



Yemen's Compliance with the Mine Ban Treaty: The Case of Bani Jarmooz

**Memorandum to Mine Ban Treaty Delegates
April 2014**

Summary

In November 2013, the government of Yemen admitted that a “violation” of the Mine Ban Treaty had occurred in 2011 during the popular uprising that led to the ouster of then-President Ali Abdullah Saleh. This followed reports issued by Human Rights Watch and others earlier in 2013 showing that the former government’s Republican Guard forces laid thousands of antipersonnel mines in 2011 at Bani Jarmooz, northeast of Yemen’s capital Sana’a, resulting in numerous civilian casualties.

As a state party to the treaty, Yemen has a duty to identify those responsible for the mine-laying and to hold them accountable. The treaty also obligates Yemen to mark the mine-affected area, warn the population of the hazard, clear the mines, and assist the victims. Yemen committed to undertake these tasks immediately at Bani Jarmooz.

In March 2014 Yemen provided the treaty’s president with an interim report on the situation at Bani Jarmooz that indicates plans have been made for clearance, marking, risk education, and victim assistance, but there appears to have been no clearance, no marking or fencing of mine-affected areas as of April 2014 and little or no risk education and victim assistance carried out.

Human Rights Watch investigations have confirmed that there has been no clearance of the mined areas at Bani Jarmooz and at least seven more civilian landmine victims since April 2013, including one death. Altogether since late 2011, landmines in the area have killed at least two civilians and wounded 20 according to Human Rights Watch and others.

Yemen's interim report indicates that orders have been given to identify those responsible and to bring them to court, but to date no one has been held accountable for the landmine use despite requests from Mine Ban Treaty states parties and NGOs to conduct an investigation, as well as Yemen's acknowledgment of the mine-laying and its commitment to investigate.

Recommendations

Human Rights Watch has urged Yemen to undertake four specific actions with respect to the landmines laid at Bani Jarmooz.¹

1. Conduct an immediate investigation to establish when, by whom, and under what authority these prohibited munitions were deployed, the types of munitions used, and the extent of their deployment. Identify and prosecute those responsible for deploying the antipersonnel mines in accordance with the legislative measures taken by Yemen to implement the Mine Ban Treaty.
2. Immediately mark and cordon off the areas where antipersonnel mines and related munitions are deployed so as to reduce the risk of further casualties among the local population, and promptly embark on a mine clearance program to remove or destroy the munitions from the vicinity of the Republican Guard camps and any other areas in which antipersonnel mines have been deployed.
3. Provide appropriate compensation, assistance, and support to those killed or injured as a result of the deployment of these mines and their families, including medical care, the provision of prosthetics where appropriate and on-going rehabilitation needs, as well as to other landmine victims in Yemen.
4. Disclose the source of the antipersonnel mines laid at Bani Jarmooz to establish if they came from a hitherto undisclosed Yemeni stockpile or from a foreign source or sources and, if so, the identity of the supplier/s and the date/s on which they were obtained. Immediately collect and destroy any remaining stockpiles, as required by the Mine Ban Treaty and requested by states parties.

I. Yemen's Mine Ban Treaty Obligations

In May 2013, Human Rights Watch and others reported that the former government's Republican Guard forces had laid thousands of antipersonnel mines in 2011 at Bani

¹ Human Rights Watch first made these recommendations in a May 21, 2013 letter to Yemen's Minister of Defense that presented evidence of landmine use at Bani Jarmooz. See: <http://www.hrw.org/news/2013/05/21/yemen-letter-defense-minister-calls-government-investigate-respond-landmine-use-repo>.

Jarmouz, northeast of Yemen's capital Sana'a, resulting in numerous civilian casualties.²

Yemen is a state party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction (Mine Ban Treaty), which entered into force for Yemen on March 1, 1999. As a state party, Yemen has committed never to use antipersonnel mines under any circumstances, and to prevent and suppress any activities prohibited by the treaty.

In the final report of the Mine Ban Treaty's 13th Meeting of States Parties issued on December 5, 2013, states parties expressed concern at the "breach" of the Mine Ban Treaty at Bani Jarmouz and welcomed Yemen's commitment to provide to the states parties, through the president, an interim report by March 31, 2014, and a final report by December 31, 2014, including information on:

- a) the status and outcomes of Yemen's investigation,
- b) the identification of those responsible for deploying antipersonnel mines, and subsequent measures taken,
- c) the source of the antipersonnel mines and how those mines were obtained, particularly given that Yemen had long ago reported the destruction of all stockpiles,
- d) the destruction of any additional stocks discovered and the clearance of the mined areas in question, and
- e) action to prevent and suppress any possible future prohibited activities undertaken by persons or on territory under its jurisdiction or control.

