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WATCH

## “NO SAFE PLACES”

Yemen’s Crackdown on Protests in Taizz



## **“No Safe Places”**

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## Yemen’s Crackdown on Protests in Taizz

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## Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Incidents that Human Rights Watch documents in this report include:

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



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

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

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

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

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

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

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

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

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

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

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

# Recommendations

## To the Government of Yemen

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

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

## **To Opposition Forces**

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

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

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

## **To the Human Rights Council**

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

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

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

## Methodology

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

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

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

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

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



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

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

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

## I. Background

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



Yemen.

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

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

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

<sup>2</sup> World Bank, "Yemen Country Brief," <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/YEMENEXTN/0,,contentMDK:20196054~pagePK:141137~piPK:141127~theSitePK:310165,00.html> (accessed September 10, 2011).

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## II. Attacks on Protesters

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

## Attacks by Armed Gangs

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

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

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

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

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

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

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

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

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

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

## Government Denies Unlawful Use of Force

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

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

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

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

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

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

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

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

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

According to the statement to OHCHR,

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

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

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

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

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

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

<sup>32</sup> Ibid.

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

<sup>34</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Case Studies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Assault at the General Security Building*

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

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

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

<sup>87</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

<sup>94</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>114</sup> See, for example, Tom Finn, “Is Taiz Going to Be the Benghazi of Yemen?” *Time Magazine*, Dec. 13, 2011, <http://www.time.com/time/world/article/0,8599,2102183,00.html#ixzz1iyCl39fj> (accessed December 20, 2011).

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

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

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

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

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

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

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

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

## Government Denies Laws-of-War Violations

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

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

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

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

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

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

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

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

## Applicable International Humanitarian Law

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

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<sup>121</sup> Ibid.

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

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

<sup>124</sup> Protocol II applies to armed conflicts that “take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations.” Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, article 1. Yemen ratified Protocol II on April 17, 1990.

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

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

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

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

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

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

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

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

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

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

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

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

<sup>132</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 33, available at: <http://www.icrc.org/ihl.nsf/385eco82b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5> (accessed September 9, 2011).

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

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

Responsibility may also fall on persons planning or instigating the commission of a war crime. Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.<sup>135</sup>

## Indiscriminate Attacks

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

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

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

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



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

### *Al-Masbah*

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

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

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

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

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

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

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

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

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

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

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

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

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

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<sup>141</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

### **Yusif al-Shamiri**

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

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

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

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

### **Qaid al-Yusifi, 'Imad al-'Udaini, and Murad al-Mikhlaifi**

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

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

<sup>150</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Kumb al-Rus*

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Lower Tahrir Street*

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

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

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

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

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

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

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

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



## *Citywide Assault*

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

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

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

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

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

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

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

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

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

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

### *Freedom Square*

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

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

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

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

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

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

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

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

<sup>182</sup> *Ibid.*

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Al-Taqwa Mosque*

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

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

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

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

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

### *Al-Manakh*

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

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

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

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

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

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

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

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

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

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

## Deployment by Both Sides in Civilian Areas

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

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

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

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

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

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

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

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

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

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

<sup>197</sup> Ibid.

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

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

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

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

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

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

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

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

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

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

<sup>202</sup> *Ibid.*

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

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

## Occupation of Health Science Institute

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

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

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

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



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

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

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

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

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

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

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

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

<sup>208</sup> Ibid.

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

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

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

## Republican Guard Killings at Checkpoints and Markets

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

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

### *Al-Buraihi Checkpoint*

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

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

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

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

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

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

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

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

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

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

### *Al-Hayat Hospital*

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

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

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

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

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

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

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

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

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

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

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

### *Hawdh al-Ashraf Checkpoint*

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

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

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

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

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

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

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

why the soldier did that but he disappeared immediately from the scene. Soldiers in Taizz judge people and sentence people at the same time, without monitoring or consequence.<sup>223</sup>

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

### *Al-Thakra Market*

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

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

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

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

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

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

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

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

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

### *Deluxe Roundabout*

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

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

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

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

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

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

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

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

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

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

## Looting of Charitable Association

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## IV. Denial of Medical Care

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Blocking Offsite Medical Care

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

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

One medic said the yellow-uniformed Thunderbolt forces stopped the medical team’s ambulance as they approached the Education Ministry building via Jamal Street, the city’s main thoroughfare, at dawn. He told Human Rights Watch:

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<sup>249</sup> UN Committee on Economic, Social and Cultural Rights, “Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights,” General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), para. 50, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358boe2c1256915005090be?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358boe2c1256915005090be?Opendocument) (accessed October 1, 2011).

<sup>250</sup> ICESCR, art. 2(2); see also, UN Committee on Economic, Social and Cultural Rights, General Comment 14, para. 12(b).

<sup>251</sup> ICCPR, arts. 6 and 7..

<sup>252</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principles 5(c) and 8.

<sup>253</sup> Human Rights Watch in-person and telephone interviews with two medics in Taizz, August 10 and September 6, 2011, respectively.

They [the Thunderbolt forces] opened the [ambulance] door and they started beating us and cursing us as they took us out of the vehicle, one after the other, even though we showed them our medical badges and our ambulance was marked as a medical vehicle. They moved us into a windowless white van with a government license plate at Wadi al-Qadhi Street and kept us there for about an hour. They beat us so severely with sticks and rifle butts that we were coated in blood.<sup>254</sup>

Another medic in the ambulance said security forces beat him mostly on his head and that, even as he bled, “they continued to beat me.” He said they eventually brought him to al-Thawra Hospital, where he received 19 stitches to his head, and then continued to interrogate him.<sup>255</sup>

The Thunderbolt forces took the rest of the emergency crew to the detention facility of the local Central Investigation Department (CID) office in Taizz and held them for about eight hours before releasing them.<sup>256</sup>

In another incident, on August 6, Republican Guards prevented a medical team from reaching persons wounded during armed clashes between opposition fighters and government armed forces on al-Sittin Road, on the northwest outskirts of Taizz.<sup>257</sup>

A government statement to Human Rights Watch said the May 9 incident was not true because commando forces are not based in Taizz. It did not respond to the August 6 incident.<sup>258</sup>

## Arbitrary Detention of Wounded Protesters

On February 18, security forces detained three protesters who had just received emergency treatment at al-Thawra Hospital. The three were among a number of protesters who had sought emergency treatment at the hospital after being wounded in a grenade attack at Freedom Square.

