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WATCH

HIDING BEHIND THE COALITION

Failure to Credibly Investigate and Provide Redress
for Unlawful Attacks in Yemen



Hiding Behind the Coalition

**Failure to Credibly Investigate and Provide Redress
for Unlawful Attacks in Yemen**

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Summary

The armed conflict in Yemen, which escalated in March 2015, continues to kill, injure, and displace thousands of Yemeni civilians. As of August 2018, the United Nations Office of the High Commissioner for Human Rights (OHCHR) had documented the killing of 6,592 civilians and the wounding of 10,470 in Yemen, with airstrikes by the Saudi Arabia-led coalition causing the majority of the verified civilian casualties. Many millions more suffer from shortages of food and medical care. Despite mounting evidence of violations of international law by the parties to the conflict, efforts toward accountability have been woefully inadequate.

In August 2016, the coalition, then consisting of Saudi Arabia, the United Arab Emirates, Bahrain, Kuwait, Egypt, Jordan, Morocco, Sudan, and Qatar, announced the first results of the coalition's recently created investigative mechanism, the Joint Incidents Assessment Team (JIAT). JIAT originally consisted of 14 individuals from the main coalition members. It has a mandate to investigate the facts, collect evidence, and produce reports and recommendations on "claims and accidents" during coalition operations in Yemen.

In this report, Human Rights Watch examines the way JIAT has investigated coalition compliance with the laws of war and civilian harm through a post-strike analysis. The report finds that more than two years after JIAT began investigating coalition airstrikes, its public findings continued to display many of the same fundamental problems of the body's first findings. The limited information available to the public shows a general failing by JIAT – for unclear reasons – to provide credible, impartial, and transparent investigations into alleged coalition laws-of-war violations.

To illustrate some of Human Rights Watch's concerns regarding JIAT's work, this report describes factual and legal discrepancies between JIAT and Human Rights Watch reporting and analysis in 17 strikes. JIAT's public conclusions raised serious questions regarding the ways in which JIAT is conducting investigations and applying international humanitarian law. Others, including the UN Panel of Experts, Amnesty International, and Médecins Sans

Frontières (MSF, or Doctors Without Borders), have reached similar conclusions about JIAT's failings following their own inquiries into other strikes investigated.

Over the past two years, JIAT has failed to meet international standards regarding transparency, impartiality, and independence. Established in the wake of mounting evidence of coalition violations, the body has failed even in its limited mandate to assess "claims and accidents" that occurred during coalition military operations. JIAT has not only conducted its investigations without a transparent methodology, but appears to have regularly failed to conduct a thorough laws-of-war analysis in its investigations and produced flawed and dubious conclusions. JIAT appears only to have investigated coalition airstrikes, but not other alleged violations of international law by coalition members, such as UAE abuses against people in detention.

On July 31, 2018, JIAT reported it had investigated its 79th incident. Most JIAT statements are released on the official Saudi state news website, but not all investigations are numbered. Human Rights Watch reviewed statements JIAT released publicly in English and Arabic and news conferences conducted by the JIAT spokesman since August 2016, interviewed members of other organizations following JIAT's work, and identified 75 of JIAT's reports. It is unclear whether JIAT did not release the remaining four findings publicly, or if there is another cause for the discrepancy. In those 75 reports, JIAT:

- Absolved coalition members of legal responsibility in the vast majority of attacks;
 - In most cases finding that the coalition acted lawfully, did not carry out the reported attack, or that a mistake was "unintentional," often due to technical errors.
- Recommended the coalition provide assistance in about 12 attacks, without necessarily finding fault:
 - Five of the 12 attacks resulting from technical errors;
 - Four of the 12 attacks involving other "unintentional" errors, including faulty intelligence, bad weather, a building not recognized as a hospital, and a mistaken missile launcher;
 - One attack recommending assistance for resulting civilian loss.

- Recommended “appropriate action” – further investigation or disciplinary action – in two attacks;
 - Finding coalition officers had violated the rules of engagement in one attack and recommending investigating possible violation of the rules of engagement in another.

JIAT provides no information regarding its decisions whether or when to release its investigation results. Three large batches of investigation results appear to have been released to respond to international events. JIAT released incident results on September 12, 2017 during discussions at the UN Human Rights Council regarding the possible creation of an international investigation into violations in Yemen; Saudi diplomats and their allies then used the released JIAT results to argue against the need for an international mechanism. On March 5, 2018, JIAT released results immediately before Saudi Crown Prince and Coalition Commander Mohammed bin Salman travelled to the United Kingdom to meet with senior British officials. And, on June 7, 2018, JIAT released results shortly before a planned major coalition offensive to capture Hodeida city, which had generated broad concerns that an attack on Yemen’s most important port would have dire humanitarian consequences for the population.

JIAT has not addressed certain coalition violations of international law. Since March 2015, coalition officials have repeatedly made false statements about coalition compliance with the laws of the war. After repeated denials that the coalition used widely banned cluster munitions in Yemen, the coalition in late 2016 claimed to be using lawfully at least one type of cluster munition. Before the admission, Human Rights Watch had documented 17 cluster munition attacks using types of cluster munitions different from the one type the coalition eventually acknowledged using. JIAT has not seriously investigated any of these cluster munition attacks.

The United States, which is a party to the conflict because of its operational, logistical, and intelligence support to the coalition, and the UK, which supports the coalition, often claim the coalition has “improved” its targeting practices during the conflict. As Saudi Arabia’s largest weapons suppliers, the US and UK have continued to sell billions of dollars’ worth of weapons to Saudi Arabia and other coalition states throughout the conflict. In six of the

attacks investigated by JIAT discussed in this report, Human Rights Watch identified US-origin munitions used in the attack. Officials have asserted that the coalition's efforts to investigate through JIAT indicate that Saudi Arabia and other coalition members are engaged in a good faith effort to comply with international humanitarian law.

Those countries that continue to sell weapons to Saudi Arabia—including the US, UK and France—risk complicity in future unlawful attacks, particularly given that coalition assurances to take action have proven hollow.

The coalition has repeatedly promised to minimize civilian harm in future military operations, but the coalition's lack of transparency makes it nearly impossible for independent observers to analyze whether the coalition has in fact made changes, let alone enforced them. Human Rights Watch has continued to document coalition attacks in 2017 and 2018 that appear to violate the laws of war.

Impartial investigations into alleged laws-of-war violations are only the first step toward meeting international legal obligations regarding accountability for abuses and justice for victims. Human Rights Watch calls on coalition member states to meet their own obligations under international law to investigate alleged serious violations by their armed forces and persons within their jurisdiction, to appropriately prosecute military personnel responsible for war crimes, and to provide reparation to victims of unlawful attacks and support a unified, comprehensive mechanism for providing *ex gratia* (“condolence”) payments to civilians who suffer losses due to military operations, regardless of an attack's lawfulness.

The coalition's failure to comply with the laws of war goes far beyond the failings of any particular JIAT investigation. JIAT has only investigated a fraction of the coalition attacks that Yemeni and international rights groups and the UN have reported as raising laws-of-war concerns. Human Rights Watch has documented 88 apparently unlawful coalition attacks since March 2015—JIAT has investigated about a quarter of them. The UN and rights groups have documented dozens of other apparently unlawful coalition airstrikes. In many of these attacks, the coalition, coalition officials, or JIAT have failed to acknowledge the coalition's role. A UN Panel of Experts found that, except for two of 10 attacks the panel

investigated in 2017, the coalition had not “acknowledged its involvement in any of the attacks, nor clarified, in the public domain, the military objective it sought to achieve.”

Many of the apparent laws-of-war violations committed by coalition forces show evidence of war crimes – serious violations committed by individuals with criminal intent. JIAT investigations show no apparent effort to investigate personal criminal responsibility for unlawful airstrikes. This apparent attempt to shield parties to the conflict and individual military personnel from criminal liability is itself a violation of the laws of war. And Saudi and Emirati commanders, whose countries play key roles in coalition military operations, face possible legal liability as a matter of command responsibility – when a commander knows or should have known that subordinates were committing abuses yet took insufficient action to stop them or punish those responsible. Many senior officials in the Saudi and Emirati militaries, who have played a leading role in coalition operations throughout the conflict, remain in positions of power and authority.

While JIAT has recommended in a handful of strikes that the coalition provide “assistance” or take “appropriate action,” Human Rights Watch is unaware of any concrete steps the coalition has taken to implement a compensation process or to hold individuals accountable for possible war crimes. Exceptionally, the Yemeni National Commission to Investigate Alleged Human Rights Violations reported the government of Yemen had referred several Yemeni officers to a Yemeni military court for prosecution.

On July 10, 2018, Saudi Arabia’s King Salman issued a royal decree “pardoning all military personnel who have taken part in the Operation Restoring Hope [begun in April 2015] of their respective military and disciplinary penalties.” The sweeping and vaguely worded statement did not clarify what limitations, if any, applied to the pardon.

Houthi forces opposed to the coalition have also carried out frequent violations of the laws of war, including likely war crimes. Human Rights Watch has documented the Houthis using antipersonnel landmines, deploying child soldiers, indiscriminately shelling Yemeni cities, and torturing detainees, among other abuses. Human Rights Watch has not identified any concrete steps the Houthis have taken to investigate potentially unlawful attacks or hold anyone responsible to account.

The UN Security Council has already imposed travel bans and asset freezes on Houthi leaders and their former allies through an existing sanctions mechanism that allows the designation of individuals responsible for violations of international humanitarian law. The council has not done so with respect to the Yemeni government or coalition members despite evidence of the coalition's responsibility for sanctionable actions. Any country can suggest names to the UN Yemen Sanctions committee, triggering immediate consideration of Security Council action. Unless the coalition ends its unlawful attacks, credibly investigates past allegedly unlawful attacks, and appropriately prosecutes those responsible, and provides civilian victims redress, the council should immediately consider imposing targeted sanctions on individuals who share the greatest responsibility for repeated coalition laws-of-war violations, notably Saudi Crown Prince Mohammed bin Salman and other senior coalition commanders.

The failure of warring states to carry out prompt, credible, and impartial war crimes investigations means that other avenues to preserve a path to justice should be considered. The UN Human Rights Council should renew and strengthen the mandate and reporting structure of the Group of Eminent Experts on Yemen, which currently reports to the Human Rights Council indirectly. The government of Yemen, which has a duty to protect all Yemenis from harm, should, as a matter of urgency, join the International Criminal Court (ICC). Judicial authorities in other countries should also investigate those suspected of committing war crimes under the principle of universal jurisdiction and in accordance with national laws. States should pursue processes for gathering criminal evidence to advance future prosecutions.

Recommendations

To Saudi Arabia, the United Arab Emirates, Other Coalition Members, and Yemen

- Abide by the laws of war, including the prohibitions on attacks that target civilians and civilian objects, that do not discriminate between civilians and military objectives, and that cause civilian loss disproportionate to the expected military benefit.
- Conduct credible, impartial, and transparent investigations into alleged violations of the laws of war involving national armed forces in Yemen.
- Appropriately prosecute military personnel, including as a matter of command responsibility, who are responsible for war crimes in Yemen.
- Promote credible, impartial, and transparent investigations by the Joint Incidents Assessment Team (JIAT).
- Provide prompt and adequate redress for civilian victims and their families for deaths, injuries, and property damage resulting from wrongful strikes. Adopt a unified, comprehensive mechanism for providing *ex gratia* (“condolence”) payments to civilians who suffer losses due to military operations, regardless of the attack’s lawfulness.
- Create a mechanism to communicate investigation results to civilian victims and their relatives, even if payments are currently not possible. Consider non-monetary forms of redress, such as apologies, as a temporary measure.
- Regularly publish civilian casualty figures from airstrikes, including participating armed forces. Publish, and continually review to improve accuracy, the methodology for distinguishing between civilians and combatants. Where feasible, interview witnesses and conduct site inspections.
- Ensure rules of engagement are fully consistent with the laws of war, and continually review them to minimize civilian loss.
- Take all feasible precautions to minimize harm to civilians, including making advance effective warnings of attacks when possible.

- Do not use explosive weapons with wide area effects in populated areas. Cease the use of inherently indiscriminate weapons, such as cluster munitions, in all circumstances.

To the Joint Incidents Assessment Team

- Publicly clarify the procedures used to decide which incidents to investigate and provide a list of incidents currently being investigated.
- Promptly release the findings of investigations, including conclusions, with as few redactions as possible. Create a mechanism to communicate the results of investigations to civilian victims and their families.
- Include in the published findings of investigations the national armed forces that participated in specific attacks, including command and control, tactical intelligence, support operations such as in-air refueling, and tactical engagement.
- Include in the published findings of investigations information on accountability measures taken by relevant coalition members, including disciplinary action and criminal prosecutions, and compensation or *ex gratia* payments, if any, provided to civilian victims or their families.
- Provide information to victims and their families on submitting claims for loss. Set out general standards applied for payments.
- Investigate laws-of-war violations beyond targeting, including use of cluster munitions and detention-related abuses.
- Cooperate with Yemeni, United Nations, and nongovernmental organizations, including seeking and sharing information to the extent practicable. Provide guidelines for organizations and individuals to alert JIAT to incidents that resulted in civilian casualties or may have violated the laws of war.
- Assist governments undertaking their own investigations of alleged laws-of-war violations.
- Make full use of the investigatory tools available. This should include military intelligence, operational information, and targeting videos. Where feasible obtain information from the target site and interview witnesses. If on-site investigations are not feasible, explore ways to meet or otherwise communicate with witnesses.
- Provide public information on JIAT members, including their position, any relevant legal or military experience, and reporting structures.

To Houthi and Allied Forces

- Abide by the laws of war, including the prohibitions on attacks that target civilians and civilian objects, that do not discriminate between civilians and military objectives, and that cause civilian loss disproportionate to the expected military benefit.
- Appropriately punish commanders and fighters responsible for abuses of international law.
- Ensure all persons taken into custody are treated humanely and have access to lawyers and family members. Individuals should only be detained if they are captured combatants or for imperative security reasons.
- Do not use explosive weapons with wide area effects in populated areas. Cease the use of inherently indiscriminate weapons, like antipersonnel landmines, in all circumstances.
- Avoid placing military objectives in densely populated areas and take steps to remove civilians from areas under attack.

To Yemen

- Accede to the Rome Statute, the founding treaty of the International Criminal Court (ICC).

To the United States

- Conduct investigations into any airstrikes for which there is credible evidence that the laws of war may have been violated and that the United States participated, including by refueling participating aircraft, providing targeting information and intelligence, or other tactical support.
- Publicly clarify the US role in the conflict, including what steps the US has taken to minimize civilian casualties in air operations and to investigate alleged violations of the laws of war.

To France

- Create a parliamentary inquire into French arms sales to Saudi Arabia and other coalition members.

To Coalition Supporters, including the United States, United Kingdom, and France

- Given the coalition's continued failure to credibly investigate alleged violations, including through JIAT, as well as ongoing violations of the laws of war, suspend all weapon sales to Saudi Arabia until it curtails its unlawful airstrikes in Yemen and credibly investigates alleged violations.
- Cease the supply of any weapons, munitions, and related military equipment to parties to the conflict in Yemen where there is a substantial risk of these arms being used in Yemen to commit or facilitate serious violations of international humanitarian law or international human rights law.
- Urge coalition members to implement the above recommendations.

To United Nations Security Council Members

- Request the Yemen Sanctions Committee Panel of Experts to produce a special report on individuals responsible for violations of applicable international human rights and humanitarian law or obstructing humanitarian aid, including chains of command and control and command responsibility within the Saudi-led coalition.
- Impose targeted sanctions on Mohammed bin Salman and other senior commanders substantially responsible for military operations that have resulted in widespread violations of the laws of war and without taking serious steps to end the abuses.

To United Nations Human Rights Council Members

- Renew and strengthen the mandate of the Group of Eminent Experts on Yemen, enhancing its reporting structure so that it reports directly to the Human Rights

Council and to the General Assembly, and strengthening language on accountability.

Methodology

Since the Saudi-led coalition's intervention in Yemen's armed conflict in March 2015, Human Rights Watch has conducted field research in the north and south of the country, including Sanaa, Aden, Saada, and Hodeida governorates, among others. When conducting investigations into possible unlawful airstrikes, Human Rights Watch sought to gather a range of information, including interviews with victims, witnesses, and medical workers in person or by telecommunication, analysis of satellite imagery, and examination of physical evidence such as weapons' remnants, videos, and photos of the strike site.

For this report, Human Rights Watch also conducted interviews with local activists, domestic and international human rights and humanitarian organizations, lawyers representing victims, and Yemeni government officials. Human Rights Watch analyzed public statements that the Joint Incidents Assessment Team (JIAT) produced over the last two years, as well as statements by coalition officials posted on government websites.

All interviewees provided consent to be interviewed and were informed of the purpose of the interview and how their information would be documented or reported. No one received remuneration for giving an interview.

In 2017, Human Rights Watch wrote to the coalition and its current and former member countries seeking information on any investigations and findings. In 2018, Human Rights Watch wrote to JIAT, and sent a copy to Saudi Arabia, the United Arab Emirates, Yemen, Qatar, Bahrain, and Kuwait, whose nationals sat on JIAT when it was initially announced. No current member of the coalition has responded. Qatar provided a written response in June 2018, which is included as an annex to this report. Future responses from coalition member states will be posted on the Yemen page of the Human Rights Watch website.

Unlawful Coalition Airstrikes Continue

In June 2017, the *New York Times* reported that Saudi Arabia provided the United States assurances that coalition forces would adhere to stricter rules of engagement and consider specific estimates about potential harm to civilians in targeting—a practice US officials told the *Times* the coalition had not fully integrated into its operations.¹ These assurances reportedly came ahead of a US\$110 billion arms sales package to Saudi Arabia. In the three months after the *New York Times* reported the changes, Human Rights Watch documented six coalition airstrikes that appeared to violate the laws of war. Together these strikes killed 55 civilians, including 33 children, and wounded dozens more.²

Despite repeated promises to minimize civilian harm during their military campaign, the coalition continued to carry out unlawful airstrikes in Yemen in 2018. One apparently unlawful coalition attack investigated by Human Rights Watch is described below. Other human rights organizations, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and humanitarian agencies reported on additional apparently

¹ Eric Schmitt, “Saudi Arabia Tries to Ease Concerns Over Civilian Deaths in Yemen,” *New York Times*, June 14, 2017, <https://www.nytimes.com/2017/06/14/world/middleeast/saudi-arabia-arms-training-yemen.html?mcubz=1> (accessed June 14, 2017).

² “Yemen: Coalition Airstrikes Deadly for Children,” Human Rights Watch news release, September 12, 2017, <https://www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children>; “Yemen: Hiding Behind Coalition’s Unlawful Attacks,” Human Rights Watch news release, September 8, 2017, <https://www.hrw.org/news/2017/09/08/yemen-hiding-behind-coalitions-unlawful-attacks>.

unlawful coalition strikes on civilians and civilian objects in 2018.³ In August, OHCHR reported that coalition airstrikes remained the leading cause of civilian casualties.⁴

April 22, 2018, Wedding in Bani Qais, Hajjah

On April 22, 2018, coalition aircraft bombed a wedding in al-Raaqah village in Bani Qais district, Hajjah governorate. The attack killed at least 22 people, including eight children, and wounded at least 54 others, including 26 children, according to witnesses and health workers who received the wounded following the attack.⁵ The groom, 25, and bride, 24, survived, but as one wedding guest said, “In a minute, he was a groom getting ready for his wedding, and now he is homeless and lost everything.”⁶

Wedding guests said they noticed coalition aircraft circling the area at about 10 o’clock in the evening. Anas al-Musabi said he left the wedding early and went home, about a 20-minute drive away. While sitting on his roof chewing *qat* (a popular mild stimulant), he heard an aircraft flying back and forth. At about 10:10 p.m., he saw the plane drop a bomb.⁷

Haydar Masoud arrived at the wedding in the early evening, after the Asr prayer. Masoud, sitting with friends a few meters away from the main wedding tent, noticed aircraft flying above:

³ See, for example, “Press briefing note on Yemen and Nicaragua,” Office of the High Commissioner for Human Rights (OHCHR) press briefing, April 24, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22980&LangID=E> (accessed April 24, 2018) (describing three April 2018 coalition attacks on a bus, a home, and the wedding attack detailed above); “MSF Cholera Treatment Center Attacked in Abs Yemen,” Médecins Sans Frontières (MSF, or Doctors Without Borders), June 11, 2018, <https://reliefweb.int/report/yemen/msf-cholera-treatment-centre-attacked-abs-yemen> (accessed June 11, 2018); Ryan Goodman, “Saudi Arabia’s Misleading Email to Congress After Bombing MSF Cholera Hospital,” Just Security, June 25, 2018, <https://www.justsecurity.org/58437/saudis-deceptive-email-congress-bombing-msf-cholera-hospital/> (accessed June 25, 2018); “NRC demands investigation of Sana’a airstrike near NRC facility,” Norwegian Refugee Council statement, June 7, 2018, <https://www.nrc.no/news/2018/june/nrc-demands-investigation-of-sanaa-air-strike-near-nrc-facility/> (accessed June 7, 2018).

⁴ “Press briefing notes on Yemen civilian casualties,” OHCHR press briefing, August 10, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23439&LangID=E> (accessed August 10, 2018).

⁵ Human Rights Watch telephone interviews with Anas al-Musabi, April 24, 2018, Abdo Show’ai, April 30, 2018, Haydar Masoud, April 24, 2018, Ali Omar, April 24, 2018, and Dr. Muhammad al-Saouml, April 24, 2018.

