



Republic of Yemen
The National Commission to Investigate Alleged Violations to Human Rights
Aden

Human Rights Council
Thirty-Third Session

Item _____ of the Agenda

**Preliminary Report on Alleged Violations to Human
Rights in the Republic of Yemen**

Brief:

With the increasing trend of violations to human rights and international humanitarian law in the Republic of Yemen, it has become necessary to establish a national, independent and impartial mechanism to investigate alleged human rights violations. Conducting fair, transparent and impartial investigations in these allegations under international standards is within the main responsibilities of the state as it represents a first step towards achieving relief for the victims of these violations, redress and holding perpetrators accountable. On the basis of this responsibility, Republican Decree No. 140 of 2010 establishing the National Commission to Investigate Alleged Violations to Human rights was promulgated. This decree came in line with the Resolution of the Human Rights Council No. 19.18 of 2011, which provides for the need to conducting investigations in alleged violations and bring redress to victims. The National Commission to Investigate Alleged Human Rights Violations was attentive to coping with the events the country is witnessing so it developed a mechanism to commence its work in investigating these facts and allegations. The process starts with the collection, monitoring and documentation of information about alleged violations that took place within the jurisdiction of the Commission. The process involved field visits to locations of these alleged violations, conducting interviews with victims and family members and listening to eye witnesses as a key step to investigate the alleged violations.

Since its creation, the National Commission devoted its efforts to shedding light on violations committed by all conflict parties. In this report, the Commission presents various forms of violations, which have been monitored, documented and investigated during the period from March until July 2016. The number of documented violations is 9,816 violations. The Commission relied on more than 4,498 interviews with victims and eye witnesses in areas where these violations were perpetrated.

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PRELIMINARY DETAILED REPORT
ON
ALLEGED VIOLATIONS TO HUMAN RIGHTS
IN THE REPUBLIC OF YEMEN

Introduction

a. Creation of the Commission

1. Given the deteriorated situation of human rights and the magnitude of violations witnessed by most Yemeni regions during the year 2011, and based on the Human Rights Council Resolution No. Res.HRC.A.18.19 issued on 2011, which emphasizes the need to conduct fair and independent investigations based on international standards and which welcomed the commitment by the Government of Yemen to establish a national independent investigation commission to investigate human rights violations and to comply with international obligations under Security Council resolutions in relation to Yemen, the Republican Decree No. 140 of 2012 was promulgated on 12.09.2012. The Decree provides for the creation of a national commission to investigate alleged violations to human rights. The Decree sets forth how this commission is formed and its jurisdiction.
2. Due to the political circumstances in the country, the issuance of a decree appointing members of the Commission has been deferred until 07.09.2015. On that date, Republican Decree No. 13 of 2015 was issued. This new decree amends Decree No. 140 of 2012. The new decree appoints eight members to the Commission. The appointed members were selected from among those having experience in legal and academic work as well as those active in the field of civil society in addition to judges and lawyers.
3. Starting from 25.10.2015, the Commission commenced undertaking its mandate. Towards this end, members of the Commission worked on the necessary preparations and internal structures for two months. This resulted in the development of the internal regulations, general work plans, drafting the budget and the internal structure of the Commission. This is in addition to following up these issues with the President of the Republic and the Prime Minister. Technical working standards for monitoring, reporting and the information system were also developed.

4. In mid-January 2016, and as soon as budget allocations were received from the state, actual work has started by renting a building and starting the contracting process with the executive working team and field reporters. These reporters were trained on work mechanisms in the field of monitoring, documenting and writing reports. In addition, their capacities in the field of human rights and international humanitarian law were enhanced. A precise plan of action was developed for their activities and information collection. During the period from end of October until end of January 2016, the six members of the Commission were conducting all technical, logistical and follow up works. They were also examining files and contacting different entities until contracts were gradually signed with the staff of the secretariat, reporters and others. An executive manager was selected to supervise administrative and logistical activities.
5. Three members of the Commission did not participate in the Commission due to private circumstances. In addition, a Commission member, Dr. Abubakar Awadh Basaleh, passed away on 16.04.2016 in Aden. Therefore, the President of the Republic issued on 05.05.2015 Decision No. 66 of 2016 which provides for appointing the missing four members so the Commission can function with full membership.

b. Institutional setup and capacity building of Commission staff

1. Since the formation of the Commission, its members worked on the institutional setup of the Commission and building the capacities of its staff. Towards this end, the internal regulations for the Commission work were prepared based on the Republican Decree establishing the Commission and following international standards applied by similar international investigation commissions. In addition, both administrative and financial regulations were adopted. A detailed work plan was also developed with work inputs, expected results and details of the activities of different units in the Commission. The plan was linked to a budget that contains operational expenditures.
2. In a relatively short period of time, the Commission established its administrative and organizational structure. It also finalized the setup of minimum operational units such as the reporting and monitoring unit, the investigation unit, the media unit and the information unit. The Commission contracted with more than 35 reporters and assistant investigators in different provinces of the Republic. These reporters and assistant investigators were selected from those having experience in legal fields and human rights aspects taking into account some specific experiences such as working with the categories of children, women and prisoners. The concept of involving women in reporting and monitoring activities was also

considered as seven women field reporters were commissioned. In addition, the Commission worked on making necessary administrative and logistical arrangements to enable it start its operation and secure its workers.

3. In the field of building the capacities of Commission members and staff: the Commission has implemented various internal and external training courses for members of the Commission and its reporters who are spread in all provinces of Yemen. Thirty reporters were trained in addition to a military expert. Experiences of Commission members were utilized in providing training to reporters and providing technical advice as well as building the capacities of its administrative staff. For instance, the Commission implemented three internal training courses focusing on improving the efficiency of the working staff and providing them with necessary skills and capacities to perform their functions. A qualitative training course for Commission members in the field of international humanitarian law was held in the city of Riyadh in the month of November 2015. In coordination with the Office of the High Commissioner for Human Rights, a training course for 25 reporters working with the Commission was held in the city of Amman, Jordan during the period from 2 to 8 June 2016.

c. Mandate of the Commission and its competencies:

In accordance with the Republican Decree No. 140 of 2012, as amended by Republican Decree No. 13 of 2015, the mandate of the Commission and its competencies were defined as follows:

1. In relation to the type of violations, article 3 of the decree establishing the Commission stipulates that the mandate of the National Commission is to investigate all alleged violations to human rights and international humanitarian law since the year 2011.
2. In relation to the timeframe of violations covered by the mandate of the Commission, article 3 in addition to article 4 paragraph a of the decree establishing the Commission defines the timeframe covered by the mandate of the Commission. The decree sets the month of January 2011 as the starting point for the Commission investigations until the state authority is extended to all parts of the country.
3. In relation to the term of the Commission, article 4 paragraph b of the decree establishing the Commission stipulates: the term of the Commission is one year of the date of issuance of its formation decision and the appointment of its members. The same article also stipulates: that this term may be extended by another republican decree based on the request of the Commission for one time only and the extension request has to be reasoned. As indicated

above, the decision forming the Commission was issued on 07.09.2015 pursuant to the Republican Decree No. 13 of 2015.

d. Legal basis for the work of the Commission:

In describing and defining violations it investigates, the Commission adheres to legal bases mentioned in the Commission creation Decree No. 140 of 2012, as amended by Republican Decree No. 13 of 2015. This Decree stipulates in Article 2 paragraph c that: In exercising its functions, the Commission has to adhere to international standards, national legislations and international conventions and covenants relevant to its work, which Yemen has ratified. Accordingly, the Commission is obliged to adhere to the following legal foundations in performing its functions:

1. Applicable national legislations and laws

It is worth mentioning that the Republic of Yemen has a set of laws and legislations, in addition to the provisions of the Constitution, which all ensure protection to the vast majority of rights and freedoms provided for in international conventions and treaties. These legal texts criminalize all violations against protected rights and freedoms for the citizens of the country under these provisions. In addition to the Constitution, the leading laws in this regard are: the Penal Code No. 12 of 1994, the Military Penal Code No. 21 of 1998, the Penal Procedures Code No. 13 of 1994, the Military Penal Procedures Code No. 7 of 1996 and the Police Authority Law No. 15 of 2000. This is in addition to provisions related to punishments and penalties provided for in other special laws such as the Child Rights Law No. 45 of 2002, the Press and Publications Law No. 25 of 1990 and other laws.

2. Provisions of International Human Rights Law

As the Republic of Yemen is a state party to a number of regional and international instruments in the field of human rights, including the International Covenant for Economic, Social and Cultural Rights, the International Covenant for Civil and Political Rights, the Convention Against Torture, the Convention on Elimination of All Forms of Racial Discrimination, the Convention on Elimination of All Forms of Discrimination Against Women, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child in selling and abusing children. This is in addition to various international conventions ratified by Yemen. Based on that, the provisions and terms of these conventions are binding and applicable to the description or definition by the Commission of any alleged violations to human rights. The Commission was very keen to adhere to and comply with these instruments in exercising its functions in the field of monitoring and investigation.

3. Provisions of International Humanitarian Law

International Humanitarian Law applies to all aspects of the armed conflict in Yemen. Yemen is a state party to the four Geneva conventions of 1949, and as the ongoing armed conflict in Yemen under these conventions is categorized as a non-international armed conflict, the Commission has taken into account the provisions to be complied with by all parties. These provisions include the common article three in the four conventions and the second additional protocol to the Geneva conventions. All parties are also bound by the customary international humanitarian law that applies to non-international armed conflicts. This basic part of the law includes certain rules related, among other things, to the principle of discrimination, treatment of civilians and persons hors de combat, the fighting methods and means, and the status of protected persons and elders.

4. Resolutions of the United Nations Security Council

Several resolutions were issued by the UN Security Council and Human Rights Council in relation to the Yemeni crises. These resolutions are considered as binding legal instruments to all Yemeni parties. Among these resolutions are the following:

- Resolution of the UN Security Council No. 2014 of 2011
- Resolution of the UN Security Council No. 2051 of 2012
- Resolution of the UN Security Council No. 2140 of 2014
- Resolution of the UN Security Council No. 2201 of 2015
- Resolution of the UN Security Council No. 2204 of 2015
- Resolution of the UN Security Council No. 2216 of 2015
- Resolution of the UN Human Rights Council No. 19.18 of 2011
- Resolution of the UN Human Rights Council No. 29.19 of 2012
- Resolution of the UN Human Rights Council No. 22.21 of 2012
- Resolution of the UN Human Rights Council No. 32.24 of 2013
- Resolution of the UN Human Rights Council No. 19.27 of 2014
- Resolution of the UN Human Rights Council No. 18.30 of 2015

I. Historical context and political background about the situation in Yemen:

To understand the current situation in Yemen correctly, a background about the historical context of events witnessed by Yemen during the past period, which led to the current situation, is necessary. Therefore, it is important to provide a brief narration of events and facts as follows:

1. Youth revolution 2011

With the widespread corruption and deteriorated political, social and economic situation and as an extension of the Arab Spring revolutions in Tunisia and Egypt, thousands of young people from different provinces of the Republic of Yemen sparked peaceful demonstrations in early 2011. Protesters in the Province of Taiz launched the first open sit-in at freedom square on 11 February 2011. This was followed within few days by the launching of new open sit-in squares in other provinces including two sit-ins in Almansoura and Crater cities in Aden, the Change square in Sana'a, the Freedom square in Hodeidah, Khaleej Ibb square in Ibb province, the revolutionaries square in Albaidha province and others.

2. Political opposition parties join the protests

Protesting youth demanded the departure of the former president and his regime, the removal of the regime of succession, the building of a state of equal citizenship, participation in power and wealth and economic and political reforms. After that, political parties opposing the regime joined these youth protests including the Joint Meeting Parties as well as those who defected from the General Peoples' Congress. Within these freedom squares, new youth and worker congregations were established to develop clear goals and visions for the envisaged change, the proposed shape of the state and the potential solutions to chronic issues in the country.

3. Expansion of peaceful protests

In addition to peaceful sit-ins, youth exercised more pressure on the regime by escalating their movement for change. Youth organized peaceful demonstrations to some government buildings and locations, especially in the Capital City of Sana'a. Protesters made attempts to reach to the perimeter of the Council of Ministers, the Presidential Palace and other locations demanding the departure of former president Ali Abdullah Saleh and those who were governing the country. These movements led to clashes between protesters and security forces resulting in victims among protesters including deaths and injuries. Moreover, large number of alleged cases of kidnapping and torture were reported among youth leaders. Security authorities under the then governing regime were blamed for such violations.

4. Victims among protesters and demonstrators

More deaths and injuries among protesters and demonstrators continued to occur in different provinces throughout the protest period, which extended for more than one year. Many cases of alleged violations against protesters were reported in more than one location. Among these reported cases were the following examples: On 18 February 2011, a grenade was thrown among protesters and followed by fire shooting in the Freedom Square in Taiz Province. This resulted in the death of at

least one person and the injury of four others as reported by various organizations. In Almansoura and Mualla sit-in squares in Aden Province, an attack against protesters was reported. In addition, an attack took place against the protesters in the Change Square in Sana'a on 18.03.2011 (the so called "Dignity Friday") resulting in the death of more than 53 young people and large number of injuries as reported by various organizations. Large number of deaths and injuries were also reported in the incident of burning the tents of protesters in Taiz Province. In that incident, twenty-eight people were reportedly killed and injured and more than 2000 tents were set ablaze as reported by some organizations operating in the Province of Taiz. Moreover, thirteen protesters were reportedly killed in the attack against protesters marching towards the Council of Ministers in 2011. Two deaths and more than eight injuries were also reported in the attack against the revolution square in Albaidha province during the year 2011.

On 3 June 2011, the Presidential Mosque located within the perimeter of the Presidential Palace in Alnahdain area was a subject of an explosion resulting in inflicting severe injuries to former president Ali Abdullah Saleh in addition to the death and injury of several other worshipers and protection guards of the former president.

5. Deteriorated security situation

Along with the peaceful protests and sit-ins, the security situation has deteriorated and armed confrontations took place in more than one area. On 24.05.2011, it was declared that the province of Abyan fell into the hands of the so called Alqaeda Organization. This resulted in the displacement of thousands of citizens from districts of the province of Abyan, especially from the cities of Zanjibar and Jaar. These displaced people moved to Aden, Lahej and Hadramout provinces as well as to other rural districts of Abyan province. The Capital Sana'a and other neighboring areas witnessed some military confrontations between forces that declared support to the revolution supported with tribesmen on one hand and the Republican Guards and Central Security Forces in Sana'a on the other. These confrontations lasted for the period of the protests until the signing of the Gulf Cooperation Council Initiative by leaders of political parties in Riyadh on 23 November 2011.

6. GCC Initiative and formation of the national accord government

In order to resolve the crisis in Yemen, a political initiative was proposed by the Gulf Cooperation Council in early April 2011. Under the sponsorship of the GCC Secretary General and the representative of the United Nations Secretary General, several negotiation rounds were held between opposition political parties, youth constituents who took part in the protests and representatives of former president. These negotiations resulted in the development of an implementation mechanism for the GCC Initiative, which was then signed on 23 November 2011 in

Riyadh city, the Capital of Kingdom of Saudi Arabia by all relevant parties at that time. According to the provisions of the GCC Initiative, former president relinquished all his powers in a temporary manner to his deputy until early presidential elections are held on 21 February 2012.

The GCC Initiative also provided for conducting a comprehensive national dialogue in which all parties and groups participate to draft a social, political and economic document that incorporates a vision of consensus proposing solutions to problems facing Yemen and adopting a feasible concept for the shape of the state and the governance regime in the future.

In accordance with that Agreement, a transitional stage was embarked with President Abdrabo Mansour Hadi becoming the President of the Republic of Yemen on 21 February 2012. A national accord government headed by Mr. Mohammed Salem Basindwah was formed. The national accord government was shared 50-50 between both parties to the GCC Initiative. Women were represented by three portfolios in this cabinet.

7. Immunity

In accordance with the comprehensive political settlement among conflicting political parties in the Republic of Yemen in 2011, it was agreed that the former president and those who worked with him will be granted immunity. Accordingly, Law No. 1 of 2012 was issued on 21.01.2012 following its approval by the Yemeni Parliament. Under that law: it is not legally possible to prosecute former president Ali Abdullah Saleh and all those who worked with him for all political crimes committed during his reign, which extended for around 33 years.

8. Comprehensive National Dialogue:

According to the provisions of the GCC Initiative, all parties in Yemen, including the Houthi Group, were engaged in a comprehensive national dialogue. In addition to political parties, this dialogue involved representatives for women and youth as well as other segments, which were represented in the conference such as immigrants, marginalized groups and others. The National Dialogue Conference lasted for more than nine months. Conference members agreed to a matrix of recommendations that covered all political, economic, security and judicial aspects. It was also agreed in the NDC to adopt a federal system as a governance structure for the country.

9. Drafting of the Constitution

On 8 March 2014, President Abdrabu Mansour Hadi issued two Republican Decrees No. 26 and 27 of 2014 on the creation of a Constitution Drafting Commission and appointing 17 members in it. Members of the Constitution Drafting Commission spent nine months working on drafting a

constitution. On 9 January 2015, the President received the draft Constitution, which contains all constitutional articles regulating the federal state and its powers.

10. Events of 2014

During the second half of 2014, events developed dramatically with the eruption of clashes in different regions for political, tribal and regional considerations. These confrontations led to the killing of many citizens and the displacement of thousands. The country also witnessed a series of assassinations of officers and elements in the army, police and security organs. This wave of assassinations also targeted political and religious leaders. In the wake of these events, an armed conflict erupted between the Houthis and groups of different religious doctrines in Dammaj area, Sadaah province. These conflicts resulted in the expulsion of opponents of the Houthi group from Dammaj area. In addition, families were displaced and forced to move to the Capital City of Sana'a. After that, Houthi group fought several armed battles with tribal parties in various regions of Amran province. Houthi group claimed victory in these wars and seized control of the city of Amran following confrontations with army units in the city and in particular with forces of Brigade 310 armored.

In September 2014, armed groups affiliated to Houthi Group (known as Ansarullah) and their allies (their allies refers to insurgent army and security forces) waged an attack on the Capital City of Sana'a and seized control of all state institutions in the Capital. Under this control, a Peace and Partnership Agreement was signed between all parties. According to that agreement, a new government, headed by Eng. Khaled Mahfouz Bahah, was established in November 2014. On 21 January 2015, the Houthi Group and their allies imposed a house arrest on the President Abdrabu Mansour Hadi, the Prime Minister Khaled Mahfouz Bahah and several Ministers in addition to party leaders and other public figures preventing them from leaving their residences or performing their duties. The Houthi Group also seized control of Yemeni state institutions, headquarters of ministers and some units of the Yemeni army. The Houthi Group and its allies marched in pursuit to control other provinces in Yemen. Their forces advanced towards Taiz Province in the southwestern part of the country and the City of Aden to the south of Yemen. On 19 March 2015, Houthis launched an air strike against the presidential palace in Aden. As Houthi Militias and their allies spread their control to the city of Aden, a popular resistance against these militias has developed on 21 March 2015. President Hadi demanded Arab states to interfere and fight against these forces which went against legitimacy. On 26 March 2015, Kingdom of Saudi Arabia announced the formation of a coalition of twelve states led by Kingdom of Saudi Arabia to fight against Houthi group and their allies. This coalition is known as the Arab Coalition to Support Legitimacy in Yemen (the Storm of Resolve).

