

HUMAN RIGHTS WATCH

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Appendix I: Human Rights Watch Letter to the Joint Incidents Assessment Team

May 18, 2018

Lt. Gen. Mansour Ahmed Al-Mansour
Legal Counsel and Spokesperson
Joint Incidents Assessment Team
Riyadh, Saudi Arabia

Re: JIAT Investigations in Yemen

Dear Lt. General al-Mansour,

I am writing on behalf of Human Rights Watch to express our concern that the Saudi-led coalition's investigative mechanism, the Joint Incidents Assessment Team (JIAT), fails to meet international standards regarding transparency, impartiality, and independence, and to seek further information regarding JIAT's ongoing operations.

JIAT, originally consisting of 14 members from Saudi Arabia, Kuwait, Yemen, Qatar, Bahrain, and the United Arab Emirates, was formed to assess "claims and accidents" that occur during coalition military operations. JIAT is empowered to investigate the facts, collect evidence, and produce reports and recommendations, [according to an August 2016 statement](#).

Since March 26, 2015, Human Rights Watch has documented 87 coalition attacks in Yemen, including 18 involving cluster munitions, that appear to have been in violation of international humanitarian law, or the laws of war. Some of these attacks might amount to war crimes. The United Nations and nongovernmental organizations including Amnesty

International, Médecins Sans Frontières, and Yemeni human rights groups have documented dozens of other apparently unlawful coalition airstrikes.

As of March 2018, the [UN Office of the High Commissioner for Human Rights \(OHCHR\)](#) had documented the killing of 6,100 civilians, including 1,491 children, and the wounding of 9,683 during the past three years of conflict in Yemen, with coalition airstrikes causing 61 percent of the documented civilian casualties.

According to public statements available on the Saudi Press Agency website, since August 2016, JIAT has announced the investigation results into 56 coalition attacks, absolving the coalition of responsibility in 54 of the 56 attacks investigated—finding the coalition acted lawfully in 46 of the 54 attacks, and that the coalition did not carry out the other eight reported airstrikes. In two strikes, JIAT recommended the coalition pay compensation, finding that coalition personnel had violated their rules of engagement. In nine other attacks where JIAT recommended the coalition pay compensation to civilian victims of airstrikes, JIAT found that coalition forces acted lawfully.

Human Rights Watch is unaware of any concrete steps taken to either implement a compensation process or to hold individuals accountable for possible war crimes—with the exception of Yemeni officers, a few of whom the Yemeni National Commission reported had been referred to a Yemeni military court.

Human Rights Watch is continuing to monitor accountability efforts in Yemen and would appreciate answers to the following questions so that we can better understand JIAT's methodology and ongoing work. We will incorporate these perspectives into our future reporting.

Methodology

- (1) Please explain the procedures used to decide which strikes to investigate, a list of strikes currently being investigated, and plans, if any, to investigate the coalition's use of cluster munitions and detention-related abuses. Human Rights Watch has documented 87 apparently unlawful coalition attacks in Yemen since March 2015, in addition to a number of detention-related abuses by members of the coalition

and coalition-backed forces. According to information in the public record, JIAT has only concluded investigations into 17 of these 87 attacks and has investigated no attacks involving the use of banned cluster munitions or the involvement of coalition members in enforced disappearances and torture in southern Yemen.

- (2) What criteria do JIAT investigators use to determine whether individuals killed or wounded in a strike were civilians? Does JIAT use any assumptions about whether certain profiles are civilians or combatants? If so, where does the burden lie to rebut these presumptions? None of the press releases regarding JIAT investigations have provided a JIAT or coalition estimate of civilian casualties caused by the attacks investigated. Has JIAT collected estimates of civilian harm for the strikes it has investigated, and if so, when does it plan to release this information? In some strikes, JIAT has claimed damage to nearby buildings has not exceeded certain percentages. What standards does JIAT use to measure damage to the areas affected by coalition strikes?
- (3) In an August 2016 press release, the Saudi Press Agency stated that JIAT “analyz[es] the information contained in the task report, review[s] the aerial photographs from the post-mission aircraft reports, record[s] videos, schedule[s] daily tasks and report[s] to the JIAT's air control officer.” What access does JIAT have to sources in Yemen, in person or by other means of communication, where airstrikes are being conducted? For example, in the strikes so far investigated, did JIAT interview victims of or witnesses to these attacks? If so, how many victims or witnesses has JIAT interviewed, and for how many strikes?

