

HUMAN RIGHTS WATCH

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April 6, 2017

H.R.H. Sheikh Mohammed bin Rashid al-Maktoum
Prime Minister and Minister of Defense
Ministry of Defense
United Arab Emirates

Subject: UAE Role in Unlawful Coalition Attacks in Yemen

Your Highness,

I am writing on behalf of Human Rights Watch to express our deep concern that the United Arab Emirates is committing or is complicit in violations of the laws of war in Yemen and ask that you support an impartial, international investigation into these and other violations of international human rights and humanitarian law by all parties to the current conflict.

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on violations of international human rights and humanitarian law by states and non-state actors in 90 countries around the world.

Since March 2015, 4,773 civilians have been killed and another 8,272 wounded in the conflict in Yemen, the majority by Saudi-led coalition airstrikes, according to the United Nations Office of the High Commissioner for Human Rights. Human Rights Watch has documented 81 apparently unlawful coalition attacks since the start of the conflict.

Most recently, we investigated the March 16, 2017 helicopter attack on a boat carrying 145 Somali migrants and refugees near the port of Hodeida off the western coast of Yemen. The attack killed at least 33 civilians and wounded another 29, including six children, [according to the UN Human Rights Office](#). Another 10 remain missing.

In a March 20 [Emirates News Agency statement](#), a member of the UAE Armed Forces called the attack “unprovoked” and “a painful humanitarian disaster” and denied that UAE armed forces carried out the attack. The statement “stressed that the UAE Armed Forces welcomed any independent, international investigation into the incident.”

We urge you not only to support an impartial, international inquiry into this and other alleged unlawful attacks in Yemen, but also that you hold any UAE military personnel found responsible for war crimes to account.

To date, the UAE and other coalition members have not been forthcoming about whether their forces participated in unlawful attacks in Yemen. The coalition's Joint Incidents Assessment Team (JIAT) has only once released information on which coalition members' armed forces participated in the attacks JIAT investigated. Human Rights Watch is concerned that JIAT is failing to meet international standards regarding transparency, impartiality, and independence.

After the March 16 attack, a UAE military source said UAE forces operating in the area recognized the boat was carrying "a large number of civilians" and did not attack the boat as it was a "non-military target."

Witnesses reported a helicopter fired on the boat, and photos of the boat taken the next day show damage consistent with gunfire from an aerial attack. The coalition is the only known force operating in the area with military aircraft. The [Wall Street Journal](#) and [Washington Post](#) have reported that the UAE is taking a leading role in the coalition's Hodeida operations.

As you are aware, the UAE has a duty to investigate alleged serious violations of the laws of war in which UAE forces have taken part. Attacks against civilians that are deliberate or reckless are war crimes. Individuals may be held criminally liable for assisting in, facilitating, aiding, or abetting a war crime. Commanders and civilian leaders may also be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.

Human Rights Watch is continuing to monitor accountability efforts in Yemen and would appreciate receiving answers to the following questions or any other information you wish to provide by April 20, 2017, so that we can incorporate them into our ongoing work and better understand the steps the UAE is taking to comply with its international legal obligations:

1. The [Emirates News Agency statement](#) said that the UAE was seeking "to determine more accurately the details" of the March 16 attack. Please share results of any further investigations, including what role, if any, the UAE Armed Forces played in the attack.
2. Has the UAE, either independently or through JIAT, investigated any coalition attacks in which UAE forces participated? If so, please share information on the date and location of the attack investigated and the conclusions reached. For example, JIAT found the coalition acted unlawfully in the Mokha and Great Hall attacks; did UAE forces or personnel participate in these attacks in any

- way? Human Rights Watch can also provide a list of the 79 other apparently unlawful coalition attacks we have documented since the start of the conflict.
3. Has the UAE begun investigations, disciplinary actions, or prosecutions against any UAE military personnel who may have committed or been directly involved in war crimes in the armed conflict in Yemen, or as a matter of command responsibility?
 4. A member of the UAE Armed Forces said the UAE would welcome an international inquiry into the March 16 attack. Would the Ministry of Defense publicly support an international inquiry into this and other unlawful attacks in Yemen? To what extent, if any, does the UAE currently cooperate with the UN Human Rights Office in its inquiries into alleged unlawful attacks in Yemen?

Should you have any questions, please do not hesitate to contact Kristine Beckerle, Yemen researcher, at [REDACTED] or [REDACTED].

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

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch