



# CONFLICT IN YEMEN

ABYAN'S DARKEST HOUR

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**AMNESTY  
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*Cover photo:* A building in Zinjibar destroyed during the fighting, July 2012. © Amnesty International

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# 1. INTRODUCTION

**“I looked inside the well, and I could count four bodies... they were swollen... the one on the top was blindfolded...”**

A journalist recounting what he saw in Amudya, near Zinjibar, in June 2012.

Ansar al-Shari'a (Partisans of al-Shari'a), an armed group affiliated with al-Qa'ida in the Arabian Peninsula (AQAP), rapidly established control of the small city of Ja'ar in the southern governorate of Abyan in early 2011. This was the period when the Yemeni authorities were brutally repressing large protests calling for President Ali Abdullah Saleh to step down. The armed group successfully attacked government forces and officials, and quickly gained considerable territory. By mid-2011, it controlled most towns and villages in Abyan, including the governorate's capital, Zinjibar, just 60km from the country's second largest city, Aden.

Fighting between government forces and Ansar al-Shari'a led to an exodus of people from Abyan following the armed group's control of Zinjibar in May 2011. Some places turned into ghost towns, including Zinjibar and al-Kawd, as people sought refuge in Aden, safer areas in Abyan and neighbouring governorates. Ansar al-Shari'a used Ja'ar as its main base, made possible by the absence of government authorities. People who fled Ja'ar did so to escape the Yemeni government's air strikes or threats by Ansar al-Shari'a.

During its 14-month rule in Ja'ar, Ansar al-Shari'a committed a wide range of human rights abuses in its attempts to maintain "order". It imposed punishments, including summary killings and amputations, on people it accused of spying, "sorcery" and theft, among other activities. It attempted to enforce discriminatory and repressive social and religious norms through the threat of violence. It intimidated, harassed and detained community activists perceived as challenging its rule. It also disrupted education and health care by restricting how schools could operate, and became involved in criminal activities to finance its activities.

As the situation in Abyan evolved into an armed conflict in mid-2011, abuses committed by Ansar al-Shari'a sometimes overlapped with violations of international humanitarian law (IHL), the rules of war. These included recklessly exposing civilians to harm by storing ammunition and explosives in crowded residential areas and initiating attacks from the immediate vicinity of inhabited houses, apprehending, holding and ill-treating civilians, restricting access to medical care, and heavy use of mines and booby traps.



Map of Abyan governorate © Based on an OCHA map

The response of government forces to Ansar al-Shari'a's control of territory also involved violations of IHL. Government forces used air strikes, tanks, artillery and mortars to drive Ansar al-Shari'a out of Abyan and surrounding areas. In at least some cases, these weapons were used against residential areas in an indiscriminate or disproportionate manner, resulting in the deaths of civilians. In some instances, air strikes hit civilian homes, needlessly killing and injuring civilians apparently because of a failure to take necessary precautions, such as verifying that the target was, in fact, a military objective. The authorities also obstructed access to medical care, and subjected suspected fighters to enforced disappearance.

By late June 2012, the government had pushed Ansar al-Shari'a forces out of the towns it had controlled in Abyan. However, armed attacks claimed by or attributed to AQAP have taken place since then: bombings (some indiscriminate) have been carried out, attacks against army positions have been staged, and government and security officials in southern Yemen, as well as in other parts of the country, including Sana'a, have been assassinated or subjected to assassination attempts.

Meanwhile, the civilians of Abyan and nearby governorates were left battered and bruised, with neither the government nor Ansar al-Shari'a taking any steps towards ensuring that they receive redress for the abuses they suffered. In this report, Amnesty International urges both Ansar al-Shari'a and the Yemeni government to respect human rights at all times, and for the victims of abuses to receive redress. Without this, there is little hope that Yemen will avoid a repeat of the abuses documented in this report, nor work towards a better future in which the rights and dignity of all Yemenis are respected.

Among other things, Amnesty International is calling on the Yemeni government to:

- Conduct independent, impartial and thorough investigations, in accordance with international standards, of incidents indicating that government forces, US drones or Ansar al-Shari'a committed serious violations of international human rights law and IHL during the conflict in Abyan and surrounding governorates, including war crimes;
- Where there is sufficient admissible evidence, prosecute suspected perpetrators of war crimes and other crimes under international law, in proceedings that fully respect international fair trial standards and without recourse to the death penalty;
- Ensure that Yemeni forces' rules and principles relating to the concepts of military objective, military advantage and proportionality are fully consistent with international humanitarian law; and that the Yemeni military complies fully with the duty to take precautionary measures when carrying out attacks, particularly regarding verifying targets and giving civilians adequate warnings; and
- Give clear instructions to all members of the armed forces and security services to prioritize the treatment of wounded individuals over interrogation and to treat wounded individuals humanely, protect and transport them to hospitals without any delay; also, allow immediate access to ambulances trying to reach the wounded.

Among other things, Amnesty International is calling on Ansar al-Shari'a to:

- Publicly commit to respect the human rights recognized in the Universal Declaration of Human Rights and under international human rights treaties and customary international law and issue instructions to members strictly prohibiting all human rights abuses and violations of IHL, such as unlawful killings, abductions, torture and other ill-treatment, and punishments amounting to torture and other ill-treatment, such as amputations and floggings;
- Refrain from using residential areas as bases for fighters and storage depots for weapons and ammunition; and instruct members not to initiate attacks from the midst of civilian areas; and
- Refrain from using anti-personnel mines and inherently indiscriminate weapons and provide maps and information to the Yemeni authorities or international bodies identifying locations of where Ansar al-Shari'a planted mines or left behind munitions, unexploded ordnance and booby-traps to avoid additional casualties among civilians.

## ABOUT THIS REPORT

This report is based on the findings of an Amnesty International fact-finding mission to Yemen in June and July 2012 to investigate human rights abuses and violations of IHL, as well as follow-up desk research and interviews conducted by phone from London between August and October 2012. It focuses on abuses committed by Ansar al-Shari'a when the group controlled some cities in southern Yemen, particularly in the governorate of Abyan, between February 2011 and June 2012. The report also documents violations of IHL by both sides during the armed conflict, mainly from June 2011 to June 2012. It refers to information obtained by Amnesty International on the reported use of US unmanned aerial



vehicles (UAV, usually referred to as drones) during the conflict, but the organization was unable to research details of specific incidents.<sup>1</sup> The report does not cover the period beyond June 2012 and therefore does not address reports of human rights abuses, such as incommunicado detentions, committed by the pro-government Popular Committees that emerged strongly after Ansar al-Shari'a retreated from major towns in Abyan.

Amnesty International interviewed residents, activists, journalists, witnesses, victims and relatives of victims from Abyan governorate, mainly in Aden and Ja'ar, and visited areas affected by the conflict, including Ja'ar, Zinjibar and al-Kawd. Amnesty International has withheld names of interviewees to protect them and others from abuse and reprisals, or to respect their wishes to remain anonymous.

Amnesty International is grateful to all the individuals and organizations who assisted in gathering information on human rights abuses, particularly the victims and their relatives willing to share their experiences.

## 2. BACKGROUND

**“As for the name Ansar al-Shari’a, we have called ourselves as such in the areas that we control to make people understand the goal for which we fight...”**

Al-Qa’ida in the Arabian Peninsula’s religious leader, Sheikh Adel al-Abab (known as Abu al-Zubeir).<sup>2</sup>

### ARMED ISLAMIST ACTIVITY IN YEMEN

The role of armed groups appearing to espouse an Islamist ideology rose to prominence in Yemen during the civil war in 1994 when they fought alongside the armed forces of the former Yemen Arab Republic, commonly known as North Yemen, to defeat those of the former People’s Democratic Republic of Yemen, commonly known as South Yemen. The militants consisted of Yemenis and other, mainly Arab, nationals, many of whom had settled in Yemen, with the encouragement of the government, after taking part in the war against the Soviet occupation of Afghanistan during the 1980s.

Following the civil war, some former fighters, with the acquiescence of the authorities, acted as a kind of religious police, particularly in the south of the country, where they attempted to enforce, at times violently, their own vision of Islamic morality, such as strict dress codes for women and the prohibition of alcohol.

Many armed Islamists appear not to have defined themselves as being part of named groups, but some identified themselves as the Islamic Jihad in Yemen (IJY) in the early 1990s and the Aden Abyan Islamic Army (AAIA) later in the decade. Such armed groups apparently used the Hutat Mountains, some 20-30km north-east of the small city of Ja’ar in the Abyan governorate, as a sanctuary and training base.

In 1992, the IJY was blamed for bomb attacks in the Gold Mihor and Mövenpick hotels in Aden that were reportedly frequented by US marines. In 1998, the AAIA claimed responsibility for the kidnapping of 16 tourists and demanded an exchange with AAIA members in Yemeni jails. The Yemeni authorities reportedly raided the location in the Abyan town of Amudya where the hostages were being held and captured the alleged AAIA leader, Zain al-Abidin Abubakr al-Mihdhar, who was apparently a former IJY member and reported to have been later executed in the capital, Sana’a.

On 12 October 2000, a suicide bomb attack on the US navy’s *USS Cole* docked in Aden port killed 17 US sailors and injured 39 others. Al-Qa’ida claimed responsibility. While reports suggest the attack was carried out by a non-Yemeni al-Qa’ida cell, the operation’s

success appeared to attract many Yemeni sympathizers to join al-Qa'ida in Yemen (AQY).<sup>3</sup>

Shortly after the 11 September 2001 attacks in New York and Washington, the US government announced that it was waging war on what it called "global terror" and Yemen emerged as a potential target.<sup>4</sup> In 2002, Qa'id Sinan al-Harithi, who was believed to be AQY's leader, was killed in Ma'rib governorate when the vehicle he was in was struck by a missile fired by a US drone. AQY revived its activities several years later after 23 prisoners, including at least 13 convicted al-Qa'ida members, escaped from a jail in Sana'a.<sup>5</sup>

After the US-led invasion of Iraq in 2003, many Yemenis and other nationals travelled to Iraq to fight with al-Qa'ida or other armed Islamist groups. Some, it seems, had received training in al-Qa'ida-affiliated camps in largely ungoverned areas of parts of Yemen, including the Hutat Mountains.

Since 2000, attacks by armed groups have targeted government officials, foreign embassies and tourists, killing more than dozens of civilians in suicide bombings and other attacks. While the government tends to blame all armed group violence on al-Qa'ida, those accused of such violence have also claimed to belong to groups bearing other names, such as Yemeni Islamic Jihad and the Brigades of the Soldiers of Yemen, or have been accused of belonging to such groups when brought to trial. However, it is unclear to what extent they are or are not affiliated with al-Qa'ida.

In July 2007, eight Spanish tourists and two Yemeni drivers accompanying them were killed in Ma'rib in an attack by a suicide bomber. In September 2008, AQY claimed responsibility for an attack against the US embassy in Sana'a, which killed at least 16 people, including people waiting outside, security guards and six attackers.<sup>6</sup> In March 2008, armed men fired at but missed the US embassy in Sana'a, injuring Yemeni schoolgirls.

In early 2009, reports surfaced that al-Qa'ida in Yemen had merged with its counterpart in Saudi Arabia, some of whose members were believed to be in hiding in Yemen, to form a new group called al-Qa'ida in the Arabian Peninsula (AQAP), said by some to comprise several hundred individuals, but by others far fewer. Nasser al-Waheishi, who reportedly commanded AQY and was one of the 23 escapees from the Sana'a jail in 2006, was reported as becoming AQAP's leader.

In March 2009, four South Korean tourists and their Yemeni guide were killed by a bomb explosion in Shibam in Hadramawt. A few days later gunmen targeted a delegation of South Korean diplomats en route to Sana'a airport, but they escaped unharmed. In June 2010, AQAP was reported to have stormed a security facility in Aden, leading to the release of several prisoners.

AQAP was also blamed for two attempted attacks targeting the USA. One involved a plot to blow up a US airliner as it approached Detroit in 2009; the other was an effort to send bombs hidden in computer printer cartridges on two cargo aircraft in 2010. These failed attempts led to increased US concern that Yemen was a safe haven for al-Qa'ida. In April 2009, US army commander David Petraeus said:<sup>7</sup>

*"The inability of the Yemeni government to secure and exercise control over all of its territory offers terrorist and insurgent groups in the region, particularly Al-Qa'ida, a safe haven in which to plan, organize, and support terrorist operations."*

In Ja'ar, the presence of state institutions has been weak and since the second half of the 1990s armed Islamists based in the Hutat Mountains became increasingly able to openly frequent Ja'ar's market. At the same time, leaders of small, local armed groups rose to prominence and were effectively able to act as de facto authorities. One such local leader was reported to be Khaled Abd al-Nabi, who for years was associated with the AAIA and claimed control of the group after the reported execution of its alleged leader, Zain al-Abidin Abubakr al-Mihdhar, in 1999. The absence or inadequate functioning of state institutions in Ja'ar paved the way for the leaders of local armed groups to become a focal point for Ja'ar residents who needed land, financial or family disputes resolved.

It seems that rival leaders of local armed groups became involved in a power struggle that sometimes resulted in the killing of civilians. They were also occasionally engaged in limited clashes with Yemen's military and security forces in the city and its surrounding areas. Subsequently, Khaled Abd al-Nabi and another alleged local armed group leader, Nader al-Shaddadi, apparently managed to establish a collaboration with a number of armed Islamists in the area, with many calling themselves Ansar al-Shari'a, and by 2010 they were said to have a strong presence in Ja'ar.

Ansar al-Shari'a's capture of territory in Abyan in early 2011 led to an armed conflict with Yemeni government forces. By the end of June 2012, the government, with the assistance of US drone strikes, had driven Ansar al-Shari'a fighters out of the cities and towns they had controlled. Some are said to have gone into hiding in the valley of al-Dhiqa in the district of al-Mahfad, Abyan governorate.

## LINK BETWEEN AL-QA'IDA AND ANSAR AL-SHARI'A

Observers disagree about the precise nature of the relationship between AQAP and Ansar al-Shari'a. Some believe that Ansar al-Shari'a is a separate group that co-operates with AQAP, rather than being part of it. Others consider the two to be the same organization. As far as Amnesty International can tell, available evidence indicates that Ansar al-Shari'a is part of AQAP and that some major operations and attacks by Ansar al-Shari'a have been carried out pursuant to decisions by senior AQAP leaders.

In a recorded interview, the religious leader of AQAP, Sheikh Adel al-Abab (also known as Abu al-Zubeir), stated that AQAP and Ansar al-Shari'a were the same.<sup>8</sup> He said:

*"You know that the mujahideen in Yemen are known as al-Qa'ida organization. As for the name Ansar al-Shari'a, we have called ourselves as such in the areas that we control to make people understand the goal for which we fight for the sake of Allah..."*

Branding AQAP under the name of Ansar al-Shari'a may have been linked to concerns allegedly held by al-Qa'ida leader Osama bin Laden about the apparent loss of support for al-Qa'ida in the Muslim world, and his suggestion to change al-Qa'ida's name to garner wider support.<sup>9</sup>

In a letter published in March 2012 that was addressed to Sheikh Abu Bassir al-Tartusi, a Syrian cleric who had criticized Ansar al-Shari'a's tactics,<sup>10</sup> AQAP's religious leader referred

to Ansar al-Shari'a as "we" and "us".<sup>11</sup> In the letter, Adel al-Abab explained AQAP's arguments on when and why suicide attacks against Yemeni targets are religiously permitted.

In January 2012, the alleged Ansar al-Shari'a commander in Rada', Tareq al-Zahab, was filmed as he was apparently recruiting men, who repeated after him one by one their pledge to obey Ayman al-Zawahiri, al-Qa'ida's long-serving second-in-command, who is believed to have assumed the leadership of the organization following the killing of Osama bin Laden.<sup>12</sup>

In April 2012, Ansar al-Shari'a released 73 soldiers it had captured a month earlier and held in Ja'ar, in response to a reported order by AQAP leader Nasser al-Waheishi.<sup>13</sup>

On 3 October 2012, the UN Security Council Al-Qaida Sanctions Committee<sup>14</sup> amended the Al-Qaida Sanctions List of individuals and entities subject to assets freeze, travel ban and arms embargo<sup>15</sup> and added Ansar al-Shari'a as an alias for AQAP. AQAP had been listed on the Al-Qaida Sanctions List on 19 January 2010 and described as "a regional affiliate of Al-Qaida and an armed group operating primarily in Arabian Peninsula" with its location being in Yemen.<sup>16</sup>

On 4 October 2012, the US State Department announced that it had designated Yemen's Ansar al-Shari'a as an alias for AQAP<sup>17</sup> and included it on its lists of Foreign Terrorist Organizations (FTOs)<sup>18</sup> and Executive Order 13224,<sup>19</sup> which blocks property and prohibits transactions with people who commit, threaten to commit, or support terrorism.

## THE 2011-12 CONFLICT IN ABYAN

On 28 February 2011, the people of Ja'ar woke up to find a large number of armed men in the streets. The men were from Ja'ar and other Yemeni cities, and from other countries. They referred to themselves as Ansar al-Shari'a and hung black flags marked with "Muhammad is Allah's Prophet" in the city. One man recounted to Amnesty International how he learned that Ansar al-Shari'a had taken over the city:<sup>20</sup>

*"I was heading to work at around 7am and saw many armed men... They asked me where I was going. I said to [a public sector office]. They said, 'You cannot... you have to get permission from the emir.' They asked me to wait while they called their emir on the walkie-talkie, but I was alarmed and told them I'd be back in half an hour. I went home, called other employees and told them not to go to work."*



Ansar al-Shari'a's flag, displayed in Shabwa  
 © Madad News Agency

Ansar al-Shari'a immediately established governing bodies comprised of its members to rule Ja'ar, which the armed group renamed the Emirate of Waqar.

In March 2011, Ansar al-Shari'a clashed with Yemeni security forces in Zinjibar and then retreated to Ja'ar, prompting the Yemeni authorities to set up security points reportedly manned by the Republican Guards.<sup>21</sup> On 20 May 2011, Ansar al-Shari'a attacked Zinjibar

and clashed with military and security forces, and again retreated to Ja'ar. Four days later, the Republican Guards' security points disappeared from Zinjibar.<sup>22</sup> On 27 May, Ansar al-Shari'a entered Zinjibar and, after clashes with Yemeni security and military forces, effectively seized control of the city the following day. Residents began evacuating the city on 28 May and, by 30 May, the city was almost empty.

