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**Human Rights Council**
**Thirtieth session**

Agenda items 2 and 10

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

**Technical assistance and capacity-building**

 Situation of human rights in Yemen

 Report of the United Nations High Commissioner for Human Rights[[1]](#footnote-3)\*

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| *Summary* |
| In the present report, the United Nations High Commissioner for Human Rights makes an updated assessment of the overall situation of human rights in Yemen from 1 July 2014 to 30 June 2015, in the context of the deterioration in the security situation since September 2014. The report describes both alleged violations and abuses of international human rights law and alleged violations of international humanitarian law by parties to the conflict. The High Commissioner concludes the report with recommendations, including some contained in previous reports of the High Commissioner on the situation in Yemen. |
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 I. Introduction

1. The present report,submitted to the Human Rights Council pursuant to its resolution 27/19,In the report, the United Nations High Commissioner for Human Rights, covers the period from 1 July 2014 to 30 June 2015, particularly in the context of the deterioration in the security situation in Yemen since September 2014.

2. During the period under review, the increasing level of insecurity in Yemen severely hampered the capacity of the Country Office of the Office of the High Commissioner (OHCHR) in Yemen to implement effectively its overall mandate, namely, that of monitoring allegations of violations of international humanitarian law and violations and abuses of international human rights law, and also of undertaking a wide range of human rights activities, including capacity-building for national stakeholders. Notwithstanding the afore-mentioned challenges, the present report is primarily based on human rights monitoring carried out by OHCHR in Yemen and includes information provided by other United Nations entities operating in Yemen.Unless specifically stated, all reports of violations and abuses have been verified or cross-checked with a number of independent and credible sources.

 II. Background

 A. Political developments and security situation

3. During the period under review, Yemen was afflicted by increasing tensions thatseriously compromised progress in a range of political and human rights developments. On 8 March 2014, presidential decrees No. 26/2014 and 27/2014 establisheda constitutional drafting commission and named its 17 members, including four women. The decrees provided that the drafting of the Constitution would be followed by public consultations and a referendum within one year. That process was interrupted whenviolent outbreaks increased in September 2014,with an immediate impact on the security situation in Sana’a and several main cities in the country.

4. Tensions began to growin June and July 2014,when an armed offensive was launchedin Amran Governorate bymembers of the Popular Committees, affiliated with the Houthimovement,[[2]](#footnote-4) led by Abdel Malik al-Houthi,in conjunction withdeserters from the Yemeni Armed Forces and tribesmen loyal to former President Ali Abdullah Saleh,[[3]](#footnote-5) against troops from the 310th Armoured Brigade of the Yemeni Army, led by Brigadier General Hamid Mohammed al-Qushaibi,as well asarmed groups affiliated with theIslahparty[[4]](#footnote-6)that are also in conflict with the Houthis. Those clashes reportedly resulted in at least 204 casualties and the displacement of tens of thousands of peoplein June and July 2014 alone.

5. On 9 July 2014, the Popular Committees attacked and took over Amran city (Amran Governorate), north of Sana’a. The day before, Brigadier General Al-Qushaibi was killed in clashes between the Popular Committeesand the310th Armoured Brigade. The circumstances of his death remain unclear. Although allegations were made that Al-Qushaibi had been detained then executed, OHCHR was unable to verify them. The arsenal in possession of the 310th Armoured Brigade fell intothe control of the Popular Committees. Their takeover of Amran aggravated the vulnerability of the capital and of the sitting Government.

6. On 18 August 2014, tens of thousands of pro-Houthidemonstrators took to the streets in Sana’a and several other cities to protest against the Government, blaming President AbdRabbo Mansour Hadifor failing to carry out the reforms promised. Abdel Malik al-Houthi called upon President Hadi to dissolve the Government and reinstate fuel subsidies, which had been abolished on 30 July 2014,resulting in a net increase in the cost of fuel and other goods. Following the first day of demonstrations, members of the Popular Committees began arriving in Sana’a, establishing protest camps in different locations within the city, including nearby several ministries. Counter demonstrations by pro-Government supporterswere held in Sana’a throughout the following month, some of which degenerated into violent clashes between opponents.

7. On 29 August 2014, the Security Council adopted a statement by the President of the Council, expressing grave concern about the deterioration of the security situation in Yemen, and recalling that individuals or entities threatening the country’s peace, security or stability could be subject to targeted sanctions (S/PRST/2014/18).

8. On 2 September 2014,President Hadi dismissed his cabinet and called upon the Houthi leadership to participate in a new government. He also agreed to partially reinstate fuel subsidies. The Houthis rejected the proposal and threatened to escalate their protests. In the weeks that followed, fighting escalated in Al-JawfGovernorate between Houthis and armed groups affiliated with theIslahparty.

9. Fighting also broke out in Sana’a between supporters of the Houthisand government forcesas the Popular Committees launched an offensive on the city. OHCHR was informed by witnessesthat, between 18 and 21 September 2014, a total of 22 State buildings and thepremises of civil society organizationswere seized andoccupied by members of the Popular Committees across Sana’a.

10. On 21 September 2014, President Hadi,together with Houthi delegates and major political parties, signed the Peace and National Partnership Agreementto stop the fighting.The Agreement called for a new, technocratic government to be established within one month and for the reduction of fuel prices by 25 percent. It also stipulated that President Hadi should appoint two advisers from the Houthis and Al-Hirak,,[[5]](#footnote-7)and a new Prime Minister within the first three days of the signing. On the following day,Houthi forces attacked and seized the headquarters of the Sixth Regional Military Command (previously known as the First Armoured Division) in Sana’a.At around the same time, Al-Hirak renewed calls for independence and, on 14 October 2014, staged a demonstration with tens of thousands of people in Aden in support of secession. Over the following weeks, pro-independence rallies continued in a number of cities, principally in Aden.

