



February 21, 2012

Ms. Teresa McHenry, Chief  
U.S. Department of Justice  
Criminal Division  
Human Rights and Special Prosecution Section  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Sent via Federal Express and Email ([hrsptips@usdoj.gov](mailto:hrsptips@usdoj.gov))

**Re: Urgent Investigation Request: Torture Suspect Present in the United States-  
Ali Abdullah Saleh**

Dear Ms. McHenry:

I write to inform you that there is currently present in the United States a person against whom credible evidence exists for opening an investigation into serious human rights violations under the United States Criminal Code. Recalling the mandate of your office, which reflects a “coordinated, interagency effort to deny safe haven in the United States to human rights violators,”<sup>1</sup> we ask that your office open an immediate investigation into credible claims of **torture committed under the direction, control and/or command of Ali Abdullah Saleh** beginning in February 2011.

Mr. Saleh arrived in the United States on January 28, 2012,<sup>2</sup> and, according to the last-known public information on his location, has been present in New York at the Ritz Carlton at 50 Central Park South, New York, NY.<sup>3</sup>

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<sup>1</sup> Department of Justice, Criminal Division, Human Rights and Special Prosecutions Section, “About the Section,” available at: <http://www.justice.gov/criminal/hrsp/about/>.

<sup>2</sup> Laura Kasinof, *Yemen Leader Leaves for Medical Care in New York*, N.Y.TIMES, Jan. 22, 2012, available at <http://www.nytimes.com/2012/01/23/world/middleeast/yemeni-president-leaves-heading-for-us.html>; Department of State Daily Press Briefing, Jan. 23, 2012 available at <http://www.state.gov/r/pa/prs/dpb/2012/01/182360.htm#YEMEN> (stating that Ali Abdullah Saleh was granted a visa to the United States strictly for the purposes of receiving medical treatment that was unavailable in Yemen); see also DOS Daily Press Briefing, Jan. 26, 2012 (stating that “the fact that he [Saleh] is – has left the country for medical treatment provides some breathing space for the transition to move forward”).

<sup>3</sup> Matt Flegenheimer, *Protesters Hurl Jeers and a Shoe at the Yemeni President*, N.Y.TIMES Feb. 5, 2012, available at <http://www.nytimes.com/2012/02/06/nyregion/manhattan-protesters-jeer-ali-abdullah-saleh-yemens-president.html>. Saleh has been seen exiting the Ritz Carlton and greeting and/or addressing supporters: <http://www.youtube.com/watch?v=XSMMWIDAi60&feature=related> (Feb. 5, 2012);



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Ali Abdullah Saleh, born March 21, 1946 in Bait el-Ahmar Village, Sanhan district, governorate of Sana'a, had become the president of Yemen on July 17, 1978. On November 23 2011, he transferred all powers of the presidency to his vice-president, Abdel Rabbo Mansour Hadi.<sup>4</sup>

Although part of the transition agreement included the passing of a law granting Mr. Saleh immunity for some acts committed during his presidency, it is recalled that there is no immunity from criminal prosecution for certain serious international law violations, including torture, regardless of position.<sup>5</sup> Because such actions are not and cannot be considered sovereign acts or governmental acts, they cannot fall within the scope of an official's authority under international law.<sup>6</sup> Further, several international authorities have already ruled that the prohibition of the torture constitutes a rule of international law coming under *jus cogens* that allows no place for the application of a contrary customary law rule rendering the act lawful because of its author's particular capacity or former official position.<sup>7</sup> To the extent any arguments may be advanced

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[http://www.youtube.com/watch?v=94anlgf2A0o&feature=context&context=C35f8a30ADOEgsToPDskKzaPDT\\_Vu9YhDeqKHfGw3W](http://www.youtube.com/watch?v=94anlgf2A0o&feature=context&context=C35f8a30ADOEgsToPDskKzaPDT_Vu9YhDeqKHfGw3W) (Feb. 13, 2012).

<sup>4</sup> Tom Finn, *Yemen president quits after deal in Saudi Arabia*, THE GUARDIAN, Nov. 23, 2011, available at <http://www.guardian.co.uk/world/2011/nov/23/yemen-president-quits/print>.

<sup>5</sup> See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, 1465 U.N.T.S. 85, 23 I.L.M. 1027; *Regina v. Bow Street Metro. Stipendiary Magistrate, Ex parte Pinochet (No. 3)*, [1999] 2 All E.R. 97 [2000] 1 A.C. 147 (H.L.) ("Pinochet (3)"). It is noted that immunity in contexts other than criminal prosecution for torture has been recognized for heads of state. See, e.g., Carol Rosenberg, *Guantánamo judge won't subpoena Yemeni leader*, MIAMI HERALD, Feb. 14, 2012 (in a decision issued under seal, recognizing diplomatic immunity from being subpoenaed as a witness for Saleh); Carol Rosenberg, *State Department: Guantánamo lawyers can't question Yemeni leader*, MIAMI HERALD, Feb. 8, 2012, available at: <http://www.miamiherald.com/2012/02/08/2631128/state-department-guantanamo-lawyers.html> (indicating that the claim of immunity in this case was extended vis-à-vis a request to "compel his oral deposition").

<sup>6</sup> See, e.g., *Prosecutor v. Milošević*, Case No. IT-02-54-PT, Decision on Preliminary Matters, ¶32 (Nov. 8, 2001) (quoting Nuremberg Judgment, Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 ("He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorizing action moves outside its competence under international law.")); *Prosecutor v. Blaškić*, IT-95-14-AR, (Issue of subpoena duces tecum), ¶41 (Oct. 29, 1997) ("those responsible for [war crimes, crimes against humanity and genocide] cannot invoke immunity from national or international jurisdiction even if they perpetrated such crimes while acting in their official capacity"); *Attorney Gen. of the Gov 't of Israel v. Eichmann*, 36 I.L.R. 277, 310 (Supreme Court of Israel 1962) ("international law postulates that it is impossible for a State to sanction an act that violates its severe prohibitions, and from this follows the idea which forms the core of the concept of 'international crime' that a person who was a party to such crime must bear individual responsibility for it. If it were otherwise, the penal provisions would be a mockery.").

<sup>7</sup> See Pinochet (3), at 179, 2 All E.R. 97, 179, Opinion of Lord Millet ("International law cannot be supposed to have established a crime having the character of a *jus cogens* and at the same time to have provided an immunity which is co-extensive with the obligation it seeks to impose."); *Id.*, Opinion of Lord Browne-Wilkinson ("Can it be said that the commission of a crime which is an international crime against humanity and *jus cogens* is an act done in an official capacity on behalf of the state? I believe there to be strong grounds for saying that the implementation



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regarding head of state immunity, we note that under the GCC agreement, presidential elections occur today, and any residual head-of-state immunities, which arguably could be recognized for Mr. Saleh, cease to exist effective today.

While Ali Abdullah Saleh retained the powers of the presidency of Yemen, he was responsible for *inter alia* appointing the vice president, prime minister and deputy prime ministers; heading the Supreme Judicial Council, which oversaw the judicial branch;<sup>8</sup> and was commander of the Yemeni armed forces.<sup>9</sup> Additionally, Mr. Saleh had ultimate control over various military and security forces, including those that have been identified as being reportedly involved in the violent dispersals of protestors over the past year. These include the Republican Guard, a Special Forces unit commanded by his son Ahmed Saleh;<sup>10</sup> the Central Security Forces (a paramilitary unit that is formally part of the Ministry of Interior),<sup>11</sup> headed by Mr. Saleh's nephew, Gen. Yahya Muhammad Saleh;<sup>12</sup> and General Security.<sup>13</sup>

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of torture...cannot be a state function.”). See also case of Mauritanian Captain Ely Ould Dah, as discussed in European Court of Human Rights decision, *Ould Dah v. France* (Application No. 13113/03), 17 March 2009, available online in French at <<http://cmiskp.echr.coe.int/tkp197/view.asp?item%41&portal%4hbkm&action%4html&highlight%4ould%20%7C%20dah&sessionid%423103930&skin%4hudoc-en>>.

<sup>8</sup> As of the 2001 amendment of the Constitution of Yemen, the Supreme Judicial Council is independent and overseen by the Judiciary. However, prior to that, the President maintained control over the judiciary. <http://www.globalsecurity.org/military/world/yemen/government.htm>. The independence of the judiciary has been found to be lacking, however, due to *inter alia* “interference by the executive.” See Concluding Observations of the Committee Against Torture, CAT/44<sup>th</sup> Sess. Apr 26-May 14, 2010, para. 17 (recommending that “the State party should ensure that the judiciary is free from any interference, in particular from the executive branch, in law as in practice”).

<sup>9</sup> CONSTITUTION OF YEMEN, Arts. 106, 111, 119, 120 (February 10, 2001), available at <http://www.unhcr.org/refworld/docid/3fc4c1e94.html>.

<sup>10</sup> Abigail Fielding-Smith, *Yemenis call for an end to Saleh regime*, FINANCIAL TIMES, Jan. 27, 2011, available at <http://www.ft.com/intl/cms/s/0/933ca0c4-29f6-11e0-997c-00144feab49a.html#axzz1mPALMYkR>; see also Ahmed Ali Saleh, Yemen President’s Son, Fights to Maintain Father’s Power available at [http://www.huffingtonpost.com/2011/06/10/ahmed-ali-saleh-yemen-president-son-\\_n\\_874815.html](http://www.huffingtonpost.com/2011/06/10/ahmed-ali-saleh-yemen-president-son-_n_874815.html).

<sup>11</sup> “Report of the United Nations High Commissioner for Human Rights on the visit by the Office of the High Commissioner for Human Rights to Yemen,” A/HRC/18/21, Sept. 16, 2011, (“OHCHR September Report,” attached hereto as Exhibit A), at paras. 24-25.

<sup>12</sup> Human Rights Watch, World Report 2012: Yemen, available at <http://www.hrw.org/world-report-2012/world-report-2012-yemen>.

<sup>13</sup> See OHCHR September Report at para 43; *See id.* (stating that “The security forces sometimes attacked protesters together with armed assailants in civilian clothing, or stood by during attacks by armed gangs.”); Human Rights Watch, Yemen: Police Fail to Stop Attacks on Protesters, Mar. 11, 2011, <http://www.hrw.org/news/2011/03/11/yemen-police-fail-stop-attacks-protesters> (describing the General Security as Yemen’s police force).



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The United Nations High Commissioner for Human Rights has confirmed reports that Saleh's administration has used all armed units and security forces at its disposal in responding to demonstrations, including the two official intelligence agencies which "report directly to the President and operate with minimal parliamentary or judicial oversight."<sup>14</sup>

### **1. Situation in Yemen February 2011- present: Violations against Civilians**

Demonstrations and permanent sit-ins in various cities in Yemen began in February 2011 and continued throughout the remainder of 2011, bringing hundreds of thousands of people to the streets calling for the government to respect basic human rights and urging political reform.<sup>15</sup> Among the most prominent locations where demonstrations took place were *Al-Tagheer* or Change Square in Sana'a, and *Hurriya* or Freedom Square in Ta'izz. These locations were also the site of some of the most deadly incidents against civilians protestors: on March 18, 2011, 53 civilians were killed and hundreds injured in *Al-Tagheer* Square in Sana'a; between May 29-June 3, 2011, more than 50 civilians were killed and hundreds more were injured in *Hurriya* Square in Ta'izz; and on September 18-19, 2011, more than 25 unarmed protestors were killed in the two cities.<sup>16</sup> Other such incidents include the attack on protestors in Aden in February 2011, which left an estimated 20 people dead and more than 150 injured.<sup>17</sup> Many among the hundreds of victims have been children.<sup>18</sup>

In addition to the criminal violations set forth herein, there have been widespread and systematic human rights violations that have occurred in Yemen over the past year as the government has employed brutal and repressive tactics in response to Yemeni citizens' efforts to express their political views and call for respect for fundamental rights. These violations include the denial of the right to assembly, political expression and opinion; the denial of access to medical care; the denial of freedom of movement; and arbitrary arrest and detention.<sup>19</sup> As evinced by the deaths and injuries described herein, the denial of these human rights was carried out with force: batons,

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<sup>14</sup> OHCHR September Report," paras. 17-22.

<sup>15</sup> This background paragraph is based primarily on the OHCHR September Report, paras. 12-21.

<sup>16</sup> See, e.g., "No Safe Places: Yemen's Crackdown on Protests in Taizz," Human Rights Watch, February 2012, p. 35. ("HRW Taizz Report," attached hereto as Exhibit B).

<sup>17</sup> For information on the attacks on protesters in Aden in February 2011, see "Days of Bloodshed in Aden," Human Rights Watch, March 2011, ("HRW Aden Report," attached hereto as Exhibit C).

<sup>18</sup> See, e.g., "Yemen: Pillay condemns renewed escalation of violence in Taiz, urges protection of unarmed civilians," OHCHR, Dec. 6, 2011 (In a release citing the death of three children in less than a week, UN High Commissioner for Human Rights Navi Pillay said: "Unarmed civilians, including very young children, have been shot and left dead or with serious injuries. It is appalling and extremely disappointing that despite the successive deals and ceasefires, Government security forces continue to use live ammunition against unarmed protesters.")

<sup>19</sup> See generally OHCHR September Report; Steadfast n Protest, Annual Report 2011, FIDH/OMCT, Yemen, pp. 579-585; HRW Aden Report, pp. 13-14.



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rifles, tear gas, rubber bullets, live ammunition from snipers and mortars were used against unarmed protestors. Hospitals, where the wounded went to be treated, were not spared: there are also instances where hospitals were seized or shelled temporarily and one hospital was occupied by military forces for a period of months.<sup>20</sup> There has been no accountability for these violations.

## **2. Credible Basis for Investigation under the Torture Statute, 18 U.S.C. §§ 2340, 2340A**

An investigation of Ali Abdullah Saleh for torture is warranted. As set forth herein, there exists a credible basis for supporting claims against Mr. Saleh under the Torture Statute, 18 U.S.C. §§ 2340, 2340A,<sup>21</sup> a crime that falls within the mandate of your office.

Numerous incidents have occurred since February 2011 that demonstrate that the elements of torture, as defined in the Torture Statute, are satisfied. First, these incidents occurred while unarmed civilians were effectively under the “custody or physical control” of Yemeni forces acting under the direction, order, command and/or instruction of Ali Abdullah Saleh. Saleh’s forces maintained effective control over the civilian protestors by *inter alia* controlling entry and exit points to cities or areas where protests were ongoing, surrounding encampments, and taking positions overseeing the area where protestors were present. Second, the actions of Saleh’s forces caused severe physical or mental pain or suffering upon the civilians present because of: the infliction or threatened infliction of severe physical pain or suffering caused by the armed forces; the threat of imminent death caused by the actions of the troops, particularly in light of the use of live ammunition against demonstrators in the opening days of the protests; and the threat of imminent death to another person, which was both a real possibility and real fear due to the indiscriminate nature of the shots fired into groups of protestors by Saleh’s forces.

The incidents that support a charge of torture include:

- On March 18, 2011, Saleh loyalists opened fire from nearby rooftops on unarmed protestors in *Al-Tagheer* Square in Sana'a.<sup>22</sup> Shooting began almost immediately after noon prayer, as

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<sup>20</sup> See HRW Taizz Report, pp. 68-78.

<sup>21</sup> Torture is defined as (1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control; (2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from— (A) the intentional infliction or threatened infliction of severe physical pain or suffering; [...] (C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality [...]"



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crowds in the street rose to their feet.<sup>23</sup> Sniper fire killed 53 people and wounded hundreds.<sup>24</sup>

- On May 29, 2011, Yemeni security forces fired on nonviolent demonstrators with Kalashnikovs outside the Cairo district office of General Security in what became a six day attack in Ta'izz.<sup>25</sup> At least 22 people were killed and more than 260 wounded. Thousands of protestors retreated to nearby *Hurriya* Square whereupon dozens of uniformed Republican Guards, Central Security, Military Police, and General Security fired on protestors with live ammunition. Overnight and into the next day, security forces approached and fired on protestors from different sides, at times retreating and then arbitrarily resuming fire. The security forces then burned protestors' tents, throwing bottles of a flammable liquid, and bulldozed the protestors' encampment in *Hurriya* Square. Protestors in the square were non-violent and many were inside their tents when the security forces began shooting. The Republican Guard and other forces then moved to nearby hospitals where they detained and prevented medical staff from treating the injured. Soldiers fired teargas in the private al-Safwa Hospital, ordered doctors at gunpoint to stop treating patients and all those inside the hospital to leave. Soldiers also fired guns into the air and thrust the butts of their guns into patients' wounds.<sup>26</sup> One doctor described a soldier pointing a Kalashnikov at him, "They told me that if I did not leave, 'We will make your head fly off your body.'<sup>27</sup> The assault continued in the following days, including an attack on May 31<sup>st</sup> where security forces fired on 200 peaceful protestors marching along a main street in Ta'izz, continuing fire as protestors fled.<sup>28</sup> Among those injured in the indiscriminate fire was 6-year-old Salah al-Din Ahmad Abdu, who was hit in the stomach by a stray bullet as he stood in front of his house.<sup>29</sup> On June 3<sup>rd</sup> security forces fired from

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<sup>22</sup> "Report of the High Commissioner on OHCHR's visit to Yemen", Human Rights Council, Sept. 13, 2011.

<sup>23</sup> Laura Kasinof and J David Goodman, *Yemeni police and supporters kill scores of demonstrators; Region in Revolt*, INTERNATIONAL HERALD TRIBUNE, Mar. 19, 2011.

<sup>24</sup> "Breaking Point? Yemen's Southern Question," International Crisis Group, Middle East Report N°114 – 20 October 2011, available at <<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/114%20Breaking%20Point%20--%20Yemens%20Southern%20Question.pdf>> at 10. See also, Ahmed Al-Haj and Zeina Karam, *Snipers on rooftops kill dozens in Yemen; Police block escape with burning tires*, THE BOSTON GLOBE, Mar. 19, 2011 (quoting President Obama, "Those responsible for today's violence must be held accountable,"); Hakim Almasmari, *47 protesters die in attack in Yemen*, WASHINGTON POST, Mar. 19, 2011 (Quoting President Obama, "I strongly condemn the violence that has taken place in Yemen today and call on President Saleh to adhere to his public pledge to allow demonstrations to take place peacefully").

<sup>25</sup> This account is drawn from, HRW Taizz Report, at 30-35.

<sup>26</sup> HRW Taizz Report, at 73-74.

<sup>27</sup> HRW Taizz Report, at 72.

<sup>28</sup> HRW Taizz Report, at 30-35.

<sup>29</sup> HRW Taizz Report, at 34.



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Central Security vehicles on protestors as they left afternoon prayers at al-Sa'id mosque near *Hurriya Square*.<sup>30</sup>

- The Republican Guard has killed civilians at checkpoints set up around Ta'izz and in city markets.<sup>31</sup> Once such incident occurred on June 22, 2011, when a soldier fired on a minibus at the al-Buraihi checkpoint outside Ta'izz, killing a 15-year-old boy and wounding another person.<sup>32</sup> The bus had just been searched and authorized to proceed, and witnesses confirm no weapons or fighters were found onboard.<sup>33</sup>
- On September 18 and 19, 2011, Central Security and other government forces shot directly at rock-throwing protestors in Sana'a, killing about 30. In the following days security forces killed dozens more protestors and other civilians with gunfire, rocket-propelled grenades, and mortar rounds.<sup>34</sup> The journalist Hassan al-Wadhab of the Arabic Media Agency died five days after being hit in the face by sniper fire on September 19; he filmed his own shooting.<sup>35</sup> On September 19<sup>th</sup>, in Ta'izz, protestors marched in response to the Sana'a attacks and were fired on by Central Security, Republican Guard soldiers, and General Security police, as well as men in civilian clothing who were in buildings on both sides of the street.<sup>36</sup> The government denied these attacks.<sup>37</sup>
- The High Commissioner on Human Rights reported specific instances of torture committed by government security bodies.<sup>38</sup> In one instance, three persons were tortured, resulting in two deaths. The third survived to report he had been beaten with rifles, electrocuted, had cigarettes extinguished on his body, and suffered attempts to hang him from the ceiling.<sup>39</sup>

Mr. Saleh also bears responsibility for severe pain and suffering sustained by two United States permanent residents who travelled to Yemen last year to visit their families. Brothers Hakim Salem and Amin Salem live in Dearborn, Michigan, where they have met with CCR Cooperating Counsel William Goodman. Hakim has lived in the United States for approximately ten years on a green card, and has worked as a machinist for a local manufacturer, supporting his seven children in Yemen. His brother Amin has been in the United States for at least five years and

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<sup>30</sup> HRW Taizz Report, at 30-35.

<sup>31</sup> HRW Taizz Report, at 61-64.

<sup>32</sup> *World Report*, Human Rights Watch, February 2012, at 644-651; HRW Taizz Report, at 61-62.

<sup>33</sup> *World Report*, Human Rights Watch, February 2012, at 644-651.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> HRW Taizz Report, at 35-36.

<sup>37</sup> *Id.*

<sup>38</sup> OHCHR September Report, para 43.

<sup>39</sup> *Id.*



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also has a green card; he previously worked in a local restaurant to support his wife and child in Yemen.

On June 29, 2011, when Hakim and Amin were in Yemen to visit their families, they were in a car with another brother, Khaled and their cousin, Salem Saleh. While on the road from Aden to Abyan their car was stopped by the Yemeni Army; they were forced to wait with about 40 cars, and were told that it was because a plane was going to Abyan to drop bombs. They were not able to leave and as they waited, they became increasingly fearful that they were going to be harmed. When the plane finally came from the direction of the Gulf of Aden, they watched in horror as it dropped two rockets on them. They saw their cousin Salem sliced in half and killed by one of the rockets. Their brother Khaled fell to the ground, his legs burned. Hakim was burned over most of his body and continues to extrude small fragments of metal constantly. He also lost vision in his left eye and is no longer able to work. Amin has similar burns and shrapnel wounds. Some of the fragments landed in his head and his family believes that he has suffered brain damage. He wakes up every night and attempts to run out of his house in fear. Amin is also no longer able to work.

This incident also supports opening an investigation of Mr. Saleh for torture, as the Salem brothers were effectively under the physical control of Yemeni forces acting under Saleh's direction when they were trapped and held by the Army and struck by Yemeni rockets. They have suffered and continue to suffer severe physical and mental pain as a result, and were also threatened with their own imminent death as well as the imminent death of their brother and their cousin, who was in fact killed.

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We recall that, regrettably, the U.S. War Crimes Statute, 18 U.S.C. § 2441, only applies if the victim or perpetrator is a US national or member of the US Armed Forces.<sup>40</sup> While this request is focused on an investigation for torture, we would also urge your office to investigate whether American citizens have been among the victims of crimes committed in Yemen since the commencement of hostilities between Yemeni government forces and armed opposition forces, particularly in light of the travel of members of the Yemeni-American community to Yemen.<sup>41</sup> For this reason, and considering the widespread violation of the fundamental principles of distinction and proportionality demonstrated by the targeting of civilians, your office is urged to investigate possible violations of the War Crimes Statute. Specifically and based on the

<sup>40</sup> The War Crimes Statute grants jurisdiction over war crimes when “the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act [8 USCS § 1101]).”

<sup>41</sup> For a discussion on the existence of a non-international armed conflict in Yemen, see HRW Taizz Report, pp. 41-43.



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information detailed herein, your office is urged to investigate the commission of the following violations of Common Article 3 of the Geneva Conventions: torture; cruel or inhuman treatment; murder; and intentionally causing serious bodily injury. *See* 18 U.S.C. § 2441 (d)(1)(A), (B), (D) and (F).

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We appreciate your urgent attention to this matter and look forward to your prompt response. Please feel free to contact me at 212-614-6455 or [kgallagher@ccrjustice.org](mailto:kgallagher@ccrjustice.org) if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Katherine Gallagher".

Katherine Gallagher  
Senior Staff Attorney

Encl.

- A. Report of the United Nations High Commissioner for Human Rights on the visit by the Office of the High Commissioner for Human Rights to Yemen, September 16, 2011, A/HRC/18/21
- B. "No Safe Places: Yemen's Crackdown on Protests in Taizz," Human Rights Watch, February 2012
- C. "Yemen: Days of Bloodshed in Aden," Human Rights Watch, March 9, 2011
- D. Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status to the United Nations Human Rights Council, May 24, 2011, A/HRC/17/NGO/421

# **EXHIBIT A**



# General Assembly

Distr.: General  
16 September 2011

Original: English

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## Human Rights Council

### Eighteenth session

Agenda item 2

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

## **Report of the United Nations High Commissioner for Human Rights on the visit by the Office of the High Commissioner for Human Rights to Yemen\* \*\***

### *Summary*

A delegation from the Office of the High Commissioner for Human Rights (OHCHR) visited Yemen from 28 June to 6 July 2011 to assess the human rights situation in the country. Over nine days of extensive meetings and consultations with representatives of the Government and civil society in the cities of Aden, Sana'a and Ta'izz, the Assessment Mission observed an overall situation in which many Yemenis, peacefully calling for greater freedoms, an end to corruption and respect for the rule of law, have been met with an excessive and disproportionate use of lethal force by the State. Hundreds have been killed and thousands have suffered injuries, including loss of limbs.

By February 2011, Yemenis had taken to the streets either to call for governmental reforms or in support of the Government. In March 2011, 53 persons were reportedly killed in Change Square in Sana'a, an incident which led to the resignation of a number of ministers, ambassadors, members of Parliament, members of the Shura Council (the Upper House), members of the ruling party, as well as the defection of General Ali Mohsen Al-Ahmar, who pledged to send his troops to protect the peaceful demonstrators in the Square. In April 2011, a Cabinet of National Accord was initiated and signed by the opposition coalition in May 2011, but not by the President of Yemen. At the end of May 2011, following a riot and the brief kidnapping of security officials, Freedom Square in Ta'izz, was forcefully cleared by security officials of the Government. Tents were burned and dozens of demonstrators were killed. Tribes claiming to protect the protesters sent armed supporters to the Square and occupied certain public buildings.

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\* Late submission.

\*\* The footnotes are reproduced as received, in the language of submission only.

By the time the Mission arrived in Yemen, a number of separate, but at times intertwined, struggles were taking place in the major cities. Peaceful demonstrators were calling for change like their counterparts in other parts of the region; while an increasingly violent power struggle was playing out between President Ali Abdallah Saleh and his supporters, on the one hand, and armed opponents, including alleged Al-Qaeda elements, on the other. In addition, political opponents, including recent defectors, were publicly renouncing the resort to violence and seeking a resolution that would bring about a change in regime.

The Mission noted that the Government of Yemen had lost effective control of parts of the country and the major cities, where armed opponents appear to have de facto control. The Mission also observed that some of those seeking to achieve or retain power were deliberately seeking to punish and cause severe hardship to the civilian population by cutting off access to basic services, such as electricity, fuel and water. The Mission noted the danger of the protests becoming increasingly radicalized and more violent in response to the excessive use of lethal force by the Government, and the growing involvement of and intimidation by armed elements among the demonstrators. However, the Mission also noted that street protesters still managed to maintain a peaceful character, despite the heavy loss of life and severe injuries suffered thus far. The Mission was alarmed at the deteriorating humanitarian situation, which is adversely affecting the majority of the population, but in particular the poorest and most vulnerable, such as children, internally displaced persons and refugees. It is also very concerned that the availability of electricity, fuel, cooking gas, water and other basic services are being manipulated to punish the entire population. The Mission is of the view that unless urgent measures are taken to ensure the independence and integrity of the judiciary and to provide it with sufficient resources, calls for investigations and prosecutions will be undermined. Furthermore, given the lack of confidence by many Yemenis that the judiciary will conduct impartial investigations into human rights abuses, there is need for international, independent and impartial investigations.

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## I. Introduction

1. In the context of persistent and widespread unrest in Yemen, on 8 April 2011, the United Nations High Commissioner for Human Rights requested authorization from the Government of Yemen to send an OHCHR team to that country to assess the human rights situation. The Government of Yemen responded favourably to the High Commissioner's request on 12 May 2011.<sup>1</sup>

2. The mandate of the Assessment Mission (hereafter the "Mission"), as agreed by the Government of Yemen, was as follows:

- To conduct a preliminary assessment of the human rights situation, in light of recent events, with a view to formulating appropriate recommendations to stakeholders, including the international community and responsible parties in Yemen;
- To engage with a broad range of actors and obtain first-hand understanding of the current human rights situation in Yemen, including the structural causes and patterns of violations;
- To provide the Government with a set of recommendations on current and long-term priorities, and specific steps to enhance human rights protection in Yemen.

3. In light of the deteriorating human rights situation in Yemen, the Human Rights Council adopted procedural decision 17/117 on 16 June 2011, in which it welcomed the invitation extended by the Government of Yemen to OHCHR to conduct a visit to the country, and requested the High Commissioner to report on the said visit to the Council and to engage in an interactive dialogue thereon at its eighteenth session.

## II. Modalities of work

4. The Assessment Mission to Yemen was carried out from 28 June to 6 July 2011 in close coordination with the United Nations Resident Coordinator in Yemen, whose support throughout the mission was highly appreciated. The Government of Yemen facilitated the Mission and the delegation met with many key officials, including the Vice-President of Yemen, who was acting as Head of State in the absence of the President; the Special Adviser to the President; the Minister of Foreign Affairs; the Minister of the Interior; the Minister of Justice; the Minister of Legal Affairs, who was concurrently acting Minister of Human Rights; the Minister of Tourism; the Deputy Minister of Health; the Minister in charge of internally displaced persons (IDPs); the Chair of the Supreme Judiciary Council and the Supreme Court; the Attorney General. The Mission also met with leaders of political parties; members of Parliament; representatives of non-governmental organizations (NGOs); journalists; lawyers; doctors; human rights defenders; victims and their relatives and the United Nations Country Team. The Mission appreciates the support of the Government of Yemen and the assistance received from civil society organizations throughout the visit.

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<sup>1</sup> The Government of Yemen had previously invited OHCHR to join a national commission to investigate allegations of human rights violations in the context of ongoing unrest. However, OHCHR had informed the Permanent Representative of Yemen that the independent character of its mandate restricted the ability of the Office to engage in such particular form of direct collaboration with a national inquiry, but had expressed its willingness to consider other forms of support and cooperation.

5. Within the context of its mandate, the Mission considered “recent events” and the “current human rights situation” as comprising events that took place over the period from 1 January and 6 July 2011. This report therefore refers to developments after 6 July 2011 only insofar as they concern the humanitarian situation in Yemen and provide updated information.

6. The Mission visited and held meetings in Sana'a, Ta'izz and Aden. Site visits included locations of demonstrations, places where violence had occurred, hospitals and places of detention. The Mission also reviewed a large number of human rights documentation, including over 6,000 pages of documents, 160 compact discs, 6,000 photographs and 1,800 videos.

7. The documentation has been archived for appropriate future use.

### **III. Background**

#### **A. Political context and recent developments on the ground**

8. Yemen is the poorest and most populous country in the Arabian Peninsula. Unemployment is high and corruption has been widely perceived as being endemic. When the Yemen Arab Republic and the People's Democratic Republic of Yemen (PDRY) united in 1990, President Ali Abdallah Saleh and his allies in the south embarked on a transition towards democracy and a multiparty State, including holding parliamentary, presidential and local elections, and creating a somewhat freer environment for civil society and the media. In 1994, a secession attempt by some Southerners was defeated following a brief conflict.

9. Continuing protests by the Peaceful Southern Movement, otherwise known popularly as “Al-Harak,”<sup>2</sup> have, at times, turned deadly, reportedly claiming the lives of over 100 people since 2007. Between 2004 and 2010, in the northern governorates, the Huthis, an armed Zaydi Shi'a movement, engaged in successive armed conflicts with the Government, causing thousands of deaths between 2004 and 2010.

10. Violent Islamist groups have launched attacks since 1992, which have negatively impacted tourism and investment. In this context, the Government's efforts to counter terrorism have resulted in restrictions on human rights and freedoms.<sup>3</sup>

11. In 2009, the Government and a six-party opposition coalition, the Joint Meeting of Parties (JMP), agreed, through a national dialogue, on a set of electoral and constitutional reforms. However, this dialogue collapsed in late 2010. On 31 December 2010, the Council of Representatives discussed a series of constitutional amendments, which included reducing the presidential term from seven to five years and removing the two-term limit, as well as introducing an electoral quota for women.

12. The ensuing protests, which have been generally peaceful, were further fuelled by unrest in other countries of the region, and invigorated by the arrest of a female activist on 22 January 2011. By February 2011, permanent sit-ins had been held in several cities, with an increasing number of Yemenis taking to the streets, either to call for governmental reforms or in support of the Government. On 2 February 2011, President Saleh announced that he would neither seek re-election nor have his son succeed him. However, following

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<sup>2</sup> Al-Harak al-Salmi al-Janoubi is the term given to a large coalition of groups which were initially calling for federalism. However, many are now leaning towards secession from the North.

<sup>3</sup> CAT/C/SR.952 and CCPR/CO/84/YEM

that announcement, demonstrators calling for governmental reforms were repeatedly met with violence, resulting in a significant number of deaths and injuries. The Al-Harak, JMP and Huthis united in support of the demands of what became known as “the popular revolution of the youth”. Subsequently, President Saleh alternated between offering further concessions, including sweeping constitutional reforms, and resorting to threatening rhetoric.

13. On 18 March 2011, clashes in the proximity of Change Square in Sana'a reportedly led to the killing of 53 persons, with hundreds injured. Various sources confirmed to the Mission that they had seen gunmen on top of surrounding buildings shooting at the protesters. Subsequently, a number of officials resigned, including Huda Al-Ban, Minister of Human Rights, and President Saleh dismissed the Cabinet and declared a state of emergency. He also ordered the provision of free medical treatment for all victims, including evacuations abroad for some, and an investigation into the events of that day. Nevertheless, the ousting of President Saleh and his relatives in the security organs of the country became the rallying cry of anti-government protesters. A senior military commander defected and announced that his troops would protect the permanent sit-in at Change Square.

14. On 8 April 2011, the Gulf Cooperation Council (GCC) initiated the creation of a Cabinet of National Accord, according to which, the President would transfer his powers to the Vice-President, and elections, drafting and adoption of a new Constitution would follow. In exchange, the President and those who had served under him would be granted immunity from prosecution. While many protesters objected to the offer of immunity, the JMP signed the initiative on 21 May 2011, followed by senior members of the ruling party. However, President Saleh repeatedly refused to personally sign the GCC initiative.

15. Following his third refusal on 22 May 2011, fighting erupted in Sana'a between the Government and the prominent Al-Ahmar family, supported by tribal followers. Residences and public buildings were heavily damaged in the exchange of fire involving artillery, and thousands of inhabitants were forced to flee the city. Violence soon spread beyond Sana'a as the Huthis extended their control of northern areas, and armed Islamist groups seized several towns in the southern governorate of Abyan. After a riot and the brief kidnapping of security officials, Freedom Square in Ta'izz was forcefully cleared by Government security officials on 29 May 2011. Tents were burned and dozens of demonstrators were killed.

16. At the time of the visit by the Mission, tribes claiming to protect the protesters still controlled part of Ta'izz, including several public buildings. The Mission witnessed the deployment of tanks in the city and shelling at night.

17. Violence further escalated on 3 June 2011, when an explosion inside the mosque of the presidential palace during prayer killed 11 people and injured President Saleh and other senior officials. The injured were evacuated to Saudi Arabia for medical treatment, where several remain as of the finalization of this report.<sup>4</sup> A Committee established by the Government of Yemen is currently investigating the circumstances of the above-mentioned criminal attack.

18. Prior to the 3 June 2011 attack, President Saleh had reportedly finally agreed to sign the GCC-led initiative. However, since his departure to Saudi Arabia for medical treatment, the Vice-President has been exercising presidential powers ad interim, and the GCC initiative has remained stalled, despite efforts by the international community and the United Nations to restart it.

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<sup>4</sup> Abdulaziz Abdulghani, speaker of Yemen's Upper House of Parliament, died on 22 August 2011 in Saudi Arabia from injuries suffered during the attack on President Saleh.

19. By the time the Mission visited Yemen, the humanitarian situation was already deteriorating. The sabotage of a power line, an oil pipeline and the fuel supply was causing severe hardship, compounded by water and cooking gas shortages. Many Yemenis had lost their jobs and income, while prices for essential goods were soaring.

20. Yemeni authorities appeared to have lost effective control of parts of the country and in the major cities, including the capital. Armed opponents appeared to be in de facto control of entire districts.<sup>5</sup>

21. There was widespread fear that despite efforts by the Vice-President and others to restore calm and build bridges with all sides, a civil war was looming.

## **B. Military and security forces involved in attacks**

22. The Government of Yemen resorted to using all armed units at its disposal, from the army to intelligence and law enforcement agencies, in response to demonstrations or in dealing with armed efforts to bring about a change in regime. The Yemeni air force has been involved in clashes with armed groups around Sana'a and Abyan, while the Yemeni navy reportedly supported ground troops fighting in Abyan by shelling from the sea. The elite Republican Guard is present throughout Yemen, but concentrated near the main towns. It has reportedly been engaged in crowd control, along with other army units. Military police provide security for certain public buildings and have thus been involved in confrontations with protesters in some instances.

23. The two official intelligence agencies, the Political Security (*al-ann al-siyassi*) and the National Security (*al-ann al-qawmi*) report directly to the President and operate with minimal parliamentary or judicial oversight. The Political Security is mandated to identify and combat political crimes and acts of sabotage and has detention facilities throughout Yemen. The National Security was established by Presidential decree in 2002 to focus on counter-terrorism. Over the years, many journalists, activists and human rights defenders have reportedly been detained and tortured at detention facilities of the National Security.

24. The Ministry of Interior operates several security units. Its public security forces have been involved in crowd control, using water cannons, batons, plastic shields and tear gas launchers.<sup>6</sup> The Criminal Investigation Department is involved in investigations and manages pretrial detention facilities throughout Yemen. The Central Security Force is a paramilitary unit that was established before unity, in 1980, and which has its own counter-terrorism strike force and crowd-control units. It is present in towns and the countryside, where it often constitutes the only law enforcement agency.

25. An official, tribe-based reserve force under the Ministry of Interior also exists; its officers, usually tribal leaders, collect salaries. This reserve force is said to have been mobilized to fight the Huthis in the past, and to have participated in recent demonstrations in support of President Saleh.

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<sup>5</sup> For example, Mission delegates meeting with key opponents in Sana'a and Ta'izz were given military escort to within a few blocks of the meeting places, then handed over to armed elements to escort them to the meeting place. The delegates were also repeatedly warned that the State could not offer them protection if they visited those areas, but they were not prevented from going there.

<sup>6</sup> Mission delegates were informed about and saw evidence of the use of outdated teargas canisters which may have caused rashes, serious burns and suffocation. Delegates were also told that deployed water cannons were often connected to sewage water systems.

26. In addition to the above-mentioned bodies, the Mission was informed that plain-clothes individuals, called *baltaji/baltajiyah*<sup>7</sup>, have been engaged in activities alongside security forces, attacking protesters with batons or firearms. Some of these individuals who were seized by protesters allegedly carried documents linking them with security organs.

27. In Yemen, tensions exist not only between the Government and the country's many tribes, but also among the various tribes. In light of the widespread availability of weapons, tensions among tribes and/or with the Government often result in armed confrontations. The main non-State armed groups that participate in such confrontations reportedly include the Huthis and Islamic groups, such as Al-Qaeda in the Arabian Peninsula and Ansar Al-Shari'a. It has been alleged that these latter groups have access to, and possibly receive support from, senior civilian and military officials. Furthermore, several tribes have joined local conflicts in recent months. The Mission was informed that certain local tribes had sided with the Yemeni army to combat Islamist groups, while other tribes were fighting against the Huthis.

### C. International legal framework

28. Yemen is party to eight of the nine core international human rights treaties.<sup>8</sup> In reviewing Yemen's implementation of its treaty obligations, the relevant human rights treaty bodies noted that violations of civil, political, economic, social and cultural rights persist on a considerable scale. Treaty bodies have also expressed deep concern regarding the limited progress in implementing their observations and recommendations, and a lack of cooperation with the relevant treaty-bodies.<sup>9</sup>

29. A state of emergency was proclaimed by President Saleh on 18 March 2011, and a law was passed by the Council of Representatives on 23 March 2011 approving the state of emergency for a period of one month. The Mission was told repeatedly that the provisions of the law were not implemented.