The fighters looted banks (apparently to finance their operations) and seized ammunition, heavy weapons and other military equipment from abandoned military and police stations. The Yemeni army's besieged 25th Mechanized Brigade (known as 25 Mika) was the only Yemeni government force that remained in Zinjibar and resisted Ansar al-Shari'a until the armed group withdrew from Zinjibar.



Internally displaced children housed in a school in Aden, July 2012  
© Amnesty International

Starting from mid-2011 and until early 2012, an estimated 200,000 people from the southern governorates, particularly Abyan, were displaced due to the fighting between the government forces and Ansar al-Shari'a and human rights abuses committed in the area. During this period, Yemeni forces were trying but failing to regain control of Zinjibar. In March 2012, the conflict between the government and Islamists intensified, particularly after Ansar al-Shari'a attacked an artillery military base

in the town of Dufas, near Aden, reportedly killing scores of soldiers, capturing ammunition, and capturing dozens of soldiers. The fighting extended to Lawdar in the Abyan governorate and the Azzan area in the Shabwa governorate. Consequently, an additional 48,000 people were displaced.

Other key areas that fell under the control of Ansar al-Shari'a include Shuqra and al-Kawd in Abyan, and Azzan in Shabwa. In January 2012, the al-Bayda governorate city of Rada' fell to Ansar al-Shari'a for around two weeks before the group left it.<sup>23</sup> Ansar al-Shari'a attempted to take control of other cities and towns by using suicide bombers and engaging in fierce fighting with government forces and pro-government tribal groups, but was driven away from these areas, such as in Lawdar in April 2012.

A proliferation of pro-government militias, the Popular Committees (*al-lejan al-sha'biya*), had emerged by April 2012 in several southern areas to help efforts to push back Ansar al-Shari'a. In early May 2012, Yemen's new President Abd Rabbu Mansour Hadi reportedly met Abyan tribal leaders to ask for the formation of more such committees.

On 12 May 2012, the Yemeni military launched a large offensive to recapture all areas in Abyan and Shabwa using the air force. The government succeeded in driving Ansar al-Shari'a out of Ja'ar and Zinjibar on 12 June, out of Shuqra on 15 June and finally out of Azzan on 23 June.

### 3. ABUSES BY ANSAR AL-SHARI'A

“They accused me of stealing... They beat me hard repeatedly... after five days, they gave me an injection, and I slept... when I woke up, my hand was not there.”

A youth whose hand was amputated by Ansar al-Shari'a in Ja'ar.

After Ansar al-Shari'a took control of large parts of the governorate of Abyan – and later expanded to cities in the governorates of Shabwa and al-Bayda – it ruled with an iron fist and was responsible for a wide set of human rights abuses. These included imposing cruel, inhuman and degrading punishments on alleged criminals, enforcing through threats and intimidation repressive social or religious norms, and detaining and harassing community activists. It also committed crime to finance its operations and imposed restrictions on the operations of schools and hospitals.

Ansar al-Shari'a set up its own governing bodies that applied rules that it said were based on Shari'a (Islamic law). They included a judicial committee, an educational committee, a co-ordination committee and a policing committee. These bodies committed human rights abuses ranging from curbing freedom of expression to ordering cruel, inhuman and degrading punishments and summary killings. Some of these abuses also violated IHL and may have constituted war crimes.

Through these governing bodies, Ansar al-Shari'a said that it could achieve what the government of then President Ali Abdullah Saleh had failed to achieve: dispensing justice and maintaining order, security and stability for the residents of the areas under its control.

Ansar al-Shari'a publicized the actions of these committees in an apparent attempt to garner public support. It set up the Madad News Agency (MNA) to spread its beliefs, report on its “jihadi war” against the Yemeni government, glorify its “martyrs”, and publicize its services to the communities under its rule, including its “justice” system. Between September 2011 and June 2012, the MNA produced 23 news reports, each two to four pages in length, and 16 video clips. Among other things, these publicized acts that amounted to grave human rights abuses by



Madad News Agency logo © Madad News Agency

Ansar al-Shari'a, acts that the armed group claimed were evidence of its commitment to justice and the application of Shari'a. These abuses included unlawful killings imposed by their "courts" on people accused of murder, espionage, or "sorcery", amputations of the hands of people accused of stealing, and floggings of people for moral transgression, including alleged possession of alcohol or drugs.

As Ansar al-Shari'a is a party to a non-international armed conflict, it is obliged to respect international humanitarian law. When armed groups exercise control over territory and populations, even acts which go beyond the scope of the conduct of hostilities are governed by the rules of IHL as long as such acts are linked to the conflict. Acts such as exercising law enforcement and quasi-judicial roles in order to assert authority over the population can be considered to be linked to the armed conflict. And many of the acts described in this section violated IHL, which prohibits, inter alia, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court" (Common Article 3 of the Geneva Conventions). In fact, international criminal tribunals have held leaders and members of armed groups criminally responsible for such crimes.<sup>24</sup> The victims of such abuses were mainly: people from areas outside the control of Ansar al-Shari'a, apparently because the armed group did not want to upset tribes in the areas under its control, suspected spies working against Ansar al-Shari'a, people who transgressed cultural norms and had no family support, including a woman accused of sorcery, and people who challenged Ansar al-Shari'a's authority.

The judges appointed by Ansar al-Shari'a under its "judicial system" handed down sentences that they said were based on Shari'a. These sentences included executions, hand amputations and flogging. The Shari'a-based rules that provide for the use of the death penalty are *qisas* (retribution) in murder cases, *hudud* (divinely prescribed fixed offences and punishments – singular: *hadd*) and *ta'zir* (discretionary punishments for offences that have no fixed punishment under *hudud* or *qisas*).

In the city of Ja'ar, Ansar al-Shari'a took over the police station and renamed it Waqar Police Station. When it received cases, it would refer those that required "judicial" rulings, such as *qisas* and *hudud* cases, and those that required reconciliation between tribes in cases of acts of retribution or revenge to the representative of the *shara'* (religious judiciary). The latter would in turn refer the case to the judicial committee, which comprised six judges appointed by Ansar al-Shari'a.<sup>25</sup> Judges appointed by Ansar al-Shari'a also handled family and financial disputes in the areas under its control. It is unclear to Amnesty International who these judges were, what qualifications they had and why or how Ansar al-Shari'a selected them.

Ansar al-Shari'a claimed that its "judiciary" was responsible for a drop in crime and swifter trials<sup>26</sup> in comparison to what it said was the prolonged and corrupt legal proceedings under the Yemeni government's judicial system.<sup>27</sup>

## SUMMARY KILLINGS

**Fathi Mohammed Mohsen Hadi** was unlawfully killed in public on 27 September 2011 in Ja'ar's public square, Nadi Khanfar, as a punishment imposed by an Ansar al-Shari'a "court" just 10 days after he allegedly killed a man.<sup>28</sup> On 17 September, Fathi Mohammed Mohsen Hadi was said to have had fought with Ramzi Hassan al-Aqd over a financial matter in the crowded market of al-Husn, and allegedly stabbed him in the chest, causing fatal injuries.<sup>29</sup>



The Civil Council (*al-Majlis al-Ahli*) of al-Husn, a body comprising local men who handled the town's affairs in the absence of government authorities, confined Fathi Mohammed Mohsen Hadi, who had been captured by other men after the incident. The council brought together the alleged killer's father with Ramzi al-Aqd's family and asked for forgiveness – pardoning Fathi Mohammed Mohsen Hadi in exchange for *diya* (financial compensation, also known as blood money). The family refused. One of Ramzi al-Aqd's family members told Amnesty International:<sup>30</sup>

*“...we asked our mother and Ramzi's wife and they both demanded qisas. So members of Ansar al-Shari'a came to al-Husn and took the killer to Ja'ar. They tried him in accordance with Shari'a, spoke to witnesses, who were easily found because the incident happened at the market, and they [Ansar al-Shari'a] established that the killing was intentional. They then asked the killer's family to commission someone to mediate with us to accept a compromise and exempt him from qisas... And that's what happened... members of Ansar al-Shari'a visited me in my house along with the killer's brother, and they said that Shari'a encourages forgiveness and they offered to give us 12 million Yemeni riyals [equivalent of around USD\$56,000] as diya. The killer's family are poor like us, so the diya was offered by Ansar al-Shari'a. Again, we refused because our mother wanted qisas. So they executed him with three bullets.”*

It is believed that Fathi Mohammed Mohsen Hadi had no lawyer to defend him because Ansar al-Shari'a did not use legal representation in the “courts” it established. In its October 2011 edition, the MNA reported that Ansar al-Shari'a had executed two “killers after Ansar al-Shari'a presented *diya*” to the families of the victims of murders and the latter rejected it and called for *qisas*.

On 12 February 2012, two men convicted by an Ansar al-Shari'a “court” in Ja'ar of actions resulting in the killing or the attempted killing of commanders fighting with or in support of Ansar al-Shari'a were shot to death. The body of one was crucified for several days in Ja'ar.

**Saleh Ahmed Saleh al-Jamli** (also known as Abu Abd al-Rahman al-Marebi) was found guilty by a “religious court” in Ja'ar of planting two electronic devices in two vehicles carrying commanders and members fighting for Ansar al-Shari'a or in support of Ansar al-Shari'a, according to a ruling obtained by Amnesty International.<sup>31</sup> The ruling said that the devices had enabled US drones to kill the commanders in Zinjibar. It also said that Saleh al-Jamli “confessed” to the judicial committee. His “confession”, along with the “confessions” of two men accused of spying, were recorded on an MNA video as part of a series called “Eye on the event” (*'Ain 'ala al-hadath*), in February 2012.<sup>32</sup>



Saleh al-Jamli making his “confession” © Madad News Agency

In the video, Saleh al-Jamli, aged 28, said he was instructed by someone who worked for Yemen's National Security – which reports directly to the president and is subject to no judicial oversight – to collect information and monitor the movements of Ansar al-Shari'a

commanders. He said that he was given a device, and that when he had the opportunity, he placed it in the vehicle belonging to an Ansar al-Shari'a commander. Later that day, after dark, the vehicle was hit and all those in it were killed. Saleh al-Jamli also said he was responsible for the death of four other men who were killed either by a US drone or a Yemeni air strike after he had planted a tracking device in their vehicle, reportedly in July 2011.



Saleh al-Jamli's body crucified (blurred) © Private

The “religious court” set up by Ansar al-Shari'a ruled that Saleh al-Jamli be killed as a *hadd* punishment and that his body be crucified as a *ta'zir* punishment (see Appendix I). Testimonies of residents of Ja'ar and video footage<sup>33</sup> obtained by Amnesty International and also seen on YouTube confirms that Saleh al-Jamli's body was crucified in the town for all to see. Several residents reported that the crucified body remained by a main road for several days.<sup>34</sup>



Ramzi al-Ariqi making his “confession”  
© Madad News Agency

**Ramzi Mohammed Qa'id al-Ariqi** was unlawfully killed in public in Azzan, Shabwa governorate, just two days after a “religious court” in Ja'ar convicted him of spying for Saudi Arabia.<sup>35</sup> The ruling stated that he had monitored movements of Ansar al-Shari'a officials in Ja'ar and Azzan, and filmed “vital structures such as hospitals and mosques” and delivered the material to officers working for Saudi Arabia's ruling family. The ruling said that Ramzi al-Ariqi “confessed” to the allegations in front of the judicial committee.

In the MNA's “Eye on the event” video of February 2012, Ramzi al-Ariqi said that he took pictures of a Saudi Arabian national, who is apparently a member of Ansar al-Shari'a, and that he was instructed to take pictures of other Saudi Arabian nationals and Ansar al-Shari'a bases, as well as of a mosque in Azzan run by Ansar al-Shari'a and the Azzan Central Hospital.



Ramzi al-Ariqi minutes before his killing  
© Madad News Agency

An MNA video<sup>36</sup> of the unlawful killing of Ramzi al-Ariqi shows a crowd of people standing with a man holding a placard that says: “Killing is the fate of spies and traitors, the collaborators of the Americans”. Another placard says: “This is the punishment for every informer to the American aircraft or [Yemeni] National Security”. Another sign placed on the ground says: “The spy of Saudi intelligence”. A voice on a loudspeaker is heard announcing the “court” ruling against Ramzi al-Ariqi as he is taken out of a van wearing a white garment, blindfolded, with his hands and feet shackled. He is being led by two masked men, with a third masked

man walking behind him carrying a long chain that is shackling Ramzi al-Ariqi's feet. The video then shows Ramzi al-Ariqi without the blindfold surrounded by three men wearing medical uniforms. The screen goes black, and then a shot is heard followed by shouts of celebration.

**Hassan Naji Hassan al-Naqib** (also known as Abu Issa) was reportedly executed by Ansar al-Shari'a for providing Saleh al-Jamli with the two electronic devices he allegedly planted. The date of his killing is unclear. He is seen in the same MNA video that shows the "confessions" of Saleh al-Jamli and Ramzi al-Ariqi stating that he was instructed to distribute the electronic devices and that he gave them to Saleh al-Jamli. Hassan al-Naqib was the only one seen blindfolded as he gave his statements. Amnesty International has not seen any evidence of his reported execution.



Hassan al-Naqib making his "confession" © Madad News Agency

In at least one case – the beheading of a woman accused of sorcery, apparently by Ansar al-Shari'a – it remains unclear whether the killing was carried out after any kind of "judicial" process. Her killing came after Ansar al-Shari'a failed to arrest someone believed to be a "sorcerer" in Rada', a town in the al-Bayda governorate.

In February 2012, the MNA reported that Ansar al-Shari'a summoned someone in Rada' who was reputed to be a "sorcerer" and referred to as al-Obali, to question him about his work.<sup>37</sup> He appears not to have responded to the summons and, according to the MNA, armed clashes ensued between Ansar al-Shari'a and individuals supporting al-Obali, resulting in the killing of one member of Ansar al-Shari'a and two supporters of al-Obali. This was confirmed in local media reports. On 11 April 2012, the severed head of a woman who reportedly called herself by the male name of **al-Sharif Amer** after a male demon that had supposedly possessed her was found next to al-Obali's house in the area of al-Jaziz in Rada', according to local media reports and a witness who spoke to Amnesty International.



Woman's severed head (blurred) is paraded in Rada' © Private

The witness said that people who gathered to see the severed head were terrified and that al-Sharif Amer was well known in Rada' for her non-conformist behaviour, which included dressing like a man, socializing with men and chewing the widely-used stimulant qat with them. Her killing was believed to have been carried out by members of Ansar al-Shari'a and was perceived as a warning to al-Obali that he could face a similar fate.

Amnesty International saw still pictures and a 25-second video of the severed head; the rest of her body was reportedly not found.

A subsequent MNA report stated that the “mujahideen” killed the “sorcerers” Saleh Qatan and al-Sharifa Amer (the equivalent of the letter “a” at the end of al-Sharif had been added apparently to identify her as a woman).<sup>38</sup> Amnesty International has been unable to obtain any other information about the killing of Saleh Qatan.

## OTHER UNLAWFUL KILLINGS

Amnesty International received reports about a number of incidents in which individuals were said to have been unlawfully killed by Ansar al-Shari'a members outside of armed conflict situations.

On 27 May 2011, four vehicles filled with armed members of Ansar al-Shari'a entered Zinjibar without meeting any resistance. They reportedly broke into al-Taslif al-Zera'i Bank, which grants loans for agricultural projects, stole money and then headed to al-Ahli Bank, outside of which were three armed guards. A witness told Amnesty International what happened:

*“Ansar al-Shari'a vehicles parked nearby, and then two armed Ansar al-Shari'a members walked towards the guards, and stopped around four metres away. Then, one speaking through a loudspeaker said: ‘Our Muslim brothers, put down your arms, and your lives shall be safe.’ One of the guards replied: ‘We won't hand over [the arms to you], to whom do we hand [them] over?’... He and the other two guards had their rifles slung over their shoulders. As soon as he finished his words, Ansar al-Shari'a members opened fire. One of the guards fell to the ground and was killed instantly, while the other two, who were close to a street corner, fled... I don't know if they were injured.”*

**Labib Ali Aqil**, aged 35, a resident of Zinjibar, was reported to have been injured by an Ansar al-Shari'a member on 10 September 2011 and is likely to have died subsequently. According to a relative, Labib Ali Aqil's family sought refuge in Aden while he stayed in Zinjibar, and Ansar al-Shari'a asked him several times to leave Abyan governorate. On 9 September 2011, he travelled to Aden to visit his family and went back to Zinjibar the following day to bring them a power generator from home. He was a passenger on a motorbike being used as a taxi and upon his arrival in Zinjibar, on the road leading to the qat market, fighters at an Ansar al-Shari'a checkpoint stopped them and searched Labib Ali Aqil's bag. The Ansar al-Shari'a fighter reportedly stepped back and shot at Labib Ali Aqil injuring him in the shoulder. The motorbike rider fled the scene and recounted the story to Labib Ali Aqil's family.

The following day, his family sent someone to Zinjibar to inspect the site where he was injured and look for him. Labib Ali Aqil's belt was found on the ground but there was no trace of him. Labib Ali Aqil's brother said that his other brother asked Tawfiq Bel'idi, brother of alleged Ansar al-Shari'a leader Galal Bel'idi, what had happened and was told by him that Labib Ali Aqil had been killed when he clashed with Ansar al-Shari'a members and that he should return the following day to be introduced to the men who had buried Labib Ali Aqil.

The following day, Labib Ali Aqil's brother returned and Tawfiq Bel'idi reportedly said to him:

*“It appeared that Labib was a big man and we used to think he was simple... I have no information about him.”*

Since then, Labib Ali Aqil's family has been unable to obtain any further information on his fate or the whereabouts of his remains if he was indeed killed.

## TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING PUNISHMENTS

Amnesty International learned of cruel, inhuman and degrading punishments by Ansar al-Shari'a, some amounting to torture, including hand amputation and flogging.