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<sup>254</sup> Human Rights Watch interview with medic S.J., Taizz, August 10, 2011.

<sup>255</sup> Human Rights Watch telephone interview with H.A., September 6, 2011.

<sup>256</sup> The Central Investigation Department is responsible for investigating common crimes and reports to the Interior Ministry.

<sup>257</sup> Human Rights Watch interview with an emergency worker who was part of the medical team, Taizz, August 7, 2011.

<sup>258</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

After doctors had bandaged the protesters' wounds, Central Security and CID officers detained three of the patients in the hospital's lock-up, adjacent to the entrance gate, and held them for four hours.<sup>259</sup> One doctor told Human Rights Watch:

I said to the officer in charge, "Go arrest the person who threw the grenade at the protesters. Don't arrest the wounded victims." The officer said to me, "We will not release them except by an order of the director of security of the governorate."<sup>260</sup>

## Denying Patients Medical Care

Unlawful interventions on medical facilities by the security forces and threats against medical workers intensified immediately following the government's May 29-30 assault on Freedom Square. Doctors and other medical staff told Human Rights Watch of attacks by security forces and armed men in civilian clothes on five private hospitals and a field clinic as they began receiving protesters killed and wounded at the square.<sup>261</sup> The attacks on four of the medical facilities began about 2 a.m. on May 30, indicating a coordinated action by the security forces.

At al-Thawra Hospital, scores of Republican Guards rolled up in armed vehicles and barred several doctors from entering. When the doctors protested, the soldiers pointed their Kalashnikovs. "They told me that if I did not leave, 'We will make your head fly off your body,'" said one doctor.<sup>262</sup>

Around the same time, scores of Republican Guards and Central Security personnel fired in the air as they approached private al-Safwa Hospital in Freedom Square, then fired teargas inside the hospital building.<sup>263</sup> A doctor said the forces then entered the building, shot at the ceiling, and ordered him to stop treating wounded protesters, including those in need of emergency care.<sup>264</sup>

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<sup>259</sup> Human Rights Watch interviews with two doctors at al-Thawra Hospital, Taizz, August 15, 2011.

<sup>260</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>261</sup> This account is based on Human Rights Watch telephone interviews with more than a dozen doctors and other medical staff at the affected hospitals in Taizz between May 31 and June 3, 2011.

<sup>262</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>263</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with one doctor and three wounded protesters who were inside the hospital during that attack, May 31, 2011.

<sup>264</sup> Human Rights Watch telephone interview from Sanaa to Taizz with Doctor N.H., May 30, 2011.

The doctor said one protester who had been wounded in the leg was bleeding heavily and died in the hospital shortly after security forces ordered medical staff to stop treating patients. The security forces pointed their guns at the heads of the wounded and hospital staff, and forced everyone inside who was able to walk to leave, even those confined to beds:

They expelled the injured and the wounded who were lying in the hospital at gunpoint, and they pointed their Kalashnikovs at the faces of those who were too sick to leave. Even monsters would not treat people like this.<sup>265</sup>

Doctors working in al-Safwa Hospital and a field clinic in Freedom Square told Human Rights Watch that the security forces who entered the two facilities called the injured protesters “dogs” who should not receive assistance.<sup>266</sup>

The security forces who entered al-Safwa Hospital took four nurses into custody without explanation and detained them at al-Jamalia police station.<sup>267</sup> At around 9 a.m. on May 30, General Security police also seized surgeon Sadiq al-Ibil, from the privately run May 22<sup>nd</sup> Hospital, near the neighborhood of al-Rawdha, as he was treating wounded protesters. He was held in a jail inside the administrative offices of the Taizz security forces.<sup>268</sup> The four nurses and the surgeon were released by June 2.<sup>269</sup>

The security forces also looted al-Safwa Hospital, seizing much of its medical equipment and destroying what they could not carry away.<sup>270</sup>

Also around 2 a.m. on May 30, a group of Republican Guards surrounded a field hospital for protesters inside a mosque in Freedom Square for six hours while doctors refused to let them enter.<sup>271</sup> Security forces fired into the air until the doctors let them enter at around 8 a.m.<sup>272</sup> Once inside, security forces terrorized the wounded and the medical staff, even

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<sup>265</sup> Ibid.

<sup>266</sup> Human Rights Watch telephone interviews from Sanaa with two doctors in Taizz, May 30, 2011.

<sup>267</sup> Human Rights Watch telephone interview from Sanaa to Taizz with Doctor N.K., May 30, 2011.

<sup>268</sup> Human Rights Watch telephone interviews with two doctors from May 22<sup>nd</sup> Hospital, June 2, 2011.

<sup>269</sup> Human Rights Watch telephone interviews from Sanaa to Taizz with doctors from al-Safwa Hospital and the field hospital at the mosque at Freedom Square, May 30, 2011.

<sup>270</sup> Human Rights Watch telephone interviews to Taizz with two doctors from al-Safwa Hospital, May 30, 2011.

<sup>271</sup> Human Rights Watch telephone interviews with two doctors who were inside the field hospital during the incident, May 30, 2011.

<sup>272</sup> Ibid.

thrusting the butts of their guns onto patients' wounds. One doctor said he saw a wounded protester fall to the ground and lose consciousness after a security officer smashed the butt of his gun into his face.<sup>273</sup>

Around the same time that Republican Guards surrounded the field hospital, Republican Guards, Central Security officers, and armed civilians attacked a tent that served as a field clinic at Freedom Square. The gunmen fired shots in the air and then dozens of security forces and plainclothes gunmen entered the tent, fired shots at the tent's ceiling, ordered the doctor to stop treating the wounded, and made everyone leave the tent.<sup>274</sup>

Attacks on protesters and medical facilities resumed the afternoon of May 31. That day, Central Security paramilitaries and General Security police fatally shot four more people and wounded about 40 others. As wounded protesters began to arrive at al-Rawdha Hospital, pro-government armed gangs and Central Security personnel gathered outside the medical facility.<sup>275</sup> The security forces and armed gangs threatened the injured and medical staff saying that they would “drag” them away.<sup>276</sup>

Around 8 p.m., the gangs and security forces fled after fighters dispatched by the opposition tribal leader al-Mikhlaifi fired shots into the air outside the hospital to disperse them.<sup>277</sup>

Officials at another medical facility in Taizz received threatening phone calls the night of May 31 and again on June 1 from two men who identified themselves as security officials, and warned them to not treat wounded protesters.<sup>278</sup>

Although the attacks were most intense in the aftermath of the razing of Freedom Square, they continued sporadically thereafter. On July 5, for example, Republican Guards attacked Ibn Sina Hospital, a private hospital at al-Qasr roundabout that had treated protesters. Soldiers pulled up in three armored vehicles and two military four-wheel-drive vehicles,

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<sup>273</sup> Human Rights Watch telephone interview with a doctor who was inside the field hospital during the incident, May 30, 2011.

