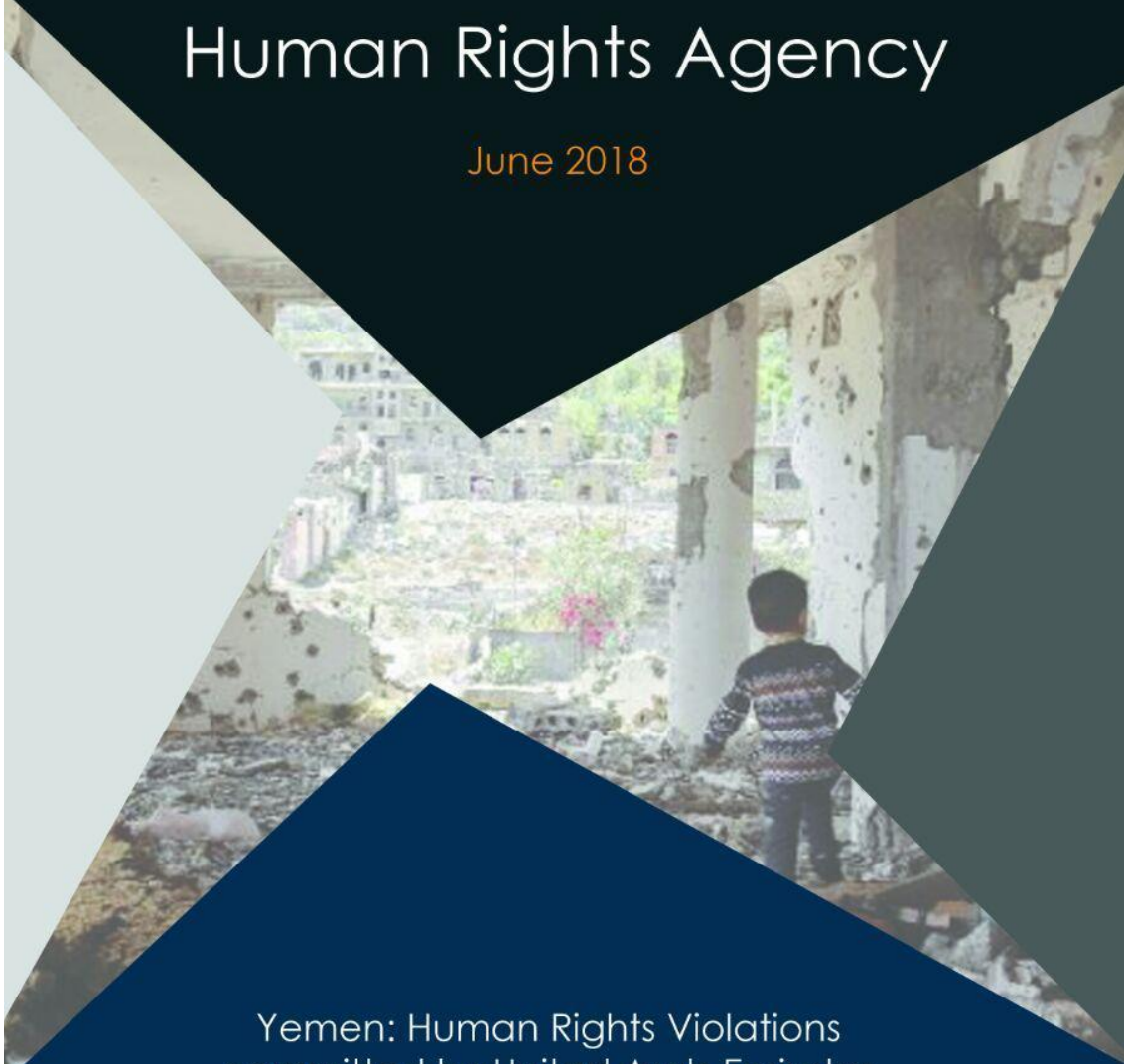




# Human Rights Agency

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Yemen: Human Rights Violations  
committed by United Arab Emirates