Ansar al-Shari'a amputated the hands of three people who it said had "committed the crime of theft", according to an MNA report in October 2011. Amnesty International was able to confirm that the group had amputated the hand of at least one person suspected of theft – a young man the organization met whose hand had been amputated sometime between June and September 2011 in Nadi Khanfar square in Ja'ar.<sup>39</sup> He was arrested along with a couple of his friends by members of Ansar al-Shari'a who accused them of stealing electric wires. The friends were eventually released. The youth said that his hand was amputated after he was tortured for five days without access to a lawyer or his family, without attending trial and without prior knowledge of the punishment. He recounted what happened to him:

*"They accused me of stealing... They detained me in a room for five days... They kept beating me hard... and tortured me with electric shocks... they would pour some water on my chest and then place a wire on it and I would feel as if I had been thrown hard... after five days, they gave me an injection, and I slept... when I woke up, my hand was not there."*

Amnesty International obtained a 92-second video<sup>40</sup> of the hand amputation secretly filmed by a man from Ja'ar, which confirmed that the youth was unconscious during the amputation.

The video shows the youth lying on what appears to be a medical stretcher, apparently unconscious, in an open square surrounded by men, including some carrying arms. Next to him are a man wearing blue medical clothes and another man wearing a traditional cloth (*futa*) from the waist down and a blue medical tunic. The youth's left arm was stretched out by the two men, who were wearing what looked like medical gloves. One held the youth's hand as the other cut through the wrist until the hand was severed. The hand was taken by one of the spectators who raised it up amidst shouts of "God is great".



Youth (face blurred) whose hand was amputated by Ansar al-Shari'a © Amnesty

Residents told Amnesty International that the amputated hand was suspended by a rope in the town's market for all to see.

The youth's father told Amnesty International how he confronted members of Ansar al-Shari'a over the amputation:

*"I asked them: 'Why did you amputate his hand?' One of them said: 'This is Allah's Shari'a and we implemented it.' I asked them how they knew that he had stolen... Did they have proof? One answered that they didn't have proof. So I said, 'Then why did you cut off his hand?' Another man who was carrying a rifle answered: 'maza]' [we were in the mood]".*

The youth whose hand was amputated belongs to the community widely referred to as *al-akhdam* in Yemen; their members are usually dark-skinned and carry out menial jobs, and the community often complains of being marginalized and of languishing at the bottom of the country's socio-economic ladder. Before his hand was amputated, the youth worked as a carrier on construction sites, work he can no longer do. His father said that he and his son were the main breadwinners of the family, which consists, apart from the father, of five sons, two daughters, his wife and his mother.

The punishment of flogging was also reported. According to an MNA report in October 2011, Ansar al-Shari'a flogged a man, whose name was unpublished, for allegedly smoking cannabis. Amnesty International spoke to a witness who, along with scores of other residents in Ja'ar, went to the town's Nadi Khanfar square to watch the flogging. The witness said that the man, reported to be the brother of alleged Ansar al-Shari'a commander Galal Bel'idi, was given 80 lashes on his back with a rod.

Ansar al-Shari'a's version of "justice" constituted gross human rights abuses meted out as punishments. Where proceedings were held they were carried out by entities lacking any independence or judicial competence and failed to adhere to even the most rudimentary elements of fairness and due process such as rights to legal representation and appeal. The summary killings and other punishments meted out by these bodies amounted to torture and other cruel and inhuman punishments; they also violated the rules of IHL and, in some cases, constituted war crimes.

## CURBS ON FREEDOM OF EXPRESSION AND BELIEF

In May 2011, Ansar al-Shari'a officials summoned all mosque imams in Ja'ar for a meeting at a local court in Ja'ar. The officials told the imams that all the azans (calls to prayer)<sup>41</sup> should take place at the same time to ensure that no one in the town – whether in shops or passing by – would escape the obligation to pray by pretending that they had already done so or were waiting for the azan of a particular mosque. The officials said that the Great Mosque (*al-Jame' al-Kabir*) would lead the call to prayer and that all other mosques had to follow within one minute.

According to residents who remained in Ja'ar during Ansar al-Shari'a's control of the town and who spoke to Amnesty International,<sup>42</sup> members of Ansar al-Shari'a would travel along roads every day during the five prayer times on foot or on motorcycles, and order people to go and pray. If Ansar al-Shari'a members suspected shopkeepers of not praying, they would lock their shop and only unlock them after they were sure their owners or employees had prayed.

An Ansar al-Shari'a "judge" known as Abu al-Hanak reportedly told imams that they should not criticize the armed group in front of people, and that any cleric was welcome to offer advice to Ansar al-Shari'a.

As time passed, Ansar al-Shari'a increasingly sidelined the mosque imams and then took control of all the mosques in the town. One imam told Amnesty International:<sup>43</sup>

*"I would prepare my Friday sermon and as I would be getting ready at the mosque on Friday, Abu Mohajer [an Ansar al-Shari'a official known by this alias] would come and tell me that there was another preacher who would replace me for this sermon... I*

*couldn't say no... I would just go to any other mosque and pray there... [Eventually], they were in control of all the mosques."*

Ja'ar residents told Amnesty International that eventually all preachers at Friday prayers were calling on people to fight the "oppressors".

The MNA reported in October 2011 that Ansar al-Shari'a had arrested a "sorcerer" in Ja'ar and referred him to the "judiciary" for trial.<sup>44</sup> A relative of the man confirmed to Amnesty International that Ansar al-Shari'a had apprehended his relative, who is in his seventies, and that he was held at the police station for around 20 days. He was able to receive family visits from the day after his arrest. When asked if he was appointed a lawyer, the relative said:

*"They [Ansar al-Shari'a] don't work as such... he didn't have a lawyer. Those who defended him were his family... we told Ansar al-Shari'a, 'If it's true that he's a sorcerer then we would support you in applying Shari'a law on him. But he's not and you have to prove the claims of those who gave you this information about him'."*

Ansar al-Shari'a eventually released the man for lack of evidence. His relative said that the man told him that he had not been tortured and insisted that he was involved not in "sorcery" but in natural herbal treatments and reciting the Qu'ran over his patients. Shortly after his release, the man's family ensured that he left Abyan for his own safety, according to the relative.

In May 2012, the MNA reported that AQAP called on all "sorcerers" in the governorate of Hadramawt to repent, warning that they would otherwise be targeted, and urged local people to inform it about the location of "sorcerers".<sup>45</sup> The group threatened:

*"We will be sitting in wait for the sorcerers... [rush into] repentance before the mujahideen pierce their sword through you."*

Also in May, Ansar al-Shari'a destroyed tombs and shrines that they regarded as idolatrous in the Abyan villages of al-Taraya, al-Dirjaj and Sihan. A video posted by the MNA<sup>46</sup> showed a vehicle, apparently belonging to Ansar al-Shari'a and marked with "Commission for the Prevention of Vice and the Promotion of Virtue", reportedly travelling to the towns where the tombs were located. A man wearing a headdress that covered his nose and mouth and referred to as Hatem al-Moqbel says: "We are going to destroy the shrine [*qibba*] that glorifies the righteous [people]... a glorification that raises them from the level of humanity to the level of lordships." The footage then shows a tomb inside a



Destruction of a shrine in the village of al-Taraya in Abyan © Madad News Agency

shrine to a man known as al-Ja'dani in the village of al-Taraya covered with a large cloth. A bearded man opens the coffin inside the tomb and throws off the lid as another man hits the coffin with a rod. The video then shows pieces of wood on fire in an open area, and a man referred to as Sheikh Ibrahim bin Suleiman al-Robeish, a former detainee at Guantánamo Bay detention centre, says:

*"Here are the mujahideen by the grace of Allah the Great and Almighty carrying out what Allah ordered them to do and reviving their jihad for the sake of Allah... So, just as they fought democracy and representative councils which make laws alongside Allah, they are destroying the shrines that are being worshipped instead of Allah, along with the graves and mausoleums that people try to get close to instead of Allah the Great and Almighty."*

Such acts violated rules of IHL on the protection of cultural property, which prohibit wilful damage, destruction and vandalism of historic monuments and property of great importance to cultural heritage.<sup>47</sup>

## ABUSES OF WOMEN'S RIGHTS

During its control of Ja'ar, members of Ansar al-Shari'a harassed women and girls in order to impose repressive social norms including a severe dress code, strict separation of the sexes and restrictions at the workplace and in schools.

While women's clothing in Yemen has traditionally reflected cultural and tribal codes, as well as religious traditions, in the last 20 years women have, in many cities, towns and villages, increasingly adopted the *niqab*, a veil covering their face and revealing only the eyes, along with garments fully covering the legs and arms. When Ansar al-Shari'a took control of Ja'ar – where women usually wear the *niqab* – its members instructed women to wear a veil that would also cover their eyes in public and in workplaces. Ansar al-Shari'a members followed women walking on the street and checked on them at work to instruct them to cover their face with a veil or wear longer dresses, or to otherwise comment on their dress.

One woman told Amnesty International that on one occasion when she was walking along one of the town's streets, she saw an older woman in front of her lifting her long dress slightly to avoid it sweeping dirt off the ground.<sup>48</sup> A member of Ansar al-Shari'a spotted this and admonished the woman.

Another woman told Amnesty International that she would only leave the house when absolutely necessary to avoid hearing orders to wear a full-face veil.<sup>49</sup> Another woman said she would be given instructions about her clothing twice or three times a day: while going to work, at her workplace and on her way back home. A member of Ansar al-Shari'a would stay at her workplace every day to ban men from entering the store where she worked. She told Amnesty International:<sup>50</sup>

*"He would say: 'Close the gate, you cannot keep it open because men outside can see you... men cannot enter this place at all... only women are allowed into your shop.' I would keep the door open, so he hung a curtain to make sure that no one could see me... he would just come and sit inside, and when men came in, he would say: 'Go to pray, go to pray...' and they would leave."*



A member of Ansar al-Shari'a also appeared at a clinic where the woman worked and told her that she could not be alone with the doctor in the same room during medical procedures. She said:<sup>51</sup>

*"He would tell me: 'You shouldn't work with the doctor... women and men shouldn't work together.' I would just listen but then do what I had to do. So, I was once walking with my sister back home, and we were both wearing the niqab, and he started riding his motorcycle around us repeatedly, and then said: 'Look girls, this is the last time I say this... you cannot walk around showing your faces. You have to cover them, otherwise we'll do to you things that you do not expect.'"*

A schoolteacher told Amnesty International that Ansar al-Shari'a had one female representative for each school to supervise the implementation of the group's instructions (see below, Restrictions on the right to education).<sup>52</sup> These representatives would call in teachers and ask them to wear a *jelbab* (full-body dress), long and loose garments, and full-face veils. Girls as young as six had to wear a new uniform, a *jelbab* and a headscarf.<sup>53</sup>

Amnesty International is not aware of any punitive measures taken by Ansar al-Shari'a against women who did not comply with covering their faces or other such instructions. However, the actions of members of Ansar al-Shari'a constitute harassment, intimidation and an interference in the rights of women and girls to privacy, freedom of expression, to work and to education.

## RESTRICTIONS ON THE RIGHT TO EDUCATION

Schools in Ja'ar had to close in March 2011 after Ansar al-Shari'a occupied the town, because many teachers and students either sought refuge in Aden or other areas in southern Yemen that were not under the control of Ansar al-Shari'a or could not attend regularly due to the security situation. Around eight months later, residents attempted to find ways to restart education but their attempts were short-lived due to Ansar al-Shari'a's objections to the teaching of the national curriculum and other restrictive demands.

In August 2011, some residents in Ja'ar established the Civil Council (*al-Majlis al-Ahli*), a body comprising 21 community members, to ensure that the town continued to receive basic services, including those relating to education, particularly after the flight of most state officials following Ansar al-Shari'a's capture of the town.<sup>54</sup>



Graffiti of Ansar al-Shari'a's flag on a classroom wall at al-Thawra school in Ja'ar, which was occupied by Ansar al-Shari'a © Amnesty International

In October 2011, school teachers and activists attempted to re-start education by gathering all students who had remained in one of the city's schools but Ansar al-Shari'a imposed sex segregation for pupils from the age of around

six and seven, and prohibited female teachers from teaching boys as young as seven.<sup>55</sup> Prior to Ansar al-Shari'a's control of Ja'ar, sex segregation was applied to Grades 5 and above (that is for children of around 10 years and older) and women teachers were allowed to teach at boy schools. As most education staff are women, particularly those teaching young children, this meant that most boys would receive no education at all. This led to an uproar among parents. After around three weeks of negotiations between the Civil Council and Ansar al-Shari'a, the armed group agreed that women teachers could teach Grades 1, 2 and 3 (pupils aged around six to nine). Boys in Grades 4 and above had to either stay away from school or only attend the subjects that were taught by men at another school.

Subsequently, on 25 November 2011, the Civil Council invited scores of students in Ja'ar to al-Hamza bin Abd al-Muttaleb School and launched the new school year.<sup>56</sup> It called on residents with education certificates to volunteer as teachers. Around a week later, Ansar al-Shari'a's Islamic education co-ordinator, known by his alias Abu Mohajer, told members of the Civil Council involved in the education initiative that they should not teach national education (*tarbiya wataniya*), despite this being a core subject of the Yemeni national curriculum and included in official exams.<sup>57</sup>

Abu Mohajer also said female preachers of the Islamic religion chosen by him, who were usually relatives of Ansar al-Shari'a officials, should be accepted by the schools, and rejected the Civil Council's proposal that schools must be free of arms, saying he would not prevent armed men from entering schools.

The Civil Council's members refused to drop any subject from the curriculum, insisted on keeping education outside the scope of the conflict between Ansar al-Shari'a and the government, and continued teaching all the subjects required by the government's curriculum.

On 2 January 2012, a member of the Civil Council took the files of students to Aden to register them for exams scheduled for July 2012. Three days later, he returned to Ja'ar and was apprehended by Ansar al-Shari'a police apparently accompanied by Abu Mohajer.<sup>58</sup> He was reportedly held incommunicado for around two weeks at al-Thawra School, which was used by Ansar al-Shari'a as a detention centre.

Also in January 2012, Ansar al-Shari'a started to put in place a "system of regulations aimed at developing the educational process in [Abyan's] schools and purifying it of existing religious violations".<sup>59</sup> The MNA stated that the regulations included sex segregation and a prohibition on saluting the Yemeni national flag on the basis that it made students loyal to the nation rather than religion. A schoolteacher told Amnesty International:<sup>60</sup>

*"From the beginning of the second semester, their demands increased... they [Ansar al-Shari'a] wanted us to use in official documents... papers with Ansar al-Shari'a's letterhead ... marked 'the governorate of Abyan, the emirate of Waqar, the Islamic Education Office' and with the logo of the black flag [of Ansar al-Shari'a]... they also added a subject called 'jihad' and wanted to make other changes in the curriculum. We were very uncomfortable and eventually we just closed the school."*

Another schoolteacher in the village of al-Dirjaj gave a similar description of documents provided by Ansar al-Shari'a.<sup>61</sup>

Ansar al-Shari'a disrupted the education of children in Ja'ar, impairing their enjoyment of the right to education. This is likely to lead to an increase in the number of children who drop out of education, particularly boys, a trend exacerbated by deteriorating living conditions and the financial need to work at a young age.

## 4. VIOLATIONS BY BOTH SIDES DURING THE CONFLICT

### “You are sleeping, right?”

A father speaking to his daughter, Wafaa al-Hamza, in disbelief as she lay dead from shrapnel wounds following an air strike on Ja'ar's main road.<sup>62</sup>

Civilians in Abyan bore the brunt of the fighting between Yemeni government forces and Ansar al-Shari'a fighters who had taken control of large parts of Abyan governorate. Armed clashes began in the first half of 2011 in Abyan, mainly in Zinjibar and al-Kawd, and escalated in mid-2011 into an armed conflict which saw continuous failed attempts by the military to regain control of Zinjibar. The fighting intensified in early 2012, particularly in March, when it spread to Lawdar in the Abyan governorate and the Azzan area in the Shabwa governorate.

Ansar al-Shari'a used residential areas as its base, particularly in Ja'ar. It rented many houses and occupied homes and public buildings in crowded areas, recklessly exposing civilian residents to harm and thereby violating international humanitarian law.

Yemeni government forces, in their efforts to regain control of the areas that had fallen to Ansar al-Shari'a, increasingly used aircraft and artillery against residential areas, putting at risk civilian residents. Scores of civilians not involved in the conflict, including children, were killed and many more injured as a result of air strikes and artillery and mortar attacks by government forces that struck residential neighbourhoods. While not all civilian casualties resulted from violations of IHL, there were in at least some cases civilians killed and injured and homes and other civilian objects destroyed or damaged as a result of indiscriminate or disproportionate attacks by Yemeni government forces. Some involved use of inappropriate battlefield weapons such as artillery in civilian residential areas. In other attacks government forces appeared to fail to take necessary precautions to spare civilians, such as verifying a target was in fact military (ensuring reliance on accurate and timely intelligence), and giving advance warning to civilians of an attack.

### VIOLATIONS BY ANSAR AL-SHARI'A

During the conflict between Ansar al-Shari'a and Yemeni government forces, the armed group violated IHL by recklessly exposing civilians to attack, taking control of medical facilities that removed the intended purpose of safe and immediate access to the treatment of wounded people, killing captured soldiers, seizing civilians it suspected of co-operating with government forces, using heavily antipersonnel mines and booby traps, and leaving behind unexploded ordnance.

## EXPOSING CIVILIANS TO ATTACK

Ansar al-Shari'a members rented homes in at least one city, Ja'ar, in residential neighbourhoods when they controlled the city. Some initially pretended they had work or families there, but, after the rental agreements were concluded, they moved in with other members of the armed group. Once they had settled in, it was hard for the owners to make them leave.

At one point during the first months of their control of Ja'ar, specifically between March and August 2011, Saleh al-Sheikh, a community activist, announced from the Great Mosque that anyone who had let a property to Ansar al-Shari'a fighters and could not make them leave should inform him and that he and other activists would take action to evict them. As a result of this and other challenges to Ansar al-Shari'a, Saleh al-Sheikh was summoned to "court" and an Ansar al-Shari'a-appointed "judge" known as Abu al-Hanak asked him to sign a document pledging that he would not object to any action by Ansar al-Shari'a. He refused, and was eventually threatened by another Ansar al-Shari'a official, prompting him to leave for Aden.