⁶ Human Rights Watch telephone interview with Abdo Show’ai, April 30, 2018.

⁷ Human Rights Watch telephone interview with Anas al-Musabi, April 24, 2018.



Coalition aircraft bombed a wedding in al-Raaqah village in Bani Qais district, Hajjah governorate on April 22, 2018, killing 22 people, including eight children, and wounding at least 54 others, including 26 children.

© 2018 Abdo Show'ai

Suddenly, I heard something like a wheeze for a few seconds. Then, I didn't hear anything else— not a blast, nothing.... After that wheeze, everything fell down.... I stood up and started running barefoot toward my house ... my friends were running too.... We were speaking to each other ... but no one was hearing the other, I was just seeing them moving their mouths.

The bride's uncle, Abdo Show'ai, a worker in his mid-thirties, was with the men in a tent attached to the groom's house. He briefly heard the sound of planes, but the wedding was loud. A moment before the attack, a man sitting next to him received a phone call from a friend who worked with the Houthis, warning him the coalition might attack the area. Then, "Everything fell down over our heads." Show'ai said he didn't hear a blast, but he felt heat:

“I thought I was on fire. I was covered with dust.... I tried to run, but I kept falling.” His wife came toward him:

I stopped her and asked her, ‘Where are my kids? Where are my kids?’ The scene was awful. People without limbs and some, their heads were open and bleeding. My wife was searching and was screaming every time she saw someone she thought was her family members. It was very hard to identify people, due to the dark and most people being disfigured.

His children were scared, and his 8-year-old daughter Ashwaq had fractured her arm.⁸

Ali Omar, 52, a member of Hajjah’s local council who lived nearby, said he heard the blast. He and his 30-year-old nephew immediately drove toward the wedding on their motorbike: two of his adult sons were attending. Three or four people were trying to rescue the wounded, but others were “afraid of another airstrike,” Omar said. It was dark, so he used his phone as a flashlight to look for his sons. He saw his son’s belt, then his phone cover, then his shawl. “I was certain they both died. I kept looking and searching.” That night, Omar pulled at least 10 bodies out from the rubble:

I couldn’t recognize them at all, because of the dark, and the bodies were completely burned.... The last one I saw was a guy, cut into two. Part, over a tree, and the rest hanging from it. I felt so sick when I saw that scene, I even felt that my feet can’t hold me, and I fell.... When I was searching and digging in the rubble, I heard the weeping of the families who are grieving for their people, who they don’t know if they are alive or dead.

Finally, his cousin called. Omar began shouting—he needed the light on his phone to continue searching. When his cousin convinced Omar to listen to him, he told him his sons had fractured limbs, but were alive and safe with him.⁹

⁸ Human Rights Watch telephone interview with Abdo Show’ai, April 30, 2018.

⁹ Human Rights Watch telephone interview with Ali Omar, April 24, 2018.

Those with serious wounds were taken first to the al-Tour health center and then transferred to al-Jumhori hospital in Hajjah, about two and a half hours away.¹⁰ Dr. Muhammad al-Saoumli, the head of the hospital, said they received more than 50 wounded people from the attack, mostly children. “Most of the cases were critical,” he said, including four people whose lower limbs were amputated.¹¹

A wedding guest provided Human Rights Watch a list of the full names and ages of those killed or wounded. The list included 18 wedding guests, including eight children ranging in age from 7 to 15, who were killed. Another four men hired as drummers were also killed, although the guest did not know their names or ages. He provided a separate list of 54 names and ages of those wounded in the attack, all also guests, including 26 children. Other guests and health workers at the clinic and hospital reported similar casualty numbers.¹²

Human Rights Watch was unable to identify any military objective in the area. Three men from the area said there was no military target close to the wedding; it was the first time the coalition had bombed the village since the beginning of the conflict.¹³ Anas al-Musabi said, “All people [in their village] were feeling safe, because there is no military site close to us, and we live in a very remote area, very hard to access, very hard to pass through, there is not even an asphalt road to the village.”¹⁴ One man said the closest military target was a Houthi checkpoint about an hour’s drive from the site of the attack.¹⁵

OHCHR and the UN secretary-general each issued statements condemning the attack.¹⁶ Col. Turki al-Maliki, the coalition spokesperson, announced that the coalition’s joint command

¹⁰ Human Rights Watch telephone interviews with Ali Omar, April 24, 2018 and Haydar Masoud, April 24, 2018.

¹¹ Human Rights Watch telephone interview with Dr. Muhammad al-Saoumli, April 24, 2018.

¹² Human Rights Watch telephone interviews with Dr. Muhammad al-Saoumli, April 24, 2018, Ali Omar, April 24, 2018, and Haydar Masoud, April 24, 2018.

¹³ Human Rights Watch telephone interview with Ali Omar, April 24, 2018.

¹⁴ Human Rights Watch telephone interview with Abdo Show’ai, April 30, 2018

¹⁵ Human Rights Watch telephone interview with Anas al-Musabi, April 24, 2018.

¹⁶ “Statement attributable to the Spokesman for the Secretary-General on Yemen,” United Nations Secretary-General, April 23, 2018, <https://www.un.org/sg/en/content/sg/statement/2018-04-23/statement-attributable-spokesman-secretary-general-yemen> (accessed April 23, 2018); “Press briefing note on Yemen and Nicaragua,” OHCHR press briefing (finding the attack killed at least 19 civilians and wounded about 50 others).

was reviewing the incident. At the time of writing, the Joint Incidents Assessment Team had not publicly released information regarding a possible investigation.¹⁷

On April 30 Abdo Show'ai and his relative provided Human Rights Watch with photographs they had taken of bomb remnants they found near the tent and house. The items in the photographs are remnants of a US-made Joint Direct Attack Munition (JDAM) satellite guidance kit, which is attached to an airdropped bomb prior to use. Human Rights Watch found the same type of remnants after the coalition attack on the al-Zaydiya Security Administration on October 29, 2016.¹⁸

¹⁷ "Command of joint forces of coalition for support of legitimacy in Yemen: We follow with interest what was circulated in some media claiming to target wedding tent in the area of Bani Qais, Governorate of Hajjah," Saudi Press Agency, April 23, 2018, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1755671> (accessed April 24, 2018).

¹⁸ "Yemen: US-Made Bombs Used in Unlawful Airstrikes," Human Rights Watch news release, December 8, 2016, <https://www.hrw.org/news/2016/12/08/yemen-us-made-bombs-used-unlawful-airstrikes>.

JIAT's Failure to Credibly Investigate Possible Violations

International humanitarian law, or the laws of war, requires that states investigate alleged war crimes by their nationals and appropriately prosecute those responsible.¹⁹ Deliberate, indiscriminate, or disproportionate attacks on civilians and civilian objects are serious violations of the laws of war. When committed by an individual with criminal intent – that is, intentionally or recklessly – they are war crimes.²⁰

Human Rights Watch's analysis of Joint Incidents Assessment Team (JIAT) reports has found that they have been seriously flawed, dismissing allegations of coalition violations without adequate basis or severely downplaying the extent of the wrongdoing. Reviewing JIAT investigations has been difficult in large part because its methodology has not been transparent. JIAT does not provide public information on the threshold it uses to determine whether an incident should be investigated; its investigative methodology, including whether and under what circumstances it conducts site visits and witness interviews, or relies on flight recordings; the role in a particular attack of specific coalition members or non-coalition parties to the conflict such as the United States; and the status of its recommendations.

Human Rights Watch examined seven airstrikes in which JIAT's findings included clear factual discrepancies that call its methodology into question. In two, JIAT concluded that coalition forces did not conduct airstrikes on the day or place in question. In one of the attacks, on a home in Saada in 2017, physical evidence present at the location shows that airstrikes were carried out.²¹ In the other, near a factory in Amran in 2016, JIAT did not carry out a full investigation, using an incorrect date—"2015" rather than "2016" in a United Nations High Commissioner for Human Rights (OHCHR) report—as the basis for concluding

¹⁹ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rule 158, citing First Geneva Convention, art. 49; Second Geneva Convention, art. 50; Third Geneva Convention, art. 129; Fourth Geneva Convention, art. 146.

²⁰ ICRC, *International Customary Humanitarian Law*, Rule 156.

²¹ Types of physical evidence can include a bomb crater, evidence of blast, thermal or fragmentation damage, and remnants of the munition used.

the coalition did not carry out the attack; a full review of the document would have made the misprint clear. In 2018, the UN Security Council-appointed Panel of Experts found that while their own “independent investigations found clear evidence of air strikes,” JIAT concluded the coalition did not carry out two additional 2016 strikes on a food factory in Sanaa and a residential complex in Ibb.²²

The five other attacks discussed below raise questions regarding JIAT’s assessments of civilian casualties. Although JIAT reports often cite other organizations’ findings on civilian harm or damage, JIAT frequently did not conduct its own assessment of civilian harm, left out any of its own, even rough, civilian casualty counts and did not discuss broader “harm” caused by the strike—for example the impact of damaging critical civilian infrastructure. In some cases, JIAT concluded that certain structures were not damaged, or were only partially so—clearly contradicting physical evidence collected from the strike site and available publicly at the time JIAT was conducting its investigations. While JIAT often claimed it was responding to international rights or humanitarian organizations’ reports, including Human Rights Watch, Amnesty International, and the UN Panel Experts, JIAT has never contacted Human Rights Watch or Amnesty International to discuss specific findings.

February 15, 2016, Cement Factory, Amran

JIAT concluded for the third of three reported airstrikes on a cement factory in Amran governorate that “the coalition was not established yet.”²³ JIAT was responding to OHCHR

²² United Nations Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/68, January 26, 2018, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2018/68 (accessed January 26, 2018), p. 164; *Ibid.*, annex 60: table 6 (Regarding an August 9, 2016 attack on a food factory in Sanaa, the Joint Incidents Assessment Team (JIAT) concluded the coalition did not carry out the airstrike, while the UN Panel concluded the coalition did carry out the attack, using a high explosive aircraft bomb. Regarding a September 24, 2016 attack on a residential complex in Ibb, JIAT concluded the coalition did not carry out the airstrike, while the UN Panel concluded the coalition did carry out the attack, using a Mark 82 high-explosive aircraft bomb with a Paveway guidance kit.)

²³ “Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 8 Riyadh,” Saudi Press Agency, March 5, 2018, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1733475> (accessed March 5, 2018).



The casing from a CBU-105 Sensor Fuzed Weapon used in the attack near the quarry of the Amran Cement Factory on February 15, 2016, found by factory staff on the road up to the quarry. The markings show that the weapon was produced in July 2012 by the Textron Systems Corporation of Wilmington, Massachusetts. Photograph by Priyanka Motaparthy.

© 2016 Human Rights Watch

reporting about an attack that OHCHR's August 2016 report stated took place on February 18, 2015— indeed before the coalition had been established.²⁴ But this was a typographical error on the part of OHCHR: the same sentence cited a February 2016 monthly UN report and the same August 2016 OHCHR report that JIAT referred to discussed an attack on February 19, 2016 when the coalition used cluster munitions on a mountain near the factory. Human Rights Watch also investigated and published information about an attack near the factory in mid-February 2016, after which cement factory workers collected remnants that Human Rights Watch identified as US-supplied cluster munitions. The use of cluster

munitions on the mountain, in close proximity to a nearby village, constitutes an unlawful indiscriminate attack.²⁵ The coalition should have investigated the attack.

August 4, 2017, Mahda Home, Saada

JIAT asserted that, after reviewing flight schedules and satellite images, the coalition did not carry out an airstrike on the Mahda area on August 4, 2017 following reports the

²⁴ UN Office of the High Commissioner for Human Rights (OHCHR), "Situation of human rights in Yemen," A/HRC/33/38, August 4, 2016, <http://www.ohchr.org/EN/Countries/MENARRegion/Pages/YemenReport.aspx> (accessed August 4, 2016), pp. 11, 26.

²⁵ Human Rights Watch, *Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures*, July 2016, <https://www.hrw.org/report/2016/07/11/bombing-businesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures>, pp. 47-51.

coalition bombed a residential home.²⁶ In an earlier Saudi Press Agency statement, Col. Turki al-Maliki, coalition spokesperson, denied reports the coalition targeted the house, saying the coalition was continuing to investigate in coordination with the government of Yemen and other international partners “on this unfortunate incident,” noting Houthi-Saleh forces store “weapons and explosives inside houses and civilian objects.”²⁷

Human Rights Watch also investigated the attack. Videos and photos of the attack show damage consistent with the detonation of a large air-dropped bomb that used a delayed-action fuze.²⁸ Two witnesses and the director of the local hospital said the attack killed nine members of the same family, including seven children, and wounded three.

The International Committee of the Red Cross (ICRC), whose staff members visited the village soon after the attack, also reported that the coalition attacked a house, killing nine people.²⁹

The coalition airstrike hit a civilian object, killing and wounding civilians, in the absence of any apparent military objective, violating the laws of war. The coalition should conduct a criminal investigation to determine if war crimes had been committed and pay compensation to civilian victims.

March 15, 2016, Mastaba Market, Hajjah

After investigating a March 15, 2016 attack on a market in Hajjah, JIAT concluded – without providing any explanation of its methodology – that the attack complied with the laws of war, as the strike was “based on solid intelligence asserting that a large gathering of Houthi armed militia (recruits), and that the gatherings were near a weekly market, which

²⁶ “Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 3 Riyadh,” Saudi Press Agency, March 5, 2018, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1733464> (accessed March 6, 2018).

²⁷ “The Coalition to restore Legitimacy in Yemen deny targeting a house in the Mahdah area of Saada,” Saudi Press Agency, August 8, 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1654722> (accessed August 9, 2017).

²⁸ “Yemen: Coalition Airstrikes Deadly for Children,” Human Rights Watch news release, September 12, 2017, <https://www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children>.

²⁹ “Yemen: Airstrikes against civilians are an alarming trend,” ICRC news release, August 8, 2017, <https://reliefweb.int/report/yemen/yemen-airstrikes-against-civilians-are-alarming-trend> (accessed September 13, 2017).



Remnant of a “strake,” part of a US-supplied JDAM satellite-guided bomb, found at the scene of the March 15, 2016 airstrike on Mastaba, in northern Yemen. © 2016 Human Rights Watch

does not have any activity except on Thursdays.”³⁰ The strike occurred on a Tuesday, but residents of the area told Human Rights Watch there were stalls and shops open every day of the week. JIAT went on to note “the claiming party did not provide proof of the claims [of] civilian casualties.” While it is not clear what JIAT intended with this statement, the legal obligation rests with participating states to investigate credible allegations of serious laws-of-war violations.

Human Rights Watch’s findings, as well as those of the UN, which sent a human rights team to visit the site the day after the attack, drastically differed from JIAT. Human Rights Watch conducted on-site investigations on March 28 and interviewed 23 witnesses to the

³⁰ “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency, August 5, 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799> (accessed August 5, 2016).

airstrikes, as well as medical workers at two area hospitals that received the wounded.³¹ Whereas JIAT appears to conclude there were no civilian casualties, Human Rights Watch and the UN found the two airstrikes on a crowded market killed at least 97 civilians, including 25 children. Two Mastaba residents told Human Rights Watch that many members of their extended families had died – one lost 16 family members, and the other 17 – and a local clinic supported by Médecins Sans Frontières (MSF, or Doctors Without Borders) received 45 wounded civilians from the market, 3 of whom died.³²

While the strike may have also killed about 10 Houthi fighters and there was a Houthi military checkpoint manned by two or three fighters located about 250 meters north of the market, the strikes caused indiscriminate or foreseeably disproportionate loss of civilian life, in violation of the laws of war. The Houthis' possible use of a building in the market as a barracks would have amounted to failure to take all feasible precautions to protect civilians under their control from the effects of attacks but would not have justified the coalition airstrikes as carried out. On March 16, the day after the attack, then-coalition spokesman Gen. Ahmad al-Assiri said the coalition targeted “a militia gathering” and that the area was a place for buying and selling *qat*, indicating the coalition knew the strike hit a civilian commercial area.³³

An unlawful attack should be criminally investigated for possible war crimes and to provide redress to civilian victims.

October 26, 2015, Haydan Hospital, Saada

In the immediate aftermath of an attack on a hospital in Yemen in October 2015, then-coalition spokesman Assiri initially denied a coalition airstrike hit the Saada hospital, which was supported by MSF. The same day, the Saudi ambassador to the UN

³¹ “Yemen: US-Bombs Used in Deadliest Market Strike,” Human Rights Watch news release, April 7, 2016, <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

³² “Yemen: MSF treats more than 40 wounded following deadly airstrike on marketplace,” Médecins Sans Frontières (MSF, or Doctors Without Borders) project update, March 16, 2016, <http://www.msf.org/article/yemen-msf-treats-more-40-wounded-following-deadly-airstrike-marketplace> (accessed June 1, 2018).

³³ “Yemen market strike killed 119 in one of war’s deadliest attacks: UN,” Middle East Eye, March 17, 2016, <http://www.middleeasteye.net/news/yemen-market-strike-killed-119-people-one-wars-deadliest-attacks-556556385> (accessed June 4, 2018).

acknowledged the coalition carried out the attack, but called it a “mistake,” claiming the coalition had targeted a field “used by the Houthis for training and ammunition gathering,” and faulting MSF for sending incorrect coordinates.³⁴ In its analysis, JIAT, which offered no details on the types of evidence examined or sources consulted, acknowledged the coalition struck the hospital on October 26, 2015, but alleged the Houthis were using the hospital as a military shelter. JIAT concluded the coalition should have warned MSF before bombing the building but did not find any other fault on the part of the coalition as, according to JIAT, the hospital had become a military target.³⁵

Human Rights Watch interviewed MSF-Yemen country staff the night of the strike and reviewed photos from MSF and other local sources showing damage to the building and the MSF-logo painted clearly on the roof.³⁶ MSF regularly shared its coordinates with the coalition. In contrast to JIAT’s conclusion that “there was no human damage as a result of the bombing,” Human Rights Watch confirmed that two patients were injured during the evacuation of the hospital. The hospital was also forced to shut down; the attack destroyed or damaged multiple wards. The hospital was the only medical facility for about 200,000 people living within an 80-kilometer radius, which received about 150 emergency cases a week.³⁷

Human Rights Watch found no evidence Haydan hospital was being used for military purposes. Hospitals only lose their protection from attack if they are being used outside

³⁴ “Saudi-led coalition says it did not bomb hospital in Yemen,” Reuters, October 27, 2015, <https://www.yahoo.com/news/saudi-led-coalition-says-did-not-bomb-hospital-181332725.html> (accessed June 4, 2018) (Reuters reported on October 27: “Asked if coalition jets had hit the hospital ... Asseri said in an electronic message: ‘Not at all.’ Asseri said coalition jets had been in action in Saada governorate, however. Asked if he knew what had caused the blast, Asseri said: ‘We cannot tell without investigation.’”); Samuel Oakford, “Exclusive: Saudi Arabia Admits Bombing MSF Hospital in Yemen—But Faults MSF,” ViceNews, October 27, 2015, <https://news.vice.com/article/exclusive-saudi-arabia-admits-bombing-msf-hospital-in-yemen-but-faults-msf> (accessed June 4, 2018).

³⁵ “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency.

³⁶ “Yemen: Coalition Airstrike Strikes Hospital,” Human Rights Watch news release, October 27, 2015, <https://www.hrw.org/news/2015/10/27/yemen-coalition-airstrikes-hit-hospital>.

³⁷ “Yemen: MSF hospital destroyed by airstrikes,” MSF press release, October 27, 2015, <http://www.msf.org/en/article/yemen-msf-hospital-destroyed-airstrikes> (accessed June 5, 2018).

their humanitarian function to commit “acts harmful to the enemy.”³⁸ This would include using the hospital as a military barracks, as JIAT alleged the Houthis were doing. Nonetheless, as JIAT acknowledged, before a military force can attack a hospital used by belligerent forces for military purposes, the attacking force first must issue a warning about this misuse and set a reasonable time limit for it to end, and attack only after such a warning has gone unheeded.³⁹

JIAT did not identify which states’ forces participated in the attack, but acknowledged the coalition intended to target the location of the hospital in Haydan. An investigation should seek to determine the basis for concluding that the Houthis were using the hospital. An unlawful attack, including by failing to provide the hospital adequate warning, should be criminally investigated for possible war crimes and to provide redress to civilian victims.

The coalition has repeatedly hit hospitals, including MSF-supported facilities, in Yemen. In two additional coalition attacks MSF investigated, the organization found: “Beyond the immediate loss of life and destruction ... the attacks led to a suspension of activities that left an already very vulnerable population without access to healthcare.”⁴⁰

After JIAT released its findings on an August 2016 attack on an MSF-supported hospital in Abs, Hajjah, MSF stated: “This public declaration does not reflect the conversations MSF had in Saudi Arabia with the JIAT and military forces after the attack.” JIAT found the coalition targeted a Houthi vehicle next to the building; MSF said the car was already inside the hospital when bombed, carrying at least one wounded patient.⁴¹ JIAT referred to

³⁸ MSF, “Yemen: MSF releases detailed documentation of attacks on two medical facilities ahead of UN Security Council closed session on protection of medical mission,” September 27, 2016, <http://www.msf.org/en/article/yemen-msf-releases-detailed-documentation-attacks-two-medical-facilities-ahead-un-security> (accessed June 5, 2018).