11. On 7 November 2014, pursuant to Security Council resolution 2140 (2014),in whichthe Council established a panel of experts to investigate those who engaged in or provided support for acts that threatened the peace, security or stability of Yemen, the Security Council Committee established pursuant to resolution 2140 (2014)(2140 Sanctions Committee) designated three individuals as the subject of an assets freeze and travel bans: Abd al-Khaliq al-Houthi and Abdullah Yahya al-Hakim, Houthi military commanders; and Ali Abdullah Saleh, President of Yemen’s General People’s Congress party and former President of Yemen.

12. On 7 January 2015, the Constitutional Drafting Committee submitted the draft Constitution to President Hadi. On 17 January 2015, Ahmed Awad bin Mubarak, Chief of Staff of President Hadi and Secretary-General of the National Dialogue Conference, was abducted by the Popular Committees while travelling to a meeting organized by the national body to approve the draft Constitution. The draft was eventually endorsed by 16 of the 17 members of the Constitutional Drafting Committee. The Houthis were opposed to the draft, in particular the division of the country into six administrative regions. On 18 January, President Hadi ordered the security forces to restore government control over Sana’a, large sections of which had been seized by thePopular Committees, affiliated with the Houthis, since September 2014. On 19 January 2015, fighting broke out in Sana’a between Houthi forces and members of the presidential guards. On the following day, the Houthis seized the presidential palaceand the residence of President Hadi, who was thenplaced under house arrest, together with other senior officials.

13. On 21 January 2015, President Hadiand the Houthis announced a 10-point agreement,including provisions to revise the draft Constitution and to allow the Houthis to appoint new members to the Government.On 22 January, President Hadi, Prime Minister KhaledBahah and the entire Cabinet resigned. On 25 January, the Parliament was scheduled to consider the resignation but its session was postponed; as atJuly 2015, it hadnot reconvened. On 21 February 2015, President Hadi escaped to Aden, announcingthat he intended to continue to exercise his presidential functions. Meanwhile, the Prime Minister andkey ministers remained under house arrest by the Popular Committees affiliated with the Houthis. On 19 March, the presidential palace in Aden came under aerial attack, allegedly by pro-Houthi members of the Yemeni Air Forces. President Hadi fled to Saudi Arabia on 25 March.

14. On 24 March 2015, President Hadi requested the Gulf Cooperation Counciland the League of Arab States to intervenemilitarily, citing Article 51 of the Charter of the United Nations (S/2015/217). On25 March, a number of States members of the Gulf Cooperation Council and the League of Arab States, led by Saudi Arabia,formed a coalition to initiate military action alongside other countries against the Houthis, in response to President Hadi’s request. On 26 March, coalition forces[[6]](#footnote-8)launchedanaerial military campaign against Houthi military targets in Yemen. The Government of the United Statesof America announced that it would provide logistical and intelligence supportforthe coalition. In addition to air strikes, coalitionnaval forces imposed a blockade on the ports of Aden and Al-Hudaydah.

15. On 15 April 2015, the Special Adviser tothe Secretary-GeneralonYemen, Jamal Benomar, announced his resignation. Ismail Oudal-Cheikh Ahmed was appointed as the new Special Envoy of the Secretary-General for Yemen on 25 April.

 B. Humanitarian situation

16. The humanitarian situation began to deteriorate following the Houthi takeover of the capital and other cities, beginning in September 2014. The armed conflict began to escalate on 26 March 2015, when the coalitionforces commenced its aerial strikesand imposed a naval blockade on themain seaports in Yemen. Thisdramatically worsened an already dire humanitarian situation, particularly in the worst affected areas, such as Sa’ada, Hajjah, Taizz, Al-Dhale’e, Aden and Lahj. As atJune 2015, the humanitarian country team estimated that 20.4 million people required humanitarian assistance in Yemen, in particular water, protection, food and healthcare.[[7]](#footnote-9)

17. Yemen essentially depends on commercial food and fuel imports to meet the basic needs of the population. More than90 per cent of food is imported.At the end of the period under review, approximately 12.3 million people – about half the country’s population –suffered to some degree from food insecurity.Furthermore, as much as 80 per cent of the population relies on some form ofassistance to maintain access to safe drinking water and sanitation.[[8]](#footnote-10) Severe import restrictions,caused mainly by the naval blockade imposed by the coalitionforces during the conflict,have also aggravated the humanitarian situation, resulting in fuel scarcity,which adversely affects the distribution of food and water, as well as the functionality of hospitals.

18. Given that all domestic fuel refineries were forced to stop operating by to the security situation,the country was heavily dependent on imported fuel.[[9]](#footnote-11) In April and May 2015, fuel imports were equivalent to only1 per cent and 18 per cent respectivelyof the total estimated fuel needs.

19. The humanitarian country team estimated that, as atJune 2015, some 15.1 million people required assistance to obtain basic healthcare. Some 1.5 million women and children were in need ofnutrition supplies, and 2.9 million children required emergency access to education. About 1.2 million people (1 million internally displaced persons and 200,000 vulnerable host communities) required support foraccess to emergency shelter and essential goods. Moreover, the humanitarian country team reported more7,000 cases of dengue fever since March 2015.[[10]](#footnote-12)

 C. International legal framework

20. Yemen is a party to seven of the nine core international human rights treaties and to the two Optional Protocols to the Convention on the Rights of the Child. Despite approval by the Cabinet, the Parliament has yet to approve the ratification of a number of human rights instruments, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

21. Yemen is a party to all four Geneva Conventions of 12 August 1949 and to Additional Protocols I and II thereto, and to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

22. Yemen is also bound by customary international law, including customary international humanitarian law and customary international human rights law.