11. International Reactions

On 15 February 2015, the Security Council of the United Nations issued its Resolution No. 2201 by consensus in its session No. 7382. This resolution denounces the seizure of power and state institutions by force by Houthi Group and the use of violence to achieve political gains as well as the control of state media platforms and the use of media means to incite violence. The Resolution requests the Group to withdraw its armed men from government institutions. It also demands the release of President Abdrabu Mansour Hadi, the Prime Minister Khaled Bahah and government ministers who were under house arrest since Houthis seized power in the country. The Security Council declared its readiness to “take more steps” if the Resolution is not implemented and that it will keep the matter under consideration. Due to the lack of positive responsiveness from the Houthi Group to Security Council resolutions and its military expansions in Aden Province and other provinces in the country to achieve full military control, the Security Council held an urgent meeting on 22 March 2015 and issued a presidential statement in which the Council confirmed its support to the UNSC Special Envoy to Yemen and the endeavors of the Gulf Cooperation Council aiming at reaching a peaceful and consensus solution to the crisis in Yemen. The Security Council strongly condemned the unilateral actions by the Houthi group aiming at undermining the political process , jeopardizing the stability of Yemen and endangering its territorial integrity. The Security Council also condemned the air strikes waged by Houthi Group and their allies against the presidential palace in Aden and the residence of the President as well as Aden Airport on 29 March 2015. The Arab Summit issued resolution No. 625 confirming the continued support of the League of Arab States to the constitutional legitimacy in Yemen, represented by President Abdrabu Mansour Hadi, and confirmed the necessity to fully adhere to maintaining the unity of Yemen and its territorial integrity. Arab states also declared their full support to the military actions taken by the Arab Coalition to defend legitimacy in Yemen. Arab States demanded the Houthis to immediately withdraw from the Capital Sana’a and other cities as well as evacuating all government institutions and authorities, returning all heavy and medium weapons they seized to legitimate and constitutional authorities. On 14 April 2015, the Security Council issued its resolution No. 2216, in which the Council confirmed its strong commitment to the unity of Yemen and its territorial integrity. The Council reaffirmed the legitimacy of President Abdrabu Mansour Hadi and referred to the deteriorated humanitarian situation in the country and the prevention of access to humanitarian aid including the deliberate prevention of access to aid materials. The Security Council demanded the Houthi Group to stop resorting to violence and withdraw their forces from all areas they seized, including the Capital Sana’a, as well as laying down all weapons they seized from military institutions. In addition, the Council demanded Houthis to stop taking any actions that fall under the scope of the authority of the legitimate government in Yemen, release all political prisoners and all persons put under house arrest and forcibly detained individuals. The Council also demanded

Houthis to put an end to the recruitment and use of children in armed conflicts and release all recruited children. The Security Council imposed an embargo on the supply of arms to former Yemeni President Ali Abdullah Saleh, Abdullah Yehya Alhkim and Abdulkhaleq Alhouthi as leaders in the Houthi Group.

12. Spread of Military Confrontations to Different Provinces

On 21.09.2014 the Houthi Group tightened its grip and control of the Capital City Sana'a after having already controlled the provinces of Sadah and Amran. The Houthi Group deployed its gunmen inside the Capital City and they occupied most neighborhoods and government institutions. They replaced regular government security and military forces. Houthi Group continued to send its elements with the aim of invading other provinces starting with Albaidha Province. Albaidha saw armed clashes between elements of Houthi Group supported by military units loyal to former president Saleh and some tribesmen who organized themselves in the so called "the resistance". Popular resistance also appeared in other provinces and composed of all parties and groups that rejected the expansion of the Houthi Group and their attempts to spread their control to all state security and military institutions. Nonetheless, Houthi Group continued to send its gunmen to other provinces such as Taiz, Hodeidah, Ibb, Aldhalea, Lahej, Abyan, Shabwa and Aden. As a result of this unprecedented expansion and invasion, military confrontations erupted in different parts of the country between the Houthi Group, supported by units from the Republican Guards and Central Security Forces, which defected from the legitimate government, on one hand and popular resistance and national army affiliated to the legitimate government on the other. Due to the weakness of the state and its focus on confronting the Houthi Group, Alqaeda Organization appeared as strong and active party on the scene and claimed control of the city of Mukalla, the capital city of Hadramout province.

13. Legitimacy regains parts of the country:

With support from Arab Coalition Forces, National Army Forces affiliated to the legitimate government, with help from popular resistance men, regained control of some provinces from the hands of the Houthi Group and Alqaeda Organization. The starting point was from Aden province as it was declared that Houthi Group fighters and their allies were expelled from the city with the legitimacy forces controlling the city on 14.07.2015. Following that during the same year, government forces, with support from resistance fighters, regained control of the provinces of Lahej, Aldhalea, Shabwa and Abyan in the south of the country. Government forces also regained control of the province of Aljwaf to the north of the Capital Sana'a following months of being under the control of Houthi militia elements. Government forces, with support from Arab Coalition forces and local resistance fighters, declared control of Mukalla city, the Capital of Hadramout Province, regaining it from the hands of Alqaeda Organization. With the exception of the provinces of Almahra and Socotra

Island, which did not witness any armed conflicts, most parts of the country saw armed conflicts and actions. These events cast shadow on the situation and reality of human rights in Yemen. Although the state has spread its control to swaths of territory in the country and the end of military actions in several provinces but because of the continued weakness of state institutions and the ongoing conflict in other provinces such as Sana'a, Taiz, Albaidha, Hodeidah and Mareb there are still ongoing violations to human rights. The Commission is making efforts to monitor, document and investigate these violations.

II. Methodology

a. Approach of the Commission

Since its creation, the Commission endeavored to establish a database covering all alleged violations that took place during the defined timeframe of the Commission mandate following international standards. Towards this end, the Commission worked to monitor all alleged violations to international humanitarian law and international human rights law. Then, the Commission collected additional information about these allegations, classified and investigated them under national legislations and relevant international conventions and instruments ratified by Yemen.

In this regard, the Commission followed the following approach:

1. Careful monitoring and documentation, following international standards, of all human rights violations in different parts of the country. More than 30 reporters (males and females) have been used to undertake this assignment with the support of the Commission staff in different provinces of the country.
2. Receiving reports from civil society organizations active in the field of human rights in relation to all alleged violations to human rights and international humanitarian law. This is in addition to exchanging information and reports with these civil society organizations and taking all necessary actions to document and investigate these violations.
3. Cooperating with the Office of the High Commissioner for Human Rights in the fields of providing training and receiving the reports of the Commissioner on Yemen, reviewing and using the information contained in these reports.
4. Reviewing reports issued by international non-governmental organizations interested in the issues of human rights in Yemen.

5. Receiving complaints and notifications directly from families of victims or any individuals who have confirmed information about violations to human rights. Individuals can present complaints or notifications to the Commission in its headquarters, any of its branches or to the reporters working with the Commission in different areas and provinces.

The Commission has taken actions and measures to maintain the confidentiality of information related to witnesses and complainants and to protect their privacy. These measures provided high level of assurance to witnesses and complainants.

6. Receiving large number of complaints and reports. In addition, the Commission received large number of individuals who expressed their willingness to provide evidences by themselves in the office of the Commission or to its reporters.
7. Establishing a website for the Commission to allow victims and informants to communicate with the Commission and present their notifications, complaints and information via the website. Victims and witnesses fill in forms and send information to the Commission through this website.
8. Conducting direct field visits by Commission members and assistant investigation team to examine locations of some cases (field investigations) and issuing partial and specific reports on the results of these investigations.
9. Investigating completed files following conditions and standards developed by the Commission members and investigators within the standard operating procedures of the Commission. The Commission has selected these investigators from those having necessary qualifications and having legal, intellectual and creative capacities and experience in investigation procedures.
10. Monitoring press reports published by different media means in relation to alleged violations to human rights in Yemen. Collecting information regarding alleged cases and instruct reporters to document these cases and send relevant data to conduct further investigations.
11. Examining the authenticity of photographs and video footages related to alleged violations that are delivered to the Commission.
12. Examining medical reports and testimonies and reviewing documents delivered to the Commission to ensure they are authentic.

13. Conducting interviews with detainees held by conflict parties and communicating with relevant entities to ensure they are released and not being subject to torture.
14. Maintaining contacts with all armed conflict parties attempting to develop a working mechanism with different parties to ensure the facilitation of the Commission functioning and put an end to violations.
15. Finally: as the Commission is keen to closely monitor the events in the country, especially with the increasing trend of armed activities and their expansion to different areas, the Commission has given priority, in its investigations during the past period, to violations that occurred since March 2015. This is without impairing or derailing the responsibilities of the Commission towards prior files, which the Commission continue to receive and work on. The Commission has also given priority to violations where more victims fall. In relation to the type of violations, the Commission focused in its investigations on serious violations such as: killing and targeting of civilians; torture; forced disappearance; kidnapping and detention; recruitment of children; the use of landmine; attacks against health facilities and medical staff; ransacking and destruction of public and private properties; destruction of cultural monuments; violations against freedom of expression and opinion.

b. Principles and Standards

1. Impartiality and independence:

In performing its functions, the Commission has been very keen to adhere to the principles of impartiality and independence as provided for in the Commission creation resolution, and in particular article 2 paragraph 2, which stipulates that the Commission is to perform its functions, duties and authorities with impartiality and independence. The resolution makes it clear that no one may interfere in the affairs of the Commission, influence or obstruct its activities and that whoever violates these provisions shall be under legal responsibility.

2. Confidentiality:

In performing its functions, the Commission adhered to the internationally recognized standards and rules of confidentiality especially when making interviews with victims, their family members and witnesses in order to protect them from any acts of retaliation. Full names of these victims, family members or witnesses are not mentioned in the Commission reports but only initials. In addition, the Commission has been very attentive to maintain papers, documents and instruments

properly without any interferences. The Commission maintained the secrecy of correspondences and communications with different parties.

3. Accuracy and clarity:

The Commission has dealt with information it receives with full care and attention. The Commission used all possible means to uphold its obligations in terms of clarity and transparency so not to endanger its credibility before all parties.

4. Professionalism:

The Commission has worked with all professionalism in performing its functions. The Commission adhered to the principles and standards enshrined in the international human rights law and international humanitarian law in this respect in relation to alleged violations in Yemen, especially during the processes of monitoring, documentation and investigation. A helping factor in this professionalism was the diverse composition of the Commission from legal and human rights experts.

5. Objectivity

In pursuit of the goals of the Commission contained in its regulations and literature, especially goals related to the achieving justice for the victims and prosecuting perpetrators of violations, the Commission has dealt in full impartiality and objectivity with all alleged violations to human rights and international humanitarian law it received away from any prejudgments.

6. Signing the declaration:

The Commission adhered to international conditions and standards to be met by similar commissions. It adhered to the principles of integrity, objectivity and professionalism as provided for in paragraph c article 2 of the Commission creation resolution. This article provides that the Commission has to adhere to international standards, national legislations and international conventions relevant to its activities, which were ratified by Yemen. In confirmation of that, the chairman and members of the Commission signed a declaration to work with professionalism, impartiality and transparency.

c. Cooperation with the UN Office of the High Commissioner for Human Rights

The Commission initiated communications with the OHCHR on 17.11.2015 asking for cooperation and coordination with the OHCHR on the basis of the Human Rights Council Resolution No. 18.30 of 2015, in relation to providing technical and technological support to the Commission by the OHCHR. The OHCHR did not provide any kind of technical or technological support until the date of

this report in accordance with the HRC resolutions. The OHCHR just sent a letter including questions that are, in some occasions, irrelevant to any technical or technological support. Despite that, the Commission has been keen to cooperate with the OHCHR and providing it with written replies as permissible under the Commission creation resolution, its internal regulations and applicable national laws.

During the period from 8 to 11 March 2016, the Commission sent a delegation to Geneva headed by late Dr. Abubakar Basaleh to attend part of the meetings of the 31st Session of the UN Human Rights Council. During that visit, the delegation held several meetings with the High Commissioner, MENA region officers in the OHCHR, the OHCHR representative in Yemen and several European Union ambassadors.

The main headings for cooperation were agreed upon although the OHCHR representative in Yemen refused discussing signing a memorandum of understanding with the Commission claiming that this procedure is lengthy and will consume time. Despite that, the delegation of the Commission was very keen to continue meetings in Jordan as agreed. The delegation wished to attend a session with the three experts appointed to cooperate with the Commission to take advantage of being outside the country due to difficulties in transportation. However, the OHCHR did not finalize visa procedures with the Jordanian authorities so the delegation had to return back to Yemen.

Exchange of letters continued following the return of the delegation to Aden. On 12 May 2016, the Chairman of the Commission met with the three experts appointed by the OHCHR to cooperate with the Commission in Jordan. The MENA region officer was contacted by phone during the meeting. It was agreed to start urgently in providing technical support and capacity building using available resources with the OHCHR. It was also agreed to implement some specific activities such as conducting a training course for the monitoring team of the Commission as well as conducting a joint session between members of the National Commission and the OHCHR.

In the period from 2 to 5 June 2016, the OHCHR implemented its first activity by organizing the training course for the monitoring team in Jordan.

As for the joint session which was due to be held between members of the Commission and the OHCHR in Jordan on 14 and 15 July 2015, the date was delayed to 20 July, further postponed due to non-issuance of visas by Jordanian authorities and finally the meeting was cancelled by the OHCHR.

It is worth mentioning that the Commission has been very keen to provide the OHCHR with information about the methodology the Commission follows in its work. This information was fed in early times to the OHCHR and it includes the internal regulations, the plan of action, the press statements, replies to inquiries, the size of budget, the standards for the selection of executive managers and reporters and the standards for dealing with the conflict and relationships with conflict parties.

The OHCHR was invited to visit the Commission in its temporary office in Aden but the OHCHR apologized for technical reasons as cited. Despite that, the Commission is aiming at developing the relationship with the OHCHR in the future.

The National Commission is looking forward to having more cooperation with international organizations and agencies operating in this field, especially with the Office of the High Commissioner for Human rights. The Commission hopes that the OHCHR contributes in making the work of the Commission a success. The Commission requires technical and technological support to process this vast amount of allegations, which are being monitored by the Commission. In case cooperation with the OHCHR is stepped up as envisaged, the Commission will make advance steps in its work.

d. Communication with different conflict parties

To reflect the principles of impartiality and independence, the National Commission developed in early stages a plan of action and a mechanism to communicate with parties to the ongoing conflict in Yemen. The Commission wrote to all parties requesting them to cooperate with the Commission and identify a focal point for the Commission to communicate with relevant parties through. The Commission wrote to the government, the leadership of the legitimacy support coalition and Ansarullah Group (the Houthis). Some of these parties reacted to the Commission request and identified focal points from their sides.

Until the date of writing this report, the Houthi Group has not appointed a focal point from its side.

e. Monthly media activities of the National Commission

Sensing the responsibility entrusted to the National Commission to Investigate Alleged Violations to Human Rights, the Commission was very keen from the first moment to establish a database for victims from different sources. The lead source is the reporters of the Commission who were commissioned to monitor, report and document violations committed by conflict parties. Victims and notifications they make are key information sources so as information from international non-

governmental organizations and civil society organizations working in the field of monitoring and reporting.

The monthly press statement of the Commission is one mechanism through which the Commission communicates with the society and assures victims and local and international community of the actions it takes. The Commission issued so far five press statements since March until June 2016. These statements give briefs about the formation of the Commission as an independent national mechanism to protect human rights through fair and transparent investigations in all alleged violations to human rights in all parts of the Republic of Yemen since 2011 until the state extends its full control to all territories of Yemen. As this mechanism is the first of its kind in Yemen, and may be the first Arab experience as such, the Commission affirms in its statements that it adheres to international principles in its work such as the principles of independence; equality and non discrimination; and professionalism and that it follows the basic guiding principles for the right to relief and redress for victims of violations to human rights and international humanitarian law issued by the General Assembly in its 61st Session of 2016. These principles define what is a victim and elaborate the key principles including the principles of non-discrimination, verification, truth telling and redress. The Commission confirmed in its press statements that it will examine key alleged violations to human rights including mass and individual killings that touches the right to life; the crimes against the physical integrity; embargo as a crime against humanity; the crime of child recruitment; the crime of using landmines; the targeting and shelling of hospitals and medical staff; the extrajudicial arrest; forced disappearance; the bombing of houses; and torture.

The Commission confirmed, in its statements, its call to all parties to the conflict to respect international human rights law and international humanitarian law; and in particular international conventions and treaties ratified by Yemen. The Commission invited parties to take actions to prevent torture of all types, all forms of inhumane and cruel treatment and stopping the targeting of civilians and populated areas. The Commission also called for preventing the recruitment of children in conflicts, the release of all those who forcibly disappeared and arbitrarily detained and refrain from obstructing humanitarian aid materials and aid workers. In these statements, the Commission indicated that investigation teams have started examining all files it received and that the Commission began to conduct field visits to the locations where violations were committed and interviewing victims, their family members and eyewitnesses as well as visiting several provinces. These statements referred to some investigated violations including the following:

1. The targeting of civilians in Tawahi district, Aden province on 06.05.2015 (the incident of the boat)

2. The targeting of civilians in Alshaab area, university campus, Buraiqah district, Aden province on 25 June 2015
3. The incident of Alahmadi, Khawr Maksar district on 30.03.2015
4. The incident of Almansoura, block 4 and 5 on 03.06.2015

The Commission mentioned in its statements the number of files it received on alleged violations to human rights. The Commission also narrated and detailed the monitoring reports it received from some provinces and reiterated its call to all civil society organizations in all provinces to cooperate with the Commission and provide it with any information or reports on any violations that fall within the mandate of the Commission.

The third and fourth statements of the Commission for the months of May and June 2016 referred to the field visits made directly by the Commission members and its assisting investigation team to some provinces and districts for the purpose of examining events and alleged violations which were monitored and reported. In these two statements, a narration of some alleged violations investigated by the Commission was provided. These statements also mention that 25 reporters were trained in the field of monitoring and reporting by the OHCHR in Amman during the period from 2 – 6 June 2016. The statements of the Commission also mentioned that it received four reports from Human Rights Watch on alleged violations to international humanitarian law in Yemen during the years 2015-2016.

