

False Exonerations

Examining the Findings and Conclusions of the Joint Incidents Assessment Team JIAT Affiliated with the Saudi/UAE-led Coalition.

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Mwatana for Human Rights (mwatana.org):

is an independent Yemeni organization dedicated to defending and protecting human rights by carrying out accurate and objective field investigations and research, providing legal support to victims, pursuing accountability and redress, conducting advocacy, raising awareness, and building capacity.

PAX

is a Dutch peace organization, working with people and partners to protect civilians against acts of war, to end armed violence and to build inclusive peace. PAX operates independently of political interests.



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Executive Summary

The management approach of the Saudi/UAE-led coalition's military operations in Yemen since its intervention on March 26, 2015, highlights noticeable patterns of airstrikes targeting civilians, residential areas, infrastructure, and economically vital targets essential for the survival of civilian populations. All airstrikes documented in this report have resulted in the destruction of civilian properties and casualties among civilians, amounting clear violations of international humanitarian law. While the Saudi/UAE-led coalition has established targeting procedures aimed at minimizing the risks of violating international humanitarian law it appears that these procedures in numerous cases were not followed, and necessary precautions were not taken. Through the Joint Incidents Assessment Team (JIAT), the coalition seeks, through statements published through the Saudi Press Agency, to deny its air attacks to violate international humanitarian law. (IHL). In addition to the responsibility to investigate breaches of IHL, State members of the Saudi/UAE-led coalition are obligated to investigate war crimes allegedly committed by their nationals or armed forces in their territories, redress victims affected by such violations, and hold those responsible accountable in accordance with the principles of international humanitarian law.

The Joint Incidents Assessment Team (JIAT) was established by the Saudi/UAE-led coalition in 2016, and its initial findings were announced in August of that year. The team is mandated to investigate "allegations and incidents" resulting from the operations of the Saudi/UAE-led coalition in Yemen, issue public reports on its findings, and make recommendations concerning legal actions and disciplinary measures, and provide assistance.¹ The team consists of 14 individuals from the coalition state members, and has the declared responsibility to investigate alleged violations of international humanitarian law and incidents in which civilians were allegedly killed as a result of air strikes and other forms of attack. However, since its establishment, independent experts from the United Nations and non-governmental organizations have expressed concerns about the JIAT's lack of transparency, independence, impartiality, and necessary inclusivity for reliable investigations into violations and crimes of international law.²

This report presents a detailed picture of the destructive effects of (79) airstrikes conducted by the Saudi/UAE-led coalition, out of a total of 1026 airstrikes documented by Mwatana, since the coalition's intervention on March 26, 2015. This is achieved by providing examples of recurrent patterns of airstrikes targeting civilian objects, which in itself is a strong indicator of the coalition's non-compliance with the principles of distinction, precautions, and proportionality. In the majority of documented airstrikes, it appears that the coalition's airstrikes in Yemen have violated the fundamentals of international humanitarian law and lawful targeting procedures, forming a widespread and recurring pattern of bombing civilian objects with wide-area effect munitions, that would be expected to be included in the No Strike List (NSL), such as residential

1 Saudi Press Agency, Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces' Violations in Decisive Storm Operations' (August 5, 2016), <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>. See also: 2022 Country Reports on Human Rights Practices: Yemen US Department of State Bureau of Democracy, Human Rights and Labor. P: 15. Available at: https://www.state.gov/wp-content/uploads/2023/03/415610_YEMEN-2022-HUMAN-RIGHTS-REPORT.pdf

2 'The Struggle for Justice' The Situation of Impunity and Accountability Avenues for Violations Committed in Yemen, Mwatana for Human Rights and Ceasefire, page: 40, June 2023. Available at: [https://global-uploads.webflow.com/621cfe2b950d85b2a1e2d1/64ef0b9815eee5766b499aed_THE%20STRUGGLE%20FOR%20JUSTICE%20\(4\).pdf](https://global-uploads.webflow.com/621cfe2b950d85b2a1e2d1/64ef0b9815eee5766b499aed_THE%20STRUGGLE%20FOR%20JUSTICE%20(4).pdf)

neighborhoods and health facilities. Also, the coalition has targeted areas with large numbers of civilians. Additionally, consecutive airstrikes, with only a short time interval between them, often without considering the presence of first responders or rescuers, have been a common practice.

A high proportion of coalition airstrikes involved the excessive and disproportionate use of force in relation to the anticipated and direct military advantage of the targets. This was often the result of the coalition's failure to verify the nature of the targets, whether military or civilian, prior to their execution. This pattern is of particular significance when it comes to the question of whether there is a likelihood of grave violations of international humanitarian law being committed. Procedural requirements for target verification should reflect the requirements of international humanitarian law, which stipulate that "everything feasible must be done to verify that the targets are military objectives."³ The coalition's failure to do everything feasible to verify the targets and assess the potential civilian harms violates the fundamental principles of distinction and proportionality.

In this report, Mwatana for Human Rights rigorously examines the conclusions and findings adopted by the Joint Incidents Assessment Team (JIAT) regarding the coalition's attacks. In its assessment methodology of the 79 airstrikes, official statements were analyzed and compared with what was documented by Mwatana for Human Rights, which is on the ground across Yemen. Mwatana's documentation was done in accordance with a methodology that adheres to international standards. Furthermore, the report scrutinizes the coalition's adherence to international humanitarian law in its airstrikes and identifies the civilian damages caused.

Based on this, this report challenges the accuracy, credibility, and reliability of the conclusions and findings published by the Joint Incidents Assessment Team. It questions the Team's methodology and the presence of a reliable field investigation, even if it meets minimal investigation standards. Mwatana for Human Rights believes that the Saudi/UAE-led coalition's attacks on civilians and civilian objects, documented by its independent field researchers trained in accordance with the best international standards, must be regarded by the coalition as violations of international humanitarian law. The coalition should also take action to redress the victims and hold those responsible accountable.

The Joint Incidents Assessment Team in its statements largely ignored the extensive damage caused to civilians, civilian objects, and infrastructure resulting from the airstrikes. In most statements, it concluded, without an explanation, that the coalition's attacks did not violate international humanitarian law, favoring the coalition's claims of a legitimate military objective, presenting a false exoneration for the coalition forces. Consequently, the coalition failed to comply with international humanitarian law requirements to prevent and mitigate civilian harms and reduce disproportionate attacks on legitimate military objectives. The team's failure to recognize civilian harm in many cases indicates the coalition's disregard for the core principles of protection

3 ICRC Customary International Humanitarian Law Database, Rule 16. See generally, ICRC Customary International Humanitarian Law Database, Rules 15-21. See also, Article 13(1) Additional Protocol II to the Geneva Conventions. See also, Article 57(2)(a) Additional Protocol I to the Geneva Conventions.

and proportionality inherent in international humanitarian law, both before and after the attacks, including the responsibility to investigate subsequent allegations following the hundreds of attacks over the years of the conflict. This is a clear violation of international humanitarian law, in terms of the principle of protection, precaution, and proportionality.

As with many other aspects of coalition operations, opacity has been a persistent feature of the air campaign in Yemen. Despite requests from independent human rights organizations, the coalition has not published rules of engagement, unified operational procedures, or methods for assessing proportionality and discrimination between civilians and combatants.

When the Joint Incidents Assessment Team refers to precautionary measures, its discussions lack fundamental consistency and credibility. At times, it affirms that some precautions were taken to avoid and mitigate civilian harms, despite clear evidence to the contrary in the coalition's actions. Sometimes, it claimed that 'precision-guided munitions' were used in cases where they did not mitigate the harm to civilians, such as the bombing of crowded civilian markets. Occasionally, the JIAT claims a lack of civilians present but then recommends compensating for losses, or it mentions that all possible precautions were taken, yet these actions were not followed, resulting in clear harm to civilians. The JIAT also inadequately addresses the sensitivity of the timing of some airstrikes, like targeting bridges and fuel stations, which require precautionary considerations regarding the presence of nearby civilians.

In extremely limited cases, it seems that the conclusions reached by JIAT, intentionally or not, acknowledge the coalition's failure to observe precautionary obligations. For example, in the attack on the detention center in Dhamar in 2019, resulting in the death and injury of dozens of detainees, the Joint Incidents Assessment Team claimed, "coalition forces were unaware that one of the buildings was used as a detention center,". This while the International Committee of the Red Cross had visited the site before the attack and the United Nations Panel of Experts had identified it as a detention center in its 2018 report. Nevertheless, the Joint Team fails to analyze this as a potential failure to comply with precautionary obligations, instead, as usual, affirming that the coalition adhered to international humanitarian law. Another category of incidents where the conclusions of the JIAT are questionable, are incidents where civilian casualties are attributed to a "technical failure". Technical failures are difficult to assess without transparency of what the failure was exactly, and may well serve as a way to defer from potential breaches of IHL.

Recommendations

To the Saudi/UAE-Led Coalition:

- Commit to fundamental principles of international humanitarian law, including distinction, proportionality, and precaution.
- Refrain from attacking, damaging, removing, or rendering objects indispensable to the survival of civilian populations, and avoid using explosive weapons with wide area effects in populated areas.
- Promptly ratify the Rome Statute of the International Criminal Court without delay.
- Assess the coalition's military operations in terms of compliance with international humanitarian law and ensure adherence to it.
- Take all feasible measures to minimize civilian harms, including issuing effective warnings to civilians before attacks.
- Regularly review and update targeting procedures to ensure their consistency with international humanitarian law and to minimize civilian harms and losses.
- Prosecute military personnel appropriately, including those responsible for issuing orders, for obvious violations of IHL.
- Provide prompt and adequate compensation to all civilians affected by unlawful strikes, including for deaths, injuries, and property damage, and establish a mechanism for condolence payments to civilians who are victims of the military operations, regardless of the lawfulness of the attacks.

To States Supporting the Saudi/UAE-Led Coalition:

- Immediately halt the sale or transfer of arms to members of the Saudi/UAE-led coalition unless they fully respect international humanitarian law and international human rights law in their military operations in Yemen and engage in comprehensive efforts to ensure effective accountability for all alleged crimes and violations committed during the conflict.
- Clarify the roles of the United States and the United Kingdom in the conflict openly, including the steps taken by both nations to minimize civilian casualties in air attacks and

to investigate alleged violations of the laws of war they may have participated in.

- Be mindful of commitments made by the United States and the United Kingdom and other States under the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas to better protect civilians against the humanitarian consequences involving the use of explosive weapons in populated areas.
- Immediately stop sending weapons to coalition state members for use in Yemen.
- Adhere to the obligations outlined in the Arms Trade Treaty.
- Halt the sale of munitions to countries likely to use them in violation of international humanitarian law, including Saudi Arabia, the United Arab Emirates, and other coalition state members.

To the United Nations and the International Community:

- Support the establishment of an international criminal investigative mechanism with the mandate to collect, consolidate, preserve, and analyze evidence and prepare case files to facilitate and expedite fair and independent criminal proceedings.
- Support capacity building for civil society organizations, non-governmental organizations, local and international entities working on human rights monitoring and criminal investigations to enhance their expertise in evidence collection and participation in accountability mechanisms when necessary.

To the Internationally Recognized Yemeni Government:

- Provide prompt and adequate remedies for civilian victims and their families due to deaths, injuries, and damage to property resulting from unlawful attacks, and adopt a unified, accessible mechanism for compensation payments to civilians suffering losses from the military operations, regardless of the lawfulness of the attacks.

To Civil Society:

- Continue investigating, documenting, and publicly reporting on civilian harm and (possible) violations and abuses of international humanitarian law and international human rights law. These violations can potentially amount to the level of crimes, under international law, committed by all parties involved in the ongoing armed conflict in Yemen.
- Consider establishing an independent mechanism or platform comprising local and international civil society organizations to enhance accountability and justice when the international community fails to take measures to bridge the impunity gap in Yemen.



Bni Alharith - The Capital secretariat - 30 March 2020



Methodology

Determinants of Mwatana in Documenting Violations by Parties to the Conflict in Yemen

Mwatana for Human Rights relies on comprehensive field research in various aspects of its work to document violations by parties to the conflict in Yemen. This research is carried out by the Research and Studies Unit's team in various regions of Yemen. The process involves investigating incidents of human rights violations to obtain accurate information about the details of these violation incidents, the circumstances, the identities of victims, and the parties responsible. Additionally, testimonies, evidence, clues, records, and relevant documents are also documented for examination and verification.

At all levels and stages of its work, Mwatana upholds the principle of transparency with victims, witnesses, and sources related to each incident. The organization's staff openly disclose their identities, clarify the nature of the organization's work and its mission in documenting violations, offer support, and advocate for the victims through various means and channels. They also outline how information and testimonies will be utilized and ensure that victims, witnesses, or information sources are informed about their right to either reveal or protect their identities.

Mwatana does not offer promises, financial or material incentives to victims, witnesses, or sources in exchange for their statements and testimonies.

Information at Mwatana undergoes a complete lifecycle, where no information related to a violation incident is processed without passing through multiple levels of review and scrutiny. The process begins with field investigative research at the scene of the incident conducted by field researchers who document testimonies, evidence, and clues from primary sources. Subsequently, researchers at the center review and verify the information. Later, one of the organization's research officers completes the examination and verification process, ultimately authorizing the information. Additionally, Mwatana sends missions to different areas in Yemen to provide support to its field teams and for deeper investigation of models of human rights violations in these regions.

When working on a study, report, or human rights statement regarding a pattern of violations, the review process is supported by experts to examine the information collected, analyze it, and align it with international humanitarian law, international human rights law, relevant international agreements, and national laws. The goal is to achieve precise legal and objective descriptions. The organization also employs weapons experts to analyze weapon remnants, especially in cases of air and ground attacks on civilians or civilian objects and in cases involving landmines.

Mwatana primarily employs the Arabic language when taking statements. However, during the review, scrutiny, and communication with experts and specialists, both Arabic and English are used as needed. The organization releases its reports, studies, statements, letters, blogs, and audio-visual content primarily in Arabic, which is then translated into English after meeting all the professional, objective, and technical conditions, ensuring the best interests of the victims. The organization also uses diverse means to amplify the voices of victims, draw attention to human rights issues, and exert pressure on relevant parties, all with the aim of creating a positive impact for the victims and human rights causes in Yemen.

Each Mwatana publication or human rights document is not exhaustive but presents examples of specific violation incidents within a specific objective, geographical, and temporal framework. In its publications and various activities, Mwatana strives to provide a clear picture of the general contexts surrounding human rights violations in Yemen and its methodology of work.

In this report, Mwatana for Human Rights scrutinizes the actions and conclusions of the Joint Incidents Assessment Team regarding the Saudi/UAE-led coalition's compliance with international humanitarian law and the resulting harm to civilians, infrastructure, and economic facilities in Yemen since the beginning of coalition's military intervention. This is achieved through an examination of the Joint Incidents Assessment Team's available and published findings and conclusions concerning a "random set" of air attacks and a comparison of this data with Mwatana's field investigations. By analyzing a series of incidents documented by Mwatana, the report identifies several fundamental structural issues in the Joint Incidents Assessment Team's analytical methodology since the start of its investigations into coalition airstrikes, as well as highlighting the team's limited publicly available information and a general inability, for unclear reasons, to conduct reliable, impartial, and transparent investigations into the alleged violations of the laws of armed conflict by the coalition in Yemen.

The facts presented in this report do not align with the coordinated application of targeting procedures claimed to be followed by the coalition, nor did they employ all possible precautions. Considering the repeated occurrences of hundreds of similar civilian-targeted airstrikes that resulted in the deaths and injuries of thousands of civilians throughout various stages of the conflict, the pattern of recurrent coalition airstrikes on civilian targets demonstrates a widespread violation. As a result, the establishment of the Joint Incidents Assessment Team inadequately contributes to significantly reducing the risk of the coalition committing serious violations of international humanitarian law. Many of the Joint Incidents Assessment Team's analyses appear not to address issues of precautions, proportionality, or discrimination. Even in cases where the team follows these procedures, they are carried out in a manner that raises concerns about its adherence to a clear and methodological approach.



Althawrah - The Capital secretariat-10 April 2019



Sana'a - Bni Matar - 17 January- 2015



Chapter One

Preamble

**An Overview of the Conflict in Yemen and the
Nature of the Saudi/UAE-Led Coalition's Role**

The current war in Yemen began with the armed takeover of the Yemeni capital, Sana'a, by the Ansar Allah (Houthi) group on September 21, 2014. They formed an alliance with forces loyal to the former President Ali Abdullah Saleh, who had been removed from power following the widespread popular uprising in 2011, after over three decades of rule. In early 2015, the Ansar Allah (Houthi) group placed the government of then-President Abdrabbuh Mansur Hadi under house arrest and declared the dissolution of parliament through a "constitutional declaration." President Hadi fled to Aden, in southern Yemen, which was subsequently declared a temporary capital. Eventually, Houthi-Saleh forces seized Aden, forcing President Hadi to seek refuge in Riyadh, Saudi Arabia, in March 2015.

On March 26, 2015, the non-international armed⁴ conflict entered a new phase with the announcement of a wide-scale military operation by a coalition led by Saudi Arabia and the United Arab Emirates. At the time, this coalition included the UAE, Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan, and was granted access to Somali airspace and territorial waters as well as its military bases for coalition use in military operations.⁵ Pakistan also provided naval vessels to assist the coalition in enforcing an arms embargo to prevent them from reaching to the Houthis⁶. The coalition began conducting military operations in support of the Yemeni government, initially named "Operation Decisive Storm," which lasted less than one month and focused on achieving air superiority and targeting Houthi capabilities in ballistic missiles, troop gatherings, leadership locations, and weapon depots.⁷ When these operations commenced, Saudi Arabia stated that they would "necessarily be limited in nature and it would be designed to protect the people of Yemen and its legitimate government from the takeover by the violent and extremist Houthi militias."⁸

Confirmed airstrikes in broad areas of Yemen have been attributed to the coalition (in contrast to ground operations). Air attacks on civilian objects and (densely) populated areas has been a recurring feature of coalition operations in Yemen. On April 22, 2015, the coalition announced

4 The non-international armed conflict in Yemen, which began between the Ansar Allah group (Houthis) and the Yemeni government, now involves multiple warring states and non-state armed groups. And the international humanitarian law (IHL) applies to the ongoing armed conflict in Yemen. This applicable law includes Common Article 3 of the four Geneva Conventions of 1949, Additional Protocol II of 1977, as well as customary international humanitarian law. IHL continues to apply alongside IHL.

5 Somalia lends support to Saudi-led fight against Houthis in Yemen, The Guardian, 7 April 2015. <https://www.theguardian.com/world/2015/apr/07/somalia-aids-saudi-led-fight-against-houthis-yemen>

6 Pakistan agrees to send ships to block arms shipments to Yemen rebels, McClatchy DC, 17 April 2015, <https://web.archive.org/web/20150507203336/http://www.mcclatchydc.com:80/2015/04/17/263508/pakistan-agrees-to-send-ships.html>

7 Assiri announces the end of Operation "Storm of Firmness" after successfully achieving its objectives and beginning Operation "Restore Hope", www.youtube.com/watch?v=3EGe51MjqOk

8 Statement by Saudi Ambassador to the United States, 25 March 2015, available at: <https://www.saudiembassy.net/press-release/statement-saudi-ambassador-al-jubeir-military-operations-yemen>

"Operation Restoring Hope," shifting the focus from military operations to a political process,⁹ although it still involved the use of lethal force, particularly airstrikes.

Saudi Arabia and the UAE, in particular, played key roles in the coalition's military campaign. UN Security Council Resolution 2216, in its lengthy preamble, referred to the request made by the former Yemeni President, Abdrabbuh Mansur Hadi, on March 24, 2015, for military intervention by the Gulf Cooperation Council and the League of Arab States to counter the Houthi group.¹⁰ This group had seized significant portions of Yemeni territory, including the capital, Sana'a, after taking power on September 21, 2014. Therefore, the then-Saudi Ambassador to the United States, Adel al-Jubeir, confirmed that the coalition initiated its military operations in response to President Hadi's request,¹¹ and they continued to recognize Hadi as the President of Yemen until the transfer of power to the Yemeni Presidential Council, formed on April 7, 2022. Although the Saudi/UAE-led coalition ceased its airstrikes on Yemen since April 2022,¹² there remains a possibility of the coalition resuming its customary air military operations.

In this way, the Kingdom of Saudi Arabia and the United Arab Emirates share the majority of the burdens of the ongoing war in Yemen, especially after the reduction in the number of participating states in the coalition.¹³ Both Saudi Arabia and the UAE have distinct roles in the tasks and theaters of operations. A report by the United Nations Expert Panel found that Saudi Arabia leads the coalition on the "operational level". "Coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates.... Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes."¹⁴

As an emerging power in the Arabian Gulf, the United Arab Emirates pursues an ambitious

9 Operation Decisive Storm Ends, Operation Renewal of Hope Begins, See: www.operationrenewalofhope.com/operation-decisive-storm-ends-operation-renewal-of-hope-begins/#sthash.p0HaZrz6.dpbs.

10 See: Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining, United Nations Security Council, 14 April 2015. <https://press.un.org/en/2015/sc11859.doc.htm>

11 Transcript of News Conference, Saudi Arabia Ambassador to the United States Adel bin Ahmed al-Jubeir, Washington DC, March 25, 2015, <https://www.saudiembassy.net/press-releases/press03251501.aspx>

12 The last airstrike incident committed by Saudi-UAE led coalition, documented by Mwatana for Human Rights, was in Hajjah governorate in April 3, 2022.

13 The Saudi-UAE led Coalition ended Qatar's participation in the military operation on 5 June 2017 see: <https://www.alarabiya.net/arab-and-world/gulf/2017/06/05/>. On 28 June 2018 Malaysia's defense minister announced that his country's new government will withdraw its troops from Saudi Arabia.

14 UN Security Council Committee Established Pursuant to Resolution 2140, "Final report of the Panel of Experts on Yemen," S/2018/193, January 31, 2017, <https://undocs.org/S/2018/193>, para 30.

(The Panel noted that ground operations in Marib are under Saudi operational control, in Aden and around Mukalla under UAE operational control and in Ta'izz under the loose operational control of the Yemeni army, and that naval operations are under national command).

strategic agenda extending to southern Yemen, the Arabian Sea, and the Bab el-Mandeb region at the southern entrance to the Red Sea.¹⁵ The UAE has clear objectives in Yemen, contributing to its broader regional strategic policy. They seek to train their military forces in actual combat,¹⁶ weaken the Islah Party in Yemen in the context of weakening the Muslim Brotherhood in the Middle East,¹⁷ and be a valuable ally and partner to Saudi Arabia, with the alliance being a key driver for strengthening their pragmatic axis. Additionally, they assist the United States in its efforts against Al-Qaeda and ISIS.¹⁸ As part of its strategy to position itself as a commercial and logistical hub, the UAE has been given the priority to strategic coastal lines and maritime transportation routes in the entire region.¹⁹ Yemen, situated at the corner of the Arabian Peninsula, lies along major maritime transportation routes on the Red Sea.

