

List of Issues addressed to the Houthi/Ansar Allah by the Group of Eminent Experts on Yemen established pursuant to Human Rights Council resolution A/HRC/RES/36/31

I. Introduction

The United Nations Human Rights Council, in its 28 September 2018 resolution (A/HRC/RES/39/16) renewing the mandate of the Group of Eminent Experts on Yemen (GEE), “Encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the Group... .”

In furtherance of the GEE mandate to “carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict [in Yemen] since September 2014”, the GEE met with Ansar Allah representatives in Sana’a in March 2018 and thereafter submitted written queries seeking additional clarifications and information relating to the human rights situation in Yemen.

The GEE appreciates the meetings and other cooperation extended to it in 2018. However, the GEE has not received any responses to the 2018 written queries. Further, the GEE informed Ansar Allah on 28 January 2019 of its plans to again visit Yemen to conduct investigations and meet representatives of civil society organisations and stakeholders, and has not yet received a response.

Noting that the inability to visit Sana’a seriously curtails its ability to fully execute its mandate, the GEE reiterates its request for access, and meanwhile continues to conduct its investigations. The GEE would welcome any information that can be provided related to the queries detailed below, which includes the queries raised in 2018, as well as additional points on which information and clarifications are sought.

Any responses received will be included in the High Commissioner for Human Rights’ report to the Human Rights Council, with the exception of any information requested to remain confidential.

The Group of Eminent Experts on Yemen would be grateful to receive a reply to the below queries by 10 May 2019. In addition, the GEE renews its requests to meet to discuss the issues below and to receive any other submissions by 30 May 2019.

II. List of issues

A. Implementation of GEE recommendations

1. The GEE report of 28 August 2018 contains findings of fact and recommendations to the parties to the conflict in Yemen. Please describe the steps taken to investigate cases described in the GEE report, to hold perpetrators to account, to prevent recurrence, and to implement the GEE recommendations.

B. Structures, procedures and rules of armed forces and security forces

2. The GEE’s understanding is that at present, forces affiliated with or fighting alongside the de facto authorities still include members of the previous Yemen Armed Forces and Popular Committees (together referred to in this letter as the “Houthi forces”). How are these various forces coordinated? Is there a unified leadership? How did the leadership and formations change shape after December 2017? Is there an organizational structure, a chain of command, a formal uniform and a military rank for the previous Yemen Armed Forces, Popular

Committees and other Houthi units? Are there Rules of Engagement and Standard Operating Procedures? If so, please share copies.

3. Please explain the current functions of all forces under Houthi/Ansar Allah command, including providing details on the structures for all armed forces and security forces.
4. Is the ministry of defence responsible for the salaries of all Houthi forces, including the former units of the Yemen Armed Forces and the Popular Committees?
5. Who within the Houthi forces exercises command and control over the missile force (the former “strategic reserve missile group”)?
6. Please provide the GEE with details on the so-called “Zeynabiyyat forces” structure, command and control and recruitment procedures, including their particular mandate and strength at the present time. Please give a detailed explanation of their mandate and when they are deployed, as well as ways to ensure that “Zeynabiyyat” forces do not use excessive force in the course of their action.

C. Operations of armed forces and security forces

7. What measures are undertaken by Houthi forces to minimise harm to the civilian population from the armed conflict?
8. Please describe the process for conducting proportionality assessments carried out before commencing military operations.
9. Please describe precautions that Houthi forces take to minimise civilian casualties and damage, particularly in the case of dual-use targets? How is this reviewed during the period leading up to the operation? Are warnings ever given and, if so, how?
10. Please explain how Houthi forces have defined military objectives for targeting purposes.
11. Do Houthi forces keep a restricted target / ‘no-strike’ list containing locations of medical facilities, schools, UN and relief agency sites, religious and cultural objects and other places under similar protection? How is such information made available and to what levels of command? Does any such list pertain also to restricting military use of such sites?
12. Please explain how Houthi forces have selected targets for artillery and mortar shelling. Please further explain any measures taken to protect the civilian population during the use of such indirect weapons.
13. What training on International Humanitarian Law is provided to Houthi forces? Please provide copies of all relevant training materials.