³⁹ ICRC, *Customary International Humanitarian Law*, Rule 28, citing First Geneva Convention, art. 21; see also ICRC, *Commentary on the First Geneva Convention* (Cambridge: Cambridge University Press, 2016), paras. 1846-59.

⁴⁰ MSF, “Yemen: MSF releases detailed documentation of attacks on two medical facilities ahead of UN Security Council closed session on protection of medical mission,” September 27, 2016 (After internal investigations into coalition attacks on the MSF-supported hospital in Abs, Hajjah on August 15, 2016 and on an MSF clinic in Taizz city on December 2, 2016, MSF concluded that “the neutrality and impartiality of the facilities had not been compromised before the attacks and therefore there was no legitimate reason to attack them.”).

⁴¹ “Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement,” Saudi Press Agency, December 6, 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1567351> (accessed June 5, 2018).

seven people killed and another 13 wounded in the attack, appearing to source these numbers to MSF; MSF found the attack killed 19 people, including one MSF hospital worker, and wounded another 24. JIAT claimed the building had “no signs” of being a hospital; MSF said the hospital had a large logo on its roof and the organization had shared the hospital’s coordinates with the coalition at least every three months since July 2015, including five days before the attack. MSF pulled out of six hospitals in the Houthis-controlled north of the country after the attack. JIAT concluded attacking the hospital was an “unintentional error.” MSF responded: “We do not consider this incident an ‘error’, but a consequence of conducting hostilities with disregard for the protected nature of hospitals and civilian structures.”⁴²

In June 2018, the coalition again hit an MSF-supported facility, this time a cholera treatment center, and again attempted to shift blame to MSF, including sending a letter from a low-level MSF employee to the US Congress in an attempt to justify the attack. As in past attacks, MSF quickly made clear, including providing relevant photos and documentation, that the roof of the facility had been clearly marked and it had repeatedly shared the facility’s coordinates with the coalition, which the coalition had acknowledged receiving in writing.⁴³

May 13, 2015, Abs Prison, Hajjah

JIAT reported that the coalition had attacked two weapons depots in Abs, Hajjah governorate on May 13, 2015, each with a laser-guided bomb. JIAT concluded the nearby prison building was not affected and the coalition complied with international law.⁴⁴

⁴² JIAT also recommended the coalition should apologize, provide “appropriate assistance,” and launch an “investigation with the persons in charge” to determine if the rules of engagement had been violated and further action was required. “Yemen: Saudi-led airstrike on Abs hospital cannot be justified as ‘unintentional error,’” MSF statement, December 9, 2016, <http://www.msf.org/en/article/yemen-saudi-led-airstrike-abs-hospital-cannot-be-justified-unintentional-error> (accessed June 5, 2018).

⁴³ Ryan Goodman, “Saudi Arabia’s Misleading Email to Congress after Bombing MSF Cholera Hospital,” Just Security, June 25, 2018, <https://www.justsecurity.org/58437/saudis-deceptive-email-congress-bombing-msf-cholera-hospital/> (accessed June 5, 2018).

⁴⁴ “Joint Incidents Assessment Team (JIAT) on Yemen Issues Statement on Results of A Number of Incidents Riyadh 2,” Saudi Press Agency, February 23, 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1595491> (accessed June 6, 2018).



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

JJAT did not adequately investigate possible civilian harm in the attack, given its conclusion that the prison building was “neither targeted nor affected, at all.” Human Rights Watch visited the site of the attack in July 2015 and interviewed witnesses. One bomb hit the prison’s mosque, at the corner of the compound, collapsing the structure. Thirty-three men convicted of petty crimes were incarcerated in the prison at the time; among those killed were 17 prisoners, a prison guard, and two people in a shop near the prison, according to a local medic. A second bomb hit a nearby home minutes later. The strikes killed at least 25 civilians, including one woman and three children, and wounded at least 18.⁴⁵

Ordinary prisons are civilian objects that may not be targeted unless they are being used for military purposes. Human Rights Watch was not able to determine the intended target

⁴⁵ Human Rights Watch, *What Military Target Was in My Brother’s House: Unlawful Coalition Airstrikes in Yemen*, November 2015, <https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawful-coalition-airstrikes-yemen>, pp. 25-27.

of the attack; although one man said he had visited the prison every day to provide food to the inmates and that he not seen any military activity at the prison, such as weapons stored inside or nearby, or Houthi or allied military personnel. Human Rights Watch discovered the chassis and parts of what appeared to be two military jeeps among the dilapidated buildings but found no other signs that the area had been used for military purposes, or that people had recently lived in the buildings. Had the Houthis been using the prison or nearby areas to store weapons, these sites would be legitimate military objectives, though any attack would need to be proportionate. JIAT did not provide evidence to support a claim that the weapons depots were located near the prison.

Coalition forces did not appear to take adequate precautions in the attack, and the attack may have been unlawfully indiscriminate or disproportionate. JIAT did not identify which states' forces participated in the attack. The attack should be criminally investigated for possible war crimes and to provide redress to civilian victims.

January 24-25, 2016, al-Nahdah neighborhood, Sanaa

JIAT concluded that the coalition complied with international law during airstrikes in Sanaa in late January 2017.⁴⁶ According to JIAT, the coalition had intelligence indicating Houthi leaders gathered in a house that thus “lost its legal protection and became a military objective of high value.” JIAT did not provide further evidence or information to support this claim.⁴⁷ In the immediate aftermath of the attack, then-coalition spokesperson Assiri denied claims the airstrike targeted a home, telling CNN: “We do not target homes. We are looking for Scud missiles. We always confirm, we do not attack residential sites. We attack storage [facilities].”⁴⁸

JIAT did not acknowledge any civilian harm as a result of the attack, claiming that, after investigation and reviewing aerial footage, damage to the house targeted “did not exceed

⁴⁶ “JIAT spokesman: Coalition Forces are Precise in Their Strikes and Their Goals Focused” (عام / المتحدث باسم فريق تقييم “ (”الحوادث باليمن: قوات التحالف دقيقة في ضرباتها الجوية وتولي أهدافها تركيزاً كبيراً إضافة سابعة”, Saudi Press Agency, September 12, 2017, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1665499> (accessed June 7, 2018).

⁴⁷ Ibid.

⁴⁸ Hakim Almasmari, “Yemen Judge Killed in Airstrike by Saudi-led coalition,” CNN, January 25, 2016, <https://edition.cnn.com/2016/01/25/world/yemen-judge-killed-airstrike/index.html> (accessed January 25, 2016).



The house of Judge Yahya Muhammad Rubaid in Sanaa was hit by a coalition airstrike on January 25, 2016, killing the judge and four members of his family. Photograph by Belkis Wille. © 2016 Human Rights Watch

30 percent,” and neighboring houses were “not damaged.” Human Rights Watch visited the site and photographed the remains of the three-story house hit—the photographs show the targeted house was completely destroyed and the neighboring building seriously damaged.⁴⁹

JMAT did not identify which states’ forces participated in the attack, but said the coalition bombed the house “with high precision.” Family members of Judge Yahya Muhammad Rubaid, who owned the home, told Human Rights Watch the strike killed Judge Rubaid, his wife, one of his sons, and two of his daughters-in-law, one of whom was six months pregnant. On the day Human Rights Watch visited the home, Houthi fighters were present at a nearby hotel, about 120 meters away from the house.⁵⁰ If Houthi leaders were present in the home, the strike may have complied with the laws of war. If not, the coalition appears to have failed to comply with requirements regarding precaution in attack and carried out an unlawfully indiscriminate attack. JMAT did not identify which states’ forces

⁴⁹ “Yemen: War Crimes Not Addressed,” Human Rights Watch news release, May 4, 2016, <https://www.hrw.org/news/2016/05/04/yemen-war-crimes-not-addressed>.

⁵⁰ OHCHR, “Situation of human rights in Yemen,” p. 30.

participated in the attack. Those involved should be criminally investigated and civilian victims provided redress.

February 27, 2016, Nihm Market, Sanaa

After investigating a February 27, 2016 airstrike in Nihm, JIAT, which offered no details on the evidence examined or sources consulted, concluded that a coalition aircraft providing back-up to local Yemeni forces struck two Houthi “vehicles full of personnel, ammunition and weapons” and that the vehicles were near “a small natives’ market adjacent to a [sic] small buildings and tents.” JIAT found that the coalition complied with the laws of war, as only seven people were at the site, “deployed in an uninhabited desert area” under Houthi control.⁵¹ Human Rights Watch documented the same attack and came to different conclusions after interviewing three local residents, including a local sheikh who arrived at the site 30 minutes after the strike, and a man who said the airstrike killed three of his cousins, two friends, and five others.⁵² The local residents said the vehicles hit in the first strike were carrying civilians. Human Rights Watch found that the first strike hit the cars, which were in the middle of a small, crowded local market, killing at least 10 civilians, including one woman and four children, and wounding at least four more. The second strike landed 150 meters away in a graveyard between five and 10 minutes later, causing no injuries.⁵³

The apparently unlawful attack should be criminally investigated for possible war crimes and to provide redress to civilian victims.

⁵¹ “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency.

⁵² “Yemen: War Crimes Not Addressed,” Human Rights Watch news release.

⁵³ OHCHR, “Situation of human rights in Yemen,” p. 26; UN Secretary-General, Statement attributable to the Spokesman for the Secretary-General on Yemen, February 28, 2016, <https://www.un.org/sg/en/content/sg/statement/2016-02-28/statement-attributable-spokesman-secretary-general-yemen> (accessed June 1, 2018).

JIAT's Improper Application of International Law

The current fighting in Yemen is considered a non-international armed conflict under the laws of war because it is a conflict between states and a non-state armed group, the Houthis. Applicable law includes Common Article 3 to the Geneva Conventions of 1949, Additional Protocol (II) to the Geneva Conventions of 1977, and customary international humanitarian law.⁵⁴

The Joint Incidents Assessment Team's (JIAT) publicly released findings often appear to conclude that a coalition airstrike was lawful solely because the coalition had identified a legitimate military target, but without providing sufficient details for others to verify this information. JIAT's public analyses also do not appear to consider whether an attack was unlawfully disproportionate, that is, whether the anticipated harm to civilians from the attack was greater than the anticipated military advantage, or if the coalition took adequate precautions before carrying out an attack. In addition to the six strikes described below, the United Nations Panel of Experts reexamined four strikes it had previously investigated that were taken up by JIAT, and found that, contrary to JIAT's conclusions, "evidence still strongly demonstrates that the ... coalition violated IHL in those incidents."⁵⁵

July 12, 2015 and February 3, 2016, Cement Factory, Amran

JIAT reported that the coalition did not violate the laws of war in two reported attacks on a cement factory in Amran governorate. It said the coalition bombed the factory on July 12, 2015 after receiving information that Houthi-Saleh forces were using it to support the war

⁵⁴ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AAoC5BCBAB5C4A85C12563CD002D6D09&action=openDocument>; Common Article 3 of the Geneva Conventions of 12 August 1949 (available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/WebART/365-570006?OpenDocument>); International Committee of the Red (ICRC), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005)

⁵⁵ United Nations Security Council Committee Established Pursuant to Resolution 2140, "Final report of the Panel of Experts on Yemen," S/2018/68, January 26, 2018, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2018/68 (accessed January 26, 2018), annex 60.

effort. The coalition again bombed the factory compound on February 3, 2016 after receiving information Houthi-Saleh forces had gathered in one of the buildings, JIAT said. JIAT did, however, recommend the coalition pay some form of redress to civilian victims of the February 3 attack.⁵⁶

In both attacks, JIAT claimed the coalition had identified, targeted, and struck a military target: in one case a Houthi gathering, in the other a factory used to support the war effort. Human Rights Watch visited the factory and witnesses said that two or three Houthi fighters had used nearby huts belonging to the factory.⁵⁷ While Houthi fighters and facilities used to produce or store goods intended for military use are lawful military targets, JIAT did not provide evidence to support their claims, nor details regarding how Houthi-Saleh forces were allegedly using the factory to support the war effort.

In addition, a military target present does not necessarily make an attack legal; it must also not cause disproportionate civilian loss. JIAT did not fully engage in an inquiry regarding civilian harm. JIAT acknowledged that two buildings and nearby cars were damaged in the February 3 attack, but provided no information as to the extent of the civilian property damage on July 12 and did not acknowledge any civilian casualties for either attack.

Human Rights Watch found that in the July 12 strike at least five bombs hit different parts of the factory. The factory had reopened a few days previously and 12 workers were wounded. The February 3 airstrike hit the factory's main entrance, located on a busy street, killing 15 civilians, including seven workers and two children, and wounding 49. One of the factory employees reported seeing four cars, two shops, a pharmacy, a café, and a call center on fire.⁵⁸

⁵⁶ "Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 8 Riyadh," Saudi Press Agency, March 5, 2018, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1733475> (accessed March 5, 2018).

⁵⁷ Human Rights Watch, *Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures*, July 2016, <https://www.hrw.org/report/2016/07/11/bombing-businesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures>, p. 47-51.

⁵⁸ "Press briefing note on Yemen and Honduras," UN Office of the High Commissioner for Human Rights (OHCHR) press briefing, March 4, 2016, <https://reliefweb.int/report/yemen/press-briefing-note-yemen-and-honduras-enar> (accessed June 1,

Deliberate or indiscriminate attacks on civilians and civilian structures are serious violations of the laws of war. JIAT did not identify which states' forces participated in the attack but acknowledged the coalition intended to target the Amran Facility on July 12, 2015 and February 3, 2016. Those involved should be criminally investigated and civilian victims of both strikes provided redress.⁵⁹

October 29, 2016, al-Zaydiyah Prison, Hodeida

JIAT reported that the coalition had intelligence indicating Houthi leaders, accompanied by foreign experts, were using al-Zaydiyah security administration building in Hodeida for military purposes when it was attacked in October 2016. JIAT said the coalition targeted the building in “using precision-guided bombs” as the building “lost its legal protection.”⁶⁰

Human Rights Watch also investigated the attack, visiting the site and interviewing witnesses.⁶¹ Three wards at the prison held about 100 prisoners at the time of the coalition attack, according to a guard and former detainee. The airstrikes hit the roof of the administration building; one of two cells holding male suspects; and the women's cell, a separate building used to house security detainees. Former detainees described running to their cell doors after the first strike, only to find they were locked in the ward as more bombs fell. The strike killed at least 63 people, including Houthi personnel and civilians, and wounded 67 more. Many of the casualties were criminal and security detainees held at the facility without charge, including at least two children.

2018); OHCHR, “Situation of human rights in Yemen,” A/HRC/33/38, August 4, 2016, <http://www.ohchr.org/EN/Countries/MENARegion/Pages/YemenReport.aspx> (accessed August 4, 2016), p. 26.

⁵⁹ This attack, and the failure to provide the promised redress, is described in more detail in the following section.

⁶⁰ “JIAT Holds Press Conference 4,” Saudi Press Agency, November 19, 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1689420> (accessed June 6, 2018).

⁶¹ “Yemen: US-Made Bombs Used in Unlawful Airstrikes,” Human Rights Watch news release, December 8, 2016, <https://www.hrw.org/news/2016/12/08/yemen-us-made-bombs-used-unlawful-airstrikes>.



One of the three bombs that hit al-Zaydiya security directorate, Hodeida governorate, came through the ceiling next door to the director's office. The attack killed at least 63 detainees and security personnel. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

A source said the Houthis used the facility as a base for military operations, and the Houthi-controlled Foreign Affairs Ministry said members of popular committees, which would be subject to attack, oversaw some of the detainees.⁶² By deploying military forces at a civilian detention facility, the Houthis failed to take all feasible precautions to minimize the risk to the detainees.

JIAT concluded the coalition complied with international law as the coalition had identified a legitimate military target. While any combatants and military equipment

at the facility would be legitimate targets, the civilian detainees and detained fighters, in the power of an adverse party and thus *hors de combat*, would not be subject to attack.⁶³ If, as JIAT claimed, the coalition had intelligence regarding the use of the complex, the coalition may have known there was a large presence of persons protected from attack in the detention facility: six former detainees told Human Rights Watch they had been held at the facility between several months and more than a year on suspicion of common crimes, including one 15-year-old boy who was severely burned in the airstrike. The facility was widely known in the area as a detention center.

⁶² Letter to Human Rights Watch from the Sanaa-based Ministry of Foreign Affairs, December 1, 2016, https://www.hrw.org/sites/default/files/supporting_resources/gl.2016.12.1.yemen_mfa_response_to_hrw_o.pdf.

⁶³ ICRC, *Customary International Humanitarian Law*, Rule 147, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule47.



Remnants of a US-made JDAM satellite-guided bomb at the al-Zaydiya security directorate in Hodeida governorate, where coalition bombs killed at least 63 people on October 29. Photograph by Priyanka Motaparthi. © 2016 Human Rights Watch

Without providing more or verifiable information on the Houthi leaders and foreign experts allegedly present, the coalition airstrike on the detention facility appears to be an unlawfully disproportionate attack. JIAT did not identify which states' forces participated in the attack but acknowledged that the coalition intended to target the facility, using laser-guided bombs to do so. Those involved should be criminally investigated and civilian victims provided redress.

January 5, 2016, Dar al-Noor Rehabilitation Center for the Blind, Sanaa

JIAT concluded the coalition had received intelligence that the Houthis had seized Dar al-Noor Rehabilitation Center for the Blind, evacuated those using the building, and begun

using it as a military headquarters. JIAT found that the building “thus lost legal protection, becoming a legitimate military target.”⁶⁴

While witnesses told Human Rights Watch, which visited the compound and conducted interviews, that the Houthis had set up an office in the compound, installed guards at the entrance, and regularly had men and vehicles in the compound, they also described the civilian harm that resulted from the strike. JIAT did not acknowledge any civilian harm. The Houthis unlawfully placed the school for blind students at grave risk by basing militia forces in the facility’s compound, but the presence of Houthi fighters did not obviate the coalition’s obligation to consider the potential harm to civilians.

Human Rights Watch found that a three-story building in the three-building compound housed the al-Noor Center for the Care and Rehabilitation of the Blind, which served 250 students, mostly children, who had visual disabilities. A second three-story building was used as the sleeping quarters for 130 students. The third building, where the militia members stayed, included a kindergarten on the second floor. The buildings are about 20 meters apart. Witnesses told Human Rights Watch a single bomb hit the roof of the building that housed the students’ sleeping quarters and penetrated it but did not explode.⁶⁵ The strike wounded four civilians and a Houthi guard and damaged the capital’s only center for people with visual disabilities. Had the bomb detonated, damage to the buildings and civilian casualties would have been far greater. JIAT did not identify which states’ forces participated in the attack, but acknowledged the coalition aimed to bomb the building and did so with an “accurate guided bomb.”⁶⁶

⁶⁴ “JIAT Spokesman: Coalition Forces are Precise in Their Strikes and Their Goals Focused” (عام / المتحدث باسم فريق تقييم “) (“الحوادث باليمن: قوات التحالف دقيقة في ضرباتها الجوية وتولي أهدافها تركيزاً كبيراً إضافة سابعة”), *Saudi Press Agency*, September 12, 2017, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1665499> (accessed September 13, 2017).

⁶⁵ “Yemen: Houthis Endangered School for Blind,” Human Rights Watch news release, January 13, 2016, <https://www.hrw.org/news/2016/01/13/yemen-houthis-endangered-school-blind>.

⁶⁶ OHCHR, “Situation of human rights in Yemen,” p. 47.



Rubble and debris litter a third-floor bedroom in the al-Noor Center for the Blind following a Saudi-led coalition airstrike in Sanaa on January 5, 2016. © 2016 Human Rights Watch

December 29, 2015, Coca-Cola Factory, Sanaa

JIAT concluded that the coalition had intelligence indicating the Houthis were using a Coca-Cola factory in Sanaa to store missiles, and that the building was located north of the city, from where the Houthis had launched several missiles toward Saudi Arabia. JIAT said the building was a legitimate military target, and that a December 29, 2015 strike complied with international law.⁶⁷

JIAT did not appear to engage in an analysis of the civilian harm caused by the strike. Human Rights Watch documented the attack and visited the factory on March 31, 2016.⁶⁸ According to employees, the bombs hit the factory over several minutes, wounding five employees. Many of the employees had left the building about 10 minutes before the first bomb hit, according to the plant manager. The strikes destroyed raw materials used to

⁶⁷ “JIAT Spokesman: Coalition Forces are Precise in Their Strikes and Their Goals Focused” (عام / المتحدث باسم فريق تقييم) (“الحوادث باليمن : قوات التحالف دقيقة في ضرباتها الجوية وتولي أهدافها تركيزاً كبيراً إضافة ثانية”), Saudi Press Agency

⁶⁸ Human Rights Watch, *Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures*.



Three coalition bombs hit the Coca-Cola factory in Sanaa on December 12, 2015. The strike injured five workers. Photograph by Priyanka Motaparthy. © 2016 Human Rights Watch

produce soft drinks, a generator, and both the glass and plastic bottling lines. Human Rights Watch found no evidence that the factory produced anything other than beverages.

Broken bricks, fallen metal roof beams, and other building debris covered the site. Researchers found broken bottles and large amounts of spilled sugar in the area where workers said they previously stored raw materials.

If the Houthis had been using the factory to store missiles, the strike would likely be in compliance with the laws of war. JIAT did not provide enough information to allow for independent verification of the claim.

The al-Dailami Air Force Base is

located about 700 meters from the factory, which coalition forces had repeatedly struck, including during the nine months before the factory was struck, according to workers.