## **Introduction**

Since September 2014, Yemenis are facing variety of groups and sides fighting in different battles and fights. These conflicts resulted in death of more than 14 thousands of civilians including children and dislocation of 3 million people. (Oxfam International, 2018) All the parties involved have showed apparent ignorance toward civilian lives and basic principles of international humanitarian laws. (Human Rights Watch, 2017)

The Arab Coalition war against Yemen is one of them. The UN Panel of Experts (PoE) on Yemen has deduced that there is a powerful proof in which a significant number of coalition air strikes in Yemen have outraged international humanitarian law. (Pax for peace, 2017)

Members of the coalition have searched to elude international legitimate responsibility by rejecting to furnish data on their figure in illegal assaults. There is why less information is available about the specific actor and their actions. Even the US which endlessly furnish in-air refueling and other backing to the coalition, has not furnished lengthy information on the extent and scope of its affiance. (Human Rights Watch, 2017)

The martial intermediacy is generally referred to as the ‘Saudi-led coalition’. Nevertheless, this makes the role of the UAE less clear, which has been important throughout the battle in Yemen. The UAE has been the most central coalition force in the ground war in Yemen, with numbers of troops differing over time, from an estimated 2,500 to as many as 5,500. (Pax for peace, 2017)

As SIPRI Arms Transfer Database shows, UAE was the 3<sup>rd</sup> importer of major arms during 2012-2016 after Saudi Arabia and India. (Dr Kate Blanchfield, Pieter D. Wezeman and Siemon T. Wezeman, 2017) Today UAE is the 4th largest arms importers during 2013–17. Exports to the UAE rose by 51 percent. (Mark Bromley, Giovanna Maletta, 2018) Actually, it is the fifth largest arms importer of the last 20 years. Considering the Gulf state’s small size, these statistics are important. The UAE also commits various kind of illegal arm activities like sending martial equipment and/or lending martial backing to Eritrea, Libya

and Somalia without UN authorization, thereby dissembling UN arms prohibitions. (Pax for peace, 2017)

As the second major part of the coalition, UAE has the most important role in Yemen war specifically discussing ground force missions. Hundreds of Latin American mercenaries are reportedly involved in UAE troops attacking Yemen. UAE hired Columbian, Panamanian, Salvadoran and Chilean gangs to combat in Southern part of Yemen as a part of UAE's conditional in Saudi-led coalition on October 2015. (Hager & Mazzetti, 2015) (Alghoul, 2015) Janjaweed militias who are Sudanese and were accused of genocides against humanity are also employed by the UAE and are active in the Yemen war. (Fanack, 2017)

Many of airstrikes also take in action with cooperation of UAE air force. The coalition airstrikes include several illegal acts based on International laws. Therefore, UAE has a great share of violations of such laws when it comes to numbers.

#### **Illegal airstrikes of the Coalition:**

These include the 2017 airstrikes on a populated market in northern Yemen on March 15 that killed 97 civilians, including 25 children, and another on a populated funeral in Sanaa in October that killed over 100 civilians and injured hundreds more.

Human Rights Watch investigated 18 apparently illegal strikes on industrial factories, some of which used US or UK-supplied arms, on 14 civilian economic sites. The strikes killed 130 civilians and injured 173 more. (Bombing Businesses, 2016) According to recordings the coalition used internationally banned cluster munitions in at least 16 attacks that aimed crowded areas, killing and injuring dozens. Human Rights Watch also reported six kinds of air-dropped and ground-launched cluster munitions in multiple locations in Yemen, including those produced in the US and Brazil. Amnesty International has further recorded the use of UK-made cluster munitions. (Human Rights Watch, 2017)

#### **Illegal airstrikes of the UAE:**

Warplanes from the United Arab Emirates struck Houthi aims across Yemen, State News Agency on 5 September 2015. Medical sources at hospitals in the capital Sanaa said about 24 civilians were killed in the city as a result of the attacks. (Dahlia Nehme, Lisa Barrington, 2018)

