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Los miembros del Grupo de Expertos sobre el Yemen tienen el honor de transmitir adjunto el informe final del Grupo, preparado de conformidad con lo dispuesto en el párrafo 6 de la resolución [2266 \(2016\)](#).

El informe fue presentado al Comité del Consejo de Seguridad establecido en virtud de la resolución [2140 \(2014\)](#) el 11 de enero de 2017 y fue examinado por el Comité el 27 de enero de 2017.

Agradeceríamos que la presente carta y el informe se señalaran a la atención de los miembros del Consejo de Seguridad y se publicaran como documento del Consejo.

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Informe final del Grupo de Expertos sobre el Yemen

Resumen

Después de casi dos años de conflicto en el Yemen, el Grupo de Expertos sobre el Yemen considera que la victoria militar absoluta de una de las partes ya no es una posibilidad realista en el corto plazo. El país se ha fragmentado en centros de poder que compiten entre sí: la alianza huzí-Saleh, que controla la mayor parte de las tierras altas del norte, y el Gobierno legítimo, que está respaldado por las fuerzas de la Arabia Saudita y los Emiratos Árabes Unidos. Estos centros de poder procuran crear una capacidad para administrar partes del sur y el este del país. Hasta la fecha, ninguna de las partes ha demostrado un compromiso o interés sostenido de alcanzar un arreglo político o establecer conversaciones de paz.

El Grupo considera que las fuerzas de los huzíes y Saleh continúan actuando como parte de una alianza militar, al tiempo que mantienen líneas de mando y control separadas a nivel operacional. El Grupo ha comprobado que los huzíes han aumentado el uso de armas de batalla de gran potencia, como tipos de misiles antitanque guiados que no formaban parte del arsenal yemení antes del conflicto. Estos misiles son enviados de manera encubierta a la alianza huzí-Saleh por una nueva ruta terrestre principal de abastecimiento desde la frontera con Omán. Los huzíes han seguido haciendo uso de misiles balísticos de corto alcance y continuado los ataques con cohetes de vuelo libre contra ciudades de la Arabia Saudita dentro de un radio de 300 km de la frontera, con lo que han logrado algunos efectos políticos y de propaganda.

La campaña aérea de la coalición encabezada por la Arabia Saudita, si bien ha tenido efectos devastadores en la infraestructura y la población civil del Yemen, no ha logrado reducir la voluntad política de la alianza huzí-Saleh de continuar el conflicto. Los ataques marítimos en el Mar Rojo a finales de 2016 han aumentado el riesgo de que el conflicto se extienda a nivel regional. La alianza huzí-Saleh ha demostrado que tiene una capacidad eficaz para atacar buques, pues acometió con éxito contra un buque de los Emiratos Árabes Unidos y llevó a cabo otros ataques que provocaron una respuesta con misiles de crucero de la Marina de los Estados Unidos contra las estaciones de radar terrestres de los huzíes. También hubo un fallido ataque con artefactos explosivos improvisados, cometido por una parte aún no identificada, contra un gran buque tanque que transportaba gas de nitrógeno líquido hacia el norte por el estrecho de Bab al-Mandeb.

Aunque los frentes militares han permanecido en gran medida sin cambios durante el período de que se informa, a pesar de la existencia de constantes enfrentamientos y víctimas, el panorama político ha variado. El Grupo ha observado el estrechamiento de la alianza política huzí-Saleh, que culminó en el establecimiento de un consejo supremo de política con sede en Saná. El 28 de noviembre, dicho consejo anunció la formación de un nuevo gobierno de 42 personas. El Grupo considera que la alianza huzí-Saleh está intentando crear una situación sobre el terreno mediante el establecimiento de un gobierno *de facto* que será difícil de eliminar. Así pues, se ha abierto un nuevo frente “burocrático” en el conflicto. A lo largo de 2016, la alianza política huzí-Saleh ha llevado constantemente a cabo actos que incumben exclusivamente a la autoridad del Gobierno legítimo.

El traslado del Banco Central a Adén por el Gobierno ha abierto efectivamente un frente “económico” en el conflicto que tiene por objeto privar a la alianza huzí-Saleh de los recursos necesarios para financiar la continuación de las hostilidades o administrar el territorio bajo su control. También ha reducido considerablemente la prestación de servicios y materiales esenciales que son indispensables para la supervivencia de la población civil. El traslado puede llevar a acelerar la inminente catástrofe humanitaria en las zonas bajo el control de la alianza huzí-Saleh.

Los grupos terroristas como Al-Qaida en la Península Arábiga (AQPA) y el grupo afiliado al Estado Islámico del Iraq y el Levante (EIIL) en el Yemen están ahora explotando activamente el cambiante entorno político y el vacío de gobernanza para reclutar a nuevos miembros y organizar nuevos ataques, y están sentando las bases de redes terroristas que pueden durar años. El Grupo considera que el AQPA está aplicando una estrategia de dos vías con la que trata de controlar y administrar el territorio del Yemen para que le sirva como base, al tiempo que busca trazar y ejecutar planes de ataque contra Occidente. El EIIL reestructuró sus cuadros directivos a principios de 2016, y está tratando de atraer nuevos reclutas tras una ola de desertiones en el primer semestre del año. La amenaza que plantea el uso de artefactos explosivos improvisados por grupos terroristas también ha aumentado considerablemente con la introducción en el Yemen, en 2016, de nuevas tecnologías y tácticas a este respecto. No se puede dar por sentado que el uso de esta tecnología es ahora el dominio exclusivo de un grupo único, pues hay que tener en cuenta la circulación de combatientes y el consiguiente intercambio de conocimientos técnicos entre el AQPA, el EIIL, las fuerzas de los huzíes y Saleh y las fuerzas de “resistencia” afiliadas al Presidente. Los artefactos explosivos improvisados también están sirviendo como un multiplicador de fuerza para los grupos armados que operan fuera del control del Gobierno, ya que reducen su dependencia actual y futura de las armas convencionales. Todo ello ha aumentado considerablemente el riesgo general que entrañan para los civiles los restos explosivos de guerra.

Durante el conflicto se han observado violaciones generalizadas del derecho internacional humanitario cometidas por todas las partes beligerantes. El Grupo ha realizado investigaciones detalladas de algunos de esos incidentes y tiene motivos suficientes para creer que la coalición encabezada por la Arabia Saudita vulneró el derecho internacional humanitario por lo menos en diez ataques aéreos contra viviendas, mercados, fábricas y un hospital. También es muy probable que las fuerzas huzíes y de Saleh no hayan respetado el derecho internacional humanitario por lo menos en tres incidentes en los que lanzaron artefactos explosivos en un mercado, una casa y un hospital.

También ha habido violaciones generalizadas y sistemáticas del derecho internacional humanitario, el derecho internacional de los derechos humanos y las normas de derechos humanos cometidas por las fuerzas de seguridad y funcionarios afiliados al Gobierno y a los huzíes. El Grupo ha investigado casos de desplazamientos forzados de civiles y ha llegado a la conclusión de que existen indicios de una política a nivel provincial, y que el Gobierno ha cometido claras violaciones en Adén y Lahiy. El Grupo ha llegado a la conclusión también de que tanto los huzíes como las fuerzas de élite de Hadrami alineadas con el Gobierno y los Emiratos Árabes Unidos han violado el derecho internacional humanitario y el derecho y las normas de derechos humanos por lo menos en 12 y 6 ocasiones,

respectivamente, imponiendo la desaparición de personas por la fuerza. En particular, las fuerzas de seguridad huzíes recurren habitualmente a la tortura y cometen violaciones del derecho internacional humanitario y vulneraciones de los derechos humanos relacionadas con la privación de libertad. El Grupo también documentó numerosos casos de violaciones contra hospitales, personal médico, niños y minorías religiosas. El Grupo ha llegado a la conclusión de que las violaciones cometidas por la alianza huzí-Saleh son suficientemente habituales, generalizadas y sistemáticas como para implicar a sus principales dirigentes.

Todas las partes en el conflicto han obstaculizado la distribución de la asistencia humanitaria en el Yemen. Los métodos de obstrucción varían y entre ellos cabe citar la denegación de circulación, las amenazas al personal humanitario y la determinación de condiciones que tratan de imponer el lugar y la forma en que se distribuye la ayuda.

El Grupo prosiguió su investigación de las redes financieras de las personas designadas y determinó que Khaled Ali Abdullah Saleh desempeña una función importante en la gestión de activos financieros en nombre de Ali Abdullah Saleh (YEi.003) y Ahmed Ali Abdullah Saleh (YEi.005), ambos incluidos en la lista. El Grupo determinó que entre 2014 y 2016 hubo transferencias sospechosas de ingentes fondos que involucraban a seis empresas y cinco bancos en cinco países, que ciertamente estaban muy lejos de ser prácticas normales de gestión de fondos de personas sumamente ricas. El Grupo también llegó a determinar que una empresa llamada Raydan Investments y las cuentas de Khaled Ali Abdullah Saleh fueron utilizadas para blanquear 83.953.782 dólares en un período de tres semanas en diciembre de 2014.

El Grupo también detectó actividades financieras vinculadas al tráfico de armas en el mercado negro regional de Fares Mohammed Hassan Mana'a (SOi.008), en particular desde que fue nombrado, el 28 de noviembre, ministro de estado del nuevo gobierno con sede en Saná, y ha sabido de sus conexiones con Ali Abdullah Saleh (YEi.003) y los huzíes. Él viaja libremente con pasaporte diplomático del Yemen, incluso en el espacio Schengen. Este caso es tan solo un ejemplo de cómo los empresarios y las entidades delictivas oportunistas se aprovechan del conflicto utilizando las prerrogativas e inmunidades gubernamentales. A ellos les conviene utilizar su influencia para socavar toda perspectiva de solución pacífica.

Solo mediante la continuación y la aplicación efectiva del régimen de sanciones selectivas se podrá disuadir a esas personas, y a sus partidarios, de participar en actos que pongan en riesgo la paz y la seguridad del Yemen. Si se aplica bien, la eliminación de nombres de la lista del régimen de sanciones podría servir de incentivo para quienes estén dispuestos a intervenir en forma constructiva en pos de un mejor futuro para el Yemen.

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* Los anexos se distribuyen únicamente en el idioma en que fueron presentados y sin revisión editorial.

I. Introducción y antecedentes

A. Mandato y nombramiento

1. En su resolución [2266 \(2016\)](#), el Consejo de Seguridad renovó las sanciones en relación con el Yemen y amplió el mandato del Grupo de Expertos sobre el Yemen hasta el 27 de marzo de 2017¹. El Grupo tiene encomendado el siguiente mandato:

a) Ayudar al Comité del Consejo de Seguridad establecido en virtud de la resolución [2140 \(2014\)](#) a ejecutar su mandato, enunciado en las resoluciones [2140 \(2014\)](#) y [2216 \(2015\)](#), entre otras cosas presentándole en cualquier momento información pertinente para la posible designación posterior de personas y entidades que pudieran estar realizando las actividades que resultaran una amenaza para la paz, la seguridad y la estabilidad del Yemen, descritas en el párrafo 18 de la resolución [2140 \(2014\)](#) y el párrafo 19 de la resolución [2216 \(2015\)](#);

b) Reunir, examinar y analizar la información proporcionada por los Estados, los órganos competentes de las Naciones Unidas, las organizaciones regionales y demás partes interesadas sobre la aplicación de las sanciones y el embargo selectivo de armas, en particular sobre incidentes que menoscaben el proceso de transición política;

c) Presentar al Comité un informe actualizado de mitad de período, a más tardar el 27 de julio de 2016, y un informe final al Consejo de Seguridad, a más tardar, el 27 de enero de 2017, tras celebrar deliberaciones con el Comité;

d) Ayudar al Comité a afinar y actualizar la información sobre la lista de personas sujetas a las sanciones, en particular mediante el suministro de información que facilite su identificación y de información adicional para incluir en el resumen de los motivos para la inclusión en la lista, que se pone a disposición del público;

e) Cooperar con otros grupos de expertos pertinentes establecidos por el Consejo de Seguridad, en particular el Equipo de Apoyo Analítico y Vigilancia de las Sanciones;

2. El 5 de agosto, el Grupo presentó al Comité un informe actualizado de mitad de período, de conformidad con lo dispuesto en el párrafo 6 de la resolución [2266 \(2016\)](#). El 17 de octubre se presentó al Comité una actualización adicional que contenía un análisis preliminar del ataque perpetrado contra el salón comunitario Salah al-Kubra, en Saná (Yemen), el 8 de octubre.

3. El presente informe se refiere al año 2016. El Grupo de Expertos también ha seguido investigando las cuestiones pendientes incluidas en el informe final ([S/2016/73](#)).

¹ El experto en finanzas (Farhan Hyder Sahito) dimitió el 7 de diciembre para emprender una nueva actividad profesional; su labor se incluye en el presente informe.

B. Metodología

4. En sus investigaciones, el Grupo cumplió lo dispuesto en el párrafo 11 de la resolución 2266 (2016), que se refiere a las mejores prácticas y los métodos recomendados por el Grupo de Trabajo Oficioso del Consejo de Seguridad sobre Cuestiones Generales Relativas a las Sanciones (véase S/2006/997) y mantuvo el nivel probatorio más alto posible a pesar de no poder desplazarse al Yemen durante el período de que se informa. Se hizo hincapié en el cumplimiento de las normas relativas a la transparencia y las fuentes, las pruebas documentales, la corroboración de fuentes independientes verificables y la creación de oportunidades para ofrecer una respuesta². El Grupo mantuvo la transparencia, la objetividad, la imparcialidad y la independencia en sus investigaciones y basó sus conclusiones en un equilibrio de pruebas verificables.

5. El Grupo utilizó imágenes satelitales obtenidas por las Naciones Unidas de proveedores privados para sustentar sus investigaciones. También recurrió a bases de datos comerciales que poseían datos marítimos y de aviación y a registros de telefonía móvil. Las declaraciones públicas de funcionarios a través de sus medios de comunicación oficiales se aceptaron como datos fácticos, a menos que se establecieran hechos que las contradijesen. Si bien ha sido lo más transparente posible, en los casos en que la identificación de las fuentes ponía a sus miembros o a otras personas en una situación inaceptable de riesgo para su seguridad, el Grupo decidió no incluir en su informe ningún dato que permitiera la identificación y guardó las pruebas pertinentes en los archivos de las Naciones Unidas.

6. El Grupo recurrió también a los medios sociales, pero no utilizó como prueba ninguna información, salvo que pudiera ser corroborada por múltiples fuentes independientes o técnicas, incluso testigos, a fin de alcanzar el nivel probatorio más alto posible.

7. La ortografía de los topónimos del Yemen suele depender del origen étnico de la fuente o de la calidad de la transliteración. El Grupo adoptó un enfoque coherente en el presente informe.

C. Programa de trabajo

8. En el curso de sus investigaciones, los miembros del Grupo realizaron visitas a la Arabia Saudita, Bahrein, Colombia, Djibouti, los Emiratos Árabes Unidos, los Estados Unidos de América, Francia, Jordania, el Líbano, el Reino Unido de Gran Bretaña e Irlanda del Norte y Suiza. La Arabia Saudita facilitó las visitas a lo largo de su frontera con el Yemen, en Al-Khamis Muchait, Al Khubah, en Jazan, y Najran, para que el Grupo pudiera inspeccionar los restos de municiones disparadas por los huzíes con el fin de ayudar a detectar posibles violaciones del embargo de armas. El Grupo solicitó visitas oficiales a Omán y zonas del Yemen bajo el control del Gobierno legítimo, en Marib, y de los huzíes, en Saná, pero las solicitudes todavía

² Véanse el anexo 1 en relación con los detalles de la metodología para ofrecer la oportunidad de responder y el anexo 2 en relación con los detalles de la metodología de investigación de violaciones del derecho internacional humanitario.

no han sido aprobadas . Durante más de 70% del tiempo, por lo menos, uno de los expertos viajaba con fines de investigación.

D. Cooperación con partes interesadas y organizaciones

1. Sistema de las Naciones Unidas

9. El Grupo de Expertos desea subrayar el excelente nivel de cooperación con la Oficina del Enviado Especial del Secretario General para el Yemen, los coordinadores residentes y coordinadores de asuntos humanitarios de las Naciones Unidas en el Yemen y los Estados vecinos que visitó. El equipo de las Naciones Unidas en el país y los organismos de las Naciones Unidas con un mandato regional seguirán prestando apoyo a la labor del Grupo. Periódicamente, el Grupo ha tenido acceso directo a funcionarios de los equipos de las Naciones Unidas en Saná y el resto de la región con el fin de intercambiar información y conocimientos especializados.

10. El Grupo ha mantenido una estrecha cooperación con el Equipo de Apoyo Analítico y Vigilancia de las Sanciones y el Grupo de Supervisión para Somalia y Eritrea.

2. Comunicaciones con los Estados Miembros y las organizaciones

11. El Grupo de Expertos ha enviado 166 cartas a Estados Miembros y entidades para solicitarles información sobre cuestiones específicas pertinentes para su mandato. El envío de esas solicitudes de información no implica necesariamente que esos gobiernos, o personas o entidades de esos Estados hayan violado el régimen de sanciones. No obstante, el Grupo hace notar que en este período solo el 57% de las solicitudes de información dirigidas a Estados Miembros obtuvo respuesta. En el momento de presentarse este informe, se está a la espera de las respuestas de la Arabia Saudita, Australia, las Bahamas, Bahrein, Djibouti, los Emiratos Árabes Unidos, los Estados Unidos, Francia, Hungría, Irán (la República Islámica del), Jordania, Kuwait, los Países Bajos, Omán, Qatar, el Reino Unido, la República Democrática Popular de Corea, Rumania, el Sudán, Suiza y el Yemen. El ministerio de relaciones exteriores con sede en Saná, bajo el control de los huzies³, y otras entidades tampoco han respondido todavía. En el anexo 4 se ofrece un resumen de la correspondencia.

3. Gobierno del Yemen

12. En octubre, el Grupo se reunió en Riad con el Presidente del Yemen, Abdrabuh Mansour Hadi Mansour, el Vicepresidente, Ali Mohsein al Ahmar, y con otros representantes del Gobierno legítimo. Aunque expresaron su pleno apoyo al Grupo, la información que proporcionaron acerca de armas y financiación en relación con

³ A fin de evitar la confusión entre las autoridades y los nombramientos del Gobierno legítimo y los de la alianza huzi-Saleh y a los efectos de que se pueda distinguir fácilmente entre los dos, en el presente informe, el Grupo utilizará mayúsculas para los ministerios y funcionarios del Gobierno legítimo, por ejemplo, Ministro de Defensa y Ministerio de Defensa. En consecuencia, para la administración duplicada de los huzies se diría “ministro de defensa con sede en Saná” y “ministerio de defensa con sede en Saná”.

los huzíes no cumplía las normas probatorias requeridas, ni contenía detalles suficientes para que el Grupo pudiera verificarla utilizando otros medios y fuentes.

4. Alianza huzí-Saleh

13. El Grupo de Expertos lamenta informar de que, a pesar de haberlo solicitado en cuatro ocasiones, el 1 de marzo, el 3 de junio, el 19 de septiembre y el 12 de octubre, los huzíes, que ejercen el control efectivo del aeropuerto de Saná, le han seguido denegando la entrada. El Grupo mantuvo contacto telefónico con Ansar Allah y los dirigentes políticos del Congreso Popular General y se reunió con algunos de ellos durante las visitas a los países vecinos del Yemen.

II. Actos que amenazan la paz, la seguridad y la estabilidad del Yemen

A. Desafíos a la autoridad del Gobierno legítimo del Yemen

14. En el párrafo 18 a) de la resolución [2140 \(2014\)](#), el Consejo de Seguridad determinó que obstruir o menoscabar la conclusión con éxito del proceso de transición política, conforme a lo previsto en la Iniciativa del Consejo de Cooperación del Golfo y el Acuerdo sobre el Mecanismo de Ejecución, suponía una amenaza para la paz, la seguridad o la estabilidad del Yemen, y que quienes actuaran a esos efectos podían quedar incluidos en los criterios de designación. En el párrafo 1 de su resolución [2216 \(2015\)](#), el Consejo exigió que todas las partes yemeníes, en particular los huzíes, aplicaran plenamente la resolución [2201 \(2015\)](#), se abstuvieran de tomar nuevas medidas unilaterales que pudieran socavar la transición política en el Yemen, y exigió además que los huzíes, de inmediato y de manera incondicional pusieran fin a todas las acciones que incumbieran exclusivamente a la autoridad del Gobierno legítimo.

15. El control ejercido inicialmente por los huzíes sobre el aparato del Estado se consolidó aún más en 2016, en particular con la formalización de la alianza política huzí-Saleh en agosto. Juntos, continúan llevando a cabo acciones que incumben exclusivamente a la autoridad del Gobierno legítimo.

16. Los huzíes han seguido manteniendo el control de la capital y la municipalidad de Saná y de 13 de las 21 provincias. Esto representa el 27% de la superficie del Yemen, y solía abarcar a más de 80% del total de la población antes del conflicto. Los huzíes controlan la totalidad o la mayor parte de las siguientes provincias: Amran, Al-Hudaida, Damar, Haya, Ib, Raima, Saada, y la municipalidad de Saná. Además, los huzíes controlan partes considerables de al-Baida y Al-Jawf, y siguen activos en Taiz.

1. Control del Estado por los huzíes (enero a agosto)

17. Hasta agosto, los huzíes ejercían el control de facto de las instituciones del gobierno central en Saná y el gobierno local en otras zonas bajo su control por conducto del comité revolucionario supremo, dirigido por Muhammad Ali al-Houthi, un pariente de Abdulmalik Al-Houthi (YEi.004).

18. Durante ese período, los huzíes han mantenido la estructura administrativa de una autoridad en funcionamiento, con oficinas y servicios públicos. Esta estructura estaba estrictamente supervisada por los delegados huzíes y sus comités, dentro de una conformación ejecutiva, integrada por un consejo de gobierno interino de 33 miembros encabezado por el primer ministro interino, Talal Aqlan (véase el anexo 5). Los huzíes también controlaban el Banco Central hasta septiembre, cuando el Presidente designó a un nuevo gobernador y ordenó que el Banco se trasladara a Adén.

19. Los huzíes también han mantenido un férreo control de los organismos de inteligencia y seguridad, que previenen eficazmente cualquier intento de impugnar su autoridad por conducto de un comité supremo de seguridad (véase el anexo 6). El Grupo de Expertos determinó que Abdurrah Saleh Ahmed Jarfan, conocido también como Abu Taha (véase la figura 1), ha surgido como la máxima autoridad huzí encargada de los servicios de inteligencia. Desde principios de 2015, ha actuado como jefe de la oficina nacional de seguridad y ejerce una influencia considerable sobre todos los demás servicios de inteligencia e investigación del Yemen bajo el control de los huzíes y que están involucrados en denuncias de violaciones del derecho internacional humanitario (véase el anexo 7)⁴.

Figura I

Abdurrah Saleh Ahmed Jarfan, jefe de los servicios de inteligencia de los huzíes



Fuente: Euronews, 20 de agosto de 2016.

Nota: de izquierda a derecha: Abdurrah Saleh Ahmed Jarfan, Talal Abdelkarim Aqlan, Saleh Ali Muhammad al-Samad.

⁴ Los servicios de inteligencia y seguridad del Yemen también incluyen a la Organización de Seguridad Política y las Fuerzas Centrales de Seguridad (también conocidas como la Fuerza Especial de Seguridad). Véase www.globalsecurity.org/intell/world/yemen/index.html. Todos los hiperenlaces presentados en este informe fueron comprobados el 1 de enero de 2017 a menos que se indique otra cosa.

2. Control del Estado por la alianza política huzí-Saleh (agosto a diciembre)

20. El 28 de julio, Ali Abdullah Saleh (YEi.003) firmó un acuerdo de reparto de poder con Abdulmalik al-Houthi (YEi.004). Ese mismo día quedó establecido un consejo político supremo con sede en Saná e integrado por diez miembros, cinco designados por Saleh y cinco por Al-Houthi (véase el anexo 8)⁵. Ese mismo día también, el consejo dio a conocer su primer decreto “gubernamental” y, desde entonces, ha actuado como un gobierno de facto nombrando gobernadores y funcionarios⁶. El consejo político supremo, dirigido por Saleh Ali Muhammad al-Samad, sustituyó al Consejo Revolucionario Supremo, que todavía no se ha disuelto⁷.

21. El 28 de noviembre, el consejo político supremo anunció la formación de un gobierno de 42 personas, bajo el mando de Abdel-Aziz Bin Habtour⁸, un miembro activo del Consejo Popular General afiliado a Ali Abdullah Saleh (YEi.003) (véase el anexo 9). El Grupo de Expertos considera que la alianza huzí-Saleh está intentando crear así una situación sobre el terreno mediante el establecimiento de un gobierno de facto que resultará difícil dismantelar para reanudar la transición política pacífica. El Grupo observó que el gabinete con sede en Saná no incluye a los miembros más influyentes de los huzíes y el Consejo Popular General y considera que es probable que la alianza utilice este gabinete para asegurar una mayor capacidad de maniobra en cualquier negociación de paz futura.

3. Interacción de la alianza huzí-Saleh con la comunidad internacional

22. En lo que respecta a las relaciones internacionales, los huzíes han establecido o continuado contactos diplomáticos con los Estados Miembros que han mantenido sus representaciones diplomáticas en Saná, entre ellos la Federación de Rusia, el Irán (la República Islámica de) y la República Árabe Siria. Ante la falta de otras representaciones diplomáticas⁹, tanto los huzíes como Ali Abdullah Saleh (YEi.003) han utilizado la presencia de sus respectivas delegaciones en Omán para entablar relaciones con los representantes de otros países. Mohamed Abdusalam Salah Fletah, en su calidad de negociador principal, se ha convertido gradualmente en la

⁵ El acuerdo fue firmado por Sadiq Amin Abu-Ras en nombre de Ali Abdullah Saleh (YEi.003) y por Saleh Ali Muhammad al-Samad en nombre de Abdulmalik al-Houthi (YEi.004)

⁶ El Parlamento del Yemen, para cuyas elecciones previstas han pasado ya siete años, ratificó posteriormente al consejo político supremo. De los 301 escaños del Parlamento, 26 han quedado vacíos debido al fallecimiento de sus titulares, por lo que quedaron 275 miembros; de estos, 142 asistieron al período de sesiones y ratificaron al consejo. En el anexo 6 puede verse la composición del comité asesor en asuntos financieros, el comité asesor en medios de comunicación y el comité asesor en asuntos políticos.

⁷ El Consejo Revolucionario Supremo todavía existe, aunque no está claro qué poder detenta, y muchos de sus miembros han pasado a ocupar otros puestos, ya sea en el consejo político supremo con sede en Saná o como miembros del gobierno con sede en Saná establecido el 28 de noviembre. Su jefe, Mohamed Ali al-Houthi, sigue manteniendo su cargo y lleva a cabo actividades oficiales. Véase la declaración atribuida al Consejo emitida el 5 de diciembre, que puede consultarse en www.almasirah.net/details.php?es id 833&cat id=3.

⁸ Anteriormente había desempeñado el cargo de Gobernador de Adén, nombrado por el Presidente actual.

⁹ La mayoría de las representaciones internacionales se cerraron entre enero de 2015, cuando los huzíes tomaron el control de Saná, y el 26 de marzo de 2015, cuando se inició la Operación Tormenta Decisiva.

imagen pública de los huzíes dentro de la comunidad internacional¹⁰. Sin embargo, el Grupo de Expertos llegó a la conclusión de que es Mahdi Mohammed Hussein al-Mashaat¹¹, una persona allegada a Abdulmalik al-Houthi, quien toma las decisiones durante las negociaciones (véase el anexo 10).

23. La mayoría de las representaciones diplomáticas del Yemen en el extranjero siguen respondiendo al Gobierno legítimo, con la excepción de las representaciones de la República Islámica del Irán¹² y la República Árabe Siria. En este último país, los huzíes hicieron su primer nombramiento diplomático el 7 de marzo, cuando designaron como embajador en la República Árabe Siria a Naif Ahmed Hamid al-Qanes¹³.

B. Obstrucciones al cese de las hostilidades y a la reanudación del proceso político

24. Durante el período que abarca el informe no hubo ningún progreso real hacia el logro de una solución pacífica.

25. Las conversaciones de paz de Kuwait, que se iniciaron el 21 de abril, ofrecieron una primera oportunidad para establecer arreglos para el cese de las hostilidades, lo que habría creado un entorno más propicio para una posible transición política. Durante las conversaciones de paz, que concluyeron el 6 de agosto, hubo violaciones periódicas del acuerdo de cese de las hostilidades concertado entre las partes yemeníes y entre los huzíes y la Arabia Saudita en forma bilateral. Entre esas violaciones cabe mencionar cuatro lanzamientos de cohetes de vuelo libre de los huzíes contra el territorio de la Arabia Saudita; la continuación de las operaciones militares de las fuerzas huzíes y Saleh y las fuerzas afiliadas al Gobierno en Taiz, y en la línea del frente en Nihm; y los ataques aéreos de la coalición encabezada por la Arabia Saudita. En ocasiones, las violaciones fueron utilizadas como pretexto por una de las partes para suspender su participación o amenazar con retirarse de las conversaciones de Kuwait¹⁴.

¹⁰ Para su labor, cuenta con la asistencia de Hamza al-Houthi, que tiene algunos vínculos con Abdulmalik al-Houthi (YEi.004).

¹¹ Según fuentes confidenciales bien informadas, él ha sido el jefe del equipo de negociación de los huzíes durante más de dos años. Tiene acceso directo a Abdulmalik Al-Houthi (YEi.004), quien opera entre bastidores. Ha sido descrito por muchas fuentes confidenciales como elemento radical e impulsivo.

¹² Los diplomáticos del Yemen informaron al Grupo de Expertos de que en septiembre de 2015 el Gobierno legítimo había retirado a su embajador. Posteriormente, otros diplomáticos de la embajada declararon su lealtad a los huzíes.

¹³ Decreto núm. 89 del Consejo Revolucionario Supremo. Véase “SRC appoints ambassador to Syria”, Yemen News Agency, 7 de marzo de 2016, en <http://sabanews.net/en/news421619.htm>. Un diplomático del Yemen informó al Grupo de que debido a que no se había cumplido el proceso de verificación de poderes, que requería la venia presidencial, la República Árabe Siria había aceptado al candidato solamente en calidad de encargado de negocios.

¹⁴ El 1 de mayo, la delegación del Gobierno legítimo suspendió su participación en las conversaciones directas alegando que las fuerzas huzíes y Saleh habían saqueado el cuartel general de la 29ª Brigada de Infantería Mecanizada en Harf Soufian, Amran. Asimismo, el jefe de la delegación de los huzíes ante las conversaciones de Kuwait se quejó de que los ataques

26. Hubo algunos avances en la mejora de los mecanismos de coordinación para el cese de las hostilidades mediante un acuerdo para establecer una célula de coordinación y distensión en Dahran Al Janoub (Arabia Saudita), integrada por oficiales del Gobierno y de la alianza huzí-Saleh. Sin embargo, a raíz del estancamiento de las conversaciones, la falta de confianza impidió cualquier progreso¹⁵. A pesar del apoyo de las Naciones Unidas y de la comunidad internacional, la célula no podía funcionar debido a la negativa de los huzíes a desplegar a sus funcionarios. Posteriormente, los huzíes bombardearon las instalaciones de la célula¹⁶.

C. Seguridad y dinámica regional

1. Zonas bajo el control de las fuerzas aliadas con el Gobierno legítimo

27. El Gobierno legítimo sigue enfrentando retos considerables en su intento de crear un entorno seguro y proporcionar servicios públicos en las zonas bajo su control. El Presidente pasó gran parte del período de que se informa en Riad, hasta su regreso a Adén el 26 de noviembre¹⁷. El Vicepresidente, Ali Mohsen, limitó su viaje dentro del Yemen a Marib. El Primer Ministro, Ahmed Obaid Mubarek Bin-Dagher, había viajado anteriormente a Adén el 6 de junio y después hizo breves visitas a Marib, Al-Mukalla y Socotora. La presencia en Adén de funcionarios procedentes del norte, así como la circulación de todos los miembros del Gobierno en Adén, sigue estando limitada por motivos de seguridad.

28. El Grupo ha investigado a algunos de esos funcionarios locales y comandantes militares por su posible participación en actos que pusieron en peligro la paz, la seguridad o la estabilidad del Yemen. Esos actos abarcaron desde intentos de poner en peligro la unidad y la integridad territorial del país, mediante violaciones del derecho internacional humanitario y las normas internacionales de derechos humanos, hasta denuncias de apoyo a organizaciones terroristas.

2. Participación de las fuerzas de la coalición

29. Durante 2016 no hubo cambios en la composición política de la coalición encabezada por la Arabia Saudita¹⁸. Sin embargo, cambió la composición militar. En

aéreos de la coalición estaban poniendo en peligro las conversaciones. Véase <https://twitter.com/abdualsalah>.

¹⁵ El 26 de mayo de 2016, el Grupo visitó Al-Khubah, cerca de Jazan (Arabia Saudita), a menos de 5 km de la frontera con el Yemen, y observó la fragilidad del cese de las hostilidades pues se podían oír disparos esporádicos. La aldea había sido evacuada debido a las hostilidades anteriores.

¹⁶ Los huzíes se comprometieron a reactivar la célula y enviar a sus miembros a Dhahran Al Janoub después de reunirse en Omán con el Secretario de Estado de los Estados Unidos, Sr. John Kerry, el 17 de noviembre. El cese de las hostilidades no se ha plasmado todavía. Véase <https://twitter.com/OSESGY/status/800051770022051840?lang=en>.

¹⁷ El 13 de febrero, el Presidente partió de Adén a Riad, y regresó luego a Marib para una visita de un día el 19 de julio. Posteriormente visitó Adén el 26 de agosto. Regresó a Adén el 26 de noviembre, donde ha permanecido, salvo por una visita a los Emiratos Árabes Unidos efectuada entre los días 3 y 4 de diciembre.

¹⁸ El Grupo de Expertos considera que la Arabia Saudita está encabezando la coalición integrada por cuatro Estados miembros del Consejo de Cooperación del Golfo (Bahrein, los Emiratos

una carta de fecha 13 de julio, Marruecos informó al Comité y al Grupo de Expertos de que, a partir del 22 de enero, había dejado de utilizar recursos aéreos en apoyo del Gobierno. En una carta de fecha 18 de julio, Egipto informó al Grupo de que estaba aportando fuerzas navales para garantizar la navegación a través del estrecho de Bab al-Mandab. El 22 de agosto, el Presidente de Egipto, Sr. Abdel Fattah Al-Sisi, confirmó, en una conferencia de prensa, la presencia de elementos de la fuerza aérea en la Arabia Saudita, pero negó la presencia de tropas terrestres egipcias en esa región, salvo para las misiones de mantenimiento de la paz¹⁹.

30. En el plano operacional, el Grupo considera que las actividades militares de la coalición se llevan a cabo bajo el control de la Arabia Saudita y los Emiratos Árabes Unidos (véase el mapa en el anexo 11), a saber:

a) Las operaciones aéreas en el Yemen están bajo el control operacional de un cuartel general conjunto dirigido por la Arabia Saudita y con sede en Riad, y cuentan con una célula de selección de blancos y control para los procesos de selección y asignación de tareas. Están presentes oficiales de los Estados miembros de la coalición, excepto Marruecos y el Senegal²⁰;

b) Las operaciones terrestres en Marib están bajo el control operacional de la Arabia Saudita;

c) Las operaciones terrestres en Adén y en las proximidades de Al-Mukalla están bajo el control operacional de los Emiratos Árabes Unidos;

d) Las operaciones terrestres en la zona de Taiz están bajo el control operacional laxo de las fuerzas armadas del Yemen;

e) Las operaciones navales están bajo mando nacional.

31. La coalición redujo considerablemente sus operaciones aéreas en el Yemen durante el período de cese de las hostilidades comprendido entre el 10 de marzo y el 6 de agosto²¹.

32. Tras el fracaso de las conversaciones de Kuwait el 6 de agosto, la coalición intensificó el alcance y el ritmo de sus operaciones aéreas, lo que también dio lugar a un ataque aéreo contra una funeraria en Saná, el 8 de octubre (véase el párr. 121). La coalición impuso restricciones adicionales a los vuelos comerciales a Saná, con lo cual canceló los vuelos de Yemenia Airways en agosto, que acostumbraban a aterrizar en el aeropuerto internacional tras una inspección en Bisha (Arabia Saudita). La coalición se negó a permitir que las aeronaves de propiedad estatal de Omán transportaran a delegaciones políticas entre Omán y Saná. Como consecuencia de ello, la delegación política huzí que participaba en las

Árabes Unidos, Kuwait y Qatar) y cuatro Estados miembros de la Liga de los Estados Árabes (Egipto, Jordania, Marruecos y el Sudán).

¹⁹ Véase <http://www.ahram.org.eg/News/192000/25/54704949/الأولى/القرار-المصري-القرار-الأولى> -أحد-ولا-«مستقل»-المصري-القرار-الأولى

ناصن-ما-غير-علينا-يملى

²⁰ Hay oficiales estadounidenses presentes para apoyar las actividades logísticas y de inteligencia. El Jefe de Operaciones Conjuntas de la Operación Devolver la Esperanza, dirigida por la Arabia Saudita, dijo al Grupo que en el cuartel general conjunto también estaban presentes oficiales de Francia, Malasia y el Reino Unido.

²¹ El cese de las hostilidades en la frontera entre los huzíes y la Arabia Saudita comenzó el 10 de marzo. El cese de las hostilidades patrocinado por las Naciones Unidas comenzó el 10 de abril.

conversaciones de Kuwait permaneció en Omán durante más de dos meses. La delegación regresó el 15 de octubre en una aeronave omaní, cuyo acceso fue autorizado a título excepcional para transportar a víctimas del ataque aéreo contra la funeraria.

Mapa 1
Zonas de conflicto al 31 de diciembre de 2016



3. Ataques marítimos en el estrecho de Bab al-Mandab y el Mar Rojo

33. El lanzamiento de misiles antibuque por las fuerzas huzíes o Saleh contra el buque de pabellón de los Emiratos Árabes Unidos *SWIFT-1*, ocurrido el 1 de octubre, y contra el USS *Mason*, ocurrido los días 9 y 12 de octubre, puso de manifiesto el uso de radares contra blancos seleccionados desde las costas del Yemen contra buques de la coalición; la destrucción por la Marina de los Estados Unidos de tres emplazamientos de radares en las costas del Yemen en el territorio controlado por los huzíes mediante el uso de misiles de crucero, ocurrida 13 de octubre, y un ataque marítimo por fuerzas no identificadas contra el buque *Galicia Spirit*, de pabellón español, ocurrido el 25 de octubre, fueron actos que intensificaron considerablemente el conflicto marítimo (véase el mapa 2)²².

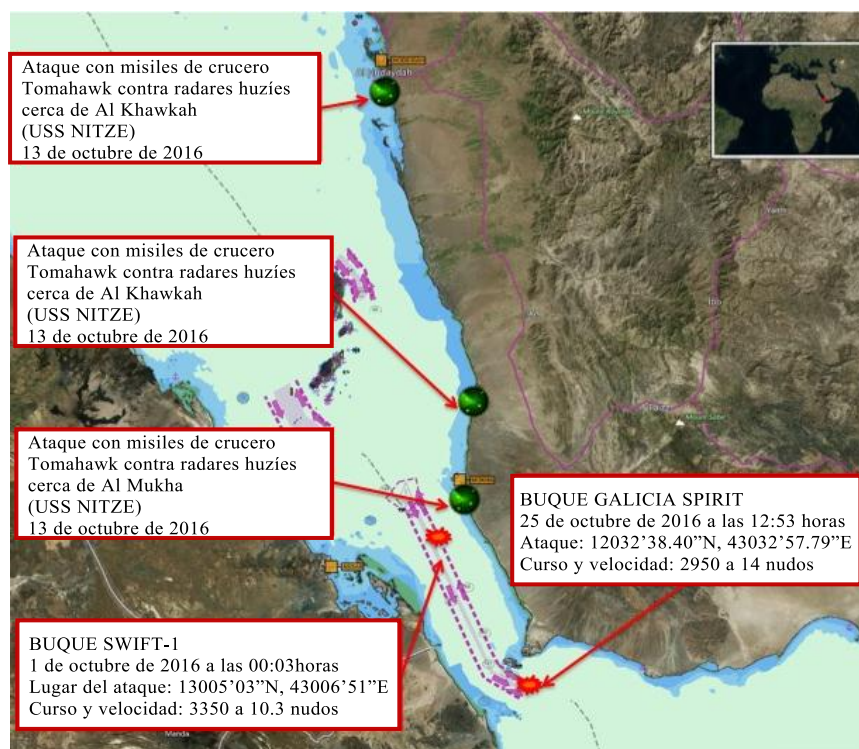
34. El Grupo considera que los ataques con misiles antibuque constituyen una amenaza para la paz y la seguridad del Yemen, ya que este tipo de ataques en el

²² Informe de inteligencia, Maritime Asset Security and Training, núm. 49, 2 de noviembre de 2016. Puede consultarse en <http://www.mast-security.com>.

estrecho de Bab al-Mandab y la zona del Mar Rojo podría afectar a la seguridad de la navegación marítima y al transporte comercial, poniendo en peligro la prestación de asistencia humanitaria al Yemen por vía marítima, en contravención de las disposiciones del párrafo 19 de la resolución 2216 (2015). Más del 8% de todo el comercio marítimo mundial utiliza esta vía hacia el Canal de Suez²³.

Mapa 2

Ataques marítimos



Ataque contra el SWIFT-1

35. El *SWIFT-1* estaba prestando apoyo directo a las operaciones militares de los Emiratos Árabes Unidos en el Yemen, para lo cual hacía entregas periódicas de pertrechos militares, tropas y equipo de Assab (Eritrea) a Adén (Yemen)²⁴. No participaba en la prestación habitual de ayuda humanitaria. El buque era un objetivo militar legítimo con arreglo al derecho internacional humanitario. Los incendios causados por la quema de combustible del motor del misil antibuque dañaron gravemente la embarcación. La ojiva no llegó a detonar al hacer impacto y atravesó el buque. En el anexo 13 se ofrece información adicional.

²³ “Q&A: Suez Canal”, *Guardian*, 1 de febrero de 2011. Puede consultarse en <https://www.theguardian.com/business/2011/feb/01/suez-canal-egypt-q-and-a>.

²⁴ Los detalles de las operaciones militares de los Emiratos Árabes Unidos en Assab pueden consultarse en S/2016/920, párrs. 31 a 35.

36. Los buques civiles neutrales siguen corriendo el riesgo de ataque en caso de que haya un error en el objetivo debido a fallos en el sistema o identificación errónea durante las horas de oscuridad. La alianza huzí-Saleh ha demostrado tener capacidad tecnológica para atacar a un gran buque en el Mar Rojo. No obstante, esa capacidad tecnológica solo durará mientras tenga acceso a las antiguas existencias navales de misiles del Yemen, suministradas antes de que se impusiera el embargo de armas, y mientras el embargo sea eficaz para asegurar que la alianza no consiga reabastecerse de misiles antibuque.

Ataque con artefactos explosivos improvisados contra el buque Galicia Spirit

37. El ataque marítimo contra el buque que transportaba gas natural líquido *Galicia Spirit*, perpetrado el 25 de octubre, pone de manifiesto la vulnerabilidad de los buques comerciales a los ataques de pequeñas embarcaciones cuando se encuentran cerca de las costas del Yemen. Se produjo un decidido intento de abordar el buque atacándolo con un artefacto explosivo improvisado que contenía entre 20 y 70 kilogramos de explosivos de gran potencia. El intento fracasó únicamente debido a la activación prematura y accidental del artefacto. El hecho de que el grupo agresor tuviera en su poder un artefacto explosivo improvisado de gran tamaño y estuviera decidido a abordar el buque demuestra que se está empleando una táctica nueva.

38. La ubicación del ataque, la táctica y los equipos utilizados, así como el tipo de artefacto explosivo improvisado utilizado, son indicadores que apuntan a los autores de este ataque. El Grupo de Expertos continúa investigando y ha pasado toda la información pertinente al Equipo de Apoyo Analítico y Vigilancia de las Sanciones, para su conocimiento. El Grupo considera que el ataque fue diseñado más con fines de ofrecer un “espectáculo internacional” que como parte del conflicto del Yemen. El Grupo también considera que este ataque no estaba dirigido específicamente contra el buque *Galicia Spirit*, sino que este fue un blanco de oportunidad; cualquier otro buque similar que hubiera estado en la zona en dirección norte en esa ocasión habría podido ser también blanco del ataque. En el anexo 14 se ofrece información adicional.

III. Grupos armados y unidades militares

39. De conformidad con lo dispuesto en el párrafo 17 de la resolución [2140 \(2014\)](#) y lo reiterado en las resoluciones [2216 \(2015\)](#) y [2266 \(2016\)](#), el Grupo sigue investigando a las personas y entidades asociadas con los grupos armados que participan en actos que amenazan la paz, la seguridad o la estabilidad del Yemen o les prestan apoyo.

A. Los militares yemeníes

40. Continúa existiendo una profunda división entre los militares yemeníes. La adhesión al Estado central, que siempre había sido débil, prácticamente ha desaparecido, y ha sido sustituida por la lealtad a diversos grupos, muchos de los cuales afirman ser el Estado o una autoridad alternativa. El Grupo considera que el

Yemen corre peligro de fragmentarse sin posible vuelta atrás. Desde que el 26 de marzo de 2015 comenzó la Operación Tormenta Decisiva, dirigida por la Arabia Saudita, varias unidades militares han desertado para unirse a los huzíes o al expresidente Ali Abdullah Saleh (YEi.003). Las unidades que siguen siendo leales al Presidente suelen operar por debajo de su plena dotación. En el Yemen, ninguna entidad monopoliza el poder ni el uso de la fuerza, lo que ha dado lugar a un conflicto desorganizado y caótico entre brigadas y batallones fragmentados, en el que ninguno de los bandos ha sido capaz de imponer su voluntad.

41. En la práctica, esto significa que, como sucede en el plano político, en el que ambas partes nombran a distintas personas para ocupar un mismo cargo, existen en el Yemen unidades militares “duplicadas”: una legítima y leal al Presidente, y su “doble”, que es leal a los huzíes o al expresidente. Por ejemplo, en Taiz hay dos unidades denominadas 35ª Brigada Acorazada, una leal al Gobierno legítimo y otra controlada por el expresidente. Ambas dicen ser la “verdadera” y utilizan ese nombre²⁵; las unidades militares duplicadas abundan en todo el país²⁶. También es frecuente que se creen nuevos cuerpos militares, (como las Fuerzas del Cinturón de Seguridad, establecidas a principios de 2016²⁷, que actúan en todo el sur del Yemen, las Fuerzas de Élite Hadramíes, con base en Hadramaut, y diversas milicias), que, aunque están vinculados al Gobierno legítimo, operan en gran medida sin su control. El conflicto del Yemen no es una gran guerra en la que diversas unidades militares persiguen un mismo objetivo general, sino que consta de varias guerras más pequeñas en las que los comandantes locales persiguen sus propios fines.

B. La red de Saleh

42. El expresidente Ali Abdullah Saleh (YEi.003) sigue ejerciendo efectivamente el mando y el control de la amplia red de aliados que se fue creando durante sus más de 30 años como Jefe de Estado (1978-2012). Esta red tiene tres componentes bien diferenciados: tribal, político y militar. El primero se centra en su tribu, Sanhan²⁸, mientras que el elemento político gira en torno al partido del CPG, del que continúa siendo jefe. En el plano militar, Ali Abdullah Saleh conserva la lealtad personal de varios altos mandos a quienes nombró durante su presidencia. Este último componente es el que más necesita para mantener su influencia y poder, y en él ha situado a sus lugartenientes de más confianza. Por ejemplo, el comandante del eje de Taiz es el General de Brigada Abdullah Daba'an, miembro de su tribu.

43. La red de Saleh (YEi.003) funciona gracias a vínculos de lealtad muy personales, y la mejor manera de representarla es con tres círculos concéntricos: familia, clan y tribu²⁹. Saleh también ha utilizado la política de matrimonios,

²⁵ Esto hace que sea difícil no solo establecer un orden de batalla preciso, sino también determinar quiénes son los responsables de actos y violaciones concretos.

²⁶ Lo mismo ocurre, por ejemplo, con la 17ª Brigada de Infantería Mecanizada de Taiz.

²⁷ El Grupo las identificó por primera vez en mayo, pero cree que ya existían en marzo o abril.

²⁸ El anexo 15 contiene información sobre las familias, clanes y tribus de Bayt al-Ahmar.

²⁹ El círculo interno de Saleh es su familia inmediata, en particular sus hijos (véase el anexo 16) y sobrinos (véase el anexo 17). En el segundo círculo se encuentran los miembros de su clan, Afaash, mientras que el círculo exterior está formado mayormente por los demás miembros de

casando a sus hijos e hijas con familias prominentes como otro medio más de crear alianzas duraderas³⁰. Aunque la red ha sufrido deserciones, sobre todo durante los levantamientos populares de 2011 y 2012, ha permanecido intacta en gran medida³¹.

44. Ali Abdullah Saleh (YEi.003) asumió el poder en 1978, tras el brutal asesinato de sus dos predecesores inmediatos. Preocupado por su propia seguridad³², renovó y reestructuró drásticamente la estructura de mando militar del Yemen hasta asemejarla a la de la tribu Sanhan.³³ Esto le permitió rodearse de personas de confianza y le garantizó que muchos de los oficiales superiores le debieran su posición y lealtad³⁴.

45. Los esfuerzos realizados por el Presidente actual para reestructurar el estamento militar del Yemen tropezaron a menudo con la resistencia de muchos oficiales que eran más leales a Ali Abdullah Saleh (YEi.003) que al propio Estado. Tras la toma de Saná por los huzíes a finales de 2014 y el inicio de la Operación Tormenta Decisiva el 26 de marzo de 2015, muchos de esos oficiales rompieron con el Presidente y siguieron actuando en nombre de Saleh. Aunque este afirma cada cierto tiempo que ya no controla ni dirige unidades militares en el Yemen, el Grupo considera que se trata simplemente de una excusa de Saleh para protegerse de las posibles repercusiones internacionales y negar su responsabilidad en las violaciones del derecho internacional humanitario cometidas por las fuerzas que se encuentran bajo su mando y control³⁵.

46. A finales de julio, el Grupo documentó por primera vez la presencia de unidades militares leales a Ali Abdullah Saleh (YEi.003) que luchaban junto a unidades huzíes en la frontera con la Arabia Saudita³⁶. La primera baja en la frontera saudita de un soldado leal a Saleh, un miembro de la guardia republicana llamado Sharif Ahmed Ali Ghashim Maqawlah³⁷, de que se tuvo noticia se produjo el 31 de

su tribu, Sanhan. Véase también Sarah Phillips, *Yemen and the Politics of Permanent Crisis* (Abingdon (Reino Unido), Routledge, 2011).

³⁰ El anexo 18 contiene la lista de las esposas de Saleh y el anexo 19, la de sus hijas y yernos.

³¹ Un ejemplo notable es el actual Vicepresidente, Ali Muhsin al-Ahmar, que durante años fue leal a Saleh, pero que rompió con él en 2011; procede de su misma aldea (Bayt al-Ahmar) y tribu (Sanhan), pero pertenece a otro clan.

³² A lo largo de su carrera, Ali Abdullah Saleh (YEi.003) ha sobrevivido a varios intentos de asesinato, muchos de ellos al principio de su régimen, en las décadas de 1970 y 1980. El intento más reciente tuvo lugar en junio de 2011.

³³ Tradicionalmente, la tribu Sanhan no ha sido importante en el Yemen y solo con la presidencia de Saleh se hizo poderosa, principalmente porque de ella salían oficiales militares.

³⁴ Muchos de estos oficiales de la tribu Sanhan temen que sufrirían una purga si Ali Abdullah Saleh (YEi.003) fuera expulsado del Yemen.

³⁵ Véanse los discursos pronunciados por Saleh en octubre de 2015 (más detalles en [S/2016/73](#)) y, más recientemente, el 25 de junio (puede consultarse en www.almotamar.net/pda/130743.htm).

³⁶ Al parecer, estas unidades pertenecían en su mayor parte a la guardia republicana controlada por los huzíes, que teóricamente había sido disuelta por el Presidente actual, pero que seguía funcionando bajo la dirección de Saleh.

³⁷ En aquellos momentos, la guardia republicana controlada por los huzíes estaba encabezada por Ali bin Ali al-Ja'ifi, que resultó herido en el ataque de la coalición contra un salón comunitario de Saná el 8 de octubre y murió el 10 de octubre. Le sucedió el General de División Murad al-Awbali, que había estado al mando de la 62ª Brigada Mecanizada de la guardia republicana, emplazada en la base militar de Farijah, en Amran. Al-Awbali y la Brigada participaron activamente en los combates librados en Nihm durante 2016.

julio. Durante las semanas siguientes hubo otras bajas³⁸, incluida la muerte del General de Brigada Hasan Abdullah Muhammad al-Mulusi el 22 de septiembre (véase la figura II)³⁹.

Figura II

Hasan Abdullah Muhammad al-Mulusi en un cartel huzí que conmemora su “martirio” (izquierda) y junto a Ahmed Ali Abdullah Saleh (YEi.005) (derecha)



47. Aunque la alianza huzí-Saleh se ha estrechado desde el punto de vista político, sigue existiendo una clara distinción entre las unidades militares leales a Ali Abdullah Saleh (YEi.003) y las que operan bajo la égida de los dirigentes huzíes⁴⁰. El Grupo considera que la relación entre Saleh y Abdulmalik al-Houthi (YEi.004) es una alianza de conveniencia, por lo que es improbable que perdure cuando termine el conflicto actual. Saleh suele ejercer el poder enfrentando a unos grupos contra otros, lo que se complace en llamar “danza sobre cabezas de serpientes”. La última versión de esta estrategia es su alianza con los huzíes, contra quienes libró seis guerras entre 2004 y 2010. Aunque en estos momentos la red de Saleh y los huzíes se han unido contra un enemigo común, siguen estando divididos por una serie de cuestiones a largo plazo, en particular la configuración y la ideología de cualquier posible futuro Estado. Sin embargo, por el momento, los comandantes huzíes y de Saleh mantienen su coordinación y cooperación en los ataques militares.⁴¹

³⁸ En el anexo 20 figura una lista de los soldados leales a la red de Saleh que murieron en la frontera con la Arabia Saudita durante julio y agosto.

³⁹ Había sido jefe de la Unidad Antiterrorista de las Fuerzas Especiales del Yemen, dirigida por el primogénito de Saleh, Ahmed Ali Abdullah Saleh (YEi.005). Tras la dimisión de Ali Abdullah Saleh (YEi.003) en 2012 y la posterior reestructuración militar, fue jefe de la escolta personal de Ahmed Ali Abdullah Saleh (YEi.005) en los Emiratos Árabes Unidos.

⁴⁰ Una excepción notable, por ser la única que ha observado el Grupo, es el caso del General de Brigada Hasan Abdullah Muhammad al-Mulusi, que, pese a ser íntimo de la familia de Saleh y miembro de la tribu Sanhan, dirigió una unidad de combatientes huzíes. Según las fuentes entrevistadas por el Grupo, el motivo es que al-Mulusi “se volvió huzí”, uniéndose al movimiento para vengar la muerte de uno de sus hijos que supuestamente había resultado muerto en Saná durante un ataque de la coalición.

⁴¹ El Grupo distingue entre la alianza política huzí-Saleh y la alianza de las fuerzas militares huzíes y de Saleh. En el primer caso, considera que el establecimiento del consejo político supremo conjunto oficializa el acuerdo de reparto del poder entre ambos grupos. En cambio, aunque las fuerzas huzíes y de Saleh forman parte de una alianza militar, el Grupo no ha

48. El Grupo ha constatado que las fuerzas huzíes y de Saleh operan de tres modos diferentes: en los centros de población, como Taiz, tienen una estructura militar tradicional integrada por un comandante de distrito, comandantes de eje y comandantes de brigada⁴²; en la frontera con la Arabia Saudita hay unidades de operaciones especiales más pequeñas, incluidos elementos de la guardia republicana, y grupos de misiles móviles; la fuerza de misiles formaba parte de la guardia republicana bajo el mando de Ahmed Ali Abdullah Saleh (YEi.005), pero ahora parece estar controlada por las fuerzas huzíes⁴³; por último, en la costa del Mar Rojo, las fuerzas huzíes han adoptado una estrategia de defensa territorial, que incluye el uso de minas terrestres para contribuir a defender ciertos puntos clave.

C. La red huzí

49. Los huzíes, liderados por Abdulmalik al-Houthi (YEi.004)⁴⁴, tienen un brazo político y otro militar. Aunque han establecido un consejo militar supremo en alianza con Ali Abdullah Saleh (YEi.003), quien sigue tomando las decisiones fundamentales del movimiento es Abdulmalik al-Houthi (YEi.004),⁴⁵ que al parecer se halla en Saada⁴⁶.

50. En el ámbito militar, los huzíes tienen una estructura doble: una red de milicias, que rotan con frecuencia en las zonas controladas por los huzíes⁴⁷, y unidades regulares que antes pertenecían al ejército yemení y que están al mando de oficiales que han roto con el Presidente actual y se han “sumado” al movimiento

detectado una integración significativa de sus unidades. De ahí que utilice los términos “alianza política huzí-Saleh” y “fuerzas huzíes y de Saleh” para describir la situación sobre el terreno.

⁴² En el anexo 21 se muestra la estructura de mando y control de los distritos militares donde operan las fuerzas huzíes y de Saleh.

⁴³ La fuerza de misiles tiene su cuartel general en Faj Attan (Saná) y brigadas en el campamento de Sabra, al sudoeste de Saná. El General de División Mohamed Nasser Ahmed al-A'tifi, oficial de la subtribu Khawlan de Hadr, fue nombrado comandante de la fuerza por el actual Presidente en 2013. Abdulmalik al-Houthi (YEi.004) ha encomiado la creatividad de la fuerza de misiles y el General de División al-A'tifi fue nombrado ministro de defensa del gobierno constituido en Saná el 28 de noviembre.

⁴⁴ En el anexo 22 se exponen los antecedentes del movimiento huzí, y en el anexo 23 figura el árbol genealógico de los huzíes.

⁴⁵ El liderazgo de Abdulmalik al-Houthi (YEi.004) ha causado disensiones con algunos de los primeros miembros de la red huzí, en especial Abdullah al-Razzami, exdiputado por Hizb al-Haqq, que fue uno de los principales lugartenientes de Husayn al-Houthi durante la primera guerra huzí de 2004. El Grupo no cree que al-Razzami, que sigue residiendo en Saada, pertenezca ya al movimiento huzí. A principios de septiembre, los miembros de su tribu, Razzam, tuvieron un enfrentamiento con combatientes huzíes en Saada que se saldó con siete muertos.

⁴⁶ Rara vez aparece en público y casi siempre se comunica mediante mensajes de vídeo.

⁴⁷ Esas milicias, al igual que muchas fuerzas irregulares, no llevan uniforme ni están emplazadas en bases concretas. Sus comandantes suelen utilizar un nombre de guerra (en árabe, *kunya*), como Abu Ali (que literalmente significa “el padre de Ali”), por lo que resulta difícil identificarlos positivamente. Véase, por ejemplo, este artículo sobre un comandante huzí de Ib, conocido solo por el *kunya* Abu Hamza: www.almasdaronline.com/article/83398. En el anexo 24 figura una lista de los combatientes huzíes liberados en Marib en septiembre, que ilustra hasta qué punto los combatientes huzíes de diferentes regiones son trasladados por todo el país para participar en frentes de batalla activos.

huzí o le son afines⁴⁸. Muchos de estos oficiales, aunque ciertamente no todos, son zaidíes de familias *sayyid*, como el General de División Zakaria Yahya Mohammed al-Shami, que fue nombrado jefe de estado mayor adjunto por los huzíes⁴⁹. Al igual que sucede en la red de Saleh, la identidad desempeña un papel importante, aunque no decisivo⁵⁰. Los huzíes han nombrado a los comandantes militares de cinco de los siete distritos militares del Yemen⁵¹ y controlan un órgano de inteligencia, la oficina de seguridad nacional⁵², que dirige Abdulrab Saleh Ahmed Jarfan⁵³.

D. Al-Qaida en la Península Arábiga

51. Desde su retirada forzosa de Al-Mukalla a finales de abril, Al-Qaida en la Península Arábiga (AQPA) no ha conseguido tomar, mantener ni administrar ninguna porción similar de territorio⁵⁴. No obstante, sigue realizando ataques en el Yemen, que por lo general pueden clasificarse en tres categorías principales: ataques suicidas (véase el anexo 28), ataques con morteros y bombas al borde de la carretera. Durante 2016, AQPA ha reivindicado unos 200 ataques⁵⁵, la mayoría realizados con bombas colocadas al borde de la carretera (véase el párr. 86).

52. AQAP ha dedicado casi todos sus esfuerzos en el Yemen a luchar contra los huzíes, especialmente en Al-Baida⁵⁶, y a atacar a las Fuerzas del Cinturón de

⁴⁸ No suele estar claro qué oficiales superiores se han sumado al movimiento huzí porque están de acuerdo con su ideología y cuáles lo han hecho porque los huzíes son el grupo más fuerte en una zona determinada.

⁴⁹ Fue nombrado ministro de transporte en los territorios controlados por los huzíes en el gobierno de Saná cuya constitución se anunció el 28 de noviembre. El Grupo todavía no ha podido confirmar si seguirá siendo el jefe efectivo de los exmilitares yemeníes ahora afiliados a los grupos armados huzíes.

⁵⁰ Para la red de Saleh lo que importaba era la identidad tribal, en particular ser miembro de Sanhan. Para los huzíes, lo que importa es la identidad religiosa, es decir, ser descendiente del Profeta.

⁵¹ El anexo 25 contiene información sobre los comandantes de distrito huzíes. En el anexo 26 se muestran como ejemplo los nombramientos de un distrito.