Because the incident of Albab Alkabyr in Taiz province resulted in large number of casualties among civilians, the Commission issued a special statement on these acts that are against international humanitarian law. The Commission initiated an investigation in Albab Alkabyr incident and listened to eyewitnesses, interviewed injured people and their family members. During the events of launching its statements, the Commission held expanded meetings in its offices in the presence of different media means. Copies of these statements were also sent to the Office of the High Commissioner for Human Rights.

The Commission is continuing its work in monitoring, documenting and investigating various allegations on human rights violations and issues monthly statements to communicate to the local and international community the activities of the Commission.

f. Field visits of the National Commission team:

Since its creation, the Commission has been very keen to develop first a mechanism for monitoring and documenting violations and then conducting investigations under international standards. The

Commission set standards and conditions to be met by its potential reporters. Under these standards and conditions, thirty reporters from different provinces were selected. These reporters are university graduates from the faculties of law and have the necessary experience in the field of monitoring and reporting. The Commission trained these reporters on mechanisms of monitoring and reporting. These reporters started their activities and visited different locations in the country to monitor and report any violations. Despite the difficulties they face as a result of the continued conflict, yet they monitored and reported large number of violations committed by conflict parties and resulted in hundreds of deaths and injuries in addition to the cases of arbitrary detention, forced disappearance, abduction, recruitment of children, destruction of houses, victims of landmines, destruction of government facilities and cultural monuments. During the monitoring and reporting process, reporters listen to the testimonies of witnesses and they interview family members of victims. A form is filled in for every case and sent to the office of the Commission. The investigation team then examines incoming information, summons and interviews witnesses of the violation, conducts field visits to the accessible locations of violations accompanied by an expert of weapons and criminal evidences. The team takes photographs for locations and witnesses. For instance, the investigation team and the assisting team investigated some incidents of grave violations to the right to life such as the incident of Al Tawahi District on 06.05.2015. In that incident, a boat was attacked resulting in the death of 13 civilians and 17 injuries. The weapon used in this incident was identified by the military expert. Samples were taken to the office of the Commission. A field visit was also made to Alburiah district to investigate and interview victims and witnesses in the case of the shelling of the university accommodation, which resulted in 6 deaths and 17 wounded. A field visit was made to Khawr Maksar district to examine the incident of Alahmadi area shelling which resulted in 10 civilians killed. The assisting investigation team also visited Almansoura district and investigated the incident of block 3 and 4 in Almansoura district. Eyewitnesses and family members of victims were interviewed. That incident resulted in 13 deaths and 14 wounded.

Some members of the Commission and its assisting investigation team also paid direct field visits to various provinces and hospitals to examine locations of serious violations which shock local and international public opinion such as the crime of Albab Alkabyr that took place in Taiz province on 03.06.2016 resulting in 7 dead people and 6 wounded. The Commission investigation team initiated its investigation in the case by listening to the eyewitnesses and interviewing family members of victims. Members of the Commission paid also a visit to prisoners in Taiz province and took photographs of the location of the crime and the serious damage to the historical Albab Alkabyr in the province on 20.07.2016. Some members of the Commission carried out also direct field visits to the province of Lahej to examine the location of the crime in Alfioush market which resulted in more than 85 civilian victims. The team initiated the process of investigation, listening to the testimonies

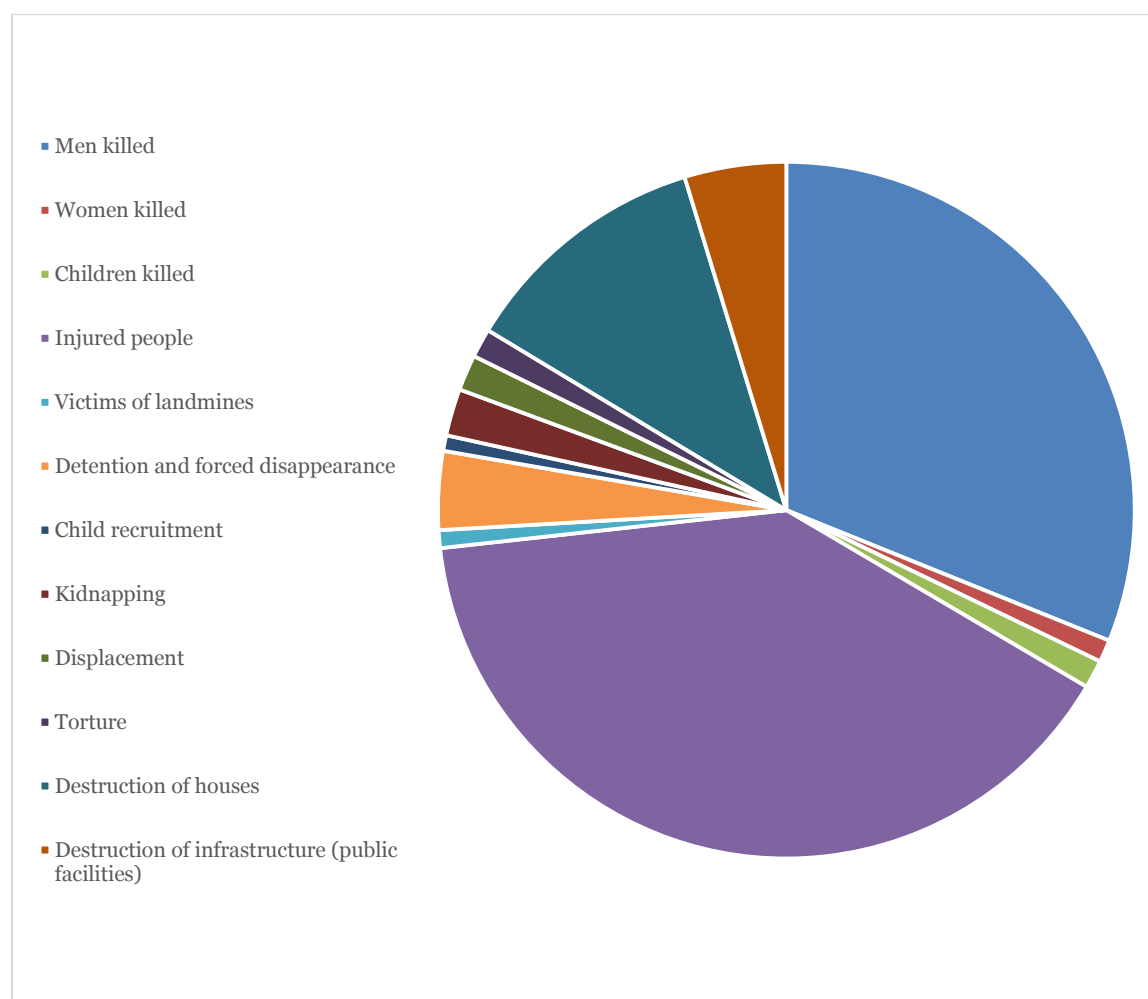
of eyewitnesses and family members of victims. The team interviewed injured people in that incident and took photographs for the location. Remnants of the used weapon were seized and referred to the forensic department for examination. The military expert was escorting the Commission in these visits. Then the Commission team moved to another location where a serious violation against civilians was committed. This refers to the shelling of Musab Bin Omair school in Tahrir area which resulted in 14 civilian deaths and 14 injured. The Commission started investigating this incident, listening to eyewitnesses and family members of victims and taking photographs. Then the Commission started its investigations in a different incident, which is the shelling of a residential neighborhood in Al Hamera area, Lahej province. In this incident, houses were destroyed on their residents. Investigations were made in this incident, eyewitnesses and family members of victims were interviewed. Photographs for the site were taken and coordination was made with the local authorities in the province to carry out the field visits.

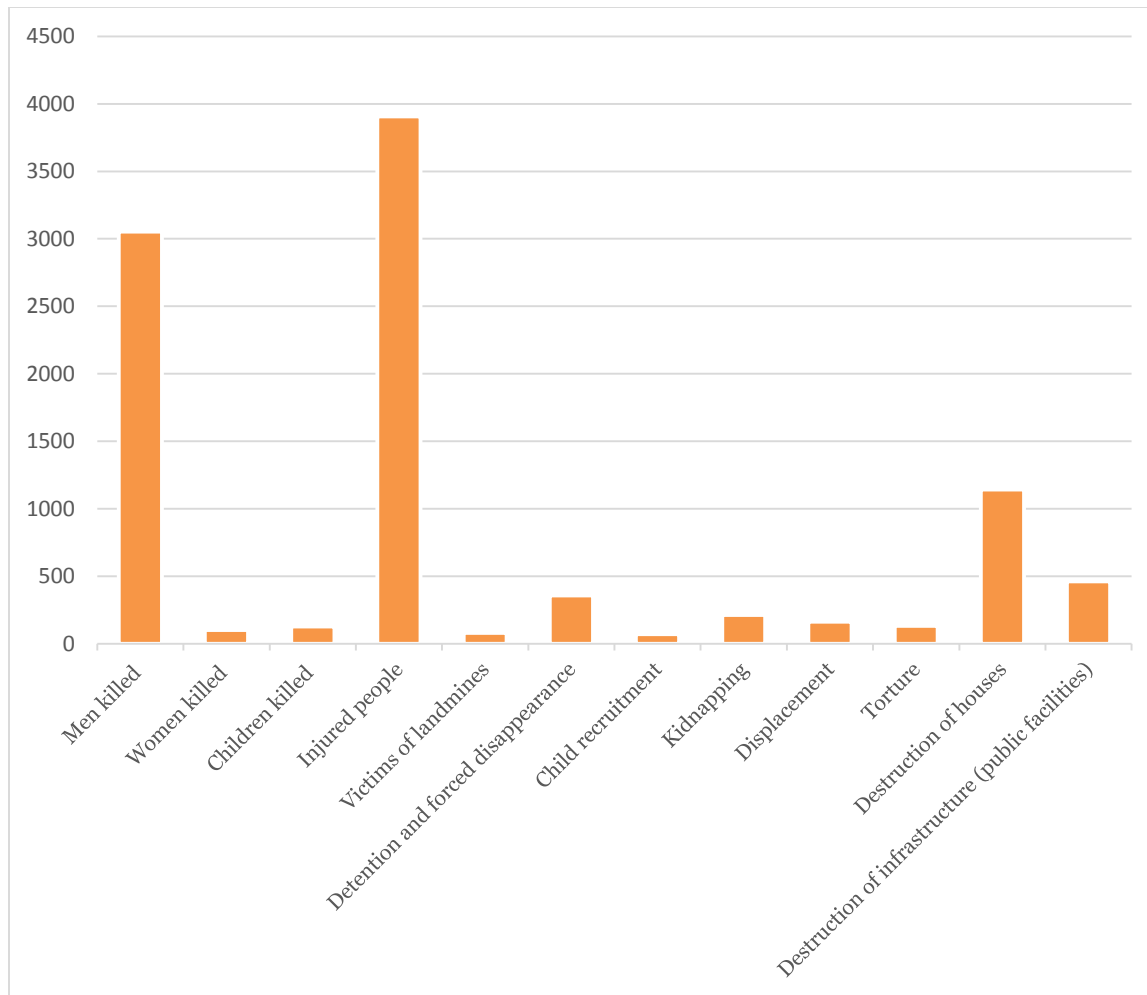
Members of the Commission and its investigation team carried out field visits on 23.07.2016 to the province of Mareb to investigate the case of shelling the Residential Compound in Mareb province, which resulted in the death of eight civilians all of them were children. The Commission listened to the testimonies of witnesses and family members of victims. The Commission made interviews with some local authority leaders in the province and examined the conditions of prisoners. The investigation team conducted also investigations regarding the crimes of landmines and forced displacement.

The team of the Commission is still conducting its direct field visits to investigate alleged violations to human rights under applicable national legislations, international human rights law and international humanitarian law. The Commission will present its recommendations to refer the perpetrators to justice and provide redress to victims upon the completion of its work.

III. Facts and allegations documented, monitored and investigated by the Commission

The Commission continued carrying out its functions despite the very difficult and complex conditions and the ongoing war and hostilities in most areas where the Commission operates in addition to the deteriorated security situation in the country. The Commission monitored, documented and investigated various violations in provinces that were accessible by the Commission. The Commission presents in this preliminary report some examples of violations to international human rights law and international humanitarian law through documenting violations committed by all conflict parties since 2011 until the date of writing this report. The total number of violations documented by the Commission is 9816 cases. The Commission made interviews with 4498 victims, informants and eyewitnesses. The Commission listened to various narrations on violations including: extrajudicial killing; arbitrary detention; forced disappearance and torture; the use of landmines; attacks against journalists; the destruction of properties and cultural monuments; the bombing of houses, the drone attacks and other violations. The below chart shows this data:





Here, the Commission will present samples of alleged violations that were investigated by the Commission, and it will do this by dividing them into individual and group violations, as follows:

A. Facts and Allegations in Group Violations:

A.1. Bombing and Targeting of Civilians and Civilian Buildings by Some of the Parties to the Armed Conflict:

The armed conflict that is currently taking place in Yemen is not an international conflict, so the provisions of international humanitarian law, specifically the Protocol II Additional to the Geneva Conventions of 1949 and the provisions of Common Article 3 of the Geneva Conventions, are the ones that should be implemented and adhered to by the parties to the conflict. All of the parties are also bound to customary international humanitarian law regarding non-international armed conflicts. The main part of the law includes certain rules relating, among other things, to the principle of distinction, treatment of civilians and persons hors de combat, the means and methods of fighting, and the condition of the protected people and elders.

Despite the noncooperation of some of the parties to the armed conflict, and their refusal to deal with the Commission, the Commission was able, through its reporters throughout all of the provinces, to observe around 3,054 dead and 3,906 injured in these types of violations.

A.1.1. The Claim of the Assault Incident on the Al Bab Al Kabyr Neighborhood in Taiz

On 3.6.2016, at around 4 o'clock in the afternoon, there was an explosion that is believed to be a result of Katyusha rocket falling in the Al Bab Al Kabyr neighborhood, which is a popular market that is in the heart of the city of Taiz. It is an archeological area that includes a number of historical monuments, like the Al Mudhaffar Masjid. There are a number of crafts and businesses that are operated in the market, like selling cloth. There are also a number of popular stores and some old homes that people still live in.

After this incident, the reporters of the Commission went down to the location a few hours after the explosion, and they took the procedures specified for them by the Commission. These procedures included observing and recording these types of incidents, and viewing and photographing the area, recording the names of the victims, and interviewing eyewitnesses and listening to their recollections. It has become clear, according to the information that was recorded by the reporters, that nine people died in this incident, including two women and two children. There were also 13 people injured, and all of the victims were civilians, specifically, storeowners and shoppers in the market.

Due to the increasing claims that the civilians in the city of Taiz were being targeted, especially during that period, the Commission, through a number of its members, went down to the location of the incident on 6.6.2016 in order to carry out a field investigation of the incident, as well as a number of other incidents relating to claims of civilians being targeted and the bombing of civilian buildings. When the members of the Commission reached the city of Taiz, they inspected the location where the projectile fell. From their inspection, it became clear that the projectile fell around 40 meters away from the entrance to Al Bab Al Kabyr, in front of an old café called Al Khayyam Café. People would usually gather there to drink tea and eat some snacks. Some women would also sell Qat in front of this café, and, next to the café, there are a number of other shops, like a grocery store, a perfumery, a pharmacy, and others. The Commission documented, upon its visit, the hole in the ground of the popular market. This whole was 60 centimeters and 15 centimeters deep, and it was a result of the destruction of a number of the stone tiles that cover the ground of the market when the projectile fell to the ground. The Commission also documented the remnants of shrapnel on the walls and doors of

the stores near where the projectile fell, as well as in one of the chairs in the café mentioned above. The shrapnel was spread out over a 200 meter squared radius.

The Commission interviewed a number of the victims that were in the Al Thawrah Hospital and Al Rawdha Hospital, the two hospitals that the injured and dead from the incident were taken to. The Commission also interviewed a number of the witnesses of the incident, as well as a doctor that was on duty in Al Rawdha Hospital when the incident took place. The Commission recording the following testimony during its field visit:

Testimony of Some of the Victims Injured in the Incident

Victim A. Q. is an old man who is around 65 years old, and he said, during his interview by the Commission team in the Al Thawrah Hospital, where he was being treated, that, at around 4 pm on Friday, he was sitting in the café that is in Al Kabyr Market, and he was surprised to hear an explosion near the place that he was in. Due to the shrapnel from the explosion, he sustained serious injuries in his back, and then he was taken to the hospital. When he was asked by the Commission team about the cause of the explosion, he said that he later heard, from a number of the victims that were taken to the hospital with him, that the explosion was the result of a Katyusha rocket that was fired from Al Hawban area, which is under the control of the Houthis. He also added that there had not been any skirmishes in the market, and that there were no soldiers in it for it to be targeted by them.

The victim, S. M., 50 years old, who was staying in the Al Rawdhah Hospital for treatment of her two broken legs, a broken hand, and injuries in her stomach from a number of shrapnel pieces that went through her body, said: “I was with Safiyah Obadi and Fakiyah selling qat, and we were surprised in the afternoon, around the time when we were about to go home, that a rocket fell on us when we were in the market, near the café. The rocket came from the direction of Al Hawban, which is under the control of the Houthis.” She also added that there had been no skirmishes or fighting in the market, and that the market is safe and far from the war. She said that she works here on a daily basis, and that she brings qat from Saber Mountain and sells it in the market.

The victim, Dh. A. H., is 23 years old, and he is a laborer that lives in Al Ashrafiyah (a place near Al Bab Al Kabyr).

The most important parts of what he said to the Commission:

“I was sitting with some of the guys near the café when a rocket fell near us, and there were dead and injured people all around. There were more than ten, or even more, dead and injured, and some of

my best friends died, including: Mustafa Hamood Mulhi, Adel Ali, Hamadah Hazza, and Sami Abdoh Ali. I sustained minor injuries because of the shrapnel that flew around everywhere, and I was transported to the hospital and was released the next day.”

When he was asked by the Commission Team about whether there had been skirmishes near the neighborhood, he said that there had never been any skirmishes near there.

When asked if he was able to determine where the projectile was launched from, he said that he is unable to determine where it came from, but from what he heard, the missile came from Al Hawban, which is an area that is under the control of the Houthis and Saleh’s forces.

This was the most important information from the testimony of the witness in accordance with what is clarified in the record and what is documented in the recording.

The father of the victim, Ahmad Muhammad Hazza Qasim Al Awbali, who was killed during the incident, said the following when being interviewed by the Commission: “After the beginning of the skirmishes in the city of Taiz, we were displaced by the war to the area of Al Turbah. After the government forces took over the area that we were living in, and the neighborhood became safe and the skirmishes were far from our home, we returned here (to Al Dhahiriah, which is one of the neighborhoods in Al Bab Al Kabyr). On Friday, my son, Ahmad (19 years old) was working on his motorcycle and on his way to the café to drink tea. The rocket came down at 3:30 pm, and my son was killed during this incident.