23. As a State party to the above-mentioned conventions, Yemen is legally bound to respect, protect and fulfil the human rights of those within its jurisdiction. In addition, all parties to the conflict in Yemen, including Saudi Arabia and other members of the coalition, are obliged to respect the applicable rules of international humanitarian law. These include the obligations to respect the principles of distinction and proportionality, and to take all feasible precautions to protect the civilian population. Civilians and civilian objectives are protected from attack. Hospitals, schools and religious sites are also subject to heightened protections, and attacks on them have an impact on peoples’ enjoyment of their rights, including to health, education and freedom of religion. Parties to the conflict must also allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need.It is important to recall that a situation of armed conflict does not exempt any State from its human rights obligations.

24. While non-State actors cannot formally become parties to international human rights treaties, non-State actors that exercise government-like functions and de facto control over a territory are increasingly considered to be bound by international human rights obligations when their conduct affects the human rights of the individuals under their control.

 III. Situation of human rights

 A. Conduct of hostilities

25. For years, Yemen has been tornby conflicts between different political and ideological forces. The current conflict between the Government of Yemen and the armed groups has polarized the country in an unprecedented manner. The subsequent intervention of the coalitionforces intensified hostilities.

26. The information reported below was gathered by OHCHR in Yemen, which has continued to monitor the situation closely despite the security-related challenges, and while havingto relocate its international staff members to Amman intermittently since May 2014. The stringent security restrictions and the intensification of the conflict haverequiredserious limitations to access to the areas where people have been most affected by the violence. As a result, OHCHR was unable to verifythe vastmajority of allegations of human rights violations and abuses or violations of humanitarian lawthat hadbeen reported in relation to the ongoing conflict. The information below highlights examples of allegations of attacks that were documented by OHCHR in Yemen throughout the period under review.

27. In September 2014, the armed confrontation spread to Sana’a, resulting in further casualties. According to the Ministry of Public Health, a total of 274 people, including civilians, were killed as a result of fighting between Yemeni Armed Forces and the Popular Committees between 17 and 21 September 2014.

28. According to information received by OHCHR, 1,527 civilians were killed and 3,548 injured between 26 March and 30 June 2015 as a result of the conflict, including by airstrikes. Of the casualties, at least 941 civilians were killed and2,295 injured by coalition airstrikes, while 508 civilians were killed and 954 injured by joint operations led by the Popular Committees and military forces loyal to former President Saleh in ground battles. Furthermore, 54 civilians were killed and 234injured as a result of other armed confrontations between parties to the conflict, while at least 24 civilians were killed and 65 injured in attacks claimed by Al-Qaida in the Arabian Peninsula,[[11]](#footnote-13) mainly in Sana’a, Aden and Taizz.

29. OHCHR received reports that at least 310 civilian infrastructures were partially or completely destroyed by coalition airstrikes and ground fighting throughout the country from 26 March to 30 June 2015. Theyincluded 160 private homes and 150 civilian public infrastructures that were partially or completely destroyed by the armed conflict. Of the civilian public infrastructures, 95 civilian public buildings were affected by coalition airstrikes while 48 were damaged by shelling attributed to the Popular Committees. In addition, four civilian public buildings were partially or completely destroyed by the local armed groups opposing theHouthis as a result of armed clashes between the two opponent groups. Lastly, at least three civilian public buildings were partially or completely destroyed as result of attacks claimed by Al-Qaida in the Arabian Peninsula.

30. According to information received, at least 15 heritage sites, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site of Old Sana’a and the Seera Castle in Aden were damagedby the armed conflict between 26 March and 30 June 2015.Sites were damaged by includedairstrikes, rocket attacks, artillery shelling and ground fighting. Sites were also used for military advantage by members of the Popular Committees and military units loyal to former President Saleh.

31. In addition, according to information available to OHCHR, 53 health facilities were damaged or affected, and 96 schools were damaged, while 67 were used by armed groups inthe 18 governoratesaffected.[[12]](#footnote-14)

32. According to satellite imagery acquired bythe United Nations Institute for Training and Research Operational Satellite Applications Programme (UNITAR-UNOSAT)on 7 January and 17 May 2015,a total of 1,171 structures had been affected by the conflict: approximately 273 structures had beendestroyed, 271 were severely damaged and 627 moderately damaged. In addition, 35 impact craters were found within the city, the majority of which were located along the runway of Sadah City Airport. Four medical facilities were identified within 100 metres of damaged and destroyed buildings; it is possible that they also sustained some damage. This is a preliminary analysis and has not yet been verified in the field by OHCHR. Data will be cross-referenced and verified with the figures collected above in due course.

 1. Allegations of violations and abuses by the Popular Committeesand forces loyal to Ali Abdullah Saleh

33. OHCHR received reports that the Popular Committees affiliated with the Houthis launched attacks that damagedpublic schools, mosques and Koranic schools. For example, according to witness accounts, the Popular Committees reportedly launched an attack in early July 2014 that resulted in, inter alia, the destruction of a school in Beit al-Fakih and the Dar al-Quran Mosque inAmrancity. On 11 July 2014, the Al-Salam mosque was reportedly occupied by the Popular Committees during the Friday sermon.

34. OHCHR received reports that, on 21 February 2015, in Lahj Governorate, three civilians were killed as a result of shelling from the Anad Military Base, which is controlled by forces loyal to former President Ali Abdullah Saleh.OHCHR interviewed witnesses butwas unable toverify the presence of any military targets that would justify these attacks.