⁵² La oficina de seguridad nacional es el servicio de inteligencia más poderoso del Yemen controlado por los huzíes (véanse sus antecedentes en www.globalsecurity.org/intell/world/yemen/index.html). Se creó originalmente en 2002, en parte debido a que en el exterior se temía que los simpatizantes yihadistas se hubieran infiltrado en el órgano principal de inteligencia del Yemen, la Organización de Seguridad Política. Ali Abdullah Saleh (YEi.003) no tardó en adueñarse del nuevo servicio, nombrando a su sobrino, Ammar Muhammad Abdullah Saleh, adjunto principal de la oficina, cargo que ocupó hasta que el Presidente actual lo destituyó en 2012.

⁵³ Aparte de ocupar este puesto en la oficina de seguridad nacional controlada por los huzíes, Abdulrab Jarfan también fue nombrado miembro del consejo supremo de seguridad de los huzíes en febrero de 2015 (véase www.almashhad-alyemeni.com/news46910.html). Además, el 20 de agosto fue nombrado miembro del comité militar y de seguridad (véase www.gulfeyes.net/middle-east/582499.html). La lista completa de miembros figura en el anexo 6.

⁵⁴ El anexo 27 contiene información sobre destacados cargos de AQPA que interesan al Grupo.

⁵⁵ Esta cifra no es exacta porque AQPA enumera sus ataques mensuales según el calendario islámico, que se basa en el ciclo lunar, lo que hace imposible establecer una fecha de inicio precisa.

⁵⁶ El Grupo ha documentado varios enfrentamientos entre AQPA y las milicias vinculadas a los huzíes en Al-Baida, particularmente durante los meses de septiembre y octubre.

Seguridad en Abyan y Adén⁵⁷ y a las fuerzas leales al Presidente en Hadramaut⁵⁸. El Grupo también considera que AQPA está preparando activamente atentados terroristas contra Occidente desde el Yemen⁵⁹. AQPA ha seguido reclutando a numerosos adeptos en las tribus yemeníes, sobre todo en el sur del país y Hadramaut, y ha insistido en que su principal objetivo sigue siendo Occidente. Sus miembros también han participado en los combates de Taiz, en el bando de la “resistencia” contra las fuerzas huzíes y de Saleh⁶⁰.

53. A lo largo de 2016, AQPA también ha sufrido la presión de los ataques aéreos y con drones llevados a cabo bilateralmente por los Estados Unidos, que han realizado más de 30 ataques, causando la muerte de al menos 139 personas⁶¹. Aparte de la coalición encabezada por la Arabia Saudita, los Estados Unidos han desplegado “pequeñas cantidades” de efectivos militares para ayudar en las operaciones dirigidas contra AQPA⁶². Además, han incluido a seis yemeníes, entre ellos dos miembros del Gobierno, en la lista de “terroristas mundiales especialmente designados”⁶³.

54. AQPA sigue publicando vídeos de gran calidad⁶⁴, que parecen ser de producción local, así como números de *Inspire*, su revista en inglés⁶⁵. No obstante, han disminuido notablemente sus declaraciones oficiales, y las que se publican

⁵⁷ Un ejemplo reciente fue la bomba utilizada para asesinar en Abyan al excomandante del Cinturón de Seguridad y entonces líder de la “resistencia” Khadr Mualim el 28 de noviembre. Véase www.almasdaronline.com/article/86749.

⁵⁸ Por ejemplo, el 13 de julio se perpetró contra una base militar de Hadramaut un doble atentado suicida reivindicado por AQPA.

⁵⁹ Esta ha sido la posición declarada por el dirigente de AQPA, Qasim al-Raymi (QDi.282), y el Grupo no ha encontrado pruebas que indiquen que AQPA ha cambiado de objetivo.

⁶⁰ Como grupo terrorista, AQPA se opone a casi todas las demás partes en el conflicto: los huzíes, las fuerzas de Saleh, el Gobierno legítimo y la coalición. Normalmente, esto significa que AQPA se enfrenta al grupo que tenga más control en una región concreta, y que a veces hace causa común con el enemigo de ese grupo. De ahí que en algunas zonas AQPA ataque a las fuerzas leales al Presidente actual, pero en otras luche junto a grupos que en líneas generales son afines al Gobierno legítimo.

⁶¹ Estas cifras se obtuvieron del Comando Central de los Estados Unidos y puede que todavía aumenten. En el anexo 29 figura el cuadro completo de los ataques aéreos y con drones de los Estados Unidos que se han confirmado.

⁶² Estados Unidos, Casa Blanca, *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, diciembre de 2016. Puede consultarse en www.justsecurity.org/wp-content/uploads/2016/12/framework.Report.Final.pdf.

⁶³ El 19 de mayo, los Estados Unidos incluyeron en la lista al Gobernador de Al-Baida, Nayif Salim Saleh al-Qaysi, y el 7 de diciembre incluyeron a Hasan Ali Abkar, miembro del Consejo Consultivo y líder de una milicia progubernamental de Al-Yauf. Ambos han negado las acusaciones, como ha hecho otra persona incluida en la lista, Muhammad Salih Abd-Rabbuh al-Omgy. El Grupo solo ha podido confirmar que una de las personas incluidas en la lista, Ghalib Abdullah al-Zaidi, es miembro de AQPA.

⁶⁴ Por ejemplo, vídeos como el quinto episodio de la serie “*Harvest of Spies*” y el sexto episodio de la serie “*Repelling the Aggressors*”.

⁶⁵ El más reciente es el núm. 16. Han aparecido en vídeos de propaganda destacados miembros de la organización, como Qasim al-Raymi, Khaled Ba Tarfi e Ibrahim al-Quso, que estuvo detenido en la bahía de Guantánamo. El anexo 27 contiene una lista de destacados miembros de AQPA que interesan al Grupo.

suelen tener por objeto corregir otras informaciones⁶⁶ o aclarar la posición de AQPA⁶⁷. El Grupo está convencido de que AQPA sigue teniendo dos objetivos principales en el Yemen: controlar y administrar territorio y usar el Yemen como plataforma para atacar a Occidente.

E. Estado Islámico en el Iraq y el Levante

55. El Estado Islámico en el Iraq y el Levante (EIIL) también continúa operando en el Yemen⁶⁸, aunque durante el período de que se informa tuvo menos miembros y realizó menos ataques que AQPA. Además, parece estar más debilitado que por estas mismas fechas de 2015⁶⁹, aunque sigue siendo capaz de causar importantes daños. La mayoría de los ataques del EIIL en el Yemen se dividen en dos categorías: atentados suicidas con bombas⁷⁰ y asesinatos de funcionarios de seguridad a quemarropa, que cada vez con mayor frecuencia se filman mientras ocurren⁷¹. Aunque a principios de 2015 el EIIL avanzó en su competición con AQPA por reclutar adeptos, ahora tiene dificultades para mantener este impulso inicial⁷², y a mediados de 2016 sufrió una oleada de desertiones y pérdidas⁷³. AQPA y el EIIL se han enzarzado públicamente en discusiones sobre cuál de los dos está haciendo más para luchar contra los huzíes⁷⁴.

⁶⁶ Por ejemplo, a principios de septiembre hizo pública una declaración en la que negaba que hubiera intervenido en la matanza de 20 soldados yemeníes en Hadramaut. También ha negado que destruyera un santuario sufi en Taiz. El EIIL se desvinculó asimismo de la destrucción del santuario.

⁶⁷ En octubre, AQPA hizo pública una declaración sobre sus intentos de interactuar y colaborar con las tribus de Shabua.

⁶⁸ El anexo 30 contiene una lista de personalidades afiliadas al EIIL que interesan al Grupo.

⁶⁹ El Grupo ha recibido información según la cual a mediados de 2015 el EIIL había establecido un campamento de adiestramiento en Hadramaut, cerca de la frontera con la Arabia Saudita. Sin embargo, no ha podido confirmar si el campamento sigue funcionando.

⁷⁰ Uno de los ataques más mortíferos tuvo lugar el 29 de agosto en Adén, cuando un miembro del EIIL, posteriormente identificado como Ahmed Sayf (Abu Sufayn al-Adani), maestro coránico de 28 años de edad, mató al menos a 54 soldados e hirió a otros 67. Véase <http://golden.news/articles/361/>.

⁷¹ Dos atentados recientes, el asesinato en Adén de Ali Muqbil, funcionario de la Organización de Seguridad Política, el 30 de septiembre, y el asesinato en el aeropuerto de Adén de un oficial de seguridad, Abd al-Rahman al-Dhala'i, el 22 de noviembre, fueron difundidos mediante fotografías explícitas tomadas al estilo de los videojuegos de disparos en primera persona, en las que se mostraba el momento del asesinato desde la perspectiva del asesino.

⁷² A principios de septiembre, tres jóvenes anunciaron en un vídeo rudimentario la creación de una provincia del EIIL en Mahara, en la frontera oriental del Yemen con Omán, pero no ha habido reconocimiento oficial del EIIL. Dada la mala calidad del vídeo, que parece ser casero, el Grupo cree que se trata más de una aspiración que de una realidad. Una fuente confidencial también ha informado al Grupo de que en 2015 varios ciudadanos sauditas habían cruzado la frontera para unirse al EIIL en el Yemen. El Grupo ha identificado a nacionales de la Arabia Saudita, el Iraq, la República Árabe Siria, Túnez y el Yemen entre los miembros del EIIL en el Yemen.

⁷³ Por ejemplo, el 8 de julio fue asesinado en Abyan Ghassan al-Sadi, que había desertado del EIIL.

⁷⁴ Si bien hay pruebas que indican que AQPA ha luchado contra las fuerzas huzíes, especialmente en Al-Baida, el Grupo no ha encontrado pruebas fidedignas de que el EIIL esté llevando a cabo ataques similares contra los huzíes.

56. El EIIL, cuyo funcionamiento interno es mucho más secreto que el de AQPA, parece haber experimentado un cambio de dirección a principios de 2016⁷⁵. Sin embargo, aunque se beneficia de los persistentes enfrentamientos en el Yemen, sigue teniendo problemas para desplazar a AQPA como organización preferida por las personas radicalizadas.

F. “Frentes” activos

57. Aunque inicialmente las fuerzas huzíes y de Saleh llegaron en su avance hacia el sur incluso hasta Adén en 2015, desde entonces se han visto relegadas a las tierras altas del norte⁷⁶. Durante gran parte de 2016, y pese al elevado número de bajas⁷⁷, las líneas de combate se han endurecido gradualmente. Si bien han aumentado los enfrentamientos a lo largo de la frontera con la Arabia Saudita, durante el período de que se informa apenas ha cambiado la situación militar en cuanto al territorio capturado o perdido por ambas partes.

58. En el momento de redactarse el presente informe, tras 22 meses de guerra el mapa militar era prácticamente el mismo que al cabo de 10 meses. Los huzíes controlan gran parte de las tierras altas del norte, incluidos Ib, Damar, Saná y Saada, u operan en ellas⁷⁸. La ciudad de Taiz sigue estando en disputa, al igual que otras partes del país. El Gobierno controla amplios sectores del sur, incluida Adén, aunque la ciudad tiene graves problemas de violencia e inseguridad. AQPA y el EIIL continúan reclutando adeptos y llevando a cabo ataques⁷⁹.

IV. Armas y aplicación del embargo de armas selectivo

59. De conformidad con lo dispuesto en los párrafos 14 a 17 de la resolución [2216 \(2015\)](#), el Grupo sigue centrándose en una serie de actividades de vigilancia e investigación para determinar si se han producido violaciones del embargo de armas selectivo cuyo propósito es impedir que, de forma directa o indirecta, se suministren, vendan o transfieran armas a las personas y entidades incluidas en la lista por el Comité y el Consejo de Seguridad o en su beneficio.

⁷⁵ El Grupo tiene conocimiento de un informe según el cual dos miembros del EIIL procedentes de fuera del Yemen dirigieron un contingente de combatientes, que supuestamente participó en los combates de Taiz en el bando de la resistencia salafista. Aunque el Grupo no ha podido verificar esta información con fuentes independientes, continúa investigando el incidente, así como los vínculos entre el EIIL en el Yemen y en el Iraq y la República Árabe Siria.

⁷⁶ Los huzíes, al ser zaidíes, tenían muy poco apoyo local en el sur del Yemen, que sigue siendo mayormente shafí o suni. Es posible que los huzíes no pretendieran en realidad tomar Adén, sino únicamente obligar al actual Presidente y a sus tropas leales a defender la ciudad.

⁷⁷ Las bajas incluyen tanto soldados como importantes mandos. Dos de estos, Mubarak al-Mishn al-Zayadi (tercera región militar, Marib) y Muhammad al-Hawari (sexta región militar, Amran), murieron en el ataque perpetrado el 8 de octubre contra la funeraria de Saná. La lista completa de los comandantes militares huzíes figura en el anexo 25 y la de sus homólogos gubernamentales, en el anexo 31.

⁷⁸ Sin embargo, continúan produciéndose enfrentamientos en esas ciudades y provincias.

⁷⁹ En el anexo 32 figura un calendario de los incidentes de seguridad más destacados, y en el anexo 33 se indican los principales frentes de batalla.

A. Cadenas de suministro de armas y municiones

60. El Grupo ha determinado que las cadenas de suministro de armas y municiones a las personas y entidades incluidas en la lista por el Comité y el Consejo de Seguridad y las personas que actúan en su nombre o bajo su dirección se limitan actualmente a las opciones que figuran en el cuadro 1.

Cuadro 1

Cadenas de suministro de armas a las fuerzas huzíes y de Saleh

<i>Cadena de suministro</i>	<i>Observaciones</i>
Suministro externo ilícito en gran escala	Definido por el Grupo como más de 1.000 armas o decenas de toneladas de municiones
Suministro en pequeña escala (“menudeo”)	Menos de varios cientos de armas
Incautaciones en gran escala del arsenal nacional del Yemen	Debido a operaciones militares, robo o desviación
Captura en pequeña escala después de una batalla	Captura en el campo de batalla de armas de combatientes o unidades (véase el anexo 34)

Mercado negro interno

B. Probabilidad de que se suministren en gran escala armas de la República Islámica del Irán al Yemen

61. En una carta de fecha 14 de septiembre dirigida al Presidente del Consejo de Seguridad (S/2016/786), la Arabia Saudita alegó que la República Islámica del Irán había cometido violaciones de la resolución 2216 (2015) y exigió que el Consejo adoptara las medidas apropiadas y necesarias contra quienes hubieran violado las resoluciones pertinentes. El Representante Permanente de la República Islámica del Irán rechazó esas alegaciones calificándolas de “falsedades flagrantes” y “acusaciones infundadas” en su respuesta de fecha 27 de septiembre (S/2016/817). Los Emiratos Árabes Unidos, en nombre también de la Arabia Saudita, Bahrein, Egipto, Jordania, Kuwait, Marruecos, Omán, Qatar, el Sudán y el Yemen, respondieron asimismo en una nota verbal de fecha 27 de octubre dirigida al Secretario General (A/71/581), en la que se pedía que se distribuyera a la Asamblea General el anexo donde se exponían las presuntas violaciones cometidas por la República Islámica del Irán. En una carta de fecha 16 de noviembre (A/71/617), el Representante Permanente de la República Islámica del Irán volvió a rechazar firmemente estas alegaciones por considerarlas “sin fundamento”.

62. El Grupo no dispone de pruebas suficientes para confirmar que el Gobierno de la República Islámica del Irán haya suministrado armas directamente y en gran escala, aunque hay indicios de que las armas guiadas antitanque que se están suministrando a las fuerzas huzíes o de Saleh son de fabricación iraní. Gracias a la

supremacía aérea de la coalición encabezada por la Arabia Saudita sobre el Yemen y a la eficacia del sistema de inspección marítima, en estos momentos solo hay tres rutas probables para el suministro directo de la República Islámica del Irán al Yemen que permitan el tráfico en pequeña escala.

C. Rutas marítimas

1. Bagalas costeras con destino a puertos del litoral occidental del Yemen controlados por la alianza huzí-Saleh

63. Las bagalas costeras que se dirigen a puertos controlados por la alianza huzí-Saleh en la costa occidental del Yemen, aunque pasen por un punto de tránsito de Djibouti o Somalia, tienen que entrar desde el Golfo de Adén al mar Rojo por el concurrido estrecho de Bab al-Mandab, cuya anchura es de 28 km y que está bien patrullado por las Fuerzas Marítimas Combinadas⁸⁰, la Quinta Flota de la Marina de los Estados Unidos y la Real Armada Saudita. Es probable que algunos envíos llegaran a puerto si se transportasen en remesas muy pequeñas a bordo de bagalas costeras, pero muchos serían interceptados inevitablemente por las patrullas navales. El Grupo no ha encontrado pruebas de que hasta la fecha se hayan producido incautaciones marítimas en esta ruta, lo que probablemente indica que no se está utilizando de manera activa.

2. Bagalas costeras con destino a puertos de tránsito omaníes

64. Solo hay dos pequeños puertos omaníes⁸¹ al oeste de Salalah (provincia de Dhofar) con acceso por carretera a la frontera con el Yemen que podrían servir para descargar armas. También es posible desembarcar envíos en las playas omaníes de Dhofar, pero los vehículos tendrían que pasar posteriormente por el puesto de control de Sarfayt/Hauf⁸², y correrían un mayor riesgo de ser interceptados por los guardias de fronteras que los envíos desembarcados directamente en una playa del Yemen. Las recientes incautaciones terrestres indican que esta ruta puede estar siendo utilizada para envíos en pequeña escala (véase el párrafo 75).

3. Bagalas costeras con destino a puertos o playas del sudeste del Yemen

65. El único puerto apropiado para la descarga directa de armas en el sudeste del Yemen sería el de Nishtun⁸³, pero está bajo control de las fuerzas gubernamentales, por lo que su uso implicaría un cierto grado de corrupción de los funcionarios. La alternativa a descargar las armas en puertos yemeníes sería realizar una operación clandestina de desembarco de armas desde bagalas costeras o pequeñas embarcaciones en las playas de Al-Gaida⁸⁴, Haswayn⁸⁵ y Qishn⁸⁶, donde se sabe que hay contrabando⁸⁷. Las recientes incautaciones terrestres indican que también esta

⁸⁰ Véase <https://combinedmaritimeforces.com>.

⁸¹ Raysut (16°55'30.06"N, 54°00'38.74"E) y Dhalqut (16°42'16.85"N, 53°15'14.37"E).

⁸² 16°40'15.73"N, 53°05'57.32"E.

⁸³ 15°49'15.64"N, 52°11'49.01"E.

⁸⁴ 16°10'18.29"N, 52°13'28.69"E.

⁸⁵ 15°35'04.14"N, 52°06'19.69"E.

⁸⁶ 15°23'17.67"N, 51°38'35.64"E.

⁸⁷ Fuentes confidenciales.

ruta se está utilizando probablemente para envíos en pequeña escala (véase el párrafo 75).

4. Incautaciones marítimas en 2015 y 2016

66. Solo se han confirmado cuatro incautaciones de armas realizadas en el Mar Árabe y el Golfo de Adén por las Fuerzas Marítimas Combinadas o la Quinta Flota de la Marina de los Estados Unidos durante 2015 y 2016⁸⁸, a las que hay que sumar otra que presuntamente efectuó la coalición encabezada por la Arabia Saudita en 2016 (véase el cuadro 2).

Cuadro 2

Incautaciones marítimas regionales de armas (2015-2016)

Fecha	Pesquero	Incautador	Tipo y cantidad de armas							Variante del arma guiada antitanque 9M113 Konkurs o 9M133 Kornet	
			Variante del fusil de asalto AK-47	Ametralladora mediana PKM	Fusil de francotirador Hoshdar-M ^a	Variante de la ametralladora pesada DShK de 12,7 mm	Variante del lanzacohetes RPG-7	Mortero de 60 mm	Toophan ^b		
24 de septiembre de 2015	<i>Nasir</i>	HMAS <i>Melbourne</i>								56	19
27 de febrero de 2016	<i>Samer</i>	HMAS <i>Darwin</i>	1 989	49				100	20		
20 de marzo de 2016	Desconocido	FS <i>Provence</i>	1 998	6 ^c	64						9
28 de marzo de 2016	<i>Adris</i>	USS <i>Sirocco</i>	1 500			21	200				
16 de noviembre de 2016	Desconocido ^d										
Total			4 487	55	64	21	300	20	56	28	

^a Copia iraní del fusil de francotirador chino tipo 79. Confirmado por Armament Research Services.

^b Misil guiado antitanque TOW (tube-launched, optically tracked, wire-guided).

^c Variante del tipo 73 de la República Popular Democrática de Corea.

^d Según los medios de comunicación, la coalición encabezada por la Arabia Saudita había capturado dos pequeñas bagalas frente a la costa de Salif, aunque según otras informaciones habían sido destruidas en ataques aéreos. Pese a las solicitudes del Grupo, la Arabia Saudita no ha dado más detalles sobre el incidente o incidentes.

67. Se enviaron solicitudes de rastreo a los Estados Miembros⁸⁹ que fabricaban los ocho tipos de armas que el Grupo había identificado positivamente mediante imágenes (véase el anexo 35). La antigüedad de las armas incautadas fue un problema que redujo la eficacia de las solicitudes. La legislación nacional de los

⁸⁸ Las incautaciones se realizaron en virtud del mandato enunciado en las resoluciones 2182 (2014) y 2244 (2015), relativas a Somalia. Véase también S/2016/919, anexo 8.4.

⁸⁹ Bulgaria y la Federación de Rusia confirmaron la fabricación, pero señalaron que hacía más de 10 años, por lo que era imposible rastrear el certificado de usuario final. China confirmó que uno de los tipos de arma no era de fabricación china. La República Islámica del Irán y Rumania aún no han respondido.

Estados Miembros que han respondido solo los obliga a mantener registros de control de las exportaciones durante 5 o 10 años. Aunque existen registros de fabricación, que pueden servir para confirmar el Estado en que se fabricaron las armas, no dan detalles del primer usuario final. Además, algunos tipos de armas se habían exportado a muchos países⁹⁰, por lo que era poco probable que las solicitudes de rastreo ulteriores recabaran ninguna información útil sobre la cadena de suministro, dado el tiempo transcurrido y la amplia distribución de esos sistemas de armas. Así pues, el Grupo no pudo determinar positivamente el origen de las armas, ya que las cadenas de suministro seguían siendo opacas.

68. El rastreo solicitado por el Grupo para tratar de determinar las cadenas de suministro se vio dificultado aún más porque algunos de los Estados Miembros que se habían incautado de las embarcaciones no proporcionaron detalles suficientes en sus notificaciones al Comité y sus respuestas a las solicitudes posteriores del Grupo, y tampoco permitieron que este inspeccionara físicamente las armas incautadas⁹¹. El Grupo exige imágenes detalladas de las armas para identificar exactamente el tipo y modelo, así como los números de serie para poder investigar con detalle la cadena de suministro.

69. Al investigar las incautaciones marítimas mencionadas, el Grupo identificó 2.064 armas que podrían vincularse directamente por su fabricación u origen con la República Islámica del Irán (véase el cuadro 3). El Grupo determinó el país de fabricación mediante imágenes proporcionadas por el Estado Miembro que se había incautado de las armas. El resto de las armas no pudieron atribuirse positivamente a ningún país de fabricación.

Cuadro 3

Incautaciones marítimas efectuadas en 2015-2016 y atribuibles a la República Islámica del Irán por su fabricación o suministro

<i>Tipo de arma</i>	<i>Nasir</i>	<i>Samer</i>	<i>Desconocido</i>	<i>Adris</i>	<i>Observaciones</i>
Variante del fusil de asalto AK-47			1 998		Uno de fabricación iraní confirmada positivamente ^a Al parecer todos son del mismo tipo
Fusil de francotirador Hoshdar-M			64		Solo la República Islámica del Irán fabrica este tipo de arma
Variante del lanzacohetes RPG-7		2			Dos de fabricación iraní confirmada positivamente. Al parecer las 100 armas son del mismo tipo

Nota: Datos tomados también de Conflict Armament Research, “Analysis of maritime weapon seizures”, en “Maritime interdictions of weapon supplies to Somalia and Yemen: deciphering a link to Iran” (Londres, noviembre de 2016).

^a Se observaron cuatro grupos de números de serie consecutivos, lo que asegura que todos los fusiles eran del mismo fabricante.

⁹⁰ Por ejemplo, el sistema de armas guiadas antitanque 9M113 Konkurs se había exportado a 26 países según *Jane's* (<https://janes.ihs.com/CustomPages/Janes/Home.aspx>).

⁹¹ Aparte de la incautación efectuada por el FS *Provence*, que el Grupo de Supervisión para Somalia y Eritrea fue autorizado a inspeccionar en Brest (Francia) en diciembre de 2015.

5. Análisis de las trayectorias

70. El análisis de la trayectoria declarada por las embarcaciones y su trayectoria probable (véase el mapa 3), comparadas con las posiciones donde se produjo la incautación, contradice la afirmación de que el Yemen era el destino de los cuatro pesqueros mencionados en el cuadro 2⁹². El capitán de una pequeña bagala probablemente tendría presente el costo del combustible y trataría de seguir la ruta más directa a puerto, desviándose solo debido al mal tiempo o para evitar que lo descubrieran si llevaba un cargamento ilícito. No obstante, es poco probable que una embarcación se apartara de su rumbo para evitar ser descubierta, sino que más bien se encontraría más segura transitando en compañía de otras bagalas. El análisis de las trayectorias indica con bastante certeza lo siguiente:

a) El pesquero *Nasir*, que había zarpado del puerto de Chabahar (República Islámica del Irán), fue incautado en una posición situada en la trayectoria más directa y económica hacia Hordio⁹³ (Somalia). Este era el destino que figuraba en la carta náutica y que el HMAS *Melbourne* recabó como prueba. Durante la incautación también se inspeccionaron los teléfonos móviles y satelitales, y el análisis posterior de los datos de tráfico proporcionados por un Estado Miembro aportó nuevas pruebas de que el remitente tenía su sede en la República Islámica del Irán y Somalia era el destino del envío⁹⁴. Entre el 27 de agosto y el 23 de septiembre de 2015, período durante el cual tuvo lugar la operación de contrabando, el 60% de las llamadas salientes y el 72% de las llamadas entrantes de la embarcación correspondían a un mismo número de un abonado iraní⁹⁵. El capitán del pesquero *Nasir* también estaba en contacto con conocidos comerciantes de armas que mantenían vínculos con el expirata Isse Mohamoud Yusuf (“Yullux”)⁹⁶ y con el líder de la facción del EIL en Somalia, Abdulqadir Mumin;

b) El pesquero *Samer* fue incautado en una posición situada 130 millas marinas al sudeste de la trayectoria más directa y económica entre Chabahar (República Islámica del Irán) y Bosaso (Somalia)⁹⁷, que era el probable puerto de destino según el HMAS *Darwin*⁹⁸. Esa posición está más lejos de la costa yemení que la trayectoria más directa y económica, por lo que es más probable que el destino directo fueran los puertos de contrabando orientales de Somalia y no Bosaso;

⁹² Véanse, por ejemplo, “French navy seizes weapons cache heading from Iran to Yemen”, *Al Arabiya*, 30 de marzo de 2016, que puede consultarse en <http://english.alarabiya.net/en/News/middle-east/2016/03/30/French-navy-seizes-weapons-cache-heading-from-Iran-to-Yemen.html>; y Sam LaGrone, “U.S. navy seizes suspected Iranian arms supply to Yemen”, *USNI News*, 4 de abril de 2016, que puede consultarse en <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>.

⁹³ 10°33'41.00"N, 51°08'04.13"E.

⁹⁴ Se han omitido los detalles porque continúa la investigación.

⁹⁵ El Grupo ha solicitado a la República Islámica del Irán información detallada sobre el abonado, pero hasta el momento no ha recibido respuesta.

⁹⁶ En S/2013/413, anexo 3.1, y S/2014/726, anexo 4.7, párr. 204, puede encontrarse más información sobre sus operaciones y su red en Somalia.

⁹⁷ 11°17'29.42"N, 49°10'46.40"E.

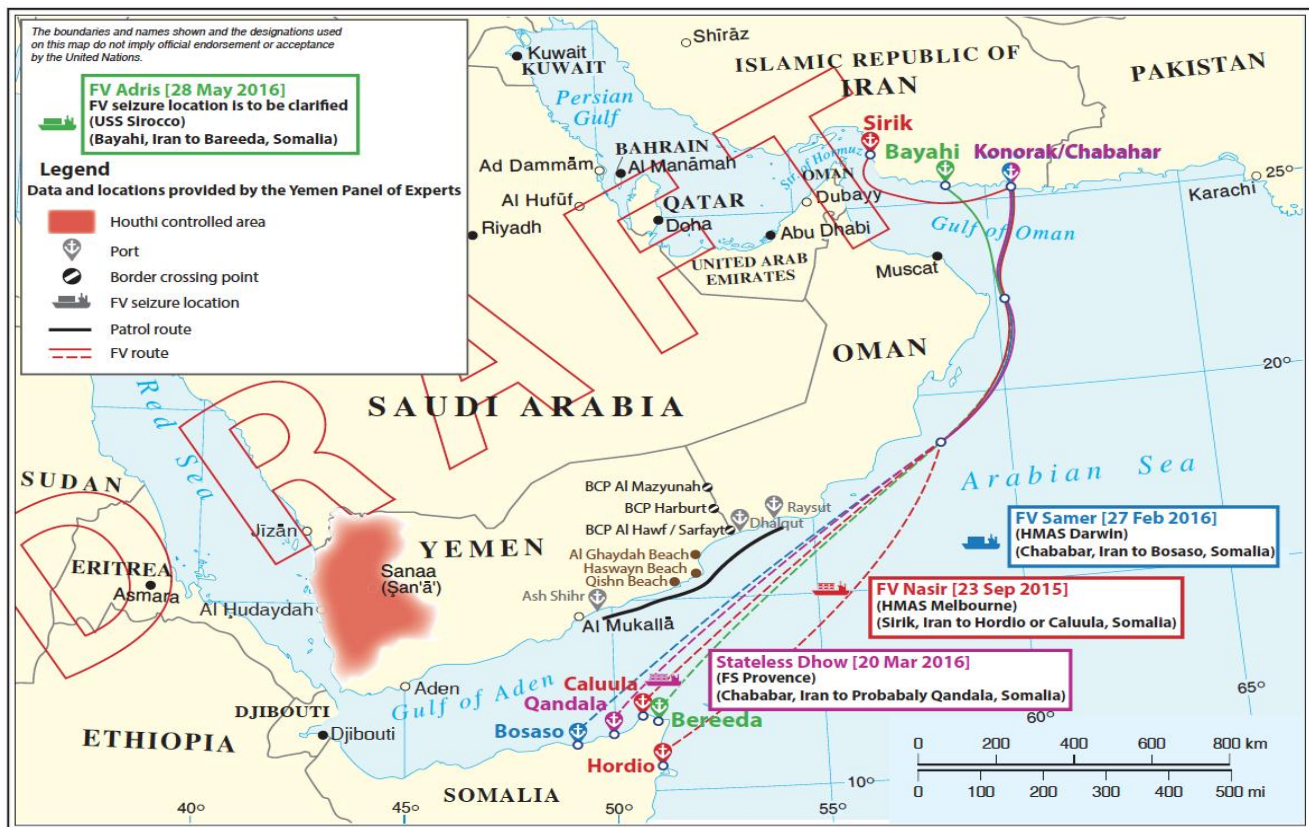
⁹⁸ Carta dirigida al Grupo por Australia de fecha 22 de junio de 2016.

c) El pesquero desconocido fue incautado por el FS *Provence* en un punto situado en la ruta más directa y económica entre Chabahar (República Islámica del Irán) y Candala⁹⁹ (Somalia), que era su destino declarado;

d) El lugar en que fue incautado el pesquero *Adris* no se ha comunicado al Grupo, pese a las solicitudes que envió al Estado Miembro responsable el 10 de mayo y el 3 de noviembre. El destino declarado de la embarcación era Calula¹⁰⁰ (Somalia) y su origen, Sirik (República Islámica del Irán). Aunque los medios de comunicación informaron¹⁰¹ de que el Yemen era el destino de este envío, el Grupo no ha encontrado pruebas que lo confirmen.

Mapa 3

Trayectorias probables y posiciones donde se produjo la incautación



15 December 2016
Data and location source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee

Department of Field Support
Geospatial Information Section

⁹⁹ 11°28'29.46"N, 49°52'19.40"E.

¹⁰⁰ 11°57'58.07"N, 50°45'17.94"E.

¹⁰¹ Sam LaGrone, "US Navy seizes suspected Iranian arms shipment bound for Yemen", USNI News, 4 de abril de 2016, que puede consultarse en <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>.

71. Las pruebas de que las embarcaciones tenían su origen en la República Islámica del Irán son irrefutables, pero el Grupo tiene pruebas mucho menos claras de que sus cargamentos de armas continuaran rumbo al Yemen desde Somalia o se transfirieran en el mar durante el viaje para desviarlos de su destino en Somalia a un destino en el Yemen.

72. Ninguno de los envíos marítimos interceptados contenían municiones aparte de las armas dirigidas antitanque (véase el párr. 76). Los suministros de municiones son mucho más voluminosos que los de armas, al menos 10 veces más, porque el ritmo al que se consumen durante el combate hace que tengan que reponerse constantemente. De ello se deducen las siguientes posibilidades: la interdicción naval ha tenido la mala fortuna de dejar pasar envíos ilícitos de municiones, cosa que el Grupo considera poco probable teniendo en cuenta que se han efectuado tres incautaciones de armas en tan breve período de tiempo; las municiones se envían por aire, lo cual es improbable debido al bloqueo aéreo; las municiones se envían por carretera (véase el párr. 75); o ya existen suficientes existencias de municiones en el Yemen, que es lo más probable teniendo en cuenta los precios del mercado negro (véase el párr. 79).

73. Sin embargo, el Grupo no puede descartar totalmente que el plan fuera transferir los envíos a otras embarcaciones aún más pequeñas en Somalia, o frente a sus costas, para seguir rumbo al Yemen. Puede que la incautación de tres embarcaciones en un mes haya desbaratado este plan, obligando de hecho a los traficantes de armas a considerar otras opciones (véase el párr. 75).

D. Tráfico en pequeña escala (“menudeo”)

74. En su anterior informe final (S/2016/73, párrs. 75 a 77), el Grupo analizó la posible utilización de redes de contrabando creadas antes del embargo de armas impuesto por la resolución 2216 (2015). La actual proliferación y distribución generalizada de armas dentro del Yemen significa que esas redes solo pueden obtener beneficios tratando de introducir en el país armas importantes, como las armas guiadas antitanque portátiles, o mediante el contrabando de armas pequeñas y armas ligeras desde el Yemen a los Estados vecinos, de lo que no hay prueba alguna.

75. Las rutas terrestres desde los puntos de cruce de la frontera con Dhofar (Omán) hasta el territorio más próximo controlado por los huzíes, o desde los puertos sudorientales del Yemen, atraviesan más de 600 km de territorio controlado por el Gobierno (véase el mapa 4). Es poco probable, pero posible, que grandes envíos puedan recorrer sucesivamente esta ruta sin ser detectados, y las recientes incautaciones efectuadas por el Gobierno¹⁰² indican que la ruta se está utilizando. En todos los casos, las armas incautadas se encontraban en camiones grandes y ocultas bajo otros cargamentos, por ejemplo, cajas de pollos, o en falsos compartimentos del remolque (véanse el resumen y las imágenes que figuran en el anexo 36).

¹⁰² El Grupo ha solicitado información detallada sobre las incautaciones a la Arabia Saudita, los Emiratos Árabes Unidos y el Yemen. Hasta la fecha solo han respondido los Emiratos Árabes Unidos.

Mapa 4
Rutas terrestres de contrabando desde playas y puertos de Omán y el Yemen



76. El Grupo ha determinado que a mediados de 2016 comenzaron a notificarse incautaciones de armas dirigidas antitanque en la ruta terrestre de Omán a Marib. Esto indica que la ruta se abrió al tráfico de esas armas por aquel entonces, ya que en ella existe un elevado riesgo de interceptación. En el cuadro 4 se resumen el empleo operacional y la incautación de armas dirigidas antitanque desde mediados de 2015 hasta 2016, y las imágenes correspondientes figuran en el anexo 37.¹⁰³

¹⁰³ En el anexo 38 se muestran otras armas iraníes empleadas por los huzíes.

Cuadro 4
Empleo operacional e incautación de armas guiadas antitanque (2015-2016)

Fecha	Lugar	Tipo						Observaciones
		9M113 Konkurs	Tosan iraní	9M115 Metis	Toophan iraní	9M133 Kornet	Dehlaviyeh iraní	
1 24 de septiembre de 2015	Pesquero Nasir	19			56			Konkurs fabricado en 1992
2 29 de noviembre de 2015	Taiz					1		1 Kornet, lote núm. 2 de 2008, con el mismo número de serie que el artículo 3. Dehlaviyeh, lote núm. 7 de 2015 (solo cuatro meses antes de la incautación)
3 20 de marzo de 2016	Pesquero desconocido					9		Lotes núms. 1 y 2 de 2008, Kornet o Dehlaviyeh
4 28 de septiembre de 2016	Marib					15		Kornet o Dehlaviyeh
5 Fecha indeterminada de septiembre de 2016	Safir, Marib		1					Lote núm. 4 de 2002
6 18 de octubre de 2016	Shehn, Marib							18 armas guiadas antitanque, cuyo tipo está por confirmar
		20			56	26+		

Fuente: Numerosas fuentes abiertas y confidenciales, como los informes Hoplite de Armament Research Services y los análisis de *Jane's* (<https://janes.ihs.com/CustomPages/Janes/Home.aspx>).

77. Aunque existe contrabando de armas guiadas antitanque en las rutas terrestres, el Grupo considera poco probable que la red que utiliza esas rutas pueda en estos momentos introducir clandestinamente en el Yemen cantidades significativas de sistemas de armas de gran calibre, como los misiles balísticos de corto alcance. Las armas guiadas antitanque tienen una longitud inferior a 1 m y pueden esconderse fácilmente en un camión grande, mientras que un misil balístico de 7 m de largo es mucho más difícil de ocultar.

E. Incautación, robo o desviación del arsenal nacional del Yemen

78. Analizando el orden de batalla¹⁰⁴ del Ejército del Yemen (véase el anexo 39), el Grupo determinó cuáles eran las unidades afines a las fuerzas huzies o de Saleh o

¹⁰⁴ Véase Charles Catis, “Yemen order of battle”, American Enterprise Institute Critical Threats, febrero de 2015. Puede consultarse en www.criticalthreats.org.

que las apoyaban, para tratar de averiguar qué parte del arsenal nacional había escapado al control del ejército. Los datos indican que el Gobierno legítimo puede haber llegado a perder el control de más del 68% del arsenal durante el conflicto. El Grupo no ha logrado determinar el tamaño que tenía el arsenal nacional antes de que estallaran las hostilidades en curso, por lo que aún no se puede hacer una estimación realista del tiempo que podrán seguir luchando con esas armas y municiones las fuerzas huzíes o de Saleh hasta que necesiten un reabastecimiento externo importante.

F. Municiones de armas pequeñas en el mercado negro

79. Un indicador importante de la disponibilidad de municiones de armas pequeñas dentro de una determinada comunidad es su precio en el mercado negro. El Grupo ha empezado a recopilar y analizar datos al respecto y su conclusión inicial es que, en Adén, el precio en el mercado negro de un cartucho típico de 7,62 x 39 mm, que justo antes de comenzar el conflicto actual había caído rápidamente hasta 0,23 dólares, es ahora de 0,84 dólares, es decir, el 65% del precio anterior a la guerra (1,30 dólares) y se mantiene estable (véase el anexo 40). Esto puede deberse a una serie de factores locales aún por determinar, pero lo cierto es que resulta más fácil conseguir municiones de armas pequeñas que antes del conflicto como resultado de la proliferación ilícita de las existencias del Gobierno.

80. El Grupo detectó un intento de desviar pistolas y revólveres fabricados por Taurus después de su entrega mediante un certificado de uso final de dudosa autenticidad. Este tipo de armas están diseñadas más bien para protección personal y hoy en día no suelen utilizarse en el campo de batalla. Es muy probable que las armas estuvieran destinadas al mercado negro somalí y regional, pero fueron incautadas por un Estado Miembro en tránsito. El intermediario en la transacción, Adeeb Mana'a, es hijo de una persona designada y conocido traficante de armas, Fares Mohammed Mana'a (SOi.008)¹⁰⁵, que fue íntimo colaborador de Ali Abdullah Saleh (YEi.003)¹⁰⁶ y mantiene estrechos vínculos con los huzíes¹⁰⁷. Su implicación y su conocida relación con los huzíes hacen sospechar que la transferencia ha beneficiado económicamente a personas incluidas en la lista, y el Grupo seguirá investigando este aspecto del caso. El Grupo considera que el *modus operandi* de la transferencia tenía por objeto eludir los controles aduaneros y de seguridad habituales. Prosigue la investigación del caso, cuyos progresos hasta la fecha se exponen en el anexo 41.

¹⁰⁵ El Comité del Consejo de Seguridad dimanante de las resoluciones 751 (1992) y [1907 \(2009\)](#) relativas a Somalia y Eritrea lo incluyó en la lista el 12 de abril de 2010 con arreglo a lo dispuesto en la resolución [1844 \(2008\)](#), párr. 8.

¹⁰⁶ Fue jefe del Comité Presidencial de Ali Abdullah Saleh hasta finales de enero de 2010, cuando las autoridades yemeníes lo detuvieron.

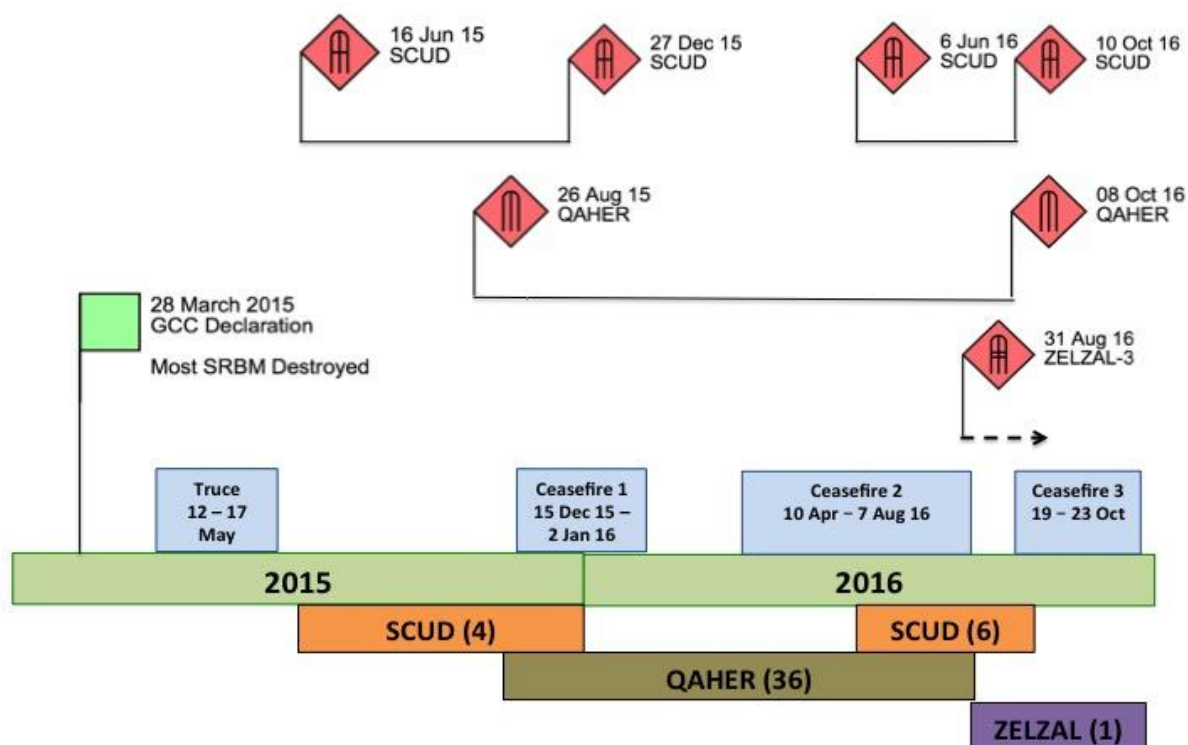
¹⁰⁷ El 28 de noviembre el consejo político supremo de la alianza huzí-Saleh con sede en Saná lo nombró ministro de Estado.

G. La “campaña de misiles” de la alianza huzí-Saleh

81. La alianza huzí-Saleh lleva a cabo una “campaña de misiles terrestres” estratégica contra la Arabia Saudita desde que el 16 de junio de 2015 se produjo el primer lanzamiento de un misil balístico de corto alcance tipo Scud de que se tiene noticia (véase la figura III). Aunque el Grupo ha determinado que las fuerzas huzíes o de Saleh han lanzado contra la Arabia Saudita misiles de ese tipo y cohetes de vuelo libre Qaher-1 improvisados, dichas fuerzas han iniciado una campaña de propaganda afirmando que utilizan misiles de fabricación local, no improvisados. En el anexo 42 se dan detalles de todos los misiles balísticos de corto alcance y cohetes de vuelo libre empleados hasta la fecha y del análisis técnico que ha llevado al Grupo a considerar muy improbable que la alianza huzí-Saleh haya fabricado nuevos tipos de misiles localmente.

Figura III

Cronograma de la campaña de misiles de la alianza huzí-Saleh



82. Aunque los ataques transfronterizos con misiles causan pocas bajas y daños a la infraestructura en la Arabia Saudita, tienen un gran impacto económico y político. Desde el punto de vista económico, lanzar misiles, o incluso amenazar con hacerlo, es una opción que resulta muy barata para la alianza huzí-Saleh, ya que han conseguido las existencias de misiles prácticamente gratis. En cambio, el costo

económico para la Arabia Saudita es elevado, ya que tiene que gastar misiles interceptadores de alta tecnología como el Patriot PAC-3, que al parecer cuesta unos 900.000 dólares.¹⁰⁸

83. Se ha difundido ampliamente información de dominio público que indica que el ejército de la Arabia Saudita no siempre consigue interceptar y destruir las variantes de Qaher-1 y Scud en pleno vuelo. Por ejemplo, de los 60 lanzamientos de misiles y cohetes contra el territorio de la Arabia Saudita registrados desde el 16 de junio de 2015 (véase el anexo 42), la coalición afirma haber interceptado y destruido 28 en pleno vuelo (un 47%).

84. En cuanto a la repercusión política, los ataques con misiles contra ciudades sauditas sirven para mantener la presión estratégica sobre la Arabia Saudita, ya que cada impacto pone de manifiesto que la población civil es vulnerable a esos ataques y demuestra que existen deficiencias en la capacidad defensiva. El Grupo considera probable que continúen estos ataques hasta que las fuerzas huzíes o de Saleh agoten todas sus existencias de misiles y cohetes de vuelo libre, o hasta que la coalición las intercepte.

85. Dado que no se puede predecir con exactitud el punto de impacto final de los misiles y los cohetes de vuelo libre debido a que estos sistemas de armas son de por sí imprecisos¹⁰⁹, es imposible que quienes los emplean puedan distinguir bien los objetivos civiles de los militares. Por tanto, esas armas son indiscriminadas por naturaleza, lo que contraviene el derecho internacional humanitario¹¹⁰. A este respecto, el Grupo considera que el hecho de que la alianza huzí-Saleh emplee estos sistemas de armas en ataques contra zonas pobladas por civiles constituye una violación del derecho internacional humanitario¹¹¹.

¹⁰⁸ Clay Dillow, “US green lights sale of 600 Patriot missiles to Saudi Arabia”, *Fortune*, 1 de agosto de 2015. Puede consultarse en <http://fortune.com/2015/08/01/u-s-patriot-missiles-saudi-arabia/>.

¹⁰⁹ Las figuras IV y V ilustran el empleo de misiles por los huzíes.

¹¹⁰ Jean-Marie Henckaerts y Louise Doswald-Beck, *El derecho internacional humanitario consuetudinario*, vol. 1: *Normas* (Buenos Aires (Argentina), Comité Internacional de la Cruz Roja, Centro de Apoyo en Comunicación para América Latina y el Caribe, 2007), norma 71 (en adelante “derecho internacional humanitario consuetudinario”).

¹¹¹ *Ibid.*, normas 1, 7, 11 y 14.

Figuras IV y V

**Adiestramiento de combatientes huzías con un misil OTR-21 Tochka
(23 de mayo de 2015)**



Fuente: Confidencial.

Nota: El contenedor blanco sirve para engañar al reconocimiento aéreo.

H. Artefactos explosivos improvisados

86. La tecnología de los artefactos explosivos improvisados y las tácticas relacionadas con ellos han avanzado notablemente. El hecho de que el EIIL empezara a utilizar la táctica de los atentados suicidas con artefactos explosivos improvisados, sobre todo en Adén y Al-Mukalla, ha creado una constante amenaza para los funcionarios gubernamentales y las bases militares. Hasta la fecha ha habido al menos 23 atentados suicidas con artefactos explosivos improvisados personales o transportados por vehículos contra objetivos o miembros del Gobierno que han sido reivindicados por el EIIL o atribuidos a ese grupo. Esta táctica suicida también ha sido adoptada por AQPA, que hasta ahora ha reivindicado seis atentados con artefactos explosivos improvisados (véase el anexo 28).

87. El Grupo también ha observado importantes avances tecnológicos en los sistemas de iniciación desde el último análisis de los tipos de artefactos explosivos improvisados¹¹² y nuevos diseños de contenedores para mejorar los efectos en el objetivo o evitar la detección. Estos avances se resumen en el cuadro 5 y en el anexo 43 se ofrece más información técnica.

¹¹² Programa de las Naciones Unidas para el Desarrollo, “IED threat assessment: Abyan”, 1 de febrero de 2013 (distribución limitada en las Naciones Unidas).

Cuadro 5
Tipos importantes de artefactos explosivos improvisados descubiertos en 2016

<i>Fecha</i>	<i>Lugar</i>	<i>Tipo</i>	<i>Probable atribución^a</i>
29 de febrero	Marib	Proyectil perforante ^b	Huzíes
16 de marzo	Taiz	Roca falsa con placa metálica de presión mínima	AQPA o huzíes
16 de mayo	Al-Mukalla	Proyectil perforante controlado por radio	AQPA
16 de mayo	Al-Mukalla	Artefacto controlado por radio con carga de fragmentación direccional ^c	AQPA
18 de junio	Abyan	Artefacto controlado por radio con carga de fragmentación direccional	AQPA
27 de junio	Al-Mukalla	Chaleco suicida	AQPA
7 de agosto	Adén	Artefacto colocado bajo un vehículo	AQPA
Fecha indeterminada de agosto	Ib	Artefacto controlado por radio con carga de fragmentación direccional	Huzíes
30 de octubre	Saleh, Marib	Roca falsa con sensor infrarrojo pasivo	Huzíes

^a Teniendo en cuenta la ubicación geográfica de las fuerzas.

^b También conocido como fragmento perforante. Los proyectiles perforantes usados en los artefactos explosivos improvisados llevan en su interior un disco, normalmente de acero, que al detonar el explosivo se transforma en una bala metálica. La bala se desplaza con aceleración hacia el objetivo y penetra en él gracias a su energía cinética. Este proceso es diferente de la penetración hidrodinámica de una carga hueca.

^c Los artefactos con carga de fragmentación direccional suelen fabricarse con bolas de rodamientos u otras piezas pequeñas aglutinadas con una resina a la que se da forma. Al detonar el explosivo, los fragmentos se proyectan agrupados y penetran en el objetivo gracias a su energía cinética. El patrón de penetración depende de la forma que tenga el artefacto.

88. No se puede presuponer que un solo grupo utiliza esta tecnología, puesto que hay circulación de combatientes, y por tanto intercambio de conocimientos técnicos, entre AQPA, el EIIL, las fuerzas huzíes o de Saleh, y las fuerzas de “resistencia” leales al actual Presidente.

89. El Grupo estima que la introducción de esta nueva tecnología en el Yemen representa una importante amenaza para la paz, la estabilidad y la seguridad, incluso después de cualquier posible acuerdo sobre un proceso de paz. Además, actúa efectivamente como multiplicador de fuerza de los grupos armados que no están bajo el control del Gobierno, ya que reduce su dependencia actual y futura de las armas convencionales. El Grupo considera que los artefactos explosivos improvisados seguirán siendo el arma preferida por la oposición residual a cualquier futuro proceso de paz. Se trata de un arma que puede utilizarse estratégicamente para crear sensación de inseguridad e influir en la voluntad nacional.

90. El despliegue de artefactos explosivos improvisados en zonas civiles contraviene el derecho internacional humanitario porque no discrimina entre la población civil y los objetivos militares¹¹³.

¹¹³ Derecho internacional humanitario consuetudinario, normas 1, 7, 11 y 22.

I. Restos explosivos de guerra, minas y artefactos explosivos sin detonar

91. El Grupo continúa recibiendo pruebas de que las fuerzas huzíes o de Saleh utilizan minas, y del empleo de barreras que contienen tanto minas como artefactos explosivos improvisados (véase el anexo 44).

V. Contexto económico y sinopsis de las finanzas

92. De conformidad con su mandato, el Grupo ha investigado el contexto económico en el que las personas designadas en virtud de las resoluciones 2140 (2014) y 2216 (2015) y sus redes han seguido funcionando en contravención de las sanciones. En particular, el Grupo ha examinado el flujo de dinero, la transferencia de riqueza y el establecimiento de nuevos testaferros para financiar operaciones militares que amenacen la paz, la seguridad o la estabilidad del Yemen. El conflicto prolongado ha propiciado la aparición de nuevos especuladores que se aprovechan de la guerra.

A. Efectos del conflicto en las finanzas públicas

93. La continuidad del conflicto en el Yemen ha dado a las fuerzas huzíes y de Saleh, AQPA y el EIIL oportunidades para considerar nuevas vías de ingresos con las que financiar su implicación en la guerra y afianzar sus alianzas tribales. Algunas de esas oportunidades son el acceso a las finanzas del Estado, los sistemas de suministro y distribución de petróleo y carburante, así como el cobro de impuestos ilegales. Varios destacados empresarios han abandonado el país, situación que han aprovechado los huzíes para hacerse con el control de importantes activos financieros privados.

94. La situación financiera general es grave y tiene repercusiones sobre las respuestas financieras directas a la evolución de la crisis humanitaria, como se ilustra a continuación:

a) En abril o mayo el Yemen incumplió sus obligaciones de reembolso de los préstamos internacionales contraídos con instituciones bancarias privadas;

b) El 30 de julio el Presidente solicitó al Fondo Monetario Internacional (FMI) y el Banco Mundial que congelaran todos los activos del Banco Central que se encontraran en el exterior¹¹⁴;

c) Las reservas del Banco Central cayeron desde los 4.050 millones de dólares de antes de la guerra, en diciembre de 2014, a 1.560 millones de dólares en diciembre de 2015; 700 millones de dólares en septiembre de 2016 y se espera que para el 31 de diciembre lleguen a cero;

d) El Banco Central precisa 372 millones de dólares anuales solo para atender el pago de su deuda externa total (comprende la contraída con el FMI y bancos regionales);

¹¹⁴ Carta filtrada a los medios de comunicación. El Grupo confirmó su autenticidad tras reunirse con un embajador del Yemen y personal del FMI y del Banco Mundial en agosto y septiembre.

e) Todos los ingresos del Banco Central procedentes del petróleo y el gas y de la inversión extranjera se terminaron al cierre de 2014¹¹⁵;

f) En julio, a raíz de una crisis de liquidez, el Banco Central tuvo que suspender todo gasto público y el pago de los salarios de los funcionarios;

g) La oferta monetaria no podrá proceder del Banco Central ya que el efectivo del que disponen los particulares se ha multiplicado por ocho desde un importe equivalente a 103 millones de dólares en 2014 hasta 884 millones de dólares entre enero y junio de 2016¹¹⁶. Esta situación ha agotado por completo la oferta monetaria del sistema bancario.

B. Redes financieras de los huzíes y de Saleh: especulación en tiempos de guerra y pillaje

95. El Grupo descubrió que la alianza huzí-Saleh se había valido en gran medida de la economía sumergida para financiar su participación en la guerra. Esta asociación financiera puede resumirse a grandes rasgos del siguiente modo:

a) Las fuerzas huzíes han asumido el control absoluto del norte del Yemen, con excepción de la capital. Ese control abarca, entre otras cosas, la tierra, los cultivos, los impuestos locales, la redistribución de los carburantes, la ayuda humanitaria y los impuestos¹¹⁷;

b) Las fuerzas de Saleh han vuelto a hacerse con el control de las finanzas del Estado, aunque figuren a nombre de los huzíes, y han reabierto los canales del mercado negro al tráfico de drogas, el comercio de armas y la trata de personas.

C. Financiación disponible para los huzíes

96. El Grupo constató que los huzíes y sus afiliados habían aprovechado el conflicto para forjar una amplia red de ingresos que comprendía los siguientes:

a) Financiación del Banco Central para salarios de los efectivos de las fuerzas armadas y los organismos de seguridad leales a los huzíes. Un porcentaje de los sueldos y fondos destinados al sostenimiento de unidades que han dejado de funcionar se desvía a algunos mandos huzíes;

b) Financiación del Banco Central para el apoyo administrativo de los efectivos de las fuerzas armadas y los organismos de seguridad leales a los huzíes. Estos recursos se basan en el presupuesto nacional de 2014¹¹⁸;

¹¹⁵ Según el Ministerio de Planificación y Cooperación Internacional, en 2014 los ingresos del Yemen ascendieron a 16.700 millones de dólares (38% de petróleo y gas, 19,8% de remesas, 12,8% de asistencia financiera externa y 11,4% de la inversión directa en petróleo).

¹¹⁶ Según datos del Ministerio de Planificación y Cooperación Internacional del Yemen, "Yemen Socio-Economic Update", núm. 17, agosto de 2016. Puede consultarse en www.yemen.gov.ye/portal/mpic/الإصدارات/tabid/2574/Default.aspx.

¹¹⁷ Véase un ejemplo relativo a los impuestos en el anexo 45.

¹¹⁸ El ministerio de defensa con sede en Saná siguió recibiendo del Banco Central la consignación presupuestaria aprobada para el ejercicio 2014 ya que desde entonces no se ha aprobado ningún presupuesto. A raíz del conflicto se disolvieron varias unidades, pero sus comandantes, leales a

- c) Aranceles de traficantes y especuladores que operan en el mercado negro;
- d) Imposición de una “tasa” del 20% sobre la cifra de negocios de todas las empresas comerciales y de todos los sueldos de la administración pública. La tasa se aplica también al comercio de *gat* o té de Arabia, que representa el 10% del producto interno bruto. En vista de la dependencia nacional del *gat*, todo movimiento de este producto equivale a una transferencia de efectivo;
- e) Centralización de las autoridades locales tributarias en una autoridad central huzí¹¹⁹;
- f) Impuesto de 4 riales por litro aplicado a todos los productos derivados del petróleo, que genera unos ingresos aproximados de 59.300 millones de riales (237 millones de dólares) por año¹²⁰;
- g) Uso de la tecnología móvil para recaudar fondos mediante mensajes de texto bisemanales¹²¹.

97. El Grupo también detectó la aparición de una red nueva y diferente de testaferros y afiliados en torno a los huzíes. Desde primeros de 2012 han ido surgiendo nuevas personas, al tiempo que se disolvían antiguas alianzas (véase el anexo confidencial 46)¹²².

D. Finanzas de Al-Qaida en la Península Arábiga

98. AQPA obtuvo unos ingresos inesperados de 100 millones de dólares mientras tuvo el control de Al-Mukalla desde abril de 2015 hasta abril de 2016¹²³ saqueando la sucursal del Banco Central y haciéndose con los impuestos recaudados en las redes locales de contrabando de petróleo. El Grupo cree que AQPA sigue utilizando ese dinero para reclutar a nuevos combatientes y financiar nuevos ataques.

VI. Congelación de activos

99. De conformidad con los párrafos 11 y 21 b) de la resolución 2140 (2014), y con el párrafo 5 de la resolución 2266 (2016), el Grupo ha seguido reuniendo,

los huzíes, siguieron percibiendo fondos para combustible y raciones para los efectivos. Fuentes militares confidenciales.

¹¹⁹ Véase www.almotamar.net/pda/133407.htm. Para consultar los antecedentes, véase <http://almashahid.net/news-937.html>.

¹²⁰ Asa Fitch y Mohammed al-Kibsi, “Yemen’s Houthi rebels face financial crisis”, *Wall Street Journal*, 4 de agosto de 2015. Puede consultarse en www.wsj.com/articles/yemens-houthi-rebels-face-financial-crisis-1438714980.

¹²¹ Véase www.alhagigah.com (29 de septiembre de 2016) y Mohammed al-Khayat y Yasser Reyes, “Yemen’s Houthis rule with iron fist and economic distress”, *Media Line*, 9 de junio de 2016, puede consultarse en www.themedialine.org/featured/yemens-houthis-rule-with-iron-fist-and-economic-distress/.

¹²² Fuentes confidenciales.

¹²³ Yara Bayoumy, Noah Browning y Mohammed Ghobari, “How Saudi Arabia’s war in Yemen has made Al-Qaeda stronger and richer”, *Reuters*, 8 de abril de 2016. Puede consultarse en www.reuters.com/investigates/special-report/yemen-aqap/.

examinando y analizando la información proporcionada por los Estados Miembros sobre la aplicación de las medidas de congelación de activos. El Grupo ha seguido centrándose en las cinco personas incluidas en la lista y en encontrar e investigar a otras personas y entidades que puedan estar actuando en nombre de aquellas o bajo su dirección y las entidades que sean de su propiedad o estén bajo su control.

A. Ali Abdullah Saleh¹²⁴

100. El Grupo ha seguido reuniendo información sobre los activos que son de propiedad o están bajo el control de Ali Abdullah Saleh (YEi.003), además de los publicados en su informe final anterior.