Interviewing Witnesses of the Incident:

During the field visit of the Commission team to the place of the incident, a number of people who had witnessed the incident came forward to the Commission, as well as a number of people who came to the area moments after the bombing. The Commission interviewed a number of the witnesses, who said the following:

Witness # 1: (A. H. N.), 30 years old. Employee, lives in the Al Bab Al Kabyr neighborhood, and he said the following:

“Before ‘Asr time (3:30 pm) last Friday, 3.6.2016, I was on the street next to the location of the incident, and I heard the explosion that resulted from the missile that fell in front of the Al Khayyam Café. I knew the location of the explosion, and, when I got there, I saw a number of injured and dead people there. There was a bus near the area, and we transported a number of the injured on this bus.

One of the people from the area, who lived near the location of the explosion, which is a popular market, said that he believes that the missile was fired from the direction of Al Qasr intersection, around the Sofitel area in Al Hawban. This area is under the control of the Houthis.”

When asked by the Commission team about if there were skirmishes near the area of the explosion, the witness said: “This is a popular market that is always full of people, and all of the people that were killed were civilians, including motorcycle drivers, women, children, and shoppers. There were no skirmishes in this area, or any military targets.”

When asked by the Commission team about the number of people killed or injured that he had seen at the location of the incident, he said that the number of dead that he had seen was 8 or 9, including children and women, and that he also saw 8 or 9 injured as well.

The witness (A. A. A.) is the owner of a grocery store that is located near the place of the explosion, and the most important parts of his testimony with the Commission team are as follows:

“I was working in a nearby store that we own as well, and I heard a huge explosion. I ran to the location of the explosion. When I got there, I found a worker that works with us in the store, Mustafa Hamood Muhammad Mulhi, on the ground. He was rolling around in his own blood, his feet were cut off, and his body was disfigured. He was in a horrible state because of the shrapnel from the rocket that fell near the store. I also saw a number of people dead, as well as two women who had died from the explosion that was caused by the rocket. Their names were Fakhah and Safiyah, and they were selling qat near the café.”

When he was asked by the Commission team if there were any skirmishes near that neighborhood around the time of the incident, he said that there were no skirmishes because this is a safe popular market, and it is far from the areas of the conflict.

Witness: (S. S. Q.), is an educator, and he lives near the Al Mudhaffar Masjid, near the location of the incident. He said: “We heard the explosion when we were in the masjid, and we were very afraid and we were minutes later in reaching the location where the rocket fell because we were afraid that a second rocket would strike. We came while people were transporting the injured to the hospitals, and everyone was saying that the missile came from the Sofitel hill, where the Houthis were. After less than half an hour, and from the same direction, a shell hit a home near the Al Mudhaffar Masjid, and I saw this with my own eyes.”



Conclusions

The team from the Commission finished its investigation after a lot of looking into the reality of the situation, and listening to multiple testimonies about the incidents targeting civilians during this period and during the Commission's visit to Taiz. It found that the areas that had victims were civilian areas where civilians reside, and that these areas are under the control of the National Army and members of the resistance. It became clear to the Commission team, from the testimony of the witnesses and the investigation that it carried out, that there are no military targets there, and that

the bombings were during a time when there were no skirmishes. This is true for all of the cases that were investigated and visited, including the incident in Al Bab Al Kabyr. All of the victims of the shelling and targeting were civilians, and the city is under daily shelling from different areas. This shelling makes no distinction, and it is random. The shelling does not take into account any civilians that live inside the city, and this has caused the deaths of a number of civilians, and it has terrorized the people of the city. It has also caused damage to public and private property.

A.1.2. The Claim of an Incident Where Civilians Were Targeted in Al Sha'b City (University residence and the Uzaibah neighborhood):

The Katyusha rockets came down in two areas:

The first site: The public college dorm building in the Al Sha'b City, near the administrative sciences building, in the north of the same city. The projectile fell in the public college dorm building, specifically in the entrance of the building, according to what is shown in the attached photographs with the file. There were displaced people from the province of Aden inside the residence. The building is four stories high, as is shown in the pictures.

The second site: It is a residential neighborhood and is in the Al Sha'b City, to the south of the administrative sciences college. It is around 500 meters from the first site, and most of the homes in this neighborhood are 1 or 2 stories high. They are old homes that house the people of the Al Sha'b area. The projectile hit the area in front of the café that is owned by the victim, Yahya Hasan Salem Armoush. The shrapnel from this explosion went out to different areas and in different directions, and it left many people injured and dead, as is shown in more detail below.

Summary of the Incident:

On 24.6.2015, at between 11:00 and 12:00 at night, a Katyusha missile fell on the public college dorms building, which is in Al Sha'b city. The projectile was fired by the Houthis and their allies, who were located in the area behind Bi'r Ahmad and in Bi'r Ali in the northern and western parts of Al Sha'b City. There were only civilians in the college dorms and the areas near them, and there were no military bases. On that same date and time, another projectile fell on Al Sha'b city, also in a residential area, and in the western neighborhood. The source of this projectile was also the Houthi militias and forces loyal to the previous president. There are no military bases in the area that the missile struck, just residents. The total number of victims in both sites, including the dead and injured, were as follows:

The people killed in the first incident in the college dorm:

1. Obaid Abdullah Muhammad (28 years old)

2. Ali Nasser Bukhait (18 years old)
3. Khaled Bajjash Ali (34 years old)

The people injured in the first incident (taken to hospitals for treatment):

1. Muna Ali Muhammad Hasan (17 years old)
2. Muadh Bajjash Ali (24 years old)
3. Wafi Aref Ali (29 years old)
4. Mut'ib Bajjash Ali (13 years old)

The people injured in the first incident (not taken to hospitals for treatment):

1. Luwais Jalal
2. Abdulrahman Saif
3. Ahmad Abdoh Nasr
4. Ibrahim Muhammad Ahmad Futaini
5. Ahmad Muhammad Saleh
6. Sami Fawzi Muhammad Ahmad
7. Baleegh Hasan Muhammad
8. Saeed Baleegh Hasan Muhammad
9. Ahmad Muhammad Sulaiman
10. Yasser Muhammad Sulaiman
11. Nasser Ahmad Bukhait
12. Imad Baleegh Qayed (child)
13. Saeedah Baleegh Qayed (child)
14. Ali Baleegh Qayed (child)
15. Fuad Muhammad Saeed
16. Basmalah Murad Saeed Saif (child)
17. Faris Muhammad Saeed
18. Kifah Muhammad Saeed (13 years old)
19. Meethaq Bajjash Ali Muhammad
20. Khaldoon Muhammad bin Muhammad Awadh
21. Ruqaiyah Salem Saleh Bukhait (child)
22. Ja'far Ahmad Qayed
23. Saif Ja'far Ahmad (child)
24. Shaheed Ja'far Ahmad (child)
25. Ali Ja'far Ahmad (child)

The people killed in the second incident in the college dorm:

1. Nasser Salem Muhammad Aboudah (58 years old)
2. Muhammad Yahya Hasan Salem Armoush (12 years old)
3. Abdullah Yahya Hasan Salem Armoush (15 years old)

The people injured in the first incident (taken to hospitals for treatment):

1. Tareq Ahmad Muhammad Sa'd Al Hakeemi (49 years old)
2. Khalid Muhammad Ali

The people injured in the first incident (not taken to hospitals for treatment):

1. Masi Ali Abdoh Mukri'
2. Nasser Hams Muhammad Al Jabri
3. Muhammad Omar Saleh Shayef
4. Yahya Hasan Salem Muhammad Armoush
5. Saleh Abu Bakr Al Esayi
6. Adel Abdulmajeed
7. Salem Al Sulaimani

Investigating and Documenting the Incident:

The reporters of the Commission, during the period of February and March 2016, met with some of the victims that were injured, and they sat down with the families of the victims that were killed. They listened to the testimony of the witnesses, their families, and prosecution witnesses. Observation forms were filled by the reporter, and they were attached to the medical reports and death certificates, as well as a copy of their personal IDs and the detailed report of the observations, which was attached to the case file and is clarified in detail in the papers.

Investigation Procedures:

After reviewing the documents of the observations and documentation, some of the members of the Commission sat down with the victims and their families and collected information from the prosecution witnesses by taking down their statements. Members of the Commission also, on 16.6.2016, made a field visit to the scene of the violation, and took pictures there. They also included some of the video clips that were gotten from the families of the victims.

The Testimony of the Witnesses:

The first witness (A. Kh. H. A.) was born in 1988, and he is living in Al Sha'b City. He is the manager of the communal residence.

In summary, his testimony stated that on 24.6.2015, after midnight, a Katyusha rocket hit the entrance of the public college residence building, and the residence was full of displaced refugees. He was, when the shell hit, near the building, and he went to the place where it hit. He found the victims that were killed by the shell, and there were three of them: Ali Nasser, Khalid Bajjash, and someone called Obaid. He also found four people who were injured, and they were taken to the hospital. The injured people were Muna, Muadh, Wafi, and Mut'ib. There were also a number of people who sustained minor injuries from the shrapnel, and they were not kept in the hospitals. There were 25 of them. The shell that hit the building was from Bi'r Ahmad, in the direction of Amran and Salah Al Deen. The rocket was fired by the Houthis and Ali Abdullah Saleh's forces, who were based in this area. In the area that the rocket hit, there are no military bases, and there were only civilians. On the same day, another rocket hit near the manufacturing plant, but it did not do any damage. Also, a rocket hit the Al Sakaniah area in Al Sha'b, in the Uzaibah neighborhood. This rocket caused damage. There was also another rocket that hit the Al Sakaniah area in Al Sha'b, in the Uzaibah neighborhood, and this rocket caused three deaths and a number of injuries.

The second witness, (A. M. A.), born in 1995 and unemployed, lives in Al Sha'b City, in Al Sakaniah area, Uzaibah neighborhood.

In summary, his testimony stated that on 24.6.2015, after 10 o'clock at night, a Katyusha rocket hit the Uzaibah neighborhood in the Al Sakaniah area, near the cafeteria that was owned by Armoush. The shrapnel from the rocket killed three people; Muhammad Yahya Armoush, Abdullah Yahya Armoush, and Nasser Aboudah, and injured two people. He does not remember the rest of the people that were injured. The source of the rocket was behind Bi'r Ahmad, in the direction of Amran and Salah Al Deen, and the rocket was fired by the Houthis and Ali Abdullah Saleh's forces. He knows this because they are in control of the area that the rocket came from, and the area that the rocket hit does not have any military bases because it is a residential neighborhood full of civilians.

The third witness, (Sh. A. A. M.), is 35 years old, and is the Deputy Head of the Relief Agency for Security of the Residence. He lives in Al Sha'b, and his testimony stated that he was in his home, which is near the university residence, and that he was working on the relief Commission responsible for providing relief to the refugees in the university residence. He heard the explosion and went out to the residence quickly, and he found a number of the refugees injured and with blood on them. He saw the effects of the Katyusha rocket, which was fired by the Saleh and Houthi forces, who were in the Bi'r Ali area. He took the injured to the hospital, but three people died from their injuries. They had fatal injuries from the shrapnel of the rocket, and there were many injured at the scene. Some of

them had major injuries and were taken to the hospital. This is clarified in the papers, and this was on 24.6.2015.

The fourth witness, (N. A. A. G.), is 51 years old, and he is responsible for the relief provided to the refugees in the residence. He lives in the Al Sha'b City, and his testimony stated that he was in his home, near the university residence, when he heard the explosion. He quickly went out to the residence, and he saw that a Katyusha rocket had hit the university residence building, and that three people had been killed by it. He also saw that many people had been injured. Some of them had major injuries and were taken to the hospitals. He said that the rocket was launched by the Houthi and Saleh militias, who were based in Bi'r Ali, and this was on 24.6.2015.

After listening to the testimonies of the victims, the families of the victims, and the witnesses, who had made their statements before, we, on 16.6.2016, went down to the scene of the violation. The scene included the two locations where the violation took place, and both took place on 24.6.2015. We went to the public university residence and took pictures to clarify the damages, and we attached them to the case file. We also attached pictures that were taken before by the reporters. Then we went, on the same day, to Al Sakaniah area, the Uzaibah neighborhood, in Al Sha'b City, near the Armoush Cafeteria. This is the place that was hit by the second Katyusha rocket. We took some pictures in the presence of the victims, and we also interviewed some of the victims that had been interviewed before, especially those that were injured in the incident. We got some information about the people injured during this incident, and we recorded this information and prepared a Field Visit Form. We attached all of the pictures that we had taken, and we attached the form to the case file. We also collected pictures during our field visit, in addition to some of the pictures of the people who were killed, and video clips of the incident. We collected them all on a CD and included them with the case file. This is clarified in detail in the papers.

Legal Characterization:

The legal characterization of this claim, in accordance with national law, is a serious crime in accordance with the text in articles 16, 18, 19, 234, and 236 of Republican Decree for Law No 12 for the Year 1994 Concerning Crimes and Penalties, and it includes the crimes of murder and attempted murder. The rockets were launched by the Houthi militias and the military forces loyal to the previous president on areas that do not have any military bases and are residential areas with civilians. They are the victims of this violation, as some of them were killed while others were injured, some of them dangerous injuries. The articles mentioned above apply to this. If we go back to international conventions and treaties, what the Houthis and the forces of Ali Abdullah Saleh did is a clear violation of what was in the principles and texts of international conventions and treaties,

and the principles of international humanitarian law, specifically the text of Article No. 3, Paragraph A. of the Geneva Convention regarding protecting civilians during a war. This Convention is dated 13 August 1949. There is also the text of Article 4, Paragraph A of the Additional Protocol attached to the Geneva Convention regarding protecting the victims of non-international armed conflicts.



A picture of one of the victims (dead) in the Al Sakaniah incident in the Uzaibah neighborhood in Al Sha'b city.



The reporter and investigator at the public university residence building, which was targeted by shelling. This picture was taken during the field visit, after the building was rebuilt.



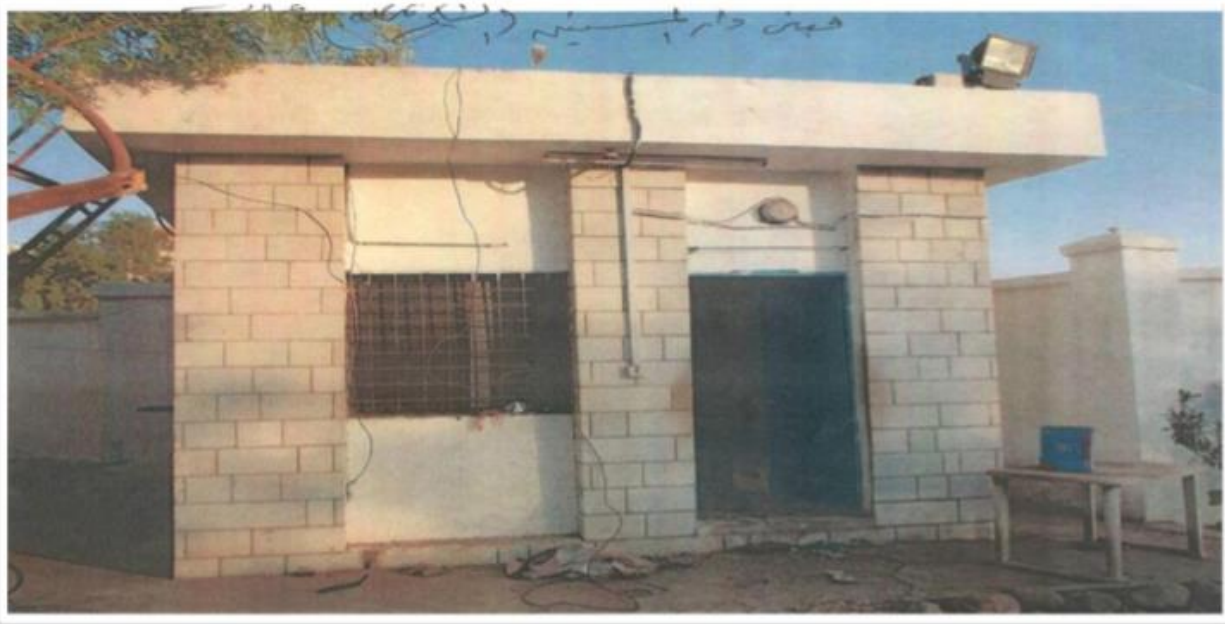
A picture of one of the victims (dead) in the Al Sakaniah incident in the Uzaibah neighborhood in Al Sha'b city.



A picture showing the investigator and reporter during their field visit to the Uzaibah neighborhood in the Al Sakaniah area, where they met with some of the victims.



A picture showing the investigator and reporter during their field visit in the area where the Katyusha rocket hit in the Uzaibah neighborhood in Al Sakaniah area in Al Sha'b City.



Elderly home building



Katyusha missile effects on the building of the university accommodation

Conclusions:

Because this shelling, which civilians were subject to, targeted residential neighborhoods that did not have any military bases in the areas that were bombed, and because all of the evidence points towards the Houthis and the forces allied to them as those that shelled the city and committed these violations. This was confirmed by witnesses, the victims, and their families. This means that the local laws and legislation, as well as the treaties mentioned above, apply to them. Despite the fact that the Commission communicated with the Political Office of Ansar Allah through its reporters, like we mentioned above in the relationship of the Commission with the parties to the conflict, but the Houthis delayed in naming a contact officer to connect and be a communication channel between them and the Commission if the Commission is unable to get responses and clarifications about the claims made against them by the victims, their families, and the witnesses.

A.1.3. The Incidence of Claims of Civilians Targeted in the City of Al Tawahi in Dakat Al Murshideen (Al Tawahi Port Massacre):

Incident Summary:

This incident took place in the Al Tawahi area at 10:30 on Wednesday, 6.5.2015 to a group of civilian refugees from Al Tawahi during their attempt to leave the hell of war and go to a safe place near Al Tawahi. A number of mortar shells fell on a group of small boats that were transporting civilians, and the mortar shells caused the death of a large number of the people in the boats in accordance with the observation lists by the reporters of the Commission. The number of dead was 13 people, and they are:

1. Ansaf Ali Nasser Muhsin
2. Imtiaz Rashad Abdoh Hasan
3. Ibtisam Muhammad Abdulsalam
4. Niyaz Adel Ahmad
5. Hayat Abdoh Saleh
6. Waheed Abdoh Mahyoub Saif
7. Haneen Abdoh Mahyoub
8. Katibah Abdullah Muhammad
9. Mukhtar Ali Kulaib
10. Bushra Ali Ghaleb Farhan
11. Noorah Ahmad Ghaleb
12. Dua'a Nadeem Abdullatif
13. Nadeem Abdullatif Hasan

There were 17 people injured, and they are:

1. Wael Zakaria Muhammad
2. Niyaz Nader Ali
3. Nawal Nader Ali
4. Hamza Aref Ali
5. Wael Muhammad Abdulhadi
6. Jawahir Numairi Ahmad
7. Faten Saeed Abdoh
8. Ayedah Ali Muhammad Nasser
9. Nadiyah Ali Abdullah
10. Anees Muhammad Ali
11. Basel Ja'far Saeed
12. Wafa Burhan Darweesh
13. Zahrah Muhammad Ahmad
14. Ader Ali Ahmad
15. Hasan Aref Ali Muhammad
16. Nahid Ali Abdullah Kulaib
17. Wafa Muhammad Abdulhadi

Victim Testimonies:

1. G. S. S. said that while he, his wife, and his son, Abdulrahman, were in Aden port in Dakat Al Murshideen in order to leave the area by sea, the boats that were being used by the refugees

were bombed by the Houthis with mortar shells, and this led to his son, Abdulrahman, being fatally injured in his head. This injury led to his immediate death, and this was on 6.5.2015.