## IV. Current human rights situation

30. Since the beginning of the current unrest, a wide range of human rights violations and abuses have allegedly taken place throughout the country. Many of these allegations concern the excessive use of force against largely peaceful protesters by Government security forces and their affiliates. Yet others concern clashes involving different combinations of pro- and anti-government protesters, armed tribesmen, armed Islamists and/or Government security forces, some of whom are defectors. At the time of writing, the Mission was unable to present accurate numbers of killings and injuries since the multiple lists received do not consistently distinguish between these categories, in addition to victims of armed clashes and security personnel.

31. This section contains the Mission's preliminary assessment of the human rights situation in Yemen in light of recent events and against the backdrop of Yemen's

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<sup>7</sup> Sort of "hired vigilantes" would be an approximate translation.

<sup>8</sup> Yemen is not party to the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>9</sup> The Committees often refer to "widespread violations" and "continuing violations". CESCR noted that Yemen's report was not complete in its coverage of all the rights covered in the Covenant, and that the State's replies to the list of issues did not provide a systematic response. CAT noted with concern that the conclusions and recommendations addressed to Yemen in 2003 have not been sufficiently taken into consideration.

international legal obligations. Some concrete examples have been cited to illustrate the findings, but these by no means constitute an exhaustive list.

#### **A. Extrajudicial killing and excessive use of force**

32. Accounts and reports received by the Mission consistently alleged that Government security forces resorted to excessive use of force in response to peaceful demonstrators. The use of live ammunition, tear gas, batons, electronic stun guns and polluted water cannons has been documented. Gunmen in uniform or plain clothes were seen on buildings or at street level allegedly in order to target protesters marching to or protesting outside public buildings with live ammunition. The police reportedly stood by on many occasions while unarmed protesters were attacked or shot at by armed men in plain clothes.

33. It appears that once peaceful demonstrators began to march from their sit-ins to protest outside public buildings, tensions rose sharply. Security forces, fearing that the buildings might be attacked and ransacked, often fired on demonstrators; in some cases individuals were apparently targeted and shot.

34. Based on accounts and casualty figures made available to the Mission, by February 2011, a pattern of use of live ammunition to quell protests had emerged in Aden, which is consistent with security forces responses against demonstrations organized by Al-Harak in past years. Subsequently, Sana'a, Ta'izz, Ibb, Al-Hudaydah, Al-Mukalla, Dhamar, Al-Bayda and other localities experienced similar violence, at different levels. The Mission did not receive information regarding systematic investigations into the excessive use of force by security forces.

35. The Mission received accounts regarding cases of extrajudicial and summary executions in the course of demonstrations: Gyab Ali Al-Saadi, the son of a leading member of the Peaceful Southern Movement, was reportedly targeted and shot in the chest in Aden on 24 June 2011, while attempting to persuade soldiers, backed by tanks, not to fire on persons attending the funeral of Ahmed Al-Darwisch. Also, according to allegations, the vehicle of General Ali Mohsen Al-Ahmar was shot at by unidentified men in military uniforms, after he defected with his unit, the first armoured division, but he was not harmed. In addition, teacher and student demonstrations, calling respectively for increased salaries and the postponement of exams, apparently turned violent in Ta'izz when Central Security Forces attacked the protestors, reportedly killing one student. The Mission was further informed by several sources about mass graves of victims of extrajudicial executions allegedly committed by Government affiliates in the context of the repression in Sana'a and Ta'izz. However, the Mission did not receive any evidence to substantiate these allegations.

36. The Mission was briefed extensively on the events of 18 March 2011 in Sana'a and 29 May 2011 in Ta'izz. The details of the events on those days are highly contested, in particular with respect to the perpetrators and the number of victims. Some interlocutors and documents asserted that more than 50 people were killed on each of those days. It was brought to the attention of the Mission that many victims and/or their families refuse to cooperate with investigations launched by Government institutions, since they no longer consider such institutions impartial or even legitimate. The Mission is aware that 78 persons are on trial in relation to the 18 March 2011 events in Sana'a, and that investigation of the 29 May 2011 events in Ta'izz is ongoing. The Government did not provide information on how many of the 78 persons charged for the events in Sana'a belong to security organs.

37. On the other hand, in statements made to the Mission, the Government stressed that the security forces had orders from President Saleh to exert restraint and use firearms only

as a last resort. According to the Government, security forces used water cannons and tear gas to disperse allegedly unlawful and violent crowds, with many security forces and civilians ending up killed or injured. Protesters have therefore been charged with assault, pelting rocks and using live fire against security forces, other civilians and pro-Government supporters. The Government also alleged that protesters, mostly connected to the JMP, destroyed, vandalized, looted and broke into public and private property.

38. The Ministry of Health set up a commission which, after observing a small number of patients in hospitals and examining used gas canisters, concluded that the gases employed by Government security forces were innocuous.

## **B. Arbitrary arrests and detention**

39. Multiple sources, including relatives of victims reported hundreds of cases of unlawful detention and disappearance. Many indicated that applicable procedures regarding the need for State prosecutors to be notified of arrests had been disregarded, and many reported that detainees were transferred from one place of detention to another and that judges' decisions to release individuals or transfer them to another town for trial were often not implemented. The Mission received lists of names of persons allegedly arbitrarily arrested and detained, but it is unable to determine the exact number. During a visit to detention cells operated by the Political Security in Sana'a, the Mission encountered Yemeni and foreign detainees who, after months or even years in detention, had neither been charged nor brought before a judge.

40. The Mission asked several officials about the cases of Hassan Baoom, a prominent figure in the Peaceful Southern Movement, who was reportedly kidnapped from Al-Naqeeb Hospital on 20 February 2011, and his son Ahmed, who was detained while searching for his father. The Mission received assurances that both were alive and that Hassan Baoom was sick and receiving adequate medical care. The Mission noted with concern that neither the family nor a lawyer had been able to see either individual for months, and that there was no information as to their exact location or the charges against them.

41. The Mission learned in its meetings that cases of arbitrary detention carried out by the Criminal Investigation Department and the Political Security had been brought to the attention of the State Prosecution. However, no information was available regarding any investigation, prosecution or disciplinary action against alleged perpetrators. The Chief Prosecutor in Tai'zz mentioned that he regularly visits the Central Prison in order to ascertain that detainees are not held arbitrarily. The Mission was told that similar visits took place in Aden. The Mission was unable to confirm whether prosecutors are granted access to all places of detention.

42. The Mission also heard first-hand about the existence of private detention facilities under the control of some of the armed opposition groups, but could not ascertain the number of detainees held.

## **C. Torture and other forms of ill-treatment**

43. The Mission received allegations about the use of torture and cruel, inhuman or degrading treatment against civilians, committed by several Government security bodies. In one instance, the Mission received reports of the torture of three persons in Aden during the events. Two of them reportedly died, while the third stated that he had been beaten with rifles, electrocuted, had cigarettes extinguished on his body and suffered attempts to hang him from the ceiling. The Mission did not receive information about investigation or prosecution of the perpetrators of these violations.

44. Acts of torture appear to have been committed also by opposition supporters. Notably, the Mission met with a young poet who had been tortured by anti-government supporters in May 2011. He was released after having his tongue cut out for having praised the President. Similarly, some clerics who have spoken in favour of the President allegedly faced harassment, threats, assault and/or damage to their property.

#### **D. Right to an effective remedy and accountability**

45. In many cases, victims, members of their family and lawyers who met with the Mission indicated that they did not trust the country's judicial institutions, to the extent that they refrained from filing complaints or cooperating with investigators. The Chief Prosecutor in Ta'izz confirmed to the Mission that such behaviour indeed had a negative impact on his efforts to investigate the events of 29 May 2011 in Freedom Square. The Mission received multiple complaints about the lack of independence and professionalism of the Yemeni judiciary. Furthermore, Government security officials were reported to often fail to comply with prosecutorial and/or judicial decisions. The Mission noted that the Attorney General, who had initiated investigations into the events of 18 March in Sana'a, and personally visited Change Square to ask for cooperation, was subsequently removed from his post and appointed to an advisory position in the judiciary.

46. A list of disciplinary actions taken against Central Security Forces personnel from 2004 to 2011 was submitted to the Mission by the Forces' leadership. It includes the cases of seven officers who had committed minor offences in 2011, none of which was related to arbitrary detention, torture or excessive use of force. The Ministry of Interior reported that four security personnel from Aden were scheduled to appear before the disciplinary council in Sana'a for violating rules and procedures on 1 March 2011; no details on the outcome were provided. Seven officers and six individuals were reportedly investigated for violating rules, and two officers have served their sentences since January 2011. In addition, over 150 security personnel were facing charges before military courts, but the Mission was not informed of the nature of the charges.

47. Neither the National Security nor the Political Security submitted information on internal disciplinary procedures or personnel under prosecution or trial. Copies of complaints filed with the General Prosecution and the Criminal Investigation Department were submitted to the Mission, but no information was provided on any internal or criminal investigation or prosecution. Except for the victims of the 18 March 2011 events in Sana'a, whose families are to be compensated by order of President Saleh, the Mission was not informed of any concrete measures to provide remedies for other victims of serious human rights violations committed during the recent period of unrest.

#### **E. Freedom of expression and opinion**

48. According to reliable sources, journalists have been particularly affected since the beginning of the current events. Reportedly, at least one journalist was killed in Sana'a on 18 March 2011, 68 others were injured, 27 arrested, 31 received specific threats, 15 had their professional equipment confiscated. Furthermore, 52 incidents of publications being seized or websites hacked or suspended have been reported.<sup>10</sup> The contracts of a large number of journalists employed by State-run media were allegedly terminated following their participation in anti-government protests. On 24 May 2011, the headquarters of the Yemeni National News Agency, Saba, were damaged during clashes in Sana'a. The next

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<sup>10</sup> This account is not exhaustive.

day, Suhail TV headquarters, owned by an opponent, was attacked. Furthermore, several Sabafone telecommunication network services, owned by the same person, were disconnected by the Ministry of Communications.

49. The Mission learned about attacks and expulsions of foreign journalists. Specific information relayed to the Mission concern the arrest and beating of personnel from at least five international media outlets. In addition, on 24 March 2011, Al-Jazeera's offices in Yemen were closed, and the licences of their reporters withdrawn by judicial orders from the State Prosecution.

50. In general, the Mission observed a diminishing space for freedom of expression, with several prominent human rights defenders and witnesses of violations choosing to stay out of the country or flee to distant villages. The prevalence of threats against public media, harassment campaigns and the raiding and looting of homes of activists signal both increasing intolerance and greater physical risks for those who express political views or defend human rights.

51. Several interlocutors testified that students had been sanctioned, threatened or expelled for expressing anti-government views, and teachers have allegedly been called on by colleagues or protesters to boycott work. The Mission also received information about demonstrations at Ta'izz University and an alleged assault on the President of the University by a senior officer of the Republican Guard. In that case, the victim denied the incident, though several sources indicate that this may have been due to pressure.

## F. Freedom of movement

52. Freedom of movement has been significantly restricted during the recent unrest. Roads have been closed by demonstrators and Government security forces, making it difficult for citizens to move around or to access certain areas. Frequent demonstrations and the clashes accompanying many of them have made it unsafe for people to carry out their daily business and for youth, especially girls, to attend school.

53. In addition, the supply of fuel for vehicles has been limited, and travellers have reportedly been stopped at security forces checkpoints and sometimes prevented from leaving or entering cities.

## G. Right to an adequate standard of living

54. Many interlocutors pointed to deteriorating living conditions – in a country where more than one third of the population was already living under the poverty line prior to the unrest,<sup>11</sup> rising unemployment and inflation, notwithstanding continuous gross domestic product growth.<sup>12</sup> The Mission witnessed long queues at petrol stations and reduced traffic on the roads due to the fuel shortage. Transportation difficulties have severely affected the economy and resulted in a shortage of cooking gas and many other basic supplies and commodities. As very little fuel is sold at petrol stations, the black market fuel price is 567 per cent more than the official cost, and the average price of basic food commodities has increased by 43 per cent.<sup>13</sup> Power outages that cannot be exclusively attributed to sabotage

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<sup>11</sup> United Nations Development Programme, Yemen Poverty Assessment Report 2007.

<sup>12</sup> See World Bank indicators on GDP growth, available at <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries/1W?display=default>.

<sup>13</sup> See OCHA, Yemen Humanitarian Emergency - Situation Report No. 5, 25 July 2011, available at [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_report\\_182.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_report_182.pdf).

have added to the suffering of the population.<sup>14</sup> Businesses have been forced to close or lay off thousands of workers. The Mission was informed that waste collection vehicles in Ta’izz had been stolen, resulting in unhygienic conditions throughout the city.

55. In the Ta’izz countryside, armed persons have allegedly looted farm equipment, and farmers are suffering from the shortage of fuel which hinders them from pumping water or transporting produce to markets.

56. Several interlocutors considered that the disruptions in telecommunications, power, fuel supply and movement were devised by the Government as a form of collective punishment, with the objective of blaming the opposition for ruining the country and harming the population. Conversely, Government officials blame the opposition for sabotaging an oil pipeline and a power line in order to discredit the Government.

## **H. Right to health**

57. The Mission was informed by the Ministry of Health and the World Health Organization that every effort was being made to ensure that access to health care for all was protected, and that the distribution of medicines, even in areas outside of Government control, was preserved. Yet, electricity outages have debilitated the health sector: many medical facilities either do not have generators or enough fuel to function adequately. Interlocutors stressed that life-support machines requiring reliable sources of energy could no longer operate. Some medical interlocutors attributed the death of at least 21 patients to such outages. The fuel and power crises have also obstructed the delivery of vaccines and, with movement restricted, medical staff have been hindered from accessing rural areas. Some expressed the view that many children would be denied early immunizations if the situation continued.

58. A number of documented instances indicate that Government security forces had prevented wounded demonstrators from accessing hospitals or turned away doctors and ambulances. In Sana’a, the Mission met with four female doctors who recounted that, Central Security Forces had stopped the ambulance in which they were travelling to a hospital, and detained them for several hours. Another doctor testified that the ambulance in which he was treating patients wounded in a demonstration was shot at, while an ambulance driver testified that security personnel shot at his ambulance, which resulted in the killing of two men, then abducted him and seized the ambulance. The latter two incidents occurred in Sana’a.

59. The Mission was briefed about the 29 May 2011 events in Ta’izz, during which the field hospital at Freedom Square, which is located in a mosque, and Al-Safwa hospital – both of which the Mission visited – were reportedly raided and vandalized. In both cases, vital equipment was destroyed or looted, and patients on life support were summarily expelled without adequate precautions, putting them at great risk.

## **I. Right to education**

60. Many schools in Yemen’s main cities have been forced to close for prolonged periods of time, either because teachers or students are on strike or because students have damaged the schools and attempted to force other students to join the protests. In particular, the Ministry of Education buildings in Abyan, Ta’izz and Aden had been attacked, with

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<sup>14</sup> The Mission was repeatedly told that its visit coincided with a significant improvement in the power service, which apparently ended as soon as it left.

staff being harassed and threatened. In Aden, schools have become temporary shelters for displaced persons from Abyan, thus making it difficult to conduct classes.

## **J. Other issues of particular concern**

### **Women**

61. Women have actively participated in pro- as well as anti-government demonstrations, including as leaders. According to information received, women activists and journalists were harassed, threatened, and arrested. Reportedly, some women were subjected to verbal harassment and beatings in public places and sit-ins for their participation in either pro- or anti-government protests. Male relatives of women activists have received phone calls asking them to “control” their daughters or sisters.

62. The Mission noted that in his statement of 14 April 2011, President Saleh spoke out against the mixing of unrelated men and women in the protests. His statement was followed by large demonstrations by women in Sana'a and elsewhere, protesting against what they perceived as the President's intention to curtail their rights to peaceful assembly and to participate in public affairs.

63. The Mission visited the site of one such demonstration, and observed that most of the women present preferred to stay in an area reserved for women and children. Refugee women have also faced an increased risk of gender-based violence due to the lack of public order.

### **Children**

64. The Mission received multiple reports of violations of child rights. Children have reportedly been subjected to the same extreme violence as many adults, including killings,<sup>15</sup> injury, suffocation from gas, torture, arbitrary detention, and/or recruitment by security forces. Furthermore, children have been forced out of schools, used in demonstrations, killed, wounded and displaced by the fighting.

65. At least 63 children were reported killed at the time of the Mission's visit, and many more wounded. Children have been killed by bullets, but also by mortar and artillery attacks on their homes or vehicles in which they were travelling. The most commonly reported violations involving children were incidents of suffocation due to exposure to gases used by security forces. The Mission received video material documenting such incidents. In addition, the Mission repeatedly heard allegations of torture of children. The Mission was given photographs of a 15-year-old boy bearing traces of torture. Another boy was reportedly raped by Government security forces in Aden in April 2011, after his mother accused security forces of killing a civilian.

66. Many interlocutors stated that children have been directly involved in the violence, having been seen in uniform patrolling the streets, serving at Government checkpoints or involved in searching protesters. The Mission met a teenager who was in hospital receiving treatment for wounds received while serving with Government forces.

67. The Mission also met orphaned children of whom one or both parents had died as a result of violence. Some of them had often witnessed scenes of extreme violence first-hand.

68. More generally, children have suffered the consequences of the water, fuel and cooking gas shortages and lack of waste collection.

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<sup>15</sup> The Mission was informed that some 26 children had lost their lives following their alleged participation in anti-government protests.

### **The Mohamasheen community**

69. According to information received by the Mission, members of the Mohamasheen community in Ta'izz were threatened with destruction of their homes and businesses if they did not participate in demonstrations. A 17-year-old and a 14-year-old were reportedly attacked and severely beaten, allegedly because their families supported the Government. Two men and another boy from the community were allegedly abducted and beaten with electric cables. One member of the community informed the Mission that in past elections, the authorities had mobilized the community in support of the Government, thus making the community a target for the current demonstrators.

### **Internally displaced persons**

70. According to estimates,<sup>16</sup> there are about 400,000 internally displaced persons (IDPs) in Yemen, more than half due to the pre-existing conflict with the Huthis in the north. The Mission received information indicating that since May 2011, hundreds of IDPs have been arriving in Aden every day. Approximately 9,500 persons have been displaced in Arhab, and some now reside in caves. Fighting in Sana'a, which lasted for about three weeks, was reported to have displaced around 9,000 persons. The Mission heard reports of alleged attacks by the army, air force and naval units against travelling IDPs in Abyan; it met with survivors, including women and children, of such attacks at Al-Naqeeb Hospital in Aden.

### **Refugees**

71. Despite its poverty, Yemen has never wavered from a generous policy of hosting refugees from Somalia to whom it continues to grant *prima facie* refugee status. On 15 July 2011, reports indicated that more than 4,000 refugees from the Horn of Africa, some of whom had been hosted by Yemen for around two decades, were displaced following confrontations in Sana'a, Ta'izz, Abyan and Lahj. These refugees had already suffered from the economic hardship in the country, with many no longer able to support themselves, and were requesting to be brought to a camp operated by the Office of the United Nations High Commissioner for Refugees (UNHCR). In July 2011, refugees seeking resettlement besieged the UNHCR office in Sana'a.<sup>17</sup>

## **V. Conclusions and recommendations**

72. **The Mission observed an overall situation in which many Yemenis, peacefully calling for greater freedoms, an end to corruption and respect for the rule of law, were met with an excessive and disproportionate use of lethal force by the State. Hundreds have been killed and thousands have suffered injuries, including loss of limbs.**

73. **In March 2011, 53 persons were reportedly killed in Change Square in Sana'a, an incident which led to the resignation of a number of ministers and officials, as well as the defection of General Ali Mohsen Al-Ahmar, who pledged to send his troops to protect the peaceful demonstrators in the Square. In another major incident in May 2011, following a riot and the brief kidnapping of security officials, Freedom Square in Ta'izz was forcefully cleared by Government security officials. Tents were burned**

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<sup>16</sup> OCHA, Yemen Humanitarian Emergency - Situation Report No. 6, 3 August 2011, available at [http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport\\_77.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_77.pdf).

<sup>17</sup> OCHA, Yemen Humanitarian Emergency - Situation Report No. 4, 15 July 2011, available at [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_1728.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1728.pdf).

and dozens of demonstrators were killed. Tribes claiming to protect the protesters sent armed supporters to the Square and occupied certain public buildings.

74. The picture that has emerged in the major cities is of a number of separate, but at times intertwined, struggles taking place. Peaceful demonstrators are calling for change, like their counterparts in other parts of the region, while an increasingly violent power struggle is playing out between President Saleh and his supporters, on one hand, and armed opposition groups, including some allegedly connected with Al-Qaeda, on the other. In addition, political opponents, including recent defectors, are publicly renouncing the resort to violence and seeking a resolution that would bring about a change in regime.

75. Both the Government and some of its armed opponents have sought to present themselves as protectors of the civilian population, and each side blames the other for the suffering and hardship that has been brought upon the country. All sides may be guilty of using and abusing peaceful protesters and the civilian population in this increasingly violent power struggle.

76. The Mission noted that the Yemeni Government has lost effective control of parts of the country and the major cities, where armed opponents appear to have de facto control. The Mission also observed that those seeking to achieve or retain power have deliberately sought to punish and cause severe hardship to the civilian population by cutting off vital access to basic services such as electricity, fuel and water. The Mission noted the danger of the protests becoming more violent in response to the excessive use of lethal force by the Government, and the growing involvement of and intimidation by armed elements among the demonstrators. Street protesters have nonetheless sought to maintain a peaceful character despite the heavy loss of life and severe injuries suffered thus far.

77. Due to time and security considerations, the Mission was unable to visit areas outside the three main cities of Ta'izz, Sana'a and Aden, and therefore could not assess the level of violence taking place in areas such as Abyan, Arhab or Sa'ada.

78. While the Mission recognizes that it is the Government's duty to secure law and order, it is of the view that this should be carried out within the confines of international law. There can be no justification for the hasty resort to excessive use of lethal force and heavy weaponry, including the deployment of tanks in cities, to quell street demonstrations or to clear out protest sit-ins.

79. The Mission was alarmed at the deteriorating humanitarian situation, which is adversely affecting the majority of the population, but in particular the poorest and most vulnerable, such as children, IDPs and refugees. Isolated acts of sabotage cannot account for all the suffering witnessed by or reported to the Mission throughout the country, and access to electricity, fuel, cooking gas, water and other basic services should not be denied in order to punish the entire population.

80. While noting the orders issued by President Saleh to use restraint in handling protests, the Mission concludes that the orders had, in several instances, failed to prevent deadly responses by Government security forces and their affiliates.

81. The Mission also concludes that relevant Government security forces are neither properly trained nor equipped to fulfil their functions in a manner consistent with Yemen's international human rights obligations.

82. Furthermore, their actions appear so far to have largely escaped credible internal or judicial accountability. Against this backdrop, force has become the response used by the Government against people voicing aspirations for reform.

83. Accountability and an end to corruption are major challenges in Yemen. The Mission is especially concerned that in the eyes of many Yemenis the judiciary lacks credibility and legitimacy.

84. The Mission is of the view that calls for investigations and prosecutions will be undermined unless urgent measures are taken to ensure the independence and integrity of the judiciary and to provide it with sufficient resources. This includes empowering the judiciary to exercise its oversight role vis-à-vis all security organs and their places of detention.

85. Other measures will also be necessary to help restore citizens' trust in the State and to re-establish the rule of law in the country. These measures include the need to institute national reparations programmes for victims and institutional and legal reform programmes with particular emphasis on the security sector.

86. Based on the Mission's conclusions, the United Nations High Commissioner for Human Rights makes the following recommendations. The successful implementation of these recommendations may require technical and financial support from the international community. Such support must take full account of the aspirations of the Yemeni people, and must be aligned with Yemen's efforts to build a State that is inclusive, accountable, democratic and equitable.

87. Additionally, given the lack of confidence in the judiciary to conduct impartial investigations into human rights abuses related to the peaceful protest movement, there is a need for international, independent and impartial investigations to be conducted.

88. The Government of Yemen should:

- Take immediate action to end attacks against civilians and civilian targets by security forces, in full compliance with Yemen's obligations under international human rights law. In particular, firearms and lethal force should only be used as a last resort when lives are under direct threat;

- Immediately and unconditionally release all prisoners detained for peacefully exercising their freedom of expression and assembly, and who have not been charged with any criminal offence; issue an official list containing the names of all those who have been arrested and charged with criminal offences in relation to recent demonstrations, including details about the dates of their arrest, places of detention, and charges against them; take immediate measures to ensure that all persons detained on criminal charges are afforded all fair trial guarantees from the moment of their detention, including the rights to be informed of the charges against them, to have prompt access to a lawyer, to notify a relative regarding their detention and to appear before a judge within a reasonable period of time, in accordance with international standards. Access by prosecutors to all places of detention should be guaranteed;

- Launch transparent and independent investigations, in line with relevant international standards, into credible allegations of serious human rights violations committed by Government security forces, including, but not limited to, the killing of civilians, excessive use of force against civilians, arbitrary detention, torture and ill treatment; ensure that perpetrators are held accountable;

- Provide reparation to victims and/or families who have suffered harm, including, but not limited to, death or physical injury as a result of unlawful acts committed by Government security forces or their affiliates;

- Undertake immediate measures to end the use and recruitment of children; demobilize those who have already been recruited and cooperate with the United Nations for their integration into their communities;
- Refrain from any action that will deprive the population of basic services, such as electricity, fuel and water, and undertake urgent actions to restore basic services and access to basic supplies, in particular electricity, fuel, water, medical supplies, health and education facilities;
- Urgently define and implement a comprehensive programme aimed at ensuring the protection of all those affected by the long standing conflict in the northern Sa'ada province, particularly IDPs;
- Enhance cooperation with the United Nations, including implementing the recommendations of the treaty bodies, the universal periodic review (UPR) and Special Procedures; extending a standing invitation to all thematic Special Procedures; ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute; implement the recommendations contained in the Secretary-General's Report to the General Assembly and the Security Council on children and armed conflict (A/59/695-S/2005/72);
- Strengthen cooperation with OHCHR and explore potential avenues in that regard;
- Expedite steps to establish a national human rights institution in line with the Paris Principles, as agreed during the UPR in 2009.
- Take measures to preserve the gains made by women in the past months, in terms of public participation, and translate them into lasting achievements by adopting a Constitutional amendment introducing a quota for women in parliamentary elections;
- Take immediate steps to redress disparities in standards of living and access to health, education, employment and social support structures, in particular those affecting women, youth and marginalized communities across the country.

89. With a view to the restoration of peace and order, all armed opposition groups should:

- Remove all weapons, ranging from small fire arms to rocket launchers, from public areas of peaceful demonstrations such as sit ins and marches, and ensure that none of their supporters or those under their command open fire from within peaceful demonstrations thereby putting the demonstrators at risk of return fire.
- Ensure that no children under the age of 18 years, among their supporters or under their command, participate in checkpoint activities or in protecting protesters.
- Cease all acts of violence, harassment, threats and all attempts to intimidate demonstrators expressing opposing points of view;
- Release all civilians held in detention centres under opposition control;
- Recognizing that shortages in fuel, water and electricity cause and have caused extreme hardship, including death in some cases, to innocent civilians, refrain from attacking targets that provide such essential services to the civilian population;
- Cooperate with investigations into abuses that may have been committed by armed men under opposition command, and introduce transparent administrative

disciplinary measures that comply with international human rights standards to ensure accountability of those under your command.

90. The international community should:

- Call on all parties in Yemen to refrain from using of violence and to resolve their political differences through open, transparent and comprehensive dialogue;
  - Recognizing that in the present climate of violence and counter-violence in Yemen, investigations into excesses or abuses by the military, the security services or their affiliates may not be seen as credible or impartial by the population, ensure that international, independent and impartial investigations are conducted of the incidents which have resulted in heavy loss of life and injuries;
  - Heed the call for humanitarian assistance, and provide financial support to the Yemen Humanitarian Response Plan of 2011.
-

# **EXHIBIT B**



HUMAN  
RIGHTS  
WATCH

# “NO SAFE PLACES”

Yemen’s Crackdown on Protests in Taizz



# **“No Safe Places”**

## **Yemen’s Crackdown on Protests in Taizz**

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## “No Safe Places”

### Yemen’s Crackdown on Protests in Taizz

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## Summary

On May 29, 2011, as night fell on the Yemeni city of Taizz, state security forces and armed gangs converged on Freedom Square, a dusty encampment that had become a center of protests against President Ali Abdullah Saleh. The attackers shot protesters with assault rifles. They set fire to protesters' tents. They stormed nearby hospitals and a medical tent filled with wounded protesters. Then they bulldozed the camp to the ground. By dawn, the forces had killed 15 protesters and wounded more than 260 others.

'Arif Abd al-Salam, 32, a history teacher and protester, described the bloodbath:

They had tanks and bulldozers. They were throwing petrol bombs into the tents and firing from many directions. I saw with my own eyes a man with a loudspeaker calling on the security forces to stop attacking and killing their brothers. He was shot dead with a bullet.

On November 11, in a daylong military operation, government troops killed 14 civilians in apparently indiscriminate shelling and gunfire. The victims included four-year-old Amal Abd al-Basit al-Taj, who was struck by shell fragments inside her home. Amal's grandmother recalled the strike:

The explosion shook the house, and glass, shrapnel, and dust flew through the air. Screaming ... filled the house. I ran into the room. It was a terrible scene. The remains of Amal's head and her blood were spread across the room.

The attacks of May 29 and November 11 are just two prominent examples of the relentless assault on civilians in Taizz during 2011—part of President Saleh's nationwide crackdown on protests against his 33-year rule. The impact was devastating. As Amal's grandmother put it: "It seems there are no places left in Taizz that are safe from ... death."

Even before 2011, opposition to President Saleh ran strong in Taizz, a highland city and former capital of Yemen 250 kilometers to the south of the present capital, Sanaa. Taizz's 800,000 people are widely considered to be among the country's most educated. Until the

uprising, the city also had been relatively impervious to Yemen's persistent tribal conflicts. When Yemenis inspired by uprisings in Tunisia and Egypt took to the streets in January 2011 to demand Saleh's exit, Taizz quickly became a flashpoint of resistance—and the scene of some of the worst human rights violations in the country.

This report, the result of Human Rights Watch's research on abuses in Taizz conducted from February through December 2011, tells the story of the Yemeni security forces' repeated use of excessive and lethal force against largely peaceful protesters, and their apparently indiscriminate shelling of populated areas during attacks on opposition fighters. At least 120 civilians were killed in these attacks.

Based on more than 170 interviews with witnesses, protesters, medical workers, human rights activists, lawyers, political analysts, and lawmakers, as well as an examination of hospital records, attack sites, photographic and video evidence, weapons remnants, and media reports, Human Rights Watch's research on Taizz uncovered a widespread pattern of abuses including violations of both international human rights law and international law governing armed conflict.

The abuses documented in this report fall into two categories. First, starting in February 2011, Human Rights Watch's research found that Yemeni security forces repeatedly violated the right to peaceful assembly as well as international standards on the use of deadly force in responding to largely peaceful protests in Taizz. Human Rights Watch verified the deaths of 57 people in the city from February through December 2011 in attacks on largely peaceful demonstrations by security forces, often assisted by armed gangs and snipers in civilian clothes. The majority of those killed were protesters and three were children.

Second, in June 2011 fighting broke out in Taizz between government forces and organized groups of opposition fighters dispatched by local tribal leaders to protect the protesters. The fighting involved the use of mortars and other artillery indicative of an armed conflict under international humanitarian law (the laws of war). Human Rights Watch confirmed the deaths of 63 civilians, including 19 children, in shelling and shootings by security forces in Taizz during these armed clashes in 2011. The killings continued after November 23, when President Saleh signed an accord to leave office in exchange for amnesty for any crimes committed during his rule. In early December, authorities arranged a tenuous ceasefire that continued to hold at this writing.

Human Rights Watch's research into these military operations found that security forces apparently made little attempt to discriminate between civilians and opposition fighters when they shelled military targets, causing indiscriminate or disproportionate attacks in violation of the laws of war. Both government forces and opposition fighters also placed civilians at grave risk by failing to remove them to safer locations when they deployed in densely populated areas. Human Rights Watch did not confirm any killings of civilians by opposition armed groups during the period of this report, but we received accounts of these forces possibly committing four unlawful killings in December.

President Saleh blamed bloodshed in Taizz and other cities on "terrorists." The transitional government that assumed power in December 2011 also denied that security forces committed human rights abuses in the city, writing to Human Rights Watch that month that casualties involving protesters and civilians resulted from "sudden attacks ... launched by the [opposition] armed militias." The government also said that protesters "stormed [public] buildings," "burned tires," "blocked streets," and "attacked [and] kidnapped" police and soldiers.

Incidents that Human Rights Watch documents in this report include:

- Use of excessive force by security forces and pro-government gangs against largely peaceful demonstrations beginning in February 2011. These attacks turned deadly on February 18 when assailants in civilian clothes threw a grenade into a rally, killing one protester and wounding 87. By March, security forces were firing live ammunition directly at protesters. "The demonstrators stopped and shouted, 'Down with the regime!' Immediately the police started to fire Kalashnikovs," said a witness to a deadly attack on May 12. These and later government actions against demonstrations violate Yemen's obligations under international human rights law.
- Threats, beatings, and arbitrary detentions of medical professionals, patients, and hospitalized protesters since May. One medic said he and his rescue team were seized by a police rapid response unit while trying to rescue protesters wounded during an attack by government forces on May 9, and beaten so severely with rifle butts and sticks that "we were coated in blood." One wounded protester at al-Safwa Hospital died after security forces ordered his doctor to stop treatment.

- A six-day deadly assault on protesters, medical staff, and medical facilities treating protesters beginning May 29 as demands for Saleh’s resignation intensified nationwide. Security forces and armed gangs fired on protesters outside a police building before launching the attack at nearby Freedom Square. The six-day spree killed 22 protesters, as well as bystanders including a six-year-old-boy shot by a stray bullet, and wounded more than 260. Government officials told Human Rights Watch that “several” security force members were wounded and named four others they said were killed during the six days.
- The commandeering of al-Thawra hospital—the city’s main medical center—by soldiers from the Republican Guard, an elite unit led by President Saleh’s son, during the May 29-30 assault on Freedom Square. The troops used the hospital as a base from which to shell opposition-held neighborhoods, turning away nearly all patients, until December. Soldiers refused entry to doctors, including one who said he was told that if he did not leave, “We will make your head fly off your body.”
- Two possible extrajudicial executions by Republican Guards in June and August. In June, a soldier fired into the back of a minibus that his unit had just searched and cleared to proceed, killing a 15-year-old boy. In August, a Republican Guard shot dead a vendor who refused to give him lemonade.
- Shelling by Republican Guards of the opposition-controlled al-Masbah neighborhood on July 15 that killed at least three civilians and wounded at least 18 others, most of them children playing on a busy street.
- Apparent indiscriminate shelling by government troops on November 11 that killed 14 civilians, including three female protesters in Freedom Square and the four-year-old girl, Amal Abd al-Basit, in her home. The shelling also wounded Amal’s sister and mother.
- Apparent deliberate targeting by the military on November 11 of al-Rawdha hospital with civilian patients inside—a serious violation of the laws of war. Seven projectiles, including what appear to be direct-fire impacts from tanks, struck the institution as emergency workers arrived with wounded from other attacks. One patient fell to his death through a hole in the wall created by the blasts.
- Opposition fighters’ unlawful deployment in densely populated neighborhoods including al-Rawdha and al-Masbah. We asked them not to shoot next to our house,” one al-Rawdha resident said in September, “but they kept on doing so.”

Most abuses documented in this report were perpetrated by state security forces: the elite Republican Guard army unit led by Saleh’s son, Brig. Gen. Ahmed Ali Abdullah Saleh; Central Security paramilitary forces, led by Saleh’s nephew, Gen. Yahya Muhammad Saleh; and the General Security police force; sometimes in concert with armed gangs.

The other parties to the armed conflict in Taizz were the fighters of local tribal leaders including Hamud al-Mikhlafi and his cousin Sadiq Ali Sarhan. Both men are aligned with Gen. Ali Mohsen al-Ahmar, a longtime rival of Ahmed Saleh and commander of the First Armored Division who defected to the opposition and deployed his forces to protect protesters in Sanaa in March.

To date, there has been virtually no accountability for violations committed during the crisis in Yemen either in Taizz or elsewhere, despite official Yemeni promises. In response to calls from the United Nations Security Council and the Office of the UN High Commissioner for Human Rights (OHCHR), Yemeni officials have promised local and national investigations into serious human rights violations related to attacks on the anti-Saleh protest movement in 2011. But at this writing the authorities had rejected calls from the OHCHR for an international role in the investigations. Many Yemenis told Human Rights Watch they lack confidence in the ability or willingness of government authorities to conduct credible investigations on their own.

In November, Yemen’s parliament—dominated by President Saleh’s party—announced it would investigate attacks in Taizz, and the cabinet authorized an “independent” and “transparent” investigation into major human rights violations across Yemen since protests began.

In December, the Yemeni Foreign Ministry and Taizz General Security told Human Rights Watch in a joint statement that authorities were investigating the attacks documented in this report but cited only one conviction of a member of the security forces and no other arrests. However, that same month, the caretaker government wrote Human Rights Watch that its top priorities include conducting the nationwide probe and “eliminating the factors and causes of the infringement to human rights” during the anti-Saleh movement. In January 2012, the Yemeni cabinet agreed to allow the OHCHR to open a human rights monitoring office in Yemen.

While these are important first steps, Yemen’s caretaker government should take all necessary action to stop state security forces from further violating international law. Among other measures, it should permit impartial international investigations of past abuses, and challenge immunity for officials implicated in serious violations.

On January 21, 2012, Yemen’s parliament granted blanket immunity to Saleh, as well as immunity from prosecution for all “political” crimes except terrorist acts to all those who served with him during his 33 years in power. The immunity law could shield all officials from prosecution for unlawful attacks on the opposition movement in 2011.

The exit agreement that President Saleh signed—brokered by the Gulf Cooperation Council (GCC) union of Gulf States—instructed Yemen’s parliament to grant the immunity in exchange for Saleh pledging to leave office on February 21, 2012. The UN Security Council, United States, and European Union had called for the GCC pact to be the basis for a transition accord. But the Security Council also stressed that “all those responsible for violence, human rights violations and abuses should be held accountable.” Any immunity provision for serious violations such as war crimes and crimes against humanity, which are crimes of universal jurisdiction, has no legal effect outside Yemen. Immunity also runs counter to Yemen’s own obligations under international law to investigate and prosecute serious violations of international human rights and humanitarian law.

Regional and international actors including the US, EU, GCC, and UN Security Council should press Yemen’s caretaker government to accept an independent international investigation into abuses and a UN human rights monitoring office in the country, even as they encourage credible and impartial domestic investigations and prosecutions. They should also disassociate themselves from the immunity measure, and explicitly state that international law prohibits amnesty for serious international crimes. In addition, they should ban travel and freeze foreign assets of current and former officials considered most responsible until these violations are halted, genuine steps are taken to investigate them, and those responsible are held to account.

It is imperative that justice is served on those responsible for unlawful attacks such as those in Taizz. Failing to do so will reinforce a culture of impunity and encourage further violations of international law in a post-Saleh Yemen.

## **Recommendations**

### **To the Government of Yemen**

- Authorize the independent international investigations proposed by the UN Office of the High Commissioner for Human Rights (OHCHR) into serious violations of international human rights and humanitarian law by all sides since the start of protests against President Saleh in January 2011, including the excessive and lethal use of force against peaceful protesters, extrajudicial executions, indiscriminate or disproportionate military attacks, and blocking access to medical care.
- Fulfill your stated commitment to allow the UN Office of the High Commissioner for Human Rights (OHCHR) to open an office in Yemen for the purpose of monitoring and reporting on human rights violations.
- Ensure that state security forces, when responding to protests, act in accordance with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and restrict the use of lethal force to situations of imminent threat of death or serious injury.
- Discipline or ensure prosecution as appropriate in proceedings that comply with international due process standards, all officials, regardless of rank, responsible for committing or ordering the use of unlawful force against protesters, or for other serious violations of international human rights law and international humanitarian law. Hold superior officers, whether civilian or military, criminally accountable if they knew, or should have known, that forces under their command had committed or were about to commit criminal acts, and they did not take reasonable measures to prevent such acts or punish those responsible.
- Respect and protect the rights of all persons to peaceful assembly and to freedom of association. Any limitation on these rights should have a clear basis in law, be for a legitimate and specific reason, and be narrowly restricted to what is necessary to meet the aim.