II. Yemen's Response to Mine Ban Treaty States Parties

The interim report requested by the Mine Ban Treaty's 13th Meeting of States Parties was delivered by the chair of Yemen's National Mine Action Committee in the Office of the Prime Minister, who stated in a March 29, 2014 cover letter that "Yemen has made

² Joe Sheffer, "Revenge Landmines of the Arab Spring," *Foreign Policy*, May, 24 2013, (accessed April 2, 2014), http://www.foreignpolicy.com/articles/2013/05/24/revenge_landmines_of_the_arab_spring_yemen; "Yemen: Investigate, Respond to Landmine Use Reports," Human Rights Watch news release, May 27, 2013, <https://www.hrw.org/news/2013/05/27/yemen-investigate-respond-landmine-use-reports>; and Yemen Rights Foundation, "A report issued by the Yemen Rights Foundation about landmines that were previously used by members of the Republican Guard stationed in the military bases al-Sama and al-Fareeja in the valleys and mountains of Bani Jarmouz, Sana'a province, in 2011," April 10, 2013, www.al-tagheer.com/editor_images/حقوق_يمن_مؤسسة_عن_صادر_تقرير.pdf.

all required efforts to fulfill its obligations related to Bani Jarmooz which was affected by AP mines in 2011.”³

The report states that there were “several conflicts” during the period from February 2011 to February 2012 between the government’s Republican Guard forces and “civil tribes” in Bani al-Harith (Bani Jarmooz), Arhab and Nahm⁴ districts north of the capital city Sana'a.⁵ As a result, the report states, Bani Jarmooz was affected by explosive remnants of war and “also contaminated by Anti-personnel mines in small area beside a military camp.”⁶

The report states that on January 5, 2014, President Abd Rabu Mansur Hadi instructed the minister of defense and the National Mine Action Committee to “take all possible procedures” in response to the Bani Jarmooz request from the 13th Meeting of States Parties. At a January 21, 2014 meeting of the National Mine Action Committee at the UN Development Programme office in Sana'a with the deputy of the chief of general staff in the Ministry of Defense, there was agreement on three points:

1. The Yemen Executive Mine Action Center (YEMAC) would begin mine risk education, survey and clearance, and victim assistance activities in Bani Jarmooz district as well as Arhab and Nahm districts.
2. The meeting recommended that the minister of defense order a serious investigation to establish who was responsible for planting the mines, in accordance with Yemen’s domestic implementing legislation for the Mine Ban Treaty (Law 25 of 19 April 2005 banning the production, stockpile and use antipersonnel landmines).
3. An investigation committee would be created “to follow up these decisions” comprising the chief deputy of the general staff, the director of the military engineering department in the Ministry of Defense, and the director of Yemen Executive Mine Action Center.

According to the report, at a follow-up meeting held two weeks later, the government’s investigation committee comprised of the Ministry of Defense and YEMAC

³ “Yemen Initial Report to the president of the Thirteenth Meeting of the States Parties,” seven-page document attached to letter to H.E. Boudjema Delmi, President of the 13th Meeting of States Parties to the Mine Ban Treaty from Kassem Ahmed Al-Aggam, Chairman, National Mine Action Committee, Republic of Yemen, March 29, 2014.

⁴ Arhab is the district to the north of Bani Jamooz, while Nahm is east of Bani Jamooz. The location is described as “Bani Jarmooz” for the purposes of this memorandum. Arhab is the district to the north of Bani Jamooz, while Nahm is east of Bani Jamooz. The location is described as “Bani Jarmooz” for the purposes of this memorandum

⁵ “Yemen Initial Report to the president of the Thirteenth Meeting of the States Parties,” attached to letter from Kassem Ahmed Al-Aggam, Chairman, National Mine Action Committee, Yemen, March 29, 2014, p. 4.