Between March 2015 and March 2022, Mwatana documented nearly 1,026 unlawful airstrikes by the Saudi/UAE-led coalition in Yemen, resulting in the deaths of 3,599 civilians, including 493 women and 1,201 children, and the injury of 3,622 civilians, including 459 women and 711 children²⁰, in most Yemeni governorates. These documented airstrikes have repeatedly hit medical facilities,²¹ educational institutions,²² civilian residences, infrastructure, vital civilian neighborhoods, markets, service and commercial facilities, fishing boats, farms, and water points. In addition to this, the coalition has obstructed humanitarian work in Yemen, including hindering the entry of life-saving goods into the country.²³ Despite the large number of airstrikes verified and documented by Mwatana, they do not nearly represent a comprehensive account

15 Strategic Considerations of the UAE's Role in Yemen, Abdulwahab Al-Qassab, Arab center Washington DC, 9 March 2018. Available at: <https://arabcenterdc.org/resource/strategic-considerations-of-the-uaes-role-in-yemen/>

16 What is the UAE looking for in Yemen? Haaretz, 2 February 2022. Available at: <https://www.haaretz.co.il/blogs/mitvim/2022-02-02/ty-article/0000017f-f8b7-d887-a7ff-f8f774310000>

17 Mohammed bin Zayed's Dark Vision of the Middle East's Future, Robert F. Worth, The Network Times Magazine, 14 July 2020. Available at: <https://www.nytimes.com/2020/01/09/magazine/united-arab-emirates-mohammed-bin-zayed.html>

18 The UAE's Three Strategic Interests in Yemen, Gregory D. Johnsen, The Arab Gulf States Institute in Washington (AGSIW), 24 February 2022. Available at: <https://agsiw.org/ar/the-uaes-three-strategic-interests-in-yemen-arabic/>

19 Ibid,

20 Mwatana, Thousands of Victims Waiting for Justice and Redress, eight years have passed since the Saudi/UAE-led Coalition began its military operations in Yemen, 26 March 2023. <https://mwatana.org/en/march-26-2023/>

21 Mwatana for Human Rights, 'I Ripped the IV Out and Started Running', March 2020, available at: <https://mwatana.org/en/i-ripped-iv-out-of-my-arm/>

22 Mwatana for Human Rights, Undermining the Future, August 2020, available at: <https://mwatana.org/en/undermining-future/>

23 Mwatana, Annual Report 2019, P: 72-73, available at: <https://mwatana.org/wpcontent/uploads/2020/10/2019-Human-Rights-in-Yemen.pdf>. See also, Human Rights Watch, Yemen: Coalition Blockade Imperils Civilians, 7 December 2017, available at: <https://www.hrw.org/news/2017/12/07/yemen-coalition-blockade-imperils-civilians>. See also; United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020; United Nations Security Council Panel of Experts, Letter dated 26 January 2018 to the President of the Security Council, at 3, available at: <https://www.undocs.org/en/S/2018/594>.

of the total airstrikes in Yemen, nor do they account for the total numbers of airstrikes caused civilian harms. Many of these cases may amount to violations of the right to life, health, education, and an adequate standard of living, as well as breaches of international humanitarian law. The Kingdom of Saudi Arabia and the coalition have not yet reliably and transparently investigated these violations, nor have they provided sufficient information about the investigations they have already undertaken.

The non-international armed conflict between the Saudi/UAE-led coalition and its Yemeni allies and the Houthi forces and their Yemeni allies is subject to international humanitarian law, as specified in treaties and customary international law. The most important treaty is Common Article 3 to the Geneva Conventions of 1949, to which the coalition state members and Yemen are parties. Common Article 3 establishes minimum standards for all parties in a non-international armed conflict. All parties to the Yemeni armed conflict, including non-governmental armed groups, are responsible for complying with the rules of international humanitarian law. Each party must respect and ensure respect for the war laws.²⁴

The Kingdom of Saudi Arabia has signed and ratified several conventions and agreements to protect civilians in conflict situations. On August 21, 1987, Saudi Arabia ratified the Additional Protocol to the Geneva Conventions of August 12, 1949 relating to the protection of victims of international armed conflicts (Protocol I), dated June 8, 1977. Subsequently, they ratified the Protocol II on August 28, 2001, which provides additional protection for fighters and civilians during non-international armed conflicts. They also ratified the Convention on the Rights of the Child for 1989 on January 1996.²⁵ However, regardless of their commitments under these binding agreements, Saudi Arabia's adherence to them has often been in doubt.

Since March 26, 2015, the Saudi/UAE-led coalition has controlled Yemen's airspace. The coalition declared Yemeni airspace a prohibited area, with the coalition's air forces having complete dominance over the airspace.²⁶ When the coalition announced the end of Operation Decisive Storm on April 21, 2015, it stated that "Operation Decisive Storm focused on very specific targets, including taking control of Yemeni airspace and preventing the Houthi militias and their allies from using the Yemeni air force. The coalition achieved full control of Yemeni airspace

24 Q & A on The Conflict in Yemen and International Law, Human Rights Watch, 6 April 2015. Available at: <https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law>

25 See, ICRC, 'Treaties, States Parties and Commentaries: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977'. https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=470

26 "Saudi warplanes bomb Houthi positions in Yemen". Al Arabiya English. 25 March 2015. <https://english.alarabiya.net/en/News/middle-east/2015/03/26/GCC-states-to-repel-Houthi-aggression-in-Yemen-statement-.html>. See also: "Yemen Data Project," ACLED, <https://yemendataproject.org/data.html>

within the first 15 minutes of the operation." ²⁷

Since then, the Houthi forces have lacked air force capabilities, so confirmed airstrikes (in contrast to ground attacks) are attributed to the coalition across large swaths of Yemen. Targeting civilian objectives in densely populated areas has been a recurring feature of coalition operations in Yemen. These airstrikes have had an impact on civilians and civilian objects protected under international humanitarian law.

Other complicit countries, such as the United States and the United Kingdom, provide logistical and operational support and sell weapons used in killing and injuring civilians, as well as destroying vital infrastructure. These countries therefore contribute to the violations committed by the Saudi/UAE-led coalition through air strikes on Yemen.

U.S.A. Role in the Yemen Conflict

The United States is not a member of the Saudi/UAE-led coalition, but it has announced that it provides logistical and intelligence support to the coalition, making it one of the involved parties in the conflict. In June 2015, a spokesperson for the U.S. Department of Defense stated that the United States was assisting the coalition with "intelligence support and intelligence sharing, targeting assistance, advisory support, and logistical support, to include aerial refueling with up to two tanker sorties a day."²⁸ In November 2015, General Charles Brown, the commander of the U.S. Air Forces Central Command, mentioned that the U.S. military had sent personnel to the Saudi Joint Planning and Operations Cell to assist in "coordinating activities."²⁹

The United States has a long history of military cooperation with the Kingdom of Saudi Arabia and the United Arab Emirates dating back to the 1950s. This includes the establishment of the U.S. Military Training Mission in Saudi Arabia and the Saudi Arabian National Guard Modernization

²⁷ Saudi Ministry of Defense Daily Briefing: Operation Decisive Storm, 21 April 2015. <https://www.saudiembassy.net/press-release/saudi-ministry-defense-daily-briefing-operation-decisive-storm>

²⁸ "Pressure mounting on Saudis' coalition in Yemen," Somini Sengupta, New York Times, June 30, 2015, http://www.nytimes.com/2015/07/01/world/middleeast/pressure-mounting-on-saudis-coalition-in-yemen.html?_r=0

²⁹ "U.S Military Working to Prevent Weapons Shortfall in Islamic State, Yemen Strikes," Robert Wall, The Wall Street Journal, 10 November 2015, <https://www.wsj.com/articles/u-s-military-working-to-prevent-weapons-shortfall-in-islamic-state-yemen-strikes-1447143660#livefyre-comment>

Program.³⁰ The United States also uses Al Dhafra, Jebel Ali Port and Fujairah Naval Base in the United Arab Emirates for military missions.³¹

Both Saudi Arabia and the United Arab Emirates have been involved in arms deals with the United States for decades, including significant purchases in the last decade. The United States sold cluster munitions to Saudi Arabia, including 1,300 CBU-105 Sensor Fuzed Weapons in 2013, and notified Congress of five proposed arms sales in 2018.³² From 2009 to 2017, the United Arab Emirates received over \$27 billion in foreign military sales from the United States, including \$7.2 billion for weapons used by the Saudi/UAE-led coalition in Yemen. The United Arab Emirates heavily relies on the United States for its air fleet and has purchased various aircraft and missiles, including cluster munitions.³³

American-made munitions, including cluster bombs, Mark 80 series bombs, precision-guided Paveway series bombs, and JDAM GBU-31 bombs, have been used in the Saudi/UAE-led coalition's unlawful airstrikes in Yemen, with significant benefits to Lockheed Martin.³⁴ The process of arms sales includes government-to-government agreements and foreign military sales, with exporters seeking export licenses. Congress is notified of sales exceeding \$14 million.³⁵

Regarding arms sales since the start of the Saudi/UAE-led coalition's air campaign in Yemen up to the seventh year on March 26, 2022, The Washington Post published an investigation that mentioned the U.S. approval of contracts for aircraft, munitions, and equipment used by 38 out of 39 capable air squadrons for conducting airstrikes.³⁶ Despite the end of U.S. support for the war in Yemen on February 4, 2021,³⁷ President Joe Biden pledged to end US support for the war, and hold Saudi Arabia accountable for human rights violations, total arms sales approved under the Biden administration exceed \$1 billion.³⁸ As revealed by the joint Washington Post - Security Force Monitor investigation into U.S. support for the Saudi-Emirati led coalition, U.S.

30 'Day of Judgment', The Role of the US and Europe in Civilian Death, Destruction, and Trauma in Yemen, Mwatana for Human Rights, P: 16-14.

31 U.S. Military Bases and Facilities in the Middle East, Fact Sheet, Matthew Wallin, June 2018. <https://www.americansecurityproject.org/wp-content/uploads/2018/06/Ref-0213-US-Military-Bases-and-Facilities-Middle-East.pdf>

32 Day of Judgment, p 17-19.

33 Ibid, p 22.

34 Ibid, p 16.

35 Ibid, p 17.

36 Saudi-led airstrikes in Yemen have been called war crimes. Many relied on U.S. support, Washington Post, 4 June 2022. (Footnote 26) <https://www.washingtonpost.com/investigations/interactive/2022/saudi-war-crimes-yemen/>

37 Biden announces the end of U.S. support to Saudi war in Yemen and a tougher line on Russia and China, The New York Times, 4 February 2021. <https://www.nytimes.com/2021/02/04/us/biden-yemen-saudi-arabia.html>

38 Biden administration notifies Congress of \$650 million arms sale to Saudi Arabia, CNN, 4 November 2021. <https://edition.cnn.com/2021/11/04/politics/us-saudi-arabia-arms-sale/index.html>

contracts and sales approved by the Biden administration will continue through 2024 to provide spare parts and equipment to air squadrons of coalition members that participated in or continue to participate in the war in Yemen, including seven of Saudi Arabia's ten attack squadrons. The Biden administration also continues to provide military support to the United Arab Emirates' three F-16 fighter squadrons involved in the conflict, in addition to equipment sales, including attack aircraft and various aircraft-related equipment for other coalition members with contracts extending until 2029.³⁹

Bruce Riedel, the director of the Intelligence Project at the Brookings Institution, stated, "If the United States decided today that it would cut off supplies, spare parts, munitions, intelligence, and everything else to the Royal Saudi Air Force, it would stop flying tomorrow."⁴⁰ Other coalition members similarly rely on U.S. maintenance for supporting their air forces.

The United States has been selling fighter aircraft and other advanced weapons to Saudi Arabia for a long time. These sales continued despite mounting evidence of the Saudi-led coalition's use of these weapons in unlawful attacks resulting in civilian casualties in Yemen.⁴¹ The United States sold the bomb that the Saudi/UAE-led coalition used in a devastating bus attack in Yemen on August 9, 2018, as part of a weapons deal approved by the U.S. Department of State with Saudi Arabia.⁴² CNN found that the weapon, responsible for numerous child casualties, was a laser-guided 500-pound MK 82 bomb made by Lockheed Martin. American-made arms, including cluster bombs, and other weapons have been widely exported to the Kingdom of Saudi Arabia.⁴³ According to the U.S. Department of Defense, between 2015 and 2020, the United States approved nearly \$48.7 billion in foreign military sales to Saudi Arabia and approximately \$11.6 billion to the United Arab Emirates.⁴⁴

39 Connecting US Sales to the Saudi-Emirati Led Coalition, Security Force Monitor, 4 June 2022. <https://securityforcemonitor.org/2022/06/04/methodology-connecting-us-sales-to-the-saudi-emirati-coalition/>

40 The American Bombs Falling on Yemen, The New Yorker, 23 March 2018, <https://www.newyorker.com/podcast/the-new-yorker-radio-hour/the-american-bombs-falling-on-yemen>

41 See: Yemen: Embargo Arms to Saudi Arabia, Human Rights Watch, 21 March 2016, <https://www.hrw.org/news/2016/03/21/yemen-embargo-arms-saudi-arabia>

42 'Yemen: Coalition Bus Bombing Apparent War Crime', Human Rights Watch, 02 September 2018. <https://www.hrw.org/news/2018/09/02/yemen-coalition-bus-bombing-apparent-war-crime>

43 CNN, Bomb that killed 40 children in Yemen was supplied by the US, August 17, 2018. Available at: <https://edition.cnn.com/2018/08/17/middleeast/us-saudi-yemen-bus-strike-intl/index.html#:~:text=Munitions%20experts%20confirmed%20that%20the,%2C%20a%20laser%20guided%20bomb>

44 US Defense Security Cooperation Agency, Major Arms Sales. Available at: <https://www.dsca.mil/major-arms-sales>

UK Role in Yemen Conflict

in Yemen as a whole. In fact, Saudi Arabia has been classified as a "priority market" by the UK government.⁴⁵ The UK, in turn, "provides technical support and precision-guided weapons, and exchanges information with the Saudi Armed Forces through pre-existing arrangements."⁴⁶ It is one of the major sources of arms for both Saudi Arabia and the United Arab Emirates.

Former UK Foreign Secretary Philip Hammond highlighted the extent of the UK's support for Saudi Arabia's operations in Yemen, saying, "We have a long-term relationship with the Saudi Armed Forces, particularly the Royal Saudi Air Force. The Saudis use British-made aircraft in their campaign in Yemen. We have a significant infrastructure supporting the Saudi Air Force generally and if we are requested to provide them with enhanced support – spare parts, maintenance, technical advice, resupply – we will seek to do so. We'll support the Saudis in every practical way short of engaging in combat."⁴⁷

The UK Foreign and Commonwealth Office confirmed that, as part of Operation Decisive Storm: "UK-built and licensed Typhoon and Tornado aircraft from the Royal Saudi Air Force have been deployed on combat missions in the Yemen campaign. UK- sourced weapons (including Paveway precision-guided bombs and small numbers of Dual Mode Brimstone and Storm Shadow missiles) have also been used. In addition, we have in the past supplied the UAE with PGM 500 precision-guided bombs (also known as the Hakim 2) that have also been used in the conflict."⁴⁸ Between 2015 and 2020, over £11 billion (14 billion Dollars) worth of British arms were licensed

45 See For Example: Both sides of Gulf crisis listed as 'priority markets' for UK arms export push, Middle East Eye, 10 September 2017, <https://www.middleeasteye.net/news/revealed-both-sides-gulf-crisis-listed-priority-markets-uk-arms-export-push>

46 Bombs Made in The UK Are Being Used to Slaughter Civilians in Yemen and Gaza, Stop The Coalition, 16 September 2015, <https://www.stopwar.org.uk/article/bombs-made-in-the-uk-used-to-slaughter-civilians-in-yemen-and-gaza/>

47 The Daily Telegraph, UK 'will support Saudi-led assault on Yemeni rebels - but not engaging in combat', 27 March 2015, available at <https://www.telegraph.co.uk/news/worldnews/middleeast/yemen/11500518/UK-will-support-Saudi-led-assault-on-Yemeni-rebels-but-not-engaging-in-combat.html>

48 Foreign and Commonwealth Office, 'Written Evidence from the Foreign and Commonwealth Office (UKY 13)', March 2016, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/committees-on-arms-export-controls/use-of-ukmanufactured-arms-in-yemen/written/31698.html>

for Saudi Arabia.⁴⁹

As the coalition forces lack the necessary expertise to use the weapons for sustained aerial warfare, "UK Liaison Officers" from the UK Royal Air Force are present within the coalition's command and control center. Furthermore, under contracts with British arms companies, around 6,300 British personnel are stationed at forward operating bases in Saudi Arabia. They provide training to coalition pilots and perform basic aircraft maintenance. They also oversee coalition personnel in loading bombs onto aircraft and setting their fuses for striking intended targets. About 80 UK Royal Air Force personnel work inside Saudi Arabia as auditors to ensure that some companies like BAE Systems fulfill Ministry of Defence contracts. Therefore, as former UK Defense and Defense Attaché to Saudi Arabia and Yemen John Deverell states that without BAE Systems, the coalition would not be able to conduct its military campaign.⁵⁰

UK-made weapons have played a central role in the war in Yemen. According to Campaign Against Arms Trade (CAAT), more than half of the combat aircraft, such as Typhoon and Tornado, and munitions like Paveway bombs and Brimstone and Storm Shadow missiles used by the Saudi/UAE-led coalition come from the UK.⁵¹ More than 80 companies, at more than 350 locations in the UK, have applied to export military equipment to Saudi Arabia within the Saudi-led military coalition in Yemen, including BAE Systems, MBDA, Raytheon, Leonardo, Hidden Technology, Rolls Royce, Boeing, Lockheed Martin, and General Dynamics.⁵²

Due to the central role of UK arms, it is certain that they have played a part in the context of violations of international humanitarian law and human rights law in hundreds of instances of civilian target attacks committed by the Saudi/UAE-led coalition in Yemen. Earlier, Saudi Arabia acknowledged using British-made BL-755 cluster munitions⁵³, although it asserts that it stopped

49 Bonyan Jamal & Dearbhla Minogue, Open Democracy, The UK must immediately stop selling arms that are killing Yemeni civilians, 20 May 2020. Available at: <https://www.opendemocracy.net/en/north-africa-west-asia/uk-must-immediately-stop-selling-arms-are-killing-yemeni-civilians/>

50 The Saudis couldn't do it without us: the UK's true role in Yemen's deadly war, Aron Merat, The Guardian, 18 June 2019, <https://www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-without-us-the-uks-true-role-in-yemens-deadly-war>

51 UK Arms Used IN Yemen, CAAT, Updated 13 July 2023, <https://caat.org.uk/homepage/stop-arming-saudi-arabia/uk-arms-used-in-the-war-on-yemen/>

52 See: Arms Companies Map, CAAT, <https://caat.org.uk/data/companies/?export=destination,saudi-arabia>. See also: Forensic Architecture's interactive "Time Map" uses graphic and cartographic techniques to combine information from extensive field research, open-source investigation, and legal analysis to create an interactive tool that exposes the patterns of documented airstrikes in Yemen and the contribution of the European arms trade to it, as well as governments' and companies' awareness of the crimes committed by the coalition in Yemen since March 20, <https://yemen.forensic-architecture.org/>.

53 Saudi Press Agency, 'Coalition Forces supporting legitimacy in Yemen confirm that all Coalition countries aren't members to the Convention on Cluster Munitions', 19 December 2016. <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1571875>

using such weapons by the end of 2016.⁵⁴

Providing direct support for military operations, such as providing information on targets, makes both the United States and the United Kingdom parties engaged in the armed conflict in Yemen. Therefore, they are bound by the laws of war. This type of participation is considered as engagement in military operations, such as airstrikes, which may entail the two states' responsibility for violations by the Saudi/UAE-led coalition of international humanitarian law. Although it is prohibited for the United States to provide security assistance to foreign security units credibly implicated in gross human rights abuses under the so-called "Leahy Laws" - named after their principal sponsor, Senator Patrick J. Leahy -⁵⁵ former U.S. State Department officials told The Washington Post that evidence of past human rights abuses rarely provides sufficient cause to halt sales. This is partly because the huge volume of contracts dominates human rights concerns in the audit process.⁵⁶

Therefore, officials and personnel within the armed forces of countries supporting the coalition may be held responsible for aiding and abetting war crimes. Given the level of support provided by the United States for coalition military operations, officials in the United States and the United Kingdom, as well as other countries, are likely to face this risk if these weapons are transferred after the coalition's violations of the laws of war have become evident. The states supplying these weapons may share responsibility for apparently unlawful attacks.⁵⁷ Besides, personnel who commit serious violations of the laws of war with criminal intent, whether deliberate or recklessness, may be subject to legal prosecution for the commission, facilitation, assistance, or incitement of war crimes. Therefore, governments involved in armed conflicts must investigate

54 See: Yemen: Children among civilians killed and maimed in cluster bomb 'minefields', Amnesty, 23 May 2016. <https://www.amnesty.org/en/latest/news/2016/05/yemen-children-among-civilians-killed-and-maimed-in-cluster-bomb-minefields/>

Neither Saudi Arabia nor any of the members of its coalition in Yemen have acceded to the 2008 CCM Convention on the Prohibition of Cluster Weapons. However, under customary international humanitarian law, Coalition members must not use indiscriminate weapons of their nature, which always pose a threat to civilians. In an interview with CNN on 11 January 2016, the spokesman for the coalition's military forces, Major General Ahmed Al-Asairi, categorically denied that the coalition had used cluster munitions in attacks anywhere in Yemen other than in one case, Describing the use of cluster munitions in Yemen as CBU-105 sensor weapons that were flown at a military target in Hajjah governorate in April 2015.

55 See: About the Leahy Law, Fact Sheet, 20 January 2021, available at: <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/leahy-law-fact-sheet/>

56 Saudi-led airstrikes in Yemen have been called war crimes. Many relied on U.S. support, Washington Post, 4 June 2022. <https://www.washingtonpost.com/investigations/interactive/2022/saudi-war-crimes-yemen/>

57 State Responsibility for US Support of the Saudi-led Coalition in Yemen, Oona Hathaway et al., Just Security, 25 April 2018, <https://www.justsecurity.org/55367/>

allegations related to war crimes committed by elements of their armed forces.⁵⁸

As a result, it is probable that individuals fighting on behalf of the Saudi/UAE-led coalition have committed war crimes, meaning that countries and officials continuing to provide this type of support were almost certainly aware that ongoing assistance was likely to contribute to war crimes. However, despite the significant civilian casualties and related damages in Yemen resulting from these destructive weapons, the United States and the United Kingdom continue to approve sales of weapons frequently used by the Saudi/UAE-led coalition in apparently unlawful attacks.