35. On 31 March 2015, at least 20 employees at acement factory in Lahjwere killed and 36others injured as a result of shelling from Al-Anadmilitary base. The base was under the control of the HouthiandSaleharmed groupswhen the attack took place. Vehicles and buildings were also destroyed. OHCHR documented structural damage to three hospitals and 13 educational institutions in Al-Dhali Governorateas a result of intense indiscriminate shelling,from 25 to 27 March,targeting residential areas by the 33rd Armoured Brigade loyal to former President Saleh. According to information received by OHCHR,the hospitals affected included Al-Nasr Hospital (operated by Medecinssans Frontières) in Qasha’, Al-Salamah Hospital and Al-Dhali Hospital. Educational institutions damagedby shelling include Al-JumrokFaculty of Education, theTadhamonFaculty of Education and theAl-DhaliCommunity College.

36. On 10 April 2015, two civilians were killed and five others were injuredas a result of shelling allegedly by members of the Popular Committees. The shellinghit the Al-Salam Area, Khormaksar District, Aden. All seven victims were inside their homes, which were destroyed by the shellinglaunched during violent clashes near the Badrmilitary base.

37. On 22 April 2015, in one incident in Crater District, in Aden, a child was shot in the head and killed, and a man and a woman from the same family injuredas a result of what was apparently a sniper attack launched from the Al-Yafai building in the Al-Qate’e area. It is believed that the area was controlled by the Popular Committees.

38. On 6 May 2015, acivilian was shot in the head and killed, allegedly by a sniper on the roofof the Education College building in Al-Humaira village, Al-Dhali, under the control of the Popular Committees affiliated with the Houthis.

39. On 16 May 2015, in Al-Mesrakhcity (Taizz Governorate),eight civilians, including four children and three women,were killed and two women and achild were wounded as a result of artillery shelling reportedly launched from the position of the 22nd Armoured Brigade, affiliated with the Popular Committees.

40. On 30 May 2015, in Sanahdistrict (Al-Dhali Governorate),two civilians were killed, including awoman, while 12 others were injured, including three children, as a result of artillery shelling apparently launchedfrom the area of the Al-Mensharmilitary location in Khobar. The attack was reportedly launched by members of the Popular Committees and the 33rdArmoured Brigade loyal to former President Saleh. OHCHR received reports that members of the Popular Committees and the 33rdArmoured Division loyal to former President Saleh were shelling the villages of Khobar, Al-Kabeh, Al-Rebat, Lakmaht Salah andJouss Al-Jamal. The number of civilian casualties couldtherefore be even higher.

41. On 9 June 2015, in the area of Sanah, Al-Dhali,seven civilians were killed, including four children, andnine others, including a child, were injured as a result of shelling by the 33rd Armoured Brigade loyal to former President Saleh. In the same incident, 13 private houses were moderately or severely damaged.

42. On 11 June 2015, a child was reportedly killed after sustaining a gunshot wound to the arm. Family members who witnessed the incident andinterviewed by OHCHR reported that the child was standing next to his mother queuing to purchase ice inSouq Al-Taweel Market Area, Crater District, Aden. The shooting reportedly came from the direction of a position held by combatants of the Popular Committees.On 12 June, nine civilians were killed in Al-Mansourah, inAden following artillery shelling reportedly carried out by members of the Popular Committees.

43. Since the escalation of the conflict in Yemen on 26 March, OHCHR has documented the killing of at least 18 civilians as a result of apparent sniper attacksin Aden, Al-Dhali and Taizz.

 2. Allegations of violations committed by coalition and joint government forces

44. Information gathered by OHCHR indicated that, on 30 March 2015, the coalition forces launched a number of airstrikes that hit the al-Mazraqcamp for internally displaced personsin Harad.[[13]](#footnote-15) At least 19 civilians were reportedly killed and 35 others injured, including 11 children. The camp, which shelters some 4,000 people, was established by the United Nations in 2009 and, at the time of the attack, hosted at least 300 families recently displaced from Sa’ada. Information provided to OHCHR did not identify the presence ofany military objectives in the area.

45. At least 20 civilians were killed and 59 others injured whena dairy factory was directly hit in four airstrikes inHudaydahcity (AlHudaydah Governorate), on 31 March 2015. The people killed inside the factory were personnel. On 12 May, at least 43 civilians,including eight women and 12 children,were killed, whilean additional 135 were injured as a result of four airstrikes that directly hit the Al-Wajeehbuilding located in a busy commercial hub in Zabeed(Al-Hudaydah Governorate). The majority of the casualties belonged to Al-Muhamasheen community. The information received by OHCHR did not clarify whether the building was deliberately targeted.

46. On 20 April 2015, at least 87 civilians were killed, including six children and two women, and at least 647 others injured as a result of airstrikes that appeared to be directed at the FajAttanmilitary base in Sana’a. Hundreds of homes and private businesses in the vicinity of the base (as far as Al-Tahrir Square)were damaged.

47. On 21 April 2015, 40 civilians were killed, including seven children, and 70 civilians were injuredas a result of airstrikes that hit the Al-Dhaleelbridge (Ibb Governorate). Reports indicated that the connection bridge betweenIbb and the main route to Sana’a Governorate was hit twice by airstrikes,causing alarge number of civilian casualties. Peoplewere arriving to assist thoseinjured by the first explosion when missileswere launched inasecond round of airstrikes.

48. OHCHR received reportsalleging that,in late April 2015 in Sa’ada Governorate,cluster munitions were used by the coalition forces in several airstrikes, which resulted in at least six civilian casualties, including children. Owingto the continuing airstrikes, OHCHR was unable to collect any furtherinformation.