- Revise existing training for security forces to conduct crowd control in accordance with international standards that limit the use of force, and that ensure respect for the rights to freedom of assembly, association, and expression.
- In engaging in armed conflict with armed opposition forces, abide by the laws of war. In particular, distinguish at all times between military objectives and civilians and take all feasible precautions to avoid harm to civilians.
- Respect civilian property, do not confiscate or loot private property, and provide fair payment for requisitioned commodities.
- Cease all interference by the military and other security forces in the provision of medical treatment, as well as the harassment, intimidation, arbitrary detention, and beatings or other ill-treatment of medical staff.
- Take all necessary measures to ensure that occupations and attacks on medical facilities are not repeated in the future.
- Investigate allegations of beatings and other ill-treatment of patients at medical facilities including al-Thawra, al-Safwa, Ibn Sibna, and May 22<sup>nd</sup> hospitals, as well as the field tent and field hospital at Freedom Square.
- Ratify the Rome Statute of the International Criminal Court (ICC). Accept through a formal declaration the jurisdiction of the ICC retroactive to at least January 2011 to allow for the possibility of an investigation into alleged war crimes and other crimes within the jurisdiction of the ICC since the beginning of the protest movement.
- Ensure that children under age 18 are not forcibly recruited or participate in hostilities as has occurred elsewhere in Yemen. Treat children serving in opposition forces in accordance with international standards.

## To Opposition Forces

- In engaging in armed conflict with government armed forces, abide by the laws of war. Take all feasible measures to avoid placing civilians at risk, in particular by not deploying in densely populated areas.
- End all recruitment or participation in hostilities of children under age 18 and release those serving in opposition forces.

## **To the United Nations Security Council; the Gulf Cooperation Council; the European Union, and their Member States; the US; and Other Donors**

- Publicly express opposition to any grant of immunity to Yemeni officials who may have been responsible for serious violations of international human rights or humanitarian law. Make clear that such immunity has no effect in jurisdictions outside of Yemen.
- Impose an asset freeze and travel ban on President Saleh and other senior officials and relatives implicated in serious rights violations, which should only be lifted after violations cease, perpetrators are fully and appropriately held to account, and victims receive adequate compensation.
- Suspend all security assistance to Yemen, including sales of weapons, ammunition, and equipment, which should only be lifted after violations cease, perpetrators are fully and appropriately held to account, and victims receive adequate compensation.
- Press Yemen to support an independent international investigation into serious violations of international human rights and humanitarian law by all sides since February 2011.
- Press for the prosecution in accordance with international due process standards of members of the security forces responsible for serious violations of international human rights or humanitarian law.
- Urge Yemen to fulfill its commitment to allowing the OHCHR to open an office in Yemen for the purpose of monitoring and reporting on human rights violations. Provide dedicated resources towards that end.

## **To the Human Rights Council**

- Adopt a resolution at the March 2012 session of the Human Rights Council to support the establishment of an OHCHR office in Yemen.
- Monitor the Yemeni government's efforts to investigate and prosecute serious violations by all sides since February 2011, and take needed measures to ensure accountability, including an independent and impartial international investigation.

## To the US, Bulgaria, and Other Countries that Provide Security Assistance to Yemen

- Suspend all security assistance to Yemen, including sales of weapons, ammunition, and equipment, which should only be lifted after violations cease, perpetrators are fully and appropriately held to account, and victims receive adequate compensation.
- Until such a ban is imposed, monitor all security assistance to Yemen, including the units obtaining the assistance and their involvement in abuses.

## Methodology

This report examines Yemeni security forces' use of force against anti-Saleh protests in violation of international human rights law and military operations by government and opposition forces in violation of international humanitarian law (the laws of war) in the city of Taizz between February and December 2011. It is based on field research conducted by Human Rights Watch in Yemen and additional research outside the country.

The research included more than 100 interviews over 11 days in Taizz in August 2011 and 9 days in November 2011, as well as an additional 70 telephone interviews with residents of Taizz since February 2011. Those interviewed included participants in protests, bystanders, and other witnesses to attacks, relatives of the dead and wounded, doctors and other medical workers, human rights defenders, lawyers, and journalists. We also interviewed more than two dozen Yemeni political analysts, human rights activists, and ruling party and opposition officials by phone, email, or in person in Sanaa, New York, and Cairo.

Human Rights Watch on November 29, 2011, wrote to the government of Yemen requesting its account of the unrest in Taizz since the start of protests, including the violations detailed below. We included many of the government's written responses in this report. On December 10, we wrote to a local tribal leader in command of opposition fighters concerning allegations of violations of international humanitarian law by his forces. At this writing, we had not received responses from the opposition commander.

Our research included field visits to many of the areas where the attacks described in this report occurred. We also reviewed both independent and government media reports on these incidents.

Human Rights Watch confirmed the identities of the dead, as well as their cause of death, with relatives or medical officials, or by reviewing medical records. The total number of fatalities remains unknown. Government officials told us they had recorded 18 civilians killed and 460 wounded in Taizz during the period of our report, far below the 120 dead and several hundred wounded that we tallied. Government hospitals and morgues remain off-limits for outside observers.

Human Rights Watch also examined remnants of explosive ordnance collected by protesters after security force attacks on demonstrations and by residents in neighborhoods that were attacked during fighting between government and opposition forces. The remnants included mortar tailfins stamped Dunarit, a Bulgarian arms manufacturer, as well as 40mm rifle grenades, and US-manufactured Smith & Wesson 37mm Tru-Flite penetrating projectile teargas dispensers, which bore 1987 expiration dates.

This report is not a comprehensive account of all incidents involving the use of unnecessary or excessive force against protesters or unlawful military attacks in Taizz. Our access to Taizz was limited due to security considerations and the Yemeni government's refusal to provide visas to Human Rights Watch staff to visit the country during the time we conducted research.

Human Rights Watch has withheld the identities of most witnesses to abuses or other identifying information to protect them from potential retaliation.

## I. Background

Yemen is among the poorest countries in the world, with more than 40 percent of its 24 million people living below the poverty line. The country is beset by widespread unemployment, illiteracy, and a burgeoning youth population.<sup>1</sup> It is running out of water as well as oil, one of its few sources of foreign exchange and state revenue.<sup>2</sup> Central government control does not reach many of Yemen's tribal areas, some of which serve as bases for the armed group Al Qaeda in the Arabian Peninsula, which the United States, Saudi Arabia, and other countries view as a security threat.<sup>3</sup>



Yemen was two separate countries until 1990. In 1962, an army coup ended centuries of rule by a Zaidi imamate, establishing the Yemen Arab Republic (YAR, or North Yemen). In 1967, the British protectorate known as the Federation of South Arabia achieved independence as the People's Democratic Republic of Yemen (PDRY, or South Yemen).

The leaders of the North and South Yemen declared unity on May 22, 1990. Ali Abdullah Saleh, who had been president of the North Yemen since 1978, assumed the presidency of the newly created Republic of Yemen.<sup>4</sup> Political tensions led to a two-month civil war in

<sup>1</sup> United Nations Development Program (UNDP), "Yemen Country Profile," <http://www.undp.org.ye/y-profile.php> (accessed September 10, 2011).

<sup>2</sup> World Bank, "Yemen Country Brief," <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/YEMENEXTN/o,,contentMDK:20196054~pagePK:141137~piPK:141127~theSitePK:310165,00.html> (accessed September 10, 2011).

<sup>3</sup> Jeremy M. Sharp, Congressional Research Service, "Yemen: Background and U.S. Relations," December 28, 2011, [www.fas.org/sgp/crs/mideast/RL34170.pdf](http://www.fas.org/sgp/crs/mideast/RL34170.pdf) (accessed January 7, 2012).

<sup>4</sup> President Ali Abdullah Saleh's official website, Government of Yemen, [http://www.presidentsaleh.gov.ye/shownews.php?lng=en&\\_newsctgry=2](http://www.presidentsaleh.gov.ye/shownews.php?lng=en&_newsctgry=2) (accessed September 9, 2011).

1994 that Saleh's forces won.<sup>5</sup> In 2007, southerners, saying their economic and political grievances remained unaddressed, intensified a campaign for autonomy or separation, to which state security forces responded with the use of excessive and lethal force.<sup>6</sup> From 2004 to 2010 in the northern governorate of Sa'da, government forces fought six rounds of armed conflict with rebels known as Huthis, who accused the government of political and religious discrimination.<sup>7</sup>

Popular discontent, already rising in response to joblessness and government corruption, soared in late 2010 after President Saleh proposed to amend electoral laws and the constitution so he could stand again for reelection when his seventh term expired in 2013.<sup>8</sup> In January 2011, inspired by mass protests in Tunisia and Egypt, thousands of Yemenis took to the streets seeking an end to Saleh's 33-year rule.<sup>9</sup>

A protracted political crisis has gripped the country since February 2011, when the number of protesters swelled to hundreds of thousands. Government forces and pro-government gangs responded to the largely peaceful protests with excessive and lethal force, particularly in the capital, Sanaa; Aden, which had been the capital of the former South Yemen; and Taizz.

Taizz has traditionally been a base of opposition to President Saleh. It played a pivotal role in the protests and was the scene of many of the most severe human rights violations. A former capital located 250 kilometers south of the capital, Sanaa, its 800,000 residents are widely reputed to be among the country's most educated and, until fighting began there in mid-2011, the least tribal in their outlook.<sup>10</sup> Many Taizz residents say they believe

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<sup>5</sup> International Crisis Group, "Breaking Point? Yemen's Southern Question," October 20, 2011, <http://www.crisisgroup.org/en/publication-type/media-releases/2011/mena/breaking-point-yemens-southern-question.aspx> (accessed October 25, 2011), chapter 2(b).

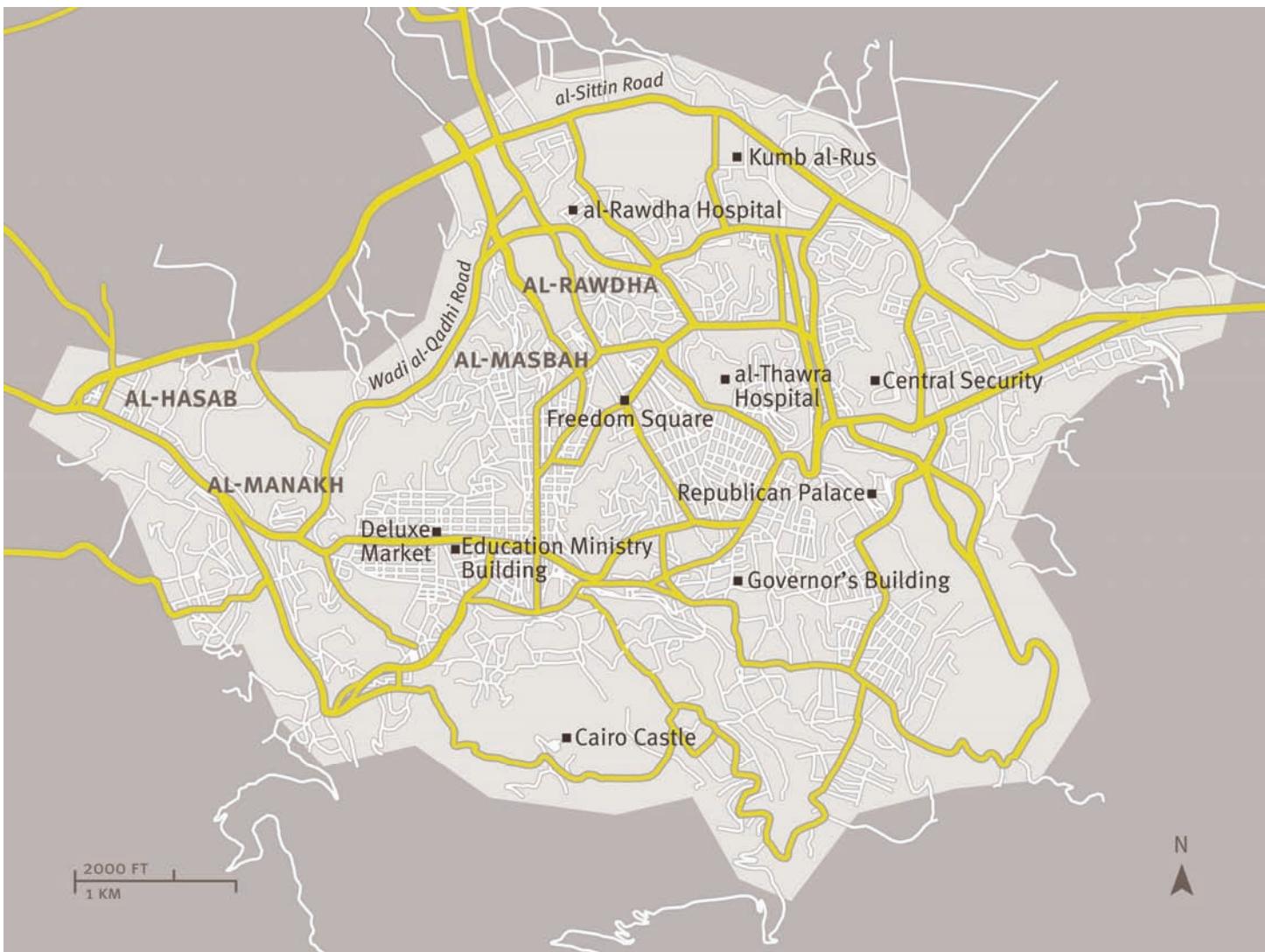
<sup>6</sup> See Human Rights Watch, *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests*, December 2009, <http://www.hrw.org/en/reports/2009/12/15/name-unity-o>.

<sup>7</sup> See Human Rights Watch, *All Quiet on the Northern Front? Uninvestigated Laws of War Violations in Yemen's War with Huthi Rebels*, April 2010, [www.hrw.org/node/89290](http://www.hrw.org/node/89290).

<sup>8</sup> Transparency International, "Corruption Perceptions Index 2010," [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results) (accessed October 6, 2011).

<sup>9</sup> International Crisis Group, "Popular Protest in North Africa and the Middle East (II): Yemen between Reform and Revolution," Middle East/North Africa Report N°102, March 10, 2011, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iran-gulf/yemen/102-popular-protest-in-north-africa-and-the-middle-east-II-yemen-between-reform-and-revolution.aspx> (accessed September 10, 2011).

<sup>10</sup> Human Rights Watch interviews with Taizz residents, Taizz, August 9-18, 2011, as well as with Yemeni political analysts in Sanaa, September 2011. In a 2009 diplomatic cable released by WikiLeaks, then-US Ambassador Stephen Seche referred to



City of Taizz. © 2012 Human Rights Watch/OpenStreetMap contributors, CC-BY-SA

President Saleh, who briefly served as the military governor there before becoming president of North Yemen, resents the city's stature.<sup>11</sup> Early in the protests there, armed gangs shouted "*baraghala*," a pejorative term for urbane Taizz residents that implies weakness, as they beat anti-government demonstrators with batons.<sup>12</sup>

Taizz as "the country's cultural and educational capital," and noted its denizens' "disinclination toward violence" compared to other areas, including tribal regions farther north. Taizz was twice a former capital—from approximately 1170-1500 and again from 1948-1962; see *Encyclopedia Britannica*, "Ta'izz," s.v. 2011, <http://www.britannica.com/EBchecked/topic/581002/Taizz> (accessed September 9, 2011).

<sup>11</sup> Human Rights Watch interviews with dozens of Taizz residents, civil society leaders, and protesters, Taizz, August 9-18, 2011. See also Laura Kasinof, "Ancient City Anchors Political Standoff in Yemen," *The New York Times*, November 2, 2011, <http://www.nytimes.com/2011/11/03/world/middleeast/opposition-to-yemens-government-spreads-in-taiz.html?pagewanted=all> (accessed November 2, 2011).

<sup>12</sup> Human Rights Watch interviews with protesters in Taizz, August 9-18, 2011. The use of the term *baraghala* and the dynamics of President Saleh's relationship to Taizz are also described in Robert Worth, "Yemen on the Brink of Hell," *The New York Times Magazine*, July 24, 2011, <http://www.nytimes.com/2011/07/24/magazine/yemen-on-the-brink-of-hell.html?pagewanted=all>. (accessed July 24, 2011).

Nationwide Human Rights Watch has confirmed the deaths of 270 protesters and bystanders from February through December in attacks by Yemeni security forces and pro-government assailants on demonstrations against Saleh. Thousands were injured.<sup>13</sup> Even as the protests remained overwhelmingly peaceful, they were overshadowed in May by armed clashes that erupted between government forces and the opposition fighters of Yemeni elites vying for power. Those clashes rose to the level of a non-international armed conflict in which scores more civilians were killed, many in what appeared to be indiscriminate attacks in violation of international humanitarian law (the laws of war).

That fighting began in Sanaa and the nearby province of Arhab, and in June broke out in Taizz. In Sanaa, the fighting initially pitted army and paramilitary forces, including the elite Republican Guard army unit and Central Security paramilitary forces headed by President Saleh's relatives, against the tribal forces of the al-Ahmar clan, one of Yemen's most prominent families. In September, al-Ahmar fighters were bolstered by forces from the renegade First Armored Division of Gen. Ali Mohsen al-Ahmar (no relation to the al-Ahmar clan), a senior commander who six months earlier had defected to the opposition and assigned his troops to guard protesters in Sanaa. Many of the opposition commanders have ties with the Yemeni Congregation for Reform, the country's largest and most powerful opposition party, commonly known as Islah.

During the second half of 2011, fighting also erupted in southern Abyan province between government forces and Islamist armed groups allegedly backed by Al Qaeda in the Arabian Peninsula, killing scores more civilians and internally displacing at least 100,000 people.<sup>14</sup>

After being gravely wounded in an attack on the presidential palace's mosque on June 3, 2011, President Saleh was evacuated to Saudi Arabia for medical treatment. On September 23, he returned to Yemen. On November 23, amid mounting domestic, regional, and international calls to leave office, Saleh signed an accord brokered by the Gulf Cooperation

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<sup>13</sup> Human Rights Watch confirmed the deaths of 270 protesters and bystanders from February through December 2011 through victims' relatives, medical records, or from both. The actual number may be significantly higher. Human Rights Watch has extensively documented the government's use of excessive force against peaceful protesters in news releases since February 2011; see Human Rights Watch's Yemen page: <http://www.hrw.org/middle-eastn-africa/yemen>. Hospital officials and dozens of witnesses also have given Human Rights Watch credible accounts of civilian deaths during fighting between armed factions since the protests began. See, for example, "Yemen: Dozens of Civilians Killed in Southern Fighting," Human Rights Watch news release, July 9, 2011, <http://www.hrw.org/news/2011/07/09/yemen-dozens-civilians-killed-southern-fighting>.

<sup>14</sup> UN Office for the Coordination of Humanitarian Affairs, "Emergency Relief Coordinator's Key Messages on Yemen," September 29, 2011, <http://reliefweb.int/node/449842> (accessed October 1, 2011).

Council (GCC) to immediately transfer power to Vice President Abd Rabbih Mansur Hadi but remain as honorary head of state until February 21, 2012.<sup>15</sup> In exchange, the accord offered Saleh and his officials immunity from prosecution for crimes during his presidency.<sup>16</sup> On January 21, 2012, Yemen’s Parliament granted full immunity to Saleh and immunity from prosecution for any “political” crimes, with the exception of terrorist acts, to all those who served with him.

During most of the political crisis of 2011, Yemenis suffered acute shortages of fuel, water, and electricity. The fuel crisis dramatically curtailed public transport and other public services, with garbage piling high on streets. Food prices soared. A report issued in September 2011 by the UN Office of the High Commissioner for Human Rights (OHCHR) described the shortages as deliberate attempts to “cause severe hardship to the civilian population” by elements “seeking to achieve or retain power.”<sup>17</sup> Clashes between opposition and government fighters, as well as state security forces’ assaults on peaceful protesters, continued until early December, when the acting president arranged for a ceasefire.<sup>18</sup> But sporadic attacks by government forces continued at this writing.

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<sup>15</sup> The Gulf Cooperation Council consists of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

<sup>16</sup> Gulf Cooperation Council Initiative to Resolve the Yemeni Crisis, version of May 21/22, 2011, copy on file with Human Rights Watch.

<sup>17</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR), “Assessment Mission to Yemen,” September 13, 2011, <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf> (accessed September 13, 2011), p. 2.

<sup>18</sup> See, for example, Kareem Fahim, “Forces Loyal to Yemen’s President Fire on Protesters,” *The New York Times*, December 24, 2011, [http://www.nytimes.com/2011/12/25/world/middleeast/forces-loyal-to-yemens-president-fire-on-protesters.html?\\_r=1&ref=yemen](http://www.nytimes.com/2011/12/25/world/middleeast/forces-loyal-to-yemens-president-fire-on-protesters.html?_r=1&ref=yemen) (accessed December 25, 2011).

## II. Attacks on Protesters

From February through December 2011, Yemeni security forces repeatedly violated the right to freedom of assembly as well as basic international standards on the use of deadly force in responding to largely peaceful protests in Taizz.

Through scores of interviews, Human Rights Watch verified the deaths of 57 people—54 protesters and three bystanders—in attacks during that period on largely peaceful demonstrations by security forces, often assisted by gangs armed with guns, sticks, stones, or daggers, and snipers in civilian clothes.<sup>19</sup> Most died from bullet wounds from Kalashnikov rifles, in many cases to the upper body, several medical officials told Human Rights Watch. Three of the dead were children.

The government forces and armed gangs wounded hundreds more protesters with live ammunition during largely peaceful rallies, according to witnesses and medical workers.

Authorities reported the deaths of eight security force members on the dates of attacks on protests. They said hundreds were wounded during the period covered in this report but did not separate casualties during confrontations with largely peaceful protesters from clashes with armed opposition forces (see below).

In none of the attacks on demonstrations that Human Rights Watch investigated did we find that the protesters' actions posed a threat to police or others that would have necessitated the use of lethal force. In most cases, according to multiple witness accounts, security forces and gunmen in civilian clothes fired upon protesters as they staged anti-government sit-ins or marches in which they chanted slogans or waved banners.

While security forces often called on demonstrators to disperse or initially used non-lethal forms of crowd control, such as water cannons and teargas, they then for the most part immediately followed up with live gunfire, witnesses said. In some cases, security forces or pro-government assailants shot at protesters who were leaving the scene.

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<sup>19</sup> Human Rights Watch verified the numbers through scores of interviews in person and by telephone with witnesses, relatives of those killed, and medical officials, as well as reviews of medical records when available.

In response to the security forces' use of excessive and lethal force, protesters in some instances became violent, throwing rocks, setting tires ablaze, or seizing and beating security officials, witnesses told Human Rights Watch. Protesters in one case reportedly torched a district police station. Toward the end of one prolonged attack in several areas of the city from May 29 to June 3 that killed 22 protesters and bystanders, some witnesses said they saw protesters carrying—but not using—firearms. In at least half a dozen incidents, protesters occupied or surrounded government buildings. In most cases protesters also did not notify authorities in advance of rallies, as required under Yemeni law.

Many of the attacks on protesters took place at Safir Station, an open area in the heart of the city that the demonstrators renamed Freedom (Hurreiya) Square and began occupying on February 11, the day President Hosni Mubarak ceded power in Egypt.

The forces attacking protesters include the elite Republican Guard army unit led by Saleh's son, Brig. Gen. Ahmed Ali Abdullah Saleh; Central Security paramilitary forces, led by Saleh's nephew, Gen. Yahya Muhammad Saleh; and the General Security police force; sometimes in concert with armed gangs.

During the first protests in Taizz in February, according to witnesses and international media reports, the police attacked demonstrators with batons and fired shots into the air. By March, police were firing live ammunition directly at protesters. By April, soldiers from the Republican Guard were also firing on protesters.

Three bystanders were killed during protests. One was Salah al-Din Ahmad Abdu, a 6-year-old boy who was hit in the stomach by a stray bullet May 31. Another was Abd al-Baqi Qasim Fadhl, 18, who was struck by a bullet August 30 while he filmed protesters at prayer from his fourth-floor balcony. Fadhl's apartment overlooks Freedom Square. At around 8 a.m., as protesters performed a morning prayer, a bullet pierced Fadhl's left shoulder and settled in his chest. Human rights activists and doctors could not determine who fired the bullet.<sup>20</sup>

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<sup>20</sup> Human Rights Watch interviews in Taizz with three human rights activists and two doctors, one of whom is related to Fadhl, September 2011.

The third bystander was Nasir Abdullah al-Basha, a 75-year-old merchant whose shop was on a street where security forces fired teargas on April 3. Doctors listed him as among three men who died from complications related to exposure to teargas that security forces fired during the demonstrations. Hundreds of other protesters suffered severe reactions including convulsions, severe breathing problems, and burns from exposure to the teargas.<sup>21</sup>

Protesters showed Human Rights Watch US-manufactured, Smith & Wesson 37mm Tru-Flite penetrating projectile teargas dispensers with 1987 expiration dates that they found at the scenes of some of the attacks on demonstrators.<sup>22</sup> It is not clear what caused many of those exposed to teargas to have severe reactions. Yemeni authorities should conduct thorough and impartial investigations into whether the ways the teargas was used were compatible with international law enforcement standards for crowd control.

## Attacks by Armed Gangs

Armed gangs played a role in the attacks from the start, attacking protesters with stones, sticks, and daggers. In some cases, plainclothes sharpshooters fired onto protest marches from rooftops of government offices or nearby buildings.

Men in civilian clothes were involved in the first fatal attack on protesters in Taizz, throwing a grenade into Freedom Square on February 18, a few days after security forces began using force to suppress the rallies.<sup>23</sup> The grenade killed one protester, Mazin Sa'id al-Buthiji, 25, and wounded 87 others.<sup>24</sup>

At about 2:30 p.m., following the afternoon prayer, a car drove past Freedom Square. One of several people in the vehicle threw a grenade out of one of the car doors directly into a

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<sup>21</sup> Human Rights Watch interviews with medical officials and dozens of protesters in Taizz, August and November 2011.

<sup>22</sup> Photos of projectiles on file with Human Rights Watch. The security forces' use of teargas canisters with expired usage dates has been widely reported by international and Yemeni media. See, for example, Laura Kasinof and J. David Goodman, "Yemen Police and Protesters Clash as Deal Is Sought to End Political Crisis," *The New York Times*, April 19, 2011, <http://www.nytimes.com/2011/04/20/world/middleeast/20yemen.html> (accessed October 4, 2011).

<sup>23</sup> "Police Thwart Taiz, Sana'a Protests, Beat, Arrest Demonstrators," *Yemen Post*, February 13, 2011, <http://www.yemenpost.net/Detail123456789.aspx?ID=100&SubID=3134&MainCat=3> (accessed October 1, 2011).

<sup>24</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with three protesters who saw the attack, February 18, 2011, as well as a doctor who treated the wounded, and with three lawyers familiar with the case, October 23, 2011.

group of protesters.<sup>25</sup> One protester, a laboratory worker who was participating in the protest, said he was 30 meters from the car.

“People were chanting for Saleh to ‘Go! Go!’” he recalled. “Then I saw the car stop and a man throw something from the door and the car sped away. People were screaming and running in panic.”<sup>26</sup>

Protesters gave the license plate number of the car and descriptions and identities of some of those inside the vehicle to authorities, who arrested nine suspects in connection with the attack.<sup>27</sup> Prosecutors charged seven of the suspects but four of them, who had not been jailed, fled and remained fugitives at this writing, and the court proceedings stalled, according to a lawyer for al-Buthiji’s family and several of the wounded.<sup>28</sup>

## Government Denies Unlawful Use of Force

Local and national authorities deny any systematic role by their security forces in the unlawful attacks on protesters and other civilians in Taizz. Upon his return to Yemen in September, President Saleh blamed the violence related to the movement against his presidency in Taizz and other cities on “terrorists.”<sup>29</sup>

In a joint statement to Human Rights Watch in December, the General Security office in Taizz and the Foreign Ministry blamed the violence on demonstrators and opposition gunmen, as well as the Joint Meeting Parties (JMP) a coalition of the political opposition led by Islah. They said opposition gunmen were the ones firing from rooftops, killing both protesters and security forces.

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<sup>25</sup> Human Rights Watch telephone interviews with three protesters who saw the attack, February 18, 2011.

<sup>26</sup> Human Rights Watch telephone interview with protester in Taizz, November 11, 2011.

<sup>27</sup> “Nine arrested over Taiz grenade attack,” Saba News Agency, February 21, 2011, <http://www.sabanews.net/en/news236265.htm> (accessed October 1, 2011).

<sup>28</sup> Human Rights Watch telephone interview from Cairo with lawyer Moain al-Obaidi, in Taizz, October 13, 2011. One of the fugitives is Omar Mohamed Ali Ghelais, a relative of Hamud Khalid al-Sofi, the governor of Taizz, according to Ghelais and several Taizz human rights activists. Human Rights Watch has not found any evidence that the governor was involved in the attack.

<sup>29</sup> “Yemenis protest after president blames violence on ‘terrorists,’” CNN.com, September 26, 2011, [www.cnn.com/2011/09/26/world/meast/yemen-unrest/](http://www.cnn.com/2011/09/26/world/meast/yemen-unrest/) (accessed September 29, 2011).

The statement accused opposition fighters of “inciting” demonstrators who “stormed [public] buildings,” “burned tires,” “threw stones and Molotov cocktails,” “blocked streets,” and “attacked” and “kidnapped” security forces.<sup>30</sup>

The statement did not directly address the question of whether the government used unnecessary lethal force against protesters. In a statement to the United Nations Office of the High Commissioner for Human Rights (OHCHR) in September 2011, the Saleh government denied the use of excessive force in Taizz and other protest areas and said security forces used “the usual methods” to disperse the protesters.<sup>31</sup>

According to the statement to OHCHR,

These protests and demonstrations deviated from their peaceful nature, marched in unlicensed demonstrations under the Demonstrations Regulation Law and committed various violence, sabotage and vandalism acts against ministries and public institutions as well as attacking their guards. This forced security organizations to deal with these aggressions proportionally to their seriousness.<sup>32</sup>

## International Legal Standards on Freedom of Assembly and Use of Force

The right of peaceful assembly is enshrined in article 21 of the International Covenant on Civil and Political Rights (ICCPR), which Yemen ratified in 1987.<sup>33</sup>

Peaceful assembly may only be restricted through laws that are “necessary in a democratic society in the interest of national security or public safety, public order (*ordre publique*), the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>34</sup> Any restriction on the right of peaceful assembly on national security or public

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<sup>30</sup> The Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011.

<sup>31</sup> Comments of the Government of Yemen on the Report of the OHCHR Assessment Mission to Yemen, 28 June – 6 July 2011, October 2011, para 26, copy on file with Human Rights Watch.

<sup>32</sup> Ibid.

<sup>33</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 21.

<sup>34</sup> Ibid.

order grounds must be strictly construed, and necessary and proportionate to address a legitimate threat. Such laws must be imposed on a case-by-case basis and cannot put the right itself in jeopardy.<sup>35</sup>

Law enforcement authorities, who include police and armed forces personnel, may regulate assemblies in accordance with international policing standards. The UN Code of Conduct for Law Enforcement Officials states that “law enforcement officials may use force only when strictly necessary” in the line of duty.<sup>36</sup>

The UN Basic Principles on the Use of Force and Firearms (the “Basic Principles”) provide that law enforcement officials “shall, as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective.”<sup>37</sup> When the use of force is necessary, law enforcement officials should “exercise restraint in such use and act in proportion to the seriousness of the offense.”<sup>38</sup>

The Basic Principles also place limits on the use of force in dispersing “unlawful assemblies.” Principle 13 states that, “In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”<sup>39</sup> The use of nonlethal means of force in crowd control, including the use of teargas, may also contravene international standards, especially when such means are used to disperse nonviolent assemblies where force can be avoided or restricted to the minimum extent necessary.

The Basic Principles provides that “intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.” Principle 9 states that “[l]aw enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person

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<sup>35</sup> Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rhein: N.P. Engel, 1993), pp. 386-87.

<sup>36</sup> United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), art. 3.

<sup>37</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

<sup>38</sup> Ibid., principle 5(a).

<sup>39</sup> Ibid., principle 13.

presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.”<sup>40</sup>

Principle 10 provides that law enforcement officials “give clear warning of their intent to use firearms.”<sup>41</sup> The Basic Principles make clear that there can be no departure from these provisions on the basis of “exceptional circumstances such as internal political stability or any other public emergency.”<sup>42</sup>

## **Yemeni Legal Standards Regarding the Right to Peaceful Assembly and Use of Force**

Yemen’s Law on Organizing Demonstrations and Marches of 2003 requires organizers to notify the authorities three days in advance of protests and rallies, except in cases of small protests and gatherings.<sup>43</sup> The law forbids demonstrators from sowing “sedition,” questioning the “unity of the lands,” or carrying weapons.<sup>44</sup> It requires security forces to protect demonstrators and provide medical care. The law allows the Ministry of the Interior to change the times, locations, and routes of demonstrations, and to end them if the acclamations and slogans are not acceptable.<sup>45</sup> Security forces must disperse demonstrators when crimes are being committed, when demonstrations are unannounced, and in the event of riots.<sup>46</sup>

In most cases, the protesters in Taizz did not notify authorities three days in advance of their demonstrations. Protest organizers frequently ignored this requirement long before the anti-Saleh rallies of 2011, accusing the authorities of using it to suppress freedom of assembly.<sup>47</sup>

Yemen’s Law of Police Authority of 2000 sets strict limits on the use of lethal force. Police are only allowed to use firearms as a last resort and to the minimum extent necessary, and only to prevent serious criminal acts such as those that threaten public security or in self-defense.<sup>48</sup>

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<sup>40</sup> Ibid., principle 9.

<sup>41</sup> Ibid., principle 10.

<sup>42</sup> Ibid., principle 8.

<sup>43</sup> See Republican Decision of Law 29 for the Year 2003, Regarding the Organization of Demonstrations and Marches, arts. 4 and 19.

<sup>44</sup> Law on Demonstrations and Marches, arts. 9(c), 13, 16, and 17.

<sup>45</sup> Ibid., art. 6.

<sup>46</sup> Ibid., arts. 8 and 9.

<sup>47</sup> See Human Rights Watch, *In the Name of Unity*.

If weapons are permitted, the police must first issue an audible verbal warning that they will shoot if the criminal act does not stop.<sup>49</sup> If the verbal warning fails, the police must then issue a verbal audible warning, “cautiously taking into full account the area so as not to hurt the innocent.”<sup>50</sup> If that fails, the first shot must be aimed at the leg, or in the case of a person in a vehicle, at the wheel.<sup>51</sup>

In the case of rioting and assault on lives and property, the police task force commander must issue a verbal warning via loudspeaker to disperse and stop rioting within a given time frame, and specify the dispersal route.<sup>52</sup> If those measures fail, the task force leader must issue a second warning that police will shoot if rioters do not disperse immediately.<sup>53</sup> If the rioters still fail to respond, the task force leader may then order the use of teargas and water cannons. If those measures fail, the commander of the force must order warning shots and a third verbal warning.<sup>54</sup> The police may only use firearms after these measures are exhausted, or in cases of serious assault on members of the police force or on public or private property.<sup>55</sup>

Human Rights Watch documented a consistent pattern of the use of excessive and unnecessary lethal force by Yemeni security forces against southern protesters in Aden in 2007-2009, in which they ignored international standards and routinely violated Yemeni law. The security forces in Taizz in 2011 repeated these violations.<sup>56</sup>

## Case Studies

The following incidents are among the most significant and deadly attacks by security forces or armed gangs on largely peaceful protests in Taizz from February to December 2011. While these are only a fraction of the attacks during that period, they suggest a clear pattern of the use of excessive and unnecessary lethal force.

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<sup>48</sup> Law of Police Authority No. 15 of 2000, art. 10, and Implementing Regulations: Ministerial Decree No. 35 For the Year 2002 On the Law of Police Authority, sect. 1, art. 7, copies on file with Human Rights Watch.

<sup>49</sup> Law of Police Authority, art. 11, and Ministerial Decree No. 35 of 2002, sect. 1, art. 8.

<sup>50</sup> Ministerial Decree No. 35 of 2002, sect. 1, art. 8(c).

<sup>51</sup> Ibid., sect. 1, art. 8(d).

<sup>52</sup> Ibid., sect. 2, arts. 1(a), 1(b), 1(c).

<sup>53</sup> Ibid., sect. 2, art. 1(d).

<sup>54</sup> Ibid., sect. 2, art. 2.

<sup>55</sup> Ibid., sect. 2, art. 3.

<sup>56</sup> Human Rights Watch, *In the Name of Unity*.

### ***Marches on the Governor’s Office, April 3-4***

Many of the Taizz demonstrations seeking President Saleh’s resignation included marches past the building housing the governor’s office in the Hawdh al-Ashraf neighborhood. On April 3 and 4, with tensions still high over a March 18 attack by plainclothes snipers that killed 45 protesters in Sanaa, the security forces’ response to the marches past the Taizz governor’s office turned deadly. According to witnesses, on both days, forces including Central Security and Republican Guards used teargas, batons, and rifles against protesters when they came within about 30 meters of the building’s front gate. The protesters were marching peacefully, but after they came under attack some responded by throwing stones, witnesses said.<sup>57</sup>

On April 3, Central Security forces shot live ammunition into the air, fired teargas canisters at protesters, and struck them with batons as they neared the front gate.<sup>58</sup> At least 20 people were injured and hundreds suffered severe reactions to teargas, a Taizz medical official said. A 75-year-old merchant died from exposure to teargas that entered the open door of his tiny shop, which was in the protest area.<sup>59</sup>

On April 4, Republican Guards, Central Security, and gunmen in plainclothes firing from rooftops shot directly on protesters who were trying to cross a police line at the governor’s building.<sup>60</sup>

“Security forces and thugs attacked thousands of protesters from all directions,” said Salah al-Dakak, an opposition journalist who was participating in the protest. “They were using heavy and direct fire, for no reason.”<sup>61</sup>

A doctor at a field clinic that the protest movement created to treat wounded demonstrators told Human Rights Watch that local hospitals received the bodies of five people shot dead during the April 4 protest. They included one man who was fatally shot in

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<sup>57</sup> Human Rights Watch telephone interviews with six witnesses in Taizz, November 2011.

<sup>58</sup> Human Rights Watch telephone interviews with three witnesses in Taizz, November 7, 2011.

<sup>59</sup> Human Rights Watch telephone interview with a Taizz hospital official, October 3, 2011. The official identified the bystander as shopkeeper Nasir Abdullah al-Basha.

<sup>60</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with four witnesses to the marches, April 3-4, 2011. See also “Soldiers use live ammunition on protesters demanding removal of President Saleh,” *The Guardian*, April 4, 2011, <http://www.guardian.co.uk/world/2011/apr/04/yemeni-troops-kill-protesters-taiz> (accessed November 15, 2011).

International media reported up to a dozen deaths April 3-4 but Human Rights Watch confirmed six.

<sup>61</sup> Human Rights Watch telephone interview from Sanaa to Taizz with Salah al-Dakak, November 11, 2011.

the face, another in the neck, and a third in the chest, while dozens of others received gunshot wounds and hundreds suffered severe reactions to teargas, such as convulsions, skin burns, and acute breathing problems.<sup>62</sup>

The attacks continued the following day, with protesters reportedly responding by throwing rocks at security forces.<sup>63</sup>

Government officials blamed the shootings on opposition armed groups and said four security officers were killed and several wounded during those two days. “As the anti-riot police tried to disperse the demonstrations, using water hoses, batons and tear gas, they were confronted by heavy shooting, for some armed groups had already seized the roofs of the surrounding buildings that overlook the governorate,” they wrote in a statement to Human Rights Watch. “This act resulted in killing many security offices as well as innocent civilians.”<sup>64</sup>

### ***Marches on Education Ministry Offices, May 7-12***

Taizz was rocked by six days of violence between May 7 and May 12, as state security forces and gunmen in civilian clothing repeatedly opened fire on protesters and bystanders, killing 11 and wounding scores of others. Most of the attacks took place after demonstrators, joined by striking teachers, staged sit-ins and ultimately blockaded the Taizz offices of the Ministry of Education.<sup>65</sup> Many teachers in Yemen had joined the anti-Saleh protests and went on strike in mid-March to demand benefits to which they said they were entitled under a 2005 law. The government froze the teachers’ wages in response. Over the same days in May, security forces and gunmen in civilian clothing conducted

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<sup>62</sup> Human Rights Watch telephone interview with J.Z., a doctor in Taizz, April 4, 2011. Human Rights Watch is withholding the doctor’s identity to protect him from possible reprisal. See also “11 killed in Taiz by Yemen Security Forces,” *Yemen Post*, April 4, 2011, <http://www.yemenpost.net/Detail123456789.aspx?ID=100&SubID=3372&MainCat=3>, accessed October 3, 2011.