Investigative Mechanisms for Violations of International Humanitarian Law in the Yemen Conflict (Formation of the Joint Incidents Assessment Team (JIAT))

The Joint Incidents Assessment Team (JIAT) was established by the Saudi/UAE-led coalition in 2016, and its initial findings were announced in August of that year. The team is mandated to investigate “allegations and incidents” resulting from the operations of the Saudi/UAE-led coalition in Yemen, issue public reports on its findings, and make recommendations concerning legal actions and disciplinary measures, and provide assistance.⁵⁹ The team consists of 14 individuals from the coalition state members, and has the declared responsibility to investigate alleged violations of international humanitarian law and incidents in which civilians were allegedly killed as a result of air strikes and other forms of attack.⁶⁰ However, since its establishment, independent experts from the United Nations and non-governmental organizations have expressed concerns about

58 “Under customary international law, there are three elements to a charge of aiding and abetting the commission of a war crime: (1) a war crime committed by a principal actor; (2) an act by another actor that had a substantial effect on the commission of the war crime; and (3) the non-principal actor’s knowledge that the act was likely to significantly assist in the commission of the war crime. This “knowledge” standard does not require the accomplice to want to commit the war crime. The Rome Statute and the ICC ruling require that the act of assistance be committed “for the purpose of facilitating the commission of such a crime,” but this “purpose” standard is not required by customary international law. The United States has used the knowledge standard in its own prosecutions”, ‘Day if Judgment’, Mwatana for Human Rights, p: 116, 117. See also: International Committee of the Red Cross (ICRC), Customary International Humanitarian Law (Cambridge: Cambridge University Press, 2005), Rule 158, citing First Geneva Convention, art. 49; Second Geneva Convention, art. 50; Third Geneva Convention, art. 129; Fourth Geneva Convention, art. 146. See also Rule 156.

59 Saudi Press Agency, Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations’ (August 5, 2016), <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>. See also: 2022 Country Reports on Human Rights Practices: Yemen US Department of State Bureau of Democracy, Human Rights and Labor. P: 15. Available at: https://www.state.gov/wp-content/uploads/2023/03/415610_YEMEN-2022-HUMAN-RIGHTS-REPORT.pdf

60 According to the statement on 8 August 2016: “JIAT has investigated claims of incidents in military operations, following an internal duty regulation. JIAT relies on customary procedures, international humanitarian law, norms, rules of engagement, incidents evaluation, and target mechanisms. JIAT also summons witnesses and maintains independence and impartiality. JIAT prepares reports for each case, including facts, circumstances, backgrounds, timings, lessons learned, recommendations, and future actions”.

the JIAT's lack of transparency, independence, impartiality, and necessary inclusivity for reliable investigations into violations and crimes of international law.⁶¹

Therefore, the JIAT's results and conclusions raise serious concerns. The team often concludes that coalition attacks did not violate international humanitarian law based on the coalition's claims of legitimate military objectives, routinely overlooking significant civilian harm resulting from such attacks. It appears to have failed to adhere to the requirements of international humanitarian law concerning precautions and proportionality to avoid and minimize harm to civilians and civilian objects furthermore. When the team does reference precautionary measures, its discussions lack transparency and credibility. Sometimes, the JIAT affirms that certain precautions were taken to avoid and minimize harm to civilians when the coalition's actions clearly suggest otherwise for example.

The manner in which the Saudi/UAE-led coalition conducts military operations in Yemen suggests notable patterns of attacks on civilians, residential areas, infrastructure, and economic targets essential for the survival of civilian populations. All the incidents in the report depict civilian property destruction or casualties in clear violations of international humanitarian law. It has been confirmed that the Saudi/UAE-led coalition has put in place targeting measures that ostensibly seek to reduce the risk of a violation of international humanitarian law. However, in repeated cases, it appears that these measures were not followed, and that commitments regarding possible precautions were not taken. The coalition, through the JIAT, seeks to justify its unlawful airstrikes based on data published by the Saudi Arabian news agency. Naturally, members of the coalition, led by the Kingdom of Saudi Arabia and the United Arab Emirates, should investigate international crimes allegedly committed by their nationals or armed forces in the territories under their jurisdiction themselves and prosecute them where appropriate.⁶²

The above suggests serious issues that must be taken into account in any rational assessment of the coalition's intentions and its ability to comply with international humanitarian law. The way the investigations of the JIAT, which seem to have failed to analyze many core aspects of international humanitarian law, are presented, Mwatana for Human Rights has substantial reasons to doubt the intentions of the Saudi/UAE-led coalition and its ability to adhere to the requirements of international humanitarian law.

61 'The Struggle for Justice', page: 40.

62 Ibid, P: 39.

In October 2020, the JIAT informed the UN Security Council Panel of Experts on Yemen (PoE) that the Saudi military court had ruled on eight cases related to coalition airstrikes.⁶³ By September 2021, the JIAT had provided limited information on the findings of approximately 200 investigations.⁶⁴ In the context of the general update on accountability for 2021, the Group of Eminent Experts (GEE) reported that the JIAT had completed a total of 200 investigations since its establishment in 2016.⁶⁵ Out of 18 investigations conducted during that reporting cycle, only eight cases of coalition airstrikes that had been adjudicated by the Saudi military court were reported.⁶⁶ Among the eight cases, the first phase of military trial had been completed in only one case. It was reported that two other cases were near completion, and another case was referred to the military prosecutors.⁶⁷ The GEE requested further information about the nature of the JIAT's referrals and the nature and status of national actions but received no response by July 31, 2021.⁶⁸

A few months prior to its dissolution in October 2021, the Eminent Experts Group (GEE) expressed concerns that "members of the coalition, particularly Saudi Arabia... do not act with appropriate speed, care, or transparency in following up on investigations and legal proceedings, and that these legal proceedings may not reflect the seriousness of the violations of international humanitarian law they might entail."⁶⁹

Therefore, this concern aligns with the worries of Larry Lewis, a U.S. State Department advisor tasked with advising the coalition on reducing civilian casualties and assisting in establishing the Joint Incidents Assessment Team (JIAT). He stated, "The team was responsible for identifying deficiencies, ideally patterns that increased risks to civilians, but these ideas needed to be accepted by the coalition, which needed to make operational changes to mitigate the identified risks. In my early work with the team, they were far from perfect, but they were able to identify some risk factors. However, they expressed disappointment at the coalition's lack of acceptance of solutions to these deficiencies."⁷⁰

⁶³ Letter dated 22 January 2021 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc, S/2021/79, para. 122.

⁶⁴ UNGEE, 'Accountability Update' UN Doc A/HRC/48/CRP.4 (September 14, 2021) para 14. https://www.ohchr.org/sites/default/files/2021-12/A_HRC_48_CRP4_En.pdf

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id. Para 19.

⁶⁹ Id. Para 20.

⁷⁰ One American's Failed Quest to Protect Civilians in Yemen, The Atlantic, 17 August 2018. <https://www.theatlantic.com/international/archive/2018/08/yemen-saudi-airstrike-school-bus/567799/>

Additionally, in two additional cases where the Joint Incidents Assessment Team recommended "accountability measures," the Eminent Experts Group (GEE) noted that the individuals identified for potential prosecution were only those holding lower-level positions within the chain of command. The related mistake in these cases was described as a limitation on the rules of engagement rather than a potential violation of international humanitarian law, specifically the obligations to respect the principles of distinction, proportionality, and precautions in attack.⁷¹ As with many other aspects of coalition operations, a significant and continuous feature of the air campaign in Yemen has been a lack of transparency. To this day, despite requests from human rights entities, the coalition has not published its rules of engagement, unified operational procedures, or methodologies for conducting proportionality assessments and civilian distinction, making accountability efforts unclear and superficial.

Most of the information publicly presented by the Joint Incidents Assessment Team (JIAT) has been an attempt to refute allegations of violations of international humanitarian law and international human rights law made by United Nations bodies and human rights organizations.⁷² The investigations conducted by the JIAT primarily focus on allegations related to coalition airstrikes, neglecting various other violations committed by the coalition. The JIAT consistently concludes that the coalition has adhered to international humanitarian law. However, despite substantial evidence of the Saudi/UAE-led coalition repeatedly disregarding international humanitarian law, efforts to enhance accountability have been largely unclear or superficial. Furthermore, the JIAT still lacks independence, and its general findings lack sufficient details, with no mechanisms in place to ensure the implementation of its recommendations. This purported attempt to establish an investigative mechanism was founded upon guidance provided to the coalition by the United States and the United Kingdom. The Joint Incidents Assessment Team received some training from U.S. State Department advisors⁷³ and held sessions with UK advisors in Saudi Arabia.⁷⁴ The findings of the Joint Incidents Assessment Team's investigations are disseminated through press releases published by the Saudi Press Agency.

The Group of Eminent Experts (GEE), mandated by the UN Human Rights Council, has repeatedly requested information relevant to the Joint Incidents Assessment Team's

71 UNGEE Accountability Update, para 16.

72 'Returned to Zero', Mwatana for Human Rights and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School, (June, 2022), 84, https://mwatana.org/wp-content/uploads/2022/06/Returned-To-Zero-Report-2022-En_2.pdf

73 One American's Failed Quest to Protect Civilians in Yemen, The Atlantic, 17 August 2018. <https://www.theatlantic.com/international/archive/2018/08/yemen-saudi-airstrike-school-bus/567799/>

74 Revealed: The UK is training Saudi pilots amid accusations of war crimes in Yemen, Independent, 22 October 2016. <https://www.independent.co.uk/news/uk/politics/saudi-arabia-yemen-conflict-bombing-latest-uk-training-pilots-alleged-war-crimes-a7375551.html>

investigations, but it has not received any information from the coalition that would allow it to assess the independence and neutrality of the Joint Incidents Assessment Team effectively.⁷⁵ In September 2017, for example, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein commented, "The minimal efforts made towards accountability over the past year are insufficient to respond to the gravity of the continuing and daily violations involved in this conflict. The devastation of Yemen and the horrific suffering of its people will have immense and enduring repercussions across the region."⁷⁶

75 UNGEE 2019 Detailed Findings, para 889, 892.

76 'U.N. rights chief urges Yemen inquiry after 'minimal' effort for justice', Reuters, 11 September 2017. <https://af.reuters.com/article/worldNews/idAFKCN1BM0U7>



Chapter Two

**Patterns of Violations of International
Humanitarian Law by Saudi/UAE-Led Coalition's
Military Air Operations in Yemen**

The repeated air attacks on civilians and civilian objects in itself is a strong indicator of the coalition's failure to adhere to the principles of distinction, precaution, and proportionality. Based on the following examples, it appears evident that the Saudi/UAE-led coalition has violated international humanitarian law, including by conducting frequent indiscriminate and disproportionate attacks on civilians and civilian objects, and failed to take the necessary precautions before launching an attack, including by verifying that the targets would indeed be military objectives.

According to international humanitarian law, it is unlawful to attack, destroy, or remove objects essential for the survival of civilian populations, including agricultural areas for food production, crops, facilities, and drinking water supplies.⁷⁷ International human rights law guarantees individuals the right to a decent standard of living for their health and well-being, including food, housing, medical care, and the right to education.⁷⁸

Investigations conducted by Mwatana and other organizations have found that the Saudi/UAE-led airstrikes in Yemen have not only resulted in significant loss of civilian lives but have also caused devastating damage to vital civilian infrastructure throughout the country. These findings indicate serious violations of international humanitarian law and international human rights law.⁷⁹ During the period from March 2015 to March 2022, Mwatana documented at least 1,026 airstrikes targeted civilians or civilian objects, resulting in the deaths of 3,599 civilians, including 493 women and 1,201 children, and injuring 3,622 civilians, including 459 women and 711 children. These airstrikes targeted residential neighborhoods, hospitals, villages, markets, bridges, schools, service and commercial facilities, and other civilian objects.⁸⁰

According to the World Bank, as of 2021, more than half of Yemen's health facilities were no longer operational.⁸¹ Additionally, nearly 3,000 schools have been destroyed, damaged, or used for non-educational purposes since 2021,⁸² with over 80% of the country's population now lacking sufficient access to food and healthcare services.⁸³ Finally, due to the damage to Yemen's water

77 Additional Protocol II to the Geneva Conventions (ratified by Saudi Arabia on August 21, 1987), art. 14.

78 G.A. Res. 217 (III) A Universal Declaration of Human Rights (Dec. 10, 1948), arts. 25-26.

79 Mwatana, 'I ripped the IV out of my arm and started running', P: 9.

80 See: Mwatana for Human Rights, *Thousands of Victims Waiting for Justice and Redress*, eight years have passed since the Saudi/UAE-led Coalition began its military operations in Yemen, 26 March, 2023. <https://www.mwatana.org/posts-en/march-26-2023>

81 The World Bank, 'Health Sector in Yemen – Policy Note', 14 September 2021, <http://www.worldbank.org/en/country/yemen/publication/health-sector-in-yemen-policy-note>.

82 UNOCHA, 'Humanitarian Needs Overview Yemen', April 2022, <https://reliefweb.int/report/yemen/yemen-humanitarian-needs-overview-2022-april-2022>.

83 Mwatana and PAX, 'Not a Single Body in One Piece', P: 12, <https://mwatana.org/wp-content/uploads/2022/12/Not-a-single-body-in-one-piece-En.pdf>.

infrastructure, the water system operates at less than 5% efficiency, severely limiting people's access to clean water and sanitation.⁸⁴

Typical Patterns of Airstrikes by the Saudi/UAE-Led Coalition in Yemen

There is a considerable number of unlawful airstrikes that have caused significant harm to civilians and civilian property. There is ample evidence from many airstrikes suggesting that the coalition does not follow its declared procedures regarding necessary precautions when targeting. In many cases, Mwatana for Human Rights has not identified any military objectives at all. This is evidence of a clear pattern of repeatedly targeting civilians and civilian objects.

In this context, we will present illustrative examples or a collection of incidents documented on the ground by Mwatana for Human Rights, which cast doubt on the credibility and reliability of the investigations conducted by the Joint Incidents Assessment Team (JIAT) regarding the lawfulness of these airstrikes, as they fail to conduct a proper analysis of essential aspects of compliance with international humanitarian law, such as the requirement to reduce civilian harm to the minimum and the principle of proportionality.

First: Examples of Airstrikes on Targets such as Residential Homes, Civilians, Infrastructure, and Economic Objects

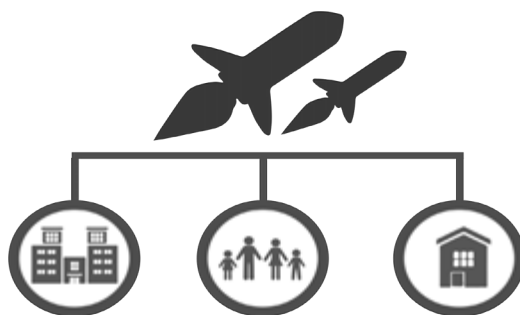
From the perspective of the International Committee of the Red Cross, the use of explosive weapons with wide area effects in populated areas should be avoided due to the high likelihood of their indiscriminate effects, even in the absence of a specific legal ban on certain types of explosive weapons.⁸⁵ The use of heavy explosive weapons in populated areas often leads to the deliberate or collateral damage to critical civilian infrastructure. A significant portion of civilian suffering resulting from the use of heavy explosive weapons arises from the disruption and deterioration of essential services that civilians rely on for their survival.⁸⁶ Consequently, when vital civilian infrastructure within populated areas is damaged or destroyed, it generates a series of adverse effects on the lives, health, and livelihoods of civilians that can extend over time and

84 Id.

85 Explosive Weapons with Wide Area Effects: A Deadly choice in Populated Areas, ICRC, P: 22. <https://www.icrc.org/en/document/civilians-protected-against-explosive-weapons>

86 Ibid, P: 42.

space.⁸⁷



A. Airstrikes on Civil Residences

i. On 20 August 2015 attack on densely populated homes near the presidential palace in Taiz, which resulted in the deaths of approximately 50 civilians, the Joint Incidents Assessment Team concluded that no airstrike had occurred by the coalition.⁸⁸ However, Mwatana collected witness testimonies that described repeated airstrikes occurring one after another in the crowded area.⁸⁹

ii. On September 19, 2015, a residential house in the Al-Falehi neighborhood of the Old City in Sana'a, protected by UNESCO, was bombed by coalition air forces at night. The bomb destroyed the house and killed 13 civilians, including a man, his wife, and their children while having dinner. It also caused significant damage to surrounding houses, which are also protected by UNESCO. Remnants of munitions found at the site were identified by a weapons expert as part of a Mark 80 bomb series. Witnesses who spoke to Mwatana stated that the man who was killed was poor and had no connection to the conflict.⁹⁰ However, the Joint Incidents Assessment Team (JIAT) claimed that the coalition did not conduct the attack, as the location was on the no-strike list.⁹¹

i. Around 1:30 a.m. on Saturday, February 6, 2016, while the residents were asleep, coalition aircraft dropped an American-made Mk-82 bomb on a house in the village of Al-Muqassas, Al-Taziya District, Taiz Governorate. The attack killed the homeowner's wife and his 14-year-old daughter and destroyed half of the house. The nearest military site identified by Mwatana was

87 Ibid, P: 43.

88 Ibid, P: 42.

89 Ibid, P: 43.

90 Coalition's air strikes accurate, says Spokesman of JIAT in Yemen, March 6, 2018. Available at: <http://wam.ae/en/details/1395302672258>

91 JIAT confirms soundness of procedures followed by coalition forces in targeting operations 5 Riyadh, 7 June 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1774226>

approximately 3 kilometers to the east.⁹² The JIAT did not provide any information regarding their assessment of the civilian harm resulting from the attack.

ii. On March 16, 2017, a boat carrying approximately 140 people, mostly Somali civilians, including women and children, was attacked by a helicopter belonging to the coalition. About 41 people were killed or went missing after the attack, and 37 others were injured. The attack occurred approximately 15 hours after the boat had set sail from Yemen. The boat's passengers attempted to demonstrate that they were civilians, but this did not deter the attack.⁹³ The Joint Incidents Assessment Team claimed that an Apache helicopter belonging to the coalition had detected the boat but, due to its non-military, civilian nature, it was not targeted.⁹⁴

iii. At around 8 p.m. on Wednesday, September 21, 2016, coalition air forces bombed the Al-Hunood residential neighborhood in Al-Hawk District, Al-Hodeidah Governorate, during a funeral procession for a neighborhood resident. The attack resulted in the killing of approximately twenty civilians, the injury of around four, and the destruction of up to 15 houses, along with significant damage to the street. Remnants found at the scene appeared to be American-made GBU-16 (1,000-pound) bomb. While the airstrike followed an attack on the presidential palace, Mwatana did not find any military objectives in the residential neighborhood.⁹⁵ The JIAT claimed that the coalition did not carry out the attack, as the bomb's arming system disabled the detonator to prevent an explosion when no explosives were found.⁹⁶

iv. On the evening of September 24, 2016, coalition air forces bombed a residential building in Jebelah District, Ibb Governorate, resulting in the killing of 6 people, including three children and a woman, and injuring another woman. Mwatana did not find any military objectives nearby, during interviews conducted two days after the airstrike.⁹⁷ The JIAT claimed that the coalition did not execute the attack because the "purported" residential building was distant from the airstrike conducted at the time on the Bin Laden complex, which "represents a legitimate military target," located approximately 1,070 meters away.⁹⁸

92 Field Investigation Conducted by Mwatana for Human Rights on June 21, 2017.

93 Field Investigation Conducted by Mwatana for Human Rights in 17 March 2017.

94 Spokesman of Joint Accident Assessment Team in Yemen reviews results of team assessment 4 Riyadh, 26 September 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1819002>. See also: Statement of Armed Forces official source on refugee boat incident, UAE News Agency (WAM), 20 March 2017. <https://wam.ae/en/details/1395302603973>

95 Field Investigation Conducted by Mwatana for Human Rights on September 24, 2016.

96 JIAT Official Spokesman Holds Press Conference 2, 3 July 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1941246;%20https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1941247>

97 Field Investigation Conducted by Mwatana for Human Rights on August 29, 2018.

98 JIAT Holds Press Conference 2, 19 November 2017. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1689418>.

v. On September 24, 2016, coalition aircraft bombed in a residential area in Ibb Governorate that resulted in the deaths of at least 6 civilians, the Joint Incidents Assessment Team (JIAT) concluded that no airstrike occurred in the adjacent area on that day.⁹⁹ Mwatana collected photographs of remnants of the bombs used in the strike, which were identified as being from an MK-82 general-purpose bomb owned by the coalition. This strike was also documented by the UN Security Council Panel of Experts (PoE), which also found bomb remnants.¹⁰⁰

vi. At approximately 6:30 a.m. on Saturday, January 27, 2018, coalition aircraft bombed a house in the village of Al-Rekab in Al-Taziya District, Taiz Governorate. Mwatana's investigation confirmed that the attack resulted in the deaths of two children and their mother and the injury of two other children, in addition to their father.¹⁰¹ However, Mwatana did not find any military objectives at the attack site or nearby.

vii. On April 22, 2018, in the village of Ar-Rqqa, Hajjah Governorate, a gathering of men at a wedding ceremony attended by many children was struck by an airstrike. At least 21 civilians were killed, and 97 others were injured. Mwatana found remnants of a GBU-12 bomb at the scene, and did not identify any military objectives or military personnel in the area.¹⁰² The coalition's explanation for this airstrike was that three individuals (including a suspected weapon expert) and two vehicles were seen outside a house. The coalition claimed there was no visible wedding or tent.¹⁰³ The Joint Incidents Assessment Team seemed to acknowledge that the damage to the tent resulted from a coalition airstrike, despite also claiming that coalition forces "did not target the alleged wedding tent." Photos taken at the scene on April 24, 2018, show remnants of a tent/canopy, among other things that indicate a wedding celebration. The aircraft were flying overhead throughout the afternoon, during which time the number of guests at the wedding dropped from around 500 to about 200, according to witnesses. Just before the airstrike, a few guests said they received calls informing them that the wedding would be bombed.

viii. On Monday, June 25, 2018, at around 2:30 a.m., coalition aircraft carried out an attack on a house in the Telecommunications neighborhood in the center of Amran city, north of the capital, Sana'a. The attack led to the complete destruction of the house and caused significant damage to five other houses. Mwatana's investigation confirmed that the attack resulted in the deaths of 9

99 JIAT Holds Press Conference 2, 19 November 2017. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1689418>

100 Letter dated 27 January 2017 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2017/81. P: 48.

101 Field Investigation Conducted by Mwatana for Human Rights on January 28, 2018.

102 Field Investigation Conducted by Mwatana for Human Rights on April 24, 2018.

103 JIAT is independent and stands at same distance from all parties to Yemeni conflict, 12 September 2018. Available at: <http://wam.ae/en/details/1395302707813>.

people, including two women and four children, and the injury of 19 others, including five children and five women.¹⁰⁴ JIAT did not provide any information regarding their assessment of the civilian harm resulting from the attack.

ix. On January 10, 2019, around 6:30 a.m. in the village of Al-Farash, Hajjah, an airstrike hit a house while six family members were inside the guest room (Majles), located about 35 meters from the main living room, having breakfast. Mwanata verified the deaths of two men and the injury of four people, including two children, without identifying any military targets at the attack site or nearby.¹⁰⁵ The JIAT did not provide any information regarding their assessment of the civilian harm resulting from the attack.

x. On May 16, 2019, a densely populated area in Sana'a, Al-Ruqas Street, was struck by a coalition bomb, resulting in the deaths of five children and injuries to approximately 77 other civilians, including around 30 children. Mwatana found that the house and the surrounding buildings that were damaged or destroyed were occupied by civilian residents.¹⁰⁶ The Joint Incidents Assessment Team (JIAT) issued a press release acknowledging the coalition hit a civilian house but claimed it was due to a "technical fault" in the bomb.¹⁰⁷

xi. At approximately 8:30 p.m. on Saturday, March 9, 2019, coalition aircraft conducted two airstrikes on a house in the Khashar area in Hajjah. A group of women and children had entered the house, fleeing from their home due to fears of an airstrike that had landed nearby. Mwatana found that 12 civilian were killed in the airstrike, including seven women and five children, and other eight were injured, including two women and six children.¹⁰⁸ JIAT claimed that the target was a house recently entered by Houthi fighters,¹⁰⁹ however, Mwatana has been unable to verify this.

xii. On Friday, February 14, 2020, around 11:45 p.m., the coalition aircraft bombed civilian homes in the village of Al-Sayyeda in Al-Hayjah area, Al-Masloob District, Al-Jawf Governorate, with four consecutive airstrikes. The attack resulted in the deaths of 32 civilians, most of whom were children and women, and the injury of 21 civilians.¹¹⁰ In its findings released on November

104 Field Investigation Conducted by Mwatana for Human Rights on June 28, 2018.

105 Field Investigation Conducted by Mwatana for Human Rights on January 15, 2019.

106 Field Investigation Conducted by Mwatana for Human Rights on May 16, 2019.

107 Joint Incidents Assessment Team (JIAT) issues statement 2 Riyadh, October 31, 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1992025>.