⁶ Ibid.

recommended that the people responsible for planting mines in Bani Jarmooz “be presented to the military courts as soon as possible.”⁷ The report notes that on February 12, 2014, the deputy chief of the general staff in Ministry of Defense ordered that the people accused of planting mines in Bani Jarmooz be delivered to “the military courts” and made a general request to mark and clear the contaminated areas by mines and implement mine risk education and victim assistance.⁸

The Yemen Executive Mine Action Center (YEMAC) visited Bani Jarmooz and Arhab districts on February 5, 2014 to meet with the local communities and authorities and collect information about the extent of contamination. It identified 25 villages affected by explosive remnants of war: 13 in Bani al-Harith district (Bani Jarmooz) and 12 in Arhab districts.⁹

YEMAC found that mine risk education and victim assistance was required in 17 local schools (8 in Bani Jarmooz and 9 in Arhab). The report states that YEMAC has prepared a mine risk education plan for Bani Jarmooz and Arhab to be implemented in the period from April to June 2014 with the support of the municipality and of UNICEF in Sana'a governorate.¹⁰

According to the interim report, on March 10, 2014, YEMAC additionally has “prepared a plan” for victim assistance in Bani Jarmooz and Arhab districts.¹¹

The interim report includes a photograph of a deminer at work, stating that YEMAC’s technical survey and clearance teams “started working in Bani Jarmooz to mark and clear the contaminated areas” on March 6, 2014.¹²

The interim report however lists financial and security obstacles to meeting the request of the 13th Meeting of States Parties. It states that despite “being fully prepared in terms of deminers and equipment,” YEMAC faced a financial shortage in February and March 2014 because it has “not received the budget for 2014” and so it stopped mine action activities at Bani Jarmooz on March 11, 2014.

7 “Yemen Initial Report to the president of the Thirteenth Meeting of the States Parties,” attached to letter from Kassem Ahmed Al-Aggam, Chairman, National Mine Action Committee, Yemen, March 29, 2014, p. 5.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid., p. 6.

Furthermore, according to the report, local people in Bani Jarmooz and Arhab districts intervened to stop the demining operations on their first day in protest at the government's failure to provide compensation for mine-related deaths and injuries, damaged vehicles and loss of agricultural income.¹³

III. Civilian Harm from Landmines at Bani Jarmooz

Human Rights Watch has raised the need for clearance of Bani Jarmooz minefields with Yemeni government representatives on multiple occasions. During meetings with President Abd Rabu Mansur Hadi and other high-ranking officials and political party leaders in Sanaa on January 26 to 28, 2014, Human Rights Watch was told it would immediately mark the areas contaminated by mines at Bani Jarmooz.¹⁴

In April 2013, a Human Rights Watch researcher visited Bani Jarmooz to investigate the 2011 reports of landmine use. A follow-up visit in March 2014 did not prove possible, but Human Rights Watch has talked to a number of community leaders from Bani Jarmooz by telephone as well as local NGOs familiar with the impact of the mined areas on local communities such as Yemen Rights Foundation and Raqeeep Organization for Human Rights.

On April 1, 2014, a resident of al-Hijra village in Bani Jarmooz told Human Rights Watch that the situation “has gotten worse” since last year as there has been no mine action and more mine casualties. There have been multiple mine explosions and new mine victims in the mined areas around the Republican Guard's 63rd Brigade camp. Local residents have provided Human Rights Watch with a list of seven victims from antipersonnel and antivehicle mines in the Bani Jarmooz area—including three children—in the period since May 2013:¹⁵

- On March 12, 2014, Sultan Dahra, a 40-year-old man from Bait Dahra, lost both his legs in a mine explosion and later died in hospital;
- In February 2014, Mohamed Moaith, a 33-year-old man from al-Ghola, was seriously wounded when the vehicle he was in detonated an antivehicle mine;
- On January 15, 2014, Saida Abdullah Dahra, a 10-year-old girl from Bait Dahra, lost her hand in a mine explosion;

¹³ “Yemen Initial Report to the president of the Thirteenth Meeting of the States Parties,” attached to letter from Kassem Ahmed Al-Aggam, Chairman, National Mine Action Committee, Yemen, March 29, 2014, p. 6. This has been confirmed by local NGOs.

¹⁴ Human Rights Watch meeting with Maj. Gen. Ahmed Hussein al-Akily, director of the Office of the Supreme Commander of the Armed Forces.

¹⁵ The list of victims is on file with Human Rights Watch.