Destroyed house in Abyan © Private

From the streets where they had rented accommodation in residential areas, Ansar al-Shari'a members fired Kalashnikov rifles at aircraft flying over Ja'ar, prompting the Yemeni air force to fire back, sometimes resulting in the killing or injuring of civilians. In one such incident on 5 September 2011, the Great Mosque was hit by a Yemeni aircraft, killing at least three civilians (see below). Amnesty International spoke to three witnesses who gave consistent testimonies that around 15 minutes before the aircraft shelled the mosque, which is located in the city's main market, at least two Ansar al-Shari'a members standing near the mosque opened fire at the aircraft. A witness told Amnesty International:

*"The market was crowded, it always is... an aircraft started flying over... there were four Ansar al-Shari'a members, all carrying rifles, standing next to the shop al-Sanhani, which is adjacent to the Great Mosque. So they held their rifles up facing the sky and started shooting... some mosque workers came outside and told them: 'This is inappropriate... you cannot shoot from here just next to the mosque.' They just kept shooting. Then another man went to them and complained, but they didn't listen to him. Then my neighbour and I approached them and we said: 'You can't do this... you're shooting from a residential area.' They didn't talk to us, they just walked away. Fifteen minutes later, the aircraft hit the mosque!"*

Ansar al-Shari'a also occupied public buildings located in residential areas and used them for military purposes. In Ja'ar, the armed group took over three schools – al-Hikma School, al-Thawra School and al-Zahra Elementary School – and the Health Institute. Al-Hikma School and the Health Institute are adjacent to each other and located in the al-Muthallath neighbourhood. They are surrounded on three sides by residential houses that are between three to seven metres away. The fourth side faces a main road and agricultural land. Al-

Hikma School was used to store ammunition or to make local bombs or both, according to residents. The residents described an incident in early June 2012, around two weeks before Ansar al-Shari'a left Ja'ar. One man who lives near the school said:

*"We heard a loud explosion, so we went out to see what had happened and saw one member of Ansar al-Shari'a running outside the school calling for help. Then other Ansar al-Shari'a men hurriedly carrying two bodies and one injured man came out of the building and sped off in a car. It was clear that the explosion was a result of an activity inside the school because there were no signs of shelling on the outer walls."*

Amnesty International believes that it is highly likely that Ansar al-Shari'a was preparing bombs in buildings they occupied in residential areas. An Amnesty International researcher who visited al-Thawra School in Ja'ar found notebooks and papers on the floor of one of the ground floor rooms.<sup>63</sup> In one notebook, which apparently belonged to an Ansar al-Shari'a military commander known as Abu Ali al-Hadhrami, a handwritten title says: "The main elements in preparing bombs". A detailed seven-page handwritten explanation follows (see Appendix II). It is possible that the aim of the detailed explanation was not to make bombs in al-Thawra School but to teach other Ansar al-Shari'a members how to make bombs.

Both al-Hikma School and the Health Institute were struck by Yemeni aircraft bombing on several occasions, particularly in June 2012.<sup>64</sup> Residents said that flying shrapnel reached their houses, but it is unclear to Amnesty International if this resulted in civilian casualties.

According to Amnesty International's research, Ansar al-Shari'a used al-Thawra School to hold people they had apprehended, and for other purposes. Al-Zahra Elementary School, adjacent to residential houses and two buildings away from al-Hamza Mosque, which was a main Ansar al-Shari'a base, was used to store ammunition. The group occupied the school for at least several weeks in or around May and June 2011 but a rumour about a possible attack by the army led to an uproar by people living in the area. This prompted an Ansar al-Shari'a commander to order the ammunition to be moved out.

In the town of al-Dirjaj, Ahmed Abd al-Nabi, the brother of the Ja'ar leader Khaled Abd al-Nabi fighting with Ansar al-Shari'a and apparently a commander in the armed group himself, went to the town frequently and hid near civilians when aircraft flew over the town. In February 2012,<sup>65</sup> Ahmed Abd al-Nabi was in a military jeep accompanied by at least one other car when an aircraft started flying over the town. The jeep and accompanying vehicles parked under a tree next to the gate of Mo'az bin Jabal School between 10am and 10.30am, while children were attending school, and remained there until the aircraft flew away. With aircraft flights increasing over al-Dirjaj, families of the schoolchildren were angry and insisted that Ahmed Abd al-Nabi not be allowed to return. Since Ansar al-Shari'a had no significant presence in the town, the armed group appears to have responded positively to the concerns of local residents and there were no further reports of similar incidents in the town after February 2012.

In the village of al-Kawd, Ansar al-Shari'a occupied the town's local prison and later the cemetery and al-Mithaq School. Its fighters fired at the army from nearby homes, prompting the army to return fire, sometimes hitting residential homes. People gradually left al-Kawd as it became caught in crossfire between Ansar al-Shari'a, firing from inside the village, and the army. Eventually, only a few families stayed, including one comprising of five members who

remained in al-Kawd because they relied on raising and selling lambs. On 2 September 2011, four of them were killed by army fire, including three women and an elderly man (see below).

Unlike in Ja'ar, Ansar al-Shari'a did not rent homes in al-Kawd. After its residents sought refuge in Aden and elsewhere, Ansar al-Shari'a fighters simply occupied many of the empty houses.

The family of five that remained in al-Kawd comprised a 20-year-old university student, his mother, his aunt and his grandparents, who owned 90 to 100 lambs, with the student responsible for fetching water. In around mid-August 2011, two weeks before the army shelled the family's home, Ansar al-Shari'a fighters positioned themselves around 20 metres from the house and began firing rockets at an army position outside the town. This prompted the family to ask the fighters to stay away from their home. The only survivor, who spoke to Amnesty International,<sup>66</sup> recounted what happened:

*"All of us, my grandparents, my mother, my aunt and I, went to the fighters and told them: 'Look at us, we are a family here and we raise lambs... we cannot leave, so please stay away from our home.' The fighters said, 'Okay', but nothing changed. They continued to fire from there every two to three days. On the day of the attack, I do not know if Ansar al-Shari'a fired from nearby."*

Residents of Ja'ar told Amnesty International that Ansar al-Shari'a effectively controlled the city's al-Razi Hospital, with armed fighters entering and leaving freely. While the emergency room continued to be used for medical procedures required by the city's residents, Ansar al-Shari'a occupied at least the second floor of the hospital and used the hospital's ambulance. This discouraged patients and the wounded from going to al-Razi Hospital as they felt Ansar al-Shari'a's presence there made it unsafe. On 5 September 2011, the hospital was hit by a government air strike (see below).

It remains unclear to Amnesty International if Ansar al-Shari'a were using the second floor only to treat their wounded men or if they were also engaged in activities that violated IHL.

#### KILLING CAPTURED SOLDIERS

Ansar al-Shari'a is believed to have killed many soldiers it captured during more than a year of fighting. A video seen by Amnesty International shows a young man, believed to be a captured soldier, wearing plain clothes and blindfolded, crying or making incomprehensible sounds. Then two hands approach the young man's head, one holding a knife, and the other lifting the man's head to reveal his neck. The young man's throat is then slit and the hands continue to cut deep into the neck. A hand starts to remove flesh and body parts to facilitate the beheading. The man carrying out the beheading uses the knife again and keeps cutting until the head is severed. The head is placed on a shirt and the knife placed next to it. Then a hand grabs the hair and lifts the head up, allowing the jaw to drop, and then places it again on the shirt. Abyan residents told Amnesty International that Ansar al-Shari'a members had said to them that the killing took place in an area controlled by the armed group and that the man beheaded was a captured soldier. A relative of an Ansar al-Shari'a leader confirmed that he had been sent the video by another member of the armed group.

A journalist who was in Amudya, near Zinjibar, four days after Ansar al-Shari'a withdrew, told Amnesty International that he saw dead bodies he believed were those of soldiers or officers of the Yemeni armed forces killed following capture that had been thrown down a well next to a house in Amudya. He described the scene:<sup>67</sup>

*"We were filming the destruction when a local man alerted us to the presence of bodies in one of the houses. We went inside and there was a horrible stench... there was a well just behind the house and there were around 30 bullet cases around the well... I looked inside the well, and I could count four bodies... they were swollen... the one on the top was blindfolded, wearing a vest."*

The testimony that the body on the top was blindfolded indicates that the man was captured rather than killed during clashes and the bullet cases around the well into which the bodies were thrown suggest that the men are likely to have been killed next to it.

#### DISRESPECTING THE DEAD

Amnesty International received information from Zinjibar and al-Kawd that Ansar al-Shari'a would not allow people to bury soldiers killed during the conflict. On 28 May 2011, the day after the armed group entered Zinjibar, people wanted to bury bodies belonging to soldiers near the Central Bank but Ansar al-Shari'a fighters prevented them from doing so reportedly saying, "Let the birds and dogs eat their bodies." One man reportedly told them that, in Islam, the deceased should be buried soon after their death, but was threatened: "Anyone who comes close to them will be killed."

#### TAKING CAPTIVES

Ansar al-Shari'a held people, including civilians not directly participating in hostilities, in areas under its control without access to their families, a lawyer or the outside world. While most individuals held by Ansar al-Shari'a appear to eventually have been released, Amnesty International is aware of at least four men from Ja'ar who were reportedly arrested by Ansar al-Shari'a but have not reappeared even after the armed group was forced out of Abyan.



Nasser al-Qirshi, missing since May 2012 © Private

**Nasser al-Qirshi**, aged 32, a resident of Ja'ar, was apprehended by Ansar al-Shari'a on 17 May 2012 and has not been seen since June when the group holding him withdrew from the town. According to a relative,<sup>68</sup> Nasser al-Qirshi went several times with a friend to Ansar al-Shari'a's "court" to ask about his friend's two brothers, who were being held by the armed group. The last time they went there, Nasser al-Qirshi and his friend were detained. Although the friend was freed after a few hours, Nasser al-Qirshi was not released even after Ansar al-Shari'a was defeated and withdrew from Ja'ar in June 2012. According to the relative, Nasser al-Qirshi may have been detained because Ansar al-Shari'a found on his mobile phone a telephone number for Abd al-Latif al-Sayed, head of the pro-government Popular Committees in Ja'ar. Amnesty International believes that at one point Nasser al-Qirshi may have been held in al-Thawra School. A notebook left behind by

Ansar al-Shari'a and found by Amnesty International when it inspected the school in July 2012 has a page with handwritten information on Nasser al-Qirshi, including his full name and the objects his jailers had taken from him: two Nokia mobile phones, a gun, an ID card, a wristwatch, a telephone notebook, keys, a belt, 22,250 Yemeni riyals, two SIM cards, and a



memory stick (see Appendix III). In many parts of Yemen, it is common for men to be in possession of small firearms without this indicating they are members of the military, security forces or an armed group.

The family of Nasser al-Qirshi, who is married with seven children, have been trying to find him, but have had no success. One relative said:<sup>69</sup>

*“While they [Ansar al-Shari’a] were still in Ja’ar, I asked them repeatedly about Nasser. Once they said he was being interrogated but would be released later. Another time, I was told he was in a nearby location... Then they withdrew from Ja’ar and they took with them some detainees to Shuqra, and after around three days, they withdrew again to Azzan. I looked for him all over Ja’ar, I followed them to Shuqra and then to Azzan but without success. In Azzan, a detainee from Ja’ar was released. I asked him if he had seen Nasser, but he said Nasser was not among the detainees. In recent days, I’ve been to al-Dhiqa in al-Mahfad where they had sought shelter; again they said Nasser was not with them. I want to know where he is; we have to know what happened to him.”*

**Saleh Salem Ali Mojammal**, aged 24 and a resident of Ja’ar, was apprehended by Ansar al-Shari’a several days before the armed group left Ja’ar in June 2012, according to a relative. He was taken away while he was on his way to Ja’ar’s market where he worked as a goat trader. He has not been heard of since. A relative told Amnesty International:

*“We don’t know why they took him away... It was common that Ansar al-Shari’a would apprehend people and eventually release them. But shortly before they left Ja’ar, they were suspicious of everyone... he did nothing, he was married with four children.”*

Saleh Salem Ali Mojammal’s relative went with the relative of Nasser al-Qirshi to the valley of al-Dhiqa in al-Mahfad in July 2012 to ask Ansar al-Shari’a about the whereabouts and fate of their missing relatives but received no information.

Another two Ja’ar residents who were apprehended by Ansar al-Shari’a and have not been heard of since are **Ayman bin Jiddi** and **Osama al-Zabidi**, who is believed to be a child below the age of 18. They were also taken shortly before the armed group left Ja’ar.

Amnesty International obtained a copy of a request handwritten and signed by “Galal”, believed to be Galal Bel’idi, an alleged Ansar al-Shari’a commander, stating: “Brothers in al-Mahfad, please release the prisoners: 1) Ayman Mohamed Saleh [bin Jiddi], 2) Nasser Mohamed Hassan al-Qirshi, 3) Saleh Mojammal, 4) Sami al-Zabidi” (see Appendix IV). Osama al-Zabidi appears to be mistakenly referred to by the name “Sami”.

On the same piece of paper, which one of the detainees’ relatives had taken to al-Mahfad, was a reply to the request, apparently written by an Ansar al-Shari’a security officer: “These persons are not present in our area and we don’t know anything about them” (see Appendix IV).



Saleh Mojammal © Private



Ayman bin Jiddi © Private



Osama al-Zabidi © Private

## MINES AND UNEXPLODED ORDNANCE

While it controlled large parts of Abyan, Ansar al-Shari'a used and stored weapons and ammunitions recklessly, exposing civilians to danger. In areas that saw mass displacement of people, such as al-Kawd and Zinjibar, the armed group occupied empty houses and turned them into military bases. When Ansar al-Shari'a retreated in June 2012, the towns and cities under their control were contaminated with unexploded ordnance, booby traps and mines, posing a major obstacle for internally displaced people wanting to return to their homes.

A resident of al-Kawd who had fled to Aden during the fighting went with her family to her home to collect personal items while Ansar al-Shari'a still controlled the village. She described the scene to Amnesty international:<sup>70</sup>

*"We went home and found the door open. They [Ansar al-Shari'a fighters] were not there, but all their stuff was inside the house. I was shocked and scared... Our home was full of rifles... everywhere and in every room. There was ammunition or explosives... I didn't know what they were. The combatants' clothes, canned food they ate... Then one of them entered and said: 'Come on, get out quickly, we want to use the toilet!' My brother, aged 15, said: 'What! You want to kick us out of our own home?' The fighter replied: 'Come on, take what you need quickly and leave!' So we hurriedly took just a few light items and left... We went to my grandfather's home, which has three floors. It was so full of weapons, hand grenades, mines, a laptop, radio transmitters... on each floor. It was as if my grandfather's house was a main base for them. Young combatants at the house told my brother that they were using the ground floor as a court. They asked my brother if he'd like to join and told him they'd give him a rifle.*

*"The second time we went to al-Kawd, my mother wanted to bring some items for us from the house... they were there and they refused to let her in. She insisted and told them that she needed personal items... They agreed but asked her to sign a document stating that Ansar al-Shari'a was not responsible if she was killed or injured by explosives that they had placed inside the house. So my mother said, 'How aren't you responsible?' She then decided not to go in."*

After government forces regained control in Abyan, mines and unexploded ordnance littered residential areas. This reportedly included anti-personnel mines, anti-vehicle mines, booby traps and other explosive remnants of war. It remains unclear to Amnesty International whether some mines were also planted by the Yemeni army during the conflict.

Mines and unexploded ordnance has inflicted heavy civilian casualties, including children. On 12 July 2012, international medical humanitarian organization Médecins Sans Frontières (MSF) announced that its emergency surgical centre in Aden had seen a sharp rise in the number of victims of landmines and unexploded ordnance from the towns of Ja'ar and Lawdar.<sup>71</sup> MSF said it treated 19 patients in less than four weeks, 11 of whom were children under the age of 14.

Two of the children, **Yasser Ahmed Abdullah al-Fadli** and his cousin **Hommam Anwar Ahmed**, both aged 12, were injured when their friend picked up a 23mm machinegun cartridge left behind by Ansar al-Shari'a, according to a family member.<sup>72</sup> Hommam's right leg had to be amputated and Yasser was injured in both legs. Another boy was also injured.<sup>73</sup>

**Mohammed Hassan Soweileh**, a teenager, lost two legs and friends of his were reportedly injured when they were playing with unexploded ordnance that he had found in the town of Amudya and brought back to Ja'ar.

## VIOLATIONS BY GOVERNMENT FORCES

During the conflict to drive Ansar al-Shari'a out of Abyan and other areas under the armed group's control between June 2011 and June 2012, Yemeni government forces also violated IHL. The violations included indiscriminate attacks resulting in unnecessary loss of civilian life, obstructing medical care, and subjecting suspected fighters to enforced disappearance. Amnesty International cannot exclude the possibility that some of the air strikes documented in this report may have been carried out by US drones, which appear to have been active during the conflict.

### UNLAWFUL ATTACKS

Unlawful attacks by Yemeni government forces included the use of disproportionate and indiscriminate attacks, the use of inaccurate heavy weapons in populated residential areas, and the failure to take necessary precautions in attack, resulting in needless deaths and injuries of civilians and destruction and damage to civilian objects.

**Moti'a Ahmed Haidara**, aged 11, was killed on 10 June 2011 when a missile hit the house of Nader al-Shaddadi, an alleged Ansar al-Shari'a commander, in the al-Mashru' area of Ja'ar. Her father, who spoke to Amnesty International, recounted what happened:<sup>74</sup>

*"It was a quiet Friday morning and I went to the market to get some meat. While there, I could hear an explosion, so all of us in the market started looking around and we could see the smoke in the distance and an aircraft heading towards Ja'ar... then it hit there. People coming from the area where the shell landed said it had hit a house as a speeding car carrying the wounded passed by. A moment later, more speeding cars followed, all carrying casualties and heading for al-Razi Hospital. I arrived there and was surprised to find my wife crying. She said Moti'a was injured... I saw her; the back of her head was cut by shrapnel.*



Moti'a Haidara © Private

*"My daughter [had in fact] died when she went to our neighbours' home... When the first shell landed in al-Husn, my wife [Moti'a's mother] was alarmed, so she told Moti'a to go to our neighbours, Nader al-Shaddadi's parents, who live adjacent to us, to tell them: 'If you want to go to a safer area, let us know so that we go with you.' As soon as Moti'a went to their house, the aircraft hit it."*

The mother of Nader al-Shaddadi was also killed and her teenage niece was seriously wounded, leaving her disabled. Those who were present at the time of the raid were Nader al-Shaddadi's elderly parents, his younger brother, his cousin and Moti'a. While testimonies indicate that Nader al-Shaddadi, who visited his family every now and then, was not in the house at the time of the air raid, there are concerns that the Yemeni air force may have had outdated or inaccurate intelligence that resulted in the killing of at least two civilians and the injuring of at least one other person.

