



## 2017年1月27日也门问题专家小组给安全理事会主席的信\*\*

也门问题专家小组成员谨随信转递专家组按照第 2266(2016)号决议第 6 段编写的最后报告。

该报告在 2017 年 1 月 11 日向第 2140(2014)号决议所设安全理事会委员会提交，该委员会在 2017 年 1 月 27 日审议了这份报告。

请将本信和该报告提请安全理事会成员注意并作为安理会文件分发给荷。

也门问题专家小组

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\* 由于技术原因于 2018 年 4 月 9 日重新印发。

\*\* 此前作为 S/2017/81 号文件印发。



## 也门问题专家小组的最后报告

### 摘要

也门问题专家小组认为，在也门经历过近两年的冲突后，近期内完全由任何一方取得军事胜利不再是一种现实的可能性。该国分裂成几个相互竞争的权力中心，胡塞武装组织-萨利赫联盟控制着北部高原的大部分地区，合法政府，在沙特阿拉伯和阿拉伯联合酋长国部队的支持下，正力图建立管理南部和东部部分地区的能力。迄今为止，各方没有对政治解决或和平谈判表现出持续的兴趣或作出承诺。

专家小组评估认为，胡塞武装组织和萨利赫部队继续作为一个军事联盟开展行动，但同时在业务层面上保持着单独的指挥和控制系统。专家小组已确定，胡塞武装组织更多使用了赢得战斗的武器，如冲突前的也门库存中不曾有过的反坦克制导导弹类型的武器。这些导弹是通过与阿曼交界的一条新的主要供应路线从陆路秘密运给胡塞武装组织-萨利赫联盟的。胡塞武装组织还继续利用短程无制导弹道导弹和火箭袭击离边境 300 公里以内的沙特阿拉伯城镇，以达到某些政治和宣传效果。

沙特阿拉伯牵头的联盟发动的空袭，在破坏了也门的基础设施和祸害了平民的同时，却没有击溃胡塞武装组织和萨利赫联盟继续冲突的政治意愿。2016 年底在红海的海上袭击增加了这一冲突的区域蔓延风险。胡塞武装组织-萨利赫联盟已经表明，它有有效的反舰能力，成功袭击了阿拉伯联合酋长国的一艘军舰，并进行了其他袭击，招致美国海军对胡塞武装组织陆地雷达站进行了巡航导弹反击。还发生了身份不明的一方对通过曼德海峡向北行驶的一艘大型液化氮油轮的简易爆炸装置袭击，但袭击没有成功。

尽管发生了近距离的持续不断的冲突和伤亡，但在本报告所述期间军事前线仍然大致相同，可政治格局发生了变化。专家小组发现，胡塞武装组织-萨利赫政治联盟已经加强，最终建立了一个设在萨那的最高政治理事会。11 月 28 日，该机构宣布成立一个 42 人的新政府。专家小组认为，这是该联盟通过建立一个正常运作的、难以根除的事实上的政府来创造“既定事实”的企图。事实上，它是冲突的一个新的“官僚”阵线。在整个 2016 年里，胡塞武装组织-萨利赫政治联盟一贯和不断采取完全属于也门合法政府权力范围内的行动。

政府将中央银行迁至亚丁，有效地为冲突开辟了一条“经济战线”，目的是剥夺胡塞武装组织-萨利赫联盟支助持续的敌对行动，或管理其控制下领土所需的资源。但这也大大减少了基本物资和服务的提供，而这些是平民生存所不可缺少的。这一行动可能加快胡塞武装组织-萨利赫联盟控制下地区迫在眉睫的人道主义灾难的到来。

诸如阿拉伯半岛基地组织(半岛基地组织)和伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)在也门的附属组织等恐怖团体目前正积极利用不断变化的政治环境和治理真空,以招募新成员,实施新的袭击,并为可能持续多年的恐怖主义网络奠定基础。专家小组评估认为,半岛基地组织正在推行一项双轨战略,一方面寻求控制和管理也门领土,以作为基地,同时期待策划和实施对西方的袭击。伊黎伊斯兰国在 2016 年初经历了领导阶层重组,正期待在该年上半年的一波叛逃后吸引新招募的人员。随着 2016 年向也门推出新的简易爆炸装置技术和战术,来自恐怖团伙的简易爆炸装置威胁也显著增加。鉴于半岛基地组织、伊黎伊斯兰国、胡塞或萨利赫部队或附属总统的“抵抗”部队之间的作战人员的流动以及因此带来的技术知识交流,不能假想这种技术的使用现在保留在某单一团体手中。简易爆炸装置也在充当政府控制之外的武装团体增强战斗力的一种手段,可减少其当前和未来对常规武器的依赖。这一切大大增加了平民遭受战争遗留爆炸物之害的总体风险。

冲突中出现了冲突各方普遍违反国际人道主义法的行为。专家小组已经对这些事件中的一些进行了详细调查,并有充分理由认为,沙特阿拉伯牵头的联盟至少在 10 次空袭中没有遵守国际人道主义法,以房屋、市场、工厂和医院为目标。也非常有可能的是,胡塞武装组织和萨利赫部队至少在 3 起事件中没有遵守国际人道主义法,它们朝一个市场、一所房子和一所医院发射爆炸性弹药。

还有隶属于政府和胡塞武装组织的官员和安全部队广泛和系统地违反国际人道主义法、国际人权法和人权规范的行为。专家小组调查了强迫平民流离失所的案件,并得出结论认为,有迹象表明实施过省级政策,政府在亚丁和拉哈杰有明确的违反行为。专家小组得出结论认为,胡塞武装组织和与政府一伙的哈德拉米精英部队以及阿拉伯联合酋长国至少分别 12 次和 6 次违反了国际人道主义法和人权法及规范,强迫个人失踪。胡塞武装组织的安全部队特别惯常性地使用酷刑,并犯下涉及剥夺自由方面的违反国际人道主义法行为和侵害人权行为。专家小组还记录了许多侵犯医院、医疗工作人员、儿童和宗教少数群体的行为的案件。专家小组的结论是,胡塞武装组织-萨利赫联盟的违反行为是非常经常性的、广泛的和系统性的,说明其高层领导牵涉其中。

冲突各方阻碍在也门境内分配人道主义援助。阻挠方法各有不同,包括禁止通行、威胁人道主义工作人员,并设置试图影响在何处及如何分配援助的条件。

专家小组继续调查被指认个人的金融网络,并确定了哈立德·阿里·阿卜杜拉·萨利赫在代表名单所列个人阿里·阿卜杜拉·萨利赫(YEi.003)和艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)管理金融资产方面,具有重大作用。专家小组已发现 2014-2016 年期间可疑的大量资金转账,涉及五个国家的 6 家公司和 5 家银行,肯定远远超出高财富个人正常资金管理做法。专家小组还确定,哈立德·阿里·阿卜杜拉·萨利赫利用一家公司名为“Raydan 投资”的公司和账户,在 2014

年 12 月的三个星期期间内清洗了 83 953 782 美元。

专家小组还注意到 Fares Mohammed Mana'a(SOi.008)在区域黑市走私武器方面的金融活动，特别是自从他被 11 月 28 日设在萨那的新政府任命为国务部长以来的活动，他与阿里·阿卜杜拉·萨利赫(YEi.003)和胡塞武装组织有公开联系。他用一本也门外交护照自由旅行，包括在申根地区旅行。这一案例只是说明机会主义商人和犯罪实体如何正在利用政府的特权和豁免，从冲突中谋利的一例。利用其影响力来破坏和平解决的任何前景符合其既得利益。

只有继续和有效执行定向制裁制度将会吓阻这些个人及其支持者参与威胁也门和平与安全的行为。如果得到妥善执行，从制裁制度中除名可提供激励机制，使那些人愿意建设性地进行参与，创造一个更加美好的也门。

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\* 附件仅以原文分发，未经正式编辑。

## 一. 引言和背景

### A. 任务和任命

1. 安全理事会第 2266(2016)号决议延长了有关也门的制裁措施期限，并将也门问题专家小组任务延长至 2017 年 3 月 27 日。<sup>1</sup> 授予该委员会的任务是：

(a) 协助安全理事会第 2140(2014)号决议所设委员会完成第 2140(2014)号和第 2216(2015)号决议规定的任务，包括随时为委员会提供相关信息，用于在后一阶段指认可能参与第 2140(2014)号决议第 18 段和第 2216(2015)号决议第 19 段所述威胁也门和平、安全或稳定活动的个人和实体；

(b) 收集、审查和分析各国、联合国相关机构、区域组织和其他有关各方提供的关于制裁措施和定向武器禁运执行情况的信息，尤其是破坏政治过渡的事件的信息；

(c) 在与委员会讨论后，最迟于 2016 年 7 月 27 日向委员会提交最新中期报告，最迟于 2017 年 1 月 27 日向安全理事会提交最后报告；

(d) 协助委员会完善和更新受制裁措施限制的人员名单，包括提供生物鉴别信息和公开公布的列名理由简述的增列信息；以及

(e) 与安全理事会设立的其他相关专家组，尤其是分析支助和制裁监测组合作。

2. 8 月 17 日，专家小组根据第 2266(2016)号决议第 6 段，向委员会提交最新中期情况通报。2016 年 10 月 17 日，向委员会提交了一份最新情况补充资料，其中载有对 2016 年 10 月 8 日也门萨那 Salah al-Kubra 社区会堂遭袭击情况的初步分析。

3. 本报告所述期间为 2016 年。专家小组还继续调查其上一份最后报告 (S/2016/73)中所涉未决问题。

### B. 方法

4. 在调查中，专家小组遵守第 2266(2016)号决议第 11 段的规定，该段涉及安全理事会关于制裁的一般性问题非正式工作组所建议的标准(见 S/2006/997)，并保持了可实现的最高证据标准，尽管专家小组无法前往也门。重点强调了遵守有关透明度和消息来源、书面证据、确证可核实的独立消息来源，和提供答辩机会等方面的标准。<sup>2</sup> 专家小组在调查中一直保持着透明、客观、公正和独立，其调查结果基于可核查证据的平衡。

<sup>1</sup> 财务专家 Farhan Hyder Sahito 于 2016 年 12 月 7 日辞职，寻求别的专业机会；本报告中含有他的工作成果。

<sup>2</sup> 答辩机会详情，见附件 1，国际人道主义法方面的调查方法详情，见附件 2。

5. 专家小组利用了联合国向私人供应商采购的卫星图像来支持调查。专家小组也利用了记录海上和航空交通的商业数据库以及移动电话记录。官员通过其官方媒体渠道发表的公开言论被接受为事实，除非确立了相反的事实情况。虽然专家小组一直尽可能地保持透明，但在指明信息来源身份会使他们或他人面临不可接受的安全风险的情况下，专家小组则决定不在本报告中公布身份信息，取而代之的是，把相关证据保存在联合国档案中。

6. 专家小组审查了社交媒体，但没有使用从中收集的信息作为证据，除非能够有多个独立或技术来源，包括目击证人来证实有关信息，以适当满足可实现的最高证据标准。

7. 也门境内的地名拼写往往取决于信息来源族裔或转写质量。专家小组在本报告中采用了一种前后一致的方法。

### C. 工作方案

8. 在调查过程中，专家组成员前往了巴林、哥伦比亚、吉布提、法国、约旦、黎巴嫩、沙特阿拉伯、瑞士、阿拉伯联合酋长国、大不列颠及北爱尔兰联合王国和美利坚合众国。沙特阿拉伯为访问沙特与也门交界的 **Khamis Mushayt**、**Khubah in Jazan** 和 **Najran** 提供了便利，使专家小组得以检查胡塞武装组织发射的弹药的遗留物，以协助确定可能存在违反武器禁运的情况。专家小组要求正式访问阿曼以及也门境内分别由合法政府控制的马里卜省和由胡塞武装组织控制的萨那地区，但有关请求尚未得到批准。在超过 70% 的时间内，至少有一位专家为调查目的而旅行。

### D. 与各利益攸关方和各组织合作

#### 1. 联合国系统

9. 专家小组强调，在也门和专家小组到访的邻国，它同秘书长也门问题特使办公室及联合国驻地协调员/人道主义协调员开展了出色的合作。联合国国家工作队和负有区域任务的联合国机构一直支持专家小组的工作。专家小组一直可以直接接触到国家工作队在萨那和更广泛的区域的官员，能够交流信息和专门知识。

10. 专家小组一直与分析支助和制裁监测组以及索马里和厄立特里亚问题监测组保持密切合作。

#### 2. 与会员国和组织的来文

11. 专家小组向会员国和实体发出了 166 封信，索取关于与其任务有关的问题的资料。此类要求，并不一定意味着这些国家的政府或个人或实体，违反了制裁制度。不过，专家小组注意到，向会员国发出的索取资料请求迄今只有 57% 获得回复。在提交本报告时，正在等待下列国家的答复：澳大利亚、巴哈马、巴林、朝鲜民主主义人民共和国、吉布提、法国、匈牙利、伊朗伊斯兰共和国、约旦、科

威特、荷兰、阿曼、卡塔尔、罗马尼亚、沙特阿拉伯、俄罗斯联邦、苏丹、瑞士、阿拉伯联合酋长国、联合王国、美国和也门。胡塞武装组织控制的设在萨那的外交部和其他几个实体也尚未答复。<sup>3</sup> 答复摘要，见附件 4。

### 3. 也门政府

12. 2016 年 10 月，专家小组在利雅得会晤了也门总统阿卜杜拉布·曼苏尔·哈迪、副总统阿里·穆赫辛·艾哈迈尔和也门合法政府的其他官员。尽管他们表示完全支持专家小组，但他们提供的有关胡塞武装组织的武器和财务方面的信息不符合规定的证据标准，也没有足够的细节，专家小组无法使用其他手段和来源核实有关信息。

### 4. 胡塞武装组织-萨利赫联盟

13. 专家小组遗憾地报告，尽管 3 月 1 日、6 月 3 日、9 月 19 日和 10 月 12 日先后 4 次提出请求，但有效地控制萨那机场的胡塞武装组织方面，持续拒绝专家小组进入。专家小组一直与安萨尔阿拉和全国人民大会政治领导人保持电话联系，并在访问也门的邻国期间会晤了他们中的一些人。

## 二. 威胁和平、安全和稳定的行为

### A. 对合法政府权威的挑战

14. 安全理事会在第 2140(2014)号决议第 18(a)段中决定，阻碍或破坏海湾合作委员会倡议和执行机制协议概述的政治过渡顺利完成的行动威胁也门的和平、安全或稳定，而且此类行为的实施者可能符合指认标准。第 2216(2015)号决议第 1 段要求也门所有各方，特别是胡塞武装组织，全面执行第 2201(2015)号决议，不再单方面采取可能破坏政治过渡的行动，还要求胡塞武装组织立即无条件停止一切只有合法政府才有权采取的行动。

15. 胡塞武装组织起初对国家机构施加的控制，在 2016 年得到进一步巩固，尤其是在胡塞武装组织-萨利赫政治联盟于 8 月正式建立后。他们继续采取只有合法政府才有权采取的行动。

16. 胡塞武装组织继续控制首都萨那市和 21 个省中的 13 个。这些地区占也门国土面积的 27%，其人口在冲突爆发前占总人口的 80% 以上。胡塞武装组织除了控制萨那市外，还控制着阿姆兰、扎马尔、哈贾、荷台达、伊卜、马哈维特、利马、

<sup>3</sup> 为了避免合法政府与胡塞武装组织-萨利赫联盟当局和任命之间的混淆，并在报告中容易区分这两个方面，对合法政府各部和官员，专家小组将采用大写。例如，国防部长和国防部(英文首字母大写)。胡塞武装组织复制的行政当局将被称为“设在萨那的国防部长”和“设在萨那国防部”(英文首字母小写)。

萨达等省的全部或大部分地区。此外，他们还控制着贝达和焦夫的大片地区，并仍然活跃在塔伊兹。

#### 1. 胡塞武装组织对国家的控制(1月至8月)

17. 直至8月之前，胡塞派通过由阿卜杜勒马利克·胡塞(YEi.004)的亲属穆罕默德·阿里·胡塞领导的最高革命委员会，对萨那的中央政府机构和胡塞武装组织控制下的其他地区的地方政府行使实际控制权。

18. 在此期间，胡塞武装组织维持了可发挥正常权威的行政架构，有着公职部门并提供公共服务。胡塞武装组织代表及其委员会，在一个设有33名成员的代理政府理事会的行政架构内，对此严格进行控制和监督，该理事会由代总理塔拉勒·阿克兰领导(见附件5)。胡塞武装种族还一度控制中央银行，直至总统于9月任命新行长并命令央行迁至亚丁。

19. 胡塞武装组织还通过最高安全委员会(见附件6)维持对情报和安全机构的强力控制，有效地防止任何挑战胡塞武装组织权威的企图。专家小组认定，阿卜杜勒拉布·萨利赫·贾尔凡又名阿卜·塔哈(见图一)，已成为情报部门的最高负责人。自2015年初以来，他一直担任国家安全局局长，并对胡塞武装组织控制下的其他所有涉嫌违反国际人道主义法的也门情报和调查部门有着重大影响(见附件7)。<sup>4</sup>

图一

胡塞派情报部门负责人阿卜杜勒拉布·萨利赫·艾哈迈德·贾尔凡



资料来源：欧洲新闻台，2016年8月20日。

注：从左到右：阿卜杜勒拉布·萨利赫·艾哈迈德·贾尔凡、塔拉勒·阿克兰、萨利赫·阿里·穆罕默德·萨马德。

<sup>4</sup> 也门情报和安全部门还包括政治安全局和中央安全部队(又称特别安全部队)。见 [www.globalsecurity.org/intell/world/yemen/index.html](http://www.globalsecurity.org/intell/world/yemen/index.html)。本报告中所有超链接的核对日期均为2017年1月1日，除非另有说明。

## 2. 胡塞武装组织-萨利赫政治联盟对国家的控制(8月至12月)

20. 7月28日,阿里·阿卜杜拉·萨利赫(YEi.003)与阿卜杜勒马利克·胡塞(YEi.004)达成一项分享权力协议。设在萨那的最高政治理事会<sup>5</sup>于当日成立,该理事会由十名成员组成,萨利赫和胡塞武装组织各提名五人(见附件8),理事会于当日发布了第一项“政府”法令。此后,该理事会一直以事实政府的身份运作,任命省长和官员。<sup>6</sup>该理事会由萨利赫·阿里·穆罕默德·萨马德领导,取代了最高革命委员会,但后者尚未解散。<sup>7</sup>

21. 11月28日,最高政治理事会宣布成立42人政府,该政府由阿卜杜勒-阿齐兹·本·哈卜图尔<sup>8</sup>领导,他是全国人民大会党的活跃成员,并与阿里·阿卜杜拉·萨利赫(YEi.003)有关联(见附件9)。专家小组认为,这是胡塞武装组织-萨利赫联盟制造“既定事实”的尝试,成立一个今后为恢复和平政治过渡很难根除的事实政府。专家小组注意到,设在萨那的内阁不包括胡塞武装组织和全国人民大会党中最有影响力的成员,并认为该联盟可能会利用这一内阁来确保在今后的任何和平谈判中处于更强有力的讨价还价地位。

## 3. 胡塞武装组织-萨利赫联盟与国际社会的互动

22. 在国际关系方面,胡塞武装组织与那些保留驻萨那外交代表机构的会员国建立或维持外交接触,这些国家包括伊朗伊斯兰共和国、俄罗斯联邦和阿拉伯叙利亚共和国。在无其他外交代表机构的情况下,<sup>9</sup>胡塞武装种族和阿里·阿卜杜拉·萨利赫(YEi.003)均利用他们驻阿曼的代表团与其他国家的代表互动。首席谈判代表Mohamed Abdusalam Salah Fletah逐渐成为胡塞武装种族在国际社会中的公众形象代言人。<sup>10</sup>不过,专家小组经评估认为,在谈判期间作出决定的人是

<sup>5</sup> 萨迪克·阿明·阿卜·拉斯和萨利赫·阿里·穆罕默德·萨马德分别代表阿里·阿卜杜拉·萨利赫(YEi.003)和阿卜杜勒马利克·胡塞(YEi.004)签署了该协议。

<sup>6</sup> 议会随后批准成立特别政治理事会,下一届议会选举按计划本应于七年前举行。共301个席位的议会中有26名议员在此期间过世,剩下的275名议员中有142人出席了会议并批准成立该理事会。财务咨询委员会、媒体咨询委员会和政治咨询委员会的成员组成见附件6。

<sup>7</sup> 最高革命委员会依然存在,尽管并不清楚该委员会继续掌握哪些权力,而且其许多成员已于设在萨那的最高政治理事会和(或)11月28日成立的设在萨那的政府中担任其他职务。该委员会负责人穆罕默德·阿里·胡塞继续保留头衔并活跃在官方活动中。见12月5日该委员会的声明,可查阅[www.almasirah.net/details.php?es\\_id=833&cat\\_id=3](http://www.almasirah.net/details.php?es_id=833&cat_id=3)。

<sup>8</sup> 现任总统曾任命他担任亚丁省省长。

<sup>9</sup> 大多数国际代表机构在2015年1月胡塞武装种族控制萨那之后到2015年3月26日“决定性风暴”行动开始之前的这段时间内关闭。

<sup>10</sup> Hamza al-Houthi 在这方面为他提供协助,此人与阿卜杜勒马利克·胡塞(YEi.004)有一些关联。

与阿卜杜勒马利克·胡塞(YEi.004)关系密切的 Mahdi Mohammed Hussein al-Mashaat(见附件 10)。<sup>11</sup>

23. 也门大多数驻外外交代表机构仍然隶属于合法政府,但驻伊朗伊斯兰共和国<sup>12</sup> 和阿拉伯叙利亚共和国的代表机构除外。胡塞武装组织于 3 月 7 日任命纳伊夫·艾哈迈德·哈密德·卡内斯担任驻叙利亚大使,这是胡塞武装组织任命的第一名外交官。<sup>13</sup>

## B. 停止敌对行动和恢复政治进程的障碍

24. 在本报告所述期间,和平解决方面没有实质进展。

25. 4 月 21 日启动在科威特举行的和谈,为达成停止敌对行动的安排提供了第一次机会,这样的安排原本会为潜在的政治过渡创造更有利的环境。会谈于 8 月 6 日结束,其间经常发生违反也门各方一致同意以及胡塞武装组织和沙特阿拉伯在双边层面同意实施的停止敌对行动安排的事件。这些事件包括胡塞武装组织四次向沙特阿拉伯领土发射无控火箭、胡塞武装组织和萨利赫部队与政府属下部队继续在塔伊兹和 Nihm 前线开展军事行动,以及以沙特阿拉伯牵头的联盟实施空袭。其中一方偶尔会利用违反行为作为暂停参加或威胁退出会谈的借口。<sup>14</sup>

26. 取得一定进展的方面是,通过有关在沙特阿拉伯 Dhahran al-Janub 设立缓和协调小组的协议,改善了停止敌对行动的协调机制。该小组的成员包括政府和胡塞武装组织-萨利赫联盟的官员。不过,随着会谈陷入停滞,信任的缺乏导致无法取得进展。<sup>15</sup> 尽管有联合国和国际社会的支持,该小组仍无法运作,因为胡塞武装组织拒绝向小组派遣官员。胡塞武装组织随后对该小组所在地点进行了炮击。<sup>16</sup>

<sup>11</sup> 据身份保密的消息灵通人士称,他担任胡塞武装组织谈判小组负责人已有两年多。他能够直接与在幕后操作的阿卜杜勒马利克·胡塞(YEi.004)接触。许多保密的消息来源称他为冲动的强硬派。

<sup>12</sup> 也门外交人员告诉专家小组,合法政府已于 2015 年 9 月召回了自己的大使。此后,大使馆中的其他外交人员便开始支持胡塞武装组织。

<sup>13</sup> 特别革命委员会第 89 号法令。见“最高革命委员会人民驻叙利亚大使”,也门新闻社,2016 年 3 月 7 日,可查阅 <http://sabanews.net/en/news421619.htm>。一名也门外交人员告诉专家小组,全权证书程序要求必须由总统授权,由于被提名人不符合要求,阿拉伯叙利亚共和国仅接受其为临时代办。

<sup>14</sup> 5 月 1 日,合法政府代表团暂停参加直接会谈,声称胡塞武装组织和萨利赫部队洗劫了驻扎在阿曼省 Harf Sufyan 的第 29 机械化步兵旅。同样,会谈上的胡塞武装组织代表团团长抱怨称,联盟实施的空袭正危及会谈。见 <https://twitter.com/abdusalamsalah>。

<sup>15</sup> 5 月 26 日,专家小组访问位于沙特阿拉伯吉赞附近、距离也门边界不到 5 公里的 Khubah,并注意停止敌对行动的状态十分脆弱,因为可以听到零星的射击声。这个村庄的居民因此前发生的战斗而被疏散。

<sup>16</sup> 11 月 17 日,胡塞武装组织在阿曼与美国国务卿约翰·克里举行会谈后,承诺重新启动该小组,并向 Dhahran al-Janub 派遣成员。停止敌对行为尚未实现。见 <https://twitter.com/OSESGY/status/800051770022051840?lang=en>。

## C. 安全和区域动态

### 1. 合法政府属下部队控制的地区

27. 合法政府在建立安全和有保障的环境以及确保在其控制的地区提供公共服务方面继续面临严重挑战。在本报告所述期间，总统长期滞留利雅得，直至 11 月 26 日才返回亚丁。<sup>17</sup> 副总统阿里·穆赫辛在也门境内的出行地点仅限于马里卜。总理艾哈迈德·奥贝德·穆巴雷克·本·达格尔早前于 6 月被派往亚丁，随后对马里卜、穆卡拉和索科特拉岛进行了短暂访问。由于安全原因，来自北方的官员在亚丁的存在和政府全体成员在亚丁的行动仍然受限。

28. 专家小组调查了这些地方官员和军事指挥官中的部分人员可能参与威胁也门和平、安全或稳定的行为的情况。这些行为包括企图破坏该国统一和领土完整的行为、违反国际人道主义法和国际人权法以及有关支持恐怖主义组织的指控。

### 2. 盟军的参与情况

29. 2016 年，沙特阿拉伯牵头的联盟在政治组成方面没有变化。<sup>18</sup> 不过，其军事组成的确有所改变。摩洛哥在 7 月 13 日的信中告诉委员会和专家小组，其自 1 月 22 日起便停止使用航空资产支持也门政府。埃及在 7 月 18 日的信中告诉专家小组，其正在派遣海军部队，以确保曼德海峡的航行安全。8 月 22 日，埃及总统阿卜杜勒·法塔赫·塞西在新闻发布会期间确认沙特阿拉伯境内有埃及空军人员，但否认该区域存在除执行维持和平任务以外的地面部队。<sup>19</sup>

30. 在行动层面，专家小组认为，该联盟在沙特阿拉伯和阿拉伯联合酋长国的控制下开展的军事活动(见附件 11 中的地图)，情况如下：

(a) 由沙特阿拉伯领导、位于利雅得的联合总部对也门境内的空中行动进行作战控制，该总部设有负责选择目标和分配任务流程的目标设定和控制小组。联合总部中不包括摩洛哥和塞内加尔在内的联盟成员国的军官；<sup>20</sup>

(b) 沙特阿拉伯对马里卜的地面行动进行作战控制；

(c) 阿拉伯联合酋长国对亚丁和穆卡拉附近的地面行动进行作战控制；

<sup>17</sup> 2 月 13 日，他离开亚丁，前往利雅得。7 月 19 日，他返回马里卜，进行为期一天的访问。然后，他于 8 月 26 日访问了亚丁。11 月 26 日，他返回亚丁，此后一直留在那里，仅于 12 月 3 日和 4 日访问过阿拉伯联合酋长国。

<sup>18</sup> 专家小组经评估认为，沙特阿拉伯正在牵头领导由海湾合作委员会四个成员国(巴林、科威特、卡塔尔和阿拉伯联合酋长国)和阿拉伯国家联盟四个成员国(埃及、约旦、摩洛哥和苏丹)组成的联盟。

<sup>19</sup> 见 <http://www.ahram.org/News/192000/25/News/192000/25/547049-ولا-أحد-يجلى-عليها-غور-ما-تر-الأولى/القرار-المصري-«مستقل»-ولا-أحد-يجلى-عليها-غور-ما-تر-الأولى.aspx>。

<sup>20</sup> 美国军官在那里为后勤和情报活动提供支援。沙特阿拉伯领导的“恢复希望”行动的联合行动负责人告诉专家小组，联合总部还有法国、马来西亚和联合王国的军官。

- (d) 也门军队对塔伊兹地区的地面行动进行松散的作战控制；
- (e) 海上行动由各国指挥。

31. 在 3 月 10 日至 8 月 6 日的停止敌对行动期间，联盟大大降低了在也门开展空中行动的频率。<sup>21</sup>

32. 8 月 6 日，科威特会谈崩溃。此后，联盟扩大了空中行动的范围并增加了行动频率，这还导致 10 月 8 日萨那的一座殡仪馆遭到空袭(见第 121 段)。联盟对前往萨那的商业航班实施更多限制，在 8 月取消了也门航空的航班，这家公司的航班过去是在沙特阿拉伯 Bishah 接受检查后降落到萨那国际机场。联盟拒绝阿曼国拥有的飞机在阿曼和萨那之间运送政治代表团。因此，参加科威特会谈的胡塞武装组织代表团在阿曼滞留了两个多月。10 月 15 日，代表团搭乘一架阿曼飞机回国，这架飞机破例获得允许，可运送殡仪馆空袭事件的受害者。

地图 1

截至 2016 年 12 月 31 日的冲突地区



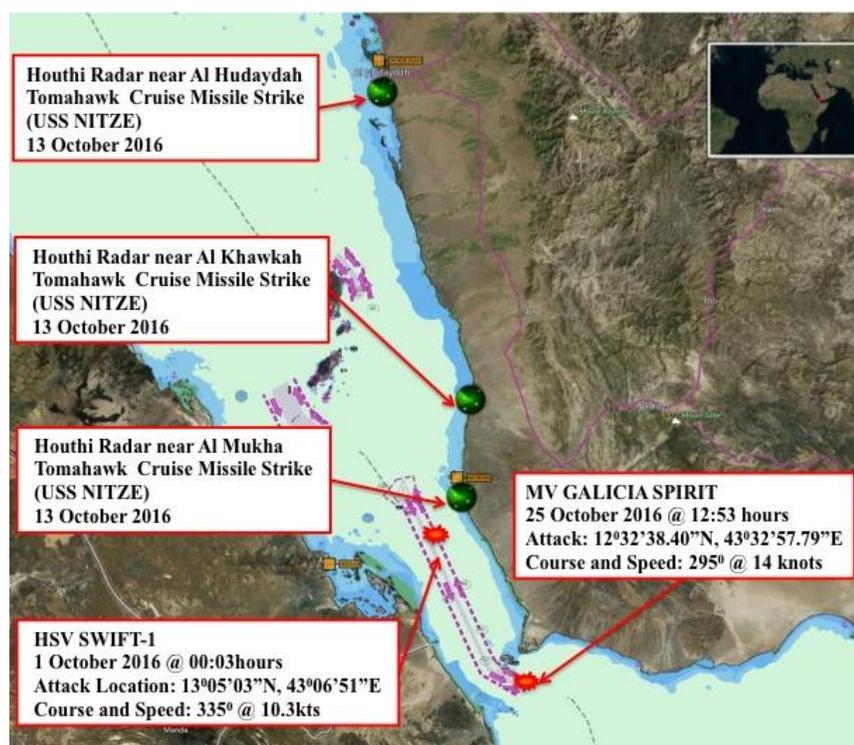
### 3. 曼德海峡和红海的海上袭击

<sup>21</sup> 3 月 10 日，胡塞武装组织和沙特阿拉伯开始停止边界的敌对行动。4 月 10 日，联合国提议的停止敌对行动安排启动。

33. 胡塞武装组织或萨利赫的部队于 10 月 1 日对悬挂阿拉伯联合酋长国旗帜的褐雨燕 1 号船只，并于 10 月 9 日和 12 日对美国梅森号驱逐舰发射反舰艇导弹，联盟的船只据报受到来自也门海岸的雷达锁定，<sup>22</sup> 10 月 13 日，美国海军用巡航导弹摧毁了位于也门海岸胡塞武装组织控制区内的三处雷达站，10 月 25 日，身份不明的部队对悬挂西班牙旗帜的加利西亚精神号商船发动海上袭击：这些都表明海上冲突严重升级(见地图 2)。

34. 专家小组认为，使用反舰艇导弹进行袭击威胁也门的和平与安全，因为在曼德海峡和红海上发动此类袭击可能影响海上航行和商业运输的安全，从而危及通过海路向也门提供人道主义援助的工作，违反第 2216(2015)号决议第 19 段的规定。全球所有海上贸易中有 8% 以上使用这条路线前往苏伊士运河。<sup>23</sup>

地图 2  
海上袭击



<sup>22</sup> 海上资产安全和培训，情报报告，第 49 期，2016 年 11 月 2 日。可查阅 [www.mast-security.com](http://www.mast-security.com)。

<sup>23</sup> “问与答：苏伊士运河”，《卫报》，2011 年 2 月 1 日。可查阅 [www.theguardian.com/business/2011/feb/01/suez-canal-egypt-q-and-a](http://www.theguardian.com/business/2011/feb/01/suez-canal-egypt-q-and-a)。

### 对褐雨燕 1 号的袭击

35. 褐雨燕 1 号当时正在为直接支援阿拉伯联合酋长国在也门的军事行动而航行，该船定期从厄立特里亚的阿萨布向亚丁运输物资、部队和设备。<sup>24</sup> 该船没有进行常规的交付人道主义援助的工作。根据国际人道主义法，这艘船是合法的军事目标。一枚反舰艇导弹的火箭发动机中的推进剂燃烧引起火灾，导致这艘船严重受损。弹头未能在撞击时引爆，而是穿越了船体。更多信息，见附件 13。

36. 中立的民用船只仍有可能因系统故障或夜间误判目标而遭到袭击。胡塞武装组织-萨利赫联盟已经展示了在红海袭击大型船只的技术能力。然而，在武器禁运有效地确保其他方面不再向该联盟供应反舰艇导弹的情形下，这种能力所持续的时间，只能维持在该联盟可动用也门海军过去遗留下来的在武器禁运前获得的导弹储备的时间长度。

### 用简易爆炸装置对加利西亚精神号商船发动的袭击

37. 10 月 25 日，液化天然气运输船加利西亚精神号商船在海上遭到袭击，这表明商业运输在靠近也门海岸时容易遭到小船袭击。袭击者下定决心尝试携带含有约 20 至 70 公斤高爆炸药的简易爆炸装置登上这艘船。这一企图之所以失败，只是因为装置意外地过早引爆。袭击者小组拥有体积较大的简易爆炸装置，并决心靠近和登上船只，这显示出一种新的策略。

38. 袭击地点、策略和设备以及简易爆炸装置的类型都提供了有关袭击者身份的线索。专家小组正在继续调查，并已将所有相关信息转交分析支助和制裁监测组，供其参考。专家小组认为，此次袭击更多地是为了“惊动国际社会”，而非也门冲突的一部分。专家小组还认为，此次袭击并非特别针对加利西亚精神号商船，这艘船只是一个临时目标；任何当时在该地区向北航行的类似船只都同样有可能遭到袭击。更多信息，见附件 14。

## 三. 武装团体和军事单位

39. 根据第 2140(2014)号决议第 17 段和第 2216(2015)和 2266(2016)号决议重申的规定，专家小组继续调查与可能正在参与威胁也门和平、安全或稳定的行为或支持这些行为的武装团体有关联的个人和实体。

### A. 也门军队

40. 也门军队内部仍然分歧严重。军队对中央政府的忠诚度历史上一直很低，现在几乎荡然无存。如今，军队效忠于各个团体，其中许多团体自称是国家或替代性的治理当局。专家小组经评估认为，也门面临陷入无可挽回的分裂的危险。自

<sup>24</sup> 阿拉伯联合酋长国以阿萨布为基地开展的军事行动详情，见 S/2016/920 第 31-35 段。

从沙特阿拉伯牵头的“决定性风暴”行动于 2015 年 3 月 26 日开始以来，已有若干军事单位向胡塞武装组织叛变或加入前总统阿里·阿卜杜拉·萨利赫(YEi.003)的阵营。仍然忠于现任总统的那些军事单位往往在兵力未满编的状态下行动。也门没有任何实体在权力或使用武力方面占据垄断地位。这导致四分五裂的各旅和各营之间爆发了混乱无序的冲突，没有任何一方能够在冲突中将自己的意愿强加于人。

41. 在实际中，这意味着，如同双方在政治领域就同一职位各自任命人选一样，也门境内有“复制”的军事单位在开展行动，既有忠于现任总统的合法军事单位，也有忠于胡塞武装组织或前总统的“影子”单位。例如，塔伊兹有两个第三十五装甲旅，一个忠于合法政府，另一个在前总统控制下行动。两个旅都自称是“真正”的第 35 装甲旅，都继续使用该名称；<sup>25</sup> 这种复制的单位在也门各地很常见。<sup>26</sup> 此外，还成立了新的军事组织，如成立于 2016 年初并活跃在也门南部各地的安全地带部队、<sup>27</sup> 驻扎在哈德拉毛的哈德拉米精英部队，以及虽然隶属于合法政府但行动基本不受其控制的各种民兵团体。也门的冲突并非各军事单位为实现共同的总体目标而行动的一场大规模战争，而是由若干规模较小的战争组成，地方指挥官各有目的。

## B. 萨利赫网络

42. 前总统阿里·阿卜杜拉·萨利赫(YEi.003)继续有效地指挥和控制着他在担任国家元首 30 多年期间(1978 年-2012 年)建立起来的庞大盟友网络。这一网络有三个不同的组成部分：部落、政治和军事。部落人员以他的 Sanhan 部落为中心。<sup>28</sup> 政治方面以全国人民大会党为中心，他本人仍是该党领导人。在军事上，他在担任总统期间任命的几名高级军官个人仍然效忠于他。最后这个部分对他继续保持影响力和权力最为重要，在这一部分他安插了他最信赖的副手们。例如，与他来自同一部落的 Abdullah Daba'an 准将是塔伊兹的轴心指挥官。

43. 萨利赫(YEi.003)网络依靠高度个人化的效忠关系运作，最好将其想象为从家族到部族再到部落的三个同心圆。<sup>29</sup> 他还将婚姻政治当作建立持久联盟的次要

<sup>25</sup> 这不仅导致难以建立准确的战斗序列，还使得对各种行为和违规事件追究责任的工作变得复杂。

<sup>26</sup> 例如，塔伊兹的第 17 机械化步兵旅也是如此。

<sup>27</sup> 最初由专家小组于 5 月发现。不过，专家小组认为，该组织早在 3 月或 4 月便已成立。

<sup>28</sup> 见附件 15 中 Bayt al-Ahmar 各家族、部族和部落的背景。

<sup>29</sup> 萨利赫的核心圈子是他的近亲属，特别是儿子(见附件 16)和甥侄(见附件 17)。他所属的 Afaash 部族的成员属于第二圈，而他所属的 Sanhan 部落的其他成员基本组成了最外一圈。另见 Sarah Phillips, 也门与永久危机政治(联合王国 Abingdon, Routledge 出版社, 2011 年)。

手段，让儿女通过婚姻进入显赫家族。<sup>30</sup> 虽然这一网络中有人叛变，特别是在 2011 年和 2012 年的民众起义期间，但该网络基本完整地延续下来。<sup>31</sup>

44. 1978 年，阿里·阿卜杜拉·萨利赫(YEi.003)在紧接着两名前任均遭到野蛮暗杀后开始掌权。他担心自己的人身安全，<sup>32</sup> 于是大力改革和调整也门的军事指挥结构，直至其与 Sanhan 部落的结构类似。<sup>33</sup> 这项措施让他的身边都是自己信任的人，还让他能够任命许多高级军官并获得他们的忠心。<sup>34</sup>

45. 现任总统于 2012 年后努力调整也门军队的结构，但往往受到这些军官中许多人的抵制，他们对阿里·阿卜杜拉·萨利赫(YEi.003)的忠诚超过了对国家本身的忠诚。随着胡塞武装组织于 2014 年末接管萨那以及“决定性风暴”行动于 2015 年 3 月 26 日开始，这些军官中有许多人与现任总统决裂，并继续代表萨利赫行动。虽然萨利赫时而声称自己不再控制或指挥也门的军事单位，但专家小组经评估认为，这是遮羞布，目的是让他能够推诿责任并避免因其指挥和控制的部队违反国际人道主义法而造成更多国际影响和承担更多国际责任。<sup>35</sup>

46. 7 月末，专家小组首次记录到忠于萨利赫的军事单位与胡塞武装组织的军事单位在与沙特阿拉伯的边界上并肩作战。<sup>36</sup> 7 月 31 日，共和国卫队<sup>37</sup> 的一名成员 Sharif Ahmed Ali Ghashim Maqawlah 在边界丧生，这是已知的第一起忠于阿里·阿卜杜拉·萨利赫(YEi.003)的士兵伤亡事件。随后几周发生了其他几起伤亡

<sup>30</sup> 见附件 18 中萨利赫妻子的名单，以及附件 19 中他女儿和女婿的名单。

<sup>31</sup> 一个值得注意的例子是现任副总统阿里·穆赫辛·艾哈迈尔，他多年来都忠于萨利赫，直到 2011 年才与他决裂。他和萨利赫来自同一个村庄(Bayt al-Ahmar)和部落(Sanhan)，但所属部落不同。

<sup>32</sup> 阿里·阿卜杜拉·萨利赫(YEi.003)在整个职业生涯中躲过了数次暗杀行动，其中有多次暗杀是在 1970 和 1980 年代他执政初期发生的。他躲过的最近一次暗杀行动发生在 2011 年 6 月。

<sup>33</sup> Sanhan 传统上并非也门的强大部落。该部落正是随着萨利赫成为总统而强大起来，主要是借助向军队输送军官的方式。

<sup>34</sup> 这些 Sanhan 军官中有许多人担心，如果阿里·阿卜杜拉·萨利赫(YEi.003)被迫离开也门，他们也会遭到清洗。

<sup>35</sup> 见萨利赫在 2015 年 10 月的发言(详情见 S/2016/73)和 6 月 25 日的更近一次发言，可查阅 [www.almotamar.net/pda/130743.htm](http://www.almotamar.net/pda/130743.htm)。

<sup>36</sup> 这些单位的人员似乎主要来自胡塞武装组织控制下的共和国卫队，共和国卫队从严格意义上说已被现任总统解散，但仍在萨利赫的指示下行动。

<sup>37</sup> 胡塞武装组织控制下的共和国卫队当时由 Ali bin Ali al-Ja'ifi 指挥，他在 2016 年 10 月 8 日以沙特阿拉伯为首的联盟袭击社区会堂的事件中受伤，并于 10 月 10 日因伤去世。Murad al-Awbali 少将接替了他，此人过去曾指挥过共和国卫队内的第 62 机械化旅，该旅现驻扎在阿姆兰的 Farijah 军事基地。2016 年，Al-Awbali 和该旅在 Nihm 的战斗中表现活跃。

事件，<sup>38</sup> 包括 Hasan Abdullah Muhammad al-Mulusi 准将于 9 月 22 日死亡(见图二)。<sup>39</sup>

图二

“殉难”海报中的 Hasan Abdullah Muhammad al-Mulusi(左)以及与艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)在一起的 Hasan Abdullah Muhammad al-Mulusi(右)



47. 虽然胡塞武装组织-萨利赫联盟在政治上变得更为紧密，但忠于阿里·阿卜杜拉·萨利赫(YEi.003)的军事单位和在胡塞武装组织领导下行动的军事单位仍然基本上相互独立。<sup>40</sup> 专家小组经评估认为，萨利赫与阿卜杜勒马利克·胡塞(YEi.004)之间的关系是权宜联盟，不太可能持续到当前冲突结束之后。萨利赫过去采取的统治方式是挑拨各群体互相对抗，并喜欢将这个过程称为“在众多蛇头上跳舞”。2004 年至 2010 年间，他与胡塞武装组织进行了六场战争，此后他与该武装组织结盟是上述策略的最新表现形式。虽然萨利赫网络和胡塞武装组织目前由于共同的敌人而结盟，但若干长期问题继续导致双方存在分歧，特别是在今后建立任何国家时采用何种形式和意识形态的问题上。不过，胡塞武装组织和萨利赫指挥官目前仍继续在军事打击方面进行协调和合作。<sup>41</sup>

<sup>38</sup> 忠于萨利赫网络并于 7 月至 8 月间在与沙特阿拉伯的边界上被杀的士兵名单见附件 20。

<sup>39</sup> 他曾是也门特种部队反恐股负责人，该股现由萨利赫长子艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)领导。阿里·阿卜杜拉·萨利赫(YEi.003)于 2012 年辞职，军队随后进行了改组，此后 al-Mulusi 在阿拉伯联合酋长国担任艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)的近身保护小组组长。

<sup>40</sup> 这方面有一个例外，这个例外值得注意，因为这是专家小组观察到的唯一一个例外情况：Hasan Abdullah Muhammad al-Mulusi 准将虽然与萨利赫家族关系密切而且是 Sanhan 部落的成员，但却领导着一批胡塞武装组织作战人员。专家小组约谈的消息来源称，这是因为 al-Mulusi “变成了胡塞武装组织人员”，他加入该运动，以便为据称在联盟对萨那的空袭中丧生的一个儿子报仇。

<sup>41</sup> 专家小组区分了胡塞武装组织-萨利赫政治联盟与胡塞武装组织和萨利赫军事部队的联盟。对于前者，专家小组将联合最高政治理事会的成立视为两个团体正式达成分享权力协议的标志。不过，专家小组虽然认定胡塞武装组织和萨利赫的部队同属一个军事联盟，但并未发现双方部队进行大规模整合。因此，专家小组使用“胡塞武装组织-萨利赫政治联盟”与“胡塞武装组织和萨利赫部队”两个词描述当地局势。

48. 专家小组发现，胡塞武装组织和萨利赫部队有三种不同的运作方式。在塔伊兹等人口中心，他们以传统的军队架构运作，有一名军区指挥官、多名轴心指挥官和多名旅长。<sup>42</sup> 在与沙特阿拉伯的边界上有一些规模较小的特别行动部队(包括共和国卫队人员)和机动导弹小组。导弹部队曾经是艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)指挥的共和国卫队的一部分，但现在似乎是在胡塞武装组织部队的控制下行动。<sup>43</sup> 最后，胡塞武装组织部队在红海沿岸采用了领地防御战略，包括使用地雷支持各要地的防御。

### C. 胡塞武装组织网络

49. 阿卜杜勒马利克·胡塞(YEi.004)<sup>44</sup> 领导的胡塞武装组织兼有政治和军事部门。虽然他们与阿里·阿卜杜拉·萨利赫(YEi.003)结盟，设立了最高军事委员会，但该运动的关键决定仍由阿卜杜勒马利克·胡塞(YEi.004)作出，<sup>45</sup> 据信他在萨达。<sup>46</sup>

50. 在军事上，胡塞武装组织采用两级办法：经常在胡塞武装组织控制的各地区轮调的民兵网络，<sup>47</sup> 以及由与现任总统决裂并“加入”胡塞运动或现在支持该运动的军官指挥的前也门武装部队常规单位。<sup>48</sup> 这些军官当中有许多人(当然并非全部)都是来自赛义德家族的宰德派。其中一个人物是 Zakaria Yahya Mohammed al-Shami 少将，胡塞武装组织任命他担任副参谋长。<sup>49</sup> 正如萨利赫

<sup>42</sup> 见附件 21 中胡塞派和萨利赫部队行动活跃的军区内的指挥和控制结构概述。

<sup>43</sup> 导弹部队总部设在萨那的 Faj Attan，导弹部队各旅驻扎在萨那西南的 Sabra 营地。穆罕默德·纳赛尔·艾哈迈德·阿蒂菲少将是来自 Khawlan 的 Hadr 小部落的一名军官，现总统于 2013 年任命其为导弹部队指挥官。阿卜杜勒马利克·胡塞(YEi.004)赞扬该部队的创造力，阿蒂菲少将获任命在 11 月 28 日成立的萨那政府中担任驻萨那的国防部长。

<sup>44</sup> 见附件 22 中胡塞运动的背景，以及附件 23 中胡塞派家族谱系。

<sup>45</sup> 阿卜杜勒马利克·胡塞(YEi.004)担任领导造成与胡塞派网络早期成员之间的一些不和。他与 Abdullah al-Razzami 之间尤其如此，此人曾担任 Hizb al-Haqq 党的议会议员，在 2004 年胡塞派第一次战争中是 Husayn al-Houthi 的关键副手。专家小组认为，继续住在萨达的 al-Razzami 不再是胡塞运动的成员。9 月初，他的部落 Razzam 的成员与胡塞派战斗人员在萨达发生冲突，造成七人死亡。

<sup>46</sup> 他很少公开露面，最常通过录像讲话与公众沟通。

<sup>47</sup> 这些民兵与许多非正规部队一样，不穿制服，不驻扎在基地。其指挥官往往使用假名(阿拉伯文为 kunya)，如 Abu Ali(字面意思为“Ali 的父亲”)，这使得他们的身份难以确定。例如，见这篇关于伊卜的一名胡塞武装组织指挥官的文章，人们只知道他的假名是 Abu Hamza：[www.almasdaronline.com/article/83398](http://www.almasdaronline.com/article/83398)。另见附件 24 中 9 月在马里卜获释的胡塞武装组织战斗人员名单，该名单说明了不同区域的胡塞武装组织战斗人员到全国各地参与作战的程度。

<sup>48</sup> 往往无法确定哪些高级军官因意识形态一致而加入胡塞运动，哪些是由于胡塞武装组织在某一特定地区势力最强而加入。

<sup>49</sup> 在 11 月 28 日宣布成立的设在萨那的胡塞-萨利赫政府中，他被任命为胡塞武装组织控制区的交通部长。专家小组尚未确认他是否会继续担任如今隶属于胡塞武装组织各武装团体的前也门军队的实际负责人。

的网络一样，身份发挥着虽非决定性但十分关键的作用。<sup>50</sup> 胡塞武装组织为也门七个军区中的五个任命了军事指挥官。<sup>51</sup> 此外，胡塞武装组织还控制着国家安全局这个情报机构，<sup>52</sup> 该机构的负责人是阿卜杜勒拉布·萨利赫·艾哈迈德·贾尔凡。<sup>53</sup>

#### D. 阿拉伯半岛基地组织

51. 阿拉伯半岛基地组织(半岛基地组织)于 2016 年 4 月底被迫撤出穆卡拉后，一直无法攻占、占据或管理规模与之类似的领地。<sup>54</sup> 不过，半岛基地组织依然在也门积极发动袭击，这些袭击大致分为三大类：自杀式袭击(见附件 28)、迫击炮袭击和路边炸弹。整个 2016 年，半岛基地组织声称发动了约 200 起袭击，<sup>55</sup> 其中大多数是通过路边炸弹实施的袭击(见第 86 段)。

52. 半岛基地组织在也门开展的大多数活动是为了与胡塞武装组织作战(特别是在贝达)，<sup>56</sup> 在阿比扬和亚丁袭击安全地带部队，<sup>57</sup> 以及在哈德拉毛打击忠于总统的部队。<sup>58</sup> 专家小组还评估认为，半岛基地组织正以也门为基地，积极筹备即将对西方实施的恐怖主义袭击。<sup>59</sup> 该团体继续积极地从也门各部落招募成

<sup>50</sup> 在萨利赫的网络中，重要的身份是部落，特别是来自 Sanhan 部落。对于胡塞武装组织而言，重要的身份是宗教，即为先知的后裔。

<sup>51</sup> 见附件 25 中有关胡塞武装组织军区指挥官的信息。附件 26 列举了胡塞武装组织在一个区内的任命情况为例。

<sup>52</sup> 国家安全局是胡塞武装组织控制的也门最强大的情报部门。背景见 [www.globalsecurity.org/intell/world/yemen/index.html](http://www.globalsecurity.org/intell/world/yemen/index.html)。该机构最初成立于 2002 年，成立该机构至少在一定程度上是为了消除外界对主要情报机构政治安全局被同情圣战者渗透的担忧。阿里·阿卜杜拉·萨利赫(YEi.003)很快就为这个新组织委任了新成员，他让侄子 Ammar Muhammad Abdullah Saleh 担任该局第一副局长，他的侄子此前曾担任这一职务，直至 2012 年被现任总统免职。

<sup>53</sup> 除了在胡塞武装组织控制下的国家安全局任职外，阿卜杜勒拉布·贾尔凡还于 2015 年 2 月获任命代表胡塞武装组织加入最高安全委员会。见 [www.almashhad-alyemeni.com/news46910.html](http://www.almashhad-alyemeni.com/news46910.html)。8 月 20 日，他同样被任命为军事和安全委员会成员。见 [www.gulfeyes.net/middle-east/582499.html](http://www.gulfeyes.net/middle-east/582499.html)。成员完整名单见附件 6。

<sup>54</sup> 有关专家小组关注的半岛基地组织重要官员的信息载于附件 27。

<sup>55</sup> 这一数目并不确切，因为半岛基地组织根据伊斯兰教历列出每月发动的袭击，这种历法基于月亮周期，因此无法确定精确的起点。

<sup>56</sup> 专家小组记录了半岛基地组织和与胡塞武装组织有关联的民兵在贝达发生的几次冲突，特别是在 9 月和 10 月期间。

<sup>57</sup> 这方面最近的一个例子是 11 月 28 日在阿比扬用路边炸弹暗杀安全地带部队前指挥官和现任“抵抗力量”领导人 al-Khadr Mualim。见 [www.almasdaronline.com/article/86749](http://www.almasdaronline.com/article/86749)。

<sup>58</sup> 例如，7 月 13 日发生了一起针对哈德拉毛某军事基地发动的双重自杀式袭击，半岛基地组织声称对该袭击负责。

<sup>59</sup> 这一直是半岛基地组织领导人卡西姆·赖米(Qdi.282)公开表明立场，专家小组没有发现任何证据说明半岛基地组织改变了侧重点。

员，特别是在也门南部和哈德拉毛，并一直强调西方仍是其主要目标。半岛基地组织的成员还站在对抗胡塞武装组织和萨利赫部队的“抵抗力量”一方，参与塔伊兹的战斗。<sup>60</sup>

53. 2016 年全年，半岛基地组织还受到美国实施的空中打击和无人机打击的双重压力。美国已经进行了 30 多次此类打击，至少杀死 139 人。<sup>61</sup> 美国不属于沙特阿拉伯牵头的联盟，但部署了“少量”军事人员，协助开展针对半岛基地组织的行动。<sup>62</sup> 美国还将六名也门人列为“特别指认的全球恐怖分子”，其中包括政府的两名成员。<sup>63</sup>

54. 半岛基地组织继续播放似乎是在当地制作的高质量视频节目，<sup>64</sup> 并分发其英文杂志《激励》。<sup>65</sup> 不过，官方声明的数量明显减少，已发布的声明往往是为了更正记录<sup>66</sup> 或澄清半岛基地组织的立场。<sup>67</sup> 专家小组认为，半岛基地组织在也门仍有两个主要目标：控制和管理领地，以及利用该国作为袭击西方的跳板。

## E. 伊拉克和黎凡特伊斯兰国

55. 伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)也继续活跃在也门，<sup>68</sup> 尽管其在本报告所述期间的成员人数和发动的袭击次数都有所减少。该团体似乎比 2015 年

<sup>60</sup> 半岛基地组织作为一个恐怖主义团体，与冲突中几乎所有其他方面作对：胡塞武装组、萨利赫部队、合法政府和联盟。这通常意味着，半岛基地组织反对任何在某一区域内拥有最大控制权的团体，有时会为了共同的目的而与该团体的敌人联合起来。这就解释了为何半岛基地组织在有些地区针对忠于现任总统的部队发动袭击，而在其他地区却与大体上隶属于合法政府的团体并肩作战。

<sup>61</sup> 这些数字根据美国中央司令部资料整理，可能仍在增加。已确认由美国实施的空中打击和无人机打击的完整列表，见附件 29。

<sup>62</sup> 美国，白宫，关于指导美国使用军事力量和相关国家安全行动法律和政策框架的报告，2016 年 12 月。可查阅 [www.justsecurity.org/wp-content/uploads/2016/12/framework.Report\\_Final.pdf](http://www.justsecurity.org/wp-content/uploads/2016/12/framework.Report_Final.pdf)。

<sup>63</sup> 5 月 19 日，美国将贝达省省长 Nayif Salim Saleh al-Qaysi 列入名单；12 月 7 日，美国将咨询理事会的成员和焦夫省亲政府民兵组织的领导人 Hasan Ali Abkar 列入名单。两人都否认这些指控。此外，名单所列的另一人 Muhammad Salih Abd-Rabbuh al-Omgly 也公开否认这些指控。专家小组只能证实，名单所列的其中一人 Ghalib Abdullah al-Zaidi 是半岛基地组织成员。