August 30, 2015, al-Sham Water Bottling Factory, Hajjah

JIAT acknowledged the coalition carried out an airstrike on al-Sham Water Bottling Factory in Hajjah on August 30, 2015.⁶⁹ In its statement, JIAT said that “due to weather conditions” and “some clouds” the laser-guided bomb missed the target. JIAT concluded it was an “unintentional error.” Right after the strike, then-coalition spokesman Gen. Ahmad al-Assiri had told Reuters: “We got very accurate information about this position and attacked

⁶⁹ “Joint Incidents Assessment Team (JIAT) on Yemen Holds Press Conference,” Saudi Press Agency, April 2, 2017, <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1610999> (accessed June 8, 2018).

it. It is not a bottling factory.”⁷⁰ Assiri told CNN, “There is no factory, we attacked a military camp in Hajjah where they train mercenaries to send them to kill our soldiers.”⁷¹

JIAT recommended the coalition apologize and provide assistance to victims but did not provide a full accounting of the civilian harm caused, stating the coalition hit the factory, causing “destruction ... some deaths and injuries.” Human Rights Watch interviewed witnesses to the attack and found the airstrike killed 14 workers, including three boys, and wounded 11 more.⁷² Many of the dead and wounded, as well as the owner of the factory, were from the same family. JIAT did not identify which states’ forces participated in the attack, nor who would be responsible for paying redress. Those involved should be criminally investigated for possible war crimes and civilian victims provided redress.⁷³

⁷⁰ Saeed Al-Batati, “At Least 13 Reported Dead in Yemen Strikes,” *New York Times*, August 30, 2015, <https://www.nytimes.com/2015/08/31/world/middleeast/civilians-reported-dead-in-yemen-saudi-strikes.html> (accessed June 8, 2018); Mohammed Ghobari, “Saudi-led coalition air strike kills 36 Yemeni civilians: residents,” Reuters, August 30, 2015, <https://www.reuters.com/article/us-yemen-security/saudi-led-coalition-air-strike-kills-36-yemeni-civilians-residents-idUSKCN0QZ09P20150830> (accessed June 8, 2018).

⁷¹ Ralph Ellis, “In Yemen, 34 civilians killed in bombing of water bottling factory,” CNN, August 31, 2015, <https://edition.cnn.com/2015/08/30/middleeast/yemen-bottle-factory/index.html> (accessed June 8, 2018).

⁷² Human Rights Watch, *What Military Target Was in My Brother’s House: Unlawful Coalition Airstrikes in Yemen*, November 2016, <https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawful-coalition-airstrikes-yemen>, pp. 52-54.

⁷³ This attack, and the failure to provide the promised redress, is described in more detail in the following section.

Shielding States from Responsibility for Violations

The Joint Incidents Assessment Team (JIAT) reporting on alleged violations of the laws of war has not included information on the various armed forces involved in specific airstrikes, effectively shielding coalition states and other parties to the conflict that may have been involved in violations, and individuals who may have committed war crimes. To Human Rights Watch's knowledge, JIAT has only released information on Yemen armed forces' participation in attacks JIAT investigated – asserting that faulty intelligence from government of Yemen armed forces led to the attack on a funeral in Sanaa in October 2016.

JIAT's failure to identify the forces that participated in attacks, including attacks in which JIAT recommended the coalition provide some form of reparations or pursue further action, paired with the lack of transparency of coalition members, make it incredibly difficult for independent observers or Yemeni victims of unlawful attacks to determine whether JIAT's recommendations have been implemented, or to follow up with JIAT or particular coalition members regarding compensation or accountability.⁷⁴ These difficulties have not been limited to human rights investigators but apparently extend to coalition allies. In June 2017, then-United States Secretary of State Rex Tillerson told the US Congress:

The Saudi military ... informed us they have changed procedures in line with the recommendations of ... [JIAT], though we have not yet been able to verify this. We do not have definitive data at this point to assess whether the Royal Saudi Air Force made improvements in its targeting capabilities.⁷⁵

⁷⁴ Cordula Droege and David Tuck, "Fighting together: Obligations and opportunities in partnered warfare", post to "Humanitarian Law & Policy (blog)," International Committee of the Red Cross (ICRC), March 28, 2017, <http://blogs.icrc.org/law-and-policy/2017/03/28/fighting-together-obligations-opportunities-partnered-warfare/> (accessed March 28, 2017) (Discussing the problem attributing responsibility to individual states acting in military coalitions: Partnering "might also be a cloak against accountability for such crimes. With the opaque distribution of tasks, the diffusion of responsibility that is inherent to partnering, the international community is less readily able to identify the State, the group, and even less likely, the individual, that is responsible for unlawful conduct. This can create a climate in which stakeholders, political and military alike, perceive themselves to be free from the scrutiny of accountability processes and act beyond the parameters of their usual normative reference frameworks.").

⁷⁵ Secretary of State Rex Tillerson, Written Responses to Questions for the Record Submitted to Secretary of State Tillerson by Representative Lieu, House Foreign Affairs Committee, June 14, 2017, on file with Human Rights Watch.

September 10, 2016, Beit Sahdan Village, Arhab

A year after the attack, JIAT released a statement concluding that a September 10, 2016 airstrike on Beit Sahdan village was an “unintended mistake.”⁷⁶ Soon after the attack the coalition spokesperson, Gen. Ahmad al-Assiri, had said that, “All operations in the area were targeting Houthi positions and members.”⁷⁷

According to JIAT, the Houthis launched a ballistic missile from Arhab district toward Saudi territory that morning and a coalition air formation mistook a group of people and two trucks near a drill being used to build a village water well for the ballistic missile launcher. By referring to the attack as an “unintended mistake,” JIAT effectively absolved coalition forces of wrongdoing. Even if the coalition mistook the drill for a missile launcher in the first strike, it does not explain why coalition aircraft returned to the site and bombed it many more times over the course of the morning.

Human Rights Watch also documented the attack, interviewing witnesses who said that before dawn coalition aircraft struck the site of a worker’s shelter near the water drilling rig.⁷⁸ After several dozen villagers came to remove the bodies of those killed, coalition planes returned and bombed the area at least 12 more times, about 15 minutes apart, witnesses said, striking the area in widening circles as those gathered attempted to escape. Human Rights Watch visited the site on November 10 and examined the rubble of the workers’ shelter, as well as the burned wreckage of a fuel tanker truck. There were at least 11 bomb

⁷⁶ “JIAT Spokesman: Coalition Forces are Precise in Their Strikes and Their Goals Focused” (عام / المتحدث باسم فريق تقييم) (“الحوادث باليمن: قوات التحالف دقيقة في ضرباتها الجوية وتولي أهدافها تركيزاً كبيراً إضافة رابعة”), Saudi Press Agency, September 12, 2017, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1665450> (accessed September 13, 2017).

⁷⁷ Mohammed Ghobari, “Saudi-led coalition raids kill at least 21 in Yemen: residents,” Reuters, September 11, 2016, <https://www.reuters.com/article/us-yemen-security/saudi-led-coalition-raids-kill-at-least-21-in-yemen-residents-idUSKCN11Ho78/> (accessed June 8, 2018).

⁷⁸ “Yemen: US-Made Bombs Used in Unlawful Airstrikes,” Human Rights Watch news release, December 8, 2016, <https://www.hrw.org/news/2016/12/08/yemen-us-made-bombs-used-unlawful-airstrikes>.



A year after the September 10, 2016 attack on Beit Sahdan, the coalition’s investigative mechanism, JIAT, concluded the attack was an “unintended mistake.” Human Rights Watch visited the site on November 10, 2016, and examined the rubble of the workers’ shelter, as well as the burned wreckage of a fuel tanker truck. There were at least 11 bomb craters or impact sites in the immediate area. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

craters or impact sites in the immediate area. Over the course of the morning, the multiple coalition strikes killed at least 31 civilians and wounded 42 more, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR).⁷⁹

JIAT recommended the coalition provide “appropriate humanitarian assistance,” but did not acknowledge the extent of civilian harm. The bombing destroyed the well, which residents had pooled their money together to build in order to supply drinking water to

⁷⁹ United Nations Office of the High Commissioner for Human Rights (OHCHR), “Situation of human rights in Yemen,” A/HRC/36/33, September 13, 2017, <http://www.ohchr.org/EN/Countries/MENARRegion/Pages/YemenReport.aspx>, p. 11.

their village. It was near completion. Both people in the village and the company building the well told Human Rights Watch that work had been ongoing on the well for weeks.

The coalition may have violated the laws of war by failing to take all feasible precautions to identify the water drilling well prior to attacking the object, which JIAT said the coalition mistook as a missile launcher. Indiscriminate attacks on civilians and civilian objects are serious violations of the laws of war.

Human Rights Watch identified a piece of a US-made munition with markings indicating it was manufactured by Raytheon in October 2015. Human Rights Watch has identified remnants of US-supplied weapons at the site of two dozen apparently unlawful coalition attacks. Human Rights Watch has identified four attacks in which the coalition used a weapon made by Raytheon.⁸⁰

Neither JIAT nor the coalition provided further information on which state forces participated in the attack. Those involved should be criminally investigated and civilian victims provided redress. Such an investigation should examine the coalition's continued attacks after civilians had gathered to remove the dead and wounded.⁸¹

July 24, 2015, Residential Complex, Mokha

After investigating a 2015 airstrike in Mokha, JIAT—without providing any explanation of its methodology—found the coalition had intelligence that four military targets in the area were struck on July 24, 2015, including coastal defense missiles, but that a residential complex was “partly affected by unintentional bombing, based on inaccurate intelligence information.” JIAT did not conclude how many civilians were harmed in the attack, but

⁸⁰ Kristine Beckerle, “US Officials Risk Complicity in War Crimes in Yemen,” Just Security, May 4, 2017, <https://www.hrw.org/news/2017/05/04/us-officials-risk-complicity-war-crimes-yemen> (accessed May 4, 2017).

⁸¹ This attack, and the failure to provide the promised redress, is described in more detail in the following section.



Men dig through rubble in a residential compound housing employees of the Mokha Steam Power Plant and their families following an airstrike by the Saudi-led coalition that killed at least 57 civilians in Mokha on July 24, 2015. Photograph by Ole Solvang. © 2015 Human Rights Watch

recommended the coalition provide compensation to victims “after they submit their official and documented claims to the Reparations Committee.”⁸²

Human Rights Watch visited the area a day-and-a-half after the attack. Researchers examined the damage, interviewed workers and residents at the compounds, and visited three hospitals that received victims. Contrary to JIAT’s conclusion that the complex was “partly affected by unintentional bombing,” Human Rights Watch found that six of nine bombs had hit the main residential compound, completely destroying large sections of it.⁸³ A seventh bomb hit another compound for short-term workers. The two residential

⁸² “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency, August 5, 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799> (accessed August 5, 2016).

⁸³ “Yemen: Coalition Strikes on Residence Apparent War Crime,” Human Rights Watch news release, July 27, 2015, <https://www.hrw.org/news/2015/07/27/yemen-coalition-strikes-residence-apparent-war-crime>.

compounds housed at least 200 families and the attack killed at least 65 civilians, including 10 children, and wounded dozens more. Human Rights Watch found no evidence of a military objective at the scene of the attack.

While JIAT claims the residential complex was affected by “unintentional bombing,” it went on to say the attack was based on inaccurate intelligence information that made the complex the target of the attack. Neither JIAT nor the coalition provided further information on which state forces participated in the attack. Those involved should be criminally investigated for possible war crimes and civilian victims provided redress.⁸⁴

October 8, 2016, Great Hall Funeral Ceremony, Sanaa

After the October 8 bombing of a funeral hall in Sanaa, coalition sources initially denied responsibility for the attack. Immediately after, then-coalition spokesperson Gen. Ahmad al-Assiri wrote in a text message to the *New York Times* that it was possible there were other causes for the blasts. Assiri later confirmed a report by Saudi-owned Al-Arabiya news network that the coalition had not carried out strikes near the hall.⁸⁵ Reuters quoted an unnamed coalition source who said he confirmed with the coalition’s air force command that:

Absolutely no such operation took place at that target. The coalition is aware of such reports and is certain that it is possible that other causes of bombing are to be considered. The coalition has in the past avoided such gatherings and [they have] never been a subject of targets.⁸⁶

⁸⁴ This attack, and the failure to provide the promised redress, is described in more detail in the following section.

⁸⁵ Shuaib Almosawa and Ben Hubbard, “Saudi-Led Airstrikes Blamed for Massacre at Funeral in Yemen,” *New York Times*, October 8, 2016, <https://www.nytimes.com/2016/10/09/world/middleeast/yemen-saudi-arabia-houthis-rebels.html> (accessed July 1, 2018).

⁸⁶ Mohammed Ghobari, “Attack on mourners in Yemen kills more than 140, say local health officials,” Reuters, October 8, 2016, <https://www.reuters.com/article/us-yemen-security-airstrike/attack-on-mourners-in-yemen-kills-more-than-140-say-local-health-officials-idUSKCN128oOR> (accessed July 8, 2018).



The remains of a community hall in Sanaa, the capital of Yemen, after Saudi-led coalition warplanes attacked a funeral ceremony there on October 8, 2016. The coalition has never clarified which countries' forces participated in the attack. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

The following day the coalition announced it would investigate the incident with support from the US.⁸⁷ JIAT “examined all related documents, and assessed evidence, including the rules of engagement (ROEs) and the testimonies of concerned personnel and those involved in the incident,” ultimately concluding that a party to the conflict affiliated with Yemeni President Hadi passed incorrect intelligence to a coalition aircraft and “insisted that the [Great Hall] be targeted immediately.” JIAT went on to note that the Yemen air operations center directed the aircraft to carry out the mission “without obtaining approval from the Coalition command ... and without following the Coalition command’s precautionary measures to ensure that the location is not a civilian one that may not be

⁸⁷ “Coalition to probe Yemen raid that killed 140,” AFP, October 9, 2016, <http://english.alarabiya.net/en/News/middle-east/2016/10/08/Saudi-denies-Yemeni-funeral-bombing.html> (accessed July 8, 2018).

targeted.” JIAT recommended appropriate action be taken against officials responsible, compensation be offered to the victims, and the coalition’s rules of engagement reviewed. A week later, the coalition accepted the results of JIAT’s investigations and announced it had begun to implement the recommendations.⁸⁸ After the attack, the Yemeni government dismissed the Yemeni officers involved in the incident and referred those to the military court, according to the Yemeni National Commission to Investigate Alleged Human Rights Violations.⁸⁹

Neither JIAT nor the coalition provided further information on which state forces participated in the attack on the Great Hall. Human Rights Watch interviewed 14 witnesses to the attack and two men who arrived at the scene immediately after the airstrike to help with rescue efforts, among other sources, and reviewed video and photos of the strike site and weapons remnants. Regardless of the faulty intelligence, coalition forces, both in the Yemen air operations center and in Riyadh, either knew or should have known that any attack on the hall would result in massive civilian casualties. The date and place of the funeral ceremony was publicly available, and the hall would have been known to be crowded with hundreds of civilians at the time of the attack. Human Rights Watch identified the munition used as a US-manufactured air-dropped GBU-12 Paveway II 500-pound laser-guided bomb.⁹⁰

Immediately following the strike, the US National Security Council spokesperson said the US was “deeply disturbed” by the incident, “which, if confirmed, would continue the troubling series of attacks striking Yemeni civilians.” The US “initiated an immediate

⁸⁸ “Press Statement by the Joint Incidents Assessment Team (JIAT) on the Great Hall Incident in Sana’a,” Saudi Press Agency, October 15, 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1548647> (accessed July 8, 2018).

⁸⁹ Republic of Yemen National Commission to Investigate Alleged Human Rights Violations, “A Substantive Report on Investigations Into Alleged Human Rights Violations in the Republic of Yemen for the Period 07/31/2016 to 01/31/2017 (2017),” pp. 19-20.

⁹⁰ “Yemen: Saudi-Led Coalition Funeral Attack Apparent War Crime,” Human Rights Watch news release, October 13, 2016, <https://www.hrw.org/news/2016/10/13/yemen-saudi-led-funeral-attack-apparent-war-crime>.

review of [its] already significantly reduced support” to the coalition and was “prepared to adjust our support.”⁹¹

The strike was an unlawfully indiscriminate or disproportionate attack on civilians and civilian objects in violation of the laws of war. Those involved should be criminally investigated for war crimes and civilian victims provided redress.⁹²

August 25, 2017, Faj Attan Homes, Sanaa

JIAT said the coalition targeted a communications control system used for military purposes located in Faj Attan, Sanaa on August 25, 2017. According to JIAT, three bombs hit the intended target, whereas a fourth, due to a technical error—they claimed the guidance system was not responding— unintentionally hit a nearby building.⁹³ In an initial statement, the coalition said the civilian casualties were the result of a technical error and that it had targeted a “legitimate military objective” – a command-and-control center that Houthi-Saleh forces built “with the sole purpose of using the surrounding areas as well as its civilians as shields to protect it.”⁹⁴ JIAT concluded the coalition complied with international humanitarian law, as the incident was “unintentional.”

While it is possible for precision-guided munitions to malfunction, resulting in a different area being impacted, the coalition has often not provided sufficient technical detail to allow an independent determination as to whether these strikes were in fact the result of a technical error. JIAT did not report how many civilians the attack killed or wounded, merely noting the strike “caus[ed] civilian casualties and injuries and physical damage to civilian objects.”

⁹¹ Statement by NSC Spokesperson Ned Price on Yemen, Office of the Press Secretary, October 8, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/10/08/statement-nsc-spokesperson-ned-price-yemen> (accessed July 7, 2018).

⁹² This attack, and the failure to provide the promised redress, is described in more detail in the following section.

⁹³ “Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 2 Riyadh,” Saudi Press Agency, March 5, 2018, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1733463> (accessed July 9, 2018).

⁹⁴ “To editors: Plz., Ignore our News Item no.:0012 Replacing it with the following,” Saudi Press Agency, August 26, 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1660331> (accessed July 9, 2018).

Human Rights Watch documented the strike in Faj Attan. Witnesses reported four airstrikes, including three on the Faj Attan mountains and one on apartment buildings in a densely populated neighborhood, which killed at least 16 civilians and wounded 17.⁹⁵ The International Committee of the Red Cross (ICRC) called the attack “outrageous” and said there was no apparent military target in the area.⁹⁶ While JIAT and the coalition made numerous statements on the attack, and JIAT recommended the coalition consider providing assistance to the families, the coalition at no point provided information on which states’ forces participated in the attack. The apparently unlawful attack should be criminally investigated for possible war crimes and to provide redress to civilian victims.⁹⁷

⁹⁵ “Yemen: Hiding Behind Coalition’s Unlawful Attacks,” Human Rights Watch news release, September 8, 2017, <https://www.hrw.org/news/2017/09/08/yemen-hiding-behind-coalitions-unlawful-attacks>.

⁹⁶ “Yemen: Airstrikes in residential area of Sana’a are outrageous,” ICRC news release, August 25, 2017, <https://www.icrc.org/en/document/yemen-airstrikes-residential-area-sanaa-are-outrageous> (accessed July 9, 2018).

⁹⁷ This attack, and the failure to provide the promised redress, is described in more detail in the following section.

Using the Coalition to Evade Legal Liability

The coalition has not been transparent in its operations, notably with regard to which states' armed forces were involved in airstrikes, who is in the coalition's command chain, and who has target engagement authority.

States have an international legal obligation to investigate alleged laws-of-war violations by their forces. Coalition members have instead sought to evade this obligation by hiding behind the coalition and not providing information about their role in possibly unlawful airstrikes. Coalition members are thus implicated both for their role in the violations themselves and for failing to investigate and prosecute wrongdoing as appropriate.

Consistent with Common Article 1 of the 1949 Geneva Conventions, states are obligated to abide by the laws of war and “ensure respect” for the laws of war by using their influence, to the degree possible, to stop all laws-of-war violations.⁹⁸ They are responsible for violations by their own armed forces, as well as those committed by forces acting under their instructions, directions, or control. International law recognizes that a state that “aids or assists another state in the commission of an internationally wrongful” act will be responsible for that assistance, provided the state had knowledge of the circumstances and the act would be wrongful if committed by the state.⁹⁹

According to the International Committee of the Red Cross's (ICRC) 2016 Commentary on Common Article 1, states whose forces participate in military operations with other forces cannot “evade their obligations by placing their contingents at the disposal of ... an ad hoc

⁹⁸ Common Article 1 of the Geneva Conventions of 12 August 1949. See also Oona Hathaway, Alexandra Francis, Alyssa Yamamoto, Srinath Reddy Kethireddy and Aaron Haviland, “Common Article 1 and the U.S. Duty to Ensure Respect for the Geneva Conventions in Yemen,” *Just Security*, April 26, 2018, <https://www.justsecurity.org/55415/common-article-1-u-s-duty-ensure-respect-geneva-conventions-yemen/> (accessed June 20, 2018).