101. El Grupo ha descubierto dos empresas, Wildhorse Investments y Wildhorse Corporation, que, aunque supuestamente se habían disuelto en junio de 2011, siguieron realizando transferencias financieras hasta octubre de 2011, cuando se realizaron dos transferencias por un importe total de 58.148.155 dólares a una cuenta cuyo titular era Khaled Ali Abdullah Saleh, hijo de Ali Abdullah Saleh (YEi.003). El Grupo sigue investigando esos activos.

B. Khaled Ali Abdullah Saleh

102. El Grupo ha descubierto que Khaled Ali Abdullah Saleh opera como financiador en nombre de su padre, Ali Abdullah Saleh (YEi.003), o siguiendo sus instrucciones. Desde que este fuera incluido en la lista el 7 de noviembre de 2014, Khaled Ali Abdullah Saleh ha tratado de eludir la congelación de activos y de permitir que su padre accediera a los fondos necesarios para poder seguir amenazando la paz, la seguridad y la estabilidad del Yemen.

103. En su informe final anterior el Grupo presentó pruebas documentales de que el 23 de octubre de 2014 se habían traspasado a nombre de Khaled Ali Abdullah Saleh todas las acciones de Albula Limited y Weisen Limited de las que era titular Ali Abdullah Saleh (YEi.003). El Grupo ha seguido investigando esos traspasos y ha encontrado más pruebas que indican que el traspaso efectivo de la titularidad se produjo en una fecha posterior a la inclusión en la lista de Ali Abdullah Saleh (YEi.003) el 7 de noviembre de 2014 (véase el anexo 48). Aunque las dos empresas están constituidas en diferentes países, ambas son gestionadas por NWT Management S.A. en Ginebra¹²⁵. Los registros de accionistas y los libros mayores de ambas muestran que Khaled Ali Abdullah Saleh compró sus acciones de esas empresas a Ali Abdullah Saleh (YEi.003) el 23 de octubre de 2014. El Grupo considera que no es casual que esos traspasos registrados de acciones de dos empresas inscritas en dos países distintos tuvieran lugar exactamente el mismo día, especialmente cuando los certificados de cargos fueron firmados en fechas distintas y con posterioridad a la inclusión en la lista de Ali Abdullah Saleh (YEi.003) (véase

¹²⁴ Véase el anexo confidencial 47 para obtener información sobre otros afiliados de Saleh.

¹²⁵ Esta información se averiguó mediante el rastreo de los signatarios de los documentos que figuran en el anexo 48. La dirección es: NWT Management S.A., 16 Rue De La Pelisserie, Ginebra 1211 (Suiza). Dirección postal del domicilio social: 8-10 Rue Muzy, PO Box 3501, Ginebra 1211 (Suiza). El sitio web es www.newworldtrust.ch/.

ibid., apéndice A). En ese mismo período Ali Abdullah Saleh (YEi.003) traspasó a su hijo una quinta empresa, Foxford Management Limited. El Grupo tiene pruebas de que, entre el 24 y el 29 de octubre de 2014, Khaled Ali Abdullah Saleh recibió 33.471.993 dólares¹²⁶ y 734.786 euros de tres de esas empresas, a saber, Albula Limited, Foxford Management Limited y Weisen Limited (véase *ibid.*, apéndice B).

104. El Grupo también tiene pruebas de que Khaled Ali Abdullah Saleh es el administrador único de la empresa Trice Bloom Limited y es el único accionista de las dos empresas titulares a las que pertenece, todas ellas registradas en las Islas Vírgenes Británicas: Precision Diamond Limited y Unmatchable Limited (véase *ibid.*). Trice Bloom Limited, o Khaled Ali Abdullah Saleh, hizo dos transferencias a cuentas de dos Estados Miembros por importe de 1.538.897 dólares y 181.610 dólares respectivamente el 27 de noviembre de 2014, después de que Ali Abdullah Saleh (YEi.003) fuera incluido en la lista el 7 de noviembre de 2014¹²⁷. Khaled Ali Abdullah Saleh también nombró a Ahmed Ali Abdullah Saleh (YEi.005) como signatario autorizado para las cuentas mantenidas por Trice Bloom Limited (véase *ibid.*, apéndice C). Khaled Ali Abdullah Saleh es también el único accionista de una cuarta empresa registrada en las Islas Vírgenes Británicas, Towkay Limited (véase *ibid.* apéndice D).

105. Khaled Ali Abdullah Saleh ha transferido fondos de Trice Bloom Limited y Towkay Limited a sus cuentas de Singapur y los Emiratos Árabes Unidos después de que se incluyera en la lista a Ali Abdullah Saleh (YEi.003). También utilizó una cuenta personal inactiva en los Emiratos Árabes Unidos para blanquear 83.953.782 dólares en un plazo de tres semanas a partir del 8 de diciembre de 2014. Los fondos fueron depositados en esa cuenta y retirados de ella en ese mismo período (véase *ibid.*, apéndice E).

106. También transfirió fondos a otra empresa, Raydan Investments Limited (véase *ibid.*, apéndice F). El Grupo tiene pruebas que indican que probablemente haya constituido esa empresa en los Emiratos Árabes Unidos para llevar a cabo actividades de blanqueo de dinero en beneficio de personas incluidas en la lista. La titularidad de la empresa se reparte al 51%-49% entre Zayed Ahmed Ali Abdull Daiban, ciudadano de los Emiratos Árabes Unidos, y Khaled Ali Abdullah Saleh (véase *ibid.*, apéndice G). Los documentos de que dispone el Grupo indican que Zayed Ahmed Ali Abdull Daiban es un socio “patrocinador”, ya que el derecho de sociedades de los Emiratos Árabes Unidos no permite a los extranjeros ostentar la titularidad plena de empresas. Los únicos apoderados para actuar en relación con la empresa son Khaled Ali Abdullah Saleh y su hermano, Salah Ali Abdullah Saleh. En la figura VI se ilustran los vínculos financieros de Khaled Ali Abdullah Saleh con personas incluidas en la lista.

107. A principios de 2016 Khaled Ali Abdullah Saleh transitaba por Omán y fue visto realizando transacciones financieras¹²⁸. El Grupo ha enviado cartas a Omán, de fecha 22 de febrero, 26 de abril, 17 de mayo, 16 de septiembre y 19 de octubre, para

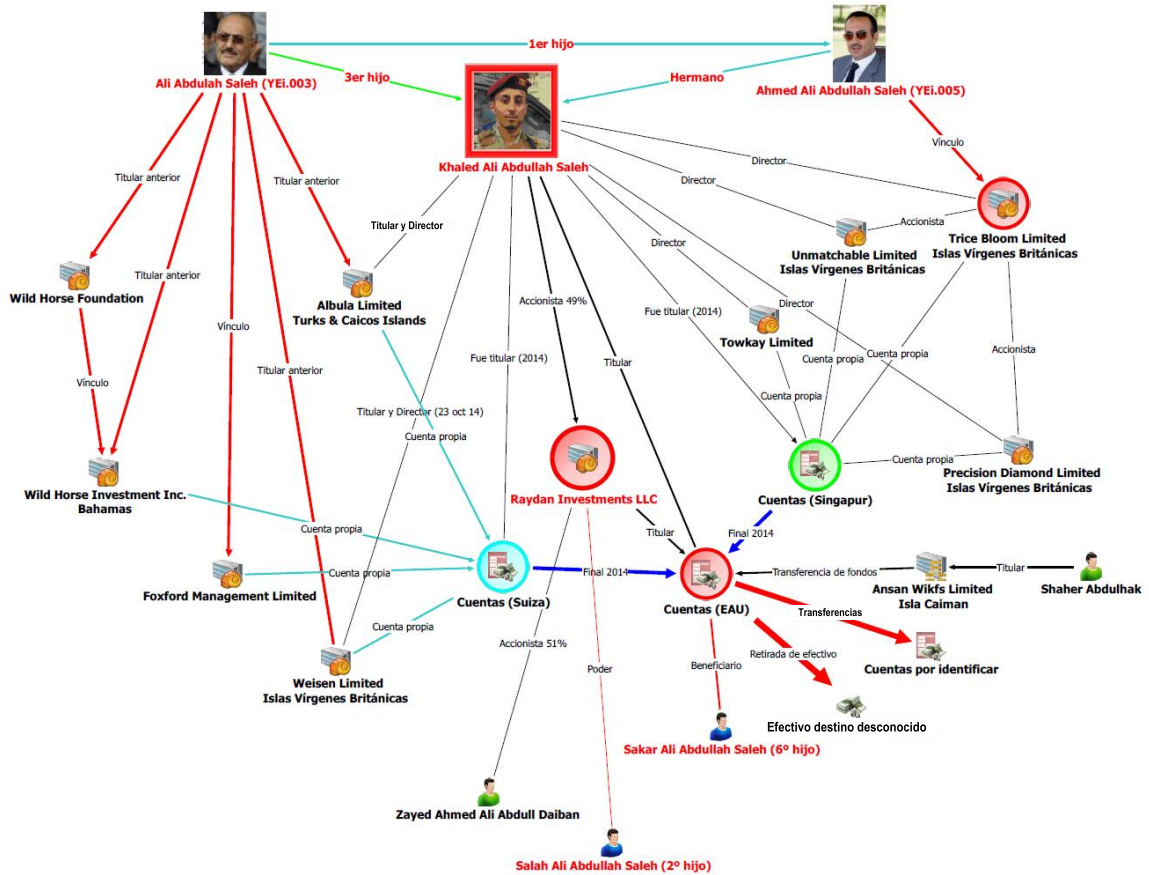
¹²⁶ Todas las sumas se han redondeado a números enteros. Los tipos de cambio aplicados figuran en el anexo 48.

¹²⁷ Documento confidencial del archivo del Grupo.

¹²⁸ Fuentes confidenciales.

pedir información sobre sus activos y transacciones. Se sigue esperando una respuesta.

Figura VI
Vínculos de Khaled Ali Abdullah Saleh y sus activos con las personas incluidas en la lista de sanciones



C. Shaher Abdulhak

108. Ansan Wikfs Limited, empresa perteneciente a Shaher Abdulhak, ha realizado varias transferencias de fondos a Raydan Investments Limited, por un importe equivalente a 3.024.494 dólares, de los cuales 1.631.067 dólares fueron transferidos desde la inclusión de Ali Abdullah Saleh (YEI.003) en la lista (véase el anexo 48, apéndices H a J). La última transferencia de que el Grupo tiene conocimiento es del 24 de abril. El Grupo no ha encontrado ninguna actividad empresarial que pueda justificar esas transferencias.

D. Ahmed Ali Abdullah Saleh

109. El Grupo ha detectado hasta la fecha activos pertenecientes a Ahmed Ali Abdullah Saleh (YEi.005) por valor de 953.262 dólares, que están sometidos a vigilancia. El Grupo también ha encontrado activos de su propiedad que han sido congelados (véase el cuadro 6).

Cuadro 6

Activos congelados de Ahmed Ali Abdullah Saleh (YEi.005)

<i>País</i>	<i>Activo</i>	<i>Equivalente en dólares EE.UU.</i>	<i>Observaciones</i>
Malasia	1 cuenta bancaria	780 658	El 2 de agosto se declaró congelada a 22 de marzo
Emiratos Árabes Unidos	10 cuentas bancarias	166 405	El 11 de febrero se declaró congelada a 10 de junio
Total		947 063	

110. El Grupo ha recibido información de dos Estados Miembros que han detectado y bloqueado más activos y cuentas bancarias pertenecientes a Ahmed Ali Abdullah Saleh (YEi.005) por un importe total superior a 1 millón de dólares. El Grupo también tiene conocimiento de que un Estado Miembro ha congelado activos de una persona de la que el Grupo tiene motivos para pensar actuaba en su nombre.

E. Personas huzías incluidas en la lista de sanciones

111. El Grupo no ha encontrado pruebas de que los tres huzías a los que se aplican medidas de congelación de activos, Abd al-Khaliq al-Houthi (YEi.001), Abdullah Yahya Al Hakim (YEi.002) y Abdulmalik al-Houthi (YEi.004), tengan cuentas bancarias o activos fuera del Yemen.

VII. Prohibición de viajar

112. De conformidad con el párrafo 15 de la resolución [2140 \(2014\)](#), el Grupo sigue centrándose en una serie de actividades de vigilancia e investigación a fin de determinar si las personas designadas por el Comité han incumplido la prohibición de viajar.

A. Ali Abdullah Saleh

113. Ali Abdullah Saleh (YEi.003) ha comparecido periódicamente ante los medios de comunicación en Saná y hace poco se reunió con el Enviado Especial del Secretario General y otros diplomáticos en el Yemen. El 8 diciembre fue su entrevista televisiva más reciente, en la que afirmó que, aunque no tenía previsto asistir al funeral celebrado en el salón comunitario Salah al-Kubra, se encontraba

por la zona en el momento del ataque aéreo¹²⁹. Había encargado a su hijo, Khaled, y su sobrino, Tariq Muhammad Abdullah Saleh, que fueran en su lugar. Los medios de comunicación afiliados a Saleh informaron de que el 27 de octubre pidió permiso al Consejo de Seguridad para volar a Cuba en un avión de las Naciones Unidas a fin de asistir al funeral de Fidel Castro¹³⁰. El Comité no recibió tal solicitud.

B. Ahmed Ali Abdullah Saleh

114. El Grupo no ha encontrado pruebas de que Ahmed Ali Abdullah Saleh (YEi.005) haya dejado los Emiratos Árabes Unidos. El Grupo se enteró en una reunión mantenida con un estrecho confidente en ese país de que estaba dispuesto a reunirse con el Grupo, pero para ello necesitaría autorización de los servicios de seguridad nacionales¹³¹. El Grupo le ofreció la oportunidad de transmitir mensajes directamente al Comité. Según el confidente y los medios de comunicación, estuvo sometido a arresto domiciliario por los servicios de seguridad de los Emiratos Árabes Unidos durante aproximadamente tres meses a finales de 2015.

C. Otras personas incluidas en la lista de sanciones

115. El Grupo no tiene pruebas de que hayan viajado fuera del Yemen Abd Al-Khaliq al-Houthi (YEi.001), Abdullah Yahya Al Hakim (YEi.002) ni Abdulmalik al-Houthi (YEi.004). Este último fue visto por última vez el 11 de diciembre, cuando pronunció un discurso en televisión con motivo de la celebración del cumpleaños del Profeta¹³². En cuanto a Abdullah Yahya Al Hakim (YEi.002), según medios de comunicación locales estuvo en Saná visitando el Parlamento el 5 de diciembre tras los rumores de que había sido víctima de un ataque aéreo en Ib una semana antes.

116. El Grupo ha visto material audiovisual de fuentes oficiales de comunicación afines a los huzíes en que se ve a Abdullah Yahya Al Hakim (YEi.002) en Taiz el 24 de noviembre de 2016.

117. Mientras investigaba una posible violación del embargo de armas, el Grupo determinó que una persona incluida en la lista, Fares Mohammed Mana'a (SOi.008), viajó al Brasil, Francia, Egipto y la República Checa en enero de 2015 utilizando un pasaporte diplomático (véase la figura VII). El Grupo ha recibido información de que viajó a dos países africanos en octubre y noviembre de 2016. Todas las pruebas pertinentes se han transmitido al Grupo de Supervisión para Somalia y Eritrea para seguir investigando.

¹²⁹ Véase www.youtube.com/watch?v=9nrwBm6PU54.

¹³⁰ Véase www.almotamar.net/pda/133659.htm.

¹³¹ El Grupo visitó los Emiratos Árabes Unidos del 15 al 23 de octubre y se reunió con funcionarios.

¹³² Véase www.youtube.com/watch?v=q-xm0Z5fq9Q.

1. Ataques aéreos

120. El Grupo investigó 10 ataques aéreos que causaron la muerte de al menos 292 civiles, de los cuales al menos 100 eran mujeres y niños¹³³. Los ataques también destruyeron tres edificios residenciales, tres complejos industriales civiles, un hospital y un mercado (véase el cuadro 7). En los apéndices A a D del anexo 49 se recogen estudios de casos detallados, que incluyen evaluaciones de cumplimiento del derecho internacional humanitario. La Secretaría está analizando otros estudios de casos.

Cuadro 7
Ataques aéreos, 2016

	<i>Fecha</i>	<i>Emplazamiento</i>	<i>Objetivo</i>	<i>Tipo de municiones explosivas</i>	<i>Bajas civiles/consecuencia^a</i>	<i>Apéndice del anexo 49</i>
1	15 de marzo	Haya	Mercado civil	Bomba Mk 83/ Paveway	106 muertos, 41 heridos	A
2	25 de marzo	Taiz	Residencia civil	No confirmado	10 muertos	
3	25 de mayo	Lahij	Residencia civil	Bomba Mk 82/ Paveway	6 muertos, 3 heridos	B
4	25 de mayo	Lahij	Fábrica de embotellado de agua	Bomba Mk 82/ Paveway	No hubo víctimas	
5	9 de agosto	Saná	Fábrica de producción de alimentos	Bomba aérea alto explosivo	Ataque repetido; 10 muertos, 13 heridos	
6	15 de agosto	Haya	Hospital	GBU-12 Paveway II	19 muertos, 24 heridos	C
7	13 de septiembre	Saná	Fábrica de bombas de agua	Bomba Mk 82/ Paveway IV	Ninguna baja	
8	22 de septiembre	Saná	Fábrica de bombas de agua	GBU-24/ Paveway IV	Ataque repetido	
9	24 de septiembre	Ib	Complejo residencial	Bomba Mk 82/ Paveway	9 muertos, más de 7 heridos	
10	8 de octubre	Saná	Funeraria civil	GBU-12 Paveway II	132 muertos, 695 heridos	D

^a Todos los ataques aéreos causaron la destrucción total o parcial de los objetivos.

¹³³ El Grupo verificó los datos de siete incidentes. Los números 1, 6 y 10 se refieren a datos de las Naciones Unidas o de Médicos Sin Fronteras.

2. Resumen de caso: ataque aéreo en un salón comunitario de Saná¹³⁴

121. El 8 de octubre, en torno a las 15.20 horas, dos bombas aéreas explotaron sobre el salón comunitario, o dentro de él, de Salah al-Kubra en una zona residencial del suroeste de Saná donde había congregados más de mil asistentes al funeral del padre del ministro interino del interior con sede en Saná. Se preveía que asistiera un número considerable de dirigentes políticos y militares leales a los huzíes y a Saleh.

Figura VIII

Localización del ataque



Fuente: Las fuentes de todas las imágenes relacionadas con el estudio de caso figuran en el anexo 49, apéndice D.

Análisis técnico de las pruebas físicas

122. El Grupo obtuvo las imágenes originales tomadas después de las explosiones de las pruebas físicas encontradas y al analizarlas comprobó que tanto la forma como las dimensiones de los fragmentos correspondían a los fragmento de aletas y alerones del sistema de guía GBU-12 Paveway II montado en una bomba aérea de alto explosivo Mark 82 (véanse las figuras IX y X).

¹³⁴ Se incluye para demostrar la metodología técnica y de derecho internacional humanitario aplicada en todos los estudios de casos.

Figura IX
Fragmento encontrado *in situ* de una aleta del sistema de guía de GBU-12 Paveway II



Figura X
Fragmento de alerón del sistema de guía de GBU-12 Paveway II donde se observa código de empresas y organismos (CAGE del fabricante 3FU05)¹³⁵



123. La única parte en el conflicto de la que se sabe que cuenta con capacidad para lanzar una bomba aérea Mark 82 de alto explosivo con el sistema de guía GBU-12 Paveway II es la coalición encabezada por la Arabia Saudita.

124. La coalición no atendió la solicitud de información del Grupo. El Equipo de Evaluación Conjunta de Incidentes creado por la coalición para “evaluar los casos de muertes de civiles de que se informe, los procedimientos de investigación y los métodos de selección certera de objetivos” (véase [S/2016/100](#)), atribuyó la responsabilidad a la coalición¹³⁶.

125. Tras las evaluaciones realizadas en el plano técnico y del derecho internacional humanitario, el Grupo ha llegado a las siguientes conclusiones:

a) La coalición llevó a cabo el ataque aéreo contra el salón comunitario de Saná que provocó al menos 827 muertos y heridos entre la población civil. De los heridos, al menos 24 eran niños. El ataque también destruyó por completo la sala;

b) Habida cuenta de la naturaleza del acto y de los asistentes, el ataque causó un número muy elevado de bajas civiles, que deberían haberse previsto¹³⁷. El Grupo no está convencido de que se respetaran los requisitos del derecho internacional humanitario relativos a la proporcionalidad¹³⁸;

c) Los factores acumulativos de a) y b) también indican que si se tomaron medidas de precaución, resultaron en gran medida insuficientes e ineficaces¹³⁹. El

¹³⁵ El código 3FU05 corresponde a la empresa Karlee Incorporated (Estados Unidos). Véase www.karlee.com.

¹³⁶ Comunicado de prensa del Equipo de Evaluación Conjunta de Incidentes.

¹³⁷ Véase el estudio de caso para consultar la información que debería haber constituido la base de una evaluación de la proporcionalidad.

¹³⁸ El derecho internacional humanitario (derecho internacional humanitario consuetudinario, norma 14) prohíbe lanzar un ataque cuando sea de prever que cause incidentalmente muertos y heridos entre la población civil, daños a bienes de carácter civil o ambas cosas, que sean excesivos en relación con la ventaja militar concreta y directa prevista.

¹³⁹ El derecho internacional humanitario exige tomar todas las precauciones factibles para evitar, o reducir en todo caso a un mínimo, el número de muertos y heridos entre la población civil, así como los daños a bienes de carácter civil, que pudieran causar incidentalmente. Esta obligación

Equipo de Evaluación Conjunta de Incidentes también llegó a la conclusión de que los procedimientos y las reglas de enfrentamiento aplicables no se habían seguido y que los miembros de la coalición responsables no tuvieron en cuenta la naturaleza de la zona atacada¹⁴⁰;

d) El segundo ataque aéreo, que se produjo entre 3 y 8 minutos más tarde, causó más bajas entre los civiles y los equipos de respuesta inicial ya heridos en el primer ataque. La coalición violó sus obligaciones respecto de las personas que estaban fuera de combate y de los heridos¹⁴¹, al lanzar efectivamente un “doble ataque” probablemente debido a las tácticas aplicadas por los pilotos para garantizar la destrucción del objetivo¹⁴²;

e) Aunque un oficial de la coalición actuara de forma negligente al realizar el ataque, las fuerzas de la coalición siguen siendo responsables del incumplimiento de las normas del derecho internacional humanitario¹⁴³. El hecho de que un oficial actúe en contra de las instrucciones recibidas puede no ser una justificación adecuada según el derecho internacional más amplio para que los Estados que corresponda de la coalición eludan la responsabilidad del Estado por esos hechos ilícitos¹⁴⁴;

f) Los funcionarios del gobierno que presuntamente transmitieron la información¹⁴⁵, o que de otro modo participaron en los procesos de reunión y determinación de información de inteligencia relativa a este incidente, también podrían ser responsables de las violaciones del derecho internacional humanitario en la medida de su contribución.

3. Evaluación del Grupo acerca de los ataques aéreos

126. Ninguno de los Estados miembros integrantes de la coalición que operaron activos aéreos facilitó al Grupo acceso a la información sobre los incidentes que figuran en el cuadro 7, pese a haberlo solicitado¹⁴⁶, lo cual incumple el párrafo 8 de la resolución 2266 (2016).

incumbe en particular a quienes planean los ataques aéreos y deciden al respecto (derecho internacional humanitario consuetudinario, normas 15 a 22).

¹⁴⁰ Comunicado de prensa del equipo de evaluación conjunta de incidentes.

¹⁴¹ Incluidos los artículos comunes 1 y 3 de los Convenios de Ginebra de 12 de agosto de 1949.

¹⁴² Por “doble ataque” se entiende una sucesión de múltiples ataques en un período de tiempo breve. Véase Andrew Clapham, Paolo Gaeta y Marco Sassòli, eds., *The 1949 Geneva Conventions: A Commentary* (Oxford University Press, 2016).

¹⁴³ Derecho internacional humanitario consuetudinario, normas 14 a 22.

¹⁴⁴ Véase el artículo 7 de los artículos sobre la responsabilidad del Estado por hechos internacionalmente ilícitos, que afirma que “el comportamiento de [...] una persona o entidad facultada para ejercer atribuciones del poder público se considerará hecho del Estado según el derecho internacional si tal [...] persona o entidad actúa en esa condición, aunque se exceda en su competencia o contravenga sus instrucciones”. Véase también la norma 139 del derecho internacional humanitario consuetudinario, en la que se pide a las partes en conflicto que respeten y hagan respetar el derecho internacional humanitario por “sus fuerzas armadas, así como por otras personas y agrupaciones que actúen siguiendo sus instrucciones o bajo su dirección o control”.

¹⁴⁵ Comunicado de prensa del Equipo de Evaluación Conjunta de Incidentes.

¹⁴⁶ Cartas de fecha 1 de julio y 21 de noviembre de 2016.

127. En ocho de las diez investigaciones, el Grupo no encontró pruebas de que los ataques aéreos estuvieran dirigidos contra objetivos militares legítimos¹⁴⁷. El Grupo considera casi seguro que, en las diez investigaciones, la coalición no cumplió los requisitos del derecho internacional humanitario relativos a la proporcionalidad y las precauciones en el ataque. El Grupo considera que algunos de los ataques podrían constituir crímenes de guerra¹⁴⁸.

128. En la investigación sobre el hospital de Abs (cuadro 7, ataque núm. 6) el Grupo considera que, al atacar ese hospital, la coalición infringió los principios relativos a la protección y el respeto de los hospitales y el personal sanitario¹⁴⁹; la protección de los heridos y enfermos¹⁵⁰; y la protección de las personas puestas fuera de combate¹⁵¹.

129. Todos los Estados cuyas fuerzas participen de algún modo en operaciones militares realizadas en nombre de la coalición son responsables de “todos los actos cometidos por las personas que hagan parte de su fuerza armada”¹⁵². Estos Estados no pueden eludir sus obligaciones poniendo sus contingentes a disposición de una coalición *ad hoc*¹⁵³. Todos los Estados que integran la coalición y sus aliados¹⁵⁴ tienen también la obligación de adoptar las medidas apropiadas para que la coalición respete el derecho internacional humanitario¹⁵⁵. Esta obligación incumbe

¹⁴⁷ Las excepciones fueron los ataques 1 y 10 del cuadro 7. El uso de armas guiadas de precisión en ocho de los diez incidentes indica que se alcanzó el objetivo marcado.

¹⁴⁸ Las violaciones graves del derecho internacional humanitario constituyen crímenes de guerra (derecho internacional humanitario consuetudinario, norma 156). Véase también William Boothby y Michael N. Schmitt, *The Law of Targeting* (Oxford University Press, 2012), sobre algunos aspectos jurídicos relativos a los bombardeos.

¹⁴⁹ Véanse las normas 25 y 28 del derecho internacional humanitario consuetudinario. Véanse también los Protocolos Adicionales de 8 de junio de 1977 a los Convenios de Ginebra de 12 de agosto de 1949, arts. 9 y 11.

¹⁵⁰ Véase el artículo 3, común a los Convenios de Ginebra de 12 de agosto de 1949 y el artículo 7 de sus Protocolos adicionales de 8 de junio de 1977.

¹⁵¹ *Ibid.*

¹⁵² Véase el comentario actualizado al artículo 1 común a los Convenios de Ginebra de 12 de agosto de 1949, en https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD#_Toc452378931. Véase también el artículo 3 de la Convención de La Haya relativa a las Leyes y Costumbres de la Guerra Terrestre de 1907.

¹⁵³ Véase el comentario actualizado del artículo 1 común a los Convenios de Ginebra de 12 de agosto de 1949.

¹⁵⁴ Sobre la base de la versión actualizada del comentario al artículo 1 común, “aliados” puede abarcar a aquellos Estados que participen en la financiación, el equipamiento, el armamento o el adiestramiento de las fuerzas armadas de la coalición por su participación en el Yemen o los Estados que planifican y llevan a cabo operaciones e informan conjuntamente con la coalición. Para conocer detalles específicos de los Estados que participan, véase el párr. 30.

¹⁵⁵ Esta obligación de respetar y hacer respetar, dispuesta en el artículo 1 común a los Convenios de Ginebra de 12 de agosto de 1949, no se limita a los Estados de la coalición que participaron activamente en este ataque aéreo, como se indica en el comentario actualizado, que afirma que la obligación de garantizar el respeto es especialmente importante en el caso de un asociado en una operación conjunta, tanto más cuanto que este caso está estrechamente relacionado con el deber negativo de no alentar ni prestar ayuda o asistencia en las violaciones de los Convenios. Por ejemplo, el hecho de que una Alta Parte Contratante participe en la financiación, el equipamiento, el armamento y el adiestramiento de las fuerzas armadas de una Parte en un conflicto, o incluso planificar, llevar a cabo operaciones e informar conjuntamente con esas

especialmente al Gobierno del Yemen, puesto que solicitó los ataques aéreos y dio su consentimiento para que se llevaran a cabo (véase S/2015/217).

130. Las personas encargadas de planificar, decidir o ejecutar los ataques aéreos¹⁵⁶ que afectan de manera desproporcionada a los civiles o la infraestructura civil podrían reunir los requisitos del párrafo 17 de la resolución 2140 (2014) referidos a quienes amenacen la paz, la seguridad o la estabilidad del Yemen. Sus actos también pueden estar comprendidos en el párrafo 18 de la resolución.

131. El Grupo considera que las violaciones relacionadas con la realización de la campaña aérea son suficientemente generalizadas para reflejar un proceso ineficaz de fijación de objetivos o una política más amplia de desgaste dirigida a la infraestructura civil¹⁵⁷.

4. Operaciones terrestres

132. El Grupo investigó las violaciones del derecho internacional humanitario relativas a las desapariciones forzadas de afiliados o miembros presuntos o reales de AQPA cometidas por las Fuerzas de Élite Hadrami en Al-Mukalla. Las Fuerzas fueron creadas para luchar contra la amenaza que planteaba AQPA después de que el Gobierno restableciera el control de la ciudad a finales de abril. Aunque nominalmente estaban bajo el mando del Gobierno legítimo, en realidad el control operacional recae en los Emiratos Árabes Unidos, que supervisan las operaciones terrestres en Al-Mukalla¹⁵⁸.

133. El Grupo investigó cinco incidentes relativos a seis personas que fueron víctimas de desaparición forzada tras ser detenidas por las Fuerzas de Élite Hadrami entre mayo y noviembre¹⁵⁹. Una de esas personas fue detenida en el aeropuerto de Riyan y posteriormente fue puesta en libertad¹⁶⁰. Otro era un técnico que realizó algunos trabajos técnicos para AQPA mientras esta era autoridad de hecho en la zona. Los otros cinco no tienen vínculos conocidos con AQPA.

134. El Grupo considera que, incluso si esas personas estaban asociadas con AQPA, el Gobierno está obligado en virtud del derecho internacional humanitario y el derecho internacional de los derechos humanos a hacer que las Fuerzas de Élite Hadrami, o cualesquiera otras fuerzas que operen sobre el terreno bajo la autoridad

fuerzas, la sitúa en una posición única para influir en el comportamiento de esas fuerzas y, por lo tanto, para hacer respetar los Convenios.

¹⁵⁶ En referencia a quienes ejecutan los ataques, es posible que la persona que pilota la aeronave dispare sus armas confiando en la exactitud de la información que se le haya facilitado. En esos casos, el Grupo considera que son los comandantes que planean los ataques aéreos y toman decisiones al respecto, que tienen a su disposición la información pertinente de diversas fuentes, quienes tienen la responsabilidad de hacer respetar el derecho internacional humanitario. Véase también William Boothby y Michael N. Schmitt, *The Law of Targeting* (Oxford University Press, 2012).

¹⁵⁷ Las Naciones Unidas, por ejemplo, registraron 987 incidentes de ataques aéreos contra edificios residenciales, 31 contra fábricas civiles, 27 contra instituciones de enseñanza y 16 contra unidades de servicios médicos en 2016. Información proporcionada al Grupo el 19 de diciembre.

¹⁵⁸ Fuentes confidenciales.

¹⁵⁹ *Ibid.*

¹⁶⁰ Situación al 2 de diciembre.

o el control del Gobierno o con su consentimiento, cumplan los requisitos legales pertinentes y las salvaguardias de procedimiento relativos a la privación de libertad¹⁶¹. Esto incluye tomar medidas activas para impedir las desapariciones, incluso regularizando los procedimientos referentes a la inscripción de los detenidos y la notificación de su paradero a los familiares¹⁶². Habida cuenta de que los Emiratos Árabes Unidos también tienen fuerzas de tierra que operan en Al-Mukalla, su Gobierno tiene obligaciones similares. Los Emiratos Árabes Unidos han informado al Grupo de que la coalición ha prestado asistencia “militar, financiera y de adiestramiento” y ha aportado “inteligencia, información logística e intervención aérea” a las Fuerzas de Élite Hadrami, que se encuentran bajo el control de las legítimas Fuerzas Armadas del Yemen.

B. Incidentes atribuidos a fuerzas huzíes y de Saleh: violaciones relacionadas con la privación de libertad¹⁶³

135. El Grupo investigó 12 incidentes relacionados con la privación de libertad por parte de los organismos de seguridad huzíes. Hubo violaciones generalizadas del derecho internacional humanitario y las normas de derechos humanos, que se resumen en el cuadro 8¹⁶⁴.

¹⁶¹ Véanse las normas 98, 99, 117 y 123 del derecho internacional humanitario consuetudinario. Véanse también los Protocolos Adicionales de 8 de junio de 1977 a los Convenios de Ginebra de 12 de agosto de 1949, arts. 4 y 5, y el Pacto Internacional de Derechos Civiles y Políticos, arts. 9, 10, 17 y 26.

¹⁶² *Ibid.*, y norma 99 del derecho internacional humanitario consuetudinario.

¹⁶³ En el cuadro 8 se dan detalles de violaciones, incluidas las contempladas en las normas 22, 87, 90, 98, 99, 117, 118 y 123. Los detalles de algunos de esos casos se presentan en el anexo confidencial 50.

¹⁶⁴ Cada vez se admite más que los agentes no estatales, especialmente si ejercen funciones propias del gobierno y tienen el control de hecho sobre un territorio, deben respetar las normas de derechos humanos cuando su actividad afecte a los derechos humanos de las personas sujetas a su control. Véase [A/HRC/33/38](#), párr. 10; [A/HRC/29/51](#), párr. 30; [A/HRC/10/22](#), párr. 22; [S/PRST/2014/20](#); [A/HRC/21/50](#), párr. 134 y anexo II, párr. 10; [A/HRC/22/33](#); y [A/HRC/14/24](#), párr. 46 (c).

Cuadro 8
Violaciones cometidas por huzíes relacionadas con la privación de libertad

	<i>Lugar de detención pasado o más reciente</i>	<i>Período de detención</i>	<i>Comunicaciones externas restringidas</i>	<i>Denegación de los motivos de la detención</i>	<i>Sin acusaciones formales</i>	<i>Sin oportunidad de impugnar la detención</i>	<i>Tortura</i>	<i>Malos tratos</i>	<i>Muerte como consecuencia de la detención</i>	<i>Exposición a ataques aéreos</i>	<i>Denegación de acceso a medicinas</i>	<i>Observaciones</i>
1	Ib	8 días	X	X	X	X	X	X	X		X	Mecánico
2	Amran	2 años	X	X	X	X	X	X		X	X	Herido en ataque aéreo estando detenido; estudiante universitario
3	Centro, Saná	4 meses	X	X	X	X	X	X				Escapó; niño
4	Centro, Saná	8 meses	X	X	X	X		X		X	X	Activista en medios sociales
5	Habrah, Saná	9 meses	X	X	X	X			X		X	Estudiante universitario
6	Saref, Saná	11 días	X	X	X	X						Ama de casa
7	Saref, Saná	3 semanas	X	X	X	X				X		Líder comunitario
8	Saref, Saná	Más de 3 meses	X	X	X	X				X		Líder comunitario
9	Saref, Saná	Más de 3 meses	X	X	X	X				X		Líder comunitario
10	Saref, Saná	4 meses	X	X	X	X				X		Líder comunitario
11	Saref, Saná	2 meses	X	X	X	X				X		Líder comunitario
12	Centro, Saná	Más de 3 años	X	X	X	X	X	X			X	El proceso continúa

136. Las violaciones enumeradas en el cuadro 8 se produjeron en 11 centros de detención. El Grupo también documentó más de 50 casos verificados de violaciones del derecho internacional humanitario relacionadas con la privación de libertad en ocho provincias¹⁶⁵. El Grupo considera que esas violaciones son recurrentes y generalizadas en los centros de detención controlados por los huzíes. Aunque hay numerosas pruebas públicas de esas violaciones (véase el anexo 50), el Grupo no tiene conocimiento de que se haya emprendido un solo proceso penal o se hayan incoado medidas disciplinarias contra ningún agente huzí que cometiera esas violaciones o contribuyera a su comisión.

¹⁶⁵ Información proporcionada por víctimas, familias, organizaciones no gubernamentales locales e internacionales, abogados y activistas de derechos humanos. Las Naciones Unidas documentaron al menos 174 “detenciones” arbitrarias por las fuerzas huzíes en 2016 (datos a 19 de diciembre).

137. El Grupo también ha constatado la tendencia de detener de forma preventiva a personas, incluidos migrantes y niños, por temor a que pueden entrar en combate en el futuro, práctica que también vulnera sus derechos procesales¹⁶⁶.

138. El Grupo considera que esas violaciones relacionadas con la privación de libertad son lo suficientemente generalizadas como para reflejar una política más amplia. Por consiguiente, las personas responsables de cometer esas violaciones graves, así como sus dirigentes, reúnen los criterios establecidos en el párrafo 17 de la resolución 2140 (2014) referidos a quienes amenacen la paz y la seguridad del Yemen. Sus actos también pueden estar comprendidos en el párrafo 18 de la resolución. Algunas de esas violaciones constituyen crímenes de guerra¹⁶⁷. En el anexo 21 se ofrece un panorama general de los centros de detención y sus responsables.

C. Uso de municiones explosivas en zonas pobladas

139. El Grupo documentó cuatro incidentes de utilización de municiones explosivas (véase el cuadro 9) y sigue investigando otros dos incidentes de explosiones¹⁶⁸ en zonas densamente pobladas de Taiz (véase el anexo 51), que en total causaron la muerte de 27 civiles¹⁶⁹ y daños a un edificio residencial, una escuela, un hospital y tres mercados.

Cuadro 9

Municiones explosivas en zonas densamente pobladas, 2016

	<i>Fecha</i>	<i>Emplazamiento</i>	<i>Impacto</i>	<i>Municiones explosivas</i>	<i>Comentarios/ consecuencias</i>	<i>Apéndice al Anexo 51</i>
1	3 de junio	Calle Jamal	Mercado	Cohete de vuelo libre	Más de 2 heridos	A
2	18 de septiembre	Hospital de la Revolución	Hospital	Granada de mortero	Daños a infraestructuras esenciales	
3	3 de octubre	Bi'r Bashah	Mercado	Granada de mortero	10 muertos, más de 17 heridos	
4	15 de noviembre	Barrio de Shamsin	Edificio residencial	Granada de mortero	1 herido	

¹⁶⁶ Fuentes confidenciales.

¹⁶⁷ Por ejemplo, las violaciones graves de los Convenios de Ginebra de 12 de agosto de 1949 constituyen crímenes de guerra. La tortura es una infracción grave. Véase el artículo 3 común a los Convenios de Ginebra de 12 de agosto de 1949 y el derecho internacional humanitario consuetudinario, norma 156.

¹⁶⁸ Los otros dos incidentes se referían a la explosión en Bab al-Kabir, el 3 de junio, en que murieron al menos 12 personas y en torno a 100 resultaron heridas, y a la explosión en una escuela del barrio de Shami, el 7 de junio, en que murieron cinco personas, cuatro de ellas mujeres y niños.

¹⁶⁹ El Grupo verificó las cifras de cuatro incidentes. Para uno de ellos, que se saldó con un gran número de víctimas, el Grupo se basa en las cifras de las Naciones Unidas y Médicos Sin Fronteras.

140. Utilizando análisis técnicos, el Grupo determinó que los ataques núm. 1, 2 y 4 del cuadro 9 fueron lanzados desde la parte oriental de Taiz, que está bajo el control de las fuerzas huzies o de Saleh.

1. Resumen del estudio de caso: ataque al Hospital de la Revolución¹⁷⁰

141. El 28 de septiembre a las 21.15 horas un artefacto explosivo explotó en el tejado del edificio donde reside el personal del Hospital de la Revolución, y causó daños en los paneles solares y los tanques de almacenamiento de agua. El Grupo considera que las granadas de mortero se lanzaron desde una zona controlada por las fuerzas huzies o de Saleh.

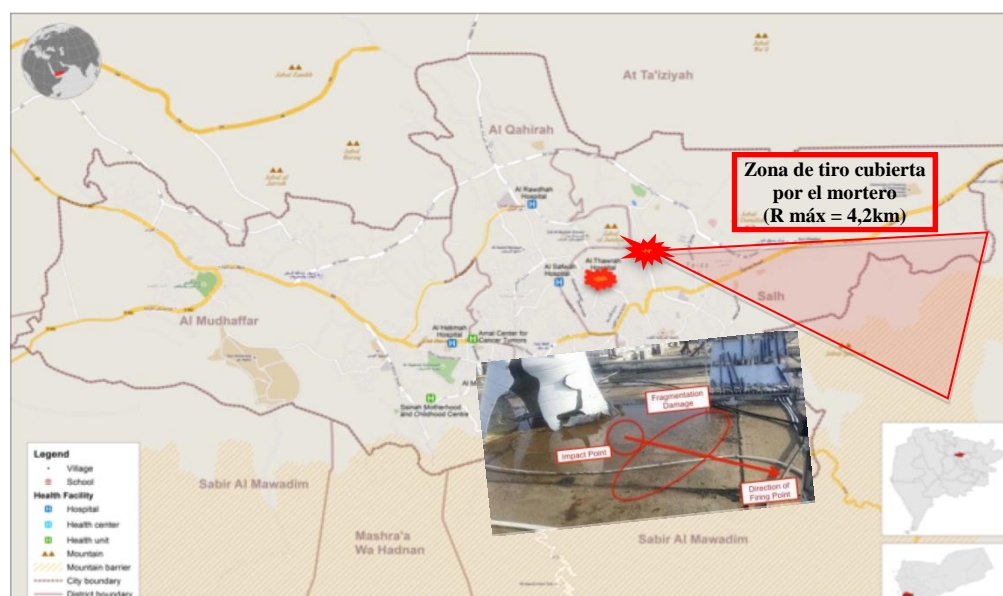
Figura XI
Punto de impacto



Figura XII
Aleta de cola de granada de mortero de alto explosivo



Figura XIII
Análisis del punto de tiro del mortero



¹⁷⁰ Se incluye para demostrar la metodología técnica y de derecho internacional humanitario aplicada en todos los estudios de casos.

142. El Grupo considera que:

a) Es casi seguro que las fuerzas huzíes o de Saleh fueron responsables del ataque;

b) El hospital y su personal médico están protegidos de ataques en virtud del derecho internacional humanitario¹⁷¹. No hay pruebas demostrables que indiquen que en el momento del ataque hubieran perdido esa protección¹⁷². El personal del hospital niega haber recibido comunicación alguna que hubiera constituido la advertencia exigida por el derecho internacional humanitario¹⁷³;

c) Es cierto que los combatientes huzíes y de Saleh conocían la ubicación del hospital y, por lo tanto, sabían que las granadas de mortero disparadas en sus proximidades tendría una alta probabilidad de causar daños al hospital y ser un riesgo para su personal, los heridos y enfermos y los civiles;

d) Sobre la base de lo que antecede, es muy probable que no se cumplieran los principios relativos al derecho internacional humanitario de distinción, proporcionalidad y precauciones en el ataque.

2. Evaluación del Grupo acerca de las operaciones terrestres

143. Las fuerzas huzíes y de Saleh no han proporcionado al Grupo acceso a la información sobre los cuatro incidentes enumerados en el cuadro 9. En todas las investigaciones, el Grupo considera muy improbable que las fuerzas huzíes o de Saleh cumplieran los requisitos del derecho internacional humanitario relativos a la proporcionalidad y las precauciones en el ataque. Algunos de esos ataques también pueden constituir crímenes de guerra¹⁷⁴.

144. La proliferación de los restos explosivos de guerra sigue representando un riesgo importante para los civiles (véase el anexo 44) y el Grupo considera que esa circunstancia también limita en gran medida el regreso en condiciones seguras de los desplazados a sus hogares.

145. El Grupo considera que aquellos comandantes cuyas fuerzas siguen participando en los actos citados corresponden a los criterios de designación establecidos en el párrafo 17 de la resolución 2140 (2014) referidos a quienes amenazan la paz y la seguridad del Yemen. Sus actos también pueden estar comprendidos en el párrafo 18 de la resolución. Para obtener más información sobre quienes tenían responsabilidad de mando de las fuerzas huzíes y de Saleh en Taiz, véase el párrafo 42 y los anexos 21 y 25.

D. Reclutamiento y utilización de niños en conflictos armados

146. Tanto las fuerzas huzíes y de Saleh, como AQPA y los grupos armados asociados con el Gobierno legítimo siguen reclutando y utilizando a niños en el

¹⁷¹ Normas 25 y 28 del derecho internacional humanitario consuetudinario.

¹⁷² *Ibid.*

¹⁷³ Derecho internacional humanitario consuetudinario, norma 28.

¹⁷⁴ Las violaciones graves del derecho internacional humanitario constituyen crímenes de guerra (derecho internacional humanitario consuetudinario, norma 156).

conflicto armado¹⁷⁵. La coalición encabezada por la Arabia Saudita proporcionó al Grupo una lista de 52 niños bajo su custodia y el acceso a presuntos niños soldados reclutados por los huzíes. La Arabia Saudita informó al Grupo de que los 52 niños habían sido entregados posteriormente al Gobierno legítimo y transportados a Marib.

147. El Grupo investigó un caso de un niño de 16 años al que capturaron las fuerzas huzíes. El menor fue gravemente torturado y desfigurado, ante las sospechas de que pudiera ser un combatiente (véase el anexo confidencial 50).

148. Las reiteradas pruebas de reclutamiento y utilización de niños por las fuerzas huzíes y de Saleh reunidas por las Naciones Unidas (véase [A/70/836-S/2016/360](#) y Add.1) indican que los dirigentes huzíes y de Saleh son conscientes de estas violaciones y no han aplicado medidas eficaces para prevenir esas prácticas.

E. Intolerancia y discriminación contra las minorías étnicas

149. El Grupo documentó casos de personas de la fe bahaí que fueron privadas de libertad o detenidas de una forma que no respetaba las garantías procesales. La información relativa a estos casos se incluye en el anexo confidencial 50. La privación de libertad de un grupo de personas por actividades relacionadas con su fe viola varias normas de derechos humanos¹⁷⁶. El Grupo ha encontrado a una persona responsable de los incidentes.

F. Incidentes atribuidos al Gobierno

1. Deportación forzosa de civiles

150. El 8 de mayo el personal de seguridad empezó a desplazar por la fuerza a personas que trabajaban o residían en Adén y procedían del norte¹⁷⁷. Las autoridades locales apoyaron la medida como iniciativa de seguridad destinada a poner coto a los asesinatos y la violencia constantes en la zona.

151. Alrededor del 9 de mayo el Presidente publicó una declaración en la que condenaba las deportaciones y dio instrucciones a los Gobernadores de Adén, Lahij y Dali para que actuaran con urgencia y pusieran fin a la incitación regional y los desalojos forzosos¹⁷⁸.

152. El Grupo considera que, si bien las expulsiones se aplicaron a nivel local, eran casi con total seguridad indicativas de una política provincial más amplia en Adén. El Grupo ha determinado quiénes fueron los responsables de aplicar esta política.

¹⁷⁵ Múltiples fuentes.

¹⁷⁶ Declaración Universal de Derechos Humanos, arts. 2, 7, 18, 19 y 20.

¹⁷⁷ Muchas personas que fueron deportadas.

¹⁷⁸ Rua'a Alameri, "Yemen leader slams" desalojos civiles en el sur, *Al-Arabiya*, 9 de mayo de 2016, puede consultarse en <http://english.alarabiya.net/en/News/middle-east/2016/05/09/Yemen-leader-slams-civilian-expulsions-from-Aden-.html>; y "Aden officials backtrack on controversial deportation campaign", *The New Arab*, 11 de mayo de 2016, puede consultarse en www.alaraby.co.uk/english/news/2016/5/11/aden-officials-backtrack-on-controversial-deportation-campaign.

153. Posteriormente el Grupo investigó otro incidente relacionado con la deportación forzosa a Taiz de tres empleados de una fábrica de Lahij alrededor del 12 de mayo. Los militares yemeníes se los llevaron a la fuerza de su lugar de trabajo y los transportaron al “norte” del Yemen. A un trabajador le dejaron tiempo para que, antes de ser deportado, fuera a Adén a reubicar a su familia al norte. Este incidente constituye una violación de varias disposiciones del derecho internacional humanitario y del derecho internacional de los derechos humanos, como los derechos relativos a la ocupación, la prohibición de los desplazamientos forzados y la discriminación¹⁷⁹. El Grupo ha descubierto quién era el comandante de Lahij responsable de esas deportaciones.

154. El Grupo considera que en Adén sigue habiendo discriminación real o aparente hacia los “norteños”. Esta discriminación y los casos de deportaciones pueden poner en entredicho la legitimidad de las autoridades locales y obstaculizar las gestiones nacionales e internacionales para establecer la gobernanza y la seguridad locales que hacen falta para alcanzar una solución duradera. Las personas y entidades implicadas en violaciones graves de esta índole reúnen los criterios establecidos en el párrafo 17 de la resolución 2140 (2014) referidos a quienes amenacen la paz y la seguridad del Yemen. Sus actos también pueden estar comprendidos en los apartados a) y c) del párrafo 18 de la resolución.

2. Obstáculos a la prestación de servicios médicos

155. El Grupo documentó 18 ataques a hospitales en el Yemen en 2016 (véase el anexo 52). El derecho internacional humanitario exige que las partes adopten medidas para que se respete a las unidades, el transporte y el personal médicos y para que estén protegidos durante los conflictos. El Grupo registró tres incidentes en Taiz en que hombres armados amenazaron al personal y alteraron el tratamiento que salvaba vidas para obligar al personal a tratar de forma prioritaria a sus heridos (véase el anexo confidencial 53). Los hospitales estaban en zonas controladas por la “resistencia”. El Grupo hace notar que obligar a una persona que ejerce una actividad médica a realizar actos contrarios a la deontología está prohibido por el derecho internacional humanitario¹⁸⁰.

IX. Obstrucción de la asistencia humanitaria

156. De conformidad con el párrafo 19 de la resolución 2216 (2015), el Grupo sigue investigando la obstrucción del suministro de asistencia humanitaria al Yemen o el acceso a esa asistencia o su distribución en el Yemen.

A. Obstrucción del suministro de asistencia humanitaria

157. El Grupo considera que la inseguridad derivada de los recientes ataques contra embarcaciones comerciales (véanse los párrs. 33 y 37), el aumento de los costos de

¹⁷⁹ Véanse el Protocolo Adicional II de 8 de junio de 1977 a los Convenios de Ginebra de 12 de agosto de 1949, art. 17 (1), y el derecho internacional humanitario consuetudinario, normas 87, 88 y 129. Véase también el Pacto Internacional de Derechos Civiles y Políticos, arts. 17, 25 y 26.

¹⁸⁰ Derecho internacional humanitario consuetudinario, norma 26.

los seguros por riesgos de guerra, las cuestiones relativas a los tipos de cambio¹⁸¹ y la incautación, detención y desviación de algunas embarcaciones comerciales¹⁸² tienen un efecto negativo en la distribución de suministros de alimentos comerciales. Algunas de esas embarcaciones también transportan asistencia humanitaria, lo cual impone a los agentes humanitarios la pesada carga de llevar más asistencia al Yemen a fin de cubrir las necesidades¹⁸³. Antes del conflicto, el Yemen dependía de otros países para el 90% de sus suministros de alimentos.

158. El otro factor que impuso una carga similar a los agentes humanitarios fue la provisión de suministros médicos. El equipo humanitario en el país estima que, debido a las restricciones de acceso al aeropuerto internacional de Saná que afectan a los vuelos comerciales iniciadas por la coalición en agosto, más de 6.500 personas no tienen acceso a atención médica¹⁸⁴. Yemenia Airways calcula que al menos una tercera parte de los pasajeros que viajaban al extranjero lo hacían para recibir atención médica, a menudo de enfermedades crónicas cuyo tratamiento en el Yemen es ya prácticamente inexistente, en parte debido a dificultades de importación¹⁸⁵.

B. Obstrucción de la distribución de asistencia humanitaria

159. El Grupo considera que todas las partes en el conflicto han obstaculizado la distribución de la asistencia humanitaria. A petición de sus fuentes, y teniendo debidamente en cuenta las sensibilidades relativas al acceso humanitario sobre el terreno, la información sobre 29 incidentes figura en el anexo confidencial 54.

X. Recomendaciones

160. El Grupo no tiene más recomendaciones adicionales a las ya formuladas en su informe final de 2015 (S/2016/73) y su informe de mitad de período presentado al Comité.

¹⁸¹ Notificación de un importador de trigo de que va a dejar de importar trigo al Yemen. El Grupo tiene dicho documento.

¹⁸² Ahmad Ghaddar, Ron Bousso y Dmitry Zhdannikov, “Tankers seized in Yemen port, risking deeper import crisis”, *Reuters*, 15 de septiembre de 2016. Puede consultarse en www.reuters.com/article/us-yemen-oil-exclusive-idUSKCN11K2BQ.

¹⁸³ Los precios medios de la harina de trigo y el azúcar de todo el Yemen en noviembre fueron aproximadamente un 25% más altos que antes del conflicto. El volumen de combustible importado en noviembre cubrió solo el 40% de las necesidades mensuales del país. Véase Jonathan Saul y Maha El Dahan, “Yemen traders halt new wheat imports as famine approaches”, *Reuters*, 16 de diciembre de 2016. Puede consultarse en www.reuters.com/article/us-yemen-food-exclusive-idUSKBN1450H6.

¹⁸⁴ Oficina de Coordinación de Asuntos Humanitarios, “2017 Humanitarian needs overview: Yemen”, noviembre de 2016. Puede consultarse en www.humanitarianresponse.info/system/files/documents/files/yemen_2017_hno_final_1.pdf.

¹⁸⁵ *Ibid.*

Annex 1: ‘The opportunity to reply’ methodology used by the Panel

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity¹ in a Panel’s report, could impact adversely on the fundamental human rights and reputation of the person. As such, the Panel decided to allow individuals concerned with an opportunity to provide an alternative narrative and to provide concrete and specific information/material to support the narrative. Through this interaction, the individual is given the opportunity to demonstrate that their conduct does not fall within the relevant listing criteria. This is called the ‘opportunity to reply’.

2. The Panel’s methodology on the opportunity to reply is as follows:

(a) Providing an individual with an ‘opportunity to reply’ should be the norm;

(b) An individual may be denied an opportunity to reply if the Panel concludes based on credible evidence that there is a fear that doing so would:

(i) Result in the individual moving assets if they get advance warning of a possible recommendation for designation;

(ii) Restrict further access of the Panel to vital sources;

(iii) Endanger Panel sources or Panel members;

(iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field; or

(v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.

3. Unless any of 2 (b) (i) to (v) above applies, members of the Panel should be in a position to provide an individual an opportunity to reply. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.

4. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.

5. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.

6. The individual, on the other hand, in making their determination of the level and nature of interaction with the Panel, may consult third parties or allow third parties (for example, legal representative or his government) to communicate on his/her behalf on subsequent interactions with the Panel.

7. The key point is that the Panel, at the conclusion of its investigations, is able to directly communicate with the individual to afford the ‘opportunity to reply’ to allegations against him/her. Some possible differences between a right of reply (after designation) and the opportunity to reply (before designation) are as shown in table 1.1.

¹ Hereinafter just the term individual will be used to reflect both.

Table 1.1
Right of Reply versus Opportunity to Reply

<i>Question</i>	<i>Right of Reply</i> ²	<i>Opportunity to Reply</i>
Who is the responsible entity?	A duly appointed focal person/ ombudsperson with the ability to provide an effective remedy.	The Panel
When should the right of reply/ opportunity to reply be given?	After the individual is designated.	If possible before an individual is named in the report as having violated the sanctions regime and definitely before a confidential recommendation is made to the Sanctions Committee recommending designation.
What are the objectives sought to be achieved?	To afford the individual the ability to contest the listing/designation. It is up to the relevant competent body to decide the extent of information shared with the individual, but it should be sufficiently detailed to enable him to prepare an informed response.	To allow the Panel to complete its investigation and to ensure that the individual does not have an alternative narrative that requires investigation prior to a recommendation for designation.
What information should be shared with the individual/entity?	Nature of allegations that form the basis of the summary of evidence and other information deemed necessary by the competent authority.	Sufficient information on the activities being investigated. Outline of allegations against individuals to enable them to provide an informed response to these allegations. Sufficient information on possible violations.

² This table is aimed to illustrate the differences between the opportunity to reply when compared to the right of reply and is not an authoritative statement on the nature and scope of the right to reply, which is within the competence of other bodies/entities, such as the Council in the event of a designation.

Annex 2: Violations relating to IHL, IHRL, and acts that constitute human rights abuses in-vestigative methodology

1. The Panel adopted the following stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from visiting Yemen. In doing so it has paid particular attention to the “Informal Working Group on General Issues of Sanctions Reports”, [S/2006/997](#), on best practices and methods, including paragraphs 21, 22 and 23, as requested by paragraph 11 of resolution [2266 \(2016\)](#).

2. The Panel’s methodology, in relation to its investigations concerning IHL, IHRL and human rights abuses, is set out as below:

(a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.

(b) In carrying out its investigations on the use of explosive ordnance, the Panel relies on at least three or more of the following sources of information:

(i) At least two eye-witnesses or victims;

(ii) At least one individual or organization (either local or international) that has also independently investigated the incident;

(iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel obtains copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations;

(iv) Technical evidence, which includes imagery of explosive events such as the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open source imagery, the Panel verifies that imagery by referring it to eyewitnesses or by checking for pixilation distortion;

a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and

b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other source information.

(v) The utilisation of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident;

(vi) Access to investigation reports and other documentation of local and international organizations that have independently investigated the incident;

(vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing weapons of the type it is alleged to have produced;

(viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground. (For example, if the Panel wished to confirm the presence of an armed group in a particular area);

(ix) Statements issued by or on behalf of a party to the conflict responsible for the incident; and/or

(x) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:

(i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview;

(ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody;

(iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;

(iv) Medical documentation and, where applicable, death certificates;

(v) Documentation issued by prison authorities;

(vi) Interviews with medical personnel who treated the victim, wherever possible;

(vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim;

(viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates;

(ix) Statements issued by the party to the conflict responsible for the incident; and/or

(xx) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(d) In carrying out its investigations on other violations, including forced displacement and threats against medical workers, the Panel relies on information that includes:

(i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview;

(ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;

(iii) Documentation relevant to verify information obtained;

(iv) Statements issued by the party to the conflict responsible for the incident; and/or

(v) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(e) The standard of proof is met when the Panel has reasonable grounds to believe that the incidents had occurred as described and, based on multiple corroboratory sources, that the responsibility for the incident lies with the identified perpetrator. The standard of proof is "beyond a reasonable doubt".

(f) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. This is undertaken in accordance with the Panel's standard methodology on the opportunity to reply. Generally, the Panel would provide detailed information in any opportunity to respond, including geo-locations. However, detailed information on incidents are not provided when there is a credible threat that it would threaten Panel sources, for example, in violations related to deprivation of liberty, violations associated with ground strikes on a civilian home, or in violations associated with children.

(g) If a party does not provide the Panel with the information requested, then the Panel will consider whether this is of sufficient gravity to be considered as non-compliance with paragraph 8 of resolution [2266 \(2016\)](#), and thus consideration for reporting to the Committee.

3. The Panel will not include information in its reports any information that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel may include more source information in confidential annexes.

4. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: 1) with the specific permission of the sources; and 2) where the Panel is, based on its own assessment, certain that these individuals would not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to supports the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.

Annex 3: UN Geographic Information Systems (GIS) map (place name identification)



Map No. 3947 Rev. 3 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

Annex 4: Summary of Panel correspondence (2016)

Table 4.1
Correspondence with Member States

<i>Member State</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>
Australia	3	1 ³
The Bahamas	2	2
Bahrain	1	1
Belgium	1	
Brazil	4	
Bulgaria	2	
Canada	1	
China	3	
Czech Republic	1	
Djibouti	2	1
Democratic People's Republic of Korea	1	1
Egypt	2	
France	2	1
Hungary	1	1
Islamic Republic of Iran	7	7
Isle of Man	1	
Italy	2	
Jordan	4	2
Kuwait	1	1
Liechtenstein	1	
Malaysia	2	
Morocco	3	
Netherlands	2	
Oman	5	5
Qatar	1	1
Romania	1	1
Russian Federation	5	
Saudi Arabia	21	12
Singapore	2	
Spain	1	
The Sudan	2	2
Switzerland	4	

³ Holding reply only received to date.