Three women and one man – all from the same family, which was among the very few families to remain in al-Kawd – were killed at their home by army fire on 2 September 2011 (see above). **Mariam Ahmed Ibrahim Ali al-Sobeihi**, her sister **Ansa Ahmed Ibrahim Ali al-Sobeihi**, their mother, **So'oud Ali Hassan** and their stepfather, **Abdullah Ali bin Ali**, who stayed in the village to tend to their lambs, were found by Mariam's son under the rubble of their home. They were all in one room apparently sheltering from the shelling. Mariam's son told Amnesty International:

*"I took a donkey to a farm that has a well not far from our home. I fetched water for the lambs and then heard loud explosions. I hurried back home and I saw that the ceiling had fallen almost in one piece to the ground. There was so much dust that I couldn't see well... There was no movement, no sound... so I thought my family had gone somewhere else. I went to nearby homes that belong to my grandfather and my grandmother and I was shouting like a madman: 'Mum! Auntie!...' There was no answer. I returned home and the dust had settled by then... My eyes caught an orange cloth with red roses on it from under the rubble; it was my mother's dress... she was wearing it that day... I couldn't handle it. I froze to the spot.*

*"Then my two cousins, including one whose mother was under the rubble, came from Aden to force us to go with them because they could hear the intense shelling from there. I told them they were all under the rubble... We were all shocked... We started removing the rubble until we reached them. They were covered in dust mixed with blood. They were all dead. We wrapped them in long cloths... we couldn't bury them in al-Kawd because Ansar al-Shari'a were based in the cemetery... my cousin called his friend from Ja'ar who came with his car and helped us take them to Ja'ar... we buried them in its cemetery."*



Jaber Salem died of injuries he sustained as he prepared to pray at a mosque © Private

In Ja'ar, **Jaber Qassem Salem**, aged 72, was wounded by shrapnel from a Yemeni aircraft missile that hit the Great Mosque on 5 September 2011. He died of his injuries a week later. The mosque is located in the middle of Ja'ar's market, which was crowded at the time of the air strike, which occurred shortly before noon prayers. A relative, who spoke to him before he died, told Amnesty International what happened:

*"He went to the mosque before noon prayers so that he would read the Qu'ran... while there, the mosque was hit and a man we knew immediately drove him to al-Razi Hospital. Shortly after arriving at the hospital, the aircraft struck again at or next to al-Razi... the Ansar al-Shari'a members occupying the hospital left him and fled. They then came back and wrapped his wounds with pieces of cloth, not proper medical bandages, and then my family found out that he was injured and took him to Aden."*

The air strike also killed at least two other men, **Hazza Ahmed Atta Baheb**, who was a seller in the market, and Haidara Mohsen Ali al-Abidi. The air strike also injured several people, including at least one child, 11-year-old **Omar Qassem**, who was wounded by flying shrapnel in his thigh.<sup>75</sup>

While Ansar al-Shari'a fighters recklessly endangered civilians by firing Kalashnikovs at the aircraft (see above) from the market, this does not relieve government forces of their obligation to distinguish between civilians and fighters and only direct attacks at fighters. The presence of a few fighters does not change the fact that a market filled with civilians remains a civilian object. In such a situation, an attack should have been cancelled as it is likely to be disproportionate – particularly in light of the fact that the fighters firing Kalashnikovs were not posing a serious threat to the aircraft.

On that same day, 5 September, eight-year-old **Wafaa Mohammed Ahmed al-Hamza** was killed by flying shrapnel. She and her brother had brought lunch for her father, who worked as a school janitor. While at the school, which was not one of those occupied by Ansar al-Shari'a, a missile landed on a section of Ja'ar's main asphalt road adjacent to the metal entrance gate of the school, which had at least four holes apparently caused by shrapnel when inspected by Amnesty International in July 2012. The father, who was injured in the shoulder, carried Wafaa and knocked on a neighbour's door for help. The neighbour, who spoke to Amnesty International, described what happened:<sup>76</sup>

*"We got into the car and I carried her on my lap... the father was in disbelief. He kept saying: 'She's now sleeping, right?' We took her to a pharmacist in Batis, who examined her and told me that the girl was dead... So I approached the father and broke the news to him. He immediately shouted: 'Liar!' He was in shock and crying. Then he entered the room where she was lying and started speaking to her: 'You are sleeping, right? You are sleeping.' It was very emotional."*

Wafaa's brother, aged around 13, sustained a knee injury.

In the morning of 15 May 2012, an air strike killed one civilian in his home in Ja'ar. This was followed by another strike that killed at least 13 civilians who had gathered in front of the destroyed house. **Nuweir al-Arshani**, aged 33, was killed in the initial air strike that levelled his house. Residents and relatives of his who spoke to Amnesty International were surprised that his house was targeted because they said he had nothing to do with Ansar al-Shari'a. While some residents said that a house behind his was rented to Ansar al-Shari'a and that possibly the aircraft missed its target, Nuweir's brother Anwar insisted that the houses behind them were occupied by the usual neighbours and that the nearest houses rented by Ansar al-Shari'a were between 100 and 300 metres away next to al-Hamza Mosque. Witnesses who spoke to Amnesty International gave consistent testimonies about the air strike that destroyed his home and killed him. One said:<sup>77</sup>

*"At around 8am or 8.30am, an aircraft flying low over Ja'ar roared towards al-Hurur, and came back within minutes without a sound and bombed Nuweir's home. I saw pieces of the house flying through the air and thick dust... I and others ran to the site to help. The house was reduced to rubble and I could hear women screaming from the house just behind it... we helped around five to seven women and children get out of that house, and then a child saw parts of Nuweir's body amid the rubble. We dug in and removed his body and placed it in the car of someone who took him to the [MSF] medical centre."*

People gathered three or six metres from the home on the opposite side of the street. As they stood there, an al-Razi Hospital ambulance occupied by Ansar al-Shari'a members came to

the site along with two motorcycles carrying armed members from the group. One man asked them to leave, saying there was no need for the ambulance because the man killed had been taken away. An Ansar al-Shari'a member asked people to disperse for their safety in case the aircraft returned to strike a second time. Some people were angered by the killing of the civilian and blamed Ansar al-Shari'a, and an argument developed. Meanwhile, more residents gathered to see the destroyed house and ask what had happened. The aircraft returned and bombed and fired into the crowd. One man, who spoke to Amnesty International, described the scene:<sup>78</sup>



Survivor of an air strike © Private



Mariam Abdo Sa'id, who was pregnant when she was killed © Private

*"We all threw ourselves to the ground... as I lay on the ground, I heard shrieks of pain and calls for help. I looked at the direction where the voices were coming from but couldn't see anything because of the thick dust... then I could see many people lying on the ground, and some who were running as they were on fire... people continued to moan, shriek and call for help... [I] was really scared that the aircraft might return... I picked myself up and started running. But I could hear people's cries... I came back and saw wounded people, including three who were on fire... one of them had his feet on fire. I saw one trying to stand and his back was riddled with shrapnel from his shoulders to his feet. I helped him and walked him around 300 metres until we reached the [MSF] clinic. His name was Jalal al-Hamra... within minutes, people had brought in all the wounded to the clinic, which became overcrowded. So, some of the wounded persons had to be placed on the ground outside the medical centre."*

At least 12 men and one woman were killed instantly or died from their injuries. The 12 men were reported to be **Majed Ahmed Abdullah Awad**, aged 26, **Salem Mohsen Haidar al-Jalladi**, aged around 35, **Adeeb Ahmed Ghanem al-Doba'i**, **Mohammed Abdullah Saleh Hussein**, **Munir bin al-Haji bin al-Assi**, **Ahmed Abdullah Ahmed al-Shahari**, **Salem Abdullah Ahmed Abkar**, **Hussein Mubarak Ahmed**, **Abd al-Rahman Motahhar**, **Hafez Abdullah Mubarak**, **Mohsen Ali Salem**: and **Amir al-Azzani**. The woman named as killed, **Mariam Abdo Sa'id**, aged in her thirties and pregnant, was reportedly a passer-by hit by flying shrapnel. Amnesty International's information suggests that only civilians were killed in this attack as the Ansar al-Shari'a members were said to have left the scene before the second strike after the row they had with the crowd.

Even if the initial attack was an accident caused by misidentifying the target, the fact that the aircraft returned and carried out a second more deadly attack indicates a complete failure to adequately verify whether the objective was military. The presence of so many civilians should have been sufficient indication that the attack should have been cancelled.

#### OBSTRUCTING MEDICAL CARE

Serious injuries require prompt and adequate medical attention, and it is precisely at

moments of greatest need, such as during the armed conflict in Abyan, that health care services in Yemen have become a casualty of the internal disturbances: vulnerable to attack, disruption and interference.

On 5 September 2011, the al-Razi Hospital was hit by a government air strike putting the lives of civilians, including wounded persons brought in from an earlier attack that day at the Great Mosque, at risk. While Ansar al-Shari'a was in control of the hospital's second floor and the hospital ambulance, the presence of its members would not make it a legitimate target for attack. It is unclear if the armed group was involved in unlawful activities at the hospital besides treating their wounded fighters. However, even if they were, the government forces should have used proportionality and refrained from targeting the hospital because hospitals are protected under IHL.



al-Razi Hospital after a government air strike © Private

In addition to the absence of well equipped and available ambulances, the sick and wounded in Ja'ar who had to be transferred to hospitals in Aden faced another obstacle. The Yemeni authorities closed the main coastal road from al-Kawd, south of Ja'ar and Zinjibar, to Aden, a journey which normally takes 40 to 60 minutes by car. As a result, the residents of Ja'ar had to use much longer routes to Aden that take from three to five hours. It is unclear why the Yemeni authorities closed the short route and why it did not allow at least ambulances and civilians to use it for emergencies.

**Majed Ahmed Abdullah Awad** was injured by an air strike while standing with a crowd that had come to see **Nuweir al-Arshani's** destroyed home in Ja'ar (see above). He was badly burned and sustained shrapnel wounds. The MSF medical centre in Ja'ar had no capacity to treat his injuries, so his family decided to take him to Aden in a borrowed jeep, along with another man who was badly burned, **Assil Abd al-Hadi**.

That day, however, even the shortest of the longer routes to Aden was closed, so there was no option but a particularly long route. The absence of an ambulance and the longer journey exacerbated the suffering of Majed and Assil. A family friend told Amnesty International what happened during the journey that took at least four hours:<sup>79</sup>

*"It was the first time I'd taken that road. Thirty minutes after we left Ja'ar, the car overheated; it halted and the radiator stopped working. We had no water and the vehicle just died. We were on a sandy road in the middle of the desert... there were no passing cars, no houses, nothing. And it was in the al-Taraya area. The car's air-conditioning was not working... the weather was very hot making Majed and Assil's burns even more painful... Assil and Majed were moaning and at times shrieking from pain. We could see houses in the distance, so my friend and I got out of the car and walked in their direction. It took us half an hour to reach there. The residents were Bedouin and had no cars... but one man helped us to carry around 40 litres of water and we walked back to*

*the car. It took us one hour to go and come back. We cooled down the radiator, and the car finally started. We continued our way to Sheikh Salem, which is on an asphalt road.*

*"We drove for around two kilometres and the car broke down again between Shuqra and Zinjibar. Majed and Assil were still in pain. My friend and I got out of the car and stood in the middle of the road to attract the attention of any passing car. There was a bus coming from Hadramawt, it stopped, and we told the driver and passengers that the wounded had had a car accident so that they wouldn't be suspicious or scared. Some of the passengers helped us to move Majed and Assil to the bus, and they both felt better because it was air-conditioned. We reached al-Alam Road, and a relative who came from Aden was waiting for us at al-Alam army checkpoint, because no cars were allowed to cross there. The checkpoint officer asked for the names of the wounded and how they received their injuries. We then moved them to the relative's small Toyota Corolla car. We took them both to the MSF-run al-Sadaqa Hospital... but Majed died four days later."*

Other people interviewed by Amnesty International also said that they had to use the longer routes to take wounded family members to hospital, such as the family of Ramzi al-Aqd (who was allegedly stabbed by Fathi Abd al-Hadi – see Chapter 3) and Jaber Qassem Salem, who was injured in the Great Mosque attack (see above) and died a week later.

It is unclear to Amnesty International if any of the three cases covered in this report could have survived if they had been able to access adequate medical care quicker.

Amnesty International also found that Yemeni authorities removed wounded people from ambulances and hospitals without complying with the customary medical referral procedures. They also delayed the right of wounded people to immediate access to hospitals by stopping civilian cars and ambulances transporting injured people while they checked if those in need of medical attention were suspected fighters. Yemeni security personnel entered hospital areas only authorized for medical staff, such as intensive care units, without consulting the health professionals in charge and without identifying themselves or presenting arrest warrants when they wanted to remove certain wounded persons.

In May or June 2012, during the Yemeni forces' military offensive in Abyan, an ambulance carrying a wounded man from Ja'ar was stopped at a military checkpoint in Lahj and the injured man, who has dark skin, was accused by the officers of being a Somali fighting with Ansar al-Shari'a. His brother, who was with him in the ambulance, told the officers that they were both from Ja'ar, but the military took the ambulance to the Criminal Investigation Department in Lahj. The two men remained in the ambulance for at least one hour until the wounded man's other brother in Aden brought his identity card to prove he was a Yemeni national and they were let go.

Another wounded man, possibly a relative of alleged Ansar al-Shari'a commander Tareq al-Zahab, who was killed in February 2012 in Rada', was admitted to the intensive care unit in a hospital in Aden in a critical condition. He was unconscious and on a ventilator. Central Security forces entered the intensive care unit, which was authorized only for medical staff and one family member at specific times, without consulting the medical staff – apparently a common practice by security forces during the period of the conflict in Abyan – and declared their intention to take him away. The staff insisted that, if they removed his ventilator, he



would die. The Central Security forces agreed not to take him away. Despite regaining consciousness and his condition stabilizing, the man died in early October 2011. Since security force members were free to access hospital wards without consulting the medical staff, Amnesty International is concerned that his medical treatment may have been impeded and in some way contributed to his death.

While Amnesty International recognizes that military and law enforcement personnel may need to arrest, guard or detain wounded patients on occasions, in all such cases the detaining authorities have an obligation to ensure that the arrest is legal and that medical treatment of injured people is not compromised. In the Abyan conflict, Amnesty International's investigations indicate that such standards have not been met, and that in some occasions, as documented here, the authorities have interfered in the treatment of wounded persons inside health facilities.

IHL requires all parties ensure that the wounded and sick receive, without discrimination, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition.<sup>80</sup> By arbitrarily impeding urgent medical treatment in the cases above, government forces violated this rule. Its actions also violated its obligations under international human rights law to respect the right to health.

#### ENFORCED DISAPPEARANCES

At least one man suspected of fighting with Ansar al-Shari'a was removed from hospital by Yemeni security forces and has since disappeared. **Mohammed Ali Sa'id**, believed to be a foreign national, probably Syrian, who sustained a head injury either in Zinjibar or al-Kawd, was admitted unconscious to a hospital in Aden in early October 2011. He regained consciousness on the same day and asked for family members. A relative came to visit him but was taken away upon arrival by plain-clothed men believed to be members of National Security, who are known for entering hospital wards without introducing themselves properly to hospital staff and without showing official documents authorizing their actions. A few hours later, plain-clothed men also believed to be members of National Security came to Mohamed Ali Sa'id's hospital room and took him away. He has not been heard of since.

As a state party to the International Covenant on Civil and Political Rights, Yemen is obliged to ensure that people who are arrested are promptly informed of any charges against them. Those charged must be brought before the judicial authorities within a reasonable time.

The prohibition of enforced disappearance is also prohibited by customary IHL and can constitute a war crime.<sup>81</sup>

## 5. APPLICABLE INTERNATIONAL LEGAL FRAMEWORKS

International legal obligations can arise not only from particular treaties that a state has entered into, but also from customary international law, a body of rules established by consistency in general state practice and opinion rather than written agreements, which therefore can bind states, and in some circumstances armed groups, independently of any treaty obligation.

### INTERNATIONAL HUMAN RIGHTS LAW: PROTECTING RIGHTS IN TIMES OF WAR AND PEACE

Yemen is a state party to some of the major international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified in 1987), the International Covenant on Civil and Political Rights (ICCPR, acceded in 1987), the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW, acceded in 1984), the Convention on the Rights of the Child (CRC, ratified in 1991) and its Optional Protocol on the involvement of children in armed conflict (ratified in 2007), the International Convention on the Elimination of all forms of Racial Discrimination (ratified in 1972), and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, acceded to in 1991). Yemen is legally bound by its obligations under these international treaties, as well as by relevant customary international law.



Many buildings were destroyed in Abyan © Amnesty International

The 1948 Universal Declaration of Human Rights (UDHR), though not itself a binding treaty, articulates some of the most basic rights that all UN member states pledge to promote and protect pursuant to the Charter of the United Nations. A number of the UDHR provisions, prohibition on torture and other ill-treatment, the right to life, liberty and security of person, and the right to fair trial by an independent and impartial tribunal, also constitute rules of customary international law.

The International Court of Justice as well as the UN Human Rights Committee have affirmed that international human rights law applies in time of armed conflict as well as peacetime, some (but not all) rights may be modified in their application, or “derogated from” or limited in situations of armed conflict, but only to the extent strictly required by the exigencies of the particular situation and without discrimination.

Among the international human rights law obligations most relevant to the armed conflict in Abyan are: the right to life, the prohibition on torture and other ill-treatment, the prohibition on enforced disappearance, the prohibition on arbitrary detention, the right to fair trial, the enjoyment of the highest attainable standard of physical and mental health, the right to education, and the prohibition of discrimination against women.