<sup>64</sup> 这方面的例子包括一些视频，如“收割间谍”系列的第五部分和“击退侵略者”系列的第六部分。

<sup>65</sup> 最新一期是第 16 期。该组织内的重要人物都曾在宣传视频中出现，包括卡西姆·赖米、Khaled Ba Tarfi 和曾关押在关塔那摩湾的 Ibrahim al-Quso。专家小组关注的半岛基地组织重要人物名单，见附件 27。

<sup>66</sup> 例如，9 月初，该组织发布一份声明，否认曾参与在哈德拉毛杀害 20 名也门士兵的事件。该组织还否认摧毁了塔伊兹的一处苏菲派圣迹。伊黎伊斯兰国同样否认摧毁了这处圣迹。

<sup>67</sup> 10 月，半岛基地组织发布了一份声明，称其尝试与夏卜瓦省的部落互动和合作。

<sup>68</sup> 专家小组关注的与伊黎伊斯兰国有关联的人物，见附件 30

在这个时候势力更弱。<sup>69</sup> 不过，这一团体仍有能力实施严重破坏。伊黎伊斯兰国在也门发动的大多数袭击可归为两类：自杀式炸弹<sup>70</sup> 和近距离暗杀安全官员，他们越来越多地在暗杀时拍摄现场画面。<sup>71</sup> 尽管伊黎伊斯兰国于 2015 年在与半岛基地组织的招募竞争中取得了初期成果，但该团体现在难以维持早期的势头。<sup>72</sup> 到 2016 年中，伊黎伊斯兰国遭遇了一波人员叛逃和损失事件。<sup>73</sup> 半岛基地组织和伊黎伊斯兰国公开争论哪个团体对打击胡塞武装组织贡献最大。<sup>74</sup>

56. 该团体与半岛基地组织相比，内部运作更加保密，其领导人似乎在 2016 年初发生了变动。<sup>75</sup> 不过，该团体虽然从也门境内继续进行的战斗中获益，但依然难以取代半岛基地组织，成为激进个人加入的首选组织。

## F. 活跃的“各条战线”

57. 胡塞武装组织和萨利赫部队虽然最初曾于 2015 年一直向南挺进至亚丁，但此后便被打回到北部高地。<sup>76</sup> 2016 年的大部分时间里，尽管伤亡人数众多，<sup>77</sup> 各

<sup>69</sup> 专家小组收到的信息显示，2015 年中，伊黎伊斯兰国在哈德拉毛靠近沙特阿拉伯边界的地方建立了训练营。不过，专家小组无法证实该训练营是否仍在运作。

<sup>70</sup> 死亡人数最多的此类袭击之一发生在 8 月 29 日的亚丁，伊黎伊斯兰国的一名袭击者造成至少 54 名士兵死亡，67 人受伤。此人后来被确定为 Ahmed Sayf(Abu Sufayn al-Adani)，是一名 28 岁的《可兰经》教师。见 <http://golden.news/articles/361/>。

<sup>71</sup> 两次最近的袭击分别是政治安全局官员 Ali Muqbil 于 9 月 30 日在亚丁被暗杀事件以及亚丁机场安全官员 Abd al-Rahman al-Dhala ‘i 于 11 月 22 日被暗杀事件，伊黎伊斯兰国利用射击者拍摄的真实的电脑游戏式第一人视角照片宣传这两起事件，从杀手视角展示暗杀时的情况。

<sup>72</sup> 9 月初，三名男青年通过一段粗制滥造的视频宣布，位于与阿曼相接的东部边界上的马哈拉省归属伊黎伊斯兰国。不过，伊黎伊斯兰国未对此予以官方承认。鉴于该视频质量低劣而且似乎由业余者拍摄，专家小组认为这一声明更多是一种期望，而非事实。此外，专家小组从保密消息来源收到的信息称，有若干沙特阿拉伯国民于 2015 年穿过边界，在也门加入伊黎伊斯兰国。专家小组已查明也门的伊黎伊斯兰国成员中有伊拉克、沙特阿拉伯、阿拉伯叙利亚共和国、突尼斯和也门国民。

<sup>73</sup> 例如，7 月 8 日，伊黎伊斯兰国叛逃者 Ghassan al-Sadi 在阿比扬被暗杀。

<sup>74</sup> 尽管有证据表明半岛基地组织曾与胡塞武装组织部队作战，特别是在贝达，但专家小组尚未发现任何可信的证据表明伊黎伊斯兰国正在对胡塞武装组织实施类似的袭击。

<sup>75</sup> 专家小组了解到，有一份报告称，伊黎伊斯兰国有两名来自也门以外的成员领导着一批战斗人员，据称他们站在萨拉菲抵抗力量一方，参与了塔伊兹的战斗。专家小组虽然无法独立核实这一信息，但正继续调查该事件以及也门的伊黎伊斯兰国与伊拉克和阿拉伯叙利亚共和国的伊黎伊斯兰国之间的联系。

<sup>76</sup> 作为宰德派的胡塞武装组织分子在也门南部几乎无法获得当地支援，南部地区基本上仍属于沙斐仪派或逊尼派。胡塞武装组织可能实际并不打算攻占亚丁，而只是打算逼迫现总统和忠于他的部队在该市进行防御。

<sup>77</sup> 这包括步兵和主要指挥官。其中两名指挥官 Mubarak al-Mishn al-Zayadi(马里卜省第三军区)和 Muhammad al-Hawari(阿穆兰省第六军区)于 10 月 8 日在萨那的殡仪馆被袭事件中身亡。胡塞武装组织军事指挥官的完整名单见附件 25。与他们对应的政府人员列于附件 31。

条战线却逐渐固化。虽然与沙特拉伯的边界沿线战斗增加，但在本报告所述期间，就任何一方夺取或丧失的领地而言，军事上的改变微乎其微。

58. 在编写本报告时，经过 22 个月的战争，军事地图与战争进行 10 个月后的情况十分类似。胡塞武装组织控制着北部高地的许多地区或活跃在这些地区，包括伊卜、扎马尔、萨那和萨达。<sup>78</sup> 塔伊兹仍处于双方争夺当中，也门其他一些地区也是如此。政府控制着南部的大片地区，包括亚丁，虽然该市受到暴力和不安安全问题的困扰。半岛基地组织和伊黎伊斯兰国继续招募人员和发动袭击。<sup>79</sup>

#### 四. 武器以及执行定向武器禁运

59. 根据第 2216(2015)号决议第 14 至 17 段的规定，专家小组继续以一系列监测和调查活动为重点，以便确定是否有任何违反定向武器禁运的情况，武器禁运的目的是防止直接或间接向委员会和安全理事会开列的个人和实体供应、销售或转让或供其使用的武器。

##### A. 武器和弹药的供应链

60. 专家小组确定，委员会和安全理事会开列的个人和实体以及代表他们或按其指示行事的个人和实体的武器和弹药供应链备选方案目前仅限于表 1 所列。

表 1

供给胡塞武装组织或萨利赫部队的武器供应链

供应链	说明
外部大规模非法供应	专家小组为超过一千件武器或数十吨弹药的供应所定的类别
小规模供应(“蚂蚁贩运”)	不到几百件武器
从也门国家库存的大规模收缴	成功原因：军事行动、偷窃或转为他用
战斗后的小规模缴获	战场上从单个战斗人员手中或部队缴获(见附件 34)。
内部黑市	

##### B. 从伊朗伊斯兰共和国到也门的大规模武器供应概率

61. 沙特阿拉伯王国在 9 月 14 日给安全理事会主席的信(S/2016/786)中指控伊朗伊斯兰共和国违反第 2216(2015)号决议，要求安理会对违反相关决议者采取适当

<sup>78</sup> 不过，这些城市和省份仍有冲突发生。

<sup>79</sup> 见附件 32 中的关键安全事件时间表和附件 33 中的主要战线概述。

和必要措施。伊朗伊斯兰共和国常驻代表在 9 月 27 日的答复(S/2016/817)中拒绝这些指控，称之为“纯属捏造及无端指控”。阿拉伯联合酋长国还代表巴林、埃及、约旦、科威特、摩洛哥、阿曼、卡塔尔、沙特阿拉伯、苏丹和也门，在 10 月 27 日给秘书长的普通照会(A/71/581)中作出了进一步答复，要求在大会分发载有指称伊朗伊斯兰共和国违反情况的附件。伊朗伊斯兰共和国常驻代表在 11 月 16 日的答复(A/71/617)中再次断然拒绝这些“无端”指控。

62. 专家小组没有发现足够证据，证实有任何来自伊朗伊斯兰共和国政府的直接大规模武器供应，尽管有迹象显示，供应给胡塞武装组织或萨利赫部队的反坦克制导武器是由伊朗制造的。由于沙特阿拉伯牵头的联盟在也门有空中优势，且海上检查制度有效，这意味着现在从伊朗伊斯兰共和国到也门的小规模贩运只有 3 条可信的直接供应路线。

### C. 海上贩运路线

#### 1. 沿海道船前往也门西海岸由胡塞武装组织-萨利赫部队控制的港口

63. 沿海道船若前往胡塞组织-萨利赫控制的也门西海岸港口，即使取道吉布提或索马里过境点，也必须从亚丁湾通过 28 公里宽的繁忙的曼德海峡抵达红海。这里有海上联合部队、<sup>80</sup> 美国海军第五舰队和沙特皇家海军的密集巡逻。如果用沿海道船运送非常小量的货物，可能有些货运会送到，但许多货物不可避免地被海军巡逻队拦截。迄今为止，专家小组没有看到任何证据显示这一具体路线上有任何海上缴获，这强烈显示这一路线目前并未得到积极利用。

#### 2. 沿海道船前往阿曼的转运港口

64. 佐法尔省塞拉莱以西只有两个小的阿曼港口<sup>81</sup> 有陆路通往适合卸载武器的与也门交界处。在佐法尔的阿曼海滩进行船货上岸转移也是可能的。随后需要车辆通过最有可能使用的 Sarfayt/Hawf<sup>82</sup> 边界过境点进行转运，但这被边防人员拦截的风险要高于直接在也门海滩上进行船货上岸转移。最近的陆上缴获显示，这条路线可能用于小规模贩运(见第 75 段)。

#### 3. 沿海道船前往也门东南部港口或海滩

65. 也门东南部唯一适合直接卸载武器的港口位于 Nishtun，<sup>83</sup> 但这里由政府部队控制，因此，使用这一港口意味着官员一定程度的腐败。不过，在也门港口卸

<sup>80</sup> 见 <https://combinedmaritimeforces.com>。

<sup>81</sup> Raysut, 16° 55'30.06" N, 54° 00'38.74" E; Dalqut, 16° 42'16.85" N, 53° 15'14.37" E。

<sup>82</sup> 16° 40'15.73" N, 53° 05'57.32" E。

<sup>83</sup> 15° 49'15.64" N, 52° 11'49.01" E。

载武器的替代办法是由沿海道船或小船取道 Al Ghaydah、<sup>84</sup> Haswayn<sup>85</sup> 和 Qishn<sup>86</sup> <sup>87</sup> 这些已知的走私海滩秘密进行船货上岸转移。最近在陆地上的缴获显示，这条路线也可能用于小规模贩运(见第 75 段)。

#### 4. 2015 和 2016 年的海上缴获

66. 2015 和 2016 年，海上联合部队或美国海军第五舰队在阿拉伯海和亚丁湾只有 4 宗已确认的武器缴获，<sup>88</sup> 还有 2016 年沙特阿拉伯牵头的联盟据称有 1 次武器缴获(见表 2)。

表 2

2015 至 2016 年的区域海上武器缴获情况

日期	渔船	缴获单位	武器类型和数量							
			AK47 突击 步枪变种	PKM 中型 机枪	Hoshdar-M 狙击步枪 <sup>a</sup>	12.7 毫米 德什卡重 机枪变种	RPG-7 变种 火箭发射器	60 毫米 迫击炮	Toophan <sup>b</sup>	9M113 Konkurs 或 9M133 Kornet 变种 反坦克 制导武器
2015 年 9 月 24 日	“Nasir”号	澳大利亚皇家海军墨尔本号							56	19
2016 年 2 月 27 日	“Samer”号	澳大利亚皇家海军达尔文号	1 989	49				100	20	
2016 年 3 月 20 日	身份不明	普罗旺斯号	1 998	6 <sup>c</sup>	64					9
2016 年 3 月 28 日	“Adris”号	热风号	1 500				21	200		
2016 年 11 月 16 日	身份不明 <sup>d</sup>									
<b>共计</b>			<b>4 487</b>	<b>55</b>	<b>64</b>	<b>21</b>	<b>300</b>	<b>20</b>	<b>56</b>	<b>28</b>

<sup>a</sup> 中国 79 式狙击步枪伊朗仿制品。军备研究所已确认。

<sup>b</sup> 导管发射、光学跟踪、无线电指令制导。反坦克制导导弹。

<sup>c</sup> 朝鲜 73 式变种。

<sup>d</sup> 媒体报道称，沙特阿拉伯牵头的联盟在 Salif 海岸附近截获两艘小道船，又有相互冲突的报道称这两艘道船在空袭中被摧毁。专家小组请求提供更多据报事件的细节，但沙特阿拉伯未予答复。

<sup>84</sup> 16° 10'18.29" N, 52° 13'28.69" E。

<sup>85</sup> 15° 35'04.14" N, 52° 06'19.69" E。

<sup>86</sup> 15° 23'17.67" N, 51° 38'35.64" E。

<sup>87</sup> 保密来源。

<sup>88</sup> 根据涉及索马里的第 2182(2014)号和第 2242(2015)号决议的授权进行收缴。另见 S/2016/919 附件 8.4。

67. 专家小组从图像中肯定地确定了 8 种武器类型(见附件 35), 已向制造这些武器类型的会员国<sup>89</sup> 发送追查请求。在追查请求的成效方面, 被缴武器年头已久, 因此带来了问题。作出答复的会员国国家法律仅规定保留出口管制记录 5 年或 10 年。它们有制造记录, 可用于确定制造国, 但没有关于初次最终用户的详细资料。鉴于一些武器类型也出口到许多国家,<sup>90</sup> 由于时间已过太远, 且武器系统已广泛分布, 因此发出进一步的追查请求不大可能得到任何关于供应链方面的有用资料。由于供应链依然不清晰, 因此专家小组无法肯定地确定这些武器的来源。

68. 专家小组为查明供应链而发出的追查请求因一些扣押船只的会员国的下列行为而受到进一步限制: 向委员会通报时和在回应专家小组之后提出的请求时未提供足够的细节; 不让专家小组对收缴的武器进行实际检查。<sup>91</sup> 专家小组要求: 提供武器的详细图像, 以便确定确切类型和型号; 提供序列号, 以便就供应链进行详细调查。

69. 在调查上述 4 次海上缴获时, 专家小组查明, 2 064 件武器直接指向伊朗制造或来自伊朗(见表 3)。专家小组依据缴获武器的会员国提供的图像确定制造国。剩余的武器不能肯定地确定具体的制造国。

表 3

2015 至 2016 年的海上缴获——可追溯到伊朗制造或供应

武器类型	渔船“Nasir”号	“Samer”号	身份不明	“Adris”号	说明
AK47 突击步枪各种变种			1 998		已确认一件为伊朗制造。 <sup>a</sup> 据报告, 所有均为同一类型。
Hoshdar-M 狙击步枪			64		只有伊朗伊斯兰共和国制造这种武器类型。
RPG-7		2			已肯定地确认两件为伊朗制造。据报告, 所有 100 件均为同一类型。

注: 数据同样来自冲突军备研究所。“对海上缴获运往索马里和也门的武器供应品的分析: 破解与伊朗的联系”中的“对海上缴获的分析”一文(2016 年 11 月, 伦敦)。

<sup>a</sup> 注意到 4 套连续的序列号, 由此可以肯定所有武器均来自同一制造商。

<sup>89</sup> 保加利亚和俄罗斯联邦证实制造了这些武器, 但指出, 这些制造已是十多年前的事情, 因此无法追查最终用途证书。中国确认有一种武器类别并非中国制造。伊朗伊斯兰共和国和罗马尼亚尚未答复。

<sup>90</sup> 例如, 9M113 Konkurs 反坦克制导武器系统出口到 26 个国家。根据《简氏》提供的资料(<https://janes.ihs.com/CustomPages/Janes/Home.aspx>)。

<sup>91</sup> 普罗旺斯号缴获的武器除外, 索马里和厄立特里亚问题监察组于 2015 年 12 月在法国布列斯特获准检查。

## 5. 追查分析

70. 将对船只声称可能采取的航线(见地图 3)进行的追查分析与扣押地点对照后,发现与表 2 所列 4 艘船的目的地是也门这一说法有矛盾。<sup>92</sup> 一艘小型道船的船长可能会很在意燃料费用,会希望采取最直接的线路到达港口。偏离航线可能只因为天气恶劣,或在运载非法货物时为避免被发现。然而,一艘船不大可能为避免被发现而偏离航道,相反,它会本着“船多保险”的政策和其他道船一起转运。追查分析强烈显示下列情况:

(a) 从伊朗伊斯兰共和国查巴哈港出发的“Nasir”号渔船在驶往索马里 Hurdiyo105 的最直接和最经济的航线上的某一位置被扣押。这是被澳大利亚皇家海军墨尔本号作为证据收回的标定目的地。在扣押行动期间还检查了移动电话和卫星电话,而随后从一个会员国提供的数据进行的流量分析提供了进一步证据,显示发端人在伊朗,而这批货运的目的地为索马里。<sup>93</sup> 2015 年 8 月 27 日至 9 月 23 日期间,即走私活动发生时,船只 60%的拨出电话和 72%的接听电话均为同一个伊朗用户电话号码。<sup>94</sup> “Nasir”号的船长还与已知的军火商有接触,这些军火商和前海盗 Isse Mohamoud Yusuf(“Yullux”)<sup>95</sup> 和伊黎伊斯兰国索马里分支领导人 Abdulqadir Mumin 有关联。

(b) “Samer”号渔船在从伊朗伊斯兰共和国查巴哈港驶往索马里 Boosaaso 港<sup>96</sup>——经澳大利亚皇家海军达尔文号<sup>97</sup> 评估认为最有可能的目的地——最直接经济的航线东南<sup>98</sup> 海里处被扣押。和最直接经济的航线相比,此地离也门海岸的距离更远,这显示直接目的地更有可能是索马里东部的走私港口而不是 Boosaaso 港;

(c) 一艘身份不明的渔船在从伊朗伊斯兰共和国查巴哈港驶往其宣称的目的地索马里 Qandala<sup>99</sup> 最直接经济的航线上的某点被法国船只普罗旺斯号扣押;

<sup>92</sup> 例如:见“法国海军扣押从伊朗到也门的武器储藏点”,阿拉伯电视台,2016 年 3 月 30 日,可查阅 <http://english.alarabiya.net/en/News/middle-east/2016/03/30/French-navy-seizes-weapons-cache-heading-from-Iran-to-Yemen.html>;以及 Sam LaGrone,“美国海军扣押运往也门的伊朗可疑武器供应”,美国海军研究所新闻,2016 年 4 月 4 日,可查阅 <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>。

<sup>93</sup> 10° 33'41.00” N, 51° 08'04.13” E。

<sup>94</sup> 调查中,所以略去细节。

<sup>95</sup> 专家小组已请求伊朗伊斯兰共和国提供该用户的详细信息。迄今尚未收到答复。

<sup>96</sup> 他在索马里的活动与网络详情,见 S/2013/413 附件 3.1 以及 S/2014/726 附件 4.7 第 204 段。

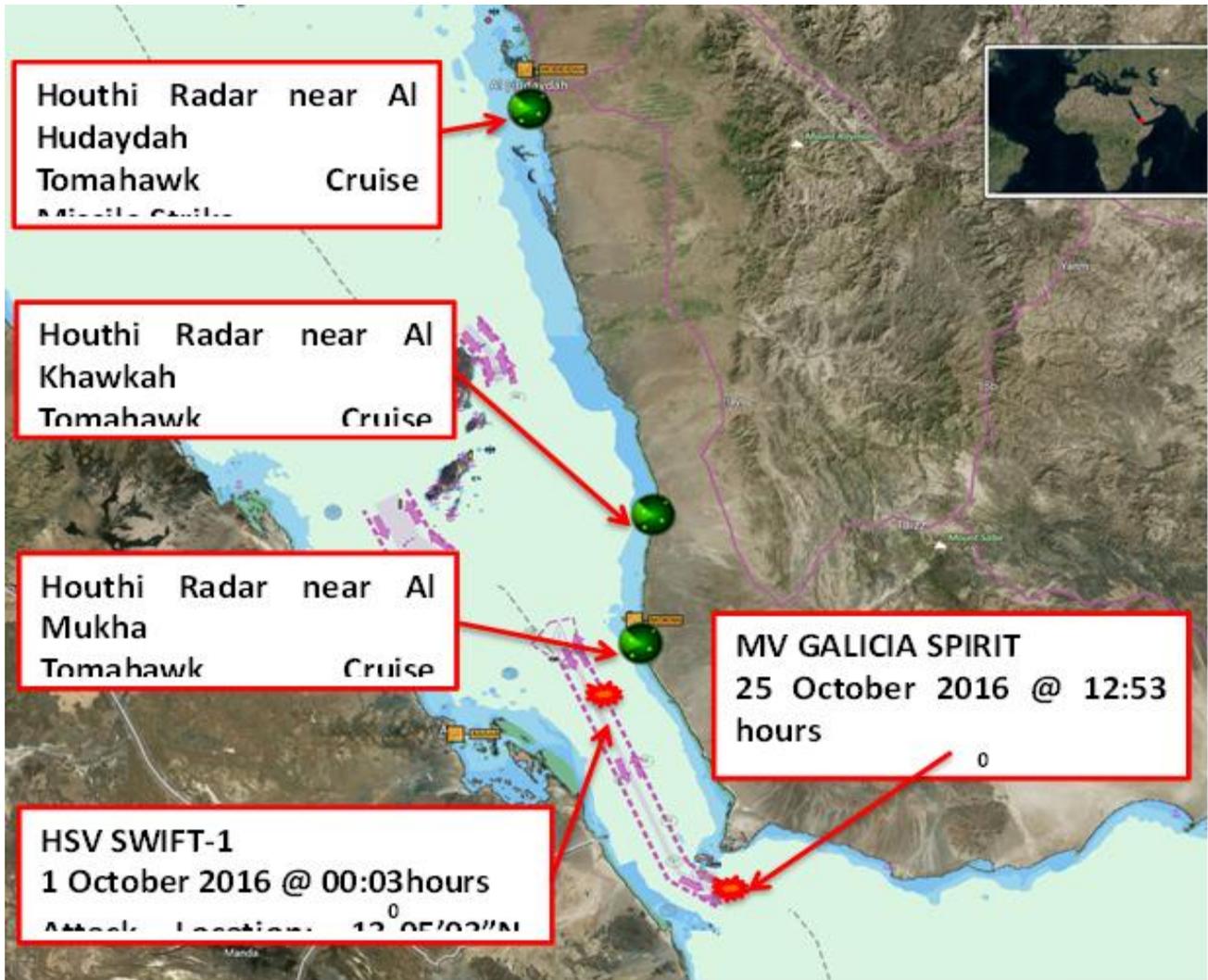
<sup>97</sup> 11° 17'29.42” N, 49° 10'46.40” E。

<sup>98</sup> 2016 年 6 月 22 日澳大利亚给专家小组的信函。

<sup>99</sup> 11°28'29.46”N, 49°52'19.40”E。

(d) 尽管专家小组于 5 月 10 日和 11 月 3 日请求负责的会员国告知“Adris”号渔船被扣押的地点，但目前会员国仍未告知。“Adris”号渔船宣称的目的地为索马里 Caluula，<sup>100</sup> 该船始发地为伊朗伊斯兰共和国 Sirik。尽管媒体报道<sup>101</sup> 称这批货运的目的地是也门，但专家小组没有证据证实这一点。

地图 3  
可能的路线和扣押的地点



<sup>100</sup> 11°57'58.07"N, 50°45'17.94"E。

<sup>101</sup> SamLaGrone, “美国海军扣押运往也门的可疑伊朗海运武器”，美国海军研究所新闻，2016 年 4 月 4 日，可查阅：  
<https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>。

71. 证明船只始发地为伊朗伊斯兰共和国的证据无可辩驳，但专家小组认为，武器货物接下来从索马里运往也门、或在途中经海上转运从而把索马里目的地改为也门目的地的证据则远不够确凿。

72. 拦截的海上货运除了反坦克制导武器外没有任何弹药(见第 76 段)。弹药供应品比武器体积大得多，前者至少是后者的 10 倍，因为弹药在战斗中使用率高——需要不断补充。这说明存在以下可能性：海军拦截不走运，错过了非法弹药货运(鉴于在如此短时间内便有 3 次武器缴获，专家小组认为这方面的可能性不大)；空运弹药(不大可能，因为已实行空中封锁)；弹药经陆路运输(见第 75 段)；也门已有足够的弹药库存，根据黑市价格，这一说法可能性最大(见第 79 段)。

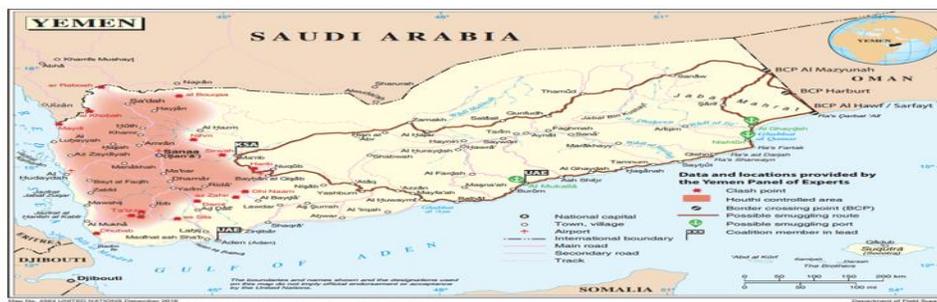
73. 不过，专家小组无法完全排除一种可能性，即计划在索马里或在索马里近岸用更小的船只交叉装货，再转运至也门。一个月内扣押了 3 艘船可能已经破坏了这一计划，事实上迫使武器贩运者探讨其他备选办法(见第 75 段)。

#### D. 小规模“蚂蚁贩运”

74. 在上一份报告(S/2016/73，第 75 至 77 段)中，专家小组分析了使用在第 2216(2015)号决议规定的武器禁运前已建立的武器走私网络的可能性。也门境内目前的武器扩散和广泛分布意味着这类网络要获得利润就必须：企图走私便携式反坦克制导武器等引人注目的武器进入也门；或从也门走私小武器和轻武器到邻国，目前没有任何证据支持这一说法。

75. 从阿曼佐法尔的边界过境点到最近的胡塞武装组织控制的领土，或走也门东南部港口的陆路，均需经过 600 多公里也门政府控制的领土(见图 4)。大规模货运成功通过这条路线进行转运而不被发现的概率很低，不过也有可能。也门政府最近的缴获显示这条路线正被使用。<sup>102</sup> 这些都用车运，要么藏在鸡笼等其他货物下面，要么藏在拖车的暗舱里(见附件 36 的概述与图像)。

地图 4  
连接阿曼和也门海滩与港口的陆地走私路线



<sup>102</sup> 专家小组已请求沙特阿拉伯、阿拉伯联合酋长国和也门提供收缴方面的详细资料。迄今只有阿拉伯联合酋长国已回应。

76. 专家组已确定，在 2016 年中期已开始有报告称在从阿曼到马里卜省的陆路上缴获了反坦克制导武器。鉴于这一路线的拦截风险高，这表明大约在这个时候这条路线才向反坦克制导武器贩运活动开放。表 4 概述了 2015 年中期至 2016 年期间反坦克制导武器的使用和缴获情况，图像见附件 37。<sup>103</sup>

表 4  
2015 至 2016 年反坦克制导武器的使用和缴获情况

序号	日期	地点	反坦克制导武器类型						说明
			9M113 “Konkurs”	伊朗 “Tosan”	9M115 “Metis”	伊朗 “Toophan”	9M113 “Komet”	伊朗 “Dehlaviyeh”	
1	2015 年 9 月 24 日	“Nasir” 号渔船	19			56			1992 年制造的 “Konkurs”
2	2015 年 11 月 29 日	塔兹省						1	1 2008 年第 02 批次的 “Komet”。与序号 3 属同一序列号批次。
									“Dehlavyah” 2015 年第 07 批(仅在缴获前 4 个月生产)
3	2016 年 3 月 20 日	身份不明的渔船							9 2008 年第 1 和 2 批次。不是 Komet 就是 Dehlaviyeh。
4	2016 年 9 月 28 日	马里卜省							15 不是 Komet 就是 Dehlaviyeh。
5	2016 年 9 月? 日	马里卜省 Safir		1					2002 年第 4 批次
6	2016 年 10 月 18 日	马里卜省 Shehn							18 件反坦克制导武器的类型尚未确认。
			20			56			26+

消息来源：来自一系列广泛的公开和机密来源，包括军备研究所 Hoplite 报告和简氏分析等(<https://janes.ihs.com/CustomPages/Janes/Home.aspx>)。

77. 虽然目前反坦克制导武器经陆路走私，但据专家小组评估，目前利用这些路线的网络不大可能大量秘密转运诸如短程弹道导弹等任何较大口径武器系统进入也门。反坦克制导武器不到 1 米长，可以很容易藏在大卡车里，但 7 米长的短程弹道导弹就难掩盖得多了。

#### E. 从也门国家武器储存中缴获、偷窃或转为他用

78. 专家小组根据对也门陆军的战斗序列<sup>104</sup> 分析(见附件 39)，查明了与胡塞武装组织或萨利赫部队结盟或支持它们的部队，以便评估国家武器储存中有哪部分

<sup>103</sup> 观察到的胡塞武装组织单个使用的其他伊朗武器，见附件 38。

<sup>104</sup> 见 Charles Caris, 《也门战斗序列》。美国企业研究所“关键威胁”网站。2015 年 2 月。可查阅 [www.criticaltreats.org](http://www.criticaltreats.org)。

最后落在也门陆军控制之外。数据表明，合法政府可能在冲突中丧失了对超过 68% 的国家武器储存的控制权。专家小组一直无法确定在目前敌对行动之前也门国家储量，因此对于这些武器和弹药还能支持胡塞武装组织或萨利赫部队战斗多久才需要进行大量外部补给，目前仍无法作出切合实际的估计。

## F. 黑市上的小武器弹药

79. 一个社区里是否有小武器弹药的一个重要指标就是黑市上的定价。专家小组已开始收集数据并加以分析。初步调查结果显示，在亚丁，一发 7.62x39 毫米的子弹的价格在本轮冲突开始后迅速下降(降至每发 0.23 美元)，目前黑市价格为战前价格(每发 1.30 美元)的 65%(每发 0.84 美元)，并稳定在这一价位(见附件 40)。可能有一系列尚待查明的地方因素可以解释这一点，但可以肯定的是，小武器弹药比冲突前更容易获得。这是政府武器储存非法扩散的结果。

80. 专家小组查明了一例利用可疑的最终用途证书在交付后转让 Taurus S.A 公司制造的手枪和左轮手枪的未遂案件。这些武器类型的设计初衷更多是为个人提供保护，而不是特别用于现代战场的武器类型。这些武器的目的地很可能是索马里乃至更广大区域的黑市，但在转运过程中被一会员国缴获。这一交易的经纪人 Adeeb Mana'a 的父亲是被指认人员、知名军火贩运人 Fares Mohammed Mana'a(SOi.008)，<sup>105</sup> 此人既是阿里·阿布杜拉·萨利赫(YEi.003)<sup>106</sup> 的亲密旧部，也和胡塞武装组织有密切联系。<sup>107</sup> 他的参与以及已知的他与胡塞武装组织的关系，使得这一转让在财务方面的得益者可能是名单所列个人，专家小组将继续调查此案这方面的情况。专家小组评估认为，这一转让的运作方式就是要规避正常的海关和安全控制。此案仍在调查之中，到目前为止的进展情况见附件 41。

## G. 胡塞武装组织-萨利赫联盟的“导弹战”

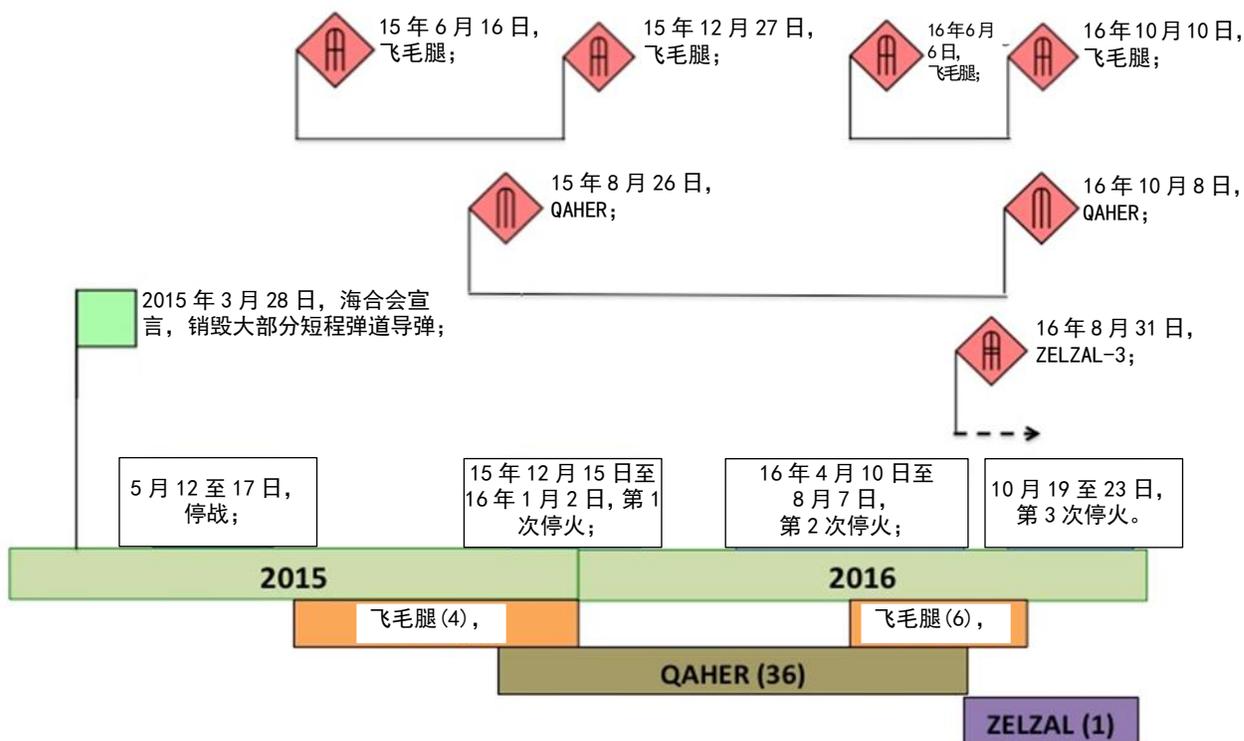
81. 自从 2015 年 6 月 16 日第一次录得发射了一枚飞毛腿变种短程弹道导弹后，胡塞武装组织-萨利赫联盟一直对沙特阿拉伯采取战略性的“陆基导弹战”(见图三)。专家小组确定，胡塞武装组织或萨利赫部队针对沙特阿拉伯发射了飞毛腿导弹和简易 Qaher-1 无控火箭，与此同时，胡塞武装组织或萨利赫部队还发动了一场宣传战，声称使用的是当地制造的导弹而不是简易导弹。(附件 42 载有到目前为止使用的所有短程弹道导弹和无控火箭的详细资料，还有技术分析，解释专家小组为何认为胡塞武装组织-萨利赫联盟声称在当地制造了新型导弹这一说法可能性极低)。

<sup>105</sup> 被安全理事会关于索马里和厄立特里亚的第 751(1992)号和第 1907(2009)号决议所设委员会于 2010 年 4 月 12 日根据第 1844(2008)号决议第 8 段列入名单。

<sup>106</sup> 在 2010 年 1 月末被也门当局逮捕之前，他一直担任阿里·阿卜杜拉·萨利赫的总统委员会负责人。

<sup>107</sup> 11 月 28 日，胡塞武装组织-萨利赫设在萨那的最高政治理事会任命他为国务部长。

图三  
胡塞武装组织-萨利赫导弹战时间表



82. 虽然就给沙特阿拉伯造成的伤亡和基础设施破坏而言，越界导弹袭击威力并不大，但这些袭击具有重大的经济和政治影响。从经济角度看，发射甚至只是威胁这样做对胡塞武装组织-萨利赫联盟而言是一个成本极低的选择，因为它几乎不用花钱就能缴获导弹库储。但是对沙特阿拉伯而言经济成本却很高，因为需要花钱购买如爱国者 PAC-3 等高新技术拦截导弹，据报一枚导弹费用约为 900 000 美元。<sup>108</sup>

83. 广泛报道的公开来源信息表明，沙特阿拉伯军方在拦截和摧毁飞行中的 QaHER-1 和飞毛腿变种导弹时成败参半。例如，2015 年 6 月 16 日以来据报朝沙特阿拉伯领土发射的 60 枚导弹和火箭中(见附件 42)，沙特阿拉伯牵头的联盟声称已拦截并摧毁飞行中的 28 枚(47%)。

<sup>108</sup> Clay Dillow, “美国同意销售 600 枚爱国者导弹给沙特阿拉伯”, 《财富》, 2015 年 8 月 1 日, 可查阅 <http://fortune.com/2015/08/01/u-s-patriot-missiles-saudi-arabia/>。

84. 在政治影响方面，对沙特阿拉伯城市进行导弹袭击可达到保持对沙特阿拉伯的战略压力的目的，因为每一次袭击都显示出平民人口在这种袭击下何等脆弱，也表明应对这一特定威胁的防御能力仍有待提高。专家小组评估认为，这种攻击可能会继续下去，直至胡塞武装组织或萨利赫部队耗尽全部导弹和无控火箭库存，或沙特阿拉伯领导的联盟截获了库存。

85. 由于这些导弹或无控火箭系统本身固有的不精确性，<sup>109</sup> 因此无法准确预测这些武器的最终影响地点，因而使用者不可能准确区分平民和军事目标，使得这些武器具有滥杀滥伤性，违反了国际人道主义法。<sup>110</sup> 因此，专家小组认为，胡塞武装组织-萨利赫联盟使用这些武器系统袭击平民居住区，违反了国际人道主义法。<sup>111</sup>

图四和五

胡塞武装组织战斗人员接受 OTR-21 Tochka 导弹培训，2015 年 5 月 23 日。



资料来源：保密。

注意：白色集装箱用于欺骗空中侦察。

## H. 简易爆炸装置

86. 2016 年间，简易爆炸装置技术和相关战术有了重大发展。伊黎伊斯兰国采取了自杀式简易爆炸装置战术，特别是在亚丁和穆卡拉等地这样做，对政府官员和军事基地造成持续威胁。2016 年到目前为止，已有至少 23 次针对政府目标或个人的携带简易爆炸装置或自杀式汽车简易爆炸装置袭击，由伊黎伊斯兰国宣称负责或由其造成。半岛基地组织也采用这种自杀式简易爆炸装置战术，迄今已宣称对 6 次简易爆炸装置袭击负责(见附件 28)。

<sup>109</sup> 图四和五，介绍了胡塞武装组织使用导弹的情况。

<sup>110</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, 《习惯国际人道主义法》第 1 卷,《规则》(联合国, 剑桥, 红十字国际委员会和剑桥大学出版社, 2005 年), 规则第 71 条(以下称“习惯国际人道主义法”)。

<sup>111</sup> 同上, 第 1、7、11 和 14 条规则。

87. 专家小组还确定了以下方面的主要技术发展：自上次对简易炸弹装置类型分析以来的引爆系统类型；<sup>112</sup> 新的容器设计，以便加大对目标的杀伤力和(或)避免被发现。概述见表 5，更多技术资料见附件 43。

表 5  
2016 年关于简易爆炸装置重要类型方面的发现

日期	地点	简易爆炸装置类型	可能使用者 <sup>a</sup>
2月29日	马里卜省	爆炸成型穿甲战斗部 <sup>b</sup>	胡塞武装组织
3月16日	塔兹省	伪装成岩石/最小金属压力片	半岛基地组织或胡塞武装组织
5月16日	穆卡拉	无线电引信爆炸成型穿甲战斗部(遥控简易爆炸装置)	半岛基地组织
5月16日	穆卡拉	定向破片杀伤战斗部 <sup>c</sup> (遥控简易爆炸装置)	半岛基地组织
6月18日	阿比扬省	定向破片杀伤战斗部(遥控简易爆炸装置)	半岛基地组织
6月27日	穆卡拉	人体携带简易爆炸装置：自杀式炸弹背心	半岛基地组织
8月7日	亚丁	车底简易爆炸装置	半岛基地组织
8月某日(日期不确定)	伊卜省	装有定向破片杀伤战斗部的遥控简易爆炸装置	胡塞武装组织
10月30日	马里卜省 Saleh	伪装成岩石的被动红外简易爆炸装置	胡塞武装组织

<sup>a</sup> 根据部队地理位置。

<sup>b</sup> 又称爆炸成型穿甲弹丸或自锻破片。在使用简易爆炸装置中，爆炸成型穿甲战斗部一般有碟形钢质药型罩，炸药起爆后发生变形，形成一个金属弹丸。这加快了飞向目标的速度，之后因动能大而穿透目标。这不同于空心装药的水动力学穿透效果。

<sup>c</sup> 定向破片杀伤战斗部通常包括滚珠，或其他以树脂粘合成某种设计好的形状的预制小块碎片。一旦起爆，破片以某一模式狭窄投放，并因动能大而穿透目标。这一模式取决于使用的设计形状。

88. 由于半岛基地组织、伊黎伊斯兰国、胡塞或萨利赫武装团体以及效忠现任总统的“抵抗”部队之间的战斗人员的流动以及因此带来的技术知识交流，不能假想这种技术的使用现在保留在某单一团体手中有。

89. 专家小组评估认为，把这一新技术引入也门严重威胁了也门的和平、稳定和安全，即使在任何可能的和平进程协议签署后也是如此。它还实际上成为不受政府控制的武装团体增强战斗力的手段，减少了它们目前和未来对常规武器的依赖。专家小组认为，简易爆炸装置仍将是反对未来和平进程的任何残余力量的首选武器。它是一种可战略性地加以使用，创造不安全感并影响国民意愿的武器。

90. 在平民地区部署简易爆炸装置的行为不加区分地打击平民和军事目标，违反了国际人道主义法。<sup>113</sup>

<sup>112</sup> 联合国开发计划署，“简易爆炸装置的威胁评估——阿比扬省”，2013年2月1日(联合国限制分发)。

<sup>113</sup> 习惯国际人道主义法规则第1、7、11和22条。

## I. 战争遗留爆炸物、地雷和未爆弹药

91. 专家小组继续获得胡塞武装组织或萨利赫武装团体使用地雷以及使用综合地雷和简易爆炸装置障碍雷带的证据(见附件 44)。

## 五. 经济背景和也门财政情况概览

92. 专家小组按照其任务规定，研究了依据第 2140(2014)号和第 2216(2015)号决议被指认个人及其网络继续违反各制裁措施运营的经济背景情况。专家小组特别审查了资金流动、财富转移和设置新代理人，为威胁也门和平、安全或稳定的军事行动提供资金的情况。冲突一直持续着，因而涌现出新一批发战争财的人。

### A. 冲突对也门公共财政的影响

93. 持续的冲突，使胡塞武装组织和萨利赫部队、半岛基地组织以及伊黎伊斯兰国有机会为其作战活动寻求新的资金来源，并与部族结成联盟。这包括取得国家财政资金、使用石油燃料供销系统，以及非法征税。一些知名商人已经逃离也门，使胡塞武装组织趁机控制一些重要的私营企业金融资产。

94. 总体财政状况严峻，因此面对不断发展的人道主义危机，难以直接采取财政对策。这体现在以下方面：

(a) 4 月或 5 月，也门倒账，未向私营银行业机构偿还应偿的国际贷款；

(b) 7 月 30 日，总统请求国际货币基金组织(基金组织)和世界银行冻结中央银行的所有海外资产；<sup>114</sup>

(c) 中央银行储备在战前的 2014 年 12 月为 40.5 亿美元，2015 年 12 月下降至 15.6 亿美元，2016 年 9 月又降至 7 亿美元，预测到 12 月 31 日降为零；

(d) 仅是海外总债务还本付息(包括欠基金组织和区域性银行的债务)，中央银行每年就需要 3.72 亿美元；

(e) 中央银行从石油和天然气以及外国投资获得的收入已于 2014 年底中断；<sup>115</sup>

(f) 2016 年 7 月的流动性危机迫使中央银行暂停了一切公共部门支出，并停发公务人员薪资；

<sup>114</sup> 泄露给媒体的信件。专家小组于 8 月和 9 月会见了一名也门大使以及国际货币基金组织和世界银行的工作人员，确认此事属实。

<sup>115</sup> 也门规划与国际合作部表示，2014 年，也门收入 167 亿美元(其中 38%来自石油和天然气，19.8%来自也门人的海外汇款，12.8%来自外国财政援助，11.4%来自对石油的直接投资)。

(g) 通过中央银行向经济体供应货币是不可能的，因为个人持有货币量已从 2014 年相当于 1.03 亿美元的数量升至 2016 年 1 月至 6 月相当于 8.84 亿美元的数量，增长了七倍。<sup>116</sup> 银行业体系中的货币供应已完全枯竭。

## B. 胡塞武装组织-萨利赫武装的金融网络：——发战争财和掠夺行为

95. 专家小组发现，胡塞武装组织-萨利赫联盟高度依赖地下经济来支持其作战。胡塞武装组织-萨利赫的金融伙伴关系可粗略概括如下：

(a) 胡塞部队已经完全控制了除首都萨那外的也门北部地区。这包括但不限于控制土地、作物、地方税收、燃料再分配、人道主义援助和税收；<sup>117</sup>

(b) 萨利赫部队重新控制了国家财政，尽管它打着胡塞武装的幌子，重新开启了贩运毒品、武器和人口的各种黑市渠道。

## C. 胡塞武装组织的资金来源

96. 专家小组发现，胡塞武装组织及其附属组织借冲突之机开发了广泛的收入来源，包括：

(a) 中央银行为与胡塞武装组织结盟的武装部队和安全机构的薪资提供资金。原打算用于维持不再运转的部门的薪资和资金被部分转移给个别胡塞武装组织指挥官；

(b) 中央银行为与胡塞武装组织结盟的武装部队和安全机构的行政支助提供资金。这类资金仍然以 2014 年全国预算为基础；<sup>118</sup>

(c) 向走私者和在黑市上营业的倒卖者收税；

(d) 对所有商业企业营业收入和所有公务员工资课以 20% 的“营业税”。这包括巧茶贸易，它占全国国内生产总值的 10%。也门全国对巧茶高度依赖，意味着任何巧茶交易实际上都是现金转移；

(e) 地方当局税收转移至胡塞武装组织中央当局手中；<sup>119</sup>

(f) 对所有石油产品征收每公升 4 也门里亚尔的税，估计每年带来 593 亿也门里亚尔(2.37 亿美元)的收入；<sup>120</sup>

<sup>116</sup> 数据来自也门规划与国际合作部第 17 期最新动态，2016 年 8 月。可查阅 <http://www.yemen.gov.ye/portal/mpic/الإصدارات/tabid/2574/Default.aspx>。

<sup>117</sup> 税收样例见附件 45。

<sup>118</sup> 位于萨那的国防部仍从中央银行获得 2014 财政年度核准的预算批款，因为后来未再核准任何预算。几支部队已经因为冲突而解散，但其效忠于胡塞武装组织的指挥官仍在获得采购燃料和食物的资金。军方机密来源。

<sup>119</sup> 见 [www.almotamar.net/pda/133407.htm](http://www.almotamar.net/pda/133407.htm)。背景请见 <http://almashahid.net/news-937.html>。

(g) 利用移动电话技术募集资金，每两周发一次筹款短信。<sup>121</sup>

97. 专家小组还发现，一个全新而不同的胡塞武装组织代理人和附属组织网络在崛起。自 2012 年初以来，一批新的个人涌现，一些旧的合作伙伴关系解散(见机密附件 46)。<sup>122</sup>

#### D. 阿拉伯半岛基地组织的资金

98. 半岛基地组织在 2015 年 4 月至 2016 年 4 月控制穆卡拉期间获得了 1 亿美元的意外收入。<sup>123</sup> 这笔收入是通过抢掠中央银行当地分行和向当地石油走私网络征税获得的。专家小组认为，半岛基地组织仍在使用这笔资金招募新的战斗人员，并为发动新的袭击提供资金。

## 六. 资产冻结

99. 根据经第 2266(2016)号决议第 5 段延长的第 2140(2014)号决议第 11 段和第 21(b)段的规定，专家小组继续收集、检查和分析关于会员国执行资产冻结措施情况的信息。专家小组继续关注名单所列 5 名人员，以及查明并调查可能代其行事或受其指示行事的其他个人和实体及由其拥有或控制的实体。

#### A. 阿里·阿卜杜拉·萨利赫<sup>124</sup>

100. 专家小组继续收集资料，查找上一份最后报告所披露内容之外由阿里·阿卜杜拉·萨利赫(YEi.003)所拥有或控制的资产。

101. 专家小组发现，Wildhorse Investments 和 Wildhorse Corporation 等两家公司尽管据称已于 2011 年 6 月解散，但直到 2011 年 10 月之前仍在转移资金，当月有两笔共计 58 148 155 美元的资金转至阿里·阿卜杜拉·萨利赫(YEi.003)之子哈立德·阿里·阿卜杜拉·萨利赫持有的账户。专家小组仍在追查这些资产。

<sup>120</sup> Asa Fitch and Mohammed al-Kibsi, “也门胡塞武装反叛分子面临金融危机”, 《华尔街日报》, 2015 年 8 月 4 日, 可查阅 <http://www.wsj.com/articles/yemens-houthi-rebels-face-financial-crisis-1438714980>。

<sup>121</sup> 见 <http://www.alhagigah.com>(2016 年 9 月 29 日)和 Mohammed al-Khayat and Yasser Reyes, “也门胡塞武装组织以铁拳统治, 面临经济困境”, 媒体线路, 2016 年 6 月 9 日, 可查阅: [www.themedialine.org/featured/yemens-houthis-rule-with-iron-fist-and-economic-distress/](http://www.themedialine.org/featured/yemens-houthis-rule-with-iron-fist-and-economic-distress/)。

<sup>122</sup> 保密来源。

<sup>123</sup> Yara Bayoumy、Noah Browning 和 Mohammed Ghobari, “沙特阿拉伯在也门的战争如何使基地组织更加强大和富裕”, 路透社, 2016 年 4 月 8 日。可查阅 [www.reuters.com/investigates/special-report/yemen-aqap/](http://www.reuters.com/investigates/special-report/yemen-aqap/)。

<sup>124</sup> 其他萨利赫附属组织, 见机密附件 47。

## B. 哈立德·阿里·阿卜杜拉·萨利赫

102. 专家小组查明，哈立德·阿里·阿卜杜拉·萨利赫以金融代理人的身份开展活动，代表或受命于其父阿里·阿卜杜拉·萨利赫(YEi.003)行事。自从后者于2014年11月7日被列名后，哈立德·阿里·阿卜杜拉·萨利赫采取行动，绕过资产冻结措施，使他的父亲获得必要资金，维持其威胁也门和平、安全或稳定的能力。

103. 在上一份中，专家小组出示书面证据，表明在2014年10月23日，Albula Limited 和 Weisen Limited 所有属于阿里·阿卜杜拉·萨利赫(YEi.003)的股份均已转让给哈立德·阿里·阿卜杜拉·萨利赫。专家小组对转让情况作了进一步调查，查明有更多证据表明，实际转让给哈立德·阿里·阿卜杜拉·萨利赫是在2014年11月7日阿里·阿卜杜拉·萨利赫被(YEi.003)指认之后的某日发生的(见附件48)。虽然这两家公司在不同国家注册，但它们均由位于瑞士日内瓦的NWT Management S.A.管理。<sup>125</sup> 两家公司的股东名册和股份账簿显示，哈立德·阿里·阿卜杜拉·萨利赫于2014年10月23日从阿里·阿卜杜拉·萨利赫(YEi.003)手中获得了他的股份。专家小组认为，这两家公司在不同国家注册，但记录的股份转让却发生在同一天，特别是委任书签署于不同日期，且均发生在阿里·阿卜杜拉·萨利赫(YEi.003)被指认之后，这已经不只是巧合(见同上，附录A)。阿里·阿卜杜拉·萨利赫(YEi.003)同期还将第五家公司Foxford Management Limited 转让给他的儿子。专家小组有证据表明，在2014年10月24至29日期间，哈立德·阿里·阿卜杜拉·萨利赫从这几家公司中的三家，即Albula Limited、Foxford Management Limited 和 Weisen Limited，收到33 471 993美元<sup>126</sup>和734 786欧元(见同上，附录B)。

104. 专家小组还有证据表明，哈立德·阿里·阿卜杜拉·萨利赫是Trice Bloom Limited 公司的唯一董事，并且是拥有该公司的两家公司的唯一股东。这两家公司均在英属维尔京群岛注册：Precision Diamond Limited; Unmatchable Limited(见同上)。Trice Bloom Limited 或哈立德·阿里·阿卜杜拉·萨利赫于2014年11月27日分别向在两个不同会员国开设的账户转移了51 538 897美元和181 610美元。这发生在2014年11月7日阿里·阿卜杜拉·萨利赫(YEi.003)被列名后。<sup>127</sup> 哈立德·阿里·阿卜杜拉·萨利赫(YEi.005)还任命艾哈迈德·阿里·阿卜杜拉·萨利赫为Trice Bloom Limited 所经管的账户的授权签字人(见同上，附录C)。哈立德·阿里·阿卜杜拉·萨利赫还是第四家英属维尔京群岛注册公司Towkay Limited 的唯一股东(见同上，附录D)。

<sup>125</sup> 通过追踪附件48所载文件的签字人查明。地址是NWT Management S.A., 16 Rue de la Pelisserie, Geneva 1211, Switzerland。注册邮政地址为：8-10 Rue Muzy, PO Box 3501, Geneva 1211, Switzerland。网址是www.newworldtrust.ch/。

<sup>126</sup> 所有金额均四舍五入为整数。附件48列出了所使用的汇率。

<sup>127</sup> 专家小组档案库中的机密文件。

105. 在阿里·阿卜杜拉·萨利赫(YEi.003)被列名后,哈立德·阿里·阿卜杜拉·萨利赫将资金从 Trice Bloom Limited 和 Towkay Limited 转移至自己在新加坡和阿拉伯联合酋长国的账户。他还利用一个位于阿拉伯联合酋长国的休眠个人账户,在 2014 年 12 月 8 日起的三周内洗钱 83 953 782 美元。这些资金被存入该账户,又在同一期间被取出(见同上,附录 E)。