## **Despotic Detentions, Torture, and Enforced Disappearances**

All sides including the UAE and UAE-backed Yemeni troops arbitrarily arrested people, including children, abused detainees and held them in poor conditions, and forcibly disappeared people comprehended to be political opponents or security threats. The number of the “disappeared” is growing. Human Rights Watch has recorded more than 50 people (until 2018), including four children, arbitrarily detained or disappeared. UAE-backed security forces abusively arrested or disappeared most of these people. .) (Human Rights Watch, 2017)

The Associated Press (AP, Mukalla Yemen, 2017), the Bureau of Investigative Journalism (Abigail Fielding-Smith (The Bureau of Investigative Journalism), 2017) and Human Rights Watch (Human Rights Watch, 2017) have extensively reported on hidden prisons run either by the UAE or by Yemeni forces created and trained by the UAE. “Hundreds of men swept up in the hunt for al-Qaeda militants have disappeared into the prisons, where abuse is routine and torture extreme”. The UAE runs at least two informal detention facilities, where they have continued to detain people despite release orders and reportedly moved high-profile detainees outside the country.

The UAE has carried out at least two ground attacks in Yemen since January 2018, allegedly alongside the US, one of which killed at least 14 civilians, including nine children. According to the Associated Press, the US has sent interrogators to Yemen and sent questions to and seen transcripts from UAE interrogations. (The US has not made public any investigations conducted into its attacks in Yemen or participation in UAE or Yemeni abuse of detainees (Human Rights Watch, 2017)

Also, detainees held without charges decry Emiratis’ sexual abuses. The UAE is a key U.S. ally whose secret prisons and widespread torture were exposed by an AP investigation last June. The AP has since identified at least five prisons where security forces use sexual torture to brutalize and break inmates. (MAGGIE MICHAEL Associated Press, 2018)

## **Blocking and Preventing Humanitarian Access**

Today, Yemen is the world’s largest humanitarian crisis, with at least 8 million people on the brink of famine and nearly 1 million suspected to be infected with cholera. This crisis is connected directly to the ongoing armed battle. The Saudi-led coalition’s bans on imports have worsened the dire humanitarian situation. In

November 2018, the coalition temporarily blocked all entry points to Yemen. In August 2016, the coalition postponed all commercial flights to Sanaa, “having serious implications for patients seeking urgent medical treatment abroad,” according to the UN. (Human Rights Watch, 2017) UN called on the Saudi-led coalition to fully lift blockade of Yemeni ports (WHO, 2017), but no effective actions taken until today.

### **Inquiry Blockade**

Since May 2016, the coalition has banned any international human rights organizations, from traveling to areas of Yemen under Houthi control. It’s why there is lack of information for any reports from different human rights organizations. None of the fighting parties conducted valid inquiries into their troops’ alleged laws-of-war violations. In September, the OHCHR deduced that endeavors towards responsibility were “totally inadequate.”

The only coalition-appointed Joint Incidents Assessment Team (JIAT) did not carried out valid inquiries, failing to release full inquiry reports or detailed information on their methodology, including how they determine which strikes to investigate, or whether or not they have the power to warrant prosecutions of persons responsible for war crimes. JIAT has not clarified which state’s forces participated in the attacks it investigated. While in a few strikes JIAT recommended the coalition pay compensation, the coalition does not appear to have made any concrete progress toward creating a compensation system.