D. Weaponry

14. What are the types of anti-ship missiles available to Houthi forces? Do Houthi forces use these missiles during the conflict, if so when and where?
15. Have Houthi forces used landmines? If so, what are the types and manufacture of such mines? Do Houthi forces have maps of the minefields in areas of conflict? Do Houthi forces coordinate with humanitarian demining agencies for the removal of landmines in areas where fighting has ceased?

E. Access restrictions

16. Please respond to allegations that Houthi forces have delayed, diverted and/or denied the distribution of humanitarian assistance in areas under their control. Please provide information about relevant procedures for the distribution of such assistance in Houthi-controlled areas. What measures have Houthi forces and/or Ansar Allah put in place to reduce delays and otherwise ensure that assistance reaches isolated communities?

17. Please respond to allegations that Houthi forces have hindered the delivery of medical vaccinations in areas under their control.
18. Please respond to allegations that Houthi forces have restricted or prohibited certain items from entering Taizz, particularly during the period between July 2015 and January 2016. Are there certain items that are restricted or prohibited? If so, which items and for what reason? Has the list of prohibited items changed since July 2015?
19. Have there been incidents in which individuals or groups have been found transporting military-related cargo into Taizz? If so, please provide information on these.
20. Please respond to allegations that the Houthis are presently denying access to Kushar and please provide the GEE with an update on the military operations taking place in Hajjah.

F. Detention

21. Please list the detention facilities under the operational control of Houthi forces and/or Ansar Allah and provide the names of the individuals in charge of each detention facility.
22. How many individuals are currently held in detention facilities run by the Political Security department? Please provide a list of all facilities with number of detainees held in each.
23. How many individuals are currently held in detention facilities run by the National Security department? Please provide a list of all facilities with the number of detainees held in each.
24. How do de facto authorities monitor the conditions of detainees, including their access to medical care and other needs?
25. Is there a mechanism in place to receive and investigate allegations of ill-treatment and torture in detention facilities? If so, please describe it.
26. What is the procedure for ensuring oversight on places of detention and ensuring that detainees' rights are respected? What measures are in place to allow for those deprived of their liberty to understand the reason they are being detained and to challenge any decisions that form the basis of such detention?
27. Have there been any changes in the organizational structure of Houthi controlled detention facilities after former president Saleh's death?

G. Sexual and Gender-Based Violence (SGBV)

28. Please provide a list of all measures Houthis forces and/or Ansar Allah are taking to prevent, address, investigate, and prosecute SGBV.
29. What training/awareness raising do Houthi forces receive to prevent violence against women and girls, sexual exploitation and sexual abuse? What training/awareness raising do Houthi forces receive to help them protect vulnerable people including Internally Displaced People and Refugees?
30. Please provide a list of all allegations of SGBV by Houthi forces in Yemen reported to Houthi forces and/or Ansar Allah – if any were reported to them – since September 2014. Please advise how these were investigated and whether those accused have been prosecuted.

H. Child recruitment and use

31. What is the minimum age of recruitment and use of individuals by Houthi forces and how is age established?
32. Do Houthi forces have a formal policy on the recruitment and use of children? If so, please share the policy.
33. Have any directives or orders been internally issued to ensure that no children are recruited into the Houthi forces? Please provide details and copies of any such directives or orders.

I. Protection of civil and political rights

34. What measures, policies and directives are in place to ensure the protection of civil and political rights including the rights to freedom of expression, association, thought, conscience and religion? What mechanisms are in place to review detention and other punishments against persons exercising such rights?
35. Please explain measures undertaken to protect journalists and human rights defenders from reprisals and other persecution related to their work.
36. What mechanisms are in place to protect the rights of members of ethnic, religious, or linguistic minorities? Please provide details on measures undertaken to ensure such groups do not face arbitrary deprivation of liberty on religious or other grounds, or any other violations of their basic freedoms. What measures are in place to protect these minorities, including from hate speech?

J. Accountability

37. Do Houthi forces have a mechanism for post-operations assessments following military operations? How is the impact of operations on civilians assessed and what actions are taken when it is determined that civilians have been impacted?
38. Have Houthi forces afforded compensation to any victims resulting from military operations? If so, please provide details.
39. Do Houthi forces have an accountability mechanism to hold individuals accountable for their actions? If so, please provide a copy of its rules and procedures.
40. Are there other administrative, disciplinary or criminal sanctions available to Houthi forces for conflict-related violations?
41. Please share information on any Houthi-affiliated individual who has been found responsible for violations of international human rights or international humanitarian law, or related national laws.