108 Field Investigation Conducted by Mwatana for Human Rights on March 12, 2019.

109 Arab Coalition did not commit rights violations in Yemen: Joint assessment team, July 9, 2020. Available at: <https://saudigazette.com.sa/article/595286/SAUDI-ARABIA/Arab-Coalition-did-not-commit-rights-violations-in-Yemen-Joint-assessment-team>.

110 Field Investigation Conducted by Mwatana for Human Rights on February 16, 2020.

25, 2020 regarding the incident, the Joint Incidents Assessment Team (JIAT) claimed there was a legitimate military objective.¹¹¹ However, Mwatana's field investigation did not find any military objectives at the attack site or nearby.

xiii. On Sunday, June 7, 2020, at around 9:00 a.m., coalition aircraft struck an empty piece of land near a residential house in the village of Nawaa, Bakiel Mir District, Hajjah Governorate. A seven-year-old girl was playing near her house and was injured by shrapnel. Mwatana did not find any military objective near the attack site.¹¹²

xiv. On Sunday, July 12, 2020, around 1:00 p.m., an airstrike by the coalition on a house in the village of Al-Jasim in Al-Asrah area, Al-Washhah District, Hajjah Governorate, resulted in the deaths of nine civilians, including six children and three women, and the injury of four civilians, including three children and one woman. Mwatana did not find any nearby military objectives except that the house belonged to a member of the Ansar Allah (Houthi) group, who had fought with the group. However, he was not present in the house at the time, and there was a military checkpoint approximately 300 meters from the house.¹¹³ In its findings issued on November 25, 2020 regarding the incident, the JIAT claimed that there was an intended military objective 780 meters away, which was an alleged a command and control center for Ansar Allah (Houthi) group, and that due to adverse weather conditions, the bomb missed its mark and accidentally struck the house.¹¹⁴

xv. On Wednesday, July 15, 2020, around 7:00 a.m., a coalition airstrike in Al-Masa'efa village in Al-Hazm District, Al-Jawf Governorate, killed 12 civilians, including 7 children and 2 women, and injured 6 others, including 5 children and a woman. The airstrike hit a civilian house during a family circumcision ceremony and caused extensive damage to the house and its surroundings. A few minutes later, another airstrike hit a civilian house, approximately 100 meters to the north from the first house. The attack destroyed the house, which fortunately was empty at the time.¹¹⁵ Mwatana did not find any military objectives at the attack site or nearby. The JIAT did not provide any information regarding their assessment of the civilian harm resulting from the attack.

xvi. On August 6, 2020, at around 9:30 a.m., the coalition conducted three consecutive airstrikes, targeting three civilian cars in Haradh area of Khub wa Al-Sha'af district in Al-Jawf governorate.

111 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 25 November 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>.

112 Field Investigation Conducted by Mwatana for Human Rights on June 22, 2020.

113 Field Investigation Conducted by Mwatana for Human Rights on July 15, 2020.

114 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, November 25, 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>.

115 Field Investigation Conducted by Mwatana for Human Rights on July 19, 2020.

This resulted in the death of eight civilians, all of them children, and injured 15 civilians, including eight children and four women. The targeted civilians were families traveling together to visit relatives during the holiday. Mwatana did not identify any nearby military objectives and found that for many years, civilians in the area had to rely on distant roads for transportation, as many main roads were closed by warring parties and/or contaminated with landmines.¹¹⁶ The Joint Incidents Assessment Team claimed that the coalition had noticed vehicles and Houthi fighters on a known Houthi route and that a civilian vehicle inadvertently hit the alleged group of military vehicles and "due to time pressure and pressure on the targeting officer and the need for a quick decision, the pilot mistakenly failed to re-evaluate the target after refueling and targeted one civilian vehicle."¹¹⁷

xvii. On Sunday, August 23, 2020, around 10:30 p.m., in Al-Eshash area, Kitaf District, Saada Governorate, a coalition airstrike hit a tent, resulting in the deaths of two civilian women, the owner's daughter of the tent, and her sister. The women's bodies were torn apart. The airstrike also caused damage to the owner's car. Mwatana did not find any military objectives near the attack site, except that witnesses reported that the owner of the tent was a supporter of the Ansar Allah (Houthi) group,¹¹⁸ but this alone would not justify targeting the man.

xviii. In late January 2022, the coalition carried out three airstrikes in Yemen, resulting in the deaths of at least 80 civilians, including three children, and the injury of 156 others, including two children. One of the airstrikes conducted on January 20, 2022, targeted vital infrastructure, hitting and destroying a telecommunications building in Al-Hodeidah, causing nearly complete internet disruption for five days. The attack resulted in the deaths of five civilians, including three children, and injuries to 20 others. The following day, on January 21, 2022, the coalition seemingly used a laser-guided missile manufactured by Raytheon to target a detention facility in Saada.¹¹⁹ Medical workers in hospitals, which received the wounded, stated to Mwatana for Human Rights that they treated 162 injured individuals and that 82 people were reported killed.¹²⁰ However, the JIAT did not provide any information about their assessment of the civilian harm resulting from the attack.

116 Field Investigation Conducted by Mwatana for Human Rights on August 10, 2020.

117 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 20 January 2021. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2182319>

118 Field Investigation Conducted by Mwatana for Human Rights on November 12, 2020.

119 An investigation conducted by the Saudi/UAE-led coalition stating that the attack was on a military facility, but neither Mwatana for Human Rights nor Human Rights Watch has found any evidence to support this claim. "Yemen: Latest Round of Saudi-UAE-Led Attacks Targets Civilians," Human Rights Watch (Apr. 18, 2022), <https://www.hrw.org/news/2022/04/18/yemen-latest-round-saudi-uae-led-attacks-targets-civilians>.

120 Ibid.

The pattern of harm observed in aforementioned instances of the Saudi/UAE-led coalition's military operations in populated areas in Yemen raises doubts about whether the coalition adequately takes into consideration such consequential impacts in its planning and decision-making processes. The attacks that the Joint Incidents Assessment Team (JIAT) has assessed as proportionate may, in reality, be considered disproportionate when reasonably accounting for all anticipated collateral effects.

Even if a particular party to the conflict exposes civilians and civilian objects to risk by mingling with the civilian population or even violating international humanitarian law, it does not exempt the other party from its obligations under international humanitarian law.¹²¹ In particular, resorting to means or methods of warfare, including the use of explosive heavy weapons, is not justified when such use is unlawful.¹²²

B. Airstrikes on Infrastructure and Economic Facilities

International humanitarian law explicitly prohibits the starvation of civilians as a method of warfare.¹²³ Additionally, the United Nations Security Council has clarified that in both international and non-international armed conflicts, the use of starvation of civilians as a method of warfare may constitute a war crime.¹²⁴ Furthermore, although the Kingdom of Saudi Arabia is not a party to the Rome Statute of the International Criminal Court, Article 8 defines the intentional use of starvation of civilians as a war crime falling under the jurisdiction of the International Criminal Court.¹²⁵

Yemen is considered one of the world's most water-scarce countries.¹²⁶ Even during times of peace, it heavily relies on irrigation structures developed to maximize the use of rainwater. Aerial attacks on such structures have a profound impact on civilians' access to water. The water

121 Third Geneva Convention, Article 23, first paragraph (cited in Vol. II, Ch. 32, 2251); Fourth Geneva Convention, Article 28 (ibid., 2252); Additional Protocol I, Article 51(7) (adopted by consensus) (ibid., 2254).

122 Explosive Weapons with Wide Area Effects: A Deadly choice in Populated Area, P: 85.

123 Additional Protocol II to the Four Geneva Conventions, Art. 14. Article 14 provides that it is "prohibited to attack, destroy, remove or render useless...objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas...crops, livestock, drinking water installations and supplies and irrigation works."

124 UNSC Res. 2417.

125 Rome Statute of the ICC, Art. 8(2)(b)(xxv).

126 Starvation Makers, Mwatana, P 147. See also: "Bled Dry: How war in the Middle East is bringing the region's water supplies to breaking point," ICRC (March 2015), https://www.icrc.org/en/download/file/5508/full_report-water-middle-east-icrc.pdf.

See also: "Yemen, Water, Conflict and Cholera," Centre for International Governance Innovation (May 24, 2017), <https://www.cigionline.org/articles/yemen-water-conflict-and-cholera>. See also: <https://mphdegree.arizona.edu/resources/articles/five-countries-with-the-greatest-water-scarcity-issues/>

scarcity associated with the conflict is significantly responsible for the spread of acute cholera, affecting over a million people and claiming the lives of thousands. Fuel is essential for operating these water supply systems and transporting vital supplies. The coalition has repeatedly targeted critical bridges used for transporting life-saving supplies. Furthermore, attacks on transportation infrastructure increase the cost of transporting food, water, and fuel. Markets have also sustained massive damage, often resulting in significant civilian losses.¹²⁷ Attacks on wells and water pumps are especially devastating since most of Yemen's local water supplies come from underground aquifers accessed through diesel-driven pumps. This means that the cost of extracting water is heavily influenced by the cost and availability of diesel.¹²⁸

The extent of the attacks on infrastructure and economic facilities, including agricultural sites, factories, water infrastructure, energy and fuel, markets, and transportation by the coalition, is deeply concerning, especially given the ongoing humanitarian crisis in Yemen. Of particular concern is the possibility that these facilities may have been deliberately targeted to punish civilian populations, especially those living in Houthi-controlled areas.

The Saudi/UAE-led coalition has conducted thousands of airstrikes that have caused severe damage to civilian infrastructure, including objects essential for survival in Yemen.¹²⁹ A report by the Yemen Data Project in March 2020 noted that among the coalition's airstrikes since March 2015 were those targeting "non-military civilian sites," including farms, food storage warehouses, water and electricity facilities, oil and gas, residential areas, and internally displaced persons' camps.¹³⁰

In one of the most notable attacks on Yemen's economic infrastructure, the effects of which are still felt by civilian populations to this day, the coalition bombed the seaport of Hodeidah in August 2015. Additionally, crucial cranes and essential warehouses at the primary entry point for commercial supplies and relief into northern Yemen were destroyed by the airstrikes. This region is home to the majority of the population.

The attacks on infrastructure, in general, are also related to a repeated pattern of coalition behavior, as they increase the cost of transporting food, water, and fuel. For example, the

127 Cholera Epidemic in Yemen, *The Lancet Global Health*, 10 October 2018. [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(18\)30393-0/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(18)30393-0/fulltext)

128 Yemen's Economy: Oil, Imports and Elites, Peter Salisbury, Chatham House, October 2011, available at https://www.chathamhouse.org/sites/default/files/1011pp_yemeneconomy.pdf

129 "Objects indispensable to survival" term (OIS) includes objects broader than just food, encompassing water (including water installations, supplies and irrigation works2), medicine, clothing, shelter, fuel and electricity. The means to sustain life and the term OIS are likely to be interpreted broadly and are not subject to a pre-defined list. See: *Starvation Makers*, Mwatana, P: 36.

130 Yemen Data Project, <https://yemendataproject.org/data.html>

coalition's airstrike on a bridge between Hodeidah and Sana'a on August 11, 2016, caused the complete destruction of the bridge. In September 2015, the coalition destroyed Al-Dalil Bridge with two airstrikes. The Joint Incidents Assessment Team (JIAT) concluded that these airstrikes were legitimate, alleging that the Houthis used the bridge for military purposes,¹³¹ but it is evident that the bridge's location is critical for access between Ibb governorate and the capital, Sana'a. On May 6, 2018, an airstrike destroyed a bridge connecting the city of Hajjah and Bani Qais. In the same month, on May 26, 2018, the coalition's airstrikes destroyed a fuel station in Sana'a.

The airstrikes carried out by the Saudi/UAE-led coalition on agricultural assets and water infrastructure have exacerbated the food insecurity situation in Yemen. These attacks had particularly destructive effects on rural areas that depend on agriculture. Farmers and farmworkers in these areas relied on these resources for their livelihoods and access to food. Following the coalition's airstrikes, some left their homes and are currently living as internally displaced persons, depending on humanitarian aid that is not always sufficient to meet their needs. If there are farmers who sold their produce, including food, to local markets, these attacks also affected food availability, supplies, and prices for other Yemenis.¹³²

When considering this pattern of infrastructure targeting and economic targets together, it raises serious concerns about attacking critical assets essential for the survival of civilian populations and the extent to which the coalition is committed to not targeting them.

Examples:

i. On April 21, 2015, coalition aircraft dropped two consecutive bombs in a "second wave" attack on Al-Dalil Bridge in Ibb Governorate. Mwatana's investigation confirmed that the attack resulted in the deaths of dozens of civilians, including children, and injured dozens more.¹³³ The Joint Incidents Assessment Team claimed that the bridge was a military objective, as there was a military necessity to cut off the Houthi supply routes, and that there were no civilians present during the strike.¹³⁴

ii. On May 12, 2015, around 4:00 p.m., the coalition bombed the Shaje'a Market in Zabid district, Hodeidah Governorate, while the market was crowded with people shopping and having

131 Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 6 Riyadh, March 5, 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733473>.

132 'Starvation Makers', Mwatana, P: 125-195.

133 Field Investigation Conducted by Mwatana for Human Rights in 25 August 2015.

134 Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 6 Riyadh, 5 March 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733473>.

lunch. Mwatana documented nearly 80 fatalities and injuries in the airstrike, including nine children and five women. Witness accounts described two bombs which detonated and a third which did not.¹³⁵ The Joint Incidents Assessment Team claimed that "there was no airstrike at that location on that date."¹³⁶

iii. On September 14, 2015, between five and six bombs from the coalition hit the Waelan Agricultural Complex in Belad Ar-Ross, Sana'a Governorate, a building comprising five residential apartments where agricultural engineers and their families resided, with a management room, a guard room, and a room for generators. Mwatana documented the killing of eight civilians in the airstrike, including two children and four women, as well as the injury of 12 others, including six children and two women. Mwatana's investigation did not identify any military objective in or nearby the attack site.¹³⁷ JIAT did not provide any information about their assessment of the civilian or harm resulting from the attack.

iv. On November 12, 2015, around 2:00 p.m., coalition aircraft dropped a bomb, possibly an American-made CBU-58 cluster bomb - on a 65-year-old civilian's farm in Al-Asila village, Haradh district, Hajjah Governorate. At the time of the attack there was a group of five young men repairing a water pump on the farm. Mwatana's investigation confirmed that the airstrike killed two of the five men and injured the remaining three, and set the farm on fire.¹³⁸ JIAT did not provide any information about their assessment of the civilian or harm resulting from the attack.

v. On December 31, 2015, around 10:30 p.m., three coalition bombs hit the Al-Kahlani Cosmetic Factory and Tehama Packaging Company in Kilometer 16, Hodeidah Governorate. Mwatana's investigation determined that the attack damaged the Al-Kahlani factory, leading to the displacement of several families living nearby. Mwatana also did not find any military objective in the vicinity.¹³⁹ JIAT did not provide any information about their assessment of the attack

vi. On 6 January 2016, around 12:30 a.m., on Wednesday, coalition aircraft targeted the Al-Muqbeli warehouse in Kilometer 7, Hodeidah Governorate. Mwatana's investigation did not

135 Field Investigation Conducted by Mwatana for Human Rights on August 25, 2015.

136 Counselor Al-Mansour: JIAT is Independent and stands at same distance from all parties to Yemeni conflict, September 12, 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1812901>.

137 Field Investigation Conducted by Mwatana for Human Rights on November 16, 2016.

138 Field Investigation Conducted by Mwatana for Human Rights on March 19, 2017.

139 Field Investigation Conducted by Mwatana for Human Rights on April 17, 2016.

identify any military objective at the scene.¹⁴⁰ In contrast, the Joint Incidents Assessment Team claimed that the target was an arms and ammunition warehouse, making it a legitimate military objective.¹⁴¹ An arms expert identified the use of at least one UK-made laser-guided Paveway IV bomb, with a Mk-82 American-made warhead.¹⁴²

vii. On January 6, 2016, in the early hours of Wednesday, less than an hour after the attack on the nearby Al-Muqbeli warehouse, coalition aircraft dropped four bombs on the Al-Derhim Factory Complex near Al-Marwah in Hodeidah Governorate, causing the factory to ignite. It appears that a Paveway IV bomb manufactured by Raytheon was used in the attack.¹⁴³ Mwatana, who visited the scene, did not find any military objective.¹⁴⁴ In contrast, the Joint Incidents Assessment Team claimed, "The target was an arms depot."¹⁴⁵

viii. On September 12, 2016, after midnight on Monday, the coalition dropped four bombs on the Al-Sunidar Industrial Complex in Bani Al-Harith, Amanat Al-Asimah. The coalition used a Paveway IV bomb manufactured by Raytheon in the attack.¹⁴⁶ Within about five minutes, the bombs hit three different factories within the complex and caused damage to at least one house in the vicinity. The Joint Incidents Assessment Team claimed that a legitimate military objective existed,¹⁴⁷ whereas Mwatana's investigation found no evidence of military activity at the scene.¹⁴⁸

ix. On September 20, 2016, at around 8 o'clock in the morning, a small civilian truck transporting women and children for crop harvesting on their farm in the Al-Mansaf area, Al-Mutmah District, Al-Jawf Governorate, was subjected to a direct airstrike that resulted in the killing of 15 civilians, including 12 children and three women, and the injury of three children. The Joint Incidents Assessment Team stated that the video footage did not show any civilians on the truck,

140 Field Investigation Conducted by Mwatana for Human Rights on July 10, 2017.

141 JIAT Reviews a Number of Incidents and Refutes Allegations, May 2, 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1919945>.

142 Day of Judgment, The Role of the US and Europe in Civilian Death, Destruction, and Trauma in Yemen, Mwatana for Human Rights. P: 95.

143 Ibid, 97.

144 Field Investigation Conducted by Mwatana for Human Rights on April 5, 2016.

145 JIAT Reviews a Number of Incidents and Refutes Allegations, 2 May 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1919945>.

146 'Day of Judgment', P: 101.

147 JIAT Holds Press Conference 3, 19 November 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1689419>.

148 Field Investigation Conducted by Mwatana for Human Rights on September 19, 2016.

which was under surveillance.¹⁴⁹ Nevertheless, Mwatana's evidence indicates that 15 women and children were on board of the small truck, and Mwatana did not identify any military target or armed elements affiliated with the Ansar Allah (Houthi) group. Remnants of what appears to be an American-made GBU-12 Paveway II laser-guided bomb were found at the attack site.¹⁵⁰

x. On March 10, 2017, at around 5:30 p.m., the coalition conducted an airstrike on a Qat market in Al-Khukha, Hodeidah Governorate, while it was extremely crowded, according to Mwatana's investigation. The attack resulted in the killing of 21 civilians, including 3 children, and the injury of 7 others. The market was bombed following two airstrikes that targeted a nearby military camp. The Joint Incidents Assessment Team claimed that the coalition had struck legitimate military objectives on that date and did not strike the market.¹⁵¹

xi. On December 26, 2017, at approximately 8:00 a.m., a coalition airstrike targeted a popular market in the village of Al-Hayma Al-Sufla, in At-Ta'iziyah district, Taiz Governorate. Documentation by Mwatana confirmed the deaths of 27 civilians, including six children, and the injury of eight others.¹⁵² The Joint Incidents Assessment Team claimed that the target was a gathering of Houthi militias and that there were no civilians present.¹⁵³

xii. On March 22, 2018, an aircraft affiliated with the Saudi/UAE-led coalition dropped at least one bomb on Al-Nushoor Water Facility, resulting in the destruction of a water pump and a guard room in the facility.¹⁵⁴ Following the incident, UNICEF purchased a new water pump, and the facility resumed full operations in June 2018, providing safe drinking water to approximately 10,500 people.¹⁵⁵ However, one month later, on Monday, July 23, 2018, at around 11:00 p.m., an aircraft affiliated with the Saudi/UAE-led coalition dropped four bombs on Al-Nushoor Water

149 Spokesman for the Joint Incidents Assessment Team in Yemen: We follow transparency in announcing the results and feel the responsibility of the team in clarifying the facts, July 31, 2018. Available at the link: <https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1792215>

150 Field Investigation Conducted by Mwatana for Human Rights on September 28, 2016.

151 Counselor Al-Mansour: The process of assessing incidents is based on established norms and standards in the international humanitarian law system 5 Riyadh, 13 November 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1841104>.