<sup>63</sup> At least 30 marchers were wounded April 5, as Republican Guards fired live ammunition at tens of thousands of demonstrators and men whom protesters described as plainclothes police attacked demonstrators with batons and daggers, Reuters reported. Protesters reportedly responded by throwing rocks. See “Yemen’s Saleh Urges Talks in Saudi,” Reuters, April 5, 2011, <http://ca.reuters.com/article/topNews/idCATRE7310ON20110405?pageNumber=3&virtualBrandChannel=0> (accessed October 31, 2011).

<sup>64</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>65</sup> The accounts of these six days of assaults are based on Human Rights Watch telephone interviews from Sanaa with several doctors and a dozen witnesses in Taizz, May 8-12, 2011, and further calls in October 2011. Human Rights Watch is withholding the identities of those interviewed to protect them from potential retaliation. See also “Gulf Cooperation Council: Revoke Immunity Promise to Saleh,” Human Rights Watch news release, May 12, 2011, <http://www.hrw.org/news/2011/05/12/gulf-cooperation-council-revoke-immunity-promise-saleh>.

similar attacks on protesters trying to march on government buildings in Sanaa and the Red Sea port of Hudaida, killing at least 15 demonstrators and wounding hundreds.

Yemeni officials wrote that “some” civilians were injured and three soldiers were killed in Taizz during these six days in May. They said the demonstrators in Taizz, armed with stones and Molotov cocktails, tried to “storm” government buildings, attacked and injured several police officers, blocked streets with burning tires, and torched a local police station.<sup>66</sup>

Witnesses interviewed by Human Rights Watch about these events gave a different version. They said the protesters were not using any form of violence when they were attacked. Following the attacks by security forces, however, protesters did surround government buildings and blocked streets with burning tires in retaliation.<sup>67</sup> Reuters news agency also reported that protesters set fire to the police station but Human Rights Watch was unable to verify this.<sup>68</sup>

In the first of these incidents, Central Security forces opened fire to disperse a peaceful demonstration on May 7, shooting dead one protester.<sup>69</sup> Security forces and assailants in civilian clothes killed 10 more protesters over five days starting May 8 after striking teachers, joined by anti-Saleh protesters, surrounded the Taizz offices of the Education Ministry on Jamal Street, to demand unpaid wages.<sup>70</sup>

After a local government official at the building promised on May 8 to address the teachers’ grievances if they dispersed, the teachers and their supporters began leaving the area, but gunmen from forces including Central Security, Republican Guards, and General Security fired on them as they retreated, killing two.<sup>71</sup>

Those deaths prompted larger protests in Taizz the following day, in which anti-Saleh demonstrators blockaded the Education Ministry’s offices. The protesters were not violent,

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<sup>66</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>67</sup> Human Rights Watch telephone interviews from Sanaa with six witnesses in Taizz, May 8-12, 2011, and October 2011.

<sup>68</sup> “Sniper Fire Kills Two in Taiz Unrest,” Reuters, May 11, 2011, <http://www.reuters.com/video/2011/05/11/sniper-fire-kills-two-in-taiz-unrest?videoid=210026852>. (accessed August 26, 2011).

<sup>69</sup> Human Rights Watch telephone interviews with three witnesses to the demonstrations, May 2011.

<sup>70</sup> Human Rights Watch telephone interviews with a dozen witnesses to the demonstrations, May 2011.

<sup>71</sup> Human Rights Watch interviews with five witnesses to the demonstrations, May 2011.

witnesses said, but security forces again opened fire without warning to disperse them, killing five people.<sup>72</sup> A sixth protester shot that day died from his wounds on May 16.<sup>73</sup>

A police officer seen firing from the Judairi police department in Taizz killed another protester on May 11 after demonstrators again blockaded the Education Ministry's offices, which were empty that day.<sup>74</sup> Protesters responded by pelting the police station with stones, storming it, and seizing a police officer whom they accused of opening fire on the protesters.<sup>75</sup> The protesters released the police officer later that day.<sup>76</sup>

The protesters blockaded two other government buildings that were empty at the time—a Yemen Petroleum Company office and a civil service office—and wrote on them, “Closed by the People.” They also took over large swaths of the city, in some cases blocking streets with burning tires. That day, for the first time, some anti-Saleh protesters carried weapons, including Kalashnikov assault rifles and handguns. Witnesses who spoke to Human Rights Watch said that they did not see any anti-Saleh protesters firing weapons.<sup>77</sup>

Security forces wounded at least 20 more protesters on May 12, one fatally, when they fired live ammunition on protesters who were marching to denounce the killings of the previous days.<sup>78</sup> The protesters marched through several streets without incident before amassing at al-Sha`b School, where they encountered dozens of soldiers from the Republican Guard and 33rd Brigade, as well as General Security police. As the demonstrators began chanting anti-government slogans, the troops began shooting.<sup>79</sup> One protester told Human Rights Watch that the security forces opened fire while standing on the walls and in the front of al-Sha`b school:

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<sup>72</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with witnesses and three Yemeni human rights defenders, one of whom participated in the protests, May 10-11, and October 31, 2011.

<sup>73</sup> Human Rights Watch telephone interview from Sanaa to Taizz with a medical official, May 16, 2011.

<sup>74</sup> Human Rights Watch telephone interviews with witnesses and three Yemeni human rights defenders, one of whom participated in the protests, May 10-11 and October 31, 2011.

<sup>75</sup> Human Rights Watch telephone interviews with four human rights activists in Taizz, October 31, 2011.

<sup>76</sup> Human Rights Watch telephone interviews with a human rights activist in Taizz, October 31, 2011.

<sup>77</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with witnesses and three Yemeni human rights defenders, one of whom participated in the protests, May 10-11, and October 31, 2011.

<sup>78</sup> Human Rights Watch interviews with two participants in the protest, Taizz, November 13, 2011.

<sup>79</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with witnesses and three Yemeni human rights defenders, one of whom participated in the protests, May 10-11, and October 31, 2011.

The demonstrators stopped and shouted, “Down with the regime!” Immediately the police started to fire Kalashnikovs. Then members of Central Security and the 33<sup>rd</sup> Brigade joined them. After shooting at us they started to launch teargas. It was a very scary scene. There were no armed people. It was a peaceful demonstration. Protesters didn't throw stones.<sup>80</sup>

Protester Marwan al-Qubati, 50, was shot in the head and on May 19 died from his wounds.<sup>81</sup> One witness said he saw a soldier from the 33rd Brigade fire the bullet that struck al-Qubati.<sup>82</sup>

### *Razing of Freedom Square and Follow-up Attacks, May 29-June 3*

On May 29, security forces began a six-day assault against protesters in Taizz that killed at least 22 people and wounded more than 260. Local activists say the toll is far higher.<sup>83</sup> The deadliest stage of the assault was an overnight attack May 29-30 on a local police station and nearby Freedom Square. During the spree, Republican Guards and other security forces also took over the city's largest hospital, stormed other medical facilities, and detained and prevented medical staff from treating wounded protesters.<sup>84</sup>

The assault helped trigger the armed conflict in Taizz, with tribal fighters from outlying areas moving into the city and declaring their intent to protect the protesters. It coincided with mounting protests and armed clashes across the country as President Saleh for a third time backed off from signing a GCC-brokered pact that offered him immunity from prosecution in exchange for his resignation. The assault continued until June 3, the day Saleh was gravely wounded in an attack on the presidential palace in Sanaa.

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<sup>80</sup> Human Rights Watch interview with A.W., a participant in the protest, Taizz, November 13, 2011. Human Rights Watch is withholding the protester's identity to protect him from possible reprisal.

<sup>81</sup> Human Rights Watch interview with A.W. and a medical official, Taizz, November 13, 2011.

<sup>82</sup> Human Rights Watch interview with G.A., a participant in the protest, Taizz, November 13, 2011. Human Rights Watch is withholding the protester's identity to protect him from possible reprisal.

<sup>83</sup> Human Rights Watch verified these deaths based on medical records, interviews with medical workers, and accounts of witnesses and family members of victims.

<sup>84</sup> The description of this incident is based on dozens of Human Rights Watch interviews with Taizz protesters and other witnesses from May 29 to June 3, 2011, as well as November 11-13, 2011. The attacks on hospitals during that period are described in a subsequent chapter of this report. See also “Yemen: States Should Freeze Officials' Assets,” Human Rights Watch news release,, June 4, 2011, <http://www.hrw.org/news/2011/06/04/yemen-states-should-freeze-officials-assets>.

The attack in Taizz began with security forces and armed men in civilian clothes shooting demonstrators gathered outside the Cairo district office of General Security to protest the detention of a protester, and quickly led to the security forces burning and bulldozing the protesters' nearby encampment in Freedom Square.

In its statement in December to Human Rights Watch, the Yemeni government wrote that the protesters started the attack by trying to “seize” the Cairo district security office. Back at Freedom Square, the statement said, the protesters killed each other and set fire to a tent in the encampment with Molotov cocktails that quickly spread to other tents.<sup>85</sup> “Some of the JMP leaders made use of this opportunity and burned all documents and belongings [inside the tents] that might be used against them,” it said. Soldiers “reacted spontaneously and hurried into the square to rescue their fellows.”<sup>86</sup>

The statement said the protesters and political opposition were part of “a previous plan to bring down the regime and Taizz province in particular.” It said eight [opposition] “attackers” and four security force members died during the six-day period.<sup>87</sup>

Human Rights Watch interviewed more than two dozen protesters, other witnesses, and medical workers, all of whom disputed the government’s version of events. The following account is based on these interviews and corroborated by Yemeni and international media reports.<sup>88</sup>

### ***Assault at the General Security Building***

At 3 p.m. on May 29, thousands of demonstrators gathered outside the General Security building in Taizz’s Cairo district to demand the release of a protester arrested earlier that

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<sup>85</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>86</sup> Ibid. See also the transcript of an interview with Brig. Gen. Abdullah Qairan, al-Sa’ida television, on July 14, 2011, available at: <http://yemenrightsmonitor.blogspot.com/2011/07/july-14th-interview-with-abdullah.html> (accessed August 26, 2011).

<sup>87</sup> Ibid.

<sup>88</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with more than two dozen medical workers, protesters, human rights defenders, and other witnesses, May 30-June 4, 2011, as well as follow-up interviews by telephone on October 31, 2011, and in person in Taizz, November 13-21, 2011. Human Rights Watch is withholding most of the interviewees’ identities to protect them from possible retaliation. Much of this information appeared in the news release, “Yemen: States Should Freeze Officials’ Assets,” Human Rights Watch news release.

day.<sup>89</sup> At the request of an officer at the building, the demonstrators left with the promise that they could collect the detained protester when they returned at 5 p.m.

At about 5:30 p.m., after the protesters had returned to the building, a masked gunman in civilian clothes fired on protesters with a Kalashnikov.<sup>90</sup> A protester who was shot in the leg said he saw the gunman jump out of a vehicle:

The gunman was masked. He opened fire on the demonstrators. He ran into the General Security building. Then General Security officers started shooting at us from the balconies and the roof from a distance of no more than 15 meters. Gunmen in civilian clothes were firing from the ground floor. It all happened without warning.<sup>91</sup>

At least four people were killed and at least 60 wounded during the following hour, according to two doctors who received the dead and wounded at the private al-Safwa Hospital and a field hospital at Freedom Square.

Some protesters responded to the shooting by throwing stones at the police building and then captured one security officer who allegedly had been shooting at protesters.<sup>92</sup>

Thousands of protesters then retreated about 100 meters to Freedom Square. There, dozens of uniformed Republican Guards, Central Security, Military Police, and General Security, in addition to armed civilians, again began firing live ammunition at the protesters.<sup>93</sup> Starting at about 6:30 p.m. and continuing to 1 a.m. on May 30, about 200 soldiers, police, and other members of the security forces approached Freedom Square from different sides, shot at the protesters, retreated, and then sporadically returned and again opened fire. Around 1 a.m. the security forces moved into the heart of the protest area, shooting live fire and teargas towards the protesters and accompanied by police vehicles spraying water from a water cannon.<sup>94</sup>

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<sup>89</sup> Human Rights Watch interviews with four witnesses, June, October, and November 2011.

<sup>90</sup> Human Rights Watch interviews with two wounded protesters, May 30, 2011.

<sup>91</sup> Human Rights Watch telephone interview from Sanaa with wounded protester in Taizz, May 30, 2011.

<sup>92</sup> Human Rights Watch interviews with two wounded protesters, May 30, 2011.

<sup>93</sup> Human Rights Watch interviews with five protesters, May 30 and November 13, 2011.

<sup>94</sup> Ibid.

‘Arif Abd al-Salam, 32, a history teacher and protester, was at the square most of the night:

They had tanks and bulldozers. They were throwing petrol bombs into the tents and firing from many directions. I saw with my own eyes a man with a loudspeaker calling on the security forces to stop attacking and killing their brothers. He was shot dead with a bullet. The one-sided battle continued until everything was destroyed in the square. It was a horrific night.<sup>95</sup>

One protester told Human Rights Watch that as the various security forces advanced, “I saw three protesters die in front of me, shot in the chest and the head.” She said she also saw Republican Guards and Central Security forces drag two of the dead protesters from the scene.<sup>96</sup>

Security forces also used teargas and a water cannon against the protesters. The forces threw bottles filled with flammable liquid at dozens of the protesters’ tents, setting them on fire. The protesters scattered. Soon after, bulldozers rolled up and flattened all tents in the square.<sup>97</sup>

The protesters were not violent when the security forces opened fire, said a witness who saw the attacks from her window. She added that “many of the protesters were inside their tents when the security forces started shooting.”<sup>98</sup>

As the attacks increased, some protesters at the square threw stones at the security forces. In addition, some protesters beat the captured officer before he was released around midnight.<sup>99</sup> Those actions, while unlawful, do not justify the use of deadly force against demonstrators under international law.

By then Freedom Square was empty. Around 3:30 or 4 a.m., security forces detained about 24 protesters who had been hiding in buildings on the square. The other protesters, including the man detained May 29, were released June 2 or in following days.<sup>100</sup>

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<sup>95</sup> Human Rights Watch interview with ‘Arif Abd al-Salam, Taizz, November 13, 2011.

<sup>96</sup> Human Rights Watch telephone interview with witness in Taizz, October 31, 2011.

<sup>97</sup> Human Rights Watch interviews with four protesters, May 30 and November 13, 2011.

<sup>98</sup> Human Rights Watch telephone interview with I.A. in Taizz, October 31, 2011.

<sup>99</sup> Human Rights Watch interviews with a group of protesters at Freedom Square, Taizz, August 14, 2011.

<sup>100</sup> Human Rights Watch telephone interview with detained protester following his release, June 2, 2011.

Security forces then moved to hospitals, where they attacked medical workers and threatened wounded protesters, blocking their medical care (see below).

### ***Attacks along Wadi al-Qadhi Street, May 31***

On the afternoon of May 31, about three dozen Central Security paramilitaries and General Security police shot dead three people and wounded about 40 others, one of whom died June 3, during attacks on about 200 peaceful protesters marching along Wadi al-Qadhi, a main street in Taizz. Protesters told Human Rights Watch that the security forces opened fire as protesters tried to flee.<sup>101</sup>

One of those killed was 6-year-old Salah al-Din Ahmad Abdu, who was hit in the stomach by a stray bullet as he stood in front of his house near Wadi al-Qadhi.<sup>102</sup> Three doctors at al-Rawdha Hospital, which received the bodies before they were transferred to a different hospital, confirmed those deaths.

Security forces dispersed most of the protesters that afternoon, but about 80 women remained and blocked a roundabout near Wadi al-Qadhi and chanted slogans demanding that Saleh resign. One female participant, human rights activist Bushra al-Maqtari, told Human Rights Watch:

The security forces told us, “We hope you leave, we don’t want to attack you because you are women.” They began firing shots in the air so we ran to Wadi al Qadhi. Later at Wadi al-Qadhi, we were attacked by about 40 people dressed in *abayas* [head-to-toe black gowns that most Yemeni women wear in public.] The people hit us with batons and stones. They tore off one protester’s veil as they chased us down the street.<sup>103</sup>

Al-Maqtari said she and other protesters suspected the attackers were men because they were large and muscular and wore military boots.

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<sup>101</sup> Human Rights Watch interviews with a group of protesters at Freedom Square, Taizz, August 14, 2011.

<sup>102</sup> Human Rights Watch telephone interview with a witness, Taizz, June 1, 2011.

<sup>103</sup> Human Rights Watch telephone interview with Bushra al-Maqtari, Taizz, May 31, 2011.

June 2 and 3 were marked by scattered clashes between security forces and armed opposition tribesmen in Taizz. On June 3, security forces firing from Central Security vehicles shot at protesters again as they left afternoon prayers at al-Sa'id mosque near Freedom Square.<sup>104</sup> These attacks killed three protesters, including one who was shot in the face, and wounded at least 53 others.<sup>105</sup>

### *Attacks on Protesters Condemning Deaths in Sanaa, September 19*

On September 19, thousands of protesters marched through Taizz to condemn the shootings by security forces and snipers of at least 24 demonstrators the previous day in Sanaa. Taizz security forces and gunmen in civilian clothing responded by killing three protesters and wounding 21 others.<sup>106</sup>

As the Taizz protesters marched toward the governor's building at about 1 p.m., they were blocked by a line of Central Security forces. When the protesters were within 10 to 15 meters of the security line, they came under heavy gunfire from Central Security, Republican Guard soldiers, and General Security police, as well as men in civilian clothing who were in buildings on both sides of the street.<sup>107</sup>

Local human rights activist Ghazi al-Sami'i said he witnessed two protesters being wounded while trying to rescue a man who had been shot in the head:

They were hitting us with live bullets, and teargas, and water mixed with sewage. I saw many wounded fall down in front of me. They included one man who died—his head was split open and bleeding heavily. Two other protesters were shot as they tried to reach him on a motorcycle to rescue

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<sup>104</sup> Human Rights Watch telephone interviews with two witnesses, Taizz, June 3, 2011.

<sup>105</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with two witnesses and a medical worker, June 3, 2011.

<sup>106</sup> Human Rights Watch telephone interviews from Sanaa with three human rights defenders from Taizz who participated in the protests, October 4, 2011. They are Ghazi al-Sami'i, Moain al-Obaidi, and Bushra al-Maqtari, who suffered abrasions from water-cannon fire. Security forces and gunmen in civilian clothing killed at least 27 protesters during attacks in Sanaa on September 18-19. The initial toll over two days in Sanaa and Taizz was 27; the number later rose to about three dozen as other protesters died from gunshot wounds. For more details, see "Yemen Protester Killings Show Perils of Immunity Deal," Human Rights Watch news release, September 20, 2011, [www.hrw.org/news/.../yemen-protester-killings-show-perils-immunity-deal](http://www.hrw.org/news/.../yemen-protester-killings-show-perils-immunity-deal).

<sup>107</sup> Human Rights Watch telephone interviews with al-Sami'i, al-Obaidi, and al-Maqtari, October 4, 2011.

him. By then, the protesters were responding by throwing stones. But there were no armed protesters in the march. It had been peaceful.<sup>108</sup>

Two protesters, Abd al-Karim Sharaf Fari', 60, and Abdu Muhammed Hashim, 30, died from bullet wounds to the chest. A third protester, Muqbil Abdu Naji, 23, was killed by a teargas canister that struck his head.<sup>109</sup> The bodies were brought to al-Rawdha Hospital.<sup>110</sup>

Government officials denied there were any protests that day but said tribal forces attacked security targets.<sup>111</sup>

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<sup>108</sup> Human Rights Watch telephone interview with al-Sami'i, October 4, 2011.

<sup>109</sup> Human Rights Watch telephone interview to Taizz with al-Obaidi, October 4, 2011.

<sup>110</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with two doctors at al-Rawdha Hospital, October 4, 2011.

<sup>111</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

### **III. Killings of Civilians during Attacks on Opposition Fighters**

In June 2011 fighting broke out between government forces and organized groups of opposition tribal fighters in several areas of Taizz. The fighting rapidly eclipsed the largely peaceful protest movement. The hostilities involved the use of mortars and other artillery indicative of an armed conflict under international humanitarian law (the laws of war), and resulted in dozens of civilian deaths.

The clashes closely followed the outbreak of hostilities in Sanaa and surrounding areas that pitted government forces including the Republican Guards against the tribal fighters of the powerful al-Ahmar clan. The renegade First Armored Division of Gen. Ali Mohsen al-Ahmar (no relation to the al-Ahmar clan), which had provided armed security to protesters in Sanaa since March, joined the fighting against government forces in the capital in September.

In Taizz, sheikhs from outlying villages who were aligned with General al-Ahmar dispatched dozens of tribal fighters, ostensibly to protect local protesters, after the May 29-30 razing of Freedom Square.<sup>112</sup> The sheikhs included Hamud al-Mikhafi and his cousin Sadiq Ali Sarhan, a brigadier general who leads the Air Defense Brigade of the First Armored Division.

First, opposition fighters recaptured Freedom Square from government forces. Several Taizz residents, as well as Yemeni and international media, reported that groups of armed tribesmen during the same period began ambushing government forces inside the city. The tribal forces also attacked military targets at flashpoints outside Taizz including al-Sittin Road, which leads northwest to the villages of al-Mikhafi and Sarhan.

Within weeks, according to residents, dozens of opposition tribal fighters had taken over about one-third of the city, including the northern neighborhoods of al-Rawdha, where a private hospital has treated many wounded protesters, and al-Masbah.

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<sup>112</sup> Human Rights Watch interviews with more than 70 Taizz residents, August-September 2011. See also, Robert Worth, “Yemen on the Brink of Hell,” *The New York Times Magazine*, July 24, 2011, <http://www.nytimes.com/2011/07/24/magazine/yemen-on-the-brink-of-hell.html?pagewanted=all>, and “Yemen Forces Fire on Protesters in South’s Taiz,” Reuters, July 28, 2011, <http://www.reuters.com/article/2011/07/28/us-yemen-idUSTRE76R3AX20110728> (accessed September 10, 2011).

Both sides set up checkpoints in areas under their respective control.<sup>113</sup>

By July, these tribal fighters were involved in frequent armed confrontations with Republican Guards and other government forces. The tribal fighters were supplemented for a few weeks in August by about 70 soldiers from a unit of the First Armored Division and by then numbered in the hundreds, as did the government forces.

Witnesses told Human Rights Watch that Republican Guards shelled opposition targets, including populated neighborhoods in which tribal fighters were deployed, from several bases on the high ground that rings the city. They showed Human Rights Watch tailfins from mortar shells and dud-fired 40 mm rifle grenades that they said ripped through their homes from the direction of Republican Guard bases.

The bases include the Republican Palace, al-Thawra Hospital, a nearby school for medical assistants, and, during the last few months of the conflict, Cairo Castle and al-Jara Mountain. All of those positions are between one and three and a half kilometers from neighborhoods where opposition fighters have deployed—well within mortar range. Al-Thawra Hospital, for example, overlooks al-Rawdha and al-Masbah. It also overlooks the protester camp at Freedom Square.

By October, Yemenis and international media were referring to Taizz as “a potential Benghazi,” the Libyan city that started armed revolt that ousted Col. Muammar Gaddafi.<sup>114</sup>

The military operations by state security forces, primarily Republican Guards, resulted in numerous civilian casualties. Human Rights Watch research into these operations found that the government shelling made little attempt to discriminate between civilians and rebel fighters, amounting to indiscriminate or disproportionate attacks in violation of the laws of war. At no time did government forces notify residents of impending attacks.

Opposition armed groups increased the risk of serious harm to civilians by deploying in and firing from densely populated neighborhoods, while making no apparent attempt to remove

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<sup>113</sup> Human Rights Watch interviews with dozens of Taizz residents, August and November 2011.

<sup>114</sup> See, for example, Tom Finn, "Is Taiz Going to Be the Benghazi of Yemen?" *Time Magazine*, Dec. 13, 2011, <http://www.time.com/time/world/article/0,8599,2102183,00.html#ixzz1iycl39fj> (accessed December 20, 2011).

the population under their control to safer areas. This also amounts to violations of the laws of war. However, violations by one side to a conflict do not justify violations by the other side.

Because Human Rights Watch was able to gather only limited information on these incidents, further investigations are needed to determine whether each side directed attacks only at military objectives, took all feasible precautions to spare civilians and civilian property, and used methods and means of attack that were appropriate to the circumstances prevailing at the time, as the laws of war require.

Through medical officials, witnesses, and relatives of victims, Human Rights Watch confirmed the deaths of 63 civilians, including 19 children aged 4 through 17, in shelling and shootings by security forces as a result of the armed conflict in Taizz between June and December, when the caretaker government arranged a ceasefire. Dozens more civilians not participating in the hostilities were wounded. Information that Human Rights Watch has gathered so far indicates that many of these casualties were the result of attacks involving mortars or other artillery shelling by government security forces. Security forces and opposition fighters also killed and wounded many civilians during gunfire exchanges in markets and streets. In addition, Human Rights Watch gathered credible evidence that two civilians, including a 15-year-old boy, were victims of extrajudicial killings by Republican Guards.

Human Rights Watch did not confirm any killings of civilians by opposition armed groups during the period of this report, but the government alleged four unlawful killings by opposition fighters in Taizz on December 1-2. Human Rights Watch received one additional report about those killings from an independent source that raised concerns that they may have been extrajudicial killings, but we were not able to verify sufficient details at this writing.<sup>115</sup>

Since June, about 80 opposition fighters and 65 soldiers, paramilitary troops, and police have been killed in Taizz, according to a local opposition commander and a statement

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<sup>115</sup> The government account of these incidents alleges that armed opposition fighters killed two wounded civilians en route to a hospital on December 1 and killed a woman who witnessed the attack with a rocket propelled grenade. It also alleges that the opposition fighters killed a colonel in front of his children the following day as he returned from Friday prayer. See The Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch. A medical source in Taizz expressed concern that the killings may have been unlawful in a telephone interview in mid-December 2011.

from the Yemeni government, respectively. Both sides said that hundreds were wounded.<sup>116</sup> Human Rights Watch was unable to verify these numbers independently.

Opposition forces have unlawfully deployed children to patrol roads and help operate checkpoints in Taizz, as have both opposition and government forces elsewhere in Yemen.<sup>117</sup> In August, Human Rights Watch interviewed three boys armed with Kalashnikovs and hand grenades who were guarding a street for tribal fighters in an opposition-controlled neighborhood. The boys said they were 14, 15, and 16 years old respectively. The 16-year-old said he had served as a police officer in General Security in Sanaa before defecting to opposition forces in Taizz.<sup>118</sup>

## Government Denies Laws-of-War Violations

In its December statement to Human Rights Watch, the Taizz General Security office and Yemeni Foreign Ministry alleged that opposition forces caused the civilian deaths during the armed conflict facet of the revolt against President Saleh. “All fatalities and casualties were a result of sudden attacks on security bases or military bases launched by the armed militias,” the statement said. “The JMP [Joint Meeting Parties opposition coalition] has fabricated many stories and spread rumors to mislead public opinion.”<sup>119</sup>

The statement also said that the opposition fighters “used civilians as human shields,” “attacked houses and buildings of civilians,” conducted widespread looting of both government and private property, and recruited children.<sup>120</sup> It provided Human Rights Watch with examples to support its allegations, many of which were disputed by witnesses.

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<sup>116</sup> Human Rights Watch telephone interview with a leader of opposition forces, Taizz, January 2011, and data from Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>117</sup> See, for example, “Yemen: Stop Using Children in Armed Forces,” Human Rights Watch news release, April 14, 2011, <http://www.hrw.org/news/2011/04/14/yemen-stop-using-children-armed-forces>, and Human Rights Watch, *All Quiet on the Northern Front?*, Chapter III.

<sup>118</sup> Human Rights Watch interviews with three child soldiers, Taizz, August 12 and 13, 2011.

<sup>119</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch. See also the transcript of an interview with Brig. Gen. Abdullah Qairan, al-Sa’ida television, on July 14, 2011, available at: <http://yemenrightsmonitor.blogspot.com/2011/07/july-14th-interview-with-abdullah.html> (accessed August 26, 2011).

<sup>120</sup> The Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011.

“In spite of all the crimes and violations committed by the opposition armed militias, the government forces have never evaded their lawful and constitutional responsibilities in protecting civilians as well as their belongings,” the statement said.<sup>121</sup>

## Applicable International Humanitarian Law

Under international law, the conflict between Yemeni government troops and armed opposition fighters in Taizz is a non-international (internal) armed conflict. The armed clashes reached the threshold of an armed conflict in which the laws of war apply because of the protracted violence, the heavy weaponry used, and the organization of both the government and opposition forces.<sup>122</sup> As parties to an armed conflict, Yemeni security forces and opposition fighters are obligated to abide by Article 3 common to the four Geneva Conventions of 1949,<sup>123</sup> the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II),<sup>124</sup> and relevant customary international law.<sup>125</sup>

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<sup>121</sup> Ibid.

<sup>122</sup> The threshold for armed conflict is generally met when a situation can be defined as “protracted armed violence” because the intensity of the violence and the organization of the parties. See Sylvain Vité, “Typology of armed conflicts in international humanitarian law: legal concepts and actual situations,” *International Review of the Red Cross*, vol. 91, no. 87, March 2009, pp. 75–78, [www.icrc.org/eng/assets/files/other/irrc-873-vite.pdf](http://www.icrc.org/eng/assets/files/other/irrc-873-vite.pdf) (accessed October 30, 2011). With regard to intensity, Vité writes, factors include the frequency of the acts of violence and the nature of the weapons used. Regarding opposition forces, factors to consider include the ability to exercise territorial control, a minimum level of organization and a command structure capable of ordering attacks—all of which are characteristics of the tribal opposition forces in Taizz. See also International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Tadić*, Case No. IT-94-1-T, Judgment (Trial Chamber), May 7, 1997, paras 561–568; ICTY, *Prosecutor v. Limaj*, Case No. IT-03-66-T, Judgment (Trial Chamber), November 30, 2005, para 84; and ICTY, *Prosecutor v. Boskoski*, Case No. IT-04-82, Judgment (Trial Chamber), July 10, 2008, para 175.

<sup>123</sup> Article 3 common to the four Geneva Conventions of 1949 (Common Article 3), adopted August 12, 1949, entered into force October 21, 1950. Yemen ratified the 1949 Geneva Conventions on July 16, 1970. Both government forces and opposition tribal forces are obligated to abide by Common Article 3 to the 1949 Geneva Conventions: “in the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions...” These include prohibitions “at any time and in any place whatsoever” with respect to civilians and captured combatants (a) murder, torture and other mistreatment; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences without trials meeting international due process standards.

<sup>124</sup> Protocol II applies to armed conflicts that “take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations.” 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, article 1. Yemen ratified Protocol II on April 17, 1990.

<sup>125</sup> Customary international humanitarian law can be found in the International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge, UK: Cambridge University Press, 2005), <http://www.icrc.org/customary-ihl/eng/docs/home> (accessed December 24, 2011). Many of the provisions of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1125 U.N.T.S. 3, entered into force December 7, 1978, are considered reflective of customary international law during internal armed conflicts.

The armed clashes between government forces and opposition fighters are for the most part distinct from the government's use of force against the largely peaceful protest movement. They do not change the state's obligation to refrain from using unnecessary or excessive force against demonstrators.

The fundamental principle of the laws of war is that of distinction: attacks are limited to military objectives and warring parties are prohibited from targeting civilians or civilian objects. All parties to a conflict must take all feasible precautions to protect civilians and civilian property under their control.<sup>126</sup> This includes the prohibition on attacks that do not or cannot discriminate between civilians and military targets, or that could be expected to cause civilian harm disproportionate to the anticipated military gain. Specifically, it is a violation to conduct "an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects."<sup>127</sup>

Warring parties must avoid locating military objectives within or near densely populated areas.<sup>128</sup> They must endeavor to give effective advance warning of attacks that may affect the civilian population.<sup>129</sup> They also must try whenever feasible to remove civilians from the vicinity of military objectives.<sup>130</sup>

The unlawful deployment of forces within densely populated civilian areas does not give opposing forces free rein to conduct attacks on those areas. The obligation to respect international humanitarian law does not depend on reciprocity by belligerent forces.<sup>131</sup>

The laws of war also prohibit parties to a conflict from looting private property.<sup>132</sup>

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<sup>126</sup> ICRC, *Customary International Humanitarian Law*, rule 22, citing Protocol I, art. 58(c).

<sup>127</sup> Protocol I, art. 51(5)(a).

<sup>128</sup> ICRC, *Customary International Humanitarian Law*, rule 23, citing Protocol I, art. 58(b).

<sup>129</sup> Ibid., rule 20, citing Protocol I, art. 57(2)(c).

<sup>130</sup> Ibid., rule 24, citing Protocol I, art. 58(a).

<sup>131</sup> Ibid., rule 140.

<sup>132</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 33, available at: <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5> (accessed September 9, 2011).

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which Yemen ratified in 2007, prohibits the use of children under age 18 in armed conflict, their conscription or forced recruitment by state armed forces, and any recruitment of children under age 18 by non-state forces.<sup>133</sup>

All states are obligated under international law to investigate and prosecute members of their forces implicated in war crimes. War crimes are serious violations of international humanitarian law committed with criminal intent. Criminal intent has been defined as violations committed intentionally or recklessly.<sup>134</sup> Individuals may also be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding, or abetting a war crime.

Responsibility may also fall on persons planning or instigating the commission of a war crime. Commanders and civilian leaders may 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.<sup>135</sup>

## Indiscriminate Attacks

Human Rights Watch collected information on more than a dozen artillery strikes, most involving mortars, by the Yemeni armed forces that resulted in civilian casualties and raise concerns about possible indiscriminate or disproportionate attacks in violation of the laws of war. In all of the cases that Human Rights Watch investigated, civilian witnesses said the shelling came from the direction of government security posts, primarily those of the Republican Guard and 33<sup>rd</sup> Brigade. In cases where Human Rights Watch was able to view damage to buildings, the location of penetrations indicated that mortars or tank cannons were fired from the direction of these government security posts.

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<sup>133</sup> Yemen ratified the Convention on the Rights of the Child on May 1, 1991, and its Optional Protocol on the involvement of Children in Armed Conflict on March 2, 2007. The Optional Protocol raised the standards set in the Convention on the Rights of the Child by establishing 18 as the minimum age for any conscription, forced recruitment, or direct participation in hostilities. Article 4 states that “armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen.” Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Resolution 54/263, Annex I, 54 U.N. GAOR Supp. (no. 49) at 7, U.N. Doc. A/54/49, vol. III (2000), entered into force February 12, 2002.

<sup>134</sup> See ICRC, *Customary International Humanitarian Law*, p. 574, citing, for example, International Criminal Tribunal for the former Yugoslavia, Delalic case, Case no. IT-96-21-T, Judgment, Trial Chamber II, Nov. 16, 1998.

<sup>135</sup> ICRC, *Customary International Humanitarian Law*, Rules 151-153.

In all but one case, opposition fighters were deployed in the neighborhoods where the shelling occurred, but for the most part the fighters were 200 meters or more from areas that were repeatedly shelled, suggesting that the fire was indiscriminate. Only in one of the cases that Human Rights Watch examined did a shell appear to hit a clear military objective, the house of a sheikh commanding opposition forces. In most of the incidents, state-run media blamed attacks killing civilians on opposition fighters or described those killed as armed militants.<sup>136</sup> Opposition and independent media blamed the deadly attacks on government forces.<sup>137</sup>

### *Al-Masbah*

Al-Masbah became an opposition-controlled neighborhood shortly after fighting began in June. Sadiq Ali Sarhan, a local sheikh and renegade general, was having a house built there in July.<sup>138</sup> Sarhan at this writing was commander of the Air Defense Brigade of the renegade First Armored Division.

On July 15, government forces repeatedly shelled Sarhan's house as well as homes and a busy street within 100 to 300 meters of his property, striking a group of children at play. One shell struck Sarhan's house and killed his son, Abd al-Rahman Sadiq Ali Sarhan, 19, as well as one of Sarhan's armed escorts and Abd al-Fatah Hamid, 15, who was standing at a nearby bus stop.<sup>139</sup> Human Rights Watch was unable to determine if Sarhan's son was a fighter. Residents said there was no fighting in the neighborhood at the time. While Sarhan and his entourage may have been legitimate targets, security forces had an obligation not to attack the house in an indiscriminate manner. Witnesses told Human Rights Watch that mortar rounds began hitting the outskirts of al-Masbah in the morning. One resident, Muhammad al-Anisi, said his 18-year-old son and 5-year-old daughter were wounded when a shell ripped through the wall and window of their house about 300 meters from Sarhan's home.<sup>140</sup>

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<sup>136</sup> For example, Abdo al-Janadi, the Deputy Minister of Information in Sanaa, said heavy shelling of Taizz that killed 14 civilians on November 11, 2011, was conducted by army defectors and the JMP. See "Yemen defected army kills 12, wounds dozens in Taiz," *Yemen Observer*, November 18, 2011, <http://www.yobserver.com/local-news/10021627.html> (accessed November 18, 2011).

<sup>137</sup> See, for example, "Bombing Peaks in Taizz, Five New Martyrs, Angry Marches," Almasdaronline.com, October 5, 2011, [http://www.almasdaronline.com/index.php?page=news&article-section=1&news\\_id=24188](http://www.almasdaronline.com/index.php?page=news&article-section=1&news_id=24188) (accessed December 30, 2011).

<sup>138</sup> Human Rights Watch interviews with 11 witnesses in al-Masbah, August 10-13, 2011.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

The shelling stopped after the 2 p.m. strike on Sarhan's house, allowing residents to emerge from their homes. But at about 3:30 p.m., as residents left afternoon prayer, another shell struck a house on al-Masbah Street about 100 to 200 meters from Sarhan's house.<sup>141</sup> Shrapnel flew through al-Masbah Street, striking a group of children at play and killing a 14-year-old boy and a 20-year-old man. The strike also wounded at least 18 others, all but one of them children between the ages of 4 and 17.<sup>142</sup>

"I felt safe then and I went out, and children started to go out of their houses, because it was Friday [the day of rest]," said Asil Ali Abdullah, 15. "The next thing I knew, I was in the hospital with my friends. We feared we would die."<sup>143</sup> He showed Human Rights Watch wounds from the attack to his abdomen, foot, and thigh.

Fawaz Ali Abd al-Rahman, a neighborhood resident and guard at the al-Wahda elementary school, near the area where the children were struck, rushed to the scene to bring the wounded to a local hospital in his pickup truck:

The children were screaming with terror. Most of the wounded are students in the school that I guard, and I know them well, I used to watch them as they played with joy, and it was a painful thing to see them suffering and in pain.

Human Rights Watch visited the 17 wounded children between August 8 and August 17 and found that most had not yet recovered. Many had undergone multiple operations to remove shrapnel from the thigh, abdomen, shoulder, or head.

Mahyub Faisal Murshid al-Majidi, the father of Asil Mahyub, the 14-year-old who was killed, described his son as "just a boy, not an armed fighter." He said:

They have killed my son with no fear of punishment because they know they will get away with it, just as the killers got away with it after they killed people [May 29 and 30] in Freedom Square.<sup>144</sup>

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<sup>141</sup> Ibid.

<sup>142</sup> Ibid. Human Rights Watch also confirmed the casualties with relatives and local medical officials.

<sup>143</sup> Human Rights Watch interview with Asil Ali Abdullah, Taizz, August 11, 2011.

<sup>144</sup> Human Rights Watch interview with Mahyub Faisal Murshid al-Majidi, Taizz, August 12, 2011.

Three days after the mortar shelling on and near Sarhan's house, about 70 soldiers from the First Artillery Brigade, a unit of the renegade First Armored Division, arrived in Taizz and deployed for about two weeks in al-Wahda elementary school, about 100 to 200 meters from Sarhan's house in al-Masbah.<sup>145</sup> The rebel soldiers wore civilian clothing but were armed with handguns and Kalashnikov rifles.