2. N. A. said that, when they were in Dakat Al Murshideen in Ra's Marbat in Al Tawahi waiting for the boat to take them to Al Buraiqah, they were shelled with mortar shells by the Houthis, who were in control of Al Tawahi. Her father and sister, Dua'a, sustained direct injuries that led to their deaths, and this was on Wednesday, 6.5.2015.
3. A. A. said that, on 6.5.2015, during his attempt to flee through the ports (Aden) in Dakat Al Murshideen in Al Tawahi, they were shot at with a number of mortar shells, and this led to his wife, Ibtisam Muhammad Abdoh, and his son, Niyaz, who was 10 years old, being injured. They have both died from their injuries. He has confirmed that the mortar shells were shot at them by members of the Houthis, who were in control of Al Tawahi.

Witness' Testimonies:

The witness, A. A. A., said during the investigations that he saw a large number of people trying to flee from Dakat Al Murshideen in the city of Al Tawahi, and that during their gathering, they were shelled with mortar shells by the Houthis. The shells were fired towards the refugee boats. He added, in his statement, that many of the refugees were injured or killed, and that he directly helped by taking some of the refugees to the hospital. The refugees that he helped were: the late Waheed, the late Hayat, the late Faten, the late Haneen, and others whose names he did not know. He said that this incident happened at 10:00 in the morning on 6.5.2015.

Witness M. A. G. confirmed, in his testimony, that 3 mortar shells were fired from the direction of the Houthis and towards a group of boats that were in the port to transport refugees to Al Buraiqah. The refugees sustained direct injuries, and these injuries led to a number of deaths and many injuries, and this was on 6.5.2015, at 10:00 in the morning.

There are many other witnesses that were interviewed by the Commission, which questioned them and saved their testimonies. These testimonies confirm what was said by the witnesses and victims.

Conclusions:

Through meetings with the families of the victims and listening to the witnesses, who confirmed during the interviews that the Houthi militias and the forces loyal to the previous president had fired mortar shells at the large gathering of civilians in Dakat Al Murshideen in the city of Al Tawahi while they were waiting for boats to take them to safe areas. These attacks resulted in many of them sustaining direct injuries that resulted in their deaths. There were 13 people killed and 17 people injured. There were different types of injuries; some of them led to disabilities, some led to

amputations, and others led to blindness. The witnesses confirmed that the Houthi militias and the forces loyal to the previous president were responsible for the shelling.

A.1.4. The Incidence of Claims of Shelling of Al Fayooosh Market in the Lahj Province

Incident Summary:

There was a violation incident in the area of Al Fayooosh, in the eastern part, behind the petrol station in front of the main road (Aden-Lahj) on 6.7.2015. According to the testimonies of the witnesses and the families of the victims, they confirm that, at 5:45 in the morning, on Monday 6.7.2015, and in the Al Fayooosh Livestock Market, where poor people gather to sell livestock in all of the villages of the province of Lahj, two rockets struck the market, and they led to 85 people getting injured, and 48 of them died. There were different types of injuries, including amputated limbs and loss of feeling.

Witness Testimony:

Witness (M. A. S.), 45 years old, lives near the petrol station that is located in front of the livestock market, and he says that this area is under the control of the Houthis, and they have a checkpoint before the petrol station and one behind it. He works in the market. He says; “The rockets fell in the market, and, afterwards, I saw the dead and injured. There were around 40 or more people killed. I saw hands and feet all over the place, and one of the people who lost their legs was Nadhim Shareef, and the injured and dead were taken to the hospital.”

Witness (N. F. M.) is 50 years old, and he lives in the area of Jalajil. He said: “I went to the livestock market on 6.7.2015, and I brought a group of livestock to sell. Suddenly, a rocket came down from a Coalition plane, and I was injured. My left leg was cut off.” He added that there were two checkpoints manned by the Houthi and Saleh groups, and that was why the market was bombed.

Witness (S. A. A. S.), who lives in Al Fayooosh, Lahj, said that when the Al Fayooosh market was bombed by the airplanes, he went to the market to take his brother Anees Omar Ali Salem to the hospital. He went when he heard that there were people who were dead or injured. He found his brother dead. When he tried to take his brother’s body, the Houthi and Saleh men shot at him, and he was hit in his left thigh.

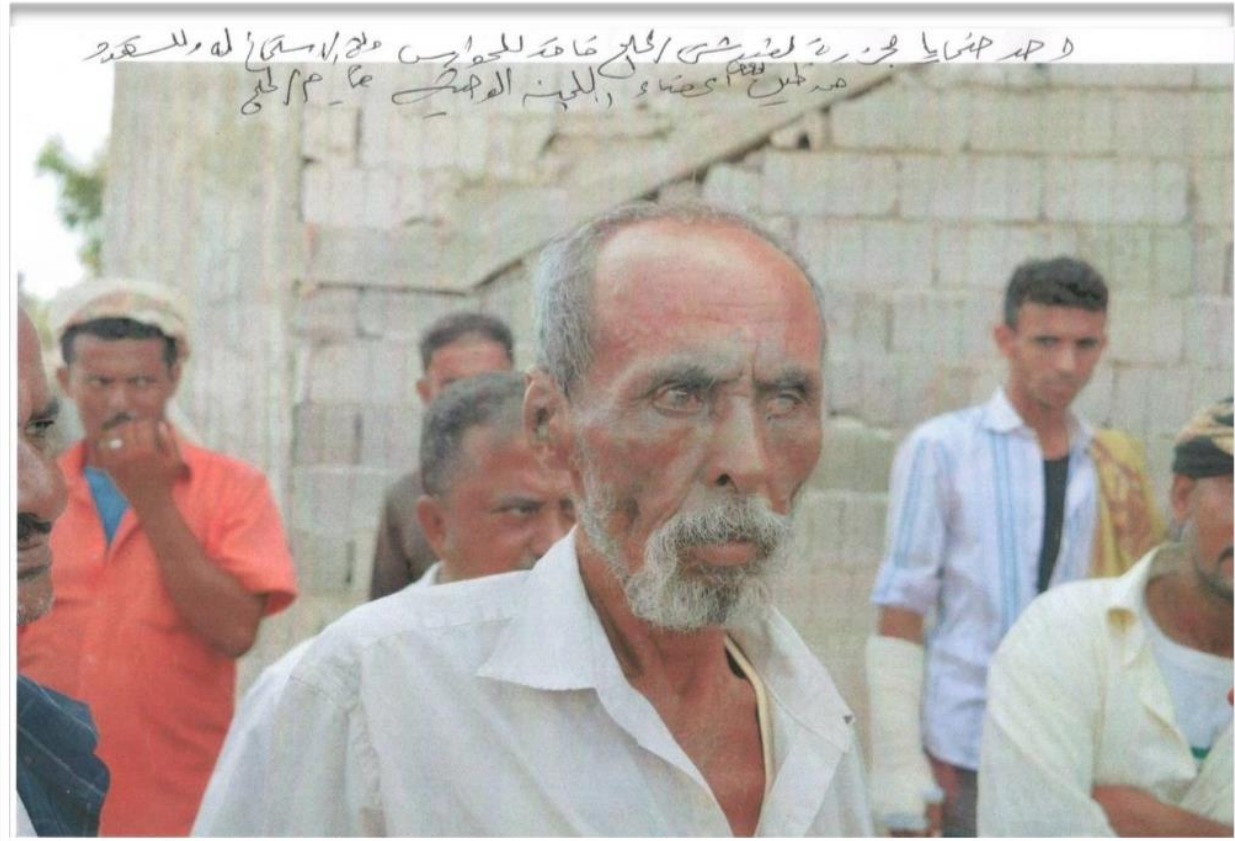
Witness (A. S. S.) is a resident of Al Mahlah, and he is 48 years old. He said that, on 6.7.2015, in the area of Al Fayooosh, specifically in the livestock market, the Houthis that were manning the security checkpoint that was 200 meters from the market moved into the Al Fayooosh market and fired a Katyusha rocket into the market. Afterwards, the Coalition airplanes fired two missiles into the

location where the Katyusha had been fired from, which was the livestock market, and this resulted in 40 people dying and many people getting injured.

The witnesses and families of the victims gave the National Commission a number of pictures of the victims, the bodies of the dead, death certificates, and pictures of the destruction of the market and the stores in the area. The Commission has all of these documents, in addition to parts of the two missiles that struck the Al Fayoosh market. They were sent to an expert, who is still examining them until now.



Field visit to the livestock market, Lahej and listening to the statements of family members of victims by members of the National Commission



A victim of Al Fayoosh market incident who lost his senses. Lahej province



Al Fayoosh Massacre. Listening to victims.



[ILLEGIBLE HANDWRITING]

Conclusion:

This incident is considered one of the gross violations that is singled out by national laws and international legislation with a number of punishments in the text because of the ugliness of the results of these violations. The Commission has worked very hard to observe, document, and investigate this heinous crime by the members of the Commission. This crime led to the death, according to testimony, of 48 people and the injury of 37 others, all of whom were innocent civilians. Most of the witnesses agreed on the number of dead and injured, as well as the location of the market that was targeted, and they agree on the events that took place after the incident, but there were differences in the stories about the cause of the explosions. Some of the witnesses claimed that the airplanes bombed the market while people were buying and selling livestock, while others said that the missiles that hit the livestock market and caused the incident were fired because there were military movements on the ground, and because Katyusha rockets were fired by the Houthi and Saleh forces. Other witnesses claimed that they were not sure if the rockets came from the sky (from the airplanes), or whether these rockets were fired from land, and not from an airplane.

In the face of this information and data that the Commission got from the interviews of witnesses and injured victims, the Commission believes in the importance of finishing the investigation and waiting for the results of the technical report so that it can confirm the type of missiles used from the remains that were found. These remains were sent to the technicians by the National Commission, and they will inform the Commission of who is responsible for this violation, with the responses of the parties.

After all of this, the Commission will provide, in its final report, all of the results, which will determine the parties or individuals that committed these violations so that the justice apparatuses can give justice for the victims.

A.1.5. The Incidence of Claims of Civilians Being Targeted in an Elderly Home:

This incident took place in an elderly home in the city of Sheikh Othman, in the province of Aden, on 4.3.2016, a Friday. It took place at 10:00 in the morning. The incident was carried out by a group of armed and masked men entering the elderly home and killing 16 of the workers in the home. These workers were responsible for taking care of the elderly in the elderly home. The people killed included 8 Yemenis, 5 men, and 3 women. Five of the people killed were Indian nationals, and 3 of the bodies were of unknown nationalities. The bodies that were identified are the bodies of:

1. Zahrah Muhammad Bobol
2. Ali Ayesh Obaid
3. Muhammad Hubaish
4. Khashbaq (Indian national)
5. Abdulrahman (Indian national)
6. Khalid Hubaish
7. Joody (Indian national)
8. Margret (Indian national)
9. An Aslam (Indian national)
10. Habsh
11. Janet (Indian national)
12. Muhammad Haish
13. Ruwaida Saeed Saleh Sinan

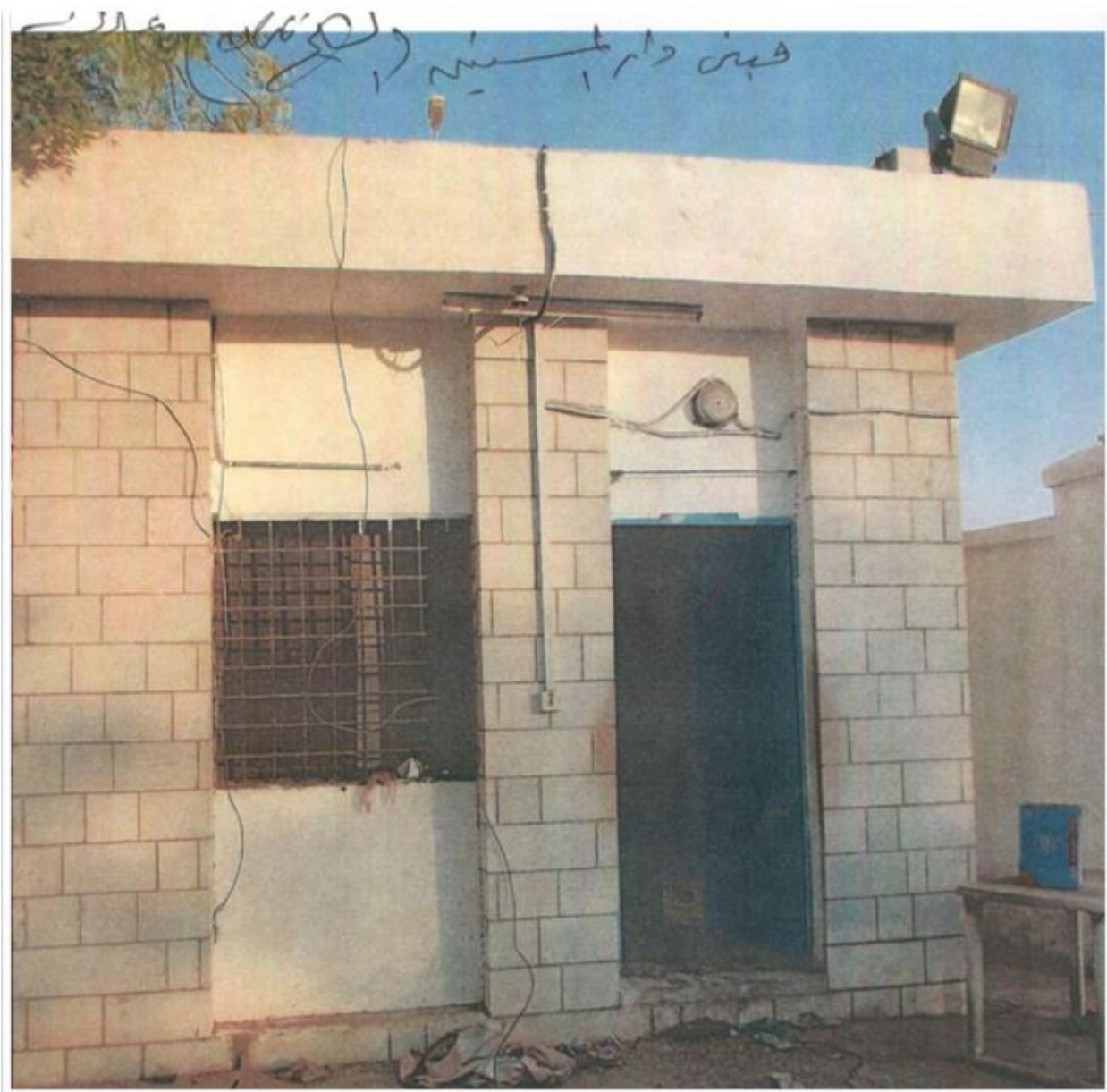
Witness Testimony:

The witness (A. M. A. F.), 28 years old, who lives in Sheikh Othman, said that he was told that his brother was killed at his workplace (the elderly home) in the Abdulqawi neighborhood. When he went, he found all of the people that were killed in the elderly home because they had not been

moved yet. They were in the yard, and it was clear that some of the people killed were Indian nationals, not Yemenis. Then the bodies were moved to the Doctor's Without Borders Hospital in the city of Sheikh Othman.

Witness (W. A. A.), the son of one of the people killed, Ruwaida Saeed Saleh, says that he was with them in the elderly home before the killing, and he went out to buy tomatoes. When he returned, he found that the workers had been killed, including his mother, and he saw a Turkish gun in the hand of one of the armed group. He did not know the make of the other weapons that they were carrying. He saw that the members of the armed group had long hair and black masks, and he heard their accents, which led him to believe that they were members of one of the extremist groups, specifically Al Qaeda. He waited until they left, when he entered and found that the workers had been killed and their bodies were on the floor.

Witness (A. M. A.), 30 years old, lives in Al Qahirah city in the Sheikh Othman district. He said that he went to the scene of the crime on 4.3.2015, at 12:00 pm, after he was tasked to do so by the head of the CID in the province of Aden. He was sent to the crime scene to make sure that all of the evidence was preserved and to take pictures of the bodies. While he was there, he found out that the incident took place at 7:30 in the morning, and it was carried out by an armed group. When he followed up on how this all happened, it became clear to him that they used automatic firearms for this assassination operation. He also found out that the incidents took place in different parts of the elderly home. "There were 16 bodies, including Yemenis and Indian nationals, and other nationalities. When inspecting the crime scene, we could not find the casings of the bullets that were used in the crime. We inspected the bodies, including their injuries, and found that most of the injuries were in the heads and chest areas, and that the number of bullets used for each person was between 1 and 4 bullets. We found traces on the bodies that showed that their hands were bound behind their backs and in the front, the bodies were moved to the Doctor's Without Borders Hospital."



Elderly home building



A victim of the elderly home, Aden



A victim of the elderly home, Aden



A victim of the elderly home, Aden

Conclusions:

The Commission issues this report while it is working on completing the file of the interviews, listening to the witnesses of this heinous crime, and the investigation file to determine the party that committed this violation and is responsible for it in the end. While Al Qaeda has already announced its responsibility for this operation through the media, and a lot of regional and international parties have adopted this story, as well as some of the witnesses, who pointed towards this group, the Commission has decided to continue with its investigation and collection of evidence that it finds in order to carefully analyze and confirm the party responsible for this crime. This will not be revealed until the final report is released.

A.1.6. The Incidence of Claims of Civilians Being Targeted in the Ministry of Agriculture Office Residences in the city of Mareb on 5.7.2016

Incident Summary:

According to the information in the documents that were sent to the Commission by its reporters in the province of Mareb, on Tuesday, 30th of Ramadan, or 5.7.2016, an explosive projectile that looks like a missile fell in a residential area called Agriculture Camp. A number of the Ministry of Agriculture office and their families live there. This happened at 5:00 pm, and it resulted in 8 dead, all of whom were children, as well as 12 injured, at least four of whom were children.

On 23.7.2016, the Commission made a field visit to the Mareb province to investigate a number of claims of violations, including the incidence mentioned above. The Commission investigated it, and we will reveal the results in this report.

