



The Joint Crime Military Police Prison in Sana'a

Human Rights Report

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INTRODUCTION:

Yemenis are suffering a prolonged war that started in 2004, by the Houthis rebels' group in Sa'da governorate, that expanded to reach all over Yemeni territories in 2014. Houthis militia controlled over the capital Sana'a, and the Kingdom of Saudi Arabia and United Arab Emirates intervened in the war at the legitimate president Abdorabo Mansour Hadi's request, and declared the "Decisive Storm" military operation, to reinstate the legitimate authority in Sana'a and restore the transitional period to the track, according to the GCC Initiative.

However, the war has prolonged beyond Yemenis ability to tolerate, and the Arab Coalition countries,

seemed to be busy with achieving other goals beyond than the declared ones. The conflict has exacerbated the violations on civilians at different parts of the country, particularly that under Houthis militia's control. The military conflict caused the killings of thousands of unarmed civilians, through the indiscriminate missiles and artillery attacks, in addition to the anti-personnel mines laid by Houthi militia, that banned by the international law provisions.

The violations, by the conflicting parties extended to include arbitrary detention for thousands of civilians, enforced disappearance, torture and inhuman and degrading treatment of hundreds of others.

This report published by SAM Organization for Rights and Liberties, aims to shed the light on the heinous crime of manslaughter of several detainees and abductees at the military police prison, operated by Houthis militia, in Sana'a, by the Saudi-led Arab Coalition airstrikes, presumably aware of the existence of the prisoners in the prison, and direct fire shootings by Houthis militia.

BACKGROUND INFORMATION ON THE MILITARY POLICE PRISON

THE MILITARY POLICE PRISON lays in Mareb street, northern Sana'a, in Shu'ub district, near the textile factory, and extended to 6 km. surrounded by houses from three sides.

The prison consists of three-story building, and basement, including three small cells, five big rooms, two medium size rooms, in addition to the two upper floors, each consist of five big rooms, and one medium room.

USING THE PRISON BY HOUTHIS AND MOVING PRISONERS AND DETAINEES INTO IT

Late September 2017, Houthis militia moved a group about 100 disappeared detainees who were detained at houses basements in Hadda area, southern Sana'a, majority of them are from Taiz and southern governorates. They were not allowed to communicate with their families, only for requesting money, and some were detained for more than two years, before being moved to the military police premises.

On 21 and 22 of October, about 59 detainees were moved from Sana'a

central prison to the military police prison. The first floor was allocated for the detainees and the second for the PoW. More detainees were moved from Amran, Habra and many other prisons. Number of detainees reached by November 2017, to 215 detainees and PoW, including 65 at the basement, 120 in the first floor, and 30 PoW, including 6 injured in the second floor.

30 civilian detainees were killed and 80 others were injured by the coalition air raid on 12 December 2017

WHAT HAPPENED IN THE MILITARY POLICE PRISON?

Testimonies and Facts;

1. Testimony by a neighbor

One of the neighbors (name is concealed) of the military police premises testified to SAM organization that, at about 12 midnight of 12/12/2017, he heard jetfighters flying above the premises, and few minutes later he heard massive explosion inside the premises, caused by missile at the PoW and detainees' floor. Six air raids hit the premise according to the witness.

2. Testimonies from inside the prison

SAM interviewed one of the detainees (name is concealed by SAM), who said;

"on Tuesday 12/12/2017, at about 12 midnight, a massive close explosion rocked the building in which we were locked, throwing away the windows, and the inmates rushed to the corridors, seeking shelter. Some of the interrogators were investigating with some inmates at the second floor, and