<sup>274</sup> Human Rights Watch telephone interview with a doctor who was running the field clinic, May 30, 2011.

<sup>275</sup> Human Rights Watch telephone interviews with one medical worker and one doctor, June 2, 2011, and with a second doctor in September 2011.

<sup>276</sup> Human Rights Watch telephone interviews with one medical worker and one doctor at al-Rawdha Hospital, June 2, 2011.

<sup>277</sup> Ibid.

<sup>278</sup> Human Rights Watch interview with a doctor in Taizz, June 1, 2011. The doctor did not want the medical facility named for fear of retaliation.

shot into the air at the main entrance, then rammed open the doors with armored vehicles. The security forces searched the hospital and roof, broke down the locked door to the administrative offices, ransacked the contents, and withdrew.<sup>279</sup>

## Occupation of al-Thawra Hospital

Al-Thawra, the largest and most important hospital in Taizz governorate, is located on high ground overlooking three areas of Taizz considered to be opposition strongholds: al-Rawdha, al-Masbah, and Freedom Square. From May 30 to December, Republican Guards occupied the hospital and blocked most medical care there.

A government statement to Human Rights Watch said the hospital was never occupied or closed to patients. “Only a group of the Central Security forces were put in charge of the building as it had been targeted and attacked several times by the JMP militias,” it said. “Work is going on normally.”<sup>280</sup> However, the hospital was closed to patients and surrounded by Republican Guards and armored vehicles when Human Rights Watch visited Taizz in August and November, and numerous residents and medical officials told us the hospital was occupied by soldiers and closed. In December, Human Rights Watch saw the hospital open but guarded by groups of Central Security forces.

On May 30, after security forces and armed gangs assaulted Freedom Square, scores of Republican Guards rolled into al-Thawra Hospital grounds in tanks, armed personnel carriers, and other military vehicles. The Republican Guards deployed armed soldiers at the gates, barricaded the building with sandbags, and mounted machineguns on the roof.<sup>281</sup>

Until they left in December, Republican Guards used the hospital as a base from which to shell opposition areas including al-Rawdha and Freedom Square. They also have searched, threatened, beaten, and detained staff and patients. One doctor said that soldiers “turned the hospital system upside down.” In August, he told Human Rights Watch:

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<sup>279</sup> Human Rights Watch interviews with medical workers at Ibn Sinha Hospital, Taizz, August 8, 2011.

<sup>280</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>281</sup> Human Rights Watch interviews with medical staff at al-Thawra Hospital including two doctors, Taizz, August 15, 2011.



In the evening they completely turn off the lights that illuminate the hospital corridors and the garden, and they close all the routes leading to the hospital, and in the daytime they subject patients and doctors to constant searches and scrutiny. In normal times, this hospital accommodated 70 percent of emergency cases in Taizz governorate and it was crowded with patients. But since the Republican Guards turned it into a barracks, I can tell you that almost no one is brought to this hospital, with very rare exceptions.<sup>282</sup>

In early June, hospital guards who were part of the General Security police beat up a wounded demonstrator who had been brought to the hospital for treatment and only stopped when doctors intervened.<sup>283</sup>

Doctors at the hospital said the Republican Guards constantly harassed doctors and nurses who questioned the military occupation of the hospital or tried to treat patients against the soldiers' wishes. "They insult us and threaten us and brandish their weapons in our faces," said one doctor. In July, a Republican Guard pointed his weapon at a nurse and locked him in the hospital jail for several hours as punishment for discussing the anti-Saleh protests with a colleague.<sup>284</sup>

Even a military presence at al-Thawra to protect hospitalized soldiers from attack by opposition fighters could not be justified. No wounded soldiers were present at al-Thawra Hospital; they were instead treated at the Taizz military hospital.<sup>285</sup>

In early August, the Republican Guard moved its armored vehicles from the hospital grounds to just outside the hospital walls. Beyond unlawfully shutting down the hospital, the government's deployment of armored vehicles just outside enhanced the risk of the hospital being damaged and of remaining patients and staff being harmed in fighting. On the night of August 24, Republican Guards at al-Thawra Hospital turned away a wounded man who had been shot in the neck by Republican Guards that evening in al-Thakra Market. "The soldiers at the hospital refused to let me in, and they said that there are no doctors in

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<sup>282</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>283</sup> Human Rights Watch interview with Doctor K.S., Taizz, August 15, 2011.

<sup>284</sup> Human Rights Watch interview with Doctor A.B., Taizz, August 15, 2011.

<sup>285</sup> Human Rights Watch interview with Doctor K.S., Taizz, August 15, 2011.

the hospital and that it does not receive cases,” the wounded man said. He was transferred to a different hospital for treatment.<sup>286</sup>

## Shelling of al-Rawdha Hospital

On November 11, the deadliest day of shelling in Taizz during the period covered by this report, seven projectiles including mortar shells struck al-Rawdha Hospital, in the opposition-controlled neighborhood of al-Rawdha. Based on interviews with credible witnesses and an inspection of the hospital, Human Rights Watch believes the shells and other ordnance came from government military positions including al-Jara Mountain.<sup>287</sup> Some of the damage to the hospital walls suggested direct-fire impacts from tank main guns, indicating that the Yemeni military deliberately targeted the hospital.

Al-Rawdha Hospital often treats wounded protesters and opposition fighters. It is 100 meters from an opposition checkpoint and 300 meters from the house of local opposition commander leader al-Mikhlaifi. According to witnesses and medical workers, no opposition fighters were deployed inside the hospital, though such a presence would not have justified an attack on the hospital without warning.

The ordnance struck over the course of several minutes around 1 p.m., as protesters and emergency workers rushed the casualties from Freedom Square and other areas under attack to al-Rawdha Hospital. One projectile tore a hole through the wall of the fourth floor. A man fell through the hole to the street below and died soon after.<sup>288</sup>

Muhammad Mansur was being treated for shell fragments that struck and wounded him and killed three friends as they sat earlier that day outside al-Taqwa mosque, also in al-Rawdha. He told Human Rights Watch:

At 1 p.m. we were surprised by more shells, falling on the hospital. I saw the horror in the eyes of the injured and wounded. They [government forces] are

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<sup>286</sup> Human Rights Watch telephone interview from Sanaa to Taizz with A.R., September, 2011.