Description of the Location of the Incident and Investigation:

When the team tasked with the investigation by the Commission went to the city of Mareb, which is 160 kilometers to the east of the capital, Sana'a, they inspected the location of the incident, and found that the area is a residential area for the employees of the Ministry of Agriculture office in the province of Mareb. The neighborhood that the complex is in is three kilometers from the center of the city. To the south of the complex is Al Rawdhah residential neighborhood, and it is, according to the people of the neighborhood, around 25 kilometers from the nearest areas of battles between the forces of the legitimate government and the members of the Houthi forces and their allies. The nearest area of battles is Al Mashja'. The complex is made up of around 50 houses, and all of them are built of wood and covered with tin (ready made homes).

Incident Witness Testimony:

When the members of the Commission went down to the location, they interviewed a number of people who had witnessed the incident. Their testimonies, when they met with the members of the Commission team, were as follows:

- Witness (N. M. A. F.), 20 years old, is a resident of the Agriculture Camp, and when asked by the Commission about the incident, he said: "On the 30th of Ramadan, at around 5 in the afternoon, I was working in the grocery store, and I heard a strange sound, followed by an explosion. The explosion was around 40 to 50 meters from the grocery store, and there was shrapnel from the explosion. All of the nearby homes were hit with shrapnel, and the grocery store that I was working in was completely destroyed. I sustained a concussion in my ear, and I passed out. After that, they took to the Hay'at Mareb Hospital. After I was treated, I left on the same day from the hospital. There were children and women who were taken to the hospital with me. Some of them were killed while others were injured. The dead are: Ibrahim Muhammad Abdoh, Abeer Muhammad Abdoh, Saleh Abdullah Al Ahmadi, Jalal Qayed Ali Dammaj, Badr Saleh Mahdi, Muhammad Abdulwahab Al Sami'I, Yusuf Abdulwahab Al Sami'I, and Ayman Hameed Madhkoor.

Individuals who were injured are: Ammar Yasser Al Sabri, Ammar Qasim Al Sami'I, Marwan Azazi, and others."

When asked by the Commission if there are any military bases or military units near the

residential neighborhood, the witness said that there is a military that is at least 3 kilometers from the neighborhood, and that the nearest battles were between the government forces and members of the Houthis, and it was very far. These battles, he said, are taking place in Al Mashja'a, and he added that the neighborhood had never been directly targeted before.

- Witness (M. A. H.), 38 years old, lives in the camp, and he works in the Ministry of Agriculture Office. He said, during his interview with the Commission: "It was around 5 in the afternoon, on Tuesday the 30th of Ramadan, and I was on a phone call in front of my home. I was surprised to hear a strange sound, and I saw a green missile that was large making a strange sound. The thing that made me focus on it is that it sounded like a helicopter, and it was still in the sky. I saw the missile fall near the home of Sami Al Hasibi, and I took my kids into my house. I ran to the place of the explosion, and, when I arrive, I found the bodies of four children on the ground near the area where the missile fell. I went into the home of Sami Al Hasibi, and we took out his wife and daughter. His daughter had major injuries in her stomach, so we took her to the Hay'at Mareb Hospital with the rest of the other people who were injured.
- The witness, (M. A. A.), is 32 years old, and he works in the electricity department of the Ministry of Agriculture office. He is married and has two kids (injured). He told the Commission: "I heard the sound of the explosion of the missile in the air, then I saw it fall to the ground. 8 children were killed, and 12 were injured. All of them were residents of the camp. My house in the camp is 50 meters from where the missile fell. The missile came from the direction of Mount Haylan, which is under the control of the Houthis. This missile was strange, it could be a ballistic missile, because the Katyusha reached the edges of the camp more than once since the war began. I was injured by the shrapnel from this missile in my left side, and I was taken to the Hay'at Mareb Hospital. As for the 8 children who were killed, they were from 6 different families.

Testimonies of Some of the Families of the Victims:

Abdullah Saleh Al Ahmadi, 50 years old, lives in the Agriculture Camp, and he is an employee of the Ministry of Agriculture Office in the province of Mareb.

He said: "I am the father of one of the victims that were killed in the explosion of the missile that fell on our neighborhood. My son, Saleh Abdullah Al Ahmadi, was 10 years old. When I heard the sound of the explosion, I was inside my house, and this happened at around 5 in the afternoon, on the 30th of Ramadan. The sound of the explosion scared us and caused a part of our house to collapse.

Directly after the explosion, I went out to find my son, who was outside the house. When I arrived to the place that the missile hit, I found him and three other children on the ground under a tree. When I got to them, they were all dead. The children that were killed with my son were Ayman Hameed Madhkoor, Jalal Qayed Dammaj, and Al Sami'i. I also saw the bodies of two other children near swimming pool. These were the bodies of a girl and her brother. There were also two more children's bodies near the grocery store.

Muhammad Abdoh Mahyoub, 28 years old, lives in the Agriculture Camp, and he is an employee of the Ministry of Agriculture Office.

When the Commission interviewed him, he said: "I am the father of two of the victims, Ibrahim (5 years old) and Abeer (8 years old). On Tuesday, 5.7.2016, at 5 in the afternoon, I was around the grocery store that is located at the entrance of the camp. I heard the sound of the missile while it was in the air. After a few seconds, the missile fell on the camp, and I heard the explosion. I went to where the missile fell and found a number of children whose heads and limbs had been cut off, and there were other injuries on their bodies. One of them was dead with his limbs and legs from his thighs cut off. 40 meters from where the missile fell, I found my children, Ibrahim and Abeer. I found them dead, so I took them to the hospital. They had gotten injured in their chests and necks, and their injuries were major injuries.

Abdulwahab Muhammad Muqbil Al Sami'I, 39 years old, lives in the Agriculture Camp, and he is an engineer in the Ministry of Agriculture Office.

When he was interviewed by the Commission, he said: "I am the father of two of the children who were killed. My son, Yusuf, was killed, and he was 8 years old, as was my 10-year-old son, Muhammad. This happened at 5 in the afternoon on Tuesday the 30th of Ramadan. This was in my backyard in the camp. I heard something that sounded like a helicopter, so I looked up and saw a very large missile that looks like a large piece of metal coming down from the north. It fell near the square where the children of the camp were playing, and there was a large explosion. I ran towards where the missile fell, and this was around 45 to 50 meters from my home, to look for my children, who were playing there near the area where the missile fell. When I reached that area, I found the bodies of the children all over the place in different places near where the missile fell. Among them were my children, Yusuf and Muhammad. I tried to take my son, Yusuf, to the hospital because he was still alive, while Muhammad had already died because shrapnel had injured him in his head and cut it in two. After I took Yusuf to the hospital, he died there because he had major injuries in many parts of his body."

Testimony of the Military Expert:

The Commission relied on a military expert, Colonel (S. N. T.), who was tasked by the Commission to determine the type of explosive projectile that was used in the incident that is being investigated, and the area that it could have been shot from. After the field visit of the expert of the Commission to the place of the incident, and his inspection of the remnants in the area and the remaining parts of the explosive projectile, which were collected from the area, the military expert submitted a written report to the Commission. This report was signed by him, and it stated that, from his inspection of the area of the explosion, he found that the hole it caused in the ground is 2 meters by 1 meter across, and that it was 60 centimeters deep. Due to the slope of the hole, and the remains of the explosive that were collected from the area, as well as the area of the hole caused by the explosive, it can be surmised that the explosive projectile is a ballistic missile that has a range of no less than 30 kilometers, and it was fired from the north. Specifically, it was fired from the frontline in Al Mashja'a, which is under the control of members of the Houthis and their allies. This was the most important information from the report that the Commission received from the military expert about the incident.

Conclusion:

It has been proven to the Commission that the area that the missile targeted is a residential area, and it is clear that people in this area are civilians, and a lot of them are children. The area targeted by the missile is under the control of the National Army and members of the resistance, and there are no military targets there. Based on this, and based on the statements of the witnesses, the testimony of the victims, and the report of the military expert, the Commission will, in its report, state the party that committed this violation.

A.2. Recruiting Child Soldiers:***Preface:***

The Commission, during the previous period, has observed a number of cases of claims relating to the recruitment of children to participate in the fighting with some groups, or to provide logistical support on the frontlines. There are 387 of these cases. It should be noted that the Commission has made it a priority to have all children that are being detained or made to participate in the armed conflict released, and take them to their families as soon as possible.

The Commission will include, in its report, examples of the interviews that it carried out with the victims of this violation, and those whose lives were in danger because they were going to be sent to the battlefields instead of a safe environment being created to shelter and protect them:

Victim Testimony:

A.2.1 Victim: ‘Ahid Badr Yahya Hussein Al Sa’dani

He is 13 years old, and he is from the village of Sa’dan in the district of Arhab in Sana’a. He studied until the 3rd grade of primary school. When he was interviewed by the members of the Commission, he said:

“My uncle, Hameed Saleh, was the one who recruited me and made me join the Houthis after he asked me to participate in the fighting. I agreed without getting the permission of my parents. I went, with my uncle, to a Houthi training camp that is called Al Shawabah camp. This camp is in Harf Sufyan, and there I was trained by Abu ‘Aqeel and a number of other people from Saada. They trained me to plant mines, and I was also trained to use a 12.7 mm machine gun. After I was trained, my name was recorded in a list, and they gave me a medallion that had my number so that if I was killed they would know me by the number. I was transported, along with a group of people, to Fardhat Nihm, where there are battles between the Houthis and the government forces. In the Fardhat Nihm military base, our supervisor was Abu Muhammad Al Dafi. I remained in the military base for two days. After that, they gave me a weapon and told me to go fight America and Israel, and they put me in one of the areas on the frontlines of the fighting. In the base, there were a bunch of children that were as young as me. When I was taken prisoner, there were 2 others that were around a year older than me, because our fellow fighters retreated and we remained on the frontlines. When the resistance took over that area, they captured us in Fardhat Nihm. I was unable to communicate with my family because my father does not have a phone that I could call, like the rest of my fellow fighter did. I do not know any of my relatives’ numbers so that I could call them. It has been around 6 months since I got captured, and I want to go back to my family so I can finish my studies, which I stopped when I went to fight.”

A.2.2. Victim: Faris Abdulkhaliq Ali Hawd Khadhabkhish

He is 13 years old, and he is from Wadi Dhahr in Hamdan, in the province of Sana’a. He studied until sixth grade. When he was interviewed by the members of the Commission, he said: “My friends told me that the Houthis were recruiting youth and letting them man the security checkpoints to secure the neighborhoods that they live in (Popular Commissions). They took us to the Houthi supervisor in the area, and he is called Awni Sa’tar. I knew him from before, and I told him that I was ready to fight and join the Popular Commissions to secure the neighborhood that we are in, like my friends told me. He registered my name and took me, along with a group of others, on a military vehicle to a military base that I did not know. This military base was far from our area. I thought that we would be trained in this base, given weapons, and taken back to our homes. In the base, we were welcomed

by a person from the province of Saada, and he gave us weapons. After we spent 15 days in the military based, they asked to go to one of the sites on the frontlines, and there we were attacked. I was surprised when we were being shot at, and another person next to me was injured. The resistance advanced, and they captured us and took my friend to the hospital because he had been shot in the leg. After that, we were taken to the Mas military base, and there were spent five days. After that, I was taken to Mareb, and it has been around five months since I was captured. Around a month after I was captured, they allowed me to communicate with my family to tell them that I had been captured by the resistance. My family sent money, and the money was given to me.”

A.2.3. Victim: Mujeeb Muhsin Ahmad Saleh Rubaih

He is 15 years old, and he is from the Huraib Al Qarameesh district in the Mareb province. He studied until 9th grade of primary school

When he was interviewed by the members of the Commission, he said: “There were members of the Houthis who were in our village, and there was a person called Ahmad Al Saqqaf who used to come to me a lot, and he was the person who convinced me to join the Houthis. I was given a machine gun by Abu Jabr, who was the supervisor of the Houthis in the area, and he tasked me with manning the security checkpoint in the village. I remained there for a number of days, and the resistance forces got closer and surrounded the village. I was captured, along with a person called Yahya Al Qanisi, when the others ran away. I have been here for 8 months. I am treated well by the resistance, but I want to leave and go back home.”

The Commission, when it heard the testimony of the child victims who had been caught, tried to make sure that they were being treated well by those operating the areas they were detained in, and the Commission was also keen to make sure that they were being kept separate from the rest of the older detainees, and to make sure that they were not being tortured or mistreated. The Commission also made sure that they are being provided with good food, healthcare, and rehabilitation. The Commission also tries to make observe and record any incidents of violations that the children are subject to by the groups that recruited them. It tries to get them released as soon as possible, and have them released to their families after getting the necessary guarantees that they will not join any other group again.

The Commission keeps a picture of the children that it interviewed in incidents where they were recruited, as well as video clips of all of the interviews that were carried out with them. It also keeps the medical reports that show their ages and health conditions.

Conclusion:

The Convention on the Rights of the Child, which was signed on 20.11.1989, created a definition for children, and it was any person who is younger than 18 years old. This was confirmed by the Optional Protocol to the Convention on the Rights of the Child on not involving children in armed conflicts, which was signed on 25.5.2000. This protocol became effective on 23.2.2002, and Yemen signed the Convention and the Protocol. The legislature of Yemen issued the Rights of Child Act, which was Law No. 45 of 2002. This means that Yemen must adhere to what was in the Convention and the Protocol.

Throughout the observations and investigations that were carried out and are being carried out by the Commission on a number of claims of violations of human rights relating to the recruitment of children, it should be noted that this report is just a primary report, and that the Commission will submit its opinion in detail in its final report.

A.3. Claims of Violations by Drones

There are a number of reports that are submitted by civil society organizations regarding claims of violations of drones against armed groups have, and they show that these attacks have led to a number of victims.

Among these claims, there are claims that the drones have targeted a number of victims, and the Commission has kept their names. This is in the Al Sawma'ah district in the Al Baydha province, as well as the airstrike by a drone that targeted a wedding procession in the city of Qaifah in Rada'a. The Commission will complete its documentation, observation, and investigation of what was in these claims and other claims, and it will submit its results and determine who is responsible for these violations.

A.4. Victims of Mines:***Preface:***

The National Commission has paid attention to the claims of violations of human rights with regards to the victims of mines because of the great damages caused by this type of violation to people's health. It should be noted that the Yemeni government has ratified the Anti-Personnel Mine Ban Convention of 1997. There are a number of cases of claims of these types of violations, and the Commission has 81 cases. A number of the case files of the victims of mines were reviewed, documented, and observed, and the Commission also investigated a number of these cases, including the following:

- The first case happened between the village of Maghras Naji and the city of Saber in the province of Lahj, and it resulted in one person being killed and a number of people being injured.
- The second and third cases were in the village of Jabal Al Zaytoon, in the pastures, which are near the Al Anad Triangle. The victims of these cases were two children dead and one child injured.
- The fourth case was in the village of Abr Sawim in the province of Lahj, and the result was the death of a woman, and the injury of her husband and three children.

Statements of Victims:

1. The victim, Abdullah Ahmad Yahya Marzouk, lives in the village of Magras Naji, District of Tuban, Province of Lahej, 18 years old. It has been discern that the victim was riding a car with other persons heading from the village of Magras Naji to the city of Sabir, and while on the road, a landmine exploded the vehicle, Land Rover brand, and led to the death of the victim immediately as the mine exploded. This incident took place on 4.8.2015. Others in the vehicle were injured.
 - a. The victim, Bashar Gharis Ahmed Saleh, lives in the village of Jabal Alzaitoun, Province of Lahej, Al-Anad Triangle, 7 years old.
 - b. The victim, Ahmed Yahya Ali Saleh Himed, lives in the village of Jabal Alzaitoun, Province of Lahej, Al-Anad Triangle, 7 years old.
 - c. The victim, Nasima Yahya Ali Saleh Himed, lives in the village of Jabal Alzaitoun, Province of Lahej, Al-Anad Triangle, 5 years old.
 - d. The victim, Alawiya Ali Mohammed Alawi, lives in the village of Obar Sulom, Province of Lahej, District of Tuban, 28 years old.

Actions taken by the reporter:

The reporter has filled in the monitoring forms, and in each form, he has identified one victim and two witnesses, and according to the attached data, the forms were complete, where he has indicated that the first victim was exposed to a mine explosion on 4.8.2015 between the village of Magras Naji

and the city of Sabir. The reporter has identified two witnesses to that incident, where the persons in the Land Rover car were injured. As well, the reporter has identified and indicated to the second, third and fourth victims in a single form where two children died and one child was injured. The first and the second children were martyred, and the third baby girl was injured. In these forms, the reporter has identified two testimonies for each form where a mine exploded and injured those children at the location of Jabal Alzaitoun, Al-Anad triangle, District of Tuban, Province of Lahej, in the sheep pastures area at Jabal Alzaitoun when they were grazing the sheep. Regarding the fifth victim, she has been exposed to mine explosion at the west side of the village of Obar Sulom when she was riding the car with her husband and her three children while they were fleeing the shelling by Houthis, where the mine exploded when the car was on the road. The victim was killed, her husband and the three children were injured.

Inquiry Procedures and Statements of Witnesses:

1. Abdullah Ahmad Yahya Marzouk (victim): Village of Magras Naji, District of Tuban, Province of Lahej, 18 years old.
 - a. First witness: (A. A. F. A.)

The witness testified in his statements that while the victim mentioned above was riding, with others, numbering five persons, the car of Zain Ali Fadel, a Land Rover brand, heading from the village of Magras Naji to the city of Sabir, Province of Lahej, and while they were on the public road between the two areas, the car they were riding was exposed to a landmine explosion led to the killing of the victim Abdullah Ahmad Yahya and the injuring of the five others due to the landmine planted by Houthis.

- b. Second Witness: (N. A. F. A.)

He testified as similar as testified by the first witness.

Mine victims in Jabal Alzaitoun:

1. Bashar Gharis Ahmed Saleh, 7 years old, lives in Al-Anad Triangle, Jabal Alzaitoun, District of Tuban, Province of Lahej . killed.
2. Ahmed Yahya Ali Saleh Himed, 7 years old, lives in Al-Anad Triangle, the village of Jabal Alzaitoun, District of Tuban, Province of Lahej . killed.

3. Nasima Yahya Ali Saleh Himed, lives in the village of Jabal Alzaitoun, Province of Lahej, Al-Anad Triangle, 5 years old, injured.

- a. Summary of First Witness Statements (A. S. F. S.):

He testified in his statements that while the three children were grazing the cattle at Al-Anad Triangle, District of Tuban, Province of Lahej, a landmine exploded and injured the three children, where two of them were killed, namely Bashar Gharis and Ahmed Yahya, and the third girl, namely Nasima Yahya Ali was injured. The three victims have been moved to the hospital.

- b. Summary of Second Witness Statements (Y. H. S. S.):

He testified as similar as testified by the first witness.