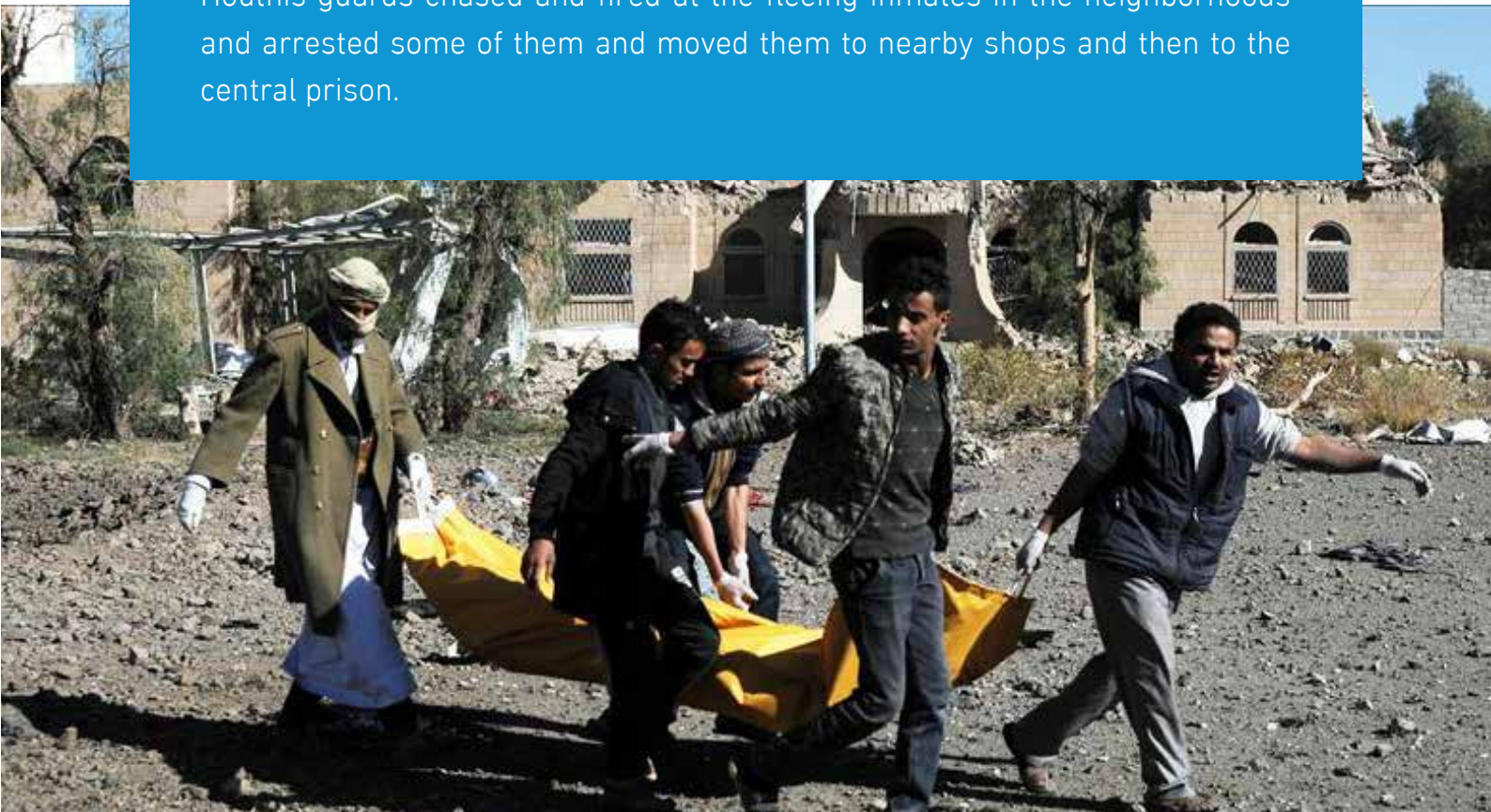
they returned the detainees to the cells and fled the building.”

“second attack hit the southeast room in the basement, causing a small hole in the window, and in the ground, apparently by an unexploded missile. The inmates tried to break the door, but another unexploded missile hit the staircase. Following breaking

the door, the guards fired at the inmates. The same thing happened at the second and third floors to the inmates who tried to escape the air raids. a fourth missile landed and killed the fleeing inmates at the basement and first floor”, he added.