152 Field Investigation Conducted by Mwatana for Human Rights on August 16, 2018.

153 Spokesman of the Joint Incidents Assessment Team (JIAT) in Yemen: JIAT assigns a team to follow-up the investigation measures in Saada incident which took place last Thursday to verify details 2 Riyadh, 12 August 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1797113>

154 Field Investigation Conducted by Mwatana for Human Rights on March 14, 2020.

155 "Access to water continues to be jeopardized for millions of children in war-torn Yemen", UNICEF (July 24, 2018), <https://mailchi.mp/unicef/statement-on-situation-in-yemen-by-unicef-executive-director-anthonylake-englisharabic-1097775?e=2d3fbcf058>.

Facility, with a time interval ranging from five to ten minutes between each bomb. The bombs struck the facility directly, damaging one water pump, one well, and causing harm to the water distribution network and the solar energy system.¹⁵⁶ Mwatana did not identify any military target at the time of the two attacks.¹⁵⁷ The Joint Incidents Assessment Team did not provide any information regarding its assessment of civilian harm resulting from the attack, despite a source confidentially informing the UN Security Council Panel of Experts (PoE) that the facility was on the coalition's no-strike list.¹⁵⁸

xiii. On May 26, 2018, two coalition bombs destroyed a fuel station in the Al Wahda district, southwest of the city of Sana'a. Mwatana confirmed that the attack resulted in the death of four people, including a woman and a child, and injured around 12 others.¹⁵⁹ The Joint Incidents Assessment Team claimed that the airstrike was legitimate, alleging the fuel station was used by the Houthi forces.¹⁶⁰

xiv. On February 13, 2019, around 3:30 in the early hours of Wednesday, coalition aircraft attacked 13 fishermen while they were in the sea north of Badhi'a Island in Al-Luhayya district, Hodeidah Governorate. Mwatana documented that eight individuals either died or went missing after the attack, including two minors, and five others were injured. The Houthi forces control the area where the attack occurred, but interviewees said that there were no Houthi forces or military positions near the affected area, where the fishermen regularly engaged in their activities.¹⁶¹ JIAT did not provide any information about their assessment of the civilian or harm resulting from the attack.

xv. On July 4, 2019, the Saudi/UAE-led coalition carried out an airstrike on Al-Taweel Farm, covering an area of 374,000 square meters, located in the village of Bani Adhab, Al-Jar area of Abs district, Hajjah Governorate. The attack destroyed the farm's water pump, irrigation network, and beehives. The farm was a source of food and income for approximately 172 individuals. Mwatana

156 Field Investigations Conducted by Mwatana for Human Rights on July 26 and 29, December 14, 2020. See: 'Starvation Makers', P: 164-166.

157 See 'starvation Makers', P: 170.

158 Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2019/83. Appendix 33. P: 185.

159 Field Investigation Conducted by Mwatana for Human Rights on May 27, 2018.

160 The Joint Incidents Assessment Team refutes some allegations regarding incidents in Yemen, May 23, 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1927044>

161 Field Investigation Conducted by Mwatana for Human Rights on February 20, 2019.

did not identify any military objectives in or near the farm during the attack. The closest military target identified was a combat front, approximately 3 kilometers away. The beekeeper suffered severe burns as a result of the attack, along with shrapnel injuries to his extremities and other wounds scattered throughout his body. The attack resulted in the destruction of the water pump, irrigation network, and beehives on the farm.¹⁶² The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xvi. On March 3, 2020, two airstrikes by the Saudi/UAE-led coalition, separated by half an hour, struck two civilian cars on the same road in the Al-Lubnaat area of Al-Hazm district in Al-Jawf governorate. This resulted in the death of five civilians and the injury of another. All six people were civilians engaged in the trade of qat and were transporting qat when the airstrikes occurred. The attacks took place on the main road in a desert area, approximately 3 kilometers long and 2 kilometers wide, surrounded by hills. Men regularly used this road for qat transportation, as other roads had been closed due to conflict.¹⁶³ The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xvii. On April 7, 2020, around 10:00 a.m., at least one bomb hit a civilian farm in the village of Bughtta, Abbs district, in Hajjah governorate during an airstrike by the Saudi/UAE-led coalition. The airstrike killed one civilian and injured another, both of whom worked on the farm. The farm ceased operations after the airstrike, and Mwatana did not identify any military objective in the farm or its vicinity.¹⁶⁴ The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xviii. On April 8, 2020, at around 4:00 a.m., two Hilux trucks carrying qat were targeted by two consecutive airstrikes in the Al-Lubnaat area of Al-Hazm district in Al-Jawf governorate. The attack resulted in the death of one of the drivers. He and the other two individuals with him were civilians involved in qat trade. The area where the airstrikes occurred is a desert strip between Marib and Al-Jawf governorates. After the main road between the two governorates was closed due to the conflict between the Houthi forces and the Yemeni government supported by the coalition, civilians were forced to use the road on which the attack took place.¹⁶⁵

162 Field Investigation Conducted by Mwatana for Human Rights on December 14, 2020. See also: *Starvation Makers*, p. 139-144

163 Field Investigation Conducted by Mwatana for Human Rights on March 7, 2020.

164 Field Investigation Conducted by Mwatana for Human Rights on April 9, 2020.

165 Field Investigation Conducted by Mwatana for Human Rights on August 13, 2020.

xix. On September 4, 2020, at approximately 12:00 p.m., the coalition targeted a number of shops on the main street in the village of Al-Ardiyyah in Mahliyah district, Marib governorate. The airstrike resulted in the injury of four children and one adult man, all of them civilians. Mwatana did not identify any military objectives at the time of the attack. One witness stated that "one or two Houthi fighters were in the area, but a vehicle had transported them a few hours before the airstrike."¹⁶⁶ The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xx. On September 12, 2020, at around 1:00 a.m., an airstrike by the coalition struck a chicken farm in the village of Al-Dhayb, Arhab district, Sana'a governorate. This resulted in the injury of two civilians, one of them a 16-year-old boy. The chicken farm was destroyed by the airstrike. The closest military objective identified by Mwatana was a group of armed men located about 200 meters from the incident site, with a military checkpoint approximately 300 meters away from the farm.¹⁶⁷ The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xxi. On September 13, 2020, at around 8:00 p.m., the coalition carried out an airstrike on a gas station in the village of Al-Fursh, Mahliyah district, Marib governorate. The airstrike killed five civilians, including a child and three African migrants, and injured one adult man. It also caused damage to the gas station, three warehouses, a truck carrying empty gas cylinders, and nearby houses.¹⁶⁸ Mwatana did not identify any military objectives near the attack site.¹⁶⁹ The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

xxii. On December 24, 2021, at approximately 9:45 p.m., the compound of the Construction and Installation Department of the Public Telecommunications Corporation in the city of Al-Mahweet, Mahweet governorate, was subjected to an airstrike carried out by the Saudi/UAE-led coalition with four bombs. The first bomb targeted a warehouse containing telecommunications equipment and installations, completely destroying it. The second bomb fell on an adjacent warehouse without exploding. The third bomb targeted the residential building and the lounge

166 Field Investigation Conducted by Mwatana for Human Rights on September 13, 2020.

167 Field Investigation Conducted by Mwatana for Human Rights on September 24, 2020.

168 Field Investigation Conducted by Mwatana for Human Rights on September 27, 2020.

169 Field Investigation Conducted by Mwatana for Human Rights, on December 28, 2021.

east of the compound, causing severe damage on the first floor and partial damage on the second floor, including shattered doors and windows. Additionally, the fourth bomb hit the guardhouse north of the compound, resulting in severe damage on the first floor and partial damage on the second floor. The airstrike led to the death of three civilians, including a child, and the injury of seven other civilians, including three children and two women.¹⁷⁰ Mwatana did not identify any evidence indicating the presence of military activity at the attack site. The Joint Incidents Assessment Team did not provide any information regarding its assessment of the civilian harm resulting from the attack.

Second: Examples of Failure to Comply with the Procedures Designed to Minimize Civilian harm and Ensure Compliance with International Humanitarian Law

This section highlights incidents in which decision-makers in the Saudi/UAE-led coalition seemingly have failed to comply with the designed procedures to minimize civilians harm and ensure compliance with international humanitarian law. In February 2016, the Kingdom of Saudi Arabia's statement before the United Nations Security Council described the targeting procedures of the coalition as "involving the identification, selection, and analysis of military objectives in Yemen, verified through multiple sources. The list of prohibited sites, including civilian presence, diplomatic neighborhoods, and cultural sites, is continuously developed. The coalition forces use precise and guided weapons, despite the high costs and the absence of international legal obligations to avoid errors, collateral damage, and injuries."¹⁷¹

The procedures, as outlined in the Kingdom of Saudi Arabia's statement, seemingly aim to comply with the requirements of international humanitarian law. Proper and deliberate targeting in accordance with relevant principles of international humanitarian law is an essential condition for compliance, particularly with the requirement to take all feasible precautions. However, when Mwatana analyses numerous relevant incidents, it is clear that coalition operations in practice have not only resulted in serious violations of international humanitarian law but have also failed to align with the procedures outlined by the Kingdom of Saudi Arabia to the United Nations Security Council. The frequent bombing of objects expected to appear on the coalition's no-strike

170 Mwatana, 'A Country Falling a Part', P 47.

171 See: Coalition Command in Yemen Issues Statement, SPA. <https://www.sauress.com/en/alriyadhen/1153015>

list points to a failure to integrate the intended precautions through the adoption and (continuous) development of the list.

Mwatana's investigations also indicate that, in a significant number of cases, coalition airstrikes appear to be indiscriminate and/or disproportionate, like in the many airstrikes that Mwatana did not find a known military objective for. Even when a military objective is identified, the significant civilian harm, often suggests a disproportionate attack.

Therefore, the vast number of coalition airstrikes that appear to violate the principles of international humanitarian law related to proportionality and distinction in this manner suggests that the coalition is not following the designed procedures to ensure compliance with international humanitarian law, including minimizing civilian harm. Moreover, there are specific indicators of non-compliance with those procedures:

A. Failure to Activate the No-Strike List (NSL) for the Coalition

In 2018, the Kingdom of Saudi Arabia announced that the coalition possesses a No-Strike List (NSL), continuously updated, covering more than 40,000 civilian sites, based on information provided by the United Nations, non-governmental organizations, and other stakeholders. Organizations regularly supply the coalition with coordinates of their facilities and movements.¹⁷² Avoiding harm to critical objects includes refraining from striking objectives in their proximity to the extent that they are at risk.

Despite the special protection to medical facilities, educational, cultural, and religious sites under international humanitarian law, many of these facilities and sites have been damaged or destroyed due to coalition airstrikes throughout the conflict. The Eminent International Experts (GEE) reviewed information related to over 30 such incidents. Reliable information suggests that the No-Strike List (NSL) for protected buildings and infrastructure is not adequately shared within the

30
**facilities and
sites have
been damaged
or destroyed**

¹⁷² Embassy of Saudi Arabia, Coalition Investigating Claims of a Strike in Bani Qais, 23 April 2018, available at: <https://www.saudiembassy.net/news/coalition-investigating-claims-strike-baniqais>.

coalition's chain of command.¹⁷³ Although the GEE did not have sufficient information to conclude that these attacks were specifically directed at hospitals, they found "reasonable grounds to believe that these attacks were, at a minimum, indiscriminate attacks prohibited due to the imprecision of the weapons used or their deployment."¹⁷⁴

According to former US State Department consultant Larry Lewis, the "No-Strike List" is not available to fighter pilots in the context of hostile actions, which is problematic when pilots have to make decisions for airstrikes based on time-sensitive intelligence.¹⁷⁵ The No-Strike List serves as an indicator of permanently non-conflicting humanitarian sites in Yemen managed by the Office for the Coordination of Humanitarian Affairs (OCHA) and recognized by the Humanitarian Operations Cell (HOC).¹⁷⁶

The above-mentioned statement from the Kingdom of Saudi Arabia¹⁷⁷ specifically designates "cultural sites" as appropriate for inclusion on the No-Strike List, consistent with the prohibition against targeting buildings of cultural significance. Furthermore, the United States has provided Saudi Arabia with No-Strike Lists of targets to avoid, including water and electricity facilities and infrastructure essential for humanitarian assistance.¹⁷⁸

Examples of civilian objects expected to be on the No-Strike Lists (NSL), yet were struck by the coalition include:

iii. In the case of an airstrike on September 19, 2015, on a family house in the UNESCO-protected Al-Felaihi neighborhood in the old city of Sana'a, conducted by the coalition, resulting in the death of 13 civilians, the Joint Incidents Assessment Team (JIAT) found that the coalition

173 Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General Technical assistance and capacity-building, 'Situation of human rights in Yemen, including violations and abuses since September 2014', Human Rights Council, A/HRC/39/43, 17 August 2018. P: 6 https://www.ohchr.org/Documents/Countries/YE/A_HRC_39_43_EN.pdf

174 United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020, para 38.

175 Saudi Warplanes, Most Made in America, Still Bomb Civilians in Yemen, The New York Times. 22 May 2019, <https://www.nytimes.com/2019/05/22/world/middleeast/saudi-yemen-airstrikes-civilians.html>

176 See, The Humanitarian Notification System Humanitarian Response, 'Deconfliction', <https://www.humanitarianresponse.info/en/operations/yemen/deconfliction>

177 Coalition Command in Yemen Issues Statement, SPA. <https://www.sauress.com/en/alriyadhen/1153015> (See footnote 169).

178 Reuters, As Saudis bombed Yemen, U.S. worried about legal blowback, 10 October 2010, available at: <https://www.reuters.com/article/us-usa-saudi-yemen-idUSKCN12A0BQ>

did not conduct this airstrike.¹⁷⁹ However, "Mwatana" documented photographic evidence of the aftermath of the airstrike, including a substantial amount of bomb fragments at the scene pointing to coalition airstrike.

iv. The main bridge between Hodeidah and Sana'a, reported to be on the coalition's No-Strike List, was struck on August 11, 2016. Oxfam issued a statement on its website by its Country Director, which mentioned, "This road is the main supply route for Sanaa as it conveys 90% of World Food Programme's food coming from Hodeidah to the capital. Its destruction threatens to leave many more people unable to feed themselves, worsening an already catastrophic situation in the country."¹⁸⁰ It is highly likely that this bridge was on the No-Strike List provided to the Saudi/UAE-led coalition by the U.S. Department of State in late 2015, considering the bridge's significance as vital infrastructure. Furthermore, "The Atlantic" reported that U.S. officials confirmed the inclusion of the bridge on the No-Strike List.¹⁸¹

v. Numerous healthcare facilities were struck,¹⁸² including the cholera clinic run by Médecins Sans Frontières (Doctors Without Borders) in Abs. The coordinates of this clinic were provided to the coalition twelve times, and its Red Crescent emblem was clearly visible in satellite images taken on June 11, 2018.

vi. The water treatment station in Wadi Al-Nushur, As-Safra District, Saada Governorate, which had been repeatedly struck, including on July 23, 2018, and was confirmed by the UN Security Council Panel of Experts (PoE) to be on the No-Strike List.¹⁸³

vii. A Houthi-run detention center in Dhamar housing about 170 civilian and combatant detainees was targeted on August 31, 2019, despite being a known detention center regularly visited by the International Committee of the Red Cross (ICRC). Additionally, the Joint Incidents Assessment Team (JIAT) claimed that the coalition was unaware that this facility was a detention

179 JIAT confirms soundness of procedures followed by coalition forces in targeting operations 5 Riyadh, 7 June 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1774226>.

180 Yemen airstrikes target main food supply route to Sana'a, Oxfam, 12 August 2016, <https://www.oxfam.org/en/press-releases/yemen-airstrikes-target-main-food-supply-route-sanaa>

181 One American's Failed Quest to Protect Civilians in Yemen, The Atlantic, 17 August 2018. <https://www.theatlantic.com/international/archive/2018/08/yemen-saudi-airstrike-school-bus/567799/>

182 Mwatana, 'I Ripped the IV Out and Started Running', March 2020, P: 67-73.

183 Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2019/83. Appendix 33. P: 183.

center,¹⁸⁴ suggesting it was not listed on the No-Strike List when it should have been.

viii. In the case of an airstrike on May 12, 2015, in Zabid Market, Hodeidah Governorate, which resulted in the death of around 80 civilians, the Joint Incidents Assessment Team (JIAT) concluded that no airstrike took place.¹⁸⁵ Witness testimonies to Mwatana described that two bombs exploded and the third bomb did not.

ix. In the case of an airstrike on May 12, 2015, on the Abs prison, the Joint Incidents Assessment Team (JIAT) concluded that the airstrikes carried out on that day did not target the Abs prison.¹⁸⁶ However, Human Rights Watch reports that the destroyed building was, in fact, a local prison and that the airstrike killed and injured detainees there.¹⁸⁷

x. In the case of an airstrike on June 12, 2015, in Al-Qasemi neighborhood in the old city of Sana'a, which resulted in the death of five civilians and the destruction of four houses. Sana'a's Old City is a UNESCO protected world heritage site and is densely populated. the Joint Incidents Assessment Team (JIAT) found that the coalition did not conduct this attack.¹⁸⁸ Witness accounts and reports from Amnesty International strongly suggest that the recovered weapon remnants indicate that this was an aerial bomb that, although unexploded, had a sufficiently heavy impact to cause the collapse of four separate buildings.¹⁸⁹

xi. Regarding the attack on April 11, 2015, on a house near the Amran Educational Office, Human Rights Watch found that the attack killed four family members. The Joint Incidents Assessment Team (JIAT) concluded that the coalition did not carry out this airstrike.¹⁹⁰ Nevertheless,

184 A statement issued by the Joint Incidents Assessment Team (JIAT) refutes some claims regarding incidents in Yemen 2 Riyadh, 10 October 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2045274>.

185 Fact-finding team presents results of 7 incidents in Yemeni conflict, Arab News, 12 September 2018. Available at: <https://www.arabnews.com/node/1370781/saudi-arabia>

186 JIAT: <https://www.spa.gov.sa/1595427?lang=ar&newsid=1595427>

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

188 Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 6 Riyadh, 5 March 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733473>

189 Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians, Amnesty International, 2 July 2015. <https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/>. See also: Blind Air Strikes, Civilian Victims of Saudi-Led Coalition' airstrikes in Yemen, Mwatana for Human Rights, 15 December 2015, P: 20. https://mwatana.org/en/blind_air_strikes/

190 JIAT confirms soundness of procedures followed by coalition forces in targeting operations, Riyadh Daily, 7 Jun, 2018. Available at: <http://www.alriyadhdaily.com/article/14cf562756ff4fcbacf590f6700d108d>

Human Rights Watch documented the damage, which can be seen in satellite images. Additionally, photographic evidence accompanying the Human Rights Watch report indicates the aftermath of the airstrike.¹⁹¹

xii. In the case of the explosion at Al-Honod Market in the city of Hodeidah on September 21, 2016, the Joint Incidents Assessment Team (JIAT) concluded that the damage was not the result of an airstrike.¹⁹² However, Mwatana identified bomb remnants as the coalition's munitions.

xiii. In the case of the airstrike on March 10, 2017, at the Qat Market in Al-Khukha Roundabout, the Joint Incidents Assessment Team (JIAT) concluded that "the coalition forces targeted a number of legitimate military objectives. The nearest objective was 10 kilometers away from Al-Khukha City in Hodeidah, and the coalition forces did not target the market."¹⁹³ However, witnesses informed Mwatana that two bombs hit a nearby camp, followed by a third bomb that struck the market, killing 21 civilians.

xiv. In the airstrike on April 3, 2018, on a residential compound for displaced people in As-Saleh complex, Hodeidah City, investigated by the UN Security Council Panel of Experts (PoE), and despite receiving a message from the coalition on July 27, 2018, stating that it did not strike the mentioned location and that the strike targeted another site 3,288 meters away from the mentioned location, the PoE concluded that the coalition was responsible for this incident based on technical analysis.¹⁹⁴

The repeated airstrikes on objects sites expected to be on the No-Strike List for the coalition reflects the failure to effectively incorporate precautions in general through the adoption and development of the No-Strike List.

191 What Military Target Was in My Brother's House? HRW.

192 JIAT Official Spokesman Holds Press Conference 2, 3 July 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1941246;%20https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1941247>

193 JIAT: <https://youtu.be/WuZnNtbEkf8?t=1246> (referred to as incident number 105 by JIAT)

194 Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2019/83. Appendix 33. P: 177.

B. Failure to Take Precautions When Targeting Civilian Objects

The bombing of individuals and objects that, when viewed from the air, clearly appear to be civilian in nature, implies that either the necessary precautions to verify the target were neglected, or if considered, steps to reduce harm, cancel the attacks, or alert civilians were not taken into account. To illustrate, civilian structures with evident attributes signifying their civilian character comprised:



- i. The presence of civilians, children's swings, and active life in the residential compound of Mokha when it was subjected to up to six consecutive airstrikes on July 24, 2016.
- ii. Signs on the roofs of the cholera clinic belonging to Doctors Without Borders in Abs, captured in satellite images.
- iii. The presence of 15 women and children in a small car in Al-Jawf Governorate.
- iv. The presence of hundreds of civilians at the wedding ceremony in Bani Qais before it was attacked.
- v. The presence of large numbers of civilians in various markets targeted with multiple bombs, for example, on Tuesday, March 15, 2016, an airstrike by the coalition killed 97 civilians in the village of Mustaba, in Hajjah governorate. However, JIAT "claimed that at the time of the attack there was a group of militants, and that the market was only for Thursday."¹⁹⁵ In the same statement, JIAT stated that the area was known for selling and buying khat; (civilian activities).
- vi. The airstrike on May 14, 2018, which targeted tents in Saada Governorate, housing the "Masouda family," consisting of more than 12 civilians, including nine children. The Intercept reported that a leaked U.S. military document described the decision to bomb being made in less than 50 minutes from identifying the target with a drone for the first time and without any intelligence information to justify the bombing. The U.S. document also mentioned that Saudi

¹⁹⁵ See: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>

officers secretly admitted not following their own procedures and failed to confirm the target with additional intelligence sources or balance the time sensitivity with the decision to bomb immediately.¹⁹⁶

C. Failure to Adhere to the Principle of Proportionality

The bombing of residential areas populated with civilians using wide-area munitions and the use of "sequential" attacks suggest a lack of certain possible precautions, and clearly risks to violate the principle of distinction under international humanitarian law. Precaution in this context would include the selection of appropriate weaponry to minimize harm or the cancellation of attacks that may be perceived as disproportionate, or when due to the wide area effects of the weapons used may not differentiate between civilians and military. Several instances have been acknowledged by the



Joint Incidents Assessment Team (JIAT) under international pressure, in which, in most cases, they attributed the errors to the absence of proper procedures. Given the fundamental issues of credibility with the JIAT (see below), Mwatana does not assume that these findings accurately represent the full picture, and indeed many of the findings below are inconsistent. However, taken at face value, they show a clear pattern:

i. The attack on the residential compound of Mokha steam power station on July 24, 2015, resulting in the deaths of at least 65 civilians. The JIAT found that "intelligence information was received regarding the presence of military objectives posing a direct threat to the coalition's naval vessels, and "In any event, "what was targeted was a housing complex partially affected by inadvertent shelling, based on inaccurate intelligence", which led to a decision being taken very quickly."¹⁹⁷

ii. The attack on the Great Hall during a funeral in Sana'a on October 8, 2016. The JIAT concluded that "the Yemeni Air Operations Center provided incorrect intelligence information to the coalition's aircraft and insisted on an immediate attack without obtaining approval from the

196 U.S.-Backed Saudi Airstrike on Family with Nine Children Shows "Clear Violations" of the Laws of War, The Intercept, 2 August 2018, <https://theintercept.com/2018/08/02/saudi-airstrikes-yemen-war-laws/>

197 Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces' Violations in Decisive Storm Operations, 5 August 2016. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1524799>

command of the Saudi/UAE-led coalition... without complying with the precautionary measures taken by the coalition command to ensure that the site is not civilian and cannot be targeted."¹⁹⁸

iii. The attack on a wedding ceremony in Bani Qais, Hajjah Governorate, on April 22, 2018. JIAT acknowledged that "several mistakes were found indicating non-compliance with some engagement rules to minimize collateral damage caused by the targeted this civilian object." ¹⁹⁹

iv. The attack on the cholera clinic in Abs, Hajjah Governorate, on June 11, 2018. The JIAT concluded that "the attack was based on information from a source inside Yemen, and the necessary procedures were not completed." ²⁰⁰

v. Concerning the airstrike on Abs Hospital on August 15, 2016, Médecins Sans Frontières (MSF) reported 19 civilians killed, including five children, and 24 others injured, including four children. The MSF had previously provided the coalition with the hospital's coordinates.²⁰¹ The Joint Incidents Assessment Team (JIAT) mentioned that the coalition "apologizes for the unintended mistake, provides appropriate assistance to the affected individuals, and initiates an investigation into those responsible for the incident to determine whether they violated the established engagement rules and take appropriate actions regarding the incident."²⁰² Such incidents raise serious concerns regarding proportionality, precautions, and the coalition's consideration of these factors.