The renegade soldiers left the school in late August, several days before classes resumed. Although there were no students or teachers at the school at the time it was occupied, their deployment in a densely populated residential area may have placed civilians at risk.<sup>146</sup> The school is set back about 50 meters from a street but separated by narrow alleys from homes on either side. On October 22, a mortar shell fell on the school, and shelling and gunfire have also hit nearby areas since school began, endangering students and forcing classes to be canceled a few times.<sup>147</sup>

### ***Al-Rawdha***

Some of the most intense mortar shelling hit al-Rawdha, the neighborhood of Sheikh Hamud al-Mikhafi, who heads another of the local tribal forces aligned with anti-Saleh protesters. Al-Mikhafi had been seen in al-Rawdha since fighting began in May, and many tribal fighters live at the al-Mikhafi compound in the neighborhood or are stationed at a nearby post.<sup>148</sup> Human Rights Watch spoke to about 35 witnesses to attacks in al-Rawdha; they described sounds of incoming shells and screams of residents echoing through the streets almost

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<sup>145</sup> Human Rights Watch interviews with residents and five soldiers who remained at the school until mid-August. The five soldiers said they were members of the First Artillery Brigade and showed Human Rights Watch their military identity cards, Taizz, August 12, 2011.

<sup>146</sup> Under the laws of war, schools and educational institutions are civilian objects that are protected from attack. They may only be attacked if, and only for such time as, they are military objectives. Military objectives are those objects that contribute to the military action and whose destruction under the existing circumstances would offer a definite gain. Thus, a school is normally protected from deliberate attack, unless, for instance, security forces in military operations were using it to deploy or as a firing position. In case of doubt whether a school building is being used for a military purpose, it must be presumed to be a protected civilian object. See ICRC, *Customary International Humanitarian Law*, citing Protocol I (1977), art. 52: "Civilian objects shall not be the object of attack or of reprisals... Attacks shall be limited strictly to military objectives... In case of doubt whether an object which is normally dedicated to civilian purposes, such as ... a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." See generally, Human Rights Watch, "Schools and Armed Conflict: A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use," July 20, 2011, <http://www.hrw.org/reports/2011/07/20/schools-and-armed-conflict-o>.

<sup>147</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with three fathers of students at al-Wahda elementary school, October 25-26, 2011.

<sup>148</sup> Human Rights Watch interviews with dozens of Taizz residents, August 2011. Human Rights Watch saw armed opposition fighters deployed in or at the entrance to al-Rawdha in August and November 2011.

nightly. Republican Guard attacks on al-Rawdha accelerated in September and continued at least through December.

### **Yusif al-Shamiri**

Late at night on July 7, 2011, a mortar shell struck the front of a minibus driving along al-Rawdha Street, the primary road through the neighborhood. The impact blew pieces of the bus carriage into the front seat, killing the driver, Yusif al-Shamiri, 21, setting the bus on fire. The bus was not carrying passengers and there was no sign of weapons inside or other indication that it might have been being used for military purposes.<sup>149</sup>

As residents rushed to the scene to try to rescue al-Shamiri, at least one other shell struck the street and exploded, wounding about 20 people and smashing nearby cars.<sup>150</sup> Witnesses said rescuers were unable to remove the bus driver's body until the following day because pieces of the minibus had pierced his body.

Local residents said the shells came from the direction of al-Thawra Hospital, where Republican Guard forces were deployed. They said they had not seen opposition fighters in the vicinity of the bus.<sup>151</sup> A government statement to Human Rights Watch said armed opposition fighters had barricaded an adjacent neighborhood that day.<sup>152</sup>

“The only fighters in the neighborhood were about a kilometer away,” said one of the residents who tried to rescue al-Shamiri. “The state isn’t killing the fighters, but every day it is hitting ordinary citizens, who have nothing to do with the fighting.”<sup>153</sup>

### **Qaid al-Yusifi, ‘Imad al-‘Udaini, and Murad al-Mikhlafi**

Two nights later, on July 9, three more residents were killed and a four-year-old girl wounded when shells struck al-Rawdha. Those killed included Qaid al-Yusifi, 38, a teacher who was riding home on a motorcycle to bring milk to his family during what he had thought was a lull in the attacks.

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<sup>149</sup> Human Rights Watch interviews with O.I. and A.H., Taizz, August 7 and 14, 2011, respectively.

<sup>150</sup> Ibid.

<sup>151</sup> Human Rights Watch interviews with several residents near the site where the bus was struck, August 7, 2011.

<sup>152</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>153</sup> Human Rights Watch interview with O.I., Taizz, August 7, 2011.

Al-Yusifi's wife, Labiba Hamid Muhammad Saif, 32, told Human Rights Watch that she heard at least three shells hit the area around the couple's house while her husband was riding home at about 11 p.m.:

We tried to look out the window because we heard screaming. There were a number of wounded and there were people from the neighborhood trying to rescue them. The electricity was cut and I could not recognize the injured. Then I recognized one of them as my husband Qaid. He was carrying juice, milk, and water, not bombs or bullets.<sup>154</sup>

Echoing other residents, Labiba Hamid said opposition gunmen were at least 300 meters from her home. Human Rights Watch saw several opposition fighters deployed at a checkpoint about 300 meters away during a visit to the site in August.

The two other people killed in this attack were identified as 'Imad al-'Udaini, 19, and Murad al-Mikhlafi, 22.<sup>155</sup>

Residents said the shelling came from the direction of two Republican Guard posts, al-Thawra hospital and the Republican palace.

Asma Muhammad Mihdi, who lives nearby, showed Human Rights Watch mortar shell shrapnel and the gaping hole it created when it ripped through one side of her apartment, tearing out a window and surrounding wall and wounding her four-year-old daughter. She said:

I was washing clothes when suddenly I heard a big explosion inside the apartment. The electricity went off, and I found myself swimming in a sea of dust and smoke, looking for my baby, Du'a. I found her in a corner, wounded and bleeding.... The rest of the family were in another apartment. If they had been here all of us could have been killed.<sup>156</sup>

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<sup>154</sup> Human Rights Watch interview with Labiba Hamid Muhammad Saif, Taizz, August 9, 2011.

<sup>155</sup> Human Rights Watch interviews with al-Rawdha residents and a medical official, Taizz, August 9, 2011.

<sup>156</sup> Human Rights Watch interview with Asma Muhammad Mihdi, Taizz, August 9, 2011.

Opposition fighters were on a street near al-Mikhafi's compound but a few hundred meters from Mihdi's house.<sup>157</sup>

### **Abdu Ahmad Khalid and Mansur Muhammad**

On September 20, government shelling killed two civilians and wounded three others in artillery strikes near al-Mikhafi's house. Residents said that at least four shells hit the neighborhood between 12:30 a.m. and 1:30 a.m., adding that there had been no clashes or gunfire in the area at the time of the attack.<sup>158</sup>

One of those killed was Abdu Ahmad Khalid, 50, whose house is across the street and about 100 meters from al-Mikhafi's house. Khaled's daughter, Iman Abdu Ahmad, a 25-year-old medical student, said she and other relatives heard the sound of explosions and falling shells in front of their house for about an hour, starting around 12:30 a.m.:

We were very scared and we went to hide in the rooms that are farthest from the shelling. But my father was still in his room on the side where the shells were falling. At around 1:30 a.m. we felt a shell fall in our house. We rushed to check on my father in the darkness. We found him on the ground unconscious, with shrapnel in his eye and his head. As we were calling out to him, another shell fell so we all ran away. When we returned, we found him still bleeding but breathing. We and our neighbors rushed him to al-Rawdha Hospital and then to Yemen International Hospital [also in Taizz]. He had surgery there and remained in intensive care for two days. Then he died.<sup>159</sup>

The same strike killed a 28-year-old neighbor, Mansur Muhammad.<sup>160</sup>

### **Abd al-Hakim al-Nur and Ahmed Qasim al-Hubaishi**

Al-Rawdha was among three neighborhoods hit by government mortar shells or machine gun fire on October 4 that killed four civilians and wounded about 40 others, some of them critically.

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<sup>157</sup> Human Rights Watch interviews with al-Taqwa residents, August 9, 2011.

<sup>158</sup> Human Rights Watch telephone interviews from Cairo to Taizz with Iman Abdu Ahmad, October 4, 2011, as well as with second witness and a medical official.

<sup>159</sup> Human Rights Watch interview with Iman Abdu Ahmad, October 4, 2011.

<sup>160</sup> Human Rights Watch telephone interviews with Iman Abdu Ahmad, as well as with second witness and a medical official, October 4, 2011.

The shelling in al-Rawdha that day killed Abd al-Hakim al-Nur, 43, and wounded his two sons, 11 and 14 years old, his wife said.<sup>161</sup>

A neighbor, Ahmed Kasim al-Hubaishi, 16, was also killed in the shelling, and four of his relatives were wounded, two of them seriously.<sup>162</sup>

A government statement to Human Rights Watch said security forces came under heavy attack from opposition fighters that day in Taizz.<sup>163</sup> But there were no fighters in the area of al-Nur's and al-Hubaishi's homes, which are at least 500 meters from al-Mikhlafi's house, according to al-Nur's wife and three neighbors.<sup>164</sup>

### *Kumb al-Rus*

In some cases, shells coming from the direction of Republican Guard posts struck civilians in government-controlled areas. On July 22, between 4 and 4:30 p.m., three shells struck two residential buildings in the quarter of al-Kumb al-Rus, in the Kalaba neighborhood. One shell killed a 25-year-old woman, Asma` Muhammad Ahmad al-Hajj, and an 11-year-old girl, Nagwa Muqbil Qaid.<sup>165</sup> The shelling wounded four others, including a 6-year-old boy.

"It was a terrifying and ugly thing," said neighbor Kamal Nasir, 26, who rushed to Nagwa's home but was too late to save her. "Fragments from the shell had struck her all over her body."<sup>166</sup>

A government statement to Human Rights Watch said a group of "armed outlaws" opened fire at Kalaba checkpoint at 10:30 a.m. that morning. "A complete file has been prepared and submitted to prosecution," it said, without elaborating.<sup>167</sup>

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<sup>161</sup> Human Rights Watch telephone interview from Cairo to Taizz with al-Nur's wife, Fatima Ahmad Qasim, October 7, 2011.

<sup>162</sup> Human Rights Watch telephone interview from Cairo to Taizz with a neighbor and a medical official at al-Rawdha Hospital, which received the dead and wounded, October 7, 2011.

<sup>163</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>164</sup> Human Rights Watch telephone interviews from Cairo to Taizz with Fatima Ahmad Qasim and three neighbors, October 7, 2011.

<sup>165</sup> Human Rights Watch telephone interviews with more than a half dozen residents, August 14. 2011.

<sup>166</sup> Human Rights Watch interview with Kamal Nasir, Taizz, August 14, 2011.

<sup>167</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

Residents said the shell came from the direction of the Republican Palace. They expressed shock at the strike, describing Kumb al-Rus as a government-controlled area and the family of the woman and girl who were killed as government supporters.<sup>168</sup> No fighting had taken place in Kumb al-Rus and no opposition gunmen were deployed there, they added.

“Our neighborhood is not in the areas of the political problems and the unrest,” Nasir said. “About a week ago, gunmen passed by the neighborhood’s [main] street but they did not stay.”<sup>169</sup>

The state news agency blamed opposition fighters for the attack, while the website of the opposition party Islah said the Republican Guard was responsible for the shelling.<sup>170</sup>

### *Lower Tahrir Street*

Until October, government forces in Taizz conducted most shelling after dark, when most residents stayed home for fear of being struck. But homes did not always protect residents from the shelling.

Two relatives told Human Rights Watch that Hashid Abd al-Jalil, 50, a cobbler, was struck by a mortar shell inside his shoe shop on Lower Tahrir Street, a central area also known as al-Mughtaribin, sometime after 10 p.m. on October 4.<sup>171</sup> Abd al-Jalil’s nephew, Nagib Sadiq al-Amri, 19, said he did not hear or see any fighters in the area. He told Human Rights Watch:

We went to sleep inside the shop just like every day. Suddenly mortar shells fell in the building in front of the shop. Then three shells fell in front of our shop and shrapnel from the second one hit my uncle in several parts of his body and killed him immediately.<sup>172</sup>

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<sup>168</sup> Human Rights Watch interviews with two residents of al-Kumb al-Rus, Taizz, August 14, 2011.

<sup>169</sup> Human Rights Watch interview with Nasir, August 14, 2011.

<sup>170</sup> “Woman, girl killed in Yemen government-opposition fighting,” Reuters, July 24, 2011, <http://www.reuters.com/article/2011/07/24/us-yemen-idUSTRE76M1120110724> (accessed September 7, 2011).

<sup>171</sup> Human Rights Watch telephone interviews from Cairo to Taizz with Nagib Said al-Amri and ‘Abd al-Rahman Hashid, the nephew and son of Hashid Abd al-Jalil, October 8, 2011.

<sup>172</sup> Human Rights Watch telephone interviews from Cairo with al-Amri and with a medical official at al-Rawdha Hospital who confirmed Abd al-Jalil’s death, October 8, 2011.

## *Citywide Assault*

On October 21, the UN Security Council passed a resolution demanding that the Yemeni authorities “immediately ensure their actions comply with obligations under applicable international humanitarian and human rights law, allow the people of Yemen to exercise their human rights and fundamental freedoms, including their rights of peaceful assembly to demand redress of their grievances and freedom of expression, including for members of the media, and take action to end attacks against civilians and civilian targets by security forces.”<sup>173</sup>

In the ensuing month, until President Saleh signed an accord to transfer power, security forces killed nearly three dozen more civilians in Taizz during operations against opposition forces, most in what appear to have been indiscriminate attacks, a Human Rights Watch investigation found.<sup>174</sup> Human Rights Watch also found that many opposition fighters continued to deploy in densely populated areas, placing civilians at grave risk.<sup>175</sup> The deadliest single day was November 11.

Starting before dawn that day, Republican Guards, the 33<sup>rd</sup> Brigade, and other security forces repeatedly shelled neighborhoods including al-Rawdha, the central neighborhood of al-Hasab, where they damaged several buildings including a factory, and the residential areas of al-Manakh and al-Kawthar, both near al-Hasab.<sup>176</sup>

The attacks that day killed 14 civilians including three women protesters gathered for a prayer and rally in Freedom Square. They also killed six children including a four-year-old girl in her home, three men at a shop near a mosque, and a patient at al-Rawdha Hospital, which was struck by at least seven projectiles including mortar shells as emergency workers arrived

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<sup>173</sup> UN Security Council Resolution 2014 (2011), adopted October 21, 2011, Article 4, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm> (accessed October 22, 2011).

<sup>174</sup> After the president signed the accord, an additional 23 civilians were killed in shelling and attacks on protesters through the end of 2011, according to Human Rights Watch telephone interviews with medical officials in Taizz in December 2011.

<sup>175</sup> Human Rights Watch based this finding on more than 45 telephone and in-person interviews with witnesses, medical workers, and relatives of the dead and wounded from October 21 through November 23, 2011. We also examined ordnance and inspected sites damaged in the attacks. Those findings were originally published in “Yemen: Spate of Killings Defy UN Order,” Human Rights Watch news release, November 25, 2011, <http://www.hrw.org/news/2011/11/25/yemen-spate-killings-defy-un-order>.

<sup>176</sup> Human Rights Watch telephone and in-person interviews with more than 45 witnesses, medical workers, and relatives of the dead and wounded from October 21 through November 23, 2011.

with wounded from other attacks.<sup>177</sup> Witness accounts indicate that most if not all of these civilians were killed in apparently indiscriminate attacks by the Yemeni army.<sup>178</sup>

The government blamed soldiers of the renegade First Armored Division and the JMP for the November 11 deaths and other attacks during the same period that harmed civilians in Taizz. It said Taizz authorities formed a committee to investigate the incident but that JMP leaders refused to cooperate.<sup>179</sup> But multiple witnesses said the shells in those attacks came from the direction of government security forces' positions.<sup>180</sup>

### *Freedom Square*

Gunfire from government positions struck Freedom Square sporadically starting in the morning of November 11 as hundreds of protesters amassed for prayer and a rally dubbed the “Day of Rejecting Immunity” for Saleh.<sup>181</sup> The shooting stopped around 11 a.m., and resumed a half-hour later. A projectile that the witnesses believed was a shell hit an abandoned hotel overlooking the square at approximately 11:45 a.m. About 15 minutes later, a shell struck a group of about 10 women protesters gathered to hear the midday sermon, killing three.<sup>182</sup>

Siraj Munir al-Adib, 25, saw the attack from an open tent:

Bullets were passing over our heads. I saw Abdullah al-Thaifani [a Taizz protest leader and university professor] shot by live fire in his right shoulder, in front of me. A few minutes later I heard a big explosion a few

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<sup>177</sup> The attack on al-Rawdah Hospital is detailed in the following chapter of this report.

<sup>178</sup> Human Rights Watch interviews with more than two dozen witnesses including protesters, residents of shelled neighborhoods, wounded civilians, and medical workers who received the dead and wounded, Taizz, November 13-21, 2011. Residents showed Human Rights Watch numerous fragments from mortar shells. Many residents as well as Yemeni and international media reports said government forces also fired artillery shells.

<sup>179</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch. See also “Yemen defected army kills 12, wounds dozens in Taiz,” *Yemen Observer*, November 18, 2011, <http://www.yobserver.com/local-news/10021627.html> (accessed November 18, 2011).

<sup>180</sup> Human Rights Watch interviews with more than two dozen witnesses in Taizz, November 13-21, 2011.

<sup>181</sup> Human Rights Watch interviews with three witnesses, Taizz, November 15, 2011.

<sup>182</sup> Ibid.

meters away. I ran over and saw women who were injured by shrapnel. They were screaming. Three others were killed.<sup>183</sup>

“The women were doing nothing except shouting for the departure of the president,” said Kafa'a Wazi' Abdu, who was standing nearby when the shell struck. “Suddenly a cursed shell killed our dear friends.”<sup>184</sup>

About 20 opposition fighters protecting the protesters were stationed about 300 meters from the women, but they were not inside the square and there was no fighting nearby. Witnesses said the shell came from the direction of the Republican Guard post at al-Thawra Hospital.<sup>185</sup>

Between 8:30 and 9 a.m. on November 11 in al-Kawthar, a neighborhood near Freedom Square, a projectile tore through the window of a house and struck and killed resident Hani Hasan al-Shaibani, 38.<sup>186</sup>

Shaibani's sister, Wafa' al-Shaibani, 24, said the family had heard explosions and gunfire in the distance all morning but not near the house:

Hani was trying to calm us down, saying it was just shooting in the air. He asked for breakfast and went back to his room. Seconds later, we heard a noise and the house started shaking and a voice cried out from Hani's room. We ran to Hani's room and saw smoke and a hole in the window and a hole in the wall. Hani was lying on the ground, with most of his head and face blown off.<sup>187</sup>

The projectiles entered the side of the house facing the government-occupied al-Thawra Hospital, about one kilometer away. The house was about 30 meters from the edge of Freedom Square but at least 300 meters from a building where local residents said

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<sup>183</sup> Human Rights Watch interview with Siraj Munir al-Adib, Taizz, November 15, 2011.

<sup>184</sup> Human Rights Watch interview with Kafa'a Wazi' 'Abdu, Taizz, November 15, 2011.

<sup>185</sup> Human Rights Watch interviews with three witnesses, Taizz, November 15, 2011.

<sup>186</sup> Human Rights Watch interviews with a dozen witnesses, Taizz, November 14, 2011.

<sup>187</sup> Human Rights Watch interview with Wafa' al-Shaibani, Taizz, November 14, 2011.

opposition fighters were deployed. Human Rights Watch inspected the damage but was unable to determine what kind of projectile struck the house.

### ***Al-Taqwa Mosque***

A mortar shell believed to have been fired by government forces on November 11 killed three civilians sitting on the steps of a shop near al-Taqwa mosque in al-Rawdha. Witnesses said the site was at least 300 meters from al-Mikhafi's house or any other areas where opposition fighters deployed.<sup>188</sup>

The shell struck around 10:30 a.m., killing Abdullah Hazzaj, 36; Mahyub Muhammad Tahir, 50; and Tariq Muhammad Abdu, 18.

There were no armed men or fighting near the mosque, said Muhammad Mansur, 20, who was sitting with the men and was wounded from shell fragments. He told Human Rights Watch:

We were sitting in front of my shop, close to the al-Taqwa mosque. We would hear explosions but they were not nearby. Suddenly a shell fell and rocked the area. The fragments hit all four of us. It hit Abdullah and Mahyub and Tariq in many parts of their bodies. They choked in their blood and died on the spot.<sup>189</sup>

Opposition fighters had not been near al-Taqwa mosque for months, said Asma' Muhammad Mahdi, Hazzaj's sister-in-law. The fighters are stationed at the checkpoint at the entrance to al-Rawdha "and their places are obvious and known," she said.<sup>190</sup>

### ***Al-Manakh***

In the neighborhood of al-Manakh, a shell struck the yard of a home around 3 p.m., killing a four-year-old girl and wounding her sister and mother.<sup>191</sup>

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<sup>188</sup> Human Rights Watch interviews with two witnesses, Taizz, November 14, 2011.

<sup>189</sup> Human Rights Watch interview with Muhammad Mansur, Taizz, November 16, 2011. Human Rights Watch examined fragments found at the scene and determined they were remnants of a mortar shell.

<sup>190</sup> Human Rights Watch interview with Asma' Muhammad Mahdi, Taizz, November 16, 2011.

<sup>191</sup> Human Rights Watch interviews with five witnesses, Taizz, November 14, 2011.

Shell fragments burst into the main room of the house and struck four-year-old Amal Abd al-Basit al-Taj, in the head, killing her instantly, said the girl's grandmother, Ruqiya Qa'id Nu'man, 48. The fragments also blew off the middle finger of Amal's 10-year-old sister Iman, and struck the girls' mother, Ibtisam Abdullah Nu'man, in her chest and abdomen, seriously wounding her. The girls and their mother were waiting for their father to come home to spend the afternoon with them, the grandmother said:

The explosion shook the house, and glass, shrapnel, and dust flew through the air. Iman's screaming and Ibtisam's moans filled the house. I ran to the main room. It was a terrible scene. The remains of Amal's head and her blood were spread across the room. Iman and her mother were wounded and covered in blood.<sup>192</sup>

Al-Manakh is near al-Hasab, but it is not an opposition-controlled area. No opposition fighters were deployed in the neighborhood, and the closest fighting was one to two kilometers away, according to relatives and neighbors of the victims.

Amal's father, Abd al-Basit Qa'id Ahmad al-Taj, said he was convinced the shell came from government forces, which he said were deployed that day outside al-Manakh and firing in the direction of his house.<sup>193</sup>

"We have been saying that we live in one of the safest neighborhoods, farthest from the shells and bullets," Amal's grandmother said. "However, it seems there are no places left in Taizz that are safe from shells and death."<sup>194</sup>

## Deployment by Both Sides in Civilian Areas

Opposition fighters repeatedly placed civilians at risk by deploying in densely populated areas, including al-Masbah and al-Rawdha, without making any attempt to remove the civilians to safer areas. In some cases, opposition gunmen fired from beside or atop homes or apartment buildings while families were inside.

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<sup>192</sup> Human Rights Watch interview with Ruqiya Qa'id Nu'man, Taizz, November 14, 2011.

<sup>193</sup> Human Rights Watch interview with Abd al-Basit Qa'id Ahmad al-Taj, Taizz, November 14, 2011.

<sup>194</sup> Human Rights Watch interview with Ruqiya Qa'id Nu'man, Taizz, November 14, 2011.

“Opposition gunmen have shot with Kalashnikovs more than once near our home, then they hide in the alleys between the buildings,” said a resident of an area between Freedom Square and the Republican Guard-occupied al-Thawra Hospital. “Then the [government] tanks stationed in front of al-Thawra Hospital respond by striking the buildings in the neighborhood.”<sup>195</sup>

Mukrid Said al-Hammadi, a resident of the al-Zahara neighborhood, said his son, Majid, 17, was killed in a counterattack after about five opposition gunmen fired on the Republican Palace from outside their home.<sup>196</sup> Al-Zahara sits on high ground facing the Republican Palace and the Central Security forces’ local headquarters. Al-Hammadi said the attack began at about 11 p.m. on October 4, a day of heavy fighting in at least three areas of Taizz:

The [opposition] gunmen fired from the vicinity of our house on the Republican Palace and immediately gunfire and shells from the Republican Palace and Central Security forces came back. Some bullets hit our house so we tried to hide in a room that is located on the other side from the gunfire, but a shell hit a room facing the Republican Palace, and machine gun fire entered through the walls of the house. Suddenly I found my son Majid shot in the head with a machine gun bullet. The doctors tried to revive him at the Republican Hospital, but he lost his life.<sup>197</sup>

Some residents accused opposition fighters of deliberately firing from near homes of families that supported President Saleh. “They used to come very near our house and fire toward government locations and run away,” one al-Rawdha resident said of al-Mikhlafi’s fighters. “They are doing this because we are supporters of the president. We asked them not to shoot next to our house but they kept on doing so about five times [in September].”<sup>198</sup>

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<sup>195</sup> Human Rights Watch telephone interview with L.H., September 2011.

<sup>196</sup> Human Rights Watch telephone interview with Mukrid Said al-Hammadi in Taizz, October 7, 2011.

<sup>197</sup> Ibid.

<sup>198</sup> Human Rights Watch telephone interview to Taizz, October, 2011.

Another Taizz resident said that in July his family repeatedly begged an opposition fighter to stop using their roof to fire at security force positions. The fighter finally agreed. The family lived on Sittin Road, on the outskirts of Taizz.<sup>199</sup>

In interviews with Yemeni media, some residents accused opposition fighters of damaging homes with rocket propelled grenades or other weapons during attacks.<sup>200</sup>

Opposition fighters have also placed civilians at possibly excessive risk by ambushing government forces while civilians were nearby. For example, on August 29, a man sitting inside his car was killed in crossfire after four opposition fighters attacked a group of Central Security forces at a checkpoint at al-Masbah roundabout, near the entrance to al-Masbah neighborhood, a witness told Human Rights Watch. The witness said the bullet that killed the man came from the direction of the Central Security forces but he blamed the opposition fighters for taking up the attack.

Abd al-Baqi Abd al-Wali al-Junaid, 35, was sitting in his car outside a late-night mechanic's shop, with a half-dozen relatives inside or standing near his vehicle.<sup>201</sup> Around 1:30 a.m., four opposition fighters appeared and began shooting at the Central Security forces who were manning the checkpoint. The Central Security forces returned fire with Kalashnikov rifles and machine guns. A relative told Human Rights Watch:

Suddenly, a bullet pierced al-Junaid's shoulder and settled in his chest. ...[It came] from the direction of the Central Security checkpoint. We tried to rescue him. We drove away fast through the heavy shooting, but he died before we got to the hospital.<sup>202</sup>

Yemeni government forces have also deployed in civilian areas that have unnecessarily placed civilians at risk. From May 30 through early December, Republican Guards occupied the state-run al-Thawra Hospital, closed it to most patients, and conducted mortar attacks from its premises in violation of the laws of war (see below). Since June, Republican

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<sup>199</sup> Human Rights Watch telephone interview to Taizz with B.H., August 2011.

<sup>200</sup> See, for example, Emad al-Saqqaf, "Taiz city militarized as large-scale recruitment takes place," *Yemen Times*, October 13, 2011, [http://www.yementimes.com/defaultdet.aspx?SUB\\_ID=34662](http://www.yementimes.com/defaultdet.aspx?SUB_ID=34662) (accessed October 31, 2011).

<sup>201</sup> Human Rights Watch telephone interview from Sanaa with W.A., September 6, 2011.

<sup>202</sup> Ibid.

Guards and Central Security forces also occupied the Superior Institute for Health Science, a technical school on high ground next to al-Thawra Hospital. Teachers and students said they studied for five weeks inside the school while soldiers deployed inside and on the roof, before they were transferred to a dormitory wedged between the school and the hospital that was still in the line of fire (see below).

When parties to an armed conflict occupy a school during an armed conflict, they must take all feasible precautions to protect civilians from harm by removing them from the vicinity.<sup>203</sup> Prolonged deployment within education facilities will necessitate the armed forces moving the students to safer areas, and if alternative facilities are not found they may be violating their right to education.<sup>204</sup>

## Occupation of Health Science Institute

From early June to December 2011, Republican Guards and Central Security forces occupied the Superior Institute for Health Science, a school for pharmacists and physicians' assistants on high ground next to al-Thawra Hospital. Dozens of armed soldiers and paramilitary forces remained inside the medical laboratory and the pharmacology department and on the roof when classes began on September 19, 2011. They placed a machine gun mounted on an armored vehicle in the yard and routinely fired machine gun and mortar rounds from the school while it was in session.<sup>205</sup>

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<sup>203</sup> See ICRC, *Customary International Humanitarian Law*, rule 22, citing Protocol I, art. 58(c): “The parties to the conflict must take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks;” and rule 24, citing Protocol I, art. 58(a): “Each party to the conflict must, to the extent feasible, remove civilian persons and objects under its control from the vicinity of military objectives.”

<sup>204</sup> International Covenant on Economic, Social, and Cultural Rights (ICESCR), adopted December 6, 1966, G.A. Res. 2200A (XXI), 21 U.M. GAOR Supp. (No. 16) at 49, entered into force January 3, 1976, acceded to by Yemen (then, the Yemen Arab Republic), February 9, 1987, art. 13(1): “The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...,” art. 13(2): “(a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.” See also Convention on the Rights of the Child (CRC) adopted November 20, 1989, G.A. Res 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Yemen (then, the Yemen Arab Republic), May 1, 1999, art. 28.

<sup>205</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with five students and three teachers at The Superior Institute for Health Science, October 22-23, 2011.

The security forces pointed their weapons at the students and teachers when they objected to their presence. “We tried studying and forgetting the security forces were there but they were scaring us every day with their shooting and shelling,” said a 22-year-old pharmacology student.<sup>206</sup>

On October 17, a 60-year-old man was shot dead at the gate of the school when he came to register his son for classes. Students and teachers said they believed security forces killed the father, Qa’id Rashid. Upon hearing shots near the gate, several students and teachers rushed outside and saw a Central Security officer standing over the dead man with his gun pointed at him.<sup>207</sup>

The killing prompted teachers and students to demonstrate later that day in the school courtyard to protest the armed forces’ presence. Students at the demonstration said security force officers repeatedly told them, “Accept the situation or go home to your mother.”<sup>208</sup>

For the next few days, armed forces blocked teachers and students from entering the school. On October 23, security forces and administrators transferred classes to the school dormitory. But students and teachers said they remained in danger because the dormitory is between the school and al-Thawra Hospital. It also is near a post office that security forces have been using since June as another base from which to attack opposition forces.

On October 25, Ali Qa’id al-‘Utmi, a 53-year-old dormitory guard, was killed in a crossfire between the security forces and opposition fighters as he stood outside the building’s doorway.<sup>209</sup>

A government statement to Human Rights Watch denied any unlawful activity at the school and said Central Security forces were “put in charge of protecting the building” from attacks by opposition forces. The statement said al-‘Utmi was killed by “outlaws firing

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<sup>206</sup> Human Rights Watch telephone interview from Sanaa to Taizz with student H.A., October 23, 2011.

<sup>207</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with students and teachers at The Superior Institute for Health Science, October 22-23, 2011.

<sup>208</sup> Ibid.

<sup>209</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with two teachers and a doctor with contacts at al-Thawra Hospital, which received the guard’s corpse, October 25-26, 2011.

randomly” and that it was had prepared a file and taken “legal procedures” in connection with the killing, but did not elaborate.

The government statement also accused opposition forces of occupying several schools in Taizz.<sup>210</sup> Human Rights Watch was not able to confirm opposition forces’ occupations of local schools apart from the one mentioned above in al-Masbah. However, five residents told Human Rights Watch that government forces occupied the city’s Education Ministry building starting in July 2011 and that opposition forces captured and occupied the building from mid-November to early December, preventing most Education Ministry officials from reporting to work.<sup>211</sup>

## Republican Guard Killings at Checkpoints and Markets

Since June Republican Guards have often shot at cars at checkpoints they had set up around Taizz. Human Rights Watch investigated three such incidents in which passengers were killed or wounded. The shootings at al-Buraihi Checkpoint and at al-Thakra Market, below, appear to be cases of extrajudicial execution. Security forces may have also been responsible for causing disproportionate civilian casualties during some attacks on opposition fighters.

A Yemeni government statement to Human Rights Watch denied any extrajudicial killings. “There have never been any extrajudicial executions under any circumstances by any security or military unit,” it said. “There were some clashes between the military troops and the armed militias, resulting in death cases on both sides, or maybe some innocent civilians who happened to be at the wrong time and place.”<sup>212</sup>

### *Al-Buraihi Checkpoint*

On June 22, Republican Guards fired into the back of a mini passenger bus at al-Buraihi checkpoint on al-Sittin Road, about four kilometers northwest of Taizz, killing a 15-year-old boy and wounding another passenger.<sup>213</sup>

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<sup>210</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>211</sup> Human Rights Watch telephone interviews with five Taizz residents who live near the Education Ministry building, January 8, 2012.

<sup>212</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>213</sup> Human Rights Watch interviews in Taizz with M.H., August 7, 2011, and I.M. and R.A., August 13, 2011.

Al-Sittin Road connects Taizz to al-Mikhraf and Sharab, the hometowns of opposition sheiks Hamud al-Mikhraf and Sadiq Ali Sarhan, and has been the scene of sporadic fighting between opposition tribal forces and Republican Guards. In this incident, witnesses said the Republican Guards had searched the minibus and found no weapons or fighters aboard just before they opened fire.

At about 2:30 p.m., Republican Guard soldiers stopped the minibus, searched the driver and all 11 passengers, and instructed the driver to proceed. Immediately after the minibus began moving, a Republican Guard fired a Kalashnikov at the vehicle's rear window. One bullet hit 15-year-old Sulaiman Abdur Mahyub of Taizz in the head, killing him, and another bullet hit a second passenger in the arm. The driver stopped the van.

"We got out, scared and confused, and asked the soldier why he did that," one witness said. "The soldier replied sarcastically, 'Add him to the list of martyrs of the revolution.'"<sup>214</sup>

Another Republican Guard then ordered the minibus to move without making any effort to assist the wounded.<sup>215</sup> The Republican Guard then told the driver, "Move fast and get help for the other man before he follows his pal."<sup>216</sup>

The soldier fired about 10 bullets into the bus. "Why has no one prosecuted this killer?" a witness said. "Why is our blood, the blood of the Yemeni people, so cheap?"<sup>217</sup>

### *Al-Hayat Hospital*

On July 23, at about 10:30 or 11 a.m., Republican Guards fired live rounds into a mini passenger bus that failed to stop at a checkpoint outside Al-Hayat Hospital, wounding four passengers.<sup>218</sup> Al-Hayat is in a government-controlled area in the center of Taizz.

The soldiers may have lawfully fired on the mini bus because it had continued moving at the checkpoint, and they may have reasonably thought they were at risk. A passenger who

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<sup>214</sup> Human Rights Watch interview with M.H., Taizz, August 7, 2011. A second witness also said the soldier made that comment.

<sup>215</sup> Human Rights Watch interview with I.M., Taizz, August 13, 2011.

<sup>216</sup> Human Rights Watch interview with R.A., Taizz, August 13, 2011.

<sup>217</sup> Human Rights Watch interview with I.M., Taizz, August 13, 2011.

<sup>218</sup> Human Rights Watch interviews with A.S. and M.I., Taizz, August 15, 2011.

was wounded in the leg during the incident said the bus driver kept driving because the Republican Guards were searching a car ahead of them and did not signal the bus to stop. He said the soldiers opened fire on the bus without warning. “The bus moved a few meters and then we were surprised by bullets flying at us and on the bus,” he said.<sup>219</sup>

A worker in a nearby cafeteria who ran outside when he heard the screams said the soldiers did not always search every vehicle, leading many drivers to assume they could proceed unless they were specifically ordered to stop.

“The soldiers often do not search the cars and sit in the shade, the inspection is according to their mood,” the worker said. “If the bus driver made a mistake, and did not stop for inspection, what is the sin of passengers who were hit by the bullets of the soldier?”<sup>220</sup>

A government statement to Human Rights Watch said the shooting never happened. “Had it been true we would have taken necessary procedures to arrest and prosecute the felons,” it said.<sup>221</sup>

### *Hawdh al-Ashraf Checkpoint*

On August 9, at about 4:30 p.m., Republican Guards fired on a car that failed to stop at a checkpoint on Hawdh al-Ashraf Street, killing the driver.<sup>222</sup> The car was also carrying the driver’s father, who was in his 70s, and four children. Hawdh al-Ashraf checkpoint is in a government-controlled area in the city center.

One witness said the Republican Guards were searching another car at the moment the driver, Salah Abdullah Jahuri, 35, failed to stop. He said Jahuri’s car was not going fast when it passed the checkpoint, but that a Republican Guard immediately pointed his gun at the vehicle and fired two or three shots at it without warning:

The driver of the car was hit in the back. The children and the old man were screaming in panic. I have never seen such a terrible thing. I do not know

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<sup>219</sup> Human Rights Watch interview with A.S., Taizz, August 15, 2011.

<sup>220</sup> Human Rights Watch interview with M.I., Taizz, August 15, 2011.

<sup>221</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>222</sup> Human Rights Watch interviews with S.M. and M.O., Taizz, August 16, 2011.

why the soldier did that but he disappeared immediately from the scene.

Soldiers in Taizz judge people and sentence people at the same time, without monitoring or consequence.<sup>223</sup>

A government statement to Human Rights Watch confirmed the soldier shot the driver. It said the soldier was sentenced to prison under the military penal code and that the relatives of the dead accepted compensation, but did not include the charge against him, the length of his sentence, or the sum paid to the relatives.<sup>224</sup>

### *Al-Thakra Market*

On the evening of August 24, a man in civilian clothing known among local merchants to be a Republican Guard shot dead a fruit merchant at al-Thakra Market, on the northeast outskirts of Taizz, for refusing to give him a bottle of lemonade. The soldier also wounded one of the merchant's customers.<sup>225</sup>

The wounded customer said the incident involved two Republican Guards, one in uniform and the other in civilian clothes, who regularly patrolled the market. He said the soldiers approached the merchant, Hamud al-Zubaidi, 23, at about 6 p.m. and asked him to give them a bottle of lemonade. The customer told Human Rights Watch:

Hamud refused. He told them he was busy with his customers. The two soldiers stepped back and one of them was shouting. Suddenly one of them shot in the air, and the soldier who was in civilian clothes shot at us. People began running. Hamud and I were each hit by a bullet. Hamud died on the spot.<sup>226</sup>

A nearby vendor said that other soldiers then prevented the Republican Guard in civilian clothes from continuing to shoot. "They kill with cold nerves here in Taizz, because they

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<sup>223</sup> Human Rights Watch interview with S.M., Taizz, August 16, 2011.

<sup>224</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>225</sup> Human Rights Watch telephone interviews with two witnesses to the shooting, Taizz, September 6, 2011.

<sup>226</sup> Human Rights Watch telephone interview with A.R., Taizz, September 6, 2011.

know no one can get revenge through his tribe, and the government does not prosecute,” the vendor said.<sup>227</sup>

### ***Deluxe Roundabout***

Residents accused security forces of frequently of firing their weapons indiscriminately during shootouts with opposition fighters, causing unnecessary civilian casualties. Human Rights Watch believes that this was the case in an incident, involving a shootout on August 7 in the commercial heart of Taizz. One man inside a shop was killed by gunfire from security forces, which continued to fire their weapons after opposition fighters had fled.<sup>228</sup>

The shootout began around 5 or 5:30 p.m., when carloads of Central Security paramilitaries and General Security police pulled up to Deluxe Roundabout and began firing on four armed opposition fighters leaving a crowded market. The market was packed with residents including women and children shopping for *iftar*, the nightly breaking of the Ramadan fast.<sup>229</sup>

Witnesses said the opposition gunmen had just bought *qat*, a mild stimulant chewed throughout Yemen, at the market. The government soldiers spotted and shot at the opposition fighters, who returned fire.<sup>230</sup>

A 28-year-old student who was trying to escape the shooting with two young children described pandemonium:

I saw one person fall to the ground. I saw dozens of shoppers running in panic in different directions, trying to escape the gunfire. I did not see any gunmen, but I saw the security members while they were randomly shooting, and I saw the terror in the eyes of people, and I saw the fear in the eyes of the two children who were with me.<sup>231</sup>

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<sup>227</sup> Human Rights Watch telephone interview with A.S., Taizz, September 6, 2011. A.S. was alluding to a widely held view that the urbane population of Taizz is not known for revenge killings, which are more common in heavily armed tribal areas to the north and east.

<sup>228</sup> Human Rights Watch interviews with three witnesses to the shootout, Taizz, August 13-14, 2011.

<sup>229</sup> Ramadan is the Islamic month of fasting, in which participating Muslims refrain from eating and drinking during daylight hours.

<sup>230</sup> Human Rights Watch interviews with three witnesses to the shootout, Taizz, August 13-14, 2011.