49. On 5 May 2015,fighters from the Popular Committees from the Bakilal-Meer tribe (in Hajjah) attackedareas of Najran city, including what appeared to be civilian objects,and also reportedly attacked Saudi border guard posts. In retaliation, on 8 May, coalition forces announced a military operation against Sa’ada, warning civilians to stay away from what they said were Houthi locations and crowds. In particular, the coalition forces declared the cities of Marran and Sa’ada military zones. According to Saudi State television channel Al-Ekhbariya,flyers announcing the operation were released over Old Sa’ada.According to information received by OHCHR,the limited availabilityof fuel, the particularly challenging terrain, and barely operational telecommunications services prevented tens of thousands of civilians from complying with the ultimatum launched by the coalition.

50. Despite the obstacles, thousands of inhabitants fled from Sa’adato the neighbouring governorates of Amran and Hajjah, while at least 15,984 were internally displaced within Sa’ada.Although OHCHR was unable to obtain detailed information on affected cities and resulting casualties, it was informed that coalition airstrikes hit at least six residential homes and five markets in Sa’ada, reportedly with no evidence of Houthi military deployment.

51. On 6 May 2015, 15 civilians were killed, including four children and three women from the same family,whentwo homes collapsed while the families were inside. The homes were hit by two airstrikes in Al-Dhaid, Sa’ada.

52. OHCHR gathered information indicating that, on 7 June 2015, coalition forces conducted airstrikesagainst an area hosting a high concentration ofinternally displaced personsin Duaij village (Hajjah Governorate), allegedly killing four civilians, including three women, and injuring 41 civilians, including 12 women and 16 children. Four makeshift homes for displaced persons were allegedly destroyed in that incident. On 14 June, a family of 10, including four women and two children, were allegedly killed in Al-Hamza as a result of an airstrike by coalition forces that struck their vehicle travelling fromAl-Jawfto Sana’a.

53. OHCHR documented allegations that, on 17 June 2015, two buses transporting displaced families were hit by airstrikes conducted bycoalition forces in Al-Alam (Abyan Governorate). Itfound that 17 civilians had beenkilled in the incident, including five women and five children, while 10 others, including two women and three children, had beeninjured. The victims were reportedly fleeing the violence from Al-Mansoura district (Aden Governorate), and were on their way to Hadramout.

 3. Armed drones

54. OHCHR was informed of reports of drone strikes in parts of the country withallegations of civilian casualties. The attacks are believed to have been conducted by joint forces of the United States of America and Yemen as part of a campaign against Al-Qaida in the Arabian Peninsula. OHCHR received reliable information indicating that as many as 40 civilians, including achild, may have been killed during the period under review as a result of drone attacks in Al-Baida, Al-Jawf, Marib and Shabwah. According to a Yemeni non-governmental organization, a one-year-old boy and two adults werekilled on 26 January 2015 after a Yemeni Air Force drone struck a vehicle at Huraib (in Marib Governorate). The victims were in a car reportedly suspected of transporting members of Al-Qaida in the Arabian Peninsula. No official investigation had been conducted at the end of the period under review.

 B. Arbitrary detention, allegations of torture and other ill-treatment and prison conditions

55. Despite Cabinet decision No. 180 (2012) to release all those detained in relation to their participation in the uprising 2011 against the former Government of Yemen, 16 individuals continued to be held in pretrialdetention in connection with the events. No charges were brought against themnor were they tried during the period under review.[[14]](#footnote-16)

56. OHCHR received reports indicating that at least 124 people, many believed to be civilians,weredetained by the Popular Committees between 3 and 21 November2014inunrecognized places of detention, including the Amran Sport Stadium and in private homes throughout Amran Governorate. The circumstances of detentionare not known, given that OHCHR was denied access to the detainees.

57. On 7 December 2014, OHCHR was informed by representatives of the Governorate of Amranthat about 250 men hadbeendetained by members ofthe Popular Committees at the Amransports stadium. According to OHCHR sources,the majority of the detainees were eventually released, with the exception of 18 individuals, who were still in detention at the end of the period under review. The circumstances of detention remain unknown.

58. From 19 January to 19 February 2015, OHCHR documented 145 cases of persons detained by the Popular Committees. Most cases involved detention of anti-Houthi protestors. Witnesses informedOHCHR that theyhad been held between one and seven days in former government prisons that had been taken over by the Popular Committeesin Sana’a, Houdaida, Ibb and Hajjah. Some alleged having been subjected to different forms of ill-treatment, which may amount to torture, at the hands of the Popular Committees in Sana’a.

59. OHCHR also learned that, on 4 February 2015, six students were detained by members of the Popular Committees for organizing peaceful sit-ins organized to call for the withdrawal of the Popular Committees from the student halls of residence in Arhabdistrict (Sana’a Governorate). The students were then reportedly transferred to an unknown location aboard a military vehicle carrying a Houthi slogan.OHCHR has no information on their whereabouts.

 C. Right to freedom of expression

60. Freedom of expression was considerably undermined and the safety of journalists dramatically deterioratedduring the period under review. OHCHR documented dozens of cases of violations of the right to freedom of expression, including incidents wherejournalists had beensubjected to threats and physical attacks. Some of the most salient incidents documented by OHCHR are described below.

61. On 18 September 2014,members of the Popular Committees stormed the Statetelevision station in Sana’a and clashed with security guards. The Minister forInformation later announced that members of the Popular Committees had seized control ofState-run television and of the nationalnews agency Saba. On 22 January 2015, the Popular Committeestook control of theAden Statetelevision stationand suspended broadcasts. The Popular Committees have exercised complete control over the State television broadcasts since.

62. OHCHR received credible allegations that, from 21 January to 19 February 2015, at least 17 journalists were illegally detained by members of the Popular Committees, eight of whom had been detained repeatedly in previous months. Nine of them informedOHCHR that they had been physically abused, while all but one had been reportedly threatened with a weapon.