<i>Member State</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>
United Arab Emirates	18	3
United Kingdom of Great Britain and Northern Ireland	2	2
United States of America	5	3
Yemen	13	1
Total	129	48

Table 4.2

Correspondence with the ministry of foreign affairs in Yemen

<i>Entity</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by entity</i>
MFA Yemen in Sana'a	5	5
Total	5	5

Table 4.3

Correspondence with commercial companies

<i>Commercial company</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>
Al Rams Trading (UAE)	1	
Al Thuraya Tower Trading (UAE)	1	
Amir Mizraei(UAE)	1	
Arab Bank (UAE)	1	
Arsenal Joint Stock Company (Bulgaria)	1	
Agency for Aerial Navigation Safety in Africa and Madagascar (ASCECNA) (Regional, Senegal)	1	1
Caracal (UAE)	1	
Citibank (UAE)	1	
CITIGROUP (USA)	1	1
Commercial Bank of Dubai (UAE)	1	
Cygnus Telecom (UAE)	2	
Deutsche Bank	1	
Dubai Islamic Bank (UAE)	1	
EDO MBM (UK)	1	
Emirates National Dubai Bank (UAE)	1	

<i>Commercial company</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>
First Gulf Bank (UAE)	1	
Instlaza (Spain)	1	
International Commercial Bank (UAE)	1	
Jetworks (UK)	1	
Lockheed Martin (USA)	1	1
Mobile Yemen (Yemen)	1	1
Mediterranean Shipping Company (Switzerland)	1	
National Bank of Abu Dhabi (UAE)	1	
Noor Bank (UAE)	1	
PGW Defence (Canada)	1	
Raytheon (UK)	1	1
SAMCO (Netherlands)	1	
Taurus (Brazil)	1	
Thuraya (UAE)	1	
Zastava (Serbia)	1	
Total	32	5

Annex 5: Acting government under the control of the Houthis (to 28 November 2016)

1. Until 28 November 2016, the Houthis managed to keep the ministries in Sana'a operational under the authority of previous members of the cabinet who chose to cooperate with them. One example being Major General Jalal al-Rowayshan who kept his post of minister of interior after President Hadi left Sana'a. Those who chose to cooperate kept their titles as minister or deputy ministers. The Houthis also appointed additional members with the title of 'chargé d'affaires'. The acting cabinet comprised of 33 members chaired by Talal Aqlan.

Figure 5.1

Image of the official webpage of the prime ministry with Talal Aqlan as the acting prime minister

رئاسة الوزراء

WWW.YEMEN.GOV.YE
WWW.REWSU.GOV.AE

الرئيسية رئيس الوزراء الحكومة الحالية الأمين العام برنامج الحكومة المهام والإختصاصات الهيكل و اللاتحة التنظيمية والقواد

القائمة الرئيسية

الرئيسية

رئيس الوزراء

الحكومة الحالية

الأمين العام

الأخبار

برنامج الحكومة

مهام وإختصاصات الحكومة

الهيكل و اللاتحة التنظيمية والقوانين

إجتماعات المجلس

الإصدارات

الحكومات السابقة

أعضاء الحكومة الحالية

التاريخ

< الخلف 1 من 1 التالي >

الاسم	الصفة
أبطال عبدالكريم عتاتن	القائم بأعمال رئيس الوزراء
اللواء الركن/جلال الرويشان	وزير الداخلية

Mohamed Ali al Houthi
Head of SRC

Talal Abdulkarim Aqlan
Acting PM

Source: <http://www.yemen.gov.ye/portal/gov/الحكومة/التي/984/Default.aspx>, This page was saved by the Panel before it was removed and replaced by the current "cabinet of national salvation", see below.

Table 5.2
List of the acting council of government up to 28 November 2016 (English)

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
1	Talal Abdelkarim Aqlan	head	head of government
2	Major General Jalal Al Rowayshan	minister	interior
3	Ghaleb Abdullah Motlaq	minister of state	implementation of NDC outcomes
4	Hassan Mohamed Zaid	minister of state	member of council of ministers
5	Ahmed Mohamed Ashami	minister	civil service and insurance
6	Abdurrahman al Mokhtar	minister / chargé d'affaires	legal affairs
7	Mohsein Ali Annaqib	deputy minister	industry and commerce
8	Abdullah Abdu al Hamdi	deputy minister	education
9	Mathar al Abbassi	deputy minister	planning and international cooperation
10	Hadi Ablan	deputy minister	culture
11	Ahmed al Aqida	deputy minister	justice
12	Mosleh Mohsein al A'zir	deputy minister	communications and information technology
13	Khaled al Houali	deputy minister	professional and technical learning
14	Hassan Zaid ben Yahya	deputy minister	youth and sport
15	Abdussalam Ahmed Addal'I	minister / chargé d'affaires ⁴	local administration
16	Mohamed Ali Siwar	secretary-general / chargé d'affaires	council of ministers
17	Mohamed Abdullah Hajar	minister / chargé d'affaires	foreign affairs
18	Mohamed Nasser al Janad	minister / chargé d'affaires	finance
19	Yahya al A'jam	minister / chargé d'affaires	oil and minerals
20	Abdulmalik al Jawlahi	minister / chargé d'affaires	general labour and roads
21	Abdullah Basunbul	minister / chargé d'affaires	fisheries
22	Ahmed Nasser al Hammati	minister / chargé d'affaires	education
23	Ali Saleh Taissir	minister / chargé d'affaires	human rights
24	Abdu Mohamed al Hukaimi	minister / chargé d'affaires	social affairs and justice
25	Abdulkarim Arrawdi	minister / chargé d'affaires	higher education and social research

⁴ Although titled chargé d'affaires these individuals also had ministerial responsibility.

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
26	Ghazi Ismail	minister / chargé d'affaires	public health and housing
27	Abdurrahman al Qallam	minister / chargé d'affaires	endowment and religious guidance
28	Abdullah Ali al A'nsi	minister / chargé d'affaires	transport
29	Ibrahim al Hamdi	minister / chargé d'affaires	diaspora
30	Issam Assanini	minister / chargé d'affaires	tourism
31	Adil Dhamran	minister / chargé d'affaires	energy and electricity
32	Mohamed Shamsan	minister / chargé d'affaires	water and forestry
33	Ali Abdullah al Fadil	minister / chargé d'affaires	agriculture and irrigation

Annex 6: Supreme security committee and security and military committee

1. The Houthis established a supreme security committee on 7 February 2016, which initially comprised 17 members. A number of members left the country with some joining President Hadi. Major General Abderaqqib Thabit Assoubaihi, the then Minister of Defence under President Hadi who initially chaired the supreme security committee, escaped Sana'a and the legitimate Government in Aden. He was then subsequently arrested by the Houthis and remained incommunicado as at 2 January 2017.

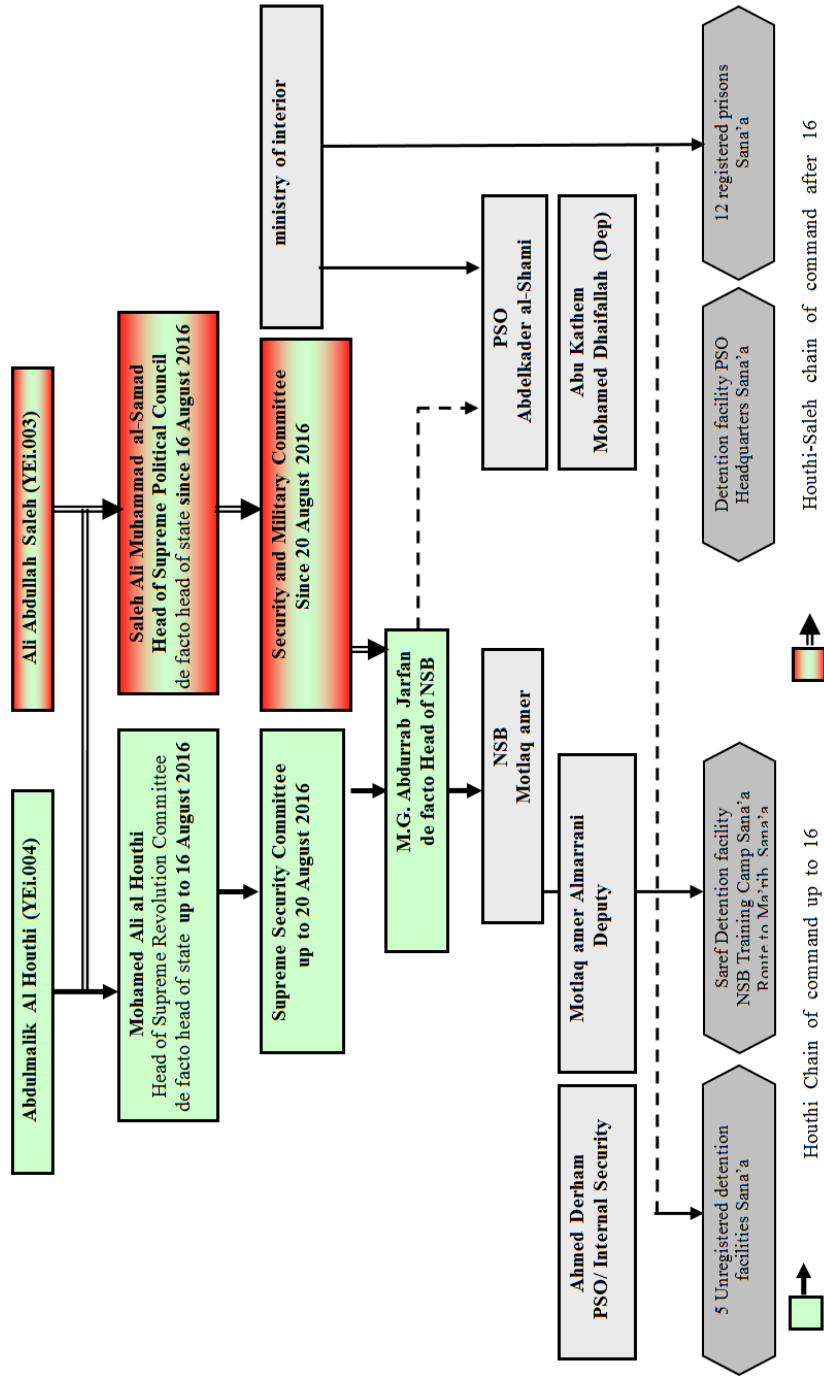
2. On 20 August 2016, the supreme political council (SPC) appointed a security and military committee to replace the supreme security committee. Only Major General Jalal Al Rowayshan the acting minister of interior, Major General Hussain Khairan, the acting minister of defence, Major General Zakaria Yahya Mohammed Al-Shami the acting Chief of Staff of the Yemeni Armed Forces in areas controlled by the Houthis and Major General Abdurrah Saleh Ahmed Jarfan continued on to also become members of the security and military committee.

Table 6.1

List of the SSC and SMC (English)

Serial	Supreme security committee Appointed on 7 February 2016	Security and military committee Appointed on 20 August 2016
1	Major General Jalal Al Rowayshan	
2	Major General Hussain Khairan	
3	Major General Zakaria Yahya Mohammed Al-Shami	
4	Major General Abdurrah Saleh Ahmed Jarfan	
	Appointment Terminated	
5	Yussef Hassan Ismail Al Madani	
6	Abdullah Yahya Abdullah Al Hakim	
7	Taha Hassan Al Madani	
8	Abderrazak Al Marouni	
9	Awad Ben Farid	
10	Abderaqqib Thabit Assoubaihi	
11	Ali Ben Ali Al Jaifi	
12	Abdullah Mohnif	
13	Ahmed Mohsin Al Yafai	
14	Mohamed Daifallah Saleh Sabhan	
15	Mohammed Abdulkarim Al Ghumari	
16	Hamoud Khaled Al Soufi **	
17	Ali Hassan Al Ahmadi **	
	** Discontinued their membership and left Yemen	New appointments
18		Abdulkarim Amir Eddine Al Houthi
19		Abdulkader Kassem Al-Shami
20		Abdullah Al Qawssi
21		Ahmed Naji Mane'a
22		Abdulhakim Hashem Al Khiwani
23		Brigadier General Said Mohammed Al Hariri
24		Brigadier General Ahmed Adhufaif
25		Asa'ad Hadi Asa'ad
26		Hassan Salah Al Marrani

Annex 7: Structure of the intelligence and security services controlled by the Houthis



Annex 8: Supreme political council ⁵

Table 8.1
Supreme political council

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Affiliation</i>
1	Salih Ali Muhammad al-Samad ⁶	president	Houthi
2	Qasim Muhammad Ghalib Labuzah ⁷	vice president	Saleh
3	Sadiq Amin Abu Ras ⁸	member	Saleh
4	Yusif Husayn Abdullah al-Fayshi ⁹	member	Houthi
5	Khali Said Muhammad al-Dayani ¹⁰	member	Saleh
6	Muhammad Saleh Mabkhut al-Nuaymi ¹¹	member	Houthi
7	Jabir Abdullah Ghalib al-Wahabani ¹²	member	Saleh
8	Sultan Ahmed Abd al-Rabb Mujahid al-Samai ¹³	member	Houthi
9	Nasir Nasir Abdullah al-Nasiri ¹⁴	member	Saleh
10	Mubarak Salih al-Mashin al-Zayadi ¹⁵	member (Deceased)	Saleh

⁵ Established 15 August 2016.

⁶ Salih Ali Muhammad al-Samad is the head of Ansar Allah's Political Bureau.

⁷ Qasim Muhammad Ghalib Labuzah is the head of the GPC in Lahj. He holds a Ph.D and participated in the National Dialogue.

⁸ Sadiq Amin Abu Ras is a tribal shaykh from Dhu Husayn of the Bakil tribal confederation. He is the Deputy Head of the GPC and was next to Ali Abdullah Saleh (YEi.003) on 3 June 2011 when the mosque inside the presidential palace was bombed in an attempted assassination.

⁹ Yusif Abdullah Husayn al-Fayshi is a former member of the Houthi's now disbanded Revolutionary Committee. al-Fayshi stood behind al-Samad when the latter signed the agreement establishing the Houthi-Saleh Political Council on 28 July 2016.

¹⁰ Khalid Said Muhammad al-Dayani is a member of the GPC and a former Governor of Hadramawt.

¹¹ Muhammad Saleh Mabkhut al-Nuaymi is the pro-Houthi head of the Political Bureau for the Union of Popular Yemeni Forces.

¹² Jabir Abdullah Ghalib al-Wahabani is a member of Yemen's parliament and heads the pro-Saleh GPC in Ta'izz.

¹³ Sultan Ahmad Abd al-Rabb Mujahid al-Samai is from Ta'izz.

¹⁴ Nasir Nasir Abdullah al-Nasiri is from Dhamar.

¹⁵ Mubarak Salih al-Mashin al-Zayadi was a military commander from the al-Zayadi tribe in Ma'rib. The Houthis appointed him to command the 3rd military district, centred in Ma'rib and he was active in the fighting in Sirwah. He was killed on 8 October 2016 in a Saudi Arabia-led coalition strike on the al-Sala al-Kubra Funeral Hall in Sana'a. The Panel is unaware of his replacement.

Annex 9: Government of national salvation since 28 November 2016

1. On 28 November 2016, the SPC appointed the “government of national salvation” under decree 56(2016), which consists of a cabinet of 42 members headed by Abulaziz Sale bin Habtour, a GPC member. The cabinet contains thirteen members affiliated to GPC. The Panel notes that only five members of the outgoing acting government were re-named in the new cabinet. Two Major Generals with an active role in Houthi military operations were named ministers: 1) Major General Zakaria Yahya Mohammed Al-Shami, the chief of staff of the armed forces affiliated to the Houthis, also a member of the military and security committee, was appointed as minister of transportation and 2) Major General Mohamed Nasser al A'tifi¹⁶ was appointed minister of defence.

2. Fares Mohamed Mana'a (SOi.008), who was designated on 12 April 2010 by the Security Council Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea, who was previously governor of Sa'dah under the Houthis between 2012 and 2014, was appointed as minister of state.

Figure 9.1

Members of the government of national salvation appointed in 28 November 2016



¹⁶ He commanded the group of ballistic missile brigades since at least 2012. He is a well-known professional officer from the Khawlan tribe who has recently been praised several times by Abdulmalik al Houthi (YEi.004) for the ingenuity of the ballistic missile units.

Figure 9.2
Prime Minister Abulaziz Sale bin Habtour



Figure 9.3
Extract from official webpage of the prime ministry

قرار رئيس المجلس السياسي الأعلى رقم (56) لسنة 2016م

بشأن تشكيل حكومة الإنقاذ الوطني وتسمية أعضائها

رئيس المجلس السياسي الأعلى:

بعد الإطلاع على دستور الجمهورية اليمنية.

وعلى الاتفاق السياسي الموقع بتاريخ 28/7/2016م بين أنصار الله وحلفائهم والمؤتمر الشعبي العام وحلفائه.

وعلى الإعلان الصادر بتاريخ 6/8/2016م بتشكيل المجلس السياسي الأعلى.

وعلى قرار رئيس المجلس السياسي الأعلى رقم (1) بشأن تحديد مهام المجلس واختصاصاته.

وعلى قرار رئيس المجلس السياسي الأعلى رقم (18) لسنة 2016م بشأن تكليف الدكتور عبدالعزيز صالح بن حبتور بتشكيل حكومة إنقاذ وطني.

وبناءً على ترشيح المؤتمر الشعبي العام وحلفائه وأنصار الله وحلفائهم.

وبعد موافقة المجلس السياسي الأعلى.

قـرـر:

مادة (1): تشكل حكومة الإنقاذ الوطني على النحو التالي:

1. /د. عبدالعزيز صالح بن حبتور رئيساً للوزراء

Source: <http://www.yemen.gov.ye/portal/gov/الحكومة%الحالية/tabid/984/Default.aspx>.

Translation:

Decree of the supreme political council 56 of 2016

../..

Article (1): the government of the national salvation comprises as follow:

1. Abdulaziz Saleh bin Habtour, prime minister;

../..

Table 9.1
List of the acting council of government up to 28 November 2016 (English)

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
1	Abdulaziz Saleh bin Habtour ^{GPC}	prime minister	head
2	Hussein Abdullah Maqboli	deputy prime minister	economic affairs
3	Akram Abdullah A'tia	deputy prime minister	internal affairs
4	Major General Jalal Ali Al Rowayshan	deputy prime minister	security affairs
5	Major General Mohamed Nasser al A'tifi ^{GPC}	minister	defence ¹⁷
6	Ali ben Ali Alqissi ^{GPC}	minister	local administration
7	Ahmed Abdullah A'qabat	minister	justice
8	Saleh Ahmed Sha'ban	minister	finance
9	Talal Abdelkarim A'qlan	minister	civil service and insurance
10	Major General Mohamed Abdullah al Qawsi ^{GPC}	minister	interior
11	Alia'a Faissal Abdullatid Asha'bi	minister	human rights
12	Yasser Ahmed al A'wadi ^{GPC}	minister	planning and international cooperation ¹⁸
13	Major General Zakaria Yahya Al-Shami	minister	transport ¹⁹
14	Ahmed Mohamed Hamed	minister	social affairs and labour ²⁰
15	Yahya Badreddine al Houthi	minister	information
16	Husein Ali Hazeb ^{GPC}	minister	education ²¹
17	Mohsen Ali Annaqib ^{GPC}	minister	tertiary education and research
18	Abdurrahman Ahmed al Mokhtar	minister	technical education and professional training
19	Hassan Mohamed Zaid	minister	legal affairs ²²
20	Mohamed Mohamed al Zubairi	minister of state	member of the council of ministers ²³
21	Hisham Sharaf Abdullah ^{GPC}	minister	fisheries
22	Nabil Abdullah al Wazir	minister	foreign affairs
23	Dhiab Mohsen ben Ma'ili	minister	water and environment
24	Lotf Ali al Jarmouzi	minister	oil and mineral resources
25	Sharaf Ali al Qalissi ^{GPC}	minister	electricity and energy
26	Abdu Mohamed Bashar	minister	endowments and religious guidance

¹⁷ Commander, ballistic missile brigades since 2012.

¹⁸ Member of GPC negotiation team for the talks.

¹⁹ De facto chief of staff armed forces, member of the military and security committee.

²⁰ Member of GPC negotiation team for the talks.

²¹ Half brother of Abdulmalik Al Houthi (YEi.004) and was living in Germany until mid 2016.

²² Was chargé d'affaires in the same ministry under the SRC.

²³ Ibid.

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
27	Jlidan Mohamed Jlidan ^{GPC}	minister	trade and industry
28	Ghazi Ahmed Mohsen	minister	communications and information technology
29	Nasser Mafoudh Baqazquz	minister	agriculture and irrigation
30	Mohamed Salim ben Hafidh	minister	tourism
31	Ahmed Saleh al Qana'a	minister	public health and population
32	Abdullah Ahmed al Kebsi ^{GPC}	minister	implementation of the NDC outcomes
33	Ghaleb Abdullah Motlaq	minister	reconciliation
34	Mohamed Said al Mashjari	minister	culture
35	Ali Abdullah Abu Haliqa	minister	general and roads ²⁴
36	Fares Mohamed Hassan Mana'a	minister of state	diaspora
37	Nabih Mohsen Abu Nashtan	minister of state	house of representatives and al shoura affairs ²⁵
38	Radiyah Mohamed Abdullah	minister of state	
39	Obeid Saleh ben Dobai'a	minister of state	
40	Hamed Awadh al Mazjaji	minister of state	
41	Abdulaziz Ahmed al Bakir ^{GPC}	minister of state	
42	Ahmed Abdullah A'qabat	minister of state	

(^{GPC} Member of GPC)

²⁴ Minister of state for the implementation of NDC outcomes under the SRC.

²⁵ He is under asset freeze and travel ban measures since 12 April 2010 (SOi.008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

Annex 10: Houthi negotiation team visits to Baghdad, Iraq and Beijing, China

Figure 10.1
Houthi negotiation team



(Left to Right): (5) **Mohamed Abdusalam Salah Fletah**, (6) Haider Al-Abadi, Prime Minister of Iraq, (7) **Yahya al Houthi**, (8) **Mahdi Mohammed Hussein al-Mashaat**, (9) **Hamza al Houthi**, during visit to Baghdad (28 to 31 August 2016).

Figure 10.2
Houthi team China visit (20 November 2016)



(Left to Right): **Hamza al Houthi**, **Mohamed Abdusalam Salah Fletah**, **Mahdi Mohammed Hussein al-Mashaat** during a visit to Beijing on 30 November 2016.

Annex 11: Conflict map



Annex 12: Activity along the border between Oman and Yemen

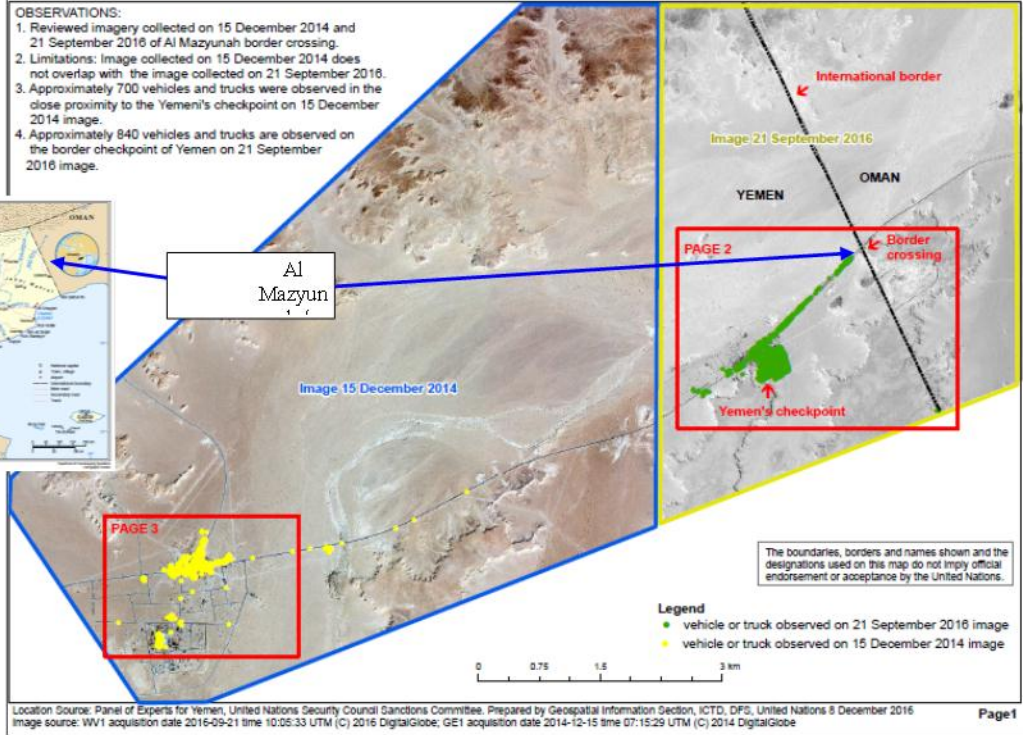
1. The Panel received from confidential official sources within the coalition indications of Omani support to the Houthi-Saleh alliance designed to sustain their fighting capability. The Panel learned that battle-winning weapons such as anti-tank guided weapons (ATGW) and other military equipment are transited through Oman before finishing in the hands of smuggling networks associated with Ali Abdullah Saleh in al Mahrah. The weapons are then shipped across the land smuggling route to the Houthis.
2. Following a number of arms seizures between Eastern Yemen and Ma'rib, the Panel analysed commercially available satellite imagery of the area in order to examine the border crossing point (BCP) between al Mazyunah in Oman and Ashehn in Yemen. On the date when imagery was available (21 September 2016) the BCP was very active with several hundreds of trucks parked awaiting crossing.
3. The Panel received information that the Government of Yemen does not fully control this BCP and that it was the main smuggling point in the area. Although the 137th Infantry Brigade is responsible for security in that area, its Commander and other senior security officials in the Mahrah Governorate administration are supporters of Ali Abdullah Saleh (YEi.003).
4. The Panel sent a letter to the Government of Oman requesting a visit to al Mazyunah. Oman subsequently verbally informed the Panel that a visit to al Mazyunah could not be arranged.

Al Mazyunah Border, Yemen. 15 December 2014 and 21 September 2016 satellite images

- OBSERVATIONS:**
1. Reviewed imagery collected on 15 December 2014 and 21 September 2016 of Al Mazyunah border crossing.
 2. Limitations: Image collected on 15 December 2014 does not overlap with the image collected on 21 September 2016.
 3. Approximately 700 vehicles and trucks were observed in the close proximity to the Yemeni's checkpoint on 15 December 2014 image.
 4. Approximately 840 vehicles and trucks are observed on the border checkpoint of Yemen on 21 September 2016 image.



Al Mazyun

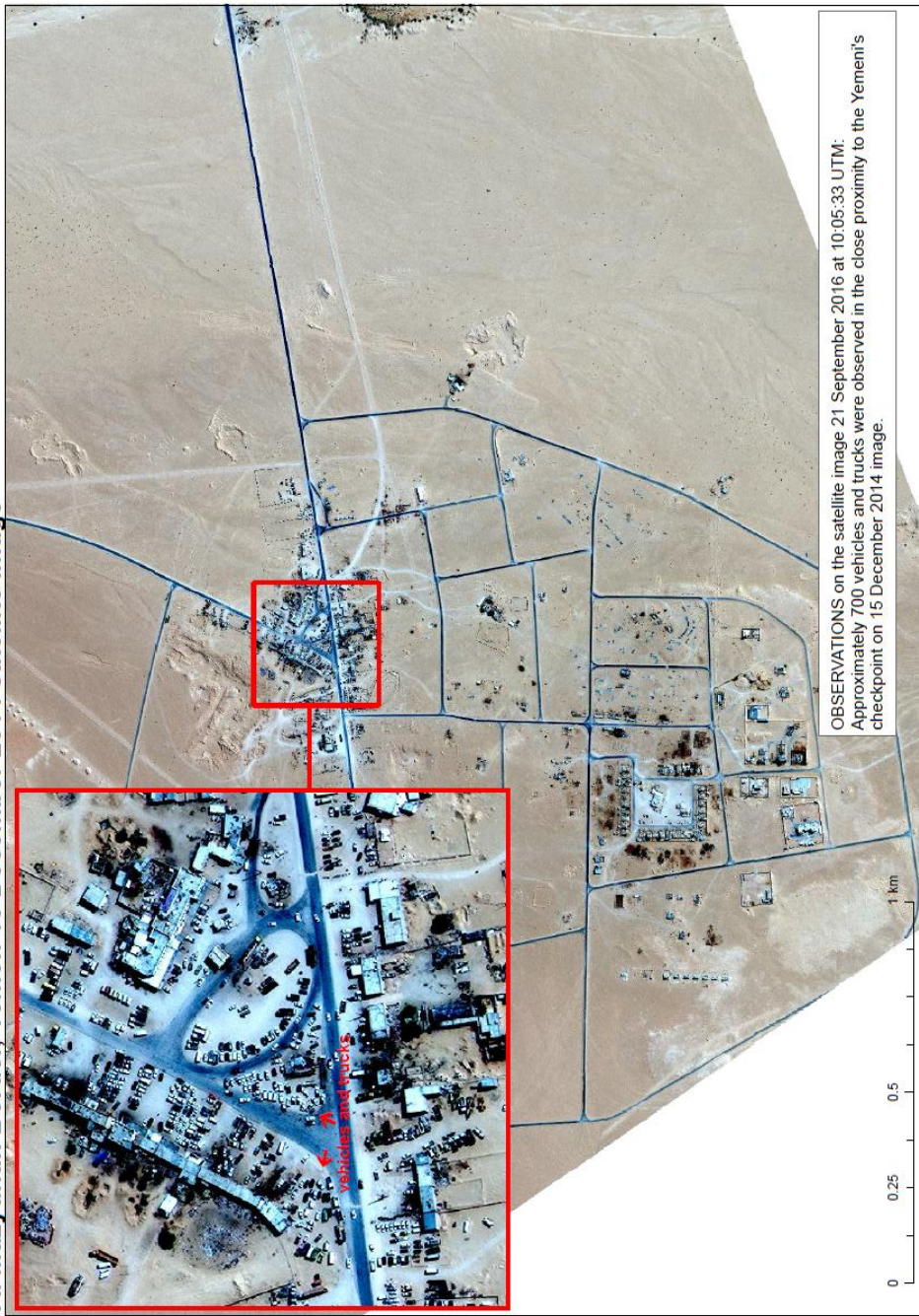


Al Mazyunah Border, Yemen 21 September 2016 satellite image



Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 16 November 2016
Image source: WV1 acquisition date 2016-09-21 time 10:05:33 UTM (C) 2016 DigitalGlobe

Al Mazyunah Border, Yemen 15 December 2014 satellite image



Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 12 December 2016
Image source: GEI acquisition date 2014-12-15 time 07:15:29 UTM (C) 2014 DigitalGlobe

Annex 13: Maritime attack against the SWIFT-1 High Speed Vessel (HSV)

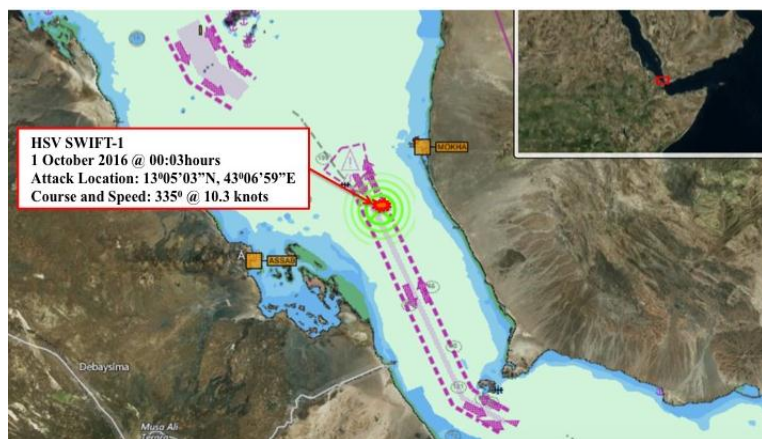
1. The attack on the United Arab Emirates' flagged vessel SWIFT-1 on 1 October 2016 was investigated by the Panel as a potential threat to the peace and security of Yemen. The use of anti-shipping missiles in the Strait of Bab al-Mandab and the Red Sea has the potential to affect the security of maritime navigation and commercial shipping and thus jeopardize the delivery of humanitarian assistance to Yemen by sea, in violation of paragraph 19 of resolution [2216 \(2015\)](#). Also, any attack on a civilian ship carrying humanitarian assistance is likely to be a violation of international humanitarian law (IHL).

A. Introduction

2. IHS Maritime data²⁶ shows that the SWIFT-1²⁷ stopped transmitting its automatic identification signal (AIS) a few seconds past midnight on the night of 30 September / 1 October 2016. Immediately prior to this the vessel was at a position 13°05'03"N, 43°06'51"E travelling on a course of 335° at a speed of 10.4 knots (see figure 13.1). Although the vessel was only 10.5 nautical miles from the Yemeni coast, and thus within Yemen's territorial waters, it was exercising its 'right of transit passage'²⁸ through the Strait of Bab al-Mandab international shipping lane. The vessel was in transit from Aden, Yemen to Assab, Eritrea at the time of the attack.

Figure 13.1

Last reported AIS position for SWIFT-1²⁹



B. SWIFT-1 background, operations and IHL

3. The SWIFT-1 was taken on long-term lease hire, from the original manufacturer, Incat³⁰ of Australia, by the National Marine Dredging Company of the United Arab Emirates (UAE) in July 2015.

4. A statement by the UAE on 5 October 2016 stated that the vessel was unarmed, had no military protection, and was carrying humanitarian assistance, wounded Yemenis and passengers. "In more than a year of operating routine journeys to Aden, the civilian ship has carried thousands of tonnes of humanitarian assistance and more than 1,000 wounded people, along with their companions, in addition to large equipment for the electricity, water and healthcare sectors

²⁶ <http://maritime.ihs.com/>

²⁷ Identification data. IMO 9283928 / MMSI 470149000.

²⁸ In accordance with Articles 38 and 39 of Part III of the UN Convention on the Law of the Sea (UN CONLAS).

²⁹ Image developed by Panel. Location from www.maritime.ihs.com database.

³⁰ <http://www.incat.com.au/>

which had significantly eased the suffering of the residents of Aden through the restoration of the infrastructure in these vital sectors”.³¹

5. The Panel has so far been unable to corroborate this statement by the UAE, and is unconvinced of its veracity for the following reasons:

(a) Data on one of the leading maritime traffic databases³² shows that the SWIFT-1 was in Port Rashid, UAE on 29 November 2015. Its next recorded movement, according to the vessel’s satellite based Automatic Identification System (AIS) was to Abu Dhabi, via Jebel Ali, on 25 May 2016. The first AIS recorded voyage to Aden was on 15 June 2016. Since 15 June 2016 the AIS shows that, with exception of four voyages to Al Mukalla, the vessel made 36 regular and routine direct voyages from Assab, Eritrea to Aden and return. This voyage pattern does not support a claim that it had been engaged in the delivery of humanitarian aid for “more than a year”. The Somalia and Eritrea Committee Monitoring Group (SEMG) recently reported that “regular movement of particular naval vessels, including the SWIFT-1” was an indicator that the UAE were transporting military personnel from Assab, Eritrea to Aden.³³ The Panel has identified from satellite imagery the presence of a UAE Navy Baynunah Class corvette in Assab Port,³⁴ unidentified military transport aircraft and helicopters at Assab airport³⁵ and the development of a military port at Assab airport.³⁶ Whilst the Panel has established a UAE military presence in Assab, there is no public record of any humanitarian organization based in, or operating from, Assab providing large quantities of bilateral aid to Yemen;

(b) The Panel was also informed that the SWIFT-1 had not previously delivered any UN coordinated humanitarian aid to Aden.³⁷ This particular voyage was very unlikely to contain any humanitarian aid to Yemen as the vessel was en route to Assab from Aden. The Panel wrote to the UAE on 4 October 2016 requesting details of the role of the vessel and the nature of the cargo and passengers relevant to humanitarian assistance to Yemen and is awaiting their response;

(c) Interviews with the crew of the vessel and open source media confirm that the only persons on board at the time of attack were the crew, who evacuated from the vessel with minimal injuries;³⁸

(d) The vessel is not shown as having ever operated as part of the National Marine Dredging Company support fleet on their company website.³⁹ SWIFT-1 is classified as a Logistics Naval Vessel on the ‘MarineTraffic’ database,⁴⁰ and as a Military Vessel, now “retired from service” on the manufacturer’s website;

(e) Although the vessel, a wave-piercing, aluminum-hulled, catamaran was originally designed and built to commercial standards, these included many military enhancements. For example, a helicopter flight deck, helicopter night landing capability, vehicle deck, small boat and unmanned vehicle launch and recovery capability, and a communications suite. The vessel also has four inbuilt gun mounts for 0.50” Heavy Machine Guns, although there is no evidence that any weapons were mounted at the time of the attack. It would be unusual to purchase, or lease, a vessel with these capabilities, for purely civilian purposes;

³¹ Statement of 5 October 2016.

³² www.maritime.ihs.com.

³³ Paragraphs 31 - 35, S/2016/290. See “وصول القوات السودانية إلى عدن”, Sky News Arabia, 17 October 2015. Available at www.youtube.com/watch?v=1Cs8eRuQfgw.

³⁴ Google Earth image dated 3 April 2016.

³⁵ Google Earth image dated 16 August 2016.

³⁶ Ibid.

³⁷ Two senior well-placed UN sources in Yemen.

³⁸ Confidential sources in contact with the crew.

³⁹ <http://www.nmdc.com/site/fleet>.

⁴⁰ <http://www.marinetraffic.com/en/ais/details/ships/shipid:442881/mmsi:470149000/vessel:SWIFT>.

(f) The vessel is painted Naval Grey, which is an unusual choice of colour for a civilian vessel. The manufacturer could have been painted the vessel in a more appropriate colour prior to delivery to the UAE in July 2015 if it was intended that the vessel be for purely civilian use;⁴¹ and

(g) The vessel is insured as taking part in naval support operations.⁴²

6. A ship that conducts military support operations may be considered as a military objective under principles of IHL.⁴³ At the time of attack and based on the above evidence, the Panel considers that the ship was operating directly to support the military efforts of one party of the conflict (the UAE). Thus, even with a civilian crew, the Panel finds that, based on the available evidence, the SWIFT-1 qualified as a military objective under IHL at the time of the attack.⁴⁴

C. Weapon system used for the attack

7. The performance and capability of the weapon system used for the attack is important to know in terms of determining what threat there is to the security of maritime navigation and commercial shipping in the Red Sea and Strait of Bab al-Mandab. This performance and capability depends on the type of weapon system used, hence the Panels' interest in the type available to the Houthi-Saleh alliance.

8. The delivery of humanitarian assistance to Yemen by sea could be jeopardized unless the above threat is fully understood and negated. Similarly the costs of shipping insurance could rise to prohibitive levels dependent on the view of the threat taken by the major maritime insurance brokers, such as the London based International Group of Protection and Indemnity clubs⁴⁵ that insure approximately 90% of the worlds ocean-going shipping.

Analysis of the Anti-Ship Missile (ASM) threat

9. There have been numerous media reports of the Houthis claim that a C-802 anti-ship missile (ASM) was used for the attack. The Panel is unable as yet to verify this claim for the missile type, as no available information confirms that the Yemeni Navy ever possessed that particular ASM system.

10. The Panel has identified that the Yemeni Navy had an ASM capability prior to the current conflict. In November 1990 and January 1991 a Member State supplied the Yemeni Navy with two Tarantul (Molnya) Class corvettes each armed with four P-21 'Termit' (Styx-2) surface-to-surface missile launchers. The requirement to use liquid propellant for the sustain rocket motor in the Styx-2 missile, the age of the system, and all of the inherent hazards and complexities involved in preparing a missile for launch, means that this attack option is assessed by the Panel as being unrealistic.

⁴¹ <http://www.incat.com.au/domino/incat/incatweb.nsf/0/76457AADD2C1A987CA2571AF0019EC66?OpenDocument>.

⁴² Confidential source.

⁴³ Customary IHL, which binds all parties to the conflict, including the UAE and the Houthi-Saleh alliance, reflects Article 52 (2) of the Additional Protocol I to the Geneva Conventions of 1949 in stating that: "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage". (Rule 8 of Customary IHL Study of the International Committee of the Red Cross (ICRC)).

⁴⁴ Military objectives are legitimate targets under IHL (see Rule 7 of the ICRC study). Given that there was a civilian crew the Houthis were under an obligation to ensure that IHL principles of distinction, proportionality and precautions in attack are adhered to when carrying out the attack. The Panel does not have sufficient information to assess whether the Houthis conducted this military operation in accordance with IHL.

⁴⁵ <http://www.igpandi.org>.

11. In June 1995, another Member State supplied the Yemeni Navy with three ‘Huangfen’ (Type 021) (Osa I Type) fast attack craft (missile). Each was armed with four HY-2 (C-201) surface-to-surface missile launchers. Open source information also states that this Member State subsequently supplied YJ-8 (C-801) type missile launchers to the Yemeni Navy on an unknown date, possibly in June 2007.⁴⁶

12. It is not known how many of these naval platforms were operational at the commencement of current hostilities in March 2015, nor how much they may have been subsequently degraded by Saudi Arabia-led coalition air strikes in support of the legitimate Government of Yemen.

13. Although the Panel is still investigating the type of ASM system that could have been used in this attack, it is highly probable that, based on known past procurement patterns, the ASM options most likely available to Houthi-Saleh forces are shown in table 13.1.

Table 13.1
Surface-to-surface ASM options and operational data

<i>Ser</i>	<i>ASM Type</i>	<i>Range (km)</i>		<i>Speed (m/s)</i>	<i>Explosive content (kg)</i>	<i>Remarks</i> ⁴⁷
		<i>Min</i>	<i>Max</i>			
1	HY-2 (C-201)		94.5	320	513+	Initially supplied in June 1995.
2	YJ-8 (C-801)	4.5	42.6	306	165	Reported as being supplied in 2006/2007.
3	C-802		120	306	165	Compatible with the C-801 launch system.
4	C-802A		180	306	165	
5	‘Noor’		120	306	150	Compatible with the C-801 launch system. Member State copies of the C-802.
6	‘Ghadar’		200		165	

14. The Panel was informed⁴⁸ that the ASM was a ‘Noor’, but has not provided any corroboratory evidence to support their claim. The source also claimed that the ‘Noor’ missile was an Iranian copy of the Chinese C-802, when in fact it is a copy of the Chinese C-801 system. The same source also claimed that all the old stocks of Yemeni Navy missiles had been destroyed, but this claim was also made for the land ballistic missile stocks; a claim events subsequently proved was optimistic. This all brings into question the credibility of the source, or their access to detailed technical information. Until the Panel can identify the type of missile and its original source of supply then a potential violation of the arms embargo cannot be ruled out.

15. The largest weapons system seen to date during an illicit maritime transfer by “stateless” dhows are anti-tank guided weapons (ATGW), which are significantly smaller than the above ASM types which are approximately 7.4m long.

⁴⁶ Member State June 2007 Report to the UN Register of Conventional Arms showed the supply of two missile systems.

⁴⁷ This does not imply that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015) in regards to this incident.

⁴⁸ Confidential source from a member State of the Saudi Arabia-led coalition.

16. The Panel has consulted an independent naval weapons engineer.⁴⁹ His technical assessment is that the experience and skills necessary to adapt a ship based missile of the types at table 1 into a land deployable system would not be much beyond those necessary to maintain, service and operate it on the vessel. In which case, an ASM could have been taken from a naval vessel, or out of storage, and paired with the firing system by Houthi-Saleh personnel who gained experience with the system during their time in the Yemeni Navy.

17. It should be noted that in a 2 October 2016 speech, Abdulmalik Al-Houthi (YEi.004) praised the creativity and dedication of the missile force command, which was able to hit in the heart of the “invaders”.⁵⁰

18. If the Houthi and Saleh forces have access to ASM then this represents a significant increase in their technological and operational capability.

19. The damage to the vessel seen in the imagery at figures 13.2 to 13.5 are highly indicative of that caused by fire and not by an explosion. The damage to the starboard bow of the vessel was certainly caused by the impact of a missile, whilst that on the port amidships side of the vessel is highly indicative of the exit of a missile. The angle between the impact and entry point matches the known information relating to the vessels course and the most likely firing point (see figure 13.6 and later 13.7).

Figure 13.2
Impact point of ASM on Starboard Bow



Figure 13.3
Impact point of ASM on Starboard Bow



Figure 13.4
Exit point of ASM Port Midships



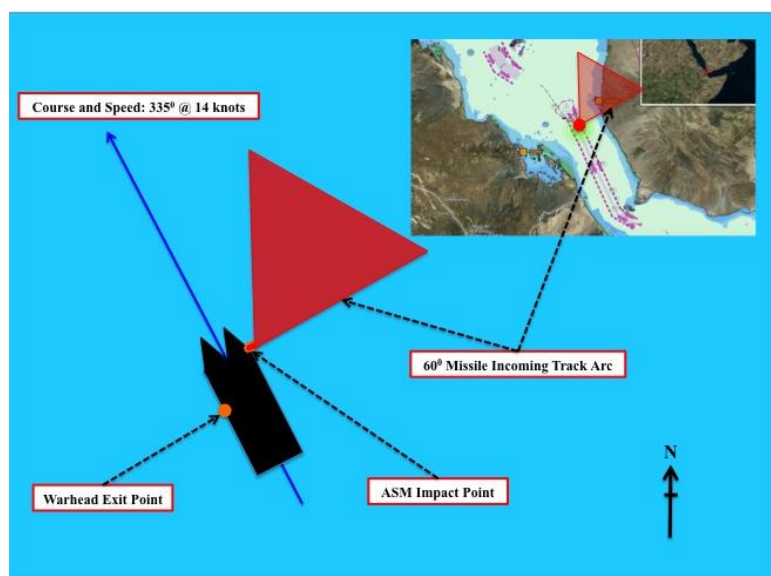
Figure 13.5
Fire damage to aluminium superstructure on Port Bow



⁴⁹ Lieutenant Commander (Retired) Colin Nicklas, BEng (Hons) MSc CEng MIET FCMI, Independent Engineering and Management Consultant.

⁵⁰ See <https://www.youtube.com/watch?v=6qFnJsvoskE>.

Figure 13.6
 Triangulation of missile impact point, missile exit point, course of vessel and likely firing point area



20. There is no evidence of any warhead detonation or damage caused by high explosives on the SWIFT-1. The detonation of a typical ASM warhead of 165kg would have been devastating for this type of vessel. The vessel was hit after the missile had travelled approximately 20km; the range of a typical ASM being over 100km. This means that probably only 20% of the propellant of the rocket motor had been expended. On impact with the vessel, and penetration into the hull, the thin case of the rocket motor would have broken up distributing the remaining burning propellant widely throughout the deck level of impact. Such propellant burns fiercely, at a very high temperature, and would have been impossible to extinguish using the ship's limited damage control system. It would not have helped that the vessel, being constructed of aluminium, was not designed to mitigate against this sort of thermal event. In effect an uncontrollable fire was initiated which could only be effectively fought with external assistance.

21. The warhead component of the missile could well have been travelling at over 200m/s (445mph/720kph), (66% of missile maximum velocity), after initial penetration of the hull as the resistance provided by the aluminium hull would not significantly have impeded its progress. It may have been slightly deflected off course, but it is unlikely it collided with any significant obstacle within the vessel as such a collision would have meant the unexploded warhead remaining within the ship, and there would be no port exit hole. This explains why the incoming missile track arc at figure 13.6 is not centralized on the likely firing point.

Analysis of Houthi released video imagery

22. The Houthis have released video imagery⁵¹ that they claim shows the ASM missile launch, and the SWIFT-1 then burning. The imagery certainly shows a burning vessel at sea being filmed from a moving small boat. The imagery quality is poor, but the Panel assesses that much of this imagery is credible based on:

(a) The imagery of the radar screen at the commencement of the video shows the red-crosshair cursor been moved over a radar image at a vector of approximately 230° (figure 13.7). This would equate to the flight vector of a missile been fired from the area of Al Mukha against a target in the area of the last known position of the SWIFT

⁵¹ Al-Masirah TV.

(see figure 13.6). This level of detail is unlikely to have been included in the unsophisticated Houthi propaganda videos seen by the Panel to date;

Figure 13.7
Radar showing 220° vector



(b) The flight profile of the missile on launch, and immediately after, shows the initial climb and then reduction in altitude for sustained flight. This is an indicator of an ASM. Free flight rockets (FFR) or short-range ballistic missiles (SRBM) in the Houthi-Saleh forces arsenal do not have this distinctive flight profile. Thus it is unlikely to be stock Houthi footage of previous missile launches;

(c) The imagery of the missile launch shows what is almost certainly the launch booster motor been jettisoned and falling away from a missile. All of the ASM options at table 13.1 use a jettisoned launch booster motor. No other system known to have been in the possession of the Yemeni Armed Forces in March 2015 uses a jettisoned launch booster system; and

(d) A later segment shows a row of windows on the burning vessel that display very similar characteristics to those of the SWIFT-1, (figures 13.8 and 13.9).

Figure 13.8
SWIFT-1 windows and claimed Houthi image



Figure 13.9
Houthi image showing window of burning vessel



Probable sequence of events for the ASM attack

23. The probable sequence of events based on the evidence available to date is:

(a) Houthi and Saleh forces received advanced warning when the SWIFT-1 departed Aden. As the Aden-Assab transit is a routine voyage for the vessel, for which Houthi and Saleh intelligence could have worked out the transit time, then an arrival time in the target area could easily have been predicted;

(b) The vessel has limited courses that it can take, so an early warning vessel (dhow or rigid inflatable boat) could have been pre-deployed along the SWIFT-1's route;

(c) The early warning vessel sent a radio message to the launch platform when the vessel was in the target area;

(d) The ASM search radar could easily identify the vessel based on the information from an early-warning system;

(e) The ASM launcher was aligned on the correct azimuth (approximately 220⁰ for a land launch), and a data algorithm then fed to the ASM from the launch platform as to the target vessel characteristics and approximate position;

(f) The ASM was launched. It climbed to approximately 50m altitude before separation of the booster rocket motor and then descended to a cruise altitude of approximately 20m to 30m above sea level. As it was probably programmed with a pre loaded target algorithm the ASM the terminal guidance seeker head in the ASM automatically searched for the target vessel;

(g) Once the terminal guidance seeker head acquired the target, the ASM descended to a height of between 5m to 7m above sea level for the terminal attack phase; then

(h) The ASM impacted on the target.

D. Relevant subsequent events

24. The SWIFT-1 attack triggered an immediate response from the US 5th Fleet, which deployed the 'Arleigh Burke' Class destroyers USS Mason (DDG-87) and USS Nitze (DDG-94) and the 'Austin Class' amphibious transport dock USS Ponce (AFSB 2015) to the area. These warships are able to monitor threats, protect shipping, and respond to any ASM attacks. As all these warships have an effective anti-ASM capability their deployment should improve the commercial maritime community's confidence in maritime security in the area.

25. On Sunday 9 October 2016 the USS Mason (DDG-87) was targeted by ASM⁵² in a location relatively close to the SWIFT-1 attack just north of the Strait of Bab al-Mandab. The Pentagon spokesperson initially stated that the USS Mason did not open fire to interdict the two inbound detected missiles and that the missiles crashed into the sea,⁵³ but subsequent reports suggest that defensive anti missile systems may have been used.⁵⁴ The USS Mason again detected an ASM launch on Wednesday 12 October 2016,⁵⁵ and a further launch may have taken place on Saturday 18 October 2016. The first two missile launches towards the USS Mason elicited a military response from the US Government, and three Tomahawk cruise missiles were launched from USS Nitze against radar stations on the Yemeni coast near Al Hudaydah,

⁵² Widely reported.

⁵³ <http://edition.cnn.com/2016/10/10/politics/yemen-us-navy-targeted/>.

⁵⁴ <https://news.usni.org/2016/10/11/uss-mason-fired-3-missiles-to-defend-from-yemen-cruise-missiles-attack>.

⁵⁵ 1) <http://www.defense.gov/News/News-Releases/News-Release-View/Article/971834/statement-by-pentagon-press-secretary-peter-cook-on-uss-mason>; and 2) <http://www.defense.gov/News/Article/Article/971904/uss-mason-responds-to-missile-threat-off-yemens-coast>.

Al Khawkah and Al Mukha on Thursday 13 October 2016.⁵⁶ The Panel has been unable to determine the post strike damage inflicted by these attacks.

26. The Panel has requested more specific technical information from the US Government on these ASM attacks and launches as it will help in the analysis of the SWIFT-1 attack, and thus the assessment of the threat to commercial shipping.

E. Conclusions

27. The Houthi and Saleh forces have demonstrated they had the technological capability to make a single attack on a large vessel in the area of Al Mukha and the Strait of al-Mandab. That technological capability will only last as long as:

(a) The Houthi and Saleh forces still have access to the old Yemeni naval stocks of missiles, supplied prior to the arms embargo. The dual missile attack against the USS Mason suggests they may; and

(b) The arms embargo is effective in ensuring there is no resupply of ASM to the Houthi and Saleh forces.

28. The Houthi-Saleh military alliance has potentially significantly increased the maritime threat to vessels transiting the Red Sea and Strait of Bab al-Mandab, or those delivering humanitarian aid to Yemen.

⁵⁶ 1) <http://www.defense.gov/News/Article/Article/972322/strikes-target-radar-sites-in-yemen>; and 2) <http://www.defense.gov/News/Article/Article/972852/us-responds-to-missile-attacks-targets-3-radar-sites-on-yemens-coast>.

Annex 14: Maritime attack against the MV Galicia Spirit
(STRICTLY CONFIDENTIAL)

Annex 15: The Families, Clans, and Tribe of Bayt al-Ahmar

1. Ali Abdullah Saleh (YEi.003) is from the village of Bayt al-Ahmar⁵⁷ and the family of Afaash, which is part of the Afaash clan of the Sanhan tribe.⁵⁸ The Sanhan tribe is part of the Hashid tribal confederation.

2. Although Ali Abdullah Saleh (YEi.003) is not the ‘Shaykh’ or head of the tribe, he is the most powerful figure within the tribe given the fact that he was Head of State. This allowed him to dispense favours within the tribe and provide jobs, particularly within the military to fellow tribesmen. This both helped the tribe and helped Ali Abdullah Saleh (YEi.003), as it allowed him to place trusted individuals in positions of power.

Table 15.1

Bayt al-Ahmar families, clans and tribe

<i>Group</i>	<i>Name</i>	<i>Remarks</i>
Tribal Confederation	Hashid	
Tribe	Sanhan	
Village	Bayt al-Ahmar	
Families	Afaash	Afaash al-Akwa Najar
	al-Qadhi	al-Qadhi al-Dhanayn Jaabr



⁵⁷ 15°07'35.7"N, 44°21'59.8"E.

⁵⁸ When Saleh's father, Abdullah, died, his mother, Nasiyyah, remarried Salih al-Ahmar, also from the Sanhan tribe.

Annex 16: Sons of Ali Abdullah Saleh (YEi.003)

(STRICTLY CONFIDENTIAL)

Annex 17: Nephews of Ali Abdullah Saleh (YEi.003)

(STRICTLY CONFIDENTIAL)

Annex 18: Wives of Ali Abdullah Saleh (YEi.003)

(STRICTLY CONFIDENTIAL)

Annex 19: Daughters of Ali Abdullah Saleh (YEi.003)

(STRICTLY CONFIDENTIAL)

Annex 20: Soldiers loyal to Ali Abdullah Saleh (YEi.003)

The following soldiers are known to have been killed fighting on the border between Saudi Arabia and Yemen during August 2016.⁵⁹

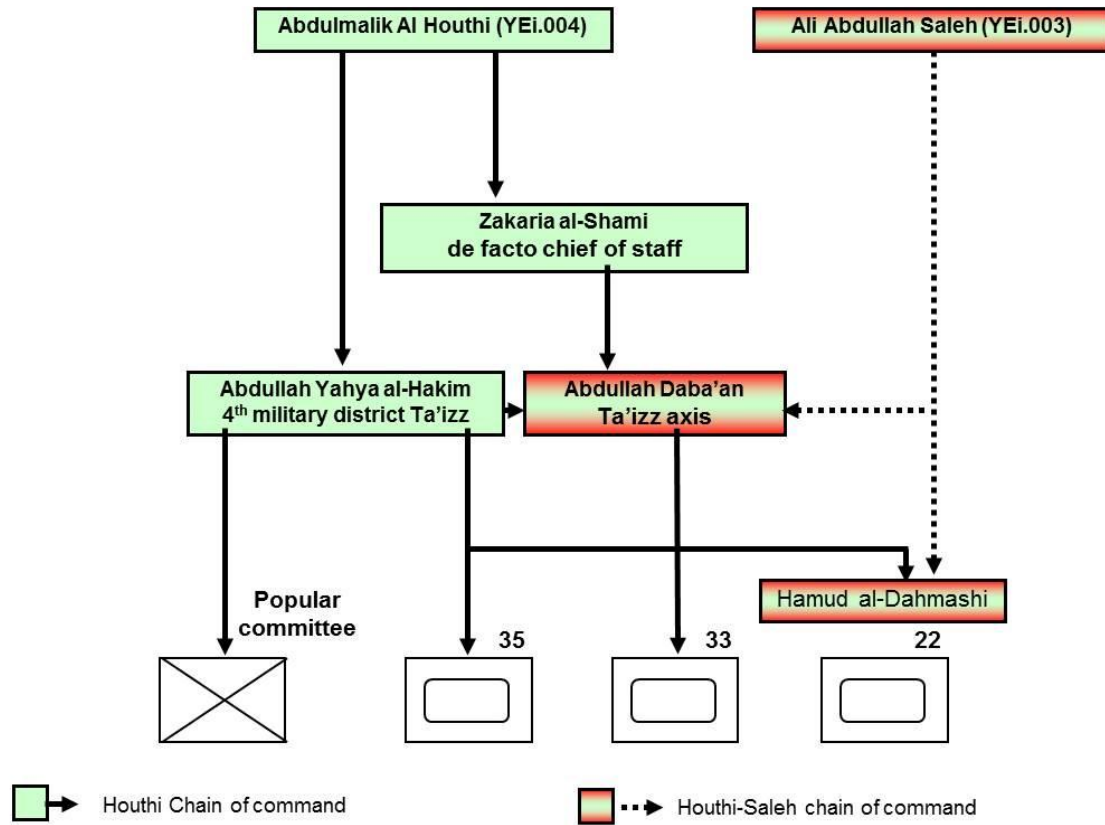
Table 20.1
Deceased soldiers loyal to Ali Abdullah Saleh (YEi.003)

<i>Ser</i>	<i>Name</i>	<i>Village</i>	<i>Tribe</i>
1	Sharif Ahmad		Sanhan
2	Muhammad Ahmad 'Alwan	Dhabwa	Sanhan
3	Abd al-Wali Muhammad 'Amār	Al Sawad	Sanhan
4	Abd al-Salam al-Araj	Bilad al-Rus	Sanhan
5	Fuad Abd al-Rahman Dalhus		Sanhan
6	Bilad al-Salih Muhammad al-Haduri	Al Sawad	
7	Hamir Salih Hazim		Sanhan
8			Sanhan
9	Ahmad Muhammad Jabir	Dar Salim	Sanhan
10	Sami Ahmad Najad	Al Sawad	Sanhan
11	Amran Hassan Sarfah	Bilad al-Rus	Sanhan

⁵⁹ Due to the difficulties in collecting the names and tribal affiliations of fighters killed in conflict, this list does not claim to be comprehensive. However, all the soldiers listed here are either members of the republican guards or the special guards, both of which were under the control of Ali Abdullah Saleh (YEi.003).

Annex 21: Houthi-Saleh alliance military structure

Figure 21.1
Houthi-Saleh alliance military structure



Annex 22: Background on the Houthi movement

1. The Houthis, also known as Ansar Allah,⁶⁰ are a Zaydi⁶¹ revivalist group⁶² that formed in the 1980s as a response to perceived state-sponsored attempts at cultural and religious eradication. The Zaydi imamate⁶³ of north Yemen was overthrown in 1962, ending more than a millennium of rule by local *sayyids*, descendants of the Prophet Muhammad, who formed the ruling class.⁶⁴ In the aftermath of the 1962 civil war and the successive Republican regimes that followed, Zaydi *sayyids* were discriminated against to the point that many within the community felt they were on the verge of extinction. These tensions boiled over in 2004 in the first of what would come to be known as the “Houthi Wars,” in which the central Government in Sana’a, headed by Ali Abdullah Saleh (YEi.003), fought the Houthis and their local allies.⁶⁵ Five more rounds of conflict would follow over the next six years.⁶⁶

2. In the aftermath of the Arab spring and President Saleh’s negotiated resignation in early 2012, the Houthis moved to consolidate control in and around the Governorate of Sa’dah, where they were based. In late 2014, while President Hadi was juggling multiple challenges to his rule, the Houthis pushed into Sana’a and by January 2015 they had placed President Hadi under house arrest. Two months later, following President Hadi’s escape to Saudi Arabia via Aden, the Saudi Arabia-led coalition launched Operation Decisive Storm on 26 March 2015, with the stated goal of returning President Hadi to power.

⁶⁰ Literally, the Partisans of God.

⁶¹ Zaydis are a Shi’ite sect of Islam that is doctrinally distinct from the type of Shi’ism practiced in countries such as Iraq or Iran, which is often referred to as twelver Shi’ism. Zaydi Shi’ism, as it has historically been practiced in Yemen, is often referred to as “fiver Shi’ism.” Some scholars of Yemen also refer to Zaydism as the “fifth school of Sunni Islam,” highlighting the traditional middle ground it has occupied between Sunnis and Twelver Shi’a.

⁶² Zaydi revivalists denote those who adhere to the traditional practice of Zaydism. For example Abdulmalik al-Houthi (YEi.004) is a Zaydi by heritage and adheres to traditional teachings of Zaydism. He is a Zaydi revivalist. On the other hand, Ali Abdullah Saleh (YEi.003) is a Zaydi by heritage but not in practice, and therefore is not a revivalist.

⁶³ In Zaydism the imamate is a religious and political office that headed the theocratic state, which ruled northern Yemen, with varying degrees of success, from 893 - 1962.

⁶⁴ The Houthis are a *sayyid* family.

⁶⁵ The original leader of the Houthi armed group was Husayn Badr al-Din al-Houthi, a former member of parliament from the Hizb al-Haqq party and the older half-brother of Abdulmalik al-Houthi (YEi.004). Husayn Badr al-Din al-Houthi was killed in September 2004.