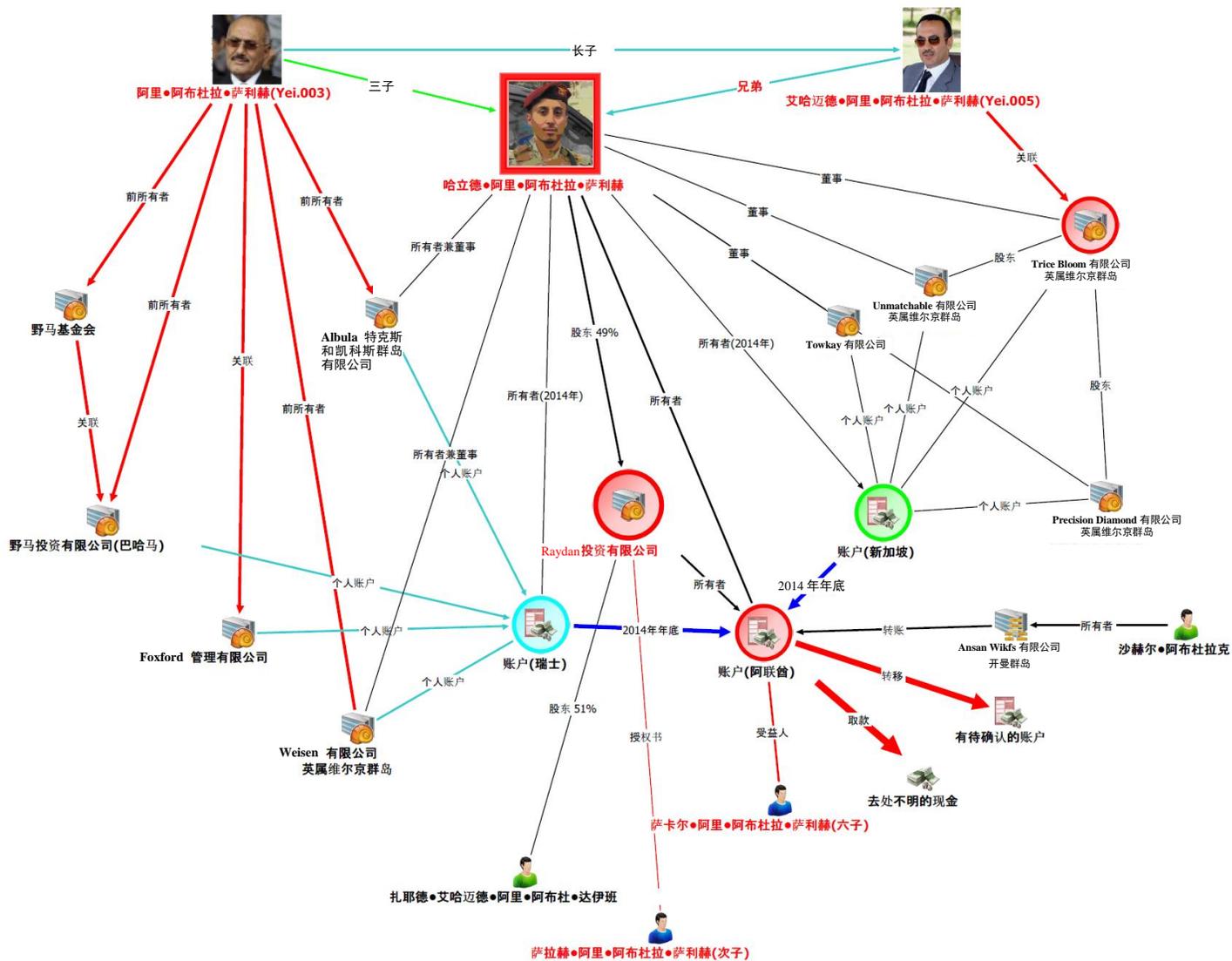
106. 他还将资金转移至另一家公司,即 Raydan Investments Limited(见同上,附录 F)。专家小组有证据表明,他在阿拉伯联合酋长国成立了该公司,可能是将其作为为被指认个人进行洗钱活动的工具。该公司的所有权一分为二,阿拉伯联合酋长国国民扎耶德·艾哈迈德·阿里·阿卜杜勒·达伊班持有 51% 股权,哈立德·阿里·阿卜杜拉·萨利赫持有 49% 股权(见同上,附录 G)。专家小组获得的文件显示,由于阿拉伯联合酋长国公司法不允许公司由外国国民全资控股,扎耶德·艾哈迈德·阿里·阿卜杜勒·达伊班是“赞助”伙伴。只有哈立德·阿里·阿卜杜拉·萨利赫及其兄弟萨拉赫·阿里·阿卜杜拉·萨利赫持有该公司的授权书。图六说明了哈立德·阿里·阿卜杜拉·萨利赫与被指认个人之间的财务联系。

107. 2016 年初,哈立德·阿里·阿卜杜拉·萨利赫曾过境阿曼,被注意到进行了金融交易。<sup>128</sup> 专家小组于 2 月 22 日、4 月 26 日、5 月 17 日、9 月 16 日、10 月 19 日致函阿曼,请求提供关于他的资产和交易的资料,目前在等待答复。

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<sup>128</sup> 保密来源。

图六  
哈立德·阿里·阿卜杜拉·萨利赫及其资产与列名个人的联系



### C. 沙赫尔·阿卜杜勒哈克

108. 沙赫尔·阿卜杜勒哈克拥有的公司 AnsanWikfs Limited 先后数次向 Raydan Investments Limited 划拨了相当于 3 024 494 美元的资金。其中，自阿里·阿卜杜拉·萨利赫(YEi.003)被列名以来，划拨了 1 631 067 美元(见附件 48 附录 H 至 J)。专家小组获悉的最近一次划拨是 4 月 24 日进行的。专家小组尚未查明任何与这些资金转移相关的商业活动。

### D. 艾哈迈德·阿里·阿卜杜拉·萨利赫

109. 专家小组迄今已经查明有价值 953 262 美元的资产属于艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)，正在对这些资产进行追踪。专家小组还查明，他的下列资产已被冻结(见表 6)。

表 6

艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)被冻结资产

国家	资产	美元等值	说明
马来西亚	1 个银行账户	780 658	8 月 2 日报告的，3 月 22 日被冻结
阿拉伯联合酋长国	10 个银行账户	166 405	2 月 11 日报告的，6 月 10 日被冻结
<b>共计</b>		<b>947 063</b>	

110. 专家小组收到了来自两个会员国的资料，两国查明并冻结了属于艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)的其他资产和银行账户，金额共计逾 100 万美元。专家小组还注意到，一个会员国所冻结了一些资产，专家小组有理由认为拥有这些资产的个人系代表他行事。

### E. 胡塞武装组织被指认人员

111. 专家小组未发现表明三名受制于冻结资产措施的胡塞武装组织人员阿布得·哈里克·胡塞(YEi.001)、阿卜杜拉·叶海亚·哈基姆(YEi.002)和阿卜杜勒马力克·胡塞(YEi.004)在也门境外持有银行账户或资产的任何证据。

## 七. 旅行禁令

112. 根据第 2140(2014)号决议第 15 段，专家小组继续重点开展一系列监测和调查活动，以查明委员会指认的个人是否违反了旅行禁令。

### A. 阿里·阿卜杜拉·萨利赫

113. 阿里·阿卜杜拉·萨利赫(YEi.003)经常在萨那附近在媒体上亮相，近期还在也门会见了秘书长特使和其他外交官。他最近一次接受电视采访是在 12 月 8 日，他说尽管自己未计划参加在 Salah al-Kubra 社区礼堂举行的葬礼，但空袭发

生时他正路过附近。<sup>129</sup> 他派儿子哈立德和侄子塔里克·穆罕默德·阿卜杜拉·萨利赫代为出席。附属于他的媒体报道称，10月27日，他请求安全理事会放行，允许其乘坐联合国飞机飞往古巴，出席菲德尔·卡斯特罗的葬礼。<sup>130</sup> 委员会未接到任何请求。

## B. 艾哈迈德·阿里·阿卜杜拉·萨利赫

114. 专家小组未发现表明艾哈迈德·阿里·阿卜杜拉·萨利赫(YEi.005)已离开阿拉伯联合酋长国的任何证据。专家小组会见了他在阿拉伯联合酋长国的一名女性密友，获悉他愿意会见专家小组，但需要国家安全部门放行。<sup>131</sup> 专家小组给他提供了直接向委员会传达消息的机会。根据上述密友和媒体的消息，他已于2015年末被阿拉伯联合酋长国安全部门软禁约三个月。

## C. 其他被指认个人

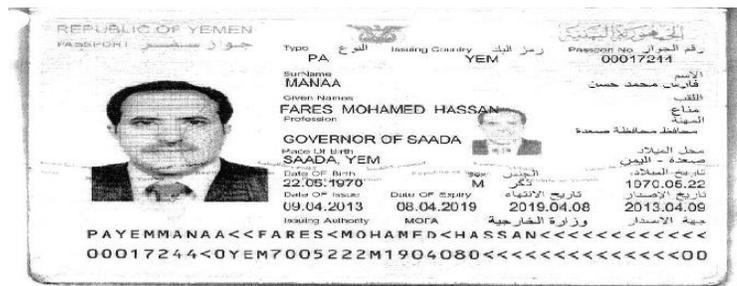
115. 专家小组未发现表明阿布得·哈里克·胡塞(YEi.001)、阿卜杜拉·叶海亚·哈基姆(YEi.002)或阿卜杜勒马力克·胡塞(YEi.004)前往也门境外的任何证据。上面提及的最后一位最近一次露面是12月11日发表电视讲话，庆祝先知诞辰。<sup>132</sup> 当地媒体报道阿卜杜拉·叶海亚·哈基姆(YEi.002)于12月5日访问了位于萨那的议会，此前流传的谣言称他一周前在伊卜省的一场空袭中遇难。

116. 专家小组在隶属于胡塞武装组织的正式媒体上看到一段视频，显示2016年11月24日阿卜杜拉·叶海亚·哈基姆(YEi.002)在塔伊兹省。

117. 专家小组在调查可能违反武器禁运的行为时，发现被指认人员法里斯·穆罕默德·马尼阿(SOi.008)曾于2015年1月持外交护照(见图七)前往巴西、捷克共和国、埃及和法国。专家小组获悉，他曾于2016年10月和11月前往两个非洲国家。已与索马里和厄立特里亚问题监测组共享所有相关证据，以助其开展进一步调查。

图七

法里斯·穆罕默德·马尼阿使用的外交护照



<sup>129</sup> 见 [www.youtube.com/watch?v=9nrwBm6PU54](http://www.youtube.com/watch?v=9nrwBm6PU54)。

<sup>130</sup> 见 [www.almotamar.net/pda/133659.htm](http://www.almotamar.net/pda/133659.htm)。

<sup>131</sup> 专家小组于10月15至23日访问阿拉伯联合酋长国，并会见了官员。

<sup>132</sup> 见 [www.youtube.com/watch?v=q-xm0Z5fq9Q](http://www.youtube.com/watch?v=q-xm0Z5fq9Q)。

## 八. 违反国际人道主义和人权法的行为

118. 安全理事会第 2140(2014)号决议第 9 段促请所有各方履行国际法，包括有关国际人道主义法和人权法为其规定的义务。第 2140(2014)号决议第 17、18 和 21 段，还有第 2216(2015)号决议第 19 段进一步澄清了专家小组在调查侵犯国际人道主义法和人权法行为和侵犯人权的行为以及调查阻碍提供人道主义援助的行为等方面的责任。

### A. 归咎于沙特阿拉伯牵头的盟军的事件

119. 专家小组调查了归咎于沙特阿拉伯牵头的盟军某些成员国因空袭和地面行动而可能违反国际人道主义法和国际人权法的行为和可能危及和平与安全的其他行为，详情如下所述。专家小组尽管无法实际进入也门，但对调查和报告每起事件都一直坚持必要的证据高标准。

#### 1. 空袭

120. 专家小组调查了 10 起空袭，这些空袭造成至少 292 名平民死亡，其中包括至少 100 名妇女和儿童。<sup>133</sup> 空袭还摧毁了三座住宅楼、三处民用工业厂房、一家医院和一个市场(见表 7)。详细的个案研究，包括对遵守国际人道主义法情况的评估，见附件 49 附录 A 至 D。其他个案研究存于秘书处。

表 7  
2016 年的空袭

	日期	地点	目标	爆炸物类型	平民伤亡/后果 <sup>a</sup>	附件 49 的附录
1	3 月 15 日	哈贾省	平民市场	马克 83 炸弹/ Paveway	106 人死亡， 41 人受伤	A
2	3 月 25 日	塔伊兹	民居	未确认	10 人死亡	
3	5 月 25 日	拉哈杰	民居	马克 82 炸弹/ Paveway	6 人死亡， 3 人受伤	B
4	5 月 25 日	拉哈杰	饮水瓶装厂	马克 82 炸弹/ Paveway	无伤亡	
5	8 月 9 日	萨那	食品厂	空投高爆炸弹	同地重袭 10 人死亡， 13 人受伤	
6	8 月 15 日	哈贾省	医院	GBU-12/Pavew ay II	19 人死亡， 24 人受伤	C
7	9 月 13 日	萨那	水泵厂	马克 82 炸弹/	无伤亡	

<sup>133</sup> 专家小组核查了七起事件的数据。第 1、6 和 10 号的数据来自联合国和(或)和无国界医生组织。

日期	地点	目标	爆炸物类型	平民伤亡/后果 <sup>a</sup>	附件 49 的附录	
8	9 月 22 日	萨那	水泵厂	GBU -24/ Paveway IV	同地重袭	
9	9 月 24 日	伊卜省	住宅区	马克 82 炸弹/ Paveway	9 人死亡, 超过 7 人受伤	
10	10 月 8 日	萨那	平民殡仪馆	GBU-12/ Paveway II	132 人死亡, 695 人受伤	D

<sup>a</sup> 空袭造成物体被全部或部分摧毁。

## 2. 个案概要：萨那社区会堂空袭<sup>134</sup>

121. 10 月 8 日下午 3 时 20 分左右, 萨那西南部一个居民区有 1 000 多位送葬者在 Salah al-Kubra 社区会堂参加设在萨那的内政部的代理部长的父亲的葬礼, 两枚空投炸弹在会堂上空或会堂内爆炸。预期许多隶属胡塞武装组织-萨利赫的军政治领导人会出席葬礼。

图八

袭击的地点



资料来源：个案研究的所有图像来源载于附件 49 附录 D。

<sup>134</sup> 收入此案以显示所有个案研究中所采用的技术和国际人道主义方法。

## 对实物证据的技术分析

122. 专家小组获取了现有物证的爆炸后原始图像并进行了分析，发现碎片很像马克 82 空投高爆炸弹 GBU-12 PAVEWAY II 定向仪尾翅和弹翼碎片的造形，而且也与尺寸参数相吻合(见图九和十)。

图九

现场 GBU-12PAVEWAY II 定向仪尾翅碎片



图十

GBU-12PAVEWAY II 定向仪弹翼碎片，上有商业和政府实体代号 3FU05<sup>135</sup>



123. 沙特阿拉伯牵头的盟军是已知有能力投掷配有 GBU-12PAVEWAYII 定向仪的马克 82 空投高爆炸弹的唯一冲突当事方。

124. 盟军对专家小组要求提供资料未作答复。联合事件评估小组是盟军设立的一个小组，其目的是“评估所报告的平民伤亡事件、调查程序和精确选择目标机制”(S/2016/100)，该小组将责任归咎于沙特阿拉伯牵头的盟军。<sup>136</sup>

125. 专家小组进行了技术和国际人道主义法的评估后认定：

(a) 盟军空袭了萨那的社区会堂，造成至少 827 名平民伤亡。受伤者中至少有 24 名儿童。空袭还彻底摧毁了该社区会堂；

(b) 鉴于事件的性质和出席人员，这次空袭导致大量平民伤亡，这在空袭前就应料到。<sup>137</sup> 专家小组无法信服，国际人道主义法有关相称的规定得到了遵守；<sup>138</sup>

<sup>135</sup> 3FU05 为美国 Karlee 有限公司的代号。见 [WWW.Karlee.com](http://WWW.Karlee.com)。

<sup>136</sup> 联合事件评估小组新闻公报。

<sup>137</sup> 构成相称评估基础的信息见个案研究。

<sup>138</sup> 可能附带使平民生命受损失、平民受伤害、平民物体受损害、或三种情形均有而且与预期的具体和直接军事利益相比损害过分的攻击，为国际人道主义法所禁止(习惯国际人道主义法，规则 14)。

(c) 上述(a)和(b)分段中的累积因素也说明,即使采取预防措施,在很大程度上也是不足和效果不彰的。<sup>139</sup> 联合事件评估小组还得出结论认为,没有遵循相关的接战规则和程序,沙特阿拉伯牵头的盟军中负有责任者“没有考虑目标地区的性质”;<sup>140</sup>

(d) 第二次空袭发生在首次空袭 3 至 8 分钟后,给已经受伤的平民和救援人员造成更多的伤亡。盟军违反了对非战斗人员和受伤者的义务,<sup>141</sup> 实际上作出了“双击”打击,原因可能是飞行员的战术旨在确保目标被摧毁;<sup>142</sup>

(e) 即便盟军只有一位军官在空袭中犯有过失,盟军仍然为违反国际人道主义法的行为负责。<sup>143</sup> 依据更广泛的国际法,官员违反指示行事不是盟军相关成员国逃避为这些不法行为承担国家责任的充分理由;<sup>144</sup>

(f) 据报传递消息的政府官员<sup>145</sup> 或以其他方式在这一事件中参与收集情报和确定目标过程的官员,也可依其卷入程度负有违反国际人道主义法责任。

### 3. 专家组对空袭的评估

126. 尽管专家组提出多次请求,但盟军中使用航空资产的成员国无一向专家组提供有关表 7 所列事件的信息。<sup>146</sup> 这没有遵守第 2266(2016)号决议第 8 段。

127. 专家组在 10 项调查的 8 项中没有发现空袭以合法军事目标为对象的证据。<sup>147</sup> 在所有 10 项调查中,专家组认为几乎可以肯定,盟军没有满足国际人道主义法关于攻击须相称和采取预防措施的要求。专家组认为,某些袭击可能构成战争罪行。<sup>148</sup>

<sup>139</sup> 国际人道主义法要求采取一切可能的预防措施,以期避免,并无论如何,减少平民生命附带受损失、平民受伤害和民用物体受损害。这一义务尤其要由那些计划和决定空袭者负(习惯国际人道主义法,规则 15 至 22)。

<sup>140</sup> 联合事件评估小组新闻公报。

<sup>141</sup> 包括 1949 年 8 月 12 日日内瓦四公约共同第一和第三条。

<sup>142</sup> “双击”打击是指“在很短的时间内多次攻击”。见 Andrew Clapham、Paolo Gaeta 和 Marco Sassòli 等人,《1949 年日内瓦四公约:一条评注》(牛津大学出版社,2016 年)。

<sup>143</sup> 习惯国际人道主义法,规则 14 至 22。

<sup>144</sup> 见国家对不法行为的责任条款第 7 条,“……经授权行使政府权力要素的个人或实体,若以此种资格行事,即使逾越权限或违背指示,其行为仍应视为国际法所指的国家行为。”另外习惯国际人道主义法规则 139 呼吁冲突各方的“武装部队及实际上按其指示行事或在其指挥或控制下的其他个人或群体”尊重并确保尊重国际人道主义法。

<sup>145</sup> 联合事件评估小组新闻公报。

<sup>146</sup> 2016 年 7 月 1 日和 11 月 21 日的信。

<sup>147</sup> 表 7 中空袭 1 和 10 除外。在 10 起事件中有 9 起使用精确制导武器,喻示击中预定目标。

<sup>148</sup> 严重违反国际人道主义法的行为构成战争罪(习惯国际人道主义法,规则 156)。关于轰炸的一些法律问题,另见 William Boothby 和 Michael N. Schmitt,《袭击目标法》(The Law of Targeting)(牛津大学出版社,2012 年)。

128. 在对 Abs 医院(表 7 空袭 6)的调查中, 专家小组认定, 盟军对医院的空袭违反了保护和尊重医院和医务人员;<sup>149</sup> 保护伤员和病人;<sup>150</sup> 保护非战斗人员等原则。<sup>151</sup>

129. 所有国家只要其部队从事或以其他方式参与盟军的军事行动便对“组成其武装部队的人员实施的所有行为”负有责任。<sup>152</sup> 这些国家“不得将其部队交由一个临时联盟使用而逃避义务”。<sup>153</sup> 盟军所有成员国及其盟友<sup>154</sup> 也有义务采取适当措施, 确保盟军尊重国际人道主义法。<sup>155</sup> 这一义务尤其在于也门政府, 因为空袭是由其请求并经其同意而实施的(S/2015/217)。

130. 负责规划、决定和/或实施空袭者,<sup>156</sup> 在空袭不成比例地伤害到平民和民用基础设施时, 便可能达到第 2140(2014)号决议第 17 段的指认标准, 沦为威胁也门和平、安全或稳定者。其行为也可能属于决议第 18 段所指的行为。

131. 专家小组认定, 实施空袭中所涉的犯法行为足够广范, 反映出或是目标设定进程无效, 或是在更广泛的意义上推行消耗民用基础设施的政策。<sup>157</sup>

#### 4. 地面行动

132. 专家小组调查了哈德拉米精英部队在穆卡拉强迫疑是和/或实为半岛基地组织关联者/成员失踪而违反国际人道主义法的行为。4 月下旬也门政府重新控制

<sup>149</sup> 习惯国际人道主义法, 规则 25 和 28。另见 1949 年 8 月 12 日日内瓦四公约 1977 年 6 月 8 日附加议定书第 9 和 11 条。

<sup>150</sup> 1949 年 8 月 12 日日内瓦四公约共同第 3 条及其 1977 年 6 月 8 日附加议定书第 7 条。

<sup>151</sup> 同上。

<sup>152</sup> 见 [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD#\\_Toc452378931](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD#_Toc452378931) 对 1949 年 8 月 12 日日内瓦四公约共同第一条更新评注。另见 1907 年海牙陆战法规和惯例公约第三条。

<sup>153</sup> 见对 1949 年 8 月 12 日日内瓦四公约共同第一条更新评注。

<sup>154</sup> 根据共同第一条更新评注, “盟友”可包括参与“资助、装备、武装或培训”联军部队在也门作战的国家和/或同联军“联合计划、实行作战和 听取战况”的国家。卷入的具体国家见第 30 段。

<sup>155</sup> 更新评注认为, 1949 年 8 月 12 日日内瓦四公约共同第一条内的遵守和确保遵守义务不限于积极参加这次空袭的联军国家。“确保尊重义务……对参与联合行动的伙伴特别强烈, 因为这种情况同既不鼓励也不帮助或协助违反《公约》的消极义务密切相关, 义务尤其强烈。例如一缔约方参与资助、装备、武装或培训武装冲突一方的部队, 甚至同该部队联合计划、实行作战和听取战况, 便处于能够影响这些部队行为从而确保尊重《公约》的独特地位。”

<sup>156</sup> 关于执行空袭, 飞行员有可能在开火时依赖先前提供给他的信息的准确性。在这中情况下, 专家小组认为, 计划和决定空袭的指挥官掌握各种来源的相关信息, 他们有责任确保遵守国际人道主义法。另见 William Boothby and Michael N. Schmitt, *The Law of Targeting* (Oxford University Press, 2012)。

<sup>157</sup> 例如按联合国记录, 2016 年有 987 起空袭住宅楼、31 起空袭工厂、27 起空袭教育机构和 16 起空袭医疗单位事件。12 月 19 日向专家小组提供的信息。

穆卡拉，成立哈德拉米精英部队以反制半岛基地组织的威胁。虽然这些部队名义上归合法政府指挥，但实际上受阿拉伯联合酋长国的作战指挥，后者指挥穆卡拉的地面行动。<sup>158</sup>

133. 专家小组调查了 5 起事件，涉及 2016 年 5 月至 11 月间 6 人被哈德拉米精英部队逮捕后强迫失踪。<sup>159</sup> 6 人中有一人拘押在 Riyan 机场，后被释放。<sup>160</sup> 另一人是专业工匠，在半岛基地组织为事实上管辖当局的地区为半岛基地组织做了一些技术工作。其他 5 人与同半岛基地组织没有任何已知的关联。

134. 专家小组认定，即使这些人与半岛基地组织有关联，政府也负有国际人道主义法和国际人权法义务，确保哈德拉米精英部队，或由政府领导和/或控制和/或同意的在当地行动的任何其他部队，遵守有关剥夺自由方面的法律要求和程序保障。<sup>161</sup> 这包括采取积极措施防止发生失踪，包括通过规定拘留者登记程序和将拘留者下落通知家庭成员来这样做。<sup>162</sup> 鉴于阿拉伯联合酋长国也有地面部队在穆卡拉活动，因此也有类似的义务。阿拉伯联合酋长国告知专家小组，盟军一直向也门合法武装部队控制下的哈德拉米精英部队提供“军事、经济和培训援助”以及“情报、后勤信息和空中干预”。

## B. 归咎于胡塞武装组织和萨利赫部队的事件与剥夺自由相关的侵权行为<sup>163</sup>

135. 专家小组调查了 12 起由胡塞武装组织的安全机构施行的剥夺自由事件。违反国际人道主义法和人权准则事件<sup>164</sup> 随处可见，表 8 予以概列。

<sup>158</sup> 保密来源。

<sup>159</sup> 同上。

<sup>160</sup> 12 月 2 日的情况。

<sup>161</sup> 见习惯国际人道主义法，规则 98、99、117 和 123。另见 1949 年 8 月 12 日日内瓦四公约 1977 年 6 月 8 日附加议定书第 4 和 5 条，《公民权利和政治权利国际公约》第 9、10、17 和 26 条。

<sup>162</sup> 同上，习惯国际人道主义法，规则 99。

<sup>163</sup> 本表详列包括违反习惯国际人道主义法规则 22、87、90、98、99、117、118 和 123 的事件。其中一些案件的细节见机密附件 50。

<sup>164</sup> 非国家行为体，尤其是行使类似政府职能并事实上控制领土者，若行为影响其控制下人民的人权，应遵守人权标准，此点日益得到公认。见 A/HRC/33/38，第 10 段；A/HRC/29/51，第 30 段；A/HRC/10/22，第 22 段；S/PRST/2014/20；A/21/50，第 134 段和附件二(第 10 段)；A/HRC/22/33；A/HRC/14/24，第 46(c)段。

表 8  
胡塞武装组织与剥夺自由相关的侵权行为

过去或最后 羁押地	羁押时间	限制对外 联系	不给逮捕 理由	没有质疑			遭受酷刑 虐待	关押期间			说明
				没有正式 指控	拘留的 机会	遭受酷刑 虐待		死亡	遭受空袭	不给药物	
1 伊卜	8 天	X	X	X	X	X	X	X		X	机修工
2 阿姆兰	2 年	X	X	X	X	X	X		X	X	拘留中因空袭 受伤-大学生
3 萨那中部	4 个月	X	X	X	X	X	X				逃离-儿童
4 萨那中部	8 个月	X	X	X	X		X		X	X	社交媒体活动 分子
5 萨那 Habrah	9 个月	X	X	X	X			X		X	大学生
6 萨那 Saref	11 天	X	X	X	X						家庭主妇
7 萨那 Saref	3 周	X	X	X	X				X		社区领袖
8 萨那 Saref	超过 3 个月	X	X	X	X				X		社区领袖
9 萨那 Saref	超过 3 个月	X	X	X	X				X		社区领袖
10 萨那 Saref	4 个月	X	X	X	X				X		社区领袖
11 萨那 Saref	2 个月	X	X	X	X				X		社区领袖
12 萨那中部	超过 3 年	X	X	X	X	X	X			X	正在审判

136. 表 8 中所列侵权事件发生在 11 个不同的拘留中心。专家小组还记录了 8 个省 50 多起经核实的与剥夺自由相关的侵犯国际人道主义法的案件。<sup>165</sup> 专家小组认定，这些侵权行为在胡塞武装组织控制下的拘留中心屡屡发生，十分普遍。尽管有充分证据表明，这些侵权行为在公共领域多有记录(见附件 50)，但专家小组未见任何胡塞武装组织人员因造成或参与这些违法行为受到刑事起诉或纪律处分。

137. 专家小组还查明有一种趋势，预防性拘留包括移民和儿童在内的个人，怕他们日后有可能参与作战，这也侵犯了他们享受正当程序的权利。<sup>166</sup>

138. 专家小组认定，这些与剥夺自由有关的侵权行为足够广泛，折射出普遍性的政策。因此犯下这些严重侵权行为的个人及其上司，合乎第 2140(2014)号决议第 17 段规定的指认标准，属于威胁也门和平与安全者。其行为也可能合于该决议第 18 段所指的情形。其中一些侵权行为属战争罪行。<sup>167</sup> 附件 21 概列各拘留设施及其负责人。

<sup>165</sup> 受害者、家属、当地和国际非政府组织、人权活动家和律师提供的信息。联合国记录了胡塞武装组织部队 2016 年至少有 174 起任意“逮捕”事件(截至 12 月 19 日)。

<sup>166</sup> 保密来源。

<sup>167</sup> 例如严重违反 1949 年 8 月 12 日日内瓦四公约的行为属战争罪。施加酷刑属严重违反行为。见 1949 年 8 月 12 日日内瓦四公约共同第三条和习惯国际人道主义法，规则 156。

### C. 在居民区使用爆炸性武器

139. 专家小组记录了在塔伊兹居民区 4 起使用爆炸物事件(见表 9), 并继续调查其他两起爆炸事件<sup>168</sup> (见附件 51), 共造成 27 名平民死亡<sup>169</sup> 和一栋居民楼、一所学校、一所医院和 3 处市场毁坏。

表 9

2016 年在居民区使用爆炸物概况

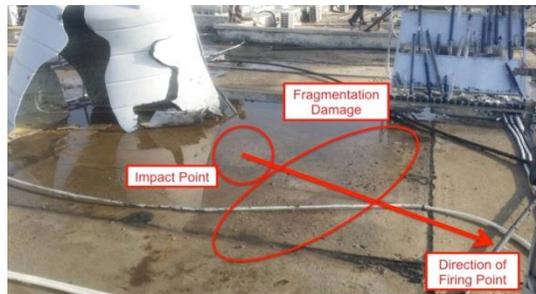
	日期	地点	着弹处	爆炸物	说明/后果	附件 51 的附录
1	6 月 3 日	Jamal 街	市场	无控火箭	超过 2 人受伤	A
2	9 月 18 日	革命医院	医院	迫击炮弹	损坏重要基础设施	
3	10 月 3 日	Bi'r Bashah	市场	迫击炮弹	10 人死亡, 超过 17 人受伤	
4	11 月 15 日	Shamsjn 居民区	住宅楼	迫击炮弹	1 人受伤	

140. 专家小组采用技术分析, 确定有三起攻击(表 9 第 1、2 和 4 号)来自东塔伊兹, 该地处胡塞武装组或萨利赫的部队控制之下。

#### 1. 个案研究摘要: 革命医院受袭<sup>170</sup>

141. 9 月 28 日晚上 9 时 15 分, 爆炸物在革命医院工作人员住宅大楼楼顶引爆, 损坏了太阳能电池板和蓄水罐。专家小组认定, 迫击炮弹是从胡塞武装组织或萨利赫部队控制区发射的。

图十一  
着弹点



图十二  
高爆迫击炮弹尾翼

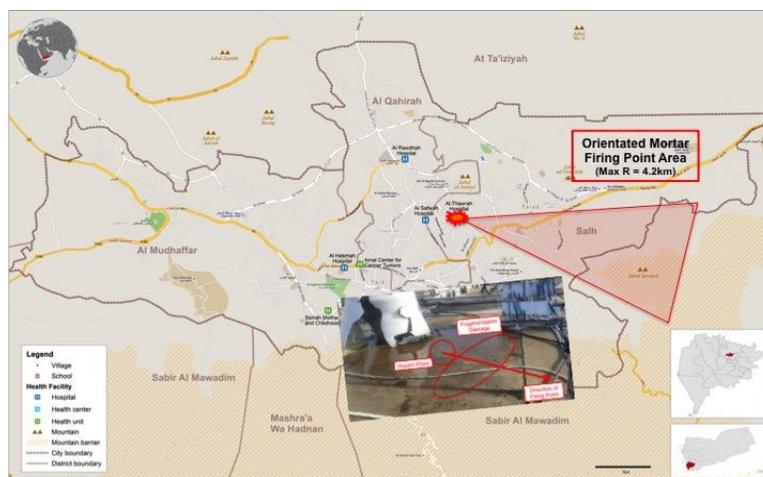


<sup>168</sup> 其他两起事件一为 6 月 3 日在 Bab al-Kabir 的爆炸, 至少 12 人死亡, 约 100 人受伤, 另一起为 2016 年 6 月 7 日 Shami 街区一所学校发生爆炸事件, 炸死 5 人, 其中包括 4 名妇女和儿童。

<sup>169</sup> 在这些事件中, 专家小组核对了 4 起事件的人数。对一起涉及众多伤亡数字的事件, 专家小组依据了联合国和无国界医生组织的数据。

<sup>170</sup> 收入此案以展示所有个案研究的技术和国际人道主义法方法。

图十三  
迫击炮发火点分析



142. 专家小组认为：

(a) 几乎可以肯定，胡塞武装组织或萨利赫部队对这次袭击负有责任；

(b) 根据国际人道主义法，医院和医务人员不受攻击。<sup>171</sup> 这次袭击时，没有任何明显的证据表明，该医院或医务人员失去了受保护的地位。<sup>172</sup> 医院工作人员否认收到任何可构成国际人道主义法要求的警告的信息；<sup>173</sup>

(c) 可以肯定的是，胡塞武装组织-萨利赫战斗人员知道医院地址，因此任何发射到医院附近的迫击炮弹都极有可能损害医院，危及工作人员、伤员、病人和平民；

(d) 根据上述情况，国际人道主义法关于在攻击中区分、相称和预防措施的原则极有可能没有得到遵守。

## 2. 专家小组对地面行动的评估

143. 关于表 9 中的 4 次事件，胡塞武装组和萨利赫部队没有向专家小组提供资料。在所有调查中，专家小组认为，胡塞武装组织或萨利赫部队极不可能在攻击

<sup>171</sup> 习惯国际人道主义法，规则 25 和 28。

<sup>172</sup> 同上。

<sup>173</sup> 习惯国际人道主义法，规则 28。

中遵循国际人道主义法关于相称和预防措施的规定。其中一些攻击可能还构成战争罪。<sup>174</sup>

144. 战争遗留爆炸物的扩散，继续对平民构成重大威胁(见附件 44)，专家小组认定，这也严重阻碍流离失所者安全返回自己的家园。

145. 专家小组认定，那些继续从事上述行为的部队的指挥官个人合于第 2140(2014)号决议第 17 段中的指认标准，为威胁也门和平与安全者。他们的行为也可能属于该决议第 18 段所指的行为。关于在塔兹负有指挥责任的胡塞武装组织和萨利赫部队军官的更多资料，见上文第 42 段和附件 21 和 25。

#### D. 武装团体招募和使用儿童

146. 胡塞武装组织和萨利赫部队、半岛基地组织和与合法政府有关联的武装团体都继续招募和利用儿童参加武装冲突。<sup>175</sup> 沙特阿拉伯牵头的盟军向专家小组提供了一份在其监押下 52 名儿童名单，并允许专家小组探视据称被胡塞武装组织招募的儿童兵。沙特阿拉伯告知专家小组，这 52 名儿童随后交给合法政府，送往马里布。

147. 专家小组调查了一位年仅 16 岁儿童的案子，他被胡塞武装组织部队抓获，因怀疑是战斗人员而被严刑拷打和致残(见机密附件 50)。

148. 联合国一再发现胡塞武装组织和萨利赫部队招募和使用儿童(A/70/836-S/2016/360 和 Add.1)，表明胡塞武装组织和萨利赫派领导人知晓这种侵害行为，却没有采取有效措施加以预防。

#### E. 针对宗教少数群体的不容忍和歧视

149. 专家小组记录了涉及巴哈教徒的案件，这些人被以不尊重正当程序的方式逮捕，自由遭到剥夺。有关这些案件的资料载于机密附件 50。因信仰活动而剥夺一群人的自由违反了数项人权规范。<sup>176</sup> 专家小组已查明对这些事件负责的个人。

#### F. 归咎于政府的事件

##### 1. 强行放逐平民

150. 5 月 8 日，安全人员开始强行驱逐在亚丁工作或居住的北部人士。<sup>177</sup> 地方当局支持这一行动，认为这是遏制当地持续不断的暗杀和暴力行为的一项安全举措。

<sup>174</sup> 严重违反国际人道主义法的行为构成战争罪行(习惯国际人道主义法，规则 156)。

<sup>175</sup> 多重消息来源。

<sup>176</sup> 《世界人权宣言》，第二、七、十八、十九和二十条。

<sup>177</sup> 很多人遭逐。

151. 5月9日左右，总统发表声明，谴责驱逐行为，指示亚丁、拉哈杰和达利等省的省长紧急采取行动，制止域籍煽动和强行驱逐。<sup>178</sup>

152. 专家小组认定，虽然驱逐在地方一级实施，但几乎肯定地表明在亚丁省一级有更广泛的政策。专家小组已查明是那些对执行这项政策负有责任者。

153. 专家小组随后调查了另一起事件，3名工人在5月12日前后从拉哈杰省的一家工厂被强行遣返塔兹。也门军方强行将此3人从其工作地点带走，送到也门“北部”。一名工人遭逐前获允先往亚丁，以便把家人也迁到北部。这一事件违反了国际人道主义法和国际人权法的若干规定，包括有关占领下的权利，禁止强迫流离失所和歧视。<sup>179</sup> 专家小组还查明了在拉哈杰省负责驱逐行动的指挥官。

154. 专家小组认定，对“北方人”实际上或感觉上的歧视在亚丁继续存在。这种歧视和驱逐事件可能会损害地方当局的合法性，并可能阻碍本国和国际上为建立当地安全和治理以达成持久解决的努力。专家小组认定，从事此种恶劣行为的个人和实体，合于第2140(2014)号决议第17段中的指认标准，可被视为威胁也门和平与安全者。他们的行为也可能属于该决议第18(a)和(c)段所指的行为。

## 2. 阻碍提供医疗服务

155. 专家小组记录了2016年也门境内对医院的18次袭击(见附件52)。国际人道主义法要求各方采取措施确保医疗单位、车辆和人员在冲突中受到尊重和保护。专家小组记录了塔兹的3起事件，当事武装男子威胁医务人员，打断医疗救护工作，图谋逼迫医务人员优先治疗己方伤员(见机密附件53)。这些医院位于“抵抗”方控制区内。专家小组注意到，强迫正在从事医疗活动的个人作出违反医德的行为，为国际人道主义法所禁止。<sup>180</sup>

## 九. 阻碍人道主义援助

156. 专家小组根据第2216(2015)号决议第19段，继续调查阻碍人道主义援助运往也门，或阻碍在也门得到或分发人道主义援助一事。

<sup>178</sup> Rua'a Alameri, “也门领导人抨击南方驱逐平民”, 阿拉伯电视台, 2016年5月9日, 可查阅 <http://englih.alarabiya.net/en/News/middle-east/2016/05/09/Yemen-leader-slams-civilian-expulsions-from-Aden.html>; 以及“亚丁官员背弃有争议的驱逐运动”, 新阿拉伯网, 2016年5月11日, 可查阅 [www.alaraby.co.uk/english/news/2016/5/11/aden-officials-backtrack-on-controversial-deportation-campaign](http://www.alaraby.co.uk/english/news/2016/5/11/aden-officials-backtrack-on-controversial-deportation-campaign)。

<sup>179</sup> 见1949年8月12日日内瓦四公约1977年6月8日第二附加议定书第17条第(1)款和习惯国际人道主义法, 规则87、88和129。另见《公民权利和政治权利国际公约》, 第17、25和26条。

<sup>180</sup> 习惯国际人道主义法, 规则26。

## A. 阻碍运送人道主义援助

157. 专家小组认定，最近袭击商业船只引起的不安全(第 33 和 37 段)，战争风险上升拉高保险费用，货币兑换的相关问题，<sup>181</sup> 劫持和扣押商业船只以及迫使商业船只改道，<sup>182</sup> 对商品粮供应品的分配产生了不利影响。其中一些商船运载人道主义援助。这给人道主义行为体造成了沉重的负担，迫使它们增加援助以满足需要。<sup>183</sup> 在冲突之前，也门 90% 的粮食供应依赖其他国家。

158. 另一项增加人道主义行为体负担的类似因素是提供医疗用品。人道主义国家工作队评估认为，盟军 8 月开始限制进入萨那国际机场的商业航班，致使 6 500 多人无法获得医疗保健。<sup>184</sup> 也门航空公司估计，至少有三分之一的乘客前往国外寻求医疗保健，他们所患的通常是慢性疾病，部分是因为进口方面的困难，慢性疾病的医治在也门几乎不复存在。<sup>185</sup>

## B. 阻碍分配人道主义援助

159. 专家小组认定，冲突所有各方都阻碍人道主义援助的分配。应消息来源的要求，并适当考虑到实地获取人道主义援助的敏感性，有关 29 起事件的信息载于机密附件 54。

## 十. 建议

160. 专家小组在 2015 年最后报告(S/2016/73)及其向委员会提交的中期情况通报中已经提出了建议，除此之外没有进一步建议。

<sup>181</sup> 小麦进口商通知说，它们将停止也门的小麦进口。文件存于专家小组。

<sup>182</sup> 可参阅 [www.reuters.com/article/us-yemen-oil-exclusive-idUSKCN11K2BQ](http://www.reuters.com/article/us-yemen-oil-exclusive-idUSKCN11K2BQ), Ahmad Ghaddar, Ron Bousso and Dmitry Zhdannikov, “Tankers seized in Yemen port, risking deeper import crisis”, Reuters, 15 September 2016.

<sup>183</sup> 11 月整个也门的面粉和糖的价格平均高出冲突前约 25%。11 月燃料的进口量只达也门每月需求的 40%。Jonathan Saul and Maha El Dahan, “也门贸易商在饥荒逼近时停止小麦进口”，路透社，2016 年 12 月 16 日，可查阅 [www.reuters.com/article/us-yemen-food-exclusive-idUSKBN1450H6](http://www.reuters.com/article/us-yemen-food-exclusive-idUSKBN1450H6)。

<sup>184</sup> 人道主义事务协调厅，“2017 年人道主义概况：也门”，2016 年 11 月，可查阅 [www.humanitarianresponse.info/system/files/documents/files/yemen\\_2017\\_hno\\_final\\_1.pdf](http://www.humanitarianresponse.info/system/files/documents/files/yemen_2017_hno_final_1.pdf)。

<sup>185</sup> 同上。

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

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

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

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

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

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

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

(iii) Endanger Panel sources or Panel members;

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

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

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

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

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

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<sup>1</sup> Hereinafter just the term individual will be used to reflect both.

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

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

Table 1.1  
**Right of Reply versus Opportunity to Reply**

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

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

<i>Question</i>	<i>Right of Reply</i> <sup>2</sup>	<i>Opportunity to Reply</i>
	by the competent authority.	provide an informed response to these allegations.  Sufficient information on possible violations.

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## **Annex 2: Violations relating to IHL, IHRL, and acts that constitute human rights abuses investigative methodology**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Documentation issued by prison authorities;

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

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

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

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

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

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

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

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

(iii) Documentation relevant to verify information obtained;

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

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

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

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

deprivation of liberty, violations associated with ground strikes on a civilian home, or in violations associated with children.

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

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

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

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



Map No. 3847 Rev. 3 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

**Annex 4: Summary of Panel correspondence (2016)**

Table 4.1

**Correspondence with Member States**

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

<sup>1</sup> Holding reply only received to date.

<i>Member State</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by Member State</i>
Romania	1	1
Russian Federation	5	
Saudi Arabia	21	12
Singapore	2	
Spain	1	
The Sudan	2	2
Switzerland	4	
United Arab Emirates	18	3
United Kingdom of Great Britain and Northern Ireland	2	2
United States of America	5	3
Yemen	13	1
<b>Total</b>	<b>129</b>	<b>48</b>

Table 4.2

**Correspondence with the ministry of foreign affairs in Yemen**

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

Table 4.3

**Correspondence with commercial companies**

<i>Commercial company</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>
Al Rams Trading (UAE)	1	
Al Thuraya Tower Trading (UAE)	1	
Amir Mizraei(UAE)	1	
Arab Bank (UAE)	1	
Arsenal Joint Stock Company (Bulgaria)	1	

<i>Commercial company</i>	<i>Number of letters sent by the Panel</i>	<i>Number of unanswered letters by company</i>
Agency for Aerial Navigation Safety in Africa and Madagascar (ASCECNA) (Regional, Senegal)	1	1
Caracal (UAE)	1	
Citibank (UAE)	1	
CITIGROUP (USA)	1	1
Commercial Bank of Dubai (UAE)	1	
Cygnus Telecom (UAE)	2	
Deutsche Bank	1	
Dubai Islamic Bank (UAE)	1	
EDO MBM (UK)	1	
Emirates National Dubai Bank (UAE)	1	
First Gulf Bank (UAE)	1	
Instlaza (Spain)	1	
International Commercial Bank (UAE)	1	
Jetworks (UK)	1	
Lockheed Martin (USA)	1	1
Mobile Yemen (Yemen)	1	1
Mediterranean Shipping Company (Switzerland)	1	
National Bank of Abu Dhabi (UAE)	1	
Noor Bank (UAE)	1	
PGW Defence (Canada)	1	
Raytheon (UK)	1	1
SAMCO (Netherlands)	1	
Taurus (Brazil)	1	
Thuraya (UAE)	1	
Zastava (Serbia)	1	
<b>Total</b>	<b>32</b>	<b>5</b>

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

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

Figure 5.1

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

The image shows a screenshot of the official website of the Prime Ministry of Yemen. The page features the national emblem and the text 'رئاسة الوزراء' (Prime Ministry) and 'WWW.YEMEN.GOV.YE'. Below the header, there is a navigation menu with items like 'الرئيسية', 'رئيس الوزراء', 'الأمين العام', etc. The main content area displays a list of cabinet members under the heading 'أعضاء الحكومة الحالية'. A table lists the following members:

الاسم	الصفة
أبطلل عبدالكريم عثمان	العقلم بأعمال رئيس الوزراء
اللواء الركن/جلال الرويشان	وزير الداخلية

On the right side of the page, there is a vertical menu with items such as 'القائمة الرئيسية', 'الرئيسية', 'رئيس الوزراء', 'الحكومة الحالية', 'الأمين العام', 'الأخبار', 'برنامج الحكومة', 'مهام وإختصاصات الحكومة', 'الهيكل و اللاتحة التنظيمية والقوانين', 'إجتماعات المجلس', 'الإصدارات', and 'الحكومات السابقة'.

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

Table 5.2

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

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

<sup>2</sup> Although titled chargé d'affaires these individuals also had ministerial responsibility.

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
19	Yahya al A'jam	minister / chargé d'affaires	oil and minerals
20	Abdulmalik al Jawlahi	minister / chargé d'affaires	general labour and roads
21	Abdullah Basunbul	minister / chargé d'affaires	fisheries
22	Ahmed Nasser al Hammati	minister / chargé d'affaires	education
23	Ali Saleh Taissir	minister / chargé d'affaires	human rights
24	Abdu Mohamed al Hukaimi	minister / chargé d'affaires	social affairs and justice
25	Abdulkarim Arrawdi	minister / chargé d'affaires	higher education and social research
26	Ghazi Ismail	minister / chargé d'affaires	public health and housing
27	Abdurrahman al Qallam	minister / chargé d'affaires	endowment and religious guidance
28	Abdullah Ali al A'nsi	minister / chargé d'affaires	transport
29	Ibrahim al Hamdi	minister / chargé d'affaires	diaspora
30	Issam Assanini	minister / chargé d'affaires	tourism
31	Adil Dhamran	minister / chargé d'affaires	energy and electricity
32	Mohamed Shamsan	minister / chargé d'affaires	water and forestry
33	Ali Abdullah al Fadil	minister / chargé d'affaires	agriculture and irrigation

## Annex 6: Supreme security committee and security and military committee

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

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

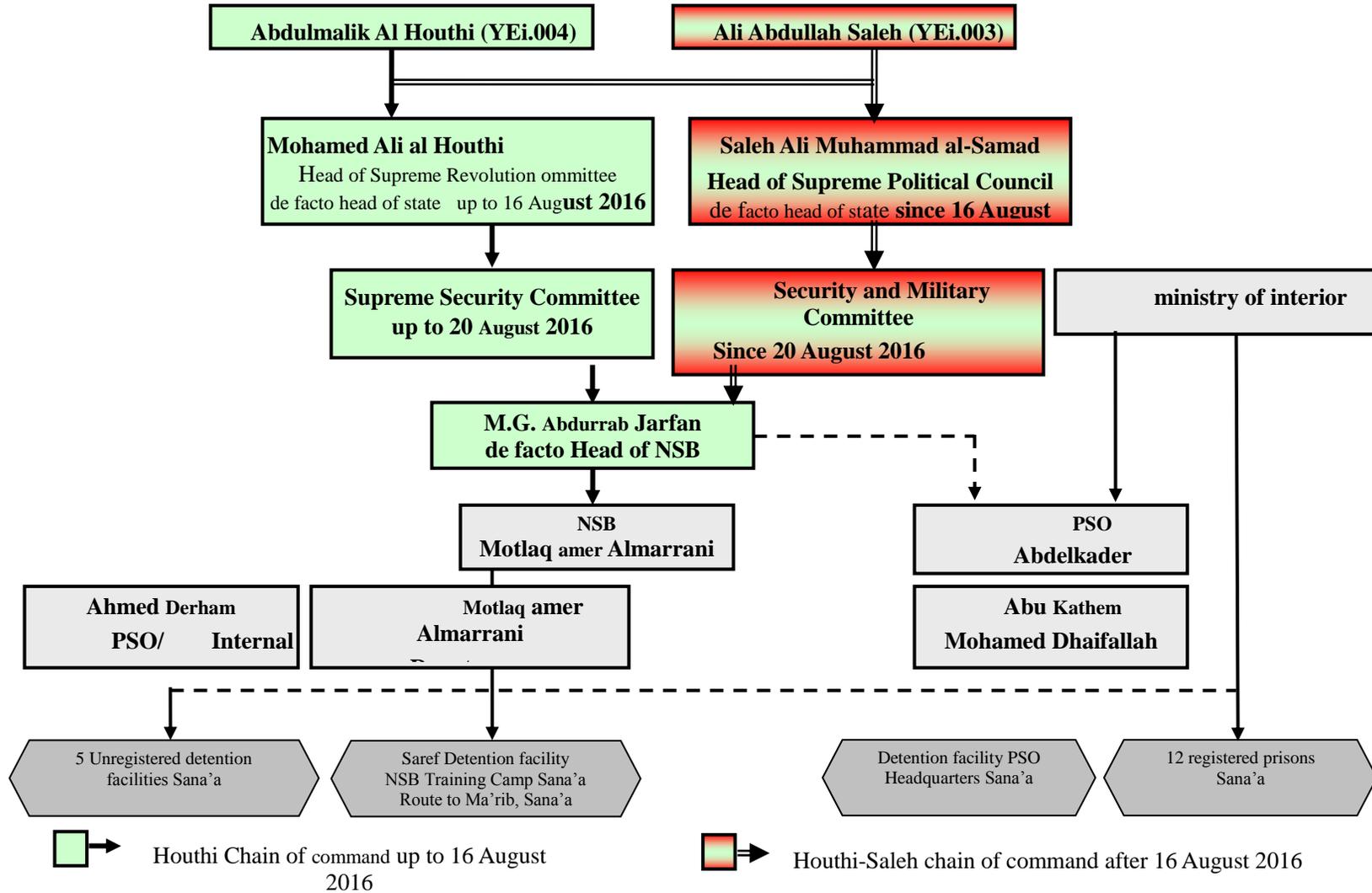
Table 6.1

### List of the SSC and SMC (English)

Serial	Supreme security committee Appointed on 7 February 2016	Security and military committee Appointed on 20 August 2016
1	Major General Jalal Al Rowayshan	
2	Major General Hussain Khairan	
3	Major General Zakaria Yahya Mohammed Al-Shami	
4	Major General Abdurrah Saleh Ahmed Jarfan	
	<b>Appointment Terminated</b>	
5	Yussef Hassan Ismail Al Madani	
6	Abdullah Yahya Abdullah Al Hakim	
7	Taha Hassan Al Madani	
8	Abderrazak Al Marouni	
9	Awad Ben Farid	
10	Abderaqib Thabit Assoubaihi	
11	Ali Ben Ali Al Jaifi	
12	Abdullah Mohnif	
13	Ahmed Mohsin Al Yafai	
14	Mohamed Daifallah Saleh Sabhan	
15	Mohammed Abdulkarim Al Ghumari	
16	Hamoud Khaled Al Soufi **	
17	Ali Hassan Al Ahmadi **	

Serial	Supreme security committee Appointed on 7 February 2016	Security and military committee Appointed on 20 August 2016
	** Discontinued their membership and left Yemen	<b>New appointments</b>
18		Abdulkarim Amir Eddine Al Houthi
19		Abdulkader Kassem Al-Shami
20		Abdullah Al Qawssi
21		Ahmed Naji Mane'a
22		Abdulhakim Hashem Al Khiwani
23		Brigadier General Said Mohammed Al Hariri
24		Brigadier General Ahmed Adhufaif
25		Asa'ad Hadi Asa'ad
26		Hassan Salah Al Marrani

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



## Annex 8: Supreme political council <sup>1</sup>

Table 8.1

### Supreme political council

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

<sup>1</sup> Established 15 August 2016.

<sup>2</sup> Salih Ali Muhammad al-Samad is the head of Ansar Allah's Political Bureau.

<sup>3</sup> Qasim Muhammad Ghalib Labuzah is the head of the GPC in Lahj. He holds a Ph.D and participated in the National Dialogue.

<sup>4</sup> Sadiq Amin Abu Ras is a tribal shaykh from Dhu Husayn of the Bakil tribal confederation. He is the Deputy Head of the GPC and was next to Ali Abdullah Saleh (YEi.003) on 3 June 2011 when the mosque inside the presidential palace was bombed in an attempted assassination.

<sup>5</sup> Yusif Abdullah Husayn al-Fayshi is a former member of the Houthi's now disbanded Revolutionary Committee. al-Fayshi stood behind al-Samad when the latter signed the agreement establishing the Houthi-Saleh Political Council on 28 July 2016.

<sup>6</sup> Khalid Said Muhammad al-Dayani is a member of the GPC and a former Governor of Hadramawt.

<sup>7</sup> Muhammad Saleh Mabkhut al-Nuaymi is the pro-Houthi head of the Political Bureau for the Union of Popular Yemeni Forces.

<sup>8</sup> Jabir Abdullah Ghalib al-Wahabani is a member of Yemen's parliament and heads the pro-Saleh GPC in Ta'izz.

<sup>9</sup> Sultan Ahmad Abd al-Rabb Muijahid al-Samai is from Ta'izz.

<sup>10</sup> Nasir Nasir Abdullah al-Nasiri is from Dhamar.

<sup>11</sup> Mubarak Salih al-Mashin al-Zayadi was a military commander from the al-Zayadi tribe in Ma'rib. The Houthis appointed him to command the 3<sup>rd</sup> military district, centred in Ma'rib and he was active in the fighting in Sirwah. He was killed on 8 October 2016 in a Saudi Arabia-led coalition strike on the al-Sala al-Kubra Funeral Hall in Sana'a. The Panel is unaware of his replacement.

## **Annex 9: Government of national salvation since 28 November 2016**

1. On 28 November 2016, the SPC appointed the “government of national salvation” under decree 56(2016), which consists of a cabinet of 42 members headed by Abulaziz Sale bin Habtour, a GPC member. The cabinet contains thirteen members affiliated to GPC. The Panel notes that only five members of the outgoing acting government were renamed in the new cabinet. Two Major Generals with an active role in Houthi military operations were named ministers: 1) Major General Zakaria Yahya Mohammed Al-Shami, the chief of staff of the armed forces affiliated to the Houthis, also a member of the military and security committee, was appointed as minister of transportation and 2) Major General Mohamed Nasser al A'tifi<sup>12</sup> was appointed minister of defence.

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

Figure 9.1

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



<sup>12</sup> He commanded the group of ballistic missile brigades since at least 2012. He is a well-known professional officer from the Khawlan tribe who has recently been praised several times by Abdulmalik al Houthi (YEi.004) for the ingenuity of the ballistic missile units.

Figure 9.2

**Prime Minister Abulaziz Sale bin Habtour**

Figure 9.3

**Extract from official webpage of the prime ministry**

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

بشأن تشكيل حكومة الإنقاذ الوطني وتسمية أعضائها

رئيس المجلس السياسي الأعلى:

بعد الإطلاق على دستور الجمهورية اليمنية.

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

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

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

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

وبناءً على ترشيح المؤتمر الشعبي العام وحلفائه وأنصار الله وحلفائهم.

وبعد موافقة المجلس السياسي الأعلى.

قرر:

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

1. د. عبدالعزيز صالح بن حبتور رئيساً للوزراء

Source: <http://www.yemen.gov.ye/portal/gov/الحكومةالحالية/tabid/984/Default.aspx>,

**Translation:**

Decree of the supreme political council 56 of 2016

../..

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

1. Abdulaziz Saleh bin Habtour, prime minister;

../..

Table 9.1

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

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
1	Abdulaziz Saleh bin Habtour <sup>GPC</sup>	prime minister	head
2	Hussein Abdullah Maqboli	deputy prime minister	economic affairs
3	Akram Abdullah A'tia	deputy prime minister	internal affairs
4	Major General Jalal Ali Al Rowayshan	deputy prime minister	security affairs
5	Major General Mohamed Nasser al A'tifi <sup>GPC</sup>	minister	defence <sup>13</sup>
6	Ali ben Ali Alqissi <sup>GPC</sup>	minister	local administration
7	Ahmed Abdullah A'qabat	minister	justice
8	Saleh Ahmed Sha'ban	minister	finance
9	Talal Abdelkarim A'qlan	minister	civil service and insurance
10	Major General Mohamed Abdullah al Qawsi <sup>GPC</sup>	minister	interior
11	Alia'a Faissal Abdullatid Asha'bi	minister	human rights
12	Yasser Ahmed al A'wadi <sup>GPC</sup>	minister	planning and international cooperation <sup>14</sup>
13	Major General Zakaria Yahya Al-Shami	minister	transport <sup>15</sup>
14	Ahmed Mohamed Hamed	minister	social affairs and labour <sup>16</sup>
15	Yahya Badreddine al Houthi	minister	information
16	Husein Ali Hazeb <sup>GPC</sup>	minister	education <sup>17</sup>

<sup>13</sup> Commander, ballistic missile brigades since 2012.