Mine victims in the village of Obar Sulom:

1. The victim, Alawiya Ali Mohammed Alawi, 28 years old, lives in the village of Obar Sulom, District of Tuban, Province of Lahej . killed.

- a. First Witness (Y. M. A. M.):

The witness testified in his statements that when the village was exposed to shelling by Houthis, the family composed of the victim, Alawiya Alawi, and her husband, Abdulhakim Zain Mohammed, and their three children decided to leave their home to a safe area, and as they were riding in the car of Faisal Alawi Jafar, a landmine exploded and hit the car, leading to the killing of Alawiya and the injuring of her husband and her three children. The landmine was planted by the Houthi-Saleh militias at the west side of the village of Obar Sulom on the public road of vehicles and civilians.

- b. Second Witness (H. S. S. A.):

He testified as similar as testified by the first witness.

Conclusion:

After the interviews conducted by some members of the Commission's assistant inquiry team with the families of mine victims and the witnesses, , there have been evidences on the existence of mine victims among civilians of children and women due to landmines planted by Houthi-Saleh militias in the transportation routes used by the civilians and the places of cattle grazing, whereby it is proven in the documents the existence of victims due to mines explosion in those areas that were controlled by Houthi-Saleh militias, and during their control of and their withdrawal from those areas, and whereby the witnesses, described in the case file, stated how the civilian of children and women, etc, were victimized. The contents of case documents prove the legal responsibility of these militias for mine laying which exploded and led to the killing of and injuring the victims, namely:

1. Abdullah Ahmad Yahya Marzouk, 18 years old (civilian).
2. Bashar Gharis Ahmed Saleh, 7 years old (child).
3. Ahmed Yahya Ali Saleh Himed, 7 years old (child).
4. Alawiya Ali Mohammed Alawi, 26 years old (woman).
5. The injured, Nasima Yahya Ali Saleh Himed, 5 years old (baby girl).

The above represents an explicit breach to the principles and provisions of international conventions and treaties and, specifically, to the principles of the international humanitarian law, as prescribed in Article (3) paragraph (a) of the Geneva Convention, 12 August 1949, and as well, the text of Article (4) paragraph (a) of the Additional Protocol to the Geneva Conventions on the Protection of Victims of Non-International Armed Conflicts, and Articles 234 and 137 of the Penal Code No. 12 of 1994, in addition to the Convention on Prohibitions on the Use of Landmines and the right of the child to develop.

A.5. Allegation of Assault on Cultural and Historical Objects***Introduction:***

The National Commission has spotted, across its reporters, nine facts on violation allegation of assault on cultural and historical objects in a number of provinces, particularly in Aden, Sana'a, Marib, Taiz, Hajjah, Al-bayda and Mahaweet.

The Commission has sought to record and document some of these facts for this type of violation, and as an example of this, we would indicate the following:

The incident of Al-Qahera Castle in the Province of Taiz

Location Description:

Al-Qahera Castle is situated in the middle of the city of Taiz, south of the capital Sana'a. The castle is located in the District of Al-Qahera on a medium-rise mountain whereby the castle is overlooking on three districts of the city, namely Al-Qahera, Al-Muzaffar and Sala districts.

The castle was built about 950 years ago, as reported by some historical books, whereby it has witnessed as nearly as the rule of six successive States. Until before sixty years approximately, it was used as a military fortress, in addition to containing water basins and food stores reaching to a depth of 100 meters under the ground.

When visiting the castle by the Commission to inspect the castle situation, the Commission's team has noted that the lower walls of the castle are cracked, in addition to the damaging of the corridors leading to the basins and the demolition of large parts of the middle and upper floors as a result of being targeted with shelling that caused the demolition of a number of external walls and internal structures of the castle. Also, there are traces of fragments at the entrance of the middle gate leading to the upper storey that contains the museum, the showroom and the mosque.

Statements of Witnesses:

The witness (SH. K.), 27 years old, working in the field of montage and short filmmaking, and lives in one of the neighborhoods next to the castle, where he stated: I was detained inside the castle, specifically at one of the guarding shifts in the middle area of the castle. Houthis militants and Saleh forces started using the castle as a military barrack and stockpiled weapons in it at the end of March 2015, and then from the middle of April 2015 they began to launch projectiles from the castle towards the neighborhoods in the city, particularly on Jabal Sabir and the surrounding neighborhoods, and Jabal Alekhwa, Sinan roundabout and the lower neighborhood of Al-Tahreer, specifically at evening and night, where the castle has become a source of fear and horror for the populations in those areas, in addition to the populations of the old city, which lies below the castle. The artillery shelling from the castle has resulted into sheer number of incidents, including the shelling of Al-Jamhuri Hospital.

On 12.5.2015, the coalition warplanes fired six missiles, three of them have targeted a 14.5 mm machinegun and an anti aircraft machinegun 12.7 mm situated at the top of the castle next to the museum, and two missiles have targeted the outer asphalt road that leads to the castle to cut off the

supplies to the militants in the castle, whereas the sixth missile has targeted the power cable outside the castle. This airstrike resulted in the destruction of the upper storey in the top of the castle and the dropping of the whole exhibits in the museum and the large room and the stairs attached thereto, as well as the collapse of parts of the roof of the showroom, the mosque and the guard room.

The second and the third airstrikes took place on 13.5.2015 and 21.5.2015 respectively, where the coalition aircraft targeted two B10 cannons and one mortar gun, as well as three snipers and about 6 PK machine guns used for firing from the castle towards the populations in the lower neighborhood of Al-Tahreer, Alekhwa neighborhood and Jabal Sabir. Those airstrikes damaged the outer passages and resulted in creating pits in the courtyards. Later on, three sonic airstrikes took place in Ramadan, one towards the castle, and the other two towards the Zayed Park in Jabal Sabir, which was also used by Houthis as a military barrack with the purpose of targeting Al-Jamhuri neighborhoods which lie below the park.

The shelling from the castle, targeting the civilians, has not been ceased but only after the expulsion of Houthis on 15.8.2015, where the castle was then directly targeted almost daily with various artillery projectiles of Houthi militants and Saleh forces situated on Jabal Al-Salal and Al-Hawban which caused the destruction of the rear and front walls, the upper courtyard of the castle and the so-called Aljmanat, i.e the chambers used to go down into the tombs of the castle; which extend until they reach to the vicinity of the old city; in addition to the destruction of the gates as well as the corridors and the basins.

The witness added: When the castle was under the control of Houthis, the manuscripts, jewelry, onyx stones and the pictures and the indoor maps of the old castle kept in the museum were looted by Houthis.

The witness (R. K.), 28 years old, a school teacher and live next to the castle, where she stated that since 15.8.2015 and till now, for a period of nine months, I can see Al-Qahera Castle is exposed to daily shelling with Howitzer and Mortar gums from Al-Salal hill, Sofitel site and Al-Hawban area controlled by Houthis. The shelling caused the destruction of the walls at the northern and eastern sides, and resulted in damage to our homes adjacent to the castle, our windows were broken in addition to the daily terror we are suffering from these projectiles.

The witness (R. K.), 42 years old, employed at Public Electricity Corporation and lives next to the castle. When he was interviewed by the Commission's reporters, he stated: We can see almost every day Al-Qahera Castle is exposed to shelling with all kinds of heavy weapons from Al-Qasr

neighborhood, Al-Salal neighborhood and the Ceremonies Military Camp controlled by Houthis militants and Saleh forces. The shelling caused damage to the towers and the gates of the castle and the destruction of all the windows, walls and small dams and demolition of runnels in the castle.

The witness (M. A.), lives at Sinan roundabout, which is one of the neighborhoods in the city of Taiz, who said upon hearing his testimony before the Commission's reporters: Before controlling the castle by the resistance, the cannon in the castle was used for shelling the folk in the city to terrorize the populations in order to force them to flee from the city center to facilitate domination on the city. On Friday, 14.8.2015, an artillery projectile hit the house of Abdulkarim Abdulwahab at noon time while his two daughters, Raghad; 10 years old; and Ayah; 11 years old, were in the roof of the house to bring water, and the fragments of the projectile killed both of them. He added: I was an eye witness to this incident where I was present in the place of shelling.

The witness (M. M.), a nurse working at the Al-Jamhuri Hospital, and lives in Al-Jamhuri neighborhood. When he was interviewed by the Commission's reporters, he stated that all houses in Al-Jamhuri neighborhood were damaged and the populations were forcibly displaced because of the shelling that was originating from inside Al-Qahera Castle when it was under the control of Houthis. He stated that Al-Jamhuri hospital, where he works, was exposed to violent, direct and continuous shelling from the castle during June and July 2015, which resulted to the closing of several departments of the hospital, including the obstetric and emergency department. As well, the shelling by Houthis stationed in the castle led to the burning of clinics in upper floor of the hospital. There was substantial damage to the hospital, and parts of the hospital building opposite to Al-Qahera Castle were destroyed. The witness also stated that Houthis militants and Saleh forces, expelled from the castle in 15.8.2015, are currently targeting the castle with shelling with all types of projectiles despite there is no firing from the castle, nor it is a clashes area.

Conclusion:

Whereby all the testimonies indicated that the castle building was previously used by the Houthis as a military barrack to target the city as the castle is overlooking on it, which led to targeting the castle with shelling by the coalition warplanes, and as all testimonies also indicated that after the expulsion of Houthis militants and Saleh forces from the castle and controlling it by the resistance, the castle and the neighborhoods have become targeted from Jabal Al-Salal in the district of Sala controlled by Houthi militants and Saleh forces.

Accordingly, and based on the aforesaid, all incidents that impacted Al-Qahera Castle shall be considered an explicit breach to the texts and provisions of the Hague Convention for the Protection

of Cultural Property in the Event of Armed Conflict, May 14, 1954, specifically the provisions of the articles contained in the Convention, which stipulate the following:

Further to the above, the Commission will investigate these allegations, both with regard to Al-Qahera Castle or other property and will take those statements into account in its final report.

B. Facts and allegations of individual violations:

B.1. Extrajudicial Killings:

Introduction:

Extrajudicial killings is intended here to describe the act of some conflicting parties of killing civilian persons "in areas distant from the areas of armed conflict". According to the provisions of national laws in force in the Republic of Yemen, starting with the constitution, the General Penal Code and the Military Penal Code, Civil Criminal Procedures Law and Military Criminal Procedures Law, Police Commission Law and ending with General Penal Code and Military Penal Code, which contained many of provisions criminalizing this act and penalizing thereon if committed, and based on the contents of the texts of international conventions ratified by the Republic of Yemen, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, specifically Article (3),

The commission has received and recorded a number of allegations on cases of extrajudicial killings committed by some armed parties and groups in the various regions of the Republic of Yemen during the period from January 2011 to date. The Commission has investigated in a number of these cases, while investigation remains underway in the other cases. The Commission continues to monitor many of the violations of this type, both for those violations that previously took place since 2011, according to the resolution for establishing the Commission, or for those violations currently taking place. Examples of conclusions reached to by the Commission through investigations carried out in a number of allegations of unlawful killings are elaborated hereunder:

B.1.1. Allegation of Unlawful Killing of the Victim: Abdulsalam Mohammed Muqbil Al-Shamiri

The incident took place on 17.11.2015. The victim was born in the Province of Taiz in 1947 and lives in the city of Bajil, Province of Hodeidah. He is a businessman. According to the statements of the victim's son, Bader Abdulsalam Mohammed Muqbil Al-Shamiri, who was interviewed by the

Commission's reporter, the summary of the facts of allegation as he stated: At six O'clock in the morning on 17.11.2015, he was surprised , as other members of his family who live together in one building, that Houthis, in addition to individuals of the criminal investigation department of Bajil Security Directorate, controlled by Houthis¹, have stormed the building in which the family resides, and immediately upon the arrival of the militants who carried out the raid, they started firing on the exterior facades of the building to intimidate its residents, and then they broke into the building and went directly to his father's room, which is located in the sixth floor, and had fired a hail of bullets on him. Then, they have evacuated the residents from the building; and arrested the victim's sons, namely: Atef, Badr, Shakir, Muhammad and Bassim and moved them to an unknown destination. They have also looted the house and the moneys kept therein, as well as looting the rest of the victim's property, in particular those located near the house, including a plant equipment and a Concrete Crusher, in addition to a number of heavy equipment and vehicles, among others².

The documents reviewed by the the Commission's reporter in the province have included for example: copies of complaints submitted by the victim's wife to the Office of the Acting Attorney General appointed by Houthis and the instructions issued by him to the General Prosecution in Bajil, and the feedback provided from the Security Directorate in the District of Bajil to the General Prosecution, and the memo of the sons of the victim submitted through their lawyer to the Political Bureau of Houthis Group requesting to initiate investigation into the incident, and to initiate investigation with the supervisor of Houthis in the District of Bajil. The documents also included requests regarding the restoration of the looted moneys and the replies provided by those concerned in Houthis militias, in addition to many other papers and documents received by the Commission's reporter. The contents of these documents, in addition to the statements reported by the victim's neighbors³, confirm the truthfulness of the statements made by the victim's son referred to above.

Whereas the incident has received considerable attention by the public opinion, and addressed by many of the media outlets, as the victim is a famous businessman and a well-known writer who has many published literary books, however, and despite of that, Houthis did not respond to the claims submitted to initiate investigation into the incident by virtue of being de facto authority in the location of violation.

¹ The Commission reserves a list of the names of the defendants participated in this incident, and it will be submitted to the judiciary with the rest of the other evidence attached, according to the text of the resolution to establish the Commission.

² The Commission reserves a list of funds and equipment alleged to be looted at the time of the incident.

³ The Commission reserves the names and details of their statements in order to avoid harm to them.

B.1.2. Allegation of Unlawful Killing of the Victim: Muhammad Aziz Almagdoub

The incident took place on 24.5.2015. The victim is a citizen of the village of Almagdoub, District of Al-Manar . Anes, Province of Dhamar. The facts of the allegation, according to statements of the nephew of the victim, when interviewed by the Commission's reporter, are summarized as follows: On 24.5.2015, a number of Houthis militants have introduced a checkpoint on the road of Bani Salamah, the city of Alsharq, the intersection leading to Hammam Ali, District of Al-Manar . Anes. When his uncle's car, Muhammad Aziz Almagdoub, the victim, was passing, with other persons riding next to him in the car, they were stopped by the militants at the checkpoint. When the victim left the car to talk to the militants at the checkpoint requesting them to allow him to pass or to return to the village with those persons riding with him in the car, the militants refused his request. Then, other armed group affiliated to Houthis arrived and blocked the other side of the road. This group was led by Nabil Suraib, one of the leaders of Houthis in the region. Then, these militants have kidnapped some of the persons in the car and moved them to the city of Douran Anes, and from there to the center of the Province of Dhamar, while the other persons have been shot, including my uncle, Muhammad Aziz Almagdoub, the victim, who was killed in this incident.

A number of witnesses to the incident, who were interviewed by the Commission's reporter, have confirmed the statements of the nephew of the victim, where the witness (A. M. A.), 25 years old, a citizen of the District of Almanar . Anes, has stated that he was riding in the victim's car and heading to attend the meeting which will be held in the city of Alsharq, and on the road, we were surprised that a number of Houthis militants stopped the car under the pretext of inspection and the search for weapons. During debate with those militants, Nabil Saleh Suraib reached in his car, who belongs to the District of Almanar, accompanied by the supervisor of Houthis in the region, nicknamed Abu Murtada, who belongs to the village of Jabal Ishaq. Then, the victim went to them requesting them to allow us to pass or to return to our village, but they refused, while Abu Murtada asked me and another person of those who were with us in the car to attend to him in order to consult with him, and when we went to him, he has arrested us and took us in his car. Few moments after we left, we heard him making a call to a person named Hassan Mohsen saying to him "get rid of the others", i.e. shoot the others. Following the arrest, we have been moved to the city of Douran, and from there to the city of Dhamar. We did not know about the killing of the victim but when we were in the detention center.

Statements of Witnesses:

As reported in his statements, the witness (A. A. A.) indicated that he was riding the same car with the victim, and that the Houthis militants stopped the car at a checkpoint on the road leading to the city of Alsharq. While the victim was talking to Houthis militants, a person named Nabil Suraib

reached to the place in a military vehicle, along with a group of militants who have deployed on the mountain next to the checkpoint. The victim left the car and requested them to allow him to pass or return, but they refused; and called two persons who were riding with us in the car with the pretext that they will consult with them. At that moment, I left the car to hide myself in a place adjacent to it, and then the car was fired by the armed militants, killing the victim and injuring two persons from among those who were with us. After the withdrawal of the militants, the injured persons were moved to Al-Ahli Hospital in Sana'a for medical treatment.

Conclusion:

By virtue of the facts indicated above relevant to allegations of unlawful killings in some cases recorded by the Commission's reporters, it has been discern to them that there are cases of allegation of unlawful executions and killings witnessed by Yemen; which targeted civilian persons; either individually or collectively, including many of the prisoners inside the detention centers.

There are allegations still under investigation by the Commission relating to cases in which some of the parties have exercised unlawful executions and killings and torture to death that included large numbers of prisoners in detention centers. The Commission has also received allegations of other violations with regard to exposing civilian persons to killings as a result of their detention and placing them deliberately in areas considered as military targets that have been shelled later, in addition to many other cases of violation that are still under investigation by the Commission, where the findings thereof will be included in its final report, which will be delivered to the judiciary and to the various authorities and entities concerned and interested in human rights, so as to ensure that the perpetrators to such violations are held accountable, as per the stipulations of the resolution to establish the Commission.

B.2. Arbitrary Detentions and Forced Disappearances

Introduction:

As indicated by the data published by a number of civil society organizations working in the Republic of Yemen in their reports issued over the past five years, Yemen has experienced a significant increase in the number of cases of allegations of arbitrary detentions and forced disappearances. This increase began to grow significantly, as stated in these reports which the Commission has reviewed a number of them, at the outset of 2011 and continued to rise to reach to daunting and alarming numbers with the end of 2014 onwards.

Given the importance of this type of violations and the seriousness of its effects, the Commission has given a lot of care and attention to this file since established. On this level, the Commission received a number of 358 allegation, of which are the following:

B.2.1. The Victim: Yahya Saleh Alaizari

Born in the village of Shalil, District of Douran, Province of Dhamar. According to the content of allegation documents received by the Commission's reporter in the province, the facts of the case as told by his son, Jalal, are summarized as follows: When the Houthis have dominated the capital of Sana'a on 21.09.2014, a number of Houthis militants stormed the state television building, at which the victim was the commander of the third battalion in-charge of the protection of the TV building. According to the statement of the victim's son that when the Houthis militants stormed the building, his father was fired leading to his injury, as told by his father's friends who were present at the incident, and that after his father was injured, he was moved to the house of Judge Mohammed Alsharie where he received first aid and then he was moved to the stadium used by the Houthis as detention center upon controlling the capital. Since then, and to date, he was not allowed to visit his father to know the conditions of his detention, despite promises made by a number of the Houthis leaders in Sana'a and Sa'ada to allow them to visit his father, but that has not been done yet.