<sup>231</sup> Human Rights Watch interview with S.A., Taizz, August 13, 2011.

## Looting of Charitable Association

In the days following the May 29-30 attack on protesters in Freedom Square, looting took place in several locations across Taizz, some of it by state security forces acting in concert with armed men in civilian clothing.<sup>232</sup> In addition to looting by security forces on May 30 at al-Safwa Hospital (see below), the biggest reported theft took place June 3 at the Taizz offices of the Charitable Association for Social Reform, one of Yemen's largest philanthropies, which is associated with Islah.

At about 1 p.m. that day, 20 to 30 armed, uniformed Republican Guards and men in civilian clothes, some of whom were also armed, approached the Charitable Association and began firing live ammunition into the air and at the building.<sup>233</sup>

There was no fighting or presence of opposition fighters near the building, which is in an area surrounded by Republican Guard checkpoints. The group broke into the building, which was closed because it was a Friday.

A 10-minute video surreptitiously shot by a local resident shows a Republican Guard soldier firing in the air as other Republican Guards and men in civilian clothes lug furniture and heavy boxes from directly outside the charity's entrance. Gunfire is heard intermittently throughout the video, which was edited in some spots.<sup>234</sup>

Two association members said they found the building ransacked and its safes broken open and emptied of all valuables, including gold and other goods valued at 200 million Yemeni riyals (about US\$937,600). Much of the gold was deposits for projects to help impoverished women in Taizz.<sup>235</sup>

In its statement of December, the government told Human Rights Watch that it had received no report about the incident, which was covered by local media and posted

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<sup>232</sup> Human Rights Watch interviews with dozens of residents, Taizz, August and November 2011. The looting also was noted in media reports.

<sup>233</sup> Human Rights Watch interviews with witnesses B.G. and B.H., Taizz, August 17, 2011.

<sup>234</sup> The video was posted on YouTube at [http://www.youtube.com/watch?v=KTzSdX4GMnA&feature=player\\_embedded](http://www.youtube.com/watch?v=KTzSdX4GMnA&feature=player_embedded). The logo on the upper left corner of the video is the emblem for the Freedom Square homepage on Facebook. Human Rights Watch visited the charity August 17 and confirmed that the area shown in the video is directly outside the charity's entrance.

<sup>235</sup> Human Rights Watch interviews with charitable association employees B.A. and B.J., Taizz, August 17, 2011.

on YouTube. Had it received a complaint, the statement said, “we would take suitable procedures.”<sup>236</sup>

However, charitable association members provided Human Rights Watch with a copy of their complaint dated June 15, 2011, that bore an official government stamp of receipt.<sup>237</sup> The members said they filed the complaint and a copy of the videotape with the financial crimes unit of the Taizz prosecutor’s office, which transferred the case to the Criminal Investigation Division. “The authorities did nothing,” said one association member.<sup>238</sup>

After the fighters fled, the soldiers continued to fire their guns. Two bullets pierced the closed door of a nearby shop. Ali Ahmad al-Qumairi, 50, a customer reading a newspaper inside, was struck in the lungs and near the heart, and died.<sup>239</sup>

A shopkeeper who witnessed the shooting on the store where al-Qumairi was shot, described the gunfire as “heavy and random.”<sup>240</sup>

A government statement to Human Rights Watch confirmed the shootout but did not say who was responsible. It said the incident began when a “JMP armed group attacked an emergency police vehicle” in the area. The statement said a soldier was wounded but did not say at what point.<sup>241</sup>

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<sup>236</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>237</sup> A copy of the document is on file with Human Rights Watch.

<sup>238</sup> Human Rights Watch interview with B.A., August 17, 2011.

<sup>239</sup> Human Rights Watch interview with A.T., Taizz, August 13, 2011.

<sup>240</sup> Human Rights Watch interview with A.N., Taizz, August 14, 2011. Human Rights Watch also read the autopsy report.

<sup>241</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

## **IV. Denial of Medical Care**

Human Rights Watch's investigations found that state security forces including Republican Guards and Central Security forces forcibly and systematically entered medical facilities in Taizz, and threatened and arbitrarily detained both wounded protesters and medical staff. In some cases they also prevented wounded protesters from receiving medical treatment. Security forces in at least one instance attacked a hospital, shelling a major hospital as emergency workers arrived with patients wounded in shelling elsewhere in the city. They also blocked medical workers from treating the wounded both inside medical facilities and as they rushed to scenes of attacks. In one hospital, a man bled to death after troops forced a doctor to stop tending him.

From May 30 to December, Republican Guards occupied the state-run al-Thawra Hospital, closing it to nearly all patients and using it as a base from which to fire mortar rounds into neighborhoods controlled by opposition fighters.

Most of these actions against hospitals, medical staff, and wounded patients began after the May 29-June 3 attacks in Taizz (described above), which killed at least 22 protesters and bystanders and wounded more than 260 others, creating a dire need for emergency care.

A government statement to Human Rights Watch in December said local security forces never denied medical care or harassed medical staff and were only entering hospitals to protect the facilities from attacks by opposition forces. The statement said local authorities had formed a committee to investigate the attacks on May 29-June 3 but that opposition members tried to obstruct the probe.<sup>242</sup>

### **International Law on Hospitals and Access to Medical Care**

Both international humanitarian law and international human rights law apply in Taizz. While the former is largely applicable to the armed conflict between Yemeni security forces and opposition fighters, human rights law applies more broadly, and particularly to interactions between the security forces and protesters.

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<sup>242</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

The government’s occupation of hospitals and mistreatment of medical workers by its armed forces violates the principle of medical neutrality and the duty to respect and protect medical facilities and personnel in all circumstances under international humanitarian law. The authorities’ denial of medical assistance to injured protesters violates the right to health and the right against non-discrimination under international human rights law.

Under international humanitarian law, hospitals and other medical facilities<sup>243</sup> must be “respected and protected” in all circumstances. Protocol II to the Geneva Conventions specifically provides that all medical facilities “shall not be the object of attack.” They remain protected from attack unless they are “used to commit hostile acts” that are outside their humanitarian function. Even then, they are only subject to attack after a warning has been given setting a reasonable time limit, and after such warning has gone unheeded. The presence of injured combatants does not affect the civilian character of medical facilities.<sup>244</sup> The Rome Statute of the International Criminal Court considers it a war crime to intentionally attack “hospitals and places where the sick and the wounded are collected” during non-international armed conflicts.<sup>245</sup>

Under international humanitarian law, it is unlawful to punish a medical worker for performing his or her duties, including caring for wounded combatants. Medical workers are also protected from having to divulge information about the wounded and sick under their care.<sup>246</sup> By violating these prohibitions, a warring party is also automatically violating the right of the wounded to protection and care.<sup>247</sup>

The International Covenant on Economic, Social, and Cultural Rights, to which Yemen is party, guarantees the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”<sup>248</sup> The Committee on Economic, Social and Cultural Rights, which

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<sup>243</sup> The Geneva Conventions make use of the term “medical units,” which refers to military or civilian establishments used for medical purposes, such as hospitals and other healthcare centers. See First Geneva Convention, art. 19; Fourth Geneva Convention, art. 18; Protocol I, art. 8(e).

<sup>244</sup> See Protocol II, art. 11; see also ICRC, *Customary International Law*, principle 28.

<sup>245</sup> Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9 of 17 July 1998, corrected by procès-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002, Part 2, Jurisdiction, Admissibility and Applicable Law, <http://untreaty.un.org/cod/icc/statute/romefra.htm> (accessed December 13, 2011), art. 8(2)(e)(ii) and (iv).

<sup>246</sup> See Protocol II, art. 10; see also ICRC, *Customary International Law*, principle 26.

<sup>247</sup> See Protocol II, arts. 7-8; see also ICRC, *Customary International Law*, principles 110-111.

<sup>248</sup> ICESCR, art. 12.

interprets the covenant, in its General Comment 14, stated that “denial of access to health facilities” violated the obligation of states to respect the right to health.<sup>249</sup> Prohibiting access to medical care because of participation in anti-government demonstrations would also violate the covenant’s prohibition against discrimination on the basis of political opinion.<sup>250</sup>

Authorities who deny individuals emergency medical assistance may be violating their rights to life and to be protected from cruel, inhuman, or degrading treatment, as guaranteed by the International Covenant on Civil and Political Rights.<sup>251</sup>

Consistent with the covenant, the UN Basic Principles on the Use of Force and Firearms provide that even in circumstances in which the use of force and firearms is lawful and unavoidable, “law enforcement officials shall ... ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”<sup>252</sup>

## Blocking Offsite Medical Care

Yemeni security forces repeatedly prevented paramedics, doctors, and nurses in Taizz from providing emergency care to injured protesters, or to individuals wounded in fighting between security forces and opposition fighters. In the two cases described below, security forces detained ambulance crews rushing to scenes of attacks.

On May 9, about 15 members of Thunderbolt, a Central Security rapid response unit known for its distinctive yellow uniforms, detained and severely beat five medics as they tried to reach wounded protesters outside the Taizz offices of the Education Ministry.<sup>253</sup>

One medic said the yellow-uniformed Thunderbolt forces stopped the medical team’s ambulance as they approached the Education Ministry building via Jamal Street, the city’s main thoroughfare, at dawn. He told Human Rights Watch:

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<sup>249</sup> UN Committee on Economic, Social and Cultural Rights, “Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights,” General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), para.50, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358boe2c125691500509obe?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358boe2c125691500509obe?OpenDocument) (accessed October 1, 2011).

<sup>250</sup> ICESCR, art. 2(2); see also, UN Committee on Economic, Social and Cultural Rights, General Comment 14, para. 12(b).

<sup>251</sup> ICCPR, arts. 6 and 7..

<sup>252</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principles 5(c) and 8.

<sup>253</sup> Human Rights Watch in-person and telephone interviews with two medics in Taizz, August 10 and September 6, 2011, respectively.

They [the Thunderbolt forces] opened the [ambulance] door and they started beating us and cursing us as they took us out of the vehicle, one after the other, even though we showed them our medical badges and our ambulance was marked as a medical vehicle. They moved us into a windowless white van with a government license plate at Wadi al-Qadhi Street and kept us there for about an hour. They beat us so severely with sticks and rifle butts that we were coated in blood.<sup>254</sup>

Another medic in the ambulance said security forces beat him mostly on his head and that, even as he bled, “they continued to beat me.” He said they eventually brought him to al-Thawra Hospital, where he received 19 stitches to his head, and then continued to interrogate him.<sup>255</sup>

The Thunderbolt forces took the rest of the emergency crew to the detention facility of the local Central Investigation Department (CID) office in Taizz and held them for about eight hours before releasing them.<sup>256</sup>

In another incident, on August 6, Republican Guards prevented a medical team from reaching persons wounded during armed clashes between opposition fighters and government armed forces on al-Sittin Road, on the northwest outskirts of Taizz.<sup>257</sup>

A government statement to Human Rights Watch said the May 9 incident was not true because commando forces are not based in Taizz. It did not respond to the August 6 incident.<sup>258</sup>

## Arbitrary Detention of Wounded Protesters

On February 18, security forces detained three protesters who had just received emergency treatment at al-Thawra Hospital. The three were among a number of protesters who had sought emergency treatment at the hospital after being wounded in a grenade attack at Freedom Square.

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<sup>254</sup> Human Rights Watch interview with medic S.J., Taizz, August 10, 2011.

<sup>255</sup> Human Rights Watch telephone interview with H.A., September 6, 2011.

<sup>256</sup> The Central Investigation Department is responsible for investigating common crimes and reports to the Interior Ministry.

<sup>257</sup> Human Rights Watch interview with an emergency worker who was part of the medical team, Taizz, August 7, 2011.

<sup>258</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

After doctors had bandaged the protesters' wounds, Central Security and CID officers detained three of the patients in the hospital's lock-up, adjacent to the entrance gate, and held them for four hours.<sup>259</sup> One doctor told Human Rights Watch:

I said to the officer in charge, "Go arrest the person who threw the grenade at the protesters. Don't arrest the wounded victims." The officer said to me, "We will not release them except by an order of the director of security of the governorate." <sup>260</sup>

## Denying Patients Medical Care

Unlawful interventions on medical facilities by the security forces and threats against medical workers intensified immediately following the government's May 29-30 assault on Freedom Square. Doctors and other medical staff told Human Rights Watch of attacks by security forces and armed men in civilian clothes on five private hospitals and a field clinic as they began receiving protesters killed and wounded at the square.<sup>261</sup> The attacks on four of the medical facilities began about 2 a.m. on May 30, indicating a coordinated action by the security forces.

At al-Thawra Hospital, scores of Republican Guards rolled up in armed vehicles and barred several doctors from entering. When the doctors protested, the soldiers pointed their Kalashnikovs. "They told me that if I did not leave, 'We will make your head fly off your body,'" said one doctor.<sup>262</sup>

Around the same time, scores of Republican Guards and Central Security personnel fired in the air as they approached private al-Safwa Hospital in Freedom Square, then fired teargas inside the hospital building.<sup>263</sup> A doctor said the forces then entered the building, shot at the ceiling, and ordered him to stop treating wounded protesters, including those in need of emergency care.<sup>264</sup>

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<sup>259</sup> Human Rights Watch interviews with two doctors at al-Thawra Hospital, Taizz, August 15, 2011.

<sup>260</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>261</sup> This account is based on Human Rights Watch telephone interviews with more than a dozen doctors and other medical staff at the affected hospitals in Taizz between May 31 and June 3, 2011.

<sup>262</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>263</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with one doctor and three wounded protesters who were inside the hospital during that attack, May 31, 2011.

<sup>264</sup> Human Rights Watch telephone interview from Sanaa to Taizz with Doctor N.H., May 30, 2011.

The doctor said one protester who had been wounded in the leg was bleeding heavily and died in the hospital shortly after security forces ordered medical staff to stop treating patients. The security forces pointed their guns at the heads of the wounded and hospital staff, and forced everyone inside who was able to walk to leave, even those confined to beds:

They expelled the injured and the wounded who were lying in the hospital at gunpoint, and they pointed their Kalashnikovs at the faces of those who were too sick to leave. Even monsters would not treat people like this.<sup>265</sup>

Doctors working in al-Safwa Hospital and a field clinic in Freedom Square told Human Rights Watch that the security forces who entered the two facilities called the injured protesters “dogs” who should not receive assistance.<sup>266</sup>

The security forces who entered al-Safwa Hospital took four nurses into custody without explanation and detained them at al-Jamalia police station.<sup>267</sup> At around 9 a.m. on May 30, General Security police also seized surgeon Sadiq al-Ibil, from the privately run May 22<sup>nd</sup> Hospital, near the neighborhood of al-Rawdha, as he was treating wounded protesters. He was held in a jail inside the administrative offices of the Taizz security forces.<sup>268</sup> The four nurses and the surgeon were released by June 2.<sup>269</sup>

The security forces also looted al-Safwa Hospital, seizing much of its medical equipment and destroying what they could not carry away.<sup>270</sup>

Also around 2 a.m. on May 30, a group of Republican Guards surrounded a field hospital for protesters inside a mosque in Freedom Square for six hours while doctors refused to let them enter.<sup>271</sup> Security forces fired into the air until the doctors let them enter at around 8 a.m.<sup>272</sup> Once inside, security forces terrorized the wounded and the medical staff, even

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<sup>265</sup> Ibid.

<sup>266</sup> Human Rights Watch telephone interviews from Sanaa with two doctors in Taizz, May 30, 2011.

<sup>267</sup> Human Rights Watch telephone interview from Sanaa to Taizz with Doctor N.K., May 30, 2011.

<sup>268</sup> Human Rights Watch telephone interviews with two doctors from May 22nd Hospital, June 2, 2011.

<sup>269</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with doctors from al-Safwa Hospital and the field hospital at the mosque at Freedom Square, May 30, 2011.

<sup>270</sup> Human Rights Watch telephone interviews to Taizz with two doctors from al-Safwa Hospital, May 30, 2011.

<sup>271</sup> Human Rights Watch telephone interviews with two doctors who were inside the field hospital during the incident, May 30, 2011.

<sup>272</sup> Ibid.

thrusting the butts of their guns onto patients' wounds. One doctor said he saw a wounded protester fall to the ground and lose consciousness after a security officer smashed the butt of his gun into his face.<sup>273</sup>

Around the same time that Republican Guards surrounded the field hospital, Republican Guards, Central Security officers, and armed civilians attacked a tent that served as a field clinic at Freedom Square. The gunmen fired shots in the air and then dozens of security forces and plainclothes gunmen entered the tent, fired shots at the tent's ceiling, ordered the doctor to stop treating the wounded, and made everyone leave the tent.<sup>274</sup>

Attacks on protesters and medical facilities resumed the afternoon of May 31. That day, Central Security paramilitaries and General Security police fatally shot four more people and wounded about 40 others. As wounded protesters began to arrive at al-Rawdha Hospital, pro-government armed gangs and Central Security personnel gathered outside the medical facility.<sup>275</sup> The security forces and armed gangs threatened the injured and medical staff saying that they would "drag" them away.<sup>276</sup>

Around 8 p.m., the gangs and security forces fled after fighters dispatched by the opposition tribal leader al-Mikhlafi fired shots into the air outside the hospital to disperse them.<sup>277</sup>

Officials at another medical facility in Taizz received threatening phone calls the night of May 31 and again on June 1 from two men who identified themselves as security officials, and warned them to not treat wounded protesters.<sup>278</sup>

Although the attacks were most intense in the aftermath of the razing of Freedom Square, they continued sporadically thereafter. On July 5, for example, Republican Guards attacked Ibn Sina Hospital, a private hospital at al-Qasr roundabout that had treated protesters. Soldiers pulled up in three armored vehicles and two military four-wheel-drive vehicles,

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<sup>273</sup> Human Rights Watch telephone interview with a doctor who was inside the field hospital during the incident, May 30, 2011.

<sup>274</sup> Human Rights Watch telephone interview with a doctor who was running the field clinic, May 30, 2011.

<sup>275</sup> Human Rights Watch telephone interviews with one medical worker and one doctor, June 2, 2011, and with a second doctor in September 2011.

<sup>276</sup> Human Rights Watch telephone interviews with one medical worker and one doctor at al-Rawdha Hospital, June 2, 2011.

<sup>277</sup> Ibid.

<sup>278</sup> Human Rights Watch interview with a doctor in Taizz, June 1, 2011. The doctor did not want the medical facility named for fear of retaliation.

shot into the air at the main entrance, then rammed open the doors with armored vehicles. The security forces searched the hospital and roof, broke down the locked door to the administrative offices, ransacked the contents, and withdrew.<sup>279</sup>

## Occupation of al-Thawra Hospital

Al-Thawra, the largest and most important hospital in Taizz governorate, is located on high ground overlooking three areas of Taizz considered to be opposition strongholds: al-Rawdha, al-Masbah, and Freedom Square. From May 30 to December, Republican Guards occupied the hospital and blocked most medical care there.

A government statement to Human Rights Watch said the hospital was never occupied or closed to patients. “Only a group of the Central Security forces were put in charge of the building as it had been targeted and attacked several times by the JMP militias,” it said. “Work is going on normally.”<sup>280</sup> However, the hospital was closed to patients and surrounded by Republican Guards and armored vehicles when Human Rights Watch visited Taizz in August and November, and numerous residents and medical officials told us the hospital was occupied by soldiers and closed. In December, Human Rights Watch saw the hospital open but guarded by groups of Central Security forces.

On May 30, after security forces and armed gangs assaulted Freedom Square, scores of Republican Guards rolled into al-Thawra Hospital grounds in tanks, armed personnel carriers, and other military vehicles. The Republican Guards deployed armed soldiers at the gates, barricaded the building with sandbags, and mounted machineguns on the roof.<sup>281</sup>

Until they left in December, Republican Guards used the hospital as a base from which to shell opposition areas including al-Rawdha and Freedom Square. They also have searched, threatened, beaten, and detained staff and patients. One doctor said that soldiers “turned the hospital system upside down.” In August, he told Human Rights Watch:

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<sup>279</sup> Human Rights Watch interviews with medical workers at Ibn Sinha Hospital, Taizz, August 8, 2011.

<sup>280</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>281</sup> Human Rights Watch interviews with medical staff at al-Thawra Hospital including two doctors, Taizz, August 15, 2011.

In the evening they completely turn off the lights that illuminate the hospital corridors and the garden, and they close all the routes leading to the hospital, and in the daytime they subject patients and doctors to constant searches and scrutiny. In normal times, this hospital accommodated 70 percent of emergency cases in Taizz governorate and it was crowded with patients. But since the Republican Guards turned it into a barracks, I can tell you that almost no one is brought to this hospital, with very rare exceptions.<sup>282</sup>

In early June, hospital guards who were part of the General Security police beat up a wounded demonstrator who had been brought to the hospital for treatment and only stopped when doctors intervened.<sup>283</sup>

Doctors at the hospital said the Republican Guards constantly harassed doctors and nurses who questioned the military occupation of the hospital or tried to treat patients against the soldiers' wishes. "They insult us and threaten us and brandish their weapons in our faces," said one doctor. In July, a Republican Guard pointed his weapon at a nurse and locked him in the hospital jail for several hours as punishment for discussing the anti-Saleh protests with a colleague.<sup>284</sup>

Even a military presence at al-Thawra to protect hospitalized soldiers from attack by opposition fighters could not be justified. No wounded soldiers were present at al-Thawra Hospital; they were instead treated at the Taizz military hospital.<sup>285</sup>

In early August, the Republican Guard moved its armored vehicles from the hospital grounds to just outside the hospital walls. Beyond unlawfully shutting down the hospital, the government's deployment of armored vehicles just outside enhanced the risk of the hospital being damaged and of remaining patients and staff being harmed in fighting. On the night of August 24, Republican Guards at al-Thawra Hospital turned away a wounded man who had been shot in the neck by Republican Guards that evening in al-Thakra Market. "The soldiers at the hospital refused to let me in, and they said that there are no doctors in

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<sup>282</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>283</sup> Human Rights Watch interview with Doctor K.S., Taizz, August 15, 2011.

<sup>284</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>285</sup> Human Rights Watch interview with Doctor K.S., Taizz, August 15, 2011.

the hospital and that it does not receive cases,” the wounded man said. He was transferred to a different hospital for treatment.<sup>286</sup>

## Shelling of al-Rawdha Hospital

On November 11, the deadliest day of shelling in Taizz during the period covered by this report, seven projectiles including mortar shells struck al-Rawdha Hospital, in the opposition-controlled neighborhood of al-Rawdha. Based on interviews with credible witnesses and an inspection of the hospital, Human Rights Watch believes the shells and other ordnance came from government military positions including al-Jara Mountain.<sup>287</sup> Some of the damage to the hospital walls suggested direct-fire impacts from tank main guns, indicating that the Yemeni military deliberately targeted the hospital.

Al-Rawdha Hospital often treats wounded protesters and opposition fighters. It is 100 meters from an opposition checkpoint and 300 meters from the house of local opposition commander leader al-Mikhafi. According to witnesses and medical workers, no opposition fighters were deployed inside the hospital, though such a presence would not have justified an attack on the hospital without warning.

The ordnance struck over the course of several minutes around 1 p.m., as protesters and emergency workers rushed the casualties from Freedom Square and other areas under attack to al-Rawdha Hospital. One projectile tore a hole through the wall of the fourth floor. A man fell through the hole to the street below and died soon after.<sup>288</sup>

Muhammad Mansur was being treated for shell fragments that struck and wounded him and killed three friends as they sat earlier that day outside al-Taqwa mosque, also in al-Rawdha. He told Human Rights Watch:

At 1 p.m. we were surprised by more shells, falling on the hospital. I saw the horror in the eyes of the injured and wounded. They [government forces] are

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<sup>286</sup> Human Rights Watch telephone interview from Sanaa to Taizz with A.R., September, 2011.

<sup>287</sup> Human Rights Watch interviewed more than two dozen witnesses and doctors about the attacks on November 11, including five who were in al-Rawdha Hospital during the attack, in Taizz on November 13-21. We also examined mortar shell fragments found at the site.

<sup>288</sup> Human Rights Watch interviews with five witnesses inside the hospital, Taizz, November 15-16, 2011.

killing us in our houses and then following us with more shells as we rush to hospitals that open their doors to us for treatment.<sup>289</sup>

Kafa'a Wazi' Abdu, who helped bring wounded to al-Rawdha Hospital from Freedom Square, said:

We ran with the visitors, the doctors, the patients, and dozens of wounded to the basement of the hospital. The dust and smoke from the shelling was rising in front of us. I saw a wounded man in a bed lying on the ground, motionless, in a pool of blood.<sup>290</sup>

A government statement to Human Rights Watch blamed soldiers of the renegade First Armored Division and the JMP for the attack on the hospital.<sup>291</sup>

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<sup>289</sup> Human Rights Watch interview with Muhammad Mansur, Taizz, November 16, 2011.

<sup>290</sup> Human Rights Watch interview with Kafa'a Wazi' 'Abdu, Taizz, November 15, 2011.

<sup>291</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch. See also "Yemen defected army kills 12, wounds dozens in Taiz," *Yemen Observer*, November 18, 2011, <http://www.yobserver.com/local-news/10021627.html> (accessed November 18, 2011).

## V. State Forces and Non-State Armed Groups in Taizz

A range of state security forces, from police to elite army troops, have been involved in law enforcement and military operations in Taizz. Most armed opposition forces consist of fighters for local tribal sheikhs and many are sympathetic to Islah.

### Government Security Forces

Residents estimated that hundreds of soldiers and paramilitary officers were deployed in Taizz in addition to the police force during the period of this report. They referred to the following security forces as the most frequent perpetrators of violence against civilians, and identified them by their uniforms and marked vehicles:

**Central Security**, a paramilitary force, is formally part of the Ministry of Interior and commanded by President Saleh's nephew, Gen. Yahya Muhammad Saleh. Central Security has participated in numerous attacks on protesters in Taizz, including the May 29-30 assault on Freedom Square. Central Security forces also controlled checkpoints, in some cases jointly with Republican Guards.<sup>292</sup> The current commander of Central Security in Taizz is Col. Hamud al-Harithi.<sup>293</sup> Al-Harithi replaced Brig. Gen. Nasser al-Qawsi, who was removed July 23.<sup>294</sup>

**The Republican Guard**, one of the better-trained and equipped forces within the Yemeni army, has been the most visible security force in Taizz since the May 29 attacks. The

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<sup>292</sup> A 1980 presidential order established Central Security (al-Amn al-Markazi), tasking the agency with responsibilities ranging from ensuring the safety of property and persons to border patrolling and counterterrorism. Central Security has been heavily responsible for the use of excessive force against largely peaceful protesters in other parts of Yemen including Sanaa and Aden, as well as against members of the separatist movement in the south. Central Security includes a Counter-Terrorism Unit funded and trained by the US. See Congressional Research Service, "Yemen: Background and U.S. Relations," December 28, 2011, [www.fas.org/sgp/crs/mideast/RL34170.pdf](http://www.fas.org/sgp/crs/mideast/RL34170.pdf) (accessed November 15, 2011), pp. 12. Human Rights Watch has not been able to verify allegations that counterterrorism forces participated in unlawful attacks on protesters.

<sup>293</sup> Harithi had been director of security in the southern province of Abyan before Islamist armed groups belonging to Ansar al-Sharia (Partisans of Islamic Law) captured the capital of that province, Zinjibar, in May. For information on the Abyan fighting, see "Yemen: Dozens of Civilians Killed in Southern Fighting," Human Rights Watch news release, July 9, 2011, <http://www.hrw.org/news/2011/07/09/yemen-dozen-civilians-killed-southern-fighting>.

<sup>294</sup> Several political observers in Taizz and Sanaa told Human Rights Watch that authorities in Sanaa and Taizz removed al-Qawsi because they did not consider him sufficiently hardline on protesters and opposition forces. Human Rights Watch telephone interviews and email correspondence with a half-dozen Yemeni political analysts, journalists, and Taizz officials, September 8-11, 2011.

national commander of the Republican Guards is Brig. Gen. Ahmed Ali Abdullah Saleh, the son of President Saleh. The Taizz commander of the Republican Guard is Staff Brig. Murad al-'Awbali.

Republican Guards patrolled some areas in civilian clothes, though most were in uniform, witnesses said. The Republican Guard arsenal in Taizz included tanks and other armored vehicles, Soviet-designed Katyusha rockets, machine guns, and Kalashnikov assault rifles, according to witnesses and Yemeni media reports. Human Rights Watch saw armed Republican Guards deploying tanks and armored vehicles in August and November in Taizz.

**General Security** is Yemen's regular police force and part of the Interior Ministry. In Taizz, as in other cities, witnesses said General Security forces participated in crackdowns on protesters.

The director of General Security in Taizz during most of the violations documented in this report was Brig. Gen. Abdullah Qairan. Qairan had served as security director of Aden until he was transferred to Taizz on March 15. The Taizz governorate council announced on January 8, 2012, that they had voted to remove Qairan from his post, reportedly because of his role in the killings of protesters.<sup>295</sup> But a senior Interior Ministry official reportedly dismissed the action.<sup>296</sup> At this writing, authorities had not announced charges against Qairan in connection with unlawful attacks in Taizz.

Protesters in Aden have alleged that Qairan was responsible for the police's use of unlawful force against peaceful demonstrators in Aden both during the anti-Saleh uprisings of 2011 and during attacks on southern separatists in previous years. Qairan was transferred to Taizz shortly after an Aden court issued a summons for him to be prosecuted in connection with the death of Ahmad al-Darwish, an Aden man who died in police custody on June 25, 2010, after being detained in a counterterrorism operation.<sup>297</sup> Qairan's

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<sup>295</sup> Ahmed al-Haj, "Yemen cabinet approves immunity law for president," The Associated Press, January 8, 2012 [http://hosted.ap.org/dynamic/stories/M/ML\\_YEMEN?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2012-01-08-12-37-32](http://hosted.ap.org/dynamic/stories/M/ML_YEMEN?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2012-01-08-12-37-32) (accessed January 8, 2012). A Taizz governorate official confirmed Qairan's dismissal in a telephone interview the same day with Human Rights Watch.

<sup>296</sup> Sudarsan Raghavan, "In Restive City, a Strongman Rules," The Washington Post, January 16, 2012, [http://www.washingtonpost.com/world/middle\\_east/in-restive-yemeni-city-a-local-strongman-rules/2012/01/11/gIQAdFRm2P\\_story.html](http://www.washingtonpost.com/world/middle_east/in-restive-yemeni-city-a-local-strongman-rules/2012/01/11/gIQAdFRm2P_story.html) (accessed January 16, 2012).

<sup>297</sup> Al-Darwish's death became a symbol for the southern opposition movement of alleged police brutality in the south. Aden security forces shot dead a mourner at al-Darwish's funeral procession, held in June 2011 on the first anniversary of his death. For more information on al-Darwish, see "Yemen: Probe Deadly Attack on Marchers," Human Rights Watch news release, June 26, 2011, <http://www.hrw.org/news/2011/06/26/yemen-probe-deadly-attack-marchers>.

transfer to Taizz became a focal point of anger among the city's anti-Saleh demonstrators. On June 18, opposition protesters in Taizz carried posters bearing portraits of Qairan that read: "Wanted alive or dead ... the butcher Abdullah Qairan."<sup>298</sup>

In a July 14 interview on al-Sa'ida, an opposition television channel, Qairan said he was the victim of a smear campaign and that no evidence linked him to the al-Darwish killing or other violence in Aden or Taizz.<sup>299</sup> In September, an Aden prosecutor asked a local court to order Yemeni port and border authorities to arrest Qairan if he were to try to leave the country, but a court administrator refused to issue the order.<sup>300</sup>

The **33rd Brigade**, a Yemeni army unit, has since June participated in intermittent clashes along al-Sittin Road with tribal opposition forces, as well as attacks inside Taizz. The brigade is formally stationed at the Khalid bin al-Walid army camp on the outskirts of Taizz, but opposition activists said the unit operated from at least three elevated areas in the city. The brigade's commander is Brig. Gen. Abdullah al-Dhab'an.<sup>301</sup> The brigade's previous commander, Brig. Gen. Jubran al-Hashidi, was dismissed after he reportedly began siding with the opposition in June.<sup>302</sup>

**Military police**, tasked with ensuring law and order within the armed forces, have at times reportedly assisted in attacks on protesters and opposition forces.

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On September 28, 2011, the public prosecutor for the Sira district in Aden issued a memorandum calling for Qairan's immediate arrest at any port or border if he tried to leave the country, the Yemeni opposition paper Mareb Press reported. But the president of the Aden governorate Court of Appeals, Judge Nora Dhaifullah Qa`tbi, did not sign the order, saying she was acting on orders from Sanaa, al-Darwish's brother, Abd al-Hameed al-Darwish, told Mareb Press. The brother also said two men in an unmarked Toyota vehicle tried to kidnap him and a friend as they left the Court of Appeals that same day to check on the directive. See "محارلة اختطاف محاولة في عدن، توجيهات عليا توقف تعيم ضبط قيران في المنافذ البرية والبحرية ومنعه من مغادرة اليمن" [Escaping the dragnet in Aden, top-level instructions to stop detaining Qiryan at land and sea borders and prevent him from leaving the country], Mareb Press, September 29, 2011, [http://marebpress.com/news\\_details.php?lng=arabic&sid=36816](http://marebpress.com/news_details.php?lng=arabic&sid=36816) (accessed October 4, 2011).

<sup>298</sup> Khaled Abdullah, "Anti-Government Protesters Hold Up Posters of Taiz Police Chief," Reuters photo, June 18, 2011, [http://srnnews.townhall.com/photos/view/safety\\_\\_security/1004/anti-government\\_protesters\\_hold\\_up\\_posters\\_of\\_taiz\\_police\\_chief\\_abdullah\\_qairan\\_during\\_a\\_rally\\_in\\_taiz/a0943ddf-e2df-4cbe-8d4d-b7155389174f/](http://srnnews.townhall.com/photos/view/safety__security/1004/anti-government_protesters_hold_up_posters_of_taiz_police_chief_abdullah_qairan_during_a_rally_in_taiz/a0943ddf-e2df-4cbe-8d4d-b7155389174f/) (accessed September 10, 2011).

<sup>299</sup> Transcript of interview with Abdullah Qairan, al-Sa'ida television, on July 14, 2011, available from: <http://yemenrightsmonitor.blogspot.com/2011/07/july-14th-interview-with-abdullah.html> (accessed September 11, 2011).

<sup>300</sup> Yemeni Court Orders Top Cop's Arrest," iol.co.za, September 28, 2011, <http://www.iol.co.za/news/world/yemeni-court-orders-top-cop-s-arrest-1.1146480> (accessed September 28, 2011).

<sup>301</sup> State-run media refer to al-Dhab'an as the brigade leader. See, for example, "People of Al-Modhafar Directorate praise the national role of 33rd Brigade's Heroes," Saba news agency, September 8, 2011, <http://www.sabanews.net/ar/news247813.htm> (accessed October 5, 2011).

<sup>302</sup> "Yemen's Saleh in Saudi Hospital," Bloomberg, June 5, 2011, <http://www.businessweek.com/news/2011-06-06/yemenis-cheer-wounded-leader-saleh-s-flight-to-saudi-arabia.html> (accessed September 30, 2011), para 18.

## Armed Gangs (“Baltajiyya”)

Since the start of protests in Taizz, gangs armed with firearms, sticks, stones, or *jambiyas* (traditional Yemeni daggers), have harassed and beaten demonstrators at Freedom Square and at marches. Such gangs also have attacked protesters in other cities. Yemenis refer to these assailants as *baltajiyya* (thugs), and many believe that they are paid by government officials or supporters. In some cases, snipers in civilian clothes have fired on protesters from sites including government buildings. Witnesses reported that security forces have in many cases stood by or joined in these attacks.

## Opposition Forces

Opposition fighters began deploying in Taizz in late May and early June ostensibly to protect protesters from attacks by security forces, and soon began clashing with government troops. Opposition forces repeatedly placed civilians at risk by deploying in densely populated neighborhoods and doing nothing to remove civilians from the area. Human Rights Watch saw dozens of armed opposition fighters in Taizz in August and November 2011 and local residents said there were hundreds.<sup>303</sup>

Opposition fighters in Taizz are commanded by tribal sheikhs including Hamud al-Mikhlafi and his cousin Sadiq Ali Sarhan. Sarhan, a brigadier general, leads the Air Defense Brigade of the First Armored Division, a powerful army unit that defected to the opposition in March 2011. Gen. Ali Mohsen al-Ahmar, a former confidant and relative by marriage of President Saleh who commands the First Armored Division, is close to al-Mikhlafi and has ties with Islah. Al-Mikhlafi’s and Sarhan’s tribal villages—al-Mikhraf and Sharab respectively—are located near each other about 15 kilometers north of Taizz along al-Sittin Road, a route that has been the scene of intermittent clashes.

Al-Mikhlafi also has a compound in the opposition-controlled neighborhood of al-Rawdha in Taizz and Sarhan was in 2011 building a home in al-Masbah.<sup>304</sup> Opposition fighters are present in the streets of some opposition neighborhoods that they control and they command at least five checkpoints at the entrances to those neighborhoods. They also

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<sup>303</sup> Human Rights Watch interviews with residents in Taizz, August and November 2011. In a telephone interview on December 15, 2011, one source close to the opposition forces put the number of opposition fighters at 600 to 700.

<sup>304</sup> Human Rights Watch interviews with dozens of Taizz residents, Taizz, August and November 2011. Human Rights Watch also has seen al-Mikhlafi’s and Sarhan’s homes in al-Rawdha and al-Masbah.

guard protesters during marches and at Freedom Square. They wear tribal garb—a sarong-like cloth called a *maawaz*, with a buttoned shirt and headscarf.

In August and November, Human Rights Watch saw groups of opposition fighters armed with Kalashnikov assault rifles, handguns, hand-grenades, and rocket-propelled grenades in areas including al-Rawdha and Freedom Square and at checkpoints in neighborhoods including al-Masbah. The opposition sheikhs in July received support from the First Artillery Brigade of the renegade First Armored Division.

## VI. Lack of Accountability

In response to calls from the UN Security Council and the OHCHR, Yemeni officials have promised impartial investigations both in Taizz and nationally into serious human rights violations in connection with the movement to end President Saleh's rule. At this writing, however, there had been virtually no accountability.

In September, Navi Pillay, the UN High Commissioner for Human Rights, called for an international, impartial investigation into serious human rights violations in Yemen stemming from the anti-Saleh movement, with the aim of bringing those responsible to justice and compensating victims. Pillay urged the Yemeni government to allow the OHCHR to open an office in Yemen to monitor and report on human rights violations in the country.<sup>305</sup>

In a positive step, Yemen's caretaker cabinet in January 2012 invited the OHCHR to open an office in Yemen.<sup>306</sup> But Yemeni authorities have opposed international investigations, saying they would impinge on Yemeni sovereignty.<sup>307</sup>

On October 21, the UN Security Council condemned "continued human rights violations by the Yemeni authorities, such as the excessive use of force against peaceful protestors," as well as "human rights abuses perpetuated by other actors." The Security Council backed Pillay's call for independent and impartial investigations—without specifying that they be international—and "stressed that all those responsible for violence, human rights violations and abuses [in Yemen] should be held accountable."<sup>308</sup>

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<sup>305</sup> "Pillay says Yemen situation 'dangerous,' urges all parties to halt abuses," Office of the High Commissioner for Human Rights news release, September 22, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11413&LangID=E> (accessed September 23, 2011).

<sup>306</sup> Cabinet approves opening OHCHR office in Yemen," Saba News Agency, January 24, 2012, <http://www.sabanews.net/en/news258847.htm> (accessed January 25, 2012).

<sup>307</sup> Human Rights Watch interview with Yemeni Foreign Minister Abu Bakr al-Qirbi, New York, September 28, 2011. See also "Human Rights Council holds interactive dialogue on Yemen," Statement by Concerned Country, Human Rights Council news release, September 19, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11392&LangID=E> (accessed September 28, 2011).

<sup>308</sup> UN Security Council Resolution 2014 (2011), adopted October 21, 2011, article 4, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm> (accessed October 22, 2011).