⁶⁶ The second leader of Houthi movement was Badr al-Din al-Houthi, the father of both Husayn and Abdulmalik. Badr al-Din al-Houthi was killed in 2010 by an AQAP suicide bomber.

Annex 23: Houthi family tree
(STRICTLY CONFIDENTIAL)

Annex 24: Houthi prisoners released in Ma'rib (September 2016)⁶⁷

Table 24.1

Houthi prisoners released in Ma'rib

<i>Ser</i>	<i>Name</i>	<i>District</i>	<i>Governorate</i>
1	Bilal Saleh Ali al-Rabahi	al-Rajim	al-Mawhit
2	Ali Hasan Ali Saleh al-Asfari	Malhan	al-Mawhit
3	Muhammad Ali Ali Saleh al-Dharasi	Mitam	Ibb
4	Muhammad Ali Fatah Allah al-Hamati	Hafash	al-Mawhit
5	Mansur Muhammad Hasan al-Muamari	al-Rajim	al-Mawhit
6	Abdullah Ali Shatir Shatir	al-Madina	Amran
7	Ali Abdullah Salim al-Raymi		Raymah
8	Muhammad Ali Ahmed Sad al-Din	Bani al-Harith	Sana'a
9	Muhammad Saleh	Bani Hashish	Sana'a
10	Az al-Din Abdullah Ahmed al-Shalali	Bani Balhul	Sana'a
11	Anwar Ahmed Haydar	Ta'izz	Ta'izz
12	Najad Muhsin Abdullah Muqna'a	Dhawran Anis	Dhamar

⁶⁷ The release took place on 1 September 2016. The Panel believes that the different governorates from which these fighters came illustrates how the Houthis move militia fighters throughout the territory under their control.

Annex 25: Houthi appointed military district commanders

Table 25.1

Houthi appointed military district commanders

<i>military district</i>	<i>Location</i>	<i>Name</i>
1	Sayyun	No known Houthi Commander
2	Mukalla	No known Houthi Commander
3	Ma'rib	Unknown ⁶⁸
4	Aden/Ta'izz	Abdullah Yahya al-Hakim (YEi.002)
5	Hudaydah	Muhammad Said al-Hariri
6	Amran / Sa'dah	Unknown ⁶⁹
7	Dhamar / Sana'a	Ali Al Arjah Hamid Mujahid Al Khurashi

⁶⁸ Previous Houthi commander, Mubarak al-Mishn al-Zayadi, was killed in the Saudi Arabia-led coalition strike on the Funeral Hall in Sana'a on 8 October 2016.

⁶⁹ Previous Houthi commander, Muhammad al-Hawari, was killed in the Saudi Arabia-led coalition strike on the Funeral Hall in Sana'a on 8 October 2016

Annex 26: Houthi appointees in Dhamar⁷⁰

Table 26.1

Houthi appointees Dhamar

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Village</i>
1	Muhammad Muhsin Muhammad Jalan	assistant director for security	
2	Abdu Saleh Muhammad Amar	assistant director of security, police affairs	
3	Ibrahim Ali Ahmed al-Kibsi	director, administration affairs	
4	Abd al-Aziz Muhammad Ali Khayran	deputy director, criminal investigations	
5	Muhammad Husayn al-Gharabani	deputy director, prison administration	
6	Muhammad Ali Muhammad Abbas	director, financial affairs	
7	Ahmed Qasim Ali al-Sharfi	deputy, administration of officer affairs	
8	Ismail Husayn al-Marwani	deputy director, civil defence	
9	Husayn Ismail Rawayah	deputy director, traffic	
10	Ahmed Muhammad Najum al-Din	deputy director, local affairs	
11	Muhammad Muhammad Abd al-Wahhab al-Daylami	deputy director, information and planning	
12	Adil Ali Yahya Mutahir Nayyib	director, public relations	
13	Husayn Abdullah Ali al-Sharfi	director, industrial works	
14	Ahmed Saleh al-Shaubi	director, department of investigations	
15	Muayyad Abd al-Salam al-Taus	deputy director, communications	
16	Abdullah Muhammad Ali al-Washali	deputy director, leadership and command	
17	Muhammad Yahya Muhammad al-Murtadhi	deputy director, support and insurance	
18	Abd al-Wahhab Abbas Muhammad al-Mushki	deputy director, training and qualifications	
19	Mutahir Abdullah Muhammad al-Nahari	deputy director, police	Jabal Sharq
20	Jihad Mutahir al-Marwani	deputy director, police	Jahrān
21	Nasir Nasir Ali al-Bukhayti	deputy director, police	Dhawran
22	Ali Ali Husayn Mayis	deputy director, police	al-Manar
23	Saleh Ahmed Husayn al-Khalqi	deputy director, police	Atimah
24	Naji Muhammad Ali Saleh al-Khalali	deputy director, police	al-Huda
25	Yahya Abd al-Wahhab al-Daylami	deputy director, police	al-Miqā'ah
26	Abd al-Aziz Ismail al-Amdi	deputy director, police	Anis
27	Muhammad Abdullah Sharf Abu Talib	deputy director, police	Greater Wasab

⁷⁰ This table uses the Houthi appointees in one governorate, Dhamar, to illustrate how the Houthis take advantage of the existing bureaucratic structure, grafting a loyalist director or deputy director on to what is already in place. <http://www.almasadaronline.com/article/82943>.

Annex 27: Prominent AQAP figures⁷¹

Table 27.1
Prominent AQAP figures

<i>Ser</i>	<i>Name</i>	<i>Role</i>	<i>Remarks</i>
1	Qasim Yahya al-Raymi	Leader	(QDi.282)/ Yemeni
2	Ibrahim Asiri	Chief Engineer/Bombmaker (IED)	Saudi
3	Muhammad Abd al-Karim al-Ghazali	Financial Head	Yemeni
4	Khaled Umar Batarfi	Battle commander	Yemeni
5	Khamis Arfaj al-Marwani	Head of AQAP, al-Jawf	Yemeni
6	Muhammad Umar	Military Commander, al- Jawf	Yemeni
7	Wa'il Sayf (Abu Salim al-Adani)	Head of AQAP, Aden	Yemeni
8	Abu Yusif al-Lahji	Head of AQAP, Lahj	Yemeni
9	Ghalib al-Zayadi	AQAP leader, Ma'rib	Yemeni
10	Salim al-Najdi	Media figure	Saudi
11	Muhammad Abdullah Husayn Daramah	Judge on Shariah Council	
12	Ibrahim al-Quso	Propagandist	Former Guantanamo Detainee / Sudanese
13	al-Khadr Abdullah al-Walidi	Battle commander	
14	Khalid al-Daba	AQAP leader, Lahj	May be under arrest ⁷²
15	Muntasir Badi	Financial figure in Abyan	

⁷¹ This table has been compiled from a variety of sources, including confidential sources, interviews with individuals inside and outside of Yemen, open sources, news reports, and AQAP documents.

⁷² The Panel has received one report, which it has been unable to verify, that security forces loyal to President Hadi may have arrested Khalid al-Daba.

Annex 28: Summary of reported PBIED and SVIED attacks (2016)

Table 28.1
Summary of reported PBIED and SVIED attacks (2016)

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities</i> ⁷³	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
1	5 Jan 2016	Aden	SVIED	General Shallal Shayae, Aden Police Chief	4	8	0	0	AQAP	SVIED
2	28 Jan 2016	Aden	SVIED	Presidential Residence	2	5	ISIL		ISIL	Perpetrator named as 'Abu Hanifa Al-Hollandi'.
3	29 Jan 2016	Aden	SVIED	Police CP ⁷⁴	7		7		ISIL	Perpetrator named as 'Oweis al Adani'.
4	17 Feb 2016	Aden	SVIED	Ras Abbas Military Camp	14			60	ISIL	Perpetrator named as 'Abu Isa Al-Ansari'.
5	29 Feb 2016	Aden	SVIED	Government forces in Sheikh Othman District	4	0	0	0	ISIL	
6	2 Mar 2016	Aden	SVIED	Brigadier General Adel Al-Halemi, Aden Security Chief	0	0	0	0	ISIL	Residence attacked.
7	25 Mar 2016	Aden	SVIED	CP in Shaab District					ISIL	
8	25 Mar 2016	Aden	SVIED	CP in Shaab District	17	10	NK	NK	ISIL	
9	25 Mar 2016	Aden	SVIED	CP in Mansura District					ISIL	Device in an ambulance
10	12 Apr 2016	Aden	PBIED	Government forces in Sheikh Othman District	4	0	7	2	ISIL	At bus stop
11	15 Apr 2016	Aden	SVIED	Foreign Ministry	0	0	0	0	ISIL	SVIED
12	17 Apr 2016	Aden	SVIED	CP near airport	4	2	0	0		SVIED

⁷³ Excluding the 'suicide' bomber.

⁷⁴ Check Point.

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities</i> ⁷³	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
13	24 Apr 2016	Zinjibar	SVIED	Military convoy	7	14	0	0		
14	28 Apr 2016	Aden	SVIED	General Shallal Shayae, Aden Police Chief	0	2	0	0		SVIED
16	11 May 2016	Al-Qatan	SVIED	Major General Abdul-Rahman Al-Halili, Commander, 1 st Military District	6	2	5	0	AQAP	
17	12 May 2016	Mukalla	SVIED	Gate of Naval Base					ISIL	Perpetrator named as 'Hamza Al-Muhajir'.
18	12 May 2016	Mukalla	SVIED	Inside Naval Base	0	16	0	8	ISIL	
19	12 May 2016	Mukalla	SVIED	Major General Faraj Salmeen, Commander, 2 nd Military District					ISIL	HQ attacked.
20	15 May 2016	Mukalla	PBIED	Police Recruitment Centre, Fuwah District	41		60		ISIL	Perpetrator named as 'Abu Al-Bara Al-Ansari'.
21	15 May 2016	Mukalla	PBIED	Major General Mubarak Al-Oubthani, Hadramawt Security Chief	0	6	0	1	ISIL	
22	16 May 2016	Mukalla	PBIED	Police Recruitment Centre, Fuwah District	0	0	0	0	ISIL	
23	23 May 2016	Aden	SVIED	Military recruitment centre queue, Khor Maksar District	20	0	60	0	ISIL	Perpetrator named as 'Abu Ali Al-Adeni'.
24	23 May 2016	Aden	PBIED	Commanders residence, queue of recruits	25	0	NK	0	ISIL	

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities</i> ⁷³	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
25	27 June 2016	Mukalla	PBIED	Intelligence Base	0	38	24	0	ISIL	
26	6 Jul 2016	Aden	SVIED	Solaban Military Base	14	10	0	0	AQAP	
27	18 Jul 2016	Mukalla	SVIED	Military CP	0	0	0	0	AQAP	
28	20 Jul 2016	Aden	IED	Aden	4	0	6	0	AQAP	
29	2 Aug 2016	Aden	SVIED	Military base	0	6	0	12		
30	2 Aug 2016	Aden	SVIED							
31	7 Aug 2016	Lahj	SVIED	Military patrol	0	10	18	0		
32	18 Aug 2016	Near Lawder, Abyan	SVIED	Military patrol	0	4	0	4	AQAP	
33	29 Aug 2016	Aden	SVIED	Military base	0	72	0	80	ISIL	
34	11 Sep 2016	Aden	SVIED		0	10	0	0		
35	11 Sep 2016	Abyan	SVIED	Military position	0	0	0	14		
36	1 Oct 2016	Aden	PBIED	Civilians	0	2	0	4		
37	27 Oct 2016	Lawder, Abyan	IED	Police patrol					AQAP	
38	29 Oct 2016	Aden	SVIED	Central Bank	0	0	5	0		
39	16 Nov 2016	Shabwah	SVIED	Governor	1		2			
40	10 Dec 2016	Aden	PBIED	Military base		48		29	ISIL	
41	18 Dec 2016	Aden	PBIED	Military base		40		50	ISIL	

Annex 29: US air and drone strikes in Yemen (2016)⁷⁵

Table 29.1
Summary of US air and drone strikes in Yemen (2016)

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Casualties</i>		<i>Remarks</i>
			<i>Fatal</i>	<i>Injured</i>	
1	3 Feb 2016	Shabwah	6		
2	29 Feb 2016	Hadramawt	3		
3	22 Mar 2016	Hadramawt	56		AQAP training camp
4	30 Mar 2016	Shabwah	2		
5	23 Apr 2016	Ma'rib	2		
6	25 Apr 2016	Shabwah	2		
7	25 Apr 2016	Abyan	2		
8	28 Apr 2016	Shabwah	4	1	
9	19 May 2016	Shabwah	4		
10	8 Jun 2016	Bayda'	2		
11	10 Jun 2016	Ma'rib	2		
12	12 Jun 2016	Shabwah	2	1	
13	1 Jul 2016	Shabwah	2		
14	4 Jul 2016	Shabwah	2		
15	8 Jul 2016	(Central Yemen)	1		
16	16 Jul 2016	(Central Yemen)	6	1	
17	4 Aug 2016	Shabwah	3		
18	24 Aug 2016	Shabwah	4		
19	30 Aug 2016	Shabwah	3		
20	4 Sep 2016	Shabwah	6	1	
21	20 Sep 2016	Ma'rib	2		
22	22 Sep 2016	Bayda'	2		
23	29 Sep 2016	Bayda'	1	1	
24	6 Oct 2016	Shabwah	2		
25	18 Oct 2016	Shabwah	6		
26	21 Oct 2016	Ma'rib	5		
27	20 Nov 2016	Bayda'	1		
28	24 Nov 2016	Bayda'	2		
29	30 Nov 2016	Hadramawt	3		
30	13 Dec 2016	Ma'rib	3		

⁷⁵ Information compiled from US Central Command.

Annex 30: Prominent ISIL figures⁷⁶

Figure 30.1

Prominent ISIL figures

<i>Serial</i>	<i>Name</i>	<i>Role</i>	<i>Remarks</i>
1	Muhammad Said Umar Bawazir (Abu Maali al-Qirshi)	An ISIL leader	
2	Nasir al-Ghaydani (Abu Bilal al-Harbi)	An ISIL leader	Saudi Arabian ⁷⁷
3	Khaled Abdullah al-Marfadi	Military commander	Yemeni ⁷⁸
4	(Abu Abd al-Rahman al-Muhajir) ⁷⁹	Shariah official	
5	(Abu Saleh) ⁸⁰	Military commander	
6	Khaled Umar al-Marfadi	Financial official	Yemeni ⁸¹

⁷⁶ This table has been compiled from a variety of sources, including confidential sources, interviews with individuals inside and outside of Yemen, open sources, and news reports. Names in parentheses indicate a *nom de guerre* or *kunya*.

⁷⁷ In the mid-term update the Panel reported that AQAP claimed that al-Harbi had been killed in Hadramawt when a hand grenade in a safe house detonated. The Panel has not been able to confirm this information.

⁷⁸ al-Marfadi is from Yafa'a.

⁷⁹ al-Muhajir reportedly also uses the *kunya*: Abu Muhammad al-Kanani.

⁸⁰ Abu Saleh reportedly also uses the *kunya*: Abu Husayn.

⁸¹ Also from Yafa'a.

Annex 31: Government appointed Military District commanders

Table 31.1
Government appointed Military District commanders.

<i>Military District</i>	<i>Dis-</i> <i>Area</i>	<i>Name</i>
1	Sayyun	Saleh Muhammad Tamis
2	Mukalla	Faraj Salamin al-Bahasani
3	Ma'rib	Adil Hashim al-Qaymiri ⁸²
4	Aden/Ta'izz	Fadhil Hasan al-Amri
5	Hudaydah	Tawfiq Muhammad Abdullah al-Qayz
6	Amran / Sa'dah	Amin al-Wa'ili
7	Dhamar / Sana'a	Ismail Hasan Zahjuh

⁸² Major General Adil Hashim Al-Qaymiri was appointed by Vice President and Head of the Government's Armed Forces, Ali Muhsin al-Ahmar, in October 2016 following the death of the previous Commander of the 3rd Military District, Major General Abd al-Rabb al-Shadadi, on 7 October 2016. Major General Adil Hashim al-Qaymiri is from Ta'izz. In 2011, when he was commander of the 125th Mechanised Brigade, he broke with then President Ali Abdullah Saleh (YEi.003) to support the protesters. In 2012, President Hadi appointed him as commander of the 125th Mechanized Infantry Brigade in al-Jawf, and later al-Qaymiri was named Axis Commander in al-Jawf. In 2015, President Hadi named him commander of the 5th Military District (Hudaydah).

Annex 32: Timeline of key security events concerning Yemen (2016)

Table 32.1

Timeline of key security events concerning Yemen (2016)

<i>Ser</i>	<i>Event</i>	<i>Location</i>	<i>Date (2016)</i>
1	Cessation of Hostilities Agreement	Yemen	10 April
2	Peace talks begin	Kuwait	20 April
3	AQAP withdrawal from Mukalla	Mukalla	25 April
4	Car bomb targeting Aden Governor, Aydrus al-Zubaydi	Aden	15 July
5	Houthi-Saleh Political Council announced	Sana'a	28 July
6	First soldier loyal to Saleh killed on border with Saudi Arabia	Border with Najran	31 July
7	Peace talks end	Kuwait	15 August
8	Houthi-Saleh Supreme Political Council formed	Sana'a	15 August
9	Houthi-Saleh Supreme Political Council issue 1 st Decree	Sana'a	15 August
10	Saudi-Arabia led coalition hits Abs hospital	Hajjah	15 August
11	USA announces reduction of staff in Joint Planning Cell	Saudi Arabia	19 August
12	ISIL suicide bombing, killing 54	Aden	29 August
13	Further reports of forced displacement of Northerners	Aden	27 September
14	Houthis attack UAE SWIFT vessel	Red Sea Coast	1 October
15	Abd al-Rab al-Shadadi, Government 3 rd Military District Commander killed	Ma'rib	7 October
16	Saudi Arabia-led coalition strike on funeral hall, killing 200+	Sana'a	8 October
17	Houthis fire anti shipping missiles towards two US Naval ships	Red Sea Coast	9 October
18	Houthis 'target' USS Mason with anti-shipping missiles	Red Sea Coast	12 October
19	US naval ship fires three Tomahawk cruise missiles at Houthi radar installations	Red Sea Coast	13 October
20	Mansur Mujahid Nimraan, Houthi Axis Commander in Hudaydah killed	Hudaydah	14 October
21	72-hours Cessation of Hostilities begins	Yemen	19 October
22	Cessation of Hostilities ends	Yemen	23 October
23	Houthi-Saleh Supreme Political Council announces formation of 42-person government	Sana'a	28 November

Annex 33: Active ‘battle fronts’ in Yemen (2016)

A. Ta’izz ‘front’

1. Ta’izz continues to witness heavy fighting between military units loyal to Ali Abdullah Saleh (YEi.003) and militias under the command of Houthi fighters, who are arrayed against local resistance forces, which have included Salafi fighters as well as AQAP members,⁸³ in addition to troops loyal to President Hadi. Both sides have engaged in the targeted destruction of homes, kidnappings, as well as indiscriminate shelling, which has claimed the lives of civilians. The humanitarian situation remains extremely dire.

2. The Panel has documented the following brigades taking part in the fighting: 17th Infantry Brigade, 22nd Armoured Brigade from the Republican Guards, 33rd Armoured Brigade, 35th Armoured Brigade and 170th Air Defence Brigade. Below is a brief sketch of the prominent figures in the conflict, which the Panel has identified, on the four sides: Houthis, Saleh, Government of Yemen, and local “resistance”.⁸⁴

Table 33.1

Prominent Houthi figures on the Ta’izz front

<i>Serial</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Abdullah Yahya al-Hakim (Abu Ali)	Houthi commander, 4 th military district	(YEi.002)
2	Abdu Ali al-Janadi	Houthi-appointed governor of Ta’izz	Appointed 28 November 2015
3	Abd al-Hakim al-Junaid	Houthi commander	Brother of #4
4	Mahmoud al-Junaid	Houthi commander, al-Sarari area, near Mount Sabr	Brother of #3
5	Akram al-Junaid	Houthi commander, Eastern Ta’izz	Facilitated Houthi entry into Ta’izz
6	Hamud al-Hashidi	Houthi appointed director of intelligence	

⁸³ The Panel is aware of reports indicating that two high-level ISIL commanders were killed in the fighting in Ta’izz, but has been unable to independently verify these reports.

⁸⁴ The Panel has chosen to put “resistance” in quotes, because it realizes that not all locals in Ta’izz have sided with the “resistance.” Indeed, many have sided with the Houthis.

Table 33.2
Prominent figures loyal to Saleh on the Ta'izz front

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Abdullah Hizam Naji al-Dhaban ⁸⁵	Axis commander, Ta'izz	From Saleh's Sanhan tribe
2	Hamud Hasan al-Harithi	Brigadier General, commander of central security forces, Ta'izz	
3	Hamud al-Dahmashi	commander, 22 nd armoured brigade, republican guard	
4	Ali Numan Muhammad al-Saghir	Lieutenant Colonel, 33 rd armoured brigade	Artillery specialist under command of al-Dhaban
5	Amar Daghish	Lieutenant Colonel, 33 rd armoured brigade	Under command of al-Dhaban
6	Ahmed al-Araj	Lieutenant Colonel, 33 rd armoured brigade	Specialist in Katusha FFR, under command of al-Dhaban
7	Mansur Mujayayr	Commander of Khaled Camp for 35 th armoured brigade	
8	Zakariya al-Muta'a	republican guard commander	
9	Muhammad Abd al-Wasa al-Qahtan	Tribal Shaykh	Kidnapped on 9 November 2016 reportedly by forces operating under the command of Yusif al-Shiraji

Table 33.3
Prominent Government of Yemen figures on the Ta'izz front

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Fadhil Hasan al-Amri	Government Commander, 4 th Military District	
2	Khalid al-Fadhil	Axis Commander, Ta'izz	
3	Yusif Ali al-Shiraji ⁸⁶	Government Commander	
4	Adnan Muhammad Muhammad al-Hamadi	Government Commander, 35 th Armoured Brigade ⁸⁷	

⁸⁵ Staff Brigadier General Abdullah Hizam Naji al-Dhaban is also commander, 33rd armoured brigade, and has a history in Ta'izz. In 2011, Ali Abdullah Saleh (YEi.003) named al-Dhaban commander, 33rd armoured brigade (he was previously Commander, 107th Mechanised Brigade), where he reacted violently to protests against Saleh's rule. As a result, under President Hadi, the 33rd Armoured Brigade was transferred to Baydha'. However, on 6 June 2015 President Hadi fired al-Dhaban.

⁸⁶ The Panel is uncertain if al-Shiraji remains in Ta'izz. He was in the city as late as mid-November, but has since been named an 'adviser' to the Ministry of Defence and is no longer Axis Commander in Ta'izz, a position he took up on 15 January 2016.

⁸⁷ al-Hamadi does not have control over the entire brigade as it is split between forces loyal to President Hadi (35th Armoured Brigade) and forces loyal to the Houthis-Saleh alliance (35th armoured brigade).

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
5	Sadiq al-Sarhan	Government Commander, 22 nd Armoured Brigade, Republican Guard ⁸⁸	President Hadi appointed.
6	Abd al-Rahman al-Shamsani	Commander, 17 th Infantry Brigade ⁸⁹	President Hadi appointed.
7	Abd al-Walid Sarhan	Official in the Political Security Organization	
8	Nabil al-Maqrani	Colonel, 35 th Armoured Brigade	

Table 33.4

Prominent “Popular Resistance” figures on the Ta’izz front⁹⁰

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Adil Abdu Farea (Abu al-Abbasi) ⁹¹	Salafi commander	Most powerful Resistance figure.
2	Hamud Said al-Mikhlaifi	Former Brigadier General in the Political Security Organization (PSO)	Has lost funding and power in 2016
3	Muhammad Ibrahim al-Mikhlaifi	Head of Resistance Consultative Council, Mount Sabir	Deputy Director of Police, appointed 1 September 2016
4	Nail al-Adimi	Resistance leader	
5	Abd al-Qawi al-Mikhlaifi	Resistance leader, associated with Islah	
6	Abdu Hamud al-Saghir	Resistance leader, western Ta’izz	
7	Nabil al-Wasili ⁹²	Salafi commander	
8	Abu al-Suduq ⁹³	Salafi commander	

⁸⁸ The majority of 22nd armoured brigade is loyal to Saleh.

⁸⁹ The brigade is split between those loyal to President Hadi (17th Infantry Brigade) and those loyal to the Houthis and Saleh (17th infantry brigade) .

⁹⁰ The Panel uses “resistance” to designate forces aligned against the Houthi-Saleh military alliance in Ta’izz. The “resistance” is a loose coalition of militias bound together only by a common enemy. In 2016, Salafis, particularly those under Abu al-Abbasi, have become the most powerful individual component to this rather nebulous constellation of groups.

⁹¹ Abu Abbas is the most powerful resistance fighter in Ta’izz. The Panel has documented trips he has taken to Aden in the south, as well as reports of visits to foreign countries. Abu Abbas was born in Ta’izz in 1971. He studied at Dar al-Hadith in Sa’dah before returning to Ta’izz to take part in the fight against Houthi and Saleh forces there. He is a person of interest for the Panel. For more on his background see a two-part interview he gave to al-Medina al-An, which was published in late October 2016. http://www.alwahdawi.net/news_details.php?sid=16867 The Panel believes that it is Abu al-Abbasi’s forces that have welcomed AQAP fighters into the conflict in Ta’izz.

⁹² Studied at Dar al-Hadith in Sa’dah.

⁹³ Like Abu al-Abbasi and Nabil al-Wasili, Abu al-Suduq studied at Dar al-Hadith in Sa’dah. However, Abu al-Suduq’s fighters have clashed with Abu al-Abbasi’s men.

B. Sirwah, Ma'rib

Fighting is also ongoing in Ma'rib, largely between Houthi forces on one side and so-called "popular resistance" forces and troops loyal to President Hadi on the other, including members of the 14th Armoured Brigade.⁹⁴ The fighting has ebbed and flowed throughout the period covered by this report, and on 1 September 2016, the Houthis and the resistance agreed to a prisoner exchange of 12 prisoners each.⁹⁵ The Houthi prisoners released came from several different governorates within Yemen, which illustrates how the group is moving fighters around the country. On 7 October 2016, Major General Abd al-Rabb al-Shadadi, the military commander for the 3rd Military District loyal to President Hadi, was killed.⁹⁶ He was replaced by Major General Adil Hashim al-Qaymiri.⁹⁷ Vice President Ali Muhsin al-Ahmar has also spent a significant amount of time in Ma'rib throughout the second half of 2016.

C. Saudi border

Elements of the Republican Guards loyal to Ali Abdullah Saleh (YEi.003) began fighting on the Saudi border with Jizan and Najran (Saudi Arabia) in late July and early August 2016. Fighting continues in this area, and Houthi-Saleh forces have also launched ballistic missiles into these regions (see annex 42).

D. Nihm, Sana'a

Throughout the period covered by this report, fighting has been ongoing in the Nihm region, just east of Sana'a. Militias loyal to Abdulmalik al-Houthi (YEi.004) and troops loyal to Ali Abdullah Saleh (YEi.003), including the 62nd mechanised infantry brigade from the republican guards,⁹⁸ are allied against militias loyal to President Hadi as well as against regular troops. Much of the fighting has centred on the taking and re-taking of mountains and other strategic points in the region. Additionally, the Saudi Arabia-led coalition continues to strike targets inside the city of Sana'a.

E Other areas

The Panel has also noted fighting in Hajjah, particularly in Midi,⁹⁹ continued clashes in Jawf, and periodic raids and reprisals in Bayda'a. The Saudi Arabia -led coalition continues to strike targets throughout areas held by the Houthis. Abyan, Aden and Hadramawt continue to suffer under AQAP and ISIL attacks.¹⁰⁰

⁹⁴ On 8 September 2016, the Commander of the 14th Armoured Brigade, which used to be part of the Republican Guards, Staff Brigadier General Muhsin al-Daari, was wounded in the fighting. See: <http://www.yemenakhbar.com/yemen-news/490041.html> Most of the 14th Armoured Brigade has sided with President Hadi.

⁹⁵ See annex 24 for a list of the Houthi prisoners exchanged. The panel was unable to confirm the identities of the resistance fighters released.

⁹⁶ At al-Shadadi's funeral, held on 14 October 2016, six days after the Saudi-led coalition attack on Ali al-Rowayshan's funeral in Sana'a, two bombs went off, killing al-Shadadi's older brother, Salim Qasim al-Shadadi, and Lieutenant Muhammad Nasir Murshid Shurif, the Guard Commander for the governorate of Sana'a. See: <http://www.alkhaleej.ae/alkhaleej/page/d50574bd-be7e-4b1c-b5cf-c49b5d9b2ec4>.

⁹⁷ For the Government of Yemen's Military Commanders see annex 31. al-Qaymiri's previous position had been as Inspector General for Yemen's Armed Forces.

⁹⁸ The 62nd mechanised infantry brigade from the republican guards under the command of Major Murad al-Awbali, which is based in Amran, participated in the fighting in Nihm. Al-Awbali is now commander of the Republican Guards, replacing Brigadier General Ali bin Ali al-Ja'ifi, who died on 10 October 2016, from wounds sustained two days earlier in the Saudi Arabia-led coalition attack on a community hall in Sana'a.

⁹⁹ The Panel has received information that Abd al-Khaliq al-Houthi (YEi.001) is leading Houthi forces in this area and that they are fighting alongside elements of the republican guard. Another prominent Houthi figure, Yusuf al-Madani, who is married to the daughter of Husayn al-Houthi (deceased 2004) is reportedly active on this front as well.

¹⁰⁰ For a list of major security events in 2016 see annex 32.

Annex 34: Battlefield captured weapons in Houthi or AQAP use (2016)

1. The Panel has identified a number of weapons that were in the possession of individual fighters affiliated with either the Houthis or AQAP. The weapons had been either captured after combat between Saudi Arabia-led coalition and the Houthis or AQAP, or after misdirected air resupply drops by the Saudi Arabia-led coalition. In the longer term the majority of these weapons will be of little use to Houthi or Saleh forces as the ammunition needed does not match the proliferation of weapons captured from the Yemeni national stockpile and now in the possession of Houthi and Saleh forces.

Table 34.1

Summary of tracing requests for weapons identified in possession of Houthi fighters

<i>Weapon Type</i>	<i>Manufacturer State¹⁰¹</i>	<i>User State</i>	<i>Notes / result of tracing request</i>
Glock 19 Gen 4 9 x 19mm self loading pistol	USA		Manufacturer confirmed supply to Yemen.
Instanza, C-90-CR-RB anti-armour rocket launchers	Spain	Saudi Arabia	Manufacturer confirmed supply to Saudi Arabia. No response from Saudi Arabia to Panel enquiry. ¹⁰²
66mm Light Anti Tank Weapon (LAW)	USA	Saudi Arabia	No tracing request sent as: 1) Saudi Arabia known to be a user of this weapon type; and 2) over ten years old.
LRT-3 SWS 12.7mm sniper rifle	Canada	Saudi Arabia	Manufacturer confirmed supply to Saudi Arabia. No response from Saudi Arabia to Panel enquiry.
SSTI Kinetics, AR 80 5.56mm Assault Rifle	Singapore		The weapon with this serial number was initially supplied to Yugoslavia in December 1990, but this is not that weapon, it is a copy. ¹⁰³
Steyr AUG 5.56mm Assault Rifle	Austria	Saudi Arabia	No tracing request sent as: 1) Saudi Arabia known to be a user; and 2) no serial number visible.

¹⁰¹ The Panel is not implying that for this enquiry that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015). The Panel's tracing requests were aimed at better understanding how weapons are being smuggled into Yemen for the benefit of individuals listed by the Security Council Committee established pursuant to resolution 2140 (2014) or by other individuals subject to the targeted arms embargo.

¹⁰² Panel requests to the Permanent Mission of Saudi Arabia dated 17 June, 8 July and 24 August 2016.

¹⁰³ Letter from Permanent Mission of Singapore dated 17 October 2016.

Table 34.2
Summary of tracing requests for weapons identified in possession of AQAP fighters

<i>Weapon Type</i>	<i>Manufacturer State</i> ¹⁰⁴	<i>User State</i>	<i>Result of tracing request</i>
RPG-32 <i>Nashshab</i> Rocket Launcher	Jordan	Jordan	No response to Panel enquiry. ¹⁰⁵

Figure 34.1
AR80 5.56mm assault rifle (copy)



Figure 34.2
Instanza C-90-CR-RB rocket launcher¹⁰⁶



Figure 34.3
LRT-3 SWS 12.7mm anti-material rifle



Figure 34.4
Glock 19 Gen 4 9 x 19mm Pistol



¹⁰⁴ The Panel is not implying that for this enquiry that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015).

¹⁰⁵ Panel requests to Permanent Mission of 11 April and 8 July 2016.

¹⁰⁶ The manufacturer, Instanzla S.A confirmed that they had supplied this ammunition to a member State of the Saudi Arabia-led coalition. The possession by the Houthi is as a result of a misdirected airdrop by the Saudi Arabia-led coalition.

Figure 34.5
Steyr AUG Assault Rifle¹⁰⁷



Figure 34.6
RPG-32 'Nashshab'¹⁰⁸



Figure 34.7
66mm LAW



¹⁰⁷ Confidential source.

¹⁰⁸ Hoplite Report. *Ansar-al-Sharia with RPG-32 rocket launcher in Yemen*. Armament Research Services (ARES). 30 March 2016. <http://armamentresearch.com/tag/hashim/>.

Annex 35: Images of maritime seizures

A. FV Nasir (25 Sep 2015)¹⁰⁹

Figure 35.1
9M113 Konkurs ATGW



Figure 35.2
9M113 Konkurs ATGW



B. FV Samer (27 Feb 2016)¹¹⁰

Figure 35.3
SA93 Assault Rifle



Figure 35.4
Type 56 variant Assault Rifle



Figure 35.5
RPG 7 variant



Figure 35.6
AIM Assault Rifle



¹⁰⁹ Imagery from Government of Australia.

¹¹⁰ Ibid.

Figure 35.7
AKM Assault Rifle



Figure 35.8
PKM Machine Gun



C. Unnamed dhow (20 Mar 2016)¹¹¹

Figure 35.10
AKM variant Assault Rifle



Figure 35.11
Dragunov variant Sniper Rifle



Figure 35.12
9M133 Kornet or Dehlayvah variant ATGW



D. FV Adris (28 Mar 2016)

No images as yet supplied by the US Government.

¹¹¹ Images from confidential sources.

Annex 36: Land route smuggling seizures

A. Weapon types in Houthi possession

Weapons that were known to be not part of the Yemen national stockpile,¹¹² or on issue to the Yemen Armed Forces at the onset of conflict, have been identified as being used by the Houthis. The Panel considers that those weapons summarised in Table 36.1 originated in Iran, but as yet has no details of the supply chain used. (See annex 38 for further details).

Table 36.1
Summary of Iranian origin weapons types

<i>Weapon Type</i>	<i>Original Supplier to Iran¹¹³</i>	<i>Result of tracing request</i>
Type 73 General Purpose Machine Gun	DPRK ¹¹⁴	No response to Panel enquiry. ¹¹⁵
AM-50 anti-material rifle (AMR) ¹¹⁶	Iran manufacture	No response to Panel enquiry. ¹¹⁷

B. Seizure of smuggled weapons in transit to Houthi-Saleh alliance controlled areas

The Panel has identified a range of weapons (table 36.2) seized, mostly on Omani registered vehicles that on traffic routes leading to Houthi-Saleh alliance controlled territory. The Panel considers that the weapons were destined for Houthi or Saleh forces, as there would be no other credible end user in their respective territory.

Table 36.2
Summary of seizures of smuggled weapons in transit to Houthi-Saleh alliance controlled areas

<i>Date</i>	<i>Location</i>	<i>Seizure</i>	<i>Vehicle registration</i>
19 Jul 2015	Thamoud, Hadramawt	36 vehicle radios 360 personal radios	Yemeni plate 590/11
Sep 2016	Safgir, Ma'rib	RPG 27 variant ¹¹⁸	
18 Sep 2016	Ma'rib	Ammunition type not known	Omani licence plates
28 Sep 2016	Ma'rib	ATGW and 122mm FFR	Omani licence plates
8 Oct 2016	Lahj	Ammunition type not known	
18 Oct 2016	Shehn, Ma'rib	24+ x ATGW	

¹¹² Sources: 1) Janes' Weapons; 2) Janes' Military; 3) UN Conventional Arms Register; 4) SIPRI Annual Military Expenditure reports.

¹¹³ The Panel is not implying that for this enquiry any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015). The Panel's tracing requests were aimed at better understanding how weapons are being smuggled into Yemen for the benefit of individuals listed by the Security Council Committee established pursuant to resolution 2140 (2014) or by other individuals subject to the targeted arms embargo.

¹¹⁴ Democratic Peoples Republic of Korea.

¹¹⁵ Panel requests to Permanent Mission of DPRK of 23 May and 8 July 2016.

¹¹⁶ This weapon is an unlicensed copy of the Austrian Steyr HS 12.7mm AMR. Steyr supplied 800 weapons to Iran in 2005, after which unlicensed copies began to be manufactured by Defence Industries of Iran (DIO). The weapon has been positively identified as an AM50 as opposed to a Steyr by the unfluted barrel.

¹¹⁷ Panel requests to the Permanent Mission of the Islamic Republic of Iran of 23 May, 8 July and 2 November 2016.

¹¹⁸ Member State confirmed seizure on 28 November 2016.

Figure 36.1
RPG-27, Ma'rib (Sep 2016)



Figure 36.2
'Kornet' or 'Dehlayvak', Ma'rib (28 Sep 2016)



Figure 36.3
Shehn, Ma'rib seizure (18 Oct 2016) – TBC



C. Concealment in transit

Weapon shipments on the land main supply routes identified by the Panel are now well concealed in an attempt to avoid detection. Hidden compartments are being engineered in to the structure of the trailer (see figures 36.4 to 36.6), whilst other simpler concealment methods involve the use of livestock (see figure 36.8). The time taken to load such vehicles suggests that the weapons would more likely be loaded prior to the goods been used to disguise them; this avoids double handling and reduces detection risks.

Figure 36.4
Shehn, Ma'rib (18 Oct 2016)



Figure 36.5
Shehn, Ma'rib (18 Oct 2016)



Figure 36.6
Shehn, Ma'rib (18 Oct 2016)



Figure 36.7
Shehn, Ma'rib (18 Oct 2016)



Annex 37: Use or seizures of ATGW

A. 9M113 ‘Konkurs’ or ‘Tosan’ ATGW

The Panel has investigated seizures of, and identified the use, of Russian manufactured 9M113 ‘Konkurs’ or Iranian manufactured copies, the ‘Tosan’ ATGW as shown in the following imagery.

Figure 37.1
Jizan use (25 Aug 2015) – ‘Konkurs or Tosan’¹¹⁹



Figure 37.2
FV Nasir seizure (24 Sep 2015) – ‘Konkurs’ (Centre Ground)



Figure 37.3
Jizan use (11 Dec 2015) – ‘Konkurs or Tosan’¹²⁰



B. Toophan’ ATGW

The Panel has investigated the seizures of an Iranian manufactured ‘Toophan’ ATGW as shown in the following imagery. This is a copy of the US TOW system.

Figure 37.4
FV Nasir seizure (24 Sep 2015) – ‘Toophan’ (Foreground)



¹¹⁹ Source: https://www.youtube.com/watch?v=R_RUgRtpUKc.

¹²⁰ Source: 151211 VID-16151211-WA0029 1-29.

C. 9M133 ‘Kornet’ or ‘Dehlavyah’ ATGW

The Panel has investigated seizures, or identified the use, of Russian manufactured 9M122 ‘Kornet’ or Iranian manufactured copies, the ‘Dehlavyah’ ATGW as shown in the following imagery.

Figure 37.5
Ta’izz seizure (29 Nov 2015) – ‘Kornet’ or ‘Dehlavyah’



Figure 37.6
FV No Name seizure (20 Mar 2016) – ‘Kornet’ or ‘Dehlavyah’



Figure 37.7
Ma’rib seizure (28 Sep 2016) – ‘Kornet’ or ‘Dehlavyah’



Figure 37.8
Shehn, Ma’rib seizure (18 Oct 2016) – TBC



Annex 38: Weapons of Iranian origin in Houthi use

A. Type 73 General Purpose Machine Gun

1. The Panel has identified from imagery a weapon with characteristics similar to the Democratic Peoples Republic of Korea (DPKR) manufactured Type 73 General Purpose Machine Gun (GPMG) being used by Houthi fighters in Yemen.

2. The Type 73 GPMG is a relatively rare weapon outside the manufacturing country. Only Iran is known to have received exports of the weapon (in the 1970s and 1980s). Since then the weapon has been observed in the possession of the Iraqi Shi'a militias (Badr Brigade forces), the al-Imam Ali Brigade and the Christian Babylon Brigades. The Type 73 has also been documented in the hands of the Syrian Arab Army operating near Palmyra, Syria.¹²¹

Figure 38.1

Type 63 GPMG with Houthi fighter¹²²



B. AM-50 Anti Material Rifle

2. The Panel has observed footage of an Iranian manufactured AM-50 anti-material rifle (AMR)¹²³ being used by Houthi fighters in Yemen.

Figure 38.2

AM50 AMR with Houthi fighter¹²⁴



¹²¹ <http://armamentresearch.com/2016/03/>.

¹²² Ibid.

¹²³ This weapon is an unlicensed copy of the Austrian Steyr HS 12.7mm AMR. Steyr supplied 800 weapons to Iran in 2005, after which unlicensed copies began to be manufactured by Defence Industries of Iran (DIO). The weapon has been positively identified as an AM50 as opposed to a Steyr by the unfluted barrel.

¹²⁴ ARES Hoplite. <http://armamentresearch.com/iranian-am50-anti-materiel-rifle-documented-in-yemen/>.

3. A further example of an AM-50 AMR in Houthi hands was provided by a Member State¹²⁵ (figures 38.3 and 38.4).

Figure 38.3
Captured AM50 AMR (Serial 2200076)



Figure 38.4
Captured AM50 AMR (Serial 2200076)



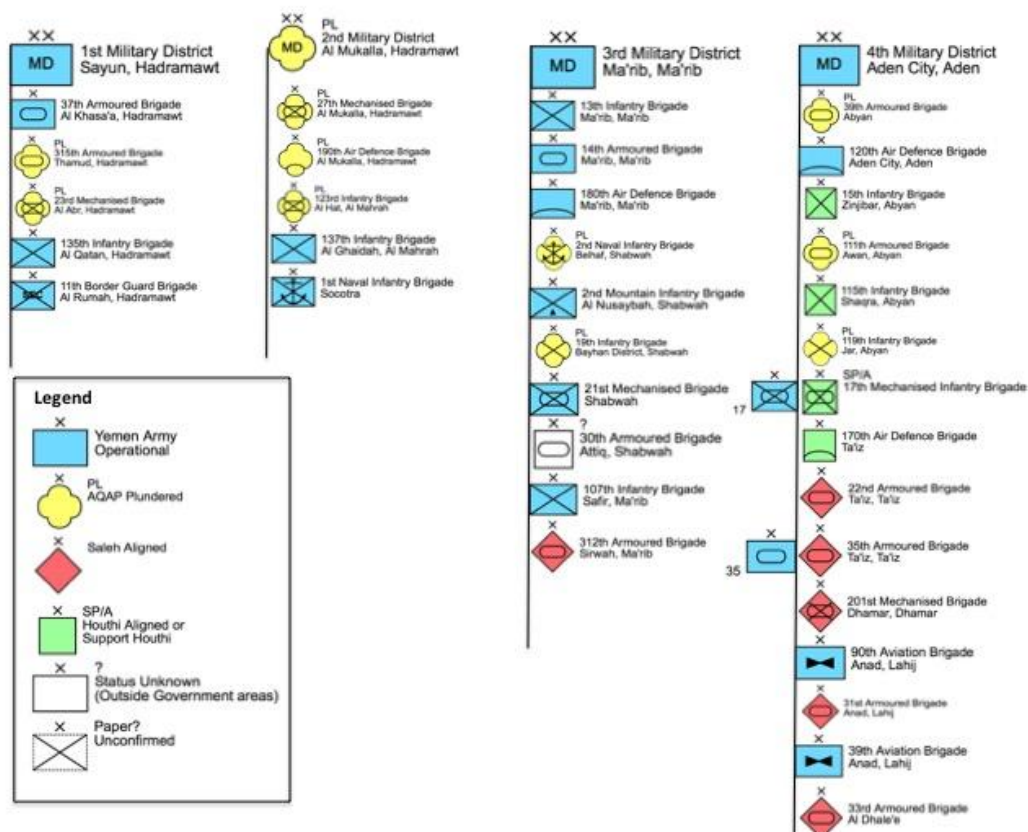
4. Although these weapons are undoubtedly of Iranian origin, the Panel has no evidence to date that they have been supplied post the imposition of the arms embargo on 14 April 2015. Tracing requests were submitted to Iran¹²⁶ and responses are still awaited.

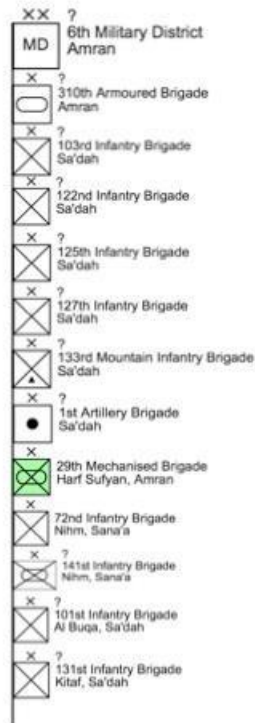
¹²⁵ Confidential source.

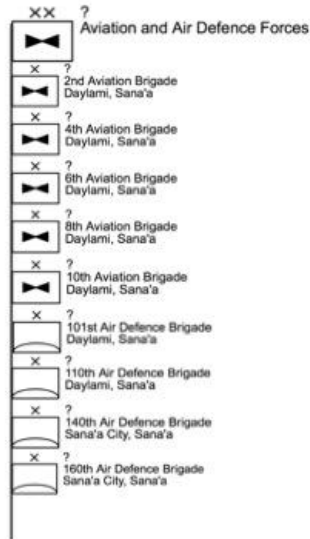
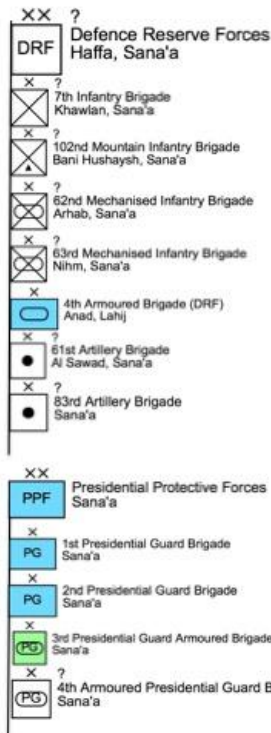
¹²⁶ Panel letters to Permanent Mission of Iran of 11 May, 8 July and 2 November 2016. Panel letters to Permanent Mission of DPRK of 23 May and 8 July 2016.

Annex 39: Possible ORBAT of Yemen Army (as at 30 June 2016) and summary of status of military units

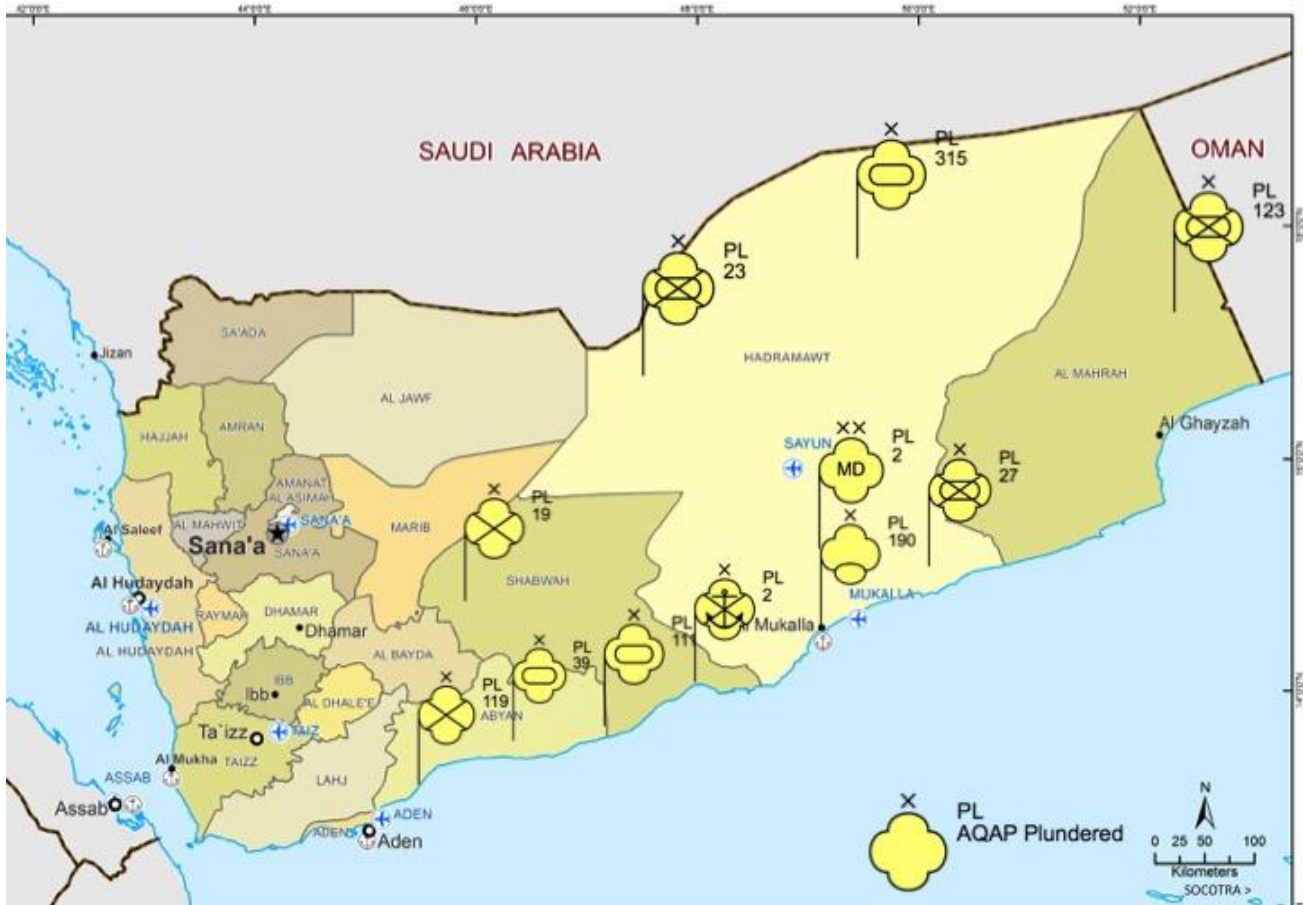
A. Military units by Military District and location



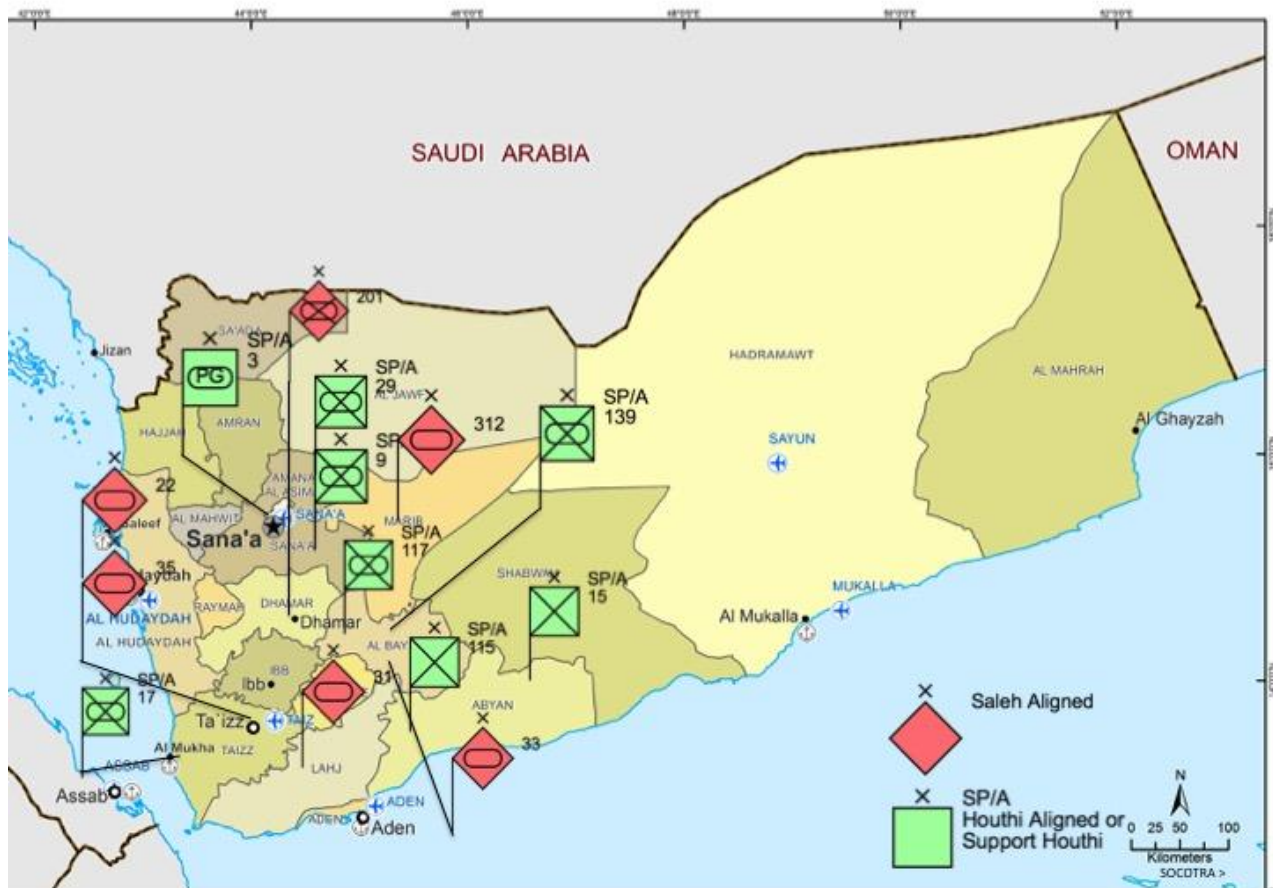




B. AQAP plundered units



C. AQAP/Houthi plundered units













D. Summary of status of Yemen Armed Force units ¹²⁷

Ser	Probable Status	Unit Type and Quantity															
		HQ Military District	Mountain Infantry Brigade	Naval Infantry Brigade	Presidential Guard Brigade	Presidential Guard Brigade Amoured	Border Guard Brigade	Armoured Brigade	Mechanised Brigade	Mechanised Infantry Brigade	Infantry Brigade	Special Forces Brigade	Storm Brigade	Artillery Brigade	Missile Brigade	Air Defence Brigade	Aviation Brigade
		xx MO	x X	x X	x PG	x B	x X	x O	x X	x X	x X	x SF	x X	x ●	x I	x P	x X
1	Operational	3	2	1	2		1	3.5	1	0.5	4	1	1			2	2
2	Non-operational (equipment plundered by Houthi)	1	1	1				3	2	0	4					1	
	Non-operational (equipment plundered by AQAP)																
3	Fighting for Houthi-Saleh Alliance					1		4.5	2	3.5	2				3	2	
4	Not Known	3				1	1	2	1	4	12			4		4	5
5	TOTALS	7	3	2	2	2	2	15	6	8	22	1	1	4	3	9	8

¹²⁷ The brigades 'loyal' to both sides are allocated as 0.5.

E. Summary of units¹²⁸ aligned to Saleh, Houthi or plundered by Houthi or AQAP

<i>Probable Status</i>	<i>Unit Type and Quantity</i>									
	<i>HQ Military District</i>	<i>Presidential Guard Brigade</i>	<i>Mountain Infantry Brigade</i>	<i>Naval Infantry Brigade</i>	<i>Armoured Brigade</i>	<i>Mechanised Brigade</i>	<i>Mechanised Infantry Brigade</i>	<i>Infantry Brigade</i>	<i>Artillery Brigade</i>	<i>Missile Brigade</i>
										
Saleh aligned					4	1				
Houthi Aligned		1				1	3	2		
Houthi Plundered							1			
AQAP Plundered	1			1	3	2		3		3
TOTALS	1	1		1	7	4	4	5		3

¹²⁸ This includes the units loyal to both sides.

Annex 40: Summary of black market small arms ammunition prices

Figure 40.1
Graph of Black Market prices (Yemen) (2015 – 2016)

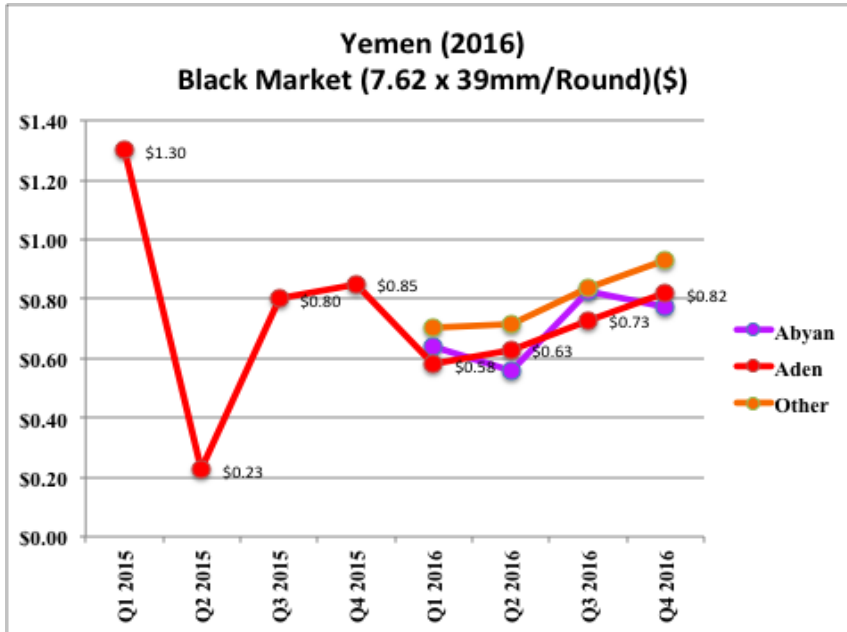


Figure 40.2
Graph of Black Market prices (Aden) (2016)

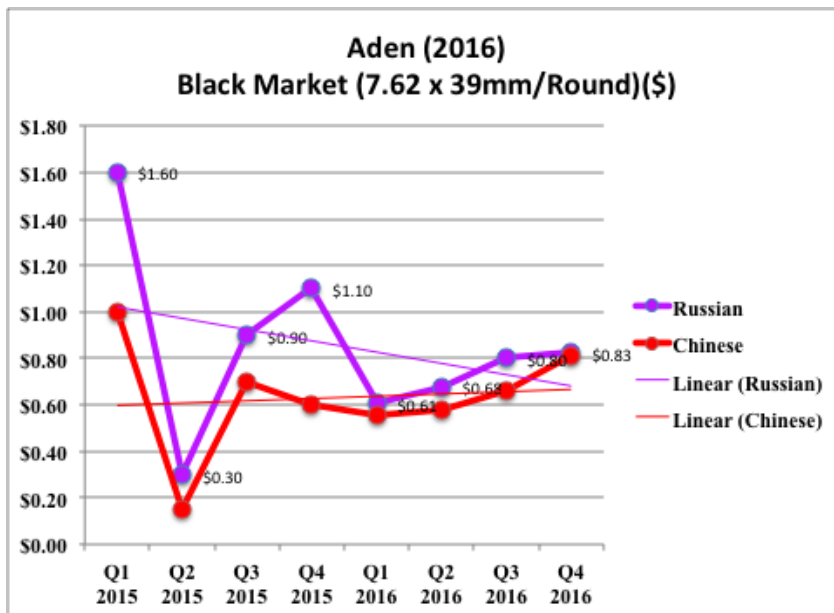


Figure 40.3
 Graph of Black Market prices (Abyan) (2016)

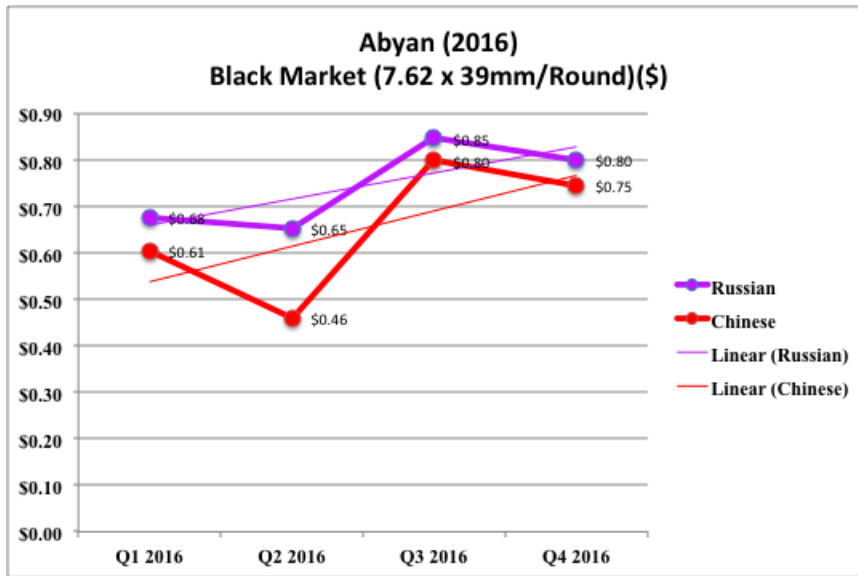
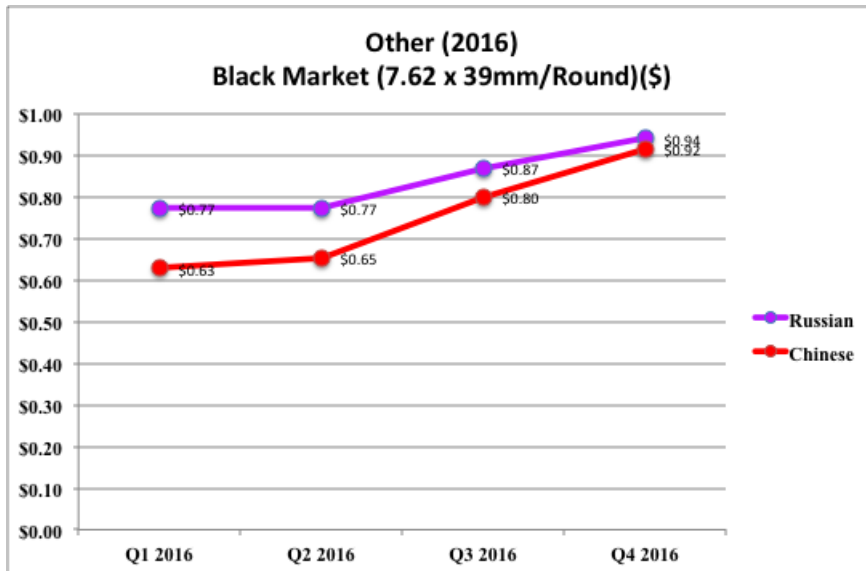


Figure 40.4
 Graph of Black Market prices (Other) (2016)



Annex 41: Transfer of Taurus pistols and revolvers

1. The Panel was provided with initial information¹²⁹ about this arms transfer, and the subsequent investigation has resulted in the Panel obtaining evidence from authorities, organizations or individuals in six countries to date.