63. On 3 February 2015, two journalists employed by asatellite channel were detained by members of the Popular Committees while covering events at Sana’a University. Both were reportedly transferred to the 14thpolice station in Sana’a and held for three days before being released without charges against them.

 D. Death penalty

64. Yemen has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights onthe abolition of the death penalty. National legislation imposes the death penalty for a wide range of offences,[[15]](#footnote-17)including financial crimes, blasphemy, offences committed under *Hodoud* (religiously ordained crimes) and *Qisas* (death in retribution) and drug-related offences. The Penal Law also maintains death by stoning for extramarital heterosexual and consensual adult homosexual intercourse.[[16]](#footnote-18)

65. While the Penal Law prohibits the death penalty for minors, courts still hand downdeathsentences to minors or adults found guilty ofcommitting crimes when they were under the age of 18years. The practice is attributed to, among other factors, the difficulty in determining the age of offenders in the absence of birth certificates.

66. Yemen has not established a moratorium on the use of the death penalty. Despite repeated requests byOHCHR, the Attorney General did not provide figures on the number of individuals on death row or who have been executed during the period under review.The imposition of the death penalty for anybut the most serious crimes, or forpersons under the age of 18 years at the time of commission of the crime, is a contravention of international law. In addition, death by stoning amounts to cruel and inhuman punishment.

 E. Children’s rights

67. The overall situation of children in Yemen hassignificantly deteriorated since the intensification of the conflict, particularly since March 2015.The United Nationscountry task force on monitoring and reporting documented that 74 children were killed and 242 injured between 26 March and 11 June 2015.

68. Furthermore, as noted above, attacks affectingschools in the context of hostilities have endangered children’s safety and restricted their right to education. OHCHR also found that therehad beena significant increase in child abductions, withat least 81 documented cases of childrenabducted by different groupsbetween January and March 2015, as against only two documented incidents in the last three months of 2014.

69. The United Nations Children’s Fund (UNICEF) informed OHCHRthat therecruitment and use of children in conflict rosesharply during the period under review. Trained monitors and United Nations staff members documentednumerous cases of children manning checkpoints or being used by armed groups in the context of hostilities. In 2014, 157 cases of children allegedly being used for military purposes were documented. In the month and a half following the start of the aerial bombardments on 26 March 2015, 318 instancesof children seen carrying weapons at checkpoints and elsewherewere documented.Even though appointedmonitors could not always identify the group responsible for the recruitment of children, reports indicate that both government and non-State armed groups – including the Popular Committees and the tribal militias affiliated with the Islahparty – are recruiting and using children as soldiers.

70. Under international law, the use and recruitment of children in armed conflict is strictly prohibited. The use of children below 15 years of age in active hostilities is a war crime.

71. OHCHR observed that,while the pattern of child marriage has been declining, itremains a common practice,affectingaround 10 per cent of girls under the age of 15.[[17]](#footnote-19) Early marriage, a practice that contravenes international human rights law, is perpetuated by the lack of a legislative framework that identifies the minimum age of marriage and persisting traditions. Following advocacy efforts by UNICEF and OHCHR, language was included in the draft Constitution stipulatingthe minimum age for marriage as 18 years.

 F. Refugees, migrants, asylumseekers and internally displaced persons

72. During the period under review, large numbers of refugees, asylumseekers and migrants continued to arrive in Yemen. While a signatory to the Convention relating to the Status of Refugees, Yemen has not incorporated the Conventioninto national law norhas itestablished a procedure for determining refugee status. In the absence of such legislation, the legal status of asylumseekers and refugees has been governed by a combination of decrees and provisions. While the authorities may grant refugee status on a *prima facie* basis to Somali refugees,the Office of the United Nations High Commissioner for Refugees (UNHCR)determines refugee status for all other asylumseekers.

73. The scale and intensity of the conflict has left thousands of undocumented migrants trapped and deprived of basic resources and attention.According to UNHCRand the International Organization for Migration,more than4,000 migrants arrived from the Horn of Africa in April 2015 alone.

74. On 20 April 2015, the Protection Cluster formed a task force on population movements to better coordinate partners’ efforts in collecting and disseminating consistent and reliable data on internally displaced persons in Yemen. Since the beginning of the aerial bombardmentby coalition forces on 26 March 2015, the total number of displaced persons has increased toapproximately 1million.[[18]](#footnote-20)Furthermore, during the period under review, documented incidents of administrativedetention of newly arrived immigrants appear to have increased. OHCHR understands that a large proportion of those detained are being held in overcrowded facilities.

75. During the period under review, hundreds of men, women and children continued to be victims of human trafficking into and from Yemen. OHCHR discovered numerous cases of displaced persons, including children,reportedly kidnapped in camps and subsequently trafficked abroad. Refugee women and children are at particular risk, and are often kidnapped for ransom. Cases of physical and sexual violence against men and boys were also reportede along the coast of the Red Sea. Smuggling and trafficking gangs have been reportedly operating with impunity in Yemen.

76. Progress was recorded in the Government’s efforts to set up institutional mechanisms to counter human trafficking. Established in 2013, the National Technical Committee to Counter Human Trafficking, chaired by the Minister forHuman Rights, met several times during the period under review. Legislation criminalizing human trafficking was drafted by the Ministry of Justice, reviewed by the Committee, commented on by United Nationsentities and submitted to the Parliament for review and enactment.At August 2015, the draft bill was still pending parliamentary endorsement.