Compensation, Prosecution, and Remedial Action

- (1) In a number of attacks, JIAT recommended the coalition pay assistance to victims of the attacks. In at least nine of these attacks, JIAT recommended compensation without necessarily finding fault on the part of the coalition—five were the result of technical errors; three “unintentional errors” and in one JIAT found the strike lawful but that the shock waves of the attack damaged a nearby hospital. What standards does JIAT use to determine when assistance should be provided? Has the coalition begun to process compensation payments for victims of the attacks by, for example, providing public information on how victims can submit claims to the Reparations Committee, including contact information, in Arabic? If so, has the

Reparations Committee received or begun to process any claims for compensation? If so, how many claims have been received or processed to date and how did the Committee determine the amount of compensation to provide?

- (2) States have an obligation to prosecute individuals who commit war crimes, which are serious violations of the laws of war committed with criminal intent – that is, deliberately or recklessly. Did JIAT determine if any coalition officers committed serious laws-of-war violations with criminal intent when carrying out any of the attacks it has investigated?
- (3) Does JIAT identify which states carried out attacks and which individual officers were involved in attacks? Has it recommended that any coalition states begin investigations, disciplinary actions, or prosecutions against their nationals who may have committed war crimes? Please provide an accounting of which states' nationals were involved in the attacks so far investigated, including by providing intelligence, fuel, maintenance or munitions, authorizing the strike, or carrying out the strike. What is the status of JIAT's recommendations for each coalition state and non-coalition states taking part in military operations?
- (4) Do all airstrikes in Yemen require coalition command permission before being carried out? If not, please clarify the scenarios in which an aircraft would be authorized to carry out a strike without coalition command permission and any past strikes where this has occurred.
- (5) What is the status of the review of the coalition's rules of engagement? JIAT recommended a review of the rules of engagement following the attack of the Great Hall Funeral Ceremony on October 8, 2016, which was also documented by Human Rights Watch. What, if any, shortcomings have been identified and were steps taken to address them? When enemy forces are using protected sites for military purposes, what steps has the coalition taken to ensure adequate warnings are provided before carrying out an attack? Does this include setting a reasonable time period for the facility to end its potential misuse?

Independence, Impartiality, and Cooperation with Other Accountability Mechanisms

- (1) In September 2017, the UN Human Rights Council passed a resolution laying out two complementary processes for investigations, establishing an international Group of Eminent Experts, and affirming support for the coalition-supported Yemeni National Commission set up by Presidential Decree No. 13 (2015). The UN Security Council Panel of Experts, which monitors and reports on the implementation of Security Council Resolutions 2140 and 2215, reported in 2018 that the coalition had refused to engage with the Panel. To what extent, if any, does JIAT cooperate with the Yemeni National Commission, the Group of Eminent Experts, or the Security Council Panel of Experts? For example, does JIAT seek or share information with any of these bodies?

- (2) How does JIAT ensure the independence and impartiality of its work? How were the members of JIAT appointed? Please share their names, any relevant legal or military experience, and respective positions on the team. Under whose command do active military officers on JIAT fall?

We ask you to respond to this letter and the inquiries above on or before June 8, 2018 so that we may reflect your response in our upcoming reporting and advocacy, including for the September 2018 session of the UN Human Rights Council.

If JIAT prepares lengthier reports on the incidents it investigates than the ones available in the public sphere that are responsive to any of the questions above, we would be grateful if you could share them with us.

Please do not hesitate to contact Kristine Beckerle, Yemen Researcher, at [REDACTED] or [REDACTED], should you have questions.