<sup>287</sup> Human Rights Watch interviewed more than two dozen witnesses and doctors about the attacks on November 11, including five who were in al-Rawdha Hospital during the attack, in Taizz on November 13-21. We also examined mortar shell fragments found at the site.

<sup>288</sup> Human Rights Watch interviews with five witnesses inside the hospital, Taizz, November 15-16, 2011.

killing us in our houses and then following us with more shells as we rush to hospitals that open their doors to us for treatment.<sup>289</sup>

Kafa'a Wazi' Abdu, who helped bring wounded to al-Rawdha Hospital from Freedom Square, said:

We ran with the visitors, the doctors, the patients, and dozens of wounded to the basement of the hospital. The dust and smoke from the shelling was rising in front of us. I saw a wounded man in a bed lying on the ground, motionless, in a pool of blood.<sup>290</sup>

A government statement to Human Rights Watch blamed soldiers of the renegade First Armored Division and the JMP for the attack on the hospital.<sup>291</sup>

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<sup>289</sup> Human Rights Watch interview with Muhammad Mansur, Taizz, November 16, 2011.

<sup>290</sup> Human Rights Watch interview with Kafa'a Wazi' Abdu, Taizz, November 15, 2011.

<sup>291</sup> Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch. See also "Yemen defected army kills 12, wounds dozens in Taiz," *Yemen Observer*, November 18, 2011, <http://www.yobserver.com/local-news/10021627.html> (accessed November 18, 2011).

## V. State Forces and Non-State Armed Groups in Taizz

A range of state security forces, from police to elite army troops, have been involved in law enforcement and military operations in Taizz. Most armed opposition forces consist of fighters for local tribal sheikhs and many are sympathetic to Islah.

### Government Security Forces

Residents estimated that hundreds of soldiers and paramilitary officers were deployed in Taizz in addition to the police force during the period of this report. They referred to the following security forces as the most frequent perpetrators of violence against civilians, and identified them by their uniforms and marked vehicles:

**Central Security**, a paramilitary force, is formally part of the Ministry of Interior and commanded by President Saleh's nephew, Gen. Yahya Muhammad Saleh. Central Security has participated in numerous attacks on protesters in Taizz, including the May 29-30 assault on Freedom Square. Central Security forces also controlled checkpoints, in some cases jointly with Republican Guards.<sup>292</sup> The current commander of Central Security in Taizz is Col. Hamud al-Harithi.<sup>293</sup> Al-Harithi replaced Brig. Gen. Nasser al-Qawsi, who was removed July 23.<sup>294</sup>

**The Republican Guard**, one of the better-trained and equipped forces within the Yemeni army, has been the most visible security force in Taizz since the May 29 attacks. The

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<sup>292</sup> A 1980 presidential order established Central Security (al-Amn al-Markazi), tasking the agency with responsibilities ranging from ensuring the safety of property and persons to border patrolling and counterterrorism. Central Security has been heavily responsible for the use of excessive force against largely peaceful protesters in other parts of Yemen including Sanaa and Aden, as well as against members of the separatist movement in the south. Central Security includes a Counter-Terrorism Unit funded and trained by the US. See Congressional Research Service, "Yemen: Background and U.S. Relations," December 28, 2011, [www.fas.org/sgp/crs/mideast/RL34170.pdf](http://www.fas.org/sgp/crs/mideast/RL34170.pdf) (accessed November 15, 2011), pp. 12. Human Rights Watch has not been able to verify allegations that counterterrorism forces participated in unlawful attacks on protesters.

<sup>293</sup> Harithi had been director of security in the southern province of Abyan before Islamist armed groups belonging to Ansar al-Sharia (Partisans of Islamic Law) captured the capital of that province, Zinjibar, in May. For information on the Abyan fighting, see "Yemen: Dozens of Civilians Killed in Southern Fighting," Human Rights Watch news release, July 9, 2011, <http://www.hrw.org/news/2011/07/09/yemen-dozens-civilians-killed-southern-fighting>.

<sup>294</sup> Several political observers in Taizz and Sanaa told Human Rights Watch that authorities in Sanaa and Taizz removed al-Qawsi because they did not consider him sufficiently hardline on protesters and opposition forces. Human Rights Watch telephone interviews and email correspondence with a half-dozen Yemeni political analysts, journalists, and Taizz officials, September 8-11, 2011.

national commander of the Republican Guards is Brig. Gen. Ahmed Ali Abdullah Saleh, the son of President Saleh. The Taizz commander of the Republican Guard is Staff Brig. Murad al-‘Awbali.

Republican Guards patrolled some areas in civilian clothes, though most were in uniform, witnesses said. The Republican Guard arsenal in Taizz included tanks and other armored vehicles, Soviet-designed Katyusha rockets, machine guns, and Kalashnikov assault rifles, according to witnesses and Yemeni media reports. Human Rights Watch saw armed Republican Guards deploying tanks and armored vehicles in August and November in Taizz.

**General Security** is Yemen’s regular police force and part of the Interior Ministry. In Taizz, as in other cities, witnesses said General Security forces participated in crackdowns on protesters.

The director of General Security in Taizz during most of the violations documented in this report was Brig. Gen. Abdullah Qairan. Qairan had served as security director of Aden until he was transferred to Taizz on March 15. The Taizz governorate council announced on January 8, 2012, that they had voted to remove Qairan from his post, reportedly because of his role in the killings of protesters.<sup>295</sup> But a senior Interior Ministry official reportedly dismissed the action.<sup>296</sup> At this writing, authorities had not announced charges against Qairan in connection with unlawful attacks in Taizz.

Protesters in Aden have alleged that Qairan was responsible for the police’s use of unlawful force against peaceful demonstrators in Aden both during the anti-Saleh uprisings of 2011 and during attacks on southern separatists in previous years. Qairan was transferred to Taizz shortly after an Aden court issued a summons for him to be prosecuted in connection with the death of Ahmad al-Darwish, an Aden man who died in police custody on June 25, 2010, after being detained in a counterterrorism operation.<sup>297</sup> Qairan’s

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<sup>295</sup> Ahmed al-Haj, “Yemen cabinet approves immunity law for president,” The Associated Press, January 8, 2012 [http://hosted.ap.org/dynamic/stories/M/ML\\_YEMEN?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2012-01-08-12-37-32](http://hosted.ap.org/dynamic/stories/M/ML_YEMEN?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2012-01-08-12-37-32) (accessed January 8, 2012). A Taizz governorate official confirmed Qairan’s dismissal in a telephone interview the same day with Human Rights Watch.

