



## The Ineffectual Nature of the Saudi-led Coalition in Yemen's Joint Incidents Assessment Team

On 7 March 2018 the Committee on the Rights of the Child published its list of issues prior to reporting (LOIPR) for Saudi Arabia's review under the Convention on the Rights of the Child's Optional Protocol on the involvement of children in armed conflict (CRC-OP-AC). In paragraph 5 of the LOIPR, the Committee requested information from the Saudi government "on all investigations conducted into reported grave violations, including the killing and maiming of children and air strikes on schools and hospitals in Yemen attributed to the 'coalition to restore legitimacy in Yemen' led by the State party [Saudi Arabia], and on the outcome of such investigations."<sup>1</sup>

Saudi Arabia responded to the LOIPR on 20 July 2018, detailing its efforts to investigate and hold coalition forces accountable for human rights and international humanitarian law (IHL) violations. In its response, the Saudi government claims to operate a multi-phase targeting operation that effectively ensures that civilians, particularly women and children, are not casualties of airstrikes. The kingdom further discusses the role of the Joint Incidents Assessment Team (JIAT) – "an independent team [set up] to assess incidents and institute inquiries into any allegations concerning the targeting of civilians, civilian structures or humanitarian organizations during military operations."<sup>2</sup>

Despite the Saudi government's claims, Americans for Democracy & Human Rights in Bahrain (ADHRB) has grave concerns about the work of the JIAT, a body composed of commissioners appointed by the coalition itself. We are further deeply concerned about the conduct of Saudi Arabia and its coalition partners in the war when it comes to civilian deaths, in particular children's deaths, due to air strikes, and that despite the kingdom's stated efforts at avoiding and minimizing such deaths, air strikes continue to hit civilian areas, killing children.

### - Background -

Saudi Arabia and its coalition allies entered the war in Yemen in March 2015 in an ostensible effort to support the legitimate government of Yemeni President Abd Rabbu Mansour Hadi citing United Nations Security Council (UNSC) resolutions 2140 and 2216 as the reason for their intervention. UNSC 2140 voices support for Hadi's government and calls on all parties to reject violence and work constructively to aid a peaceful political transition.<sup>3</sup> UNSC 2216 demands that Houthi forces withdraw from "all areas seized during the latest conflict, relinquish arms seized from military and security institutions, cease all actions falling exclusively within the authority of the legitimate Government of Yemen and fully

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<sup>1</sup> "List of issues in relation to the report submitted by Saudi Arabia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict," Committee on the Rights of the Child Seventy-ninth session 17 September – 5 October 2018, CRC/C/OPAC/SAU/Q/1, 7 March 2018,

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fSAU%2fQ%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fSAU%2fQ%2f1&Lang=en).

<sup>2</sup> "Replies of Saudi Arabia to the list of issues," Committee on the Rights of the Child Seventy-ninth session 17 September – 5 October 2018, CRC/C/OPAC/SAU/Q/1/Add.1, 20 July 2018,

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fSAU%2fQ%2f1%2fAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fSAU%2fQ%2f1%2fAdd.1&Lang=en).

<sup>3</sup> United Nations Press, "Security Council Adopts Resolution 2140 (2014), Welcoming Yemen's Peaceful Transition towards New Constitution, General Elections," United Nations Security Council, SC/11296, 26 February 2014,

<https://www.un.org/press/en/2014/sc11296.doc.htm>.

implement previous Council resolutions.”<sup>4</sup> Resolution 2216 is partially based on an official request submitted to the UNSC on 24 March 2015 by the Permanent Representative of Yemen to the UN, in which Hadi informs the President of the Security Council that “he has requested from the Cooperation Council for the Arab States of the Gulf and the League of Arab States to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis.”

While Saudi Arabia and its coalition allies point to UNSC resolutions 2140 and 2216 as the basis for their armed intervention, neither resolution empowers the coalition to engage in indiscriminate attacks on civilian areas or establish a crippling blockade of Yemen that disproportionately affects non-combatants. As the war in Yemen continues to rage without any sign of a lasting cease-fire, concerns about airstrikes and other punitive actions from the Saudi-led coalition have continued to draw international attention and concern about violations of IHL for their indiscriminate nature.

*- Formation of the Joint Incidents Assessment Team (JIAT) –*

In response to this growing attention, Saudi Arabia and its coalition partners formed the Joint Incidents Assessment Team (JIAT) in January 2016. Its mandate is to investigate claims that the coalition committed human rights violations while fighting in the conflict in Yemen.<sup>5</sup> According to Saudi state media, the JIAT is an independent body composed of 14 military and legal experts from Saudi Arabia, Kuwait, Yemen, Qatar, Bahrain, and the United Arab Emirates.<sup>6</sup> JIAT members are all citizens and employees of the states that are engaged in the coalition’s bombing campaign. Because of this, ADHRB believes that the JIAT cannot be impartial on questions of human rights abuses when officials of these states are assessing the abuses.