<sup>14</sup> Member of GPC negotiation team for the talks.

<sup>15</sup> De facto chief of staff armed forces, member of the military and security committee.

<sup>16</sup> Member of GPC negotiation team for the talks.

<sup>17</sup> Half brother of Abdulmalik Al Houthi (YEi.004) and was living in Germany until mid 2016.

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
17	Mohsen Ali Annaqib <sup>GPC</sup>	minister	tertiary education and research
18	Abdurrahman Ahmed al Mokhtar	minister	technical education and professional training
19	Hassan Mohamed Zaid	minister	legal affairs <sup>18</sup>
20	Mohamed Mohamed al Zubairi	minister of state	member of the council of ministers <sup>19</sup>
21	Hisham Sharaf Abdullah <sup>GPC</sup>	minister	fisheries
22	Nabil Abdullah al Wazir	minister	foreign affairs
23	Dhiab Mohsen ben Ma'ili	minister	water and environment
24	Lotf Ali al Jarmouzi	minister	oil and mineral resources
25	Sharaf Ali al Qalissi <sup>GPC</sup>	minister	electricity and energy
26	Abdu Mohamed Bashar	minister	endowments and religious guidance
27	Jlidan Mohamed Jlidan <sup>GPC</sup>	minister	trade and industry
28	Ghazi Ahmed Mohsen	minister	communications and information technology
29	Nasser Mafoudh Baqazquz	minister	agriculture and irrigation
30	Mohamed Salim ben Hafidh	minister	tourism
31	Ahmed Saleh al Qana'a	minister	public health and population
32	Abdullah Ahmed al Kebsi <sup>GPC</sup>	minister	implementation of the NDC outcomes
33	Ghaleb Abdullah Motlaq	minister	reconciliation
34	Mohamed Said al Mashjari	minister	culture
35	Ali Abdullah Abu Haliqa	minister	general and roads <sup>20</sup>
36	Fares Mohamed Hassan Mana'a	minister of state	diaspora

<sup>18</sup> Was charg é d'affaires in the same ministry under the SRC.

<sup>19</sup> Ibid.

<sup>20</sup> Minister of state for the implementation of NDC outcomes under the SRC.

<i>Ser</i>	<i>Name</i>	<i>Cabinet rank</i>	<i>Position of responsibility</i>
37	Nabih Mohsen Abu Nashtan	minister of state	house of representatives and al shoura affairs <sup>21</sup>
38	Radiah Mohamed Abdullah	minister of state	
39	Obeid Saleh ben Dobai'a	minister of state	
40	Hamed Awadh al Mazjaji	minister of state	
41	Abdulaziz Ahmed al Bakir <sup>GPC</sup>	minister of state	
42	Ahmed Abdullah A'qabat	minister of state	

(<sup>GPC</sup> Member of GPC)

<sup>21</sup> He is under asset freeze and travel ban measures since 12 April 2010 (SOi.008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

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

Figure 10.1

**Houthi negotiation team**



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

Figure 10.2

**Houthi team China visit (20 November 2016)**



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

# Annex 11: Conflict map



## **Annex 12: Activity along the border between Oman and Yemen**

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

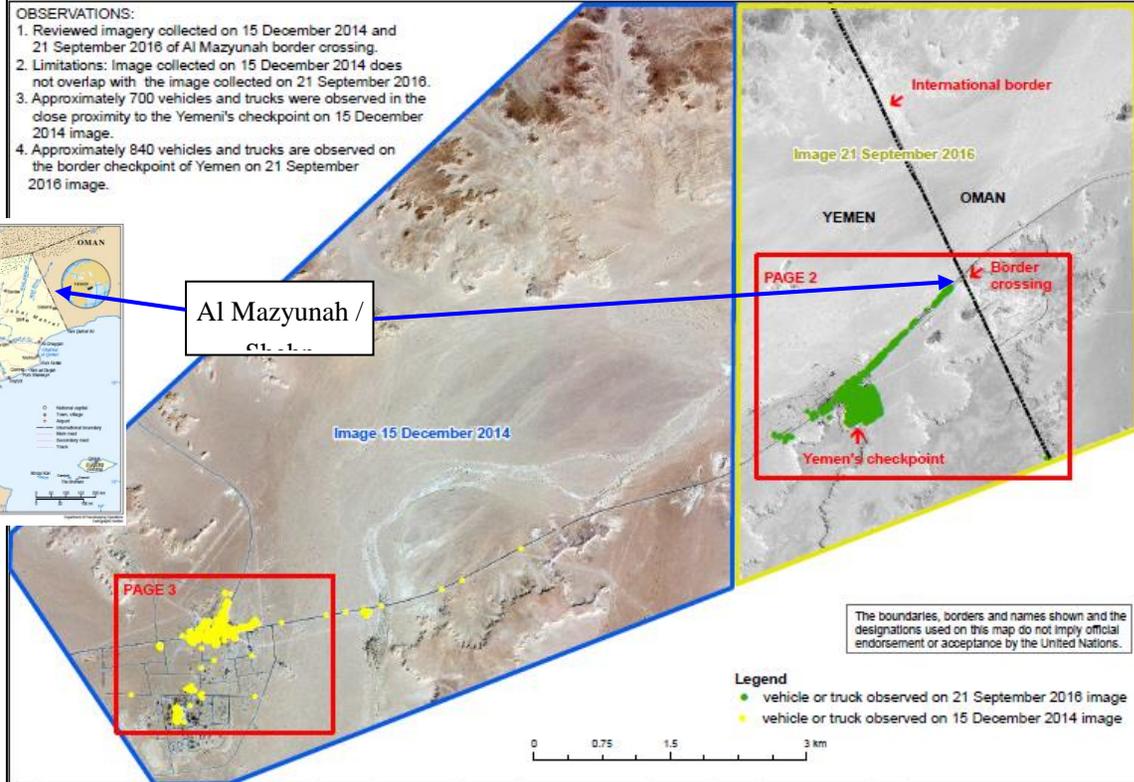
### Al Mazyunah Border, Yemen. 15 December 2014 and 21 September 2016 satellite images

**OBSERVATIONS:**

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



Al Mazyunah /



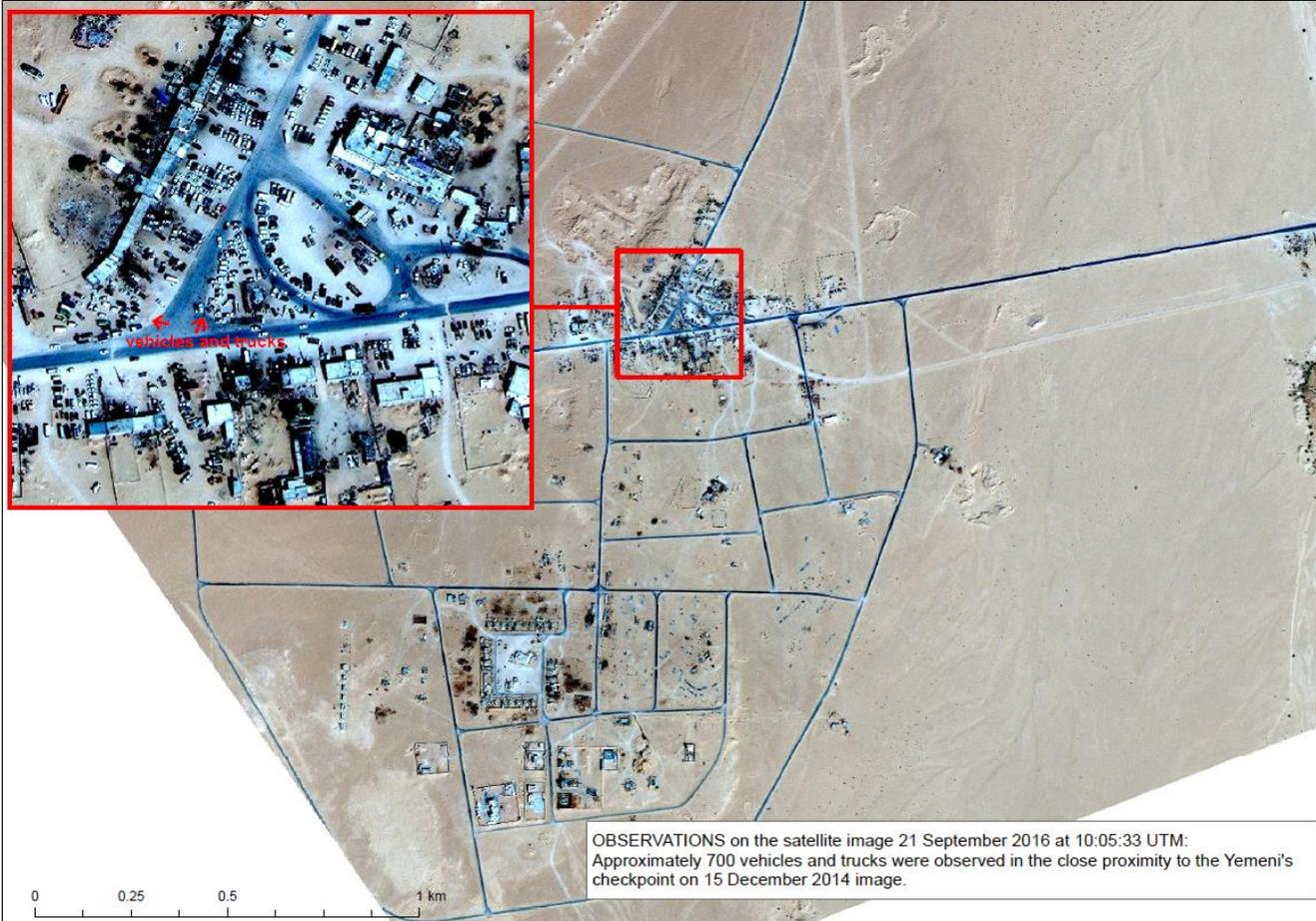
Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 8 December 2016  
 Image source: WW1 acquisition date 2016-09-21 time 10:05:33 UTM (C) 2016 DigitalGlobe, GE1 acquisition date 2014-12-15 time 07:15:29 UTM (C) 2014 DigitalGlobe

### Al Mazyunah Border, Yemen 21 September 2016 satellite image



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

### Al Mazyunah Border, Yemen 15 December 2014 satellite image



Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 12 December 2016  
Image source: GE1 acquisition date 2014-12-15 time 07:15:29 UTM (C) 2014 DigitalGlobe

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

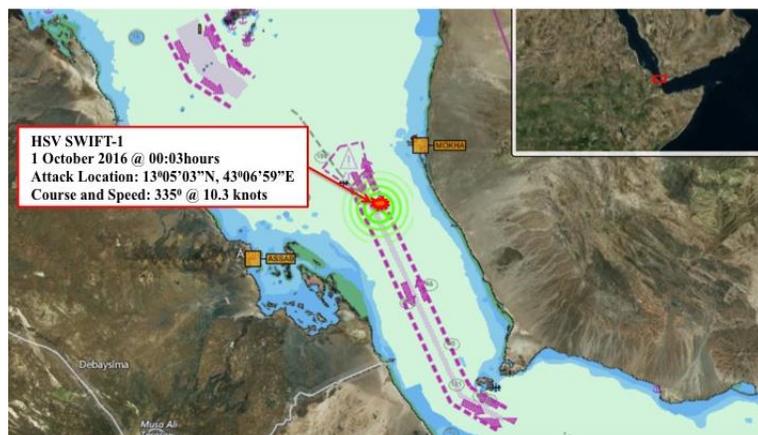
1. The attack on the United Arab Emirates' flagged vessel SWIFT-1 on 1 October 2016 was investigated by the Panel as a potential threat to the peace and security of Yemen. The use of anti-shipping missiles in the Strait of Bab al-Mandab and the Red Sea has the potential to affect the security of maritime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

### A. Introduction

2. IHS Maritime data<sup>1</sup> shows that the SWIFT-1<sup>2</sup> stopped transmitting its automatic identification signal (AIS) a few seconds past midnight on the night of 30 September / 1 October 2016. Immediately prior to this the vessel was at a position 13°05'03"N, 43°06'51"E travelling on a course of 335° at a speed of 10.4 knots (see figure 13.1). Although the vessel was only 10.5 nautical miles from the Yemeni coast, and thus within Yemen's territorial waters, it was exercising its 'right of transit passage'<sup>3</sup> through the Strait of Bab al-Mandab international shipping lane. The vessel was in transit from Aden, Yemen to Assab, Eritrea at the time of the attack.

Figure 13.1

### Last reported AIS position for SWIFT-1<sup>4</sup>



### B. SWIFT-1 background, operations and IHL

<sup>1</sup> <http://maritime.ihs.com/>

<sup>2</sup> Identification data. IMO 9283928 / MMSI 470149000.

<sup>3</sup> In accordance with Articles 38 and 39 of Part III of the UN Convention on the Law of the Sea (UN CONLAS).

<sup>4</sup> Image developed by Panel. Location from [www.maritime.ihs.com](http://www.maritime.ihs.com) database.

3. The SWIFT-1 was taken on long-term lease hire, from the original manufacturer, Incat<sup>5</sup> of Australia, by the National Marine Dredging Company of the United Arab Emirates (UAE) in July 2015.

4. A statement by the UAE on 5 October 2016 stated that the vessel was unarmed, had no military protection, and was carrying humanitarian assistance, wounded Yemenis and passengers. “In more than a year of operating routine journeys to Aden, the civilian ship has carried thousands of tonnes of humanitarian assistance and more than 1,000 wounded people, along with their companions, in addition to large equipment for the electricity, water and healthcare sectors which had significantly eased the suffering of the residents of Aden through the restoration of the infrastructure in these vital sectors”.<sup>6</sup>

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

(a) Data on one of the leading maritime traffic databases<sup>7</sup> shows that the SWIFT-1 was in Port Rashid, UAE on 29 November 2015. Its next recorded movement, according to the vessel’s satellite based Automatic Identification System (AIS) was to Abu Dhabi, via Jebel Ali, on 25 May 2016. The first AIS recorded voyage to Aden was on 15 June 2016. Since 15 June 2016 the AIS shows that, with exception of four voyages to Al Mukalla, the vessel made 36 regular and routine direct voyages from Assab, Eritrea to Aden and return. This voyage pattern does not support a claim that it had been engaged in the delivery of humanitarian aid for “more than a year”. The Somalia and Eritrea Committee Monitoring Group (SEMG) recently reported that “regular movement of particular naval vessels, including the SWIFT-1” was an indicator that the UAE were transporting military personnel from Assab, Eritrea to Aden.<sup>8</sup> The Panel has identified from satellite imagery the presence of a UAE Navy Baynunah Class corvette in Assab Port,<sup>9</sup> unidentified military transport aircraft and helicopters at Assab airport<sup>10</sup> and the development of a military port at Assab airport.<sup>11</sup> Whilst the Panel has established a UAE military presence in Assab, there is no public record of any humanitarian organization based in, or operating from, Assab providing large quantities of bilateral aid to Yemen;

(b) The Panel was also informed that the SWIFT-1 had not previously delivered any UN coordinated humanitarian aid to Aden.<sup>12</sup> This particular voyage was very unlikely to contain any humanitarian aid to Yemen as the vessel was en

<sup>5</sup> <http://www.incat.com.au/>

<sup>6</sup> Statement of 5 October 2016.

<sup>7</sup> [www.maritime.ihs.com](http://www.maritime.ihs.com).

<sup>8</sup> Paragraphs 31 - 35, S/2016/290. See “وصول القوات السودانية إلى عدن”, Sky News Arabia, 17 October 2015. Available at [www.youtube.com/watch?v=1Cs8eRuQfgw](http://www.youtube.com/watch?v=1Cs8eRuQfgw).

<sup>9</sup> Google Earth image dated 3 April 2016.

<sup>10</sup> Google Earth image dated 16 August 2016.

<sup>11</sup> Ibid.

<sup>12</sup> Two senior well-placed UN sources in Yemen.

route to Assab from Aden. The Panel wrote to the UAE on 4 October 2016 requesting details of the role of the vessel and the nature of the cargo and passengers relevant to humanitarian assistance to Yemen and is awaiting their response;

(c) Interviews with the crew of the vessel and open source media confirm that the only persons on board at the time of attack were the crew, who evacuated from the vessel with minimal injuries;<sup>13</sup>

(d) The vessel is not shown as having ever operated as part of the National Marine Dredging Company support fleet on their company website.<sup>14</sup> SWIFT-1 is classified as a Logistics Naval Vessel on the ‘MarineTraffic’ database,<sup>15</sup> and as a Military Vessel, now “retired from service” on the manufacturer’s website;

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

(f) The vessel is painted Naval Grey, which is an unusual choice of colour for a civilian vessel. The manufacturer could have been painted the vessel in a more appropriate colour prior to delivery to the UAE in July 2015 if it was intended that the vessel be for purely civilian use;<sup>16</sup> and

(g) The vessel is insured as taking part in naval support operations.<sup>17</sup>

6. A ship that conducts military support operations may be considered as a military objective under principles of IHL.<sup>18</sup> At the time of attack and based on the above evidence, the Panel considers that the ship was operating directly to support

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<sup>13</sup> Confidential sources in contact with the crew.

<sup>14</sup> <http://www.nmdc.com/site/fleet>.

<sup>15</sup> <http://www.marinetraffic.com/en/ais/details/ships/shipid:442881/mmsi:470149000/vessel:SWIFT>.

<sup>16</sup> <http://www.incat.com.au/domino/incat/incatweb.nsf/0/76457AADD2C1A987CA2571AF0019EC66?OpenDocument>.

<sup>17</sup> Confidential source.

<sup>18</sup> Customary IHL, which binds all parties to the conflict, including the UAE and the Houthi-Saleh alliance, reflects Article 52 (2) of the Additional Protocol I to the Geneva Conventions of 1949 in stating that: “In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”. (Rule 8 of Customary IHL Study of the International Committee of the Red Cross (ICRC)).

the military efforts of one party of the conflict (the UAE). Thus, even with a civilian crew, the Panel finds that, based on the available evidence, the SWIFT-1 qualified as a military objective under IHL at the time of the attack.<sup>19</sup>

### **C. Weapon system used for the attack**

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

8. The delivery of humanitarian assistance to Yemen by sea could be jeopardized unless the above threat is fully understood and negated. Similarly the costs of shipping insurance could rise to prohibitive levels dependent on the view of the threat taken by the major maritime insurance brokers, such as the London based International Group of Protection and Indemnity clubs<sup>20</sup> that insure approximately 90% of the worlds ocean-going shipping.

### **Analysis of the Anti-Ship Missile (ASM) threat**

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

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

11. In June 1995, another Member State supplied the Yemeni Navy with three 'Huangfen' (Type 021) (Osa I Type) fast attack craft (missile). Each was armed with four HY-2 (C-201) surface-to-surface missile launchers. Open source information also states that this Member State subsequently supplied YJ-8 (C-801) type missile launchers to the Yemeni Navy on an unknown date, possibly in June 2007.<sup>21</sup>

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<sup>19</sup> Military objectives are legitimate targets under IHL (see Rule 7 of the ICRC study). Given that there was a civilian crew the Houthis were under an obligation to ensure that IHL principles of distinction, proportionality and precautions in attack are adhered to when carrying out the attack. The Panel does not have sufficient information to assess whether the Houthis conducted this military operation in accordance with IHL.

<sup>20</sup> <http://www.igpandi.org>.

<sup>21</sup> Member State June 2007 Report to the UN Register of Conventional Arms showed the supply of two missile systems.

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

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

Table 13.1

**Surface-to-surface ASM options and operational data**

<i>Ser</i>	<i>ASM Type</i>	<i>Range (km)</i>		<i>Speed (m/s)</i>	<i>Explosive content (kg)</i>	<i>Remarks</i> <sup>22</sup>
		<i>Min</i>	<i>Max</i>			
1	HY-2 (C-201)		94.5	320	513+	Initially supplied in June 1995.
2	YJ-8 (C-801)	4.5	42.6	306	165	Reported as being supplied in 2006/2007.
3	C-802		120	306	165	Compatible with the C-801 launch system.
4	C-802A		180	306	165	
5	‘Noor’		120	306	150	Compatible with the C-801 launch system. Member State copies of the
6	‘Ghadar’		200		165	C-802.

14. The Panel was informed<sup>23</sup> that the ASM was a ‘Noor’, but has not provided any corroboratory evidence to support their claim. The source also claimed that the ‘Noor’ missile was an Iranian copy of the Chinese C-802, when in fact it is a copy of the Chinese C-801 system. The same source also claimed that all the old stocks of Yemeni Navy missiles had been destroyed, but this claim was also made for the land ballistic missile stocks; a claim events subsequently proved was optimistic. This all brings into question the credibility of the source, or their access to detailed technical information. Until

<sup>22</sup> This does not imply that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015) in regards to this incident.

<sup>23</sup> Confidential source from a member State of the Saudi Arabia-led coalition.

the Panel can identify the type of missile and its original source of supply then a potential violation of the arms embargo cannot be ruled out.

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

16. The Panel has consulted an independent naval weapons engineer.<sup>24</sup> His technical assessment is that the experience and skills necessary to adapt a ship based missile of the types at table 1 into a land deployable system would not be much beyond those necessary to maintain, service and operate it on the vessel. In which case, an ASM could have been taken from a naval vessel, or out of storage, and paired with the firing system by Houthi-Saleh personnel who gained experience with the system during their time in the Yemeni Navy.

17. It should be noted that in a 2 October 2016 speech, Abdulmalik Al-Houthi (YEi.004) praised the creativity and dedication of the missile force command, which was able to hit in the heart of the “invaders”.<sup>25</sup>

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

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

Figure 13.2

**Impact point of ASM on Starboard Bow**



Figure 13.3

**Impact point of ASM on Starboard Bow**



<sup>24</sup> Lieutenant Commander (Retired) Colin Nicklas, BEng (Hons) MSc CEng MIET FCMI, Independent Engineering and Management Consultant.

<sup>25</sup> See <https://www.youtube.com/watch?v=6qFnJsvoskE>.

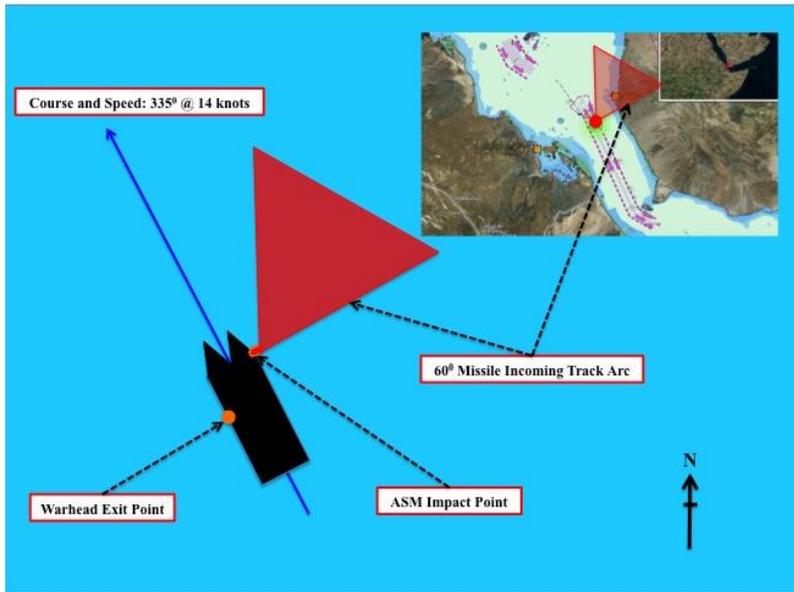
Figure 13.4  
Exit point of ASM Port Midships



Figure 13.5  
Fire damage to aluminium superstructure on Port Bow



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



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

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

#### **Analysis of Houthi released video imagery**

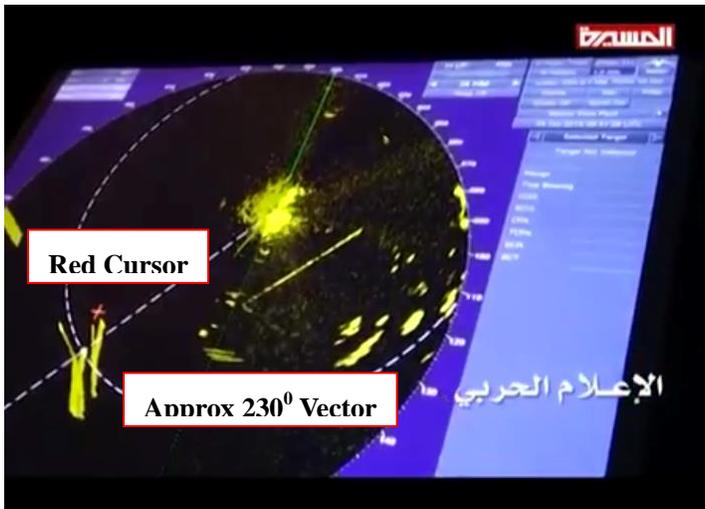
22. The Houthis have released video imagery<sup>26</sup> that they claim shows the ASM missile launch, and the SWIFT-1 then burning. The imagery certainly shows a burning vessel at sea being filmed from a moving small boat. The imagery quality is poor, but the Panel assesses that much of this imagery is credible based on:

(a) The imagery of the radar screen at the commencement of the video shows the red-crosshair cursor been moved over a radar image at a vector of approximately  $230^{\circ}$  (figure 13.7). This would equate to the flight vector of a missile been fired from the area of Al Mukha against a target in the area of the last known position of the SWIFT (see figure 13.6). This level of detail is unlikely to have been included in the unsophisticated Houthi propaganda videos seen by the Panel to date;

Figure 13.7

#### **Radar showing $220^{\circ}$ vector**

<sup>26</sup> Al-Masirah TV.



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

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

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

Figure 13.8  
**SWIFT-1 windows and claimed Houthi image**



Figure 13.9  
**Houthi image showing window of burning vessel**



**Probable sequence of events for the ASM attack**

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

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

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

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

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

(e) The ASM launcher was aligned on the correct azimuth (approximately  $220^0$  for a land launch), and a data algorithm then fed to the ASM from the launch platform as to the target vessel characteristics and approximate position;

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

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

(h) The ASM impacted on the target.

#### **D. Relevant subsequent events**

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

25. On Sunday 9 October 2016 the USS Mason (DDG-87) was targeted by ASM<sup>27</sup> in a location relatively close to the SWIFT-1 attack just north of the Strait of Bab al-Mandab. The Pentagon spokesperson initially stated that the USS Mason did not open fire to interdict the two inbound detected missiles and that the missiles crashed into the sea,<sup>28</sup> but

<sup>27</sup> Widely reported.

<sup>28</sup> <http://edition.cnn.com/2016/10/10/politics/yemen-us-navy-targeted/>.

subsequent reports suggest that defensive anti missile systems may have been used.<sup>29</sup> The USS Mason again detected an ASM launch on Wednesday 12 October 2016,<sup>30</sup> and a further launch may have taken place on Saturday 18 October 2016. The first two missile launches towards the USS Mason elicited a military response from the US Government, and three Tomahawk cruise missiles were launched from USS Nitze against radar stations on the Yemeni coast near Al Hudaydah, Al Khawkah and Al Mukha on Thursday 13 October 2016.<sup>31</sup> The Panel has been unable to determine the post strike damage inflicted by these attacks.

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

### **E. Conclusions**

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

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

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

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

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<sup>29</sup> <https://news.usni.org/2016/10/11/uss-mason-fired-3-missiles-to-defend-from-yemen-cruise-missiles-attack>.

<sup>30</sup> 1) <http://www.defense.gov/News/News-Releases/News-Release-View/Article/971834/statement-by-pentagon-press-secretary-peter-cook-on-uss-mason>; and 2) <http://www.defense.gov/News/Article/Article/971904/uss-mason-responds-to-missile-threat-off-yemens-coast>.

<sup>31</sup> 1) <http://www.defense.gov/News/Article/Article/972322/strikes-target-radar-sites-in-yemen>; and 2) <http://www.defense.gov/News/Article/Article/972852/us-responds-to-missile-attacks-targets-3-radar-sites-on-yemens-coast>.

**Annex 14: Maritime attack against the MV Galicia Spirit**

**(STRICTLY CONFIDENTIAL)**

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

1. Ali Abdullah Saleh (YEi.003) is from the village of Bayt al-Ahmar<sup>32</sup> and the family of Afaash, which is part of the Afaash clan of the Sanhan tribe.<sup>33</sup> The Sanhan tribe is part of the Hashid tribal confederation.
2. Although Ali Abdullah Saleh (YEi.003) is not the ‘Shaykh’ or head of the tribe, he is the most powerful figure within the tribe given the fact that he was Head of State. This allowed him to dispense favours within the tribe and provide jobs, particularly within the military to fellow tribesmen. This both helped the tribe and helped Ali Abdullah Saleh (YEi.003), as it allowed him to place trusted individuals in positions of power.

Table 15.1

### Bayt al-Ahmar families, clans and tribe

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



<sup>32</sup> 15 07'35.7"N, 44 21'59.8"E.

<sup>33</sup> When Saleh's father, Abdullah, died, his mother, Nasiyyah, remarried Salih al-Ahmar, also from the Sanhan tribe.

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

**(STRICTLY CONFIDENTIAL)**

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

**(STRICTLY CONFIDENTIAL)**

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

**(STRICTLY CONFIDENTIAL)**

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

**(STRICTLY CONFIDENTIAL)**

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

The following soldiers are known to have been killed fighting on the border between Saudi Arabia and Yemen during August 2016.<sup>34</sup>

Table 20.1

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

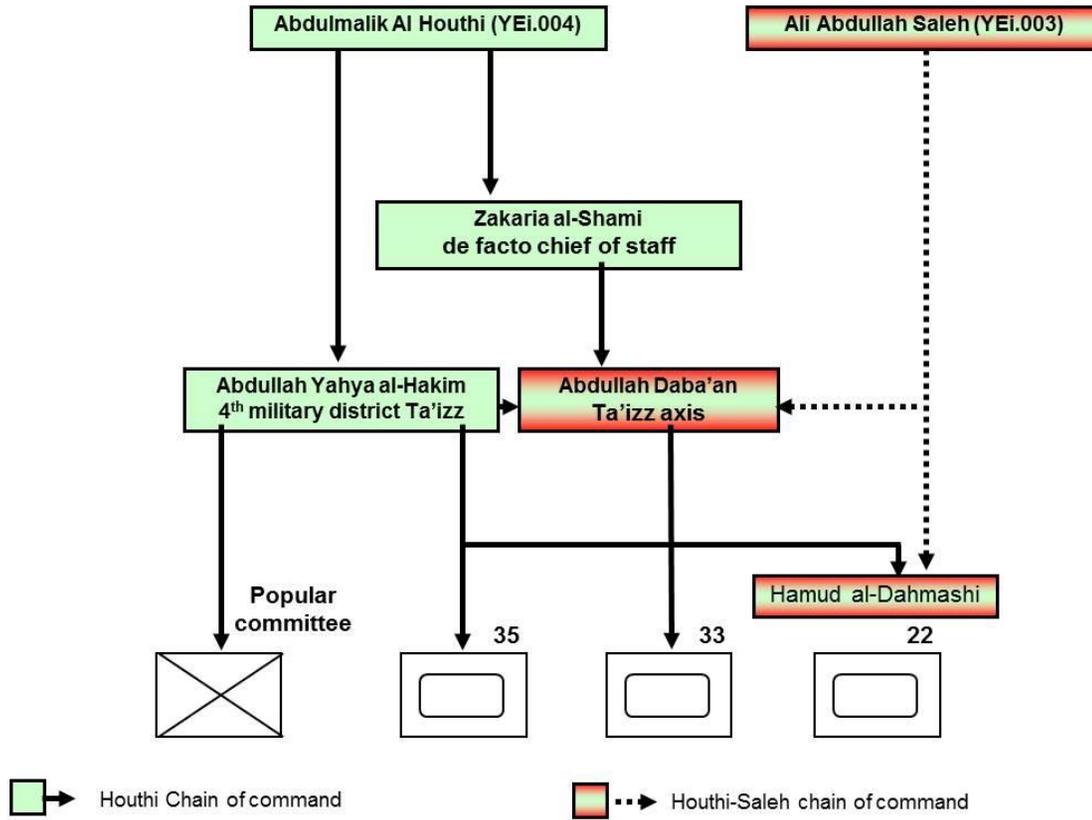
<i>Ser</i>	<i>Name</i>	<i>Village</i>	<i>Tribe</i>
1	Sharif Ahmad		Sanhan
2	Muhammad Ahmad ‘Alwan	Dhabwa	Sanhan
3	Abd al-Wali Muhammad ‘Amār	Al Sawad	Sanhan
4	Abd al-Salam al-Araj	Bilad al-Rus	Sanhan
5	Fuad Abd al-Rahman Dalhus		Sanhan
6	Bilad al-Salih Muhammad al-Haduri	Al Sawad	
7	Hamir Salih Hazim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

<sup>34</sup> Due to the difficulties in collecting the names and tribal affiliations of fighters killed in conflict, this list does not claim to be comprehensive. However, all the soldiers listed here are either members of the republican guards or the special guards, both of which were under the control of Ali Abdullah Saleh (YEi.003).

### Annex 21: Houthi-Saleh alliance military structure

Figure 21.1

Houthi-Saleh alliance military structure



## Annex 22: Background on the Houthi movement

1. The Houthis, also known as Ansar Allah,<sup>1</sup> are a Zaydi<sup>2</sup> revivalist group<sup>3</sup> that formed in the 1980s as a response to perceived state-sponsored attempts at cultural and religious eradication. The Zaydi imamate<sup>4</sup> of north Yemen was overthrown in 1962, ending more than a millennium of rule by local *sayyids*, descendants of the Prophet Muhammad, who formed the ruling class.<sup>5</sup> In the aftermath of the 1962 civil war and the successive Republican regimes that followed, Zaydi *sayyids* were discriminated against to the point that many within the community felt they were on the verge of extinction. These tensions boiled over in 2004 in the first of what would come to be known as the “Houthi Wars,” in which the central Government in Sana’a, headed by Ali Abdullah Saleh (YEi.003), fought the Houthis and their local allies.<sup>6</sup> Five more rounds of conflict would follow over the next six years.<sup>7</sup>

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

<sup>1</sup> Literally, the Partisans of God.

<sup>2</sup> Zaydis are a Shi’ite sect of Islam that is doctrinally distinct from the type of Shi’ism practiced in countries such as Iraq or Iran, which is often referred to as twelver Shi’ism. Zaydi Shi’ism, as it has historically been practiced in Yemen, is often referred to as “fiver Shi’ism.” Some scholars of Yemen also refer to Zaydism as the “fifth school of Sunni Islam,” highlighting the traditional middle ground it has occupied between Sunnis and Twelver Shi’a.

<sup>3</sup> Zaydi revivalists denote those who adhere to the traditional practice of Zaydism. For example Abdulmalik al-Houthi (YEi.004) is a Zaydi by heritage and adheres to traditional teachings of Zaydism. He is a Zaydi revivalist. On the other hand, Ali Abdullah Saleh (YEi.003) is a Zaydi by heritage but not in practice, and therefore is not a revivalist.

<sup>4</sup> In Zaydism the imamate is a religious and political office that headed the theocratic state, which ruled northern Yemen, with varying degrees of success, from 893 - 1962.

<sup>5</sup> The Houthis are a *sayyid* family.

<sup>6</sup> The original leader of the Houthi armed group was Husayn Badr al-Din al-Houthi, a former member of parliament from the Hizb al-Haqq party and the older half-brother of Abdulmalik al-Houthi (YEi.004). Husayn Badr al-Din al-Houthi was killed in September 2004.

<sup>7</sup> The second leader of Houthi movement was Badr al-Din al-Houthi, the father of both Husayn and Abdulmalik. Badr al-Din al-Houthi was killed in 2010 by an AQAP suicide bomber.

**Annex 23: Houthi family tree**

**(STRICTLY CONFIDENTIAL)**

**Annex 24: Houthi prisoners released in Ma'rib (September 2016)<sup>1</sup>**

Table 24.1

**Houthi prisoners released in Ma'rib**

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

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

## Annex 25: Houthi appointed military district commanders

Table 25.1

### Houthi appointed military district commanders

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

<sup>2</sup> Previous Houthi commander, Mubarak al-Mishn al-Zayadi, was killed in the Saudi Arabia-led coalition strike on the Funeral Hall in Sana'a on 8 October 2016.

<sup>3</sup> Previous Houthi commander, Muhammad al-Hawari, was killed in the Saudi Arabia-led coalition strike on the Funeral Hall in Sana'a on 8 October 2016

## Annex 26: Houthi appointees in Dhamar<sup>4</sup>

Table 26.1

### Houthi appointees Dhamar

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Village</i>
1	Muhammad Muhsin Muhammad Jalan	assistant director for security	
2	Abdu Saleh Muhammad Amar	assistant director of security, police affairs	
3	Ibrahim Ali Ahmed al-Kibsi	director, administration affairs	
4	Abd al-Aziz Muhammad Ali Khayran	deputy director, criminal Investigations	
5	Muhammad Husayn al-Gharabani	deputy director, prison administration	
6	Muhammad Ali Muhammad Abbas	director, financial affairs	
7	Ahmed Qasim Ali al-Sharfi	deputy, administration of officer affairs	
8	Ismail Husayn al-Marwani	deputy director, civil defence	
9	Husayn Ismail Rawayah	deputy director, traffic	
10	Ahmed Muhammad Najum al-Din	deputy director, local affairs	
11	Muhammad Muhammad Abd al-Wahhab al-Daylami	deputy director, information and planning	
12	Adil Ali Yahya Mutahir Nayyib	director, public relations	
13	Husayn Abdullah Ali al-Sharfi	director, industrial works	
14	Ahmed Saleh al-Shaubi	director, department of investigations	
15	Muayyad Abd al-Salam al-Taus	deputy director, communications	
16	Abdullah Muhammad Ali al-Washali	deputy director, leadership and command	

<sup>4</sup> This table uses the Houthi appointees in one governorate, Dhamar, to illustrate how the Houthis take advantage of the existing bureaucratic structure, grafting a loyalist director or deputy director on to what is already in place. <http://www.almasadaronline.com/article/82943>.

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Village</i>
17	Muhammad Yahya Muhammad al-Murtadhi	deputy director, support and insurance	
18	Abd al-Wahhab Abbas Muhammad al-Mushki	deputy director, training and qualifications	
19	Mutahir Abdullah Muhammad al-Nahari	deputy director, police	Jabal Sharq
20	Jihad Mutahir al-Marwani	deputy director, police	Jahrán
21	Nasir Nasir Ali al-Bukhayti	deputy director, police	Dhawran
22	Ali Ali Husayn Mayis	deputy director, police	al-Manar
23	Saleh Ahmed Husayn al-Khalqi	deputy director, police	Atimah
24	Naji Muhammad Ali Saleh al-Khalali	deputy director, police	al-Huda
25	Yahya Abd al-Wahhab al-Daylami	deputy director, police	al-Miqa'ah
26	Abd al-Aziz Ismail al-Amdi	deputy director, police	Anis
27	Muhammad Abdullah Sharf Abu Talib	deputy director, police	Greater Wasab

**Annex 27: Prominent AQAP figures<sup>5</sup>**

Table 27.1

**Prominent AQAP figures**

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

<sup>5</sup> This table has been compiled from a variety of sources, including confidential sources, interviews with individuals inside and outside of Yemen, open sources, news reports, and AQAP documents.

<sup>6</sup> The Panel has received one report, which it has been unable to verify, that security forces loyal to President Hadi may have arrested Khalid al-Daba.

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

Table 28.1

**Summary of reported PBIED and SVIED attacks (2016)**

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities<sup>1</sup></i>	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
1	5 Jan 2016	Aden	SVIED	General Shallal Shayae, Aden Police Chief	4	8	0	0	AQAP	SVIED
2	28 Jan 2016	Aden	SVIED	Presidential Residence	2	5	ISIL		ISIL	Perpetrator named as 'Abu Hanifa Al-Hollandi'.
3	29 Jan 2016	Aden	SVIED	Police CP <sup>2</sup>		7		7	ISIL	Perpetrator named as 'Oweis al Adani'.
4	17 Feb 2016	Aden	SVIED	Ras Abbas Military Camp		14		60	ISIL	Perpetrator named as 'Abu Isa Al-Ansari'.
5	29 Feb 2016	Aden	SVIED	Government forces in Sheikh Othman District	4	0	0	0	ISIL	

<sup>1</sup> Excluding the 'suicide' bomber.<sup>2</sup> Check Point.

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities<sup>1</sup></i>	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
6	2 Mar 2016	Aden	SVIED	Brigadier General Adel Al-Halemi, Aden Security Chief	0	0	0	0	ISIL	Residence attacked.
7	25 Mar 2016	Aden	SVIED	CP in Shaab District					ISIL	
8	25 Mar 2016	Aden	SVIED	CP in Shaab District	17	10	NK	NK	ISIL	
9	25 Mar 2016	Aden	SVIED	CP in Mansura District					ISIL	Device in an ambulance
10	12 Apr 2016	Aden	PBIED	Government forces in Sheikh Othman District	4	0	7	2	ISIL	At bus stop
11	15 Apr 2016	Aden	SVIED	Foreign Ministry	0	0	0	0	ISIL	SVIED
12	17 Apr 2016	Aden	SVIED	CP near airport	4	2	0	0		SVIED
13	24 Apr 2016	Zinjibar	SVIED	Military convoy	7	14	0	0		
14	28 Apr 2016	Aden	SVIED	General Shallal Shayae, Aden Police Chief	0	2	0	0		SVIED
16	11 May 2016	Al-Qatan	SVIED	Major General Abdul-Rahman Al-Halili, Commander, 1 <sup>st</sup> Military District	6	2	5	0	AQAP	

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities<sup>1</sup></i>	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
17	12 May 2016	Mukalla	SVIED	Gate of Naval Base					ISIL	Perpetrator named as 'Hamza Al-Muhajir'.
18	12 May 2016	Mukalla	SVIED	Inside Naval Base	0	16	0	8	ISIL	
19	12 May 2016	Mukalla	SVIED	Major General Faraj Salmeen, Commander, 2 <sup>nd</sup> Military District					ISIL	HQ attacked.
20	15 May 2016	Mukalla	PBIED	Police Recruitment Centre, Fuwah District	41		60		ISIL	Perpetrator named as 'Abu Al-Bara Al-Ansari'.
21	15 May 2016	Mukalla	PBIED	Major General Mubarak Al-Oubthani, Hadramawt Security Chief	0	6	0	1	ISIL	
22	16 May 2016	Mukalla	PBIED	Police Recruitment Centre, Fuwah District	0	0	0	0	ISIL	
23	23 May 2016	Aden	SVIED	Military recruitment centre queue, Khor Maksar District	20	0	60	0	ISIL	Perpetrator named as 'Abu Ali Al-Adeni'.

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities<sup>1</sup></i>	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
24	23 May 2016	Aden	PBIED	Commanders residence, queue of recruits	25	0	NK	0	ISIL	
25	27 June 2016	Mukalla	PBIED	Intelligence Base	0	38	24	0	ISIL	
26	6 Jul 2016	Aden	SVIED	Solaban Military Base	14	10	0	0	AQAP	
27	18 Jul 2016	Mukalla	SVIED	Military CP	0	0	0	0	AQAP	
28	20 Jul 2016	Aden	IED	Aden	4	0	6	0	AQAP	
29	2 Aug 2016	Aden	SVIED	Military base	0	6	0	12		
30	2 Aug 2016	Aden	SVIED							
31	7 Aug 2016	Lahj	SVIED	Military patrol	0	10	18	0		
32	18 Aug 2016	Near Lawder, Abyan	SVIED	Military patrol	0	4	0	4	AQAP	
33	29 Aug 2016	Aden	SVIED	Military base	0	72	0	80	ISIL	
34	11 Sep 2016	Aden	SVIED		0	10	0	0		
35	11 Sep 2016	Abyan	SVIED	Military position	0	0	0	14		
36	1 Oct 2016	Aden	PBIED	Civilians	0	2	0	4		
37	27 Oct 2016	Lawder, Abyan	IED	Police patrol					AQAP	
38	29 Oct 2016	Aden	SVIED	Central Bank	0	0	5	0		
39	16 Nov 2016	Shabwah	SVIED	Governor	1		2			
40	10 Dec 2016	Aden	PBIED	Military base		48		29	ISIL	

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Device Type</i>	<i>Target</i>	<i>Civilian Fatalities<sup>1</sup></i>	<i>Military Fatalities</i>	<i>Civilians Injured</i>	<i>Military Injured</i>	<i>Claimed by</i>	<i>Remarks</i>
41	18 Dec 2016	Aden	PBIED	Military base		40		50	ISIL	

**Annex 29: US air and drone strikes in Yemen (2016)<sup>1</sup>**

Table 29.1

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

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

<sup>1</sup> Information compiled from US Central Command.

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<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Casualties</i>		<i>Remarks</i>
			<i>Fatal</i>	<i>Injured</i>	
24	6 Oct 2016	Shabwah	2		
25	18 Oct 2016	Shabwah	6		
26	21 Oct 2016	Ma'rib	5		
27	20 Nov 2016	Bayda'	1		
28	24 Nov 2016	Bayda'	2		
29	30 Nov 2016	Hadramawt	3		
30	13 Dec 2016	Ma'rib	3		

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## Annex 30: Prominent ISIL figures<sup>2</sup>

Figure 30.1

### Prominent ISIL figures

<i>Ser</i>	<i>Name</i>	<i>Role</i>	<i>Remarks</i>
1	Muhammad Said Umar Bawazir (Abu Maali al-Qirshi)	An ISIL leader	
2	Nasir al-Ghaydani (Abu Bilal al-Harbi)	An ISIL leader	Saudi Arabian <sup>3</sup>
3	Khaled Abdullah al-Marfadi	Military commander	Yemeni <sup>4</sup>
4	(Abu Abd al-Rahman al-Muhajir) <sup>5</sup>	Shariah official	
5	(Abu Saleh) <sup>6</sup>	Military commander	
6	Khaled Umar al-Marfadi	Financial official	Yemeni <sup>7</sup>

<sup>2</sup> This table has been compiled from a variety of sources, including confidential sources, interviews with individuals inside and outside of Yemen, open sources, and news reports. Names in parentheses indicate a *nom de guerre* or *kunya*.

<sup>3</sup> In the mid-term update the Panel reported that AQAP claimed that al-Harbi had been killed in Hadramawt when a hand grenade in a safe house detonated. The Panel has not been able to confirm this information.

<sup>4</sup> al-Marfadi is from Yafa'a.

<sup>5</sup> al-Muhajir reportedly also uses the *kunya*: Abu Muhammad al-Kanani.

<sup>6</sup> Abu Saleh reportedly also uses the *kunya*: Abu Husayn.

<sup>7</sup> Also from Yafa'a.

### Annex 31: Government appointed Military District commanders

Table 31.1

#### Government appointed Military District commanders.

<i>Military District</i>	<i>Area</i>	<i>Name</i>
1	Sayyun	Saleh Muhammad Tamis
2	Mukalla	Faraj Salamin al-Bahasani
3	Ma'rib	Adil Hashim al-Qaymiri <sup>8</sup>
4	Aden/Ta'izz	Fadhil Hasan al-Amri
5	Hudaydah	Tawfiq Muhammad Abdullah al-Qayz
6	Amran / Sa'dah	Amin al-Wa'ili
7	Dhamar / Sana'a	Ismail Hasan Zahjuh

<sup>8</sup> Major General Adil Hashim Al-Qaymiri was appointed by Vice President and Head of the Government's Armed Forces, Ali Muhsin al-Ahmar, in October 2016 following the death of the previous Commander of the 3<sup>rd</sup> Military District, Major General Abd al-Rabb al-Shadadi, on 7 October 2016. Major General Adil Hashim al-Qaymiri is from Ta'izz. In 2011, when he was commander of the 125<sup>th</sup> Mechanised Brigade, he broke with then President Ali Abdullah Saleh (YEi.003) to support the protesters. In 2012, President Hadi appointed him as commander of the 125<sup>th</sup> Mechanized Infantry Brigade in al-Jawf, and later al-Qaymiri was named Axis Commander in al-Jawf. In 2015, President Hadi named him commander of the 5<sup>th</sup> Military District (Hudaydah).

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

Table 32.1

### Timeline of key security events concerning Yemen (2016)

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

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<i>Ser</i>	<i>Event</i>	<i>Location</i>	<i>Date (2016)</i>
19	US naval ship fires three Tomahawk cruise missiles at Houthi radar installations	Red Sea Coast	13 October
20	Mansur Mujahid Nimraan, Houthi Axis Commander in Hudaydah killed	Hudaydah	14 October
21	72-hours Cessation of Hostilities begins	Yemen	19 October
22	Cessation of Hostilities ends	Yemen	23 October
23	Houthi-Saleh Supreme Political Council announces formation of 42-person government	Sana'a	28 November

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

### A. Ta’izz ‘front’

1. Ta’izz continues to witness heavy fighting between military units loyal to Ali Abdullah Saleh (YEi.003) and militias under the command of Houthi fighters, who are arrayed against local resistance forces, which have included Salafi fighters as well as AQAP members,<sup>9</sup> in addition to troops loyal to President Hadi. Both sides have engaged in the targeted destruction of homes, kidnappings, as well as indiscriminate shelling, which has claimed the lives of civilians. The humanitarian situation remains extremely dire.

2. The Panel has documented the following brigades taking part in the fighting: 17<sup>th</sup> Infantry Brigade, 22<sup>nd</sup> Armoured Brigade from the Republican Guards, 33<sup>rd</sup> Armoured Brigade, 35<sup>th</sup> Armoured Brigade and 170<sup>th</sup> Air Defence Brigade. Below is a brief sketch of the prominent figures in the conflict, which the Panel has identified, on the four sides: Houthis, Saleh, Government of Yemen, and local “resistance”.<sup>10</sup>

Table 33.1

#### Prominent Houthi figures on the Ta’izz front

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

<sup>9</sup> The Panel is aware of reports indicating that two high-level ISIL commanders were killed in the fighting in Ta’izz, but has been unable to independently verify these reports.

<sup>10</sup> The Panel has chosen to put “resistance” in quotes, because it realizes that not all locals in Ta’izz have sided with the “resistance.” Indeed, many have sided with the Houthis.

Table 33.2

**Prominent figures loyal to Saleh on the Ta'izz front**

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Abdullah Hizam Naji al-Dhaban <sup>11</sup>	Axis commander, Ta'izz	From Saleh's Sanhan tribe
2	Hamud Hasan al-Harithi	Brigadier General, commander of central security forces, Ta'izz	
3	Hamud al-Dahmashi	commander, 22 <sup>nd</sup> armoured brigade, republican guard	
4	Ali Numan Muhammad al-Saghir	Lieutenant Colonel, 33 <sup>rd</sup> armoured brigade	Artillery specialist under command of al-Dhaban
5	Amar Daghish	Lieutenant Colonel, 33 <sup>rd</sup> armoured brigade	Under command of al-Dhaban
6	Ahmed al-Araj	Lieutenant Colonel, 33 <sup>rd</sup> armoured brigade	Specialist in Katusha FFR, under command of al-Dhaban
7	Mansur Mujayayr	Commander of Khaled Camp for 35 <sup>th</sup> armoured brigade	
8	Zakariya al-Muta'a	republican guard commander	
9	Muhammad Abd al-Wasa al-Qahtan	Tribal Shaykh	Kidnapped on 9 November 2016 reportedly by forces operating under the command of Yusif al-Shiraji

<sup>11</sup> Staff Brigadier General Abdullah Hizam Naji al-Dhaban is also commander, 33<sup>rd</sup> armoured brigade, and has a history in Ta'izz. In 2011, Ali Abdullah Saleh (YEi.003) named al-Dhaban commander, 33<sup>rd</sup> armoured brigade (he was previously Commander, 107<sup>th</sup> Mechanised Brigade), where he reacted violently to protests against Saleh's rule. As a result, under President Hadi, the 33<sup>rd</sup> Armoured Brigade was transferred to Baydha'. However, on 6 June 2015 President Hadi fired al-Dhaban.

Table 33.3

**Prominent Government of Yemen figures on the Ta'izz front**

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Fadhil Hasan al-Amri	Government Commander, 4 <sup>th</sup> Military District	
2	Khalid al-Fadhil	Axis Commander, Ta'izz	
3	Yusif Ali al-Shiraji <sup>12</sup>	Government Commander	
4	Adnan Muhammad Muhammad al-Hamadi	Government Commander, 35 <sup>th</sup> Armoured Brigade <sup>13</sup>	
5	Sadiq al-Sarhan	Government Commander, 22 <sup>nd</sup> Armoured Brigade, Republican Guard <sup>14</sup>	President Hadi appointed.
6	Abd al-Rahman al-Shamsani	Commander, 17 <sup>th</sup> Infantry Brigade <sup>15</sup>	President Hadi appointed.
7	Abd al-Walid Sarhan	Official in the Political Security Organization	
8	Nabil al-Maqrami	Colonel, 35 <sup>th</sup> Armoured Brigade	

<sup>12</sup> The Panel is uncertain if al-Shiraji remains in Ta'izz. He was in the city as late as mid-November, but has since been named an 'adviser' to the Ministry of Defence and is no longer Axis Commander in Ta'izz, a position he took up on 15 January 2016.

<sup>13</sup> al-Hamadi does not have control over the entire brigade as it is split between forces loyal to President Hadi (35<sup>th</sup> Armoured Brigade) and forces loyal to the Houthis-Saleh alliance (35<sup>th</sup> armoured brigade).

<sup>14</sup> The majority of 22<sup>nd</sup> armoured brigade is loyal to Saleh.

<sup>15</sup> The brigade is split between those loyal to President Hadi (17<sup>th</sup> Infantry Brigade) and those loyal to the Houthis and Saleh (17<sup>th</sup> infantry brigade) .

Table 33.4

**Prominent “Popular Resistance” figures on the Ta’izz front<sup>16</sup>**

<i>Ser</i>	<i>Name</i>	<i>Position</i>	<i>Remarks</i>
1	Adil Abdu Farea (Abu al-Abbas) <sup>17</sup>	Salafi commander	Most powerful Resistance figure.
2	Hamud Said al-Mikhlaifi	Former Brigadier General in the Political Security Organization (PSO)	Has lost funding and power in 2016
3	Muhammad Ibrahim al-Mikhlaifi	Head of Resistance Consultative Council, Mount Sabir	Deputy Director of Police, appointed 1 September 2016
4	Nail al-Adimi	Resistance leader	
5	Abd al-Qawi al-Mikhlaifi	Resistance leader, associated with Islah	
6	Abdu Hamud al-Saghir	Resistance leader, western Ta’izz	
7	Nabil al-Wasili <sup>18</sup>	Salafi commander	
8	Abu al-Suduq <sup>19</sup>	Salafi commander	

**B. Sirwah, Ma’rib**

<sup>16</sup> The Panel uses “resistance” to designate forces aligned against the Houthi-Saleh military alliance in Ta’izz. The “resistance” is a loose coalition of militias bound together only by a common enemy. In 2016, Salafis, particularly those under Abu al-Abbas, have become the most powerful individual component to this rather nebulous constellation of groups.

<sup>17</sup> Abu Abbas is the most powerful resistance fighter in Ta’izz. The Panel has documented trips he has taken to Aden in the south, as well as reports of visits to foreign countries. Abu Abbas was born in Ta’izz in 1971. He studied at Dar al-Hadith in Sa’dah before returning to Ta’izz to take part in the fight against Houthi and Saleh forces there. He is a person of interest for the Panel. For more on his background see a two-part interview he gave to al-Medina al-An, which was published in late October 2016. [http://www.alwahdawi.net/news\\_details.php?sid=16867](http://www.alwahdawi.net/news_details.php?sid=16867) The Panel believes that it is Abu al-Abbas’ forces that have welcomed AQAP fighters into the conflict in Ta’izz.

<sup>18</sup> Studied at Dar al-Hadith in Sa’dah.

<sup>19</sup> Like Abu al-Abbas and Nabil al-Wasili, Abu al-Suduq studied at Dar al-Hadith in Sa’dah. However, Abu al-Suduq’s fighters have clashed with Abu al-Abbas’ men.