The blockade includes even attacks on press by armed men supported by UAE. In a case they invaded the offices of al-Shomou Foundation on March 1 and set fire to the presses used to print the weekly Al-Shomou and daily Akhbar al-Youm, according to Committee to Protect Journalists. The attack came a week after CPJ documented how Yemeni Army elite forces, working with the UAE coalition, detained a Yemeni journalist Awad Kashmeem at a checkpoint on February 21. (Committee to Protect Journalists, 2018)

**As a consequence of the ongoing battle**, the people of Yemen are suffering enormously: three million people have fled their home; at least ten thousand have been killed, and tens of thousands injured. 114 The conflict and a naval blockade inflicted by the coalition (officially to ban rebels from getting weapons) have

triggered a humanitarian disaster, leaving 70 per cent of a population of 27.4 million in need of aid. An unprecedented cholera epidemic has been deteriorating this fatal situation since April 2017. (Pax for peace, 2017) About 8 million people are on the brink of famine and 400,000 children suffer from severe acute malnutrition and face an increased risk of death. (WHO, 2017) Cholera is getting epidemic (over 360,000 cases reported by WHO until July 2017 (WHO, 2017) and over a million is estimated today) in a way never met in history. (Washington Post, 2018) Estimated 17 million Yemenis, 60 percent of the population, are suffering from food insecurity and malnutrition. (Oxfam International, 2018)

Our ground investigation team in Yemen acknowledged that 70,000 fishermen and their families from western coast of the Red sea were forced to move towards Taiz and Sanaa. 10 thousands of Mocha people live in sever situations in camps as their houses are used as shelters for UAE troops.

The UAE soldiers, in southern Yemen, are engaged in human trafficking. Girls are kidnapped and transferred from Aden to south where southern activists reporting dozens of reports of rape, abuse and smuggling of girls supported by the UAE.

UAE works on the demographic decline of the island of Socotra through construction and trade, and the compulsory immigration of the oppositions and cutting natural and rare trees, among the denials of international and specialized organizations such as UNESCO.

The UAE controls and exports gas from Belhaf in Shabwa. UAE controls southern oil from the Aden refinery. The ports and islands in Bab al-Mandib are under control of the UAE with a development strategy in contradiction to the United Nations Charter.

The team investigated and realized that UAE supports the Salafi and Jihadi terrorist groups and organizations, such as Abo al-Abbas group in Taiz which commits acts such as killing civilians, assaulting and missing the captives and carrying out public executions without minimum standards of fair trial. ISIS factions are sponsored and trained by UAE in Yemen and are being prepared as suicide bombers. A suicide bomber named Mohammad al-Azi by the nickname of Abu Qa'qa' performed an operation in the building of the criminal investigation in Aden dated 05/11/2017, who himself and his family were from terrorist groups. (A., 2018)

## **Increasing Military forces to continue the war in Yemen**

While the situation of the people are getting worsened daily, the UAE is increasing military forces in the area. The UAE increased its military forces in Yemen's scenic Socotra Island reported on 11<sup>th</sup> of May 2018. (Reuters, 2018) (UAE forces beef-up presence in Yemen's Socotra Island , 2018)

Under the EU Code of Conduct on Arms Export the standards are outlined that require member states to abide by certain standards when assessing licenses for arms exports. This includes denying licenses when there is a 'clear risk' that the arms 'might' be used to commit violations of human rights or international humanitarian law (IHL) and '[taking] into account' the risk that they will be diverted to an unauthorized end-user or end-use. The value of export licenses issued for arms transfers to Saudi Arabia fell by 29 per cent but significant increases for the UAE meant that, overall, the value of licenses issued for both states rose from €32 billion to €43 billion. US, France, Spain and Italy had the major exports of weapons to UAE in 2015-2016. (Perlo-Freeman, 2018) Stop Wapenhandel investigations shows that Dutch arms exported weapons to UAE using transit through the Netherlands. Netherlands sold weapons including M109 Howitzers and F16 fighter parts. (Stop Wapenhandel, 2015) Among EU members Netherlands and the Belgian region of Flanders, Sweden and Germany limited their export of arms to UAE but Italy, France and UK are still continuing the exports. (Mark Bromley, Giovanna Maletta, 2018) Norway suspended arms sales to UAE in 2018 (OSLO (Reuters), 2018)

To conclude, the breaches and contraventions committed by the UAE and Saudi-led Coalition in Yemen war can be regarded in violating the spirit and text of the following international laws applicable to the conflict.