“we tried to help the injured inmates, but the continuous attacks stopped us. Following the fourth attack, the inmates fled the building, except one room at the second floor, whose door was locked, and the inmate could not open. A fifth attack hit the inmates while fleeing to the neighboring camp. A sixth attack hit the inmates while trying to climb the wall to escape, killing several of them, and final attack hit the building”, he continued.

Houthi guards chased and fired at the fleeing inmates in the neighborhoods and arrested some of them and moved them to nearby shops and then to the central prison.



SAM TEAM VISIT TO THE MILITARY POLICE PREMISES;

SAM monitors in Sana'a visited the military police premises on Thursday, 15/12/2017, three days after the attack, and met the warden of the prison nicknamed "Abu Turab", and the PoW Officer Abdulgadir Al-Murtadha "Abu Hilal", and inspected the destroyed building, and concluded into the following remarks;

- The targeted 20sqm building consist of two floors and a ground floor, lays near the northern gate of the military police premises, and as totally destroyed by the air raids, and the windows and rocks were scattered in the surrounding land.
- SAM team noticed massive destruction inside the building, mainly in the second floor, which was hit by two missiles, and collapsed roof of one room, in the southeast side of the building. The room accommodated 9 children PoW according to information received by SAM.
- The ground floor was widely destroyed by a missile hit, at the southern and eastern sides, and mattress and clothes were scattered all over the building.
- The team inspected the eastern side of the building and noticed a 5-6m deep hole, bout 25m far from the attacked building, with bloodstains and clothes were scattered nearby, indicting fall of many victim's dead and injured among the PoW and detainees who were attacked while fleeing the place.
- The team inspected another hole, about 200m far from the first one, near the eastern wall, with the same depth, the hole caused by the airstrike, while the detainees and PoW were fleeing the place, towards the gate/fence, from airstrikes and Houthis fire shots. Also, many inmates were killed and injured.
- SAM team also inspected another destroyed building by previous jetfighter attacks.
- The team also inspected some damaged houses and stores in the vicinity, where their windows and doors were blown away.

VISIT TO THE MILITARY HOSPITAL AND INTERVIEW THE INJURED

SAM team interviewed some of the injured admitted at the military hospital.

Ahmed Omar Al-Shataf 36, who has been abducted on 3/10/2016, while leaving Al-Shorug school in Hizyaz, southern Sana'a. he sustained severe injuries in the military police air raid, he suffered burns in his face and a shrapnel in his eye and different parts of his body, according to the information received by SAM from the nurse. One of Al-Shataf relatives told SAM that "Ahmed was intercepted by

Houthi patrol while leaving the school, with his 6 years son, in Dar Salm, and abducted them both. His son managed to escape while en route to Al-Hara area to his neighbouring relative's house."

"Ahmed remained forcibly disappeared for two months, then he was allowed to call us for 5 minutes. Six months later he called again from Zein Al-Abdeen prison, and we met him for ten minutes, and he was in a bad health condition, with signs of torture by electric shocks."

“Ahmed sustained serious injuries during the attack on the military police prison, and was hit by a bullet in his back, apparently caused by Houthis fire. He undergone 4 surgeries, and the militia refuses to release him, for no reason.”

Beside Ahmed lays another unknown injured at bed No. (10), he could not be identified because of the deformed features. A nurse told SAM that there are two other unidentified injured due to their bad health condition. SAM team also saw many injured at the hospital park, with lost limbs.

SAM verified that some other injured were returned to the central prison, after they received needed treatment. Also, verified that there are many corpses in the morgue. When asking the officer, about Nagmeddine Al-Ja'fri, body, one of the victims, whose dead body was discovered 9 days after the airstrike, the team was allowed to enter the morgue, to identify the body. The team also saw, 4 torn

dead bodies laid in the floor, and could not be identified.