Fighting is also ongoing in Ma'rib, largely between Houthi forces on one side and so-called "popular resistance" forces and troops loyal to President Hadi on the other, including members of the 14<sup>th</sup> Armoured Brigade.<sup>20</sup> The fighting has ebbed and flowed throughout the period covered by this report, and on 1 September 2016, the Houthis and the resistance agreed to a prisoner exchange of 12 prisoners each.<sup>21</sup> The Houthi prisoners released came from several different governorates within Yemen, which illustrates how the group is moving fighters around the country. On 7 October 2016, Major General Abd al-Rabb al-Shadadi, the military commander for the 3<sup>rd</sup> Military District loyal to President Hadi, was killed.<sup>22</sup> He was replaced by Major General Adil Hashim al-Qaymiri.<sup>23</sup> Vice President Ali Muhsin al-Ahmar has also spent a significant amount of time in Ma'rib throughout the second half of 2016.

### C. Saudi border

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

### D. Nihm, Sana'a

Throughout the period covered by this report, fighting has been ongoing in the Nihm region, just east of Sana'a. Militias loyal to Abdulmalik al-Houthi (YEi.004) and troops loyal to Ali Abdullah Saleh (YEi.003), including the 62<sup>nd</sup> mechanised infantry brigade from the republican guards,<sup>24</sup> are allied against militias loyal to President Hadi as well as against regular troops. Much of the fighting has centred on the taking and re-taking of mountains and other strategic points in the region. Additionally, the Saudi Arabia-led coalition continues to strike targets inside the city of Sana'a.

### E Other areas

<sup>20</sup> On 8 September 2016, the Commander of the 14<sup>th</sup> Armoured Brigade, which used to be part of the Republican Guards, Staff Brigadier General Muhsin al-Daari, was wounded in the fighting. See: <http://www.yemenakhbar.com/yemen-news/490041.html> Most of the 14th Armoured Brigade has sided with President Hadi.

<sup>21</sup> See annex 24 for a list of the Houthi prisoners exchanged. The panel was unable to confirm the identities of the resistance fighters released.

<sup>22</sup> At al-Shadadi's funeral, held on 14 October 2016, six days after the Saudi-led coalition attack on Ali al-Rowayshan's funeral in Sana'a, two bombs went off, killing al-Shadadi's older brother, Salim Qasim al-Shadadi, and Lieutenant Muhammad Nasir Murshid Shurif, the Guard Commander for the governorate of Sana'a. See: <http://www.alkhaleej.ae/alkhaleej/page/d50574bd-be7e-4b1c-b5cf-c49b5d9b2ec4>.

<sup>23</sup> For the Government of Yemen's Military Commanders see annex 31. al-Qaymiri's previous position had been as Inspector General for Yemen's Armed Forces.

<sup>24</sup> The 62<sup>nd</sup> mechanised infantry brigade from the republican guards under the command of Major Murad al-Awbali, which is based in Amran, participated in the fighting in Nihm. Al-Awbali is now commander of the Republican Guards, replacing Brigadier General Ali bin Ali al-Ja'ifi, who died on 10 October 2016, from wounds sustained two days earlier in the Saudi Arabia-led coalition attack on a community hall in Sana'a.

The Panel has also noted fighting in Hajjah, particularly in Midi,<sup>25</sup> continued clashes in Jawf, and periodic raids and reprisals in Bayda'a. The Saudi Arabia -led coalition continues to strike targets throughout areas held by the Houthis. Abyan, Aden and Hadramawt continue to suffer under AQAP and ISIL attacks.<sup>26</sup>

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<sup>25</sup> The Panel has received information that Abd al-Khaliq al-Houthi (YEi.001) is leading Houthi forces in this area and that they are fighting alongside elements of the republican guard. Another prominent Houthi figure, Yusif al-Madani, who is married to the daughter of Husayn al-Houthi (deceased 2004) is reportedly active on this front as well.

<sup>26</sup> For a list of major security events in 2016 see annex 32.

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

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

Table 34.1

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

<i>Weapon Type</i>	<i>Manufacturer</i>		<i>Notes / result of tracing request</i>
	<i>State</i> <sup>27</sup>	<i>User State</i>	
Glock 19 Gen 4 9 x 19mm self loading pistol	USA		Manufacturer confirmed supply to Yemen.
Instanza, C-90-CR-RB anti-armour rocket launchers	Spain	Saudi Arabia	Manufacturer confirmed supply to Saudi Arabia. No response from Saudi Arabia to Panel enquiry. <sup>28</sup>
66mm Light Anti Tank Weapon (LAW)	USA	Saudi Arabia	No tracing request sent as: 1) Saudi Arabia known to be a user of this weapon type; and 2) over ten years old.
LRT-3 SWS 12.7mm sniper rifle	Canada	Saudi Arabia	Manufacturer confirmed supply to Saudi Arabia. No response from Saudi Arabia to Panel enquiry.

<sup>27</sup> The Panel is not implying that for this enquiry that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015). The Panel's tracing requests were aimed at better understanding how weapons are being smuggled into Yemen for the benefit of individuals listed by the Security Council Committee established pursuant to resolution 2140 (2014) or by other individuals subject to the targeted arms embargo.

<sup>28</sup> Panel requests to the Permanent Mission of Saudi Arabia dated 17 June, 8 July and 24 August 2016.

<i>Weapon Type</i>	<i>Manufacturer</i>		<i>Notes / result of tracing request</i>
	<i>State</i> <sup>27</sup>	<i>User State</i>	
SSTI Kinetics, AR 80 5.56mm Assault Rifle	Singapore		The weapon with this serial number was initially supplied to Yugoslavia in December 1990, but this is not that weapon, it is a copy. <sup>29</sup>
Steyr AUG 5.56mm Assault Rifle	Austria	Saudi Arabia	No tracing request sent as: 1) Saudi Arabia known to be a user; and 2) no serial number visible.

Table 34.2

**Summary of tracing requests for weapons identified in possession of AQAP fighters**

<i>Weapon Type</i>	<i>Manufacturer</i>		<i>Result of tracing request</i>
	<i>State</i> <sup>30</sup>	<i>User State</i>	
RPG-32 <i>Nashshab</i> Rocket Launcher	Jordan	Jordan	No response to Panel enquiry. <sup>31</sup>

Figure 34.1

**AR80 5.56mm assault rifle (copy)**

Figure 34.2

**Instanza C-90-CR-RB rocket launcher<sup>32</sup>**

<sup>29</sup> Letter from Permanent Mission of Singapore dated 17 October 2016.

<sup>30</sup> The Panel is not implying that for this enquiry that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015).

<sup>31</sup> Panel requests to Permanent Mission of 11 April and 8 July 2016.

<sup>32</sup> The manufacturer, Instanlaza S.A confirmed that they had supplied this ammunition to a member State of the Saudi Arabia-led coalition. The possession by the Houthi is as a result of a misdirected airdrop by the Saudi Arabia-led coalition.



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



Figure 34.4  
**Glock 19 Gen 4 9 x 19mm Pistol**



Figure 34.5  
**Steyr AUG Assault Rifle**<sup>33</sup>



Figure 34.6  
**RPG-32 'Nashshab'**<sup>34</sup>

<sup>33</sup> Confidential source.

<sup>34</sup> Hoplite Report. *Ansar-al-Sharia with RPG-32 rocket launcher in Yemen*. Armament Research Services (ARES). 30 March 2016. <http://armamentresearch.com/tag/hashim/>.



Figure 34.7  
**66mm LAW**



**Annex 35: Images of maritime seizures**

**A. FV Nasir (25 Sep 2015)<sup>35</sup>**

Figure 35.1

**9M113 Konkurs ATGW**



Figure 35.2

**9M113 Konkurs ATGW**



**B. FV Samer (27 Feb 2016)<sup>36</sup>**

Figure 35.3

**SA93 Assault Rifle**



Figure 35.4

**Tyne 56 variant Assault Rifle**



Figure 35.5

**RPG 7 variant**

Figure 35.6

**AIM Assault Rifle**

<sup>35</sup> Imagery from Government of Australia.

<sup>36</sup> Ibid.



Figure 35.7  
AKM Assault Rifle



Figure 35.8  
PKM Machine Gun



C. Unnamed dhow (20 Mar 2016)<sup>37</sup>

Figure 35.10  
AKM variant Assault Rifle



Figure 35.11  
Dragunov variant Sniper Rifle



Figure 35.12  
9M133 Kornet or Dehlayvah variant ATGW



<sup>37</sup> Images from confidential sources.



#### D. FV Adris (28 Mar 2016)

No images as yet supplied by the US Government.

### Annex 36: Land route smuggling seizures

#### A. Weapon types in Houthi possession

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

Table 36.1

#### Summary of Iranian origin weapons types

<i>Weapon Type</i>	<i>Original Supplier to Iran<sup>39</sup></i>	<i>Result of tracing request</i>
Type 73 General Purpose Machine Gun	DPRK <sup>40</sup>	No response to Panel enquiry. <sup>41</sup>

<sup>38</sup> Sources: 1) Janes' Weapons; 2) Janes' Military; 3) UN Conventional Arms Register; 4) SIPRI Annual Military Expenditure reports.

<sup>39</sup> The Panel is not implying that for this enquiry any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015). The Panel's tracing requests were aimed at better understanding how weapons are being smuggled into Yemen for the benefit of individuals listed by the Security Council Committee established pursuant to resolution 2140 (2014) or by other individuals subject to the targeted arms embargo.

<sup>40</sup> Democratic Peoples Republic of Korea.

<sup>41</sup> Panel requests to Permanent Mission of DPRK of 23 May and 8 July 2016.

<i>Weapon Type</i>	<i>Original Supplier to Iran<sup>39</sup></i>	<i>Result of tracing request</i>
AM-50 anti-material rifle (AMR) <sup>42</sup>	Iran manufacture	No response to Panel enquiry. <sup>43</sup>

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

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

<sup>42</sup> This weapon is an unlicensed copy of the Austrian Steyr HS 12.7mm AMR. Steyr supplied 800 weapons to Iran in 2005, after which unlicensed copies began to be manufactured by Defence Industries of Iran (DIO). The weapon has been positively identified as an AM50 as opposed to a Steyr by the unfluted barrel.

<sup>43</sup> Panel requests to the Permanent Mission of the Islamic Republic of Iran of 23 May, 8 July and 2 November 2016.

Table 36.2

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

<i>Date</i>	<i>Location</i>	<i>Seizure</i>	<i>Vehicle registration</i>
19 Jul 2015	Thamoud, Hadramawt	36 vehicle radios 360 personal radios	Yemeni plate 590/11
Sep 2016	Safgir, Ma'rib	RPG 27 variant <sup>44</sup>	
18 Sep 2016	Ma'rib	Ammunition type not known	Omani licence plates
28 Sep 2016	Ma'rib	ATGW and 122mm FFR	Omani licence plates
8 Oct 2016	Lahj	Ammunition type not known	
18 Oct 2016	Shehn, Ma'rib	24+ x ATGW	

Figure 36.1

**RPG-27, Ma'rib (Sep 2016)**

Figure 36.2

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

Figure 36.3

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

<sup>44</sup> Member State confirmed seizure on 28 November 2016.

### C. Concealment in transit

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

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



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



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



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



## Annex 37: Use or seizures of ATGW

### A. 9M113 ‘Konkurs’ or ‘Tosan’ ATGW

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

Figure 37.1

Jizan use (25 Aug 2015) – ‘Konkurs or Tosan’<sup>45</sup>



Figure 37.2

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



Figure 37.3

Jizan use (11 Dec 2015) – ‘Konkurs or Tosan’<sup>46</sup>



### B. Toophan’ ATGW

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

<sup>45</sup> Source: [https://www.youtube.com/watch?v=R\\_RUgRtpUKc](https://www.youtube.com/watch?v=R_RUgRtpUKc).

<sup>46</sup> Source: 151211 VID-16151211-WA0029 1-29.

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



### C. 9M133 ‘Kornet’ or ‘Dehlavyah’ ATGW

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

Figure 37.5

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



Figure 37.6

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



Figure 37.7

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



Figure 37.8

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



## Annex 38: Weapons of Iranian origin in Houthi use

### A. Type 73 General Purpose Machine Gun

1. The Panel has identified from imagery a weapon with characteristics similar to the Democratic Peoples Republic of Korea (DPKR) manufactured Type 73 General Purpose Machine Gun (GPMG) being used by Houthi fighters in Yemen.
2. The Type 73 GPMG is a relatively rare weapon outside the manufacturing country. Only Iran is known to have received exports of the weapon (in the 1970s and 1980s). Since then the weapon has been observed in the possession of the Iraqi Shi'a militias (Badr Brigade forces), the al-Imam Ali Brigade and the Christian Babylon Brigades. The Type 73 has also been documented in the hands of the Syrian Arab Army operating near Palmyra, Syria.<sup>47</sup>

Figure 38.1

**Type 63 GPMG with Houthi fighter<sup>48</sup>**



### B. AM-50 Anti Material Rifle

2. The Panel has observed footage of an Iranian manufactured AM-50 anti-material rifle (AMR)<sup>49</sup> being used by Houthi fighters in Yemen.

Figure 38.2

**AM50 AMR with Houthi fighter<sup>50</sup>**

<sup>47</sup> <http://armamentresearch.com/2016/03/>.

<sup>48</sup> Ibid.

<sup>49</sup> This weapon is an unlicensed copy of the Austrian Steyr HS 12.7mm AMR. Steyr supplied 800 weapons to Iran in 2005, after which unlicensed copies began to be manufactured by Defence Industries of Iran (DIO). The weapon has been positively identified as an AM50 as opposed to a Steyr by the unfluted barrel.

<sup>50</sup> ARES Hoplite. <http://armamentresearch.com/iranian-am50-anti-materiel-rifle-documented-in-yemen/>.



3. A further example of an AM-50 AMR in Houthi hands was provided by a Member State<sup>51</sup> (figures 38.3 and 38.4).

Figure 38.3

**Captured AM50 AMR (Serial 2200076)**



Figure 38.4

**Captured AM50 AMR (Serial 2200076)**



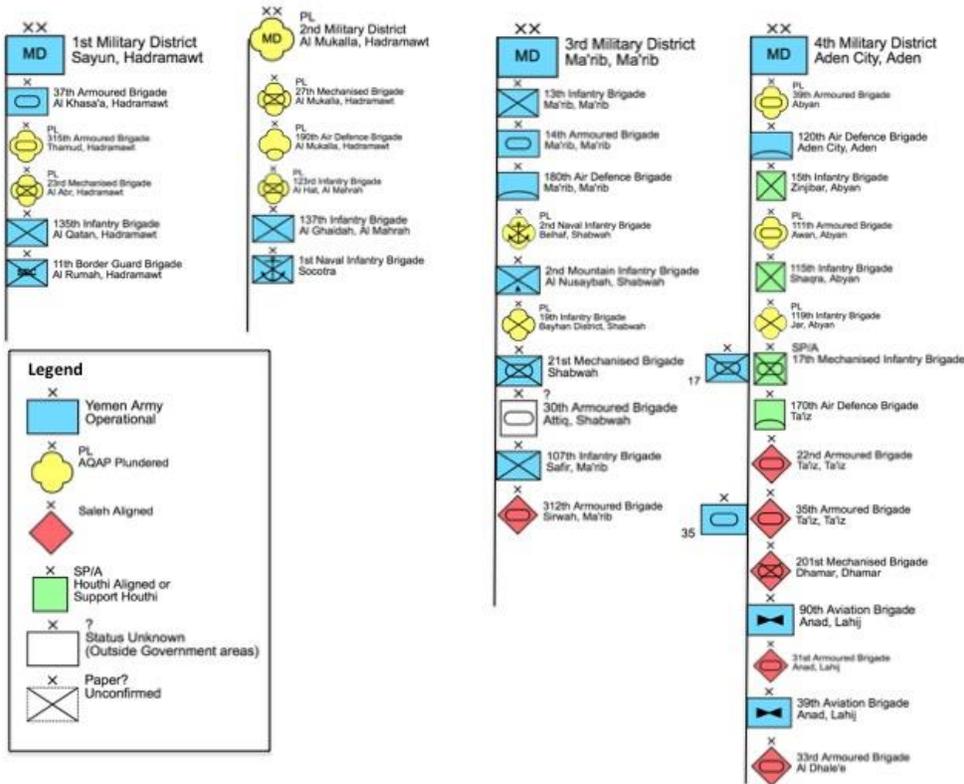
4. Although these weapons are undoubtedly of Iranian origin, the Panel has no evidence to date that they have been supplied post the imposition of the arms embargo on 14 April 2015. Tracing requests were submitted to Iran<sup>52</sup> and responses are still awaited.

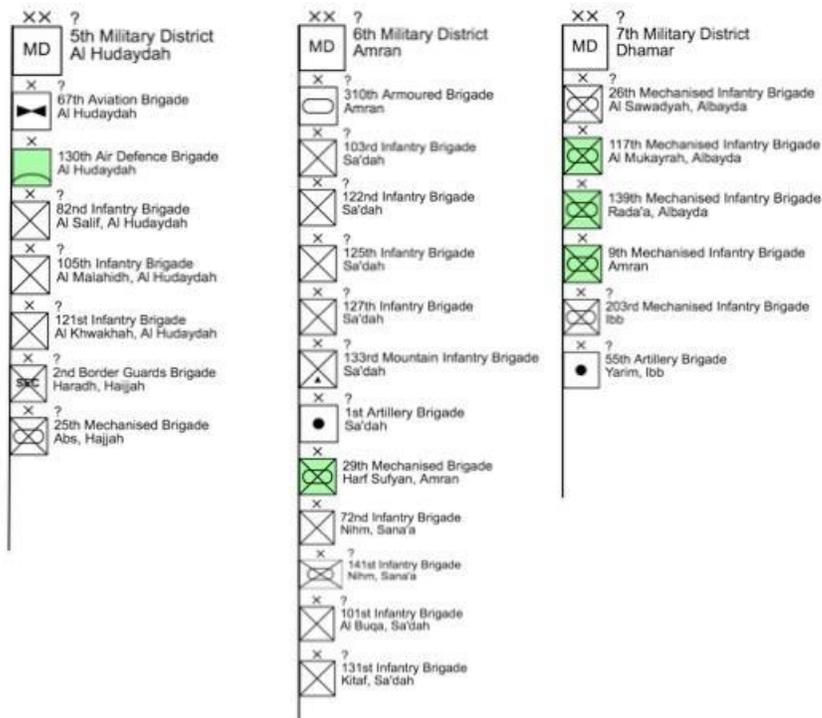
<sup>51</sup> Confidential source.

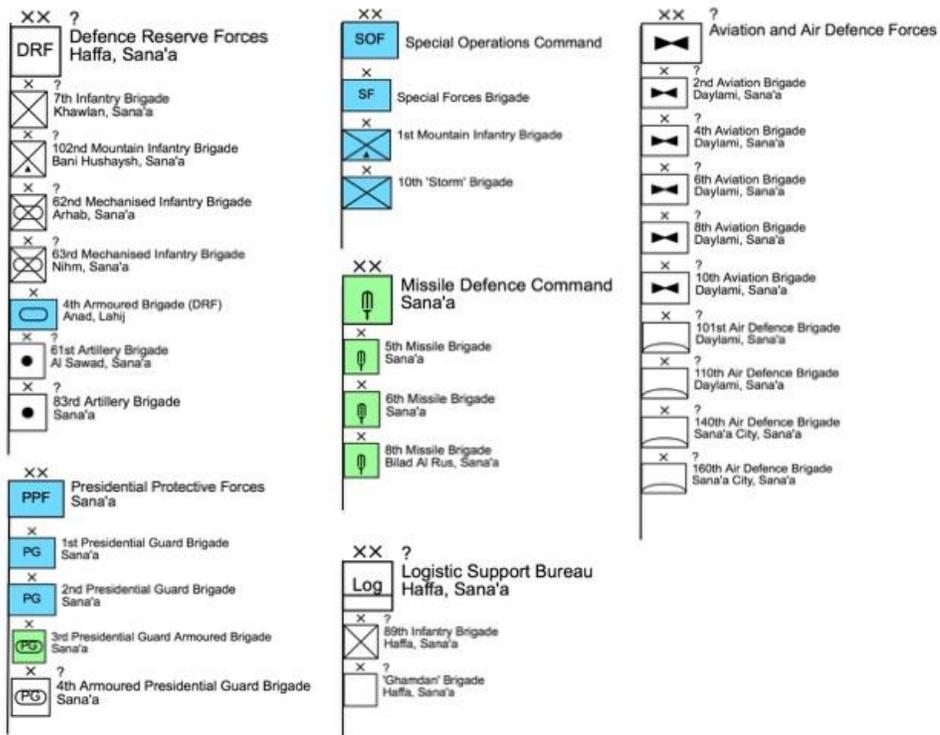
<sup>52</sup> Panel letters to Permanent Mission of Iran of 11 May, 8 July and 2 November 2016. Panel letters to Permanent Mission of DPRK of 23 May and 8 July 2016.

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

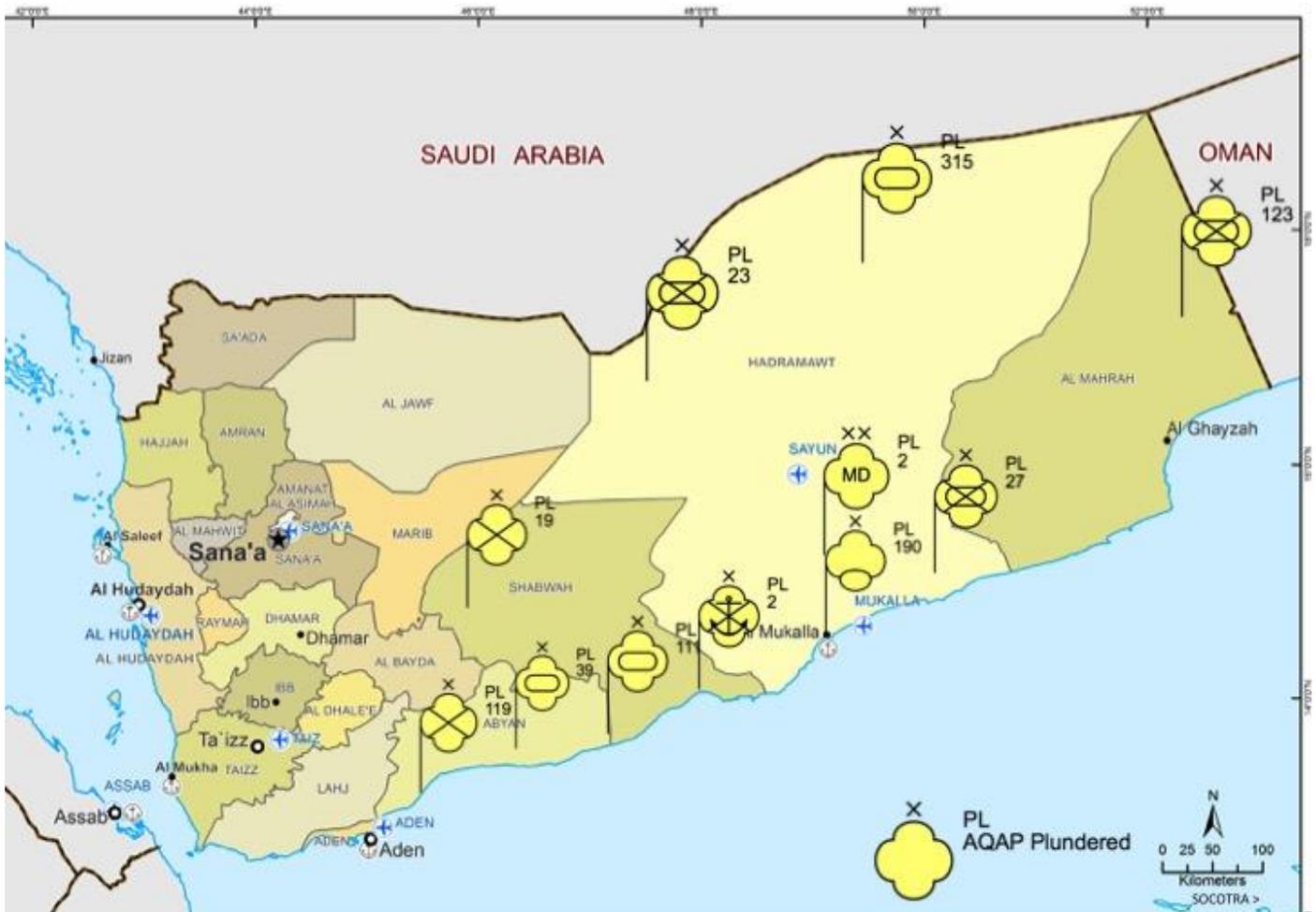
### A. Military units by Military District and location



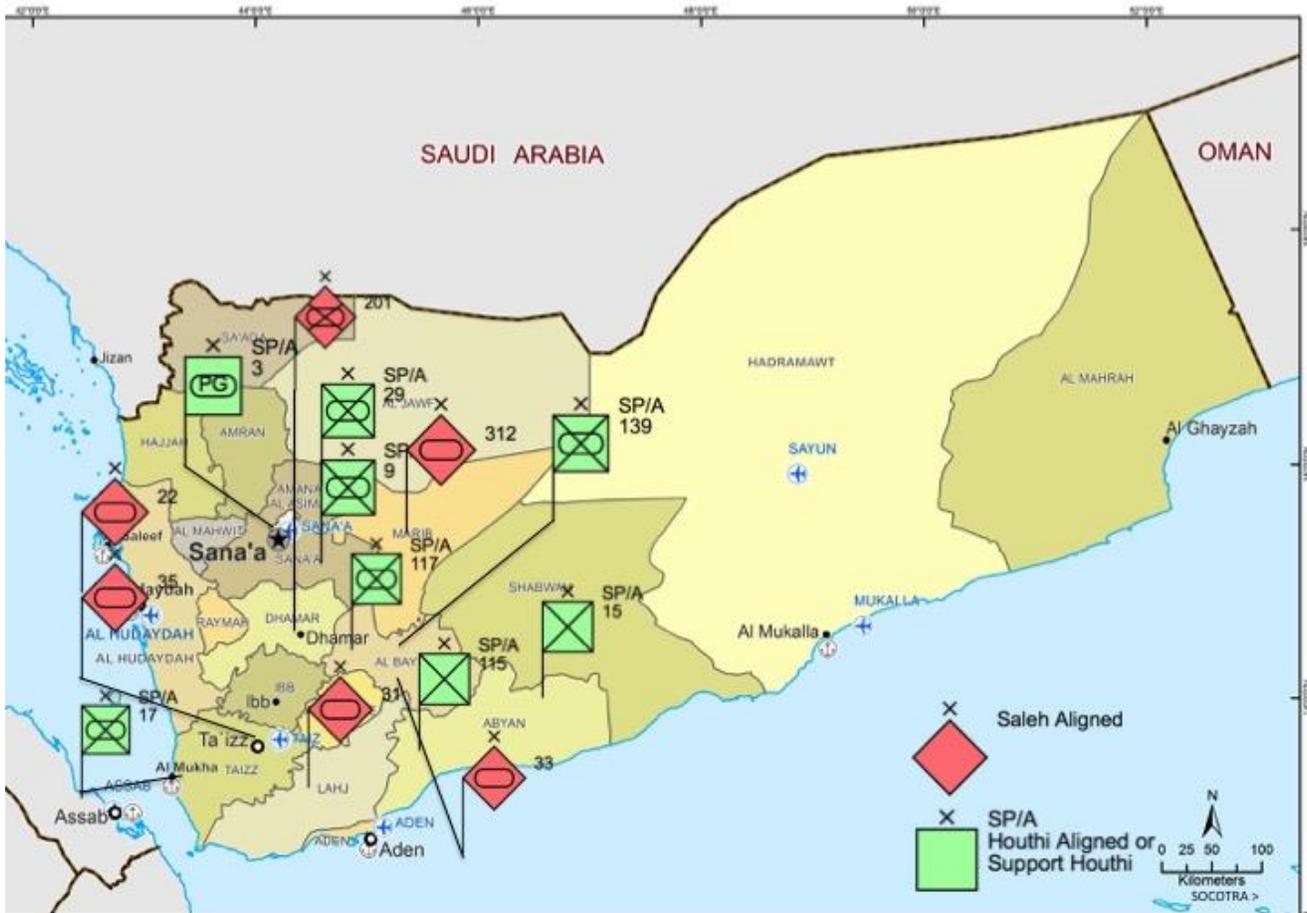




**B. AQAP plundered units**



C. AQAP/Houthi plundered units



**D. Summary of status of Yemen Armed Force units <sup>1</sup>**

Ser	Probable Status	Unit Type and Quantity															
		HQ Military District	Mountain Infantry Brigade	Naval Infantry Brigade	Presidential Guard Brigade	Presidential Guard Brigade Armoured	Border Guard Brigade	Armoured Brigade	Mechanised Brigade	Mechanised Infantry Brigade	Infantry Brigade	Special Forces Brigade	Storm Brigade	Artillery Brigade	Missile Brigade	Air Defence Brigade	Aviation Brigade
		MD	MI	NI	PG	PS	BG	AB	MB	MIB	IB	SFB	SB	AB	MB	ADB	VB
1	Operational	3	2	1	2	1	3.5	1	0.5	4	1	1			2	2	
2	Non-operational (equipment plundered by Houthi)	1	1	1			3	2	0	4					1		
	Non-operational (equipment plundered by AQAP)																
3	Fighting for Houthi-Saleh Alliance					1	4.5	2	3.5	2				3	2		
4	Not Known	3				1	1	2	1	4	12		4		4	5	
5	<b>TOTALS</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>15</b>	<b>6</b>	<b>8</b>	<b>22</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>9</b>	<b>8</b>	

<sup>1</sup> The brigades 'loyal' to both sides are allocated as 0.5.

E. Summary of units<sup>1</sup> aligned to Saleh, Houthi or plundered by Houthi or AQAP

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

<sup>1</sup> This includes the units loyal to both sides.

**Annex 40: Summary of black market small arms ammunition prices**

Figure 40.1

**Graph of Black Market prices (Yemen) (2015 – 2016)**

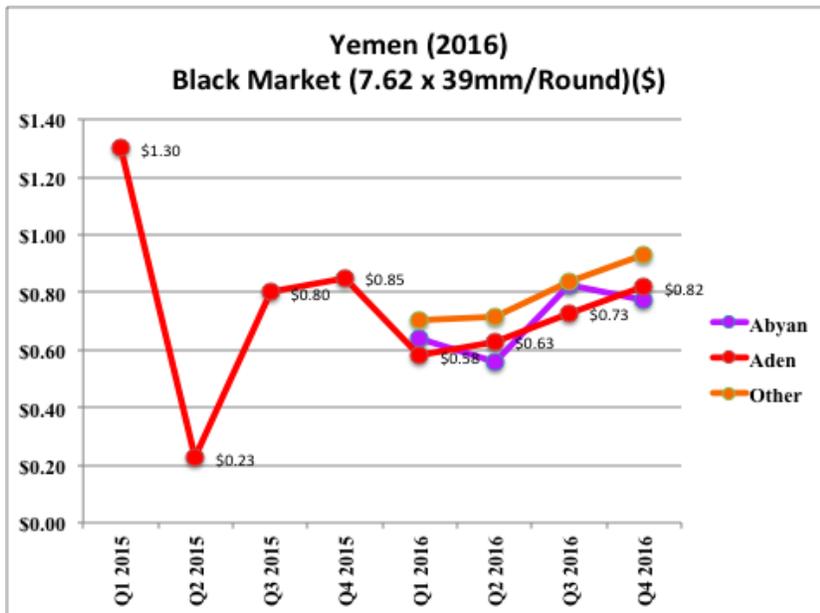


Figure 40.2

**Graph of Black Market prices (Aden) (2016)**

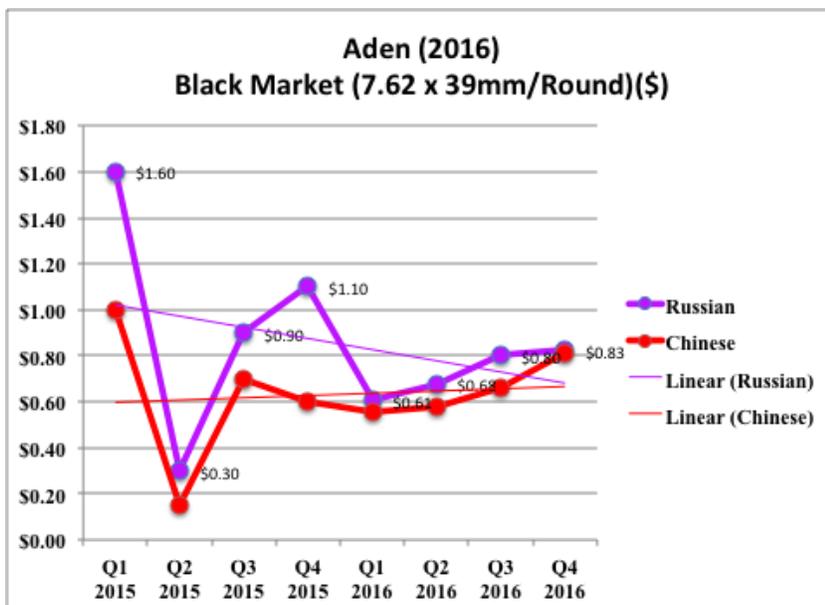


Figure 40.3

Graph of Black Market prices (Abyan) (2016)

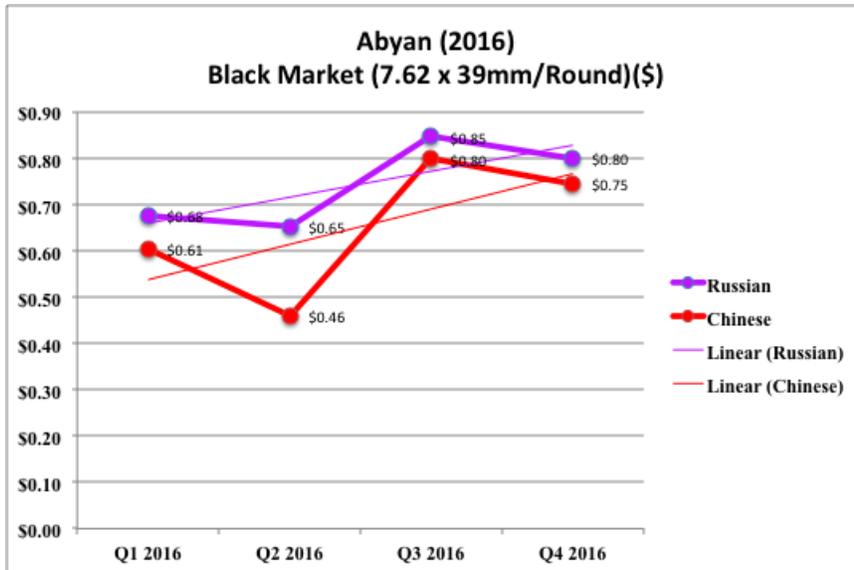
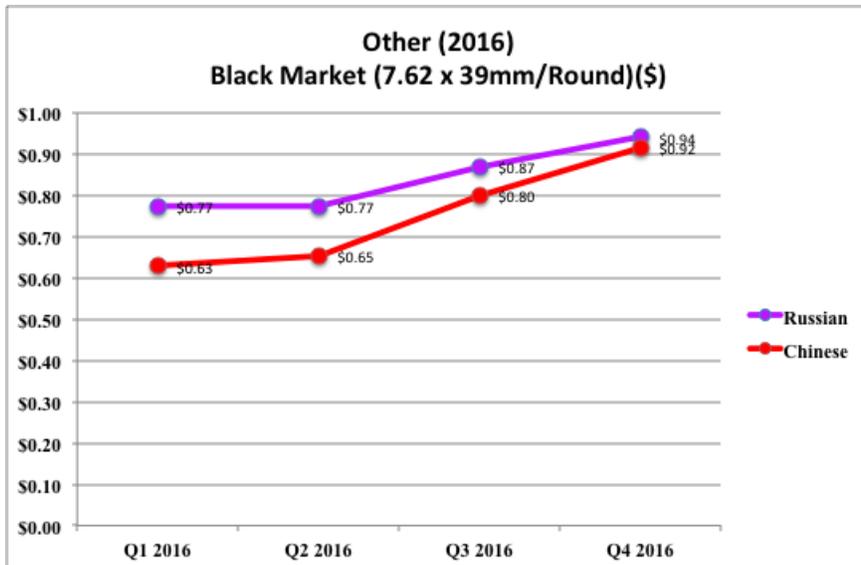


Figure 40.4

Graph of Black Market prices (Other) (2016)



## **Annex 41: Transfer of Taurus pistols and revolvers**

1. The Panel was provided with initial information<sup>2</sup> about this arms transfer, and the subsequent investigation has resulted in the Panel obtaining evidence from authorities, organizations or individuals in six countries to date.
2. Negotiations for the sale of 8,000 pistols by Forjas Taurus S.A of Brazil to, supposedly, the Ministry of Defence of Djibouti began before November 2012, when the Chief of the Military Cabinet of the Presidency initially issued an end use certificate.<sup>3</sup> The Brazilian authorities issued an initial export licence in October 2013, after which funds were transferred to pay for the weapons. The final Brazilian export licences were issued by February 2015.<sup>4</sup> Resolution 2216 (2015) of 14 April 2015 imposed the arms embargo on designated individuals, which is before these weapons were physically shipped on 3 July 2015. Had Taurus Forjas S.A exercised due diligence then they would have identified aspects of this arms purchase that were suspicious in relation to the targeted arms embargo on Yemen (see below), and could have stopped the shipment.
3. The Mediterranean Shipping Company S.A acted as the shipper for 3,000 of the above 8,000 Taurus pistols and revolvers, loaded in Container Number TTNU3603161 on the MV MSC Cadiz (IMO 9480203), which sailed from Santos, Brazil (BRSSZ) on 3 July 2015 destined for Djibouti.
4. On, or about, 24 July 2015 the port authorities of Gioia Tauro, Italy (ITGIT) discovered 3,000 Taurus Pistols in Container Number TTNU3603161. The Italian authorities delayed the onward movement of this ISO-container, as the transit of the cargo had not been notified to the appropriate Italian authorities. Once this issue had been resolved, Container Number TTNU3603161 then departed Gioia Tauro on 27 October 2015, loaded on the MV MSC Savona (IMO 9460356), bound for King Abdullah Port, Saudi Arabia (SAKAC). The Saudi Arabian authorities then seized the shipment under the authority of 'High Decision 51145/2015 of the Council of Political and Security Affairs' as they suspected that the shipment was actually bound for the Houthis via Itkan Assaid Al Mahdouda (Precise Fishing Limited, Djibouti).<sup>5</sup> Saudi Arabia failed to report this seizure to the Committee as required by paragraph 17 of resolution 2216 (2015).

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<sup>2</sup> Confidential source.

<sup>3</sup> All documentary evidence and references for this section are contained within the timeline at appendix A.

<sup>4</sup> Detailed timeline is at appendix A.

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

5. Subsequent investigation by the Panel established that the company actually used for the purchase from Taurus was the Itkan Corporation for General Trading, Yemen (Itkan), owned by Adeeb Mana'a,<sup>6</sup> a son of a designated individual Fares Mohammed Hassan Mana'a (SOi.008).<sup>7</sup> Fares Mohammed Hassan Mana'a is a close associate of Ali Abdullah Saleh (YEi.003),<sup>8</sup> and a known arms trafficker who was listed by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea for directly or indirectly supplying, selling or transferring arms or related material to Somalia in violation of the arms embargo. On 26 March 2011 Fares Mohammed Hassan Mana'a was appointed by Abdulmalik al-Houthi and the Houthi political leadership as the as the Governor of Sa'dah,<sup>9</sup> a post he held until December 2014. He is currently a minister in the new '28 November government' of the Houthi-Salah alliance.

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

(a) An end user certificate was issued to support the transfer of 80,000 pistols to the Djibouti Ministry of Defence, yet the Djiboutian Armed Forces, which includes the National Gendarmerie, only consists of 16,000 active personnel and 9,500 reservists.<sup>10</sup> This is an unusually high number of weapons for such a force level;

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

(c) The address used for the Itkan company, Trading Avenue, Djibouti, could not be found in Djibouti. A request to the Government of Djibouti for the registered details of both the Matrix and Itkan companies and their associated bank accounts, has not yet been responded to.<sup>11</sup> The Government of Djibouti did respond to a previous enquiry from the Panel and confirmed the validity of the end use certification;<sup>12</sup>

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<sup>6</sup> Although the Taurus internal Purchase Check List names Hussain Said Khaireh, Director General of Security, Djibouti first, on the same line it also includes Adeeb Mana'a, with a Yemeni E-mail and telephone number.

<sup>7</sup> Listed under authority of paragraph 8 to resolution 1844 (2008) on 12 April 2010 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

<sup>8</sup> He was the Head of Ali Abdullah Saleh's 'presidential committee' until late January 2010, when Yemeni authorities arrested him.

<sup>9</sup> <http://yemenpost.net/Detail123456789.aspx?ID=3&SubID=3336>.

<sup>10</sup> Force level data from <https://janes.ihs.com/Janes/Display/1319215> and others.

<sup>11</sup> Panel letter to the Permanent Mission of 14 October 2016.

<sup>12</sup> Letter from the Permanent Mission of 26 September 2016.

(d) On 21 January 2015 Fares Mohammed Hassan Mana'a (SOi.008) entered Brazil at the invitation of Eduardo Pezzuol of Forjas Taurus S.A in relation to arms purchases.<sup>13</sup> This visit is also a violation of paragraph 1 of resolution 1844 (2008) and details have been passed to the Somalia and Eritrea Monitoring Group (SEMG) for their consideration;

(e) There is no logical or reasonable reason that the Government of Djibouti would need to use a Yemeni broker for the supply of weapons to their armed forces. Particularly a broker with close family ties to a designated individual; and

(f) There were unexplained inconsistencies in the detail and dates of the Bill of Lading and the end use certification for this arms transfer (see appendix A for details).

7. The detailed timeline for this arms transfer is at appendix A together with the references of all relevant documentation in the possession of the Panel.

8. The Panel finds it unlikely that this arms transfer was destined for Houthi-Saleh forces due to the types of weapons involved. Pistols and revolvers are personal protection type weapons, which are not generally used in combat. They are very attractive though to the black market in Yemen and elsewhere, where individuals can buy unlicensed weapons for self-protection. They are also ideal for using in criminal acts such as the protection of drug traffickers or armed holdups of banks etc as they are easily concealable.

9. The involvement of Fares Mohammed Hassan Mana'a (SOi.008) and his known relationship to the Houthis makes it possible that the financial aspects of the transfers may have been to the benefit of listed individuals, and the Panel will continue to investigate this aspect.

10. The modus operandi of the transfer, using his son Adeeb Mana'a and a Djibouti end user, was designed to circumvent normal security and customs controls. The transfer was only prevented by the diligence of the Saudi Arabian authorities.

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<sup>13</sup> Confidential sources. The Federal Court of Brazil has issued a legal notice of proceedings against this individual for this action (Notice 710002418415, Criminal Action: 5033103-42,2015.4.04.7100/RS).

## Appendix A to Annex 41: Timeline of Forjas Taurus S.A. (Brazil) export of pistols and revolvers

Table 41.A.1

### Transfer timelines

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
3 Nov 2012	EUC issued for 80,000 (Eighty Thousand) pistols and revolvers	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	
4 Nov 2012	EUC issued for 80,000 pistols and revolvers	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	Correction of calibre of one weapon type. Specifies import agent as Abdurabuhgahad Sale Abdo of Matrix company. Expired 31 Dec 13
14 Oct 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Tenox Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Individual Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 500 Taurus PT 24/7 G2 Compact 9mm 17t Tenox Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment

<sup>1</sup> Copies of all referenced documents are in the possession of the Panel and available for inspection by Member States on request.

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
14 Oct 2013	Brazilian Export Licence issued for 500 Taurus PT 24/7 G2 Compact 9mm 17t Individual Pistols	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Expired before shipment
14 Oct 2013	Brazilian Export Licence issued for 2,000 Taurus Model 85s 0.38" SPL Revolvers	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Broker named as Adeeb Mana'a, Itkhan Company for Hunting Expired before shipment
14 Oct 2013	Initial Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22" LR Revolvers	788/2013-October	MOD Brazil	MOD Brazil export process 200.414.2013 Broker named as Adeeb Mana'a, Itkhan Company for Hunting Expired before shipment
18 Nov 2013	US\$ 45,960 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
18 Nov 2013	US\$ 247,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
3 Dec 2013	US\$ 249,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
23 Dec 2013	Invoice issued by Taurus for 1,000 PT 24/7 G2 9mm CAL17S Pistols (Black Tenifer with additional magazines)	200411	Forjas Taurus S.A.	USD 290,430.60 Made out to Djibouti Ministry of Defence
23 Dec 2013	Invoice issued by Taurus for 1,000 Model 959CH 22L Revolvers	200415	Forjas Taurus S.A.	USD 227,565.00 Made out to Djibouti Ministry of Defence
23 Dec 2013	Invoice issued by Taurus for 1,000 PT 24/7 G2 Compact 9mm 13S Pistols (Black Tenifer and Matt with additional magazines)	200416	Forjas Taurus S.A.	USD 288,901.85 Made out to Djibouti Ministry of Defence
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22LR Revolvers	1010/2013-December	MOD Brazil	MOD Brazil export process 200.415.2014
26 Dec 2013	Brazilian Export Licence issued for 2,000 Taurus Rev .85S 0.38: Special Revolvers	1012/2013-December	MOD Brazil	MOD Brazil export process 200.413.2014
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 G2 9mm 17t Carbono Tenox Pistols	1013/2013-December	MOD Brazil	MOD Brazil export process 200.414.2014

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
26 Dec 2013	Brazilian Export Licence issued for 1,000 Taurus PT 24/7 Pistols	1015/2013-December	MOD Brazil	MOD Brazil export process 200.414.2014
Undated	Extension for EUC for 80,000 pistols and revolvers granted	123/PRE/CMPR	Chief of the Military Cabinet, Djibouti	Valid until 31 Dec 15
14 Jan 2014	US\$ 144,950 transferred from International Commercial Bank Djibouti (Account: 000010200451761) to Citibank, New York (Account 36942067)		Itkhan Corporation	Origin bank account in name of Itkhan Corporation for General Trading and Hunting, Trading Avenue, Djibouti Receiving bank in name of Forjas Taurus S.A
13 Mar 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 G2 9mm CAL 17s Black Tenifer Pistols	Embarkation Certificate 4224 Airway Bill 176 8071 1680	Amazon Logistics	ETA Djibouti 15 Mar 14
13 Mar 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 G2 9mm CAL 17s Black Tenifer Pistols	Embarkation Certificate 4224 Airway Bill 176 0343 3210	Amazon Logistics	ETA Djibouti 15 Mar 14
16 Apr 2014	34 boxes of weapons leave Brazil on Emirates Airlines air cargo. 1,000 x PT 24/7 Pistols	Embarkation Certificate 4272	Amazon Logistics	ETA Djibouti 22 Apr 14
21 Jan 2015	Fares Mohamed Hassan Mana'a (SOi.008) enters Brazil at invitation of Eduardo Pezzuol of Forjas Taurus S.A.	Confidential source		Referred to the 751(1992) Committee Monitoring Group as a potential violation of a travel ban.

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
28 Jan 2015	Brazilian Export Licence issued for 2,000 Taurus Model 85s 0.38” Pistols (Serial Numbers GZ75481 to GZ77480)	040/2015-January	MOD Brazil	MOD Brazil export process 200.414.2013 Replaced 14 Oct 13 export authority
27 Feb 2015	Brazilian Export Licence issued for 1,000 Taurus Model 939 0.22” Pistols (Serial Numbers GZ72481 to GZ73480)	072/2015-February	MOD Brazil	MOD Brazil export process 200.414.2013 Replaced 14 Oct 13 export authority
27 Jun 2015	Bill of Lading issued for 40 boxes of revolvers for Container TTNU3603361	MSCUZS275155	MSC S.A	Issued in Gioia Tauro prior to vessel leaving Brazil
4 Jul 2015	MSC Cadiz (IMO 9480203) departs Santos, Brazil (BRSSZ) with Container TTNU3603161			
24 Jul 2015	Second Bill of Lading issued for 40 items	MSCUZS275155	Mediterranean Shipping do Brazil	Retrospectively by MSC Brazilian Agent For 1 x 20’ ISO – No mention of weapons
24 Jul 2015	MSC Cadiz offloads Container TTNU3603161 in Port Gioia Tauro, Italy (ITGIT)		Italian Customs	
25 Jul 2015	Italian Customs Agency and Guardia Finanzia confiscate Container TTNU3603161 pending investigation	Criminal procedure 2249/2015 mod.21	Italian Customs	Transit of weapons had not been notified to the competent agency

<i>Date</i>	<i>Activity</i>	<i>Reference<sup>1</sup></i>	<i>Responsible</i>	<i>Remarks</i>
9 Oct 2015	Djibouti MOD declaration to Italian Customs that the shipment is for MOD Djibouti		Chief of the Military Cabinet	
27 Oct 2015	MSC Savana (IMO 9460356) departs Port Gioia Tauro, Italy with Container TTNU3603161		MSC	
1 Nov 2015	MSC Savana arrives Port King Abdullah, Saudi Arabia (SAKAC)		MSC	
1 Nov 2015	Saudi authorities seize Container TTNU3603161 pending investigation	DG Intelligence High Decision 51145	Saudi Arabia	Weapons remain in Saudi custody
4 Nov 2015	Brazilian authorities seize hardware and documentation from Taurus.		Brazilian Federal Police	
9 May 2016	Federal Court in Brazil issue a legal notice of proceedings against Eduardo Pezzuol and Fares Mohamed Hassan Mana'a (SOi.008) 24 Jul 15.	Notice 710002418415 Criminal Action: 5033103-42,2015.4.04.71 00/RS	Brazil Federal Court	Case ongoing

## **Annex 42: Summary of Houthi<sup>1</sup> short-range ballistic missile (SRBM) or free flight rockets (FFR)**

### **A. QAHER-1 FFR**

1. Houthi engineers have successfully modified stocks of (S-75‘Dvina) (SA-2 ‘Guideline’) Surface to Air (SAM) missiles, converting them into a rudimentary, improvised long range FFR.<sup>2</sup> The Panel considers that two factors determined this activity:

(a) The stockpile<sup>3</sup> of SCUD-B and SCUD-C variant (HWASONG-6) SRBM captured by the Houthi around Sana’a was relatively small. It could soon be used up, or destroyed by retaliatory Saudi Arabia-led coalition air strikes; and

(b) The Houthi realized that the S-75 SAM systems were ineffective against the advanced aircraft of the Saudi Arabia-led coalition air forces and could be converted for surface-to-surface use as FFR.<sup>4</sup>

2. The standard guidance system fitted to the S-75 consists of a ground based tracking radar and radio guidance system, which sends radio signals to the guidance computer on the missile. The guidance computer then sends the necessary adjustments to the guidance surfaces (fins), which then move to alter the course of the missile towards the aerial target. It is highly unlikely that this guidance system has been modified for use in a surface-to-surface role or that a new guidance system has been fitted. The missile is almost certainly being used as a FFR, and the accuracy thus been totally dependent on ballistic calculations, launch parameters and meteorological effects.

3. The ranges of free flight rockets are calculated from complex ballistic equations, combined with extensive test and evaluation to develop a set of range tables. The Panel has seen no evidence that the Houthis have undertaken such research, and thus it must be considered that the accuracy of the QAHER-1 system will be inherently very poor from just the design perspective.

### **B. SCUD-B SRBM**

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<sup>1</sup> Although a Houthi-Saleh military alliance, it is only the Houthi component that has claimed responsibility for any missile or rocket attacks. Hence this annex refers to Houthi armed groups only.

<sup>2</sup> They can not be considered as SRBM, as they have no guidance system and their range is less than the 300km to 1,000 km required to be considered a ballistic missile.

<sup>3</sup> The stockpile also included an unknown number of OTR-21 Tochka (NATO SS-21 Scarab) tactical ballistic missiles. As these only have a range of 70km – 185km they do not have the range to attack Saudi Arabia from the Sana’a area. They have been used to attack Saudi-Arabia-led coalition forces within Yemen.

<sup>4</sup> <http://www.tasnimnews.com/en/news/2015/12/22/950631/yemen-adapts-surface-to-air-missile-to-hit-ground-targets>.

4. The Panel has confirmed that Yemen was supplied with an unknown quantity of SCUD-B and at least 90 HWASONG-5 (a SCUD-B) copy.<sup>5</sup> There have been no claimed 'SCUD' attacks since 9 October 2016. The Panel will continue to monitor the 'SCUD' threat.

### C. Houthi 'ZELZAL-3' SRBM

5. The Houthis have claimed to have designed and manufactured a missile they refer to as the ZELZAL-3 ("earthquake") missile.<sup>6</sup> The Houthis claim this missile is 6m in length, 1,300kg mass and has a range of up to 65km. If this data is correct, then such a missile would have performance characteristics similar to the battlefield free flight rocket the OTR-21 Tochka, known to be in service in Yemen. It would not have the range to threaten the Saudi Arabian cities that the Houthis have claimed to have struck with ZELZAL-3 missiles.

6. The imagery released by the Houthis though (figure 42.1) does not correlate to their claims in terms of even dimensions. Photogrammetry suggests that the missile in figure 42.1 is no longer than 3m and is similar in design to the 333mm Iranian designed and manufactured Shahin 1 heavy artillery rocket system (HARS) (figure 42.2), which has not been reported as ever exported.

Figure 42.1

**Houthi released image of ZELZAL-3<sup>7</sup>**



Figure 42.2

**Image of Shahin 1<sup>8</sup>**



<sup>5</sup> Source: Jane's Defence databases.

<sup>6</sup> Al Masdar Online of 11 July 2016 and others.

<sup>7</sup> Jonathan Azaziah. *All Hail Ansarullah's Ingenuity: Zelzal-3 Ballistic Missile is Crushing Saudi Forces*. Mouqawama. 11 July 2016. <http://mouqawamahmusic.net/all-hail-ansarullahs-ingenuity-new-zelzal-3-ballistic-missile-is-crushing-saudi-forces/>.

<sup>8</sup> Janes' Weapons.

7. Further analysis of other imagery of this rocket suggests that it is a ‘mock up’ only as there are no indications of any nozzle, or fuze being fitted. The fins appear to have been spot welded to the missile main body, rather than been free to move to enable flight ballistic adjustments.

8. The Iranian Defence Industries Organization (DIO) produce a FFR system called the ZELZAL-3, which is of a significantly different design to that at figure 42.4. The Panel finds it most likely that the Houthi are using the name ZELZAL-3 for the missile displayed for propaganda purposes only.

#### **D. Iranian ZELZAL-3 SRBM**

9. There have been some indicators to suggest that the Houthi claim to have this missile type may have some truth in them:

(a) In a letter to the President of the Security Council (S/2016/786) the Kingdom of Saudi Arabia alleged violations of resolution 2216 (2015) by Iran and demanded that the Council take appropriate and necessary measures against those who have violated the relevant resolutions. These allegations included the use of ZELZAL-3 SRBM on 31 August 2016 against the City of Najran. The Panel requested access<sup>9</sup> to any evidence or imagery the Government of Saudi Arabia may have to support this particular allegation, and to date no response has been received. The allegations were also firmly rejected as being “pure fabrications and unsubstantiated allegations” in a response by the Permanent Representative of Iran to the President of the Security Council (S/2016/187);

(b) Missile attacks on Saudi Arabia on 31 August and 4 October were specifically referred to by the Houthis as being by ZELZAL-3 SRBM. Previously they had attributed attacks to either SCUD or QAHER-1.

10. If the Houthis have gained access to ZELZAL-3 then this would likely have been a violation of the targeted arms embargo, as no missile types of this type were known to have been in the pre-conflict stockpile of the Yemeni Armed Forces Missile Brigades.

11. Notwithstanding this analysis though, the Panel believes that it is more likely that they do not possess the missiles, but want the people to believe they have this capability, as such a technical threat would maintain the strategic pressure being exerted on Saudi Arabia by the Houthi ‘missile campaign’. Figure 42.3 shows a missile claimed to be a ZELZAL-3 by the Houthis, whereas figure 42.4 shows a real Iranian version.

Figure 42.3

**Houthi released image of ZELZAL-3<sup>10</sup>**

Figure 42.4

**Iranian ZELZAL-3<sup>11</sup>**

<sup>9</sup> Panel letter of 3 October 2016.

<sup>10</sup> Jonothan Azaziah. *All Hail Ansarullah's Ingenuity: Zelzal-3 Ballistic Missile is Crushing Saud Forces*. Mouqawama. 11 July 2016. <http://mouqawamahmusic.net/all-hail-ansarullahs-ingenuity-new-zelzal-3-ballistic-missile-is-crushing-saudi-forces/>.