The above-mentioned facts do not align with the application of the described targeting procedures, nor with taking all feasible precautions to avoid and minimize civilian harm. The failure to follow these procedures indicates a neglect of assessing collateral damage, proportionality considerations, and properly verifying the nature of military objectives before conducting attacks,

198 Press Statement by the Joint Incidents Assessment Team (JIAT) on the Great Hall Incident in Sana'a, 15 Oct 2016. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1548647>

199 JIAT is independent and stands at same distance from all parties to Yemeni conflict, 12 September 2018. Available at: <http://wam.ae/en/details/1395302707813>

200 JIAT Spokesman Holds Press Conference 3, 16 January 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1875235>.

201 MSF, Internal Investigation of the 15 August Attack on Abs Hospital Yemen Summary of Findings, 27 September 2016, Available at: https://www.msf.org/sites/default/files/yemen_abs_investigation.pdf.

202 Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement, 6 December 2016. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1567351>.

and/or taking precautions to minimize civilian harm.²⁰³ The sheer scale of the coalition's unlawful airstrikes, which appear to be either disproportionate or inherently indiscriminate, supports the conclusion that these comprehensive precautions were not followed.

Third: Examples of Investigative Failures and Impunity in the Behavior of Saudi/UAE-Led Coalition in the War in Yemen



Since 2015, the coalition has repeatedly promised to conduct credible investigations into its conduct in Yemen, but it has so far failed to do so. This is concerning because the ineffectiveness and lack of credibility of the Joint Incidents Assessment Team (JIAT) are closely linked to the issue of the coalition's commitment to complying with international humanitarian law. Without an effective investigative mechanism, appropriate steps cannot be taken to hold violators of international humanitarian law accountable.

There are several examples that significantly undermine reliance on the existence of JIAT as a trustworthy factor in assessing the incidents. In several instances, the JIAT's conclusions even directly contradict the available evidence. For instance:

A. Claiming No Airstrikes Occurred

There are multiple cases in which physical evidence indicates the execution of airstrikes, in a

²⁰³ In 2017, two senior US officials reportedly admitted that, even by that date, the Saudi-UAE-led coalition's air attacks in Yemen had not followed procedures, including failure to refer to the shelling ban list and failure to take into account specific estimates of targeting actions, on possible harm to civilians and civilian objects. See: <https://www.nytimes.com/2017/06/14/world/middleeast/saudi-arabia-arms-training-yemen.html>

context where the coalition is the only party with the capability to conduct airstrikes:

i. In the case of the airstrike on May 12, 2015, at the Zabid market, which killed approximately 80 civilians, the Joint Incidents Assessment Team (JIAT) claimed that "no airstrike took place."²⁰⁴ However, Mwatana investigation includes witness testimonies who described that two bombs exploded and the third bomb did not.

ii. Regarding the attack on August 20, 2015, on densely populated houses near the presidential palace in Taiz governorate, which resulted in the deaths of about 50 civilians, including 23 children and 12 women, the JIAT claimed "no airstrike occurred."²⁰⁵ Nevertheless, Mwatana collected eyewitness accounts describing repeated airstrikes falling one after another on the densely populated area.²⁰⁶

iii. In the case of the airstrike on September 19, 2015, on a family home in the UNESCO-protected Al-Felaihi neighborhood in Old Sana'a City, which killed 13 civilians, the JIAT claimed, "The Saudi/UAE-led coalition did not carry out this airstrike."²⁰⁷ However, Mwatana investigations include photographic evidence depicting the aftermath of the airstrike, including bomb fragments found at the scene, identified as coming from a series of coalition-used bombs.²⁰⁸

iv. In the case of the bombing of Al-Honod market in the city of Hodeidah on September 21, 2016, which resulted in the deaths of 23 people, including five children, and the injury of at least 46 people, including three children and 19 women, the JIAT claimed that "the damages were not the result of an airstrike."²⁰⁹ In contrast, Mwatana has photographic evidence of bomb remnants identified as coalition munitions used in the war in Yemen.²¹⁰

v. In the case of the airstrike on September 24, 2016, in a residential area in the Dhihar district, Ibb governorate, which killed at least six civilians, the Joint Incidents Assessment Team (JIAT)

204 Counselor Al-Mansour: JIAT is Independent and stands at same distance from all parties to Yemeni conflict, 12 September 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1812901>.

205 Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 7 Riyadh, 5 March 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733474>

206 Blind Air Strikes, Mwatana. P: 41.

207 JIAT confirms soundness of procedures followed by coalition forces in targeting operations 5 Riyadh, 7 June 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1774226>

208 Field Investigation Conducted by Mwatana for Human Rights on September 19, 2015.

209 JIAT Official Spokesman Holds Press Conference 2, 3 July 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1941246;%20https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1941247>

210 Field Investigation Conducted by Mwatana for Human Rights on September 22, 2016.

claimed that "no airstrike occurred in that area on that day."²¹¹ However, eyewitness testimonies and a photograph of bomb remnants identified as coming from a Mk-82 general-purpose bomb series owned by the coalition suggest otherwise.²¹² The incident was also documented by the United Nations Security Council Panel of Experts (PoE),²¹³ which found remnants of the same bomb.

vi. In the airstrike on March 10, 2017, on a qat market in Al-Khukha roundabout, Hodeidah, witnesses told Mwatana that two bombs hit a nearby camp (about 200 meters away), followed by a third bomb that struck the market, killing 21 civilians, including three children, and injuring seven others.²¹⁴ The Joint Incidents Assessment Team (JIAT) claimed that "the closest airstrike on that date was 10 kilometers away from the market."²¹⁵

vii. In the attack on March 16, 2017, which resulted in the killing and injury of dozens of civilians after a helicopter belonging to the coalition continuously fired at a boat carrying around 140 Somali migrants and refugees. Eyewitnesses described seeing the helicopter returning multiple times to hover above the boat to Mwatana. However, the Joint Incidents Assessment Team (JIAT) claimed that "the coalition's aircraft did not attack the boat, after seeing it and recognizing its non-military civilian nature."²¹⁶

B. Claiming that the Targets Were Legitimate

There are numerous incidents that cast doubt on the credibility and reliability of the investigations conducted by the Joint Incidents Assessment Team (JIAT), including cases where the team reached conclusions that cannot be reconciled with on the ground research by Mwatana. In instances where the JIAT claimed to identify military objectives justifying the legitimacy of airstrikes, it failed to conduct a thorough analysis addressing all other essential aspects of

211 JIAT Holds Press Conference 2, 19 November 2017. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1689418>

212 Field Investigation Conducted by Mwatana for Human Rights on September 26, 2016.

213 Letter dated 27 January 2017 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2017/81. Annex 49. P: 197.

214 Mwatana: The Saudi-led Coalition Has Been Targeting Civilians in Yemen for Two Years, 24 March 2017. Available at: <https://mwatana.org/en/saudi-led-coalition/>

215 Counselor Al-Mansour: The process of assessing incidents is based on established norms and standards in the international humanitarian law system 5 Riyadh, 13 November 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1841104>

216 Spokesman of Joint Accident Assessment Team in Yemen reviews results of team assessment 4 Riyadh, 26 September 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1819002>

compliance with international humanitarian law.

i. In the case of the coalition's two consecutive airstrikes on Al-Dalil Bridge in Ibb Governorate on April 21, 2015, JIAT claimed to have been informed that "monitoring and reconnaissance by coalition forces indicated the use of the bridge for 'non-civilian purposes,' such as those it was not originally built for in normal circumstances." Therefore, JIAT asserted that the bridge was a military target based on its military advantage and the necessity to cut off supply routes to the Houthis. JIAT mentioned reviewing video recordings of the airstrike and claimed that the bridge was only partially destroyed and was devoid of civilians and vehicles during the two airstrikes.²¹⁷

ii. In the incident of the attack on a civilian car in Al-Jawf Governorate on September 20, 2016, JIAT claimed that the targeted car did not contain any civilians. They asserted that a video clip had been reviewed, showing the absence of any civilians on the concerned truck.²¹⁸ However, Mwatana collected witness testimonies confirming that all passengers were women and children, and that the targeted vehicle was an open pickup truck carrying women and children, which should have been visible from above.²¹⁹

iii. Regarding the airstrike on December 26, 2017, on a popular market in Al-Hayma Al-Sufla village in Taiz Governorate, which resulted in the death of 27 civilians, including six children, and the injury of eight others, the Joint Incidents Assessment Team (JIAT) claimed that the target was a gathering of Houthi militia. The JIAT mentioned that they reviewed video recordings, which did not show any evidence that the site was a traditional market and asserted that coalition forces took precautions to ensure the absence of civilians or civilian property at the targeted location²²⁰. However, a field investigation by Mwatana found that a large number of the victims were qat sellers who had just arrived at the market.²²¹

iv. Concerning the airstrike on March 9, 2019, on a house in Kushar district, Hajjah Governorate,

217 Spokesman of JIAT in Yemen Refutes Claims on 14 Incidents 6 Riyadh, 5 March 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1733473>

218 Spokesman for the Joint Incidents Assessment Team in Yemen: We follow transparency in announcing the findings and feel the responsibility of the team in clarifying the facts, July 31, 2018. Available at the link: <https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1792215>

219 Field Investigation Conducted by Mwatana for Human Rights on September 28, 2016.

220 Spokesman of the Joint Incidents Assessment Team (JIAT) in Yemen: JIAT assigns a team to follow-up the investigation measures in Saada incident which took place last Thursday to verify details 2 Riyadh, 12 August 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1797113>

221 Mwatana, 'Woes of Arabia Felix' Annual Report 2017, P: 52. Available at: <http://mwatana.org/wp-content/uploads/2018/08/The-Woes-of-Arabia-Felix-English-Version.pdf>

which resulted in the death of 12 civilians, including seven women and five children, and the injury of eight individuals, including two women and six children, according to investigations by the Group of Eminent Experts (GEE) in Yemen, after hearing the second explosion that completely destroyed the house, families who were seeking refuge in a nearby house ran to an open area in a farm, fearing that their house would be the next target. However, they were immediately hit by a third airstrike while attempting to escape. The last two airstrikes occurred with a time interval ranging from 5 to 10 minutes.²²² In contrast, the Joint Incidents Assessment Team (JIAT) claimed that the target was a house recently entered by Houthi fighters.²²³

v. Regarding the airstrike on , on a civilian-populated village in Al-Masloub district, Al-Jawf governorate, which resulted in the death of 32 civilians, including 19 children and seven women, and the injury of 21 other civilians, including 12 children and six women, the Joint Incidents Assessment Team (JIAT) claimed that "there was an armed Houthi militia present at the site, thus justifying a legitimate military objective."²²⁴ Mwatana did not identify any military objective at the site during the time of the attack. Armed forces affiliated with the Ansar Allah (Houthi) group were engaged in combat with coalition forces approximately 4 kilometers east of the attack site.²²⁵

vi. In the case of the wedding convoy in Sanaban on October 7, 2015, which resulted in the death of approximately 47 civilians, the Joint Incidents Assessment Team (JIAT) found that a group of armed vehicles was targeted based on specific coordinates on the asphalt road (on the road from Dhamar to Radaa to Al-Bayda), and that there was no targeting of civilian objects in the same area.²²⁶ Researchers from Mwatana found no evidence of armed vehicles, only a wedding celebration.²²⁷

vii. In the case of the airstrike on September 20, 2016, on a civilian car in the Al-Mansaf

222 United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen A/HRC/42/CRP.1*, 3 September 2019, para: 440. P: 110.

223 Arab Coalition did not commit rights violations in Yemen: Joint assessment team, 9 July 2020. Available at: <https://saudigazette.com.sa/article/595286/SAUDI-ARABIA/Arab-Coalition-did-not-commit-rights-violations-in-Yemen-Joint-assessment-team>

224 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 25 November 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>

225 Mwatana, Warring Parties Continue to Undermine Yemeni Lives, The Fifth Anniversary of the Saudi/UAE-led Military Campaign in Yemen, 26 March 2020, <https://mwatana.org/en/warring-parties-continue-to-undermine-yemeni-lives/>

226 JIAT: <https://www.spa.gov.sa/1524819?lang=ar&newsid=1524819>

227 Field Investigation Conducted by Mwatana for Human Rights in 8 October 2016. See also: Blind Air Strikes Report, Mwatana, P 65.

area in the Al-Mutamah district, Al-Jawf Governorate, the Joint Incidents Assessment Team (JIAT) concluded that the targeted car did not have civilians on board, and it was targeted based on intelligence received from the command of the Sixth Military Region of the Yemeni forces loyal to the internationally recognized government.²²⁸ In contrast, Mwatana collected witness testimonies confirming that all passengers were women and children.²²⁹

viii. Regarding the attack that occurred on May 25, 2016, on a house in the village of Mahalla, in Lahj governorate, which resulted in the killing of six civilian residents of the house, the Joint Incidents Assessment Team (JIAT) found that the house contained a gathering of Houthi leaders and that there were no civilians present, and "therefore, the legal protection for civilian objects (the building) fell, as it contributed effectively to military activities and is considered a legitimate military objective of high value, achieving a military advantage."²³⁰ The account of the UN GEE in Yemen for this incident indicates that the house housed several civilians. The GEE mentioned that more civilians would have survived if there hadn't been a second airstrike after about 2 - 5 minutes.²³¹ If reconnaissance capabilities were used correctly, they would have allowed the coalition to observe civilians in the aftermath of the first airstrike.

ix. Regarding the airstrike that occurred on September 2, 2017, on a residential building in the governorate of Hajjah, on the second day of Eid Aldha, which resulted in the death of two women and a child and injured 13 others, including a woman and ten small children, the Joint Incidents Assessment Team (JIAT) concluded that the target was a "command center and elements of Houthi fighters" and thus "constitute legitimate military objectives of high value whose destruction achieves a military advantage based on the text of Article (52), paragraph (2) of the First Additional Protocol to the Geneva Conventions."²³² However, the United Nations found no evidence to support this. Additionally, evidence presented by UN GEE suggests that the airstrike consisted of two attacks that occurred while women and children were fleeing, resulting in the

228 Spokesman for the Joint Incidents Assessment Team in Yemen: We follow transparency in announcing the findings and feel the responsibility of the team in clarifying the facts, July 31, 2018. Available at the link: <https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1792215>

229 Field Investigation Conducted by Mwatana for Human Rights on September 28, 2016

230 Spokesman of the Joint Incidents Assessment Team (JIAT) in Yemen: JIAT assigns a team to follow-up the investigation measures in Saada incident which took place last Thursday to verify details 3 Riyadh, 12 August 2018. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1797114>

231 Letter dated 27 January 2017 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2017/81. Appendix: B. P: 206.

232 JIAT refutes some claims of incidents in Yemen, 27 March 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1904825>

death of most of the female victims who were fleeing, and children would have been visible using modern reconnaissance technology. It appears that the coalition used the largest possible bomb, the Mark-84 bomb, weighing 2000 pounds. The JIAT did not provide any comments on the human casualties suffered by civilians.²³³

C. Claiming the Attack Was Lawful Without Addressing the Harm Inflicted on Civilians

The Joint Incidents Assessment Team (JIAT) sometimes uses language such as "mistakes" and "unintended behavior." While mistakes may occur, the frequency of the use of this language suggests a failure to take precautions or conducting military operations proportionately, which constitute a violation of international humanitarian law regardless of the intention. Not recognizing the harm inflicted on civilians (even when concluding that the attacks are proportionate) is a common feature in the JIAT's investigations when they declare that a military objective has been identified. The mere fact that a military objective was identified is only one part of the assessment if whether the attack was proportionate or not.

Many of the Joint Incidents Assessment Team's analyses do not seem to address the issues of precautions or proportionality, or those that do so seem to do it clearly incorrectly. In particular, when the JIAT considers a military target, it often overlooks the fact that civilian casualties are to be expected and/or what the impact of the attack on civilians will be. For example, regarding the airstrike on Al Sidah village, Al-Jawf Governorate, 15 February 2020, which followed a similar attack the previous day and at the same location, which resulted in the deaths of civilians collecting the wreckage of a destroyed coalition aircraft. The joint team acknowledged that the airstrike targeted the wreckage of the plane, but failed to recognize that the attack also killed other civilians (in addition to those killed in the airstrike the previous day). Likewise, other credible organizations have noted in their investigations and reports this pattern of the joint team, either

233 Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council*, UN Doc: S/2018/594. P: 252-253.

completely failing to address civilian harm and/or proportionality or doing so incorrectly.²³⁴

Many of the JIAT's analyses, as it appears, do not address the issues of precautions or proportionality. The analyses used in the assessment seem to analyze the incidents incorrectly. In particular, when the Joint Incidents Assessment Team (JIAT) perceives a military objective, it often overlooks civilian casualties and/or the impact of the attack on civilians. For example:

i. Regarding the airstrike on the village of Al-Sayyeda, Al-Jawf Governorate, on February 15, 2020, following the incident on the previous day, February 14, 2020, documented by Mwatana and killed two civilians were collecting the wreckage of a plane, the JIAT acknowledged that "the airstrike targeted the wreckage of a destroyed aircraft."²³⁵ However, they failed to acknowledge that the attack also resulted in the deaths of two other civilians (in addition to those killed in the airstrike the previous day). Mwatana noted that JIAT either completely failed to address civilian harm and/or proportionality or did so incorrectly in its targeting.

ii. Regarding the attack on October 29, 2016, on Al-Zaidiya Prison in Hodeidah Governorate, which resulted in the death of approximately 63 male civilians (mostly detainees in the prison), the JIAT concluded "that the Houthis had armed individuals and vehicles stationed at the location, making it a legitimate military objective."²³⁶ However, the JIAT did not comment on considerations of proportionality in attacking these individuals and vehicles when they were alongside about 100 detainees.

234 For example, Human Rights Watch documented (i) a second-wave attack on 15 March 2016 on the market at Mastaba, while it was full of civilians, which killed at least 97 people, but JIAT found that the target was a group of fighters and insisted that there was no market "except on Thursdays," while also saying that the area was known for the buying and selling of qat (a civilian activity) See JIAT: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>; (ii) an attack on 29 October 2016 on the Security Directorate prison, al-Zaidia, Hodeidah, which killed at least 63 people, mainly detainees, where JIAT claimed that the prison had been attacked because it had lost its legal protection under IHL – without referring to the dead prisoners or to the principle of proportionality. See JIAT: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1689420>; (iii) an attack on 4 July 2015 at Muthalith Ahim market which killed at least 65 people and wounded 105 as they broke fast for the evening during Ramadan in restaurants, but JIAT claimed that a ballistic missile had been discovered inside a hangar at a "semi-isolated location" and that there were Houthi armed militia and military vehicles at the market, without referring to the civilians or to proportionality. See JIAT: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2107965>; continued in <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2107966>

235 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces (Case no. 4), 25 November 2020, Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>

236 JIAT Holds Press Conference 4, 19 November 2017. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1689420>

Fourth: Lack of Commitment by the Saudi/UAE-Led Coalition to Provide Compensation to Victims

The Saudi/UAE-led coalition, along with Yemeni Government, established a joint committee responsible for providing "voluntary assistance," such as cash compensation, to the victims of coalition airstrikes in Yemen. This committee was announced in August 2018 and was named the "Joint Committee". The announcement stated that the Joint Committee would offer "assistance" to individuals affected by the coalition's military activities.²³⁷ Since early 2021, the Joint Incidents Assessment Team (JIAT) has recommended that the coalition provide a form of assistance to the victims of around 40 airstrikes, among nearly 200 incidents for which the JIAT has issued publicly available statements.²³⁸

Before that, the Joint Incidents Assessment Team (JIAT) recommended that the coalition provide some form of reparations to civilians affected by coalition airstrikes as early as 2016. However, its recommendations were often vague and loosely framed. The JIAT called for assistance to be provided to families for material damage, rather than detailing the civilian harm it assessed resulting from an attack (including even the basic count of civilians killed, injured, or otherwise harmed in an attack). In 2020, the United Nations Security Council Panel of Experts (PoE) reported that the coalition had informed them of eight cases investigated by the JIAT that had been referred to a military prosecutor.²³⁹ However, details of these cases—including the specifics of the cases and the nationality of the perpetrators, and on what basis charges were brought against them—have not been made public.