## **INTERNATIONAL HUMANITARIAN LAW**

Yemen is a state party to principal instruments of international humanitarian law - the four Geneva Conventions of 1949 and their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Applies in situations of armed conflicts, International humanitarian law contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians. A fundamental rule of international

humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.” (ICRC, 2010) A similar rule requires parties to distinguish between “civilian objects” and “military objectives.” Intentionally directing attacks against civilians not taking direct part in hostilities or against civilian objects is a war crime. The corollary of the rule of distinction is that “indiscriminate attacks are prohibited.” (Henckaerts & Doswald-Beck, 2005)

The parties must choose means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. (Henckaerts & Doswald-Beck, 2005) Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate. Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population. Parties must choose appropriate means and methods of attack when military targets are located within residential areas. This requirement rules out the use of certain types of weapons and tactics. The use of means of combat that cannot be directed at a specific military objective – such as using imprecise explosive weapons on targets located in densely populated civilian areas – may result in indiscriminate attacks and is prohibited. Choosing methods of attack that do not minimize the risk to civilians – for example, attacking objectives at times when many civilians are most likely to be present – also violates international humanitarian law. (Henckaerts & Doswald-Beck, 2005)

## **INTERNATIONAL HUMAN RIGHTS LAW**

International human rights law - including civil and political, and economic, social and cultural rights – applies during times of peace and during periods of armed conflict, and is legally binding on all states, their armed forces and other agents. It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations. Yemen is a party to several key International treaties: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). Yemen is legally bound by its obligations under these international treaties, as well as by relevant



customary international law. The International Court of Justice as well as the UN Human Rights Committee (the body established to oversee application of and to interpret the provisions of the ICCPR) have affirmed that international human rights law applies in times of armed conflict as well as in peacetime.

## **INTERNATIONAL CRIMINAL LAW**

International criminal law establishes individual criminal responsibility for certain violations of international humanitarian law and serious violations and abuses of human rights law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance. Individuals, including civilians and military personnel, can be held criminally responsible for certain violations of international human rights law and international humanitarian law. International law imposes the obligation to investigate and prosecute alleged perpetrators of crimes under international law and serious violations and abuses of human rights. (Henckaerts & Doswald-Beck, 2005) Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances. War crimes are serious violations of international humanitarian law and engage individual criminal responsibility on the part of the perpetrators.

## **RECOMMENDATIONS**

The continuing flow of weapons to the UAE enhances rigid questions when one propounds its crucial role in the combats in Yemen, the diversion of weapons and the flaws of arms prohibitions. Many civil society organizations, politicians and others have called upon their governments to restrict arms transfers to parties involved in the war in Yemen.

In April 2017, European Union foreign ministers called for the elimination of all barriers preventing the delivery of life-saving humanitarian assistance to Yemen. In September, the European Parliament replicated its call on member states to postpone weapons sales to Saudi Arabia due to its treatment in Yemen; however no action has been maintained against the UAE yet.

To decrease the harm to civilians in battles in Yemen and elsewhere in the MENA region, the following recommendations are proposed:

- Two-and-a-half years of war has resulted only in more instability, more violence, less security and a disastrous humanitarian situation. As the second main partner of the Saudi Arabia in the coalition, the UAE should stop its military intervention and occupation in Yemen specifically in Socotra Island and work towards a peaceful solution through UN-led diplomacy.
- With many thanks to the EU parliament for making the decision to prohibit arm sales to the Saudi Arabia, in case of the UAE as a major cooperator of Saudi Arabia in Yemen conflict, the EU parliament need to make similar decision.
- The EU should work towards strengthening the enforcement of arms prohibitions to stop further exports to the UAE as the misuse of them in Yemen war is clear to all.
- Since the information provided by coalition-appointed Joint Incidents Assessment Team lacks exact and enough data of what is happening in Yemen, the UN should appoint an international independent investigation to monitor the use of all weapons in the battle in Yemen. This should include exact information about the weapons used by each party of the coalition, as well as exact numbers of ground attacks, air raids, dead civilians, casualties and victims of any kind.

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