**E. SOMOD FFR**

12. The Houthis have also claimed to have manufactured and designed a missile they refer to as the SOMOD (a.k.a SOMOUD) (“Steadfastness”). Imagery though shows a rocket very similar to that they claim as the ZELZAL-3 (see section C).

Figure 42.5  
Houthi released image of SOMOD



Figure 42.6  
Houthi released image of SOMOD



<sup>11</sup> Janes’ Weapons.

13. Analysis of the imagery of this rocket leads the Panel to the same conclusions as made for the Houthi claimed 'ZELAL-3'. It is a 'mock up' only as there are no indications of any nozzle, or fuze being fitted. The fins appear to have been spot welded to the missile main body, rather than been free to move to enable flight ballistic adjustments. The nose appears possibly to have been blackened by the addition of plastic adhesive tape.

14. The Panel made some ballistic estimates for the range of such a rocket (see appendix A), which used 'best case' data and still the maximum likely range would be no more than 44km.

#### **F. Systems accuracy for the free flight rockets**

15. The Circular Error Probability (CEP) is a measure of a weapon system's precision or accuracy. It is defined as the radius of a circle, centred about the mean, whose boundary is expected to include the landing points of 50 per cent of the warheads. Thus theoretically 50% of munitions will land within one CEP, 93.7% within two CEP and 99.8% within three CEP. In reality the CEP is an elliptical confidence region for indirect fire weapons such as FFR, and accuracy thus even more difficult to predict.<sup>12</sup> The CEP is heavily influenced by the missile guidance system for guided weapons. Accuracy will be further degraded by operational factors such as: 1) wind strength and direction along flight path; 2) mis-alignment or mis-orientation of the launcher from the target; 3) propellant age and degradation within the missiles; 4) launcher vibration; and 5) thrust misalignment due to damage to the rocket.

#### **G. International humanitarian law aspects**

16. FFR are specifically designed to be an area weapon, as precision accuracy cannot be guaranteed. Since the blast and fragmentation danger areas are primarily based on the size and design of the explosive warhead, its likely impact on civilians is often foreseeable, especially when directed at a civilian populated areas.<sup>13</sup> Its effects, depending on the circumstances, may violate IHL principles relating to the prohibition on indiscriminate attacks.<sup>14</sup>

#### **H. Summary of technical data for Houthi possible missile and rocket types**

Table 42.1 also includes explosives engineering analysis that predicts the blast danger areas for humans. Many more fatalities and injuries from fragmentation effects can be expected at far greater ranges though.

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<sup>12</sup> More detailed information on CEP and accuracy of free flight rocket systems may be found in *Cross K et al. Explosive Weapons in Populated Areas – Technical considerations relevant to their use and effects.* pp.28–34. Armament Research Services. Australia. May 2016.

<sup>13</sup> OCHA Report "Protecting Civilians from the Use of Explosive Weapons in Populated Areas" at [https://docs.unocha.org/sites/dms/Documents/EWIPA Fact Sheet - Latest.pdf](https://docs.unocha.org/sites/dms/Documents/EWIPA%20Fact%20Sheet%20-%20Latest.pdf).

<sup>14</sup> See ICRC Customary IHL Study Rule 11 and 12.

Table 42.1:  
**Summary of possible Houthi missile types**

<i>FFR/SRBM type</i>	<i>Length (m)</i>	<i>Diameter (m)</i>	<i>Range (km)</i>	<i>Warhead NEQ<sup>1</sup> (kg)</i>	<i>CEP (m)</i>	<i>Permanent hearing damage (m) (@34.5kPa)</i>	<i>99% fatalities (m) (@1,380kPa)</i>	<i>Remarks</i>
<b>QAHHER-1</b>	<b>10.84</b>	<b>0.50</b>	<b>250</b>	<b>190</b>	<b>NK</b>	<b>8.2</b>	<b>10.5</b>	<b>Modification of S-75 ‘Dvina’. Unmodified maximum range is 56km.<sup>2</sup></b>
<b>Tochka 9K79 OTR-21</b>	<b>6.4</b>	<b>0.65</b>	<b>185</b>	<b>482</b>	<b>150</b>	<b>73.7</b>	<b>14.4</b>	
<b>SCUD-B</b>	<b>11.25</b>	<b>0.88</b>	<b>300</b>	<b>985</b>	<b>450</b>	<b>93.5</b>	<b>18.2</b>	
<b>Hwasong 5</b>	<b>10.94</b>	<b>0.88</b>	<b>300</b>	<b>985</b>	<b>450</b>	<b>93.5</b>	<b>18.2</b>	<b>DPRK SCUD-B copy 90 supplied to Yemen</b>
<i>Shahab 1</i>	<i>10.94</i>	<i>0.88</i>	<i>300</i>	<i>985</i>	<i>450</i>	<i>93.5</i>	<i>18.2</i>	<i>Iran Hwasong 5 copy Not confirmed if any supplied to Yemen</i>
<b>SCUD-C</b>	<b>11.25</b>	<b>0.88</b>	<b>700</b>	<b>600</b>	<b>600</b>	<b>79.9</b>	<b>15.5</b>	
<i>Hwasong 6</i>	<i>10.94</i>	<i>0.88</i>	<i>500</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>DPRK SCUD-C copy Not confirmed if any supplied to Yemen</i>
<i>Rodong 1</i>	<i>15.60</i>	<i>1.25</i>	<i>1000+</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>DPRK SCUD-C copy See Shabab 3</i>
<i>Shabab 2</i>	<i>10.94</i>	<i>0.88</i>	<i>500</i>	<i>770</i>	<i>700</i>	<i>86.3</i>	<i>16.8</i>	<i>Iran Hwasong 6copy Not confirmed if any supplied to Yemen</i>
<i>Shabab 3</i>	<i>15.60</i>	<i>1.25</i>	<i>1000+</i>	<i>770</i>	<i>1,000</i>	<i>86.3</i>	<i>16.8</i>	<i>Iran Rodong-1 copy Not confirmed if any supplied to Yemen</i>

<sup>1</sup> Net Explosive Quantity.

<sup>2</sup> Letter from Permanent Mission of the Russian Federation of 29 December 2016.

<i>FFR/SRBM type</i>	<i>Length (m)</i>	<i>Diameter (m)</i>	<i>Range (km)</i>	<i>Warhead</i>		<i>Permanent</i>		<i>Remarks</i>
				<i>NEQ<sup>1</sup> (kg)</i>	<i>CEP (m)</i>	<i>hearing damage (m) (@34.5KPa)</i>	<i>99% fatalities (m) (@1,380kPa)</i>	
SCUD-D	12.29	0.88	700	985	50	93.5	18.2	
<b>Borkan-1 (Volcano)</b>	<b>12.50</b>	<b>0.88</b>	<b>800</b>	<b>500</b>		<b>74.6</b>	<b>14.5</b>	
ZELZAL-3 (Iranian)	9.60	0.61	250	600	1,300	79.9	15.5	Reported warhead NEQ, but not confirmed
<b>ZELZAL-3 (Houthi)</b>	<b>6.00</b>		<b>65</b>		<b>300</b>			
<b>SOMOUD</b>	<b>4.00</b>	<b>0.56</b>	<b>38</b>	<b>300</b>		<b>63.0</b>	<b>12.3</b>	<b>Reported but not confirmed</b>

#### I. Summary of reported Houthi SRBM and FFR attacks against Saudi Arabia

Table 42.2 is a summary of reported Houthi forces SRBM or free flight rocket FFR attacks against Saudi Arabia. The Government of Saudi Arabia has confirmed those shown in bold text.

Table 42.2:

#### Summary of reported Houthi missile and FFR attacks against Saudi Arabia

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
16 Jun 2015	SCUD (Borkan-1)							Reported as intercepted and destroyed in flight
26 Aug 2015	SCUD (Borkan-1)	Jazan	16°53'47"N	44°33'26"E				Reported as intercepted and destroyed in flight

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
<b>26 Aug 2015</b>	<b>QAHHER-1</b>	<b>Jazan</b>	16°53'47"N	44°33'26"E	<b>Al Sabeen, Sana'a</b>	15°18'05"N	44°12'54"E	<b>Intercepted and destroyed in flight @30km from Intercept Weapon System (IWS)</b>
15 Oct 2015	SCUD (Borkan-1)	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
4 Dec 2015	QAHHER-1	Jazan Airport	16°53'59"N	44°35'01"E				
9 Dec 2015	QAHHER-1	Jazan	16°53'47"N	44°33'26"E				Al-Ain Al-Harreh military base
9 Dec 2015	QAHHER-1	Jazan	16°53'47"N	44°33'26"E				Al-Saleh military base
11 Dec 2015	QAHHER-1	Al-Jamarak						
<b>13 Dec 2015</b>	<b>QAHHER-1</b>	<b>Khamis Mushayt</b>	18°18'17"N	42°43'54"E	<b>Tussen Huthen Sada'a</b>	16°25'40"N	44°08'08"E	<b>KSA confirmed</b>
18 Dec 2015	QAHHER-1	Najran	17°33'19"N	44°14'33"E				Impacted east of town
19 Dec 2015	QAHHER-1	Najran	17°33'19"N	44°14'33"E				Impacted near museum
19 Dec 2015	QAHHER-1	Al-Wawal	16°30'41"N	42°58'24"E		15°23'41"N	44°10'10"E	Border crossing point
20 Dec 2015	QAHHER-1	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
<b>21 Dec 2015</b>	<b>QAHHER-1</b>	<b>Jazan</b>	16°53'47"N	44°33'26"E	<b>Geraf, Sana'a</b>	15°23'41"N	44°10'10"E	<b>Intercepted and destroyed in flight @35km from IWS</b>

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
<b>21 Dec 2015</b>	QAHHER-1	<b>Jazan Airport</b>	16°53'59"N	44°35'01"E	<b>NE of Pilots City, Sana'a</b>	15°24'48"N	44°13'05"E	<b>Intercepted and destroyed in flight @20km from IWS</b>
22 Dec 2015	QAHHER-1	Jazan Aramco Facility						
<b>23 Dec 2015</b>	QAHHER-1	<b>Khamis Mushayt</b>	18°18'19"N	42°44'43"E	<b>Tussen Huthen Sada'a</b>	16°26'05"N	44°03'55"E	<b>KSA confirmed</b>
<b>26 Dec 2015</b>	QAHHER-1	<b>Najran</b>	17°33'19"N	44°14'33"E	<b>Al Genadib</b>	15°50'48"N	44°14'05"E	<b>Intercepted and destroyed in flight @21km from IWS</b>
27 Dec 2015	SCUD (Borkan-1)	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
27 Dec 2015	QAHHER-1	Jazan	16°53'47"N	44°33'26"E				
28 Dec 2015	QAHHER-1	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
30 Dec 2015	QAHHER-1	Jazan Aramco Facility	16°53'47"N	44°33'26"E				Reported as intercepted and destroyed in flight
31 Dec 2015	QAHHER-1							Reported as intercepted and destroyed in flight
<b>1 Jan 2016</b>	QAHHER-1	<b>Khamis Mushayt</b>	18°18'17"N	42°43'54"E	<b>Dabbaj Valley</b>	16°41'43"N	43°51'51"E	<b>KSA confirmed</b>

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
<b>7 Jan 2016</b>	QAHER-1	<b>Jazan</b>	16°53'47"N	44°33'26"E		15°00'08"N	44°13'35"E	<b>Intercepted and destroyed in flight @25km from IWS</b>
8 Feb 2016	QAHER-1	Khamis Mushayt Airport	18°18'19"N	42°44'43"E				
<b>8 Feb 2016</b>	QAHER-1	<b>Abha</b>	18°14'22"N	42°31'33"E	<b>Tussen Hutn Sada'a</b>	16°25'39"N	44°08'34"E	<b>Reported as intercepted and destroyed in flight</b>
<b>9 Feb 2016</b>	QAHER-1	<b>Jazan Airport</b>	16°53'59"N	44°35'01"E	<b>East of Sana'a</b>	15°20'50"N	44°02'33"E	<b>Intercepted and destroyed in flight @56km from IWS</b>
<b>13 Feb 2016</b>	QAHER-1	<b>Abha Airport</b>	18°14'10"N	42°39'29"E	<b>NE of Al Hazm</b>	16°24'23"N	44°04'51"E	<b>Intercepted and destroyed in flight @18km from IES</b>
<b>9 May 2016</b>	QAHER-1	<b>Khamis Mushayt</b>	18°18'19"N	42°44'43"E	<b>Dabbaj Valley</b>	16°23'52"N	44°05'01"E	<b>Intercepted and destroyed in flight @32km from IWS</b>
<b>9 May 2016</b>	QAHER-1	<b>Abha</b>	18°14'22"N	42°31'33"E	<b>Tussen Huth en Sada'a</b>	16°40'05"N	43°50'53"E	<b>Intercepted and destroyed in flight @17km from IWS</b>
13 May 2016	QAHER-1	Jazan	16°53'47"N	44°33'26"E				
20 May 2016	QAHER-1	Jazan	16°53'47"N	44°33'26"E				
31 May 2016	QAHER-1							Reported as intercepted and destroyed in flight

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
06 Jun 2016	SCUD (Borkan-1)	King Khalid Airbase	18°18'23"N	42°47'38"E				Intercepted and destroyed in flight by Patriot PAC-3.
3 Jul 2016	QAHHER-1	Abha	18°14'22"N	42°31'33"E				Reported as intercepted and destroyed in flight
23 Jul 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
23 Jul 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				1 x young female injured, Possible Tochka missile
10 Aug 2016	QAHHER-1	Military Base TBC						Reported as intercepted and destroyed in flight
10 Aug 2016	QAHHER-1	TBC						Reported as intercepted and destroyed in flight
16 Aug 2016	QAHHER-1	Najran	17°33'19"N	44°14'33"E				7 civilians died
19 Aug 2016	QAHHER-1	Khamis Mushayt	18°18'19"N	42°44'43"E				Intercepted and destroyed in flight.
26 Aug 2016	SCUD (Borkan-1)	Jizan Hamiyeh Power Plant <sup>3</sup>	16°52'55"N	42°32'44"E				
31 Aug 2016	Zelzal 3	Najran	17°33'19"N	44°14'33"E				
2 Sep 2016	SCUD (Borkan-1)	King Fahid Airbase	21°28'58"N	40°32'39"E				

<sup>3</sup> Alleged launch video at <https://www.youtube.com/watch?v=7BjOgyvwCZc>.

<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
10 Sep 2016	SCUD (Borkan-1)	Asir Province						
10 Sep 2016 <sup>4</sup>	SCUD (Borkan-1)	Al Shqaiqh Water Plant	17°39'46"N	42°03'44"E				
12 Sep 2016	SCUD (Borkan-1)	King Khalid Airbase	18°18'23"N	42°47'38"E				Intercepted and destroyed in flight by Patriot PAC-3.
3 Oct 2016	Not Known	Zahran						
4 Oct 2016	Zelzal 3	Al Montazah						Military base.
8 Oct 2016	QAHHER-1	Khamis Mushayt	18°18'17"N	42°43'54"E				
9 Oct 2016	SCUD (Borkan-1)	Taif	21°28'52"N	40°33'07"E				Reported as intercepted and destroyed in flight
20 Oct 2016	Not Known	Jazan	16°53'47"N	44°33'26"E				
20 Oct 2016	Not Known	Najran	17°33'19"N	44°14'33"E				
28 Oct 2016	Not Known	Jeddah or Mecca	21°25'27"N	39°49'35"E				Reported as intercepted and destroyed in flight 65km from target, which is in dispute. Longest range attack to date.
1 Nov 2016	Not Known	Jazan	16°53'47"N	44°33'26"E				
1 Nov 2016	Not Known	Najran	17°33'19"N	44°14'33"E				

<sup>4</sup> Reported as the fifth SCUD-C attack. <http://www.yemenpress.org/yemen/scud-missile-at-electricity-station-and-water-desalination-in-jazan.html>.

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<i>Date</i>	<i>Missile type claimed</i>	<i>Target Area</i>			<i>Launch Point (LP) in Yemen</i>			<i>Comments</i>
		<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Location</i>	<i>Latitude</i>	<i>Longitude</i>	
1 Nov 2016	Not Known	Asir province						
15 Nov 2016	OTR-21 Tochka	Najran x 2	17°33'19"N	44°14'33"E				Reported as intercepted and destroyed in flight
26 Nov 2016	Not Known	Khamis Mushayt	18°18'17"N	42°43'54"E				Reported as intercepted and destroyed in flight

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**Appendix A to Annex 42: Ballistic estimates for Houthi ‘ZELZAL-3’ and ‘SOMOD’ rockets**

<b>Drag Equation</b>				$D = C_d * ((\rho * V * V) / 2) * A$
Cd	Drag Coefficient	No Unit	0.45	ESTIMATE
$\rho$	Air Density	kg/m <sup>3</sup>	1.225	
V	Velocity	m/s	1568.5	From ESTIMATE
V	Velocity	m/s	1737.9	From EXHAUST VELOCITY
A	Cross-sectional Area	m <sup>2</sup>	0.2420	
	Calibre	mm	555	
D	Drag	N	164059.16	
<b>Ideal Rocket Equation</b>				
M	Mass Rocket	kg	1000	
Mf	Mass Full Rocket Motor	kg	1000	
Me	Mass Empty Rocket Motor	kg	499	
Mp	Mass Propellant	kg	501	
MR	Propellant Mass Ratio	No Unit	2.004008016	
ln MR	Log MR		0.695149183	
SI	Specific Impulse		230	ESTIMATE
SI	Specific Impulse		254.841998	From Exhaust Velocity
t	time	sec	1	
F	Thrust	kg.m.s	1	
Veq	Engine Exhaust Velocity		2500	ESTIMATE
g	Gravity	m/s <sup>2</sup>	9.81	
V	Velocity	m/s	1568.5	From ESTIMATE
V	Velocity	m/s	1737.9	From EXHAUST VELOCITY
<b>Terminal Velocity</b>				$V_t = (2 * M / (C_d * \rho * A))^{0.5}$
M	Mass Rocket (Burnt Out)	kg	499	
Cd	Drag Coefficient	No Unit	0.45	ESTIMATE
$\rho$	Air Density	kg/m <sup>3</sup>	1.225	
A	Cross-sectional Area	m <sup>2</sup>	0.2420	
Vt	Terminal Velocity	m/s	86.5	
Vt	Terminal Velocity	kph	311.4	
<b>Range (with Drag)</b>				$R = (V(0) * V_t * \cos\theta) / g$
V(0)	Initial Velocity	m/s	1568.5	ESTIMATE
V(0)	Initial Velocity	m/s	1737.9	FROM EXHAUST VELOCITY

Vt	Terminal Velocity	M/S	311.4	
$\theta$	Launch Angle	Deg	37	
$\theta$	Launch Angle	RAD	0.645771823	
g	Gravity	m/s <sup>2</sup>	9.81	
R	Range (with Drag)	m	39763.2	ESTIMATE
R	Range (with Drag)	m	44058.0	FROM EXHAUST VELOCITY

## **Annex 43: Improvised explosive device technology**

### **A. Technology**

#### **1. Explosive types and commercial detonators**

1. Tri-nitro-toluene (TNT) in cast, ground or flake form as the main filling of IEDs is replacing ammonium nitrate - fuel oil (ANFO), although recovered explosive remnants of war (ERW) are still also been utilized as the main charge. The use of TNT as a main filling by AQAP means that it is almost certain that they have developed an industrial process for the recovery of TNT, from captured or abandoned high explosive military ammunition.

2. Armed groups now have access to commercial electric detonators,<sup>1</sup> which has significantly increased their operational capability as the reliability of such detonators far exceeds the reliability of the traditional AQAP tri-acetone tri-peroxide (TATP) filled improvised detonators. Commercial electric detonators are now routinely recovered from failed or neutralised improvised explosive devices (IEDs). These commercial detonators provide armed groups with the capability to implement a sustained IED campaign.

#### **2. IED technology transfer**

3. 2016 has seen the introduction of new, to Yemen, IED technology and tactics. This includes explosively formed projectiles (EFP): first seen been used by the Red Army Faction in Germany (1989), then by Hezbollah in Lebanon (1990>) and then on a massive scale in Iraq (2003>). For example, the Quds Force of the Iranian Islamic Republican Guard Corps (IRGC) supplied and instructed insurgents in Iraq on the tandem use of EFP with Passive Infra Red (PIR) initiation systems.<sup>2</sup> This IRGC influence has now transferred to Yemen, which is demonstrated by the use of three digit identification or batch codes been written onto EFP IEDs (figure 43.1) and the recovery of PIR systems (figure 43.2).<sup>3</sup> Although the Panel has no evidence of the direct training of belligerents in the use of IEDs by the IRGC there are indicators as to their influence in the design and manufacture of these PIR IED (figure 43.2):

- (a) Method of camouflage of the main charge;
- (b) The shrink-wrap protection for the electronic components;
- (c) The use and configuration of the stub helical antennae; and

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<sup>1</sup> Identified from a wide range of imagery. See later.

<sup>2</sup> Confidential source.

<sup>3</sup> All imagery in this annex from confidential sources.

(d) The use of BNC<sup>4</sup> type connectors.

4. Improvised radio controlled directionally focused fragmentation charges (DFFC) have now been identified from imagery of recovered IEDs in both Abyan and Al Mukalla.

5. Minimal metal pressure pads (MMPP) for victim operated IEDs (VOIED) have become much more widespread in 2016, with the emergence of a “standard” design. This suggests a degree of industrialization in the manufacture of such components, such as that used by ISIL in Iraq.

Figure 43.1:

**Probable Explosively Formed Projectile (EFP) IED, Ma’rib (12 Feb 2016).**

Note: Batch/Lot Number (931).



Figure 43.3

**“Rock” IED, Ta’izz (16 Mar2016)**

Figure 43.2

**‘Rock’ IED with possible Passive Infra Red (PIR) initiator, Saleh, Ma’rib (30 Oct 2016)**



Figure 43.4

**“Rock” IED, Ta’izz (16 Mar2016)**

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<sup>4</sup> Bayonet Neill–Concelman.



Figure 43.5  
**EFP Radio-Controlled IED (RCIED),  
Al Mukalla (16 May 2016)**



Figure 43.6  
**Directional Focused Fragmentation Charge (DFFC) component  
for IED, Al Mukalla (16 May 2016)**



Figure 43.7  
**IED Factory, Dar Saad, Aden (21 May 2016)**



Figure 43.8  
**"Rock" IED with Minimal Metal Pressure Plate,  
Location TBC (10 Jun 2016)**



Figure 43.9

**RCIED with improvised fragmentation**  
**Khanfar, Abyan (18 Jun 2016)**

NOTE: The red components are Dual Tone Multi Frequency (DTMF) circuits for decoding cell phone attack frequencies.<sup>5</sup>



Figure 43.10

**Suicide Vest IED (PBIED) components,**  
**Al Mukalla (27 Jun 2016)<sup>6</sup>**



Figure 43.11

**Under Vehicle IED (UVIED), Aden (7 Aug 2016)**



Figure 43.12

**DFFC and RCIED Find, Ibb (Aug 2016)**



<sup>5</sup> In this IED the audio output from the cell phone appears to be fed via the black 3.5mm audio jack into the input of the DTMF decoder firing switch. The decoder is probably configured for a single numeric firing signal ('9' on the one on the centre and '7' on the one on the right). Control of the DTMF decoder is normally via a PIC microprocessor on the same circuit board. The washing machine timer provides a delay to arming switch - a common technique previously used by IRGC trained terrorist and insurgent groups in Iraq.

<sup>6</sup> On 13 November 2016, 28 explosive vests/belts were seized from a bus entering Aden.

Figure 43.13

'Rock' IED and EFP IED, Location TBC (25 Oct 2016)



Figure 43.14

Breeze Block container for disguised IED, Ta'izz (Nov 2016)



6. The most recent example of technological and tactical transfer of IED knowledge is that of the use of a grenade fuze directly onto detonating cord by the suicide bomber<sup>7</sup> in Aden on 18 December 2016. This technique has been seen in Libya, Syria and Iraq and is a departure from the more normal electrical initiation system.

Figure 43.15

Suicide IED using grenade fuze, Aden (18 Dec 2016)



## B. Future IED clearance challenges

7. There is now an ever more significant threat to explosive ordnance disposal (EOD) personnel than that last reported in 2013.<sup>8</sup> The few EOD teams that do exist have inadequate equipment and insufficient training to safely deal with such a high technical and tactical threat. Perhaps more importantly, the only organization with a base level of knowledge that could be built on to develop a credible IED Disposal (IEDD) capability is the UNDP supported Yemen Mine Action

<sup>7</sup> Abu Hashim al-Radfani.

<sup>8</sup> Restricted UNDP Report – February 2013.

Centre (YEMAC),<sup>9</sup> but their direct involvement in IEDD during conflict could jeopardize their neutrality and primary humanitarian mission of mine action.

8. The post conflict environment will provide further challenges for YEMAC humanitarian mine clearance as IEDs have been used in tandem with the anti-personnel minefields already present to form a defensive belt around belligerent positions. The safe clearance of these defensive integrated IED/mine belts will require the development of new operating procedures and protocols for the mine clearance teams, whom will require the direct support of IEDD teams.

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<sup>9</sup> A pilot IEDD course was run by UNDP for YEMAC in 2014, but the training team had to be withdrawn after threats were made against them.

## Annex 44: ERW, mines and UXO summary

### A. Mines and UXO

#### 1. Use of mines in IEDs by Houthi and Saleh forces

1. The Panel continues to receive evidence of the use of mines by Houthi and Saleh forces, and the use of integrated mine and IED barrier belts by AQAP, and more recently the Houthi and Saleh forces. This often includes the use of abandoned unexploded ordnance (AXO), such as landmines or HE artillery shells, as the main charges of an IED.

2. Figures 44.1 to 44.6<sup>10</sup> show the removal of Houthi deployed IEDs, with anti-tank mines as main charges, from Kamb, Saleh Directorate, Ta'izz on 24 November 2016. This was part of a clearance operation by 'popular resistance' forces. The area was forcibly cleared of civilians by the Houthi in July 2015 and then used as part of a mine and IED barrier belt defensive position. This effectively prevented the return of civilians until the EOD threat had been cleared.<sup>11</sup>

Figure 44.1

**Render Safe of IED (anti-tank (AT) mine main charge),  
Ta'izz, November 2016**



Figure 44.2

**Render Safe of IED (AT mine main charge),  
Ta'izz, November 2016**



<sup>10</sup> From confidential source.

<sup>11</sup> On 11 August 2016, official sources reported one civilian death and two injuries in this area from explosive remnants of war (ERW).

Figure 44.3  
**Removal of AT mine main charge from IED,**  
**Ta'izz, November 2016**



Figure 44.4  
**Removal of AT mine main charge from IED,**  
**Ta'izz, November 2016**



Figure 44.5  
**Render safe of IED,<sup>12</sup>**  
**Ta'izz, November 2016**



Figure 44.6  
**Location of integrated Mine/IED belt,**  
**Ta'izz, November 2016**



3. Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist.<sup>13</sup> IHL requires that all parties must take the necessary measures to ensure the safe return of those displaced.<sup>14</sup>

4. The Panel also received reports of more traditional mine laying by the Houthi near Mukalla during 2016. Figure 44.7 shows the hand drawn mine map of this area, whereas figure 44.8 shows the anti-tank mines being prepared for laying.

<sup>12</sup> The image shows either: 1) a tripwire; 2) a pull link to a switch; or 3) a pressure release wire, being cut. NOTE the probable detonating cord looped over the wall.

<sup>13</sup> ICRC Customary IHL Study Rule (CIHLR) 132.

<sup>14</sup> Ibid.

Figure 44.7  
Houthi Mine Map (Sketch), near al Mukha, 2016<sup>15</sup>

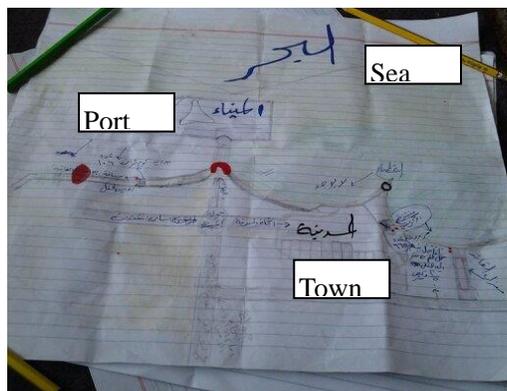


Figure 44.8  
Anti-tank mines, prepared for laying, Mukalla, 2016



## 2. Mines 'new' to Yemen

1. The Panel has identified APM types that have never been recorded as ever in the possession of the Yemeni Armed Forces. Yemen, as a signatory to the Mine Ban Treaty (1997), completed the destruction of its stockpile of APM on 27 April 2002. Whereas Yemen retained 4,000 APM for training and research purposes, none of these were of the type seen below.

2. As the possible deployment of these APM might be by an entity acting on behalf of individuals listed by the Committee, and/or the weapon might have been used in violation of IHL, the Panel was interested in establishing whether the presence of these APMs result from inappropriate deployment, illegal diversion, black market purchase or capture during military operations.

Figure 44.9  
PRB M35 APM, Bab al-Mandab, October 2015<sup>16</sup>

Figure 44.10  
GYATA APM, Najran, December 2015<sup>17</sup>

<sup>15</sup> Sketch drawn by Houthi engineer involved with the task via confidential source.

<sup>16</sup> Source: Confidential. The Government of Belgium confirmed to the Panel that this APM was manufactured by PRB, but regretted that they could not provide further assistance as to the end user, as their national legislation only commits them to maintaining export records for 5 years.

<sup>17</sup> Source: NGO individual. The Panel submitted a tracing request to the Government of Hungary and a response is still awaited.



Figure 44.11  
**PSM-1 APM, Ma'rib, March 2016**<sup>18</sup>



Figure 44.12  
**PPM2 APM, Ma'rib, 9 April 2016**<sup>19</sup>



Figure 44.13  
**Projector Area Defence type APM,  
 Lowder, Abyan, 25 May 2016**<sup>20</sup>



Figure 44.14  
**Projector Area Defence type APM,  
 Buraida, Aden, 21 July 2016**<sup>21</sup>

<sup>18</sup> Source: HRW. The Government of Bulgaria confirmed to the Panel that this APM was manufactured by Arsenal J.S.Co, Kazanluk in 1989 and was sold to the Ministry of Defence of Bulgaria in 1990. The Government of Bulgaria regretted that they could not provide further assistance as to the end user, as their national legislation only commits them to maintaining export records for 10 years.

<sup>19</sup> Confidential sources. The Panel requested more details on this seizure from the Governments of Saudi Arabia and the UAE to allow for submission of tracing requests to appropriate Member States. No response has been received yet from either government.

<sup>20</sup> Source: Yemen Mine Action Centre (YEMAC). The Panel initially assessed that this may be a Chinese APM. China stated in a letter to the Panel of 9 December 2016 that this particular mine was not of Chinese manufacture.

<sup>21</sup> Confidential source. The Panel initially assessed that this may be a Chinese APM. China stated in a letter to the Panel of 9 December 2016 that this particular mine was not of Chinese manufacture.



## B. Cluster munitions<sup>22</sup>

1. The Panel has either obtained or verified evidence that cluster munitions have been used by the Saudi Arabia-led coalition during the conflict. The Panel has analysed imagery<sup>23</sup> and consulted with credible sources<sup>24</sup> within Yemen about the BL-755 cluster munition debris and unexploded bomblets received from Al-Khadra<sup>25</sup> on 18 January 2016. The Panel is unconvinced by claims<sup>26</sup> from the Saudi Arabia-led coalition, or other stakeholders with an interest, that all the debris and unexploded bomblets were as the result of previous campaigns. The Panel identified the following evidence as key to their findings:

(a) There was insufficient weathering, caused by the sand erosion of paint etc, of the unexploded bomblets and debris for them to have been on the ground for any lengthy period of time;

(b) Civilian casualties in the area that the debris and unexploded bomblets were recovered from only started to occur post March 2015;

(c) A highly credible and confidential source with access to the International Management System for Mine Action (IMSMA) data for Yemen confirmed that the areas where the debris and unexploded bomblets were recovered from were not recorded as a Suspected Hazardous Area (SHA); the closest SHA was nearly 20km away;

<sup>22</sup> From a wide range of credible and confidential sources unless otherwise referenced.

<sup>23</sup> Original imagery of media and NGO sources.

<sup>24</sup> Confidential sources with knowledge of mine action in Yemen.

<sup>25</sup> 16°21'10.0"N 42°58'16.2"E (approximate location of al-Khadhra Village).

<sup>26</sup> Widely reported. For example AFP, 10 January 2016. <https://www.yahoo.com/news/saudi-led-coalition-denies-using-cluster-bombs-yemen-075855238.html?ref=gs>, or ITN News, 3 November 2016. <http://www.itv.com/news/2016-11-03/saudi-arabia-deny-using-british-cluster-bombs-in-the-war-in-yemen/>.

(d) The comprehensive Landmine Impact Survey (LIS) completed in July 2000 showed no indication of a SHA close to the recently discovered cluster munition strike areas;

(e) The Yemen Mine Action Centre (YEMAC) has been conducting mine and UXO clearance operations in the region for the last ten years. They would undoubtedly have had legacy cluster bomblet impacted areas, or casualties from such an area, reported to them during this time. No reports were received; and

(f) The Director of YEMAC, Ahmed Alawi, confirmed in an interview with ITN (shown on 26 October 2016) that these were not legacy strikes. The Panel also consulted with previous senior YEMAC staff who verified that they had never seen any evidence of cluster munition use in this area, and that had it been previously used it would have been reported to their field teams.

2. The Panel has examined the evidence presented in an Amnesty International report<sup>27</sup> on the issue in detail, in addition to other independently obtained evidence, and finds the content and conclusions of the report as accurate, highly credible and compelling.

Figure 44.15<sup>28</sup>

**BL-755 cluster munition unit recovered in Al-Khadra<sup>29</sup>  
(18 January 2016)**



Figure 44.16<sup>30</sup>

**BL-755 cluster munition unit recovered from  
Al-Khadra to YEMAC explosive storehouse**



<sup>27</sup> <https://amnesty.app.box.com/s/yx7xrh9g5cz2qj4fro6ozi2ygpmpfvxj>.

<sup>28</sup> Source: Amnesty International.

<sup>29</sup> 16°21'10.0"N, 42°58'16.2"E (approximate location of al-Khadra Village).

<sup>30</sup> Source: Amnesty International.

3. The Panel has also obtained evidence of the use of cluster munitions by the Saudi Arabia-led coalition in other areas (see figures 44.17 to 44.20). The available evidence and the lack of weathering all strongly indicate the recent use of the cluster munitions and refute claims of them being legacy munitions.

Figure 44.17

**CBU 58A /B cluster munition recovered in Sana'a  
(16 January 2016)**



Figure 44.18

**CBU 58/A cluster munition recovered in  
Sana'a  
(16 January 2016)**



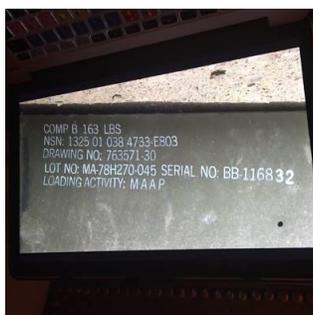
Figure 44.19

**CBU 58A /B cluster munition recovered Mastaba  
(27 March 2016)<sup>31</sup>**

Figure 44.20

**CBU 58A /B cluster munition recovered  
Mastaba  
(27 March 2016)**

<sup>31</sup> 16°13'40.80"N, 43°14'40.80"E.



**C. Abandoned explosive ordnance (AXO) in civilian areas**

1. In March and April 2016 a demining team found a cache of 34 items of abandoned unexploded ordnance in Ta’izz university. This included mines, artillery shells and TNT blocks (figure 44.21 and 44.22).

Figure 44.21

**AXO, Ta’izz University (April 2016)**



Figure 44.22

**AXO, Ta’izz University (April 2016)**



2. In storing ammunition within the university premises, these forces may also have been attempting to shield the military objects from attack. IHL also requires that parties to take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks.<sup>32</sup> It is possible that by storing ammunition in the University, the Houthi forces increased the likelihood of attacks against this civilian infrastructure.

<sup>32</sup> CIHLR 22.

#### D. Use of inert aircraft bombs

1. The Panel has identified the recent use of Mark 83 1,000lb inert concrete-filled aircraft bombs fitted with precision guidance units.<sup>33</sup> Although not strictly UXO, the issue has been included as they can have similar disruptive effects to daily life as they look like UXO.

2. The use of inert bombs is a deliberate tactic, although one not widely known, which has been used before in other conflicts<sup>34</sup> to attack high value targets (HVT) in built up areas where collateral damage is unacceptable. The theory being that the damage caused is limited to that imparted by the kinetic energy of the weapon,<sup>35</sup> as being non-explosive there is no blast, and a much reduced fragmentation danger area.<sup>36</sup> Two incidents, involving multiple inert bombs, have been identified to date (table 44.1 and figures 44.23 and 44.25). The protocols surrounding the preparation and loading of weapons are stringent and thus it is highly unlikely that these inert bombs were loaded onto an aircraft and then dropped by mistake.

Table 44.1

#### Incidents of inert A/C bombs

<i>Date</i>	<i>Location</i>	<i>Type</i>	<i>Quantity</i>	<i>Target</i>
1 Sep 2016	Tahir Square, Sana'a	Mark 82 Inert		
20 Sep 2016	Old City, Sana'a	Mark 82 Inert <sup>37</sup>	>5	NSB Office

Figure 44.23

**Tahir Square, Sana'a (1 Sep 2016)**

Figure 44.24

**Tahir Square, Sana'a (1 Sep 2016)**

<sup>33</sup> Clearly identified from engraved markings: NSN 1325 2015 20150-5824, EMPTY BOMB MK83, P/N V3682600\_22KH NCAGE A4447?.

<sup>34</sup> Northern Iraq (1999), Iraq (2003), Libya (2011), Gaza and Syria.

<sup>35</sup> The Panel has estimated by calculation that the kinetic energy of an inert Mark 82 A/C bomb is equivalent to that of 56 one tonne vehicles travelling at 100mph.

<sup>36</sup> On 24 August 2007 a patent application was filed with the US Patent Office for a purpose designed Reduced Collateral Damage Bomb (RCDB). US Patent 7992498 granted on 9 August 2011. <http://patents.com/us-7992498.html>.

<sup>37</sup> The manufacturer was traced from the Commercial and Government Entity (CAGE) Code A4447 engraved on the bomb to RWM Italia S.p.A, Via Industriale 8/D, 25016 Ghedi, Italy.



Figure 44.25  
Old City, Sana'a (20 Sep 2016)



Figure 44.26  
Old City, Sana'a (20 Sep 2016)



3. The Panel is also interested in the deliberate use of inert aircraft bombs as it may demonstrate a new tactic been introduced by the Saudi Arabia-led coalition designed to reduce the collateral damage during some air strikes. It may provide evidence of improved consideration of Collateral Damage Estimates as required under IHL. In these two particular incidents, however, there is still insufficient information to assess if the inert aircraft bombs were aimed at a legitimate military target. If not dropped on a specific and legitimate military objective, then their use is still a violation of IHL.

Figure 44.27  
Old City, Sana'a (20 Sep 2016)



#### E. IHL aspects

1. IHL requires that when explosive ordnance, including landmines, is used, particular care must be taken to minimize their indiscriminate effects.<sup>38</sup> In the case at paragraph C.2, and in many others, the Panel is not convinced that the Houthi forces took the relevant precautions to prevent their effects on civilians. Such precautions, at a minimum, would normally include the delineation and marking of minefields from all exterior approaches, and a mine awareness programme.

#### F. ERW casualties and survivors

1. The Panel received multiple reports of people injured from ERW. For example, Human Rights Watch documents five ERW incidents, which killed six and wounded nine.<sup>39</sup> Mwatana Organization documented ten incidents of ERW

<sup>38</sup> CIHLR 81.

<sup>39</sup> <https://www.hrw.org/news/2016/09/08/yemen-houthi-landmines-claim-civilian-victims>.

explosions, which killed 32 civilians and injured 23.<sup>40</sup> This is only a fraction of that reported to YEMAC throughout Yemen, and has been included for illustrative purposes only at table 44.2.

Table 44.2

**ERW casualties in Ta'izz area (2016)**

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>District</i>	<i>Governorate</i>	<i>Fatal</i>	<i>Injured</i>	<i>Consequences</i>
1	25 Jan 2016	Al-Nashamah	Al-Maaf er	Tai'zz	3		Civilians on a motorbike returning home.
2	10 Mar 2016	al-Qua'a	Al-Baidha	Al-Baidha	1		1 dead child.
3	22 Mar 2016	Haida area	Hareeb	Ma'rib	1	1	Children.
4	23 Apr 2016	Al-Turbah		Tai'zz	8	8	Bus. Includes 1 dead and 4 injured children
5	17 May 2016	Al-Qaloo'a	Al-Burair	Aden	2	1	1 child injured
6	19 May 2016	Wadi al-Helan	Majzr	Ma'rib	3	2	Includes 3 dead and 1 injured children
7	21 May 2016	Shaab al-Hafa'a,	Hareeb	Ma'rib	2	1	1 child injured
8	24 May 2016	Hareeb	Nihm	Sana'a	1	1	1 dead child and 1 injured female
9	9 Aug 2016	Wadi Hana	Al-Wazeiah	Tai'zz	10	9	Includes 6 dead and 4 injured children
10	9 Aug 2016	Sabr district		Lahj	1		Truck

<sup>40</sup> Information provided to the Panel.

## Annex 45: Houthi illegal taxation

1. The Panel established that the Houthis are collecting tax from the Yemeni Red Sea Corporation on weekly basis. The following evidence shows that the Houthis are asking for the collection of a tax to be collected by the Yemeni Red Sea Corporation, to be transferred on a weekly basis to Hudaydah post office.

Figure 45.1:

### Houthi “tax demand”



### Panel Translation

Following the outcomes of the meeting of the administrative commission of the local council of al-Hudaydah Governorate of 10 October 2016 related to the support of the Central Bank, which is an important national responsibility of the Yemeni people and primarily businessmen and entrepreneurs.

Therefore, 100,000 Yemeni Riyal shall be contributed, for the support of the Central Bank, by each ship entering the port of al-Hudaydah apart from those carrying oil products. The payment in cash and not with checks shall be collected the Yemeni Red Sea ports and transferred on a weekly basis to the account at the Yemeni central post service of al ha-Hudaydah for the support of the Central Bank.

**Annex 46: Houthi proxies and affiliates**

**(STRICTLY CONFIDENTIAL)**

**Annex 47: Saleh proxies and affiliates**

**(STRICTLY CONFIDENTIAL)**

**Annex 48: Financial activities of Khaled Ali Abdullah Saleh**

1. This annex contains the supporting documentary evidence to demonstrate that Khaled Ali Abdullah Saleh has been acting on behalf of his father Ali Abdullah Saleh (YEi.003).

2. The Panel obtained information from confidential sources that Khaled Ali Abdullah Saleh has managed a financial structure comprising seven offshore companies, three acquired from his father and four more likely transferred from his brother according to indicators and bank accounts in Singapore and UAE. The Panel analysed accounts owned directly or indirectly by Khaled Ali Abdullah Saleh (XX010, XX011, XX013, XX014, XX018, XX021, XX024, XX025, XX032, XX324, XX352) during the period from January 2014 to July 2016 (table 1 below).

Table 48.1

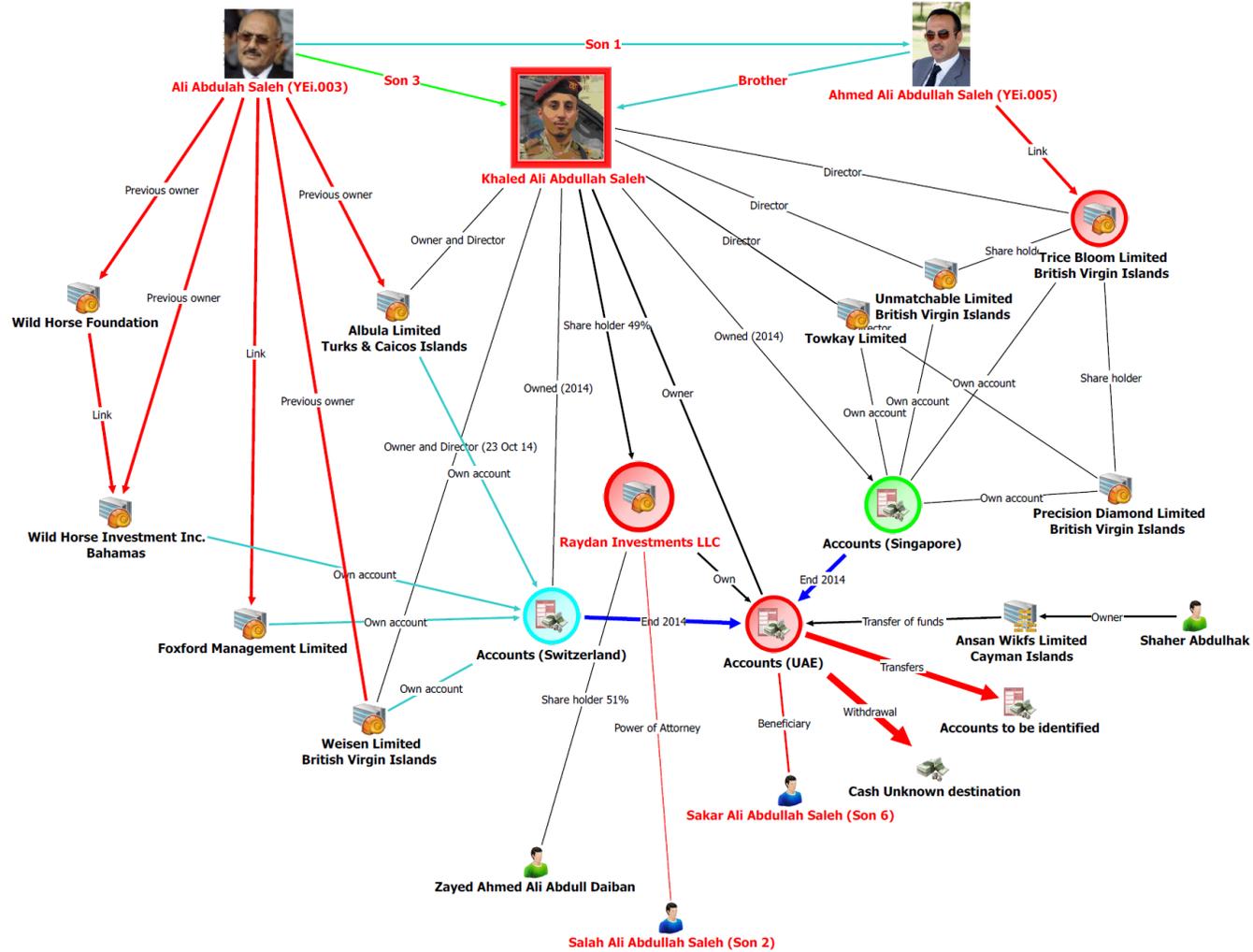
**Monthly transactions equivalent to US\$ 100,000 plus**

<i>Month</i>	<i>Number of major transactions</i>	<i>Total monthly debit major transactions US\$ equivalent</i>	<i>Total monthly credit major transactions US\$ equivalent</i>	<i>Remarks</i>
Jan 2014	7	-1,604,913.72	0.00	
Feb 2014	14	-6,022,101.52	43,950,192.92	
Mar 2014	1	-1,989,396.00	0.00	
Apr 2014	7	0.00	9,188,396.33	
May 2014	4	0.00	22,085,925.04	
Jun 2014	6	0.00	19,123,305.64	
Jul 2014		-615,037.31	0.00	
Aug 2014	4	-307,511.57	386,711.57	
Sep 2014	4	-1,326,109.26	415,593.00	
Oct 2014	8	0.00	34,770,278.46	
<b>7 Nov 2014</b>				<b>Listing of Ali Abdullah Saleh (YEi.003)</b>
Nov 2014	6	-281,513.16	53,628,109.07	
Dec 2014	35	-263,714,684.43	181,638,247.05	
Jan 2015		0	0	
Feb 2015	4	0	573,614.81	
Mar 2015	6	0	1,005,774.85	
<b>14 Apr 2015</b>				<b>Listing of Ahmed Ali Abdullah Saleh (YEi.005)</b>
Apr 2015	5	-2,039,658.62	545,040.00	

<i>Month</i>	<i>Number of major transactions</i>	<i>Total monthly debit major transactions US\$ equivalent</i>	<i>Total monthly credit major transactions US\$ equivalent</i>	<i>Remarks</i>
May 2015	3	-113,967.86	344,351.64	
Jun 2015	11	-5,827,225.39	628,608.26	
Jul 2015	6	-1,716,732.93	81,749.19	
Aug 2015	4	-818,755.00	1,106,431.20	
Sep 2015	2	-1,107.37	0	
Oct 2015	0	0	0	
Dec 2015	3	20151,630.95	200,165.94	
Jan 2016		0	0	
Feb 2016	3	-194,960.81	194,851.80	
<b>28 Feb 2016</b>				<b>Publication of the Panel's Final Report 2015</b>
Mar 2016	5	-2,083,042.87	2,182,874.03	
Apr 2016	1	0	150,124.46	
May 2016	1	-135,615.49	0	
Jun 2016	2	0	1,519,299.00	
Jul 2016	1	0	14,080.29	
<b>Total</b>	<b>153</b>	<b>-288,943,964.26</b>	<b>373,733,724.53</b>	

3. The Panel noted peaks in the amount of funds transferred during the designation periods, and following the publication of the Panel 2015 report, which for the first time had identified the structure used by Ali Abdullah Saleh (YEi.003). This is likely an indicator that other funds have moved to Khaled's accounts. The Panel continues to investigate.

Figure 48.1  
Link of Khaled Ali Abdullah Saleh and his assets with listed individuals



**Appendix A to Annex 48: Timeline of company transfers**

Table 48.A.1

**Timeline of company transfer**

<i>Event</i>	<i>Albula Limited (Turk and Caicos Islands (E29459))</i>	<i>Weisen Limited (British Virgin Islands (395883))</i>
Directors Resolution	23 October 2014	23 October 2014
<b>Khaled Ali Abdullah Saleh</b> entered in Register of Members and Share Ledger	23 October 2014	23 October 2014
Register of Members and Share Ledger printed	24 October 2014	24 October 2014
Register of Members and Share Ledger signed	28 October 2014	28 October 2014
Ali Abdullah Saleh (YEi.003) designated	7 November 2014	
Certificate of Incumbency <sup>385</sup> signed by Newhaven Corporate Services Limited (BVI)		14 November 2014
Certificate of Incumbency signed by Unicorn Administration Limited (Turk and Caicos Islands)	18 November 2014	
Certificate of Incumbency certified as a true copy by Supreeya Tacouri of NWT Management S.A	3 December 2014	3 December 2014
[REDACTED]	[REDACTED]	[REDACTED]

<sup>385</sup> A Certificate of Incumbency lists individuals who have the authority to contract on behalf of the company or enter into legally binding agreements on behalf of the company. Until it is signed and deposited with the national authority responsible for company registration those individuals listed do not have authority to enter the company into any legally binding contracts.

## Appendix B to Annex 48: Funds transfers 1

Evidence that Khaled Ali Abdullah Saleh received US\$ 33,471,993.37 and Euro 734,786.49 from **Albula Limited, Foxford Management Limited and Weisen Limited** companies, which he acquired from his father Ali Abdullah Saleh (YEi.003) during the period around his designation on 7 November 2014.

Image 48.B.1

### Confidential bank source

Dear Sir,

After greetings,

However, Mr. Khaled Ali Abdullah Saleh maintained accounts with [redacted] (Account no. [redacted]) and in October 2014 there were inward remittances of USD 33,471,993.37 and Euro 734,786.49 into this account, as tabulated below;

Originators	Transfer Date	Incoming Transfers	
		(in EUR)	(in USD)
Albula Limited	24 Oct 2014	425,033.89	11,768,517.90
	29 Oct 2014	-	1,240,000.00
Foxford Management Limited	24 Oct 2014	-	10,466,515.22
Weisen Limited	24 Oct 2014	309,752.60	8,936,966.25
	29 Oct 2014	-	1,060,000.00
<b>Total</b>		<b>734,786.49</b>	<b>33,471,993.37</b>

We wish to advise that the originators of the transactions are not listed as designated entities.

**Appendix C to Annex 48: Trice Bloom Limited**

Figure 48.C.1

**Shareholders of Trice Bloom Limited – Precision Diamond Limited and Unmatchable Limited**

Name of Company TRICE BLOOM LIMITED

Company Number 1706337

**REGISTER OF MEMBERS**

Full Name		Occupation		Corporation		Date Entered as a Member		Date of Ceasing to be Member					
PRECISION DIAMOND LIMITED						27 April 2012							
Address: P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands													
Date	Certificate Number	Shares Acquired			Shares Transferred			Total Shares Held	Remarks	Entry Made By			
		Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number				Distinctive Nos.		
		From	To								From	To	
27 April 2012	1	-	-	-2,916-	US\$2,916.00						-2,916-	Allotment	

Full Name		Occupation		Corporation		Date Entered as a Member		Date of Ceasing to be Member					
UNMATCHABLE LIMITED						27 April 2012							
Address: P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands													
Date	Certificate Number	Shares Acquired			Shares Transferred			Total Shares Held	Remarks	Entry Made By			
		Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number				Distinctive Nos.		
		From	To								From	To	
27 April 2012	2	-	-	-1,250-	US\$1,250.00						-1,250-	Allotment	

CERTIFIED TRUE COPY  
  
 27 APR 2012  
 MARY LYNNE TAN  
 ADVOCATE & REGISTRAR

Page No. 1 Class of Share ORD Per Value For Share US\$1.00 PLEASE NOTE: THE ORIGINAL OR COPY OF THIS REGISTER MUST BE KEPT AT THE OFFICE OF THE COMPANY'S REGISTERED AGENT. IF A COPY THEN PLEASE NOTIFY THE REGISTERED AGENT IN WRITING OF THE PHYSICAL ADDRESS OF THE ORIGINAL. BV106

Figure 48.C.2

**Khaled Ali Abdullah Saleh – Sole shareholder of Unmatchable Limited**

Name of Company UNMATCHABLE LIMITED

Company Number 1706369

**REGISTER OF MEMBERS**

Full Name		Occupation		Businessman		Date Entered as a Member		Date of Ceasing to be Member					
KHALED ALI ABDULLAH SALEH						26 April 2012							
Address: 26 Study Meter Road Sana'a Yemen													
Date	Certificate Number	Shares Acquired			Shares Transferred			Total Shares Held	Remarks	Entry Made By			
		Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number				Distinctive Nos.		
		From	To								From	To	
26 April 2012	1	-	-	-1,250-	US\$1,250.00						-1,250-	Allotment	

  
 27 APR 2012  


Figure 48.C.3

**Khaled Ali Abdullah Saleh – Sole shareholder of Precision Diamond Limited**

Name of Company PRECISION DIAMOND LIMITED  
 Company Number 1700232

**REGISTER OF MEMBERS**

Full Name		Occupation		Businessman		Date Entered as a Member		26 April 2012						
Address										Date of Ceasing to be Member				
Date	Certificate Number	Shares Acquired			Shares Transferred					Total Shares Held	Remarks	Entry Made By		
		Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfer Deed	Certificate Number	Distinctive Nos.					No. of Shares	Consideration Paid
		From	To					From	To					
26 April 2012	1	-	-	-2,916-	US\$2,916.00						-2,916-	Allotment		
CERTIFIED TRUE COPY										27 APR 2012				

Figure 48.C.4

**Khaled Ali Abdullah Saleh – Sole Director of Trice Bloom Limited**

Name of Company TRICE BLOOM LIMITED  
 Company Number 1706337

**REGISTER OF DIRECTORS**

Date of Appointment	Full Name (Any Former Names or Alias)	Nationality and ID/PPT No.	Residential Address (or Registered Office Address)	Business Occupation or Other Directorship	Date of Ceasing to Act	Entry Made By
27 April 2012	KHALED ALI ABDULLAH SALEH	Yemeni 00013939	26 Sixty Meter Road Saana'a Yemen	Businessman		
CERTIFIED TRUE COPY						
27 APR 2012						

Sources: Confidential

Figure 48.C.5

**Ahmed Ali Abdullah Saleh (YEi.005) appointed by Khaled Ali Abdullah Saleh as an authorized signatory to the accounts maintained by Trice Bloom on 13 December 2013.**

**TRICE BLOOM LIMITED**  
**(the "Company")**  
**(Incorporated in the British Virgin Islands)**

**MEMORANDUM IN WRITING BY THE DIRECTOR OF THE COMPANY PURSUANT TO THE ARTICLES OF ASSOCIATION OF THE COMPANY**

**CHANGE OF AUTHORISED SIGNATORIES**

**RESOLVED:**

1. THAT the following person be appointed as new signatory to the accounts maintained by the Company with Branch (the "Bank"):

Name  
Ahmed Ali Abdulla Saleh

Passport No.  
00000017

Specimen Signature  


2. THAT the Accounts be operated by either one of the authorized signatories:  
Khaled Ali Abdullah Saleh  
Ahmed Ali Abdulla Saleh
3. THAT save for the aforesaid amendments, all instructions previously given to the Bank shall remain in full force.
4. THAT this resolution be communicated to the Bank and remained in force until an amending resolution is received by the Bank.

