

Human Rights Watch: Yemen Events of 2023

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The last United Nations-brokered truce in Yemen ended in October of 2022. While there have not been significant airstrikes or major military offensives since the truce began in April 2022, the warring parties—including Houthi forces, the Yemeni government, and the Saudi- and United Arab Emirates (UAE)-led coalition—have continued to commit serious international human rights and humanitarian law violations in Yemen.

Violations include unlawful attacks that have killed civilians; restrictions on freedom of movement and humanitarian access to and from Taizz, Yemen's third-largest city; arbitrary detentions; and forced internal displacement. Saudi border guards have carried out mass killings of Ethiopian migrants at the Yemeni border, which may amount to crimes against humanity.

Throughout the nine-year conflict in Yemen, parties to the conflict have perpetrated widespread violations of international humanitarian law and international human rights law, causing extensive civilian harm. The conflict has included unlawful attacks, including likely war crimes, targeting homes, hospitals, schools, and markets, a number of which were carried out deliberately and indiscriminately. However, the parties to the conflict, powerful state allies like the United States, the United Kingdom, and France, and UN institutions have failed to hold rights violators accountable. Under customary international law, warring parties are obligated to provide “full reparation for the loss or injury caused” for their violations of international humanitarian law.

Yemen is one of the world's largest humanitarian crises, with more than 21 million Yemenis in need of assistance and suffering from inadequate food, health care, and infrastructure. Despite this, all parties to the conflict have taken actions that have harmed civilians. The Saudi- and UAE-led coalition has attacked food, water, and health infrastructure. The Houthis have imposed an abusive siege on Taizz, and have blocked water from entering the public water network. The Yemeni government and the Houthis impose unnecessary restrictions and regulations on humanitarian organizations and aid projects, creating lengthy delays. And in Aden, the Yemeni government and the Southern Transitional Council have failed to fulfill Aden residents' right to electricity and water.

Harms against Children in Armed Conflict

Yemen's protracted armed conflict and humanitarian crisis severely impact children. Eleven million children in Yemen need humanitarian assistance, more than 3.1 million are internally displaced, and more than 11,200 have been killed or maimed, according to UNICEF. Parties to the conflict have attacked hospitals and schools, causing disruptions to health services and children's education. Yemen's laws explicitly permit corporal punishment of children in the home.

Warring parties' attacks on water and food infrastructure and their weaponization of water have had especially harmful impacts on children. Many children have had to drop out of school to make time to travel and queue to bring water to their families.

The Houthis and the Saudi- and UAE-led coalition have committed serious violations against children throughout the war. Indiscriminate attacks have destroyed schools and hospitals and killed or injured thousands of children. Warring parties, including the Houthis and government forces, have recruited and deployed over 4,000 children in combat, according to the UN.

Landmines

Landmines and explosive remnants of war continue to be a major cause of civilian casualties. In the first quarter of 2023 alone unexploded ordinance caused 121 civilian casualties, according to the UN Mission to support the Hudaydah Agreement. On March 23, Save the Children stated that child casualties from landmines and unexploded ordinance (UXO) increased eight-fold from 2018 to 2022, and increased noticeably during the truce, highlighting the deadly legacy of the conflict. According to Save the Children, a child in Yemen was killed or injured by landmines or other UXOs every two days, on average, during 2022.

Houthi forces continue to use anti-personnel landmines in violation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, to which Yemen is a party. Houthi forces' use of mines in areas containing objects critical for survival, including farmland, water sources, and water infrastructure, has exacerbated the humanitarian crisis and contributed to the starvation of civilians, according to Mwatana for Human Rights, an independent Yemeni organization, and Global Rights Compliance. Houthi forces have not shared any maps with mine removal authorities, violating their obligations under the Mine Convention.

Mine removal authorities have not followed the International Mine Action Standards in their removal of landmines, explosive remnants of war, and improvised explosive devices.