In response, the Yemeni cabinet on November 15 authorized the formation of a committee composed of opposition and ruling party members to conduct “independent and transparent investigations compatible with the international standards into the human rights violation allegations” across Yemen in 2011.<sup>309</sup> On November 21, Yemen’s Parliament, which is dominated by the president’s party, announced it would investigate “the recent events” in Taizz.<sup>310</sup>

In a letter to Human Rights Watch dated December 21, 2011, the Yemeni government pledged to follow through on investigating violations in 2011 and ensuring they would not continue. “The most important task for the government at the present stage is mitigating political and security tension and eliminating the factors and causes of the infringement to human rights that occurred,” the letter said. “Thus, one of the priorities of the national consensus government in the coming phase will be to implement the content of the HRC resolution on respect for human rights and investigate any abuses committed by any party by launching independent, transparent investigations that comply with international standards.”<sup>311</sup>

In an accompanying joint statement, also dated December 21, the Taizz General Security division and the Yemeni Foreign Ministry told Human Rights Watch that the Taizz governorate had formed various committees to investigate attacks on protesters and other civilians in the city. The statement accused the JMP of refusing to cooperate with investigations.<sup>312</sup>

On the question of accountability, the statement noted one conviction of a security force member but no other arrests or prosecutions.<sup>313</sup> The statement said that “some families have received suitable compensation” but did not detail either the number of families or

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<sup>309</sup> “Gov’t adopts procedures to execute HRC’s recommendations,” Saba News, November 15, 2011, <http://www.sabanews.net/en/news253312.htm> (accessed November 16, 2011).

<sup>310</sup> “Parliament forms fact-finding committee on Taiz events,” Saba News, November 21, 2011, <http://www.sabanews.net/en/news253783.htm> (accessed November 21, 2011).

<sup>311</sup> Letter to Human Rights Watch from the Yemen Foreign Ministry Office of the Minister, No. 71/130/1170, December 21, 2011, translated from Arabic to English by Human Rights Watch. Copy on file with Human Rights Watch.

<sup>312</sup> The Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>313</sup> Ibid. The incident for which the officer was convicted is described earlier in this report. For government responses to unlawful attacks in Yemen, see also United Nations Office of the High Commissioner for Human Rights, Assessment Mission to Yemen, September 13, 2011, <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf> (accessed September 13, 2011), paras 30-32, 41.

what the compensation was.<sup>314</sup> Human Rights Watch learned of only one family, part of an influential tribe that was offered compensation.

Many Yemenis have told Human Rights Watch that they lack confidence in the ability or willingness of government authorities to conduct credible and impartial investigations into human rights abuses.<sup>315</sup>

Accountability is complicated by an immunity law passed by Yemen's parliament on January 21, 2012. The parliament—which is dominated by the ruling party, known as the General People's Congress—granted a blanket amnesty to Saleh for any crimes committed during his presidency. It also granted immunity from prosecution for any “political” crimes, with the exception of terrorist acts, to all those who served with the president. That language is likely to shield all government officials from prosecution in Yemeni courts for the unlawful attacks on the anti-Saleh movement of 2011.<sup>316</sup>

The exit accord brokered by the Gulf Cooperation Council, which President Saleh signed on November 23, instructed Yemen's parliament to pass the amnesty law in exchange for the president's promise to leave office by February 21, 2012.<sup>317</sup> The United States and the European Union supported the accord and the UN Security Council called on all parties in Yemen to use it as the basis for a political settlement and power transfer.<sup>318</sup>

It is the policy of the UN secretariat to oppose amnesties for recognized international crimes including war crimes, crimes against humanity, and gross violations of human rights.<sup>319</sup> Moreover, governments prosecuting these offenses under universal jurisdiction

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<sup>314</sup> Ibid.

<sup>315</sup> Human Rights Watch interviews with Yemeni citizens in person and by telephone over the course of 2011.

<sup>316</sup> “Yemen grants Saleh immunity to try to end crisis,” Reuters, January 21, 2012, <http://www.reuters.com/article/2012/01/21/us-yemen-idUSTRE8oKoB120120121?feedType=RSS&feedName=topNews&rpc=71> (accessed January 21, 2012). A copy of the law is on file with Human Rights Watch.

<sup>317</sup> Gulf Cooperation Council Initiative to Resolve the Yemeni Crisis, version of May 21/22, 2011, Executive Steps, para. 3, copy on file with Human Rights Watch. The GCC initiative called for parliament to act on an immunity law on the 29th day after the accord was signed. However an implementing accord that President Saleh and the political opposition also signed on November 23, 2011, had the effect of allowing parliamentary action on immunity during a later period of the 90-day power transfer. See Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative, November 23, 2011, paras. 8-9, copies on file with Human Rights Watch.

<sup>318</sup> UN Security Council Resolution 2014 (2011), adopted October 21, 2011, Article 4, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm>.

<sup>319</sup> The United Nations policy of opposing amnesties for war crimes and for gross violations of human rights extends even to the context of peace negotiations. The UN's Rule-Of-Law Tools for Post-Conflict States states that “United Nations staff, whether in Headquarters or in field operations, may never condone amnesties that international law and United Nations policy unite in

laws are not bound by domestic amnesties issued in the territorial state, as acts of a foreign legislature do not bind another sovereign state.<sup>320</sup> Thus, any parliamentary grant of immunity in Yemen has no legal binding effect on national or international courts that have jurisdiction over crimes in violation of international law, such as war crimes and crimes against humanity committed in Yemen.<sup>321</sup>

The immunity also runs counter to Yemen's own obligations under international law to investigate and prosecute serious violations of international human rights and humanitarian law.<sup>322</sup> Therefore, the validity of the immunity law could be legitimately challenged in Yemeni courts, even though it contains a clause barring appeal or annulment.<sup>323</sup>

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condemning." See Office of The United Nations High Commissioner for Human Rights, "Rule-Of-Law Tools For Post-Conflict States: Amnesties," HR/PUB/09/1, 2009, [http://www.ohchr.org/Documents/Publications/Amnesties\\_en.pdf](http://www.ohchr.org/Documents/Publications/Amnesties_en.pdf) (accessed December 13, 2011). In 2004, then-Secretary-General Kofi Annan wrote in his report on the rule of law and transitional justice in conflict and post-conflict societies that "United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights." See Report of the Secretary-General, "The rule of law and transitional justice in conflict and post-conflict societies," S/2004/616, August 24, 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement> (accessed December 13, 2011), para. 10.

Jamal Benomar, a special advisor to UN Secretary-General Ban Ki-moon, informed all parties of that policy while facilitating President Saleh's November 23 agreement to transfer power. See First Report of the Secretary-General Pursuant to Security Council Resolution 2014 (2011), November 28, 2011, para. 12 (copy on file with Human Rights Watch).

<sup>320</sup> "Universal jurisdiction" refers to the competence of a national court to try a person suspected of a serious international crime—such as genocide, crimes against humanity, war crimes, or torture—even if neither the suspect nor the victims are nationals of the country where the court is located and the crime took place outside of that country.

<sup>321</sup> For example, an amnesty passed in the state where the crime was committed has been held not to bind courts in the United Kingdom, which have the discretion not to apply the amnesty law to crimes that, through treaties (such as the Convention against Torture), the UK government has committed itself to prosecuting. See the reasoning of Lords Steyn and Nicholls in *R v. Bow Street Magistrates Court; ex parte Pinochet (No 1)*, (25 Nov. 1998), [1998] 4 All ER 897 at 938 (Lord Nicholls) and 946-7 (Lord Steyn). In France, the French Supreme Court held that a foreign amnesty law has effect only in the territory of the state concerned, and that recognizing the applicability of a foreign amnesty law in France would be tantamount to a violation by the French national authorities of their international obligations, and to a negation of the principle and purpose of universal jurisdiction. See Cour de Cassation, decision N° de pourvoi : 02-85379, October 23, 2002, in the case against Mauritanian national Ely Ould Dah, available online at <http://www.legifrance.gouv.fr/>.

<sup>322</sup> As a matter of both treaty and customary international law, there is a duty to prosecute serious international crimes or to extradite to a jurisdiction that will prosecute. International treaties, such as the Geneva Conventions of 1949 and its Additional Protocols, obligate parties to ensure alleged perpetrators of serious crimes are prosecuted, including those who give orders for these crimes. See Geneva Convention Relative to the Protection of Civilian Persons in Times of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 146.

<sup>323</sup> The trend in international law is that state amnesty provisions must be considered void if they attempt to amnesty serious crimes in violation of international law, because such provisions are contrary to states' obligations to combat impunity for serious violations of international human rights and humanitarian law. Many precedents were set in Latin America. For example, the Inter-American Court of Human Rights has held that Peru's blanket amnesty law, which discouraged investigations and denied any remedies to victims, was invalid. See Inter-American Court, Barrios Altos Case, judgment of March 14, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 75 (2001), paras. 41-44. The Inter-American Court also held that Brazil's amnesty law is "incompatible with the American Convention [on Human Rights] and void of any legal effects." See Inter-American Court, Gomes-Lund et al. (*Guerrilha do Araguaia*) v. Brazil, November 24, 2010, <http://www.unhcr.org/refworld/docid/4d469fa92.html>. Similarly, the Inter-American Commission on Human Rights has found that amnesty laws in Chile and Argentina do not satisfy a state's duty to prosecute and are incompatible with the American Convention on Human Rights. See Inter-American Court, Garay Hermosilla Case, Case 10.843, Report No. 36/96,

Many Yemeni protesters including Tawakkol Karman, a recipient of the 2011 Nobel Peace Prize, have called for the International Criminal Court (ICC) to prosecute President Saleh and other top officials for crimes in violation of international law committed against the anti-Saleh movement.<sup>324</sup>

Yemen is not a member state of the Rome Statute, the treaty establishing the ICC.<sup>325</sup> However, Yemen could ratify the treaty, or accept the retroactive jurisdiction of the ICC through a formal declaration even without becoming a state party to the statute.<sup>326</sup> The Rome Statute also empowers the UN Security Council to refer cases to the ICC for consideration.<sup>327</sup>

The immunity law instructs Yemen's government to submit draft legislation to parliament for national reconciliation and transitional justice and to "ensure the non-recurrence of violations of human rights and humanitarian law."<sup>328</sup> The concept of "transitional justice" as set out by the United Nations includes a range of judicial and non-judicial measures such as criminal prosecutions, truth commissions and reparations to victims.<sup>329</sup> Establishing a record of past crimes and providing redress are vital steps toward reconciliation, but they are not a substitute for justice.

Fair prosecutions—whether in domestic or international proceedings—are also important for reasons beyond a state's international legal obligations. Holding to account those responsible for serious violations of international human rights and humanitarian law may

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<sup>324</sup> Inter Am.Ct.H.R., OEA/Ser.L/V/II.95 Doc. 7 rev. at 156 (1997), October 15, 1996, <http://www.unhcr.org/refworld/docid/3ae6b71a4.html>; Inter-American Court, Case Nos. 10.147, 10.181, 10.240, 10.262, 10.309, 10.311, Report No. 28/92, Inter-Am.C.H.R., OEA/Ser.L/V/II.83 Doc. 14 at 41 (1993), October 2, 1992, <http://www.unhcr.org/refworld/docid/3ae6b6d434.html> (all accessed December 30, 2011). Article 4 of Yemen's immunity law of 2012 bars appeal or annulment.

<sup>325</sup> The ICC was established to deliver justice for serious violations of international criminal, such as war crimes and crimes against humanity, where national courts are unwilling or unable genuinely to investigate or prosecute. See Rome Statute, arts. 12-13).

<sup>326</sup> Yemen signed the Rome Statute on December 28, 2000, but has not ratified the treaty.

<sup>327</sup> See Rome Statute, arts. 11(2), 12(3), <http://untreaty.un.org/cod/icc/statute/romefra.htm>.

<sup>328</sup> See Rome Statute, arts. 11-13.

<sup>329</sup> Yemen immunity law of February 21, 2012, article 3, copy on file with Human Rights Watch.

<sup>329</sup> Report of the Secretary-General, The rule of law and transitional justice in conflict and post-conflict societies, S/2004/616, August 24, 2004.

help restore dignity to victims by acknowledging their suffering. Prosecutions also help deter a culture of impunity that encourages future abuses.<sup>330</sup>

In countries around the world, Human Rights Watch found that failing to address serious human rights crimes leaves open wounds that demand attention for decades.<sup>331</sup> As Archbishop Desmond Tutu of South Africa has noted, “As painful and inconvenient as justice may be, we have seen that the alternative—allowing accountability to fall by the wayside—is worse.”<sup>332</sup> Without accountability, there will be no genuine break from the past in a post-Saleh Yemen.

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<sup>330</sup> See Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 9, 2009, [www.hrw.org/node/84264](http://www.hrw.org/node/84264).

<sup>331</sup> Ibid.

<sup>332</sup> Desmond Tutu, “Will Africa let Sudan off the hook?” commentary, *The New York Times*, March 2, 2009, <http://www.nytimes.com/2009/03/03/opinion/03tutu.html> (accessed January 8, 2011).

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# “NO SAFE PLACES”

## Yemen’s Crackdown on Protests in Taizz

In February 2011, Yemenis inspired by mass protests in Tunisia and Egypt began taking to the streets to demand the resignation of President Ali Abdullah Saleh. For the next 11 months, the state security forces responded with brutal force. While international attention has focused on Yemen’s capital, Sanaa, some of the worst attacks took place in the city of Taizz, a center of resistance 250 kilometers to the south. There, Human Rights Watch found, security forces and pro-government gangs killed at least 120 civilians and wounded hundreds more in assaults on demonstrations and in military operations against opposition armed groups.

“*No Safe Places*” is based on more than 170 interviews with protesters and other witnesses to the violence. The report documents the Yemeni security forces’ repeated use of unnecessary lethal force against largely peaceful demonstrations in Taizz. It also details the military’s apparently indiscriminate shelling of populated areas in the city during attacks on opposition fighters, and the blocking of medical care to those injured in the clashes.

On January 21, 2012, Yemen’s parliament granted blanket amnesty to Saleh and partial immunity to all other officials in his government in exchange for his promise to resign. The report explains that international law does not recognize immunity for serious international crimes. It calls on foreign courts and Yemen’s transitional government to investigate the bloodshed in Taizz and prosecute those responsible. Failure to serve justice, the report warns, will reinforce Yemen’s destructive culture of impunity.



*Police patrol al-Hasab neighborhood in the Yemeni city of Taizz on December 6, 2011.*

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# EXHIBIT C



YEMEN

## Days of Bloodshed in Aden

HUMAN  
RIGHTS  
WATCH



# Days of Bloodshed in Aden

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Human Rights Watch

350 Fifth Avenue, 34th floor

New York, NY 10118-3299 USA

Tel: +1 212 290 4700, Fax: +1 212 736 1300

[hrwnyc@hrw.org](mailto:hrwnyc@hrw.org)

Poststraße 4-5

10178 Berlin, Germany

Tel: +49 30 2593 06-10, Fax: +49 30 2593 0629

[berlin@hrw.org](mailto:berlin@hrw.org)

Avenue des Gaulois, 7

1040 Brussels, Belgium

Tel: +32 (2) 732 2009, Fax: +32 (2) 732 0471

[hrwbe@hrw.org](mailto:hrwbe@hrw.org)

64-66 Rue de Lausanne

1202 Geneva, Switzerland

Tel: +41 22 738 0481, Fax: +41 22 738 1791

[hrwgva@hrw.org](mailto:hrwgva@hrw.org)

2-12 Pentonville Road, 2nd Floor

London N1 9HF, UK

Tel: +44 20 7713 1995, Fax: +44 20 7713 1800

[hrwuk@hrw.org](mailto:hrwuk@hrw.org)

27 Rue de Lisbonne

75008 Paris, France

Tel: +33 (1) 43 59 55 35, Fax: +33 (1) 43 59 55 22

[paris@hrw.org](mailto:paris@hrw.org)

1630 Connecticut Avenue, N.W., Suite 500

Washington, DC 20009 USA

Tel: +1 202 612 4321, Fax: +1 202 612 4333

[hrwdc@hrw.org](mailto:hrwdc@hrw.org)

Web Site Address: <http://www.hrw.org>

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## **Summary**

From February 16 to 25, 2011, Yemeni security forces in the southern city of Aden repeatedly used excessive force, including live ammunition, against largely peaceful protesters. They killed at least nine and possibly twice as many protesters, and injured up to 150, some of them children.

Yemenis in the southern provinces, including Aden, have been demonstrating since 2007 for increased economic opportunities and political autonomy or secession. The protest movement is led by the so-called Southern Movement, a loose grouping of various interests with multiple leaders. In February 2011, protesters in the south, as in other parts of the country, held demonstrations calling for the downfall of the government of President Ali Abdullah Saleh.

This report is based on information collected by Human Rights Watch in Aden through interviews with more than 50 people, including injured victims, witnesses to the killings, relatives of killed protesters, doctors and paramedics, and human rights activists. Human Rights Watch also analyzed video and photo materials made available by witnesses to the protests, as well as hospital records, and some of the ballistic evidence collected by protesters after the shootings.

In Aden, security forces have systematically attempted to prevent large gatherings. However, groups of several hundred people protested in various parts of the city almost daily starting on February 15, 2011. Some of the protests were entirely peaceful. On other occasions, protesters threw stones as security forces tried to disperse them.

Security and intelligence forces, including members of Central Security, the general police, the army, and the National Security Bureau, violently dispersed most of the peaceful protests. In all cases documented by Human Rights Watch, security forces used tear gas, rubber bullets, and live ammunition, including from automatic weapons and machine guns. Security forces routinely used lethal force that was clearly excessive in relation to the danger presented by unarmed protesters, who in most cases presented no threat to others or to surrounding property. In all of the cases documented by Human Rights Watch, security forces chased and shot at protesters trying to flee their assaults. Several bystanders were also injured in these incidents.

Security forces also prevented the victims from getting medical assistance. They routinely did not allow doctors and ambulances to reach the protest sites to assist the wounded, and fired at people who tried to rescue victims. Many injured did not go to government hospitals fearing arrest, and the capacity of private hospitals was overstretched.

The exact number of those killed and injured during the attacks in Aden remains unknown. Authorities did not publicize information on casualties and prevented independent observers from accessing government hospitals.

Government officials denied any involvement of security forces in the killings and blamed the violence on the Southern Movement separatists. Security forces quickly removed bullet casings from the streets, and authorities forced families to bury the bodies of those killed immediately, in an apparent attempt to suppress evidence and to prevent massive public funeral processions. In at least one case, the authorities forged a forensic report of a person killed in a protest.

Human Rights Watch in 2009 documented the same patterns of use of excessive force by Yemeni security forces against southern protesters. The report, *In the Name of Unity*, detailed the unlawful killings of protesters, in addition to arbitrary arrests and suppression of freedom of expression.

Human Rights Watch calls on the Yemeni government to ensure its security services abide by international policing standards, cease arbitrary and incommunicado detentions, and establish an independent commission of inquiry with full authority to investigate the use of excessive force against peaceful protesters. It calls on Yemen's neighbors and donors to make clear to the Yemeni authorities that international assistance, including financial, military, and diplomatic support, will be contingent upon improvements in Yemen's human rights conduct.

## I. Background

Yemen is the poorest country in the Middle East and among the poorest in the world.<sup>1</sup> The Republic of Yemen was created through the unification of north and south in 1990. In 1962, an army coup ended centuries of rule by the Zaidi imam, establishing the Yemen Arab Republic (YAR), in what many referred to as North Yemen. In 1967 the British protectorate known as South Yemen achieved independence as the socialist People's Democratic Republic of Yemen (PDRY).

After the former Soviet Union withdrew its support from the south in 1989, the leaders of south and north, Ali Salim al-Baidh and Ali Abdullah Saleh, declared the union of the two Yemens on May 22, 1990 as the Republic of Yemen. Yemen embarked on a path of multiparty politics and held its first elections in 1993. Rather than consolidate unity, the elections reinforced the divide between southern Yemen, which overwhelmingly voted for Yemeni Socialist Party (YSP) candidates, and northern Yemen, whose voters returned candidates of the Islah party, an Islamist group, and the General People's Congress (GPC), the party of President Saleh.<sup>2</sup>

Relations between the YSP and the GPC deteriorated over issues including the speed and extent of integration of the two separate armies, bureaucratic and judicial reform, and measures against corruption and terrorism.<sup>3</sup> A civil war in April-June 1994 ended in the defeat of the south.<sup>4</sup>

Many southerners regard the defeat as the beginning of a sharp decline in their economic fortunes and the start of an even greater marginalization of southerners in a united Yemen dominated by northerners. The damage from the war and the looting to factories and

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<sup>1</sup> The World Bank estimated Yemen's annual per capita gross domestic product at US\$520 in 2003. That year, Yemen ranked 151 out of 177 countries on the United Nations Human Development Index. World Bank, "Yemen," <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/YEMENEXT/0,,menuPK:310170~pagePK:141159~piPK:14110~theSitePK:310165,00.html> (last accessed October 2, 2008).

<sup>2</sup> Brian Whitaker, *The Birth of Modern Yemen (2009)*, e-book published at [www.al-bab.com/yemen/birthofmoderneyemen](http://www.al-bab.com/yemen/birthofmoderneyemen) (accessed October 28, 2009), p.137.

<sup>3</sup> Joseph Kostiner, "Yemen. The Tortuous Quest for Unity, 1990-94," The Royal Institute of International Affairs, Chatham House Papers, (Royal Institute of International Affairs, London: 1996), p. 65-74.

<sup>4</sup> Human Rights Watch/Middle East, *Yemen: Human Rights in Yemen During and After the 1994 War*, vol. 6, no. 5, October 1994, p.6.

industries was never fully repaired.<sup>5</sup> However, historians have stated that southern Yemen's formerly socialist economy was already in sharp decline long before the civil war.<sup>6</sup> According to southern accounts, southern land and oil contracts often went to northerners close to the president, along with their profits. After the 1994 war, the authorities in Sanaa also forcibly retired many southern military officers and civil servants and replaced them with northerners, while some 100,000 retired southern military officers and civil servants only sporadically received their pensions.<sup>7</sup>

In 2007, these grievances led to a series of small-scale protests organized by former military officers from the south who had been forcibly retired. The protests soon drew broader support as most of the southern branches of political parties, led by the Yemeni Socialist Party (YSP), mobilized their grassroots networks, and more traditional leadership structures, including tribal shaikhs, joined the protest movement. This combination of factors gave birth to the Southern Movement, a coalition of various groups that by early 2009 had gained broad support in southern Yemeni society, and escalated its demands to calls for outright secession and the reestablishment of an independent state in the south.<sup>8</sup>

Since the start of the protests in 2007, the Southern Movement has publicly insisted that it is peaceful, and has repeatedly rejected the use of armed resistance in achieving its goals.<sup>9</sup> The Yemeni authorities and the state-controlled press, on the other hand, have frequently accused the Southern Movement of harboring armed elements and have blamed deaths at protests on armed participants in the demonstrations.<sup>10</sup>

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<sup>5</sup> Ginny Hill, "Yemen: Fear of Failure," *Chatham House*, Middle East Programme Briefing Paper, November 2008, p.5.

<sup>6</sup> Whitaker, *The Birth of Modern Yemen*, pp. 16-22.

<sup>7</sup> Whitaker, *The Birth of Modern Yemen*, p. 216.

<sup>8</sup> See, for example, Suzanne Dehlgren, "The Southern Movement in Yemen," *JSIM Review 22*, Society & the State, August 2008, and Human Rights Watch, *Yemen: In the Name of Unity*, December 2009, <http://www.hrw.org/en/reports/2009/12/15/name-unity-o>, Chapter IV, "The Southern Movement: An Overview."

<sup>9</sup> See, for example, comments by Nasir Nuba: "We call on the people of the south to actively participate in this event [commemorating withdrawal of the last British troops] ... while holding dear their civil values and civilized manners and peaceful means in changing opinion." "The Supreme Council for the Liberation of the south and the Commission of the Southern Movement in Aden Call on Southerners to Celebrate Independence Day," contribution by Nasr Asad to discussion forum Yemeni Council, November 21, 2008, <http://www.ye1.org/vb/showthread.php?t=304437> (accessed October 29, 2009).

<sup>10</sup> See, for example, Hammoud Mounassar, "Yemeni President Urges Dialogue after Deadly Clashes," *AFP*, May 21, 2009 (quoting President Saleh blaming "outlaws aiming to hit at the nation and its safety and to stir unrest" for deaths during a protest in Aden); "Aden Governor: No Clashes Between Citizens and Security," *Saba News*, May 21, 2009 (quoting Aden governor Adnan al-Jifri stating that armed persons who were part of "chaotic elements" who had "conducted unrest and sabotage acts" were responsible for the death of a protestor.)

Since 2007, security forces responded to the largely peaceful protests with brutal force, and routinely opened fire on protesters, killing and wounding unarmed demonstrators.<sup>11</sup>

On February 3, 2011, inspired by the popular uprisings that toppled the presidents of Tunisia and Egypt, Yemenis in major cities including the capital, Sanaa, and Aden and Taizz in the south, began holding peaceful demonstrations in which they demanded the resignation of President Ali Abdullah Saleh, who has ruled the country since 1990. The Yemen protests were and became daily events following Egyptian President Hosni Mubarak's resignation on February 11.

Protesters in the south shared many of the northerners' demands, including for Saleh's resignation, but many have also called for the secession of Yemen's southern provinces. President Saleh's security forces and government loyalists, many of whom were supported by his office, responded to the protests across the country with excessive and deadly force, with most casualties reported from Aden, a strategic port and the capital of the south.

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<sup>11</sup>Human Rights Watch, *In the Name of Unity*.

## II. Victims

The exact number of people killed and injured as a result of protests in Aden since February 16 remains unknown. Yemeni authorities admitted several deaths, which they blamed on protesters, and specifically on activists of the Southern Movement (see below). They have not made available information on the overall number of killed and wounded. Government hospitals and morgues remain off-limits for outside observers, and at least some of the wounded remain unregistered as they avoid any hospitals, fearing arrests (see below).

There are several unofficial casualty lists circulated in Aden by local journalists and activists which put the death toll at more than 25, but Human Rights Watch found serious inconsistencies and inaccuracies in those lists, with some names repeated or listed incorrectly.

Through interviews with family members and witnesses, Human Rights Watch was able to independently verify nine killings that occurred between February 16 and February 25; most of them are described below. A doctor in a private hospital that received the majority of victims told Human Rights Watch on February 28, 2011, that the hospital registered eight deaths from injuries sustained during the protests. Through contacts with colleagues in two government hospitals, the doctor said he was able to confirm another ten deaths. He also said that, according to his contacts in the military hospital, at least three bodies were delivered there following the February 25 attacks against the protesters (see below).<sup>12</sup> Based on available hospital records and interviews with doctors, witnesses, and victims, Human Rights Watch believes that the number of people injured during the crackdown on Aden protesters is more than 150.

According to doctors and paramedics interviewed by Human Rights Watch, the majority of victims were wounded by live ammunition, including bullets from AK-47 automatic rifles, sniper rifles, and, in at least two cases, 12.7 millimeter machine guns. Some protesters also sustained burns from teargas canisters or hot water that security forces used to disperse the protesters, or injuries from rubber bullets fired at close range. Most of the injuries were to lower limbs, although doctors said they also saw a number of fatal chest and head wounds. The doctors said that, judging by the nature of the injuries, some of the victims were shot from above, which corresponds with multiple witness accounts regarding the presence of snipers who fired on protesters from rooftops.<sup>13</sup>

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<sup>12</sup> Human Rights Watch interview, Aden, February 2011.

<sup>13</sup> Human Rights Watch interviews, Aden, February 2011.

The majority of victims were young men and boys; Human Rights Watch documented the killings of three boys, aged 16, 17, and 17; many of the injured were children under 18 years old.<sup>14</sup>

While most of the victims participated in protests, Human Rights Watch also documented several cases in which security forces injured and killed bystanders who happened to be nearby as security forces chased protesters away. One man was killed by a bullet as he observed the protests through the window of his home.

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<sup>14</sup> The word “child” is used in this report to refer to anyone under the age of 18. The Convention on the Rights of the Child states in Article 1, “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

### III. Perpetrators

Witnesses interviewed by Human Rights Watch provided consistent accounts of Yemeni security forces using excessive force, including live ammunition, against largely peaceful protesters in various Aden neighborhoods from February 16 to 25, 2011.<sup>15</sup>

In most cases, witnesses referred to the following security forces as the perpetrators of the violence and identified them by their uniforms and marked vehicles:

**Central Security forces** (CS), a paramilitary unit, which is formally part of the Ministry of Interior but is under the command of President Saleh's nephew, Yahya Muhammad Saleh. This force featured prominently in witness accounts as the perpetrator of the worst incidents of violence during the dispersal of the protests in Aden. Several witnesses also referred to "special forces" and a "counter-terrorism unit" of the CS, an apparent reference to the Counter-Terrorism Unit that is funded by the United States and trained by US special forces.<sup>16</sup> Witnesses said they could distinguish this unit by their uniforms and special gear—helmets, body armor, and weapons—that differ significantly from those used by other security forces. It is possible that in some cases they confused the CS Counter-Terrorism Unit and the Special Forces unit of the army, commanded by Ahmad Saleh, the president's son. CS also manned check points, in some cases jointly with the army or General Security police, across the city to prevent the protesters from gathering in large groups. A doctor in Aden told Human Rights Watch that sources in the security forces told him that after February 18 members of the CS changed into army uniforms. The source said this happened after US authorities told Yemen's president that US-trained units should not participate in the crackdown on protesters.<sup>17</sup> Human Rights Watch could not independently verify this claim, but did see men in army camouflage uniforms driving in Aden in police cars; sources from Sanaa also said that they witnessed the same pattern after about February 18.

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<sup>15</sup> There are many security agencies in Yemen answering to different parts of the executive. Their remits overlap, leading to public uncertainty about which agency might be responsible for a particular human rights violation. A 1980 presidential order established Central Security (al-Amn al-Markazi), tasking the agency with responsibilities ranging from ensuring the safety of property and persons to border patrolling and counterterrorism. Central Security is officially under the Minister of Interior's direct authority. This agency has been heavily involved in the use of force against southern demonstrators. National Security, an agency established by decree 262 in 2002, mainly prepares analyses and provides advice to the government. For a detailed description of Yemen's security agencies and their role in suppressing the protests in the past, see Human Rights Watch, *In the Name of Unity*.

<sup>16</sup> Jeremy Sharpe, "Yemen: Background and US Relations," Congressional Research Service, RL34170, February 3, 2010, [www.fas.org/sgp/crs/mideast/RL34170.pdf](http://www.fas.org/sgp/crs/mideast/RL34170.pdf), p. 32.

<sup>17</sup> Human Rights Watch interview, Aden, February 2011.

Soldiers in the **Yemeni armed forces** also deployed on several occasions to control and disperse the protesters. In at least two cases, witnesses said that the army appeared more open to negotiation with the protesters and allowed them to proceed with the demonstrations for a while. However, the witnesses were not sure whether this was a demonstration of good will on behalf of the army, or whether the soldiers were simply waiting for reinforcement. In both cases, soldiers started shooting as soon the CS forces arrived on the scene of the protest.

The **National Security Bureau** (NSB), an intelligence agency formed in 2002 and commanded by the president's nephew, 'Ammar Saleh, reports directly to the president and has responsibilities similar to those of the **Political Security Organization**, which is Yemen's primary domestic intelligence agency and notorious for human rights violations.<sup>18</sup> In several cases, witnesses reported seeing members of the National Security Bureau deployed to disperse the protesters. They said they could identify them by the light beige uniforms that National Security officials wear to the office. In at least one case, a member of the NSB fired at the crowd of the protesters from his automatic gun, which apparently served as a signal to other forces to start the shooting.

**General Security** is the regular police, and witnesses reported that divisions of the general police, riot police, the emergency unit, and other units participated in the crackdown on protesters.

According to witnesses, security forces deployed to the sites of protests in large numbers, and used a variety of military vehicles, including armored personnel carriers, at least one tank, four-wheel drive vehicles mounted with machine guns, and water cannon trucks. Human Rights Watch saw all of these vehicles near protest sites across Aden, as well as at checkpoints.

Witnesses said that on most occasions, security forces simultaneously used teargas, rubber bullets, and live ammunition to disperse protesters. Human Rights Watch examined the remnants of ammunition, used to disperse teargas, collected by the protesters in Aden, including a "Han Ball™" hand grenade and a 37mm Long-Range "Spede-Heat™" canister,

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<sup>18</sup> Human Rights Watch, *Yemen: All Quiet on the Northern Front?*, April 2010, <http://www.hrw.org/en/reports/2010/04/07/all-quiet-northern-front-0>; Human Rights Watch, *Yemen: No Direction Home*, March 2009, <http://www.hrw.org/en/reports/2009/03/28/no-direction-home>; US State Department, Bureau of Democracy, Human Rights, Labor, "Country Reports on Human Rights Practices – 2009: Yemen," March 11, 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/ne/a/136083.htm> (accessed March 7, 2011).

projected by a launcher up to a range of 150 meters. Both types of ammunition are US-manufactured.

Judging by multiple witness accounts as well as videos made available to Human Rights Watch, some protests were entirely peaceful, while during others the protesters threw stones at the police—it appeared, however, that stone-throwing started after police tried to disperse the protests that were initially peaceful. These findings correspond to Human Rights Watch's findings in 2009, in which peaceful protesters threw stones in response to the use of force by security forces.<sup>19</sup>

In virtually all cases, witnesses independently said that security forces also used snipers positioned on rooftops next to protest sites. Doctors who treated the wounded confirmed that the nature of the injuries sustained by the protesters (the angle at which bullets entered the body) was consistent with this account, and that some of the bullets extracted from the bodies seemed to have been fired from sniper rifles.

In a number of cases that Human Rights Watch documented, including those resulting in the deaths of protesters and bystanders, security forces dispersed and then chased unarmed protesters into neighborhoods and shot and killed some of them at close range (see case descriptions below). These protesters, who were running away or taking cover behind houses or vehicles, were clearly not armed and presented no physical danger to the security forces.

The use of force by state security forces acting in a law-enforcement capacity is governed by international standards. Yemen is a party to the International Covenant on Civil and Political Rights and therefore must respect the rights to life and security, and to peaceful assembly. The UN Code of Conduct for Law Enforcement Officials states that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”<sup>20</sup> The UN Basic Principles on the Use of Force and Firearms provides that law enforcement officials “shall, as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective.”<sup>21</sup> When the use

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<sup>19</sup> Human Rights Watch, *In the Name of Unity*.

<sup>20</sup> United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), art. 3.

<sup>21</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

of force is necessary, law enforcement officials must “exercise restraint in such use and act in proportion to the seriousness of the offense.”<sup>22</sup> Article 9 of the Basic Principles states:

Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

The use of nonlethal means of force in crowd control, including the use of teargas, may also constitute a breach of applicable international standards, especially when such means are used to disperse nonviolent assemblies where force must be avoided, or restricted to the “minimum extent necessary.”<sup>23</sup> Yemeni authorities and Yemen’s international suppliers of nonlethal means of crowd control should further investigate whether the use of such means by security forces in Aden was justified and compatible with international standards.

Article 10 of the Basic Principles requires that law enforcement officials “give clear warning of their intent to use firearms.”<sup>24</sup> The Basic Principles make clear that there can be no departure from these provisions on the basis of “exceptional circumstances such as internal political stability or any other public emergency,” i.e. that these are non-derogable standards.<sup>25</sup>

Yemen’s 2003 Law on Organizing Demonstrations and Marches requires organizers to notify the authorities three days in advance, except for smaller protests and gatherings that the law exempts from this procedural requirement.<sup>26</sup> Demonstrations also must not sow “sedition” or question the “unity of the lands.”<sup>27</sup> While international human rights law permits governments to act against groups—or demonstrations—using or advocating

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<sup>22</sup> Ibid, Principle 5(a).

<sup>23</sup> Ibid. Principles 12-13.

<sup>24</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

<sup>25</sup> Ibid, Principle 8.

<sup>26</sup> Republican Decision of Law 29 for the Year 2003, Regarding the Organization of Demonstration sand Marches, arts. 4 and 19.

<sup>27</sup> Law on Demonstrations and Marches, arts. 9.c. and 16.

violence, it does not allow a government to ban a group solely because it is regionally based or advocates autonomy or even secession.<sup>28</sup>

The Yemeni law on demonstrations bans carrying weapons at such a public event.<sup>29</sup> It requires security forces to protect participants in demonstrations and provide medical care. Security forces must disperse demonstrators when crimes are being committed, when demonstrations are unannounced, and in the event of riots.<sup>30</sup>

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<sup>28</sup> It is clear that political parties cannot be banned on grounds of regional basis or secessionist platform: See, for example, the judgment of the European Court of Human Rights in *United Communist Party of Turkey v. Turkey* (19392/92) (1998) 26 E.H.R.R. 121. See also the African Commission on Human and Peoples' Rights ruling in Communication 75/92, *Katangese Peoples' Congress v. Zaire*, Eighth Activity Report 1994-95.

<sup>29</sup> Law on Demonstrations and Marches, arts. 13 and 17.

<sup>30</sup> Law on Demonstrations and Marches, arts. 8 and 9.

## IV. Denial of Medical Care

Witnesses, some of whom were wounded protesters, told Human Rights Watch that security forces prevented the delivery of medical assistance to the injured. Only occasionally were ambulances present, and those belonged to the police. Police prevented medical professionals from approaching the wounded. One doctor from a private clinic told Human Rights Watch that he was trying to get to the site of the protest in al-Mu’alla, a neighborhood in Aden, on the afternoon of February 25, after he received reports of casualties there. “I went there in my car, and Central Security stopped me at the checkpoint,” the doctor said. “I explained who I was and that I needed to provide medical assistance to the wounded, but they didn’t let me through. ‘Let them die’ were their exact words.”<sup>31</sup>

The doctor and several other witnesses also told Human Rights Watch that in the first days after February 16, government hospitals refused to admit wounded protesters. Human Rights Watch documented cases where people were arrested from hospitals or had to leave the hospital fearing arrest (see below). After that, the protesters avoided these hospitals, fearing arrest. Several wounded protesters told Human Rights Watch they either did not go to the hospital at all, seeking medical assistance in private clinics, or fled from the government hospital after doctors warned them they might be arrested (see below).

Private hospitals struggled to treat the wounded, most of whom had no means to pay. A doctor at one of the hospitals that treated the majority of wounded said the hospital provided medical assistance, including complicated surgeries, free of charge. The doctor said that until March 2, 2011, the governor’s office compensated some of the hospitals’ cost “because the people were injured by the state,” the doctor explained. However, the payments stopped and since March 4, 2011, the hospital could not take any new patients.<sup>32</sup>

Witnesses said that security forces also prevented protesters and bystanders from carrying away the wounded, and in least one instance, on February 25, bleeding protesters remained unassisted on the ground for hours as security forces continued shooting, preventing rescuers from approaching. At that point, according to witnesses, most protesters ran away, trying to escape the shooting, and it is difficult to see how those who tried to rescue the wounded would have presented a danger to the security forces to justify the continued use

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<sup>31</sup> Human Rights Watch interview, Aden, February 2011.

<sup>32</sup> Human Rights Watch interviews, Aden, February and March 2011.

of force. Human Rights Watch documented several cases in which security forces shot and killed people who were trying to rescue the wounded (see case descriptions below).

Denial of medical aid is a form of inhuman treatment and may be a violation of the right to life guaranteed by international law, as it creates a life-threatening situation for seriously injured persons. The UN Basic Principles on the Use of Force and Firearms also stipulate that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall... ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”<sup>33</sup>

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<sup>33</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 5.

## V. Government Cover Up

Yemeni authorities repeatedly denied allegations that security forces shot and killed protesters in Aden. Government officials claimed that the security forces were deployed to “protect the protesters” and blamed the shootings on the Southern Movement.<sup>34</sup> Following the protests in al-Mu’alla on February 25, local media cited government sources blaming the shooting, which the authorities said resulted in three deaths, including of one soldier, on “an armed group of separatists.”<sup>35</sup>

Witnesses described how authorities also took steps to hide the security forces’ abuses and to prevent their exposure. One method was to prevent forensic examinations of the corpses. Several families told Human Rights Watch that the morgue in the main Aden government hospital, al-Jumhuri, initially refused to accept the bodies of their killed relatives, citing “higher orders,” and only agreed to take them after the families paid significant bribes. Several families also said that local authorities tried to convince them to immediately bury the bodies, offering financial compensations should they agree to do so.<sup>36</sup>

For most of the killings, no forensic reports have been filed, even though they are usually prepared in homicide cases, and in at least one case the forensic report was forged, a doctor told Human Rights Watch. The doctor said that he was in the hospital on the night of February 25, when the body of Salim Ba-Shatah, an employee at the state electricity company, arrived. The doctor told Human Rights Watch:

The entry wound in the head was so big and the damage was so extensive that I was certain that it was from a machine gun bullet—I used to be a military doctor, I know these things well. A forensic expert was looking at the body, but then I saw a security official talking to him, and some time later the forensic expert came with a Kalashnikov bullet. I asked him, “Isn’t the inlet too big for such bullet?” He looked embarrassed. And then I said, “Weren’t

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<sup>34</sup> See, e.g., “Southern Movement Behind Killing, Riots in Aden, Official Says,” *Yemen News Agency (SABA)*, February 18, 2011, <http://www.sabanews.net/en/news235992.htm> (accessed March 4, 2011).

