

My sheep are my source of living and they need water to live. This wate facility is the only reason I am living in this area"⁵¹⁰

Some people were forced to move to other areas in order to access water.

Ali said:

"Some Bedouins have been forced to leave the area because they could not find drinking water for themselves and their livestock."⁵¹¹

- 507 PoE (2019), supra note 331 at pp. 183-185.
- 508 Mwatana for Human Rights interview with Essam (a pseudonym) on December 14, 2020.
- 509 Mwatana for Human Rights interview with Ali (a pseudonym) on December 14, 2020.
- 510 Mwatana for Human Rights interview with Hani (a pseudonym) on July 26, 2018.
- 511 Mwatana for Human Rights interview with Ali (a pseudonym) on December 14, 2020.

The PoE also documented the airstrike on Al-Nushoor Water Facility on July 23, 2018, reporting that "an explosive ordnance" had damaged the "[one of these] borehole[s], pipe, and solar panels" of the facility.⁵¹² The PoE found that a water supply system providing drinking water to the civilian population was "an object indispensable to the survival of the civilian population," and that it therefore was "prohibited to attack, destroy or remove it or to render it useless." ⁵¹³



A sailor child getting ready to go fishing. Bir Ali, Shabwah Governorate. April 11, 2021.

⁵¹² PoE (2019), supra note 331 at pp. 47, 176 and 183-185. See also UNICEF, supra note 494; Dwyer, supra note 456.

⁵¹³ PoE (2019), supra note 331 at Appendix 33.D.

Other documentation of airstrikes impacting access to water in Yemen

Other credible organizations and groups have also reported on Saudi/UAE-led Coalition airstrikes impacting water facilities, both in Saada and in other governorates, and in some cases have reported on—and corroborated—airstrikes that Mwatana has documented. Some additional documentation on Saudi/UAE-led Coalition airstrikes impacting water in Yemen are included below.

The PoE, in their six annual reports from 2015-2021, reported on several Saudi/ UAE-led Coalition airstrikes impacting water. In addition to the July 2018 airstrike on Al-Nushoor Water Facility mentioned above, the Panel reported on an additional three airstrikes on water facilities in their 2017 and 2018 reports: two airstrikes within ten days on Alsonidar factory complex in Sana'a,⁵¹⁴ which included a water pump factory,⁵¹⁵ and one airstrike on Radfan Mineral Water-Bottling Factory in Lahj.⁵¹⁶ Human Rights Watch also reported on the strike against the Radfan Mineral Water-Bottling Factory in Lahj, adding that: "Military officers affiliated with the coalition inspected the factory about two weeks before the strike and took four men originally from northern Yemen into custody. The officers did not alert employees that they found any military goods or had concerns regarding the factory."⁵¹⁷

The GEE has also investigated Coalition airstrikes that have damaged or destroyed water infrastructure in Yemen. In their 2020 report, the GEE investigated an airstrike that took place on December 16, 2018 in Sawidiyah District of Al-Bayda Governorate

⁵¹⁴ PoE (2017), supra note 331 at p. 46, Table 7; PoE (2018), supra note 331 at Annex 60, Appendices B and C.

⁵¹⁵ The water pump factory was "used by Yemen's Alsonidar Group to make and sell pumps under a long-standing arrangement with Italian water specialist company Caprari." See "Coalition hits Yemen factory but businessmen deny alleged war role," Reuters (September 13, 2016), https://www.reuters. com/article/us-yemen-security/coalition-hits-yemen-factory-but-businessmen-deny-alleged-war-role-idUSKCN11J27V.

⁵¹⁶ PoE (2017), supra note 331 at p. 48, Table 7; PoE (2018), supra note 331 at p. 261, Table 60.2.

^{517 &}quot;Saudi Coalition Airstrikes Target Civilian Factories in Yemen," Human Rights Watch (July 11, 2016), https://www.hrw.org/news/2016/07/11/saudi-coalition-airstrikes-target-civilian-factoriesyemen#:~:text=(Beirut)%20%E2%80%93%20Saudi%20Arabia%2D,in%20a%20report%20released%20 today.&text=These%20strikes%20killed%20130%20civilians%20and%20injured%20171%20more.

that hit a water tanker that was transporting a supply of fresh water for a village and crops.⁵¹⁸ The GEE reported that there were "no known military targets nearby."⁵¹⁹ The GEE stated that while they would need to conduct further investigations in order to establish the purpose of this attack, paired with other attacks the Group examined and "in a situation of such acute food insecurity, the conduct of the parties displays a reckless disregard for the impact of their operations on the civilian population and their access to food and water."⁵²⁰ In their 2019 report, the GEE reported on "six incidents where coalition airstrikes hit water supply facilities, such as water wells, a water pump, a water bottling plant, a water tank and a water truck."⁵²¹ Again, while the GEE indicated further investigation was required, they found that "information regarding the circumstances of these attacks and, in some cases, their recurrence, may be considered indicative of the objective [to deprive the civilian population of the sustenance value of the objects]."⁵²²

Both the GEE's 2020 report and the PoE's 2018 report included JIAT's findings regarding an airstrike on Al-Sham Water Factory in 2015, in which JIAT admitted to causing "some deaths and injuries"⁵²³ due to a technical error.⁵²⁴ The United Nations High Commissioner for Human Rights (OHCHR) and Human Rights Watch also reported on this strike, stating that at least 13 civilians were killed and 12 injured by the airstrike,⁵²⁵ and that there were no known military targets nearby.⁵²⁶

Human Rights Watch, in a separate report, also documented a Saudi/UAE-led Coalition airstrike on a water drilling site in Arhab on September 10, 2016 that "killed at least 31 civilians, including three children."⁵²⁷ The report stated that "[t]he drill rig was in an unpopulated area reachable only by dirt road, about two kilometers from the nearest

- 521 GEE, supra note 88 at paras. 504, 752, 755.
- 522 Ibid, at para. 760.
- 523 PoE (2018), supra note 331 at p. 259, Table X.2.
- 524 GEE, supra note 23 at para. 377.
- 525 UNHCR, supra note 45 at 25-26.
- 526 Ibid; "What Military Target Was in My Brother's House," Human Rights Watch (November 26, 2015), https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawfulcoalition-airstrikes-yemen.

⁵¹⁸ GEE, supra note 23 at para. 120.

⁵¹⁹ Ibid.

⁵²⁰ Ibid, at para. 121.

⁵²⁷ HRW, supra note 526.

village."528

YDP also reported an additional 121 airstrikes by the Saudi/UAE-led Coalition on water sources or infrastructure in Yemen since March 2015,⁵²⁹ including an additional 31 attacks on water infrastructure in Saada Governate from 2015 to 2018 (excluding three on the Al-Hamazat facility), including two strikes in Kitaf Al Buqa'a District, three in Al-Safra District and 13 in Sahar District.⁵³⁰

Amnesty International has also described the devastating impact of the Saudi/UAEled Coalition's use of cluster munitions⁵³¹ on civilian populations in Saada, Hajjah, and Sana'a governorates.⁵³² Cluster munitions have also impacted access to water. In one particular incident that Amnesty highlighted, a 13-year-old boy was injured by a submunition while he was gathering water from a spring that local residents of Noug'a, a village in As Safra District of Saada, used as a source of water.⁵³³ In an interview after the incident, the victim told Amnesty International that additional submunitions still existed near the spring.⁵³⁴

528 Ibid.

⁵²⁹ See Annex A.2. Attacks for which the target is unknown or the target was food storage/transportation or a market are included, such that even more attacks may have occurred than outlined above. An up-to-date incident table is available for download here: https://yemendataproject.org/data.html.

⁵³⁰ See Annex A.2.

⁵³¹ Convention on Cluster Munitions (adopted May 30, 2008).

⁵³² Amnesty International, supra note 412.

⁵³³ Ibid.

⁵³⁴ Ibid.

Starvation Makers –



Airstrikes on artisanal fishing in Al-Hudaydah Governorate

Artisanal fishing in Al-Hudaydah Governorate

Yemen has a coastline of over 2500 kilometers, for which artisanal fishing is the main economic activity.⁵³⁵ Fisheries represent a major source of food security, income and

⁵³⁵ Anmar Mohammed Al-Fareh, "The Impact of the War in Yemen on Artisinal Fishing of the Red Sea," Middle East Centre Report (December 2018), p. 1, http://eprints.lse.ac.uk/91022/1/Al-Fareh_Theimpact-of-war_Author.pdf.

Photo : Destruction from air strike on an area that held more than 60 fishing boats in Al-Hima Port. Al-Khokha, Al-Hudaydah Governorate. December 14, 2015.

employment for coastal communities.⁵³⁶ According to the London School of Economics' Middle East Centre, before 2015, fishing ranked second in terms of Yemen's exports.⁵³⁷ The Centre found that prior to the war, the fishing sector provided jobs for "more than half a million individuals" who in turn supported an estimated 1.7 million people, constituting 18% of the coastline's population.⁵³⁸ Along the Red Sea coastal area, artisanal fishing produces all fish sold in Yemen.⁵³⁹

Fishing is particularly vital for rural communities on the coast. In the World Bank's most recent estimate from 2019, about 63% of Yemen's population lives in rural areas, ⁵⁴⁰ and the UN Development Programme has found that many rural areas are dependent on agriculture and fisheries for their source of livelihood.⁵⁴¹

The conflict has had a severe impact on those working in the fishing industry and the wider coastal communities that are reliant upon the fishing industry. Direct attacks on fishing boats, fishing-related structures, and fishing businesses have resulted in the deaths and injuries of civilians throughout the conflict. Further, attacks have physically destroyed fishermen's means to fish by destroying boats, fishing tools and other structures and objects linked to fishing, thus destroying livelihoods and a critical source of food.⁵⁴² Limited access to the sea and increased fuel prices for boats and generators have also exacerbated the toll on these communities.⁵⁴³

According to the Special Rapporteur on the Right to Food, in 2016 alone there was a 70%

- 536 Ibid; "Yemen Situation Report November 2017," FAO, p. 2, https://reliefweb.int/sites/reliefweb.int/files/ resources/FAOYemen_sitrep_Nov2017.pdf.
- 537 Al-Fareh, supra note 535.
- 538 Ibid; See "Al-Hudaydah, Yemen," Encyclopedia Britannica (October 31, 2012), https://www.britannica. com/place/Al-Hudaydah.
- 539 Al-Fareh, supra note 535 at p. 7.
- 540 World Bank, supra note 439.
- 541 Walid Ahmed and Fuad Ali, "Climate Change and Livelihoods in Yemen: Policy Implications for Sustainable Rural Development Strategy," UNDP (January 23, 2014), p. 2, https://www.ye.undp.org/content/yemen/ en/home/library/environment_energy/climate-change-and-livelihoods-in-yemen--policy-implicationsfor.html.
- 542 Paul Ireland, "Yemen: How fishing communities are fighting back," Norwegian Refugee Council (NRC) (August 2019), https://www.nrc.no/shorthand/stories/yemen---how-fishing-communities-are-fighting-back/index.html.