Date: 13 DEC 2013

  
Khaled Ali Abdullah Saleh  
Director

Source: Confidential

**Appendix D to Annex 48: Towkay Limited**

Figure 48.D.1

**Khaled Ali Abdullah Saleh – Sole shareholder of Towkay Limited**

UNPWL  
**REGISTER OF MEMBERS**

Name of Company TOWKAY LIMITED  
Company Number 1706334

Full Name		Occupation		Businessman		Date Entered as a Member		Date of Cessing to be Member		Total Shares Held	Remarks	Entry Made By			
Address		Shares Transferred													
Date	Certificate Number	Distinctive Nos.		No. of Shares	Consideration Paid	No. of Transfers Deed	Certificate Number	Distinctive Nos.					No. of Shares	Consideration Paid	
		From	To												
26 April 2012	1	-	-	-5,834	US\$5,834.00								-5,834	Allotment	
CERTIFIED TRUE COPY															
27 APR 2012															

Figure 48.D.2

**Towkay Limited transfer of AED 1,128,400 to Raydan Investments Limited (20 August 2014)**

DEBIT.ACCT.NO:1:1	[REDACTED]	Inward SWIFT-Telex Payment
CURRENCY.MKT.DR:1:1	1	[REDACTED]
DEBIT.CURRENCY:1:1	AED	Currency Market
DEBIT.AMOUNT:1:1	1128400.00	UAE DIRHAM
DEBIT.VALUE.DATE:1:1	20140820	
DEBIT.THEIR.REF:1:1	[REDACTED]	
CREDIT.ACCT.NO:1:1	[REDACTED]	RAYDAN INVESTMENTS LI
CURRENCY.MKT.CR:1:1	1	Currency Market
CREDIT.CURRENCY:1:1	AED	UAE DIRHAM
CREDIT.VALUE.DATE:1:1	20140820	
PROCESSING.DATE:1:1	20140820	
ORDERING.CUST:1:1	TOWKAY LIMITED	
ORDERING.CUST:2:1	P.O.BOX 957,OFFSHORE INC	
ORDERING.CUST:3:1	CENTRE, ROAD TOWN TORT	
ORDERING.CUST:4:1	BRITISH VIRGIN ISLANDS	
IN.ORDERING.CUS:1:1	TOWKAY LIMITED	
IN.ORDERING.CUS:2:1	P.O.BOX 957,OFFSHORE INC	
IN.ORDERING.CUS:3:1	CENTRE, ROAD TOWN TORT	
IN.ORDERING.CUS:4:1	BRITISH VIRGIN ISLANDS	
ORDERING.BANK:1:1		

Sources: Confidential

**Appendix E to Annex 48: Funds transfers 2**

Table 48.E.1

**Summary of funds transfers through the UAE dormant account of Khaled Ali Abdullah Saleh**

<i>Date</i>	<i>Amount (AED)</i>	<i>Equivalent (US\$)</i>	<i>Transaction type</i>	<i>Account balance</i>
5 Jan 2014	290,000.00	78,952.50	Deposit	20,996.99
8 Dec 2014	3,324,541.47	905,106.42	Transfer	3,345,538.46
9 Dec 2014	36,700,000.00	9,991,575.00	Transfer	40,045,538.46
11 Dec 2014	10,000,000.00	2,722,500.00	Cash withdrawal	30,045,538.46
11 Dec 2014	26,700,000.00	7,269,075.00	Cash withdrawal	30,016,808.46
15 Dec 2014	36,700,000.00	9,991,575.00	Transfer	40,016,808.46
15 Dec 2014	37,000,000.00	10,073,250.00	Cash withdrawal	3,016,808.46
17 Dec 2014	55,000,000.00	14,973,750.00	Cash withdrawal	<b>-51,943,191.54</b>
17 Dec 2014	55,050,000.00	14,987,362.50	Transfer	3,066,808.46
25 Dec 2014	55,000,000.00	14,973,750.00	Cash withdrawal	51,943,191.54
25 Dec 2014	68,181,260.00	18,562,348.04	Transfer	16,238,068.46
28 Dec 2014	66,000,000.00	17,968,500.00	Cash withdrawal	<b>-49,761,931.08</b>
28 Dec 2014	122,032,162.62	33,223,256.27	Transfer	72,270,231.08
28 Dec 2014	13,200,000.00	3,593,700.00	Transfer	59,070,231.08
30 Dec 2014	110,000.00	29,947.50	Transfer	68,960,181.08
30 Dec 2014	58,960,181.08	16,051,909.30	Cash withdrawal	0.00
<b>Total</b>	<b>308,660,181.08</b>	<b>84,032,734.30</b>		

\* Based on average exchange rate 1 AED = 0.27225 US\$ (2013-2016)

Source: Confidential

Figure 48.E.1  
**UAE bank statement (account XXX-01-04)**

ACCOUNT NO: [REDACTED]-01-4		CURRENCY: UAE DIRHAM STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015				
TRAN. DATE	VAL. DATE	DESCRIPTION	CHK. NO	DR. AMT	CR. AMT	BALANCE
		BALANCE B/F				178,875.58
10 SEP 14	10 SEP 14	Outward Telex Charges		80.00-		178,795.58
25 SEP 14	25 SEP 14	Transfer			101,000.00	279,795.58
01 OCT 14	01 OCT 14	Credit Card Payment CRM		166,337.83-		113,457.75
14 OCT 14	14 OCT 14	Cheque Deposit	016311		310,000.00	423,457.75
05 NOV 14	05 NOV 14	Credit Card Direct Debit		25,898.18-		397,559.57
20 NOV 14	20 NOV 14	Cheque	187486	285,089.00-		112,470.57
01 DEC 14	01 DEC 14	Outward Telex Charges		80.00-		112,390.57
01 DEC 14	01 DEC 14	Telex transfer		2,118.88-		110,271.69
06 DEC 14	06 DEC 14	Credit Card Direct Debit		89,274.70-		20,996.99
08 DEC 14	08 DEC 14	Inward Telex Transfer			3,324,541.47	3,345,538.46
09 DEC 14	09 DEC 14	Transfer			36,700,000.00	40,045,538.46
09 DEC 14	09 DEC 14	Cash Withdrawal		10,000,000.00-		30,045,538.46
11 DEC 14	11 DEC 14	Cheque	187487	28,730.00-		30,016,808.46
11 DEC 14	11 DEC 14	Cash Withdrawal		26,700,000.00-		3,316,808.46
15 DEC 14	15 DEC 14	Transfer			36,700,000.00	40,016,808.46
15 DEC 14	15 DEC 14	Cash Withdrawal		37,000,000.00-		3,016,808.46
17 DEC 14	17 DEC 14	Cash Withdrawal		55,000,000.00-		51,983,191.54-

ACCOUNT NO: [REDACTED]-01-4		CURRENCY: UAE DIRHAM STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015				
TRAN. DATE	VAL. DATE	DESCRIPTION	CHK. NO	DR. AMT	CR. AMT	BALANCE
		BALANCE B/F				51,983,191.54-
17 DEC 14	17 DEC 14	Transfer			55,050,000.00	3,066,808.46
22 DEC 14	22 DEC 14	Cash Withdrawal		10,000.00-		3,056,808.46
25 DEC 14	25 DEC 14	Cash Withdrawal		55,000,000.00-		51,943,191.54-
25 DEC 14	25 DEC 14	Transfer			68,181,260.00	16,238,068.46
28 DEC 14	28 DEC 14	Cash Withdrawal		66,000,000.00-		49,761,931.54-
28 DEC 14	28 DEC 14	Transfer			122,032,162.62	72,270,231.08
28 DEC 14	28 DEC 14	Transfer		13,200,000.00-		59,070,231.08
30 DEC 14	30 DEC 14	Outward Telex Charges		50.00-		59,070,181.08
30 DEC 14	30 DEC 14	Telex transfer		110,000.00-		58,960,181.08
30 DEC 14	30 DEC 14	Cash Withdrawal		58,960,181.08-		0.00
30 DEC 14	30 DEC 14	ATM Cash Deposit			100.00	100.00
31 DEC 14	31 DEC 14	Account Closing Fees		100.00-		0.00
		CLOSING CHARGES FOR CHARGEABLE AMT :100				0.00
		BALANCE AT PERIOD END				

Figure 48.E.2

**UAE bank statement (account XXX-02-05)**

ACCOUNT NO: ██████████ 02-5

CURRENCY: US Dollar Dollar US  
STATEMENT PERIOD: 01 JAN 2014 TO 31 JUL 2015

TRAN. DATE	VAL. DATE	DESCRIPTION	CHK. NO	DR. AMT	CR. AMT	BALANCE
		BALANCE B/F				0.00
18 AUG 14	18 AUG 14	Cash Deposit				
		Cash Deposit			79,200.00	79,200.00
10 SEP 14	10 SEP 14	Telex transfer				
		Telex Transfer		79,200.00-		0.00
04 DEC 14	04 DEC 14	Inward Telex Transfer				
		Inward Telex Transfer			85,251,228.22	85,251,228.22
09 DEC 14	09 DEC 14	Transfer				
		LTR DTD 09DEC14		10,000,000.00-		75,251,228.22
15 DEC 14	15 DEC 14	Transfer				
		LTR DTD 15DEC14		10,000,000.00-		65,251,228.22
17 DEC 14	17 DEC 14	Transfer				
		LTR DTD 17DEC14		15,000,000.00-		50,251,228.22
17 DEC 14	17 DEC 14	Inward Telex Transfer				
		Inward Telex Transfer			1,578,042.25	51,829,270.47
25 DEC 14	25 DEC 14	Transfer				
		LTR DTD 25DEC14		18,578,000.00-		33,251,270.47
28 DEC 14	28 DEC 14	Transfer				
		LTR DTD 28DEC14		33,251,270.47-		0.00
		BALANCE AT PERIOD END				0.00

Sources: Confidential

Figure 48.E.3

**UAE bank letter**

Dear Sir,

After greetings,

With reference to your Notice No. 189/2015, we wish to inform you that we did not receive any financial transfer for an amount of US 34 Million from Singapore in the name of Khaled Ali Abdullah Saleh in December 2014.

However, we have received two remittances in December 2014 with the following details:

Name of Remitter	Date of Transfer	Amount-USD
Khaled Ali Abdullah Saleh	04-December-2014	85,251,228.22
Khaled Ali Abdullah Saleh	17-December-2014	1,578,042.25

Further, we would like to inform you that the account of Khaled Ali Abdullah Saleh was closed in December 2014.

In case you require any further details we would be happy to provide you the same.

Thanking you,  
Yours faithfully,

Source: Confidential

**Appendix F to Annex 48: Funds transfer from Trice Bloom Limited to Raydan Investments Limited**

Image.48.F.1

**Trice Bloom Limited funds to Raydan Investments Limited**

Transaction Summary - Trice Bloom Limited			
FD account	Significant Activities		
28-May-14	Transfer US20m to Raydan Investments LLC (FGB HO)		
27-Nov-14	Interest transfer to Mr Khaled Account in		181,610.47
27-Nov-14	Transfer of Principal to Mr Khaled Account in Singapore		51,538,896.50

Source: Confidential

## Appendix G to Annex 48: Raydan Investments Limited UAE commercial licence and documentation

Image.48.G.1

Raydan Investments Limited UAE commercial licence

مركز أبوظبي للأعمال Abu Dhabi Business Center		دائرة التنمية الاقتصادية DEPARTMENT OF ECONOMIC DEVELOPMENT																	
<b>Commercial License</b> <span style="float: right;"><b>رخصة تجارية</b></span>																			
License No	CN-1514132	رقم الرخصة																	
Unified ID for ADCCI	316454	الرقم الموحد للعضوية الفرعية																	
Legal Form	Limited Liability Company	الشكل القانوني	شركة ذات مسؤولية محدودة																
Trade Name	RAYDAN INVESTMENTS L.L.C.	الإسم التجاري	ريدان للاستثمارات ذ.م.م																
Issue Place	Abu Dhabi	مكان الإصدار	أبو ظبي																
Establishment Date	07/07/2013	تاريخ تسجيل المنشأة																	
Issue Date	03/09/2014	تاريخ الإصدار																	
Expiry Date	02/09/2015	تاريخ الانتهاء																	
<table border="1"> <thead> <tr> <th>شريك</th> <th>الإمارات العربية المتحدة</th> <th>رقم</th> <th>الاسم</th> </tr> </thead> <tbody> <tr> <td>Partner</td> <td>United Arab Emirates</td> <td>20043315</td> <td>زيد احمد على عبدالله نيمان</td> </tr> <tr> <td>Partner</td> <td>اليمن</td> <td>41246693</td> <td>خالد علي عبدالله صالح</td> </tr> <tr> <td>Partner</td> <td>Yemen</td> <td></td> <td>Khaled Ali Abdullah Saleh</td> </tr> </tbody> </table>				شريك	الإمارات العربية المتحدة	رقم	الاسم	Partner	United Arab Emirates	20043315	زيد احمد على عبدالله نيمان	Partner	اليمن	41246693	خالد علي عبدالله صالح	Partner	Yemen		Khaled Ali Abdullah Saleh
شريك	الإمارات العربية المتحدة	رقم	الاسم																
Partner	United Arab Emirates	20043315	زيد احمد على عبدالله نيمان																
Partner	اليمن	41246693	خالد علي عبدالله صالح																
Partner	Yemen		Khaled Ali Abdullah Saleh																
<b>Commercial Activities</b> <span style="float: right;">النشاطات التجارية</span>																			
- Commercial Enterprises Investment, Institution And Management		الاستثمار في المنشآت التجارية وتأسيسها وإدارتها																	
- Real Estate Enterprises Investment, Development, Institution And Management		استثمار وتطوير المشروعات العقارية وتأسيسها وإدارتها																	
- Onshore And Offshore Oil And Gas Fields And Facilities Services		خدمات حقول ومضخات النفط والغاز البرية والبحرية																	
Address	USED ONLY FOR LBO 2K14/002	العنوان	جزيرة أبوظبي، البطين، بناية - سمو الشيخة / لمطعمه بنت مبارك																

Image.48.G.2

**Raydan Investments Limited UAE bank documentation**

Dear Sirs,

**Subject: Opening a call/current account for firm/company under formation.**

Please arrange to open a call/current account in dirhams in the name of Raydan Investment LLC under formation and arrange to issue the paid up capital certificate in favor of Department of Economic Development –Abu Dhabi s per attached Articles of Association .

Below are the details:

S.No.	Name of Partner/Shareholder	Amount (AED)	Share (%)
1	Zayed Ahmed Ali Abdulla Daiban	76,500.00	51%
2	Khaled Ali Abdullah Saleh	73,500.00	49%
	<b>Total</b>		

The paid-up capital amount will be deposited with you into the account of the firm/company to be opened.

Kindly consider this as an authorization letter to block/freeze the paid-up capital amount in full in the bank's favour until the following documents are submitted to you:

- Trade License
- Chamber of Commerce Certificate
- Registration Certificate

After above documents are presented to the bank, you are kindly requested to release any amounts of the paid-up capital only to the authorized persons to manage the account.

Yours faithfully,



Authorized Signatory



Source: Confidential

Image.48.G.3

**Raydan Investments Limited UAE legal relationship details****Legal Relationship Details**

Date : 14-07-2016

CIF No 8035250131 Corporate Name RAYDAN INVESTMENTS LLC

Legal Relationship Holder for RAYDAN INVESTMENTS LLC

CIF No	Name	Issue Date	Expiry Date	Relationship	Contact No	Ownership %	Civil ID	Nationality
***	SALAH ALI ABDULLAHSALEH	09/07/2015	31/12/9999	POA Holder	971-2- 9999999	0.0	***	YEMEN
8035207087	KHALED ALI ABDULLAH SALEH	31/05/2015	31/12/9999	POA Holder	***	0.0	***	YEMEN

RAYDAN INVESTMENTS LLC Acting As Legal Relationship for Other Cifs

CIF No	Name	Issue Date	Expiry Date	Relationship	Contact No	Ownership %	Civil ID	Nationality
No Data Found								

Source: Confidential

## Appendix H to Annex 48: Ansan Wikfs Investment Limited UAE commercial licence

Image.48.H.1

Ansan Wikfs Investments Limited UAE commercial licence

COMMERCIAL LICENSE		رخصة تجارية	
<b>License Details</b>		<b>تفاصيل الرخصة</b>	
License No.	92286	٩٢٢٨٦	رقم الرخصة
Licensee	Ansan Wikfs Investments Limited	انسان ويكفس انفيستمنس لميتد	صاحب الرخصة
Operating Name	Ansan Wikfs Investments Limited	انسان ويكفس انفيستمنس لميتد	الاسم التجاري
Legal Status	Branch of a Foreign Company	فرع لشركة اجنبية	النسكل القانوني
Business Unit	Energy and Environment Park	مجمع الطاقة والبيئة	قطاع العمل
First Issue Date	30 June 2014	٣٠ يونيو ٢٠١٤	تاريخ الإصدار الاول
Current Issue Date	30 June 2014	٣٠ يونيو ٢٠١٤	تاريخ الإصدار الحالي
Expiry Date	29 June 2015	٢٩ يونيو ٢٠١٥	تاريخ الإنهاء
<b>Manager</b>		<b>المدير</b>	
Yousif Mohamedahmed Mohamed Elshlekh		يوسف محمد احمد محمد الشيخ	
<b>Address</b>		<b>العنوان</b>	
Premises: 2801 Floor: 28 Building: Shatha Tower Dubai, United Arab Emirates		المقر: ٢٨٠١ الطابق: ٢٨ المبنى: الشذى تاور دبي، الإمارات العربية المتحدة	
<b>Segments - Activities</b>		<b>القطاعات - النشاطات</b>	
Regional Head Quarters • Representative Office			

Appendix I to Annex 48: Ownership of Ansan Wikfs Investment Limited

Image.48.I.1

Shaher Abdulhak as owner of Ansan Wikfs Investment Limited

**REGISTER OF MEMBERS  
OF  
ANSAN WIKFS INVESTMENTS LIMITED**

NAME OF MEMBER	ADDRESS	DATE OF ENTRY AS MEMBER	CERT. NO ISSUED	SHARES ISSUED	CLASS OF SHARES	SOURCE OF SHARES	AMOUNT PAID THEREON	DATE OF TRANSFER OF SHARES	TRANSFEREE	NO. OF SHARES IN OUT
	P.O. Box 309 Ugland House South Church Street George Town Grand Cayman KY1-1104 Cayman Islands	17 Apr 1991	No cert	1	ordinary	original issue	In full	3 Sep 1991	Beano	1
Balance of Shares										ordinary: 0
	P.O. Box 509 01, Ugland House South Church Street George Town, Grand Cayman, Cayman Islands	17 Apr 1991	No cert	1	ordinary	original issue	In full	3 Sep 1991	Beano	1
Balance of Shares										ordinary: 0
	Santiago 821 San Jeronimo, Mexico City D.F., 10400 Mexico	9 Sep 1991	001	100	Beano	2 from Subscribers 98 original issue	In full	10 Apr 2002	Converted to Registered Share	100
Balance of Shares										ordinary: 0
Shaher Abdulhak	P.O. Box 28 Sanna Yemen Arab Republic	10 Apr 2002	002	100	ordinary	Share Cert. 001	In full			ordinary: 100
Balance of Shares										ordinary: 100

I, Audrey C. Santamaria, a Notary Public in and for the Cayman Islands hereby certify this document to be a true and correct copy of the original of the original of this 25 day of November 2014

*Audrey C. Santamaria*  
 (My commission expires on 31st January, 2014)

~~11/2~~  
 11/2  
 5/2014  
 11/2

Ansan Corporate Services Limited  
 55 King Street, Grand Cayman, KY1-1147  
 Inscpt: 88381

Source: Confidential

## Appendix J to Annex 48: Transfers from Ansan Wikfs Investment Limited to Raydan Investment Limited

Image.48.J.1

### Summary of funds transfers from Ansan Wikfs Investment Limited to Raydan Investment Limited

<i>Date</i>	<i>Amount (AED)</i>	<i>Equivalent (US\$)*</i>	
17 Sep 2014	3,050,478.00	830,492.64	Account Khaled XX11
30 Oct 2014	2,067,711.00	562,934.32	Account Khaled XX11
24 Feb 2015	1,230,254.00	334,936.65	Account Raydan XX18
3 Mar 2015	761,603.00	207,346.42	Account Raydan XX18
30 May 2015	763,583.00	207,885.47	Account Raydan XX24
9 Jun 2015	975,125.00	265,477.78	Account Raydan XX24
16 Jun 2015	975,125.00	265,477.78	Account Raydan XX24
12 Dec 2015	734,500.00	199,967.63	Account Raydan XX24
24 Apr 2016	550,875.00	149,975.72	Account Raydan XX24
<b>Total based on evidence</b>	<b>11,109,254.00</b>	<b>3,024,494.41</b>	
<b>Total since listing of Ali Abdullah Saleh (YEi.003)</b>	<b>5,991,065.00</b>	<b>1,631,067.45</b>	

Based on average exchange rate 1 AED = 0.27225 USD (2013-2016)

Source: Confidential

## Annex 49: Air strikes affecting civilians and civilian infrastructure (2016)

1. This annex contains four case studies<sup>386</sup> relating to ten investigations undertaken by the Panel on air strikes that impacted on civilians and civilian infrastructure. These air strikes are attributed to the Saudi Arabia-led coalition. The following is a summary of the ten case studies:

Table 49.1

### Air strikes affecting civilians and civilian infrastructure

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Type of EO</i>	<i>Civilian fatalities</i>	<i>Civilian injured</i>	<i>Effect on civilian objects</i>
1	15 Mar 2016	Al Khamees market, Mastaba	Mk 83 Bomb / Paveway	116	40+	Infrastructure damaged.
2	25 Mar 2016	T'baisha, Ta'izz	Not confirmed	10	0	Civilian house destroyed.
3	25 May 2016	Al Mahala, Lahj	Mk 82 Bomb / Paveway	6	3	Civilian house destroyed.
4	25 May 2016	Appendix A: Al Mahala, Lahj	Mk 82 Bomb / Paveway	0	2	Water bottling factory destroyed.
5	9 Aug 2016	Nahda, Sana'a	High Explosive aircraft bomb	10	13	Snack factory destroyed.
6	15 Aug 2016	Abs, Hajjah	GBU-12 ' Paveway II	19	24	MSF hospital severely damaged.
7	13 Sep 2016	Ban al-Hareth, Sana'a	Mk 82 Bomb / Paveway IV	0	0	Alsonidar factory complex severely damaged.
8	22 Sep 2016	Ban al-Hareth, Sana'a	GBU-24 / Paveway IV	0	0	Alsonidar factory complex severely damaged.
9	24 Sep 2016	Mafraq Jiblah, Ibb	Mk 82 Bomb / Paveway	9	7	Civilian house destroyed.
10	8 Oct 2016	al-Sala al-Kubra, Sana'a	GBU-12 ' Paveway II	132	695	Community hall destroyed.

<sup>386</sup> The other case studies are available with the Secretariat.

<i>Ser</i>	<i>Date</i>	<i>Location</i>	<i>Type of EO</i>	<i>Civilian fatalities</i>	<i>Civilian injured</i>	<i>Effect on civilian objects</i>
------------	-------------	-----------------	-------------------	----------------------------	-------------------------	-----------------------------------

2. The Panel adopted a stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from accessing Yemen. See annex 2 on IHL methodology.

3. Based on its analysis of the ten strikes, the Panel further finds that given the regular occurrence of incidents of the nature described in the above mentioned incidents:

(a) Those responsible for planning, deciding upon, or executing<sup>387</sup> those air strikes that disproportionately affect civilians and civilian objects may fall within the designation criteria contained in paragraphs 17 as those who threaten peace and security of Yemen. Their acts may also fall under paragraphs 18 (a), (b), and (c) of resolution 2140 (2014);

(b) All member States of the Saudi Arabia-led coalition and their allies should take necessary measures to ensure that their forces engaged in coalition military operations respect IHL.<sup>388</sup> IHL underscores that States "...may not evade their obligations by placing their contingents at the disposal of...an ad hoc coalition";<sup>389</sup>

(c) All coalition member States and their allies have an obligation under the Geneva Conventions to ensure respect for IHL by the Saudi Arabia-led coalition.<sup>390</sup> This obligation is especially incumbent upon the Government in Yemen on whose request the Saudi Arabia-led coalition is conducting air strikes;<sup>391</sup> and

<sup>387</sup> In reference to those executing the attacks, it is possible that the pilot of the aircraft may fire his weapon in reliance of the accuracy of information that may have been previously provided to him. In these cases, the Panel finds that it is those who plan and decide upon the attacks, whom have at their disposal the relevant information from a variety of sources, who have the greatest responsibility to ensure compliance with IHL. See also William Boothby, "The Law of Targeting", OUP (2012), pp. 132-133.

<sup>388</sup> IHL requires each party to the conflict to "respect and ensure respect for international humanitarian law by *its armed forces* and other persons or *groups acting in fact on its instructions, or under its direction or control*." (See CIHLR 139).

<sup>389</sup> See commentary to Common Article 1 of the Geneva Conventions and Article 3 of The Hague Convention Concerning the Laws and Customs of War on Land of 1907, which holds States responsible for "all acts committed by persons forming part of its armed forces".

<sup>390</sup> This obligation to respect and ensure respect under Common Article 1 is not limited to those coalition States that actively participated in this air strike as stated in the Commentary. "The duty to ensure respect... is particularly strong in the case of a partner in a joint operation, even more so as this case is closely related to the negative duty neither to encourage nor to aid or assist in violations of the Conventions. The fact, for example, that a High Contracting Party participates in the financing, equipping, arming or training of the armed forces of a Party to a conflict, or even plans, carries out and debriefs operations jointly with such forces, places it in a unique position to influence the behaviour of those forces, and thus to ensure respect for the Conventions".

<sup>391</sup> S/2015/217.

(d) High-level military commanders in the Saudi Arabia-led coalition are also responsible for IHL violations to the extent that they allow, or do not prevent, air strikes from taking place exclusively based on information received from third parties, even if they are Yemeni authorities, without ensuring that the forces under their command and control undertake the necessary assessments relating to proportionality and precautions in attack.<sup>392</sup>

#### **List of appendices**

Appendix A: Al Khamees market, Mastaba, Hajjah (15 March 2016).

Appendix B: Civilian house, Al Mahala, Lahj, (25 May 2016).

Appendix C: MSF hospital, Abs, Hajjah (15 August 2016).

Appendix D: Al-Sala Al-Kubra community hall, Sana'a (8 October 2016).

Appendix E: Summary of IHL case study evidence levels (air strikes).

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<sup>392</sup> For an overview of command responsibility in this area, see CIHLR 142 and 153.

## Appendix A to Annex 49: Al Khamees market, Mastaba, Hajjah (15 March 2016)

### A. Introduction

1. This case study is one of two air strikes on civilian gatherings investigated by the Panel.<sup>393</sup>

### B. Background to events

2. At approximately 11:30 hours on 15 March 2016, items of explosive ordnance (EO) were dropped from a military aircraft and detonated on the Al Khamees Market, Mastaba, Hajjah Governorate.<sup>394</sup> These explosions occurred approximately five to seven minutes apart at a distance of 50m between them. The UN verified that 116 individuals, including 22 children, were killed by the air strike,<sup>395</sup> MSF recorded over 40 wounded.<sup>396</sup>

3. There was a military checkpoint (CP) belonging to the Houthis approximately 140m from the second airstrike and 190m from the first air strike. This CP is usually manned by up to six fighters.<sup>397</sup> The two air strikes did not damage the CP.<sup>398</sup> It is possible that there were some individual fighters present in, or in the vicinity of, the market at the time of the air strike,<sup>399</sup> as Houthi fighters regularly visit the market to purchase qat and other commodities. However, witnesses and

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<sup>393</sup> The other air strike was on a civilian gathering was on 8 October 2016, on a funeral hall in Sana'a. See case study at appendix D to this annex.

<sup>394</sup> EO Strike 1, 16 °13'39.31"N, 43 °14'42.04"E; EO Strike 2, 16 °13'40.61"N, 43 °14'41.08"E.

<sup>395</sup> "Zeid condemns repeated killing of civilians in Yemen airstrikes" at <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>. Health officials reported 102 casualties and 44 injured. See "Saudi-led coalition to investigate Yemen air strikes" at <http://www.aljazeera.com/news/2016/03/saudi-led-coalition-investigate-yemen-air-strikes-20160316071229274.html> and "Yemen: People collect 'torn limbs in bags and blankets' after Saudi-led warplanes pound market" <http://www.ibtimes.co.uk/yemen-people-collect-torn-limbs-bags-blankets-after-saudi-led-warplanes-pound-market-201549689>. Mwatana Organization, a Yemen-based organization documented over 131 civilian casualties, with 86 injured (information provided to the Panel on 01 December 2016). Human Rights Watch (HRW) reported 106 civilian casualties. See <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>. The Government of Yemen stated that 65 were killed. It did not clarify how many of those were civilians and how many were fighters (letter dated 31 December 2016).

<sup>396</sup> "Yemen: MSF treats more than 40 wounded following airstrike on marketplace" at <http://www.msf.org.uk/article/yemen-msf-treats-more-than-40-wounded-following-airstrike-on-marketplace>.

<sup>397</sup> Local sources and three investigation teams that visited the site in the aftermath of the air strikes.

<sup>398</sup> Ibid.

<sup>399</sup> HRW says that the air strikes "may have also killed about 10 Houthi fighters..." and the UN reports that ten bodies were burnt beyond recognition. See "Yemen: US Bombs Used in Deadliest Market Strike" at <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike> and <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>. Reuters quote one source as stating there were around 20 fighters. "Death toll from Saudi-led air strikes on Yemeni market rises to more than 100" at <http://af.reuters.com/article/worldNews/idAFKCN0WJ2KB>. The Panel was also informed by one source that around twenty fighters

other investigators consistently confirmed that there was no large gathering of Houthi militias at the CP or in, or in the vicinity of, the market.<sup>400</sup>

Figure 49.A.1

#### Location of the market and the checkpoint



### C. Technical analysis of physical evidence

4. Imagery analysis determined a fragment from the location of the first air strike as being part of a rear fin from a PAVEWAY terminal guidance unit for an aircraft bomb (figure 49.A.2).

Figure 49.A.2

#### Rear fin from PAVEWAY terminal guidance unit<sup>401</sup>

arrived at the market to buy qat and left twenty minutes before the air strike. The Panel could not corroborate this statement with other witnesses and investigators.

<sup>400</sup> See below for details of a statement issued by the Joint Incident Assessment Team (JIAT) stating that one of the military objectives was a large Houthi gathering. In addition to Panel's independent investigations both the UN-led investigations and the HRW-initiated investigations found that there were no large gatherings of Houthi militias. See "U.N says Saudi-led bombing of Yemen market may be international crime" at <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152> and <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

<sup>401</sup> Source: Confidential, (taken by investigation team that visited the site in the aftermath).



5. Post blast crater analysis determined that the size of the crater at the first air strike was almost certainly within the dimensional parameters for the detonation of 227kg of high explosives, which is the explosive weight of the Mark 83 variant high explosive aircraft bomb (figure 49.A.3).<sup>402</sup>

Figure 49.A.3

**Explosion crater**<sup>403</sup>



6. The only military entity operating the type of aircraft in the area that has the capability to deliver high explosive ordnance of this type is the Saudi Arabia-led coalition.

**D. Response of the Saudi Arabia-led coalition**

<sup>402</sup> A HRW Report of 7 April 2016, “*US Bombs Used in Deadliest Market strike*”, attributed the damage to a Mark 84 (2,000lb) aircraft bomb based on fragments recovered. The Panel has not seen this evidence, and is therefore, based on the crater analysis of the first air strike, the Panel erring on the side of caution attributes the damage to the smaller Mark 83 (1,000lb) aircraft bomb.

<sup>403</sup> Ibid.

7. The responses of the Saudi Arabia-led coalition, JIAT and the Government of Yemen are documented below.

<i>Entity / Individual</i>	<i>Date</i>	<i>Statement</i>	<i>Source</i>
JIAT Statement	4 August 2016	<p>“The United Nations news centre has claimed that the coalition State bombarded, and thus massacred, an estimated 106 people, in Suq Khamis Mastaba’ in Hajjah governorate on 15 March 2016. Confirmed intelligence data shows that the target was a large gathering of armed Houthi militia recruits. The gathering was near a weekly market where the only activity takes place on Thursday each week. The operation took place on a Tuesday, and the target was a legitimate, high-value military objective that conferred a strategic advantage. It was also located 34 kilometres from the Saudi Arabian border, and therefore posed a threat to the troops positioned there”.</p>	Document with Panel. <sup>404</sup>
JIAT Statement	5 August 2016	<p>The media also reported: “Moreover, the prosecution did not provide proof of the claims that civilian casualties, and the JIAT found no proof of any fault made by the coalition forces, in the process, and that the Coalition forces have abided by the rules of international humanitarian law”.</p>	Saudi Press Agency <sup>405</sup>

<sup>404</sup> Official UN translation.

<sup>405</sup> “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations” at <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>.

<i>Entity / Individual</i>	<i>Date</i>	<i>Statement</i>	<i>Source</i>
Reuters quoting Brigadier General Ahmed Al-Asseri, Spokesperson of the Saudi Arabia-led coalition.	18 March 2016	"We use the information coming from the (pro-Hadi) Yemeni army because they are on the ground. The attack was under the control of the Yemeni army. It gave the target". Reuters also stated that the spokesperson "forwarded a graphic prepared by Hadi's government that said the target of the air strike was a military area where Houthi forces had gathered and that "they (Houthis) deceived people by saying it was a market".	Reuters <sup>406</sup>
Government of Yemen	18 March 2016	"A statement issued on Friday by Hadi's government said it had formed a committee to look into the bombing and whether it was the result of an air strike or of shelling by the Houthis, whom it accused of often blaming the coalition for attacks they carried out themselves".	Reuters <sup>407</sup>
Government of Yemen	31 December 2016	"According to sources from the militia 115 have been killed and dozens wounded. Our sources in the region confirm that the number of dead is 65. Also the incident occurred on a Tuesday. As the name of the market indicates people from the surrounding villages gather on the market day, which is Thursday. This confirms the hypothesis that the gathering was of houthis militia and that two technicals have been observed in the entrance of the market. The Government of Yemen doesn't have final information as the area is not under its control." (Unofficial translation).	Response to a Panel inquiry on the Government of Yemen's role in the incident received on 31 December 2016.

8. The Saudi Arabia-led coalition has not yet provided a response to Panel requests for information.<sup>408</sup>

<sup>406</sup> <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152>.

<sup>407</sup> Ibid.

### **E. Panel observations on Saudi Arabia-led coalition's statement, information provided by the Government of Yemen, and JIAT's findings relating to the air strikes**

9. In assessing the Saudi Arabia-led coalition's compliance with IHL, the Panel has given due consideration to the official findings above. The Panel highlights that it did not have access to the information that was at the disposal of JIAT, despite requests for information to the Saudi Arabia-led coalition. The Panel will, therefore, base its IHL assessment on its own investigative findings. The Panel notes, however, discrepancies between the statements provided by the Government of Yemen and the Saudi Arabia-led coalition spokesperson on the attribution of responsibility relating to target selection (see paragraph 14).

### **F. Analysis of violations of IHL**

10. In the absence of a response from the Saudi Arabia-led coalition, the Panel analyzed the applicable law in relation to this incident on the basis of its own independent investigations.<sup>409</sup>

11. The Panel investigations demonstrated that, while it is possible that some individual fighters may have been present amongst civilians,<sup>410</sup> there was no demonstrable evidence of a large gathering of Houthi fighters or recruits in, or in the vicinity of, the market place at the time of, or preceding, the two air strikes.<sup>411</sup> Statements and imagery gathered by the Panel also demonstrated that the market was functional on 15 March 2016 and that there were civilians, including children in, and in the vicinity of, the market at the time of the air strikes.<sup>412</sup>

12. The Panel finds that it is possible that the air strike targeted some Houthi fighters.<sup>413</sup> Yet, it is not convinced that the Saudi Arabia-led coalition respected relevant principles of IHL, including those relating to proportionality,<sup>414</sup> for the following reasons:

<sup>408</sup> Panel letters dated 1 July 2016 and 21 November 2016.

<sup>409</sup> See appendix E

<sup>410</sup> See footnote 496. The UK views that if the Commander made reasonable effort to gather intelligence, reviews the available intelligence, and concludes in good faith that he is attacking a legitimate military target, "he is unlikely to violate the principles of distinction if the target turned out to be of a different, civilian nature." See William Boothby, "The Law of Targeting", OUP (2012), p. 61.

<sup>411</sup> See footnote 496.

<sup>412</sup> The Panel was informed that while the weekly market is held on Thursdays, commercial activities take place on other days, although on a lesser scale than Thursdays. The fact that civilians, including, were in a functional market at the time of the strike was also independently verified by the UN and HRW. See section B.

<sup>413</sup> CIHLR 8 defines a military objective as follows: "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage".

(a) The Panel notes that the Saudi Arabia-led coalition did not provide the Panel with information that demonstrated that a significant number of those who died or injured were Houthi fighters. Instead, information collected by the UN and other organizations demonstrate that attack resulted in at least 100 civilian deaths, of which approximately 20% were of children.<sup>415</sup>

(b) This likelihood of excessive harm to civilians and civilian objects could have reasonably been anticipated in the circumstances because: (i) the market place was a civilian object *prima facie* immune from attack; (ii) it was also a civilian gathering point; (iii) the market was functional on the day of the air strike; and (iv) that the timing of the attack would be such as to cause a disproportionately high number of civilian casualties. It is reasonable to expect that a commander ordering these air strikes should have been aware of the above factors, given that this information is readily available, and should have taken them into consideration when assessing the ‘concrete and direct military advantage’ of the air strikes.<sup>416</sup>

(c) It is also relevant that the aircraft bombs were detonated inside a market place, and not “near” the market where the gathering of militias allegedly took place,<sup>417</sup> and that at least two known locations of Houthi fighters in, and in the vicinity of the market, were unaffected by the strikes.<sup>418</sup>

13. IHL requires military commanders and those responsible for planning and executing decisions regarding attacks to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>419</sup> The fact that the Saudi Arabia-led coalition knew that this was a market place and thus a civilian location where there would ordinarily be a congregation of civilians (see paragraph 7), meant that they should have been particularly vigilant when undertaking a proportionality assessment and making use of available precautionary measures to minimize the incidental loss of civilian life and damage to civilian property.<sup>420</sup> It is also not clear what

<sup>414</sup> Under IHL “launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, *which would be excessive in relation to the concrete and direct military advantage anticipated*, is prohibited”. (Emphasis added). See CIHLR 14.

<sup>415</sup> In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

<sup>416</sup> See CIHLR 14.

<sup>417</sup> See the JIAT statement.

<sup>418</sup> The Panel finds that the nearby Houthi manned check point was unaffected by the strikes. Additionally, HRW quotes one witness and states, “He said that some armed Houthi fighters regularly ate and slept in a restaurant about 60 meters from where one bomb detonated. The restaurant was not damaged”. <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

<sup>419</sup> See Article 13(1) of Additional Protocol II to the Geneva Conventions and CIHLR 15 - 22.

<sup>420</sup> See commentary to CIHLR 14, and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks.

precautionary measures were taken by the Saudi Arabia-led coalition forces, including confirmation that the market was not active, as alleged by the JIAT, on the day of the attack.

14. The initial response of the Saudi Arabia-led coalition confirms that they relied exclusively on the information coming from the Government of Yemen.<sup>421</sup> The Panel notes that this is the second incident involving mass civilian casualties, that it investigated, in which the Saudi Arabia-led coalition or the JIAT alleged that parties affiliated with the Government of Yemen provided it with the target specific information.<sup>422</sup> The Government of Yemen did not provide sufficient information as to its role in the air strike. It referred to the gathering of Houthis as a “hypothesis”.<sup>423</sup> It is difficult to justify an air strike on a civilian object, which is ordinarily a civilian gathering point, on the basis of a hypothesis. The Saudi Arabia-led coalition remains responsible for any violations relating to proportionality and precautions in attack, which it incurred as the party carrying out the air strikes.

### **G. Summary of findings**

15. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted two air strikes on a market place on 15 March 2016 that resulted in mass civilian fatalities and casualties;

(b) The Panel is unconvinced that principles in relation to proportionality were respected in this incident. If precautionary measures were taken, they were largely inadequate and ineffective;

(c) Even if the Government of Yemen had provided it with target specific information, the Saudi Arabia-led coalition forces are still responsible for IHL violations regarding any failure on their part to undertake the requisite detailed assessments relating to proportionality and precautions in attack and their failure to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes; and

(d) Those officers of the Government of Yemen that passed the information, or who were otherwise involved in the intelligence gathering and targeting processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution.

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<sup>421</sup> The spokesperson also forwarded to the media, a graphic prepared by the Government of Yemen that said that the target of the air strike was a military area where Houthi forces had gathered. The Panel has not had access to this graphic. <http://www.reuters.com/article/us-yemen-security-un-idUSKCN0WK152>.

<sup>422</sup> Press Statement by JIAT on the community hall incident in Sana’a on 8 October 2016. Document available with Panel.

<sup>423</sup> See paragraph 7. The Government of Yemen announced on 18 March 2016 that it had formed a committee to look into the air strikes. See <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>. It appears that the task was entrusted to the National Commission on Human Rights. The Panel met with the Commissioners in July 2016 in Geneva who informed the Panel that this case is under investigation.

## Appendix B to Annex 49: Air strike on Civilian House in Al Mahala, Lahj (25 May 2016)

### A. Introduction

1. This case study is one of the three investigations done on air strikes affecting civilian houses.

### B. Background to events

2. At approximately 04:00 hours on 25 May 2016, two items of explosive ordnance, that were dropped from a military aircraft, detonated on, or in very close proximity to, a civilian house in the village of Al-Mahala, Lahj. The resultant explosions<sup>1</sup> killed six occupants of the house, one man, one woman, and four children, and critically injured one woman and two children. The neighbours refrained from assisting in rescue efforts after the first strike for fear of a second strike. It is certain that had it not been for the second strike that occurred approximately 2-5 minutes after the first, some more members of the family would have survived the attack. The only male adult of the house was a local Deputy Director of Education.

3. Very shortly afterwards another item of explosive ordnance, highly probably dropped from the same military aircraft as above, detonated in another house located 544 metres from the civilian house (figure 49.B.1). This house belonged to a local fighter, whom some say belongs to AQAP.<sup>2</sup> This latter strike did not result in casualties. Within a few minutes, a third series of air strikes impacted on a water bottling plant, which was located 8 km north of the house, (case study with Secretariat). The house was located in an area under the control of the legitimate government.<sup>3</sup>

Figure 49.B.1

#### Relative locations of houses<sup>4</sup>



<sup>1</sup> EO Strike at 13 01'01.60" N, 44 53'19.87"E.

<sup>2</sup> Locally, the fighter is called Abu Soutan. The Panel cannot independently verify his allegiance.

<sup>3</sup> The Al Anand military base, controlled by the Yemen Armed Forces, was approximately 20 km from the house.

<sup>4</sup> Source: Google Earth. 24 October 2016.

Figure 49.B.2  
**Civilian house post-explosion<sup>5</sup>**



Figure 49.B.3  
**Armed group suspect's house post-explosion**



### C. Technical analysis of physical evidence

4. Technical analysis of imagery of fragmentation recovered from the explosion at the civilian house demonstrates that:

(a) The explosive device was almost certainly fitted with a Paveway laser guidance unit. Such units are usually designed to be paired with Mark 82 high explosive aircraft bombs;

Figure 49.B.4  
**Post-explosion guidance fin from a Paveway laser guidance system**



Figure 49.B.5  
**Post-explosion adapter flange from a Paveway laser guidance system**



<sup>5</sup> Confidential sources. Imagery in this appendix was either provided to the Panel by the source or was verified as accurate by eyewitnesses.

Figure 49.B.6  
CAGE Code 94271



(b) Post blast crater analysis determined that the size of the crater was almost certainly within the dimensional parameters for the detonation of 87kg of high explosives, which is the explosive weight of the Mark 82 variant high explosive aircraft bomb;

(c) The civilian house was almost certainly destroyed by a Mark 82 high explosive aircraft bomb fitted with a Paveway laser guidance system;

(d) The only military entity operating the type of aircraft in the area that has the capability to deliver high explosive ordnance of this type is the Saudi-led coalition.

#### **D. Response of the Saudi Arabia-led coalition**

5. The Panel has not yet received a response to a request for information made to the Saudi Arabia-led coalition.<sup>6</sup> The Governor of Lahj issued a statement in which he stated: "We know nothing about the attack. The coalition conducts attacks without informing us. The responsibility of this operation is on those who provide the coalition with the wrong coordinates".<sup>7</sup>

#### **E. Analysis of violations of international humanitarian law (IHL)**

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<sup>6</sup> Letter dated 1 July 2016 and 21 November 2016.

<sup>7</sup> "Human remains everywhere": Family of 11 killed in alleged Saudi coalition strike in Yemen" at <https://www.rt.com/news/344445-saudi-coalition-family-killed/>. See also "11 family members killed in Saudi airstrikes on Lahj" at <https://www.youtube.com/watch?v=-4HRndZsIDI>.

6. In the absence of a response from the Saudi Arabia-led coalition, the Panel analyzed the applicable law in relation to this incident on the basis of its own independent investigations.<sup>8</sup> The Panel finds that based on the use of precision-guided weapons and repeated strikes the residential building was the intended target of the two air strikes.

7. The Panel found no explanation in the public domain as why this civilian house, which is *prima facie* a civilian object immune from direct attack,<sup>9</sup> was considered by the Saudi Arabia-led coalition to be a legitimate military objective.<sup>10</sup> The Panel also found no demonstrable evidence that the occupants of the house, who as civilians were *prima facie* immune from attack, had lost their civilian protection.<sup>11</sup> IHL requires that the civilian population, as well as individual civilians, shall not be the object of attack.<sup>12</sup> An attack on civilians and civilian objects cannot also be justified on the basis of military necessity.<sup>13</sup> Any attack that does not distinguish between civilians and civilian objects with military objectives violates, amongst others, IHL principles relating to distinction.<sup>14</sup>

8. While the Panel is not convinced that the Saudi Arabia-led coalition directed its air strike against a legitimate military target, even if it had, the Panel finds that there are serious concerns whether it respected IHL principles of proportionality<sup>15</sup> and precautions in attack.<sup>16</sup> The second strike killed the head of the household as he attempted to rescue

<sup>8</sup> See appendix E for sources of information. Open source information included <https://www.rt.com/news/344445-saudi-coalition-family-killed/>, “Yemeni officials: Airstrike kills 11 from same family” at <http://bigstory.ap.org/article/e8c13a9fa4c34b5dbb2a803d0bf40a68/yemen-officials-say-strike-kills-6-1-family>, “Bombing Businesses: Saudi Coalition Airstrikes on Yemen’s Civilian Economic Structures” at <http://reliefweb.int/report/yemen/bombing-businesses-saudi-coalition-airstrikes-yemen-s-civilian-economic-structures-enar>, “Death toll from Saudi-led air raid on Yemen’s Lahij soars to 11” at <http://www.presstv.com/Detail/2016/05/26/467450/Saudiled-coalition-airstrike-civilians-fatalities-casualties-Mahala-Lahij-Nihm-Sanaa>, and “11 family members killed in Saudi airstrikes on Lahi” at <https://www.youtube.com/watch?v=-4HRndZsIDI>.

<sup>9</sup> IHL requires all parties to the conflict must at all times distinguish between civilian objects and military objectives and that attacks may only be directed against military objectives. See CIHLR 7 – 12.

<sup>10</sup> IHL states that “in so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”. CIHLR 8.

<sup>11</sup> There was no evidence that indicated that the male occupant was a fighter or was otherwise participating in hostilities at the time of the attack. In Yemen, women do not generally engage in hostilities and the children, (the oldest male child is a 11-year old student at the local school), were highly unlikely to have been fighters or engaged in hostilities at the time of the air strikes. See Article 13 (1) and (2) of AP II relating to the protections afforded to civilians and Article 13 (3) on the loss of protection. See also CIHLR 1, 5 and 6.

<sup>12</sup> Article 13(2) of AP II. See also CIHLR 1.

<sup>13</sup> Prosecutor v Dario Kordic and Mario Cerkez (2005). Paragraph 54 at [http://www.icty.org/x/cases/kordic\\_cerkez/acjug/en/corr050106.pdf](http://www.icty.org/x/cases/kordic_cerkez/acjug/en/corr050106.pdf).

<sup>14</sup> IHL permits attacks directed against combatants and military objectives, however, civilian objects and civilians are *prima facie* immune from attack. See Article 13 of AP II and CIHLR 1, 6, 7, and 10.

<sup>15</sup> See CIHLR 14. An attack is disproportionate if it “...may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated...”. Those responsible for planning, deciding upon or executing attacks necessarily have to reach their decisions

those injured, and it also further killed some of those civilians who were injured. The attack resulted in a disproportionately high number of deaths and injuries to women and children as demonstrated by the fact that eight of the nine individuals were women and children, and the total destruction of the residential building.<sup>17</sup> Any proportionality assessment<sup>18</sup> should have taken into consideration that the timing of the attack, in the early morning during Ramadan, was such that there was a high likelihood that the women and children will be in the house.

9. It is not clear if measures were taken that would have distinguished between the intended target(s) and other civilians. For example, if the target was the male occupant of the house, it is possible that then other measures could have been reasonably used to apprehend the suspect, given that the legitimate Government of Yemen was in control of the area and had ground presence.<sup>19</sup> The cumulative effect on civilians and the civilian object also demonstrates that if precautionary measures were taken, they were largely inadequate and ineffective.<sup>20</sup>

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on the basis of their assessment of the information from all sources that is available to them at the relevant time. See further [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14#Fn\\_29\\_33](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14#Fn_29_33).

<sup>16</sup> IHL requires that all feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. Article 13(1) of AP II. CIHLR 15. This obligation is particularly incumbent on those who plan and decide on the air strikes. See William Boothby, “The Law of Targeting”, OUP (2012), p. 72. The specific obligations are further elaborated in CIHLR 16 – 20.

<sup>17</sup> It is highly unlikely that the women and children were participating in hostilities. The Panel has further images demonstrating the total destruction of the house.

<sup>18</sup> CIHLR 18.

<sup>19</sup> The Al Anad military base, controlled by the Yemen Armed Forces, is in the area.

<sup>20</sup> If precautionary measures were not taken, it is incumbent on the Saudi Arabia-led coalition to demonstrate why in those circumstances, such precautionary measures were not feasible.

**F. Summary of findings**

10. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted air strikes on a civilian house in Al Mahala, Lahj on 25 May 2016 that resulted in deaths of six civilians and critically injured three others and destroyed the civilian house; and

(b) The Panel is not convinced that IHL principles in relation to distinction and/or proportionality were respected in this incident. If precautionary measures were taken, they were largely inadequate and ineffective.

## Appendix C to Annex 49: Abs hospital, Abs, Hajjah (15 August 2016)

### A. Introduction

1. This case study is the only one in which the Panel has investigated an air strike on a medical facility in Yemen.<sup>21</sup>

### B. Background to events

2. At approximately 15:35 hours on 15 August 2016, an unarmed civilian car entered the Abs hospital carrying wounded individual(s). At approximately 15.40 hours explosive ordnance dropped from a military aircraft, detonated within the Abs hospital premises,<sup>22</sup> resulting in nineteen fatalities and 24 injured. The casualties included hospital workers, patients and other civilians.<sup>23</sup> The high number of civilian casualties was a result of the point of detonation being close to the emergency department and waiting hall for patients. The car that was used to transport an injured individual was also destroyed, and its occupants killed.

Figure 49.C.1

#### Location of the hospital



<sup>21</sup> This airstrike constituted the fifth attack on an MSF-supported medical service in Yemen in the past year. See MSF investigation report into the incident at [http://www.msf.org/sites/msf.org/files/yemen\\_abs\\_investigation.pdf](http://www.msf.org/sites/msf.org/files/yemen_abs_investigation.pdf) (hereinafter referred to as MSF investigation report). Of these, MSF attributes responsibility, for at least one other attack, on a mobile clinic in the Al Houban district in Tai'zz, on 2 December 2015, to the Saudi Arabia-led coalition. Crisis Info 8 – Yemen, MSF (December 22 2015) at [https://lakareutangranser.se/sites/default/files/yemen\\_crisis\\_info\\_8\\_final.pdf](https://lakareutangranser.se/sites/default/files/yemen_crisis_info_8_final.pdf). For the outcome of the JIAT investigation on this latter incident, see “Saudi investigation largely defends deadly air strikes in Yemen” at <http://www.reuters.com/article/us-yemen-security-saudi-airstrikes-idUSKCN10F23J>.

<sup>22</sup> 16°00'23.23"N, 43°11'40.47"E.

<sup>23</sup> MSF investigation report. This included nine children, five women and eleven hospital workers.

### C. Technical analysis of physical evidence

3. Post blast crater analysis of imagery (figure 49.C.2) determined that the size of the crater was within the dimensional parameters for the detonation of 87 kg of high explosives.<sup>24</sup> This is the explosive weight of the Mark 82 variant high explosive (HE) aircraft (A/C) bomb. The crater profile is highly indicative of that typically caused by the detonation of a high explosive aircraft bomb on, or just below, the ground surface. The Panel thus finds that, a high explosive aircraft bomb with an explosive content of approximately 87 kg was the cause of the explosion.

Figure 49.C.2

#### Post blast crater<sup>25</sup>



4. Photogrammetry analysis of imagery of fragmentation taken at the scene determined that one fragment has the shape profile, and falls within the dimensional parameters, of a rear wing from a GBU-12 PAVEWAY II guidance unit (figure 49.C.3).

Figure 49.C.3

#### Probable GBU-12 PAVEWAY II guidance unit rear wing<sup>26</sup>

<sup>24</sup> Explosive Engineers Tool Box (EETB). Assumes initiation at a burial depth of 2m due to impact.

<sup>25</sup> Source: France 24 YouTube. This image has been verified as accurate by witnesses and has been crosschecked with other imagery provided to the Panel by witnesses.

<sup>26</sup> Source: Confidential.



5. Explosives engineering analysis predicts that for an explosive device the size of a Mark 82 HE A/C bomb (net explosive content (NEC) of 87 kg) the blast overpressure will result in 99 per cent fatalities at a radius of up to 8.3 metres from the point of detonation, with permanent hearing damage expected out to a radius of 42.4 metres.<sup>27</sup> Many more fatalities and injuries from fragmentation effects can be expected at far greater ranges, however.<sup>28</sup>

6. The only party to the conflict with the known capability to deliver the Mark 82 HE A/C bomb with the GBU-12 PAVEWAY II guidance unit is the Saudi Arabia-led coalition.

#### **D. Response of the Saudi Arabia-led coalition**

7. On 15 August 2016, the Saudi Arabia-led coalition acknowledged its responsibility for the air strike and stated to MSF that “the objective of the air strike was a moving vehicle that had entered the hospital compound”.<sup>29</sup>

8. On 8 December 2016 JIAT provided the Panel with the following information:

“Doctors without borders (MFS (sic)) posted a statement on its official website claiming that the coalition forces struck Abs-Hospital in Abs city, Hajjah Governorate, on 15 August 2016, resulted with (7) people dead, and (13) injured. The JIAT investigated the facts and the circumstances of this incident, and found out that on 15 August 2016 the coalition forces received intelligence information about presence of Houthi Leadership gathering northern Abs City, thus they were targeted and attacked by coalition Air Force. After that the aircrew observed that a vehicle leaving the site, and proceeding south. The fighters followed the vehicle, and struck it next to a building that does not bear any marks that would indicate before the strike that it is a hospital, which has appeared later that it is (Abs-Hospital). In light of the facts, the JIAT have found that, damages inflicted on the building were because of the targeted vehicle (which was a legitimate military target)

<sup>27</sup> See C. N. Kingery and G. Bulmash, “Airblast parameters from TNT spherical air burst and hemispherical surface burst”, Technical Report ARBRL-TR-0255 (Ballistics Research Laboratory, Aberdeen Proving Ground, Maryland, United States, April 1984). Assuming peak reflected pressure surface burst.