<sup>296</sup> Sudarsan Raghavan, “In Restive City, a Strongman Rules,” The Washington Post, January 16, 2012, [http://www.washingtonpost.com/world/middle\\_east/in-restive-yemeni-city-a-local-strongman-rules/2012/01/11/gIQAdFRm2P\\_story.html](http://www.washingtonpost.com/world/middle_east/in-restive-yemeni-city-a-local-strongman-rules/2012/01/11/gIQAdFRm2P_story.html) (accessed January 16, 2012).

<sup>297</sup> Al-Darwish’s death became a symbol for the southern opposition movement of alleged police brutality in the south. Aden security forces shot dead a mourner at al-Darwish’s funeral procession, held in June 2011 on the first anniversary of his death. For more information on al-Darwish, see “Yemen: Probe Deadly Attack on Marchers,” Human Rights Watch news release, June 26, 2011, <http://www.hrw.org/news/2011/06/26/yemen-probe-deadly-attack-marchers>.

transfer to Taizz became a focal point of anger among the city's anti-Saleh demonstrators. On June 18, opposition protesters in Taizz carried posters bearing portraits of Qairan that read: "Wanted alive or dead ... the butcher Abdullah Qairan."<sup>298</sup>

In a July 14 interview on al-Sa'ida, an opposition television channel, Qairan said he was the victim of a smear campaign and that no evidence linked him to the al-Darwish killing or other violence in Aden or Taizz.<sup>299</sup> In September, an Aden prosecutor asked a local court to order Yemeni port and border authorities to arrest Qairan if he were he to try to leave the country, but a court administrator refused to issue the order.<sup>300</sup>

The **33rd Brigade**, a Yemeni army unit, has since June participated in intermittent clashes along al-Sittin Road with tribal opposition forces, as well as attacks inside Taizz. The brigade is formally stationed at the Khalid bin al-Walid army camp on the outskirts of Taizz, but opposition activists said the unit operated from at least three elevated areas in the city. The brigade's commander is Brig. Gen. Abdullah al-Dhab'an.<sup>301</sup> The brigade's previous commander, Brig. Gen. Jubran al-Hashidi, was dismissed after he reportedly began siding with the opposition in June.<sup>302</sup>

**Military police**, tasked with ensuring law and order within the armed forces, have at times reportedly assisted in attacks on protesters and opposition forces.

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On September 28, 2011, the public prosecutor for the Sira district in Aden issued a memorandum calling for Qairan's immediate arrest at any port or border if he tried to leave the country, the Yemeni opposition paper Mareb Press reported. But the president of the Aden governorate Court of Appeals, Judge Nora Dhaifullah Qa`tbi, did not sign the order, saying she was acting on orders from Sanaa, al-Darwish's brother, Abd al-Hameed al-Darwish, told Mareb Press. The brother also said two men in an unmarked Toyota vehicle tried to kidnap him and a friend as they left the Court of Appeals that same day to check on the directive. See "محاولة اختطاف لشقيق الدرويش في عدن، توجيهات عليا توقف تعميم ضبط قييران في المنافذ البرية والبحرية والجوية ومنعه من مغادرة اليمن" Mareb Press, September 29, 2011, [http://marebpress.com/news\\_details.php?lng=arabic&sid=36816](http://marebpress.com/news_details.php?lng=arabic&sid=36816) (accessed October 4, 2011).

<sup>298</sup> Khaled Abdullah, "Anti-Government Protesters Hold Up Posters of Taiz Police Chief," Reuters photo, June 18, 2011, [http://srnnews.townhall.com/photos/view/safety\\_\\_security/1004/anti-government\\_protesters\\_hold\\_up\\_posters\\_of\\_taiz\\_police\\_chief\\_abdullah\\_qairan\\_during\\_a\\_rally\\_in\\_taiz/a0943ddf-e2df-4cbe-8d4d-b7155389174f/](http://srnnews.townhall.com/photos/view/safety__security/1004/anti-government_protesters_hold_up_posters_of_taiz_police_chief_abdullah_qairan_during_a_rally_in_taiz/a0943ddf-e2df-4cbe-8d4d-b7155389174f/) (accessed September 10, 2011).

<sup>299</sup> Transcript of interview with Abdullah Qairan, al-Sa'ida television, on July 14, 2011, available from: <http://yemenrightsmonitor.blogspot.com/2011/07/july-14th-interview-with-abdullah.html> (accessed September 11, 2011.)

<sup>300</sup> Yemeni Court Orders Top Cop's Arrest," iol.co.za, September 28, 2011, <http://www.iol.co.za/news/world/yemeni-court-orders-top-cop-s-arrest-1.1146480> (accessed September 28, 2011).

<sup>301</sup> State-run media refer to al-Dhab'an as the brigade leader. See, for example, "People of Al-Modhafar Directorate praise the national role of 33rd Brigade's Heroes," Saba news agency, September 8, 2011, <http://www.sabanews.net/ar/news247813.htm> (accessed October 5, 2011).

<sup>302</sup> "Yemen's Saleh in Saudi Hospital," Bloomberg, June 5, 2011, <http://www.businessweek.com/news/2011-06-06/yemenis-cheer-wounded-leader-saleh-s-flight-to-saudi-arabia.html> (accessed September 30, 2011), para 18.

## Armed Gangs (“Baltajiyya”)

Since the start of protests in Taizz, gangs armed with firearms, sticks, stones, or *jambiyas* (traditional Yemeni daggers), have harassed and beaten demonstrators at Freedom Square and at marches. Such gangs also have attacked protesters in other cities. Yemenis refer to these assailants as *baltajiyya* (thugs), and many believe that they are paid by government officials or supporters. In some cases, snipers in civilian clothes have fired on protesters from sites including government buildings. Witnesses reported that security forces have in many cases stood by or joined in these attacks.