Spent ammunition © Amnesty International

Although punishments imposed by Ansar al-Shari'a "courts" were carried out outside the framework of law, Yemen's domestic law stipulates specific acts of torture and other cruel, inhuman or degrading punishments, such as amputation and flogging, as punishments which may be passed by competent courts against persons convicted of committing certain crimes. Yemen is required under international law to make such violations a criminal offence in domestic legislation and is obliged to bring to justice those responsible for these and other serious crimes, including summary and arbitrary killings.

## IHL: PROTECTING INDIVIDUALS IN ARMED CONFLICT

By the middle of 2011 – and certainly by June of that year when Ansar al-Shari'a took control of Zinjibar – the fighting between government forces and Ansar al-Shari'a reached the minimum level of intensity and the parties to it had the level of organization required for the existence of an armed conflict of a non-international character.<sup>82</sup> Therefore, for the period on which this report focuses, IHL applied alongside international human rights law to the conduct of government forces.

IHL contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians, but also certain combatants, including those who are wounded or captured. It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

Yemen is a state party to the four Geneva Conventions of 12 August 1949 and its Additional Protocol relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts. It is also a party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

Article 3 common to the four Geneva Conventions applies to all parties to non-international armed conflicts. Many of the specific rules included in these and other IHL treaties – and all the rules cited in this report – form part of customary IHL and are thus binding on all parties to any conflict, including Yemeni armed and security forces and Ansar al-Shari'a or other non-state armed groups.<sup>83</sup> Violations of many of these rules may amount to war crimes.

A fundamental rule of IHL is that parties to any conflict must at all times "distinguish between civilians and combatants", especially in that "attacks may only be directed against

combatants” and “must not be directed against civilians”.<sup>84</sup> A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental principle of “distinction”.

For the purposes of distinction, anyone who is not a member of the armed forces or a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.<sup>85</sup> Civilians are protected against attack unless and for such time as they take a direct part in hostilities.<sup>86</sup> In this report, Amnesty International uses the term “civilians” to refer to civilians who are not taking a direct part in hostilities.

Civilian objects are all objects (that is, buildings, structures, places, and other physical property or environments) which are not “military objectives”, and 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 neutralisation, in the circumstances ruling at the time, offers a definite military advantage”.<sup>87</sup> Civilian objects are protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described become temporarily fulfilled.<sup>88</sup> In cases of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling, or a school, is being used for military purposes, it is to be presumed not to be so used.<sup>89</sup>

Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects (in the case of non-international conflicts, medical, religious or cultural objects in particular), is a war crime.<sup>90</sup> The principle of distinction also includes a specific rule that “acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”.<sup>91</sup>

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.<sup>92</sup> Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by IHL.<sup>93</sup>

IHL also prohibits disproportionate attacks, which are those “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”.<sup>94</sup> Intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage), constitutes a war crime.<sup>95</sup>

In order to ensure attacks are lawful, an attacking party must take feasible precautions to minimize harm to civilians and civilian objects. These precautions include: target verification, choice of appropriate means and methods of attack, assessment of the effects of attacks, control during the execution of attacks, advance warning, and target selection.<sup>96</sup>

Parties to the conflict must also take precautions to protect civilians and civilian objects under their control from the effects of attack, including by avoiding, to the extent feasible, locating military objectives within or near densely populated areas, and by removing, to the

extent feasible, civilians and civilian objects under its control from the vicinity of military objectives.<sup>97</sup>

The destruction of property is prohibited, unless required by imperative military necessity. Pillage is prohibited.<sup>98</sup>

IHL applicable in non-international armed conflicts also provides fundamental guarantees for civilians as well as fighters or combatants who are captured, injured or otherwise rendered unable to fight (*hors de combat*). Between them, common Article 3 of the 1949 Geneva Conventions and customary IHL include the following rules: murder is prohibited, humane treatment is required, discrimination in application of the protections of IHL is prohibited, torture, cruel or inhuman treatment and rape and outrages on personal dignity (particularly humiliating and degrading treatment) are prohibited, as are enforced disappearance, the taking of hostages, and arbitrary detention. No one may be convicted or sentenced except pursuant to a fair trial affording all essential judicial guarantees. Collective punishments are also prohibited.<sup>99</sup> Depending on the particular rule in question, many or all acts that violate these rules will also constitute war crimes.<sup>100</sup>

## INTERNATIONAL CRIMINAL LAW

Individuals, whether civilians or military, can be held criminally responsible for certain violations of IHL and of human rights law. All states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute genocide, crimes against humanity and war crimes, as well as other crimes under international law such as torture, extrajudicial executions and enforced disappearances.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of IHL are war crimes. Definitions of these crimes are included in the Rome Statute. The list of war crimes in Article 8 of the Rome Statute of the International Criminal Court basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

Some of the violations by Ansar al-Shari'a which are documented in this report, such as the killing of captured soldiers and the passing of sentences and carrying out of executions without previous judgement pronounced by a regularly constituted court, constitute war crimes. Violations by government forces that may constitute war crimes include enforced disappearance of captured fighters and indiscriminate and disproportionate attacks.

States are obliged to investigate all alleged war crimes, and to bring prosecutions where the evidence allows.<sup>101</sup>

## 6. CONCLUSION AND RECOMMENDATIONS

Ansar al-Shari'a's capture of territories in Abyan and parts of neighbouring governorates in 2011 and the ensuing armed conflict between it and government forces arose against the historic backdrop of the divisions between North Yemen and South Yemen, the central Yemeni government's neglect for this southern area and its inability or reluctance to exercise control over its territory to protect its people and uphold their human rights.

Ansar al-Shari'a committed serious human rights abuses against people under its control, including summary killings, abduction and arbitrary detentions, punishments amounting to torture and other ill-treatment, curbing freedoms and infringing on women's rights – all outside the framework of law. As the situation in Abyan evolved into an armed conflict, the people of Abyan fell victim to violations of IHL committed by both Ansar al-Shari'a and government forces.

While Ansar al-Shari'a were driven out of the cities and towns they controlled in June 2012, there remains a possibility that Ansar al-Shari'a will re-emerge and that the armed conflict will resume. The recommendations below reflect Amnesty International's concerns over abuses and violations that were committed by both Ansar al-Shari'a and government forces in the period covered in this report, but also in anticipation of renewed fighting, should that occur.

Amnesty International makes its recommendations to the Yemeni government in the knowledge that its current formation is as a government of national reconciliation set up as part of the two-year transitional period following the power-transfer agreement brokered by the Gulf Cooperation Council in 2011. One of the tasks before the government, according to the terms of the agreement, is to "integrate the armed forces under a professional, national and unified command structure in the framework of the rule of law".<sup>102</sup> This should be a key opportunity for making some of the reforms to these institutions that Amnesty International is outlining below.<sup>103</sup>

Another opportunity is presented by a decree passed by the Yemeni President on 22 September 2012 to set up a commission of inquiry to investigate violations of international human rights law and IHL in 2011.<sup>104</sup> As specified below, the commission of inquiry should be asked to ensure the abuses and violations described in this report are part of its remit.<sup>105</sup> The aim should be to provide truth, justice and reparations to victims and their families. In this respect, it is clear that certain barriers to justice will need to be removed. Most significant of these barriers is the law passed in January 2012 which grants former President Ali Abdullah Saleh complete immunity from prosecution and provides his associates with immunity from criminal prosecution for "politically motivated acts" carried out during the course of their official duties. As documented in this report, Yemeni forces committed IHL violations during the period when Saleh was still in power.

## TO THE GOVERNMENT OF YEMEN

Amnesty International urges the Yemeni government to:

- Ensure that all Yemeni military and security forces operating in Abyan, Shabwa and the surrounding governorates are adequately trained, equipped, and disciplined to comply with their obligations under international human rights law and IHL;
- Ensure that the mandate of the commission of inquiry announced in September 2012 covers violations of international human rights law and IHL committed by government forces, US drones and Ansar al-Shari'a during the period between Ansar al-Shari'a's capture of Ja'ar at the end of February 2011 and it being forced out of the areas it occupied in June 2012;
  - Conduct independent, impartial and thorough investigations, in accordance with international standards, of incidents indicating that government forces and/or US drones committed serious violations of international human rights law and IHL during the conflict in Abyan and surrounding governorates, including war crimes, and identify responsibilities and the chain of command;
  - Conduct independent, impartial and thorough investigations, in accordance with international standards, of incidents indicating that Ansar al-Shari'a committed abuses and violations of IHL during the conflict in Abyan and surrounding governorates, including war crimes;
- Where there is sufficient admissible evidence, prosecute suspected perpetrators of war crimes and other crimes under international law, in proceedings that fully respect international fair trial standards and without recourse to the death penalty;
- Repeal the immunity law passed in January 2012 and ensure that no person, whether acting in an official capacity or not, who has ordered, committed or contributed to human rights abuses and violations of IHL during the Abyan conflict is immune from prosecution;
- Ensure that Yemeni forces' rules and principles relating to the concepts of military objective, military advantage and proportionality are fully consistent with IHL;
- Ensure that the Yemeni military complies fully with the duty to take precautionary measures when carrying out attacks, particularly regarding verifying targets and giving civilians adequate warnings;
- Publicly commit not to use artillery, mortars or unguided air-dropped bombs in densely populated civilian areas;
- Give clear instructions to all members of the armed forces and security services to prioritize the treatment of wounded individuals over interrogation and to treat wounded individuals humanely, protect and transport them to hospitals without any delay; also, allow immediate access to ambulances trying to reach the wounded;
- Ensure that Yemeni forces keep the shortest route accessible to ambulances and civilians in need to reach well-equipped hospitals in Aden and elsewhere; and increase the

capacities and resources in hospitals, including well-equipped ambulances, in close proximity to armed conflict areas;

- Give clear instructions to all members of the armed forces and security services to respect hospital standards of safety and welfare of wounded patients, allow without any obstruction or interference treatment of these and other patients, and take disciplinary measures against anyone who has illegitimately delayed, obstructed or interfered in the work of health professionals providing treatment to the wounded at hospitals and health facilities;
- Instruct all members of the armed forces and security services to cease arbitrary arrests and detentions, torture and other ill-treatment of detainees, including wounded persons;
- Instruct all members of the armed forces and security services to identify themselves clearly to health professionals and hospital employees and show arrest warrants to the patient they seek to arrest, their health care provider and hospital management;
- Promptly inform those arrested – Yemenis and non-Yemenis – in relation to the conflict of any charges against them, allow them access to their family, a lawyer of their choosing and medical attention they may require, and ensure they are brought before the judicial authorities within a reasonable time;
- Allow immediate and independent access to places of detention where they are held in order to ensure the safety and well-being of detainees;
- Provide detainees who are non-Arabic speakers with a translator during their trial;
- Conduct full, impartial and independent investigations into all reports of enforced disappearances in relation to the conflict in Abyan and bring anyone responsible to justice in proceedings meeting international standards for fair trial without recourse to the death penalty;
- Continue in de-mining efforts to expedite the return of all internally displaced persons to their homes and businesses and to comply with Article 5 of the Mine Ban Treaty – and in accordance with the five-year extension granted in 2008 – that requires Yemen to destroy all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible, but no later than 1 March 2015;
- Provide full reparations to the victims or the families of victims of serious violations of IHL and gross violations of international human rights law, and provide rehabilitation to individuals who were maimed, including children;
- Provide equal compensation for victims regardless of their gender and, in this regard, repeal Articles 12 and 42 of the Penal Law providing that financial compensation paid to the family of a murdered victim for the murder or grievous bodily harm (*arsh*) of a woman is half that paid for the murder of a man;
- Progressively improve regular attendance at schools and reduce drop-out rates that may have resulted from the disruption of education during Ansar al-Shari'a's rule and the conflict thereafter, in accordance with the Convention on the Rights of the Child.



## TO AQAP AND ANSAR AL-SHARI'A

Amnesty International calls on AQAP and Ansar al-Shari'a to:

- Publicly acknowledge the obligations to comply fully with IHL and make a public commitment to respect the human rights recognized in the Universal Declaration of Human Rights and under international human rights treaties and customary international law;
- Publicly condemn, from the highest level of leadership, all human rights abuses and violations of IHL, such as unlawful killings, abductions, torture and other ill-treatment, and punishments amounting to torture and other ill-treatment, such as amputations and floggings, and issue instructions to members strictly prohibiting such acts in all circumstances;
- Release all civilians held as detainees during Ansar al-Shari'a's control of large parts of territory in Abyan and surrounding governorates, and inform families about the fate of missing relatives, including those who have died, disclosing the circumstances of their deaths, and the location of their burial place;
- Publicly renounce Ansar al-Shari'a's policy of breaching freedom of belief, conscience and expression and the right to personal autonomy and expression, guaranteed in international human rights standards, particularly with regard to women and community activists;
- Refrain from using residential areas as bases for fighters and storage depots for weapons and ammunition; and instruct members not to initiate attacks from the midst of civilian areas;
- Comply fully with the need to take precautionary measures in attacks and in defence, including the need to distinguish Ansar al-Shari'a fighters from non-combatants to the maximum extent feasible;
- Issue clear instructions to Ansar al-Shari'a members to treat captured soldiers and others suspected of working with the government humanely and to respect the dead and bury them according to the rites of the religion to which they belong;
- Remove from the ranks any member suspected of involvement in violations of IHL;
- Refrain from using anti-personnel mines and inherently indiscriminate weapons;
- Provide maps and information to the Yemeni authorities or international bodies identifying locations of where Ansar al-Shari'a planted mines or left behind munitions, unexploded ordnance and booby traps to avoid additional casualties among civilians.

## APPENDIX I

التاريخ : ١٨ / ربيع الأول / ١٤٣٣هـ  
الرقم : البيان رقم (٣١)

بسم الله الرحمن الرحيم

اتصار الشريعة  
المحكمة الشرعية بولاية أبين  
إمارة وقار

**بيان من المحكمة الشرعية بولاية أبين إمارة وقار بشأن إقامة حد الله على مجموعة من الجواسيس**  
الحمد لله القائل: (إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ جَزَاءُ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ) [المائدة/٣٣]، والصلاة والسلام على رسول الله وبعد:

**أولاً :** حكمت المحكمة الشرعية بولاية أبين إمارة وقار بالقتل حداً على المدعو «أبي عيسى حسن ناجي حسن النقيب» وذلك بعد إدانته في تجنيد جواسيس يعملون لصالح الطيران الأمريكي وإيصال الشرائح للجواسيس، كما أنه كان مشرفاً مباشراً على وضعها في مواقع وسيارات المجاهدين، وإيصال مبالغ مالية للجاسوس المدعو «أبو عبد الرحمن الماربي صالح أحمد صالح الجاملي» مقابل أن يضع الشرائح على سيارات المجاهدين وقد قتل إثر هذا القصف الأمريكي مجموعة من المجاهدين في السيارة الأولى: (١) الأخ المجاهد القائد أبو أسامة علي بن مبارك فراس من قبيلة جهم مأرب (٢) الأخ المجاهد أبو تميم مصعب ميخوت بن عبيد الشريف من قبيلة الأشراف بمأرب (٣) الأخ المجاهد أبو سعيد جابر بن سعيد الشبواني من قبيلة عبيدة (٤) الأخ المجاهد حمد بن سعيد بن غريب من قبيلة عبيدة (٥) الأخ المجاهد علوي بن شعفان من قبيلة دهم (٦) الأخ المجاهد خميس بن صافيان من قبيلة دهم (٧) الأخ المجاهد أبو عمار الجهمي من قبيلة جهم.

وفي السيارة الثانية: (٨) الأخ المجاهد القائد موحد الماربي علي بن سعيد بن جميل من قبيلة عبيدة (٩) الأخ المجاهد القائد إبراهيم النجدي عبد الله الفراج من قبيلة شمر (١٠) الأخ المجاهد صالح بن عبد الله العقيلي من آل عقيل، رحمهم الله جميعاً.

وقد أقر المدعو «أبو عيسى حسن ناجي النقيب» بكل ما نسب إليه ولقي جزائه العادل؛ ومطلوب للقضاء على ذمة هذه القضية لمشاركتهم المباشرة في التجنيد وبناء شبكات تجسس متعاملة ومتواصلة ومرتبطة بالأمن القومي اليمني الأمريكي، كل من: المدعو : علي بن سعيد بن معيلي - المدعو : معيض بن ناصر بن قمام - المدعو : خميس المشيخي.

**ثانياً :** حكمت المحكمة الشرعية بولاية أبين إمارة وقار بالقتل حداً والصلب تعزيراً على المدعو «أبي عبد الرحمن الماربي صالح أحمد صالح الجاملي» وذلك بعد إدانته بتهمته التجسس ومباشرة بوضع شريحتين لتوجيه القصف للطائرات الأمريكية على المجاهدين في زنجبار وقد قتل جراء ذلك كل من: في السيارة الأولى: (١) الأخ المجاهد القائد أبو أسامة علي بن مبارك فراس من قبيلة جهم مأرب (٢) الأخ المجاهد أبو تميم مصعب ميخوت بن عبيد الشريف من قبيلة الأشراف بمأرب (٣) الأخ المجاهد أبو سعيد جابر بن سعيد الشبواني من قبيلة عبيدة (٤) الأخ المجاهد حمد بن سعيد بن غريب من قبيلة عبيدة (٥) الأخ المجاهد علوي بن شعفان من قبيلة دهم (٦) الأخ المجاهد خميس بن صافيان من قبيلة دهم (٧) الأخ المجاهد أبو عمار الجهمي من قبيلة جهم.

وفي السيارة الثانية: (٨) الأخ المجاهد القائد موحد الماربي علي بن سعيد بن جميل من قبيلة عبيدة (٩) الأخ المجاهد القائد إبراهيم النجدي عبد الله الفراج من قبيلة شمر (١٠) الأخ المجاهد صالح بن عبد الله العقيلي من آل عقيل، رحمهم الله جميعاً.