<sup>28</sup> The Panel does not yet have sufficient information to model this aspect of the warhead’s capability with any degree of acceptable accuracy for this incident.

<sup>29</sup> MSF investigation report.

next to the building which were unintentional. Thus, the JIAT have found that, the coalition forces must extend an apology for this unintentional mistake, and provide the proper assistance to the families with affected persons. The coalition forces must also investigate those responsible for that, to identify extent of their violation of the approved Rules Of Engagements (ROEs), and take the proper actions in this regard.”

9. The Panel has not yet received a response to a request for information made to the Saudi Arabia-led coalition.<sup>30</sup>

#### **E. Panel observations on JIAT’s findings**

10. In assessing the Saudi Arabia-led coalition’s compliance with IHL, the Panel has given due consideration to the findings of the JIAT and media statements attributed to the coalition. The Panel highlights the fact that the Panel did not have access to the information that was at the disposal of the JIAT, despite requests for information from the Saudi Arabia-led coalition. The Panel will, therefore, base its IHL assessment on its own investigative findings.<sup>31</sup>

11. The Panel finds that the Saudi Arabia-led coalition should have been aware that the vehicle entered the Abs hospital, prior to the air strike. The Panel finds that the Saudi Arabia-led coalition was provided with the coordinates for the hospital on 11 July and 10 and 11 August 2016. The coordinates provided, 16°00'23.03” N 43°11'39.98” E, are the coordinates of the hospital.

12. The Panel also finds that even if there were no visible markings to indicate that this was a hospital, a fact that MSF disputes,<sup>32</sup> these distinctive emblems are only intended to facilitate identification and do not, by themselves, confer protected status.<sup>33</sup> Under IHL, medical personnel and objects are protected because of their function. The display of the emblems is merely a visible manifestation of that function.

#### **F. Analysis of violations of IHL**

##### **1. Panel assessments on the targeted civilian vehicle**

13. The Panel finds that the vehicle was highly likely the target of the air strike and that the vehicle was within hospital premises at the time it was targeted.<sup>34</sup> The use of a precision-guided munition is confirmation that the intended target was hit.

<sup>30</sup> Letter dated 21 November 2016.

<sup>31</sup> For Panel sources see appendix E.

<sup>32</sup> MSF investigation report. See images at p.10 of MSF report.

<sup>33</sup> See commentary to CIHLR 30.

<sup>34</sup> JIAT statement, MSF statement, and panel sources.

14. The Panel is not convinced that the “moving vehicle that entered the compound” was a legitimate military objective. The Panel’s investigations revealed that the vehicle was a civilian car<sup>35</sup> transporting wounded individual(s) (those who were wounded possibly from a previous air strike elsewhere) to the hospital.<sup>36</sup> The Panel cannot conclusively state that the wounded in the vehicle was/were fighter/s or civilian/s.<sup>37</sup> Yet, this alone does not make the vehicle a legitimate military objective because those wounded, if they were fighters, had become *hors de combat*, and are protected from direct attack under IHL.<sup>38</sup>

15. Even if the civilian vehicle, for reasons only known to the commanders who decided on this attack, had become a military objective, the Panel is not convinced that the Saudi Arabia-led coalition forces, in carrying out the air strike on a hospital, met the relevant IHL principles relating to proportionality.<sup>39</sup> The Panel finds that it certainly did not meet the principles relating to precautions in attack, for reasons demonstrated below. If the vehicle was a target because it came from a battlefield, then it is questionable as to why the Saudi Arabia-led coalition did not target the vehicle during the 10 km it travelled to reach the hospital.<sup>40</sup>

## **2. Panel assessments on the attack on the hospital**

16. The Panel finds that the hospital was protected from attack under IHL at the time of that attack, and there is no demonstrable evidence to indicate that the facility and medical personnel had lost their protected status under IHL.<sup>41</sup> The Saudi Arabia-led coalition violated IHL principles relating to the special protections afforded to hospital.<sup>42</sup>

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<sup>35</sup> The Panel’s investigations indicate that the vehicle was a Toyota Corolla car that was well known in that area to operate as a “taxi”.

<sup>36</sup> a) Panel sources at the Abs hospital; and b) MSF stated that “The car was visually inspected at the gate by the hospital ER guard who reports that the people in the car wore civilian clothes and that there were no weapons visible inside the vehicle. At the triage area, the car was approached by MSF medical staff whom subsequently checked availability in ER, which was full, and afterwards went to the logistics room to bring out a mattress/stretchers to unload the wounded. At this precise moment – at 15.40 hours local time – the airstrike took place, making impact at the exact place where the vehicle had stopped”. MSF investigation report, footnote 2, p. 6.

<sup>37</sup> Sources informed the Panel that the passenger was an ice cream seller who was wounded in an air strike at another location.

<sup>38</sup> Common Article 3 to the Geneva Conventions (CA 3).

<sup>39</sup> CIHLR 14. The Panel requires further verifiable evidence from the coalition on its intended target to make the relevant analysis on proportionality. The Panel has requested, but not yet received, this information.

<sup>40</sup> Distance provided by MSF in its investigation report, p.6.

<sup>41</sup> A hospital can only lose its protected status when it is being used, outside its humanitarian functions, “to commit acts harmful to the enemy” (CIHLR 28) or “hostile acts” (Article 11(2) of AP II). The fact that the hospital treats, or has within its premises, wounded fighters does not result in a loss of protection for the hospital. CIHLR 28 and CA 3.

<sup>42</sup> The term “medical units” refers to establishments and other units and includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. See CIHLR rule 28. See also Article 11 (1) of AP II.

17. The Panel finds that the Saudi Arabia-led coalition also violated IHL principles relating to the protection of wounded and sick persons,<sup>43</sup> medical personnel,<sup>44</sup> persons hors de combat<sup>45</sup> and civilians<sup>46</sup> in this air strike. The air strike resulted in nineteen fatalities and 24 injured persons, who were either wounded or sick, medical personnel, or caregivers.

18. The JIAT statement demonstrates that the Saudi Arabia-led coalition did not consider the presence of, and impact on, the hospital or its occupants in its proportionality assessment undertaken prior to the air strikes. Any proportionality assessment should have considered, at least: 1) the high number of civilian casualties that may result from an attack on a functioning hospital; 2) impact on other protected persons, including the wounded, the sick, medical personnel, and hors de combat;<sup>47</sup> and 3) the special protection afforded to hospitals under IHL. Even if the Saudi Arabia-led coalition concluded, for reasons unknown to the Panel, that the vehicle was a legitimate military objective, the Panel is unconvinced that an air strike targeting the vehicle within the hospital premises would meet the requirements of proportionality.

19. The JIAT media statement demonstrates that the Saudi Arabia-led coalition did not comply with the strict IHL obligation to issue a warning prior to the attack.<sup>48 49</sup> An attack could only have taken place after a reasonable time, when such warning has remained unheeded.<sup>50</sup> The Panel concludes that the Saudi Arabia-led coalition violated IHL principles relating to precautions in attack.

## **G. Summary of findings**

20. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted an air strike on the Abs hospital on 15 August 2016 that resulted in nineteen fatalities and 24 injured civilians, hors de combat, or medical personnel. The air strike also damaged the hospital and at least one civilian vehicle; and

<sup>43</sup> CA 3.

<sup>44</sup> MSF, in its investigation report, states that the air strike resulted in the death of 1 staff member, injured two Ministry of Health staff and three Ministry of Health volunteers. The Panel understands that some of these personnel were exclusively assigned to medical duties, and thus enjoyed special protection. Others were entitled to the protection afforded to civilians. See CIHLR rule 25.

<sup>45</sup> CA 3, CIHLR 47 (b).

<sup>46</sup> CA 3, CIHLR 1,5, and 6.

<sup>47</sup> MSF reports that, at the time of the air strike, there were 23 patients in surgery, 25 in the maternity ward, twelve in paediatrics and thirteen new-borns in Abs hospital. MSF investigation report.

<sup>48</sup> Article 11(2) of the AP II and CIHLR 28.

<sup>49</sup> MSF denies receiving any such warning, or any communication that would have constituted a warning prior to the attack. MSF investigative report, footnote 2, p 12.

<sup>50</sup> See CIHLR 28.

(b) The attack violated several IHL principles, including those relating to respect and protection of on medical personnel and units, civilian objects, civilians, the wounded and sick, and *hors de combat*. It also violated IHL principles relating to precautions. The Panel is unconvinced that the Saudi Arabia-led coalition directed its attack against a legitimate military objective in this air strike and that it met the relevant principles of proportionality.

## Appendix D to Annex 49: al-Sala al-Kubra community hall, Sana'a (8 October 2016)

### A. Introduction

1. This case study is one of the two investigations done on air strikes affecting civilian gatherings.<sup>51</sup>

### B. Background to the incident

2. On 8 October 2016, between 15:20 and 15:30 hours (local time) explosive ordnance detonated on, or in, the al-Sala al-Kubra community hall in a residential area of south-western Sana'a.<sup>52</sup> The venue was hosting at least 1000 mourners taking part in a funeral ceremony for Ali Al Rowayshan, the father of Major General Jalal Al Rowayshan, the acting minister of the interior under control of the Houthi-Saleh alliance. The UN reported that 132 civilians died and 695 were injured in this attack.<sup>53</sup>

Figure 49.D.1

#### Location of attack<sup>54</sup>



3. The al-Sala al Kubra community hall had a capacity of 1,000 to 2,000 individuals and attendance at the funeral was expected to be high. The timing of the attack also coincided with a time when the funeral was expected to receive the highest number of mourners.<sup>55</sup> Local custom requires attendance at a funeral as both a religious and a personal obligation.

<sup>51</sup> The other being the air strike on the Mustaba market at appendix A.

<sup>52</sup> 15°17'22.75"N, 44°12'02.60"E.

<sup>53</sup> Information provided by OHCHR to the Panel on 19 December 2016.

<sup>54</sup> Google Earth (3 October 2016).

<sup>55</sup> In Yemen, most mourners attend funerals between 14:30 – 17:30 hours.

Hence, political and military leaders, and civilians, could not avoid attending the funeral, despite the potential security risks associated with such a gathering during the ongoing conflict.

4. Jalal Al-a's ministerial level position in the ministry of the interior under control of the Houthi-Saleh alliance, together with the Al Rowayshan family's prominent role in the Upper Khawlan tribe, meant that a high number of high-ranking political, military, and tribal guests were expected to attend the funeral. Although rumours of Former President Ali Abdullah Saleh (YEi.003) and his son, Khaled Ali Abdullah Saleh, attending the funeral turned out to be untrue, many current and former senior military officers of the Houthi and Saleh forces did attend the service. High profile public funerals, such as the one convened for Ali Al Rowayshan, are one of the few events in Yemen at which so many key figures in the Houthi-Saleh alliance would gather in a single place. Had the attack killed or seriously injured more of the individuals identified by the Panel<sup>56</sup> then the Houthi-Saleh alliance would have been dealt a devastating political and military blow.

#### **C. Technical analysis of physical evidence related to the incident<sup>57</sup>**

5. The Panel has obtained and analysed post blast original imagery<sup>58</sup> of the available physical evidence and finds that:

(a) The damage was almost certainly caused by the detonation of at least two items of explosive ordnance (EO), each containing a significant<sup>59</sup> quantity of high explosive (HE). Such a quantity is normally contained in an aircraft bomb (figures 49.D.1 and 49.D.2);

(b) The two entry points (holes) (figures 49.D.3 and 49.D.4) were caused by the kinetic energy from aircraft bombs, which have hardened weapons grade steel cases. The aircraft bombs penetrated the structure of the concrete first floor before detonation inside the hall. Figure 49.D.3 shows the damage to the supporting pillars in the immediate vicinity of the blast, whilst the ones further away are relatively intact. This is a feature of both the designed strength of the concrete pillars that are designed to prevent a 'progressive collapse' in the event of the failure of any supporting pillars' and the effects of an explosion. Initially, close to an explosion, the shock wave will destroy material in its path, but this shock wave typically dissipates within metres to be replaced by the blast wave. This blast wave only has the power to deform material in its path before its energy dissipates to such a level that it will aerodynamically flow around objects. At fifteen metres from an explosion the blast wave pressure will have dissipated to approximately 90% of the original blast over pressure at the explosion point;

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<sup>56</sup> Information with Secretariat.

<sup>57</sup> Available as of 12 October 2016.

<sup>58</sup> Including from an investigation team visit on 8/9 October 2016.

<sup>59</sup> Over 50kg of high explosive. Improvised Explosive Devices (IED) also contain such large quantities of explosives, but there is no evidence that this was an IED attack.

Figure 49.D.2  
Post blast aerial image<sup>60</sup>



Figure 49.D.3  
Post blast interior



<sup>60</sup> Source: ITV News UK, 9 October 2016. <http://www.itv.com/news/2016-10-08/yemen-funeral-hall-saudi-arabia-airstrikes/>.

Figure 49.D.4  
**Entry point EO1**



Figure 49.D.5  
**Entry point EO 2**



(c) The precision of the attack rules also out the use of free flight rockets as a possible attack profile. Evidence from eyewitnesses, who were present in the locality, report they heard aircraft prior to the second attack and stated that there was three to eight minutes between these two explosions. The timing between the explosions indicates the deliberate use of the “double tap” tactic, the consequences of which are that individuals responding to the first explosion are caught by the second (see in IHL section of the report);

(d) One fragment (figures 49.D.6 and 49.D.7) has the shape profile, and falls within the dimensional parameters, of a fragment of a fin from a GBU-12 PAVEWAY II guidance unit fitted to a Mark 82 HE aircraft bomb. It is also clearly marked as such;

**Figure 49.D.6**  
**GBU-12 PAVEWAY II guidance unit fin**  
**fragment in situ**<sup>61</sup>

**Figure 49.D.7**  
**GBU-12 PAVEWAY II guidance unit Recovered**  
**and cleaned fin fragment**

<sup>61</sup> Confidential sources.



(e) One fragment has the shape profile, and falls within the dimensional parameters, of a fragment from the wing of a guidance unit for a HE aircraft bomb (figure 49.D.8 and 49.D.9).

**Figure 49.D.8**  
**GBU-12 PAVEWAY II guidance unit wing**  
**fragment in situ<sup>62</sup>**

**Figure 49.D.9**  
**GBU-12 PAVEWAY II guidance unit wing**  
**fragment in situ<sup>63</sup>**



(f) Other fragmentation subsequently collected by an investigation team, also shows fragmentation that is certainly from the wing of a PAVEWAY-II guidance unit (figures 49.D.10 and 49.D.11); and

<sup>62</sup> Source: Extracted from ITV News UK on 9 October 2016.  
<http://www.itv.com/news/2016-10-08/yemen-funeral-hall-saudi-arabia-airstrikes/>.

<sup>63</sup> Ibid.

**Figure 49.D.10**

**GBU-12 PAVEWAY II guidance unit wing fragment showing manufacturers CAGE code 3FU05**<sup>64</sup>

**Figure 49.D.11**

**GBU-12 PAVEWAY II guidance unit wing fragment**



(g) Video imagery taken on a cell phone and posted on social media allegedly shows one of the explosions. Slow motion analysis of this imagery shows an aerial device falling onto the al-Sala al-Kubra community hall immediately prior to the second explosion. The Panel is still investigating the veracity of this imagery.

6. The only party to the conflict with the known capability to deliver the Mark 82 HE aircraft bomb with the GBU-12 PAVEWAY II guidance unit is the Saudi Arabia-led coalition, which has air supremacy over Yemen.

#### **D. Response of the Saudi Arabia-led Coalition**

7. The Saudi Arabia-led coalition itself has not fully clarified its role in the incident.<sup>65</sup> The Joint Incident Assessment Team (JIAT), based on its initial investigations, attributed the responsibility to the Saudi Arabia-led coalition.<sup>66</sup> The Saudi Arabia-led coalition did not provide a response to a Panel request for information on this air strike.<sup>67</sup> The Government of Yemen provided the following information to the Panel on 31 December 2016:

<sup>64</sup> The Commercial and Government Entity (CAGE) Code is a unique identifier assigned to suppliers to various government or defence agencies. 3FU05 is assigned to the Karlee Company, a USA metal fabricator. Source: Confidential – a visitor to the crime scene.

<sup>65</sup> See letter from the Saudi Arabia-led coalition to the Chairman of the Security Council on 9 October 2016, (Saudi Arabia referenced UN/2016/750). Copy of document with Panel.

<sup>66</sup> <https://www.justsecurity.org/33615/full-text-saudi-led-coalitions-statement-explanation-funeral-hall-bombing-yemen/>.

<sup>67</sup> Panel letter of 21 November 2016.

“According to media reports there have been more than a hundred dead and hundreds injured. The President has ordered the creation of a commission for investigation to join the JIAT of the coalition. It comprises of the head of PSO, the chief of military intelligence, and the chief of military justice. The aim is to demonstrate the Government’s responsibility and to punish those individuals who caused the incident. Three individuals have been arrested for investigations within the coalition. As soon as the result of the investigation is known legal measures will be taken.”

#### **E. Analysis of violations of international humanitarian law (IHL)**

8. The Panel finds that immediately preceding and during the air strikes, hundreds of civilians, including children, were in the al-Sala al-Kubra community hall attending the funeral wake<sup>68</sup> as were military personnel belonging to the Houthi-Saleh alliance.<sup>69</sup> <sup>70</sup> IHL obliges the party conducting attacks to respect in particular the principles of distinction, proportionality, and precautions in attack.

9. In the absence of a response from the Saudi Arabia-led coalition to the Panel, the Panel bases its IHL assessment on its own investigative findings as set out in the sections below.<sup>71</sup> <sup>72</sup>

<sup>68</sup> IHL permits attacks directed against combatants, however, those enjoying civilian protection may not be directly targeted. See Article 13 of AP II, Common Article 3 to the Geneva Conventions, and Rule 1 of the ICRC Study.

<sup>69</sup> Houthi or Saleh military personnel are legitimate military targets. The fact that they were amongst civilians would not have rendered them immune from attack. Similarly, those civilians who are protected from attack under IHL would not lose their protection from direct attack, because of the military presence.

<sup>70</sup> For the purpose of this report, the Panel considers military personnel as those individuals who are fighters on behalf of the Houthi or Saleh alliance. Individuals otherwise associated with a party to a conflict, for example, in the capacity of party members or political leaders, are entitled to civilian protection, unless they were also simultaneously regular fighters/combatsants or unless and for such time when they directly participate in hostilities. See generally, A.13 of AP II, Common Article 3 to the Geneva Conventions and customary IHL

<sup>71</sup> See appendix E for Panel sources.

<sup>72</sup> IHL principles relating to proportionality prohibits the launching of an attack “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”. See CIHLR 14, which reflects Articles 51 (5) (b) and 57 of AP I to the Geneva Conventions.

## F. Responsibility of the Saudi Arabia-led coalition for the air strike

10. The JIAT preliminary findings were that the attack was based on “wrong information” provided by the Yemeni government in Riyadh, and that the relevant rules of engagement and procedure was not followed,<sup>73</sup> and that those responsible “did not take in account the nature of the targeted area”. The Panel notes that JIAT places the responsibility for the strike on the Yemeni party that provided it with information on the military target and the Air Operations Centre (AOC) in Yemen that ordered the attack.<sup>74</sup> It was also reported in the media that “Riyadh had ordered against the attack” and that it was a deliberate error by an individual who made “a choice made to breach operation procedures”.<sup>75</sup> The Panel has not received further information, as had been requested, on the identity information of this individual, his role in the incident, and measures taken pursuant to this finding of individual liability.

11. Even if an individual officer within the Saudi Arabia-led coalition acted negligently in carrying out the strike, the member States of the Saudi Arabia-led coalition are still responsible for any violations relating to IHL regarding any failure on their part to undertake the requisite detailed assessments relating to proportionality and precautions in attack and their failure to ensure that relevant precautions were taken to minimize the effects on civilians as a result of the air strikes.<sup>76</sup> The fact that an official acted beyond their powers is not an adequate justification under international law for the relevant member States of the coalition to evade State responsibility for those wrongful acts.<sup>77</sup>

## G. Relevant Principles under IHL

12. Based on the JIAT statement, it appears that the AOC in Yemen directed an on-call close air support mission to target the location, and a Saudi Arabia-led coalition aircraft in the area carried out the mission. The pilot of the aircraft thus did not have the benefit of pre-mission preparation and target analysis, and had to rely totally on any assessments made by the AOC.

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<sup>73</sup> In paragraph 2 of a letter to the Chairman of the Security Council on 9 October 2016, (Saudi Arabia referenced UN/2016/750), Saudi Arabia states that “its forces follow strict and clear rules of engagement which prohibits the targeting of civilians and civilian objects and take all possible measures to prevent dangers to civilians”.

<sup>74</sup> JIAT statement with Panel.

<sup>75</sup> <http://www.telegraph.co.uk/news/2016/10/19/saudi-coalition-bombing-of-yemen-funeral-was-a-deliberate-error/>.

<sup>76</sup> See also a relevant assessment on individual and state responsibility for this strike at <https://www.justsecurity.org/33872/responsible-yemen-funeral-bombing-how/>.

<sup>77</sup> See Articles on the Responsibility of States for Wrongful Acts at [http://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf). See Article 7 which states: “The conduct of an organ of a State or of a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the organ, person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions.” See also Customary IHL rule 139 which states: “Each party to the conflict must respect and ensure respect for international humanitarian law by *its armed forces* and other persons or *groups acting in fact on its instructions, or under its direction or control*”. (Emphasis added).

13. The Panel finds that on the basis of the Saudi Arabia-led coalition's assessment of the information from all sources that were available to them at the relevant time,<sup>78</sup> the AOC could reasonably be expected to conclude that: 1) there would be a significantly high number of civilians, including children, at the venue; and consequently 2) any air strike would result in a high number of civilian casualties.

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<sup>78</sup> See commentary to CIHLR 14 and the United States Department of Defense Law of War Manual (2015), p.1033, which requires combatants to assess in good faith the information that is available to them, when conducting attacks. Also see the United Kingdom position at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Notification.xsp?action=openDocument&documentId=0A9E03F0F2EE757CC1256402003FB6D2>. Accessed on 10 October 2016.

14. Any proportionality assessment should have taken into consideration: 1) that the hall was crowded because of a civilian funeral; 2) the funeral was open to the public; 3) the large capacity of the hall that allows a large number of individuals to be accommodated; 4) the high prominence of the family within the Yemeni society meant that many would congregate to pay respects; 5) religious and traditional practices associated with attendance at funerals making attendance obligatory for both civilians and military commanders; 6) the near certain presence of children at the funeral; 7) the peak times when mourners attend funerals; and consequently 8) that any attack in that location, and at that time, may result in a high number of civilian casualties. This information, and the fact that a funeral was being held at al Saba al-Kubra hall for the father of Major General Jalal Al Rowayshan was readily available in the public domain, and accessible to the Saudi Arabia-led coalition prior to the attack.<sup>79</sup>

15. The attack resulted in a disproportionately high numbers of civilian casualties, when compared to military casualties, and this could have been anticipated prior to the attack.<sup>80</sup> Even if the military advantage the Saudi Arabia-led coalition sought to achieve by this attack is to be assessed in the context of a full war strategy,<sup>81</sup> based on the information received, the Panel is not convinced that the relevant IHL requirements on proportionality were met;<sup>82</sup>

(a) IHL requires that military commanders and those responsible for planning and executing decisions regarding attacks take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>83</sup> IHL also imposes an obligation on parties to the conflict to cancel or suspend an attack, if it becomes clear that its attack is likely to cause excessive civilian damage;<sup>84</sup>

(b) In the absence of a response from the Saudi Arabia-led coalition, the Panel is unaware of: 1) any effective advance precautionary measures taken by the Saudi Arabia-led coalition in the planning of these airstrikes; or 2) any actions taken during the flight mission, to minimize civilian casualties or damage to civilian objects. Instead the cumulative factors surrounding the attack resulted in a high number of civilian casualties; and

<sup>79</sup> For example, the Facebook social media post of a family member, <https://www.facebook.com/jalal.ali.161/posts/1481350905225458>, which gives information as to the date and place of the funeral. Accessed on 10 October 2016.

<sup>80</sup> Confidential sources.

<sup>81</sup> United States Department of Defense Law of War Manual (2015), p. 246.

<sup>82</sup> In the Galic Trial Judgement (2003), the International Criminal Tribunal for Former Yugoslavia held in respect of a shelling at a football tournament that “Although the number of soldiers present at the game was significant, an attack on a crowd of approximately 200 people, including numerous children, would clearly be expected to cause incidental loss of life and injuries to civilians excessive in relation to the direct and concrete military advantage anticipated”. See <http://www.icty.org/x/cases/galic/tjug/en/gal-tj031205e.pdf>.

<sup>83</sup> See Article 13(1) of AP II and Rules 15 and 18 of the ICRC Customary Study.

<sup>84</sup> CIHLR 19. The United Kingdom takes the position that this obligation applies to those “...those who have the authority and practical possibility to cancel or suspend the attack” (see the United Kingdom’s reservations and declarations made upon ratification of API at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Notification.xsp?action=openDocument&documentId=0A9E03F0F2EE757CC1256402003FB6D2>). Accessed on 10 October 2016.

(c) The second air strike, which occurred three to eight minutes after the first air strike, almost certainly resulted in more casualties to the already wounded and the first responders.<sup>85</sup> These first responders included civilians who immediately entered the area after the first air strike to provide urgent first aid and undertake casualty evacuation.<sup>86</sup> The Panel has identified prior use of this “double-tap” tactic before in two<sup>87</sup> of its IHL investigations.<sup>88</sup> IHL prohibits attacks against *hors de combat*<sup>89</sup> and the wounded.<sup>90</sup> The Panel is not convinced that the Saudi Arabia-led coalition respected its obligations in respect of persons *hors de combat* and the wounded in this “double tap” attack, and if it took effective precautionary measures to minimize harm to civilians, including the first responders, in the second strike. The Panel continues to welcome information from the Saudi Arabia-led coalition on what measures it took to minimize civilian deaths and injuries and damage to civilian objects and, if measures were taken, then to provide information on how those measures contributed to the above objective.

16. The Panel notes that this is the second investigation, in which mass civilian casualties were reported,<sup>91</sup> where the Saudi Arabia-led coalition reportedly relied exclusively on information obtained from the Yemeni authorities in Riyadh on the identification nature of the target.

## I. Summary of findings

17. The Panel finds that:

(a) The Saudi Arabia-led coalition conducted the air strike on the community hall in Sana’s that resulted in at least 827 civilian fatalities and injuries. At least 24 injured were children.<sup>92</sup> The air strike also resulted in the total destruction of the community hall;

(b) Given the nature of the event and those in attendance, the attack the attack resulted in a very high number of civilian casualties and this should have been anticipated prior to the attack. The Panel is unconvinced that the relevant IHL requirements relating to proportionality were met;

<sup>85</sup> Confidential source.

<sup>86</sup> Confidential sources.

<sup>87</sup> 1) Attack on a civilian house in Lahj (25 May 2016) (EO Strike 1 at 13 01'01.4" N 44 53'20.7"E, EO Strike 2, 13 01'01.9"N, 44 53'20.2"E); and 2) Mastaba market attack (15 March 2016) (EO Strike 1, 16 °13'39.31"N, 43 °14'42.04"E; EO Strike 2, 16 °13'40.61"N, 43 °14'41.08"E). The Panel concluded that both these attacks were conducted in violation of IHL.

<sup>88</sup> For a clearer understanding of assessments on IHL violations associated with the “double tap” attacks, see Clapham et al, “1949 Geneva Conventions: A Commentary”, Oxford University Press (2016), p. 786.

<sup>89</sup> Including Common Articles 1 and 3 to the Geneva Conventions.

<sup>90</sup> Ibid.

<sup>91</sup> The first being the air strikes on the al Khamees market in Mastaba, Hajjah on 15 March 2016.

<sup>92</sup> OHCHR verified data.

(c) These cumulative factors indicate that if precautionary measures had been taken, they were largely inadequate and ineffective. The JIAT also concluded that the relevant rules of engagement and procedures were not followed, and that those responsible in the Saudi Arabia-led coalition “did not take in account the nature of the targeted area”;

(d) The second air strike, which occurred three to eight minutes after the first air strike, resulted in more casualties to the already wounded civilians and to the first responders. The Saudi Arabia-led coalition violated its obligations in respect of persons *hors de combat* and the wounded in what was effectively a “double tap” attack probably caused by the tactics adopted by the pilots to guarantee destruction of the target;

(e) Even if an individual officer within the Saudi Arabia-led coalition acted negligently in carrying out the strike, coalition forces are still responsible for the appropriate IHL violations. Under wider international law, the fact that an official acted against instructions is not an adequate justification under wider international law for the relevant member States of the coalition to evade State responsibility for those wrongful acts; and

(f) Those officers of the Government of Yemen that reportedly passed the information, or who were otherwise involved in the intelligence gathering and targeting assessment processes in relation to this incident, may also be responsible for any IHL violations to the extent of their contribution.

## Appendix E to Annex 49: Summary of IHL case study evidence levels (air attacks against civilians)

1. This annex is a summary of the evidential levels used for each of the case studies that in the preceding appendices. It has been consolidated into one table in order to prevent needless repetition.

Table 49.E.1

### IHL case study evidential levels

<i>Ser</i>	<i>Location</i>	<i>Panel interviews</i> <sup>93</sup>	<i>Photograph</i> <sup>94</sup>	<i>Video</i>	<i>Satellite</i>	<i>Documents</i> <sup>95</sup>	<i>Open source</i> <sup>96</sup>
1	Al Khamees Market, Mastaba	8	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Investigation reports of 2 NGOs</li> <li>▪ JIAT report summary</li> <li>▪ Investigation report of IO</li> <li>▪ JIAT summary</li> <li>▪ Coalition statement (media)</li> </ul>	> 5 x media reports
2	Civilian House, T'baisha	4	✓		✓	<ul style="list-style-type: none"> <li>▪ IO confidential report</li> <li>▪ Document issued by ministry of justice</li> <li>▪ Death certificate</li> </ul>	
3	Civilian House, Lahj	6	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ IO confidential report</li> <li>▪ Death certificates</li> <li>▪ Burial certificates</li> </ul>	1 x Media video > 5 x media reports 1 Statement Governor of Lahj
4	Water Plant, Lahj	11	✓		✓	<ul style="list-style-type: none"> <li>▪ HRW report (978-1-6231-33757)</li> </ul>	2 x Media reports

<sup>93</sup> This includes interviews with eyewitnesses, victims, direct reports, NGOs, INGOs, IOs and others who independently investigated the incidents.

<sup>94</sup> The Panel has retained all of the imagery used to make these determinations and it is available to Member States on request. All imagery was either direct from a source, or verified as accurate by eyewitnesses.

<sup>95</sup> Investigation reports are confidential documents that cannot be shared outside the Panel unless with the written consent of the said organization and for the specific purposes for which the consent was given.

<sup>96</sup> The Panel has retained copies of all open source reports used and these are available to Member States on request.

<i>Ser</i>	<i>Location</i>	<i>Panel interviews</i> <sup>93</sup>	<i>Photograph</i> <sup>94</sup>	<i>Video</i>	<i>Satellite</i>	<i>Documents</i> <sup>95</sup>	<i>Open source</i> <sup>96</sup>
5	Snack Factory, Sana'a	7	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ IO confidential report</li> <li>▪ 5 Reports by factory owners</li> <li>▪ Death certificates</li> <li>▪ JIAT report summary</li> </ul>	> 5 x media reports
6	Abs Hospital, Abs	7	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ MSF Report (27/09/16)</li> <li>▪ Amnesty Report (19/09/16)</li> <li>▪ JIAT Report Summary</li> <li>▪ Other confidential documents</li> </ul>	> 5 x Media reports
7	Alsonidar Factory, Sana'a (1)	5	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Chamber of Commerce Letter (14/09/16)</li> <li>▪ Caprari Group Letter (07/10/16)</li> <li>▪ Addar Fer, Italy Letter (07/10/16)</li> <li>▪ Operational Manuals</li> </ul>	4 x Media reports
8	Civilian House, Ibb	7	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Death Certificates</li> </ul>	4 x Media reports
9	Alsonidar Factory, Sana'a (2)	5	✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Chamber of Commerce Letter (2016)</li> <li>▪ Caprari Group Letter (07/10/16)</li> <li>▪ Addar Fer, Italy Letter (07/10/16)</li> <li>▪ Operational Manuals</li> </ul>	4 x Media reports
10	Community Hall, Sana'a	>1 0	✓	✓	✓	JIAT report summary	>10 x Media Reports

**Annex 50: Case file summaries of investigations of a particularly sensitive nature**

**(STRICTLY CONFIDENTIAL)**

**Appendix A to Annex 50: Torture and cruel, inhuman, and degrading treatment of a child**

**(STRICTLY CONFIDENTIAL)**

**Appendix B to Annex 50: Deprivation of liberty relating a university student**

**(STRICTLY CONFIDENTIAL)**

## Annex 51: Use of explosive ordnance in civilian populated areas

1. This annex contains appendices relating to one investigation undertaken by the Panel, as an illustration, on explosions in densely populated areas, where the use of explosive ordnance (EO) is attributed to the Houthi or Saleh forces operating in Tai'zz.<sup>97</sup> In these six incidents, of which four certainly involved explosive ordnance, the Panel documented fifteen deaths and twenty injuries to civilians in five of the six incidents. In the sixth incident, MSF records twelve deaths and 122 injured in relation to the multiple EO that impacted on Tai'zz city on 3 June 2016.<sup>98</sup>

2. In addition, from January to June 2016, the Panel documented of 30 incidents in which the use of land based explosive ordnance were used in densely populated areas in Tai'zz, representing potential indiscriminate attacks against civilians.<sup>99</sup> There were over 60 civilian fatalities and over 180 civilians injured. The Panel did not continue this analysis due to the sheer volume of incidents received and its inability to independently verify each case.

3. Summaries of the six incidents investigated by the Panel, and contained in this annex, are as follows:

Table 51.1

### Summary of IHL case levels

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Origin of EO</i>	<i>Civilian fatalities</i>	<i>Civilians injured</i>	<i>Remarks</i>
1	3 Jun	Bab Al-Kabeer	Explosion	East Ta'izz	12	122	A majority were women and children. Impacted on commercial buildings
2	3 Jun	Jamal Street (Delux Market)	Explosion	East Ta'izz	-	2	Impacted on commercial buildings.
3	7 Jun	Shamai, near the Revolution	Explosion	East Ta'izz	5	-	Impacted on a school. The dead included four

<sup>97</sup> The other summaries are available with the Secretariat in Panel records.

<sup>98</sup> "Hospitals supported by charity received 134 casualties in one day: MSF" at <http://www.reuters.com/article/us-yemen-security-taiz-idUSKCN0YS25B> and <http://www.doctorswithoutborders.org/article/msf-supported-hospitals-taiz-receive-122-war-wounded-one-day>. There were several EO that impacted the city on 3 June 2016. All of these EO are attributed to Houthi/Saleh forces in Tabat Al Sofitel region. See "MSF-Supported Hospitals in Ta'izz Receive 122 War Wounded in One Day" at <http://www.un.org/apps/news/story.asp?NewsID=54192#.WDAgTTakbOg> and <http://www.reuters.com/article/us-yemen-security-taiz-idUSKCN0YS25B>.

<sup>99</sup> Information with the Secretariat in Panel records.

<i>Serial</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Origin of EO</i>	<i>Civilian fatalities</i>	<i>Civilians injured</i>	<i>Remarks</i>
		hospital		z			displaced women and children from a marginalized community.
4	18 Sep	Revolution hospital	1 x EO	East Ta'iz z	-	-	Affected solar panels and water storage.
5	3 Oct	Market area in Bir Basha	2 x mortars	East Ta'iz z	10	17	Twelve were children and women
6	15 Nov	House, Shamseen Neighbourhood	1 x mortar	East Ta'iz z	-	1 (child)	Damage to residential house. Heavily populated residential area.

## Appendix A to Annex 51: EO in Jamal Street, Tai'zz (3 June 2016).

### A. Background

1. At approximately 20:00 hours on 3 June 2016, an item of explosive ordnance detonated in the middle of Jamal Abdul Nasser Street, Ta'izz.<sup>100</sup> Blast and fragmentation from the explosion damaged nearby buildings and injured, at least, two civilians. There were no military personnel or equipment reported in the vicinity immediately prior to or at the time of the attack. Locals stated that the missile came from the direction of the Sofitel Hill. This area is under the control of the Houthi or Saleh forces.

### B. Technical analysis

2. Based on the distinctive fragmentation pattern (figure 51.A.1), it is highly probable that the explosive ordnance used in this attack was the warhead of a free flight rocket. The fragmentation pattern of the detonation is almost certainly from a warhead impacting at low angle, which eliminates a mortar bomb as the cause. The absence of a small crater, and low angle of delivery, virtually eliminates an artillery shell as the cause.

Figure 51.A.1

#### Warhead detonation in Jamal Abdul Nasser Street<sup>101</sup>



3. The Houthi-Saleh forces are operating at least one BM-21 variant multi-barrel rocket launcher (MBRL) in Ta'izz.<sup>102</sup> It is highly probable, based on the likely flight path (figures 51.A.2 and 51.A.3) and reports of Houthi-Saleh forces in that

<sup>100</sup> 13 °34' 39.28"N, 44 °00' 43.49"E.

<sup>101</sup> Photograph taken by witness for the Panel.

area on the day that this weapon system was located in the region of Sofitel Hill, which is well within the range of Jamal Abdul Nasser Street.

Figure 51.A.2

Maps showing orientation of street to direction of probable launch area <sup>103</sup>

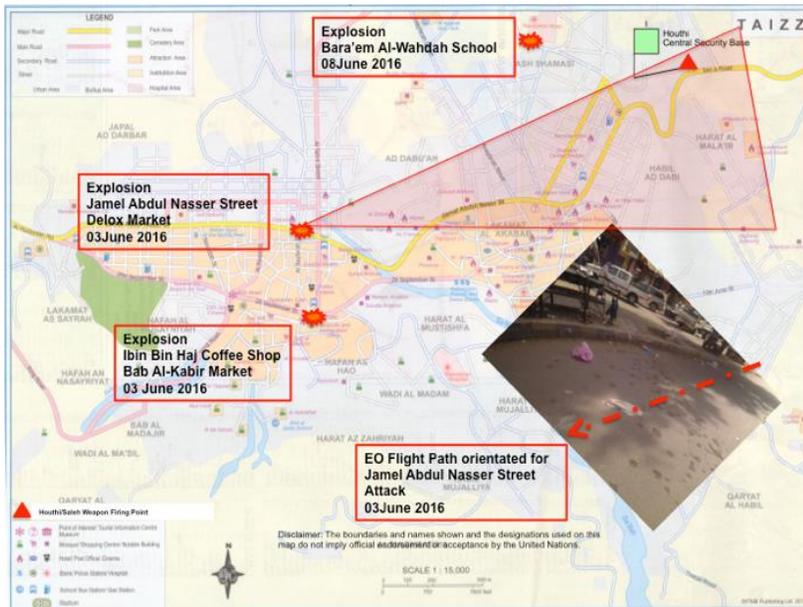


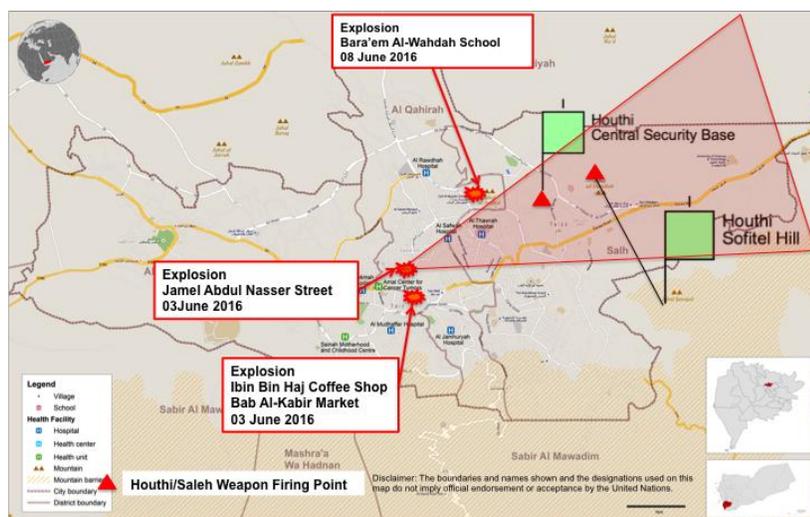
Figure 51.A.3

Maps showing probable launch area <sup>104</sup>

<sup>102</sup> Confidential sources.

<sup>103</sup> Higher resolution copies of the map are available from the Secretariat.

<sup>104</sup> Ibid.



### C. Analysis of violations of IHL

4. Based on information available, the Panel finds it is highly likely that the responsibility lies with the Saleh forces operating from the region of the Sofitel Hill.
5. The Panel is not convinced that the IHL requirements of distinction,<sup>105</sup> proportionality,<sup>106</sup> and precautions in attack<sup>107</sup> were met as demonstrated by the following factual elements:
  - (a) The street was near a market and a populated commercial area. The attack injured at least two civilians and partially damaged buildings in the vicinity;
  - (b) The civilian street was a civilian object prima facie immune from attack.<sup>108</sup> Civilians are also immune from attack unless and until such time when they directly participate in hostilities.<sup>109</sup> IHL requires that attacks be directed against legitimate military objectives.<sup>110</sup> The Panel could not identify any legitimate military objective.

<sup>105</sup> CIHLR 1 and 7.

<sup>106</sup> CIHLR 14 and 18.

<sup>107</sup> CIHLR 15 - 22.

<sup>108</sup> CIHLR 7 and 9.

<sup>109</sup> CIHLR 6.

<sup>110</sup> CIHLR 8.

(c) It is highly likely that Saleh fighters knew that any explosive ordinance launched into a populated street would have a high likelihood of civilian casualties and damage to civilian objects. Since the blast-and-fragmentation zone is based on the technical specification of the explosive weapon in question, its likely impact on civilians is often foreseeable;<sup>111</sup>

(d) If precautionary measures were taken, they were inadequate and ineffective in these circumstances.

6. The Panel requested, but did not receive a response from the Houthi or Saleh forces, information related to in this incident.

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<sup>111</sup> OCHA Report “Protecting Civilians from the Use of Explosive Weapons in Populated Areas” at [https://docs.unocha.org/sites/dms/Documents/EWIPA Fact Sheet - Latest.pdf](https://docs.unocha.org/sites/dms/Documents/EWIPA%20Fact%20Sheet%20-%20Latest.pdf).

## Appendix B to Annex 51: Summary of IHL case study evidence levels

1. This annex is a summary of the evidential levels for each of the case studies that in the preceding appendices.

Table 51.B.1

### Summary of IHL case levels

<i>Ser</i>	<i>Location</i>	<i>Panel interviews<sup>112</sup> Photograph<sup>113</sup></i>	<i>Video</i>	<i>Satellite</i>	<i>Documents<sup>114</sup></i>	<i>Open source<sup>115</sup></i>
1	Market, Jamal Street	5 ✓	✓	✓	<ul style="list-style-type: none"> <li>▪ 2 investigation reports</li> <li>▪ Medical certificate</li> </ul>	-
2	Market, Bab al Kabir	8 ✓	✓		<ul style="list-style-type: none"> <li>▪ 10 confidential report</li> <li>▪ 2 investigation reports</li> </ul>	
3	School, Shami neighbourhood	5 ✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Death certificates</li> <li>▪ Criminal investigation report</li> <li>▪ 3 investigation reports.</li> </ul>	> 5 x media reports
4	Revolution hospital	2 ✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Statement issued by hospital</li> </ul>	-
5	Market, Bir Basha	7 ✓	✓	✓	<ul style="list-style-type: none"> <li>▪ 10 confidential report</li> <li>▪ 1 investigative report</li> <li>▪ Death certificates</li> </ul>	> 5 x media reports
6	Residential building, Shamseen neighbourhood	2 ✓	✓	✓	<ul style="list-style-type: none"> <li>▪ Medical report</li> <li>▪ Independent NGO investigation.</li> </ul>	-

<sup>112</sup> This includes interviews with eyewitnesses, victims, direct reports, NGOs, INGOs, IOs and others who independently investigated the incidents.

<sup>113</sup> The Panel has retained all of the imagery used to make these determinations and it is available to Member States on request. All imagery was either direct from a source, or verified as accurate by eyewitnesses.

<sup>114</sup> Documents provided to the Panel will not be further shared unless the Panel receives expressed written consent of those sources.

<sup>115</sup> The Panel has retained copies of all open source reports used and these are available to Member States on request.

## Annex 52: Attacks against hospitals

### A. Attacks using explosive ordnance, threats or violence

1. In 2016, three hospitals provided Panel with information relating to nineteen incidents, where violence was threatened or used against the hospital and its staff. (table 52.A.1). This includes: 1) attacks by the use of explosive ordnance (EO); 2) attacks on and abductions of medical personnel; and 3) the use of hospital premises to launch attacks. The Panel finds, based on its investigations that all parties to the conflict; the Saudi Arabia-led coalition, the Houthi-Saleh military alliance, and forces associated with the Government of Yemen committed or contributed to violations against hospitals.

Table 52.A.1

#### Summary of incidents<sup>116</sup>

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)<sup>117</sup></i>	<i>Reported perpetrator<sup>118</sup></i>	<i>Remarks</i>
1	3 Feb	Republican hospital, Taizz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics. <sup>119</sup>	Damaged maternity ward
2	15 Mar	Republican hospital, Taizz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Heavy damage to Cardiac ward and equipment.

<sup>116</sup> Information was collected from witnesses and independent investigators. Multiple images on the effects on each of the above hospitals as a result of these EO are with the Secretariat and available for examination by member States.

<sup>117</sup> Information provided by confidential sources.

<sup>118</sup> Ibid.

<sup>119</sup> "Conflict dynamics" takes into consideration the front lines as it relates to the Houthi and Saleh military forces and the forces affiliated with the legitimate government. It also considers who was in control of the area where the violation occurred.

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)<sup>117</sup></i>	<i>Reported perpetrator<sup>118</sup></i>	<i>Remarks</i>
3	20 Mar	Revolution hospital, Ta'izz	Threats Abductions		Confidential Annex	See annex 53.
4	11 Jun	Revolution hospital, Ta'izz	2 x EO	Al-Salal area	Houthi or Saleh forces	Damaged burns unit and doctors accommodation
5	17 Jun	Revolution hospital, Ta'izz	2 x EO	Al Harir area	Houthi or Saleh forces	Damaged internal medicine unit
6	11 Jul	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Damaged woman's surgical ward
7	15 Aug	Abs hospital	1 x Paveway II	NA	Saudi Arabia-led coalition	(see annex 53)
8	7 Sep	Republican hospital, Ta'izz	23mm		Unknown.	Impacted on the woman's surgical ward
9	28 Sep	Revolution hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Solar panels and water storage unit damaged.
10	26 Oct	Name of hospital withheld to protect sources.	Unknown EO were launched from the hospital yard	Hospital	Confidential ane	See annex 53.

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)<sup>117</sup></i>	<i>Reported perpetrator<sup>118</sup></i>	<i>Remarks</i>
11	1 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Storage unit and water tanks that belonged to operations ward damaged (see annex 53).
12	3 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Impacted around the cardiac ward (damaged only on the outside)
13	4 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	Destroyed windows and damaged cardiac ward.
14	5 Nov	Republican hospital, Ta'izz	Sniping		Unknown.	Sniping in the hospital yard
15	7 Nov	Republican hospital, Ta'izz	1 x EO		Likely to be Houthi or Saleh forces based on conflict dynamics.	EO damaged ceiling of cardiac ward.

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)<sup>117</sup></i>	<i>Reported perpetrator<sup>118</sup></i>	<i>Remarks</i>
16	21 Nov	Revolution hospital, Tai'zz	Threats. Disruption of functions		Ibrahim Al Qaisi. Confidential annex	Only the emergency section was operational. Threatened hospital staff. Disrupted a meeting on funding. Hospital stopped functions because of dear of safety of staff. See annex 53.
17	21 Nov	Military hospital, Tai'zz	Multiple EO around the hospital		Likely to be Houthi or Saleh forces based on conflict dynamics.	In early Nov the hospital was retaken by the popular resistance. Previously, it was used by the Houthi/Saleh forces and civilians with renal diseases. The shelling allegedly began after the transfer of the hospital to the popular resistance.
18	4 Dec	Revolution hospital, Tai'zz	1 x EO	Al Salal Hill	Likely to be Houthi or Saleh forces	Damaged doctor's accommodation,

<i>Ser</i>	<i>Date (2016)</i>	<i>Impact location</i>	<i>Violation summary</i>	<i>Reported origin of EO (where relevant)<sup>117</sup></i>	<i>Reported perpetrator<sup>118</sup></i>	<i>Remarks</i>
19	XX Dec	Confidentia l annex	Armed men threatens hospital staff unless medical care is provided.		Investigations ongoing	See annex 53.

2. The panel also received information from OHCHR that they recorded 8 attacks on hospitals by Houthi or Saleh forces and 16 air strikes against hospitals in 2016.<sup>120</sup>

3. The three incidents relating to attacks on hospital staff are included in a confidential annex because of credible threats to the safety of hospital staff. These incidents violate various IHL principles, including those that ensure that medical staff and units are protected from direct attack<sup>121</sup> and that the wounded and sick are cared for.<sup>122</sup> IHL also prohibits the punishment of a person for performing medical duties compatible with medical ethics.<sup>123</sup> It is prohibited to compel a person engaged in medical activities to perform acts contrary to medical ethics.<sup>124</sup> The abduction and detention of medical staff also violates several principles of IHL and may, depending on the circumstances, amount to hostage taking.<sup>125</sup>

#### **B. Potential future threats to hospitals**

4. The Panel received information from three hospitals that they have not been provided with operating costs since around July 2016. The Central Bank of Yemen (CBY) issued a notice on 6 November 2016 stating that the salaries of government officials, including medical staff, will be cut by 50% backdated to August 2016.<sup>126</sup> The Panel spoke to seven

<sup>120</sup> Information provided to the Panel on 19 December 2016.

<sup>121</sup> Common Article 3 to the Geneva Conventions of 1949, CIHLR 25, 28, 35.

<sup>122</sup> Common Article 3 to the Geneva Conventions of 1949, CIHLR 110,111.

<sup>123</sup> CIHLR 27.

<sup>124</sup> CIHLR 27.

<sup>125</sup> Hostage taking is prohibited under IHL CIHLR 96.

<sup>126</sup> A copy of the statement issued by the Central Bank is on record with the Panel.

doctors across Yemen in November, who confirmed they still had not received their salaries since August, or had received 50% of their August salary in November. The Panel notes that the lack of resources may have a direct impact on the functioning of hospitals:

(a) On 1 November 2016, the Revolution hospital issued a statement that stated that: 1) it had not received funds allocated in the budget for the 3<sup>rd</sup> quarter of 2016 from the CBY; 2) it had not received funds for staff salaries for the 4<sup>th</sup> quarter of 2016; 3) that while the emergency section was supported by MSF, other units had no external funding; and 4) warned that it may be compelled to stop its functions. The hospital has treated approximately 40,000 war injured civilians and wounded fighters since the beginning of the conflict.<sup>127</sup>

(b) On 31 October 2016, the Republican hospital circulated a similar statement on social media, warning of an imminent shut down of the hospital due to 1) lack of funding for hospital and staff; and 2) its inability to receive humanitarian aid because of obstructions posed by armed groups.<sup>128</sup>

5. The Panel also finds that insufficient levels of funding, worsened by further recent reductions in salaries, have direct consequences for the safety of medical staff, and the treatment received by civilians and hors de combat. For example, the Panel has received information on multiple “disputes” between patients, their caregivers, and staff, because hospitals lack qualified doctors, the necessary medicine and equipment, or other resources to treat all patients to the extent required. These incidents were reported from Ta’izz and Hudaydah. Three of the more serious incidents are highlighted in a confidential annex. All parties should take all necessary measures to ensure that medical workers are protected, and that civilians under their protection have access to basic medical services.

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<sup>127</sup> Statement with Panel.

<sup>128</sup> Statement with Panel.

**Annex 53: Attacks against health workers**

**(STRICTLY CONFIDENTIAL)**

**Annex 54: Obstructions to the delivery and distribution of humanitarian assistance**

**(STRICTLY CONFIDENTIAL)**

**Annex 55: Full list of abbreviations**

A/C	Aircraft
AGM	Air to Ground Missile
a.k.a	Also Known As
AK	<i>Avtomatik Kalishnikov</i> (assault rifle)
AMR	Anti Material Rifle
AQ	Al-Qaida
AQAP	Al-Qaida in the Arabian Peninsula
ATGM	Anti-Tank Guided Missiles
ATGW	Anti-Tank Guided Weapon
BLEVE	Boiling Liquid Vapour Explosions
BMP	Best Maritime Practices
BVI	British Virgin Islands
CDE	Collateral Damage Estimate
CIHL	Customary International Humanitarian Law
CMC	Cluster Munition Convention
CMF	Combined Maritime Force
CRC	Convention on the Rights of Children
CTF	Combined Task Force (CMF)
DADP	Di-Acetone Di-Peroxide
DFFC	Directional Focused Fragmentation Charge (IED)
DIO	Defence Industries of Iran
DPRK	Democratic Peoples' Republic of Korea
DShK	<i>Deptyaryova-Shpagina Krupnokaliberny</i> (Heavy Machine Gun (HMG))
DWT	Dead Weight Tonnage (Tonnes)
E	East
ESH	Explosive Storehouses
FAE	Fuel Air Explosion
FFREM	French Frégate Européenne Multi-Mission
F of I	Figure of Insensitiveness
FS	French Ship
GBU	Guidance Bomb Unit
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GLC	Global Logistics Cluster
GPC	General People's Congress
GWT	Gross Weight Tonnage

HE	High Explosive
HEAT	High Explosive Anti-Tank
HMAS	Her Majesty's Australian Ship
HMG	Heavy Machine Gun
HMTD	Hexa-Methylene Triperoxide Diamine
HSV	High Speed Vessel
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person(s)
IED	Improvised Explosive Device
IEDD	Improvised Explosive Device Disposal
IHL	International Humanitarian Law
IMO	International Maritime Organization
ISIL	Islamic State in Iraq and the Levant ( <i>Daesh</i> )
ISIS	Islamic State of Iraq and Syria / Islamic State of Iraq and Al-Sham
ISTAR	Intelligence, Surveillance, Targeting and Reconnaissance
KE	Kinetic Energy
km	Kilometre(s)
LLI	Lloyds List Intelligence
LMG	Light Machine Gun
LNG	Liquid Nitrogen Gas
m	Metres
m <sup>3</sup>	Cubic Metres
MEKP	Methyl Ethyl Ketone Peroxide
mm	Millimetre(s)
MMPP	Minimal Metal Pressure Pads
MMSI	Maritime Mobile Service Identity
MoU	Memorandum of Understanding
MSN	Manufacturer's Serial Number
MT	Mega-Tonne(s)
MV	Merchant Vessel
N	North
NEC (Q)	Net Explosive Content (Quantity)
NFP	National Focal Point
NGO	Non-Governmental organization
NK	Not Known
OCHA	Office for Coordination of Humanitarian Affairs (UN)
PBIED	Person-Bourne IED ('suicide bomber')
PC	Patrol Craft

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PCIED	Projectile Controlled IED
PIR	Passive Infra-Red
PKM	<i>Pulemyot Kalashnikova (Modernised)</i> . (LMG)
RAN	Royal Australian Navy
RCIED	Radio Controlled Improvised Explosive Device
RCL	Recoilless Gun
RDX	Hexogen or Cyclotrimethylenetrinitramine
RGD	<i>Ruchnaya Granata Dstantsionnaya</i> (distance hand grenade)
RPG	<i>Ruchnoy Protivotankovyy Granatomyot</i> (shoulder launched anti-tank rocket launcher)
RSADF	Royal Saudi Air Defence Forces
RSAF	Royal Saudi Air Force
SAA	Small Arms Ammunition
SEMG	Somalia and Eritrea Monitoring Group
SGBV	Sexual and Gender-Based Violence
SPM	Ships Protection Measures
SVD	<i>Snayperskaya Vintovka sistem'y Dragunova</i> (sniper rifle)
SVIED	Suicide Vehicle IED
TATP	Tri-Acetone Tri-Peroxide
TBC	To Be Confirmed
TNT	Tri-Nitro Toluene
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNCT	UN Country Team
UNHCR	UN High Commission for Refugees
UNICEF	United Nations Children's Fund
USD	United States Dollar(s)
USN	United States Navy
USS	United States Ship
UVIED	Under Vehicle Improvised Explosive Device
VOIED	Victim Operated Improvised Explosive Devices
WFP	World Food Programme
WSS	Weapon Storage Sites
YAF	Yemen Armed Forces

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