543 Ibid.

Photo: Al-Hudaydah City Corniche. Al-Hudaydah Governorate. February 26, 2021. decrease in fishing in Yemen.⁵⁴⁴ This substantial reduction impacted both fishermen's livelihoods and food availability, particularly in areas more reliant on fishing as a source of food.⁵⁴⁵ A few years into the conflict, only around 50% of all fishermen were able to maintain work. Work had also become increasingly dangerous due to Saudi/UAE-led Coalition attacks on fishing boats.⁵⁴⁶

Al-Hudaydah Governorate contains Yemen's most important commercial port. The governorate runs along the western coast of Yemen, bordering the Red Sea. It is also part of the Tahama Plain, described in Part G, Section 2.2, of the report.

Al-Hudaydah's fishing infrastructure is important to Yemen's economic outlook, providing a source of sustenance to Yemenis in the area and income to local fishermen and their families.⁵⁴⁷ The fish caught in Al-Hudaydah provide an important source of food for the country, as well as an important source of economic activity, feeding into downstream economic markets including fish processing, freezing and packaging—some of which is aimed at the export market.⁵⁴⁸ In November 2017, the FAO reported that "fishers in the coastal areas of Hajjah, Taiz, and southern [Hudaydah] have completely stopped fishing and the majority have already lost their livelihood opportunities in the sector." FAO pointed to the "destruction of [fishing] assets and landing sites, restricted access and the blockade of land, air and marine ports for fish exports and other socio-economic challenges" as impacting fishing.⁵⁴⁹

According to Soliderités International, the population of Al-Hudaydah has also faced particular challenges with food security.⁵⁵⁰ Prior to the conflict, Al-Hudaydah was amongst Yemen's poorest governorates, and its population was already largely food

545 Ibid.

546 Al-Fareh, supra note 535 at p. 9, citing Oxfam, supra note 334 at p. 9.

⁵⁴⁴ UN General Assembly, supra note 295 at para. 19; "Mandate of the Special Rapporteur on the Right to Food et al.," Special Communication (March 1, 2017), https://spcommreports.ohchr.org/TMResultsBase/ DownLoadPublicCommunicationFile?gld=2298.

^{547 &}quot;Hodeidah: Agro-Industrial Capital of Yemen," Yemen Local Economic Development Strategy (2008), p. 25, https://citiesalliance.org/sites/default/files/Hodeidah_CDS.pdf.

⁵⁴⁸ Ibid, at p. 26.

⁵⁴⁹ FAO, supra note 536 at p. 2. See also, "Yemen Situation Report – December 2017," FAO, p. 2, https:// reliefweb.int/sites/reliefweb.int/files/resources/1_FAO%20Yemen_sit%20rep_December%202017%20 FINAL.pdf.

^{550 &}quot;Yemen: Conflicts Impact Access to Food and Livelihoods," Solidarités International (July 2, 2020), https://www.solidarites.org/en/live-from-the-field/yemen-conflicts-impact-access-to-food-and-livelihoods/.

insecure.551

The conflict has exacerbated this food insecurity. In 2016, UNICEF found that "96,600 children under the age of five were found at risk of severe acute malnutrition compared to 23,000 before the escalation of the conflict in March" in Al-Hudaydah.⁵⁵² In 2018, 46.7% of households in the governorate reported that their basic food needs were not being met, and almost the entire population—95%—reported having reduced their food intake due to inadequate income.⁵⁵³ As discussed in Part E, Section 2.2 and Figure 3, even with projected humanitarian food assistance for 2021, 19% of the Al-Hudaydah population faces emergency levels of food insecurity (IPC Phase 4) with another 37% at crisis level (IPC Phase 3).



- 551 Ahmed Al-Haj, "Ravaged by conflict, Yemen's coast faces rising malnutrition," AP News (September 16, 2016), https://apnews.com/article/cb0fd722f9bc41f4ab093a45c79877c8.
- 552 "Yemen Crisis: The Impact of Violence and Conflict on Yemen and Its Children," UNICEF (March 2016), https://www.unicef.org/spanish/infobycountry/files/Yemen--Fragile_to_Failed.pdf.
- 553 Tom Lambert and AFAR Consulting, "Yemen Multi-Sector Early Recovery Assessment," EECR Cluster Yemen (2018), https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/ documents/files/yemen-multisector-earlyrecoveryassessment.pdf.

Airstrikes impacting fishing in Al-Hudaydah Governorate

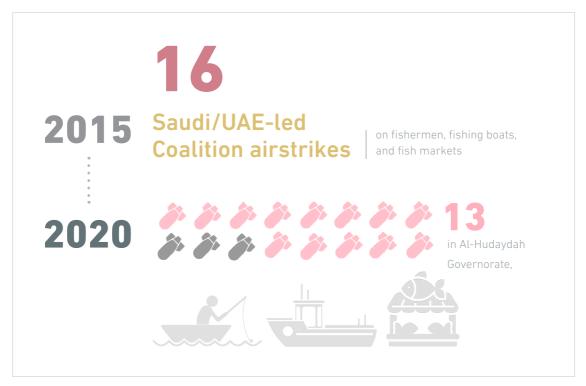
Al-Hudaydah, the location of one of the conflict's main frontlines, has consistently experienced the greatest number of incidents of armed violence and civilian casualties since the start of the war.⁵⁵⁴ Even after the 2018 Al-Hudaydah ceasefire agreement, CIMP recorded 966 incidents of armed violence in the governorate during 2019 (accounting for 43% of all incidents of armed violence across the country that year).⁵⁵⁵

Attacks by the Saudi/UAE-led Coalition have been a critical factor in the destruction of Al-Hudaydah's fishing economy. The coalition has repeatedly struck fishing boats and fishing-related facilities in the governorate, killing and wounding civilians and destroying livelihoods in the process.

Mwatana documented at least 16 Saudi/UAE-led Coalition airstrikes on fishermen, fishing boats, and fish markets between March 2015 to December 2020. Of the 16 documented airstrikes, 13 occurred in Al-Hudaydah Governorate, including two in 2015, one in 2016, three in 2017, six in 2018, and one in 2019. Of the 13 documented strikes impacting fishing in Al-Hudaydah, almost half occurred in Alluheyah District.

^{554 &}quot;Civilian Impact Monitoring Report January - December 2018," Civilian Impact Monitoring Project, https://civilianimpactmonitoring.org/onewebmedia/2018%20CIMP%20Annual%20Report.pdf; "Civilian Impact Monitoring Report January - December 2019," Civilian Impact Monitoring Project, https:// www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2019_ cimp_annual_report.pdf; "Civilian Impact Monitoring Report January - December 2020," Civilian Impact Monitoring Project (February 2021), https://civilianimpactmonitoring.org/onewebmedia/2020%20 CIMP%20Annual%20Report.pdf.

^{555 &}quot;Thematic Report: The Al-Hudaydah Ceasefire One Year On," Civilian Impact Monitoring Project (January 2020), https://civilianimpactmonitoring.org/onewebmedia/20200113_CIMP Thematic 02_Hudaydah Ceasefire.pdf.



Source: Mwatana

Alluheyah District is located in the far northwest of Al-Hudaydah Governorate on the western coast of Yemen. Alluheyah District covers 1299 square kilometers and had a population of 105,682 persons in 2004—the last time a census was taken for the area.⁵⁵⁶ More than 3,000 of those living in Alluheyah work as fishermen, and many others living in the district work in fishing-related occupations, including as fish sellers, porters, fishing tool sellers, and other professions.⁵⁵⁷

Fishing is a critical source of both livelihoods and food for those living in the area.

A 30-year-old local resident of Alluheyah, Ahmed Ali, said:



"Fishing was a haven for everyone looking for food or a source of income. The sea meant everything for the community. There are people who fish.

- 556 "An introduction to Hodeidah Governorate," The National Information Center, https://yemen-nic.info/ gover/hodiada/brife/.
- 557 Mwatana for Human Rights interviews with Abkar Ahmed Jutaim, Salem Abas Mohammed Balam, Alaallah Abas Mohammed Balam, and Yasser Abkar Jutaim on December 17&21, 2020.

people who sell fish, and people who work in ice factories or fish export companies. There were no problems related to fishing before this war. As for hunger, it is something that the Tahama community suffered from even before the war, but the war has made many people easy prey to hunger."⁵⁵⁸ Ahmed added: "The targeting of fishing has greatly affected the price of fish. The price of fish has doubled and then tripled, and the reason is the scarcity of fish in the market and the high prices of oil."⁵⁵⁹

As part of their research, Mwatana researchers interviewed 28 individuals regarding attacks on fishing in Alluheyah, including survivors, victims' families, individuals working in the fishing industry, area residents, humanitarian aid workers, and others. Mwatana specifically interviewed 23 individuals about the case studies included below. Researchers also collected other documents, including boat licenses, from interviewees.