## Opposition Forces

Opposition fighters began deploying in Taizz in late May and early June ostensibly to protect protesters from attacks by security forces, and soon began clashing with government troops. Opposition forces repeatedly placed civilians at risk by deploying in densely populated neighborhoods and doing nothing to remove civilians from the area. Human Rights Watch saw dozens of armed opposition fighters in Taizz in August and November 2011 and local residents said there were hundreds.<sup>303</sup>

Opposition fighters in Taizz are commanded by tribal sheikhs including Hamud al-Mikhlafi and his cousin Sadiq Ali Sarhan. Sarhan, a brigadier general, leads the Air Defense Brigade of the First Armored Division, a powerful army unit that defected to the opposition in March 2011. Gen. Ali Mohsen al-Ahmar, a former confidant and relative by marriage of President Saleh who commands the First Armored Division, is close to al-Mikhlafi and has ties with Islah. Al-Mikhlafi’s and Sarhan’s tribal villages—al-Mikhlafi and Sharab respectively—are located near each other about 15 kilometers north of Taizz along al-Sittin Road, a route that has been the scene of intermittent clashes.

Al-Mikhlafi also has a compound in the opposition-controlled neighborhood of al-Rawdha in Taizz and Sarhan was in 2011 building a home in al-Masbah.<sup>304</sup> Opposition fighters are present in the streets of some opposition neighborhoods that they control and they command at least five checkpoints at the entrances to those neighborhoods. They also

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<sup>303</sup> Human Rights Watch interviews with residents in Taizz, August and November 2011. In a telephone interview on December 15, 2011, one source close to the opposition forces put the number of opposition fighters at 600 to 700.

<sup>304</sup> Human Rights Watch interviews with dozens of Taizz residents, Taizz, August and November 2011. Human Rights Watch also has seen al-Mikhlafi’s and Sarhan’s homes in al-Rawdha and al-Masbah.

guard protesters during marches and at Freedom Square. They wear tribal garb—a sarong-like cloth called a *maawaz*, with a buttoned shirt and headscarf.

In August and November, Human Rights Watch saw groups of opposition fighters armed with Kalashnikov assault rifles, handguns, hand-grenades, and rocket-propelled grenades in areas including al-Rawdha and Freedom Square and at checkpoints in neighborhoods including al-Masbah. The opposition sheikhs in July received support from the First Artillery Brigade of the renegade First Armored Division.



## VI. Lack of Accountability

In response to calls from the UN Security Council and the OHCHR, Yemeni officials have promised impartial investigations both in Taizz and nationally into serious human rights violations in connection with the movement to end President Saleh's rule. At this writing, however, there had been virtually no accountability.

In September, Navi Pillay, the UN High Commissioner for Human Rights, called for an international, impartial investigation into serious human rights violations in Yemen stemming from the anti-Saleh movement, with the aim of bringing those responsible to justice and compensating victims. Pillay urged the Yemeni government to allow the OHCHR to open an office in Yemen to monitor and report on human rights violations in the country.<sup>305</sup>

In a positive step, Yemen's caretaker cabinet in January 2012 invited the OHCHR to open an office in Yemen.<sup>306</sup> But Yemeni authorities have opposed international investigations, saying they would impinge on Yemeni sovereignty.<sup>307</sup>

On October 21, the UN Security Council condemned "continued human rights violations by the Yemeni authorities, such as the excessive use of force against peaceful protestors," as well as "human rights abuses perpetuated by other actors." The Security Council backed Pillay's call for independent and impartial investigations—without specifying that they be international—and "stressed that all those responsible for violence, human rights violations and abuses [in Yemen] should be held accountable."<sup>308</sup>

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<sup>305</sup> "Pillay says Yemen situation 'dangerous,' urges all parties to halt abuses," Office of the High Commissioner for Human Rights news release, September 22, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11413&LangID=E> (accessed September 23, 2011).

<sup>306</sup> "Cabinet approves opening OHCHR office in Yemen," Saba News Agency, January 24, 2012, <http://www.sabanews.net/en/news258847.htm> (accessed January 25, 2012).

<sup>307</sup> Human Rights Watch interview with Yemeni Foreign Minister Abu Bakr al-Qirbi, New York, September 28, 2011. See also "Human Rights Council holds interactive dialogue on Yemen," Statement by Concerned Country, Human Rights Council news release, September 19, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11392&LangID=E> (accessed September 28, 2011).

<sup>308</sup> UN Security Council Resolution 2014 (2011), adopted October 21, 2011, article 4, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm> (accessed October 22, 2011).

In response, the Yemeni cabinet on November 15 authorized the formation of a committee composed of opposition and ruling party members to conduct “independent and transparent investigations compatible with the international standards into the human rights violation allegations” across Yemen in 2011.<sup>309</sup> On November 21, Yemen’s Parliament, which is dominated by the president’s party, announced it would investigate “the recent events” in Taizz.<sup>310</sup>

In a letter to Human Rights Watch dated December 21, 2011, the Yemeni government pledged to follow through on investigating violations in 2011 and ensuring they would not continue. “The most important task for the government at the present stage is mitigating political and security tension and eliminating the factors and causes of the infringement to human rights that occurred,” the letter said. “Thus, one of the priorities of the national consensus government in the coming phase will be to implement the content of the HRC resolution on respect for human rights and investigate any abuses committed by any party by launching independent, transparent investigations that comply with international standards.”<sup>311</sup>

In an accompanying joint statement, also dated December 21, the Taizz General Security division and the Yemeni Foreign Ministry told Human Rights Watch that the Taizz governorate had formed various committees to investigate attacks on protesters and other civilians in the city. The statement accused the JMP of refusing to cooperate with investigations.<sup>312</sup>

On the question of accountability, the statement noted one conviction of a security force member but no other arrests or prosecutions.<sup>313</sup> The statement said that “some families have received suitable compensation” but did not detail either the number of families or

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<sup>309</sup> “Gov’t adopts procedures to execute HRC’s recommendations,” Saba News, November 15, 2011, <http://www.sabanews.net/en/news253312.htm> (accessed November 16, 2011).

<sup>310</sup> “Parliament forms fact-finding committee on Taiz events,” Saba News, November 21, 2011, <http://www.sabanews.net/en/news253783.htm> (accessed November 21, 2011).

<sup>311</sup> Letter to Human Rights Watch from the Yemen Foreign Ministry Office of the Minister, No. 71/130/1170, December 21, 2011, translated from Arabic to English by Human Rights Watch. Copy on file with Human Rights Watch.

<sup>312</sup> The Legal Explanatory Rebuttal to the Allegations Submitted by Human Rights Watch, statement from Taizz General Security and Yemen Foreign Ministry, December 21, 2011, copy on file with Human Rights Watch.