Arbitrary Detention, Torture, and Enforced Disappearance

All parties to the conflict, including Houthi forces, the Yemeni government, the UAE, Saudi Arabia, and various UAE and Saudi-backed Yemeni armed groups have arbitrarily arrested, forcibly disappeared, tortured, and ill-treated detainees across Yemen. Hundreds of Yemenis have been detained at official and unofficial detention centers across the country.

On May 25, Houthi forces stormed a private residence in Sanaa where Yemeni Bahais were meeting, and detained and subsequently disappeared 17 people. The group was targeted solely on the basis of their religious beliefs. Eleven of the individuals remain

disappeared. Houthis have systematically arrested and disappeared Bahais and forced Bahais into exile.

UAE-backed forces, in particular the Southern Transitional Council (STC), continued to arbitrarily arrest and forcibly disappear individuals and maintain at least two informal detention facilities.

While Yemen's internationally recognized government and the Houthis released a combined 887 detainees as part of an exchange in April, many more individuals, including human rights defenders and activists, continued to be arbitrarily detained and disappeared by multiple parties to the conflict.

Blocking and Impeding Humanitarian Access

The Houthis and the Yemeni government impose unnecessary restrictions and regulations on humanitarian organizations and aid projects, creating lengthy delays. Human Rights Watch has documented many cases of aid interference and obstruction by Houthi forces, including but not limited to lengthy delays for approval of aid projects, blocking aid assessments to identify people's needs, attempts to control aid monitoring and recipient lists to divert aid to those loyal to the authorities, and violence against aid staff and their property. The Yemeni government has impeded much needed aid through the imposition of complex bureaucratic requirements on aid agencies that have impacted millions of civilians' ability to access it.

Civilians in the city of Taizz have been severely harmed by Houthi aid obstruction. Residents have faced a dire humanitarian crisis since 2015 when the Houthis closed off all major roads into and out of the city. The International Committee of the Red Cross stated in March 2022 that "the severity of food and water needs is dangerously acute in Taizz." The road closures have severely restricted the flow of essential goods, including medicine and food, as well as humanitarian access into the city. In 2022, the Houthis rejected a proposal by the UN special envoy's office to reopen the roads. Since that time, there has been little to no progress in reopening the roads and allowing greater humanitarian aid to enter the city.

Rights to Food and Water

Yemen has long been one of the most water scarce countries in the world and has a long history of food scarcity. The war has exacerbated Yemen's existing food and water crisis. At the end of 2022, UN agencies reported that 17.8 million people in Yemen—more than half of the population—did not have access to safe drinking water, sanitation, and hygiene services, and 17 million were food insecure, with 6.1 million facing "emergency" levels of food insecurity.

According to Mwatana for Human Rights and Global Rights Compliance, the warring parties have repeatedly carried out attacks on food and water infrastructure across Yemen, including targeting farms, irrigation works, and fishing boats, in violation of

the international humanitarian law prohibition on attacking, destroying, removing, or rendering useless objects indispensable to the survival of the civilian population.

Droughts and floods, exacerbated by climate change, have also worsened the water crisis in Yemen. Extreme weather events have destroyed irrigation facilities, leading to the loss of agricultural livelihoods, and placed additional pressure on other water and land resources.

According to the International Rescue Committee, skyrocketing food prices in recent years have left more than half of the population in need of food assistance, while the sharp depreciation of the Yemeni rial has made imported food, cooking oil, and other necessities more expensive, and has dramatically reduced households' purchasing power.

Women's and Girls' Rights

Yemeni women continue to face restrictions on their freedom of movement in areas under Houthi control, where authorities require them to be accompanied by a *mahram* (male relative) in order to travel. The mahram requirement bars women from traveling without a male guardian or evidence of their written approval. Increased Houthi restrictions related to the mahram requirement have prevented Yemeni women from working, especially those who must travel, according to Amnesty International. These restrictions also apply to Yemeni women working for humanitarian organizations, which has made it more difficult for them to conduct fieldwork and has impacted access to aid for Yemeni women and girls.