Some interviewees described the repetitive nature of the Saudi/UAE-led Coalition's attacks on fishing in the area. A 40-year-old health worker in Alluheyah,

Samar (a pseudonym) said:

"The attacks against fishermen at sea have been repeated many times; so have air attacks targeting the fish market in the district, the fish landing centre, an ice factory and a shrimp farming company. The attacks have had a significant impact on a community that depends on fishing, and make it clear that the coalition intends to harm the economy and the food security of this community."⁵⁶⁰

Though humanitarian aid organizations try to meet the needs of families who have been cut off from their source of income and food, there are many challenges impeding their ability to do so. Samar commented on some of these challenges, stating: "The distribution of relief in Alluheyah is very limited and does not meet the needs of the population. Organizations providing aid are often harassed by the Ansar Allah group,

⁵⁵⁸ Mwatana for Human Rights interview with Ahmed Ali on January 10, 2020.

⁵⁵⁹ Ibid.

⁵⁶⁰ Mwatana for Human Rights interview with Samar (a pseudonym) on January 11, 2020.

and the aid remains in storage until it expires. I personally do not see humanitarian aid as a sufficient alternative to fishing."⁵⁶¹

A 28-year-old humanitarian worker, Abdul Jabbar (a pseudonym), also described the limitations of humanitarian aid. He said:

"Humanitarian aid covers only about half of the families in need, and Ansar Allah forces relief organizations to distribute aid to families loyal to the group instead of families in need."⁵⁶²

The airstrikes caused more than physical and economic destruction —some residents were forced to flee the area for fear that they would be the next to be killed by an airstrike, or that they would die from starvation if they could not fish. Aisha Ahmed, a 65-year-old IDP from the area said: "We used to live in Khouba [a village in Alluheyah] and my son was the one who supported the family. My son was no longer able to go fishing, fearing the coalition's aircrafts. We had no other source of income. We decided to flee from the area [of Al-Salif], fearing we would either die from starvation or that the aircrafts would kill us."⁵⁶³

⁵⁶¹ Mwatana for Human Rights interview with Samar (a pseudonym) on January 11, 2020. Restrictions on humanitarian access imposed by Ansar Allah are described in more detail in Part H, Section 2.

⁵⁶² Mwatana for Human Rights interview with Abdul Jabbar (a pseudonym) on December 21, 2020.

⁵⁶³ Mwatana for Human Rights interview with Aisha Ahmed on January 11, 2020.

Case Study 1 Al-Badeea`Island

Saudi/UAE-led Coalition Airstrikes on two wooden boats and two fibre boats on 10 November 2017

Al-Badeea` Island, Alluheyah District, Al-Hudaydah Governorate

20 workers, supporting 14 households

Abbas Muhammad Balam has been a fisherman in the town of Alluheyah in Alluheyah District, Al-Hudaydah Governorate since the 1990s. He owned two large wooden fishing boats and two smaller fibre fishing boats in addition to a range of fishing tools associated with each boat, including engines, fishing nets, refrigerators, and anchors. Abbas worked with a group of 19 other fishermen. Together, they spent about 20-25 days each month at sea, stopping at islands to sell fish and periodically conduct maintenance for the fishing nets. They usually caught different species of fish, including Emperor, Trevally, and Grouper fish.

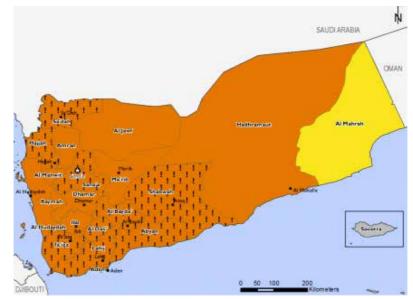
Fishing is the main source of food for the fishermen and their families, who total about 120 individuals. It is also a source of income. The fishermen sell the surplus fish on the islands that they land on and in the fish market in Alluheyah upon their return home. Alluheyah fish market is one of the main suppliers for fish merchants who sell fish across many Yemeni cities.⁵⁶⁴ One of Abbas's sons, 25-year-old Salem, said: "Fishing is the source of food and livelihood for everyone in this area. We eat fish as a part of almost every meal, and everyone here works in one way or another in fishing. There are fishing boat owners, fishermen, those who work in the fish market, or those who work on fishing tools. It is not common here to work in agriculture or livestock. Most of the population depends on fishing for food and income."⁵⁶⁵

⁵⁶⁴ Mwatana for Human Rights interviewed Salem Abbas and Allaallah Abbas on December 21, 2020.

⁵⁶⁵ Mwatana for Human Rights interviewed Salem Abbas on December 21, 2020.

On the night of Friday, November 10, 2017, Abbas and the 19 other fishermen he worked with were busy repairing fishing nets on the shore of Al-Badeaa` Island, which is about 20 minutes away from the Alluheyah District beach.⁵⁶⁶ At about 9:30 p.m., a Saudi/UAE-led Coalition aircraft repeatedly bombed the area. The first and the second bombs landed on the fishermen, while the others fell on the four boats that were moored ontheisland'sbeach.⁵⁶⁷

The attack killed nine fishermen and wounded five others. Abbas's four boats, and all of the fishing equipment and tools described above, were destroyed.



At the time of the attack, Al-Hudaydah Governorate was classified as IPC Phase 3 (crisis).⁵⁶⁸

Figure 8: IPC 2.0 Acute Food Insecurity Phase, December 2017 – January 2018569

⁵⁶⁶ Mwatana for Human Rights interviews with Abdullah Ibrahim, Haroon Mosanin, Allaallah Abbas, Muhammad Abbas, Abdo Ali and Salem Abbas on November 12, 2017; Mwatana for Human Rights interviews with Salem Abbas and Allaallah Abbas on December 21, 2020.

⁵⁶⁷ Mwatana for Human Rights interviewed Salem Abbas and Allaallah Abbas on December 21, 2020.

^{568 &}quot;Yemen: Large-scale food security Emergency (IPC Phase 4) continues in Yemen," FEWSNET (August 2017), https://fews.net/east-africa/yemen/food-security-outlook-update/august-2017; "Yemen: Red Sea ports re-open, but sustained imports needed to mitigate Famine risk," FEWSNET (December 2017), https://fews.net/east-africa/yemen/food-security-outlook-update/december-2017.

⁵⁶⁹ Ibid, FEWSNET (December 2017).

Mwatana visited Alluheyah from November 12 to November 18, 2017 and conducted indepth interviews with four survivors and one victim's relative. Mwatana later conducted a follow-up visit to the area on December 21, 2020 and conducted a follow-up interview with one of the survivors, and an additional interview with another survivor. Additionally, Mwatana collected an official document of the victims' names.

None of the survivors that Mwatana interviewed identified any military target on or near Al-Badeea` Island when asked whether there were any military targets in the area. Al-Badeea` Island is not inhabited and it does not have any military sites. It is visited by fishermen during their trips at sea.⁵⁷⁰

Survivors described the details of the night of the attack.

I cannot forget that night... I lost three of my brothers,"

said 38-year-old Alaallah Abbas, another one of Abbas's sons.

"We were on the beach fixing fishing nets, and suddenly two bombs fell on us. The rest of the bombs fell on the boats in succession. I knew then that there was no chance of saving anyone. I left my brother on the coast and jumped into the sea. I swam for more than a nautical mile until I found another fisherman, and I asked him to rescue my co-workers. We went back to Alluheyah, and we found some fishermen on the coast. They had heard the sound of bombs, but they did not dare come to our rescue, fearing for their safety."⁵⁷¹

The attack's destruction went beyond the individuals who were killed and wounded. The fish they caught were an important source of food and income for the fisherman and their families, who totalled 120 individuals. The attack was extremely costly to them, both due to the expensive fishing equipment destroyed, and due to the lost sales stemming from their inability to fish in the aftermath of the attack.

⁵⁷⁰ Dedicated research of open-source data by Bellingcat, including satellite imagery, did not reveal the presence of military objectives at the site at the time of the attack.

⁵⁷¹ Mwatana for Human Rights interview with Alaallah Abas on December 21, 2020.

Alaallah said:

"There was no specific quantity or type of fish that we used to catch each month. The fish and their quantity differed according to the season, the winds, and the area of fishing, but it was sufficient for our needs and the needs of those who work with us and their families. We used to sell with an average of 2.5 million riyals (approximately US\$4000) per month."⁵⁷²

After the attack, Abbas Muhammad Balam stopped fishing for two years and did not return to fishing again until 2019, after he was able to obtain a loan from one of his friends to buy a new fishing boat. He started fishing for limited time periods compared to the amount of time he spent at sea before the attack, never exceeding 10 days a month.⁵⁷³

His son, Salem said:

"The attack destroyed all of our equipment, destroying the boats, the networks, engines and other equipment on them. My father collected these boats and equipment over his thirty years of fishing... We could not compensate for this loss. We stopped fishing for nearly two years, until my father was able to obtain a loan from one of his friends to buy a small boat for US\$30,000," which Salem said was far, far less than the family had cumulatively spent, over decades, on the fishing equipment that was destroyed. "We couldn't fish with this boat in the quantities that we used to fish in the past, and we still have to pay off the loan as well."⁵⁷⁴

Salem described the recurring nature of attacks on fisherman in the area and his fear of being bombed again. He said:

"The attacks on fishermen have been repeated in this area, targeting fishermen near Al-Khouba, fishermen on Agaban Island, and fishermen on

- 572 Mwatana for Human Rights interview with Alaallah Abas on December 21, 2020.
- 573 Mwatana for Human Rights interviews with Salem Abbas and Allaallah Abbas on December 21, 2020.
- 574 Mwatana for Human Rights interview with Salem Abas on December 21, 2020.

the same island in which they targeted us. The sea in which we've worked since our childhood became an unsafe place for us. I used to love fishing trips, especially the long ones, but I hate fishing now and I don't feel safe. When I go fishing and hear the sound of the planes, I come back to the beach immediately. We feel that we are potential targets for the planes just because we are fishermen. But there is no other way to live, we are not good at any other profession and we don't have any source of income otherthanfishing."⁵⁷⁵

With the loss of income and food that has come with the successive attacks on fisherman, many in the area have become food insecure, but have faced challenges in accessing aid to meet their needs.