Statements of Witnesses:

The witness (A. A. A.), when interviewed by the commission, confirmed that after a period of the victim's disappearance, he went with some members of the victim's family to follow up the issue and to know about the location of the victim and releasing him, and that they had met with some leaders in the province of Sa'ada who promised them to release the victim. They have also communicated with the former minister, Ahmed Aqabat, regarding the same issue. As well, tribal meetings were convened under the auspices of Sheikh Mohammed Alnahmi, a member of the House of Representatives, demanding to know the fate of the victim and to release him, but all these efforts were in vain. As a result, the victim's father suffered a stroke satisfactory, and his mental health deteriorated.

The witness (A. M. N.) also stated that a number of the friends of the victim told him about the person who has detained the victim and moved him to unknown location, and that his name is Saleh Saleh Ala'awag, and that this person is the one who moved the victim to the house of Judge Mohammed Alsahrie; and then to the stadium. The same testimony was stated by other persons who have seen the victim when he was detained in Al-Thawra Stadium.

B.2.2. The Victim: Sofian Yahya Mohammed Lutf Alnamir (Child)

Born in 31.8.1999, Secretariat of the Capital Sana'a, east Aljuraf, Mecca Street, next to the Public Electricity Corporation. According to the statements of the victim's father, Yahya Mohammed, born in 1959, Internal Alehimp, Secretariat of the Capital, the eastern Aljuraf neighborhoods, he stated that: at 12 O'clock at noon on Tuesday, 16.11.2011, the child juvenile, Sufian Alnamir, was detained at Airport Road, in front of the Public Electricity Corporation by Houthis militants who were on two military vehicles, and assaulted him severely, and then moved him to the CID prison. During the period of imprisonment, the child suffered psychological torture, and he was asked to bring his brother, Rashid, who is accused in the case of Adnan Almarrani, who was exposed to a burning accident at Airport Road. The juvenile was kept detained in the central prison, where an indictment was prepared for him claiming that he sells fireworks, despite his young age, where he remains detained in prison, despite his young age.

The witness (M. A. M. A.), 24 years old, resides in the city of Sawad Heziaz. According to the narrative of the witness, the child, Sofian Yahya Mohammed Alnamir, was detained by Houthis militants who were on two military vehicles in Sana'a at Airport Road, he was taken to CID prison, where he was subjected there to beatings and psychological torture until today.

The witness (A. M. A. A.), 22 years old, resides in the city of Sawad Heziaz, the Secretariat of the Capital. He testified that on Tuesday, 16.11.2014, at Airport Road, he saw militants who were on two military vehicles wearing uniforms which demonstrate that they are affiliated to Houthis, where the child Sufian was detained and vehemently beaten in front of me, and then, he was taken to CID prison, which is under their control. The child remains detained until the date of this statement.

The father of the victim provided us with a memorandum issued by the General Prosecution of Security & Investigation in the province of Sana'a, stating that the child Sufian Alnamir is imprisoned as a hostage only. As well, the father of the victim provided us with a complaint submitted to the Attorney General on the arbitrary measures taken against the victim, who remains detained at the CID, and also filed a complaint he has submitted to the prison administration about the detention of his son.

Conclusion:

By virtue of the facts indicated above, relating to allegations of violations of arbitrary detention and forced disappearances, as one of the cases investigated by the Commission, given that they continue to grow, the Commission has found that there are allegations investigated by the Commission and still investigating the other part of such allegations. The Commission will submit the findings

thereon within its final report which will be presented to the relevant authorities, primarily to the judiciary so as to provide remedies to the victims.

B.3. Bombing of Houses

Introduction:

The violation of bombing of homes represents a serious phenomenon that emerged within the Yemeni society since 2011. This method is represented by placing different types of explosives inside or next to the houses with the intention to suppress, intimidate and terrorize their owners, so as to dissuade them from resisting those groups. The Commission has paid attention to all types of violations experienced by all the provinces, including bombing of homes, because of the threat represented by the method of bombing onto the civil life. The Commission has instructed its reporters for monitoring and documenting allegations on bombing of homes, where a number of 1,143 allegation on violation of bombing of homes were recorded.

In his statement on 14.6.2016, the UN envoy to Yemen, Ismail Ould Cheikh, has condemned violations of bombing of houses and illegal detentions, and considered them of those acts incompatible to the international human rights law, and as well, to Yemeni values and ethics.

The Commission has included in this report samples of allegations of violations on bombing of homes, of which are the following:

B.3.1. Bombing of the house of Lawzah Yahya Saleh

This victim is a widow and a housewife, born in the province of Al-Dali, the city of Alwa'ara, Kawkaba neighborhood, next to the welfare bureau. According to the narrative of the victim's relative, Ali Abdullah Obeid, born in 1958, province of Al-Dali, Kawkaba neighborhood, who stated that at one O'clock at noon, on 18.4.2015, four soldiers wearing military uniforms, and affiliate to Houthi militias, and led by a person named Abu Ali, came on board of one tank and they fired two artillery shells to the inside of the house of Lawzah, then they went to bring two LPG cylinders used for booby-trapping the house, and then they moved to the vicinity of the welfare bureau which is situated next to the house, and they blew up the two LPG cylinders which resulted in the destruction of the house completely.

Statements of Witnesses:

The incident was substantiated through the testimony of the witness (M. A. A.), sixty years old, residing in Kawkaba neighborhood. The witness stated that on 18.4.2015, Houthi militias and Saleh forces, the former president, have detonated the house of Lawzah by firing two artillery shells from

the tank and one B10 projectile, and then, they placed two LPG cylinders inside the house and they detonated the house. Then, they returned to the building in which they are stationed, situated at a distance of around 200 meters, where they claimed that a person has shot fire from this house, Which is untrue, because who lives in this house is a widow and her minor children.

As well, the witness (A. A. M.), born in the province of Al-Dali, Kawkaba neighborhood, has stated that on 18.4.2015, at one O'clock noon, a number of Houthis militants and Saleh forces have detonated the house of Lawzah (the widow) which is situated about 200 meters from the welfare bureau, in which the Houthis are stationed, claiming that the resistance shot fire towards them from inside the house, which does not match with the truth, because who lives in this house is a widow and her minor children, where we did not hear that the resistance exist in this house because we are the neighbors to Lawzah, and we know about her status and that she lives alone with her children.

The Commission's reporter has visited the location, and interviewed Lawza Yahya Saleh (the victim), whose house was detonated, where the reporter, with the victim, visited the location of the house that was detonated, and he took photographs for the house. The Commission reserves the photographs and documents of the that was detonated, as well as the documents that including damage assessments and financial value of damages.

B.3.2. Bombing of the house of Abdulhamid Ahmad Ali Salem Al-Abadi

Born in 1974, the province of Lahej, Almusaimir. This village contains a group of scattered houses without numbering, and the populations in this village are of simple people. According to the house owner, the facts of allegation are summarized as follows: on 21.4.2015, as Maghrib prayer approaches, two military vehicles of Houthis militants and Saleh forces arrived to the vicinity of the aforesaid house in the village of Almusaimir. They dragged the family from the house under threat and told them that they will blow up the house over the heads of its owners, and they threw explosive charges into the house, while chanting the usual Scream of the Houthis, i.e.: "Death to America, Death to Israel, A curse upon the Jews, Victory to Islam".

Statements of Witnesses:

According to the witness (A. A. N.), 46 years old, lives in the province of Lahej, the village of Almusaimir, a neighbor to the owner of the house that was detonated. He stated that he testifies in fear from Allah that the Houthi - Saleh forces, after their control on the center of the District, they came to the house of Abdulhamid Mohamed Ahmed Al-Abadi. They gave the wife and the children a notice to leave their house within half an hour, otherwise they will blow up the house over their heads, and that was under threat by the commander of the campaign. The neighbors brought the

family out of the house, and then, the Houthis militants have booby-trapped the house and blew up the whole house with all of its contents while chanting the Houthi Scream.

The witness (F. A. K. A.), 35 years old, lives in the village of Almusaimir, a neighbor to the owner of the house that was detonated. He said in his statement that two military vehicles of Houthis militants and Saleh forces arrived on 21.4.2015 and asked the house owner to leave the house by force, and that was at the Maghrib prayer, otherwise they will blow up the house. After evacuating the family out of the house, they blew up the house using severe explosive charges resulting in the destruction of the house completely.

During the field visit by the reporter to the location of the house to inspect the allegation of violation regarding the bombing of the house, the owner of the house that was detonated presented photographs for the house during bombing, where the Commission's reporter found that the house has been flattened, i.e. the house was completely demolished. The owner of the house has also presented correspondences between Sheikh of Almusaimir, Mohammed Abdulfattah Abdullah, addressed to the local authority in the province of Lahej with the effect that the owner of the house that was detonated lives in the open and has no shelter.

Conclusion:

Acts of monitoring and documentation initiated by the Commission's teams suggest that the facts regarding the allegation of bombing of houses is a unique means of the war that was followed by the Houthis distinctive of the rest of the conflicting parties in Yemen. This is supported by the forms for documenting allegations of violations of bombing of houses which were received by the Commission's teams. We would indicate that the UN envoy to Yemen, Ismail Ould Cheikh, in his statement dated 14.6.2016, has condemned the violations of bombing of houses, and he accused Houthis for these violations, and considered them of those acts incompatible to the international human rights law, and as well, to Yemeni values and ethics.

B.4. Torture and Abuse:

Introduction:

Torture is one of the most agonizing violations to the human body or his psyche, and in an intentional and organized manner as a means of eliciting information or obtaining confession, or for the purpose of terrorizing or intimidation, or as a form of punishment, and used in some cases to impose a set of values and beliefs. Torture of all kinds is incompatible to the general principles of

human rights that have been declared in the 11.09.1949, and signed by a number of countries in the world, including the Republic of Yemen, and as well, the Fourth Geneva Convention, 1949 relating to the protection of civilians in time of war, where UN Committee Against Torture was formed in 1987, which included a membership of 141 countries, however most of the signatory countries do not comply to the provisions contained in the treaties mentioned.

The National Commission, through its reporters, has monitored and documented many violation cases regarding torture in many provinces of Yemen; but this type of violation clearly manifested since 2015, where the number of violation cases regarding torture that has been reported to the Commission is 132 cases. The Commission has included examples of these cases as follows:

B.4.1. Allegation of Torturing the Victim: Saleh Awad Ali Al-Beshri

Born in 1978 in external Alehimp, province of Sana'a, locality of Bani Mahdi, the village of Bani Abs. According to the statement of the victim's brother, Abdulrahman Ali Al-Beshri, the facts of the allegation are summarized as follows: on Thursday, 12.2.2015, at four O'clock at afternoon, in Zubairi Street, the secretariat of the capital, while the victim, with his friends, were participating in the celebratory march marking the anniversary of the February Revolution, he was detained, with his friends, by Houthi militants who arrived on a military vehicle, and they moved him and his friends, with his car, to a basement, without that one knows anything about him. He has been subjected to psychological torture by threatening with light weapons, and he was prevented from using the bathroom, and they were serving bad food to detainees, in addition to accusing them of disloyalty, treason and terrorism. At twelve o'clock midnight, the victim was taken to an adjacent room by a masked person and three guards, after he was blindfolded and handcuffed. He has been tied to a wooden piece and beaten with an iron bar until he lost consciousness because of the severe torture, and he was thrown at night in Zubairi Street. After that, he was moved to a nearby hospital, but because the Houthis were still chasing him, one of the alternate workers in the hospital asked the victim to leave the hospital. Immediately afterwards, the paramedics from among the citizens decided to move him to the province of Hodeidah, but in the meantime, specifically in the area of Matanah, the victim died because of the torture he was subjected to.

Statements of Witnesses:

The witness (M. M. H. A.), 43 years old, lives in external Alehimp, has stated that on Thursday, 12.2.2015, he was traveling in the car of Saleh Awad Al-Beshri from external Alehimp heading to the secretariat of the capital to participate in the anniversary of the February Revolution, and they were accompanied by Abduljalil Al-Sabari and Ali Taher al-Faqih. He said: We arrived to Zubairi street at four O'clock afternoon, where a military vehicle of Houthi militants stopped the car we were riding

and forced us to walk in a lane, and then we were blindfolded; and they took us to a basement situated near Zubairi street where we stayed for three days during which we were subjected to psychological and physical torture, was accused of disloyalty and treason. At the fourth day, Saleh Al-Beshri was dragged to an adjacent room and tortured for three hours, and then, he was brought to us incapable to move or to speak. Afterwards, he was moved to a hospital while he was in a critical condition, where his brother was present in the hospital. Because of the discomforts encountered the alternate crew at the hospital, the victim died on the road in the area of Matanah.

The witness (A. T. A. A.), 40 years old, lives in external Alehimp, the province of Sana'a, said in his statement that he was with the victim on Thursday, 12.2.2015 for the purpose of participating in the celebration of the anniversary of the February Revolution. Around four O'clock afternoon, in Zubairi Street, a military vehicle of Houthi militants has stopped them, and the militants covered the eyes of the victims with pieces of cloth and took them to a basement of one of the buildings in the secretariat of the capital Sana'a. The witness said: we have been detained there for three days during which they were subjected to psychological torture and charging them with false accusations, and as well, delay of food serving. At the fourth day, at one o'clock after midnight, Saleh Al-Beshri was dragged to an adjacent room where he was beaten with an iron rod on his buttocks, he was blindfolded and handcuffed and tortured for three hours, and as well, we all were subjected to torture, me and my friend Abdul-Jabbar, but Saleh Al-Beshri was vehemently tortured. When they brought him back to us, he was unconscious and incapable to move. At three o'clock in the dawn, we have been dragged out and thrown in Zubairi Street. Despite that I was incapable to move, I brought a car and we went to the hospital to have medical treatment for Saleh Al-Beshri, but we were tracked by Houthis who prevented us from having treatment at the hospital, and then, we decided to travel to the province of Hodeidah for treatment. The victim's brother was riding with us, where on the road, Al-Beshri died as a result of torture he was subjected to.

The victim's brother has presented to the Commission's reporter the documents that confirm his allegation of torturing his brother, including the medical report and the death certificate which confirmed his death on the same day in which he was thrown in Zubairi Street.

B.4.1. Allegation of Torturing the Victim: Ahmed Saleh Ali Al-Haddad

Born on 1.1.1954, the city of Bani Hashish, Sana'a, Daoud neighborhood, Alshurfa street. According to the statement of the relative of the victim, Abdul-Ghani Ali Ayed Mujali, the facts of the allegation are summarized as follows: at three o'clock in the afternoon, on 22.4.2016, an armed group affiliated to Houthis raided the house of the victim, where the victim was detained in front of his family under the pretext of claiming him to hand over his son who remains under pursuit by the Houthis. The

victim was moved to the security directorate of Bait Alsayed, despite his family was pleading Houthis to release him because of his illness and old age, but the Houthis refused that, and they have exercised psychological pressure on him, and he was subjected to torture until he died, and afterwards, his dead body was handed over to his family.

Statements of Witnesses:

The witness (A. A. A.), 33 years old, lives in Sana'a, the city of Bani Hashish, has said in his statement that on 22.4.2016, an armed group affiliated to Houthis raided the house of Alhaj Ahmed Saleh Ali Al-Haddad and took him, in front of people and in front of his family, despite his old age and his illness. He was taken to the security directorate of Bait Alsayed. On the second day, his dead body was handed over to his family.

The witness (A. A. M. K.), 26 years old, lives in the city of Bani Hashish, has said in his statement that on 22.4.2016 he has seen a group affiliated to Houthis raided the house of the victim, Ahmed Saleh Ali Al-Haddad, and dragged him by force in front of me and in front of people under the pretext of demanding him to hand over his son who is under chase by Houthis. His old age and his illness did not intercede for him, where he was pleading them in front of us, but they took him to the security directorate of Bait Alsayed controlled by them. On the next day, his dead body was handed over to his family.

Conclusion:

Having listened to the victims and witnesses to allegations on violations of torture and abuse by the Commission's reporters during the interviews, who reported, according to their narratives, the perpetration of these violations as mentioned above by one of the conflicting parties, i.e. Houthis; however, the National Commission still continues in monitoring and documenting this type of violations, and investigating in them, the fact that this type of violations continues to increase, according to information communicated by the Commission's reporters in all provinces of the Republic, based on cases being documented by the civil society organizations and provided to the Commission. The Commission will identify the entity or entities responsible for such types of violations in its final report for the legal sanctioning of the perpetrators thereof, either for the facts mentioned above or other facts that fall under this type of violations.

IV. Constraints and Obstacles

Weak technical and advisory support provided to the Commission, particularly from UN High Commission for Human Rights, Yemen office.

1. The security issues in some areas and provinces still engulfed with fighting and violations.
2. Deterioration of services throughout the Republic of Yemen, causing some troubles for the Commission and its reporters, and its inability to communicate with some of the actors and some of the workers therein.
3. Delay of the response by some of the conflicting parties to cooperate with the Commission and facilitate its work.
4. Difficulty of obtaining some documents, such as death certificates or reports, due to the work interruption at the public facilities in many areas of the Republic of Yemen.

Despite these obstacles, however, the Commission has considerably succeeded in the tasks assigned to it and was able in collecting information, as well as monitoring and documentation, and investigation in many violations of human rights and international humanitarian law.

V. Recommendations

1. The Commission urges the commitment and adherence to international human rights law and international humanitarian law relating to armed conflict in terms of protection of civilians.
2. The Commission urges that priority be given to treatment of the wounded before questioning them, and to treat them humanely and to protect them and to move them to the hospitals without delay, and to allow ambulances to reach the wounded.
3. The Commission urges the non-use of residential areas and civil and service installations as launching points for fighting or as warehouses to stockpile weapons.
4. The Commission urges the non-use of anti-personnel mines which endanger the lives of civilians.
5. The Commission calls on all conflicting parties to cooperate with the Commission and to facilitate its work, and to enable its members, the assistant investigation team and the reporters to access to all places, persons and entities the Commission wish to meet with, and to provide the Commission with all the required information, in addition to provide protection to them.
6. The Commission urges to stop the torture and forced disappearances of civilians, and also calls to the expeditious release of all detainees, and also the protection of cultural objects.
7. The Commission urges the UN High Commission for Human Rights, and as well, other relevant international organizations to provide support to the Commission.

Finally, the National Commission to Investigate Alleged Violations to Human in the Republic of Yemen would indicate that its work and tasks in this regard will continue steadily until the achievement of its goals prescribed in its regulations and bylaws in a manner to achieve and meet the aspirations of the Yemeni people in the investigation of the facts and allegations concerning violations of all types; until the perpetrators and the entities committed these violations are brought to justice and judiciary. If this report of the Commission has addressed and included a part of these tasks, as it is an inception report, its next report will be a detailed and integrated report and will address all its acts and tasks assigned to the National Commission for Investigation.