One of the hospital staff confirmed that they've received many dead bodies and body parts, resulted from the airstrike of the shooting, but couldn't accept them all, as the morgue is already filled with Houthis corpses, brought from different fronts. He added that there are 12 bodies that have been identified by their relatives, including Mohammed Al-Qatwi, Islah party leading member, from Ibb. SAM learned that the Houthis had refused to hand over the bodies of these people except in a prisoner swap deal.



CHILDREN MASSACRE

SAM Visited Al-Thawra Hospital, where everything is under surveillance

SAM documented the death of children in the prison's airstrike, and the subsequent shooting, by Houthis at the fleeing PoW. Al-Hareth Amran 17, is one of those children, he was detained in a room with some children. Their room was directly hit by a missile, that killed all the children.

On 17 December 2017, SAM team accompanied one mother of the children, to the morgue at Al-Thawra hospital, but they could not get any information or access to the morgue. The morgue staff informed them that there are many injured resulted from the air raid, but Houthis are handling them

discreetly, and we don't know in which ward they are. A Houthi security element was watching closely SAM team movements and their interaction with the nurses and relatives. As it emerged from the hospital door, the team saw a large truck carrying dead bodies

Testimonies by Detainees

ICRC informed the Arab Coalition on the existence of PoW and Detainees at the Location Prior to the Air raid

It is very important to point out that the ICRC has visited the military police premises several times, and met the detainees, according to testimonies made by released detainees, on swap deal including; Yousef Aglan, a journalist released two days prior to the attack, who said that Houthis informed the detainees who were transferred from the central prison to the military police premises, that the ICRC was notified of their transfer. "the ICRC visited us after two weeks of our transfer, and we expressed

our concern that the AC will attack the prison, but they confirmed that the AC was notified that the place accommodates PoW and detainees and it will be safe", he added.

Redwan Abu Hadash, confirmed this statement and to SAM that "when the ICRC visited us at the military police premises, we told them we are at Houthis military camp, and the AC might attack it, however the woman from the ICRC assured that they've notified the AC with our existence and the place will be safe."

SAM has also sent inquiry letter to the ICRC on 19 April 2018, to confirm the above statements, but they did not respond. Also, to the Arab Coalition on 28 October 2018, and another to the Joint Incidents Assessment Team on 29 October 2018 but did not receive any response from both



HOUTHIS FINISHES THE CRIME – FIRED AT THE FLEEING PRISONERS

SAM Organization has documented firing at detainees who survived the AC airstrikes, by Houthis militia, to prevent them from leaving the place.

SAM team interviewed witnesses to the incident, including Hassan Al-Sanani, a taxi driver was in the vicinity when the prison was air raided by the AC, he said “I saw Houthis firing at the fleeing detainees, and many of them sustained injuries”.

Iman Al-Harithi, from the neighborhood, said “the first raid was a warning attack, we so terrified

that we could not count the air raids, also we heard intensive fire shots, and screams, and we hear Houthis say, “catch them”, but we didn’t know who was fleeing. Later we learnt from the neighbors that the fugitives were the detainees, and Houthis fired at them.”


Fatima Al-Remi, from the neighborhood, said she saw the inmates running and Houthis are chasing them with fire shots; “I found dead bodies at my house roof in the next day.”

Testimonies by the Detainees at the Central Prison

SAM team interviewed some detainees on the central prison incidents, including Talha Faisal Al-Talhi 28, from Hodiedah, who was arrested on 4/9/2016, and met with SAM at the central prison. He said; "I have been transferred to the military police camp, following the central prison incidents in October, where Houthis assaulted the inmates, and moved some of them to the military police prison. I stayed there for one and half months, we were at the second floor". "the jetfighters were flying extensively, the first raid was not destructive, and the Houthis fired at us when we are fleeing the place, they were

trying to kill us under the air raid cover. I tried to escape and entered administrative office, where I saw many computer units and phones, I saw some images of coordinates and spots marked with red."