وقد أقر المتهم «أبو عبد الرحمن الماربي صالح أحمد صالح الجاملي» أمام اللجنة القضائية بما وُجِّه إليه من التهم ولقي جزائه العادل، ومطلوب للقضاء على ذمة هذه القضية كل من: المدعو : علي بن سعيد بن معيلي - المدعو : معيض بن ناصر بن قمام - المدعو : خميس المشيخي لمشاركتهم في تجنيد المدعو «أبي عبد الرحمن الماربي صالح أحمد صالح الجاملي» ودعمه بالمال والتقنيات والتكفل بالتواصل مع غرفة العمليات التي توجه الطيران الأمريكي عبر الأمن القومي.

**ثالثاً :** حكمت المحكمة الشرعية بولاية أبين إمارة وقار بالقتل حداً على المدعو «رمزي محمد قائد العريقي» وذلك بعد إدانته بالتجسس لصالح المخابرات السعودية، وقد قام بعدة عميات ترصد على ولايتي وقار وعزان وقام بتصوير عدة منشآت حيوية مثل المستشفيات وبعض المساجد قام بإيصالها إلى المدعو «أبو دليم حسين بن سعد القحطاني» والذي يعمل ضابط مخابرات لآل سعود والمدعو : «إبراهيم بن سليمان الدريبي» وكيل إمارة منطقة عسير للشؤون الأمنية، وقد اعترف وأقر أمام اللجنة القضائية بما نسب إليه، ومطلوب للقضاء على ذمة هذه القضية كل من «مجلي بن مانع أبو راسين الوابلي» و «أبو دليم حسين بن سعد القحطاني» و «إبراهيم بن سليمان الدريبي» لمشاركتهم في تجنيد المدعو «رمزي» والتواصل مع غرفة العمليات للطيران التجسسي الأمريكي ويتم تنفيذ الحكم في مدينة عزان حيث تم القبض عليه.

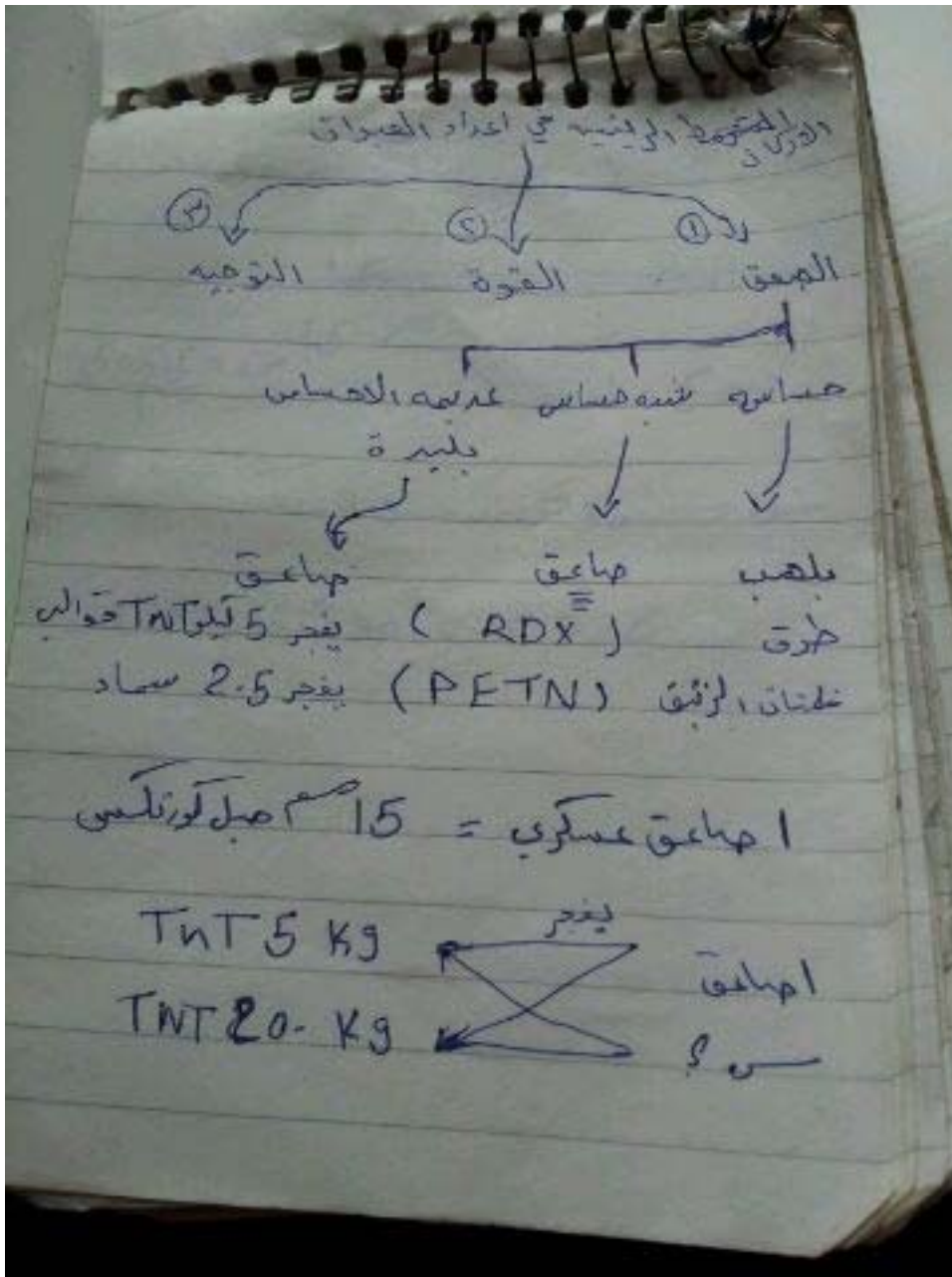
والله ولي التوفيق

اللجنة القضائية بالمحكمة الشرعية

ولاية أبين - إمارة وقار

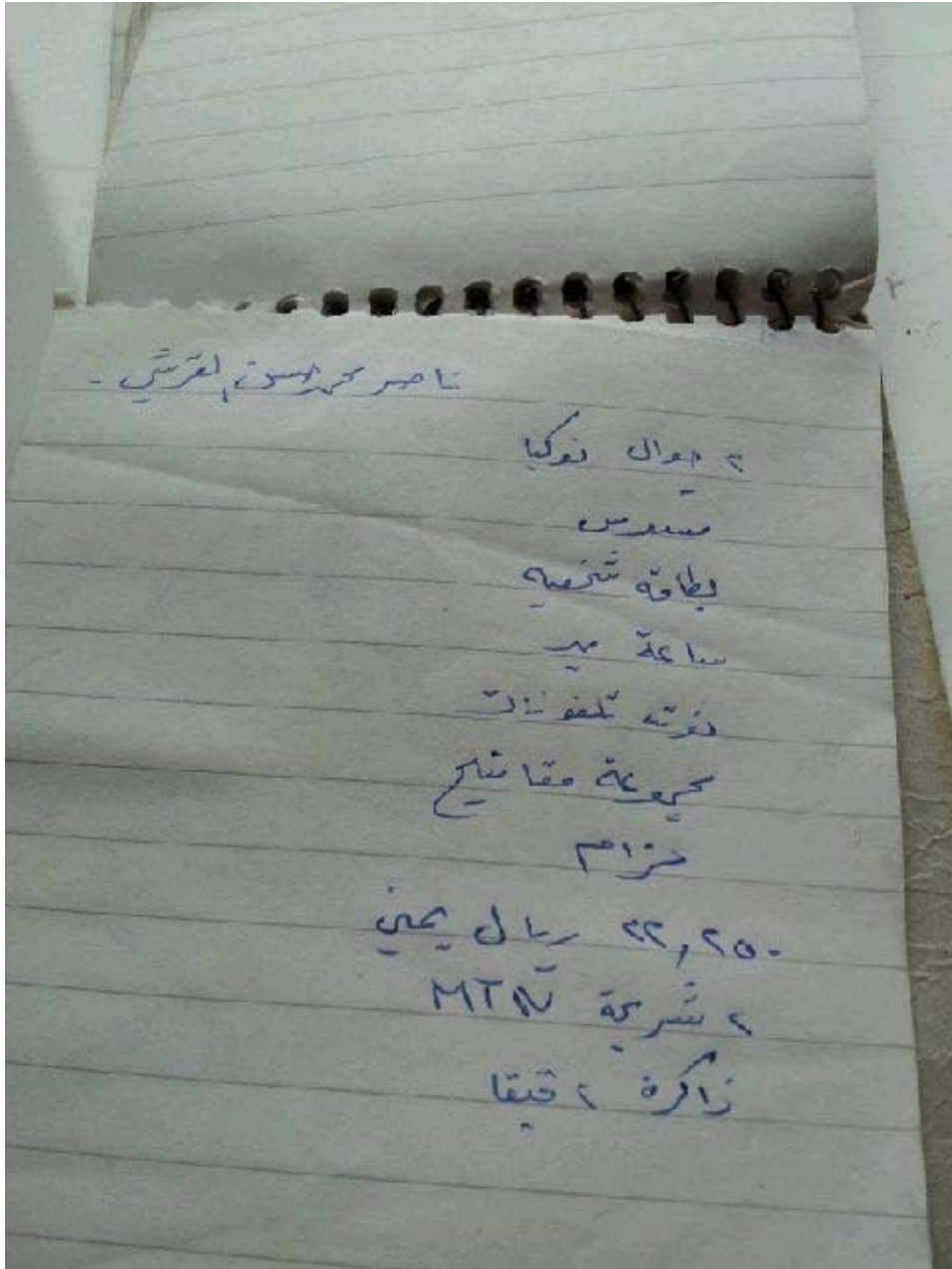
Court ruling dated 18 Rabi' al-Ula 1433 Hijri which corresponds to 11 February 2012 issued by a "religious court" set up by Ansar al-Shari'a. The ruling convicts Saleh al-Jamli, Ramzi al-Ariqi and Hassan al-Naqib of killing and spying on commanders and members fighting with or in support of Ansar al-Shari'a, sentences all three to death and rules that the body of Saleh al-Jamli be crucified © Amnesty International

# APPENDIX II



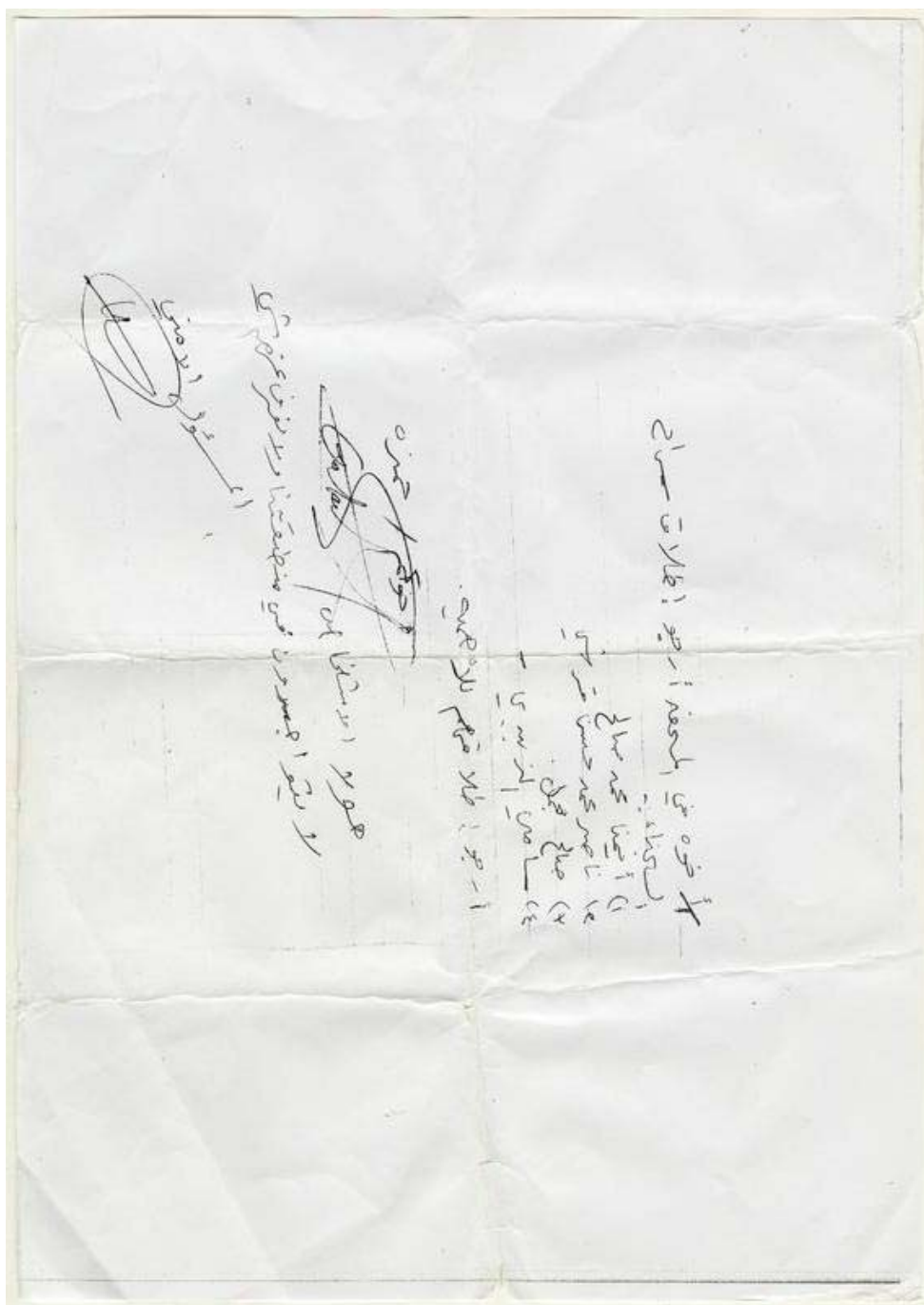
A handwritten page of a notebook found by an Amnesty International researcher at al-Thawra School, which was used by Ansar al-Shari'a as one of its bases in Ja'ar. The title reads "The main elements in preparing bombs" and a detailed seven-page handwritten explanation follows © Amnesty International

## APPENDIX III



A handwritten page of a notebook found by an Amnesty International researcher at al-Thawra School, which was used by Ansar al-Shari'a as one of its bases in Ja'ar. The page contains the full name of Nasser al-Qirshi, who was apprehended by Ansar al-Shari'a on 17 May 2012, followed by what appears to be a list of the items taken from him: two Nokia mobile phones; a gun; an ID card; a wristwatch; a telephone notebook; keys; a belt; 22,250 Yemeni riyals; two SIM cards; and a memory stick © Amnesty International

## APPENDIX IV



A copy of a note handwritten and signed by “Galal”, believed to be Galal Bel’idi, an alleged Ansar al-Shari’a commander, requesting Ansar al-Shari’a members who had fled to al-Mahfad to release the four Ja’ar residents who were detained during the armed group’s control of Ja’ar. On the same piece of paper, which one of the detainees’ relatives had taken to al-Mahfad, was a reply to the request, apparently written by an Ansar al-Shari’a security officer: “These persons are not present in our area and we don’t know anything about them” © Amnesty International

# ENDNOTES

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<sup>1</sup> For Amnesty International's position on this US policy see Amnesty International, *United States of America: Targeted killing policies violate the right to life* (Index: AMR 51/047/2012). Also see The Bureau of Investigative Journalism, *Analysis: holding US to account for civilian drone deaths in Yemen*, published on 7 September 2012.

<sup>2</sup> "Online Question and Answer Session with Abu Zubayr Adel al-Abab, Shari'a Official for al-Qa'ida in the Arabian Peninsula, April 18, 2012", posted on YouTube on 25 April 2011 and available at [http://www.youtube.com/watch?v=is\\_fbKJN23s](http://www.youtube.com/watch?v=is_fbKJN23s) accessed on 28 November 2012.

<sup>3</sup> The precise date when the AAIA was formed is unclear.

<sup>4</sup> The USA identified al-Qa'ida and Afghanistan under the government of Taliban as the initial targets of the offensive, and Iraq as the next. Aside from Iraq, Iran and North Korea included by President George W. Bush in the "Axis of Evil", a triangle of countries in the Red Sea region were identified as potential targets in the "war against terror": Sudan, Somalia and Yemen.

<sup>5</sup> "Qaeda escape in Yemen sparks Interpol global alert", Reuters, 5 February 2006.

<sup>6</sup> "Behind the U.S. Embassy Bombing in Yemen", *Time Magazine*, 17 September 2008 available at <http://www.time.com/time/world/article/0,8599,1841951,00.html> accessed on 28 November 2012.

<sup>7</sup> "Statement of General David H. Petraeus, U.S. Army Commander, U.S. Central Command, Before The Senate Armed Services Committee On The Afghanistan-Pakistan Strategic Review And the Posture of U.S. Central Command," 1 April 2009 available at <http://www.armed-services.senate.gov/statemnt/2009/April/Petraeus%2004-01-09.pdf> accessed on 28 November 2012.

<sup>8</sup> "Online Question and Answer Session with Abu Zubayr Adel al-Abab, Shari'a Official for al-Qa'ida in the Arabian Peninsula, April 18, 2012" posted on YouTube on 25 April 2011 and available at [http://www.youtube.com/watch?v=is\\_fbKJN23s](http://www.youtube.com/watch?v=is_fbKJN23s) accessed on 28 November 2012.

<sup>9</sup> The suggestion was made in letters, made public in May 2012, that were found in Osama bin Laden's Abbottabad residence where he was killed in May 2011 by members of the US Navy SEALs – and published by the Combating Terrorism Center at the United States Military Academy at West Point, New York available at <http://www.ctc.usma.edu/posts/letters-from-abbottabad-bin-ladin-sidelined> accessed on 28 November 2012.

<sup>10</sup> A published letter from Abu Baseer al-Tartoosi (Abd al-Men'em Mustafa Halima) to Ansar al-Shari'a published on 10 March 2012 available at <http://tartosi.blogspot.co.uk/2012/03/blog-post.html> accessed on 28 November 2012.

<sup>11</sup> A published letter from Adel al-Abab in response to Abu Basir al-Tartusi's letter available at [http://archive.org/stream/manbar\\_altawhid/trktm#page/n8/mode/1up](http://archive.org/stream/manbar_altawhid/trktm#page/n8/mode/1up) accessed on 28 November 2012.

<sup>12</sup> A video posted on YouTube on 24 January 2012 and available at <http://www.youtube.com/watch?v=-uukpT-8TWS> accessed on 28 November 2012.