We thank you for your consideration and look forward to your response.

Sincerely yours,

Sarah Leah Whitson
Executive Director

Middle East and North Africa
Human Rights Watch

CC:

H.R.H. Crown Prince Mohammed bin Salman
Crown Prince, First Deputy Prime Minister, and Minister of Defense
Ministry of Defense
Riyadh, Saudi Arabia

H.H. Sheikh Mohammed bin Zayed Al Nahyan
Crown Prince of Abu Dhabi and Deputy Supreme Commander of the Armed Forces
Abu Dhabi, United Arab Emirates

Lt. Gen. Muhammed Ali Al Maqdashy
Advisor to the Commander of the Armed Forces and Acting Minister of Defense
Ministry of Defense
Republic of Yemen

Field Marshal Sheikh Khalifa bin Ahmed Al Khalifa
Commander-in-Chief of the Bahrain Defense Forces
Manama, Bahrain

H.E. Sheikh Nasser Sabah Al-Ahmad Al-Sabah
First Deputy Prime Minister and Minister of Defense
Ministry of Defense
Kuwait City, Kuwait

H.E. Dr. Khalid Bin Mohammad Al-Attiyah,
Deputy Prime Minister and Minister of State for Defense Affairs
Ministry of Defense
Doha, Qatar

Appendix II: Letter from the Permanent Mission of Qatar to the United Nations to Human Rights Watch

Permanent Mission of the
State of Qatar to the United Nations
New York



2018/0040176/5

4 June 2018

Dear Ms. Whitson,

I refer to your letter to His Excellency Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani, Deputy Prime Minister and Minister of Foreign Affairs of the State of Qatar, dated 31 July 2017, and your letter to the Spokesperson of the Coalition to Support Legitimacy in Yemen, copied to His Excellency Dr. Khalid bin Mohammed Al-Attiyah, Deputy Prime Minister and Minister of State for Defense, dated 15 May 2018, in connection with your organization's ongoing investigations into alleged violations of the laws of war in Yemen, which included inquiries about the steps taken by the State of Qatar to investigate any possible involvement of Qatari forces in violations of the laws of war in Yemen during its participation in the Coalition to Support Legitimacy in Yemen.

We appreciate the efforts of Human Rights Watch in service of human rights and fundamental freedoms and for the promotion of universal adherence to international law, international humanitarian law, international human rights law and international conventions and norms. We thank you for your keen pursuit of accurate and trustworthy information and communicating with us in this context. We emphasize that we are keen to continue effective and fruitful cooperation and coordination with your organization in various areas of common interest.

With regard to the inquiries in your letters, I would like to emphasize that the participation of the State of Qatar in the Coalition to Support Legitimacy in Yemen ended, and Qatari forces were withdrawn, in early June 2017. During Qatar's participation in the Coalition, its participation was limited to protecting the Saudi border from attacks by the Houthis and Saleh's forces, without the presence of any Qatari forces or military attacks or operations in the territory of Yemen. We also note that the tasks assigned to the Qatari armed forces throughout their participation in the Coalition were to join the forces in the Najran sector in responsibility for the front border points within the territory of Saudi Arabia and the management of the operations of the Sakam area.

Ms. Sarah Leah Whitson
Executive Director, Middle East and North Africa Division
Human Rights Watch

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**Permanent Mission of the
State of Qatar to the United Nations
New York**



The role of the State of Qatar was based on international law, international legitimacy and the GCC Joint Defense Agreement, ratified by the State of Qatar on 29 December 2001, upon an official request by the Yemeni President Abdrabo Mansour Hadi, in line with the Charter of the United Nations and international law, and in accordance with Article 51 of the Charter.

While the State of Qatar was involved in the coalition, protecting civilians was among its priorities. The protection of civilians was the primary motivation for Qatar's participation in the Coalition and it did not undertake any military operations to the contrary.

In conclusion, Qatar reaffirms its full commitment to international law, including adherence to all provisions of international humanitarian and human rights law.

Please accept the assurances of my highest consideration,