 G. Marginalized groups

77. Yemen does not recognize in its legislation the marginalized status of some minority groups, who continue to suffer from discrimination, in particular the Muhamasheen(also known as Al-Akhdam), a social group whose exact number remains unknown(according to unofficial sources, there are between 500,000 and 3.5 million Muhamasheenin Yemen).The group has no political representation at the national level and suffers from extreme levels of social stigma and discrimination, which exacerbates their socioeconomic exclusion and poverty. For centuries, they have been excluded from mainstream society, and they continue to be subjected to severe forms of descent-based discrimination. The Muhamasheenmainly reside in underdeveloped neighbourhoods in the outskirts of Sana’a, Aden, Taizz, Lahij, Al-Abyan, Al-Hudaydah and Al-Mukalla. According to a national statistical and population monitoring survey conducted in 2012, the illiteracy rate among the Muhamasheen community is around 90 per cent.Women and children are forced to beg in rural areas, and to work as entertainers at weddingsor community ceremonies. The Government has also failed to adopt legislation criminalizing abuses against them, which serves to reinforce discriminatory practices. The Muhamasheen community successfully advocatedfor its rights during the National Dialogue Conference, particularly with regard toparticipation in the public sphere.[[19]](#footnote-21) The Working Group on Rights and Freedoms of the Conference recommended a 10 per cent participation of persons from the Muhamasheen communityin employment in public services, as well as equal access in leadership and decision-making positions. Despite the community’s advocacy efforts, supported by OHCHR and other actors, this minimum participation quota was not included in the first draft Constitution.

 H. Accountability and transitional justice

78. Progress in setting up accountability and transitional justice mechanisms was severely hampered by instability and violence. Throughout the period under review,governance and security continued to be affected, a situation compounded by theongoing denial of social equity and justice, and a lack of basic services.

79. In 2014, the draft law on transitional justice and national reconciliation was further amended to bring it into line with the outcomes of the National Dialogue Conference. The final draft did not, however,include any provisions on accountability and therefore did not comply with international norms and standards. It sought rather to further strengthen immunities for high officials and to establish a mandate for a transitional justice commission. As the end of the period under review, the draft law had not been adopted.

80. Furthermore, acommission of inquirymandated at the National Dialogue Conference to investigate allegations ofhuman rights violations committed during the events of 2011hasstill not become operational, given that its members have never been appointed by the President.In addition, the work of the Land and Dismissals Commissions in the Southern Governorates, established in January 2013 to investigate land-related violations and to provide victims with compensation,hasstalledowing to a lack of funds.

81. Yemen has an obligation to investigate alleged violations of international humanitarian law and international human rights law, to bring those responsibleto justice and to provide victims with an adequate and effective remedy, including reparations and the right to the truth.

 I. Cooperation with the Office of the United Nations High Commissioner for Human Rights

82. Following the escalation of violence and the evacuation of international personnelfrom Sana’a, OHCHR was forced to interrupt a number of technical assistance activities, and to shift its focus to monitoring and documenting violations of international human rights law and international humanitarian law.

83. OHCHR established a monitoring, documentation and investigation mechanism through the deployment of monitors in conflict-affected areas. In addition, a series of training workshops on monitoring and reporting human rights violations were conducted for the benefit of members of the Protection Cluster and national non-governmental organizations. During the period under review,OHCHR human rights monitoring and documentation formed the basis ofits advocacy and by other United Nations entities regarding alleged violations of international humanitarian law and international human rights law in Yemen.

84. Furthermore, OHCHR and the United Nations Development Programme (UNDP) facilitated workshops aimed at empowering civil society organizations that had been engaged in data collection relevant for the work of the Land and Dismissals Commissions.

85. OHCHR and UNDP also worked jointly to provide capacity-building to Government officials and civil society across the country inthe implementation of the recommendations received by Yemen during the universal periodic review. Government sectors consequently included pertinent reviewrecommendations in their respective operational plans. Moreover, OHCHR and UNDP supported the Government inestablishing a national human rights institution. Before the hostilities spread to Sana’a in September 2014, OHCHR was working with the Government on various technical assistance projects, some of which were subsequently postponed owing to security challenges.

86. Through a joint project, OHCHR and UNDPprovided support to different stakeholders in the area of the transitional justice, including by facilitating consultation workshops on the draft transitional justice law,conveningrepresentatives of the Government, the Parliament, political parties, national dialogue members, lawyers, victims’associations and tribal communities, as well asrepresentatives of minorities and religious communities.

87. OHCHR also supportedcivil society organizations advocating for the endorsement of a draft law on missing persons and enforced disappearances.OHCHR delivered human rights training workshopsdesigned to increase the knowledge and capacity of law enforcement officials, judges and prosecutors on the rights of women, marginalized groups, persons with disabilities and migrants.

88. Lastly, OHCHR and UNDP provided technical assistance to the Ministry of Human Rights with a view to developing anational human rights strategy. A document outlining the basis for the strategy was developed in consultation with civil society and relevant government bodies. The strategy describesaction to be undertaken by the Government, building upon the outcomes of the National Dialogue Conferenceand universal periodic reviewand treaty body recommendations.