<sup>313</sup> Ibid. The incident for which the officer was convicted is described earlier in this report. For government responses to unlawful attacks in Yemen, see also United Nations Office of the High Commissioner for Human Rights, Assessment Mission to Yemen, September 13, 2011, <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf> (accessed September 13, 2011), paras 30-32, 41.

what the compensation was.<sup>314</sup> Human Rights Watch learned of only one family, part of an influential tribe that was offered compensation.

Many Yemenis have told Human Rights Watch that they lack confidence in the ability or willingness of government authorities to conduct credible and impartial investigations into human rights abuses.<sup>315</sup>

Accountability is complicated by an immunity law passed by Yemen's parliament on January 21, 2012. The parliament—which is dominated by the ruling party, known as the General People's Congress—granted a blanket amnesty to Saleh for any crimes committed during his presidency. It also granted immunity from prosecution for any “political” crimes, with the exception of terrorist acts, to all those who served with the president. That language is likely to shield all government officials from prosecution in Yemeni courts for the unlawful attacks on the anti-Saleh movement of 2011.<sup>316</sup>

The exit accord brokered by the Gulf Cooperation Council, which President Saleh signed on November 23, instructed Yemen's parliament to pass the amnesty law in exchange for the president's promise to leave office by February 21, 2012.<sup>317</sup> The United States and the European Union supported the accord and the UN Security Council called on all parties in Yemen to use it as the basis for a political settlement and power transfer.<sup>318</sup>

It is the policy of the UN secretariat to oppose amnesties for recognized international crimes including war crimes, crimes against humanity, and gross violations of human rights.<sup>319</sup> Moreover, governments prosecuting these offenses under universal jurisdiction

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<sup>314</sup> Ibid.

<sup>315</sup> Human Rights Watch interviews with Yemeni citizens in person and by telephone over the course of 2011.

<sup>316</sup> “Yemen grants Saleh immunity to try to end crisis,” Reuters, January 21, 2012, <http://www.reuters.com/article/2012/01/21/us-yemen-idUSTRE8oKoB120120121?feedType=RSS&feedName=topNews&rpc=71> (accessed January 21, 2012). A copy of the law is on file with Human Rights Watch.

<sup>317</sup> Gulf Cooperation Council Initiative to Resolve the Yemeni Crisis, version of May 21/22, 2011, Executive Steps, para. 3, copy on file with Human Rights Watch. The GCC initiative called for parliament to act on an immunity law on the 29th day after is the accord was signed. However an implementing accord that President Saleh and the political opposition also signed on November 23, 2011, had the effect of allowing parliamentary action on immunity during a later period of the 90-day power transfer. See Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative, November 23, 2011, paras. 8-9, copies on file with Human Rights Watch.

<sup>318</sup> UN Security Council Resolution 2014 (2011), adopted October 21, 2011, Article 4, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm>.

<sup>319</sup> The United Nations policy of opposing amnesties for war crimes and for gross violations of human rights extends even to the context of peace negotiations. The UN's Rule-Of-Law Tools for Post-Conflict States states that “United Nations staff, whether in Headquarters or in field operations, may never condone amnesties that international law and United Nations policy unite in

laws are not bound by domestic amnesties issued in the territorial state, as acts of a foreign legislature do not bind another sovereign state.<sup>320</sup> Thus, any parliamentary grant of immunity in Yemen has no legal binding effect on national or international courts that have jurisdiction over crimes in violation of international law, such as war crimes and crimes against humanity committed in Yemen.<sup>321</sup>

The immunity also runs counter to Yemen's own obligations under international law to investigate and prosecute serious violations of international human rights and humanitarian law.<sup>322</sup> Therefore, the validity of the immunity law could be legitimately challenged in Yemeni courts, even though it contains a clause barring appeal or annulment.<sup>323</sup>

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condemning." See Office of The United Nations High Commissioner for Human Rights, "Rule-Of-Law Tools For Post-Conflict States: Amnesties," HR/PUB/09/1, 2009, [http://www.ohchr.org/Documents/Publications/Amnesties\\_en.pdf](http://www.ohchr.org/Documents/Publications/Amnesties_en.pdf) (accessed December 13, 2011).

In 2004, then-Secretary-General Kofi Annan wrote in his report on the rule of law and transitional justice in conflict and post-conflict societies that "United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights." See Report of the Secretary-General, "The rule of law and transitional justice in conflict and post-conflict societies," S/2004/616, August 24, 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/No4/395/29/PDF/No439529.pdf?OpenElement> (accessed December 13, 2011), para. 10.

Jamal Benomar, a special advisor to UN Secretary-General Ban Ki-moon, informed all parties of that policy while facilitating President Saleh's November 23 agreement to transfer power. See First Report of the Secretary-General Pursuant to Security Council Resolution 2014 (2011), November 28, 2011, para. 12 (copy on file with Human Rights Watch).

<sup>320</sup> "Universal jurisdiction" refers to the competence of a national court to try a person suspected of a serious international crime—such as genocide, crimes against humanity, war crimes, or torture—even if neither the suspect nor the victims are nationals of the country where the court is located and the crime took place outside of that country.

<sup>321</sup> For example, an amnesty passed in the state where the crime was committed has been held not to bind courts in the United Kingdom, which have the discretion not to apply the amnesty law to crimes that, through treaties (such as the Convention against Torture), the UK government has committed itself to prosecuting. See the reasoning of Lords Steyn and Nichols in *R v. Bow Street Magistrates Court; ex parte Pinochet (No 1)*, (25 Nov. 1998), [1998] 4 All ER 897 at 938 (Lord Nicholls) and 946-7 (Lord Steyn). In France, the French Supreme Court held that a foreign amnesty law has effect only in the territory of the state concerned, and that recognizing the applicability of a foreign amnesty law in France would be tantamount to a violation by the French national authorities of their international obligations, and to a negation of the principle and purpose of universal jurisdiction. See Cour de Cassation, decision N° de pourvoi : 02-85379, October 23, 2002, in the case against Mauritanian national Ely Ould Dah, available online at <http://www.legifrance.gouv.fr/>.

<sup>322</sup> As a matter of both treaty and customary international law, there is a duty to prosecute serious international crimes or to extradite to a jurisdiction that will prosecute. International treaties, such as the Geneva Conventions of 1949 and its Additional Protocols, obligate parties to ensure alleged perpetrators of serious crimes are prosecuted, including those who give orders for these crimes. See Geneva Convention Relative to the Protection of Civilian Persons in Times of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 146.