⁹⁹ “Draft Articles on Responsibility of States for Internationally Wrongful Acts,” adopted by the International Law Commission, 2001, art. 16. See United Nations General Assembly, “Responsibility of States for internationally wrongful acts,” A/RES/71/133, available at www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/133.

coalition.”¹⁰⁰ In July 2017, the United Nations Security Council Panel of Experts on Yemen expressed concern that coalition members “seek to hide behind ‘the entity’ of the Coalition to shield themselves from state responsibility for violations committed by their forces.... Attempts to ‘divert’ responsibility in this manner from individual States to the ... coalition may contribute to further violations occurring with impunity.”¹⁰¹

The Coalition

The military coalition supporting the Yemeni government consisted of Saudi Arabia, the United Arab Emirates, Bahrain, Kuwait, Egypt, Jordan, Morocco, and Sudan when the coalition launched Operation Decisive Storm in March 2015. Qatar withdrew in June 2017, during the Gulf Crisis.¹⁰² In late 2017 and early 2018, meetings of the coalition included representatives from Saudi Arabia, the UAE, Jordan, Bahrain, Sudan, Egypt, Kuwait, and Morocco, as well as Pakistan, Djibouti, Senegal, Malaysia, and Yemen, according to the Saudi state news agency.¹⁰³ While incomplete, coalition officials’ statements, published by relevant countries’ defense ministry websites and released by official state news agencies, provide some insight into which countries’ forces and which individuals play a role in the broader coalition structure, in military operations, and in the command chain.

¹⁰⁰ See International Committee of the Red Cross (ICRC), 2016 Commentary on the First Geneva Convention, available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD>; Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, adopted October 18, 1907, entered into force January 26, 1910, art. 3 (“A belligerent party shall be responsible for all acts committed by persons forming part of its armed forces.”)

¹⁰¹ “Yemen: Hiding Behind Coalition’s Unlawful Attacks,” Human Rights Watch news release, September 8, 2017, <https://www.hrw.org/news/2017/09/08/yemen-hiding-behind-coalitions-unlawful-attacks> (see attached letters to all current and former members of the coalition); UN Security Council Committee Established Pursuant to Resolution 2140, “Midterm report of the Panel of Experts on Yemen,” July 2017, unpublished, on file with Human Rights Watch.

¹⁰² “Arab coalition suspends Qatar’s participation in Yemen,” Al Arabiya, June 5, 2017, <https://english.alarabiya.net/en/News/gulf/2017/06/05/Arab-coalition-suspends-Qatar-s-participation-in-Yemen.html> (accessed July 9, 2018).

¹⁰³ See, e.g., “Final Communique of Foreign Ministers and Chiefs of Staff of Member States of Coalition for Supporting Legitimacy in Yemen Issued,” Saudi Press Agency, October 29, 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1682248> (accessed August 9, 2018) (One October statement on the Saudi state news website, thanked “all the coalition countries for their martyrs, sacrifices, relief and humanitarian, direct or indirect assistance,” then listing 13 countries—Saudi Arabia, the UAE, Jordan, Bahrain, Sudan, Egypt, Kuwait, Morocco, Pakistan, Djibouti, Senegal, Malaysia, and Yemen.).

Saudi Arabia

Saudi Arabia leads the coalition. A 2017 UN expert panel report found that: “At the operational level ... coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates.... Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes.”¹⁰⁴

Mohammed bin Salman serves as Saudi Arabia’s crown prince, deputy prime minister, and minister of defense.¹⁰⁵ As defense minister, he oversees all Saudi military forces.¹⁰⁶ In May 2018, Neil Patrick, a Gulf analyst, wrote, “The top brass all report directly to the defense minister, the crown prince himself. At present, there is no deputy defense minister and just one relatively old assistant minister.”¹⁰⁷

¹⁰⁴ UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/193, January 31, 2017, <https://undocs.org/S/2018/193> (accessed January 26, 2018), p. 30 (The Panel went on to note that ground operations in Marib are under Saudi operational control, in Aden and around Mukalla under Emirati operational control, and in Taizz under the loose operational control of the Yemeni military, and that naval operations are under national command.).

¹⁰⁵ “Transcript: Interview with Muhammad bin Salman,” *The Economist*, January 6, 2016, <https://www.economist.com/middle-east-and-africa/2016/01/06/transcript-interview-with-muhammad-bin-salman> (accessed July 10, 2018) (Mohammed bin Salman chairs the Political and Security Affairs Council and the Saudi Economic and Development Council. In 2016, he told the *Economist* that the decision for Saudi Arabia to begin military operations in Yemen was taken with the “Ministry of Foreign Affairs, the Ministry of Defence, with the intelligence, the council of ministers, and the council of security and political affairs.” He said they submitted their recommendations to the King, who made the ultimate decision. “My job as the minister of defence is to implement whatever decision his majesty has ordered. And I will submit any threats that I see. And to make preparations for any threats.”).

¹⁰⁶ Organizational Chart, Development Program for the Ministry of Defense, Saudi Arabia Ministry of Defense, <https://www.mod.gov.sa/DevelopmentProgram/Pages/OrganizationalChart.aspx> (accessed June 26, 2018).

¹⁰⁷ Neil Patrick, “Saudi Arabia’s efforts at reforming its armed forces may be more about politics and PR than substantive change,” Carnegie Endowment for International Peace, May 31, 2018, <http://carnegieendowment.org/sada/76487> (accessed July 10, 2018).

- برئاسة سموه، كما صدر امر ملكي في التاريخ ذاته بتعيينه عضوا في مجلس الشؤون السياسية والامنية.
- في تاريخ 3/6/1436هـ الموافق 23/3/2015م صدر قرار مجلس الوزراء برئاسة إدارة صندوق الاستثمارات العامة، بصفته رئيساً لمجلس الشؤون الاقتصادية والتنمية.
- في تاريخ 5/6/1436هـ الموافق 26/3/2015م تولى قيادة التحالف الدولي في الحرب ضد الحوثيين والقوات الموالية لهم، بصفته قائد قوات التحالف الدولي في عاصفة الحزم.
- في تاريخ 10/7/1436هـ الموافق 29/4/2015م صدر أمر ملكي باختياره سموه ولياً ولي العهد، النائب الثاني لرئيس مجلس الوزراء، وزير الدفاع، رئيس مجلس الشؤون الاقتصادية والتنمية.
- عُيّن رئيساً للمجلس الأعلى لشركة الزيت العربية السعودية (أرامكو السعودية)، بعد إنشائه لأول مرة، بصفته رئيساً لمجلس الشؤون الاقتصادية والتنمية، في تاريخ 12/7/1436هـ، الموافق 1/5/2015م.
- في تاريخ 6/1/1437هـ الموافق 19/10/2015م عُيّن رئيس مجلس إدارة المركز الوطني لقياس أداء الأجهزة العامة.

Mohammed bin Salman has served as the commander of the international coalition in the “Decisive Storm” operation—the coalition operating in Yemen—since March 26, 2015, according to the Defense Ministry website.

Mohammed bin Salman has served as the commander of the international coalition in the “Decisive Storm” operation—the coalition operating in Yemen—since March 26, 2015, according to the Defense Ministry website.¹⁰⁸ On March 26, the Saudi Press Agency reported that bin Salman had gone to the “Air Force Operations Center to lead the Decisive Storm operations.” Bin Salman, according to the official state news agency, “oversaw the first airstrike” and “briefed [other senior officials] about military plans and operations immediately before the Saudi planes launched.”¹⁰⁹ Other Gulf outlets published photos and videos of the crown prince in the command center.¹¹⁰

Top officials in the Saudi military have played a leading role in the coalition structure. In April 2015, after being asked in an interview why the coalition had not announced the names of the leaders or the forces participating in Operation Decisive Storm, then-coalition spokesperson Gen. Ahmad al-Asiri replied, “The organization of the military

¹⁰⁸ Resume, Minister of Defense, Saudi Ministry of Defense, <https://www.mod.gov.sa/Leaders/Minister/Pages/CV.aspx> (accessed June 26, 2018).

¹⁰⁹ “His Highness the Minister of Defense Arrives to the Air Operations Room to Lead the Decisive Storm Operation (in Arabic),” Saudi Press Agency, March 26, 2015, <https://www.spa.gov.sa/1342496> (accessed June 12, 2018).

¹¹⁰ “Saudi Minister of Defense Supervises Decisive Storm Operations,” Amad News, March 26, 2015, <https://www.amad.ps/ar/?Action=PrintNews&ID=66855> (accessed June 12, 2018); “In photos, Mohammed bin Salman Supervises the Launch of Decisive Storm Operations,” Sabq, March 26, 2015, <https://sabq.org/Ei2gde> (accessed June 12, 2018); “In video, Mohammed bin Salman supervises destruction of Houthi targets in Decisive Storm operation,” CNN, March 26, 2018, <https://arabic.cnn.com/middleeast/2015/03/26/me-260315-saudi-defense-minister-operation-room> (accessed June 12, 2018); “Mohammed bin Salman, supervises the first strikes against the Houthis,” Al Arabiya, March 25, 2018, <https://www.youtube.com/watch?v=bGW6zDI3BUA> (accessed June 12, 2018).

structure is known—the Chairman of the General Staff of the Saudi Armed Forces, he became the Commander of the Joint Forces.” Col. Abdulrahman al-Bunyan “leads the [Decisive Storm] operations, in addition to the general staff of the brotherly states of the coalition.”¹¹¹

Col. al-Bunyan, as general staff chairman from May 2014 to February 2018, oversaw all Saudi armed forces, with the various commanders, including the Air Force Commander, reporting to him.¹¹² Lt-Gen. Ahmed al-Shaalan served as commander of the Saudi Royal Air Force between May 2014 and June 2015.¹¹³ Later in 2015, Maj. Gen. Mohammed bin Saleh al-Otaibi was appointed acting commander of the Air Force, after al-Shaalan died.¹¹⁴ On February 26, 2018, King Salman appointed Maj. Gen. Pilot Turki Bin Bandar Bin Abdulaziz al-Saud to the position.¹¹⁵ According to an organigram on the Saudi Ministry of Defense website, the Air Force Chief reports to the General Staff Chairman, who then reports to the Minister of Defense.¹¹⁶

In February 2018, King Salman issued a royal decree appointing Lt. Gen. Fayyad al-Ruwaili, al-Bunyan’s deputy, to the General Staff Chief position.¹¹⁷ The same decree appointed

¹¹¹ “Spokesperson for Decisive Storm: We are able to resolve ground operations,” (متحدث 'عاصفة الحزم': قادرون على حسم)، (العملية البرية)، Sabq, April 17, 2017 (wide-ranging interview with coalition spokesperson Ahmed Asiri, with full video also available at <https://akhbaar24.argaam.com/article/detail/212144>; <https://www.youtube.com/watch?v=xExLPyTtIVI&feature=youtu.be> (7:45-8:20 min)).

¹¹² Organigram, Ministry Center, Saudi Arabia Ministry of Defense, <https://www.mod.gov.sa/Ministry/Pages/Center.aspx> (accessed June 26, 2018).

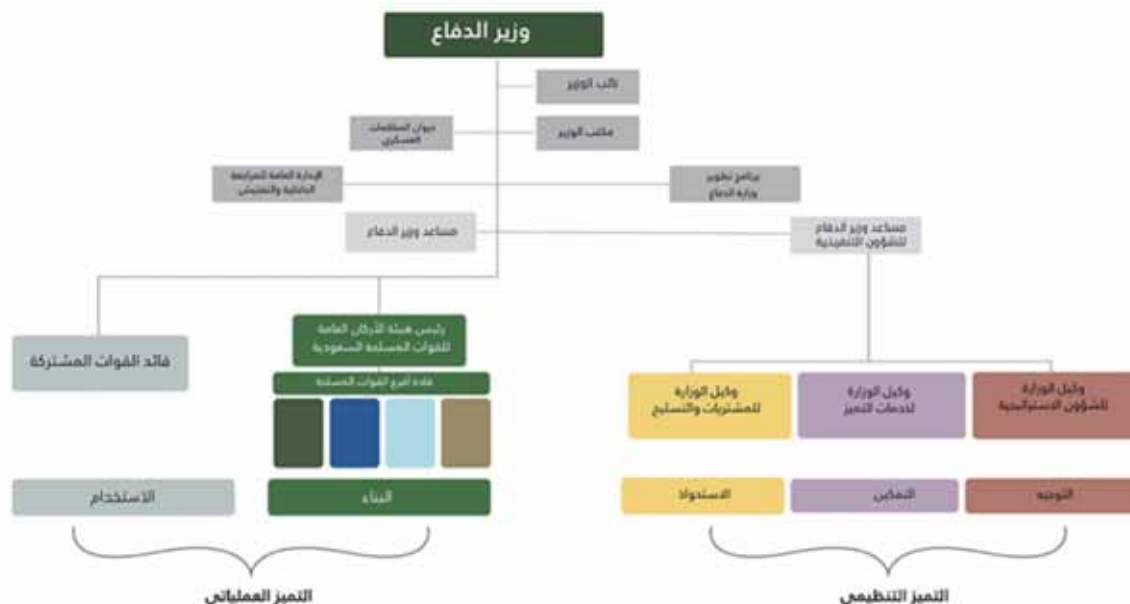
¹¹³ Saudi Arabia Royal Decree, A/123, May 14, 2014, <http://www.spa.gov.sa/viewstory.php?newsid=1232440>; “Crown Prince Receives Body of Air Force Commander” (ولي ولي العهد يتقدم مستقبلي جثمان قائد القوات الجوية)، Al-Sharq Al-Awsat, June 14, 2015, <https://aawsat.com/home/article/382876/%D9%88%D9%84%D9%8A-%D9%88%D9%84%D9%8A-%D8%A7%D9%84%D8%B9%D9%87%D8%AF-%D9%8A%D8%AA%D9%82%D8%AF%D9%85-%D9%85%D8%B3%D8%AA%D9%82%D8%A8%D9%84%D9%8A-%D8%AC%D8%AB%D9%85%D8%A7%D9%86-%D9%82%D8%A7%D8%A6%D8%AF-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%AC%D9%88%D9%8A%D8%A9> (accessed June 12, 2018).

¹¹⁴ Force Leaders Since Founding, Royal Saudi Air Force, Saudi Arabia Ministry of Defense, <https://www.mod.gov.sa/Sectors/Rsaf/Leaders/Pages/default.aspx?PageIndex=1> (accessed July 19, 2018).

¹¹⁵ Saudi Arabia Royal Decree, A/137, February 26, 2018, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1727540>.

¹¹⁶ Organigram, Ministry Center, Saudi Arabia Ministry of Defense.

¹¹⁷ Saudi Arabia Royal Decree, A/137; Saudi Arabia Royal Decree A/123; “Resume of the New General Staff Chief Command Lieutenant General Fayyad al-Ruwaili,” Akhbar 24, February 27, 2018, <https://akhbaar24.argaam.com/article/detail/382066> (accessed June 12, 2018); “Saudi Royal Decree A/154 Appoints Lieutenant General Fayyad al-Ruwaili Head of the Air Force,”



An organigram on the Saudi Defense Ministry website indicating that the defense minister oversees the Saudi chief of general staff, who in turn oversees all Saudi military forces. Crown Prince Mohammed bin Salman has been Saudi Arabia's defense minister since the Yemen war escalated in March 2015.

Prince Lt-Gen. Fahd bin Turki bin Abdulaziz al-Saud the Commander of the Joint Forces¹¹⁸ a position that included serving as “supervisor of the military operations in Yemen.”¹¹⁹ It is unclear at what point Saudi Arabia separated the roles of General Staff Chairman and Joint Force Commander. While Prince Fahd was officially elevated to the position of Joint Force Commander on February 26, 2018, it appears he began leading coalition operations before that date. In July 2017, two former US government officials wrote after a series of meetings in Riyadh: “The Saudis—now led by Major General Fahd bin Turki bin Abdul

(“أمر ملكي بتعيين الفريق الركن فياض الرويلي قائداً للقوات الجوية”), Al-Weeam, May 10, 2013, <http://www.alweeam.com.sa/201634/%D8%A3%D9%85%D8%B1-%D9%85%D9%84%D9%83%D9%8A-%D8%A8%D8%AA%D8%B9%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D9%81%D8%B1%D9%8A%D9%82-%D8%A7%D9%84%D8%B1%D9%83%D9%86-%D9%81%D9%8A%D8%A7%D8%B6-%D8%A7%D9%84%D8%B1%D9%88/> (accessed June 12, 2018).

¹¹⁸ “Crown Prince Receives Dignitaries on Occasion of New Military Appointments and Promotions,” (عام / سمو ولي العهد “يستقبل أصحاب السمو والمعالي بمناسبة صدور الأمر الملكي بتبرقيتهم وتعيينهم في مناصبهم العسكرية الجديدة”), Saudi Press Agency, February 27, 2018, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1730029> (accessed June 12, 2018); “Face Of Prince Fahad bin Turki bin Abdul Aziz, commander of the joint forces of the Saudi-led Arab coalition in Yemen,” Arab News, May 13, 2018, <http://www.arabnews.com/node/1301991/saudi-arabia> (accessed June 12, 2018); Saudi Arabia Royal Decree, A/137.

¹¹⁹ “Commander of Joint Forces visits military units at the operations field in Yemen,” Saudi Press Agency, May 30, 2018, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1771226> (accessed June 12, 2018).

Aziz.”¹²⁰ In September 2017, the Saudi official news agency released a statement referring to Prince Fahd as the commander of Operation Restoring Hope.¹²¹ After the official elevation in February, Prince Fahd visited military units in Yemen and received President Hadi and UN Secretary-General Antonio Guterres in Riyadh.¹²² He had been promoted to commander of the Saudi Ground Forces in April 2017.¹²³ Prior to that, he also served as Commander of the Coalition’s Special Forces during Operation Decisive Storm and Operation Restoring Hope, as well as Deputy Commander of Saudi Ground Forces. In 2016, Saudi Arabia awarded him a medal for his role in Yemen operations.¹²⁴

In 2017, then-United States Secretary of State Rex Tillerson told US lawmakers that the coalition joint force commander must approve targets for deliberate attacks, but that coalition pilots have target engagement authority for dynamic strikes:

¹²⁰ Stephen Seche and Eric Pelofsky, “Yemen: The View from Riyadh,” Just Security, July 23, 2017, <https://www.justsecurity.org/43438/yemen-view-riyadh/> (accessed June 12, 2018).

¹²¹ “Lieutenant General Fahd bin Turki, Leader of the Joint Forces for Restoring Hope and Ground Forces Commander Greets Coalition Forces in Najran and Jizan,” (“سمو الفريق الركن فهد بن تركي بن عبدالعزيز قائد القوات المشتركة لعمليات إعادة الأمل”) (“وقائد القوات البرية يعايد المرابطين وقوات التحالف في كل من نجران وجازان”), Saudi Press Agency, September 1, 2017, <https://www.spa.gov.sa/1662681> (accessed June 12, 2018).

¹²² “Leader of the Joint Forces Receives UN Secretary General (in Arabic),” Saudi Press Agency, April 18, 2018, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1753559> (accessed June 12, 2018); “Yemeni President Visits Joint Forces Command,” Saudi Press Agency, May 11, 2018, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1762031> (accessed June 12, 2018); “Leader of the Coalition’s Joint Forces Prince Fahd bin Turki in Midi After Its Liberation,” Al-Mashad Al-Yemeni, April 13, 2018, <http://www.almashhad-alyemeni.com/topics/18/04/13/107910.html> (with photos) (accessed June 12, 2018); “Commander of Joint Forces visits military units at the operations field in Yemen,” Saudi Press Agency.

¹²³ Saudi Arabia Royal Decree, A/165, April 22, 2017, <https://www.spa.gov.sa/1619214> (accessed April 22, 2017).

¹²⁴ Resume of the Joint Forces Commander, Saudi Arabia Ministry of Defense, <https://www.mod.gov.sa/Leaders/COJF/Pages/CV.aspx> (accessed June 26, 2018) (Resume listing the above mentioned positions with dates); “Coalition Special Forces Leader Announces Nearing Saada (in Arabic),” Yemen Press, November 22, 2016, <https://www.yemen-press.com/news86042.html> (accessed June 12, 2018) (November 2016 article referring to him as Coalition Special Forces Commander); “Deputy Saudi Ground Forces Commander and Red Team Visit Marib (in Arabic),” Al-Riyadh, March 17, 2016, <http://www.alriyadh.com/1137998> (March 2016 article referring to him as Deputy Ground Forces Commander) (accessed June 12, 2018); “In Pictures: Deputy Head of Ground Forces Prince Fahd bin Turki Inspects Coalition Forces in Yemeni Marib City (in Arabic),” Akhbar 24, September 18, 2015, <https://akhbaar24.argaam.com/article/detail/235517> (accessed June 12, 2018) (September 2015 article referring to him as Deputy Ground Forces Commander and Coalition Special Forces Commander); “In Pictures: New Head of Saudi Ground Forces Fahd bin Turki Al-Saud (in Arabic),” Al-Marsad, (no date), <https://al-marsd.com/123173.html> (accessed June 12, 2018). “Eight Facts About the New Ground Forces Commander (in Arabic),” Al-Dala, April 23, 2017, <http://aldala.com/%D9%81%D9%87%D8%AF-%D8%A8%D9%86-%D8%AA%D8%B1%D9%83%D9%8A-8-%D9%85%D8%B9%D9%84%D9%88%D9%85%D8%A7%D8%AA-%D8%B9%D9%86-%D9%82%D8%A7%D8%A6%D8%AF-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A8/> (accessed June 12, 2018).