A 32-year-old humanitarian worker in Alluheyah District, Huda (a pseudonym) described some of the obstacles to the distribution of humanitarian aid in the area:

"There are two organizations working to distribute relief materials in Alluheyah, but the aid does not reach the beneficiaries on a regular basis," she said. "We face difficulties in obtaining work permits from the Ansar Allahgroup."⁵⁷⁶

Survivors of the attack have been left with few options, and have struggled to meet the needs of themselves and their families. They sometimes worked for other fisherman for small daily wages, and some have had to rely on neighbours to provide them with food at times.

Alaallah said:

"We and those who survived the attacks went through harsh living conditions. Our source of income and food was cut off, and we did not receive humanitarian aid on a regular basis. The displacement was also not easy. We decided to stay in our homes in spite of all of this, and we are still trying to move past what we went through."⁵⁷⁷

⁵⁷⁵ Mwatana for Human Rights interview with Salem Abas on December 21, 2020.

⁵⁷⁶ Mwatana for Human Rights interview with Huda (a pseudonym) on January 9, 2021.

⁵⁷⁷ Mwatana for Human Rights interview with Alaallah Abas on December 21, 2020.

In 2019, the Joint Incidents Assessment Team (JIAT), the Saudi/UAE-led Coalition's investigative mechanism,⁵⁷⁸ released a public statement on the incident. JIAT claimed that the coalition had intelligence indicating that weapons-smuggling operations were imminent in the Alluheyah area. According to JIAT, on November 10, the coalition surveilled the area and spotted three boats near Al-Badeaa` Island as well as "a gathering of elements from the Houthi armed group," which it hit with three bombs at about 7:10 pm.⁵⁷⁹ JIAT concluded the coalition complied with international law in the attack.⁵⁸⁰

Nothing in Mwatana's research indicated those on the island at the time of the strike were affiliated with Ansar Allah, or were involved in smuggling weapons. Alaallah told Mwatana that he did not understand why the coalition had targeted the fishermen that night. He said: "We were 20 civilian fishermen. We did not carry any weapons, and we did not pose any threat. We did not carry out any actions that might provoke doubts aboutus."⁵⁸¹

The GEE also documented this incident,⁵⁸² and found that the incident "raise[d] serious concerns about the targeting process applied by the coalition." ⁵⁸³

581 Mwatana for Human Rights interview with Alaallah Abas on December 21, 2020.

⁵⁷⁸ For further discussion of the JIAT, see Part J, Section 1.3.

⁵⁷⁹ Saudi Press Agency, supra note 339.

⁵⁸⁰ For further discussion of the errors in JIAT's legal analysis for this attack, see Section 5.2.1.1(iiii) below.

⁵⁸² The Yemen Data Project (YDP) recorded the airstrike on November 10, 2017 on "Al-Bawadi Island," killing three civilians (Incident No. 15040). YDP recorded that between one and two airstrikes hit fishermen's boats. See https://yemendataproject.org/data.html.

⁵⁸³ The GEE referred to the island as the "Island of Al Bodhi." See GEE, supra note 98 at Annex IV, paras. 13-14. However, they stated the incident occurred on November 11, 2017 rather than November 10, 2017, and that the strike killed 11 male civilians and injured one male.

Case Study 2 Aqaban Island

Airstrikes on four fishing boats on 30 August 2018 Aqaban Island, Alluheyah District, Al-Hudaydah Governorate 22 fishermen supporting 15 households

Aqaban Island is located approximately 45 kilometres from Al-Khouba Beach, in Alluheyah District of Al-Hudaydah Governorate. Fishermen from the Al-Khouba area fish near the island because of the availability of fish surrounding it, including species such as Tuna, King Fish, Spanish Mackerel, Bonito, and Indian Mackerel.⁵⁸⁴ About 600 residents of Al-Khouba village, which had a population of 8387 at the time of the last census in 2004, are fishermen. Some of them own fishing boats, and others work for the boat owners in exchange for a quantity of fish and a daily wage.⁵⁸⁵

On Thursday, August 30, 2018, at approximately 6:00 p.m., Coalition aircraft repeatedly bombed a gathering of 22 fishermen on board four boats that were about three nautical miles away from Aqaban Island, Alluheyah District, Al-Hudaydah Governorate. Four bombs hit each of the four boats, with a time difference of about one minute between each successive bomb, while the fifth bomb hit the sea. The four boats were completely destroyed.

The attack killed seven fishermen, including three children, and wounded two fishermen. Four of the six survivors used remnants of the destroyed boats to swim away from the attack site and seek help, and found a fisherman on Aqaban Island who used his boat to rescue them and the two other survivors. The fate of seven others is still not known.⁵⁸⁶

⁵⁸⁴ Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

⁵⁸⁵ Mwatana for Human Rights interview with a worker in the fish market, Saddam (a pseudonym), on January 9, 2020.

⁵⁸⁶ Mwatana for Human Rights interviews with Musa Abkar, Muhammad Ali and Abdullah Alaallah, on September 1, 2018; Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

As shown in Figure 6 above, Al-Hudaydah was classified as being in IPC Phase 3 (crisis) at the time of the attack.

Mwatana visited Alluheyah from September 1 to 3, 2018 and conducted in-depth interviews with three of the survivors. Mwatana later conducted a follow-up visit to the area on December 16, 2020 and conducted a second interview with one of the survivors. Additionally, Mwatana collected copies of the four boats' licenses.

The survivors of the attack did not identify any military target near the site and stated that only the fishermen were present in the area at the time.⁵⁸⁷

The fishermen had relied on fishing as their source of livelihood and as a source of food for themselves and their families—a total of 15 households. After the attack, they continued to work for other fishing boat owners, earning small daily wages compared to when they owned their own boats and equipment.

One of the survivors, 21-year-old Abdullah Alaallah, said:

"Our village [Al-Khouba] is known for fishing. We only work in fishing and we do not know how to do anything else. We get our food and our source of income from fishing."⁵⁸⁸ He added: "We stopped fishing after the incident. The incident raised fear on the villagers. But per usual, after each attack on fishermen, we stop fishing for a period of time and then go back to fishing again [for others], because we have no other source of food or income."⁵⁸⁹

One fish market worker, 31-year-old Saddam (a pseudonym), described the repetitiveness and the frequency of attacks on fishing in Alluheyah District. He said:

"The coalition targeted fishing boats in 2015, 2017, 2018, and 2019. Fishing has become a very dangerous profession."

⁵⁸⁷ Mwatana for Human Rights interviews with Musa Abkar, Muhammad Ali and Abdullah Alaallah on September 1, 2018; Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

⁵⁸⁸ Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

⁵⁸⁹ Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

Interviewees also described the fear that fishermen now have due to the attacks.

Saddam said:

"Fishermen told me that they go fishing and do not expect to return, but they have no other option, because the sea is their only source of livelihood."590

Abdullah added:

"Every time I hear the sound of planes, I drop everything in my hands and jump into the sea."⁵⁹¹

In spite of the food insecurity caused by the attacks, humanitarian aid has not been able to meet residents' needs. Saddam said: "Whoever needs food depends on community solidarity, or finds relatives or neighbours to help him. As for humanitarian aid, it does not cover all those in need, and those who receive aid do not receive it on a regularbasis."⁵⁹²

YDP recorded this incident, finding that between one and two airstrikes struck fishing boats on Aqaban Island on August 30, 2018, resulting in seven civilian casualties.⁵⁹³

⁵⁹⁰ Mwatana for Human Rights interview with Saddam (a pseudonym) on January 9, 2020.

⁵⁹¹ Mwatana for Human Rights interview with Abdullah Alaallah on December 16, 2020.

⁵⁹² Mwatana for Human Rights interview with Saddam (a pseudonym), on January 9, 2020.

⁵⁹³ Yemen Data Project, Incident No. 18347. See https://yemendataproject.org/data.html.

Other documentation of Saudi/UAE-led Coalition airstrikes impacting artisanal fishing and fishing infrastructure in Yemen

Other credible organizations have also reported on the impacts that the conflict has had on fishing in the country, and particularly in Al-Hudaydah Governorate. In some cases, organizations have documented the same attacks described by Mwatana in this report. Some of the additional documentation of attacks impacting fishing are included below.

The GEE has extensively described the negative impacts the conflict has had on the fishing communities in and around Al-Hudaydah, including the impact of Saudi/UAE-led Coalition airstrikes on these communities. In their 2019 report, the GEE examined 11 airstrikes that took place between March 2015 and May 2018, in which 43 fishermen were killed, another 49 were injured, and 19 were missing. They additionally stated that, since their investigations into the 11 incidents, an additional eight airstrikes against fishermen's boats had taken place off the coast of Al-Hudaydah, killing another 17 fishermen and injuring 15. The GEE concluded that Coalition airstrikes, as well as shelling by Yemeni armed forces and UAE-backed groups (both affiliated with the Coalition), "severely affected" the livelihoods of fisherman and their families.⁵⁹⁴ The GEE further stated that the conflict's impacts on fishing communities in Al-Hudaydah had "obviously compounded food-related needs in the region."⁵⁹⁵

The PoE, in their six annual reports from 2015-2021, reported on ten Saudi/UAE-led Coalition attacks on fishing (boats and fishermen), wharfs, and fishing market villages. In their 2016 report, they documented three coalition attacks on fishing vessels and dhows, and two attacks on "fishing markets and their communities," resulting in the

⁵⁹⁴ GEE, supra note 88 at para. 756. See also GEE, supra note 88 at paras. 594-595 and 597-599.