2. Negotiations for the sale of 8,000 pistols by Forjas Taurus S.A of Brazil to, supposedly, the Ministry of Defence of Djibouti began before November 2012, when the Chief of the Military Cabinet of the Presidency initially issued an end use certificate.¹³⁰ The Brazilian authorities issued an initial export licence in October 2013, after which funds were transferred to pay for the weapons. The final Brazilian export licences were issued by February 2015.¹³¹ Resolution 2216 (2015) of 14 April 2015 imposed the arms embargo on designated individuals, which is before these weapons were physically shipped on 3 July 2015. Had Taurus Forjas S.A exercised due diligence then they would have identified aspects of this arms purchase that were suspicious in relation to the targeted arms embargo on Yemen (see below), and could have stopped the shipment.

3. The Mediterranean Shipping Company S.A acted as the shipper for 3,000 of the above 8,000 Taurus pistols and revolvers, loaded in Container Number TTNU3603161 on the MV MSC Cadiz (IMO 9480203), which sailed from Santos, Brazil (BRSSZ) on 3 July 2015 destined for Djibouti.

4. On, or about, 24 July 2015 the port authorities of Gioia Tauro, Italy (ITGIT) discovered 3,000 Taurus Pistols in Container Number TTNU3603161. The Italian authorities delayed the onward movement of this ISO-container, as the transit of the cargo had not been notified to the appropriate Italian authorities. Once this issue had been resolved, Container Number TTNU3603161 then departed Gioia Tauro on 27 October 2015, loaded on the MV MSC Savona (IMO 9460356), bound for King Abdullah Port, Saudi Arabia (SAKAC). The Saudi Arabian authorities then seized the shipment under the authority of ‘High Decision 51145/2015 of the Council of Political and Security Affairs’ as they suspected that the shipment was actually bound for the Houthis via Itkan Assaid Al Mahdoua (Precise Fishing Limited, Djibouti).¹³² Saudi Arabia failed to report this seizure to the Committee as required by paragraph 17 of resolution 2216 (2015).

5. Subsequent investigation by the Panel established that the company actually used for the purchase from Taurus was the Itkan Corporation for General Trading, Yemen (Itkan), owned by Adeeb Mana’a,¹³³ a son of a designated individual Fares Mohammed Hassan Mana’a (SOi.008).¹³⁴ Fares Mohammed Hassan Mana’a is a close associate of Ali Abdullah Saleh (YEi.003),¹³⁵ and a known arms trafficker who was listed by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea for directly or indirectly supplying, selling or transferring arms or related material to Somalia in violation of the arms embargo. On 26 March 2011 Fares Mohammed Hassan Mana’a was appointed by Abdulmalik al-Houthi and the Houthi political leadership as the as the Governor of

¹²⁹ Confidential source.

¹³⁰ All documentary evidence and references for this section are contained within the timeline at appendix A.

¹³¹ Detailed timeline is at appendix A.

¹³² The smuggling of Taurus Pistols to Yemen via Djibouti may have precedence. In October 2013 8,000 Taurus weapons were allegedly sent to Al Sharq Fishing and Fish. The shipment was arranged by a designated individual Fares Mohammed Hassan Mana’a (SOi.008) (see paragraph 75 to the Panel’s final report S/2016/73 and following footnote). This allegation is the subject of an ongoing court case in Porto Alegre, Brazil against two former employees of Taurus (Eduardo Pezzuol and Leonardo Sperry). The Prosecutors have not charged the company itself. (Sources: Reuters, 5 September 2016, and confidential source in Brazil).

¹³³ Although the Taurus internal Purchase Check List names Hussain Said Khaireh, Director General of Security, Djibouti first, on the same line it also includes Adeeb Mana’a, with a Yemeni E-mail and telephone number.

¹³⁴ Listed under authority of paragraph 8 to resolution 1844 (2008) on 12 April 2010 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

¹³⁵ He was the Head of Ali Abdullah Saleh’s ‘presidential committee’ until late January 2010, when Yemeni authorities arrested him.

Sa'dah,¹³⁶ a post he held until December 2014. He is currently a minister in the new '28 November government' of the Houthi-Salah alliance.

6. The Panel identified a number of indicators that are inconsistent with this particular arms transfer being a legitimate arms transfer to the Government of Djibouti:

(a) An end user certificate was issued to support the transfer of 80,000 pistols to the Djibouti Ministry of Defence, yet the Djiboutian Armed Forces, which includes the National Gendarmerie, only consists of 16,000 active personnel and 9,500 reservists.¹³⁷ This is an unusually high number of weapons for such a force level;

(b) The end user certificate authorised the Matrix company, headed by Abddurabuhguhqd Sale Abdo, to import the weapons. Neither the name of this company, nor its head, appear on any other documentation (shipping, financial or legal) relating to this arms transfer. All the relevant documentation refers to the Itkan company and Adeeb Mana'a;

(c) The address used for the Itkan company, Trading Avenue, Djibouti, could not be found in Djibouti. A request to the Government of Djibouti for the registered details of both the Matrix and Itkan companies and their associated bank accounts, has not yet been responded to.¹³⁸ The Government of Djibouti did respond to a previous enquiry from the Panel and confirmed the validity of the end use certification;¹³⁹

(d) On 21 January 2015 Fares Mohammed Hassan Mana'a (SOi.008) entered Brazil at the invitation of Eduardo Pezzuol of Forjas Taurus S.A in relation to arms purchases.¹⁴⁰ This visit is also a violation of paragraph 1 of resolution 1844 (2008) and details have been passed to the Somalia and Eritrea Monitoring Group (SEMG) for their consideration;

(e) There is no logical or reasonable reason that the Government of Djibouti would need to use a Yemeni broker for the supply of weapons to their armed forces. Particularly a broker with close family ties to a designated individual; and

(f) There were unexplained inconsistencies in the detail and dates of the Bill of Lading and the end use certification for this arms transfer (see appendix A for details).

7. The detailed timeline for this arms transfer is at appendix A together with the references of all relevant documentation in the possession of the Panel.

8. The Panel finds it unlikely that this arms transfer was destined for Houthi-Saleh forces due to the types of weapons involved. Pistols and revolvers are personal protection type weapons, which are not generally used in combat. They are very attractive though to the black market in Yemen and elsewhere, where individuals can buy unlicensed weapons for self-protection. They are also ideal for using in criminal acts such as the protection of drug traffickers or armed holdups of banks etc as they are easily concealable.

9. The involvement of Fares Mohammed Hassan Mana'a (SOi.008) and his known relationship to the Houthis makes it possible that the financial aspects of the transfers may have been to the benefit of listed individuals, and the Panel will continue to investigate this aspect.

¹³⁶ <http://yemenpost.net/Detail123456789.aspx?ID=3&SubID=3336>.

¹³⁷ Force level data from <https://janes.ihs.com/Janes/Display/1319215> and others.

¹³⁸ Panel letter to the Permanent Mission of 14 October 2016.

¹³⁹ Letter from the Permanent Mission of 26 September 2016.

¹⁴⁰ Confidential sources. The Federal Court of Brazil has issued a legal notice of proceedings against this individual for this action (Notice 710002418415, Criminal Action: 5033103-42,2015.4.04.7100/RS).

10. The modus operandi of the transfer, using his son Adeeb Mana'a and a Djibouti end user, was designed to circumvent normal security and customs controls. The transfer was only prevented by the diligence of the Saudi Arabian authorities.

Appendix A to Annex 41: Timeline of Forjas Taurus S.A. (Brazil) export of pistols and revolvers

Table 41.A.1
Transfer timelines

<i>Date</i>	<i>Activity</i>	<i>Reference</i> ¹⁴¹	<i>Responsible</i>	<i>Remarks</i>
3 Nov 2012	EUC issued for 80,000 (Eighty Thousand) pistols and revolvers	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	
4 Nov 2012	EUC issued for 80,000 pistols and revolvers	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	Correction of calibre of one weapon type. Specifies import agent as Abddurabuhgad Sale Abdo of Matrix company. Expired 31 Dec 13
14 Oct 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Tenox Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Individual Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 500 Taurus PT 24/7 G2 Compact 9mm 17t Tenox Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 500 Taurus PT 24/7 G2 Compact 9mm 17t Individual Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 2,000 Taurus Model 85s 0.38" SPL Revolvers	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Broker named as Adeeb Mana'a, Itkhan Company for Hunting Expired before shipment
14 Oct 2013	Initial Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22" LR Revolvers	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Broker named as Adeeb Mana'a, Itkhan Company for Hunting Expired before shipment

¹⁴¹ Copies of all referenced documents are in the possession of the Panel and available for inspection by Member States on request.

<i>Date</i>	<i>Activity</i>	<i>Reference</i>	<i>Responsible</i>	<i>Remarks</i>
18 Nov 2013	US\$ 45,960 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
18 Nov 2013	US\$ 247,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
3 Dec 2013	US\$ 249,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
23 Dec 2013	Invoice issued by Taurus for 1,000 PT 24/7 G2 9mm CAL17S Pistols (Black Tenifer with additional magazines)	200411	Forjas Taurus S.A.	USD 290,430.60 Made out to Djibouti Ministry of Defence
23 Dec 2013	Invoice issued by Taurus for 1,000 Model 959CH 22L Revolvers	200415	Forjas Taurus S.A.	USD 227,565.00 Made out to Djibouti Ministry of Defence
23 Dec 2013	Invoice issued by Taurus for 1,000 PT 24/7 G2 Compact 9mm 13S Pistols (Black Tenifer and Matt with additional magazines)	200416	Forjas Taurus S.A.	USD 288,901.85 Made out to Djibouti Ministry of Defence
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22LR Revolvers	1010/2013-December	MOD Brazil	MOD Brazil export process 200.415.2014
26 Dec 2013	Brazilian Export Licence issued for 2,000 Taurus Rev .85S 0.38: Special Revolvers	1012/2013-December	MOD Brazil	MOD Brazil export process 200.413.2014
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Carbono Tenox Pistols	1013/2013-December	MOD Brazil	MOD Brazil export process 200.414.2014
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 Pistols	1015/2013-December	MOD Brazil	MOD Brazil export process 200.414.2014

<i>Date</i>	<i>Activity</i>	<i>Reference</i>	<i>Responsible</i>	<i>Remarks</i>
Undated	Extension for EUC for 80,000 pistols and revolvers granted	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	Valid until 31 Dec 15
14 Jan 2014	US\$ 144,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
13 Mar 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 G2 9mm CAL 17s Black Tenifer Pistols	Embarkation Certificate 4224 Airway Bill 176 8071 1680	Amazon Logistics	ETA Djibouti 15 Mar 14
13 Mar 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 G2 9mm CAL 17s Black Tenifer Pistols	Embarkation Certificate 4224 Airway Bill 176 0343 3210	Amazon Logistics	ETA Djibouti 15 Mar 14
16 Apr 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 Pistols	Embarkation Certificate 4272	Amazon Logistics	ETA Djibouti 22 Apr 14
21 Jan 2015	Fares Mohamed Hassan Mana'a (SOi.008) enters Brazil at invitation of Eduardo Pezzuol of Forjas Taurus S.A.	Confidential source		Referred to the 751(1992) Committee Monitoring Group as a potential violation of a travel ban.
28 Jan 2015	Brazilian Export Licence issued for 2,000 Taurus Model 85s 0.38" Pistols (Serial Numbers GZ75481 to GZ77480)	040/2015-January	MOD Brazil	MOD Brazil export process 200.414.2013 Replaced 14 Oct 13 export authority
27 Feb 2015	Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22" Pistols (Serial Numbers GZ72481 to GZ73480)	072/2015-February	MOD Brazil	MOD Brazil export process 200.414.2013 Replaced 14 Oct 13 export authority
27 Jun 2015	Bill of Lading issued for 40 boxes of revolvers for Container TTNU3603361	MSCUZS275155	MSC S.A	Issued in Gioia Tauro prior to vessel leaving Brazil
4 Jul 2015	MSC Cadiz (IMO 9480203) departs Santos, Brazil (BRSSZ) with Container TTNU3603161			

<i>Date</i>	<i>Activity</i>	<i>Reference</i>	<i>Responsible</i>	<i>Remarks</i>
24 Jul 2015	Second Bill of Lading issued for 40 items	MSCUZS275155	Mediterranean Shipping do Brazil	Retrospectively by MSC Brazilian Agent For 1 x 20' ISO – No mention of weapons
24 Jul 2015	MSC Cadiz offloads Container TTNU3603161 in Port Gioia Tauro, Italy (ITGIT)		Italian Customs	
25 Jul 2015	Italian Customs Agency and Guardia Finanzia confiscate Container TTNU3603161 pending investigation	Criminal procedure 2249/2015 mod.21	Italian Customs	Transit of weapons had not been notified to the competent agency
9 Oct 2015	Djibouti MOD declaration to Italian Customs that the shipment is for MOD Djibouti		Chief of the Military Cabinet	
27 Oct 2015	MSC Savana (IMO 9460356) departs Port Gioia Tauro, Italy with Container TTNU3603161		MSC	
1 Nov 2015	MSC Savana arrives Port King Abdullah, Saudi Arabia (SAKAC)		MSC	
1 Nov 2015	Saudi authorities seize Container TTNU3603161 pending investigation	DG Intelligence High Decision 51145	Saudi Arabia	Weapons remain in Saudi custody
4 Nov 2015	Brazilian authorities seize hardware and documentation from Taurus.		Brazilian Federal Police	
9 May 2016	Federal Court in Brazil issue a legal notice of proceedings against Eduardo Pezzuol and Fares Mohamed Hassan Mana'a (SOi.008) 24 Jul 15.	Notice 710002418415 Criminal Action: 5033103-42,2015.4.04.7100/RS	Brazil Federal Court	Case ongoing

Annex 42: Summary of Houthi¹⁴² short-range ballistic missile (SRBM) or free flight rockets (FFR)

A. QAHER-1 FFR

1. Houthi engineers have successfully modified stocks of (S-75 ‘Dvina’) (SA-2 ‘Guideline’) Surface to Air (SAM) missiles, converting them into a rudimentary, improvised long range FFR.¹⁴³ The Panel considers that two factors determined this activity:

(a) The stockpile¹⁴⁴ of SCUD-B and SCUD-C variant (HWASONG-6) SRBM captured by the Houthi around Sana’a was relatively small. It could soon be used up, or destroyed by retaliatory Saudi Arabia-led coalition air strikes; and

(b) The Houthi realized that the S-75 SAM systems were ineffective against the advanced aircraft of the Saudi Arabia-led coalition air forces and could be converted for surface-to-surface use as FFR.¹⁴⁵

2. The standard guidance system fitted to the S-75 consists of a ground based tracking radar and radio guidance system, which sends radio signals to the guidance computer on the missile. The guidance computer then sends the necessary adjustments to the guidance surfaces (fins), which then move to alter the course of the missile towards the aerial target. It is highly unlikely that this guidance system has been modified for use in a surface-to-surface role or that a new guidance system has been fitted. The missile is almost certainly being used as a FFR, and the accuracy thus been totally dependent on ballistic calculations, launch parameters and meteorological effects.

3. The ranges of free flight rockets are calculated from complex ballistic equations, combined with extensive test and evaluation to develop a set of range tables. The Panel has seen no evidence that the Houthis have undertaken such research, and thus it must be considered that the accuracy of the QAHER-1 system will be inherently very poor from just the design perspective.

B. SCUD-B SRBM

4. The Panel has confirmed that Yemen was supplied with an unknown quantity of SCUD-B and at least 90 HWASONG-5 (a SCUD-B) copy.¹⁴⁶ There have been no claimed ‘SCUD’ attacks since 9 October 2016. The Panel will continue to monitor the ‘SCUD’ threat.

C. Houthi ‘ZELZAL-3’ SRBM

5. The Houthis have claimed to have designed and manufactured a missile they refer to as the ZELZAL-3 (“earthquake”) missile.¹⁴⁷ The Houthis claim this missile is 6m in length, 1,300kg mass and has a range of up to 65km. If this data is correct, then such a missile would have performance characteristics similar to the battlefield free flight rocket the OTR-21 Tochka, known to be in service in Yemen. It would not have the range to threaten the Saudi Arabian cities that the Houthis have claimed to have struck with ZELZAL-3 missiles.

¹⁴² Although a Houthi-Saleh military alliance, it is only the Houthi component that has claimed responsibility for any missile or rocket attacks. Hence this annex refers to Houthi armed groups only.

¹⁴³ They can not be considered as SRBM, as they have no guidance system and their range is less than the 300km to 1,000 km required to be considered a ballistic missile.

¹⁴⁴ The stockpile also included an unknown number of OTR-21 Tochka (NATO SS-21 Scarab) tactical ballistic missiles. As these only have a range of 70km – 185km they do not have the range to attack Saudi Arabia from the Sana’a area. They have been used to attack Saudi-Arabia-led coalition forces within Yemen.

¹⁴⁵ <http://www.tasnimnews.com/en/news/2015/12/22/950631/yemen-adapts-surface-to-air-missile-to-hit-ground-targets>.

¹⁴⁶ Source: Jane’s Defence databases.

¹⁴⁷ Al Masdar Online of 11 July 2016 and others.

6. The imagery released by the Houthis though (figure 42.1) does not correlate to their claims in terms of even dimensions. Photogrammetry suggests that the missile in figure 42.1 is no longer than 3m and is similar in design to the 333mm Iranian designed and manufactured Shahin 1 heavy artillery rocket system (HARS) (figure 42.2), which has not been reported as ever exported.

Figure 42.1
Houthi released image of ZELZAL-3¹⁴⁸



Figure 42.2
Image of Shahin 1¹⁴⁹



7. Further analysis of other imagery of this rocket suggests that it is a ‘mock up’ only as there are no indications of any nozzle, or fuze being fitted. The fins appear to have been spot welded to the missile main body, rather than been free to move to enable flight ballistic adjustments.

8. The Iranian Defence Industries Organization (DIO) produce a FFR system called the ZELZAL-3, which is of a significantly different design to that at figure 42.4. The Panel finds it most likely that the Houthi are using the name ZELZAL-3 for the missile displayed for propaganda purposes only.

D. Iranian ZELZAL-3 SRBM

9. There have been some indicators to suggest that the Houthi claim to have this missile type may have some truth in them:

(a) In a letter to the President of the Security Council (S/2016/786) the Kingdom of Saudi Arabia alleged violations of resolution 2216 (2015) by Iran and demanded that the Council take appropriate and necessary measures against those who have violated the relevant resolutions. These allegations included the use of ZELZAL-3 SRBM on 31 August 2016 against the City of Najran. The Panel requested access¹⁵⁰ to any evidence or imagery the Government of Saudi Arabia may have to support this particular allegation, and to date no response has been received. The allegations were also firmly rejected as being “pure fabrications and unsubstantiated allegations” in a response by the Permanent Representative of Iran to the President of the Security Council (S/2016/187);

¹⁴⁸ Jonothan Azaziah. *All Hail Ansarullah's Ingenuity: Zelzal-3 Ballistic Missile is Crushing Saudi Forces*. Mouqawama. 11 July 2016. <http://mouqawamahmusic.net/all-hail-ansarullahs-ingenuity-new-zelzal-3-ballistic-missile-is-crushing-saudi-forces/>.

¹⁴⁹ Janes' Weapons.

¹⁵⁰ Panel letter of 3 October 2016.

(b) Missile attacks on Saudi Arabia on 31 August and 4 October were specifically referred to by the Houthis as being by ZELZAL-3 SRBM. Previously they had attributed attacks to either SCUD or QAHER-1.

10. If the Houthis have gained access to ZELZAL-3 then this would likely have been a violation of the targeted arms embargo, as no missile types of this type were known to have been in the pre-conflict stockpile of the Yemeni Armed Forces Missile Brigades.

11. Notwithstanding this analysis though, the Panel believes that it is more likely that they do not possess the missiles, but want the people to believe they have this capability, as such a technical threat would maintain the strategic pressure being exerted on Saudi Arabia by the Houthi ‘missile campaign’. Figure 42.3 shows a missile claimed to be a ZELZAL-3 by the Houthis, whereas figure 42.4 shows a real Iranian version.

Figure 42.3
Houthi released image of ZELZAL-3¹⁵¹



Figure 42.4
Iranian ZELZAL-3¹⁵²



E. SOMOD FFR

12. The Houthis have also claimed to have manufactured and designed a missile they refer to as the SOMOD (a.k.a SOMOUD) (‘Steadfastness’). Imagery though shows a rocket very similar to that they claim as the ZELZAL-3 (see section C).

¹⁵¹ Jonothan Azaziah. *All Hail Ansarullah’s Ingenuity: Zelzal-3 Ballistic Missile is Crushing Saud Forces*. Mouqawama. 11 July 2016. <http://mouqawamahmusic.net/all-hail-ansarullahs-ingenuity-new-zelzal-3-ballistic-missile-is-crushing-saudi-forces/>.

¹⁵² Janes’ Weapons.

Figure 42.5
Houthi released image of SOMOD



Figure 42.6
Houthi released image of SOMOD



13. Analysis of the imagery of this rocket leads the Panel to the same conclusions as made for the Houthi claimed 'ZELAL-3'. It is a 'mock up' only as there are no indications of any nozzle, or fuze being fitted. The fins appear to have been spot welded to the missile main body, rather than been free to move to enable flight ballistic adjustments. The nose appears possibly to have been blackened by the addition of plastic adhesive tape.

14. The Panel made some ballistic estimates for the range of such a rocket (see appendix A), which used 'best case' data and still the maximum likely range would be no more than 44km.

F. Systems accuracy for the free flight rockets

15. The Circular Error Probability (CEP) is a measure of a weapon system's precision or accuracy. It is defined as the radius of a circle, centred about the mean, whose boundary is expected to include the landing points of 50 per cent of the warheads. Thus theoretically 50% of munitions will land within one CEP, 93.7% within two CEP and 99.8% within three CEP. In reality the CEP is an elliptical confidence region for indirect fire weapons such as FFR, and accuracy thus even more difficult to predict.¹⁵³ The CEP is heavily influenced by the missile guidance system for guided weapons. Accuracy will be further degraded by operational factors such as: 1) wind strength and direction along flight path; 2) mis-alignment or mis-orientation of the launcher from the target; 3) propellant age and degradation within the missiles; 4) launcher vibration; and 5) thrust misalignment due to damage to the rocket.

G. International humanitarian law aspects

16. FFR are specifically designed to be an area weapon, as precision accuracy cannot be guaranteed. Since the blast and fragmentation danger areas are primarily based on the size and design of the explosive warhead, its likely impact on civilians is often foreseeable, especially when directed at a civilian populated areas.¹⁵⁴ Its effects, depending on the circumstances, may violate IHL principles relating to the prohibition on indiscriminate attacks.¹⁵⁵

H. Summary of technical data for Houthi possible missile and rocket types

Table 42.1 also includes explosives engineering analysis that predicts the blast danger areas for humans. Many more fatalities and injuries from fragmentation effects can be expected at far greater ranges though.

¹⁵³ More detailed information on CEP and accuracy of free flight rocket systems may be found in *Cross K et al. Explosive Weapons in Populated Areas – Technical considerations relevant to their use and effects.* pp.28–34. Armament Research Services. Australia. May 2016.

¹⁵⁴ OCHA Report "Protecting Civilians from the Use of Explosive Weapons in Populated Areas" at https://docs.unocha.org/sites/dms/Documents/EWIPA_Fact_Sheet_-_Latest.pdf.

¹⁵⁵ See ICRC Customary IHL Study Rule 11 and 12.

Table 42.1:
Summary of possible Houthi missile types

<i>FFR/SRBM type</i>	<i>Length (m)</i>	<i>Diameter (m)</i>	<i>Range (km)</i>	<i>Warhead NEQ¹⁵⁶ (kg)</i>	<i>CEP (m)</i>	<i>Permanent hearing damage (m) (@34.5kPa)</i>	<i>99% fatalities (m) (@1,380kPa)</i>	<i>Remarks</i>
QAHER-1	10.84	0.50	250	190	NK	8.2	10.5	Modification of S-75 "Dvina". Unmodified maximum range is 56km.¹⁵⁷
Tochka 9K79 OTR-21	6.4	0.65	185	482	150	73.7	14.4	
SCUD-B	11.25	0.88	300	985	450	93.5	18.2	
Hwasong 5	10.94	0.88	300	985	450	93.5	18.2	DPRK SCUD-B copy 90 supplied to Yemen
<i>Shahab 1</i>	<i>10.94</i>	<i>0.88</i>	<i>300</i>	<i>985</i>	<i>450</i>	<i>93.5</i>	<i>18.2</i>	<i>Iran Hwasong 5 copy Not confirmed if any supplied to Yemen</i>
SCUD-C	11.25	0.88	700	600	600	79.9	15.5	
<i>Hwasong 6</i>	<i>10.94</i>	<i>0.88</i>	<i>500</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>DPRK SCUD-C copy Not confirmed if any supplied to Yemen</i>
<i>Rodong 1</i>	<i>15.60</i>	<i>1.25</i>	<i>1000+</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>DPRK SCUD-C copy See Shabab 3</i>
<i>Shabab 2</i>	<i>10.94</i>	<i>0.88</i>	<i>500</i>	<i>770</i>	<i>700</i>	<i>86.3</i>	<i>16.8</i>	<i>Iran Hwasong 6copy Not confirmed if any supplied to Yemen</i>
<i>Shabab 3</i>	<i>15.60</i>	<i>1.25</i>	<i>1000+</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>Iran Rodong-1 copy Not confirmed if any supplied to Yemen</i>
SCUD-D	12.29	0.88	700	985	50	93.5	18.2	
Borkan-1 (Volcano)	12.50	0.88	800	500		74.6	14.5	
ZELZAL-3 (Iranian)	9.60	0.61	250	600	1,300	79.9	15.5	Reported warhead NEQ, but not confirmed
ZELZAL-3 (Houthi)	6.00		65		300			
SOMOUD	4.00	0.56	38	300		63.0	12.3	Reported but not confirmed

¹⁵⁶ Net Explosive Quantity.

¹⁵⁷ Letter from Permanent Mission of the Russian Federation of 29 December 2016.

I. Summary of reported Houthi SRBM and FFR attacks against Saudi Arabia

Table 42.2 is a summary of reported Houthi forces SRBM or free flight rocket FFR attacks against Saudi Arabia. The Government of Saudi Arabia has confirmed those shown in bold text.

Table 42.2:
Summary of reported Houthi missile and FFR attacks against Saudi Arabia

Date	Missile type claimed	Target Area			Launch Point (LP) in Yemen			Comments
		Location	Latitude	Longitude	Location	Latitude	Longitude	
16 Jun 2015	SCUD (Borkan-1)							Reported as intercepted and destroyed in flight
26 Aug 2015	SCUD (Borkan-1)	Jazan	16°53'47"N	44°33'26"E				Reported as intercepted and destroyed in flight
26 Aug 2015	QAHER-1	Jazan	16°53'47"N	44°33'26"E	Al Sabeen, Sana'a	15°18'05" N	44°12'54" E	Intercepted and destroyed in flight @30km from Intercept Weapon System (IWS)
15 Oct 2015	SCUD (Borkan-1)	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
4 Dec 2015	QAHER-1	Jazan Airport	16°53'59"N	44°35'01"E				
9 Dec 2015	QAHER-1	Jazan	16°53'47"N	44°33'26"E				Al-Ain Al-Harreh military base
9 Dec 2015	QAHER-1	Jazan	16°53'47"N	44°33'26"E				Al-Saleh military base
11 Dec 2015	QAHER-1	Al-Jamarak						
13 Dec 2015	QAHER-1	Khamis Mushayt	18°18'17"N	42°43'54"E	Tussen Huthen Sada'a	16°25'40" N	44°08'08" E	KSA confirmed
18 Dec 2015	QAHER-1	Najran	17°33'19"N	44°14'33"E				Impacted east of town
19 Dec 2015	QAHER-1	Najran	17°33'19"N	44°14'33"E				Impacted near museum
19 Dec 2015	QAHER-1	Al-Wawal	16°30'41"N	42°58'24"E		15°23'41" N	44°10'10" E	Border crossing point
20 Dec 2015	QAHER-1	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
21 Dec 2015	QAHER-1	Jazan	16°53'47"N	44°33'26"E	Geraf, Sana'a	15°23'41" N	44°10'10" E	Intercepted and destroyed in flight @35km from IWS
21 Dec 2015	QAHER-1	Jazan Airport	16°53'59"N	44°35'01"E	NE of Pilots City, Sana'a	15°24'48" N	44°13'05" E	Intercepted and destroyed in flight @20km from IWS
22 Dec 2015	QAHER-1	Jazan Aramco Facility						
23 Dec 2015	QAHER-1	Khamis Mushayt	18°18'19"N	42°44'43"E	Tussen Huthen Sada'a	16°26'05" N	44°03'55" E	KSA confirmed
26 Dec 2015	QAHER-1	Najran	17°33'19"N	44°14'33"E	Al Genadib	15°50'48" N	44°14'05" E	Intercepted and destroyed in flight @21km from IWS
27 Dec 2015	SCUD (Borkan-1)	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
27 Dec 2015	QAHER-1	Jazan	16°53'47"N	44°33'26"E				
28 Dec 2015	QAHER-1	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
30 Dec 2015	QAHER-1	Jazan Aramco Facility	16°53'47"N	44°33'26"E				Reported as intercepted and destroyed in flight
31 Dec 2015	QAHER-1							Reported as intercepted and destroyed in flight
1 Jan 2016	QAHER-1	Khamis Mushayt	18°18'17"N	42°43'54"E	Dabbaj Valley	16°41'43" N	43°51'51" E	KSA confirmed
7 Jan 2016	QAHER-1	Jazan	16°53'47"N	44°33'26"E		15°00'08" N	44°13'35" E	Intercepted and destroyed in flight @25km from IWS

Date	Missile type claimed	Target Area			Launch Point (LP) in Yemen			Comments
		Location	Latitude	Longitude	Location	Latitude	Longitude	
8 Feb 2016	QAHHER-1	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
8 Feb 2016	QAHHER-1	Abha	18°14'22"N	42°31'33"E	Tussen Hutn Sada'a	16°25'39" N	44°08'34" E	Reported as intercepted and destroyed in flight
9 Feb 2016	QAHHER-1	Jazan Airport	16°53'59"N	44°35'01"E	East of Sana'a	15°20'50" N	44°02'33" E	Intercepted and destroyed in flight @56km from IWS
13 Feb 2016	QAHHER-1	Abha Airport	18°14'10"N	42°39'29"E	NE of Al Hazm	16°24'23" N	44°04'51" E	Intercepted and destroyed in flight @18km from IES
9 May 2016	QAHHER-1	Khamis Mushayt	18°18'19"N	42°44'43"E	Dabbaj Valley	16°23'52" N	44°05'01" E	Intercepted and destroyed in flight @32km from IWS
9 May 2016	QAHHER-1	Abha	18°14'22"N	42°31'33"E	Tussen Hutn Sada'a	16°40'05" N	43°50'53" E	Intercepted and destroyed in flight @17km from IWS
13 May 2016	QAHHER-1	Jazan	16°53'47"N	44°33'26"E				
20 May 2016	QAHHER-1	Jazan	16°53'47"N	44°33'26"E				
31 May 2016	QAHHER-1							Reported as intercepted and destroyed in flight
06 Jun 2016	SCUD (Borkan-1)	King Khalid Airbase	18°18'23"N	42°47'38"E				Intercepted and destroyed in flight by Patriot PAC-3.
3 Jul 2016	QAHHER-1	Abha	18°14'22"N	42°31'33"E				Reported as intercepted and destroyed in flight
23 Jul 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
23 Jul 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				1 x young female injured, Possible Tochka missile
10 Aug 2016	QAHHER-1	Military Base TBC						Reported as intercepted and destroyed in flight
10 Aug 2016	QAHHER-1	TBC						Reported as intercepted and destroyed in flight
16 Aug 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				7 civilians died
19 Aug 2016	QAHHER-1	Khamis Mushayt	18°18'19"N	42°44'43"E				Intercepted and destroyed in flight.
26 Aug 2016	SCUD (Borkan-1)	Jizan Hamiyeh Power Plant ¹⁵⁸	16°52'55"N	42°32'44"E				
31 Aug 2016	Zelzal 3	Najran	17°33'19"N	44°14'33"E				
2 Sep 2016	SCUD (Borkan-1)	King Fahid Airbase	21°28'58"N	40°32'39"E				
10 Sep 2016	SCUD (Borkan-1)	Asir Province						
10 Sep 2016 ¹⁵⁹	SCUD (Borkan-1)	Al Shqaiqh Water Plant	17°39'46"N	42°03'44"E				
12 Sep 2016	SCUD (Borkan-1)	King Khalid Airbase	18°18'23"N	42°47'38"E				Intercepted and destroyed in flight by Patriot PAC-3.
3 Oct 2016	Not Known	Zahrán						
4 Oct 2016	Zelzal 3	Al Montazah						Military base.
8 Oct 2016	QAHHER-1	Khamis Mushayt	18°18'17"N	42°43'54"E				

¹⁵⁸ Alleged launch video at <https://www.youtube.com/watch?v=7BjOgyvWCZc>.

¹⁵⁹ Reported as the fifth SCUD-C attack. <http://www.yemenpress.org/yemen/scud-missile-at-electricity-station-and-water-desalination-in-jazan.html>.

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
9 Oct 2016	SCUD (Borkan-1)	Taif	21°28'52"N	40°33'07"E				Reported as intercepted and destroyed in flight
20 Oct 2016	Not Known	Jazan	16°53'47"N	44°33'26"E				
20 Oct 2016	Not Known	Najran	17°33'19"N	44°14'33"E				
28 Oct 2016	Not Known	Jeddah or Mecca	21°25'27"N	39°49'35"E				Reported as intercepted and destroyed in flight 65km from target, which is in dispute. Longest range attack to date.
1 Nov 2016	Not Known	Jazan	16°53'47"N	44°33'26"E				
1 Nov 2016	Not Known	Najran	17°33'19"N	44°14'33"E				
1 Nov 2016	Not Known	Asir province						
15 Nov 2016	OTR-21 Tochka	Najran x 2	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
26 Nov 2016	Not Known	Khamis Mushayt	18°18'17"N	42°43'54"E				Reported as intercepted and destroyed in flight

Appendix A to Annex 42: Ballistic estimates for Houthi ‘ZELZAL-3’ and ‘SOMOD’ rockets

Drag Equation				$D = C_d * ((\rho * V * V) / 2) * A$
Cd	Drag Coefficient	No Unit	0.45	ESTIMATE
ρ	Air Density	kg/m ³	1.225	
V	Velocity	m/s	1568.5	From ESTIMATE
V	Velocity	m/s	1737.9	From EXHAUST VELOCITY
A	Cross-sectional Area	m ²	0.2420	
	Calibre	mm	555	
D	Drag	N	164059.16	
Ideal Rocket Equation				
M	Mass Rocket	kg	1000	
Mf	Mass Full Rocket Motor	kg	1000	
Me	Mass Empty Rocket Motor	kg	499	
Mp	Mass Propellant	kg	501	
MR	Propellant Mass Ratio	No Unit	2.004008016	
In MR	Log MR		0.695149183	
SI	Specific Impulse		230	ESTIMATE
SI	Specific Impulse		254.841998	From Exhaust Velocity
t	time	sec	1	
F	Thrust	kg.m.s	1	
Ve _q	Engine Exhaust Velocity		2500	ESTIMATE
g	Gravity	m/s ²	9.81	
V	Velocity	m/s	1568.5	From ESTIMATE
V	Velocity	m/s	1737.9	From EXHAUST VELOCITY
Terminal Velocity				$V_t = (2 * M / (C_d * \rho * A))^{0.5}$
M	Mass Rocket (Burnt Out)	kg	499	
Cd	Drag Coefficient	No Unit	0.45	ESTIMATE
ρ	Air Density	kg/m ³	1.225	
A	Cross-sectional Area	m ²	0.2420	
V _t	Terminal Velocity	m/s	86.5	
V _t	Terminal Velocity	kph	311.4	
Range (with Drag)				$R = (V(0) * V_t * \cos\theta) / g$
V(0)	Initial Velocity	m/s	1568.5	ESTIMATE
V(0)	Initial Velocity	m/s	1737.9	FROM EXHAUST VELOCITY
V _t	Terminal Velocity	M/S	311.4	

θ	Launch Angle	Deg	37	
θ	Launch Angle	RAD	0.645771823	
g	Gravity	m/s ²	9.81	
R	Range (with Drag)	m	39763.2	ESTIMATE
R	Range (with Drag)	m	44058.0	FROM EXHAUST VELOCITY

Annex 43: Improvised explosive device technology

A. Technology

1. Explosive types and commercial detonators

1. Tri-nitro-toluene (TNT) in cast, ground or flake form as the main filling of IEDs is replacing ammonium nitrate - fuel oil (ANFO), although recovered explosive remnants of war (ERW) are still also been utilized as the main charge. The use of TNT as a main filling by AQAP means that it is almost certain that they have developed an industrial process for the recovery of TNT, from captured or abandoned high explosive military ammunition.

2. Armed groups now have access to commercial electric detonators,¹⁶⁰ which has significantly increased their operational capability as the reliability of such detonators far exceeds the reliability of the traditional AQAP tri-acetone tri-peroxide (TATP) filled improvised detonators. Commercial electric detonators are now routinely recovered from failed or neutralised improvised explosive devices (IEDs). These commercial detonators provide armed groups with the capability to implement a sustained IED campaign.

2. IED technology transfer

3. 2016 has seen the introduction of new, to Yemen, IED technology and tactics. This includes explosively formed projectiles (EFP): first seen been used by the Red Army Faction in Germany (1989), then by Hezbollah in Lebanon (1990>) and then on a massive scale in Iraq (2003>). For example, the Quds Force of the Iranian Islamic Republican Guard Corps (IRGC) supplied and instructed insurgents in Iraq on the tandem use of EFP with Passive Infra Red (PIR) initiation systems.¹⁶¹ This IRGC influence has now transferred to Yemen, which is demonstrated by the use of three digit identification or batch codes been written onto EFP IEDs (figure 43.1) and the recovery of PIR systems (figure 43.2).¹⁶² Although the Panel has no evidence of the direct training of belligerents in the use of IEDs by the IRGC there are indicators as to their influence in the design and manufacture of these PIR IED (figure 43.2):

- (a) Method of camouflage of the main charge;
- (b) The shrink-wrap protection for the electronic components;
- (c) The use and configuration of the stub helical antennae; and
- (d) The use of BNC¹⁶³ type connectors.

4. Improvised radio controlled directionally focused fragmentation charges (DFFC) have now been identified from imagery of recovered IEDs in both Abyan and Al Mukalla.

5. Minimal metal pressure pads (MMPP) for victim operated IEDs (VOIED) have become much more widespread in 2016, with the emergence of a “standard” design. This suggests a degree of industrialization in the manufacture of such components, such as that used by ISIL in Iraq.

¹⁶⁰ Identified from a wide range of imagery. See later.

¹⁶¹ Confidential source.

¹⁶² All imagery in this annex from confidential sources.

¹⁶³ Bayonet Neill-Concelman.

Figure 43.1:
Probable Explosively Formed Projectile (EFP) IED,
Ma'rib (12 Feb 2016).
Note: Batch/Lot Number (931).



Figure 43.2
'Rock' IED with possible Passive Infra Red (PIR) initiator,
Saleh, Ma'rib (30 Oct 2016)



Figure 43.3
"Rock" IED, Ta'izz (16 Mar2016)



Figure 43.4
"Rock" IED, Ta'izz (16 Mar2016)



Figure 43.5
EFP Radio-Controlled IED (RCIED),
Al Mukalla (16 May 2016)



Figure 43.6
Directional Focused Fragmentation Charge (DFFC) component
for IED, Al Mukalla (16 May 2016)



Figure 43.7
IED Factory, Dar Saad, Aden (21 May 2016)



Figure 43.8
“Rock” IED with Minimal Metal Pressure Plate,
Location TBC (10 Jun 2016)



Figure 43.9
RCIED with improvised fragmentation
Khanfar, Abyan (18 Jun 2016)

NOTE: The red components are Dual Tone Multi Frequency (DTMF) circuits for decoding cell phone attack frequencies.¹⁶⁴



Figure 43.10
Suicide Vest IED (PBIED) components,
Al Mukalla (27 Jun 2016)¹⁶⁵



Figure 43.11
Under Vehicle IED (UVIED), Aden (7 Aug 2016)



Figure 43.12
DFFC and RCIED Find, Ibb (Aug 2016)



¹⁶⁴ In this IED the audio output from the cell phone appears to be fed via the black 3.5mm audio jack into the input of the DTMF decoder firing switch. The decoder is probably configured for a single numeric firing signal ('9' on the one on the centre and '7' on the one on the right). Control of the DTMF decoder is normally via a PIC microprocessor on the same circuit board. The washing machine timer provides a delay to arming switch - a common technique previously used by IRGC trained terrorist and insurgent groups in Iraq.

¹⁶⁵ On 13 November 2016, 28 explosive vests/belts were seized from a bus entering Aden.

Figure 43.13
‘Rock’ IED and EFP IED, Location TBC (25 Oct 2016)



Figure 43.14
Breeze Block container for disguised IED, Ta'izz (Nov 2016)



6. The most recent example of technological and tactical transfer of IED knowledge is that of the use of a grenade fuze directly onto detonating cord by the suicide bomber¹⁶⁶ in Aden on 18 December 2016. This technique has been seen in Libya, Syria and Iraq and is a departure from the more normal electrical initiation system.

Figure 43.15
Suicide IED using grenade fuze, Aden (18 Dec 2016)



B. Future IED clearance challenges

7. There is now an ever more significant threat to explosive ordnance disposal (EOD) personnel than that last reported in 2013.¹⁶⁷ The few EOD teams that do exist have inadequate equipment and insufficient training to safely deal with such a high technical and tactical threat. Perhaps more importantly, the only organization with a base level of knowledge that could be built on to develop a credible IED Disposal (IEDD) capability is the UNDP supported Yemen Mine Action Centre (YEMAC),¹⁶⁸ but their direct involvement in IEDD during conflict could jeopardize their neutrality and primary humanitarian mission of mine action.

¹⁶⁶ Abu Hashim al-Radfani.

¹⁶⁷ Restricted UNDP Report – February 2013.

¹⁶⁸ A pilot IEDD course was run by UNDP for YEMAC in 2014, but the training team had to be withdrawn after threats were made against them.

8. The post conflict environment will provide further challenges for YEMAC humanitarian mine clearance as IEDs have been used in tandem with the anti-personnel minefields already present to form a defensive belt around belligerent positions. The safe clearance of these defensive integrated IED/mine belts will require the development of new operating procedures and protocols for the mine clearance teams, whom will require the direct support of IEDD teams.

Annex 44: ERW, mines and UXO summary

A. Mines and UXO

1. Use of mines in IEDs by Houthi and Saleh forces

1. The Panel continues to receive evidence of the use of mines by Houthi and Saleh forces, and the use of integrated mine and IED barrier belts by AQAP, and more recently the Houthi and Saleh forces. This often includes the use of abandoned unexploded ordnance (AXO), such as landmines or HE artillery shells, as the main charges of an IED.

2. Figures 44.1 to 44.6¹⁶⁹ show the removal of Houthi deployed IEDs, with anti-tank mines as main charges, from Kamb, Saleh Directorate, Ta'izz on 24 November 2016. This was part of a clearance operation by 'popular resistance' forces. The area was forcibly cleared of civilians by the Houthi in July 2015 and then used as part of a mine and IED barrier belt defensive position. This effectively prevented the return of civilians until the EOD threat had been cleared.¹⁷⁰

Figure 44.1

**Render Safe of IED (anti-tank (AT) mine main charge),
Ta'izz, November 2016**



Figure 44.2

**Render Safe of IED (AT mine main charge),
Ta'izz, November 2016**



¹⁶⁹ From confidential source.

¹⁷⁰ On 11 August 2016, official sources reported one civilian death and two injuries in this area from explosive remnants of war (ERW).

Figure 44.3
Removal of AT mine main charge from IED,
Ta'izz, November 2016



Figure 44.5
Render safe of IED,¹⁷¹
Ta'izz, November 2016



Figure 44.4
Removal of AT mine main charge from IED,
Ta'izz, November 2016



Figure 44.6
Location of integrated Mine/IED belt,
Ta'izz, November 2016



3. Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist.¹⁷² IHL requires that all parties must take the necessary measures to ensure the safe return of those displaced.¹⁷³

4. The Panel also received reports of more traditional mine laying by the Houthi near Mukalla during 2016. Figure 44.7 shows the hand drawn mine map of this area, whereas figure 44.8 shows the anti-tank mines being prepared for laying.

¹⁷¹ The image shows either: 1) a tripwire; 2) a pull link to a switch; or 3) a pressure release wire, being cut. NOTE the probable detonating cord looped over the wall.

¹⁷² ICRC Customary IHL Study Rule (CIHLR) 132.

¹⁷³ Ibid.

Figure 44.7
Houthi Mine Map (Sketch), near al Mukha, 2016¹⁷⁴

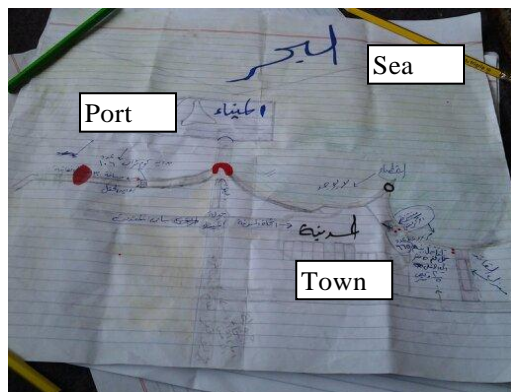


Figure 44.8
Anti-tank mines, prepared for laying, Mukalla, 2016



2. Mines 'new' to Yemen

1. The Panel has identified APM types that have never been recorded as ever in the possession of the Yemeni Armed Forces. Yemen, as a signatory to the Mine Ban Treaty (1997), completed the destruction of its stockpile of APM on 27 April 2002. Whereas Yemen retained 4,000 APM for training and research purposes, none of these were of the type seen below.

2. As the possible deployment of these APM might be by an entity acting on behalf of individuals listed by the Committee, and/or the weapon might have been used in violation of IHL, the Panel was interested in establishing whether the presence of these APMs result from inappropriate deployment, illegal diversion, black market purchase or capture during military operations.

Figure 44.9
PRB M35 APM, Bab al-Mandab, October 2015¹⁷⁵



Figure 44.10
GYATA APM, Najran, December 2015¹⁷⁶



¹⁷⁴ Sketch drawn by Houthi engineer involved with the task via confidential source.

¹⁷⁵ Source: Confidential. The Government of Belgium confirmed to the Panel that this APM was manufactured by PRB, but regretted that they could not provide further assistance as to the end user, as their national legislation only commits them to maintaining export records for 5 years.

¹⁷⁶ Source: NGO individual. The Panel submitted a tracing request to the Government of Hungary and a response is still awaited.

Figure 44.11
PSM-1 APM, Ma'rib, March 2016¹⁷⁷



Figure 44.12
PPM2 APM, Ma'rib, 9 April 2016¹⁷⁸



Figure 44.13
Projector Area Defence type APM,
Lowder, Abyan, 25 May 2016¹⁷⁹



Figure 44.14
Projector Area Defence type APM,
Buraida, Aden, 21 July 2016¹⁸⁰



B. Cluster munitions¹⁸¹

1. The Panel has either obtained or verified evidence that cluster munitions have been used by the Saudi Arabia-led coalition during the conflict. The Panel has analysed imagery¹⁸² and consulted with credible sources¹⁸³ within Yemen

¹⁷⁷ Source: HRW. The Government of Bulgaria confirmed to the Panel that this APM was manufactured by Arsenal J.S.Co, Kazanluk in 1989 and was sold to the Ministry of Defence of Bulgaria in 1990. The Government of Bulgaria regretted that they could not provide further assistance as to the end user, as their national legislation only commits them to maintaining export records for 10 years.

¹⁷⁸ Confidential sources. The Panel requested more details on this seizure from the Governments of Saudi Arabia and the UAE to allow for submission of tracing requests to appropriate Member States. No response has been received yet from either government.

¹⁷⁹ Source: Yemen Mine Action Centre (YEMAC). The Panel initially assessed that this may be a Chinese APM. China stated in a letter to the Panel of 9 December 2016 that this particular mine was not of Chinese manufacture.

¹⁸⁰ Confidential source. The Panel initially assessed that this may be a Chinese APM. China stated in a letter to the Panel of 9 December 2016 that this particular mine was not of Chinese manufacture.

¹⁸¹ From a wide range of credible and confidential sources unless otherwise referenced.

¹⁸² Original imagery of media and NGO sources.

¹⁸³ Confidential sources with knowledge of mine action in Yemen.

about the BL-755 cluster munition debris and unexploded bomblets received from Al-Khadra¹⁸⁴ on 18 January 2016. The Panel is unconvinced by claims¹⁸⁵ from the Saudi Arabia-led coalition, or other stakeholders with an interest, that all the debris and unexploded bomblets were as the result of previous campaigns. The Panel identified the following evidence as key to their findings:

(a) There was insufficient weathering, caused by the sand erosion of paint etc, of the unexploded bomblets and debris for them to have been on the ground for any lengthy period of time;

(b) Civilian casualties in the area that the debris and unexploded bomblets were recovered from only started to occur post March 2015;

(c) A highly credible and confidential source with access to the International Management System for Mine Action (IMSMA) data for Yemen confirmed that the areas where the debris and unexploded bomblets were recovered from were not recorded as a Suspected Hazardous Area (SHA); the closest SHA was nearly 20km away;

(d) The comprehensive Landmine Impact Survey (LIS) completed in July 2000 showed no indication of a SHA close to the recently discovered cluster munition strike areas;

(e) The Yemen Mine Action Centre (YEMAC) has been conducting mine and UXO clearance operations in the region for the last ten years. They would undoubtedly have had legacy cluster bomblet impacted areas, or casualties from such an area, reported to them during this time. No reports were received; and

(f) The Director of YEMAC, Ahmed Alawi, confirmed in an interview with ITN (shown on 26 October 2016) that these were not legacy strikes. The Panel also consulted with previous senior YEMAC staff who verified that they had never seen any evidence of cluster munition use in this area, and that had it been previously used it would have been reported to their field teams.

2. The Panel has examined the evidence presented in an Amnesty International report¹⁸⁶ on the issue in detail, in addition to other independently obtained evidence, and finds the content and conclusions of the report as accurate, highly credible and compelling.

¹⁸⁴ 16°21'10.0"N 42°58'16.2"E (approximate location of al-Khadra Village).

¹⁸⁵ Widely reported. For example AFP, 10 January 2016. <https://www.yahoo.com/news/saudi-led-coalition-denies-using-cluster-bombs-yemen-075855238.html?ref=gs>, or ITN News, 3 November 2016. <http://www.itn.com/news/2016-11-03/saudi-arabia-deny-using-british-cluster-bombs-in-the-war-in-yemen/>.

¹⁸⁶ <https://amnesty.app.box.com/s/yx7xrh9g5cz2qj4fro6ozi2ygpmpfvxj>.

Figure 44.15¹⁸⁷
BL-755 cluster munition unit recovered in Al-Khadra¹⁸⁸
(18 January 2016)



Figure 44.16¹⁸⁹
BL-755 cluster munition unit recovered from Al-Khadra to YEMAC explosive storehouse

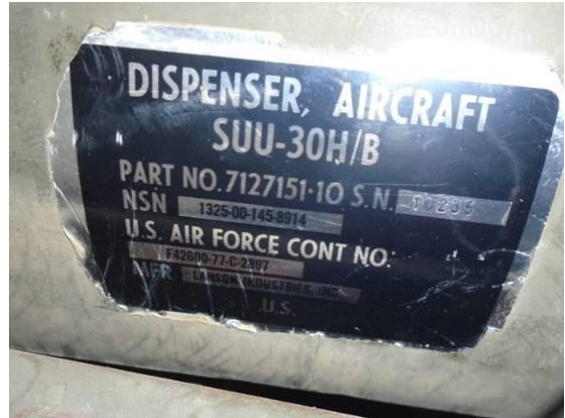


3. The Panel has also obtained evidence of the use of cluster munitions by the Saudi Arabia-led coalition in other areas (see figures 44.17 to 44.20). The available evidence and the lack of weathering all strongly indicate the recent use of the cluster munitions and refute claims of them being legacy munitions.

Figure 44.17
CBU 58A /B cluster munition recovered in Sana'a
(16 January 2016)



Figure 44.18
CBU 58/A cluster munition recovered in Sana'a
(16 January 2016)



¹⁸⁷ Source: Amnesty International.

¹⁸⁸ 16°21'10.0"N, 42°58'16.2"E (approximate location of al-Khadhra Village).

¹⁸⁹ Source: Amnesty International.

Figure 44.19
**CBU 58A /B cluster munition recovered Mastaba
 (27 March 2016)**¹⁹⁰

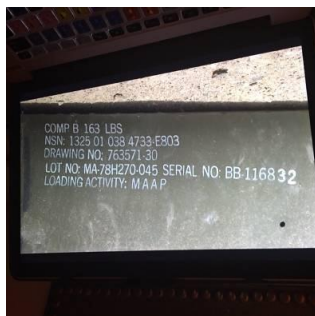


Figure 44.20
**CBU 58A /B cluster munition recovered Mastaba
 (27 March 2016)**



C. Abandoned explosive ordnance (AXO) in civilian areas

1. In March and April 2016 a demining team found a cache of 34 items of abandoned unexploded ordnance in Ta'izz university. This included mines, artillery shells and TNT blocks (figure 44.21 and 44.22).

Figure 44.21
AXO, Ta'izz University (April 2016)



Figure 44.22
AXO, Ta'izz University (April 2016)



2. In storing ammunition within the university premises, these forces may also have been attempting to shield the military objects from attack. IHL also requires that parties to take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks.¹⁹¹ It is possible that by storing ammunition in the University, the Houthi forces increased the likelihood of attacks against this civilian infrastructure.

¹⁹⁰ 16°13'40.80"N, 43°14'40.80"E.

¹⁹¹ CIHLR 22.

D. Use of inert aircraft bombs

1. The Panel has identified the recent use of Mark 83 1,000lb inert concrete-filled aircraft bombs fitted with precision guidance units.¹⁹² Although not strictly UXO, the issue has been included as they can have similar disruptive effects to daily life as they look like UXO.

2. The use of inert bombs is a deliberate tactic, although one not widely known, which has been used before in other conflicts¹⁹³ to attack high value targets (HVT) in built up areas where collateral damage is unacceptable. The theory being that the damage caused is limited to that imparted by the kinetic energy of the weapon,¹⁹⁴ as being non-explosive there is no blast, and a much reduced fragmentation danger area.¹⁹⁵ Two incidents, involving multiple inert bombs, have been identified to date (table 44.1 and figures 44.23 and 44.25). The protocols surrounding the preparation and loading of weapons are stringent and thus it is highly unlikely that these inert bombs were loaded onto an aircraft and then dropped by mistake.

Table 44.1

Incidents of inert A/C bombs

<i>Date</i>	<i>Location</i>	<i>Type</i>	<i>Quantity</i>	<i>Target</i>
1 Sep 2016	Tahir Square, Sana'a	Mark 82 Inert		
20 Sep 2016	Old City, Sana'a	Mark 82 Inert ¹⁹⁶	>5	NSB Office

Figure 44.23

Tahir Square, Sana'a (1 Sep 2016)



Figure 44.24

Tahir Square, Sana'a (1 Sep 2016)



¹⁹² Clearly identified from engraved markings: NSN 1325 2015 20150-5824, EMPTY BOMB MK83, P/N V3682600_22KH NCAGE A4447?.

¹⁹³ Northern Iraq (1999), Iraq (2003), Libya (2011), Gaza and Syria.

¹⁹⁴ The Panel has estimated by calculation that the kinetic energy of an inert Mark 82 A/C bomb is equivalent to that of 56 one tonne vehicles travelling at 100mph.

¹⁹⁵ On 24 August 2007 a patent application was filed with the US Patent Office for a purpose designed Reduced Collateral Damage Bomb (RCDB). US Patent 7992498 granted on 9 August 2011. <http://patents.com/us-7992498.html>.

¹⁹⁶ The manufacturer was traced from the Commercial and Government Entity (CAGE) Code A4447 engraved on the bomb to RWM Italia S.p.A, Via Industriale 8/D, 25016 Ghedi, Italy.

Figure 44.25
Old City, Sana'a (20 Sep 2016)



Figure 44.26
Old City, Sana'a (20 Sep 2016)



3. The Panel is also interested in the deliberate use of inert aircraft bombs as it may demonstrate a new tactic been introduced by the Saudi Arabia-led coalition designed to reduce the collateral damage during some air strikes. It may provide evidence of improved consideration of Collateral Damage Estimates as required under IHL. In these two particular incidents, however, there is still insufficient information to assess if the inert aircraft bombs were aimed at a legitimate military target. If not dropped on a specific and legitimate military objective, then their use is still a violation of IHL.

Figure 44.27
Old City, Sana'a (20 Sep 2016)



E. IHL aspects

1. IHL requires that when explosive ordnance, including landmines, is used, particular care must be taken to minimize their indiscriminate effects.¹⁹⁷ In the case at paragraph C.2, and in many others, the Panel is not convinced that the Houthi forces took the relevant precautions to prevent their effects on civilians. Such precautions, at a minimum, would normally include the delineation and marking of minefields from all exterior approaches, and a mine awareness programme.

F. ERW casualties and survivors

1. The Panel received multiple reports of people injured from ERW. For example, Human Rights Watch documents five ERW incidents, which killed six and wounded nine.¹⁹⁸ Mwatana Organization documented ten incidents of ERW explosions, which killed 32 civilians and injured 23.¹⁹⁹ This is only a fraction of that reported to YEMAC throughout Yemen, and has been included for illustrative purposes only at table 44.2.

Table 44.2
ERW casualties in Ta'izz area (2016)

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>District</i>	<i>Governorate</i>	<i>Fatal</i>	<i>Injured</i>	<i>Consequences</i>
1	25 Jan 2016	Al-Nashamah	Al-Maafer	Tai'zz	3		Civilians on a motorbike returning home.
2	10 Mar 2016	al-Qua'a	Al-Baidha	Al-Baidha	1		1 dead child.
3	22 Mar 2016	Haida area	Hareeb	Ma'rib	1	1	Children.
4	23 Apr 2016	Al-Turbah		Tai'zz	8	8	Bus. Includes 1 dead and 4 injured children
5	17 May 2016	Al-Qalao'a	Al-Buraiq	Aden	2	1	1 child injured
6	19 May 2016	Wadi al-Helan	Majzr	Ma'rib	3	2	Includes 3 dead and 1 injured children
7	21 May 2016	Shaab al-Hafa'a,	Hareeb	Ma'rib	2	1	1 child injured
8	24 May 2016	Hareeb	Nihm	Sana'a	1	1	1 dead child and 1 injured female
9	9 Aug 2016	Wadi Hana	Al-Wazeeiah	Tai'zz	10	9	Includes 6 dead and 4 injured children
10	9 Aug 2016	Sabr district		Lahj	1		Truck

¹⁹⁷ CIHLR 81.

¹⁹⁸ <https://www.hrw.org/news/2016/09/08/yemen-houthi-landmines-claim-civilian-victims>.

¹⁹⁹ Information provided to the Panel.

Annex 45: Houthi illegal taxation

1. The Panel established that the Houthis are collecting tax from the Yemeni Red Sea Corporation on weekly basis. The following evidence shows that the Houthis are asking for the collection of a tax to be collected by the Yemeni Red Sea Corporation, to be transferred on a weekly basis to Hudaydah post office.

Figure 45.1:
Houthi “tax demand”



Panel Translation

Following the outcomes of the meeting of the administrative commission of the local council of al-Hudaydah Governorate of 10 October 2016 related to the support of the Central Bank, which is an important national responsibility of the Yemeni people and primarily businessmen and entrepreneurs.

Therefore, 100,000 Yemeni Riyal shall be contributed, for the support of the Central Bank, by each ship entering the port of al-Hudaydah apart from those carrying oil products. The payment in cash and not with checks shall be collected the Yemeni Red Sea ports and transferred on a weekly basis to the account at the Yemeni central post service of al-Hudaydah for the support of the Central Bank.