UN human rights experts have detailed the Houthis' "systematic violations of women's and girls' rights," including their rights to freedom of movement, freedom of expression, health, and work, as well as widespread discrimination.

In practice, women and girls in the south also face movement restrictions. Some women have reported being stopped at checkpoints when traveling without a mahram from one governorate to another in government-controlled Yemen. According to a coalition of Yemeni NGOs, hotels, particularly in cities like Aden and Taiz, prevent Yemeni women from staying unless they have a mahram. Amnesty International also reported that prison authorities across Yemen as a customary practice do not allow women to leave prison upon completion of their sentences unless they have a male guardian to accompany them on release. If their families refuse to receive them, they release them only to women's shelters.

Sexual Orientation and Gender Identity

Yemen's penal code prohibits same-sex relations. Article 264 punishes anal sex with 100 lashes and one year in prison if participants are not married. If married, the same article prescribes death by stoning. Article 268 punishes sex between women with up to three years in prison.

Abuses against Migrants

Saudi border guards killed at least hundreds of Ethiopian migrants and asylum seekers who tried to cross the Yemen-Saudi border between March 2022 and June 2023. If committed as part of a Saudi government policy to murder migrants, these killings, which appear to have continued, would be a crime against humanity. Human Rights Watch found that Saudi border guards have used explosive weapons to kill many migrants and shot other migrants at close range, including many women and children, in a widespread and systematic pattern of attacks. In some instances, Saudi border guards asked migrants what limb to shoot, and then shot them at close range.

Houthi forces' role in coordinating security and facilitating access to the border for smugglers and migrants in Saada governorate, coupled with its practice of detaining and extorting migrants, amount to torture, arbitrary detention, and trafficking in persons.

Since the armed conflict began in Yemen in 2014, both the government and the Houthi armed group have detained migrants in poor conditions and exposed them to abuse.

In June the International Organization for Migration (IOM) estimated that if first-quarter 2023 trends continued more than 160,000 migrants would arrive in Yemen during the year.

Accountability

There has been virtually no accountability for violations committed by parties to the conflict. Since the UN Human Rights Council narrowly voted to end the mandate of the Group of Eminent Experts on Yemen in October 2021, there has been no independent international mechanism to monitor the human rights situation in Yemen and lay the foundation for accountability for abuses.

On July 26, over 40 civil society organizations and victim and survivor associations from Yemen launched the Yemen Declaration for Justice and Reconciliation (the Declaration), in which they set forth their common vision for achieving justice and reconciliation in post-conflict Yemen. The declaration underlined that grievances caused by the war have not been sufficiently addressed by parties to the conflict or by the international community.

Mwatana for Human Rights and Yale Law School's Lowenstein International Human Rights Clinic found that the warring parties have failed to effectively provide reparations.

Thus far, negotiations between the Houthis and Saudi Arabia have not included discussions of accountability.

Key International Actors

On April 7, 2022, President Abdo Rabbu Mansour Hadi transferred his presidential authority to an eight-member presidential leadership council, with Yemeni politician Rashad al-Alimi serving as president of the council. The council is backed by Saudi Arabia and the UAE, while Houthi forces continued to receive support from Iran.

Arms sales to Saudi Arabia, the UAE, and other coalition members continued from Western countries including the US, the UK, France, Germany, Italy, Canada, and others.

An internal report from the US Government Accountability Office (GAO) found serious gaps in US government oversight of how arms sold to Saudi Arabia and the UAE are being used. In September, the *Washington Post* found that the US Army's Security Assistance Command had been training Saudi border guards for the past eight years in a program that concluded in July.

In February, international donors pledged US\$1.2 billion to the humanitarian response, \$3.1 billion less than the \$4.3 billion needed for humanitarian programming.