One example where compensation would have been expected but did not occur is a May 16, 2019 attack. On that day, the Saudi/UAE-led coalition dropped a bomb on a four-story residential building in Sana'a. The attack resulted in the death of eight civilians, including five children and a woman, and the injury of at least 77 others. Additionally, five residential buildings were either damaged or destroyed. A later statement by the Joint Incidents Assessment Team claimed that

237 "Disbursing aid to the affected people in Yemen in two days," Okaz, August 31, 2018, <https://www.okaz.com.sa/politics/na/1667757>; Saba Net, August 30, 2018, <https://www.sabanew.net/viewstory/37824>

238 Mwatana, 'Returned to Zero', (2022), P: 83.

239 See, e.g., UNGEE 2020 Detailed Findings, UN Security Council, Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the UN Security Council, UN Doc. S/2020/326 (April 26, 2020), P: 214. <https://www.undocs.org/s/2020/326>

the bomb had "deviated" from its "legitimate military objective."²⁴⁰ Mwatana conducted interviews with three individuals who were affected by the airstrike, and none of them received compensation or any form of accountability from the coalition or the internationally recognized government of Yemen.²⁴¹

A 58-year-old taxi driver, who was injured along with his daughter in the airstrike, stated, "My family had to flee and take refuge in a relative's house." He mentioned, "There is no justice... but compensation for what was damaged is crucial." Another victim, Abdullah, shared that four of his children were killed in the airstrike, emphasizing, "Criminal accountability is important, but... who will compensate us for the loss of my children and my home?" Karim, Abdullah, and countless other victims of coalition air attacks deserve accountability for the harm inflicted upon them.²⁴²

In June 2019, the coalition spokesperson announced that the coalition had received 145 claims of attacks causing civilian harm. However, the Joint Incidents Assessment Team (JIAT) only deemed 18 incidents eligible for assistance, and the Joint Committee accepted only six cases for assistance.²⁴³ Most of these claims were submitted by the National Committee to Investigate Alleged Violations of Human Rights (NCIAVHR), a Yemeni government body.²⁴⁴ The coalition and the internationally recognized government did not clarify the reasons for JIAT's rejection of the assessment of 127 claims, primarily from NCIAVHR. Additionally, there is no information on the assistance the coalition was supposed to provide to the victims of the other 12 airstrikes accepted by JIAT, despite the actual civilian casualties surpassing what NCIAVHR reported and what JIAT had acknowledged.²⁴⁵

Despite the Joint Committee selecting these six cases, the coalition and the Yemeni government failed to create comprehensive lists of affected civilians and deliver full compensation payments. Mwatana examined government documents and found inconsistent numbers of civilians and varying levels of damage. Mwatana also met with victims of the selected attacks and discovered that some received their compensation payments long after the June 2019 announcement, some

240 Joint Incidents Assessment Team in Yemen Holds Press Conference 2 Riyadh, 23 October 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1986079>

241 Mwatana, 'Returned to Zero', (2022), P: 96.

242 Ibid, p 97.

243 "General: Colonel Al-Maliki: The Houthi militia is trying to provoke the Coalition but we will comply with international law and take strict, deterrent measures," Saudi Press Agency (June 24, 2019), <https://www.spa.gov.sa/1937774>

244 'Returned to Zero', 88.

245 Ibid.

received amounts lower than indicated in government documents, while others received no compensation payments at all. Additionally, some civilians injured in the mentioned airstrikes were not included in the government documents and received no compensation. Civilians with connections to the internationally recognized government or the ability to exert pressure had a greater chance of receiving payments.²⁴⁶ The Saudi/UAE-led coalition should compensate civilian victims for any damages and losses due to its serious mistakes in Yemen, and to date, they have not fulfilled these obligations.²⁴⁷

Justice for the Yemeni people requires compensation for the millions of civilian victims who have suffered unimaginable hardship and destruction at the hands of the warring parties. This can only be achieved through a comprehensive, long-term peace process in Yemen. To realize this, there must be a commitment to comprehensive criminal accountability, addressing perpetrators from all parties to the conflict and those who assist them, for any crimes and international law violations related to the war in Yemen. Comprehensive accountability excludes any form of one-sided or partial justice and considers amnesty illegal under international law.²⁴⁸

Fifth: Impunity Regarding the Saudi/UAE-Led Coalition's Behavior in the War, Especially the Role of the Joint Incidents Assessment Team and Coalition Assurances

As laid out above, the behavior of the Saudi/UAE-led coalition, particularly regarding violations of international humanitarian law in Yemen, extends beyond unlawful airstrikes. In this section we highlight further general aspects of the Joint Incidents Assessment Team's (JIAT) actions and the conduct of its staff that raise significant concerns about the independence, transparency, inclusivity, and credibility of the JIAT.

In the realm of Saudi Arabia's position concerning adherence to international humanitarian law, notable considerations involve the proclamation made by Saudi King Salman bin Abdulaziz Al Saud on July 10, 2018. This proclamation granted amnesty to "all military personnel who participated in Operation Restoring Hope, shielding them from military and disciplinary

246 Ibid.

247 Ibid, P: 73.

248 The Struggle for Justice, P: 69.

penalties.²⁴⁹ The extent of this amnesty remains ambiguously defined, particularly in relation to whether it covers international crimes. This ambiguity raises significant concerns regarding the coalition's effectiveness and credibility in addressing criminal accountability.²⁵⁰ Doubts persist regarding Saudi Arabia's commitment to international law, with scrutiny coming from both civil society and international governments. The adherence to international law amid the Yemeni conflict remains uncertain. Consequently, the Joint Incidents Assessment Team (JIAT) lacks explicit legal authority; it is unable to establish policy, and its recommendations do not seem to possess any legally binding power. Human rights groups have criticized the team for inconsistency and, in the most severe instances, a failure to elucidate some of the conflict's most devastating airstrikes.²⁵¹

In November 2018, the Kingdom of Saudi Arabia submitted its assessment report to the United Nations Human Rights Council as part of the third cycle of the Universal Periodic Review. In the report, the Kingdom asserted that the military operations of the coalition in Yemen fully comply with international humanitarian law, stating, "The Coalition to Support Legitimacy in Yemen has established strict rules of engagement in accordance with the provisions and rules of international humanitarian law, including various mechanisms and procedures to prevent targeting errors. The coalition investigates all allegations related to the targeting of civilians, civilian facilities, and humanitarian organizations, announcing the results of these investigations in press conferences."²⁵² However, contrary to this assertion, the Summary of Stakeholders' Submissions on Saudi Arabia (General Assembly document A/HRC/WG.6/31/SAU/3) sent to the United Nations Human Rights Council in 2018 expressed concerns "regarding Saudi Arabia's compliance with the principles of distinction, proportionality, and precautions in attack as stipulated in international humanitarian law."²⁵³ Additionally, the Joint Incidents Assessment Team not only exhibited a lack

249 Saudi Press Agency, 'Custodian of the Two Holy Mosques Pardons All Military Men, Taking Part in Restoring Hope Operation, of Military, Disciplinary Penalties' July 10, 2018. <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1783696>.

See also: The National, Saudi Arabia's king pardons soldiers fighting in Yemen, Jul 11, 2018, <https://www.thenationalnews.com/world/gcc/saudi-arabia-s-king-pardons-soldiers-fighting-in-yemen-1.749094>

250 The Struggle for Justice', P: 40.

251 The Atlantic, One American's Failed Quest to Protect Civilians in Yemen, 17 August 2018. Available at: <https://www.theatlantic.com/international/archive/2018/08/yemen-saudi-airstrike-school-bus/567799/>

252 Kingdom of Saudi Arabia, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1', Human Rights Council, A/HRC/WG.6/31/SAU/1, 20 August 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/86/PDF/G1825486.pdf?OpenElement>

253 Working Group on the Universal Periodic Review, 'Summary of Stakeholders' submissions on Saudi Arabia*: Report of the Office of the United Nations High Commissioner for Human Rights', Human Rights Council, 24 August 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/258/40/PDF/G1825840.pdf?OpenElement>

of clear methodology in its investigations but also appeared to fail in conducting comprehensive analyses of the laws of war in its investigations, leading to questionable and erroneous results.²⁵⁴ In subsequent years, the Group of Eminent Experts (GEE) affiliated with the Human Rights Council reached similar conclusions.²⁵⁵

Regarding the legal advisor and spokesperson for the Joint Incidents Assessment Team, Mansur Al-Mansur, he was the Chief Justice of the Bahrain National Safety Court, a military court that convicted at least 300 individuals for activities related to protests in 2011. Some of these individuals were subjected to torture while in detention in this court, according to Human Rights Watch.²⁵⁶

Human Rights Watch examined the approach of the Joint Incidents Assessment Team concerning 17 specific airstrikes and found that its conclusions were legally inconsistent and divergent from the factual description. Additionally, Human Rights Watch reviewed the statements of the Joint Incidents Assessment Team regarding 75 incidents and found that the team mostly exonerated the Saudi/UAE-led coalition from responsibility in the "overwhelming majority" of incidents.²⁵⁷

The report of the Group of Eminent Experts (GEE) on Yemen analyzed the investigations conducted by the Joint Incidents Assessment Team reported between July 1, 2018, and June 30, 2019. They submitted requests to the Joint Incidents Assessment Team regarding its jurisdiction, appointment process, and reporting structure, but received no response. The GEE also found that the results related to claims of civilian injuries or damage were divided into three categories of

254 Amnesty International, 'Amnesty International Response to the Saudi Arabia-Led Coalition's Investigations' (16 January 2017), <https://www.amnesty.org/en/documents/mde31/5494/2017/en/>; Médecins Sans Frontières, 'No True Accountability Three Years After Bombing of MSF-Supported Hospital' (30 October 2019), <https://www.msf.org/yemen-hospital-bombing-investigation-findings-too-little-too-late>

255 See: UNGEE, 'Situation of Human Rights in Yemen, Including Violations and Abuses Since September 2014'; Detailed findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/42/CRP.1, 3 September 2019, paras 888-893.; UNGEE 'Situation of human rights in Yemen, including violations and abuses since September 2014'; Detailed findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/45/CRP.7, 29 September 2020, paras 372, 380.

256 Human Rights Watch, No Justice in Bahrain, 28 February 2012, available at: <https://www.hrw.org/report/2012/02/28/no-justice-bahrain/unfair-trials-military-and-civilian-courts> See also: Middle East Monitor, Notorious Bahraini judge appointed to investigate alleged war crimes in Yemen, 31 October 2016, <https://www.middleeastmonitor.com/20161031-exclusive-notorious-bahraini-judge-appointed-to-investigate-alleged-war-crimes-in-yemen/> See also, Independent, Saudi Arabia appoints Bahraini judge involved in Arab Spring crackdown to investigate alleged war crimes in Yemen, 1 November 2016. <https://www.independent.co.uk/news/world/middle-east/saudi-arabia-yemen-bahrain-judge-war-crimes-investigation-a7390466.html>

257 Hiding Behind the Coalition, HRW, P. 2.

conclusions: a) human error (mostly inaccurate intelligence) or technical error; b) the coalition was not the source of the attack; c) the target was a legitimate military objective. The GEE received credible information indicating that in some instances, "the results of the Joint Incidents Assessment Team were significantly altered by the Saudi Ministry of Foreign Affairs."²⁵⁸

The GEE Group of Experts has received reliable information indicating that sometimes, "the results of the Joint Group have been significantly altered by the Saudi Ministry of Foreign Affairs."²⁵⁹

In its 2020 report, the Group of Eminent Experts (GEE) on Yemen included the following conclusions: "Individuals in the coalition, particularly from the Kingdom of Saudi Arabia, may have conducted airstrikes in violation of the principles of distinction, proportionality, and precaution, actions that could amount to war crimes; individuals in the Yemeni government and the coalition (especially from Saudi Arabia and the United Arab Emirates) and the Southern Transitional Council may, depending on the circumstances, have committed acts that could amount to war crimes, including killing civilians, torture, cruel, inhuman or degrading treatment, rape, and other forms of sexual violence, assault on personal dignity, denial of fair trial, and recruitment or use of children under the age of 15 for participation in hostilities; individuals in the coalition carried out indiscriminate attacks using indirect fire weapons, actions that could amount to war crimes..."²⁶⁰

Despite the repeated and reliable documentation of the coalition's involvement (whether directly or through supported and affiliated forces) in significant violations of international humanitarian law and international human rights law in Yemen, beyond airstrikes, the Joint Incidents Assessment Team (JIAT) has selectively examined almost exclusively the coalition's airstrikes, neglecting to investigate other types of attacks and concerning behavior. This includes those resulting in significant civilian harm and serious violations of international humanitarian

²⁵⁸ United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen A/HRC/42/CRP.1*, 3 September 2019, para: 890. P: 213)

²⁵⁹ United Nations, Human Rights Council, Situation of human rights in Yemen, Situation of human rights in Yemen, including violations and abuses since September 2014, 17 August 2018, UN Doc A/HRC/39/43, Annex III, Para 3, P: 34.

²⁶⁰ United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020, para 105.

law.²⁶¹ Even concerning the aerial attacks, the Joint Incidents Assessment Team has issued only general reports on some of the several hundred incidents causing harm to civilians and alleged violations of international humanitarian law, as documented by the United Nations and other human rights organizations.²⁶²

In Yemen, institutions have disintegrated, and the judicial system is unable to achieve justice or accountability.²⁶³ Consequently, the Saudi/UAE-led coalition, alongside other warring parties in Yemen, consistently demonstrated a lack of concern for pursuing credible accountability or justice in Yemen.²⁶⁴ This has facilitated severe violations by all regional and local actors in Yemen. Therefore, any credible accountability and justice initiatives must necessarily encompass Saudi, Emirati, Iranian, and other non-Yemeni actors within their purview.

Neither Yemen, Saudi Arabia, nor the United Arab Emirates has ratified the Rome Statute of the International Criminal Court. In its third report, the United Nations called on the Security Council to refer the situation in Yemen to the International Criminal Court.²⁶⁵ Mwatana, in its appeal to the Security Council, explicitly urged the referral of the situation in Yemen to the International Criminal Court, emphasizing that accountability and compensation are non-negotiable aspects for sustainable peace. The focus on human rights in the Security Council's approach to Yemen should be ensured.²⁶⁶

The Saudi/UAE-led coalition has consistently sought to undermine credible accountability efforts. Member states of the coalition, including the coalition itself and other entities like the

261 See, United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020. See also United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/42/17, 9 August 2019, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/17

See also; United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, 17 August 2018, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/43.

See also; Mwatana, Annual Report 2017, available at: <http://mwatana.org/wp-content/uploads/2018/08/The-Woes-of-Arabia-Felix-English-Version.pdf>; Mwatana, Annual Report 2018. See also; Mwatana, Annual Report 2019; Mwatana, In the Darkness, June 2020, available at: <https://mwatana.org/wp-content/uploads/2020/06/In-the-Darkness.pdf>.

262 See, e.g., United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020, para. 105.

263 Ibid., para 98.

264

265 Ibid., para 94; United Nations, Security Council, Final report of the Panel of Experts on Yemen, S/2021/79, para 160; Mwatana, UN Human Rights Council: Prioritize Yemen Accountability and Redress 29 September 2020.

266 See, e.g., Mwatana, Ensure Accountability for Yemen at the UN Security Council, 17 February 2021, available at: <https://mwatana.org/en/ensure-accountability-for-yemen-2/>

Joint Incidents Assessment Team, actively used these mechanisms to shield themselves from scrutiny.²⁶⁷ In 2016, Saudi Arabia even threatened to withdraw funds from vital UN programs to compel the Secretary-General of the United Nations to remove the coalition from the annual "list of shame" for killing and maiming children, and for attacking schools and hospitals in Yemen.²⁶⁸

While the coalition claimed to have referred a small number of cases to national military prosecutors, there is little to no publicly available information about the status of those cases.²⁶⁹ Additionally, in two additional cases where the Joint Incidents Assessment Team recommended "accountability measures,"²⁷⁰ the Group of Eminent Experts (GEE) pointed out that individuals identified for potential prosecution were only those holding lower-level positions. The error related to these specific cases was described as a failure to adhere to rules of engagement rather than an explicit acknowledgment of any potential violation of international humanitarian law, specifically the commitment to respect the principles of distinction, proportionality, and precautions in attack.²⁷¹

In the 2020 report titled "Yemen: The Epidemic of Impunity in a Tortured Land," the Group of Eminent Experts (GEE) concluded that conflicting parties continued to commit serious violations of international humanitarian law, grave human rights abuses, and actions that may amount to international crimes—including Saudi Arabia and individuals fighting on behalf of Saudi Arabia.²⁷² The GEE stated that the international community "can and should" do more "to help bridge the acute accountability gap" in Yemen. The head of the GEE stated, "Continued arms supply to conflict parties only perpetuates the conflict and prolongs the suffering of the Yemeni people."²⁷³

267 Hiding Behind the Coalition, HRW, P: 26.

268 Joint NGO Statement: Suspend Saudi Arabia from the UN Human Rights Council, 29 June 2016, available at: <https://reliefweb.int/report/yemen/joint-ngo-statement-suspend-saudi-arabia-unhuman-rights-council>

269 These cases are eight cases related to Saudi-UAE led coalition that took place on: 26 October 2015, 5 August 2016, 8 October 2016, 10 September 2016, 16 September 2017, 9 August 2018, 22 April 2018 and 11 June 2018. See The Final Report of the Panel of Experts on Yemen (S/2020/326), dated 28 April 2020, para 99 and Table 7, available at: <https://undocs.org/S/2020/326>.

270 UNGEE Accountability Update, Para 15.

271 Id. Para 16.

272 United Nations, Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/45/6, 28 September 2020, Para 105.

273 Ibid., at para 102. In its report, the Group once again reiterated, "Its concern about third States transferring arms to parties to the conflict in Yemen in blatant disregard of the documented patterns of serious violations of international humanitarian law and human rights law in the conflict to date. The Group believes that they are failing in their responsibilities to ensure respect for international humanitarian law, and that some States may be violating their obligations under the Arms Trade Treaty. Furthermore, such support may amount to aiding and assisting internationally wrongful acts in contravention of international law".

So far, the Saudi/UAE-led coalition, through the Joint Incidents Assessment Team (JIAT), has failed to conduct credible investigations into violations in Yemen. It has also failed to hold individuals responsible for war crimes accountable and provide redress for civilian victims. By 2020, the United Nations General Assembly noted that “the General Assembly still has concerns about the comprehensiveness and credibility of the Joint Incidents Assessment Team’s analysis and findings. There remains a tendency for the JIAT to legitimize the legitimacy of airstrikes involving military targets, without considering the principles of proportionality or precaution.”²⁷⁴

Therefore, it is crucial to collect and preserve evidence of the serious violations committed in Yemen, which may amount to international crimes. In this context, establishing an independent investigation mechanism for Yemen is deemed essential to address the urgent need to fill the accountability gap as soon as possible. A future mechanism focusing on criminal crimes committed in Yemen can build on the significant work done by the Group of Eminent Experts (GEE) in the field of independent public reporting.²⁷⁵

Given that conflict parties have effectively undermined and obstructed official international mechanisms, such as the Group of Eminent Experts (GEE) disbanded in 2021 under significant pressure from Saudi Arabia and the United Arab Emirates on members of the UN Human Rights Council, the establishment of an investigation and reporting mechanism by leading independent human rights organizations can provide a crucial initiative. This mechanism could work in parallel with other future mechanisms, such as a UN-mandated investigative body focusing on criminal crimes committed by all armed conflict parties in Yemen since September 2014, identifying those responsible for such violations and crimes. Such a mechanism can keep the human rights situation in Yemen under scrutiny, helping to curb human rights violations through public reporting of alleged violations and crimes committed by all parties to the conflict and laying a solid foundation for transitional justice.²⁷⁶

274 UNHRC, A/HRC/45/6, 28 September 2020, para 96.

275 ‘The Struggle for Justice’, P: 44-48.

276 Ibid, 48-49.



Chapter Three

**Evaluation of the Joint Incidents Assessment
Team Investigations According to International
Standards**

What the attacker should expect under international humanitarian law includes a fundamental commitment to taking steps to ascertain the presence of civilians, adherence to the rules of engagement, efforts to minimize civilian harm to the greatest extent possible, and the prohibition of attacks expected to be disproportionate. The key elements of compliance involve precautionary measures, ensuring that targets are military objectives, doing everything possible to avoid incidental loss of civilian lives and injuries, and minimizing damage to civilian objects, reducing these losses to the bare minimum.

Many airstrikes have caused severe harm to civilians, civilian property, and civilian infrastructure repeatedly. In many cases, no military objective has been identified by Mwatana. Attacks often occur in densely populated urban areas, resulting in the death and injury of civilians, including attacks on weddings, funerals, and civilian vehicles. Additionally, infrastructure and economic objects, such as water and energy facilities, bridges, factories, warehouses, markets, and farms are targeted.

The coalition usually claims that every site is presumed to have a civilian nature until proven otherwise. However, what is the adopted method for losing the civilian or protected status of any site or individual to consider it a legitimate military objective? What procedures are followed in evaluating "dual-use" targets (civilian/military at the same time), including determining the period during which authorization to launch a strike against a dual-use target remains valid and the factors that may contribute to revoking the authorization to strike these targets?

The coalition mentions that post-strike assessments include an analysis of whether there are "unexpected" collateral damages and involve a review of post-strike records and reports from the coalition's implementing personnel and field sources. However, how is the process of obtaining permission for an airstrike conducted under conditions where there is an "expected" impact on civilians? What are the different approval levels required for targeting where different levels of collateral damage are expected? In cases where expected collateral damage is deemed acceptable in light of the anticipated military advantage, what measures are taken to avoid or at least minimize such collateral damage? How are post-strike assessments carried out in areas where coalition forces are not present, considering the absence of on-the-ground field sources?

Therefore, **there are numerous incidents that cast doubt on the credibility and reliability of the investigations conducted by the JIAT. This includes cases where the JIAT's** conclusions cannot be reconciled with the factual investigations, interviews, photographic evidence, and consultations with weapons experts conducted by Mwatana for Human Rights. For example, the

incidents that the JIAT claimed to have identified a military target, leading to the subsequent consideration of those airstrikes as legitimate. In reality, the Joint Incidents Assessment Team (JIAT) failed to conduct a thorough analysis covering all other essential aspects of compliance with international humanitarian law, such as the requirement to minimize civilian harm to the greatest extent possible and the principle of proportionality.

There is a range of incidents for which there is direct evidence indicating that the coalition does not adhere to its announced procedures. This suggests a failure to take necessary precautions, with coalition airstrikes blatantly violating targeting procedures. These incidents include repeated airstrikes on sites expected to be on the no-strike list, such as the UNESCO-protected Al-Felaihi neighborhood in Sana'a Old City, numerous hospitals and health facilities, including the cholera clinic in Abs. Moreover, there are instances of targeting open areas with large civilian populations, consecutive second-wave attacks where one airstrike quickly follows another, seemingly disregarding the potential presence of rescuers or first responders. Additionally, there are incidents of striking houses in densely populated areas with wide-ranging bombs.