According to the Saudi military, the Coalition joint force commander must approve targets, taking into account a wide range of factors, including what the target is, what is around it, how it affects the overall mission, the legal aspects of the strike, and collateral damage estimates. He then delegates the air tasking order to an appropriate unit, which determines the right weapon for the target. If there is a time sensitive target, such as information about the imminent launch of a ballistic missile, the target vetting process has to be shortened, but pilots have a five-step vetting process, in which they have to positively identify the target, check the rules of engagement, check the target against the no-strike list, and make a collateral damage estimate; then, he has target engagement authority (which allows the pilot to abort the mission if he is unsure for any reason).... We understand that the coalition has civilian and military legal advisors embedded in the air operations center. The Saudi military briefed us on these improvements.... We assess that faulty target selection and vetting has contributed to the majority of incidents that resulted in civilian casualties, so these process improvements have the potential to reduce the risk of civilian casualties.¹²⁵

In March 2015, the UAE official state news agency reported that Saudi Arabia had deployed 100 aircraft to take part in coalition operations.¹²⁶

On July 10, 2018, Saudi Arabia's King Salman, on advice from Mohammed bin Salman, according to the official state news agency, announced a vague and sweeping royal pardon that lifted all "military and disciplinary" penalties for Saudi soldiers fighting during Operation Restoring Hope in Yemen.¹²⁷ The coalition's efforts were initially dubbed

¹²⁵ Secretary of State Tillerson, Written Responses to Questions for the Record Submitted to Secretary of State Tillerson by Representative Lieu, House Foreign Affairs Committee, June 14, 2017, on file with Human Rights Watch. It was unclear whether the target vetting and strike approval process Tillerson described had been in place throughout the conflict, or had been instituted as part of what he described as the adoption of "more rigorous rules of engagement."

¹²⁶ "UAE fighter jets strike Houthis, return safely to bases," Emirates News Agency, March 28, 2015, <http://wam.ae/en/details/1395278543785> (accessed July 6, 2018).

¹²⁷ "Custodian of the Two Holy Mosques issued a royal decree pardoning all military personnel involved in Operation Restoring Hope from any military and disciplinary sanctions (in Arabic)," Saudi Press Agency, July 10, 2018, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1783682> (accessed July 10, 2018).



Screenshot of official Saudi state news agency reporting on March 26, 2015 that Crown Prince Mohammed bin Salman had gone to the “Air Force Operations Center to lead the Decisive Storm operations.”

“Operation Decisive Storm,” which ended on April 21, 2015, followed by “Operation Restoring Hope,” which continues. A Defense Ministry statement announcing the decree did not mention particular limitations, stating that the pardon would apply to “all military men who have taken part in Operation Restoring Hope ... in accordance with various rules and regulations.”¹²⁸

Unless the coalition ends its unlawful attacks, credibly investigates past allegedly unlawful attacks, and appropriately prosecutes those responsible, and provides civilian victims redress, the UN Security

Council should impose travel bans and asset freezes on Saudi crown prince and defense minister, Mohammed bin Salman, and on the Joint Force Commander, Prince Lt. Gen. Fahd bin Turki bin Abdulaziz al-Saud.

United Arab Emirates

Saudi Arabia and the UAE have played the largest roles among coalition members in military operations in Yemen, including carrying out aerial attacks. In a 2015 interview with Reuters, the UAE’s Air Force Commander, Maj. Gen. Ibrahim Nasser al-Alawi acknowledged the UAE air force, alongside Saudi Arabia, was taking part in military operations in Yemen, asserting the coalition had full control over Yemeni airspace. He denied the coalition was responsible for killing civilians, telling Reuters that both air forces were “professional,” that the targeting process required three or four different levels of approval, and that the coalition used precision-guided munitions, with a 98 percent success rate, and smaller

¹²⁸ Ibid.

munitions that can minimize damage in places like cities.¹²⁹ In November 2017, al-Alawi confirmed that UAE troops were deployed in six locations in Saudi Arabia and Yemen and claimed UAE air force pilots were following “well-defined and restrictive rules of engagement.”¹³⁰

Sheikh Mohammed bin Rashid al-Maktoum is the UAE’s Minister of Defense, but real power lies with Sheikh Mohammed bin Zayed, the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE armed forces. He is the UAE’s de facto leader. At the time the Yemen conflict began, the UAE’s President and Commander of the Armed Forces, Sheikh Khalifa bin Zayed al-Nahyan, was incapacitated, following a stroke in 2014. Mohammed bin Zayed has met with Yemeni forces and coalition commanders to discuss developments in Yemen throughout the conflict, including: receiving and pledging continued UAE support to President Hadi in March 2015 after dozens of Emirati soldiers were killed in Yemen,¹³¹ receiving tribal leaders from Marib in Abu Dhabi in 2015,¹³² meeting with leaders of Aden forces in 2015,¹³³ congratulating the Emirati soldiers heading to

¹²⁹ Tim Hetherington, “UAE officer denies Yemen civilian deaths caused by air power,” Reuters, November 11, 2015, <https://www.reuters.com/article/us-yemen-security-warplanes/uae-officer-denies-yemen-civilian-deaths-caused-by-air-power-idUSKCN0To25V20151111> (accessed July 6, 2018) (UAE Air Force head told Reuters: “As an air power player in the allied forces we are running almost 98 percent precision (weapons) and with small calibers, especially when it comes to civilian areas like cities,” he said, in a rare public comment by a senior coalition officer.... I can say there are three to four different layers for approving these targets, just to make sure that civilians (are unharmed) – and going with a small caliber you are really controlling collateral damage.... We are a professional air force, the Saudis the same, the allied forces they are all the same... The whole airspace belongs to the allied forces ... so militarily I don’t think you can ask much more than that,” he said. “Now it is up to the Yemenis to recapture their cities like the capital Sanaa or Saada and practise their government.”); “Air Force and Air Defense Forces... Efficient and Capable (in Arabic),” Al-Bayan, January 10, 2017, <https://www.albayan.ae/across-the-uae/news-and-reports/2017-01-10-1.2822020> (accessed July 6, 2018) (speech by UAE officer in January 2017 acknowledging UAE presence in Yemen).

¹³⁰ Chris Pocock, “Yemen Issue Raised at Air Chiefs Conference,” Ain Online, November 12, 2017, <https://www.ainonline.com/aviation-news/defense/2017-11-12/yemen-issue-raised-air-chiefs-conference> (accessed July 6, 2018).

¹³¹ “UAE’s support of Yemen to remain unflinching,” The National, September 5, 2015, <https://www.thenational.ae/uae/government/uae-s-support-of-yemen-to-remain-unflinching-1.134221> (accessed July 5, 2018).

¹³² “Mohammed bin Zayed Greets Governors and Sheikhs and Marib Tribal Leaders from Yemen in Beach Palace in Abu Dhabi (in Arabic),” November 23, 2015, video clip, YouTube, Sharjah TV, <https://www.youtube.com/watch?v=A-uVeXdrKWA> (accessed July 1, 2018).

¹³³ “Mohammed bin Zayed Greets in Abu Dhabi a Number of Yemeni Resistance Fighters from Aden (in Arabic),” December 21, 2015, video clip, YouTube, Emirates News Agency, <https://www.youtube.com/watch?v=X7J3ambx64A> (accessed July 1, 2018).



The destroyed remains of one of the wards in al-Zaydiya security directorate in Hodeida governorate. This ward and two others held at least 100 prisoners at the time of the coalition attack. Witnesses told Human Rights Watch that trucks equipped with mounted machine guns were sometimes stationed at the site. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

Yemen in 2015,¹³⁴ and meeting Prince Fahd, then-Commander of the Joint Special Operations for Operation Restoring Hope, to discuss developments in Yemen in April 2017.¹³⁵ According to media reports, Sheikh Tahnoon bin Zayed, one of Mohammed bin Zayed’s brothers, was chosen to lead coordination between the UAE and Saudi Arabia in regards military operations for Decisive Storm.¹³⁶

¹³⁴ “Mohammed bin Rashid, Mohammed bin Zayed and Other Figures Greet First Batch of Our Heroic Soldiers Returning from Yemen (in Arabic),” November 7, 2015, video clip, YouTube, Sharjah TV, <https://www.youtube.com/watch?v=AqKhZALPas4> (accessed July 1, 2018).

¹³⁵ “Mohammed bin Zayed Receives Joint Special Forces Commander of Arab Coalition Forces (in Arabic),” Emirates News Agency, April 10, 2017, <http://wam.ae/ar/details/1395302607829> (accessed June 7, 2018); “Abu Dhabi Crown Prince Discusses with Haftar International Efforts to Achieve Stability in Libya,” Asharq Al-Awsat, April 11, 2017, <https://eng-archive.aawsat.com/theaawsat/news-middle-east/abu-dhabi-crown-prince-discusses-haftar-international-efforts-achieve-stability-libya> (accessed June 7, 2018).

¹³⁶ “UAE Deputy National Security Advisor Arrives Riyadh (in Arabic),” Al-Weeam, March 27, 2015, <http://www.alweeam.com.sa/328697/%D9%86%D8%A7%D8%A6%D8%A8-%D9%85%D8%B3%D8%AA%D8%B4%D8%A7%D8%B1-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A-%D8%A8%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%A5%D9%85%D8%A7%D8%B1/> (accessed June 15, 2018); “Tahnoon bin Zayed: National Security Advisor is Decisive Storm Coordinator (in Arabic),” Al-Ain, February 14, 2016, <https://al-ain.com/article/69201> (accessed June 15, 2018).

His General Staff Chief is Lt. Gen. Hamad Mohammed Thani al-Rumaithi. As in Saudi Arabia, the UAE General Staff Chief reports directly to the Minister of Defense and the other military branches report to him.¹³⁷ Al-Rumaithi has visited Yemen repeatedly during the war, including Aden and Mukalla in 2016,¹³⁸ and Shabwa in 2018.¹³⁹ Maj. Gen. Ibrahim al-Alawi has served as Commander of the UAE's Air Force and Air Defense Force since 2014.¹⁴⁰ Maj. Gen. Musallam al-Rashidi is Commander of the UAE Special Operations Forces and is the Deputy Commander of Joint Special Operations Forces of the Coalition in Yemen,

¹³⁷ "Mohammed bin Rashid inspects progress of the armed forces (in Arabic)," Al-Bayan, August 5, 2015, <https://www.albayan.ae/across-the-uae/news-and-reports/2015-08-05-1.2430443> (accessed August 6, 2018).

¹³⁸ "UAE General Staff Chief Visits Arab Coalition Forces (in Arabic)," Sky News, August 24, 2016, <https://www.skynewsarabia.com/middle-east/868904-%D8%B1%D9%8A%D9%94%D9%8A%D8%B3-%D8%A7%D9%84%D8%A7%D9%94%D8%B1%D9%83%D8%A7%D9%86-%D8%A7%D9%84%D8%A7%D9%95%D9%85%D8%A7%D8%B1%D8%A7%D8%AA%D9%8A-%D9%8A%D8%B2%D9%88%D8%B1-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D8%A9-%D8%A8%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A> (accessed July 7, 2018).

¹³⁹ "UAE-backed Shabwa Elite block passage of government convoy in Shabwa (in Arabic)," Al Jazeera, February 25, 2018, <http://www.aljazeera.net/programs/newsreports/2018/2/25/%D8%A7%D9%84%D9%86%D8%AE%D8%A8%D8%A9-%D8%A7%D9%84%D8%B4%D8%A8%D9%88%D8%A7%D9%86%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%AF%D8%B9%D9%88%D9%85%D8%A9-%D8%A5%D9%85%D8%A7%D8%B1%D8%A7%D8%AA%D9%8A%D8%A7-%D8%AA%D9%85%D9%86%D8%B9-%D9%85%D8%B1%D9%88%D8%B1-%D9%85%D9%88%D9%83%D8%A8-%D8%AD%D9%83%D9%88%D9%85%D9%8A-%D8%A8%D8%B4%D8%A8%D9%88%D8%A9> (accessed July 4, 2018); "UAE General Staff Chief in Belhaf Port Inspecting Training of Nukhba Elite Forces (in Arabic)," *Al-Masa Press*, February 24, 2018, <http://www.masapress.net/2018/02/24/%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%A3%D8%B1%D9%83%D8%A7%D9%86-%D8%A7%D9%84%D8%A5%D9%85%D8%A7%D8%B1%D8%A7%D8%AA%D9%8A-%D9%81%D9%8A-%D9%85%D9%8A%D9%86%D8%A7%D8%A1-%D8%A8%D9%84%D8%AD%D8%A7%D9%81/> (accessed July 4, 2018).

¹⁴⁰ "Commander of the Air Force and Air Defense Forces Attends Specialized Graduation Courses (in Arabic)," Emirates News Agency, February 27, 2014, <http://wam.ae/ar/details/1395242657505> (accessed August 6, 2018).

according to Gulf media reporting.¹⁴¹ Al-Rashidi led coalition forces in Marib in 2015,¹⁴² and to recapture Mukalla in 2016.¹⁴³

In March 2015, the UAE state news agency reported that the UAE had deployed 30 fighter jets to take part in coalition operations in Yemen, and that these forces had carried out airstrikes.¹⁴⁴ The UAE has also deployed ships in the Red Sea to help impose the coalition's maritime blockade and led coalition strategy for a planned attack on Hodeida port.¹⁴⁵ In March 2017, after a helicopter attacked a boat carrying Somali migrants and refugees off the coast of Hodeida, killing and wounding dozens, a member of the UAE armed forces

¹⁴¹ Caline Malek, "Defense ministers and special forces commanders gathered at the Middle East Special Operations Commanders conference this week," *The National*, May 8, 2014, <https://www.thenational.ae/uae/1.245831> (accessed July 9, 2018) (Mentions role as UAE Special Operations Commander); "Military Conference in Jordan Highlights Important Role for Special Forces in Maintaining Peace (in Arabic)," *Kuwait State News Agency*, May 5, 2014, <https://www.kuna.net.kw/ArticleDetails.aspx?id=2375682&language=ar> (accessed July 9, 2018); "Al-Alawi receives Chief of Staff of the Algerian Air Force," *Al-Ittihad*, February 26, 2014, http://www.alittihad.ae/details.php?id=17578&y=2014&utm_source=dlvr.it&utm_medium=twitter (accessed July 9, 2018).

¹⁴² "Coalition Forces Commander Brigadier General Musallam Al Kathiri with Sheikhs and Tribes of Marib (in Arabic)," September 5, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=ZRBoUqpOxSo> (accessed July 1, 2018) (Rashidi speaking in Marib); "Speech by Brigadier General Musallam Mohammed bin Ghabeesha Al-Rashidi Leader of the Forces that Liberated Marib (in Arabic)," November 7, 2015, video clip, YouTube, *Sharjah News*, <https://www.youtube.com/watch?v=PGP1YmTR3HQ> (accessed July 1, 2018).

¹⁴³ "Brigadier General Musallam Al-Rashidi: Operation to Liberate Mukalla Proved Weakness of Al-Qaeda (in Arabic)," April 28, 2016, video clip, YouTube, *Sky News Arabic*, <https://www.youtube.com/watch?v=gjGyQuFQq68> (accessed July 8, 2018) (Rashidi interview in Mukalla); "Arab Coalition: Liberates Mukalla From Al-Qaeda, Message to Those Who Support Terrorism (in Arabic)," *Al-Qabas*, April 28, 2016, <https://alqabas.com/20565/> (accessed July 8, 2018) (quotes Rashidi discussing the coalition's support in the operation to retake Mukalla, and saying the UAE trained Yemeni forces); Mohammed Alkhereiji, "UAE troops, US special operations forces step up fight against al-Qaeda in Yemen," *The Arab Weekly*, June 26, 2016, <https://theArabweekly.com/uae-troops-us-special-operations-forces-step-fight-against-al-qaeda-yemen> (accessed July 8, 2018).

¹⁴⁴ "UAE fighter jets strike Houthis, return safely to bases," *Emirates News Agency*, "UAE fighters continue strikes against Houthi positions in Sana'a, Mar'eb," *Emirates News Agency*, March 28, 2015, <http://wam.ae/en/details/1395278562088> (accessed June 1, 2018).

¹⁴⁵ Nadav Pollak and Michael Knights, "Gulf Coalition Operations in Yemen (Part 3): Maritime and Aerial Blockade," *The Washington Institute for Near East Policy*, March 25, 2016, <http://www.washingtoninstitute.org/policy-analysis/view/gulf-coalition-operations-in-yemen-part-3-maritime-and-aerial-blockade> (accessed July 6, 2017) "Explosive boat attack foiled targeting UAE ship," *Al-Arabiya*, August 16, 2017, <https://english.alarabiya.net/en/News/gulf/2017/08/16/Explosive-boat-attack-foiled-targeting-UAE-ship.html> (accessed September 8, 2017); Karen DeYoung and Missy Ryan, "Trump Administration Weighs Deeper Involvement in Yemen War," *Washington Post*, March 26, 2017, https://www.washingtonpost.com/world/national-security/trump-administration-weighs-deeper-involvement-in-yemen-war/2017/03/26/b81eecd8-0e49-11e7-9d5a-a83e627dc120_story.html?utm_term=.7c56bd3ee163 (accessed March 27, 2017).

said UAE forces were operating in the area but denied the UAE carried out the attack.¹⁴⁶ In 2017 and 2018, the UAE led coalition operations to retake areas on the western coast, including Hodeida.¹⁴⁷

The UAE leads coalition efforts in southern and eastern Yemen and has led counterterrorism efforts against Al-Qaeda in the Arabian Peninsula (AQAP) and the Islamic State's (also known as ISIS) local affiliate the Islamic State in Yemen (IS-Y), including by supporting Yemeni forces carrying out security campaigns. Human Rights Watch has documented numerous abuses by these UAE-backed forces, including torture, arbitrary detentions, and forced disappearances.¹⁴⁸ A UN panel of experts determined that these "elite forces" were UAE proxy forces.¹⁴⁹ In a letter to Human Rights Watch in April 2018, the Yemeni government acknowledged elite forces were not under their control.¹⁵⁰ The UAE runs a number of detention facilities in southern Yemen, including where Human Rights Watch has documented abuses.¹⁵¹

Unless the coalition ends its unlawful attacks, credibly investigates past allegedly unlawful attacks, and appropriately prosecutes those responsible, and provides civilian victims redress, the UN Security Council should impose travel bans and asset freezes on

¹⁴⁶ "Statement of Armed Forces official source on refugee boat incident," Emirates News Agency, March 20, 2017, <http://wam.ae/en/details/1395302603973> (accessed March 23, 2017).

¹⁴⁷ Peter Salisbury, "Yemen: After Hodeida," Arab Gulf States Institute in Washington, June 19, 2018, <http://www.agsiw.org/yemen-after-hodeidah/> (accessed July 1, 2018); Alexandre Mello and Michael Knights, "The Hodeida Campaign Part 2: Can Yemen Recapture Major Ports from Houthi Rebels," The Washington Institute for Near East Policy, May 15, 2018, <http://www.washingtoninstitute.org/policy-analysis/view/the-hodeida-campaign-part-2-can-yemen-recapture-hodeida-from-the-houthi-reb> (accessed July 1, 2018).

¹⁴⁸ "Yemen: UAE Backs Abusive Local Forces," Human Rights Watch news release, June 22, 2017, <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces>.

¹⁴⁹ UN Security Council Committee Established Pursuant to Resolution 2140, "Final report of the Panel of Experts on Yemen," S/2018/68, January 26, 2018, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2018/68 (accessed January 26, 2018), pp.34-36.

¹⁵⁰ "Yemen: Detained African Migrants Tortured, Raped," Human Rights Watch news release, April 17, 2018, <https://www.hrw.org/news/2018/04/17/yemen-detained-african-migrants-tortured-raped>.

¹⁵¹ "Yemen: UAE Backs Abusive Local Forces," Human Rights Watch news release; UN Security Council Committee Established Pursuant to Resolution 2140, "Final report of the Panel of Experts on Yemen," S/2018/68, pp.34-36; Amnesty International, "Yemen: 'God Only Knows if He's Alive': Enforced Disappearance and Detention Violations in Southern Yemen," July 12, 2018, <https://www.amnesty.org/en/documents/mde31/8682/2018/en/>.

Sheikh Mohammed bin Zayed, the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE armed forces.

Yemen

The coalition operates in Yemen with the government's consent. In addition to the Riyadh headquarters, there are coalition operations centers in Yemen. Yemen's armed forces provide intelligence to coalition forces to identify targets for aerial attacks in addition to participating in military operations more broadly.¹⁵² In 2017, then-Secretary of State Tillerson told the US Congress that:

The Coalition has informed us it also has placed stricter protocols for strikes called in by Yemeni government forces, which led to problems in the past; now Yemeni government forces' calls for airstrikes must go through the aforementioned vetting process led by the Coalition joint force commander.¹⁵³

¹⁵² Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait, S/2015/217, March 27, 2015, <http://undocs.org/S/2015/217>, pp. 3-5.

¹⁵³ Secretary of State Tillerson, Written Responses to Questions for the Record Submitted to Secretary of State Tillerson by Representative Lieu, House Foreign Affairs Committee.



Saudi-led coalition aircraft struck three apartment buildings in Faj Attan, a densely populated neighborhood in Sanaa, on August 25, 2017. Two of the buildings were completely destroyed and the third suffered extensive damage. © 2017 Mohammed al-Mekhlafi

President Hadi is the Commander of Yemen’s Armed Forces, and, since February 2016, Ali Mohsin al-Ahmar has served as his Vice President and Deputy Commander. Lt. Gen. Mohammed Ali al-Maqdishi served as Yemen’s Chief of General Staff, the head of Yemen’s entire military apparatus, from May 2015 until he was removed from his position in September 2017, when he was appointed to serve as Advisor to the Commander of Yemen’s Armed Forces and as a representative to the joint coalition forces.¹⁵⁴ Taher al-Auqali was appointed to serve as General Staff Chief in 2017 in al-Maqdishi’s stead,¹⁵⁵ but al-Maqdishi has continued to play a leading role in coalition military operations. In early 2018, according to media reports, al-Maqdishi met with coalition commanders in Marib in

¹⁵⁴ “Hadi ousts Maqdishi from position as Yemeni General Staff Chief (in Arabic),” (“هادي يطيح بالمقدشي من رئاسة أركان الجيش اليمني”), Erem News, September 4, 2017, <https://www.erenews.com/news/arab-world/yemen/977319> (accessed July 1, 2018).