 IV. Conclusions and recommendations

89. **The High Commissioner is concernedabout the continued escalation of violence in Yemen and the related allegations ofviolations of international humanitarian law, some of which may amount to war crimes, and violations and abuses of international human rights law. This situation is partly the result of failure to address past grievances and to bring perpetrators to justice.**

90. **Recalling the recommendations already made by OHCHR in previous reports on the situation of human rights in Yemen, theHigh Commissioner recommends that all parties to the conflict:**

**(a) To comply with their obligations under international humanitarian law and international human rights law, as applicable, including by taking all feasible precautions to avoid and minimize civilian casualties;**

**(b) To abide by the principles of distinction, proportionality and precautions in attacks in the conduct of hostilities;**

**(c) To end the recruitment and use of children for military purposes, and to ensure that measures are taken to prevent suchacts;**

**(d) To ensure immediate, safe and unimpeded access of humanitarian organizations to all areas under their control;**

**(e) To recall that the arms embargo pursuant to the Security Council resolution 2216 (2015) should not result in restrictions of the right to freedom of movement and trade in commercial goods, including fuel;**

**(f) To return to negotiations and to find solutions to end the conflict.**

91. **The High Commissioner recommends that the coalition forces and the Government of Yemen ensure prompt, thorough, effective, independent and impartial investigations into alleged violations and abuses of international human rights law andalleged violations of international humanitarian law. The investigations should be conducted by independent bodies, their results should be made public, and those responsible should be brought to justice in a manner consistent with international human rights law and without resort to the death penalty.**

92. **The High Commissioner recommends that the Government of Yemen, pending the abolitionof the death penalty, establish a moratorium on itsapplication. In the meantime, Yemen should comply with its international human rights obligations, including by not imposing the death penalty, except for the most serious offences; suspending the applicationof the death penalty for crimes committed by persons under the age of 18; and ensuring scrupulous respect for the rights to due process and to a fair trial in death penalty cases.**

93. **The High Commissioner calls uponthe international community:**

**(a) To encourage the establishment of an international independent and impartial mechanism to investigateallegedviolations and abuses of international human rights law and alleged violations of international humanitarian law that have resulted in loss of life and/or serious injury;**

**(b) To ensure the scaling-up of humanitarian assistance in Yemen by providingthe urgently needed support to the Yemen humanitarian response plan;**

**(c) To cooperate with the panel of experts charged with investigating individuals or entities engaging in or providing support for acts that threaten the peace, security or stability of Yemen, pursuant to Security Council resolution 2140 (2014)**.

1. \* Late submission. [↑](#footnote-ref-3)
2. The Houthis, also known as Ansar Allah, is a movement based on the Zaididoctrine, and followers of the late Hussein al-Houthi, who was killed by the Yemeni Armed Forces in September 2004. The Houthis are known to have a large presence in the northern Governorate of Sa’ada. [↑](#footnote-ref-4)
3. Ali Abdullah Saleh was the president of Yemen from 1990 until 2012, and previously served as President of North Yemen from 1978 until unification with South Yemen in 1990. In November 2011, following widespread protests against his Government, Saleh signed an agreement prepared by the Gulf Cooperation Council whereby he agreed to transfer power to the then Vice-President, AbdRabbo Mansour Hadi, in exchange for immunity from criminal prosecution. [↑](#footnote-ref-5)
4. The Islah is the name commonly used to refer to the Yemeni Congregation for Reform, a Yemeni political party established in 1990 and believed to be affiliated with the Muslim Brotherhood. [↑](#footnote-ref-6)
5. Al Hirak(“the Southern Movement”) is a political movement operating in the territory of what was formerly South Yemen before it unified with the Republic of Yemen in 1994. The movement calls for the independence of the South from the Republic of Yemen. [↑](#footnote-ref-7)
6. The coalition consists of all the States members of the Gulf Cooperation Countries (with the exception of Oman), as well as Egypt, Jordan, Morocco and the Sudan. [↑](#footnote-ref-8)
7. Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, 19 June 2015. [↑](#footnote-ref-9)
8. Ibid. [↑](#footnote-ref-10)
9. Office for the Coordination of Humanitarian Affairs, Reliefweb, “Yemen: Reduced Imports Worsen Crisis”, 23 June 2015. [↑](#footnote-ref-11)
10. Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, 19 June 2015. [↑](#footnote-ref-12)
11. Al-Qaida in the Arabian Peninsula, the Yemeni chapter of Al-Qaida,is the result of the union of the Saudi and Yemeni branches of [Al-Qaida](http://www.cfr.org/terrorist-organizations/al-qaeda-k-al-qaida-al-qaida/p9126)in January 2009. Its stated objectives include the overthrow of the regime in Sana’a, andto kill Western nationals and their allies, including members of the Saudi royal family. The group has been in conflict with the Government of Yemen since its establishment. The Houthi advance has resulted in violent clashes with its fighters and has emboldened Al-Qaida in the Arabian Peninsula in its quest to expand their control and recruit fighters from Sunni tribes, claiming that the Houthis are Shia forces supported by the Islamic Republic of Iran. [↑](#footnote-ref-13)
12. Office for the Coordination of Humanitarian Affairs, 2015 Yemen Humanitarian Needs Overview 23 June 2015. [↑](#footnote-ref-14)
13. OHCHR, “Yemen: The world must be prepared for rapid collapse into mass displacement crisis – UN expert”, 8 April 2015. [↑](#footnote-ref-15)
14. According to OHCHR sources, one of the demonstrators arrested in 2011 was released in July 2013. [↑](#footnote-ref-16)
15. A total of 315 offences are punishable by the death penalty under four main laws: the Penal Law (1994), the law on combating kidnapping (1998), the military Penal Code (1998) and the law on combating trafficking and the illicit use of drugs and psychotropic substances (1993). A draft law on combating human trafficking would introduce anotheroffence punishable by death. [↑](#footnote-ref-17)
16. According to international human rights jurisprudence, these crimes do not meet the threshold of “most serious crimes” and should not be punishable by death (see A/HRC/27/23, paras. 28–39). [↑](#footnote-ref-18)
17. UNICEF, Situation Analysis of Children in Yemen 2014. [↑](#footnote-ref-19)
18. 2015 Yemen Humanitarian Needs Overview, 23 June 2015. [↑](#footnote-ref-20)
19. See A/HRC/24/34, paras. 4-5. [↑](#footnote-ref-21)