Annex 46: Houthi proxies and affiliates

(STRICTLY CONFIDENTIAL)

Annex 47: Saleh proxies and affiliates

(STRICTLY CONFIDENTIAL)

Annex 48: Financial activities of Khaled Ali Abdullah Saleh

1. This annex contains the supporting documentary evidence to demonstrate that Khaled Ali Abdullah Saleh has been acting on behalf of his father Ali Abdullah Saleh (YEi.003).

2. The Panel obtained information from confidential sources that Khaled Ali Abdullah Saleh has managed a financial structure comprising seven offshore companies, three acquired from his father and four more likely transferred from his brother according to indicators and bank accounts in Singapore and UAE. The Panel analysed accounts owned directly or indirectly by Khaled Ali Abdullah Saleh (XX010, XX011, XX013, XX014, XX018, XX021, XX024, XX025, XX032, XX324, XX352) during the period from January 2014 to July 2016 (table 1 below).

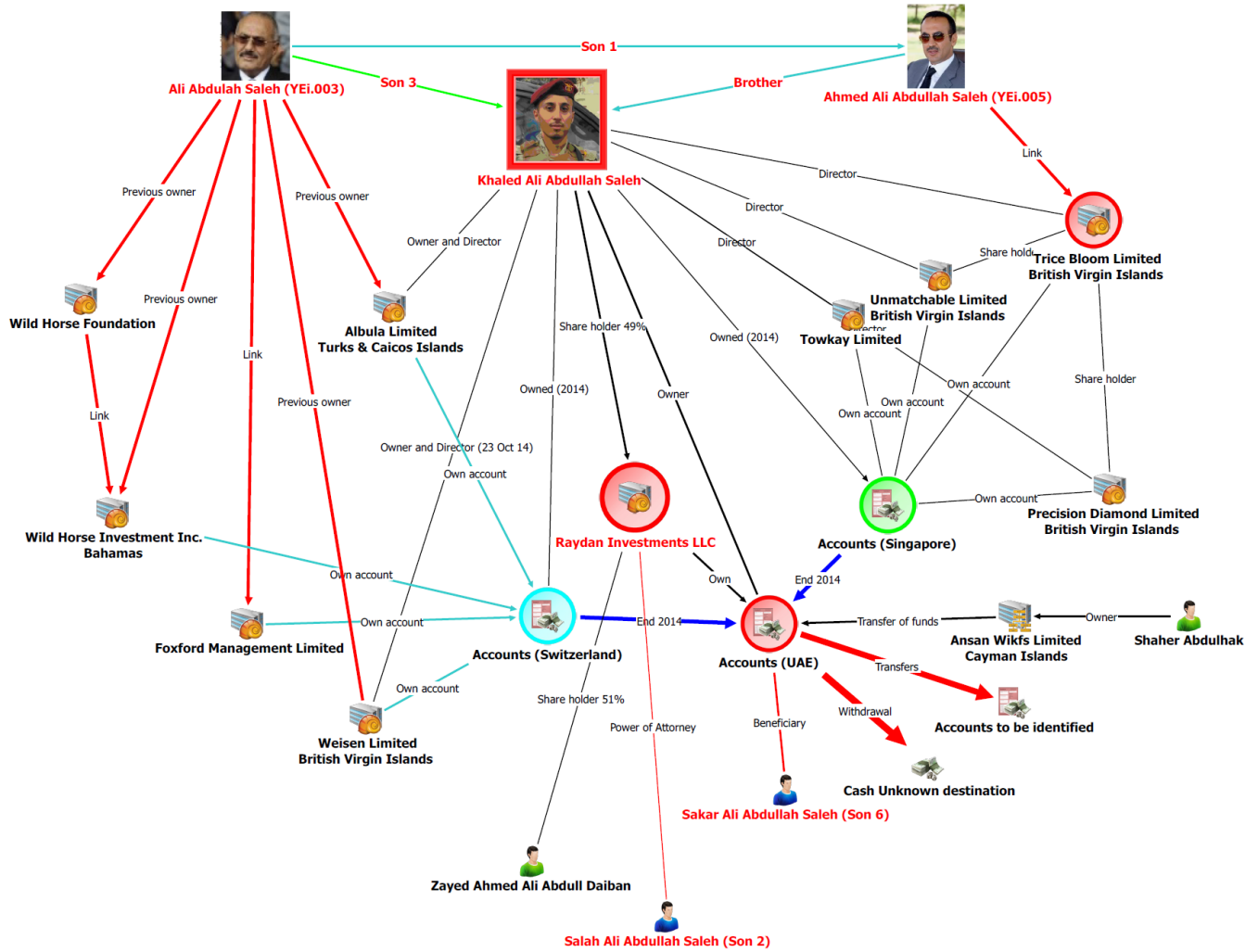
Table 48.1
Monthly transactions equivalent to US\$ 100,000 plus

<i>Month</i>	<i>Number of major transactions</i>	<i>Total monthly debit major transactions US\$ equivalent</i>	<i>Total monthly credit major transactions US\$ equivalent</i>	<i>Remarks</i>
Jan 2014	7	-1,604,913.72	0.00	
Feb 2014	14	-6,022,101.52	43,950,192.92	
Mar 2014	1	-1,989,396.00	0.00	
Apr 2014	7	0.00	9,188,396.33	
May 2014	4	0.00	22,085,925.04	
Jun 2014	6	0.00	19,123,305.64	
Jul 2014		-615,037.31	0.00	
Aug 2014	4	-307,511.57	386,711.57	
Sep 2014	4	-1,326,109.26	415,593.00	
Oct 2014	8	0.00	34,770,278.46	
7 Nov 2014				Listing of Ali Abdullah Saleh (YEi.003)
Nov 2014	6	-281,513.16	53,628,109.07	
Dec 2014	35	-263,714,684.43	181,638,247.05	
Jan 2015		0	0	
Feb 2015	4	0	573,614.81	
Mar 2015	6	0	1,005,774.85	
14 Apr 2015				Listing of Ahmed Ali Abdullah Saleh (YEi.005)
Apr 2015	5	-2,039,658.62	545,040.00	
May 2015	3	-113,967.86	344,351.64	
Jun 2015	11	-5,827,225.39	628,608.26	
Jul 2015	6	-1,716,732.93	81,749.19	
Aug 2015	4	-818,755.00	1,106,431.20	
Sep 2015	2	-1,107.37	0	
Oct 2015	0	0	0	
Dec 2015	3	20151,630.95	200,165.94	
Jan 2016		0	0	
Feb 2016	3	-194,960.81	194,851.80	

<i>Month</i>	<i>Number of major transactions</i>	<i>Total monthly debit major transactions US\$ equivalent</i>	<i>Total monthly credit major transactions US\$ equivalent</i>	<i>Remarks</i>
28 Feb 2016				Publication of the Panel's Final Report 2015
Mar 2016	5	-2,083,042.87	2,182,874.03	
Apr 2016	1	0	150,124.46	
May 2016	1	-135,615.49	0	
Jun 2016	2	0	1,519,299.00	
Jul 2016	1	0	14,080.29	
Total	153	-288,943,964.26	373,733,724.53	

3. The Panel noted peaks in the amount of funds transferred during the designation periods, and following the publication of the Panel 2015 report, which for the first time had identified the structure used by Ali Abdullah Saleh (YEi.003). This is likely an indicator that other funds have moved to Khaled's accounts. The Panel continues to investigate.

Figure 48.1
 Link of Khaled Ali Abdullah Saleh and his assets with listed individuals



Appendix A to Annex 48: Timeline of company transfers

Table 48.A.1

Timeline of company transfer

<i>Event</i>	<i>Albula Limited</i> <i>(Turk and Caicos Islands</i> <i>(E29459))</i>	<i>Weisen Limited</i> <i>(British Virgin Islands</i> <i>(395883))</i>
Directors Resolution	23 October 2014	23 October 2014
Khaled Ali Abdullah Saleh entered in Register of Members and Share Ledger	23 October 2014	23 October 2014
Register of Members and Share Ledger printed	24 October 2014	24 October 2014
Register of Members and Share Ledger signed	28 October 2014	28 October 2014
Ali Abdullah Saleh (YEi.003) designated	7 November 2014	
Certificate of Incumbency ²⁰⁰ signed by Newhaven Corporate Services Limited (BVI)		14 November 2014
Certificate of Incumbency signed by Unicorn Administration Limited (Turk and Caicos Islands)	18 November 2014	
Certificate of Incumbency certified as a true copy by Supreeya Tacouri of NWT Management S.A	3 December 2014	3 December 2014

²⁰⁰ A Certificate of Incumbency lists individuals who have the authority to contract on behalf of the company or enter into legally binding agreements on behalf of the company. Until it is signed and deposited with the national authority responsible for company registration those individuals listed do not have authority to enter the company into any legally binding contracts.

Appendix B to Annex 48: Funds transfers 1

Evidence that Khaled Ali Abdullah Saleh received US\$ 33,471,993.37 and Euro 734,786.49 from **Albula Limited, Foxford Management Limited and Weisen Limited** companies, which he acquired from his father Ali Abdullah Saleh (YEI.003) during the period around his designation on 7 November 2014.

Image 48.B.1

Confidential bank source

Dear Sir,

After greetings,

However, Mr. Khaled Ali Abdullah Saleh maintained accounts with [redacted] (Account no. [redacted]) and in October 2014 there were inward remittances of USD 33,471,993.37 and Euro 734,786.49 into this account, as tabulated below;

Originators	Transfer Date	Incoming Transfers	
		(in EUR)	(in USD)
Albula Limited	24 Oct 2014	425,033.89	11,768,517.90
	29 Oct 2014	-	1,240,000.00
Foxford Management Limited	24 Oct 2014	-	10,466,515.22
Weisen Limited	24 Oct 2014	309,752.60	8,936,966.25
	29 Oct 2014	-	1,060,000.00
Total		734,786.49	33,471,993.37

We wish to advise that the originators of the transactions are not listed as designated entities.

Appendix C to Annex 48: Trice Bloom Limited

Figure 48.C.1

Shareholders of Trice Bloom Limited – Precision Diamond Limited and Unmatchable Limited

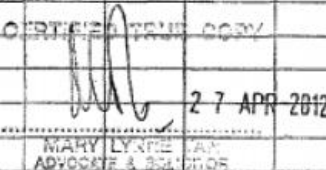
Name of Company TRICE BLOOM LIMITED

Company Number 1706337

REGISTER OF MEMBERS

Full Name		Occupation		Corporation		Date Entered as a Member		Date of Ceasing to be Member						
PRECISION DIAMOND LIMITED						27 April 2012								
Address: P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands														
Date	Certificate Number	Shares Acquired			No. of Transfer Deed	Certificate Number	Shares Transferred			Total Shares Held	Remarks	Entry Made By		
		Distinctive Nos.		No. of Shares			Consideration Paid	Distinctive Nos.					No. of Shares	Consideration Paid
		From	To					From	To					
27 April 2012	1	-	-	-2,916-	US\$2,916.00					-2,916-	Allotment			

Full Name		Occupation		Corporation		Date Entered as a Member		Date of Ceasing to be Member						
UNMATCHABLE LIMITED						27 April 2012								
Address: P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands														
Date	Certificate Number	Shares Acquired			No. of Transfer Deed	Certificate Number	Shares Transferred			Total Shares Held	Remarks	Entry Made By		
		Distinctive Nos.		No. of Shares			Consideration Paid	Distinctive Nos.					No. of Shares	Consideration Paid
		From	To					From	To					
27 April 2012	2	-	-	-1,250-	US\$1,250.00					-1,250-	Allotment			



 CERTIFIED TRUE COPY
 27 APR 2012
 MARY LYNNE SAM
 ADVOCATE & REGISTRAR

Page No. 1 Class of Share ORD Per Value For Share US\$1.00 PLEASE NOTE: THE ORIGINAL OR COPY OF THIS REGISTER MUST BE KEPT AT THE OFFICE OF THE COMPANY'S REGISTERED AGENT. IF A COPY THEN PLEASE NOTIFY THE REGISTERED AGENT IN WRITING OF THE PHYSICAL ADDRESS OF THE ORIGINAL. BV286

Figure 48.C.2

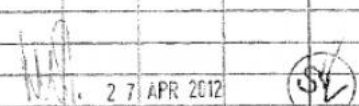
Khaled Ali Abdullah Saleh – Sole shareholder of Unmatchable Limited

Name of Company UNMATCHABLE LIMITED

Company Number 1706369

REGISTER OF MEMBERS

Full Name		Occupation		Businessman		Date Entered as a Member		Date of Ceasing to be Member						
KHALED ALI ABDULLAH SALEH						26 April 2012								
Address: 36 Study Meter Road Sana'a Yemen														
Date	Certificate Number	Shares Acquired			No. of Transfer Deed	Certificate Number	Shares Transferred			Total Shares Held	Remarks	Entry Made By		
		Distinctive Nos.		No. of Shares			Consideration Paid	Distinctive Nos.					No. of Shares	Consideration Paid
		From	To					From	To					
26 April 2012	1	-	-	-1,250-	US\$1,250.00					-1,250-	Allotment			



 27 APR 2012

Figure 48.C.3

Khaled Ali Abdullah Saleh – Sole shareholder of Precision Diamond Limited

Name of Company PRECISION DIAMOND LIMITEDCompany Number 1706232

REGISTER OF MEMBERS

Full Name	KHALED ALI ABDULLAH SALEH				Occupation	Businessman				Date Entered as a Member	26 April 2012			
Address	26 Sixty Meter Road Sana'a Yemen										Date of Ceasing to be Member			
Date	Certificate Number	Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number	Distinctive Nos.		No. of Shares	Consideration Paid	Total Shares Held	Remarks	Entry Made By
		From	To					From	To					
26 April 2012	1	-	-	-2,916-	US\$2,916.00							-2,916-	Allotment	

Figure 48.C.4

Khaled Ali Abdullah Saleh – Sole Director of Trice Bloom Limited

Name of Company TRICE BLOOM LIMITEDCompany Number 1706337

REGISTER OF DIRECTORS

Date of Appointment	Full Name (Any Former Names or Alias)	Nationality and ID/PPT No.	Residential Address (or Registered Office Address)	Business Occupation or Other Directorship	Date of Ceasing to Act	Entry Made By
27 April 2012	KHALED ALI ABDULLAH SALEH	Yemeni 00013939	26 Sixty Meter Road Sana'a Yemen	Businessman		

Sources: Confidential

Figure 48.C.5

Ahmed Ali Abdullah Saleh (YEi.005) appointed by Khaled Ali Abdullah Saleh as an authorized signatory to the accounts maintained by Trice Bloom on 13 December 2013.

TRICE BLOOM LIMITED
(the "Company")
(Incorporated in the British Virgin Islands)

MEMORANDUM IN WRITING BY THE DIRECTOR OF THE COMPANY PURSUANT TO THE ARTICLES OF ASSOCIATION OF THE COMPANY

CHANGE OF AUTHORISED SIGNATORIES

RESOLVED:

1. THAT the following person be appointed as new signatory to the accounts maintained by the Company with Branch (the "Bank"):

Name
Ahmed Ali Abdulla Saleh

Passport No.
00000017

Specimen Signature




2. THAT the Accounts be operated by either one of the authorized signatories:

Khaled Ali Abdullah Saleh
Ahmed Ali Abdulla Saleh

3. THAT save for the aforesaid amendments, all instructions previously given to the Bank shall remain in full force.

4. THAT this resolution be communicated to the Bank and remained in force until an amending resolution is received by the Bank.

Date: 13 DEC 2013



Khaled Ali Abdullah Saleh
Director

Source: Confidential

Appendix D to Annex 48: Towkay Limited

Figure 48.D.1
Khaled Ali Abdullah Saleh – Sole shareholder of Towkay Limited

Name of Company TOWKAY LIMITED
Company Number 1706334

REGISTER OF MEMBERS

Full Name		Occupation		Businessman		Date Entered as a Member		Date of Ceasing to be Member						
Address														
Date	Certificate Number	Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number	Distinctive Nos.		No. of Shares	Consideration Paid	Total Shares Held	Remarks	Entry Made By
		From	To					From	To					
26 April 2012	1	-	-	-5,834	US\$5,834.00							-5,834	Allotment	

27 APR 2012

Figure 48.D.2
Towkay Limited transfer of AED 1,128,400 to Raydan Investments Limited (20 August 2014)

DEBIT.ACCT.NO:1:1	████████████████████	Inward SWIFT-Telex Payment
CURRENCY.MKT.DR:1:1	1	████████████████████
DEBIT.CURRENCY:1:1	AED	Currency Market
DEBIT.AMOUNT:1:1	1128400.00	UAE DIRHAM
DEBIT.VALUE.DATE:1:1	20140820	
DEBIT.THEIR.REF:1:1	████████████████████	
CREDIT.ACCT.NO:1:1	████████████████████	RAYDAN INVESTMENTS LI
CURRENCY.MKT.CR:1:1	1	Currency Market
CREDIT.CURRENCY:1:1	AED	UAE DIRHAM
CREDIT.VALUE.DATE:1:1	20140820	
PROCESSING.DATE:1:1	20140820	
ORDERING.CUST:1:1	TOWKAY LIMITED	
ORDERING.CUST:2:1	P.O.BOX 957, OFFSHORE INC	
ORDERING.CUST:3:1	CENTRE, ROAD TOWN TORT	
ORDERING.CUST:4:1	BRITISH VIRGIN ISLANDS	
IN.ORDERING.CUS:1:1	TOWKAY LIMITED	
IN.ORDERING.CUS:2:1	P.O.BOX 957, OFFSHORE INC	
IN.ORDERING.CUS:3:1	CENTRE, ROAD TOWN TORT	
IN.ORDERING.CUS:4:1	BRITISH VIRGIN ISLANDS	
ORDERING.BANK:1:1	---	

Sources: Confidential

Appendix E to Annex 48: Funds transfers 2

Table 48.E.1

Summary of funds transfers through the UAE dormant account of Khaled Ali Abdullah Saleh

<i>Date</i>	<i>Amount (AED)</i>	<i>Equivalent (US\$)</i>	<i>Transaction type</i>	<i>Account balance</i>
5 Jan 2014	290,000.00	78,952.50	Deposit	20,996.99
8 Dec 2014	3,324,541.47	905,106.42	Transfer	3,345,538.46
9 Dec 2014	36,700,000.00	9,991,575.00	Transfer	40,045,538.46
11 Dec 2014	10,000,000.00	2,722,500.00	Cash withdrawal	30,045,538.46
11 Dec 2014	26,700,000.00	7,269,075.00	Cash withdrawal	30,016,808.46
15 Dec 2014	36,700,000.00	9,991,575.00	Transfer	40,016,808.46
15 Dec 2014	37,000,000.00	10,073,250.00	Cash withdrawal	3,016,808.46
17 Dec 2014	55,000,000.00	14,973,750.00	Cash withdrawal	-51,943,191.54
17 Dec 2014	55,050,000.00	14,987,362.50	Transfer	3,066,808.46
25 Dec 2014	55,000,000.00	14,973,750.00	Cash withdrawal	51,943,191.54
25 Dec 2014	68,181,260.00	18,562,348.04	Transfer	16,238,068.46
28 Dec 2014	66,000,000.00	17,968,500.00	Cash withdrawal	-49,761,931.08
28 Dec 2014	122,032,162.62	33,223,256.27	Transfer	72,270,231.08
28 Dec 2014	13,200,000.00	3,593,700.00	Transfer	59,070,231.08
30 Dec 2014	110,000.00	29,947.50	Transfer	68,960,181.08
30 Dec 2014	58,960,181.08	16,051,909.30	Cash withdrawal	0.00
Total	308,660,181.08	84,032,734.30		

* Based on average exchange rate 1 AED = 0.27225 US\$ (2013-2016)

Source: Confidential

Figure 48.E.1
UAE bank statement (account XXX-01-04)

ACCOUNT NO: [REDACTED] P-01-4		CURRENCY: UAE DIRHAM STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015				
TRAN. DATE	VAL. DATE	DESCRIPTION	CHK. NO	DR. AMT	CR. AMT	BALANCE
BALANCE B/F						178,875.58
10 SEP 14	10 SEP 14	Outward Telex Charges		80.00-		178,795.58
25 SEP 14	25 SEP 14	Transfer			101,000.00	279,795.58
01 OCT 14	01 OCT 14	Credit Card Payment CRM		166,337.83-		113,457.75
14 OCT 14	14 OCT 14	Cheque Deposit	016311		310,000.00	423,457.75
05 NOV 14	05 NOV 14	Cheque Deposit				397,559.57
20 NOV 14	20 NOV 14	Credit Card Direct Debit		25,098.18-		112,470.57
01 DEC 14	01 DEC 14	Cheque	187486	285,089.00-		112,390.57
01 DEC 14	01 DEC 14	Cheque		80.00-		110,271.69
06 DEC 14	06 DEC 14	Outward Telex Charges				20,996.99
06 DEC 14	06 DEC 14	Telex transfer		2,118.88-		3,345,538.46
08 DEC 14	08 DEC 14	Telex Transfer		89,274.70-		3,345,538.46
08 DEC 14	08 DEC 14	Credit Card Direct Debit				3,345,538.46
09 DEC 14	09 DEC 14	Inward Telex Transfer			3,324,541.47	40,045,538.46
09 DEC 14	09 DEC 14	Inward Telex Transfer			36,700,000.00	30,045,538.46
09 DEC 14	09 DEC 14	Transfer				30,045,538.46
09 DEC 14	09 DEC 14	Cash Withdrawal		10,000,000.00-		30,016,808.46
11 DEC 14	11 DEC 14	Cash Withdrawal				30,016,808.46
11 DEC 14	11 DEC 14	Cheque	187487	28,730.00-		3,316,808.46
11 DEC 14	11 DEC 14	Cheque		26,700,000.00-		40,016,808.46
15 DEC 14	15 DEC 14	Cash Withdrawal				40,016,808.46
15 DEC 14	15 DEC 14	Transfer			36,700,000.00	3,016,808.46
15 DEC 14	15 DEC 14	Transfer				3,016,808.46
15 DEC 14	15 DEC 14	Cash Withdrawal		37,000,000.00-		51,983,191.54-
17 DEC 14	17 DEC 14	Cash Withdrawal		55,000,000.00-		
ACCOUNT NO: [REDACTED] 01-4						
ACCOUNT NO: [REDACTED] 01-4		CURRENCY: UAE DIRHAM STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015				
TRAN. DATE	VAL. DATE	DESCRIPTION	CHK. NO	DR. AMT	CR. AMT	BALANCE
BALANCE B/F						51,983,191.54-
17 DEC 14	17 DEC 14	Transfer				3,066,808.46
22 DEC 14	22 DEC 14	Transfer			55,050,000.00	3,066,808.46
25 DEC 14	25 DEC 14	Cash Withdrawal		10,000.00-		3,056,808.46
25 DEC 14	25 DEC 14	Cash Withdrawal				51,943,191.54-
25 DEC 14	25 DEC 14	Cash Withdrawal		55,000,000.00-		51,943,191.54-
25 DEC 14	25 DEC 14	Transfer				16,238,068.46
28 DEC 14	28 DEC 14	Transfer			68,181,260.00	16,238,068.46
28 DEC 14	28 DEC 14	Cash Withdrawal				49,761,931.54-
28 DEC 14	28 DEC 14	Cash Withdrawal		66,000,000.00-		49,761,931.54-
28 DEC 14	28 DEC 14	Transfer				72,270,231.08
28 DEC 14	28 DEC 14	Transfer			122,032,162.62	72,270,231.08
28 DEC 14	28 DEC 14	Transfer				59,070,231.08
30 DEC 14	30 DEC 14	LTR DTD 28DEC14		13,200,000.00-		59,070,231.08
30 DEC 14	30 DEC 14	Outward Telex Charges		50.00-		59,070,181.08
30 DEC 14	30 DEC 14	AC- [REDACTED]				59,070,181.08
30 DEC 14	30 DEC 14	Telex transfer				58,960,181.08
30 DEC 14	30 DEC 14	Telex Transfer		110,000.00-		58,960,181.08
30 DEC 14	30 DEC 14	Cash Withdrawal				0.00
30 DEC 14	30 DEC 14	Cash Withdrawal		58,960,181.08-		0.00
30 DEC 14	30 DEC 14	ATM Cash Deposit				0.00
30 DEC 14	30 DEC 14	SDM			100.00	100.00
31 DEC 14	31 DEC 14	Account Closing Fees		100.00-		100.00
CLOSING CHARGES FOR CHARGEABLE AMT :100						0.00
BALANCE AT PERIOD END						

Figure 48.E.2
UAE bank statement (account XXX-02-05)

ACCOUNT NO: ██████████ 02-5		CURRENCY: US Dollar Dollar US		STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015		
TRAN.DATE	VAL.DATE	DESCRIPTION	CHQ.NO	DR.AMT	CR.AMT	BALANCE
		BALANCE B/F				0.00
18 AUG 14	18 AUG 14	Cash Deposit				
		Cash Deposit			79,200.00	79,200.00
10 SEP 14	10 SEP 14	Telex transfer				
		Telex Transfer		79,200.00-		0.00
04 DEC 14	04 DEC 14	Inward Telex Transfer				
		Inward Telex Transfer			85,251,228.22	85,251,228.22
09 DEC 14	09 DEC 14	Transfer				
		LTR DTD 09DEC14		10,000,000.00-		75,251,228.22
15 DEC 14	15 DEC 14	Transfer				
		LTR DTD 15DEC14		10,000,000.00-		65,251,228.22
17 DEC 14	17 DEC 14	Transfer				
		LTR DTD 17DEC14		15,000,000.00-		50,251,228.22
17 DEC 14	17 DEC 14	Inward Telex Transfer				
		Inward Telex Transfer			1,578,042.25	51,829,270.47
25 DEC 14	25 DEC 14	Transfer				
		LTR DTD 25DEC14		18,578,000.00-		33,251,270.47
28 DEC 14	28 DEC 14	Transfer				
		LTR DTD 28DEC14		33,251,270.47-		0.00
		BALANCE AT PERIOD END				0.00

Sources: Confidential

Figure 48.E.3
UAE bank letter

Dear Sir,

After greetings,

With reference to your Notice No. 189/2015, we wish to inform you that we did not receive any financial transfer for an amount of US 34 Million from Singapore in the name of Khaled Ali Abdullah Saleh in December 2014.

However, we have received two remittances in December 2014 with the following details:

Name of Remitter	Date of Transfer	Amount-USD
Khaled Ali Abdullah Saleh	04-December-2014	85,251,228.22
Khaled Ali Abdullah Saleh	17-December-2014	1,578,042.25

Further, we would like to inform you that the account of Khaled Ali Abdullah Saleh was closed in December 2014.

In case you require any further details we would be happy to provide you the same.

Thanking you,
Yours faithfully,

Source: Confidential

Appendix F to Annex 48: Funds transfer from Trice Bloom Limited to Raydan Investments Limited

Image.48.F.1

Trice Bloom Limited funds to Raydan Investments Limited

Transaction Summary - Trice Bloom Limited			
FD account	Significant Activities		
28-May-14	Transfer US20m to Raydan Investments LLC (FGB HO)		
27-Nov-14	Interest transfer to Mr Khaled Account in		181,610.47
27-Nov-14	Transfer of Principal to Mr Khaled Account in Singapore		51,538,896.50

Source: Confidential

Appendix G to Annex 48: Raydan Investments Limited UAE commercial licence and documentation

Image.48.G.1

Raydan Investments Limited UAE commercial licence

مركز أبوظبي للأعمال Abu Dhabi Business Center		دائرة التنمية الاقتصادية DEPARTMENT OF ECONOMIC DEVELOPMENT																	
Commercial License		رخصة تجارية																	
License No	GN-1514132	رقم الرخصة																	
Unified ID for ADCCI	316454	الرقم الموحد للعضوية المرفقة																	
Legal Form	Limited Liability Company	الشكل القانوني	شركة ذات مسؤولية محدودة																
Trade Name	RAYDAN INVESTMENTS L.L.C.	الاسم التجاري	ريدان للاستثمارات ذ.م.م																
Issue Place	Abu Dhabi	مكان الإصدار	أبو ظبي																
Establishment Date	07/07/2013	تاريخ تأسيس المؤسسة																	
Issue Date	03/09/2014	تاريخ الإصدار																	
Expiry Date	02/09/2015	تاريخ الانتهاء																	
<table border="0"> <tr> <td>شريك</td> <td>الإمارات العربية المتحدة</td> <td>زاهد احمد على عبدالله نيمان</td> <td>20043315</td> </tr> <tr> <td>Partner</td> <td>United Arab Emirates</td> <td></td> <td></td> </tr> <tr> <td>شريك</td> <td>اليمن</td> <td>خالد علي عبدالله صالح</td> <td>41246693</td> </tr> <tr> <td>Partner</td> <td>Yemen</td> <td>Khaled Ali Abdullah Saleh</td> <td></td> </tr> </table>				شريك	الإمارات العربية المتحدة	زاهد احمد على عبدالله نيمان	20043315	Partner	United Arab Emirates			شريك	اليمن	خالد علي عبدالله صالح	41246693	Partner	Yemen	Khaled Ali Abdullah Saleh	
شريك	الإمارات العربية المتحدة	زاهد احمد على عبدالله نيمان	20043315																
Partner	United Arab Emirates																		
شريك	اليمن	خالد علي عبدالله صالح	41246693																
Partner	Yemen	Khaled Ali Abdullah Saleh																	
Commercial Activities :		الأنشطة التجارية :																	
- Commercial Enterprises Investment, Institution And Management		- الاستثمار في المشروعات التجارية وتأسيسها وإدارتها																	
- Real Estate Enterprises Investment, Development, Institution And Management		- استثمار وتطوير المشروعات العقارية وتأسيسها وإدارتها																	
- Onshore And Offshore Oil And Gas Fields And Facilities Services		- خدمات حقول ومشاريع النفط والغاز البرية والبحرية																	
Address	USED ONLY FOR LBO 2K14/002	العنوان	جزيرة أبوظبي، البطين، بناية - سمو الشيخة / لمطعمه بنت مبارك																

Image.48.G.2

Raydan Investments Limited UAE bank documentation

Dear Sirs,

Subject: Opening a call/current account for firm/company under formation.

Please arrange to open a call/current account in dirhams in the name of Raydan Investment LLC under formation and arrange to issue the paid up capital certificate in favor of Department of Economic Development –Abu Dhabi s per attached Articles of Association .

Below are the details:

S.No.	Name of Partner/Shareholder	Amount (AED)	Share (%)
1	Zayed Ahmed Ali Abdulla Daiban	76,500.00	51%
2	Khaled Ali Abdullah Saieh	73,500.00	49%
	Total		

The paid-up capital amount will be deposited with you into the account of the firm/company to be opened.

Kindly consider this as an authorization letter to block/freeze the paid-up capital amount in full in the bank's favour until the following documents are submitted to you:

- Trade License
- Chamber of Commerce Certificate
- Registration Certificate

After above documents are presented to the bank, you are kindly requested to release any amounts of the paid-up capital only to the authorized persons to manage the account.

Yours faithfully,



Authorized Signatory



Source: Confidential

Image.48.G.3

Raydan Investments Limited UAE legal relationship details**Legal Relationship Details**

Date : 14-07-2016

CIF No 8035250131 Corporate Name RAYDAN INVESTMENTS LLC

Legal Relationship Holder for RAYDAN INVESTMENTS LLC

CIF No	Name	Issue Date	Expiry Date	Relationship	Contact No	Ownership %	Civil ID	Nationality
***	SALAH ALI ABDULLAHSALEH	09/07/2015	31/12/9999	POA Holder	971-2- 9999999	0.0	***	YEMEN
8035207087	KHALED ALI ABDULLAH SALEH	31/05/2015	31/12/9999	POA Holder	***	0.0	***	YEMEN

RAYDAN INVESTMENTS LLC Acting As Legal Relationship for Other Cifs

CIF No	Name	Issue Date	Expiry Date	Relationship	Contact No	Ownership %	Civil ID	Nationality
No Data Found								

Source: Confidential

Appendix H to Annex 48: Ansan Wikfs Investment Limited UAE commercial licence

Image.48.H.1

Ansan Wikfs Investments Limited UAE commercial licence

COMMERCIAL LICENSE		رخصة تجارية	
License Details		تفاصيل الرخصة	
License No.	92286	92286	رقم الرخصة
Licensee	Ansan Wikfs Investments Limited	انسان ويكفس انستيمنتس لميتد	صاحب الرخصة
Operating Name	Ansan Wikfs Investments Limited	انسان ويكفس انستيمنتس لميتد	الاسم التجاري
Legal Status	Branch of a Foreign Company	فرع لشركة اجنبية	النسكل القانوني
Business Unit	Energy and Environment Park	مجمع الطاقة والبيئة	قطاع العمل
First Issue Date	30 June 2014	٣٠ يونيو ٢٠١٤	تاريخ الإصدار الأول
Current Issue Date	30 June 2014	٣٠ يونيو ٢٠١٤	تاريخ الإصدار الحالي
Expiry Date	29 June 2015	٢٩ يونيو ٢٠١٥	تاريخ الإنهاء
Manager		المدير	
Yousif Mohamedahmed Mohamed Elshlekh		يوسف محمد احمد محمد الشيخ	
Address		العنوان	
Premises: 2801 Floor: 28 Building: Shatha Tower Dubai, United Arab Emirates		المقر: ٢٨٠١ الطابق: ٢٨ المبنى: الشذى تاور دبي، الإمارات العربية المتحدة	
Segments - Activities		القطاعات - النشاطات	
Regional Head Quarters • Representative Office			

Appendix I to Annex 48: Ownership of Ansan Wikfs Investment Limited

Image.48.I.1

Shaher Abdulhak as owner of Ansan Wikfs Investment Limited

REGISTER OF MEMBERS OF ANSAN WIKFS INVESTMENTS LIMITED

NAME OF MEMBER	ADDRESS	DATE OF ENTRY AS MEMBER	CERT. NO ISSUED	SHARES ISSUED	CLASS OF SHARE	SOURCE OF SHARES	AMOUNT PAID THEREON	DATE OF TRANSFER OF SHARES	TRANSFEREE	NO OF SHARES OUT
	P.O. Box 309 Ujand House South Church Street George Town Grand Cayman KY-1104 Cayman Islands	17 Apr 1991	No cert	1	ordinary	original issue	in full	3 Sep 1991	Beater	
Balance of Shares										ordinary 0
	P.O. Box 107 Ujand House South Church Street George Town, Grand Cayman, Cayman Islands	17 Apr 1991	No cert	1	ordinary	original issue	in full	3 Sep 1991	Beater	
Balance of Shares										ordinary 0
	Sancti Spiritus 251 San Jeronimo, Mexico City D.F. 06400 Mexico	3 Sep 1991	651	100	beater	2 from Subscribers 98 original issue	in full	10 Apr 2002	Connected to Registered Share	100
Balance of Shares										ordinary 0
Shaher Abdulhak	P.O. Box 78 Santa Yvonne Arab Republic	10 Apr 2002	602	100	ordinary	Share Cert. 001	in full			ordinary 0
Balance of Shares										ordinary 100

I, Audrey C. Santamaria, a Notary Public in and for the Cayman Islands hereby certify this document to be a true and correct copy of the original this 25 day of November 2014.

Audrey C. Santamaria
 (My commission expires on 31st January, 2014)

112
March 31 2014

Maples Corporate Services Limited
 4th Floor, Maples Corporate Centre, One Wall Street, Hamilton, Cayman Islands
 Tel: (345) 999-3000
 Fax: (345) 999-3001

Source: Confidential

Appendix J to Annex 48: Transfers from Ansan Wikfs Investment Limited to Raydan Investment Limited

Image.48.J.1

Summary of funds transfers from Ansan Wikfs Investment Limited to Raydan Investment Limited

<i>Date</i>	<i>Amount (AED)</i>	<i>Equivalent (US\$)*</i>	
17 Sep 2014	3,050,478.00	830,492.64	Account Khaled XX11
30 Oct 2014	2,067,711.00	562,934.32	Account Khaled XX11
24 Feb 2015	1,230,254.00	334,936.65	Account Raydan XX18
3 Mar 2015	761,603.00	207,346.42	Account Raydan XX18
30 May 2015	763,583.00	207,885.47	Account Raydan XX24
9 Jun 2015	975,125.00	265,477.78	Account Raydan XX24
16 Jun 2015	975,125.00	265,477.78	Account Raydan XX24
12 Dec 2015	734,500.00	199,967.63	Account Raydan XX24
24 Apr 2016	550,875.00	149,975.72	Account Raydan XX24
Total based on evidence	11,109,254.00	3,024,494.41	
Total since listing of Ali Abdullah Saleh (YEi.003)	5,991,065.00	1,631,067.45	

Based on average exchange rate 1 AED = 0.27225 USD (2013-2016)

Source: Confidential

Annex 49: Air strikes affecting civilians and civilian infrastructure (2016)

1. This annex contains four case studies²⁰¹ relating to ten investigations undertaken by the Panel on air strikes that impacted on civilians and civilian infrastructure. These air strikes are attributed to the Saudi Arabia-led coalition. The following is a summary of the ten case studies:

Table 49.1

Air strikes affecting civilians and civilian infrastructure

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Type of EO</i>	<i>Civilian fatalities</i>	<i>Civilian injured</i>	<i>Effect on civilian objects</i>
1	15 Mar 2016	Al Khamees market, Mastaba	Mk 83 Bomb / Paveway	116	40+	Infrastructure damaged.
2	25 Mar 2016	T'baisha, Ta'izz	Not confirmed	10	0	Civilian house destroyed.
3	25 May 2016	Al Mahala, Lahj	Mk 82 Bomb / Paveway	6	3	Civilian house destroyed.
4	25 May 2016	Appendix A: Al Mahala, Lahj	Mk 82 Bomb / Paveway	0	2	Water bottling factory destroyed.
5	9 Aug 2016	Nahda, Sana'a	High Explosive aircraft bomb	10	13	Snack factory destroyed.
6	15 Aug 2016	Abs, Hajjah	GBU-12 ' Paveway II	19	24	MSF hospital severely damaged.
7	13 Sep 2016	Ban al-Hareth, Sana'a	Mk 82 Bomb / Paveway IV	0	0	Alsonidar factory complex severely damaged.
8	22 Sep 2016	Ban al-Hareth, Sana'a	GBU-24 / Paveway IV	0	0	Alsonidar factory complex severely damaged.
9	24 Sep 2016	Mafraq Jiblah, Ibb	Mk 82 Bomb / Paveway	9	7	Civilian house destroyed.
10	8 Oct 2016	al-Sala al-Kubra, Sana'a	GBU-12 ' Paveway II	132	695	Community hall destroyed.

2. The Panel adopted a stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from accessing Yemen. See annex 2 on IHL methodology.

3. Based on its analysis of the ten strikes, the Panel further finds that given the regular occurrence of incidents of the nature described in the above mentioned incidents:

(a) Those responsible for planning, deciding upon, or executing²⁰² those air strikes that disproportionately affect civilians and civilian objects may fall within the designation criteria contained in paragraphs 17 as those who

²⁰¹ The other case studies are available with the Secretariat.

²⁰² In reference to those executing the attacks, it is possible that the pilot of the aircraft may fire his weapon in reliance of the accuracy of information that may have been previously provided to him. In these cases, the Panel finds that it is those who plan and decide upon the attacks, whom have at their disposal the relevant information from a variety of sources, who have the greatest responsibility to ensure compliance with IHL. See also William Boothby, "The Law of Targeting", OUP (2012), pp. 132-133.

threaten peace and security of Yemen. Their acts may also fall under paragraphs 18 (a), (b), and (c) of resolution 2140 (2014);

(b) All member States of the Saudi Arabia-led coalition and their allies should take necessary measures to ensure that their forces engaged in coalition military operations respect IHL.²⁰³ IHL underscores that States "...may not evade their obligations by placing their contingents at the disposal of...an ad hoc coalition";²⁰⁴

(c) All coalition member States and their allies have an obligation under the Geneva Conventions to ensure respect for IHL by the Saudi Arabia-led coalition.²⁰⁵ This obligation is especially incumbent upon the Government in Yemen on whose request the Saudi Arabia-led coalition is conducting air strikes;²⁰⁶ and

(d) High-level military commanders in the Saudi Arabia-led coalition are also responsible for IHL violations to the extent that they allow, or do not prevent, air strikes from taking place exclusively based on information received from third parties, even if they are Yemeni authorities, without ensuring that the forces under their command and control undertake the necessary assessments relating to proportionality and precautions in attack.²⁰⁷

List of appendices

- Appendix A: Al Khamees market, Mastaba, Hajjah (15 March 2016).
- Appendix B: Civilian house, Al Mahala, Lahj, (25 May 2016).
- Appendix C: MSF hospital, Abs, Hajjah (15 August 2016).
- Appendix D: Al-Sala Al-Kubra community hall, Sana'a (8 October 2016).
- Appendix E: Summary of IHL case study evidence levels (air strikes).

²⁰³ IHL requires each party to the conflict to "respect and ensure respect for international humanitarian law by *its armed forces* and other persons or *groups acting in fact on its instructions, or under its direction or control*." (See CIHLR 139).

²⁰⁴ See commentary to Common Article 1 of the Geneva Conventions and Article 3 of The Hague Convention Concerning the Laws and Customs of War on Land of 1907, which holds States responsible for "all acts committed by persons forming part of its armed forces".

²⁰⁵ This obligation to respect and ensure respect under Common Article 1 is not limited to those coalition States that actively participated in this air strike as stated in the Commentary. "The duty to ensure respect... is particularly strong in the case of a partner in a joint operation, even more so as this case is closely related to the negative duty neither to encourage nor to aid or assist in violations of the Conventions. The fact, for example, that a High Contracting Party participates in the financing, equipping, arming or training of the armed forces of a Party to a conflict, or even plans, carries out and debriefs operations jointly with such forces, places it in a unique position to influence the behaviour of those forces, and thus to ensure respect for the Conventions".

²⁰⁶ S/2015/217.

²⁰⁷ For an overview of command responsibility in this area, see CIHLR 142 and 153.

Appendix A to Annex 49: Al Khamees market, Mastaba, Hajjah (15 March 2016)

A. Introduction

1. This case study is one of two air strikes on civilian gatherings investigated by the Panel.²⁰⁸

B. Background to events

2. At approximately 11:30 hours on 15 March 2016, items of explosive ordnance (EO) were dropped from a military aircraft and detonated on the Al Khamees Market, Mastaba, Hajjah Governorate.²⁰⁹ These explosions occurred approximately five to seven minutes apart at a distance of 50m between them. The UN verified that 116 individuals, including 22 children, were killed by the air strike,²¹⁰ MSF recorded over 40 wounded.²¹¹

3. There was a military checkpoint (CP) belonging to the Houthis approximately 140m from the second airstrike and 190m from the first air strike. This CP is usually manned by up to six fighters.²¹² The two air strikes did not damage the CP.²¹³ It is possible that there were some individual fighters present in, or in the vicinity of, the market at the time of the air strike,²¹⁴ as Houthi fighters regularly visit the market to purchase qat and other commodities. However, witnesses and other investigators consistently confirmed that there was no large gathering of Houthi militias at the CP or in, or in the vicinity of, the market.²¹⁵

²⁰⁸ The other air strike was on a civilian gathering was on 8 October 2016, on a funeral hall in Sana'a. See case study at appendix D to this annex.

²⁰⁹ EO Strike 1, 16°13'39.31"N, 43°14'42.04"E; EO Strike 2, 16°13'40.61"N, 43°14'41.08"E.

²¹⁰ "Zeid condemns repeated killing of civilians in Yemen airstrikes" at <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>. Health officials reported 102 casualties and 44 injured. See "Saudi-led coalition to investigate Yemen air strikes" at <http://www.aljazeera.com/news/2016/03/saudi-led-coalition-investigate-yemen-air-strikes-20160316071229274.html> and "Yemen: People collect 'torn limbs in bags and blankets' after Saudi-led warplanes pound market" <http://www.ibtimes.co.uk/yemen-people-collect-torn-limbs-bags-blankets-after-saudi-led-warplanes-pound-market-201549689>. Mwatana Organization, a Yemen-based organization documented over 131 civilian casualties, with 86 injured (information provided to the Panel on 01 December 2016). Human Rights Watch (HRW) reported 106 civilian casualties. See <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>. The Government of Yemen stated that 65 were killed. It did not clarify how many of those were civilians and how many were fighters (letter dated 31 December 2016).

²¹¹ "Yemen: MSF treats more than 40 wounded following airstrike on marketplace" at <http://www.msf.org.uk/article/yemen-msf-treats-more-than-40-wounded-following-airstrike-on-marketplace>.

²¹² Local sources and three investigation teams that visited the site in the aftermath of the air strikes.

²¹³ Ibid.

²¹⁴ HRW says that the air strikes "may have also killed about 10 Houthi fighters..." and the UN reports that ten bodies were burnt beyond recognition. See "Yemen: US Bombs Used in Deadliest Market Strike" at <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike> and <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>. Reuters quote one source as stating there were around 20 fighters. "Death toll from Saudi-led air strikes on Yemeni market rises to more than 100" at <http://af.reuters.com/article/worldNews/idAFKCN0WJ2KB>. The Panel was also informed by one source that around twenty fighters arrived at the market to buy qat and left twenty minutes before the air strike. The Panel could not corroborate this statement with other witnesses and investigators.

²¹⁵ See below for details of a statement issued by the Joint Incident Assessment Team (JIAT) stating that one of the military objectives was a large Houthi gathering. In addition to Panel's independent investigations both the UN-led investigations and the HRW-initiated investigations found that there were no large gatherings of Houthi militias. See "U.N says Saudi-led bombing of Yemen market may be international crime" at <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152> and <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

Figure 49.A.1
Location of the market and the checkpoint



C. Technical analysis of physical evidence

4. Imagery analysis determined a fragment from the location of the first air strike as being part of a rear fin from a PAVEWAY terminal guidance unit for an aircraft bomb (figure 49.A.2).

Figure 49.A.2
Rear fin from PAVEWAY terminal guidance unit²¹⁶



²¹⁶ Source: Confidential, (taken by investigation team that visited the site in the aftermath).

5. Post blast crater analysis determined that the size of the crater at the first air strike was almost certainly within the dimensional parameters for the detonation of 227kg of high explosives, which is the explosive weight of the Mark 83 variant high explosive aircraft bomb (figure 49.A.3).²¹⁷

Figure 49.A.3
Explosion crater²¹⁸



6. The only military entity operating the type of aircraft in the area that has the capability to deliver high explosive ordnance of this type is the Saudi Arabia-led coalition.

D. Response of the Saudi Arabia-led coalition

7. The responses of the Saudi Arabia-led coalition, JIAT and the Government of Yemen are documented below.

<i>Entity / Individual</i>	<i>Date</i>	<i>Statement</i>	<i>Source</i>
JIAT Statement	4 August 2016	“The United Nations news centre has claimed that the coalition State bombed, and thus massacred, an estimated 106 people, in Suq Khamis Mastaba’ in Hajjah governorate on 15 March 2016. Confirmed intelligence data shows that the target was a large gathering of armed Houthi militia recruits. The gathering was near a weekly market where the only activity takes place on Thursday each week. The operation took place on a Tuesday, and the target was a legitimate, high-value military objective that conferred a strategic advantage. It was also located 34 kilometres from the Saudi Arabian border, and therefore posed a threat to the troops positioned there”.	Document with Panel. ²¹⁹

²¹⁷ A HRW Report of 7 April 2016, “*US Bombs Used in Deadliest Market strike*”, attributed the damage to a Mark 84 (2,000lb) aircraft bomb based on fragments recovered. The Panel has not seen this evidence, and is therefore, based on the crater analysis of the first air strike, the Panel erring on the side of caution attributes the damage to the smaller Mark 83 (1,000lb) aircraft bomb.

²¹⁸ Ibid.

²¹⁹ Official UN translation.

<i>Entity / Individual</i>	<i>Date</i>	<i>Statement</i>	<i>Source</i>
JIAT Statement	5 August 2016	The media also reported: "Moreover, the prosecution did not provide proof of the claims that civilian casualties, and the JIAT found no proof of any fault made by the coalition forces, in the process, and that the Coalition forces have abided by the rules of international humanitarian law".	Saudi Press Agency ²²⁰
Reuters quoting Brigadier General Ahmed Al-Asseri, Spokesperson of the Saudi Arabia-led coalition.	18 March 2016	"We use the information coming from the (pro-Hadi) Yemeni army because they are on the ground. The attack was under the control of the Yemeni army. It gave the target". Reuters also stated that the spokesperson "forwarded a graphic prepared by Hadi's government that said the target of the air strike was a military area where Houthi forces had gathered and that "they (Houthis) deceived people by saying it was a market".	Reuters ²²¹
Government of Yemen	18 March 2016	"A statement issued on Friday by Hadi's government said it had formed a committee to look into the bombing and whether it was the result of an air strike or of shelling by the Houthis, whom it accused of often blaming the coalition for attacks they carried out themselves".	Reuters ²²²
Government of Yemen	31 December 2016	"According to sources from the militia 115 have been killed and dozens wounded. Our sources in the region confirm that the number of dead is 65. Also the incident occurred on a Tuesday. As the name of the market indicates people from the surrounding villages gather on the market day, which is Thursday. This confirms the hypothesis that the gathering was of houthis militia and that two technicals have been observed in the entrance of the market. The Government of Yemen doesn't have final information as the area is not under its control." (Unofficial translation).	Response to a Panel inquiry on the Government of Yemen's role in the incident received on 31 December 2016.

8. The Saudi Arabia-led coalition has not yet provided a response to Panel requests for information.²²³

E. Panel observations on Saudi Arabia-led coalition's statement, information provided by the Government of Yemen, and JIAT's findings relating to the air strikes

9. In assessing the Saudi Arabia-led coalition's compliance with IHL, the Panel has given due consideration to the official findings above. The Panel highlights that it did not have access to the information that was at the disposal of JIAT, despite requests for information to the Saudi Arabia-led coalition. The Panel will, therefore, base its IHL assessment on its own investigative findings. The Panel notes, however, discrepancies between the statements provided by the Government of Yemen and the Saudi Arabia-led coalition spokesperson on the attribution of responsibility relating to target selection (see paragraph 14).

²²⁰ "Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces' Violations in Decisive Storm Operations" at <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>.

²²¹ <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152>.

²²² Ibid.

²²³ Panel letters dated 1 July 2016 and 21 November 2016.

F. Analysis of violations of IHL

10. In the absence of a response from the Saudi Arabia-led coalition, the Panel analyzed the applicable law in relation to this incident on the basis of its own independent investigations.²²⁴

11. The Panel investigations demonstrated that, while it is possible that some individual fighters may have been present amongst civilians,²²⁵ there was no demonstrable evidence of a large gathering of Houthi fighters or recruits in, or in the vicinity of, the market place at the time of, or preceding, the two air strikes.²²⁶ Statements and imagery gathered by the Panel also demonstrated that the market was functional on 15 March 2016 and that there were civilians, including children in, and in the vicinity of, the market at the time of the air strikes.²²⁷

12. The Panel finds that it is possible that the air strike targeted some Houthi fighters.²²⁸ Yet, it is not convinced that the Saudi Arabia-led coalition respected relevant principles of IHL, including those relating to proportionality,²²⁹ for the following reasons:

(a) The Panel notes that the Saudi Arabia-led coalition did not provide the Panel with information that demonstrated that a significant number of those who died or injured were Houthi fighters. Instead, information collected by the UN and other organizations demonstrate that attack resulted in at least 100 civilian deaths, of which approximately 20% were of children.²³⁰

(b) This likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because: (i) the market place was a civilian object *prima facie* immune from attack; (ii) it was also a civilian gathering point; (iii) the market was functional on the day of the air strike; and (iv) that the timing of the attack would be such as to cause a disproportionately high number of civilian casualties. It is reasonable to expect that a commander ordering these air strikes should have been aware of the above factors, given that this information is readily available, and should have taken them into consideration when assessing the ‘concrete and direct military advantage’ of the air strikes.²³¹

²²⁴ See appendix E

²²⁵ See footnote 496. The UK views that if the Commander made reasonable effort to gather intelligence, reviews the available intelligence, and concludes in good faith that he is attacking a legitimate military target, “he is unlikely to violate the principles of distinction if the target turned out to be of a different, civilian nature.” See William Boothby, “The Law of Targeting”, OUP (2012), p. 61.

²²⁶ See footnote 496.

²²⁷ The Panel was informed that while the weekly market is held on Thursdays, commercial activities take place on other days, although on a lesser scale than Thursdays. The fact that civilians, including, were in a functional market at the time of the strike was also independently verified by the UN and HRW. See section B.

²²⁸ CIHLR 8 defines a military objective as follows: “In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”.

²²⁹ Under IHL “launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, *which would be excessive in relation to the concrete and direct military advantage anticipated*, is prohibited”. (Emphasis added). See CIHLR 14.

²³⁰ In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

²³¹ See CIHLR 14.

(c) It is also relevant that the aircraft bombs were detonated inside a market place, and not “near” the market where the gathering of militias allegedly took place,²³² and that at least two known locations of Houthi fighters in, and in the vicinity of the market, were unaffected by the strikes.²³³

13. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.²³⁴ The fact that the Saudi Arabia-led coalition knew that this was a market place and thus a civilian location where there would ordinarily be a congregation of civilians (see paragraph 7), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.²³⁵ It is also not clear what precautionary measures were taken by the Saudi Arabia-led coalition forces, including confirmation that the market was not active, as alleged by the JIAT, on the day of the attack.

14. The initial response of the Saudi Arabia-led coalition confirms that they relied exclusively on the information coming from the Government of Yemen.²³⁶ The Panel notes that this is the second incident involving mass civilian casualties, that it investigated, in which the Saudi Arabia-led coalition or the JIAT alleged that parties affiliated with the Government of Yemen provided it with the target specific information.²³⁷ The Government of Yemen did not provide sufficient information as to its role in the air strike. It referred to the gathering of Houthis as a “hypothesis”.²³⁸ It is difficult to justify an air strike on a civilian object, which is ordinarily a civilian gathering point, on the basis of a hypothesis. The Saudi Arabia-led coalition remains responsible for any violations relating to proportionality and precautions in attack, which it incurred as the party carrying out the air strikes.

G. Summary of findings

15. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted two air strikes on a market place on 15 March 2016 that resulted in mass civilian fatalities and casualties;

(b) The Panel is unconvinced that principles in relation to proportionality were respected in this incident. If precautionary measures were taken, they were largely inadequate and ineffective;

²³² See the JIAT statement.

²³³ The Panel finds that the nearby Houthi manned check point was unaffected by the strikes. Additionally, HRW quotes one witness and states, “He said that some armed Houthi fighters regularly ate and slept in a restaurant about 60 meters from where one bomb detonated. The restaurant was not damaged”.

<https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

²³⁴ See Article 13(1) of Additional Protocol II to the Geneva Conventions and CIHLR 15 - 22.

²³⁵ See commentary to CIHLR 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

²³⁶ The spokesperson also forwarded to the media, a graphic prepared by the Government of Yemen that said that the target of the air strike was a military area where Houthi forces had gathered. The Panel has not had access to this graphic. <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152>.

²³⁷ Press Statement by JIAT on the community hall incident in Sana’a on 8 October 2016. Document available with Panel.

²³⁸ See paragraph 7. The Government of Yemen announced on 18 March 2016 that it had formed a committee to look into the air strikes. See <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>. It appears that the task was entrusted to the National Commission on Human Rights. The Panel met with the Commissioners in July 2016 in Geneva who informed the Panel that this case is under investigation.

(c) Even if the Government of Yemen had provided it with target specific information, the Saudi Arabia-led coalition forces are still responsible for IHL violations regarding any failure on their part to undertake the requisite detailed assessments relating to proportionality and precautions in attack and their failure to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes; and

(d) Those officers of the Government of Yemen that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution.

Appendix B to Annex 49: Air strike on Civilian House in Al Mahala, Lahj (25 May 2016)

A. Introduction

1. This case study is one of the three investigations done on air strikes affecting civilian houses.

B. Background to events

2. At approximately 04:00 hours on 25 May 2016, two items of explosive ordnance, that were dropped from a military aircraft, detonated on, or in very close proximity to, a civilian house in the village of Al-Mahala, Lahj. The resultant explosions²³⁹ killed six occupants of the house, one man, one woman, and four children, and critically injured one woman and two children. The neighbours refrained from assisting in rescue efforts after the first strike for fear of a second strike. It is certain that had it not been for the second strike that occurred approximately 2-5 minutes after the first, some more members of the family would have survived the attack. The only male adult of the house was a local Deputy Director of Education.

3. Very shortly afterwards another item of explosive ordnance, highly probably dropped from the same military aircraft as above, detonated in another house located 544 metres from the civilian house (figure 49.B.1). This house belonged to a local fighter, whom some say belongs to AQAP.²⁴⁰ This latter strike did not result in casualties. Within a few minutes, a third series of air strikes impacted on a water bottling plant, which was located 8 km north of the house, (case study with Secretariat). The house was located in an area under the control of the legitimate government.²⁴¹

Figure 49.B.1

Relative locations of houses²⁴²



²³⁹ EO Strike at 13 01'01.60" N, 44 53'19.87" E.

²⁴⁰ Locally, the fighter is called Abu Soultan. The Panel cannot independently verify his allegiance.

²⁴¹ The Al Anand military base, controlled by the Yemen Armed Forces, was approximately 20 km from the house.

²⁴² Source: Google Earth. 24 October 2016.

Figure 49.B.2
Civilian house post-explosion²⁴³

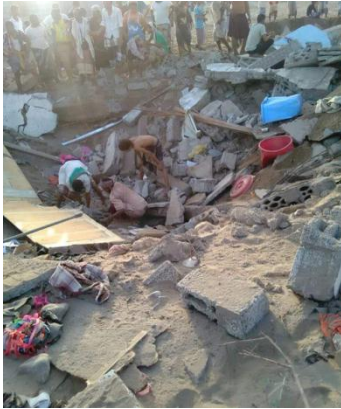


Figure 49.B.3
Armed group suspect's house post-explosion



C. Technical analysis of physical evidence

4. Technical analysis of imagery of fragmentation recovered from the explosion at the civilian house demonstrates that:

(a) The explosive device was almost certainly fitted with a Paveway laser guidance unit. Such units are usually designed to be paired with Mark 82 high explosive aircraft bombs;

Figure 49.B.4
Post-explosion guidance fin from a Paveway laser guidance system



Figure 49.B.5
Post-explosion adapter flange from a Paveway laser guidance system



²⁴³ Confidential sources. Imagery in this appendix was either provided to the Panel by the source or was verified as accurate by eyewitnesses.

Figure 49.B.6
CAGE Code 94271



(b) Post blast crater analysis determined that the size of the crater was almost certainly within the dimensional parameters for the detonation of 87kg of high explosives, which is the explosive weight of the Mark 82 variant high explosive aircraft bomb;

(c) The civilian house was almost certainly destroyed by a Mark 82 high explosive aircraft bomb fitted with a Paveway laser guidance system;

(d) The only military entity operating the type of aircraft in the area that has the capability to deliver high explosive ordnance of this type is the Saudi-led coalition.

D. Response of the Saudi Arabia-led coalition

5. The Panel has not yet received a response to a request for information made to the Saudi Arabia-led coalition.²⁴⁴ The Governor of Lahj issued a statement in which he stated: "We know nothing about the attack. The coalition conducts attacks without informing us. The responsibility of this operation is on those who provide the coalition with the wrong coordinates".²⁴⁵

E. Analysis of violations of international humanitarian law (IHL)

6. In the absence of a response from the Saudi Arabia-led coalition, the Panel analyzed the applicable law in relation to this incident on the basis of its own independent investigations.²⁴⁶ The Panel finds that based on the use of precision-guided weapons and repeated strikes the residential building was the intended target of the two air strikes.

²⁴⁴ Letter dated 1 July 2016 and 21 November 2016.

²⁴⁵ "Human remains everywhere": Family of 11 killed in alleged Saudi coalition strike in Yemen" at <https://www.rt.com/news/344445-saudi-coalition-family-killed/>. See also "11 family members killed in Saudi airstrikes on Lahj" at <https://www.youtube.com/watch?v=-4HRndZslDI>.

²⁴⁶ See appendix E for sources of information. Open source information included <https://www.rt.com/news/344445-saudi-coalition-family-killed/>, "Yemeni officials: Airstrike kills 11 from same family" at <http://bigstory.ap.org/article/e8c13a9fa4c34b5dbb2a803d0bf40a68/yemen-officials-say-strike-kills-6-1-family>, "Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures" at <http://reliefweb.int/report/yemen/bombing-businesses-saudi-coalition-airstrikes-yemen-s-civilian-economic-structures-enar>, "Death toll from Saudi-led air raid on Yemen's Lahj soars to 11" at <http://www.presstv.com/Detail/2016/05/26/467450/Saudiled-coalition-airstrike-civilians-fatalities-casualties-Mahala-Lahj-Nihm-Sanaa>, and "11 family members killed in Saudi airstrikes on Lahi" at <https://www.youtube.com/watch?v=-4HRndZslDI>.

7. The Panel found no explanation in the public domain as why this civilian house, which is *prima facie* a civilian object immune from direct attack,²⁴⁷ was considered by the Saudi Arabia-led coalition to be a legitimate military objective.²⁴⁸ The Panel also found no demonstrable evidence that the occupants of the house, who as civilians were *prima facie* immune from attack, had lost their civilian protection.²⁴⁹ IHL requires that the civilian population, as well as individual civilians, shall not be the object of attack.²⁵⁰ An attack on civilians and civilian objects cannot also be justified on the basis of military necessity.²⁵¹ Any attack that does not distinguish between civilians and civilian objects with military objectives violates, amongst others, IHL principles relating to distinction.²⁵²

8. While the Panel is not convinced that the Saudi Arabia-led coalition directed its air strike against a legitimate military target, even if it had, the Panel finds that there are serious concerns whether it respected IHL principles of proportionality²⁵³ and precautions in attack.²⁵⁴ The second strike killed the head of the household as he attempted to rescue those injured, and it also further killed some of those civilians who were injured. The attack resulted in a disproportionately high number of deaths and injuries to women and children as demonstrated by the fact that eight of the nine individuals were women and children, and the total destruction of the residential building.²⁵⁵ Any proportionality assessment²⁵⁶ should have taken into consideration that the timing of the attack, in the early morning during Ramadan, was such that there was a high likelihood that the women and children will be in the house.