¹⁵⁵ Ibid.

his capacity as special advisor to the commander of the armed forces and acting minister of defense.¹⁵⁶

Other Coalition States

Available information shows that other countries have participated in the military campaign to varying degrees. In March 2015, the UAE state news agency reported that Kuwait had deployed 15 aircraft to take part in coalition operations, Bahrain 15, and Qatar 10.¹⁵⁷ Media and policy reports have provided some detail on specific incidents in which coalition members have played a role in the air campaign: In May 2015, a Moroccan F-16 aircraft crashed while on a mission in Yemen.¹⁵⁸ Morocco informed the UN that, as of January 22, 2016, it had ceased operating air assets in support of the Yemeni government.¹⁵⁹ In December 2015, both a Bahraini F-1 jet and a Jordanian pilot flying an F-16 carrying out coalition operations crashed.¹⁶⁰ In 2015, Egypt conducted airstrikes on Yemen's western coast.¹⁶¹ In July 2016, Egypt told the UN Panel it was contributing naval forces, and on August 22 Egyptian President al-Sisi confirmed that Egypt had air assets in Saudi Arabia.¹⁶² In a 2017 report, the UN Panel also said that officers from most coalition

¹⁵⁶ “Maqdishu Visits Um Rish Camp in Marib (in Arabic),” “المقدشي يتفقد معسكر أم ريش في مأرب),” Yemen Voice, April 1, 2018, <https://voice-yemen.com/news116643.html> (accessed July 1, 2018); “Maqdishu’s Team Meets Coalition Leaders in Marib (in Arabic),” “الفريق المقدشي يلتقي قيادة قوات التحالف العربي بمارب),” Al Masdar Online, March 15, 2018, <http://almasdaronline.com/article/97679> (naming relevant UAE and Saudi armed forces commanders in Marib as Ahmed Rashid Al-Musabiri, replacing Salih Saeed Al-Aleeli, for the UAE, and Brigadier General Ali Sayir Al-Anzi for Saudi) (accessed July 1, 2018).

¹⁵⁷ “UAE fighter jets strike Houthis, return safely to bases,” Emirates News Agency.

¹⁵⁸ Mohammed Ghobari & Mohammed Mukhashaf, “Moroccan F-16 jet from Saudi-led coalition in Yemen crashes,” Reuters, May 11, 2015, <https://uk.reuters.com/article/uk-yemen-security-clashes-idUKKBN0NW0IX20150511> (accessed June 18, 2017).

¹⁵⁹ UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/193, p. 29.

¹⁶⁰ Noah Browning, “Bahraini jet taking part in Yemen war crashes in Saudi Arabia: coalition,” Reuters, December 30, 2015, <https://www.reuters.com/article/us-yemen-security-bahrain/bahraini-jet-taking-part-in-yemen-war-crashes-in-saudi-arabia-coalition-idUSKBN0UD0LK20151230> (accessed June 20, 2018); “Air force pilot returns home after crash in Saudi Arabia,” Jordan Times, February 25, 2017, <http://jordantimes.com/news/local/air-force-pilot-returns-home-after-crash-saudi-arabia> (accessed June 20, 2018).

¹⁶¹ Alexandre Mello and Michael Knights, “Gulf Coalition Operations in Yemen (Part 1): The Ground War,” Washington Institute for Near East Policy, March 25, 2016, <http://www.washingtoninstitute.org/policy-analysis/view/gulf-coalition-operations-in-yemen-part-1-the-ground-war> (accessed June 20, 2018).

¹⁶² UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/193, p. 29.

member states were present at the joint headquarters in Riyadh.¹⁶³ In a June 2018 letter to Human Rights Watch, Qatar asserted:

During Qatar’s participation in the coalition, its participation was limited to protecting the Saudi border from attacks by the Houthis and Saleh’s forces, without the presence of any Qatari forces or military attacks or operations in the territory of Yemen. We also note that the tasks assigned to the Qatari armed forces throughout their participation in the Coalition were to join the forces in the Najran sector in responsibility for the front border points within the territory of Saudi Arabia and the management of the operations of the Sakam area.¹⁶⁴

Human Rights Watch could not independently verify these assertions.

States at Risk of Complicity in Violations

The obligation to respect and ensure respect under Common Article 1 is not limited to coalition states that actively participated in airstrikes, but also includes states that are involved in “financing, equipping, arming or training” or a state that “plans, carries out and debriefs operations jointly with such forces.”¹⁶⁵

The United States, which became a party to the Yemen conflict during the first months of fighting by providing direct operational support to coalition air operations, has obligations under Common Article 1 in regards to the Yemen conflict. The US has provided substantial assistance to Saudi Arabia, including “intelligence, airborne fuel tankers and thousands of advanced munitions.”¹⁶⁶ In 2017, the United States sent about a dozen special forces to

¹⁶³ UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/193, p. 30.

¹⁶⁴ Letter to Human Rights Watch reproduced in full in annex I.

¹⁶⁵ See ICRC, 2016 Commentary on the First Geneva Convention, available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD>.

¹⁶⁶ Mark Mazzetti and Eric Schmitt, “Quiet Support to Saudis Entangles US in Yemen,” *New York Times*, March 13, 2016, <https://www.nytimes.com/2016/03/14/world/middleeast/yemen-saudi-us.html> (accessed June 20, 2018); Letter from

assist with helping locate and destroy Houthi caches of ballistic missiles and launch sites, according to the *New York Times*.¹⁶⁷

International legal scholars and US lawmakers have warned that continued US support—including through arms sales—to Saudi Arabia’s military campaign may not only make the US government complicit in coalition violations of the laws of war, but also expose US officials to legal liability for war crimes.¹⁶⁸ The Sierra Leone war crimes tribunal, in a decision the US military commissions prosecutor endorsed in 2013, ruled that for an individual to aid and abet a war crime, they must provide practical assistance that has a “substantial effect” on the commission of a crime; and know or be aware the assistance has a “substantial likelihood” of aiding that crime. For US officials providing assistance to be guilty of aiding and abetting coalition war crimes, they must be “aware” of the “substantial likelihood” their aid would be used to assist unlawful attacks, and that the forces they were assisting intended to commit war crimes.¹⁶⁹

Acting US Defense Department General Counsel William Castle to Senate Majority Leader Mitchell McConnell, February 27, 2018, available at <https://assets.documentcloud.org/documents/4390794/Acting-GC-Letter-to-Majority-Leader-Re-Sanders.pdf>.

¹⁶⁷ Helene Cooper, Thomas Gibbons-Neff and Eric Schmitt, “Army Special Forces Secretly Help Saudis Combat Threat From Yemen Rebels,” *New York Times*, May 3, 2018, <https://www.nytimes.com/2018/05/03/us/politics/green-berets-saudi-yemen-border-houthi.html> (accessed June 20, 2018).

¹⁶⁸ Ryan Goodman, “US Arms to Saudis Spell Legal Trouble for State Department Officials,” Just Security, March 15, 2017, <https://www.justsecurity.org/38836/arms-sale-saudis-spell-legal-trouble-state-depart-officials/> (accessed June 20, 2018); Stephen Rapp, “Time for a Reckoning in Yemen,” Just Security, July 5, 2018, <https://www.justsecurity.org/58910/time-reckoning-yemen/> (accessed July 5, 2018); Kristine Beckerle, “US Officials Risk Complicity in War Crimes in Yemen,” Just Security, May 4, 2017, <https://www.hrw.org/news/2017/05/04/us-officials-risk-complicity-war-crimes-yemen> (accessed May 4, 2017).

¹⁶⁹ Prosecutor v. Taylor, Case No. SCSL-03-01-A, Appeals Chamber Judgment, September 26, 2013, available at <http://www.rscsl.org/Documents/Decisions/Taylor/Appeal/1389/SCSL-03-01-A-1389.pdf>; Government Motion to Make Minor Conforming Charges to the Charge Sheet (AE120B) at 2, United States v. Khalid Shaikh Mohammad et al. (Military Commissions Trial Judiciary, October 18, 2013), available at [http://www.mc.mil/Portals/o/pdfs/KSM2/KSM%2011%20\(AE120B\(Gov%20Sup\)\).pdf](http://www.mc.mil/Portals/o/pdfs/KSM2/KSM%2011%20(AE120B(Gov%20Sup)).pdf) (“The Appellate Chamber of the Special Court for Sierra Leone in Taylor discusses in great detail aiding and abetting liability, a form of vicarious liability, by assessing historical international humanitarian law cases and customary international law. As such, the Taylor decision is ‘newly decided case law,’ reflecting customary international law on aiding and abetting liability.”). See also, Brian Finucane, “Partners and Legal Pitfalls,” *92 International Law Studies* 407 (2016), available at <https://ssrn.com/abstract=2851939>.



The burned remains of a fuel tanker in Arhab at the site of the water drill attack in the Sanaa governorate. The well under construction was meant to supply Beit al-Saadon, a nearby village, with water. Human Rights Watch found no evidence of military operations or materiel at the site. Photograph by Kristine Beckerle.
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While many of the weapons in Saudi Arabia’s arsenal were obtained long before the coalition began its military operations in Yemen in March 2015, US officials should have become aware as operations continued of the coalition’s increasing number of airstrikes that violated the laws of war. Many were reported by the United Nations, as well as human rights organizations soon after the coalition began military operations.¹⁷⁰ US officials debated internally whether support to the coalition could make US personnel criminally liable, and the State Department’s top human rights officer under President

¹⁷⁰ See, e.g., “Yemen: Saudi-Led Airstrikes Take Civilian Toll,” Human Rights Watch news release, March 28, 2015, <https://www.hrw.org/news/2015/03/28/yemen-saudi-led-airstrikes-take-civilian-toll>; “Yemen: Airstrike on Camp Raises Grave Concerns,” Human Rights Watch news release, April 1, 2015, <https://www.hrw.org/news/2015/04/01/yemen-airstrike-camp-raises-grave-concerns>; Letter from Human Rights Watch to US Secretary of Defense Ashton Carter, April 13, 2015, <https://www.hrw.org/news/2015/04/13/letter-us-secretary-defense-ashton-carter-armed-conflict-yemen>.

Barack Obama conceded a “possibility of legal jeopardy for US officials if sales continue despite continuing evidence of violations of the laws of war.”¹⁷¹ In December 2016, the Obama administration held up one sale of precision-guided munitions to Saudi Arabia, at least partially due to concerns over the way in which the coalition was waging its aerial campaign.¹⁷²

Human Rights Watch identified US weapons used in 25 of the 88 apparently unlawful coalition attacks documented in Yemen since March 2015. These 25 attacks include six discussed in this report, some of which may amount to war crimes, and one of which included a weapon manufactured in October 2015, months after coalition violations were clear.¹⁷³ As the armed conflict in Yemen continues and evidence of war crimes mounts, legal risk for US officials will only increase.¹⁷⁴

¹⁷¹ Warren Strobel and Jonathan Landay, “Exclusive: As Saudis bombed Yemen, US worried about legal blowback,” Reuters, October 10, 2016, <https://www.reuters.com/article/us-usa-saudi-yemen-idUSKCN12AoBQ> (accessed June 20, 2018); Ryan Goodman and Samuel Oakford, “Did US Provide Helicopter Used in Attack of Somali Refugees in Yemen,” Just Security, March 24, 2017, <https://www.justsecurity.org/39210/united-states-implicated-helicopter-somali-refugees-yemen/> (accessed June 20, 2018).

¹⁷² Kristine Beckerle, “US Rebukes Saudi Arabia by Halting Arms Sale,” Human Rights Watch dispatch, December 15, 2016, <https://www.hrw.org/news/2016/12/15/us-rebukes-saudi-arabia-halting-arms-sale>.

¹⁷³ These include: October 8, 2016, Great Hall Funeral Ceremony Sanaa (Human Rights Watch identified US-manufactured air-dropped GBU-12 Paveway II 500-pound laser-guided bomb); September 10, 2016, Beit Sahdan Village, Arhab (Human Rights Watch identified two US-origin GBU-12 Paveway II laser-guided 500-pound bombs; a part of the guidance system (wing assembly) was produced by Raytheon in the US in October 2015, according to markings on the remnants, months after coalition violations were clear); one of two attacks—July 12, 2015 or February 3, 2016—on Amran Cement Factory (Human Rights Watch identified US-supplied Mk-82 (500-lb general purpose bomb) equipped with a Joint Direct Attack Munition (JDAM) satellite guidance kit, which workers had collected from either the July 12, 2015 or February 3, 2016 strike); October 29, 2016, Al-Zaydiyah, Hodeida (Human Rights Watch identified US-made JDAM satellite-guided bomb); March 15, 2016, Mastaba Market, Hajjah (Human Rights Watch identified GBU-31 satellite-guided bomb, which consists of a US-supplied MK-84 2,000-pound bomb mated with a JDAM satellite guidance kit, also US-supplied); December 29, 2015, Coca-Cola Factory, Sanaa (Human Rights Watch identified at least one US-supplied 1,000-lb MK-83 Paveway-series laser-guided bomb).

¹⁷⁴ Kristine Beckerle, “US Officials Risk Complicity in War Crimes in Yemen,” Just Security.



Remnants of a US-made Joint Direct Attack Munition (JDAM) satellite guidance kit, which is fitted to an airdropped bomb prior to use, identified at the site of a wedding bombed by coalition aircraft in Hajjah governorate on April 22, 2018. The strike killed 22 people, including eight children, and wounded at least 54 others, including 26 children. © 2018 Abdo Show'ai

Other countries that have continued to sell weapons to Saudi Arabia, notably but not limited to the United Kingdom, France and Canada, also risk complicity in future unlawful coalition attacks. In France, for example, a legal study commissioned by human rights organizations concluded in 2018: “There is a high legal risk that France’s arms transfers are illegal in the light of France's international commitments, both in terms of the provisions of the Arms Trade Treaty and the EU Common Position.”¹⁷⁵

¹⁷⁵ “French arms sales: ‘indicators of presence’ in Yemen and the necessary reform of control mechanisms,” FIDH, May 31, 2018, <https://www.fidh.org/en/region/north-africa-middle-east/yemen/fidh-org/en> (accessed May 31, 2018); Joseph Breham and Laurence Greig, “French Transfer of Weapons During the Yemen Conflict, From April 2015 Until Now (in French),” Ancile Avocats, March 16, 2018, https://amnestyfr.cdn.prismic.io/amnestyfr%2Fb2bf59b9-cd8e-471f-a689-e8e84f151b17_etude+juridique_cabinet+ancile_transfert+d%27armes+de+la+france+dans+le+cadre+du+conflit+au+y%C3%A9men.pdf.

Individuals Skirting Scrutiny

Under the laws of war, governments have a duty to investigate war crimes allegedly committed by members of their armed forces and other persons within their jurisdiction. There are no requirements that a concrete suspect be known to initiate an investigation, only that there is reliable and credible information that a violation may have happened.¹⁷⁶

Individuals who have committed serious violations of the laws of war with criminal intent – that is, deliberately or recklessly – are responsible for war crimes.¹⁷⁷ Individuals may also be held criminally liable for attempting to commit, assisting in, facilitating, aiding, or abetting a war crime. Responsibility may also fall on persons planning or instigating the commission of a war crime.¹⁷⁸

Commanders and civilian leaders may also be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.¹⁷⁹

In 2017, the UN Panel of Experts on Yemen wrote that, in some cases, “commanders who plan and decide upon the air strikes, who have at their disposal the relevant information from a variety of sources ... have the responsibility to ensure compliance with international humanitarian law.”¹⁸⁰

JIAT’s reports largely failed to provide a credible assessment of whether the coalition violated the laws of war in particular airstrikes, let alone thoroughly and impartially

¹⁷⁶ Michael Schmitt, “Investigating Violations of International Law in Armed Conflict,” *Harvard National Security Journal*, vol. 2 (2011), p. 39.

¹⁷⁷ See ICRC, *Customary International Humanitarian Law*, (Cambridge: Cambridge University Press, 2005), Rule 156 (“Mental element. International case-law has indicated that war crimes are violations that are committed wilfully, i.e., either intentionally (*dolus directus*) or recklessly (*dolus eventualis*). The exact mental element varies depending on the crime concerned.”), citing, for e.g., Prosecutor v. Delalic et al. (Delalic Case), International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-96-21-T, Judgment (Trial Chamber II), November 16, 1998.

¹⁷⁸ See ICRC, *Customary International Humanitarian Law*, Rule 151.

¹⁷⁹ See *ibid.*, pp. 558-563.

¹⁸⁰ See also, UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen, S/2018/68,” annex 58.

investigate whether individuals had committed war crimes. But the failings of JIAT do not mean that the legal responsibility to investigate alleged war crimes and bring those responsible to justice can be ignored. Serious criminal investigations needed to be carried out not only in the small number of cases where JIAT suggested there was a violation, but in the many apparently unlawful airstrikes that the UN and nongovernmental groups have reported. In this respect, JIAT investigations have been a complete failure.

Individuals credibly implicated in war crimes could also be prosecuted in third states under the principle of universal jurisdiction. The principle allows national prosecutors to pursue individuals believed to be responsible for certain grave international crimes even though they were committed elsewhere and neither the accused nor the victims are nationals of the country.

Judicial authorities in third states should consider pursuing such investigations in accordance with their national laws. Yemen should urgently join the International Criminal Court (ICC).

In addition to criminal investigations, the UN Security Council, in Resolution 2140 and 2216, has established a sanctions regime whereby anyone responsible for “planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses,” as well as those responsible for obstructing the delivery of humanitarian assistance, are potentially subject to travel bans and asset freezes. Under the resolutions, the Yemen Sanctions Committee can designate “individuals or entities” for targeted sanctions if they are “engaging in or providing support for” these acts.¹⁸¹ The Security Council should ensure the basic due process rights of those affected by individual sanctions are protected.

The Sanctions Committee has already imposed sanctions – including asset freezes and travel bans – on five leaders of formerly allied Houthi-Saleh forces. No one from the coalition has been designated for sanctions, despite information on repeated coalition

¹⁸¹ UN Security Council, Resolution 2140, S/RES/2140(2014), pp. 17-19; UN Security Council, Resolution 2216, S/RES/2216(2015), p. 18-20.

violations gathered by the UN Panel of Experts, which provides information on implementing the resolution.¹⁸²

In 2017, the UN Panel of Experts concluded that, “Those individuals responsible for planning, authorizing and/or executing air strikes that disproportionately affect civilians and civilian infrastructure are likely to fall under the designation criteria.”¹⁸³ The Panel found that the coalition, as the entity carrying out airstrikes, can fall within designation criteria.¹⁸⁴ In discussing the UAE’s role in arbitrary detentions, enforced disappearances, and torture, the Panel found: “[T]hose responsible for detention-related abuses in Yemen fall within the designation criteria.”¹⁸⁵

The UN Security Council should request the Yemen Sanctions Committee Panel of Experts to produce a special report on individuals responsible for violations of applicable international human rights and humanitarian law or obstructing humanitarian aid, including chains of command and control and command responsibility within the Saudi-led coalition.

Providing Redress to Victims

The laws of war provide for a state to make full reparations, including directly to individuals, for the loss caused by violations of the laws of war.¹⁸⁶ Reparations can take the form of restitution (reestablishment of the prior situation), compensation (financial

¹⁸² “Narrative Summaries of Reasons for Listing,” Sanctions List Materials, Security Council Committee Established Pursuant to Resolution 2140, 2014, United Nations Security Council Subsidiary Organs, <https://www.un.org/sc/suborg/en/sanctions/2140/materials/summaries> (accessed July 11, 2018).

¹⁸³ UN Security Council Committee Established Pursuant to Resolution 2140, “Final report of the Panel of Experts on Yemen,” S/2018/68, pp. 165.

¹⁸⁴ *Ibid.*, annex 58.

¹⁸⁵ *Ibid.*, pp. 172.

¹⁸⁶ Draft Articles on Responsibility of States for Internationally Wrongful Acts,” adopted by the International Law Commission, 2001, art. 33.

payment) or satisfaction (such as a formal apology or other action) to another state, entity or individuals.¹⁸⁷

When losses occur, even in the absence of violations of international humanitarian law, civilians will be in need of assistance or redress. This can take the form of payments for loss of civilian life and property (often known as *ex gratia* payments) made without legal obligation and non-monetary acknowledgement of the harm done, such as apologies.

In Yemen, despite the coalition's promises and JIAT's recommendations to the contrary, there is no clear mechanism for civilian victims or surviving relatives to obtain any form of redress from coalition forces – or any other warring party.

In 12 attacks so far investigated, JIAT recommended the coalition pay “assistance,” “appropriate assistance,” “appropriate humanitarian assistance,” or “compensation.”¹⁸⁸ JIAT did not clarify why it used different terms for the different attacks and what difference, if any, the terminology indicated with regards to JIAT's findings of fault or the redress JIAT recommended the coalition provide.