<sup>323</sup> The trend in international law is that state amnesty provisions must be considered void if they attempt to amnesty serious crimes in violation of international law, because such provisions are contrary to states' obligations to combat impunity for serious violations of international human rights and humanitarian law. Many precedents were set in Latin America. For example, the Inter-American Court of Human Rights has held that Peru's blanket amnesty law, which discouraged investigations and denied any remedies to victims, was invalid. See Inter-American Court, *Barrios Altos Case*, judgment of March 14, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 75 (2001), paras. 41-44. The Inter-American Court also held that Brazil's amnesty law is "incompatible with the American Convention [on Human Rights] and void of any legal effects." See Inter-American Court, *Gomes-Lund et al. (Guerrilha do Araguaia) v. Brazil*, November 24, 2010, <http://www.unhcr.org/refworld/docid/4d469fa92.html>. Similarly, the Inter-American Commission on Human Rights has found that amnesty laws in Chile and Argentina do not satisfy a state's duty to prosecute and are incompatible with the American Convention on Human Rights. See Inter-American Court, *Garay Herмосilla Case*, Case 10. 843, Report No. 36/96,

Many Yemeni protesters including Tawakkol Karman, a recipient of the 2011 Nobel Peace Prize, have called for the International Criminal Court (ICC) to prosecute President Saleh and other top officials for crimes in violation of international law committed against the anti-Saleh movement.<sup>324</sup>

Yemen is not a member state of the Rome Statute, the treaty establishing the ICC.<sup>325</sup> However, Yemen could ratify the treaty, or accept the retroactive jurisdiction of the ICC through a formal declaration even without becoming a state party to the statute.<sup>326</sup> The Rome Statute also empowers the UN Security Council to refer cases to the ICC for consideration.<sup>327</sup>

The immunity law instructs Yemen's government to submit draft legislation to parliament for national reconciliation and transitional justice and to "ensure the non-recurrence of violations of human rights and humanitarian law."<sup>328</sup> The concept of "transitional justice" as set out by the United Nations includes a range of judicial and non-judicial measures such as criminal prosecutions, truth commissions and reparations to victims.<sup>329</sup> Establishing a record of past crimes and providing redress are vital steps toward reconciliation, but they are not a substitute for justice.

Fair prosecutions—whether in domestic or international proceedings—are also important for reasons beyond a state's international legal obligations. Holding to account those responsible for serious violations of international human rights and humanitarian law may

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Inter Am.Ct.H.R., OEA/Ser.L/V/II.95 Doc. 7 rev. at 156 (1997), October 15, 1996, <http://www.unhcr.org/refworld/docid/3ae6b71a4.html>; Inter-American Court, Case Nos. 10.147, 10.181, 10.240, 10.262, 10.309, 10.311, Report No. 28/92, Inter-Am.C.H.R., OEA/Ser.L/V/II.83 Doc. 14 at 41 (1993), October 2, 1992, <http://www.unhcr.org/refworld/docid/3ae6b6d434.html> (all accessed December 30, 2011). Article 4 of Yemen's immunity law of 2012 bars appeal or annulment.

<sup>324</sup> The ICC was established to deliver justice for serious violations of international criminal, such as war crimes and crimes against humanity, where national courts are unwilling or unable genuinely to investigate or prosecute. See Rome Statute, arts. 12-13).

<sup>325</sup> Yemen signed the Rome Statute on December 28, 2000, but has not ratified the treaty.

<sup>326</sup> See Rome Statute, arts. 11(2), 12(3), <http://untreaty.un.org/cod/icc/statute/romefra.htm>.

<sup>327</sup> See Rome Statute, arts. 11-13.

<sup>328</sup> Yemen immunity law of February 21, 2012, article 3, copy on file with Human Rights Watch.

<sup>329</sup> Report of the Secretary-General, The rule of law and transitional justice in conflict and post-conflict societies, S/2004/616, August 24, 2004.

help restore dignity to victims by acknowledging their suffering. Prosecutions also help deter a culture of impunity that encourages future abuses.<sup>330</sup>

In countries around the world, Human Rights Watch found that failing to address serious human rights crimes leaves open wounds that demand attention for decades.<sup>331</sup> As Archbishop Desmond Tutu of South Africa has noted, “As painful and inconvenient as justice may be, we have seen that the alternative—allowing accountability to fall by the wayside—is worse.”<sup>332</sup> Without accountability, there will be no genuine break from the past in a post-Saleh Yemen.

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<sup>330</sup> See Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 9, 2009, [www.hrw.org/node/84264](http://www.hrw.org/node/84264).

<sup>331</sup> *Ibid.*

<sup>332</sup> Desmond Tutu, “Will Africa let Sudan off the hook?” commentary, *The New York Times*, March 2, 2009, <http://www.nytimes.com/2009/03/03/opinion/03tutu.html> (accessed January 8, 2011).

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# “NO SAFE PLACES”

## Yemen’s Crackdown on Protests in Taizz

In February 2011, Yemenis inspired by mass protests in Tunisia and Egypt began taking to the streets to demand the resignation of President Ali Abdullah Saleh. For the next 11 months, the state security forces responded with brutal force. While international attention has focused on Yemen’s capital, Sanaa, some of the worst attacks took place in the city of Taizz, a center of resistance 250 kilometers to the south. There, Human Rights Watch found, security forces and pro-government gangs killed at least 120 civilians and wounded hundreds more in assaults on demonstrations and in military operations against opposition armed groups.

“*No Safe Places*” is based on more than 170 interviews with protesters and other witnesses to the violence. The report documents the Yemeni security forces’ repeated use of unnecessary lethal force against largely peaceful demonstrations in Taizz. It also details the military’s apparently indiscriminate shelling of populated areas in the city during attacks on opposition fighters, and the blocking of medical care to those injured in the clashes.

On January 21, 2012, Yemen’s parliament granted blanket amnesty to Saleh and partial immunity to all other officials in his government in exchange for his promise to resign. The report explains that international law does not recognize immunity for serious international crimes. It calls on foreign courts and Yemen’s transitional government to investigate the bloodshed in Taizz and prosecute those responsible. Failure to serve justice, the report warns, will reinforce Yemen’s destructive culture of impunity.



*Police patrol al-Hasab neighborhood in the Yemeni city of Taizz on December 6, 2011.*

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