Mukhtar Ali Al-Bakali, PoW from Medi frontline, injured in his left eye. Interviewed by SAM team, at the central prison, he said "on the attack day, I was moved from the central prison, to the military police camp. Many of the inmates tried to escape, but Houthis fired at them. I've survived miraculously in that day despite extensive bombing and fire shots", he added.



Impunity

We believe that the “double tap” attack on the military police prison on 12 December 2017, by the AC jetfighters, and Houthis snipers, is suspected to be intentional, considering the evidences gathered, however no serious measures were taken by any of the parties to investigate this incident, or to adopt serious measures to assess potential damage on civilians.

Casualties among civilians or PoW resulted from AC airstrikes is not the only incident, where similar incidents were reported in Dhamar, when the AC jetfighters attacked on 21 May 2015, Hirran park, killing several civilians, who were arbitrarily detained, including; Abdullah Qabil, and Yousef Al-Aizrai, journalists at Suhail and Yemen Shabab channels, and air raid on Al-Zaidia prison on 30 October 2016, that killed more than 70 civilians.

Despite the ugliness of these incidents and the pain they have caused, no transparent and impartial

investigations have been conducted, on the airstrikes in Yemen, during the past three years, while the violations are increasing, although the war laws, applicable on the armed conflict in Yemen, ban deliberate and indiscriminate attacks that don not distinguish between civil and military targets, and the international law has identified the target as That the objective is disproportionate and illegal, if the potential human and physical casualties are larger than the military gains.

The conflicting parties in Yemen are striving hard to escape punishment, by impeding the resolutions issued by the international organizations, to establish international independent inquiry commissions, and they form biased commissions that lack technical skills to assume their role according to the international standards, in addition to provide coverup to the perpetrators by giving them nicknames and false names.



THE STANCE OF THE INTERNATIONAL LAW – WAR CRIMES

- Article (83), of Geneva 4th convention banned the Detaining Power from setting up places of internment in areas particularly exposed to the dangers of war
- Article (5/2/c), of the second additional protocol indicated that “Places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict.”
- Also, deliberate use of civilians to protect certain checkpoints, areas, or military forces, from military attacks, is considered as use of “human shield”.
- The IHL, has banned use of civilians as human shields, and obliged combating forces to exert all efforts to protect civilians, who are not taking part in the fighting, and article (28), provided that “the presence of a protected person may not be used to render certain points or areas immune from military operations.” And this convention is part of the IHL, and thus is binding for all parties. The ICRC, has identified the scope of this article; “the prohibition here is absolute and applies on the warring state territories, as well as on the occupied territories, on the small and the big areas.”
- Article 51(7) of the first additional protocol, also banned use of human shields; “the presence or movements of the civilian population or individual civilians shall not be used to



render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations..”

- Also utilizing of civilians as human shield is a war crime according to Rome Statute; article 8(2)-(b 23) , “utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations”, also considered as gross violation by the Geneva conventions and the customary law.
- So is targeting of detainees at detention centers, by bombing or fire shots, while attempting escape, is a gross violation to Geneva 4th convention, and the 2nd additional protocol, and the IHL in general.
- The second additional protocol stated in article 4 that “ All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.”

Recommendations

First; to the Arab Coalition

- Start a serious investigation on the military police prison air raid, on 12 December 2017, and hold perpetrators accountable;
- Compensate the victims or their relatives, who lost their lives or properties;
- Overall revision to the rule of combat, particularly at the residential areas, or adjacent to the military sites, according to the international law rules and principles;

Second; to Houthis Militia

- Immediate release to all detainees, who were detained illegally, among the political opponents, and end torture on detainees and the disappeared;
- Immediate stop of utilizing detainees as human shields, at any military site;
- Investigate the cases of utilizing detainees as human shield, compensate the victims, or their relatives for the damage incurred.



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