⁵⁹⁵ Ibid, at para. 756.

deaths of at least 115 fishermen.⁵⁹⁶ The details of three of these attacks were included in their report: one from September 8, 2015, in which the coalition hit two boats near Al-Hudaydah;⁵⁹⁷ the other two occurred on October 22 and 23, 2015, wherein Coalition airstrikes "targeted and killed many fishermen" in the Bab-el Mandab, resulting in the deaths of more than 100 individuals.⁵⁹⁸

In their 2018 and 2019 reports, the PoE documented an additional five Coalition attacks that occurred in 2017, including four attacks on fishing vessels and boats,⁵⁹⁹ two of which occurred in succession near Al-Hudaydah on March 15, and a fifth attack on the port in Al-Hudaydah.⁶⁰⁰ The combined attacks killed at least nine individuals and injured eight, and one attack left ten individuals missing.⁶⁰¹ OHCHR also reported on the four attacks on fishing vessels and boats in 2017 that the PoE documented in their 2018 report.⁶⁰² They additionally found that two of the victims of the March 15 attacks were children.⁶⁰³

Human Rights Watch has also documented a pattern of attacks by the coalition on fishing boats in the Red Sea, all of which they found to be "violations of the laws of war."⁶⁰⁴ In 2018 alone, Human Rights Watch documented five attacks on Yemeni fishing boats that killed 47 fisherman and injured 14. In three of the five attacks, Human Rights Watch found that the coalition had left the attack site "without trying to help fishermen who were wounded or adrift at sea."⁶⁰⁵ Discussing the attacks, Human Rights Watch said the coalition seemed to have deliberately attacked boats and fishermen who "could clearly be identified as civilian," and that they found "no evidence that any of these boats posed

600 PoE (2019), supra note 331 at p. 47, Table 5.

605 Ibid.

⁵⁹⁶ PoE (2016), supra note 331 at Annex 54.

⁵⁹⁷ PoE (2016), supra note 331 at Annex 54, para. 1.

⁵⁹⁸ PoE (2016), supra note 331 at Annex 54, para. 2.

⁵⁹⁹ PoE (2018), supra note 331 at Annex 58.

⁶⁰¹ PoE (2018), supra note 331 at Annex 58.

⁶⁰² OHCHR, supra note 124 at para. 16; "Over 100 civilians killed in a month, including fishermen, refugees, as Yemen conflict reaches two-year mark," OHCHR (March 24, 2017), https://www.ohchr.org/en/ NewsEvents/Pages/DisplayNews.aspx?NewsID=21444&LangID=E.

⁶⁰³ OHCHR, supra note 124 at para. 16.

^{604 &}quot;Yemen: Coalition Warships Attack Fishing Boats," Human Rights Watch (August 21, 2019), https://www. hrw.org/news/2019/08/21/yemen-coalition-warships-attack-fishing-boats.

a military threat to the coalition forces."606

YDP reported on 55 Saudi/UAE-led Coalition air strikes on boats from September 2015 through October 2019, of which 34 were identified as fishers' boats.⁶⁰⁷ Of the 55 attacks on boats, 38 of them occurred in Al-Hudaydah Governorate. ⁶⁰⁸ Two of these incidents were described in the case studies above: the August 30, 2018 attack on Aqaban Island, and the February 13, 2019 attack on Al-Badeaa` Island.



606 Ibid.

- 607 The Yemen Data Project does not make specific IHL claims about individual recorded airstrikes in the dataset, as each object's category is recorded based on its status before the war, and does not take into account change of use.
- 608 See Annex A.3. Attacks for which the target is unknown or the target was food storage/transportation or a market are included, such that even more attacks may have occurred than outlined above. An up-to-date incident table is available for download here: https://yemendataproject.org/data.html.

Accountability for IHL and IHRL violations and abuses and crimes committed in Yemen As discussed in Parts G and H, the Saudi/UAE-led Coalition and the Ansar Allah (Houthi) armed group have engaged in starvation-related conduct that constitutes violations of IHL and violations and abuses of IHRL, which could amount to crimes under ICL. Under international law, including the ICCPR, the Convention Against Torture and other forms of cruel, inhuman or degrading treatment or punishment, and the Arab Charter, victims of violations of IHL and human rights violations have the right to a remedy,¹⁰⁶⁶ which includes the right to justice, the right to truth and the right to reparations. Remedies must be effective, which means they must be prompt, accessible, available before an independent body, result in reparation and, where applicable, cessation of the wrongdoing.¹⁰⁶⁷ All victims must be able to access remedies without discrimination.¹⁰⁶⁸

The right to a remedy requires states to ensure victims can access a competent judicial or non-judicial body to file a claim for the harm suffered.¹⁰⁶⁹ Accordingly, states must develop a legal and institutional framework facilitating access to independent and effective judicial and adjudicatory mechanisms.¹⁰⁷⁰ This includes establishing functioning courts or tribunals and enacting laws to criminalise gross human rights violations and abuses and serious violations of IHL, as well as enforcing laws and judicial decisions granting remedies by such courts and tribunals.¹⁰⁷¹

As a corollary to making remedies accessible to victims, states have an obligation to

¹⁰⁶⁶ ICCPR, Article 2(3); Convention against Torture, and other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention Against Torture), Article 14; Arab Charter, Articles 12 and 23. The right to a remedy and reparation was affirmed by all States under the UN General Assembly, "Resolution 60/147: 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," UN Doc. A/RES/60/147 (March 21, 2006) ('Basic Principles and Guidelines on the Right to a Remedy and Reparation'), Principle II, para. 3 and Principle VII, para. 11, https://www.un.org/ruleoflaw/ files/BASICP~1.PDF.

¹⁰⁶⁷ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle II, para. 3 and Principle VII, para. 11 and Principle IX, paras. 18-23.

¹⁰⁶⁸ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle XI, para. 25.

¹⁰⁶⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle VII, para. 11; UN Economic and Social Council, "Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity," UN Doc. E/CN.4/2005/102/Add.1 (February 8, 2005) ('Updated Set of Principles to Combat Impunity'), Principle 31, https://undocs.org/E/CN.4/2005/102/ Add.1.

¹⁰⁷⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle VII, para. 11 and Principle IX, paras. 18-23.

¹⁰⁷¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle VII, para. 11 and Principle III, para. 4 and Principle IX, paras. 18-23.

investigate violations of IHL and violations and abuses of IHRL and, where appropriate, prosecute those responsible.¹⁰⁷² In situations of sufficient evidence, the state has the obligation to investigate, prosecute and punish irrespective of whether the victim wishes to proceed with a complaint.¹⁰⁷³ Investigations must be prompt, effective, thorough, independent, impartial and transparent, and any criminal proceedings must be compliant with the rights to liberty and a fair trial under international law.¹⁰⁷⁴ Victims and their relatives have a right to be involved in, and informed about, any investigations and prosecutions.¹⁰⁷⁵

Victims and their families—as well as impacted groups and communities—also have a right to the truth about violations of IHL and gross human rights violations and abuses committed against them, including the "circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes."¹⁰⁷⁶ The obligation is on the State "to ensure the inalienable right to know the truth about violations," which may be met through a diverse and complementary range of mechanisms, including national and international criminal proceedings, truth commissions, national human rights institutions and administrative and civil proceedings.¹⁰⁷⁷ Any proceedings must ensure fair trial rights and other due process requirements are upheld, including the participation of victims and other relevant persons, as well as the transparency of proceedings.

¹⁰⁷² ICCPR, Article 2(3); Human Rights Committee ("General Comment No. 31"), supra note 283 at paras. 15, 18. The ICRC has also held that this obligation is a customary international law norm applicable in both international and non-international armed conflicts. See ICRC Customary IHL Rule 158. See also Updated Set of Principles to Combat Impunity, Principle 19; Council of Europe Committee of Ministers Guidelines on Eradicating Impunity for Serious Human Rights Violations (March 30, 2011), Guideline VIII.1.

¹⁰⁷³ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle II, paras. 3(b) and 4.

¹⁰⁷⁴ ICCPR, Articles 9, 14; Arab Charter, Articles 13, 14. See also UN Human Rights Committee, "General Comment No. 32 on Article 14: Right to Equality before the Courts and a Fair Trial," UN Doc. CCPR/C/GC/32 (August 23, 2007), https://www.refworld.org/docid/478b2b2f2.html.

¹⁰⁷⁵ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle II, para. 3(b) and Principle III, para. 4.

¹⁰⁷⁶ Updated Set of Principles to Combat Impunity, Principle 2. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle X, para. 24; Geneva Convention IV, Article 136 et seq; ICRC Customary IHL Rule 117.

¹⁰⁷⁷ See UN Economic and Social Council, "Report of the UN High Commissioner for Human Rights – Promotion and Protection of Human Rights: Study on the right to the truth," UN Doc. E/CN.4/2006/91 (February 8, 2006), paras. 47-54, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/106/56/ PDF/G0610656.pdf?OpenElement.

Access to reparations proportional to the gravity of the violation is a key component of the right to a remedy.¹⁰⁷⁸ States must provide reparations for acts and omissions of de jure or de facto organs of the state which constitute violations of IHL or IHRL,¹⁰⁷⁹ and must enforce judgements for reparation against individuals and entities.¹⁰⁸⁰ All forms of reparation must be made available to victims, namely: compensation (financial payment); rehabilitation (e.g. medical and psychological care); restitution (re-establishment of the prior situation); satisfaction (e.g. measures to hold perpetrators accountable and end violations, formal apology); and guarantees of non-repetition (e.g. strengthening the importance of the judiciary) to other states, entities, or individuals.¹⁰⁸¹

To date, the warring parties have failed to meet these obligations.

Challenges to achieving justice for victims include the legal and practical obstacles to investigations and prosecutions of alleged crimes at the domestic level,¹⁰⁸² the unwillingness of the parties to the conflict to effectively investigate and prosecute violations of IHL and IHRL,¹⁰⁸³ the fact that key states involved in the conflict—including Yemen, Saudi Arabia, the UAE and Iran—have so far failed to ratify the Rome Statute, and the lack of political will at the UNSC to refer the situation to the ICC. In addition, victims' abilities to exercise their right to an effective remedy for violations of IHRL at the

¹⁰⁷⁸ Human Rights Committee ("General Comment No. 31"), supra note 283 at para. 16; Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle IX, paras. 15, 18 and 20.

¹⁰⁷⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle I, para. 1, Principle II, para. 3, and Principle IX, para. 15; ICRC Customary IHL Rules 149-150; UN General Assembly, "Resolution 56/83: Responsibility of States for Internationally Wrongful Acts (based on the report of the International Law Commission)," UN Doc. A/RES/56/83 (January 28, 2002) ('Responsibility of States for Internationally Wrongful Acts'), Article 8, https://undocs.org/en/A/RES/56/83.