- In January 2014, Najeeb al-Haj, a 35-year-old man from Arhab, lost his leg in a mine explosion;
- On December 1, 2013, Fathel Ali Jasar, a 12-year-old boy from al-Harah, lost his leg in a mine explosion;
- On July 6, 2013, Abeer Dahra, a 9-year-old from Bait Dahra, lost several fingers in a mine explosion;
- In June 2013, Mohamed Haidar, a 31-year-old man from al-Ghola, was seriously wounded when the vehicle he was travelling in detonated an antivehicle mine.

Previously, on May 27, 2013, Human Rights Watch reported that in the period since late 2011 mines laid at Bani Jarmooz had caused at least 15 civilian casualties, including nine children:

- On April 12, 2013, Fawaz Mohsin Saleh Husn, a 9-year-old boy from al-Khabsha, lost his left leg in a mine explosion while tending his family's sheep;
- On November 30, 2011, five civilians were wounded by mines outside the camp of the 63rd Brigade of the Republican Guard on the main road from Bait Dahara to Sanaa;
- On November 26, 2011, Mr. Abdullah Mohamed, was wounded in a mine explosion on while attempting to clear the mines;
- On September 2, 2011, Abdulhamid Wasel Ali Wasel, a 14-year-old boy from al-Gharbi village, was killed when the vehicle he was travelling in hit an antivehicle mine;
- During an April 2013 visit to Bani Jarmooz, Human Rights Watch documented four other cases of victims of antipersonnel mines and one case involving the use of an antivehicle mine. Human Rights Watch also met two children who were injured while they were tending sheep in the fields.

In total, Human Rights Watch has recorded 22 landmine casualties at Bani Jarmooz since late 2011, including 12 children. Two victims died, while several of the injured are now amputees.

In March 2014, Raqeeep Organization for Human Rights published a report listing 28 mine victims in the Bani Jarmooz area during the period May 2011- March 2014.¹⁶ In addition, Yemen Rights indicates that at least 62 landmine explosions have been

¹⁶ See Raqeeep Organization for Human Rights, "Monitoring Landmine and UXOs Victims in Arhab, Nehm, and Bani Jarmooz," March 2014, http://www.raqeeep.org/imagesup/9518_lanmine%20and%20UXOs%20Report%20in%20Arhab,Nehm%20and%20Bani%20Jarmooz.pdf.

recorded in the area since May 2013, resulting in a number of dead or maimed farm animals.¹⁷

Due to lack of access it is not possible to determine if every casualty recorded at Bani Jarmooz is the result of the antipersonnel landmines laid in 2011 by the Republican Guards or caused by landmines and explosive remnants of war left from other periods. After checking with community leaders and local NGOs, the majority of casualties are believed to be the result of the recently-laid mines.

During a previous research visit in April 2013, a resident told Human Rights Watch that in late September or early October 2011, he had used binoculars to watch between 10 and 15 soldiers in Republican Guard uniforms lay mines in a nearby *wadi*, or river bed. From their descriptions, from drawings that local residents provided to Human Rights Watch, and from photographs taken by an international journalist, the antipersonnel mines used at Bani Jarmooz include PMN and PMD-6 mines manufactured by the Soviet Union and GYATA-64 mines manufactured by Hungary.¹⁸

On April 3, 2014 a local community leader told Human Rights Watch that a clearance team visited two or three weeks earlier to try and demine the area, but after a mine exploded, the operation stopped and had not been resumed as of April 3.¹⁹

Three local residents interviewed by Human Rights Watch on April 3 all stated that there are no signs marking the mined area or warning of the danger.²⁰

Some tribal leaders from the area and the military police attempted to meet with members of the Republican Guard's 63rd Brigade over the past year, but no one replied to their requests.²¹

¹⁷ Telephone interview with Nabeel al-Awzari, Yemen Rights, April 6, 2014.

¹⁸ Joe Sheffer, "Revenge Landmines of the Arab Spring," *Foreign Policy*, May 24, 2013, (accessed April 2, 2014), http://www.foreignpolicy.com/articles/2013/05/24/revenge_landmines_of_the_arab_spring_yemen; and "Yemen: Investigate, Respond to Landmine Use Reports," Human Rights Watch news release, May 27, 2013, <https://www.hrw.org/news/2013/05/27/yemen-investigate-respond-landmine-use-reports>.

¹⁹ Telephone interview with Nasib Hisn, April 2, 2014.

²⁰ Telephone interviews with Nabeel al-Aawzari, Ali al-Jormoozi, and Mabrook al-Jormoozi, April 2, 2014.

²¹ Telephone interview with Mabrook al-Jormoozi, March 31, 2014.