<sup>35</sup> “Yemen Denies Media Reports on Shooting Protesters in Aden,” *Yemen News Agency (SABA)*, February 26, 2011, <http://www.sabanews.net/en/news236590.htm> (accessed March 4, 2011).

<sup>36</sup> Human Rights Watch interviews, Aden, February 2011. See case descriptions below for more details.

you supposed to do an X-ray before you extracted the bullet?” And he said, “Yes, but I forgot.”<sup>37</sup>

Several witnesses also told Human Rights Watch that the security forces kept the streets closed for several hours after shootings to collect the bullets and cartridges. Doctors said they had to hand over the extracted bullets to the police.

On February 28, 2011, President Saleh ordered the Council of Ministers, Yemen’s cabinet, to form a panel to investigate the “violent events” during the Aden protests.<sup>38</sup> As of this writing, the panel had not produced a report on its findings.

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<sup>37</sup> Human Rights Watch interview, Aden, February 2011.

<sup>38</sup> “Saleh Orders Panel to Investigate Aden Violence,” *Yemen News Agency (SABA)*, February 28, 2011, <http://www.sabanews.net/en/news236788.htm> (accessed March 4, 2011).

## **VI. Arbitrary Arrests and “Disappearances”**

Yemeni security forces detained dozens of peaceful protesters and Southern Movement activists in Aden. Some detainees were released, but others “disappeared,” without a trace. Human Rights Watch documented at least eight cases of enforced disappearances of southern opposition leaders and activists in Aden.

On February 11, 2011, 40-year-old Nasir Ali Muhammad al-Qadhi, a Southern Movement activist, was participating in a peaceful protest in Aden when a group of security officers in civilian clothes got into a fight with protesters. His brother told Human Rights Watch that witnesses to the fight told him that security forces broke al-Qadhi’s wrist, and other protesters took him to a hospital. Witnesses from the hospital told the brother that as soon as doctors started bandaging al-Qadhi’s hand, uniformed policemen arrived in a four-wheel-drive and arrested him. The brother searched for al-Qadhi at various Aden police stations and was told that his brother had been transferred to the Political Security offices in al-Mansura, and then to Political Security offices in Fath, two Aden neighborhoods. For two weeks, Political Security officers kept telling the brother to come the next day, until on February 25 they informed him that they did not have al-Qadhi. The man’s fate and whereabouts remain unknown.<sup>39</sup>

On February 20, 2011, police arrested Southern Movement leader Hassan Baoum and his son Fawaz from al-Naqib hospital in Aden, where Hassan Baoum was receiving treatment. Another of Baoum’s sons told Human Rights Watch that his 75-year-old father, who suffers from diabetes and a heart condition, had been admitted to the hospital the night before. He said other patients in the ward told him that on the morning of February 20 a group of masked, uniformed security forces (the witnesses could not specify whether these were members of the general police or Central Security) entered the ward, took the two men away without explanation, and did not identify themselves or present any papers. Hospital staff and patients confirmed this account to Human Rights Watch. The family said it received unofficial information that the two men had been transferred to a Political Security prison in Sanaa, yet was unable to receive an official confirmation or contact their relatives in detention.<sup>40</sup>

On February 26, 2011, at about 5:30 p.m., Central Security forces raided the apartment of Ali bin Ali Shukri, an engineer and Southern Movement activist, and arrested him and four of his

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<sup>39</sup> Human Rights Watch interview, Aden, February 2011.

<sup>40</sup> Human Rights Watch interview, Aden, February 2011.

guests: doctors Abd al-Khalil Salah Abd al-Qawi and Yahya Shayif al-Sunaibi; college professor ‘Aidarus Muhsin al-Yahari; and Qasim ‘Askar Jubran, a former ambassador to Mauritania of the previously independent PDRY. Shukri’s family told Human Rights Watch that the security forces did not identify themselves or give a reason for the arrests, and took the five men to the Criminal Investigation Department (CID) in Aden, from where some of them managed to contact their families by phone the night of their arrest. Yet when the families visited the CID the next morning, officials informed them that the detainees were no longer there. Unofficially, the families received information that the authorities had transferred the detainees to Sanaa, but their efforts to get official information or contact the detainees proved futile. As of this writing, the fate and whereabouts of the five men remain unknown.<sup>41</sup>

The actual number of people detained in relation to the protests in Aden is likely to be much higher than the number of cases documented by Human Rights Watch. Representatives of the National Solidarity Council, a national institution providing a meeting space for tribes and intellectuals under tribal leader Shaikh Husain Abdullah al-Ahmar, told Human Rights Watch on February 27, 2011, that they believe 35 protesters are being held by the CID in Aden and about two dozen more in Aden’s Shaikh ‘Uthman police station, its Central Security jail, and in the Political Security jail.<sup>42</sup> Human Rights Watch could not independently verify this information.

Media reports suggested that police arrested another 16 protesters in Aden on March 5, 2011.<sup>43</sup>

Under international law, a government's refusal to acknowledge the detention of an individual or the person's whereabouts following detention or arrest by state forces is an enforced disappearance.<sup>44</sup> Yemen has not ratified the 2006 UN International Convention for the Protection of All Persons from Enforced Disappearance, which sets out specific standards on preventing and punishing “disappearances.”

Although the specific law on enforced disappearances is relatively new, neither the practice nor the human rights principles that undergird the ban in international law are the least bit novel. The Declaration on Enforced Disappearances that the Convention is based on

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<sup>41</sup> Human Rights Watch interviews, Aden, February 2011.

<sup>42</sup> Human Rights Watch interview, Aden, February 2011.

<sup>43</sup> “Yemen Police Arrest 16 Anti-regime Protesters,” *Agence France Press*, March 5, 2011,

<sup>44</sup> International Convention for the Protection of All Persons from Enforced Disappearance (Convention against Enforced Disappearances), adopted September 23, 2005, E/CN.4/2005/WG.22/WP.1/Rev.4 (2005), art. 2. See also United Nations Declaration on the Protection of All Persons from Enforced Disappearances (Declaration against Enforced Disappearances), adopted December 18, 1992, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992), preamble.

describes enforced disappearances as “a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.”<sup>45</sup>

Enforced disappearances often constitute “a multiple human rights violation.”<sup>46</sup> Enforced disappearances violate the rights of both the “disappeared” person and their families. Among the rights an enforced disappearance violate are the right to liberty and security of the person, the right to recognition as a person before the law, the right to a fair and public trial, and the prohibition on torture and cruel, inhuman, and degrading treatment. Enforced disappearances also often constitute a violation of, or a grave threat to the right to life, including when the “disappeared” do not get necessary medical care.

Yemen's Code of Criminal Procedures stipulates that individuals cannot be arrested unless apprehended in a criminal act or served with an arrest warrant. Detainees must be arraigned within 24 hours of arrest or be released. The law also states that a detainee may not be held longer than seven days without a court order. It prohibits incommunicado detention, provides detainees with the right to inform their families of their arrests, and to decline to answer questions without a lawyer present.<sup>47</sup>

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<sup>45</sup> Declaration on Enforced Disappearances, art. 1.

<sup>46</sup> United Nations Commission on Human Rights, “Report submitted January 8, 2002, by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, pursuant to paragraph 11 of Commission Resolution 2001/46,” (New York: United Nations, 2002), E/CN.4/2002/71, 36.

<sup>47</sup> *Republican Decree, By Law No. 13 for 1994, Concerning the Criminal Procedures [Yemen].No. 13 for 1994.12 October 1994*, available online in UNHCR Refworld at: <http://www.unhcr.org/refworld/docid/3fc4bc374.html>, (accessed February 9, 2009), arts. 7, 73, 76, 77, 176, 190.

## VII. Incidents of Excessive Use of Force

### Wednesday, February 16, 2011

Nineteen-year-old Wajdan, who preferred not to give his full name, told Human Rights Watch that on February 16, 2011, he participated in the protest near al-Ruwaishat bus station in the al-Mansura area, and witnessed two men shot and killed.<sup>48</sup> He said that at about 1:30 p.m. about 100 young male protesters sat down on the ground to have lunch and at that point two Central Security cars and a truck arrived. Without warning, the CS members, who got out of the vehicles, used teargas to disperse the protesters who ran away. According to Wajdan, the protesters returned and started throwing stones at the police in an effort to retake their position, but CS forces opened fire. Wajdan said that at that moment, a boy named Muhammad Ali Sha'in brought protestors some water to wash away the effects of teargas and, as he approached, a CS member shot him.<sup>49</sup> The bullet went through his wrist and into his abdomen. Some protesters took Sha'in to the hospital, where he died at around 3 p.m. The boy's relative, who participated in the protest, also told Human Rights Watch that a uniformed CS member shot the boy, who he said was 17 years old.<sup>50</sup>

Wajdan said that later that afternoon, during a standoff between police and protesters, one of his friends, 20-year-old Yasin Ali Ahmad Naji al-Gerafi, approached a group of policemen (Wajdan was not sure whether these were member of CS or of the general police). Wajdan recounted what happened next:

Yasin was talking to a group of about eight policemen, standing about three meters away from them. We heard him say: “I have no weapon, I approach you peacefully, are you going to shoot me?” And at that moment a policeman from another group that was about 40 meters away, fired at him. We heard automatic fire—three shots at once—and he fell on the ground. He had a wound in his side, and some friends rushed him to the hospital.<sup>51</sup>

Yasin's relative, who spoke to other witnesses at the scene, confirmed this account to Human Rights Watch and said that Yasin died shortly after he was delivered to the hospital.

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<sup>48</sup> Human Rights Watch interview, Aden, February 2011.

<sup>49</sup> Ibid.

<sup>50</sup> Human Rights Watch interview, Aden, February 2011.

<sup>51</sup> Human Rights Watch interview, Aden, February 2011.

Wajdan himself was wounded later during the same protest. He said that by 5:30 p.m. the protesters moved closer to the police station to continue the demonstration there. He said police used teargas, and protesters threw stones at them before running away, followed by police shooting at them. Wajdan said that he hid behind a restaurant. When the firing stopped, he stepped out. At that point, a bullet hit him in the stomach. He said it was fired by a sniper located on the roof of a nearby hotel.<sup>52</sup> A doctor who treated Wajdan said that the angle at which the bullet entered Wajdan's body was consistent with this account.<sup>53</sup> At the time Human Rights Watch spoke with him, Wajdan remained at the al-Naqib hospital as a result of his injury; doctors had to remove his spleen.

### **Thursday, February 17, 2011**

On February 17, 2011, over one thousand protesters gathered at the al-Ruwaishat bus station. One of the protesters, who only gave his first name, Salim, told Human Rights Watch that at around 5 p.m., about a hundred policemen arrived in several trucks.<sup>54</sup> Salim was not sure whether these were CS or general police. He said police used teargas, hot water, and live ammunition to disperse the crowd. Protesters ran away in different directions. Salim said that he was among the protesters who were throwing stones at the police from one of the places where they tried to hide from the police bullets when he was shot. He said he believed a sniper located on the roof of some of nearby building shot him, because, he said, police in the street could not see him. The bullet hit him in the left arm, shattering the bone.<sup>55</sup>

Another protester, who also went only by his first name, Salah, told Human Rights Watch that he participated in the same demonstration:

After the security forces opened fire, I saw four injured protesters right next to me, and I was trying to take them away from the street and to the road where they could be picked up by a car. And at that moment I got a bullet myself—it hit me in the wrist.<sup>56</sup>

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<sup>52</sup> Human Rights Watch interview, Aden, February 2011.

<sup>53</sup> Human Rights Watch interview, Aden, February 2011.

<sup>54</sup> Human Rights Watch interview, Aden, February 2011.

<sup>55</sup> Ibid.

<sup>56</sup> Human Rights Watch interview, Aden, February 2011.

## **Friday, February 18, 2011**

Human Rights Watch documented the killings of two protesters on February 18, 2011. Many more were injured.

That Friday about one thousand protesters gathered in al-Mansura district and marched toward Shaikh ‘Uthman area. One protester, Muhammad, who did not give his full name, told Human Rights Watch that at first the demonstration was peaceful.<sup>57</sup> Then, he said, uniformed CS members fired teargas at the crowd and immediately thereafter started firing live ammunition. In response, he said, protesters threw stones at police. Muhammad said that police also positioned snipers on the roof of a building that used to be a police station, and on the roof of a hotel. Muhammad said:

They gave us no warning. Instead, they were shouting, “We will kill you; we will blow your heads off.” We started running, and the police were chasing us along the streets in the neighborhood. They were shooting, and one of the bullets hit me in the wrist. Some friends were trying to come and help me, but the police did not allow them to approach. They only got me to the hospital later, after the shooting stopped.<sup>58</sup>

Another protest, by unemployed persons, took place that Friday afternoon near the Sunshine Hotel. Seven witnesses told Human Rights Watch that by the time their group of between three and four hundred protesters came to the area, CS forces were already there and immediately fired teargas, rubber bullets, and live ammunition at protesters as they approached. Witnesses said the protest was entirely peaceful: the protesters, they said, just held hands and chanted, “No to corruption.”<sup>59</sup>

The shooting dispersed the crowd, but protesters returned and more security forces arrived in the area. Witnesses said they recognized uniformed CS, a police emergency unit, officials from the National Security Bureau, and soldiers. They said they saw three military vehicles, two armored jeeps mounted with machine guns, four emergency unit police cars, four armored CS jeeps, and one water cannon vehicle. One of the witnesses, a 15-year-old boy,

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<sup>57</sup> Human Rights Watch interview, Aden, February 2011.

<sup>58</sup> Ibid.

<sup>59</sup> Human Rights Watch interviews, Aden, February 2011.

told Human Rights Watch that when the army arrived at around 4 p.m., the soldiers told the protesters to disperse, calling them “sons of a bitch.”<sup>60</sup> The boy said:

We were very angry when they started cursing us, and told them we would not disperse because we were peaceful and didn’t do anything wrong. Then a man in civilian clothes, who looked like he was from the north, stepped out of one of the military vehicles, and again told us to leave, saying the army wouldn’t do anything to us. He even took his scarf off and waved it—it’s a local sign that a person means no harm. We thought it would be just like in Egypt; that the army would be with the people, not against us. But they just started shooting.

Other witnesses confirmed that after protesters refused the soldiers’ orders to disperse, security forces opened intensive fire on the crowd from their Kalashnikovs and, according to the witnesses, from machine guns mounted on top of the vehicles. As the protesters tried to run away and hide behind a building, security forces followed them. One protester, who asked to be identified only by his first name, ‘Awadh, described to Human Rights Watch how a CS officer wounded him and killed his cousin, 21-year-old Muqbil Ahmad Muhammad al-Kazimi:

I ran away and hid behind a house with a group of friends. Suddenly, a policeman from Central Security, one of those who were running after us, got there. I didn’t see him approaching. I turned around and saw him in front of me, some 20 meters away. He stopped, pointed his gun at me—it was either a Chinese Kalashnikov or a G-3 rifle—and fired. He missed the first time, and then shot again immediately, this time hitting me in the left knee. He looked like he was from the counterterrorism unit, judging by his gear—he had a helmet and body armor all over.

My cousin Muqbil, who saw that I was shot, ran toward me, trying to rescue me from there, but the same officer shot him as well—the bullet went right through his chest.<sup>61</sup>

‘Awadh said that a group of friends carried him away once the shooting stopped—they were afraid to go to the government hospital out of fear of being arrested, and first tried a private

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<sup>60</sup> Human Rights Watch interview, Aden, February 2011.

<sup>61</sup> Ibid.

clinic. But his wound was too serious, and they had to take him to the hospital in the end. When he arrived by 7 p.m. that night, he learned that Muqbil was already dead.<sup>62</sup>

Witnesses who brought Muqbil to the hospital told Human Rights Watch that it took them more than an hour to get him there, because they could not find a car and were unable to approach the police ambulance that was on the scene as long as the shooting continued. They believed the delay might have aggravated Muqbil's condition as the doctors said that he died from massive blood loss.

On Friday evening another gathering of about 60 people took place at al-Ahmadi neighborhood in Aden. Four men who participated said that "it was not even a protest," just a mourning and prayer for those killed in earlier protesters. Witnesses told Human Rights Watch that first some soldiers arrived in an army vehicle, but the demonstrators explained that they were simply praying for the dead, and the soldiers said they could continue as long as they were peaceful. But then, they said, about half an hour later, CS officers arrived in a truck and several police vehicles and, without warning, opened fire at the demonstrators. Witnesses said that police were shooting Kalashnikovs as well as a machine gun mounted on an armored Humvee vehicle. They said they could distinguish the sound of the Kalashnikov from the machine gun fire.

Hasan, who was at the demonstration together with his two brothers, told Human Rights Watch one of his brothers, 28-year-old Hani Muhammad Haitham, was killed:

When we heard machine-gun fire, protesters hit the ground and then started running. I saw that one person next to me was hit in the arm. I ran to the neighborhood, and hid in one of the buildings to check on my own arm—I was scratched by a bullet. I thought my brother, Hani Muhammad, was running away with the rest of us but suddenly I realized he was not there. The shooting continued, and I tried to walk back carefully, and then I saw several people carrying my brother—he was shot in the neck. I thought he was still alive and we rushed him to the hospital. I left him there and went to get our father—but when we arrived, my brother's body was already in the morgue. The doctors said they couldn't do anything to save him.<sup>63</sup>

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<sup>62</sup> Ibid.

<sup>63</sup> Human Rights Watch interview, Aden, February 2011.

At least three people—two of them boys, who, according to witnesses, did not participate in the protests but happened to be in the areas where the shooting took place—were also injured by the police on Friday, February 18, and two of them died. Fifteen-year-old Mu’amar was injured in the leg; 16-year-old Muhammad Munir Muhammad Abdullah sustained a head injury and died in the hospital a week later. Another man, whose name Human Rights Watch was not able to confirm, reportedly died on the spot.

Muhammad Abdullah’s father told Human Rights Watch that his son was not participating in the protests. He was out in the street with his friend, when suddenly, at around 7 p.m., protesters started running through their neighborhood, ‘Umar Ba-Mukhtar, as the police chased them.<sup>64</sup> The father, who spoke to eyewitnesses, said that Muhammad and his friend heard the shooting and tried to run away and hide in an abandoned building. His friend managed to get inside, but Muhammad hid behind a car. When he stood up and was about to run again, a bullet hit him in the head. Another man, whose name Muhammad’s father did not know, ran to rescue him, and also was shot in the head. Witnesses told the father that this man died on the spot. Muhammad’s father said that nobody could approach his son for some 20 minutes, and only afterwards his older son managed to get him to the hospital. Muhammad remained in a coma and died in the hospital a week later.<sup>65</sup>

Another boy, 15-year-old Mu’amar, told Human Rights Watch that on that Friday he came to Aden from the countryside, together with his mother, to visit his uncle. He said that around 5 p.m. their car had to stop near the Sunshine Hotel because there were many protesters on the road and many security forces in front of the crowd. Mu’amar said that as soon as they realized they were behind the protesters, they got out of the car and started walking away from the protest when they heard shooting. Together with his mother, he tried to run and hide behind a building, but was hit by a bullet in his right leg. His mother fainted, and some men brought him to the hospital.<sup>66</sup>

### **Sunday, February 20, 2011**

On Sunday, February 20, 2011, security forces shot and killed 21-year-old Aiman Ali Hasan al-Naqib, who witnesses said was not participating in the protests. Al-Naqib’s family told Human Rights Watch that al-Naqib had never been politically active, and on that day at

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<sup>64</sup> Human Rights Watch interview, Aden, February 2011.

<sup>65</sup> Ibid.

<sup>66</sup> Human Rights Watch interview, Aden, February 2011.

around 8 p.m. he was coming home from a shop.<sup>67</sup> Witnesses later told the family that at Cairo roundabout al-Naqib saw a group of about 10 friends, whom he approached. The witnesses said that this group of teenagers was making loud noises and banging on a metal barrel, and apparently attracted the attention of security forces.

Al-Naqib's family told Human Rights Watch that, according to eye witnesses, soon after al-Naqib approached the group, a police four-wheel drive appeared in the street, with officers shooting in the air. The youth ran away. Al-Naqib hid behind a street lamp, but a sniper, who the witnesses believed was positioned on top of the nearby hotel, shot him in the neck.<sup>68</sup>

Witnesses told the family that security forces at a nearby checkpoint did not allow anybody to approach the wounded al-Naqib. "People who tried to rescue him said that the soldiers told them, 'Let the dog die,'" al-Naqib's relative told Human Rights Watch. When some people finally tried to carry al-Naqib away, the shooting continued, and one rescuer was shot in the arm.<sup>69</sup>

The family said al-Naqib was still alive when they brought him to the hospital, but the bullet hit his aorta and the doctors could not save him. The family did not receive a forensic report but said the doctors told them that al-Naqib had been likely shot from above, judging by the angle at which the bullet entered the body. They also said that the morgue in al-Jumhuri hospital initially refused to accept the body and a morgue worker unofficially told the family they had "higher orders" not to receive the bodies of people killed in the protests. The family said they had to bribe morgue officials to leave the body in the morgue.

### **Friday, February 25, 2011**

On February 25, 2011, Yemeni security forces opened fire on peaceful anti-government protesters in several areas of Aden, killing at least two, and possibly up to six, demonstrators and wounding dozens of others.

Security forces opened fire in the early afternoon in the al-Mu'alla district as more than 1,000 protesters, chanting "peaceful, peaceful" and carrying posters reading "peaceful," stopped

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<sup>67</sup> Human Rights Watch interview, Aden, February 2011.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

about 100 meters from a line of approximately one hundred military, police, and other security forces, witnesses told Human Rights Watch.<sup>70</sup>

One of the witnesses, Ali, said that at around 2 p.m., one security officer, who wore the light beige uniform of the National Security Bureau, stepped out and opened fire with an automatic weapon, without warning. Police, who stood behind him, then also opened fire, shooting both into the air and straight at the crowd. The police also fired teargas at the protesters, the witness said.<sup>71</sup>

Ali said he suddenly heard screams, turned around, and saw two men on the ground, one of them shot in the head and lying motionless in a pool of blood and the other hit in the shoulder.<sup>72</sup>

Security forces that day also opened fire without warning on another peaceful demonstration in Aden's al-'Arish area, a human rights activist at the scene told Human Rights Watch. The activist said he saw at least five people fall to the ground after being hit by bullets, mostly in the legs.<sup>73</sup>

Another witness told Human Rights Watch that at about 7 p.m., security forces shot randomly and fired teargas at several hundred people who began protesting in the Crater area after police dispersed a crowd near the Aden Hotel. Protesters there set a police station on fire.<sup>74</sup>

Witnesses told Human Rights Watch that in the evening the protest continued on the main street in al-Mu'alla. They said that about a hundred security forces encountered protesters on the street, and that there were also snipers on the governor's building and on the adjacent buildings. Witnesses said that initially the army secured the area, and protesters talked to the soldiers, assuring them that the protest was peaceful. For about 30 minutes the protesters were allowed to continue, but then reinforcements arrived, including two buses full of security forces in camouflage uniforms, a truck with a water cannon, and three four-wheel drive vehicles mounted with machine guns. Witnesses said that they were sitting on

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<sup>70</sup> Human Rights Watch interviews, Aden, February 2011.

<sup>71</sup> Human Rights Watch interview, Aden, February 2011.

<sup>72</sup> Ibid.

<sup>73</sup> Human Rights Watch interview, Aden, February 2011.

<sup>74</sup> Human Rights Watch interview, Aden, February 2011.

the ground at that time, chanting slogans, but that the additional security forces opened fire without warning as soon as they arrived.<sup>75</sup>

Protesters ran away but then returned, the witnesses said, this time throwing stones at security forces. Shooting intensified after 6 p.m. and continued until about 2:30 a.m. One witness told Human Rights Watch that he saw at least 20 injured people, and three people whom he believed were already dead. He said that the security forces did not allow the ambulances to pick up the wounded until 2 a.m., and that security forces took some of the injured and killed away themselves. The witness said that he was injured when a bullet fired from a machine gun ricocheted from a wall next to him. He was initially taken to the hospital, but then had to flee, fearing arrest. He said:

I arrived to al-Jumhuri hospital around 2.15 a.m.; many other injured people were brought there at the same time, and a young boy who was already dead, shot in the head. I got my X-rays and was sitting with an IV in my arm when a doctor came and told me I should leave. He said that police were in the hospital, arresting the injured protesters who could walk. I covered the blood on my body with bandages, and held the X-ray film to hide the blood on my shirt, and walked out. As I was leaving, I saw men in camouflage uniforms in the hospital yard.<sup>76</sup>

Human Rights Watch was able to confirm the names of two people killed by the security forces on February 25, both of them bystanders. One of them was Salim Ba-Shatah, an employee at the state electricity company who was standing near the window in his house in al-Mu’alla observing the protest, and was hit in the head by what doctors believed was a machine gun bullet (see above).

Security forces also killed 17-year-old secondary-school student Ha’il Walid Ha’il Ghalib An’am. His mother told Human Rights Watch that on Friday afternoon An’am was out with his friends on the main street in al-Mu’alla. He had never been politically active and was not taking part in any protests, she said. An’am’s mother told Human Rights Watch:

I could see the street from my window, but I didn’t see him. Suddenly, a Land Cruiser drove into the street and started shooting—there was a soldier on top, firing from a big weapon. They were firing at the houses as well, so I had to

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<sup>75</sup> Human Rights Watch interviews, Aden, February 2011.

<sup>76</sup> Human Rights Watch interview, Aden, February 2011.

hide. Later on, I ran out and Ha'il's friends told me that he hid behind the bus and was hit by a bullet. They didn't tell me he died. I rushed to al-Jumhuri hospital and couldn't find him. I kept running around, asking, "Where is my son? Where is my son?" and then they told me he died. I went to the morgue and was terrified to see his body, all covered in blood—on the floor! I yelled at the officials to put the body away, and in front of my eyes they just piled him on top of other bodies in the refrigerator.<sup>77</sup>

An'am's mother said that when she later talked to her sons' friends they said that a bullet hit him in the head and that they could not immediately rescue him because of the continuing shooting.

The mother also said that the family refused to take the body from the morgue because they wanted to organize a big funeral. She said that the authorities tried to convince them to just bury the body. She said, "A woman from a government office came and tried to persuade us to take the body from the morgue and bury him. She first offered us 3 million Yemeni Rials [about US \$14,000], a plot of land, and 35,000 Yemeni Rials [about US \$163] monthly subsidy. Then she raised the offer to 10 million Rials [about US \$46,000]. But we refused."<sup>78</sup>

The next day after the protest, one doctor told Human Rights Watch that the hospital where he worked treated 31 protesters wounded during the Friday attacks, and that one person was delivered to the hospital dead. The doctor said that two patients suffered bullet wounds in the legs, but some were also injured in the head and chest. Two patients remained in critical condition. According to the doctor, one of them was hit with a machine gun bullet in the chest.<sup>79</sup>

The doctor said that he knew of at least nine other injured protesters who were delivered to two other civilian hospitals, and that one of the hospitals received two other protesters who were killed. He added that, according to his source in the military hospital, that hospital received seven injured protesters and had three bodies delivered to the morgue after the Friday shooting.<sup>80</sup>

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<sup>77</sup> Human Rights Watch interview, Aden, February 2011.

<sup>78</sup> Human Rights Watch interview, Aden, February 2011.

<sup>79</sup> Human Rights Watch interview, Aden, February 2011.

<sup>80</sup> Human Rights Watch interview, Aden, February 2011.

## **Recommendations**

### **To the Government of Yemen**

- Ensure that state security forces abide by international policing standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, when responding to protests, and in particular restrict the use of firearms to situations of imminent threat of death or serious injury, or the equivalent;
- Establish an independent commission of inquiry with full authority to investigate the use of excessive force by the state security services against protesters which should report speedily;
- Ensure that the responsible prosecutorial and other authorities investigate and hold accountable, through prosecutions, disciplinary proceedings, and other measures, security officials who have engaged in, or ordered the use of, excessive force against unarmed protests;
- End the arbitrary detention of protesters, and release those who remain in detention without charge. Any remaining detainees should be speedily brought before an independent judicial body with the power to review their detention and order their immediate release;
- Ensure that all security forces act within the limits of the law when arresting and detaining persons, and that the detainees are held only in official places of detention and fully enjoy due process guarantees, and that children are arrested and detained only as a measure of last resort and for the shortest appropriate period of time;
- Respect and protect the right of all persons to peacefully assemble and to associate with others. Any limitation on these rights should be strictly minimal, that is, it must not be arbitrary and be clearly based in law; it can only be for a legitimate reason; and the restriction should only be to the minimum extent necessary to meet the aim;
- Thoroughly review—and revise as necessary—training curriculum for security forces to ensure comprehensive training on human rights issues, including respect for the right to freedom of assembly, association, and freedom of expression, and nonlethal forms of crowd control.

## To Yemen's international counterparts

- Publicly condemn human rights abuses committed by the Yemeni security forces, in particular the use of excessive force against peaceful protesters, including children;
- Call for the release of all persons held arbitrarily, and for the Yemeni authorities to clarify immediately the whereabouts of “disappeared” individuals believed to be held in secret, incommunicado detention;
- Call on Yemeni authorities to investigate abuses committed by security forces and prosecute those found to be responsible;
- Make it clear to the Yemeni authorities that international assistance, including financial, military, and diplomatic support, will be contingent upon improvements in Yemen’s human rights conduct, and develop clear benchmarks with which to monitor Yemen’s human rights record. Ensure that all forms of assistance to Yemen are carefully monitored so that they do not contribute to human rights abuses committed by security forces;
- Investigate whether the use of US-manufactured nonlethal means of crowd control, such as teargas, was lawful and justified, and in accordance with international standards;
- Strengthen assistance programs to Yemen that focus on educating and monitoring security forces in nonlethal crowd control and respect for international human rights standards;
- Ensure that nonlethal crowd control assistance programs are not abused by the Yemeni authorities to restrict the exercise of rights to freedom of association, assembly, and expression.

## Acknowledgments

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Joe Stork, deputy director of the Middle East and North Africa division of Human Rights Watch, Zama Coursen-Neff, deputy director of the children's rights division, Clive Baldwin, senior legal advisor, and Tom Porteous, deputy program director, reviewed the report. Human Rights Watch intern Aymane Saidi provided additional research assistance. This report was prepared for production by Vikram Shah, associate in the emergencies division; Grace Choi, publications director; Anna Lopriore, creative manager; and Fitzroy Hepkins, production manager. Rola Awada and Amr Khairy coordinated Arabic translation and provided production assistance.

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**HUMAN RIGHTS WATCH**  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299

[www.hrw.org](http://www.hrw.org)

*Front: Yemeni anti-government protesters call for the ouster of President Ali Abdullah Saleh during a demonstration in the Red Sea port city of Aden on February 21, 2011.*  
© 2011 Getty Images

*Below: A mother holds a picture of her 17-year-old son Ha'il Walid Ha'il Ghalib An'am, who was killed by Yemeni security forces in Aden on February 25, 2011.*  
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**HUMAN  
RIGHTS  
WATCH**



In February 2011, Yemeni security forces repeatedly used excessive, deadly force on largely peaceful protesters in the southern city of Aden, killing at least nine and possibly twice that number, and injuring more than 150, some of them children.

*Days of Bloodshed in Aden* provides detailed accounts of incidents where Yemeni police and military forces fired on protesters with assault rifles and machine guns, even as they tried to flee. The protesters, like their counterparts elsewhere in Yemen, were calling for the resignation of President Ali Abdullah Saleh. Many southern protesters are also seeking secession for the south.

The forces prevented doctors and ambulances from reaching protest sites, fired at people who tried to rescue victims, and removed evidence of the shootings. They detained at least eight activists of the Southern Movement—a coalition that the Yemeni authorities blamed for the bloodshed—who have subsequently “disappeared.”

The report is based on more than 50 interviews in Aden with protesters and their relatives, as well as doctors and human rights activists. Human Rights Watch also analyzed videos and photos of the protests, hospital records, and ballistic evidence.

*Days of Bloodshed in Aden* calls on the Yemeni government to promptly conduct impartial investigations into the use of excessive force and hold those responsible to account. It asks Yemen’s neighbors and donors to make clear that international assistance to Yemen will be contingent upon improvements in its human rights conduct.

# **EXHIBIT D**



# General Assembly

Distr.: General  
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English only

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## Human Rights Council

Seventeenth session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Yemen: Human rights violations during pro-democracy protests\*\***

The Cairo Institute for Human Rights Studies (CIHRS), the Sisters' Arab Forum for Human Rights in Yemen (SAF), the Yemeni Organization for Defending Human Rights and Democratic Freedoms, and the Hewar Foundation for Democratic Development, would like to express their grave concern over the ongoing repression of largely non-violent anti-government demonstrations calling for the end of the 32-year rule of President Ali Abdullah Saleh in the Republic of Yemen. In attempting to quell the growing protests that started on 16 February, 2011 in 17 different governorates, Yemeni authorities are committing what amounts to international crimes against peaceful pro-democracy protesters. Violations documented include extrajudicial killings, arbitrary arrests and enforced disappearances, excessive use of force by police and military forces and government-led thugs, detention of prominent political and human rights activists, torture, prevention of access to health care, and severe restrictions on the media.

1. The Yemeni authorities have directly and deliberately used live ammunition and excessive force with the intention of killing peaceful protesters since the beginning of the protests on 16 February. As of 11 May, the number of confirmed deaths related to the anti-government protests in Yemen had reached 145, 16 of whom were children, yet the actual number is feared to be considerably higher. Local and international human rights organizations report that such cases of extrajudicial killings are mostly executed by Central Security, commanded by President Saleh's nephew; the Military Republican Guards, commanded by Saleh's son; Military Police forces; in addition to government-led thugs, who are deployed by authorities to attack protesters with the intention of dispersing and halting demonstrations.

With over 60 protests and demonstrations estimated to have taken place since late January 2011, killings of peaceful protesters is becoming an almost daily practice in Yemen with no accountability or any attempt by the Yemeni ruling authorities to halt such practices. 18 March marked the day with the highest number of protester deaths to date. Just hours before President Ali Abdullah Saleh announced the State of Emergency, government-led gunmen attacked anti-government protestors in Sana'a, killing at least 52 people and wounding hundreds more.

It is important to note that the emergency legislation, which was approved by parliament on March 23, effectively suspends provisions of the Yemeni constitution and grants sweeping powers to the executive to impose heavy restrictions on public assembly, which may be used to ban street protests, and to arrest and detain suspects without being bound by the Criminal Procedure Law. Under the emergency law, the executive also has the power to suspend, seize, and confiscate "all media... and means of expression."

As of 11 May, the capital Sana'a had seen the highest number of protester deaths with at least 80 documented killings, followed by 26 in Aden, 23 in Ta'iz, 5 in Al-Hudaida, 4 in Ab, 2 in Omran, 2 in AlGuf, 2 in AlBaidaa, and 1 in Hadr Mawt. As of 5 May, the Yemeni Organization for Defending Human Rights and Democratic Freedoms had documented 52 cases of extrajudicial killings in the South of Yemen in addition to 323 protesters who sustained various injuries following attacks by security forces and government-backed thugs.

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\*\* Sisters' Arab Forum for Human Rights in Yemen (SAF), the Yemeni Organization for Defending Human Rights and Democratic Freedoms, and the Hewar Foundation for Democratic Development , NGOs without consultative status, also share the views expressed in this statement.

2. Additionally, Yemeni authorities have arrested hundreds of protestors, activists, and journalists, in an attempt to subdue the momentum of the anti-government demonstrations across the country. Several of those detained have been held at the Criminal Investigation Department, and there are significant reasons to believe that many are being subjected to torture and other ill-treatment. Many of the detainees are held incommunicado in unknown locations without clear charges brought against them.

Authorities have particularly targeted human rights defenders and political opponents, most notably from the Southern movement, who are subjected to arbitrary arrest, enforced disappearances, and other forms of repression. Starting as early as 22 January, ‘Ali al-Dailami, Executive Director of the Yemeni Organization for Defending Rights and Democratic Freedoms, and Tawakkol Karman, President of Women Journalists Without Chains, were briefly arrested along with dozens of other protesters for taking part in an “unlicensed” protest. On 20 February, Hassan Baoum, a prominent political opponent and member of the Southern movement, was arbitrary detained along with his son and 8 other activists from the Southern movement. The activists remain in incommunicado detention and their wellbeing is in danger, particularly in the case of 76-year-old Baoum, who was arrested while being treated in hospital. Such arrests continue until today. Additionally, several prominent human rights defenders and political opponents were subjected to various forms of intimidation by authorities, including death threats in some cases. Amal Al-Basha, Yasmine Al Sabri, Abdulrashid Al-Faqih, Gazi Al-Samei, Samya Al-Agbari, Maged Al-Mazhagi, and Mohamed Salem Basonda, are among those who faced direct threats for their participation in the protests and/or for documenting the violations.

3. The Yemeni government, aided by the newly deployed state of emergency, has become increasingly intolerant of independent media coverage of the on-going protests in Yemen and has cracked down severely on dissenting voices. On 18 March, photojournalist Jamaal al-Sharaabi of the independent weekly Al-Masdar was shot dead while covering a protest. Furthermore, Yemeni authorities have arrested, assaulted, and beaten local and international journalists, and pro-government thugs have targeted media workers to beat them or confiscate their equipment.

As early as 26 February, there were already 31 documented cases of international and Yemeni journalists who had been beaten or harassed by Yemeni security forces or pro-government attackers, including correspondents from al-Arabiya and al-Jazeera satellite television channels; Al-Quds al-Arabi and the Guardian newspapers; and news agencies including BBC, The Associated Press, Reuters, and Agence France-Presse. As of 18 March, the Yemeni Journalists Syndicate had documented over 50 different attacks against journalists. Additionally, on 19 March, Yemeni authorities deported two news correspondents from al-Jazeera, and on 23 March, Yemeni authorities shut down al-Jazeera television news channel operations in Yemen, closing the bureau (after raiding and destroying the office) and withdrawing press accreditation from the Yemen-based staff. Online news websites were also banned, including Bern-based Swissinfo, Yemen’s Marib Press, Masdar online, and “Erhal” blog. In the south, media access to protest areas is especially restricted. For example, in Yakla, Yafea, and Abeen, reporters and media workers are entirely prevented from entering the areas. Moreover, independent newspapers have been targeted, including al-Nedaa, al-Sharea, al- Oula, al-Shahed, al-Yaqeen, al-Masdar, al-Ahaly, al-Nas, and al-Tagamo, all of which were confiscated on different occasions due to their reporting on the uprisings.

4. Another disturbing feature of the government response has been the prohibition of wounded protestors from access to medical care, resulting in further deaths. At least 12 cases of ambulances denied access to the wounded were documented in Sanaa alone. In addition, ambulances and medical workers have been targeted; at least three ambulances sent to aid protesters were attacked, while another three were hijacked by pro-

government attackers. Additionally, at least one hospital has denied care to individuals wounded in the anti-government protests, while Yemeni security forces have also blocked access to hospitals. Also alarming are the recurring transfers of patients being treated for protest-related wounds against their will and arrests from various hospitals and clinics. Four female doctors were also arrested by security forces on 15 March as they were on their way to tend to the wounded at a field hospital in Sana'a; they were later released following announcements that demonstrators would march to the presidential palace if they were not released.

The situation in Yemen requires an immediate and effective intervention by the international community. Indeed, the violations currently being committed by President Saleh's government are partially a result of years of silence and complicity on the part of the international community regarding grave human rights abuses systematically committed against the Yemeni people. It is time for the Human Rights Council member states to demonstrate leadership and impartiality in dealing with the situation unfolding in Yemen.

We therefore request that an urgent debate of the UN Human Rights Council be convened, without delay, to address the ongoing violations in Yemen and to introduce ways to ensure an immediate end to the human rights crisis facing a population and its aspirations for democracy and the rule of law. Moreover, an independent international investigation commission should be formed as an outcome of this debate in order to ensure justice for the victims. Furthermore, if the committee proves that crimes against humanity were systematic and widespread, it should recommend the UN Security Council to refer the situation in Yemen to the International Criminal Court. We further call on all states to refrain from sending arms to Yemeni authorities.

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