¹⁰⁸⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle IX, paras.15 and 17. States should endeavour to establish national programmes for reparation and other assistance in the event that the liable party or entity is unable or unwilling to meet their obligations. See Principle 16.

¹⁰⁸¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation, Principle IX, paras. 19-23. See also Responsibility of States for Internationally Wrongful Acts, Article 34.

¹⁰⁸² OHCHR, "Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen," UN Doc. A/HRC/45/57 (September 2, 2020), paras. 11,12, 16 and 18, https://undocs.org/en/A/HRC/45/57; GEE, supra note 23 at paras. 94-98; UN Security Council ("Letter dated 22 January 2021 from the Panel of Experts on Yemen addressed to the President of the Security Council"), supra note 35 at p. 3; UN Security Council ("Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council"), supra note 35 at p. 3; UN Security Council ("Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council"), supra note 45 at p. 3; Mohammed Alshuwaiter and Emelie Kozak, "The Judiciary in Yemen: The Status Quo, Current Challenges and Post Conflict Considerations," Deep Root, (November 2019), p. 3, https://www.deeproot.consulting/single-post/2019/11/25/the-judiciary-in-yemen-the-status-quo-current-challenges-and-post-conflict-considerations.

¹⁰⁸³ Beckerle, supra note 24.

international level is limited.¹⁰⁸⁴ UN treaty bodies, such as the Human Rights Committee or the Committee on Economic, Social and Cultural Rights cannot consider individual complaints by victims of alleged violations of IHRL or recommend appropriate remedies to many of the relevant state parties, including Yemen, Saudi Arabia, the UAE and Iran, inthisspecificcontext.¹⁰⁸⁵

Further steps should be taken by States to ensure perpetrators of starvation-related conduct are held accountable and that victims can effectively access remedies and reparations.

With limited precedent in pursuing accountability for starvation-related conduct, it is imperative that any future mechanism ensures that the harm caused by starvation is "taken seriously, not neutered as mere malnutrition, and not neglected in favour of more traditional atrocity crimes."¹⁰⁸⁶ In addition, the accountability and redress strategy for Yemen must be both credible and holistic, and encapsulate both Yemeni and non-Yemenipartiestothe conflict.¹⁰⁸⁷

There are a range of tools to achieve these ends, including, but not limited to, international monitoring mechanisms and investigations, criminal prosecutions and transitional justice measures, which are outlined below.

1086 Global Rights Compliance and World Peace Foundation, supra note 819 at para. 130.

¹⁰⁸⁴ See e.g., ICCPR, Article 2.

^{1085 &}quot;Treaty Bodies' Individual Communications Procedures: Providing Redress and Reparations to Victims of Human Rights Violations," Geneva Academy (May 2019), p. 18, https://www.geneva-academy.ch/ joomlatools-files/docman-files/UN%20Treaty%20Bodies%20Individual%20Communications.pdf. Saudi Arabia and the UAE are neither parties to the ICCPR, nor to the ICESCR. Yemen and Iran are parties to the ICCPR and the ICESCR, but have not ratified the Optional Protocols allowing victims to submit complaints to the HRC and CESCR Committees respectively. For more information, see https:// indicators.ohchr.org/.

^{1087 &}quot;UN Human Rights Council: Prioritize Yemen Accountability and Redress," Mwatana for Human Rights (September 29, 2020), https://mwatana.org/en/prioritize-yemen-accountability-and-redress/.



Accountability and redress at the domestic level

There has been no progress at the domestic level in ensuring accountability for starvation conduct committed in the context of the conflict in Yemen. Despite calls by the GEE for concerned States to investigate and prosecute alleged violations documented by the Group, no trials appear to have been completed and no effective remedies have been provided to victims.¹⁰⁸⁸ Perpetrators responsible for serious violations of IHL and gross human rights violations and abuses have faced no real consequences and victims have been denied justice and redress.

¹⁰⁸⁸ GEE, supra note 22 at para. 94; GEE, supra note 23 at paras. 373 and 376.

[|] Photo: A shepherd with her cow at a mango farm in Al-Dhabab District, Taiz Governorate. June 16, 2021.

Annex 1 Airstrikes recorded by Yemen Data Project

Airstrikes on agriculture

Incident ID	Date	District	Area	Target	Sub- category
290	5/4/15	Midi	Mayfa'an	Fruit Farm	Farms
494	14/4/15	Abs	Al-Jar	Farms (reportedly belonging to Former President Ali Abdullah (Saleh	Farms
593	18/4/15	Abs	-	Farm	Farms
1526	4/6/15	Midi	-	Farms	Farms
2686	6/8/15	Midi	-	Nasim Farms	Farms
2704	7/8/15	Midi	-	Farms	Farms
3026	27/8/15	Abs	Om Al-Dhab	Al-Hamdani farm	Farms
3147	2/9/15	Midi	-	Nasim farms	Farms
3148	2/9/15	aBS	Al-Jar	Farm	Farms
3200	4/9/15	Abs	Al-Jar	Farms	Farms
3230	5/9/15	Abs	Al-Jar	Farm	Farms
3236	5/9/15	Abs	Al-Jar	Farms	Farms
3278	6/9/15	Abs	Al-Jar	Farms	Farms
4178	6/10/15	Harad	-	Farm	Farms
4809	16/11/15	Midi	Al-Khadra	Nasim farms	Farms
4906	23/11/15	Hayran	-	Farming feed truck	Farms
4907	23/11/15	Mustaba	-	Farming feed truck	Farms
5097	5/12/15	Mustaba	-	Chicken farm	Farms
5099	5/12/15	Ash Shahil	-	Farms	Farms
5152	10/12/15	Ash Shahil	Al-Bihayrah	Farms	Farms
5300	22/12/15	Abs	Al-Jar	Farms	Farms
5395	29/12/15	Abs	Al-Jar	Farms	Farms
5610	6/1/16	Abs	Al-Jar	Farms	Farms
5859	15/1/16	Abs	Al-Jar	Farm belongs to yahya Al-Kuhlani	Farms
5860	15/1/16	Abs	Al-Jar	Farms	Farms
6452	8/2/16	Harad	Al-Shia'ab	Farms	Farms
7038	2/3/16	Abs	Al-Jar	Farm	Farms
7740	29/5/16	Abs	Al-Jar	A farm	Farms

	1				
7775	7/6/16	Abs	Al-Jar	Farms	Farms
7953	10/7/16	Midi	-	Nasim farms	Farms
8274	9/8/16	Hayran	-	Al-Zindani Farm	Farms
8410	14/8/16	Harad	Faj Harad	Farm	Farms
8552	21/8/16	Abs	Al-Jar	Farms	Farms
8723	28/8/16	Midi	-	Naseem Farms	Farms
9169	21/9/16	Harad	-	Al-Khadhra'a Farms	Farms
9204	23/9/16	Harad	-	Al-Makhazin Farms	Farms
9422	5/10/16	Harad	-	Al-Khadhra'a Farms	Farms
9539	13/10/16	Abs	Al-Jar	Farms	Farms
9775	1/11/16	Midi	Al- Khadhra'a	Farms	Farms
10042	26/11/16	Harad	-	Al-Khadhra'a Farms	Farms
10260	14/12/16	Abs	Al-Jar	Farms	Farms
10275	15/12/16	Abs	Al-Jar	Farms	Farms
10495	29/12/16	Abs	Al-Jar	Farms	Farms
10892	17/1/17	Abs	Al-Jar	Farms	Farms
11151	29/1/17	Midi	-	Al-Naseem farms	Farms
11376	8/2/17	Midi	-	Naseem farms	Farms
11390	9/2/17	Midi	-	Naseem farms	Farms
11474	14/2/17	Abs	Al-Jar	Farms	Farms
11701	1/3/17	Midi	-	Al-Naseem farms	Farms
11911	12/3/17	Abs	Al-Jar	Farm	Farms
12033	19/3/17	Midi	-	Al-Naseem farms	Farms
12314	6/4/17	Hayran	Al-Khawbah	Farms	Farms
12420	12/4/17	Abs	Al-Jar	Farms	Farms
12431	13/4/17	Midi	-	Farms	Farms
12445	14/4/17	Midi	-	Naseem farms	Farms
12558	22/4/17	Abs	Al-Jar	Farms	Farms
12691	1/5/17	Abs	Al-Jar	Farm	Farms
12708	2/5/17	Abs	Al-Jar	Farms	Farms
12731	3/5/17	Abs	Al-Jar	Farms	Farms
12871	16/5/17	Abs	Al-Shaqab village	Farm	farms
12888	18/5/17	Abs	Al-Jar	Farm	farms
12911	19/5/17	Abs	Al-Jar	Farm	farms

13071	31/5/17	Hayran	-	Al-Zindani farm	Farms
13124	4/6/17	Abs	Al-Jar	Al-Jar farms	Farms
13156	6/6/17	Midi	-	Al-Naseem farms	Farms
13231	11/6/17	Mustaba	Khadlan valley	Herd of Cattle	Farms
13465	30/6/17	Abs	Al-Jar	Farms	Farms
13505	3/7/17	Abs	-	Al-Raymi farm	Farms
13514	4/7/17	Abs	Al-Jar	Farms	Farms
13752	24/7/17	Abs	Al-Jar	Farms	Farms
13786	27/7/17	Hayran	-	Al-Zindani and Al-Kadas farms	Farms
14438	22/9/17	Abs	Al-Jar	Farm Belonging to the former president Ali Saleh	Farms
14493	28/9/17	Abs	Al-Jar	Al-jar farms	Farms
14583	6/10/17	Abs	Al-Jar	Farms	Farms
14687	14/10/17	Abs	Al-Jar	Farm	Farms
14757	20/10/17	Abs	Al-Jar	Farms	Farms
14791	23/10/17	Abs	Al-Jar	Farms	Farms
15203	27/11/17	Midi	Nasim farms	Nasim Farms	Farms
15204	27/11/17	Midi	Al Khadhra farms	Al Khadhra Farms	Farms
15858	7/1/18	Kahlan Al- Sharaf	Afsar	Farms	Farms
16545	8/3/18	Hayran		Chicken farm	Farms
16844	30/3/18	Bani Qais Al-Toor		Civilian's farms	Farms
16863	31/3/18	Abs	Al Jar	Al Jar farms	Farms
16865	31/3/18	Abs	Al Jar	Al Jar farms	Farms
16996	12/4/18	Abs	Al Jar	Civilians' farms	Farms
17009	13/4/18	Abs	Al Jar	Civilians' farms	Farms
17085	16/4/18	Abs	Al Jar	Farm	Farms
17130	20/4/18	Bakil Al- Mir	Al Fas	Civilian's farm	Farms
17137	21/4/18	Abs	Al jar	Civilians' farms	Farms
17153	22/4/18	Abs	Al Jar	Civilian's farm	Farms
17174	23/4/18	Abs	Al Jar	Farm	Farms
17186	24/4/18	Abs	Al Jar	Al Jar farms	Farms