The Joint Incidents Assessment Team (JIAT) often refers to precautionary measures in some of its conclusions. In its statements, the JIAT frequently asserts, often without the necessary and appropriate application of facts, that coalition forces took "all possible precautions" before and during attacks. However, the JIAT's discussion of precautions lacks fundamental coherence and credibility. In many cases, its confirmations regarding precautions directly conflict with the facts. For instance, the Joint Incidents Assessment Team (JIAT) typically affirms that certain precautions were taken to avoid and minimize civilian harm, while coalition operations indicate otherwise, such as the use of wide-impact bombs in crowded markets or densely populated neighborhoods.²⁷⁷ Conversely, the extensive and in-depth documentation by Mwatana for Human Rights of coalition attacks on civilians and civilian objects in Yemen since 2015 indicates a fundamentally flawed approach in the coalition's operations to verify targets and minimize civilian harm.

Additionally, the Saudi/UAE-led coalition does not specify rules of engagement or how these rules comply with international humanitarian law, as evident in the comprehensive public

²⁷⁷ For example, the use of wide-area munitions in densely populated residential areas in Yemen. For example, the bombing of Triangle Ahem in a crowded market area. The joint team claimed on July 8, 2020 that "all possible precautions were taken, including choosing the appropriate weapon, and the coalition forces took all possible precautions by studying and identifying the target's environment, using a guided bomb that was appropriate to the target." "And reduce collateral damage to a minimum, while achieving the military advantage required for the military operation carried out." See the joint team statement: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2107966>. In reality, according to HRW, the wide-impact area munition landed on the road between two busy restaurants which were well within the blast radius of the bomb, killing at least 65 people and wounding at least 105. See: <https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawful-coalition-airstrikes-yemen>

statements of the Joint Incidents Assessment Team. Instead, the JIAT responds to criticisms of coalition operations following an airstrike that killed or injured civilians. The JIAT typically employs four recurring approaches in responding to allegations of "collateral damage": it denies launching an airstrike on a specific target on a given date; it acknowledges that the coalition conducted an airstrike but possesses little or no evidence indicating civilian casualties; it admits that the coalition carried out an airstrike but asserts that the attack was within the established rules of war as defined by custom or codified in international conventions; or rarely, it acknowledges that the coalition killed or injured civilians.²⁷⁸

According to The New York Times, in June 2017, the Kingdom of Saudi Arabia provided assurances to the United States that the coalition forces would adhere to more stringent rules of engagement and would consider specific assessments regarding the potential harm to civilians in targeting—an exercise U.S. officials told the newspaper the coalition did not fully comply with in its operations.²⁷⁹ **When the coalition military rules of engagement are questioned,** it often occurs after pressure by international media, human rights groups, or occasionally, by state actors directly or indirectly involved in the conflict.

In a statement dated September 2, 2018, regarding the disastrous the Saudi/UAE-led coalition airstrike on a bus in Saada governorate on August 9, 2018, the U.S. Department of State reiterated the following: "The United States regards the Saudi-led Coalition's announcement that it will review their rules of engagement, hold those at fault accountable, and compensate victims following the Joint Incidents Assessment Team's finding that last month's Sa'ada air strikes lacked justification as an important first step toward full transparency and accountability. We continue to call on all sides to abide by the Law of Armed Conflict, to mitigate harm to civilians and civilian infrastructure, and thoroughly investigate and ensure accountability for any violations. It is imperative that all parties work toward a comprehensive political solution to avoid further harm to the Yemeni people."²⁸⁰

The Joint Incidents Assessment Team (JIAT) took approximately a month to issue a statement on this incident. On September 1, 2018, it stated that "the airstrikes were based on intelligence indicating that the bus was transporting Houthi leaders,"²⁸¹ making it a legitimate military

278 The War in Yemen: context, <https://reliefweb.int/report/yemen/examination-saudi-arabia-s-airstrike-rules-engagement-and-its-protection-civilians>

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

280 Heather Nauert, 'Saudi-led Coalition's Announcement on Reviewing Rules of Engagement in Yemen', U.S. Department of State, 02 September 2018. <https://www.state.gov/r/pa/prs/ps/2018/09/285659.htm>

281 A press conference by the Joint Incidents Assessment Team in Yemen, Mansour Al-Mansour, spokesman for the JIAT, available at the link: <https://www.youtube.com/watch?v=p7MC71eD-UI>

objective.²⁸² However, it emphasized the need to investigate the delay in executing the airstrike and receiving the order not to strike.²⁸³ Consequently, the UK Foreign and Commonwealth Office stated that it awaits the coalition's apology and actions to address the investigation's recommendations.²⁸⁴ Similarly, the Joint Forces Command of the Coalition (Coalition to Restore Legitimacy in Yemen) stated that "... upon receiving official results, legal actions will be taken to hold the perpetrators accountable in accordance with the rules and regulations related to such cases. It will continue reviewing and enhancing its rules of engagement, based on operational lessons learned, to ensure non-recurrence of such incidents."²⁸⁵ In contrast, Human Rights Watch demonstrated that the attack on the bus in Saada was not an isolated incident outside the pattern of attacks. The response from the JIAT and the Joint Forces Command was not a learning-from-mistakes approach but rather an extension of their flawed methodology in analyzing the laws of war.²⁸⁶

The findings obtained by the JIAT also appear to unintentionally acknowledge that the coalition repeatedly fails to assess whether an attack is expected to result in incidental loss of civilian lives, injuries to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the direct and concrete military advantage anticipated before the attacks. **For example, in the August 31, 2019 attack on the Community College building in Dhamar Governorate,** which resulted in civilian damage and the deaths of approximately 170 detainees, the JIAT claimed, "Coalition forces were not aware of the use of the building in the complex as a detention center,"²⁸⁷ despite this building being known as a detention facility

282 The Joint Forces Command of the Coalition "Coalition to Restore Legitimacy in Yemen": Targeting the terrorist Houthi Militants Responsible for Launching the Ballistic Missile at Jizan Last Night, August 9, 2018. Available at the link: <https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1796089>

283 See: Saudi-led coalition admits deadly Yemen strike on bus was unjustified, Reuters, 1 September 2018. <https://www.reuters.com/article/us-yemen-security-saudi-strike/deadly-yemen-air-strike-on-bus-was-unjustified-coalition-team-idUSKCN1LH3JO?il=0>. See also: In rare admission, Saudi-led coalition says airstrike killed Yemeni children last month, The Washington post, 1 September 2018. https://www.washingtonpost.com/world/middle_east/in-rare-admission-saudi-led-coalition-says-airstrike-killed-yemeni-children-last-month/2018/09/01/1cbdc878-ae06-11e8-8a0c-70b618c98d3c_story.html?noredirect=on. See also: Saudi-led coalition admits 'mistakes' made in deadly bus attack in Yemen, CNN, 2 September 2018. <https://edition-m.cnn.com/2018/09/01/middleeast/saudi-coalition-yemen-attack/index.html?r=https%3A%2F%2Fwww.google.com%2F>

284 Department for International Development and Foreign and Commonwealth Office, 'UK government response to loss of life in Yemen in August 2018', 02 September 2018. <https://www.gov.uk/government/news/uk-government-response-to-recent-loss-of-life-in-yemen>

285 Saudi Press Agency, 'Spokesman for Coalition Forces Confirms Adherence to Provisions and Rules of International Humanitarian Law and Accountability of Violators of Rules of Engagement' (February 13, 2020), <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=2034044#2034044>. See also: Saudi Gazette, 'Coalition: Errors committed in rules of engagement', 01 September 2018. <http://saudigazette.com.sa/article/542445/SAUDI-ARABIA/Coalition-Errors-committed-in-rules-of-engagement%202/6>

286 Human Rights Watch, 'Yemen: Coalition Fails to Curb Violations', 24 August 2018. <https://www.hrw.org/news/2018/08/24/yemen-coalition-fails-curb-violations>

287 A statement issued by the Joint Incidents Assessment Team (JIAT) refutes some claims regarding incidents in Yemen 2 Riyadh, 10 March 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2045274>.

since 2018, following a notification from the Group of Eminent Experts on Yemen (GEE).²⁸⁸ The International Committee of the Red Cross stated that it had visited the site before the attack, considering it a detention facility.²⁸⁹ The UN Security Council Panel of Experts (PoE), in its annual report, noted, "The complex building had been used as a prison since 2017, and the presence of detainees was locally known."²⁹⁰ In contrast, the JIAT's analysis was limited to the fact that the college buildings were used to store drones and anti-aircraft missiles.²⁹¹

Even if some Houthi fighters were present in the college building during the airstrike, and disregarding claims of the presence of weapons, given the high number of casualties in the incident and the direct targeting of multiple buildings at the site, it is unlikely that the coalition respected the principles of proportionality and precautions.²⁹² Detainees, whether civilians or fighters unable to engage in combat, are considered non-participants in hostilities, and as such, they are protected from direct attacks under international humanitarian law.²⁹³ The JIAT did not study or examine whether civilian losses were excessive concerning the military advantage gained from this attack, involving the destruction of drones and missiles at the college building. In this case, the JIAT does not analyze this as a potential failure to comply with precautionary obligations, but instead, as it almost always does unjustifiably, asserts that the coalition complied with international humanitarian law. Such an understanding of international humanitarian law is a concern that renders the investigation ineffective.²⁹⁴

The JIAT's responses to claims of airstrikes causing severe damage are often contradictory or later proven to be untrue. For instance, in the incident of striking Haydan Hospital in Hajjah governorate on June 11, 2018, the coalition claimed it was a procedural error, and the JIAT concluded that the coalition deliberately targeted the hospital but found that it had lost its protected status and stated: "In any case, there was no 'human harm'."²⁹⁵ The JIAT recommended that the coalition

288 Human Rights Council, Report of the Group of Eminent International and Regional Experts on Yemen, Situation of human rights in Yemen, including violations and abuses since September 2014, 28 September 2020, P: 6, para. 28.

289 ICRC, Yemen: Scenes of devastation as every single detainee either killed or injured in attack, 1 September 2019. Available at: <https://www.icrc.org/en/document/yemen-scenes-devastation-every-single-detainee-either-killed-or-injured-attack>

290 Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council, UN Doc. S/2020/70. Para: 95. P: 37.

291 Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/45/CRP.7, 28 September 2020, paras 69-70.

292 CIHL rules 14 and 15.

293 Article 3 common to the Geneva Conventions, CIHL rule 6.

294 HRC, A/HRC/45/CRP.7, 28 September 2020, para: 372

295 JIAT Spokesman Holds Press Conference 3, 16 January 2019. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=1875235>.

should have warned those present in the hospital before striking it. Regardless of the quality of the JIAT's decision, the significance of this example lies in the fact that the coalition's responses and explanations for the same airstrike contradict each other. These internal contradictions highlight the irrationality of relying on the coalition's confirmations or explanations, which have been repeatedly proven incorrect.

Even the steps that the JIAT claims the coalition took to minimize civilian harm, such as choosing precision-guided bombs, or conducting attacks in civilian-free areas or times when civilians were not present, are difficult to reconcile with the fact that the attacks continue to cause significant civilian harm. For example, **in the February 14, 2020 airstrike on Al-Sayyeda village in Al-Jawf governorate**, an airstrike in a location about 13 kilometers away from the frontlines between the Houthis and Yemeni government forces,²⁹⁶ Mwatana documented dozens of civilian casualties, including young children. However, the JIAT affirmed that "Coalition forces took possible precautions to avoid incidental losses or damages to civilian objects or to minimize them, including by 'planning to use precision-guided bombs and confirming the absence of civilians before and during the execution of targeting operations'." ²⁹⁷ However, later in the same statement, the JIAT acknowledged that the aerial observer did not accurately assess the potential civilian impact before conducting one of the acknowledged attacks.

In some instances, the Joint Incidents Assessment Team's (JIAT) assertions about taking precautions are inconsistent with certain claims it makes. For instance, in the August 2020 airstrike on the Haradh area in the Khub wa Al-Sha'af district, Al-Jawf, the JIAT affirmed that the coalition had decided to launch an airstrike in an area believed to be devoid of civilians, only to later discover that civilians were present at the time and were harmed. The JIAT confirmed that the targeted area was a "civilian and civilian object-free dirt road," but subsequently found that a civilian vehicle was within the designated zone, and the coalition attacked it. The officer responsible for targeting "failed... to ensure that the target remained valid."²⁹⁸ In the same statement, the JIAT concluded that the coalition's actions were legally sound, and the civilian vehicle was struck "by mistake," attributing the incident to the truck's "presence among military objectives." In contrast, Mwatana for Human Rights determined that the civilian vehicles hit by the coalition that day were carrying civilians. Subsequently, the JIAT admitted that the targeting officer had breached the rules of engagement for coalition forces due to inaccuracies in the procedures used to reassess the target before executing the attack on the civilian truck, as well

296 Ibid, para: 72

297 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 25 February 2020, Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>.

298 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 20 January 2021. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2182319>

as a failure to verify the military or civilian nature of the target before carrying out the strike.²⁹⁹ In all cases, the JIAT either denies significant civilian harm, significantly underestimates the number of civilian damages, or vaguely alludes to certain civilian damages while refusing to acknowledge the true extent of the harm caused.

Additionally, the JIAT's discussions lack credibility and coherence, as it asserts the adoption of specific precautions to avoid and minimize civilian harm, while coalition operations indicate otherwise. When the JIAT states that the coalition used "precision-guided bombs" in situations where this fact does not contribute to mitigating the harm to civilians, it raises concerns. For instance, dropping four bombs on a civilian house and groups of civilians in Al-Jawf while they were attempting to rescue the wounded and/or flee on February 14, 2020. The Joint Incidents Assessment Team (JIAT) claimed on November 25, 2020, that "the coalition forces took all feasible precautions to avoid or minimize incidental losses or damages to civilian objects during the military operation, by planning the use of precision-guided bombs and ensuring the absence of civilians before and during the execution of targeting operations."³⁰⁰

The JIAT's statements are usually internally inconsistent, as the Joint Incidents Assessment Team (JIAT) claims simultaneously the absence of civilians while recommending compensation for losses³⁰¹ or mentioning that all necessary precautions were taken but not followed, resulting in harm to civilians. For example, **in the airstrike on August 6, 2020, in the Haradh area, Khub wa Al-Sha'af district, Al-Jawf governorate,** the JIAT affirmed that "the coalition launched an airstrike in an area where there were no civilians,"³⁰² but under pressure from some human rights organizations, it acknowledged the presence of innocent civilians who were subjected to the airstrike.

This behavior of non-compliance is an indicator for committing serious violations of international humanitarian law in the future. Therefore, the procedural conditions for verifying targets reflect the requirement stipulated in international humanitarian law, namely, "to do everything feasible to verify that targets are military objectives."³⁰³ The procedural requirements for assessing civilian harm reflect the condition laid out in international humanitarian law that

299 Ibid.

300 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 25 November 2020. Available at: <https://sp.spa.gov.sa/viewfullstory.php?lang=en&newsid=2161530#2161530>

301 Joint Incidents Assessment Team Refutes Allegations against Coalition Forces, 20 January 2021, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=2182319>. In the attack of 6 August 2020, in Khab and Al-Shaaf, Aljawf governorate, JIAT recommended "Coalition States to provide assistance for human and material losses caused by the unintentionally hitting (truck)". However; Mwatana doesn't know whether the victims have received any assistance.

302 Ibid.

303 See, e.g., ICRC Customary International Humanitarian Law Database, Rule 16. See generally, ICRC Customary International Humanitarian Law Database, Rules 15-21. See also, Article 13(1) Additional Protocol II to the Geneva Conventions. See also, Article 57(2)(a) Additional Protocol I to the Geneva Conventions.

states "to do everything feasible to assess whether the expected attack will cause incidental loss of civilian lives, injuries to them, or damage to civilian objects, or a combination thereof, that would be excessive in relation to the concrete and direct military advantage anticipated."³⁰⁴ Precautionary obligations are not secondary to the principles of distinction and proportionality; rather, they are essential components of the practical application of these principles.³⁰⁵ With the coalition failing to do everything feasible to verify targets and assess potential harm to civilians, it violates the fundamental principles of distinction and proportionality.

In many airstrikes, the JIAT does not take into consideration the sensitivity of the timing of the bombing concerning the presence of civilians, as long as a specific location has been designated as a military target, even if it's a fuel station or a bridge used by civilians.³⁰⁶ According to Larry Lewis, an advisor to the U.S. Department of State, communication with the command and control center to check coordinates based on the no-strike list takes only "a minute or two," indicating that such a precaution would be feasible in all circumstances except the most urgent.³⁰⁷ In such cases, precautionary obligations dictate that the attacker should wait to ensure there are no civilians in the vicinity of the strike, but often, the JIAT does not appropriately address this. Even when taking these necessary precautionary measures, all civilian objects are necessarily listed on the no-strike list and cannot be targeted due to their civilian nature.

The legal analyses of the Joint Team raise serious concerns, as it often concludes that the coalition's attack did not violate international humanitarian law. According to the coalition's claims, the targets it strikes are legitimate military objectives. Consequently, the JIAT repeatedly ignores the significant harm inflicted on civilians by such attacks and seems not to acknowledge the requirements outlined in international humanitarian law to avoid and minimize civilian harm and to cancel disproportionate attacks when striking military objectives. Therefore, when the JIAT does not acknowledge harm, it indicates that the coalition did not consider it beforehand — a clear violation of precautionary obligations and the principle of proportionality under international humanitarian law. This failure to consider proportionality may be one of the reasons the coalition continues to launch airstrikes that have harmed and continue to harm a large number of civilians.

304 See, e.g., ICRC Customary International Humanitarian Law Database, Rule 18. See generally, ICRC Customary International Humanitarian Law Database, Rules 15-21. See also, Article 13(1) Additional Protocol II to the Geneva Conventions.

305 *Prosecutor v. Stanislav Galic*, IT-98-29-T, Judgment (TC) 5 December 2003, para. 58.

306 The issue of the widespread bombing of dual-use infrastructure is of major significance given the humanitarian catastrophe in Yemen. Where an object of importance to the civilian population has become a military target as a result of its use by the armed forces, proportionality assessments are required to assess not only the immediate effects of an attack but also the so-called "reverberating" effects. Such a discussion is beyond the scope of this intervention.

307 Saudi Warplanes, Most Made in America, Still Bomb Civilians in Yemen, *The New York Times*, 22 May 2019, <https://www.nytimes.com/2019/05/22/world/middleeast/saudi-yemen-airstrikes-civilians.html>

Additionally, according to Lewis, the so-called "dynamic attacks" are not executed according to the procedure outlined by the coalition but are quickly defined as a rapid response to an immediate threat or an unplanned target in a conversation between the attacker and a source on the ground within Yemen, without directing the decision through control rooms. The result is a significant gap in civilian protection sufficient to allow the coalition to strike hospitals and other protected entities.³⁰⁸

Even in the few cases where the Joint Incidents Assessment Team (JIAT) admitted not following procedures regarding a specific incident, including the necessary measures to ensure the practical application of the fundamental rules of international humanitarian law, the JIAT does not necessarily conclude that the coalition violated international humanitarian law, and it fails to explain how that could be the case. For example, in the attack on civilian vehicles in Haradh, Al-Jawf, on August 6, 2020, mentioned earlier, the JIAT concluded that the officer responsible for targeting violated rules of engagement and was imprecise in taking actions. However, it also stated that the measures taken by the coalition were correct, based on international humanitarian law.

Human Rights Watch found that the Joint Incidents Assessment Team (JIAT) "seemingly consistently fails to conduct a comprehensive analysis of the laws of war in its investigations, resulting in flawed and dubious conclusions."³⁰⁹ It is highly pertinent to note that the JIAT does not describe proportionality assessments conducted before attacks or evaluate proportionality retroactively, strongly indicating that the coalition fundamentally fails to consider the core principle of proportionality under international humanitarian law and comply with it. These failures and inconsistencies suggest either an inability or an unwillingness on the part of the JIAT to conduct a thorough and accurate analysis of international humanitarian law.

The problem, as highlighted in numerous cases, is that the Joint Incidents Assessment Team (JIAT) considers the coalition to have complied with international humanitarian law or deems it unlikely to have violated it merely by identifying a military target, without addressing proportionality and assessing the expected military advantage and anticipated civilian harm. Taking steps to detect the presence of civilians and to minimize civilian harm, as well as revoking attacks that are expected to be disproportionate, can be considered compliance with international humanitarian law. Unfortunately, this has not been consistently applied in many cases of coalition airstrikes, and the JIAT works to present an inaccurate picture that contradicts the principle of compliance.

308 Grading the Pompeo Certification on Yemen War and Civilian Protection: Time for Serious Reconsideration, Dynamic strikes reportedly make up for high proportions of the Coalition's airstrikes. Just Security, 18 September 2018. <https://www.justsecurity.org/60766/grading-pompeo-certification-yemen-war-civilian-protection-time-reconsideration/>

309 Hiding Behind the Coalition, HRW.

These problematic findings by the Joint Incidents Assessment Team (JIAT) represent serious issues that must be considered in any rational assessment of the Kingdom of Saudi Arabia's intentions and its ability to comply with international humanitarian law. If the JIAT's investigations, which seem to have failed to grasp the need to analyze many fundamental aspects of international humanitarian law and indeed represent its attempt to prove compliance with it, are presented, then Mwatana for Human Rights has serious reasons to doubt the intentions of the Saudi/UAE-led coalition and its ability to comply with the requirements of international humanitarian law. It appears that the JIAT deals superficially with the concept of distinguishing between civilian and military targets, occasionally touches on some precautionary measures, and repeatedly ignores the fundamental principles of international humanitarian law, including proportionality. This is a source of great concern, given the central importance of this principle for civilians in the war in Yemen.



Sana'a - Funeral 10 -10 - 2016



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Conclusion and Thanks

This report, in both Arabic and English versions, was produced by a team of researchers in the Research and Studies Unit and the Accountability and Justice Unit at Mwatana for Human Rights. It underwent review by an expert in international law and by the organization's management. The report was also reviewed by the PAX team, a partner with Mwatana, involved in the production and release of this report.

The Media and Communication Unit's team at Mwatana played a role in designing and publishing this report, and other units and departments in both Mwatana and PAX contributed to its development.

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Mwatana and PAX call on the Saudi/UAE-led coalition in particular, all warring parties in Yemen, the UN Special Envoy to Yemen, the US Special Envoy to Yemen, the European Union, UN bodies and agencies, all actors in the international community, local and international civil society organizations, the media outlets, and researchers to consider the content and recommendations of this report. They urge the incorporation of these findings into their approaches to the Yemeni war and in all lofty, praiseworthy and constructive efforts and endeavors for peace in Yemen.

Mwatana for Human Rights and PAX welcome any proposals, comments, observations, inquiries, or discussions regarding the contents of this joint report.



Hajja - Harad - 12 - November - 2015





Mwatana for Human Rights (mwatana.org): is an independent Yemeni organization dedicated to defending and protecting human rights by carrying out accurate and objective field investigations and research, providing legal support to victims, pursuing accountability and redress, conducting advocacy, raising awareness, and building capacity.



PAX is a Dutch peace organization, working with people and partners to protect civilians against acts of war, to end armed violence and to build inclusive peace. PAX operates independently of political interests.



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