9. It is not clear if measures were taken that would have distinguished between the intended target(s) and other civilians. For example, if the target was the male occupant of the house, it is possible that then other measures could have been reasonably used to apprehend the suspect, given that the legitimate Government of Yemen was in control of the area and had ground presence.²⁵⁷ The cumulative effect on civilians and the civilian object also demonstrates that if precautionary measures were taken, they were largely inadequate and ineffective.²⁵⁸

²⁴⁷ IHL requires all parties to the conflict must at all times distinguish between civilian objects and military objectives and that attacks may only be directed against military objectives. See CIHLR 7 – 12.

²⁴⁸ IHL states that “in so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”. CIHLR 8.

²⁴⁹ There was no evidence that indicated that the male occupant was a fighter or was otherwise participating in hostilities at the time of the attack. In Yemen, women do not generally engage in hostilities and the children, (the oldest male child is a 11-year old student at the local school), were highly unlikely to have been fighters or engaged in hostilities at the time of the air strikes. See Article 13 (1) and (2) of AP II relating to the protections afforded to civilians and Article 13 (3) on the loss of protection. See also CIHLR 1, 5 and 6.

²⁵⁰ Article 13(2) of AP II. See also CIHLR 1.

²⁵¹ Prosecutor v Dario Kordic and Mario Cerkez (2005). Paragraph 54 at http://www.icty.org/x/cases/kordic_cerkez/acjug/en/corr050106.pdf.

²⁵² IHL permits attacks directed against combatants and military objectives, however, civilian objects and civilians are *prima facie* immune from attack. See Article 13 of AP II and CIHLR 1, 6, 7, and 10.

²⁵³ See CIHLR 14. An attack is disproportionate if it “...may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated...”. Those responsible for planning, deciding upon or executing attacks necessarily have to reach their decisions on the basis of their assessment of the information from all sources that is available to them at the relevant time. See further https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14#Fn_29_33.

²⁵⁴ IHL requires that all feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. Article 13(1) of AP II. CIHLR 15. This obligation is particularly incumbent on those who plan and decide on the air strikes. See William Boothby, “The Law of Targeting”, OUP (2012), p. 72. The specific obligations are further elaborated in CIHLR 16 – 20.

²⁵⁵ It is highly unlikely that the women and children were participating in hostilities. The Panel has further images demonstrating the total destruction of the house.

²⁵⁶ CIHLR 18.

²⁵⁷ The Al Anad military base, controlled by the Yemen Armed Forces, is in the area.

²⁵⁸ If precautionary measures were not taken, it is incumbent on the Saudi Arabia-led coalition to demonstrate why in those circumstances, such precautionary measures were not feasible.

F. Summary of findings

10. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted air strikes on a civilian house in Al Mahala, Lahj on 25 May 2016 that resulted in deaths of six civilians and critically injured three others and destroyed the civilian house; and

(b) The Panel is not convinced that IHL principles in relation to distinction and/or proportionality were respected in this incident. If precautionary measures were taken, they were largely inadequate and ineffective.

Appendix C to Annex 49: Abs hospital, Abs, Hajjah (15 August 2016)

A. Introduction

1. This case study is the only one in which the Panel has investigated an air strike on a medical facility in Yemen.²⁵⁹

B. Background to events

2. At approximately 15:35 hours on 15 August 2016, an unarmed civilian car entered the Abs hospital carrying wounded individual(s). At approximately 15.40 hours explosive ordnance dropped from a military aircraft, detonated within the Abs hospital premises,²⁶⁰ resulting in nineteen fatalities and 24 injured. The casualties included hospital workers, patients and other civilians.²⁶¹ The high number of civilian casualties was a result of the point of detonation being close to the emergency department and waiting hall for patients. The car that was used to transport an injured individual was also destroyed, and its occupants killed.

Figure 49.C.1

Location of the hospital



²⁵⁹ This airstrike constituted the fifth attack on an MSF-supported medical service in Yemen in the past year. See MSF investigation report into the incident at http://www.msf.org/sites/msf.org/files/yemen_abs_investigation.pdf (hereinafter referred to as MSF investigation report). Of these, MSF attributes responsibility, for at least one other attack, on a mobile clinic in the Al Houban district in Tai'zz, on 2 December 2015, to the Saudi Arabia-led coalition. Crisis Info 8 – Yemen, MSF (December 22 2015) at https://lakareutangranser.se/sites/default/files/yemen_crisis_info_8_final.pdf. For the outcome of the JIAT investigation on this latter incident, see “Saudi investigation largely defends deadly air strikes in Yemen” at <http://www.reuters.com/article/us-yemen-security-saudi-airstrikes-idUSKCN10F23J>.

²⁶⁰ 16°00'23.23"N, 43°11'40.47"E.

²⁶¹ MSF investigation report. This included nine children, five women and eleven hospital workers.

C. Technical analysis of physical evidence

3. Post blast crater analysis of imagery (figure 49.C.2) determined that the size of the crater was within the dimensional parameters for the detonation of 87 kg of high explosives.²⁶² This is the explosive weight of the Mark 82 variant high explosive (HE) aircraft (A/C) bomb. The crater profile is highly indicative of that typically caused by the detonation of a high explosive aircraft bomb on, or just below, the ground surface. The Panel thus finds that, a high explosive aircraft bomb with an explosive content of approximately 87 kg was the cause of the explosion.

Figure 49.C.2
Post blast crater²⁶³



4. Photogrammetry analysis of imagery of fragmentation taken at the scene determined that one fragment has the shape profile, and falls within the dimensional parameters, of a rear wing from a GBU-12 PAVEWAY II guidance unit (figure 49.C.3).

Figure 49.C.3
Probable GBU-12 PAVEWAY II guidance unit rear wing²⁶⁴



5. Explosives engineering analysis predicts that for an explosive device the size of a Mark 82 HE A/C bomb (net explosive content (NEC) of 87 kg) the blast overpressure will result in 99 per cent fatalities at a radius of up to 8.3 me-

²⁶² Explosive Engineers Tool Box (EETB). Assumes initiation at a burial depth of 2m due to impact.

²⁶³ Source: France 24 YouTube. This image has been verified as accurate by witnesses and has been crosschecked with other imagery provided to the Panel by witnesses.

²⁶⁴ Source: Confidential.

tres from the point of detonation, with permanent hearing damage expected out to a radius of 42.4 metres.²⁶⁵ Many more fatalities and injuries from fragmentation effects can be expected at far greater ranges, however.²⁶⁶

6. The only party to the conflict with the known capability to deliver the Mark 82 HE A/C bomb with the GBU-12 PAVEWAY II guidance unit is the Saudi Arabia-led coalition.

D. Response of the Saudi Arabia-led coalition

7. On 15 August 2016, the Saudi Arabia-led coalition acknowledged its responsibility for the air strike and stated to MSF that “the objective of the air strike was a moving vehicle that had entered the hospital compound”.²⁶⁷

8. On 8 December 2016 JIAT provided the Panel with the following information:

“Doctors without borders (MFS (sic)) posted a statement on its official website claiming that the coalition forces struck Abs-Hospital in Abs city, Hajjah Governorate, on 15 August 2016, resulted with (7) people dead, and (13) injured. The JIAT investigated the facts and the circumstances of this incident, and found out that on 15 August 2016 the coalition forces received intelligence information about presence of Houthi Leadership gathering northern Abs City, thus they were targeted and attacked by coalition Air Force. After that the aircrew observed that a vehicle leaving the site, and proceeding south. The fighters followed the vehicle, and struck it next to a building that does not bear any marks that would indicate before the strike that it is a hospital, which has appeared later that it is (Abs-Hospital). In light of the facts, the JIAT have found that, damages inflicted on the building were because of the targeted vehicle (which was a legitimate military target) next to the building which were unintentional. Thus, the JIAT have found that, the coalition forces must extend an apology for this unintentional mistake, and provide the proper assistance to the families with affected persons. The coalition forces must also investigate those responsible for that, to identify extent of their violation of the approved Rules Of Engagements (ROEs), and take the proper actions in this regard.”

9. The Panel has not yet received a response to a request for information made to the Saudi Arabia-led coalition.²⁶⁸

E. Panel observations on JIAT’s findings

10. In assessing the Saudi Arabia-led coalition’s compliance with IHL, the Panel has given due consideration to the findings of the JIAT and media statements attributed to the coalition. The Panel highlights the fact that the Panel did not have access to the information that was at the disposal of the JIAT, despite requests for information from the Saudi Arabia-led coalition. The Panel will, therefore, base its IHL assessment on its own investigative findings.²⁶⁹

11. The Panel finds that the Saudi Arabia-led coalition should have been aware that the vehicle entered the Abs hospital, prior to the air strike. The Panel finds that the Saudi Arabia-led coalition was provided with the coordinates for the hospital on 11 July and 10 and 11 August 2016. The coordinates provided, 16°00'23.03” N 43°11'39.98” E, are the coordinates of the hospital.

²⁶⁵ See C. N. Kingery and G. Bulmash, “Airblast parameters from TNT spherical air burst and hemispherical surface burst”, Technical Report ARBRL-TR-0255 (Ballistics Research Laboratory, Aberdeen Proving Ground, Maryland, United States, April 1984). Assuming peak reflected pressure surface burst.

²⁶⁶ The Panel does not yet have sufficient information to model this aspect of the warhead’s capability with any degree of acceptable accuracy for this incident.

²⁶⁷ MSF investigation report.

²⁶⁸ Letter dated 21 November 2016.

²⁶⁹ For Panel sources see appendix E.

12. The Panel also finds that even if there were no visible markings to indicate that this was a hospital, a fact that MSF disputes,²⁷⁰ these distinctive emblems are only intended to facilitate identification and do not, by themselves, confer protected status.²⁷¹ Under IHL, medical personnel and objects are protected because of their function. The display of the emblems is merely a visible manifestation of that function.

F. Analysis of violations of IHL

1. Panel assessments on the targeted civilian vehicle

13. The Panel finds that the vehicle was highly likely the target of the air strike and that the vehicle was within hospital premises at the time it was targeted.²⁷² The use of a precision-guided munition is confirmation that the intended target was hit.

14. The Panel is not convinced that the “moving vehicle that entered the compound” was a legitimate military objective. The Panel’s investigations revealed that the vehicle was a civilian car²⁷³ transporting wounded individual(s) (those who were wounded possibly from a previous air strike elsewhere) to the hospital.²⁷⁴ The Panel cannot conclusively state that the wounded in the vehicle was/were fighter/s or civilian/s.²⁷⁵ Yet, this alone does not make the vehicle a legitimate military objective because those wounded, if they were fighters, had become *hors de combat*, and are protected from direct attack under IHL.²⁷⁶

15. Even if the civilian vehicle, for reasons only known to the commanders who decided on this attack, had become a military objective, the Panel is not convinced that the Saudi Arabia-led coalition forces, in carrying out the air strike on a hospital, met the relevant IHL principles relating to proportionality.²⁷⁷ The Panel finds that it certainly did not meet the principles relating to precautions in attack, for reasons demonstrated below. If the vehicle was a target because it came from a battlefield, then it is questionable as to why the Saudi Arabia-led coalition did not target the vehicle during the 10 km it travelled to reach the hospital.²⁷⁸

2. Panel assessments on the attack on the hospital

16. The Panel finds that the hospital was protected from attack under IHL at the time of that attack, and there is no demonstrable evidence to indicate that the facility and medical personnel had lost their protected status under IHL.²⁷⁹

²⁷⁰ MSF investigation report. See images at p.10 of MSF report.

²⁷¹ See commentary to CIHLR 30.

²⁷² JIAT statement, MSF statement, and panel sources.

²⁷³ The Panel’s investigations indicate that the vehicle was a Toyota Corolla car that was well known in that area to operate as a “taxi”.

²⁷⁴ a) Panel sources at the Abs hospital; and b) MSF stated that “The car was visually inspected at the gate by the hospital ER guard who reports that the people in the car wore civilian clothes and that there were no weapons visible inside the vehicle. At the triage area, the car was approached by MSF medical staff whom subsequently checked availability in ER, which was full, and afterwards went to the logistics room to bring out a mattress/stretchers to unload the wounded. At this precise moment – at 15.40 hours local time – the airstrike took place, making impact at the exact place where the vehicle had stopped”. MSF investigation report, footnote 2, p 6.

²⁷⁵ Sources informed the Panel that the passenger was an ice cream seller who was wounded in an air strike at another location.

²⁷⁶ Common Article 3 to the Geneva Conventions (CA 3).

²⁷⁷ CIHLR 14. The Panel requires further verifiable evidence from the coalition on its intended target to make the relevant analysis on proportionality. The Panel has requested, but not yet received, this information.

²⁷⁸ Distance provided by MSF in its investigation report, p.6.

²⁷⁹ A hospital can only lose its protected status when it is being used, outside its humanitarian functions, “to commit acts harmful to the enemy” (CIHLR 28) or “hostile acts” (Article 11(2) of AP II). The fact that the hospital treats, or has within its premises, wounded fighters does not result in a loss of protection for the hospital. CIHLR 28 and CA 3.

The Saudi Arabia-led coalition violated IHL principles relating to the special protections afforded to hospital.²⁸⁰

17. The Panel finds that the Saudi Arabia-led coalition also violated IHL principles relating to the protection of wounded and sick persons,²⁸¹ medical personnel,²⁸² persons hors de combat²⁸³ and civilians²⁸⁴ in this air strike. The air strike resulted in nineteen fatalities and 24 injured persons, who were either wounded or sick, medical personnel, or caregivers.

18. The JIAT statement demonstrates that the Saudi Arabia-led coalition did not consider the presence of, and impact on, the hospital or its occupants in its proportionality assessment undertaken prior to the air strikes. Any proportionality assessment should have considered, at least: 1) the high number of civilian casualties that may result from an attack on a functioning hospital; 2) impact on other protected persons, including the wounded, the sick, medical personnel, and hors de combat;²⁸⁵ and 3) the special protection afforded to hospitals under IHL. Even if the Saudi Arabia-led coalition concluded, for reasons unknown to the Panel, that the vehicle was a legitimate military objective, the Panel is unconvinced that an air strike targeting the vehicle within the hospital premises would meet the requirements of proportionality.

19. The JIAT media statement demonstrates that the Saudi Arabia-led coalition did not comply with the strict IHL obligation to issue a warning prior to the attack.^{286 287} An attack could only have taken place after a reasonable time, when such warning has remained unheeded.²⁸⁸ The Panel concludes that the Saudi Arabia-led coalition violated IHL principles relating to precautions in attack.

G. Summary of findings

20. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted an air strike on the Abs hospital on 15 August 2016 that resulted in nineteen fatalities and 24 injured civilians, hors de combat, or medical personnel. The air strike also damaged the hospital and at least one civilian vehicle; and

(b) The attack violated several IHL principles, including those relating to respect and protection of on medical personnel and units, civilian objects, civilians, the wounded and sick, and *hors de combat*. It also violated IHL principles relating to precautions. The Panel is unconvinced that the Saudi Arabia-led coalition directed its attack against a legitimate military objective in this air strike and that it met the relevant principles of proportionality.

²⁸⁰ The term “medical units” refers to establishments and other units and includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. See CIHLR rule 28. See also Article 11 (1) of AP II.

²⁸¹ CA 3.

²⁸² MSF, in its investigation report, states that the air strike resulted in the death of 1 staff member, injured two Ministry of Health staff and three Ministry of Health volunteers. The Panel understands that some of these personnel were exclusively assigned to medical duties, and thus enjoyed special protection. Others were entitled to the protection afforded to civilians. See CIHLR rule 25.

²⁸³ CA 3, CIHLR 47 (b).

²⁸⁴ CA 3, CIHLR 1,5, and 6.

²⁸⁵ MSF reports that, at the time of the air strike, there were 23 patients in surgery, 25 in the maternity ward, twelve in paediatrics and thirteen new-borns in Abs hospital. MSF investigation report.

²⁸⁶ Article 11(2) of the AP II and CIHLR 28.

²⁸⁷ MSF denies receiving any such warning, or any communication that would have constituted a warning prior to the attack. MSF investigative report, footnote 2, p 12.

²⁸⁸ See CIHLR 28.

Appendix D to Annex 49: al-Sala al-Kubra community hall, Sana'a (8 October 2016)

A. Introduction

1. This case study is one of the two investigations done on air strikes affecting civilian gatherings.²⁸⁹

B. Background to the incident

2. On 8 October 2016, between 15:20 and 15:30 hours (local time) explosive ordnance detonated on, or in, the al-Sala al-Kubra community hall in a residential area of south-western Sana'a.²⁹⁰ The venue was hosting at least 1000 mourners taking part in a funeral ceremony for Ali Al Rowayshan, the father of Major General Jalal Al Rowayshan, the acting minister of the interior under control of the Houthi-Saleh alliance. The UN reported that 132 civilians died and 695 were injured in this attack.²⁹¹

Figure 49.D.1
Location of attack²⁹²



3. The al-Sala al Kubra community hall had a capacity of 1,000 to 2,000 individuals and attendance at the funeral was expected to be high. The timing of the attack also coincided with a time when the funeral was expected to receive the highest number of mourners.²⁹³ Local custom requires attendance at a funeral as both a religious and a personal obligation. Hence, political and military leaders, and civilians, could not avoid attending the funeral, despite the potential security risks associated with such a gathering during the ongoing conflict.

4. Jalal Al-a's ministerial level position in the ministry of the interior under control of the Houthi-Saleh alliance, together with the Al Rowayshan family's prominent role in the Upper Khawlan tribe, meant that a high number of high-ranking political, military, and tribal guests were expected to attend the funeral. Although rumours of Former President Ali Abdullah Saleh (YEi.003) and his son, Khaled Ali Abdullah Saleh, attending the funeral turned out to be untrue, many current and former senior military officers of the Houthi and Saleh forces did attend the service. High profile public funerals, such as the one convened for Ali Al Rowayshan, are one of the few events in Yemen at which so many key

²⁸⁹ The other being the air strike on the Mustaba market at appendix A.

²⁹⁰ 15°17'22.75"N, 44°12'02.60"E.

²⁹¹ Information provided by OHCHR to the Panel on 19 December 2016.

²⁹² Google Earth (3 October 2016).

²⁹³ In Yemen, most mourners attend funerals between 14:30 – 17:30 hours.

figures in the Houthi-Saleh alliance would gather in a single place. Had the attack killed or seriously injured more of the individuals identified by the Panel²⁹⁴ then the Houthi-Saleh alliance would have been dealt a devastating political and military blow.

C. Technical analysis of physical evidence related to the incident²⁹⁵

5. The Panel has obtained and analysed post blast original imagery²⁹⁶ of the available physical evidence and finds that:

(a) The damage was almost certainly caused by the detonation of at least two items of explosive ordnance (EO), each containing a significant²⁹⁷ quantity of high explosive (HE). Such a quantity is normally contained in an aircraft bomb (figures 49.D.1 and 49.D.2);

(b) The two entry points (holes) (figures 49.D.3 and 49.D.4) were caused by the kinetic energy from aircraft bombs, which have hardened weapons grade steel cases. The aircraft bombs penetrated the structure of the concrete first floor before detonation inside the hall. Figure 49.D.3 shows the damage to the supporting pillars in the immediate vicinity of the blast, whilst the ones further away are relatively intact. This is a feature of both the designed strength of the concrete pillars that are designed to prevent a 'progressive collapse' in the event of the failure of any supporting pillars' and the effects of an explosion. Initially, close to an explosion, the shock wave will destroy material in its path, but this shock wave typically dissipates within metres to be replaced by the blast wave. This blast wave only has the power to deform material in its path before its energy dissipates to such a level that it will aerodynamically flow around objects. At fifteen metres from an explosion the blast wave pressure will have dissipated to approximately 90% of the original blast over pressure at the explosion point;

Figure 49.D.2
Post blast aerial image²⁹⁸



Figure 49.D.3
Post blast interior



²⁹⁴ Information with Secretariat.

²⁹⁵ Available as of 12 October 2016.

²⁹⁶ Including from an investigation team visit on 8/9 October 2016.

²⁹⁷ Over 50kg of high explosive. Improvised Explosive Devices (IED) also contain such large quantities of explosives, but there is no evidence that this was an IED attack.

²⁹⁸ Source: ITV News UK, 9 October 2016. <http://www.itv.com/news/2016-10-08/yemen-funeral-hall-saudi-arabia-airstrikes/>.

Figure 49.D.4
Entry point EO1



Figure 49.D.5
Entry point EO 2



(c) The precision of the attack rules also out the use of free flight rockets as a possible attack profile. Evidence from eyewitnesses, who were present in the locality, report they heard aircraft prior to the second attack and stated that there was three to eight minutes between these two explosions. The timing between the explosions indicates the deliberate use of the “double tap” tactic, the consequences of which are that individuals responding to the first explosion are caught by the second (see in IHL section of the report);

(d) One fragment (figures 49.D.6 and 49.D.7) has the shape profile, and falls within the dimensional parameters, of a fragment of a fin from a GBU-12 PAVEWAY II guidance unit fitted to a Mark 82 HE aircraft bomb. It is also clearly marked as such;

Figure 49.D.6
GBU-12 PAVEWAY II guidance unit fin fragment in situ²⁹⁹



Figure 49.D.7
GBU-12 PAVEWAY II guidance unit Recovered and cleaned fin fragment



(e) One fragment has the shape profile, and falls within the dimensional parameters, of a fragment from the wing of a guidance unit for a HE aircraft bomb (figure 49.D.8 and 49.D.9).

²⁹⁹ Confidential sources.

Figure 49.D.8
GBU-12 PAVEWAY II guidance unit wing fragment in situ³⁰⁰



Figure 49.D.9
GBU-12 PAVEWAY II guidance unit wing fragment in situ³⁰¹



(f) Other fragmentation subsequently collected by an investigation team, also shows fragmentation that is certainly from the wing of a PAVEWAY-II guidance unit (figures 49.D.10 and 49.D.11); and

Figure 49.D.10
GBU-12 PAVEWAY II guidance unit wing fragment showing manufacturers CAGE code 3FU05³⁰²



Figure 49.D.11
GBU-12 PAVEWAY II guidance unit wing fragment



³⁰⁰ Source: Extracted from ITV News UK on 9 October 2016. <http://www.itv.com/news/2016-10-08/yemen-funeral-hall-saudi-arabia-airstrikes/>.

³⁰¹ Ibid.

³⁰² The Commercial and Government Entity (CAGE) Code is a unique identifier assigned to suppliers to various government or defence agencies. 3FU05 is assigned to the Karlee Company, a USA metal fabricator. Source: Confidential – a visitor to the crime scene.

(g) Video imagery taken on a cell phone and posted on social media allegedly shows one of the explosions. Slow motion analysis of this imagery shows an aerial device falling onto the al-Sala al-Kubra community hall immediately prior to the second explosion. The Panel is still investigating the veracity of this imagery.

6. The only party to the conflict with the known capability to deliver the Mark 82 HE aircraft bomb with the GBU-12 PAVEWAY II guidance unit is the Saudi Arabia-led coalition, which has air supremacy over Yemen.

D. Response of the Saudi Arabia-led Coalition

7. The Saudi Arabia-led coalition itself has not fully clarified its role in the incident.³⁰³ The Joint Incident Assessment Team (JIAT), based on its initial investigations, attributed the responsibility to the Saudi Arabia-led coalition.³⁰⁴ The Saudi Arabia-led coalition did not provide a response to a Panel request for information on this air strike.³⁰⁵ The Government of Yemen provided the following information to the Panel on 31 December 2016:

“According to media reports there have been more than a hundred dead and hundreds injured. The President has ordered the creation of a commission for investigation to join the JIAT of the coalition. It comprises of the head of PSO, the chief of military intelligence, and the chief of military justice. The aim is to demonstrate the Government’s responsibility and to punish those individuals who caused the incident. Three individuals have been arrested for investigations within the coalition. As soon as the result of the investigation is known legal measures will be taken.”

E. Analysis of violations of international humanitarian law (IHL)

8. The Panel finds that immediately preceding and during the air strikes, hundreds of civilians, including children, were in the al-Sala al-Kubra community hall attending the funeral wake³⁰⁶ as were military personnel belonging to the Houthi-Saleh alliance.^{307 308} IHL obliges the party conducting attacks to respect in particular the principles of distinction, proportionality, and precautions in attack.

9. In the absence of a response from the Saudi Arabia-led coalition to the Panel, the Panel bases its IHL assessment on its own investigative findings as set out in the sections below.^{309 310}

³⁰³ See letter from the Saudi Arabia-led coalition to the Chairman of the Security Council on 9 October 2016, (Saudi Arabia referenced UN/2016/750). Copy of document with Panel.

³⁰⁴ <https://www.justsecurity.org/33615/full-text-saudi-led-coalitions-statement-explanation-funeral-hall-bombing-yemen/>.

³⁰⁵ Panel letter of 21 November 2016.

³⁰⁶ IHL permits attacks directed against combatants, however, those enjoying civilian protection may not be directly targeted. See Article 13 of AP II, Common Article 3 to the Geneva Conventions, and Rule 1 of the ICRC Study.

³⁰⁷ Houthi or Saleh military personnel are legitimate military targets. The fact that they were amongst civilians would not have rendered them immune from attack. Similarly, those civilians who are protected from attack under IHL would not lose their protection from direct attack, because of the military presence.

³⁰⁸ For the purpose of this report, the Panel considers military personnel as those individuals who are fighters on behalf of the Houthi or Saleh alliance. Individuals otherwise associated with a party to a conflict, for example, in the capacity of party members or political leaders, are entitled to civilian protection, unless they were also simultaneously regular fighters/combatsants or unless and for such time when they directly participate in hostilities. See generally, A.13 of AP II, Common Article 3 to the Geneva Conventions and customary IHL.

³⁰⁹ See appendix E for Panel sources.

³¹⁰ IHL principles relating to proportionality prohibits the launching of an attack “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”. See CIHLR 14, which reflects Articles 51 (5) (b) and 57 of AP I to the Geneva Conventions.

F. Responsibility of the Saudi Arabia-led coalition for the air strike

10. The JIAT preliminary findings were that the attack was based on “wrong information” provided by the Yemeni government in Riyadh, and that the relevant rules of engagement and procedure was not followed,³¹¹ and that those responsible “did not take in account the nature of the targeted area”. The Panel notes that JIAT places the responsibility for the strike on the Yemeni party that provided it with information on the military target and the Air Operations Centre (AOC) in Yemen that ordered the attack.³¹² It was also reported in the media that “Riyadh had ordered against the attack” and that it was a deliberate error by an individual who made “a choice made to breach operation procedures”.³¹³ The Panel has not received further information, as had been requested, on the identity information of this individual, his role in the incident, and measures taken pursuant to this finding of individual liability.

11. Even if an individual officer within the Saudi Arabia-led coalition acted negligently in carrying out the strike, the member States of the Saudi Arabia-led coalition are still responsible for any violations relating to IHL regarding any failure on their part to undertake the requisite detailed assessments relating to proportionality and precautions in attack and their failure to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes.³¹⁴ The fact that an official acted beyond their powers is not an adequate justification under international law for the relevant member States of the coalition to evade State responsibility for those wrongful acts.³¹⁵

G. Relevant Principles under IHL

12. Based on the JIAT statement, it appears that the AOC in Yemen directed an on-call close air support mission to target the location, and a Saudi Arabia-led coalition aircraft in the area carried out the mission. The pilot of the aircraft thus did not have the benefit of pre-mission preparation and target analysis, and had to rely totally on any assessments made by the AOC.

13. The Panel finds that on the basis of the Saudi Arabia-led coalition’s assessment of the information from all sources that were available to them at the relevant time,³¹⁶ the AOC could reasonably be expected to conclude that: 1) there would be a significantly high number of civilians, including children, at the venue; and consequently 2) any air strike would result in a high number of civilian casualties.

14. Any proportionality assessment should have taken into consideration: 1) that the hall was crowded because of a civilian funeral; 2) the funeral was open to the public; 3) the large capacity of the hall that allows a large number of individuals to be accommodated; 4) the high prominence of the family within the Yemeni society meant that many would congregate to pay respects; 5) religious and traditional practices associated with attendance at funerals making attend-

³¹¹ In paragraph 2 of a letter to the Chairman of the Security Council on 9 October 2016, (Saudi Arabia referenced UN/2016/750), Saudi Arabia states that “its forces follow strict and clear rules of engagement which prohibits the targeting of civilians and civilian objects and take all possible measures to prevent dangers to civilians”.

³¹² JIAT statement with Panel.

³¹³ <http://www.telegraph.co.uk/news/2016/10/19/saudi-coalition-bombing-of-yemen-funeral-was-a-deliberate-error/>.

³¹⁴ See also a relevant assessment on individual and state responsibility for this strike at

<https://www.justsecurity.org/33872/responsible-yemen-funeral-bombing-how/>.

³¹⁵ See Articles on the Responsibility of States for Wrongful Acts at

http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf. See Article 7 which states: “The conduct of an organ of a State or of a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the organ, person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions.” See also Customary IHL rule 139 which states: “Each party to the conflict must respect and ensure respect for international humanitarian law by *its armed forces* and other persons or *groups acting in fact on its instructions, or under its direction or control*”. (Emphasis added).

³¹⁶ See commentary to CIHLR 14 and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks. Also see the United Kingdom position at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Notification.xsp?action=openDocument&documentId=0A9E03F0F2EE757CC1256402003FB6D2>. Accessed on 10 October 2016.

ance obligatory for both civilians and military commanders; 6) the near certain presence of children the funeral; 7) the peak times when mourners attend funerals; and consequently 8) that any attack in that location, and at that time, may result in a high number of civilian casualties. This information, and the fact that a funeral was being held at al Saba al-Kubra hall for the father of Major General Jalal Al Rowayshan was readily available in the public domain, and accessible to the Saudi Arabia-led coalition prior to the attack.³¹⁷

15. The attack resulted in a disproportionately high numbers of civilian casualties, when compared to military casualties, and this could have been anticipated prior to the attack.³¹⁸ Even if the military advantage the Saudi Arabia-led coalition sought to achieve by this attack is to be assessed in the context of a full war strategy,³¹⁹ based on the information received, the Panel is not convinced that the relevant IHL requirements on proportionality were met,³²⁰

(a) IHL requires that military commanders and those responsible for planning and executing decisions regarding attacks take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.³²¹ IHL also imposes an obligation on parties to the conflict to cancel or suspend an attack, if it becomes clear that its attack is likely to cause excessive civilian damage;³²²

(b) In the absence of a response from the Saudi Arabia-led coalition, the Panel is unaware of: 1) any effective advance precautionary measures taken by the Saudi Arabia-led coalition in the planning of these airstrikes; or 2) any actions taken during the flight mission, to minimize civilian casualties or damage to civilian objects. Instead the cumulative factors surrounding the attack resulted in a high number of civilian casualties; and

(c) The second air strike, which occurred three to eight minutes after the first air strike, almost certainly resulted in more casualties to the already wounded and the first responders.³²³ These first responders included civilians who immediately entered the area after the first air strike to provide urgent first aid and undertake casualty evacuation.³²⁴ The Panel has identified prior use of this “double-tap” tactic before in two³²⁵ of its IHL investigations.³²⁶ IHL prohibits attacks against *hors de combat*³²⁷ and the wounded.³²⁸ The Panel is not convinced that the Saudi Arabia-led coalition re-

³¹⁷ For example, the Facebook social media post of a family member, <https://www.facebook.com/jalal.ali.161/posts/1481350905225458>, which gives information as to the date and place of the funeral. Accessed on 10 October 2016.

³¹⁸ Confidential sources.

³¹⁹ United States Department of Defense Law of War Manual (2015), p. 246.

³²⁰ In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

³²¹ See Article 13(1) of AP II and Rules 15 and 18 of the ICRC Customary Study.

³²² CIHLR 19. The United Kingdom takes the position that this obligation applies to those “...those who have the authority and practical possibility to cancel or suspend the attack” (see the United Kingdom’s reservations and declarations made upon ratification of AP I at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Notification.xsp?action=openDocument&documentId=0A9E03F0F2EE757CC1256402003FB6D2>). Accessed on 10 October 2016.

³²³ Confidential source.

³²⁴ Confidential sources.

³²⁵ 1) Attack on a civilian house in Lahj (25 May 2016) (EO Strike 1 at 13 01'01.4" N 44 53'20.7"E, EO Strike 2, 13 01'01.9"N, 44 53'20.2"E); and 2) Mastaba market attack (15 March 2016) (EO Strike 1, 16°13'39.31"N, 43°14'42.04"E; EO Strike 2, 16°13'40.61"N, 43°14'41.08"E). The Panel concluded that both these attacks were conducted in violation of IHL.

³²⁶ For a clearer understanding of assessments on IHL violations associated with the “double tap” attacks, see Clapham et al, “1949 Geneva Conventions: A Commentary”, Oxford University Press (2016), p. 786.

³²⁷ Including Common Articles 1 and 3 to the Geneva Conventions.

³²⁸ Ibid.

spected its obligations in respect of persons *hors de combat* and the wounded in this “double tap” attack, and if it took effective precautionary measures to minimize harm to civilians, including the first responders, in the second strike. The Panel continues to welcome information from the Saudi Arabia-led coalition on what measures it took to minimize civilian deaths and injuries and damage to civilian objects and, if measures were taken, then to provide information on how those measures contributed to the above objective.

16. The Panel notes that this is the second investigation, in which mass civilian casualties were reported,³²⁹ where the Saudi Arabia-led coalition reportedly relied exclusively on information obtained from the Yemeni authorities in Riyadh on the identification nature of the target.

I. Summary of findings

17. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted the air strike on the community hall in Sana’s that resulted in at least 827 civilian fatalities and injuries. At least 24 injured were children.³³⁰ The air strike also resulted in the total destruction of the community hall;

(b) Given the nature of the event and those in attendance, the attack the attack resulted in a very high number of civilian casualties and this should have been anticipated prior to the attack. The Panel is unconvinced that the relevant IHL requirements relating to proportionality were met;

(c) These cumulative factors indicate that if precautionary measures had been taken, they were largely inadequate and ineffective. The JIAT also concluded that the relevant rules of engagement and procedures were not followed, and that those responsible in the Saudi Arabia-led coalition “did not take in account the nature of the targeted area”;

(d) The second air strike, which occurred three to eight minutes after the first air strike, resulted in more casualties to the already wounded civilians and to the first responders. The Saudi Arabia-led coalition violated its obligations in respect of persons *hors de combat* and the wounded in what was effectively a “double tap” attack probably caused by the tactics adopted by the pilots to guarantee destruction of the target;

(e) Even if an individual officer within the Saudi Arabia-led coalition acted negligently in carrying out the strike, coalition forces are still responsible for the appropriate IHL violations. Under wider international law, the fact that an official acted against instructions is not an adequate justification under wider international law for the relevant member States of the coalition to evade State responsibility for those wrongful acts; and

(f) Those officers of the Government of Yemen that reportedly passed the information, or who were otherwise involved in the intelligence gathering and targeting assessment processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution.

³²⁹ The first being the air strikes on the al Khamees market in Mastaba, Hajjah on 15 March 2016.

³³⁰ OHCHR verified data.

Appendix E to Annex 49: Summary of IHL case study evidence levels (air attacks against civilians)

1. This annex is a summary of the evidential levels used for each of the case studies that in the preceding appendices. It has been consolidated into one table in order to prevent needless repetition.

Table 49.E.1
IHL case study evidential levels

<i>Ser</i>	<i>Location</i>	<i>Panel interviews</i> ³³¹	<i>Photograph</i> ³³²	<i>Video</i>	<i>Satellite</i>	<i>Documents</i> ³³³	<i>Open source</i> ³³⁴
1	Al Khamees Market, Mastaba	8	✓	✓	✓	<ul style="list-style-type: none"> ▪ Investigation reports of 2 NGOs ▪ JIAT report summary ▪ Investigation report of IO ▪ JIAT summary ▪ Coalition statement (media) 	> 5 x media reports
2	Civilian House, T'baisha	4	✓		✓	<ul style="list-style-type: none"> ▪ IO confidential report ▪ Document issued by ministry of justice ▪ Death certificate 	
3	Civilian House, Lahj	6	✓	✓	✓	<ul style="list-style-type: none"> ▪ IO confidential report ▪ Death certificates ▪ Burial certificates 	1 x Media video > 5 x media reports 1 Statement Governor of Lahj
4	Water Plant, Lahj	11	✓		✓	<ul style="list-style-type: none"> ▪ HRW report (978-1-6231-33757) 	2 x Media reports
5	Snack Factory, Sana'a	7	✓	✓	✓	<ul style="list-style-type: none"> ▪ IO confidential report ▪ 5 Reports by factory owners ▪ Death certificates ▪ JIAT report summary 	> 5 x media reports
6	Abs Hospital, Abs	7	✓	✓	✓	<ul style="list-style-type: none"> ▪ MSF Report (27/09/16) ▪ Amnesty Report (19/09/16) ▪ JIAT Report Summary ▪ Other confidential documents 	> 5 x Media reports

³³¹ This includes interviews with eyewitnesses, victims, direct reports, NGOs, INGOs, IOs and others who independently investigated the incidents.

³³² The Panel has retained all of the imagery used to make these determinations and it is available to Member States on request. All imagery was either direct from a source, or verified as accurate by eyewitnesses.

³³³ Investigation reports are confidential documents that cannot be shared outside the Panel unless with the written consent of the said organization and for the specific purposes for which the consent was given.

³³⁴ The Panel has retained copies of all open source reports used and these are available to Member States on request.

<i>Ser</i>	<i>Location</i>	<i>Panel interviews</i> ³³¹	<i>Photograph</i> ³³²	<i>Video</i>	<i>Satellite</i>	<i>Documents</i> ³³³	<i>Open source</i> ³³⁴
7	Alsonidar Factory, Sana'a (1)	5	✓	✓	✓	<ul style="list-style-type: none"> ▪ Chamber of Commerce Letter (14/09/16) ▪ Caprari Group Letter (07/10/16) ▪ Addar Fer, Italy Letter (07/1016) ▪ Operational Manuals 	4 x Media reports
8	Civilian House, Ibb	7	✓	✓	✓	<ul style="list-style-type: none"> ▪ Death Certificates 	4 x Media reports
9	Alsonidar Factory, Sana'a (2)	5	✓	✓	✓	<ul style="list-style-type: none"> ▪ Chamber of Commerce Letter (2016) ▪ Caprari Group Letter (07/10/16) ▪ Addar Fer, Italy Letter (07/1016) ▪ Operational Manuals 	4 x Media reports
10	Community Hall, Sana'a	>1 0	✓	✓	✓	JIAT report summary	>10 x Media Reports

**Annex 50: Case file summaries of investigations of a particularly sensitive nature
(STRICTLY CONFIDENTIAL)**

**Appendix A to Annex 50: Torture and cruel, inhuman, and degrading treatment of a child
(STRICTLY CONFIDENTIAL)**

Appendix B to Annex 50: Deprivation of liberty relating a university student

(STRICTLY CONFIDENTIAL)

Annex 51: Use of explosive ordnance in civilian populated areas

1. This annex contains appendices relating to one investigation undertaken by the Panel, as an illustration, on explosions in densely populated areas, where the use of explosive ordnance (EO) is attributed to the Houthi or Saleh forces operating in Tai'zz.³³⁵ In these six incidents, of which four certainly involved explosive ordnance, the Panel documented fifteen deaths and twenty injuries to civilians in five of the six incidents. In the sixth incident, MSF records twelve deaths and 122 injured in relation to the multiple EO that impacted on Tai'zz city on 3 June 2016.³³⁶

2. In addition, from January to June 2016, the Panel documented of 30 incidents in which the use of land based explosive ordnance were used in densely populated areas in Tai'zz, representing potential indiscriminate attacks against civilians.³³⁷ There were over 60 civilian fatalities and over 180 civilians injured. The Panel did not continue this analysis due to the sheer volume of incidents received and its inability to independently verify each case.

3. Summaries of the six incidents investigated by the Panel, and contained in this annex, are as follows:

Table 51.1
Summary of IHL case levels

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Origin of EO</i>	<i>Civilian fatalities</i>	<i>Civilians injured</i>	<i>Remarks</i>
1	3 Jun	Bab Al-Kabeer	Explosion	East Ta'izz	12	122	A majority were women and children. Impacted on commercial buildings
2	3 Jun	Jamal Street (Delux Market)	Explosion	East Ta'izz	-	2	Impacted on commercial buildings.
3	7 Jun	Shamai, near the Revolution hospital	Explosion	East Ta'izz	5	-	Impacted on a school. The dead included four displaced women and children from a marginalized community.
4	18 Sep	Revolution hospital	1 x EO	East Ta'izz	-	-	Affected solar panels and water storage.
5	3 Oct	Market area in Bir Basha	2 x mortars	East Ta'izz	10	17	Twelve were children and women
6	15 Nov	House, Shamseen Neighbourhood.	1 x mortar	East Ta'izz	-	1 (child)	Damage to residential house. Heavily populated residential area.

³³⁵ The other summaries are available with the Secretariat in Panel records.

³³⁶ "Hospitals supported by charity received 134 casualties in one day: MSF" at <http://www.reuters.com/article/us-yemen-security-taiz-idUSKCN0YS25B> and <http://www.doctorswithoutborders.org/article/msf-supported-hospitals-taiz-receive-122-war-wounded-one-day>. There were several EO that impacted the city on 3 June 2016. All of these EO are attributed to Houthi/Saleh forces in Tabat Al Sofitel region. See "MSF-Supported Hospitals in Ta'izz Receive 122 War Wounded in One Day" at <http://www.un.org/apps/news/story.asp?NewsID=54192#.WDAGTTakbOg> and <http://www.reuters.com/article/us-yemen-security-taiz-idUSKCN0YS25B>.

³³⁷ Information with the Secretariat in Panel records.

Appendix A to Annex 51: EO in Jamal Street, Tai'zz (3 June 2016).

A. Background

1. At approximately 20:00 hours on 3 June 2016, an item of explosive ordnance detonated in the middle of Jamal Abdul Nasser Street, Ta'izz.³³⁸ Blast and fragmentation from the explosion damaged nearby buildings and injured, at least, two civilians. There were no military personnel or equipment reported in the vicinity immediately prior to or at the time of the attack. Locals stated that the missile came from the direction of the Sofitel Hill. This area is under the control of the Houthi or Saleh forces.

B. Technical analysis

2. Based on the distinctive fragmentation pattern (figure 51.A.1), it is highly probable that the explosive ordnance used in this attack was the warhead of a free flight rocket. The fragmentation pattern of the detonation is almost certainly from a warhead impacting at low angle, which eliminates a mortar bomb as the cause. The absence of a small crater, and low angle of delivery, virtually eliminates an artillery shell as the cause.

Figure 51.A.1
Warhead detonation in Jamal Abdul Nasser Street³³⁹



3. The Houthi-Saleh forces are operating at least one BM-21 variant multi-barrel rocket launcher (MBRL) in Ta'izz.³⁴⁰ It is highly probable, based on the likely flight path (figures 51.A.2 and 51.A.3) and reports of Houthi-Saleh forces in that area on the day that this weapon system was located in the region of Sofitel Hill, which is well within the range of Jamal Abdul Nasser Street.

³³⁸ 13° 34' 39.28"N, 44° 00' 43.49"E.

³³⁹ Photograph taken by witness for the Panel.

³⁴⁰ Confidential sources.

Figure 51.A.2
 Maps showing orientation of street to direction of probable launch area³⁴¹

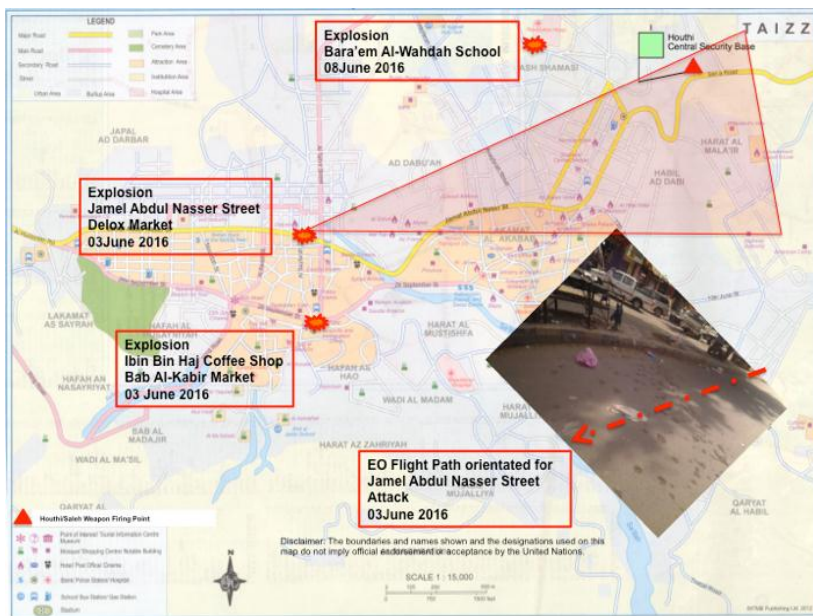
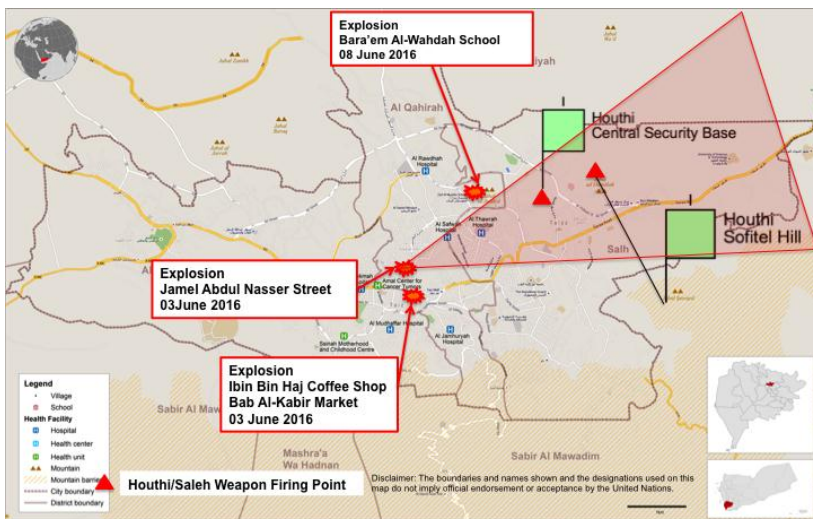


Figure 51.A.3
 Maps showing probable launch area³⁴²



³⁴¹ Higher resolution copies of the map are available from the Secretariat.

³⁴² Ibid.

C. Analysis of violations of IHL

4. Based on information available, the Panel finds it is highly likely that the responsibility lies with the Saleh forces operating from the region of the Sofitel Hill.

5. The Panel is not convinced that the IHL requirements of distinction,³⁴³ proportionality,³⁴⁴ and precautions in attack³⁴⁵ were met as demonstrated by the following factual elements:

(a) The street was near a market and a populated commercial area. The attack injured at least two civilians and partially damaged buildings in the vicinity;

(b) The civilian street was a civilian object prima facie immune from attack.³⁴⁶ Civilians are also immune from attack unless and until such time when they directly participate in hostilities.³⁴⁷ IHL requires that attacks be directed against legitimate military objectives.³⁴⁸ The Panel could not identify any legitimate military objective.

(c) It is highly likely that Saleh fighters knew that any explosive ordinance launched into a populated street would have a high likelihood of civilian casualties and damage to civilian objects. Since the blast-and-fragmentation zone is based on the technical specification of the explosive weapon in question, its likely impact on civilians is often foreseeable,³⁴⁹

(d) If precautionary measures were taken, they were inadequate and ineffective in these circumstances.

6. The Panel requested, but did not receive a response from the Houthi or Saleh forces, information related to in this incident.

³⁴³ CIHLR 1 and 7.

³⁴⁴ CIHLR 14 and 18.

³⁴⁵ CIHLR 15 - 22.

³⁴⁶ CIHLR 7 and 9.

³⁴⁷ CIHLR 6.

³⁴⁸ CIHLR 8.

³⁴⁹ OCHA Report “Protecting Civilians from the Use of Explosive Weapons in Populated Areas” at https://docs.unocha.org/sites/dms/Documents/EWIPA_Fact_Sheet_-_Latest.pdf.

Appendix B to Annex 51: Summary of IHL case study evidence levels

1. This annex is a summary of the evidential levels for each of the case studies that in the preceding appendices.

Table 51.B.1
Summary of IHL case levels

<i>Serial</i>	<i>Location</i>	<i>Panel interviews</i> ³⁵⁰	<i>Photograph</i> ³⁵¹	<i>Video</i>	<i>Satellite</i>	<i>Documents</i> ³⁵²	<i>Open source</i> ³⁵³
1	Market, Jamal Street	5	✓	✓	✓	<ul style="list-style-type: none"> ▪ 2 investigation reports ▪ Medical certificate 	-
2	Market, Bab al Kabir	8	✓	✓		<ul style="list-style-type: none"> ▪ 10 confidential report ▪ 2 investigation reports 	
3	School, Shami neighbourhood	5	✓	✓	✓	<ul style="list-style-type: none"> ▪ Death certificates ▪ Criminal investigation report ▪ 3 investigation reports. 	> 5 x media reports
4	Revolution hospital	2	✓	✓	✓	<ul style="list-style-type: none"> ▪ Statement issued by hospital 	-
5	Market, Bir Basha	7	✓	✓	✓	<ul style="list-style-type: none"> ▪ 10 confidential report ▪ 1 investigative report ▪ Death certificates 	> 5 x media reports
6	Residential building, Shamseen neighbourhood	2	✓	✓	✓	<ul style="list-style-type: none"> ▪ Medical report ▪ Independent NGO investigation. 	-

³⁵⁰ This includes interviews with eyewitnesses, victims, direct reports, NGOs, INGOs, IOs and others who independently investigated the incidents.

³⁵¹ The Panel has retained all of the imagery used to make these determinations and it is available to Member States on request. All imagery was either direct from a source, or verified as accurate by eyewitnesses.

³⁵² Documents provided to the Panel will not be further shared unless the Panel receives expressed written consent of those sources.

³⁵³ The Panel has retained copies of all open source reports used and these are available to Member States on request.

Annex 52: Attacks against hospitals

A. Attacks using explosive ordnance, threats or violence

1. In 2016, three hospitals provided Panel with information relating to nineteen incidents, where violence was threatened or used against the hospital and its staff. (table 52.A.1). This includes: 1) attacks by the use of explosive ordnance (EO); 2) attacks on and abductions of medical personnel; and 3) the use of hospital premises to launch attacks. The Panel finds, based on its investigations that all parties to the conflict; the Saudi Arabia-led coalition, the Houthi-Saleh military alliance, and forces associated with the Government of Yemen committed or contributed to violations against hospitals.

Table 52.A.1
Summary of incidents³⁵⁴

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)</i> ³⁵⁵	<i>Reported perpetrator</i> ³⁵⁶	<i>Remarks</i>
1	3 Feb	Republican hospital, Taizz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics. ³⁵⁷	Damaged maternity ward
2	15 Mar	Republican hospital, Taizz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Heavy damage to Cardiac ward and equipment.
3	20 Mar	Revolution hospital, Ta'izz	Threats Abductions		Confidential Annex	See annex 53.
4	11 Jun	Revolution hospital, Ta'izz	2 x EO	Al-Salal area	Houthi or Saleh forces	Damaged burns unit and doctors accommodation
5	17 Jun	Revolution hospital, Ta'izz	2 x EO	Al Harir area	Houthi or Saleh forces	Damaged internal medicine unit
6	11 Jul	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Damaged woman's surgical ward
7	15 Aug	Abs hospital	1 x Paveway II	NA	Saudi Arabia-led coalition	(see annex 53)

³⁵⁴ Information was collected from witnesses and independent investigators. Multiple images on the effects on each of the above hospitals as a result of these EO are with the Secretariat and available for examination by member States.

³⁵⁵ Information provided by confidential sources.

³⁵⁶ Ibid.

³⁵⁷ "Conflict dynamics" takes into consideration the front lines as it relates to the Houthi and Saleh military forces and the forces affiliated with the legitimate government. It also considers who was in control of the area where the violation occurred.

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)</i> ³⁵⁵	<i>Reported perpetrator</i> ³⁵⁶	<i>Remarks</i>
8	7 Sep	Republican hospital, Ta'izz	23mm		Unknown.	Impacted on the woman's surgical ward
9	28 Sep	Revolution hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Solar panels and water storage unit damaged.
10	26 Oct	Name of hospital withheld to protect sources.	Unknown EO were launched from the hospital yard	Hospital	Confidential annex	See annex 53.
11	1 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Storage unit and water tanks that belonged to operations ward damaged (see annex 53).
12	3 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Impacted around the cardiac ward (damaged only on the outside)
13	4 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Destroyed windows and damaged cardiac ward.
14	5 Nov	Republican hospital, Ta'izz	Sniping		Unknown.	Sniping in the hospital yard
15	7 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	EO damaged ceiling of cardiac ward.
16	21 Nov	Revolution hospital, Ta'izz	Threats. Disruption of functions		Ibrahim Al Qaisi. Confidential annex	Only the emergency section was operational. Threatened hospital staff. Disrupted a meeting on funding. Hospital stopped functions because of dear of safety of staff. See annex 53.

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)³⁵⁵</i>	<i>Reported perpetrator³⁵⁶</i>	<i>Remarks</i>
17	21 Nov	Military hospital, Tai'zz	Multiple EO around the hospital		Likely to be Houthi or Saleh forces based on conflict dynamics.	In early Nov the hospital was retaken by the popular resistance. Previously, it was used by the Houthi/Saleh forces and civilians with renal diseases. The shelling allegedly began after the transfer of the hospital to the popular resistance.
18	4 Dec	Revolution hospital, Tai'zz	1 x EO	Al Salal Hill	Likely to be Houthi or Saleh forces	Damaged doctor's accommodation,
19	XX Dec	Confidential annex	Armed men threatens hospital staff unless medical care is provided.		Investigations ongoing	See annex 53.

2. The panel also received information from OHCHR that they recorded 8 attacks on hospitals by Houthi or Saleh forces and 16 air strikes against hospitals in 2016.³⁵⁸

3. The three incidents relating to attacks on hospital staff are included in a confidential annex because of credible threats to the safety of hospital staff. These incidents violate various IHL principles, including those that ensure that medical staff and units are protected from direct attack³⁵⁹ and that the wounded and sick are cared for.³⁶⁰ IHL also prohibits the punishment of a person for performing medical duties compatible with medical ethics.³⁶¹ It is prohibited to compel a person engaged in medical activities to perform acts contrary to medical ethics.³⁶² The abduction and detention of medical staff also violates several principles of IHL and may, depending on the circumstances, amount to hostage taking.³⁶³

B. Potential future threats to hospitals

4. The Panel received information from three hospitals that they have not been provided with operating costs since around July 2016. The Central Bank of Yemen (CBY) issued a notice on 6 November 2016 stating that the salaries of government officials, including medical staff, will be cut by 50% backdated to August 2016.³⁶⁴ The Panel spoke to seven doctors across Yemen in November, who confirmed they still had not received their salaries since August, or had received 50% of their August salary in November. The Panel notes that the lack of resources may have a direct impact on the functioning of hospitals:

³⁵⁸ Information provided to the Panel on 19 December 2016.

³⁵⁹ Common Article 3 to the Geneva Conventions of 1949, CIHLR 25, 28, 35.

³⁶⁰ Common Article 3 to the Geneva Conventions of 1949, CIHLR 110,111.

³⁶¹ CIHLR 27.

³⁶² CIHLR 27.

³⁶³ Hostage taking is prohibited under IHL CIHLR 96.

³⁶⁴ A copy of the statement issued by the Central Bank is on record with the Panel.

(a) On 1 November 2016, the Revolution hospital issued a statement that stated that: 1) it had not received funds allocated in the budget for the 3rd quarter of 2016 from the CBY; 2) it had not received funds for staff salaries for the 4th quarter of 2016; 3) that while the emergency section was supported by MSF, other units had no external funding; and 4) warned that it may be compelled to stop its functions. The hospital has treated approximately 40,000 war injured civilians and wounded fighters since the beginning of the conflict.³⁶⁵

(b) On 31 October 2016, the Republican hospital circulated a similar statement on social media, warning of an imminent shut down of the hospital due to 1) lack of funding for hospital and staff; and 2) its inability to receive humanitarian aid because of obstructions posed by armed groups.³⁶⁶

5. The Panel also finds that finds that insufficient levels of funding, worsened by further recent reductions in salaries, have direct consequences for the safety of medical staff, and the treatment received by civilians and hors de combat. For example, the Panel has received information on multiple “disputes” between patients, their caregivers, and staff, because hospitals lack qualified doctors, the necessary medicine and equipment, or other resources to treat all patients to the extent required. These incidents were reported from Ta’izz and Hudaydah. Three of the more serious incidents are highlighted in a confidential annex. All parties should take all necessary measures to ensure that medical workers are protected, and that civilians under their protection have access to basic medical services.

³⁶⁵ Statement with Panel.

³⁶⁶ Statement with Panel.

Annex 53: Attacks against health workers

(STRICTLY CONFIDENTIAL)

Annex 54: Obstructions to the delivery and distribution of humanitarian assistance

(STRICTLY CONFIDENTIAL)

Annex 55: Full list of abbreviations

A/C	Aircraft
AGM	Air to Ground Missile
a.k.a	Also Known As
AK	<i>Avtomatik Kalishnikov</i> (assault rifle)
AMR	Anti Material Rifle
AQ	Al-Qaida
AQAP	Al-Qaida in the Arabian Peninsula
ATGM	Anti-Tank Guided Missiles
ATGW	Anti-Tank Guided Weapon
BLEVE	Boiling Liquid Vapour Explosions
BMP	Best Maritime Practices
BVI	British Virgin Islands
CDE	Collateral Damage Estimate
CIHL	Customary International Humanitarian Law
CMC	Cluster Munition Convention
CMF	Combined Maritime Force
CRC	Convention on the Rights of Children
CTF	Combined Task Force (CMF)
DADP	Di-Acetone Di-Peroxide
DFFC	Directional Focused Fragmentation Charge (IED)
DIO	Defence Industries of Iran
DPRK	Democratic Peoples' Republic of Korea
DShK	<i>Degtyaryova-Shpagina Krupnokaliberny</i> (Heavy Machine Gun (HMG))
DWT	Dead Weight Tonnage (Tonnes)
E	East
ESH	Explosive Storehouses
FAE	Fuel Air Explosion
FFREM	French Frégate Européenne Multi-Mission
F of I	Figure of Insensitiveness
FS	French Ship
GBU	Guidance Bomb Unit
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GLC	Global Logistics Cluster
GPC	General People's Congress
GWT	Gross Weight Tonnage
HE	High Explosive
HEAT	High Explosive Anti-Tank
HMAS	Her Majesty's Australian Ship

HMG	Heavy Machine Gun
HMTD	Hexa-Methylene Triperoxide Diamine
HSV	High Speed Vessel
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person(s)
IED	Improvised Explosive Device
IEDD	Improvised Explosive Device Disposal
IHL	International Humanitarian Law
IMO	International Maritime Organization
ISIL	Islamic State in Iraq and the Levant (<i>Daesh</i>)
ISIS	Islamic State of Iraq and Syria / Islamic State of Iraq and Al-Sham
ISTAR	Intelligence, Surveillance, Targeting and Reconnaissance
KE	Kinetic Energy
km	Kilometre(s)
LLI	Lloyds List Intelligence
LMG	Light Machine Gun
LNG	Liquid Nitrogen Gas
m	Metres
m ³	Cubic Metres
MEKP	Methyl Ethyl Ketone Peroxide
mm	Millimetre(s)
MMPP	Minimal Metal Pressure Pads
MMSI	Maritime Mobile Service Identity
MoU	Memorandum of Understanding
MSN	Manufacturer's Serial Number
MT	Mega-Tonne(s)
MV	Merchant Vessel
N	North
NEC (Q)	Net Explosive Content (Quantity)
NFP	National Focal Point
NGO	Non-Governmental organization
NK	Not Known
OCHA	Office for Coordination of Humanitarian Affairs (UN)
PBIED	Person-Bourne IED ('suicide bomber')
PC	Patrol Craft
PCIED	Projectile Controlled IED
PIR	Passive Infra-Red
PKM	<i>Pulemyot Kalashnikova (Modernised)</i> . (LMG)
RAN	Royal Australian Navy
RCIED	Radio Controlled Improvised Explosive Device
RCL	Recoilless Gun

RDX	Hexogen or Cyclotrimethylenetrinitramine
RGD	<i>Ruchnaya Granata Dstantsionnaya</i> (distance hand grenade)
RPG	<i>Ruchnoy Protivotankovyy Granatomyot</i> (shoulder launched anti-tank rocket launcher)
RSADF	Royal Saudi Air Defence Forces
RSAF	Royal Saudi Air Force
SAA	Small Arms Ammunition
SEMG	Somalia and Eritrea Monitoring Group
SGBV	Sexual and Gender-Based Violence
SPM	Ships Protection Measures
SVD	<i>Snayperskaya Vintovka sistem'y Dragunova</i> (sniper rifle)
SVIED	Suicide Vehicle IED
TATP	Tri-Acetone Tri-Peroxide
TBC	To Be Confirmed
TNT	Tri-Nitro Toluene
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNCT	UN Country Team
UNHCR	UN High Commission for Refugees
UNICEF	United Nations Children's Fund
USD	United States Dollar(s)
USN	United States Navy
USS	United States Ship
UVIED	Under Vehicle Improvised Explosive Device
VOIED	Victim Operated Improvised Explosive Devices
WFP	World Food Programme
WSS	Weapon Storage Sites
YAF	Yemen Armed Forces