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17220	26/4/18	Abs	Al Jar	Al Jar farms	Farms
17240	28/4/18	Abs	Al Jar	Farms	Farms
18170	8/8/18	Abs	Al Jar	Farm	Farms
19555	29/3/19	Harad		Farms	Farms
19680	11/5/19	Abs	Al-Harjah	Farm	Farms
20172	25/9/19	Harad		Civilian's farms	Farms
20189	30/9/19	Harad		Farms	Farms
20832	4/20/	Abs	Al Jar	Farm	Farms
21078	22/5/20	Harad		Farms	Farms
21378	27/6/20	Abs	Al Jar	Farms	Farms
21588	19/7/20	Abs	Al Jar	Farms	Farms

Airstrikes on water infrastructure

Incident ID	Date	District	Area	Target	Sub-category
403	09/04/2015	Sa'ada	Talmas	Water Tank	Water & Electricity
4576	26/10/2015	Haydan	Haydan-Saqain road	Water truck	Water & Electricity
4824	17/11/2015	Sihar	AL-Hamazat	Water wells	Water & Electricity
4842	18/11/2015	Sihar	Al-Khafji	Water factory	Water & Electricity
5018	30/11/2015	Haydan	Fawt	Water digger	Water & Electricity
5304	22/12/2015	Razih	Bakil, Bani Sayah	Water well	Water & Electricity
6614	13/02/2016	Al-Safra'a	Al-Maqash	Water Pumber	Water & Electricity
6669	15/02/2016	Haydan	Al-Fadhil	Water well	Water & Electricity
7045	02/03/2016	Razih	Borkan	Water project	Water & Electricity
8437	15/08/2016	Kitaf Wa Al- Boqe'e	Al-Salim	Water pump	Water & Electricity
8729	28/08/2016	Baqim	Al-Alhamaqi	Water pumps	Water & Electricity

8875	04/09/2016	Kitaf Wa Al- Boqe'e	lbn Hwaidi	Water project	Water & Electricity
10316	18/12/2016	Sihar	Al-Mahadhir	Water driller	Water & Electricity
13109	03/06/2017	Sihar	Al-Hamazat	Water project	Water & Electricity
14455	23/09/2017	Sihar	Walad Masaud	Water project	Water & Electricity
14458	24/09/2017	Sihar	Al-Mahadhir	Water driller	Water & Electricity
14513	29/09/2017	Sihar	Al-Azqoul	Water project	Water & Electricity
15624	21/12/2017	Sihar	Al Azqoul	Water truck	Water & Electricity
15750	29/12/2017	Al-Safra'a	Al Ammar	Water drill	Water & electricity
15840	05/01/2018	Sihar	Walad Masaud	water drill	Water & electricity
16037	25/01/2018	Sihar	Al Hamazat	Water project	Water & electricity
16397	23/02/2018	Sihar	Al Mahadher	Water driller	Water & electricity
16441	28/02/2018	Haydan	Dhwaib	Water fountain	Water & electricity
16841	29/03/2018	Sihar	Al Azqoul	Water pump	Water & electricity
16962	09/04/2018	Baqim	Al Aslan	Water driller	Water & electricity
17025	13/04/2018	Sihar	Al Hamazat	Water project	Water & electricity
17066	15/04/2018	Haydan	Tallan	Water Tank	Water & electricity
17181	24/04/2018	Majz	Al Jamalah	Water driller	Water & electricity
17587	04/06/2018	Al-Safra'a	Al Ammar	Water driller	Water & electricity
17814	29/06/2018	Sihar	Farwah	Water driller	Water & electricity
17998	22/07/2018	Al-Safra'a	Noshouz	Water project	Water & electricity
20093	07/09/2019	Razih	Horom mountain	Water Tank	Water & electricity

Airstrikes on artisanal fishing and fishing infrastructure

Incident ID	Date	District	Area	Target	Sub-category
3345	08/09/2015	Al-Khawkhah	Al-Haymah port	Oil boats	Boat
3449	11/09/2015	Al-Mukha	-	Boats carrying weapon	Boat
4820	17/11/2015	Al-Khawkhah	-	Fishers' boats	Boat
4855	19/11/2015		Zoqor Island, Hunaysh Island	Fishers' boats	Boat
4878	21/11/2015		Hunaysh Island	Fishers' boats	Boat
6453	08/02/2016		Zoqar Island	Fishers' boats	Boat
8194	05/08/2016	Al-Khawkhah		Fishing boat	Boat
9371	02/10/2016	Al-Mukha	WaHijah	Fishers' boats	Boat
9390	03/10/2016	Al-Mukha	Al-Mukha coast	Fishers' boats	Boat
10759	09/01/2017	Dhubab	Al-Jadeed coast	Fishing boat	Boat
11218	01/02/2017	Al-Khawkhah	Coast line	Fishers' boats	Boat
11262	03/02/2017		Al-Tarfah island	Fishers' boats	Boat
11379	08/02/2017	Al-Khawkhah	-	Fishers' boats	Boat
11439	12/02/2017	Al-Luhaiyah	Coast line	Fishers' boats	Boat
11978	16/03/2017	Al-Durayhimi	-	Fishers' boats	Boat
12273	04/04/2017		Al-Tarfah Island	Fishers boats	Boat
13700	21/07/2017	Al-Khawkhah	Al-Khawkhah coast	Fishers' boat	Boat
15040	10/11/2017	Al-Luhaiyah	Al-Bawadi island	Fishers' boats	Boat
17413	13/05/2018	Al-Tuhayat	Al Haymah port	Fisherman's boat	Boat
17466	21/05/2018		Al Tarfah island	Fishing boat	Boat
17509	26/05/2018	Bajil		The fishermen center	Boat
18016	24/07/2018	Al-Safra'a		Fishing boat	Boat

18017	24/07/2018	Razih		Fishing boat	Boat
18024	26/07/2018	Al-Hawak		Fishing boat	Boat
18025	26/07/2018		As Sawabie island	Fishing boat	Boat
18036	27/07/2018	Al-Hawak		The fishing docking area	Boat
18112	01/08/2018		Katamah	Fishermen	Boat
18250	18/08/2018			Fishing boat	Boat
18314	26/08/2018			Fishing boat	Boat
18347	30/08/2018	Kamaran	Aqaban island	Fishing boats	Boat
19373	13/02/2019	Al-Luhaiyah	Al Badi island	Fishing boat	Boat
19562	31/03/2019	Al-Munirah		Fishing boats	Boat
19564	01/04/2019	Al-Munirah		Fishing boats	Boat
20253	26/10/2019	Al-Salif	Ras Issa	fishing boat	Boat
20260	28/10/2019	Al-Salif		fishing boat	Boat
20264	29/10/2019	Al-Munirah		fishing boat	Boat

Annex 2 Interviews condu

Interviews conducted by Mwatana for this report

List of interviews related to airstrikes on agricultural infrastructure in Hajjah Governorate (See Part G, Section 2)

Sr.	Name of interviewee	Case	Interview date	Note
1	Othman Abdo Mohmmed Taweel	Taweel Farm	14 December 2020	Farmer and eye- witness
2	Yusef Ashram	Taweel Farm	14 December 2020	Victim
3	Khaldoun (a pseudonym)	Taweel Farm	14 December 2020	The farm's owner's son
4	Yusef Ashram	Taweel Farm	20 July 2019	Victim
5	Ismail Ahmed Shou'ee	Taweel Farm	20 July 2019	A victim's brother
6	Ahmed Jalhouf	Jalhouf farm	15 December 2020	Farmer and eye- witness
7	Hadi Thabet Ahmed Hakami	Jalhouf farm	15 December 2020	Farmer and eye- witness
8	Ahmed Hamoud Jalhouf	Jalhouf farm	04 August 2017	Farmer and eye- witness
9	Mohammed Ahmed Jalhouf	Jalhouf farm	04 August 2017	A victim's brother
10	Sami Ali Ahmed Basheq	##	13 December 2020	Victim
11	Harbain Ali Ati	##	13 December 2020	Farmer and eye- witness
12	Ahmed Ali Aqil	##	13 December 2020	Farm owner
13	Mohammed Ali Ahmed Aqil	##	06 July 2017	An eye-witness and a victim's brother
14	Osamah Ali Ahmed Aqil	##	06 July 2017	An eye-witness and a victim's brother

15	Aqeel Ahmed Ati	##	16 December 2020	A farm's cook and an eye-witness
16	Aidh Rabee' Ati	##	16 December 2020	A victim's brother, farmer and eye- witness
17	Khairiya Sha'aban Ali	##	16 December 2020	Wife of a farm owner
18	Aqeel Ahmed Ati	##	04 September 2020	A farm's cook and an eye-witness
19	Modhee' Baishi Taib	##	04 September 2020	Eye-witness
20	Mohammed Yahya	##	17 December 2020	Local resident
21	Emad Ali Mohammed	##	17 December 2020	Local resident
22	Ahmed Ali Ibraheem	##	17 December 2020	Local resident
23	Khalid Ibraheem Mohammed Hussain	##	14 December 2020	Health worker
24	Muhammad Siddiq	##	13 December 2020	Health worker