<sup>13</sup> "Mediators urge the arrest of captives held by AQAP" (in Arabic), *Mareb Press*, an online Yemeni Arabic-language newspaper, at [http://marebpress.net/news\\_details.php?sid=43072](http://marebpress.net/news_details.php?sid=43072) accessed on 28 November 2012.

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<sup>14</sup> Previously known as the Al-Qaida and Taliban Sanctions Committee, it was established on 15 October 1999, pursuant to UN Security Council resolution 1267 concerning Osama bin Laden, al-Qa'ida and/or the Taliban and associated individuals and entities; it has subsequently been modified to deal with issues limited to al-Qa'ida. It is composed of representatives of 15 member states – the five permanent members of the Security Council and 10 rotating members.

<sup>15</sup> These sanctions are set out in paragraph 1 of Security Council resolution 1989 (2011) adopted under Chapter VII of the Charter of the United Nations.

<sup>16</sup> "Security Council al Qa'ida Sanctions Committee Amends Entry of al Qa'ida in the Arabian Peninsula (AQAP) on its Sanctions List," UN Security Council Committee, 4 October 2012 available at <http://www.un.org/News/Press/docs/2012/sc10782.doc.htm> accessed on 28 November 2012.

<sup>17</sup> "Terrorist Designations of Ansar al Sharia as an Alias for al Qa'ida in the Arabian Peninsula," U.S. State Department, 4 October 2012 available at <http://www.state.gov/r/pa/prs/ps/2012/10/198659.htm> accessed on 28 November 2012.

<sup>18</sup> Foreign Terrorist Organizations (FTOs) are foreign organizations that are designated by the US Secretary of State in accordance with section 219 of the US Immigration and Nationality Act (INA) if they are found to have engaged in terrorist activities (as defined in US laws) and if these activities threaten US national security or the security of US nationals.

<sup>19</sup> Executive Order 13224 is an executive order signed into law by US President George W. Bush on 23 September 2001 as a response to the 11 September 2001 attacks. The full text of the executive order is available at <http://www.treasury.gov/resource-center/sanctions/Programs/Documents/terror.pdf> accessed on 28 November 2012.

<sup>20</sup> Interview conducted by Amnesty International in Sana'a on 5 July 2012.

<sup>21</sup> Interview with a journalist from Zinjibar conducted by Amnesty International in Aden and Zinjibar on 8 and 11 July 2012.

<sup>22</sup> Interview with a journalist from Zinjibar conducted by Amnesty International in Aden and Zinjibar on 8 and 11 July 2012.

<sup>23</sup> There are conflicting reports on why Ansar al-Shari'a left Rada'. One report was that they were driven out by tribes allied to the government and another suggested that Tareq al-Zahab, the alleged Ansar al-Shari'a commander in charge of Rada', agreed to retreat after the government released his brother from prison.

<sup>24</sup> The judgement of the International Criminal Tribunal for former Yugoslavia (ICTY) in the Kunarac et al appeal is considered the leading authority on this issue available at <http://www.un.org/icty/kunarac/appeal/judgement/index.htm> accessed on 28 November 2012.

<sup>25</sup> *Taqrir Ikhbari VIII (news report no. 8)*, Madad News Agency (MNA), December 2011.

<sup>26</sup> The MNA reported in November 2011 that a judge appointed by Ansar al-Shari'a to handle cases in the Shabwa governorate, north of Abyan, said that in just 36 days the judiciary in Shabwa had resolved 56 of 76 cases that involved long-standing court disputes dating back years. One case involving a debt that had been languishing in the court system since 1965 was resolved by an Ansar al-Shari'a court in only three court sessions, it said.

<sup>27</sup> *Taqrir Ikhbari IV (news report no. 4)*, MNA, November 2011.

<sup>28</sup> Interviews with residents of Ja'ar and al-Husn in July and October 2012.

<sup>29</sup> Phone interview with a family member of Ramzi al-Aqd conducted by Amnesty International on 15 October 2012.

<sup>30</sup> Phone interview with a family member of Ramzi al-Aqd conducted by Amnesty International on 15 October 2012.

<sup>31</sup> According to the ruling (see Appendix I), the commanders and other members killed in the first vehicle were Abu Osama Ali bin Mubarak Firas (from the Jahm tribe in Ma'rib), Abu Tamim Mes'ab Mabkhoot bin Abboud al-Sharif (from the al-Ashraf tribe in Ma'rib), Abu Sa'id Jaber bin Sa'id al-Shabwani (from the Abida tribe), Hamad bin Sa'id bin Ghareeb (from the Abida tribe), Alawi bin Sha'afan (from the Deham tribe), and Abu Ammar al-Jahmi (from the al-Jahm tribe). Those killed in the second vehicle were Ali bin Sa'eed bin Jamil, known as Mowahed al-Marebi (from the al-Abida tribe in Ma'rib), Ibrahim al-Najdi Abdullah al-Farraj (from the Shammar tribe), and Saleh bin Abdullah al-Aqili (from the Aqil tribe).

<sup>32</sup> "Eye on the event: Confessions of spies", a video clip by MNA posted on YouTube on 12 February 2012 and available at <http://www.youtube.com/watch?v=mAJCkDSHvo4> accessed on 28 November 2012.

<sup>33</sup> Video given to Amnesty International by an activist in Ja'ar in July 2012.

<sup>34</sup> Interviews conducted by Amnesty International in Aden in July 2012.

<sup>35</sup> The ruling (see Appendix I) stated (in Arabic): "The religious court in the governorate of Abyan, the emirate of Waqar [Ja'ar], has sentenced Ramzi Mohammed Qa'id al-Ariqi to the *hadd* of killing after he was convicted of spying for the interest of Saudi intelligence".

<sup>36</sup> "Eye on the event", a video clip by MNA posted on YouTube on 3 March 2012 and available at [http://www.youtube.com/watch?v=MaOAMpNcHP0&feature=results\\_video&playnext=1&list=PLC8AA28309445C036](http://www.youtube.com/watch?v=MaOAMpNcHP0&feature=results_video&playnext=1&list=PLC8AA28309445C036) accessed on 28 November 2012.

<sup>37</sup> *Taqrir Ikhbari IX (news report no. 9)*, MNA, February 2012.

<sup>38</sup> *Taqrir Ikhbari XXI (news report no. 21)*, MNA, May 2012.

<sup>39</sup> Interview conducted by Amnesty International in Aden on 9 July 2012.

<sup>40</sup> Video given to Amnesty International by an activist in Ja'ar in July 2012.

<sup>41</sup> The call to prayer is made five times a day, usually from a mosque's minaret.

<sup>42</sup> Interviews conducted by Amnesty International in Aden in July 2012.

<sup>43</sup> Interview conducted by Amnesty International in Aden on 8 July 2012.

<sup>44</sup> *Taqrir Ikhbari III (news report no. 3)*, MNA, October 2011.

<sup>45</sup> *Taqrir Ikhbari XXI (news report no. 21)*, MNA, May 2012.

<sup>46</sup> "Eye on the event: Demolition of the shrines", posted on YouTube on 6 June 2012 and available at <http://www.youtube.com/watch?v=3AnLux28-l8> accessed on 28 November 2012.

<sup>47</sup> See International Committee of the Red Cross Study of Customary International Humanitarian Law (ICRC Customary IHL Study), Rule 40.

<sup>48</sup> Phone interview conducted by Amnesty International on 8 October 2012.

<sup>49</sup> Phone interview conducted by Amnesty International on 13 October 2012.



- <sup>50</sup> Phone interview conducted by Amnesty International on 8 October 2012.
- <sup>51</sup> Phone interview conducted by Amnesty International on 8 October 2012.
- <sup>52</sup> Phone interview conducted by Amnesty International on 13 October 2012.
- <sup>53</sup> Phone interview conducted by Amnesty International on 13 October 2012.
- <sup>54</sup> Interview with a member of the Civil Council conducted by Amnesty International in Aden on 7 July 2012.
- <sup>55</sup> Interviews with two members of the Civil Council and a woman schoolteacher, conducted by Amnesty International on 7 July and 13 October 2012.
- <sup>56</sup> The Civil Council declared all students from elementary to secondary classes to have passed the previous school year.
- <sup>57</sup> Interview with a member of the Civil Council, conducted by Amnesty International in Aden on 7 July 2012.
- <sup>58</sup> Interview with a witness to the arrest, conducted by Amnesty International in Aden in July 2012.
- <sup>59</sup> *Taqrir Ikhbari XII (news report no. 12)*, MNA, March 2012.
- <sup>60</sup> Phone interview conducted by Amnesty International on 13 October 2012.
- <sup>61</sup> Interview conducted by Amnesty International in Aden on 7 July 2012.
- <sup>62</sup> As told to Amnesty International by a witness who was with the family.
- <sup>63</sup> The visit was conducted by the Amnesty International researcher in July 2012.
- <sup>64</sup> Interviews with residents conducted by Amnesty International in Aden in July 2012.
- <sup>65</sup> Interview with a schoolteacher conducted by Amnesty International in Aden on 7 July 2012.
- <sup>66</sup> Interview conducted by Amnesty International in Aden on 10 July 2012.
- <sup>67</sup> Interview conducted by Amnesty International in Sana'a on 5 July 2012.
- <sup>68</sup> Interview conducted by Amnesty International in Aden on 11 July 2012.
- <sup>69</sup> Interview conducted by Amnesty International on 11 July 2012.
- <sup>70</sup> Interview conducted by Amnesty International in Aden on 10 July 2012.
- <sup>71</sup> MSF, "Yemen: Landmine victims on the rise", 12 July 2012.
- <sup>72</sup> Interview conducted by Amnesty International in Aden on 11 July 2012.
- <sup>73</sup> Interview conducted by Amnesty International in Aden on 11 July 2012.
- <sup>74</sup> Interview conducted by Amnesty International in Aden on 9 July 2012.
- <sup>75</sup> Interview with the 11 year-old boy Omar Qassem conducted by Amnesty International in Ja'ar on 12 July 2012.
- <sup>76</sup> Interview conducted by Amnesty International in Sana'a on 5 July 2012.
- <sup>77</sup> Interview conducted by Amnesty International in Aden on 8 July 2012.
- <sup>78</sup> Interview conducted by Amnesty International in Aden on 8 July 2012.

<sup>79</sup> Interview conducted by Amnesty International in Aden on 8 July 2012.

<sup>80</sup> ICRC Customary IHL Study, Rule 110.

<sup>81</sup> ICRC Customary IHL Study, Rules 98 and 256.

<sup>82</sup> Based on relevant treaties including CA3 and APII and international jurisprudence, the ICRC has identified indicative factors for minimum level of intensity of fighting and of organization of the parties. Factors indicating intensity include: the number, duration and intensity of individual confrontations, the type of weapons and other military equipment used, the number and calibre of munitions fired, the number of persons and types of forces partaking in the fighting, the number of casualties, the extent of material destruction, and the number of civilians fleeing combat zones. Indicative factors for assessment of organization include: the existence of a command structure and disciplinary rules and mechanisms within the armed group, the existence of headquarters, the ability to procure, transport and distribute arms, the group's ability to plan, coordinate and carry out military operations, including troop movements and logistics, its ability to negotiate and conclude agreements such as ceasefire or peace accords. See International Committee of the Red Cross, *31st International Conference of the Red Cross and Red Crescent, International Humanitarian Law and the challenges of contemporary armed conflicts*, 31IC/11/5.1.2, October 2011, page 8 at <http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-ihl-challenges-report-11-5-1-2-en.pdf> accessed on 28 November 2012.

<sup>83</sup> International Committee of the Red Cross Study of Customary International Humanitarian Law: Volume 1: Rules, J-M Henckaerts and L Doswald-Beck, eds, 2005 (ICRC Customary IHL Study).

<sup>84</sup> ICRC Customary IHL Study, Rule 1; see also Protocol I, Article 48 and Protocol II, Article 12(2).

<sup>85</sup> ICRC Customary IHL Study, Rule 5; see also Protocol I, Article 50.

<sup>86</sup> ICRC Customary IHL Study, Rule 6; see also Protocol I, Article 51(3); Protocol II, Article 13(3).

<sup>87</sup> ICRC Customary IHL Study, Rules 8 and 9; Protocol I, Article 52.

<sup>88</sup> ICRC Customary IHL Study, Rule 10.

<sup>89</sup> Protocol I, Article 52(3). See also ICRC Customary IHL Study, pages 34-36.

<sup>90</sup> ICRC Customary IHL Study, Rule 156, pages 591, 593, 595-598. See also Rome Statute of the International Criminal Court, Articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii). See also discussion in ICRC Customary IHL Study, page 27.

<sup>91</sup> ICRC Customary IHL Study, Rule 2; see also Protocol I, Article 51(2) and Protocol II, Articles 12(2).

<sup>92</sup> ICRC Customary IHL Study, Rule 11; Protocol I, Article 51(4).

<sup>93</sup> ICRC Customary IHL Study, Rule 12; Protocol I, Article 51(4)(a).

<sup>94</sup> ICRC Customary IHL Study, Rule 14; Protocol I, Articles 51(5)(b) and 57.

<sup>95</sup> ICRC Customary IHL Study, Rule 156, pages 599-601.

<sup>96</sup> ICRC Customary IHL Study, Rules 15-21.

<sup>97</sup> ICRC Customary IHL Study, Rules 22-24.

<sup>98</sup> ICRC Customary IHL Study, Rules 50 and 52.

<sup>99</sup> ICRC Customary IHL Study, Rules 87-105.

<sup>100</sup> ICRC Customary IHL Study, Rule 156, pages 590-603.

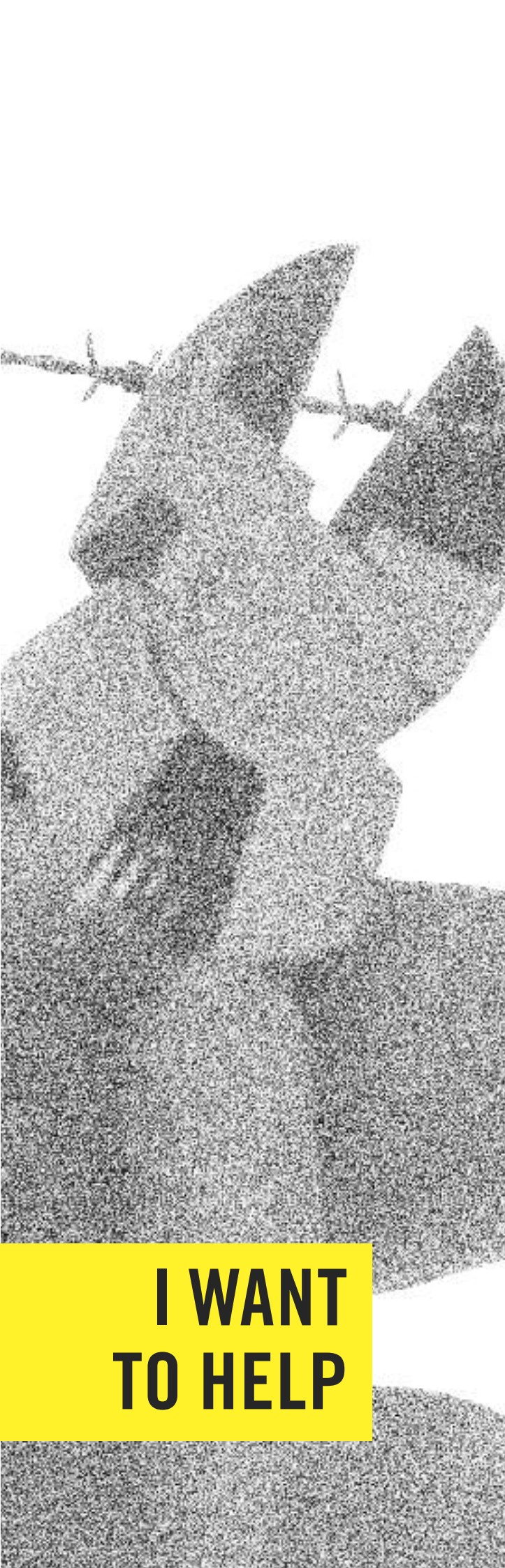
<sup>101</sup> ICRC Customary IHL Study, Rule 158, as well as provisions of the 1949 Geneva Conventions and Protocol I.

<sup>102</sup> See Article 17 of the Implementation Mechanism of the Gulf Cooperation Council Agreement signed on 23 November 2011.

<sup>103</sup> For a full account of recommendations to the government on the military and security services and for other recommendations, see Amnesty International, *Yemen: Human Rights Agenda for Change* (Index: MDE 31/012/2012), September 2012.

<sup>104</sup> See Article 3 of Republican Decree No. 140 of 2012, available at <http://www.sabanews.net/ar/news281840.htm> accessed on 28 November 2012.

<sup>105</sup> For recommendations on the set-up of a commission of inquiry, see Amnesty International, *Yemen: Human Rights Agenda for Change* (Index: MDE 31/012/2012), September 2012.



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## CONFLICT IN YEMEN

### ABYAN'S DARKEST HOUR

For around 10 months leading up to mid-2012, Abyan governorate in southern Yemen was racked by armed conflict between government forces and Ansar al-Shari'a, an Islamist armed group affiliated to al-Qa'ida. As is so often the case, civilians were the main casualties when both sides breached international human rights and humanitarian law in their battle for territory. From February 2011, Ansar al-Shari'a took control of Ja'ar and subsequently other major cities and towns in Abyan, including Zinjibar, and declared them as Islamic emirates. Among other things, it established its own courts, which led to punishments of at least one hand amputation and several executions. In May 2012, the government began a major military offensive to regain control of the governorate, which it achieved by mid-June.

This report, based mainly on a fact-finding visit to Yemen in June-July 2012, documents violations committed by Ansar al-Shari'a when cities and towns in Abyan were under their control and during the subsequent armed conflict. These violations included recklessly exposing civilians to harm during attacks; killing captured soldiers; abducting civilians, some of whom have never been seen again; and obstructing medical treatment for wounded people. It also shows how government forces used disproportionate force during the conflict.

Amnesty International is calling on the Yemeni authorities to hold to account those responsible for all these abuses and to ensure that the victims receive full redress.

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