Human Rights Watch documented six of these attacks, concluding that all appeared to violate the laws of war. After JIAT released its investigation results, Human Rights Watch followed up with those affected by some of these attacks, as well as international and Yemeni organizations that have documented airstrikes or are otherwise in touch with victims of airstrikes.¹⁸⁹ Human Rights Watch also wrote to all members of the coalition

¹⁸⁷ ICRC, *Customary International Humanitarian Law*, Rule 150, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule150 (“A State responsible for violations of international humanitarian law is required to make full reparation for the loss or injury caused.... State practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflicts.”).

¹⁸⁸ These attacks include: (1) August 25, 2017, Faj Attan Homes, Sanaa; (2) September 10, 2016, Beit Sahdan Village, Arhab; (3) August 30, 2015, Al-Sham Water Bottling Factory, Hajjah; (4) February 3, 2016, Cement Factory, Amran; (5) May 26, 2015, Jabal Saber Home, Taizz; (6) September 6, 2015, Al-Sabaeen Maternity Hospital, Sanaa; (7) July 16, 2015, Al-Zahra University, Sanaa; (8) September 22, 2015, Sabaeen Neighborhood, Sanaa; (9) May 2, 2015, Commercial Street, Saada; (10) August 15, 2016, MSF-Supported Abs Hospital, Hajjah; (11) July 24, 2015, Residential Complex, Mokha; (12) October 8, 2016, Great Hall Funeral Ceremony, Sanaa.

¹⁸⁹ These attacks include: (1) August 25, 2017, Faj Attan Homes, Sanaa; (2) September 10, 2016, Beit Sahdan Village, Arhab; (3) August 30, 2015, Al-Sham Water Bottling Factory, Hajjah; (4) February 3, 2016, Cement Factory, Amran; (5) July 24, 2015, Residential Complex, Mokha; (6) October 8, 2016, Great Hall Funeral Ceremony, Sanaa.



The remains of a community hall in Sanaa, the capital of Yemen, after Saudi-led coalition warplanes attacked a funeral ceremony there on October 8, 2016. The coalition has never clarified which countries' forces participated in the attack. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

whose nationals sat on JIAT, including Yemen, asking for further information regarding steps taken to provide redress. None—except Qatar, which did not address the question of redress—replied.

Mwatana, a leading Yemeni rights organization with field monitors across Yemen, spoke to two victims of the attack on the Mokha residential complexes, one victim of the attack in Sanaa on the Faj Attan neighborhood, and two victims of the attack on the Great Hall. All five said they had not received any assistance or redress from the coalition, nor had they been contacted regarding the investigation into the attack or steps they might take to receive the recommended redress.¹⁹⁰ The two individuals who had been affected by the

¹⁹⁰ Human Rights Watch email correspondence with Mwatana Organization for Human Rights, May 31, 2018.

Mokha strike told Mwatana they were now internally displaced: the UAE and Sudanese forces with which they worked had set up military camps in their home cities.

In August, nearly a year after the coalition bombed a residential building in Faj Attan, Sanaa, “Ahmed,” a relative of several victims, told Human Rights Watch:

I never heard that there is any type of compensation, just heard it from you.... I didn’t know that they admit that they struck by mistake.... We don’t put any hope in the coalition.... We want to raise a case against the coalition for crimes in Yemen.¹⁹¹

“Yasser,” whose friends and relatives were killed and wounded in the attack on the al-Sham Water Bottling Factory in 2015, said that he “heard about the compensation as everyone else heard about it, through the TV, and I recorded the conferences on a thumb drive.” No one had contacted him or his family members. “We want them to replace for us our factory that they destroyed [and] compensate the families who lost the people who provided for them.”¹⁹²

“Abdulrahman,” a 31-year-old Yemeni business owner, told Human Rights Watch that his family members were at the site of the well the coalition attacked in Arhab in September 2016. After the first strike, his brother went to the worker’s shelter to try to rescue their close friend who had been managing the project for nearly six months. He found his friend’s body; his head had been severed. A few of the men who were there called Abdulrahman, who was outside Yemen, asking him to find a way to get in touch with the coalition to tell them they had made a mistake. As he tried to reach prominent Yemenis who worked with the coalition or Yemeni government officials, the coalition kept attacking. Abdulrahman was finally able to reach someone in Marib. He told him the coalition was attacking a well and workers—not Houthis, not weapons—and every time others went to try and rescue the wounded, the coalition attacked again. He said the well was almost complete when the attack took place, but now the community was deprived of much needed water.

¹⁹¹ Human Rights Watch telephone interview with “Ahmed” who requested anonymity, August 1, 2018.

¹⁹² Human Rights Watch telephone interview with “Yasser” who requested anonymity, July 25, 2018.

His younger brother and cousin were “almost killed.” His brother still has problems with his eyes and ears and remains scared when he hears the sound of planes: “He thinks it is going to bomb.” His cousin has trouble walking, and his jaw remains broken, after remnants hit his face—he still can’t speak normally.

Abdulrahman found out the coalition had investigated “the minute people put it on the TV.... I just heard from the news.” “At least they know it is a mistake,” he said, “but okay, they should come with investigators to see who got injured. At least they could help the innocent people. They didn’t offer anything....” No one in the village was provided redress by the coalition, even though many were still suffering physical and psychological injuries, according to Abdulrahman and a Sanaa-based lawyer that works with the well company.¹⁹³ When asked what a just response would be, Abdulrahman said:

I want to help the families that they lost their dad, families that they lost their kids... My friend, he was the main guy for his family, and he passed away and now his family is struggling.... It is what it is. We can’t go back and bring him back to life, but ‘justice,’ we need to give every family something for their loss.

The company drilling the well paid for the wounded workers’ medical treatment and provided some assistance to families of those killed. The equipment, including the US\$1.3 million drilling rig used, remains in Arhab, destroyed. After the attack, the company was forced to sell another of their three drilling rigs to help compensate for their losses.

Abdulrahman said he had no idea how to even communicate with the coalition regarding the promised redress: “I don’t know where the doors are at. If I know the department, I will call them and say: I need to get paid for my loss....They said, ‘Oh, we are going to pay,’ but who got paid? I don’t know who got paid.”

¹⁹³ Human Rights Watch telephone interviews with Abdulrahman (a pseudonym), May 24, 2018, and a Sanaa-based lawyer, April 26, 2018 (according to the lawyer, the coalition’s promise to provide redress was “a lie”—no one had communicated with the owner or the other victims, and none had received compensation).



At least 31 civilians died, including 3 children, when several Saudi-led coalition airstrikes hit the Arhab water drilling site in Sanaa governorate on September 10, 2016. The coalition's investigative body, JIAT, reported that the strike was an "unintended mistake," and recommended the coalition provide redress to civilians harmed. People whose family members were killed or wounded in the attack said the coalition had offered them nothing and never contacted them. Photograph by Kristine Beckerle. © 2016 Human Rights Watch

Four of "Abdullah's" family members were killed and another five were wounded in the coalition's attack on the cement factory in Amran in February 2016. When Abdullah saw that the coalition promised to pay compensation, he downloaded the news and saved it:

I sold everything to care for the wounded from my family, especially my son, who is 15-years-old. We have had six operations, and he still needs another one abroad. He has shrapnel next to the spine.... My family ... our source of income has gone through completely. All the money spent in hospitals. We sold everything we have, all our possessions. We are really destroyed.

No one “from any side” had communicated with him about the attack, or about any means of claiming compensation. He said:

It is possible that they could compensate for the material losses, but the lives that have been lost, how will they compensate that? If they gave me the weight of the world as gold, that wouldn’t be enough for one person I lost from my family. We did not get anything—no trial of the culprits or compensation. We didn’t even get a bag of flour.¹⁹⁴

¹⁹⁴ Human Rights Watch telephone interview with Abdullah (a pseudonym), August 1, 2018.

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Appendix I: Human Rights Watch Letter to the Joint Incidents Assessment Team

www.hrw.org

May 18, 2018

Lt. Gen. Mansour Ahmed Al-Mansour
Legal Counsel and Spokesperson
Joint Incidents Assessment Team
Riyadh, Saudi Arabia

Re: JIAT Investigations in Yemen

Dear Lt. General al-Mansour,

I am writing on behalf of Human Rights Watch to express our concern that the Saudi-led coalition's investigative mechanism, the Joint Incidents Assessment Team (JIAT), fails to meet international standards regarding transparency, impartiality, and independence, and to seek further information regarding JIAT's ongoing operations.

JIAT, originally consisting of 14 members from Saudi Arabia, Kuwait, Yemen, Qatar, Bahrain, and the United Arab Emirates, was formed to assess "claims and accidents" that occur during coalition military operations. JIAT is empowered to investigate the facts, collect evidence, and produce reports and recommendations, [according to an August 2016 statement](#).

Since March 26, 2015, Human Rights Watch has documented 87 coalition attacks in Yemen, including 18 involving cluster munitions, that appear to have been in violation of international humanitarian law, or the laws of war. Some of these attacks might amount to war crimes. The United Nations and nongovernmental organizations including Amnesty

International, Médecins Sans Frontières, and Yemeni human rights groups have documented dozens of other apparently unlawful coalition airstrikes.

As of March 2018, the [UN Office of the High Commissioner for Human Rights \(OHCHR\)](#) had documented the killing of 6,100 civilians, including 1,491 children, and the wounding of 9,683 during the past three years of conflict in Yemen, with coalition airstrikes causing 61 percent of the documented civilian casualties.

According to public statements available on the Saudi Press Agency website, since August 2016, JIAT has announced the investigation results into 56 coalition attacks, absolving the coalition of responsibility in 54 of the 56 attacks investigated—finding the coalition acted lawfully in 46 of the 54 attacks, and that the coalition did not carry out the other eight reported airstrikes. In two strikes, JIAT recommended the coalition pay compensation, finding that coalition personnel had violated their rules of engagement. In nine other attacks where JIAT recommended the coalition pay compensation to civilian victims of airstrikes, JIAT found that coalition forces acted lawfully.

Human Rights Watch is unaware of any concrete steps taken to either implement a compensation process or to hold individuals accountable for possible war crimes—with the exception of Yemeni officers, a few of whom the Yemeni National Commission reported had been referred to a Yemeni military court.

Human Rights Watch is continuing to monitor accountability efforts in Yemen and would appreciate answers to the following questions so that we can better understand JIAT's methodology and ongoing work. We will incorporate these perspectives into our future reporting.

Methodology

- (1) Please explain the procedures used to decide which strikes to investigate, a list of strikes currently being investigated, and plans, if any, to investigate the coalition's use of cluster munitions and detention-related abuses. Human Rights Watch has documented 87 apparently unlawful coalition attacks in Yemen since March 2015, in addition to a number of detention-related abuses by members of the coalition

and coalition-backed forces. According to information in the public record, JIAT has only concluded investigations into 17 of these 87 attacks and has investigated no attacks involving the use of banned cluster munitions or the involvement of coalition members in enforced disappearances and torture in southern Yemen.

- (2) What criteria do JIAT investigators use to determine whether individuals killed or wounded in a strike were civilians? Does JIAT use any assumptions about whether certain profiles are civilians or combatants? If so, where does the burden lie to rebut these presumptions? None of the press releases regarding JIAT investigations have provided a JIAT or coalition estimate of civilian casualties caused by the attacks investigated. Has JIAT collected estimates of civilian harm for the strikes it has investigated, and if so, when does it plan to release this information? In some strikes, JIAT has claimed damage to nearby buildings has not exceeded certain percentages. What standards does JIAT use to measure damage to the areas affected by coalition strikes?
- (3) In an August 2016 press release, the Saudi Press Agency stated that JIAT “analyz[es] the information contained in the task report, review[s] the aerial photographs from the post-mission aircraft reports, record[s] videos, schedule[s] daily tasks and report[s] to the JIAT's air control officer.” What access does JIAT have to sources in Yemen, in person or by other means of communication, where airstrikes are being conducted? For example, in the strikes so far investigated, did JIAT interview victims of or witnesses to these attacks? If so, how many victims or witnesses has JIAT interviewed, and for how many strikes?

Compensation, Prosecution, and Remedial Action

- (1) In a number of attacks, JIAT recommended the coalition pay assistance to victims of the attacks. In at least nine of these attacks, JIAT recommended compensation without necessarily finding fault on the part of the coalition—five were the result of technical errors; three “unintentional errors” and in one JIAT found the strike lawful but that the shock waves of the attack damaged a nearby hospital. What standards does JIAT use to determine when assistance should be provided? Has the coalition begun to process compensation payments for victims of the attacks by, for example, providing public information on how victims can submit claims to the Reparations Committee, including contact information, in Arabic? If so, has the

Reparations Committee received or begun to process any claims for compensation? If so, how many claims have been received or processed to date and how did the Committee determine the amount of compensation to provide?

- (2) States have an obligation to prosecute individuals who commit war crimes, which are serious violations of the laws of war committed with criminal intent – that is, deliberately or recklessly. Did JIAT determine if any coalition officers committed serious laws-of-war violations with criminal intent when carrying out any of the attacks it has investigated?
- (3) Does JIAT identify which states carried out attacks and which individual officers were involved in attacks? Has it recommended that any coalition states begin investigations, disciplinary actions, or prosecutions against their nationals who may have committed war crimes? Please provide an accounting of which states' nationals were involved in the attacks so far investigated, including by providing intelligence, fuel, maintenance or munitions, authorizing the strike, or carrying out the strike. What is the status of JIAT's recommendations for each coalition state and non-coalition states taking part in military operations?
- (4) Do all airstrikes in Yemen require coalition command permission before being carried out? If not, please clarify the scenarios in which an aircraft would be authorized to carry out a strike without coalition command permission and any past strikes where this has occurred.
- (5) What is the status of the review of the coalition's rules of engagement? JIAT recommended a review of the rules of engagement following the attack of the Great Hall Funeral Ceremony on October 8, 2016, which was also documented by Human Rights Watch. What, if any, shortcomings have been identified and were steps taken to address them? When enemy forces are using protected sites for military purposes, what steps has the coalition taken to ensure adequate warnings are provided before carrying out an attack? Does this include setting a reasonable time period for the facility to end its potential misuse?

Independence, Impartiality, and Cooperation with Other Accountability Mechanisms

- (1) In September 2017, the UN Human Rights Council passed a resolution laying out two complementary processes for investigations, establishing an international Group of Eminent Experts, and affirming support for the coalition-supported Yemeni National Commission set up by Presidential Decree No. 13 (2015). The UN Security Council Panel of Experts, which monitors and reports on the implementation of Security Council Resolutions 2140 and 2215, reported in 2018 that the coalition had refused to engage with the Panel. To what extent, if any, does JIAT cooperate with the Yemeni National Commission, the Group of Eminent Experts, or the Security Council Panel of Experts? For example, does JIAT seek or share information with any of these bodies?

- (2) How does JIAT ensure the independence and impartiality of its work? How were the members of JIAT appointed? Please share their names, any relevant legal or military experience, and respective positions on the team. Under whose command do active military officers on JIAT fall?

We ask you to respond to this letter and the inquiries above on or before June 8, 2018 so that we may reflect your response in our upcoming reporting and advocacy, including for the September 2018 session of the UN Human Rights Council.

If JIAT prepares lengthier reports on the incidents it investigates than the ones available in the public sphere that are responsive to any of the questions above, we would be grateful if you could share them with us.

Please do not hesitate to contact Kristine Beckerle, Yemen Researcher, at [REDACTED] or [REDACTED], should you have questions.

We thank you for your consideration and look forward to your response.

Sincerely yours,

Sarah Leah Whitson
Executive Director

Middle East and North Africa
Human Rights Watch

CC:

H.R.H. Crown Prince Mohammed bin Salman
Crown Prince, First Deputy Prime Minister, and Minister of Defense
Ministry of Defense
Riyadh, Saudi Arabia

H.H. Sheikh Mohammed bin Zayed Al Nahyan
Crown Prince of Abu Dhabi and Deputy Supreme Commander of the Armed Forces
Abu Dhabi, United Arab Emirates

Lt. Gen. Muhammed Ali Al Maqdashy
Advisor to the Commander of the Armed Forces and Acting Minister of Defense
Ministry of Defense
Republic of Yemen

Field Marshal Sheikh Khalifa bin Ahmed Al Khalifa
Commander-in-Chief of the Bahrain Defense Forces
Manama, Bahrain

H.E. Sheikh Nasser Sabah Al-Ahmad Al-Sabah
First Deputy Prime Minister and Minister of Defense
Ministry of Defense
Kuwait City, Kuwait

H.E. Dr. Khalid Bin Mohammad Al-Attiyah,
Deputy Prime Minister and Minister of State for Defense Affairs
Ministry of Defense
Doha, Qatar

Appendix II: Letter from the Permanent Mission of Qatar to the United Nations to Human Rights Watch

Permanent Mission of the
State of Qatar to the United Nations
New York



2018/0040176/5

4 June 2018

Dear Ms. Whitson,

I refer to your letter to His Excellency Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani, Deputy Prime Minister and Minister of Foreign Affairs of the State of Qatar, dated 31 July 2017, and your letter to the Spokesperson of the Coalition to Support Legitimacy in Yemen, copied to His Excellency Dr. Khalid bin Mohammed Al-Attiyah, Deputy Prime Minister and Minister of State for Defense, dated 15 May 2018, in connection with your organization's ongoing investigations into alleged violations of the laws of war in Yemen, which included inquiries about the steps taken by the State of Qatar to investigate any possible involvement of Qatari forces in violations of the laws of war in Yemen during its participation in the Coalition to Support Legitimacy in Yemen.

We appreciate the efforts of Human Rights Watch in service of human rights and fundamental freedoms and for the promotion of universal adherence to international law, international humanitarian law, international human rights law and international conventions and norms. We thank you for your keen pursuit of accurate and trustworthy information and communicating with us in this context. We emphasize that we are keen to continue effective and fruitful cooperation and coordination with your organization in various areas of common interest.

With regard to the inquiries in your letters, I would like to emphasize that the participation of the State of Qatar in the Coalition to Support Legitimacy in Yemen ended, and Qatari forces were withdrawn, in early June 2017. During Qatar's participation in the Coalition, its participation was limited to protecting the Saudi border from attacks by the Houthis and Saleh's forces, without the presence of any Qatari forces or military attacks or operations in the territory of Yemen. We also note that the tasks assigned to the Qatari armed forces throughout their participation in the Coalition were to join the forces in the Najran sector in responsibility for the front border points within the territory of Saudi Arabia and the management of the operations of the Sakam area.

Ms. Sarah Leah Whitson
Executive Director, Middle East and North Africa Division
Human Rights Watch

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**Permanent Mission of the
State of Qatar to the United Nations
New York**



The role of the State of Qatar was based on international law, international legitimacy and the GCC Joint Defense Agreement, ratified by the State of Qatar on 29 December 2001, upon an official request by the Yemeni President Abdrabo Mansour Hadi, in line with the Charter of the United Nations and international law, and in accordance with Article 51 of the Charter.

While the State of Qatar was involved in the coalition, protecting civilians was among its priorities. The protection of civilians was the primary motivation for Qatar's participation in the Coalition and it did not undertake any military operations to the contrary.

In conclusion, Qatar reaffirms its full commitment to international law, including adherence to all provisions of international humanitarian and human rights law.

Please accept the assurances of my highest consideration,





HIDING BEHIND THE COALITION

Failure to Credibly Investigate and Provide Redress for Unlawful Attacks in Yemen

More than three years after it began, the war in Yemen continues to kill, injure, and displace thousands of Yemeni civilians. Efforts towards accountability remain woefully inadequate.

The Joint Incidents Assessment Team (JIAT) is the investigative mechanism established in 2016 amid mounting evidence of violations of the laws of war by the Saudi Arabia-led coalition.

In *Hiding Behind the Coalition*, Human Rights Watch shows that JIAT has fallen short of international standards regarding transparency, impartiality, and independence by failing in its limited mandate to assess “claims and accidents” that occurred during military operations; failing to conduct thorough laws-of-war analyses when investigating airstrikes; and reaching dubious conclusions over the past two years.

The report also shows that in most published investigation results, JIAT found no fault on the coalition’s part, often blaming technical errors, or finding the attacks to have been “unintentional.” While JIAT recommended the coalition provide victims “assistance” in about a dozen strikes, victims said they had received no redress.

JIAT investigations appear aimed at shielding military personnel from criminal liability by showing no obvious effort to investigate personal criminal responsibility for unlawful airstrikes. JIAT appears only to have investigated coalition airstrikes, but not other alleged violations, such as abuses against detainees by the United Arab Emirates.

Human Rights Watch calls on the United Nation Security Council to impose targeted sanctions on individuals who share the greatest responsibility for repeated violations, notably Saudi Crown Prince Mohammed bin Salman and other senior coalition commanders. Countries that sell weapons to Saudi Arabia—including the United States, United Kingdom, and France—risk complicity in future unlawful attacks, particularly given that coalition assurances to comply with the laws of war have proven hollow.

(above) Saudi-led coalition aircraft struck three apartment buildings in Sanaa on August 25, 2017, killing at least 16 civilians, including 7 children, and wounding another 17, including 8 children. After an international outcry, the coalition said that it carried out the attack, but provided no details on the coalition forces involved.

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(front cover) The hole left by a Saudi-led coalition airstrike on a funeral hall in Sanaa, Yemen on October 8, 2016 that killed at least 100 people and wounded hundreds of others, October 10, 2016. The coalition has never clarified which countries’ forces participated in the attack.

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