List of interviews related to airstrikes on water facilities and water sources in Saada Governate (See Part G, Section 3)

Sr.	Name of interviewee	Case	Date	Note
1	Mourad (a pseudonym)	Al-Hamazat	16 December 2020	Local resident
2	Saad (a pseudonym)	Al-Hamazat	16 December 2020	A worker in water and sanitation
3	Samed (a pseudonym)	Al-Hamazat	16 December 2020	Humanitarian Worker
4	Khaleel (a pseudonym)	Al-Hamazat	16 December 2020	IDP in Al-Hamazat Area
5	Ali (a pseudonym)	Al-Nushoor	14 December 2020	Local resident
6	Dhaifallah (a pseudonym)	Al-Nushoor	14 December 2020	An engineer and former worker at Al-Nushoor Water Facility
7	Essam (a pseudonym)	Al-Nushoor	14 December 2020	Former worker at Al-Nushoor Water Facility
8	Rajeh (a pseudonym)	Al-Nushoor	14 December 2020	Community Leader
9	Waleed (a pseudonym)	Al-Nushoor	29 July 2018	Worker at Al- Nushoor Water Facility
10	Hani (a pseudonym	Al-Nushoor	26 July 2018	Local resident
11	Interviewee 1	##	10 December 2020	Local resident
12	Interviewee 2	##	10 December 2020	An engineer at a water facility

13	Interviewee 3	##	10 December 2020	Engineer working in water facilities in Saada
14	Interviewee 4	##	10 December 2020	Worker in Saada Rural Water Authority
15	Interviewee 5	##	19 February 2017	Local resident
16	Interviewee 6	##	20 February 2017	Local resident
17	Interviewee 7	##	21 February 2017	Local resident
18	Interviewee 8	##	21 February 2017	Eye-witness
19	Interviewee 9	##	30 August 2017	Eye-witness
20	Interviewee 10	##	30 August 2017	Local resident
21	Interviewee 11	##	15 December 2020	IDP
22	Interviewee 12	##	15 December 2020	Engineer working in water facilities in Saada
23	Interviewee 13	##	15 December 2020	Humanitarian Worker
24	Interviewee 14	##	15 December 2020	Community Leader

List of interviews related to airstrikes on artisinal fishing in Al-Hudaydah Governorate (See Part G, Section 4)

Sr.	Name of interviewee	Case	Interview date	Note
1	Abdullah Ibraheem Mohammed	Al-Badeea` Island	12 November 2017	Survivor
2	Haroon Mohammed Abkar Mosanin	Al-Badeea` Island	12 November 2017	Victim's relative
3	Alaallah Abas Mohammed Balam	Al-Badeea` Island	12 November 2017	Survivor
4	Mohammed Abas Mohammed Balam	Al-Badeea` Island	12 November 2017	Survivor
5	Abdo Ali Quba'ee	Al-Badeea`Island	12 November 2017	Survivor
6	Salem Abas Mohammed Balam	Al-Badeea` Island	21 December 2020	Survivor
7	Alaallah Abas Mohammed Balam	Al-Badeea` Island	21 December 2020	Survivor
8	Murad Abkar Mohammed Taher	Al-Badeea` Island	9 January 2021	Local resident and a fisherman
9	Ali Salem Abdullah Al-Qari	Al-Badeea` Island	9 January 2021	Local resident and a fisherman

10	Mosa Abkar Ahmed	Aqaban Island	1 September 2018	Survivor
11	Mohammed Alaallah Mohammed	Aqaban Island	1 September 2018	Survivor
12	Abdullah Alaallah Mohammed	Aqaban Island	1 September 2018	Survivor
13	Abdullah Alaallah Mohammed	Aqaban Island	16 December 2020	Survivor
14	Saddam (a pseudonym)	Aqaban Island	9 January 2021	A worker in the fish market
15	Aisha Ahmed Ali Omar	Aqaban Island	11 January 2021	IDP
16	Abkar Ahmed Hussain	Aqaban Island	19 December 2020	Local resident and a fisherman
17	Abdullah Ibraheem Abkar	Aqaban Island	19 December 2020	Local resident and a fisherman
18	Hazza'a Heba Ali	Aqaban Island	12 January 2021	IDP
19	Abkar Mohammed Abkar	Al-Badeea` Island and Aqaban Island	19 December 2020	A worker in the fish market
20	Abdul Jabbar (a pseudonym)	Al-Badeea` Island and Aqaban Island	21 December 2020	Humanitarian Worker
21	Samar (a pseudonym)	Al-Badeea` Island and Aqaban Island	11 January 2021	Health Worker
22	Huda (a pseudonym)	Al-Badeea` Island and Aqaban Island	9 January 2021	Humanitarian Worker
23	Lamees Ismail Mohammed	Al-Badeea` Island and Aqaban Island	10 January 2021	A Humanitarian Worker

24	Ahmed Qassim Mohammed	Al-Badeea` Island and Aqaban Island	11 January 2021	A Worker in fish exporting company
25	Ahmed Ali	Al-Badeea` Island and Aqaban Island	10 January 2021	A Worker in fish exporting company
26	Interviewee 15	##	20 March 2019	victim relative
27	Interviewee 16	##	20 March 2019	A Survivor
28	Abkar Ahmed Jutaim	##	17 December 2020	A Survivor
29	Yasser Abkar Jutaim	##	17 December 2020	A Survivor
30	Interviewee 17	##	19 December 2020	A local resident and a fisherman

List of interviews related to restrictions on humanitarian access by the Ansar Allah (Houthi) armed group in Saada Governorate (See Part H, Section 2)

Sr.	Name of interviewee	Interview date	Note	
1	Interviewee 18	14 April 2021	Humanitarian worker	
2	Interviewee 19	15 April 2021	Humanitarian worker	
3	Khairallah (a pseudonym)	15 April 2021	Beneficiary	
4	Interviewee 20	3 June 2018	Humanitarian worker	
5	Interviewee 21	4 June 2018	Humanitarian worker	
6	Interviewee 22	25 June 2018	Humanitarian worker	

7	Interviewee 23	20 February 2019	Humanitarian worker
8	Interviewee 24	21 February 2019	Humanitarian worker
9	Interviewee 25	14 April 2021	Humanitarian worker
10	Interviewee 26	15 April 2021	Beneficiary
11	Interviewee 27	16 April 2021	Humanitarian worker
12	Interviewee 28	1 March 2021	Humanitarian worker
13	Interviewee 29	2 March 2021	Humanitarian worker
14	Saif (a pseudonym)	13 April 2021	Humanitarian worker
15	Interviewee 30	13 April 2021	Beneficiary
16	Interviewee 31	14 April 2021	Beneficiary
17	Interviewee 32	15 April 2021	Humanitarian worker
18	Taqwa (a pseudonym)	15 April 2021	Beneficiary
19	Interviewee 33	16 April 2021	Beneficiary
20	Interviewee 34	21 April 2021	Humanitarian worker
21	Interviewee 35	22 April 2021	Humanitarian worker
22	Talal (a pseudonym)	22 April 2021	Benefeciary
23	Interviewee 36	19 April 2021	Humanitarian worker
24	Interviewee 37	17 May 2020	Humanitarian worker
25	Interviewee 38	20 April 2021	Humanitarian worker
26	Omran (a pseudonym)	20 April 2021	Humanitarian worker
27	Interviewee 39	18 May 2020	Humanitarian worker
28	Interviewee 40	3 September 2018	Humanitarian worker
29	Ayman (a pseudonym)	4 September 2018	Humanitarian worker
30	Interviewee 41	1 March 2021	Beneficiary
31	Interviewee 42	2 March 2021	Humanitarian worker

List of interviews related to the laying of landmines by the Ansar Allah (Houthi) armed group in Taiz Governorate (See Part H, Section 3)

Sr.	Name of interviewee	Job	Interview date	Note
1	Waheed Zaid Mohammed Hasan	Handyman	22 December 2020	
2	Ali Mohammed Abdullah	Logger	22 December 2020	
3	Saeed Abdullah Mohammed	Shepherd	20 December 2020	
4	Ahmed Ahmed Saeed	Shepherd	20 December 2020	
5	Faid Zaid Ahmed Hassan	Shepherd	20 December 2020	
6	Aish Morshid Mohammed	Shepherd	20 December 2020	
7	Ameera Modhish Mohammed	Shepherd	22 December 2020	Relative of a victim
8	Fahd Mohammed Ahmed	Shepherd	22 December 2020	Victim
9	Haidari Ibraheem Ahmed	Shepherd	22 December 2020	Victim
10	Salma Qasim Khader	Shepherd	22 December 2020	Relative of a victim
11	Saleh Ahmed Ali Al-Kiri	Logger	22 December 2020	Relative of a victim
12	Fouad Mohammed Ahmed	Logger	22 December 2020	Relative of a victim
13	Mohammed Ali	Logger	20 December 2020	
14	Zaid Ahmed	Logger	20 December 2020	
15	Abdo Saleh Mohammed	Fisherman	20 December 2020	
16	Ali Mohammed Saeedi	Farmer	21 December 2020	

17	Mansoor Ahmed Ali	Farmer	21 December 2020	
18	Faiz Ali Thabet	Farmer	21 December 2020	
19	Saeed Alwan Ahmed	Humanitarian worker	20 December 2020	
20	Salah Saleh Zaid	Health worker	20 December 2020	
21	Awad Ahmed Ali Al-Kiri	Shepherd	15 October 2019	Victim
22	Waheed Zaid Mohammed Hasan	Handyman	15 October 2019	
23	Haidari Ibraheem Ahmed	Shepherd	17 October 2019	Victim
24	Ali Saleh Mohammed	Shepherd	17 October 2019	Rescuer
25	Saeed Alwan Ahmed	Shepherd	17 October 2019	Eye-witness
26	Salum Ali Mohammed Hassan	Shepherd	17 October 2019	Rescuer