*- Continued Attacks on Civilian Areas -*

Despite the establishment of the JIAT, Saudi Arabia and its coalition partners have continued to launch air strikes against civilian areas, frequently hitting civilian buildings and killing civilians, including children. According to the Yemen Data Project, since Saudi Arabia and its coalition allies entered the conflict in Yemen in March 2015, they have conducted over 16,000 airstrikes.<sup>7</sup> While many targeted military facilities – Houthi training camps, positions of pro-Houthi fighters, military convoys, and weapons caches – many of the strikes also targeted civilian areas.

Among the civilian targets struck by airstrikes are refugee camps, schools (including a school for the blind), markets, weddings, and a funeral hall. The coalition has also attacked hospitals around northern Yemen, including hospitals supported by Doctors without Borders (MSF). As a result of the attacks, and following the 15 August 2016 bombing of Abs Hospital in Yemen’s Hajjah governorate, MSF “withdrew its staff from Haydan, Razeh, Al Gamouri, and Yasnim hospitals in Saada governorate and Abs and Al Gamouri hospitals in Hajjah governorate.” According to MSF, the 15 August airstrike on Abs Hospital was the “fourth and deadliest attack on an MSF-supported medical facility during the war.”

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<sup>4</sup> United Nations Press, “Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining,” United Nations Security Council, SC/11859, 14 April 2015, <https://www.un.org/press/en/2015/sc11859.doc.htm>.

<sup>5</sup> “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency, 5 August 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>.

<sup>6</sup> Ibid.

<sup>7</sup> Yemen Data Project dataset, last updated 12 March 2018, available at <http://yemendataproject.org/data/>.

Among the tens of thousands of airstrikes launched by the Saudi-led coalition, international human rights organizations, including Amnesty International and Human Rights Watch have identified and documented 19 airstrikes in which coalition fighter jets used internationally-banned, British- and Brazilian-manufactured BL755 cluster munitions. Amnesty International found evidence of cluster munition use in farmland near the Saudi border, where two brothers found unexploded ordnance in April 2016 and brought them back to their village where one subsequently exploded. Human Rights Watch documented a December 2016 airstrike where coalition jets dropped cluster bombs near “two local schools in northern Yemen, killing two civilians and wounding six, including a child,” as well as evidence of a February 2017 attack on a farm. Indeed, attacks on civilians continue, with one of the latest being an air strike on a school bus carrying children to a field trip on 9 August 2018.

*- The JIAT's Reports -*

On 5 August 2016, the JIAT released its findings in eight cases of alleged human rights abuses. It cleared the coalition of unlawful activity in six cases, which included the bombing of a residential complex, markets, and three hospitals and clinics. While it acknowledged shortcomings in two cases, the JIAT also disputed the reported casualty figures and stated that there was “no breach of protocol or the rules of international humanitarian law” by coalition forces in any of the incidents.<sup>8</sup>

Indeed, the JIAT claimed that the coalition’s bombing of MSF supported hospitals was justified due to Houthi presence in and around the facilities, while also stating that MSF had not done enough to share its facilities’ coordinates with the coalition.<sup>9</sup> However, MSF, which had been forced to pull its personnel out of northern Yemeni hospitals, refuted the claims, stating, “MSF has systematically shared the GPS coordinates of hospitals in which we work with the parties involved in the conflict. Coalition officials repeatedly state that they honor international humanitarian law, yet this attack shows a failure to control the use of force and to avoid attacks on hospitals full of patients.”<sup>10</sup>

On 6 December, the JIAT released the results of several more investigations<sup>11</sup> absolving the coalition of all wrongdoing in the bombing of the Abs Hospital, Asmaa School in Hodeida Province, a food factory, Al-Fazel School in Saada Province – which killed 10 children – and a cattle market in Lahaj Province. Amnesty International, Human Rights Watch, MSF, and the Swedish Embassy in Yemen had raised concerns about attacks on civilian areas and the killing of civilians, but the JIAT dismissed them, claiming the fighter jets did not know the location of Abs Hospital; that since no-one died in the attack on Asmaa School it is not a concern; that the coalition didn’t actually attack the food factory; that the Al-Fazel School was not targeted; and that jets did not actually target or attack the cattle market at all. The JIAT

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<sup>8</sup> “Bahrain’s ‘Butcher’ of Human Rights Sits on Saudi Yemen Accountability Panel,” Americans for Democracy & Human Rights in Bahrain, 14 December 2016, <http://www.adhrb.org/2016/12/sharing-worst-practices-bahrains-butcher-human-rights-sits-saudi-yemen-accountability-panel/>.

<sup>9</sup> “Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces’ Violations in Decisive Storm Operations,” Saudi Press Agency, 5 August 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1524799>.

<sup>10</sup> “Yemen: MSF forced to evacuate staff from six hospitals in northern Yemen,” Medecins sans Frontieres/Doctors without Borders, 19 August 2016, <https://www.msf.org.za/stories-news/press-releases/yemen-msf-forced-evacuate-staff-six-hospitals-northern-yemen>.

<sup>11</sup> “Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement,” Saudi Press Agency, 6 December 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1567351>; “Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement 1 Riyadh,” Saudi Press Agency, 6 December 2016, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1567371>.

further dismissed the claims of attacks on civilians the deaths of civilians, claiming that each of the areas hit were legitimate war targets, and the coalition thus is empowered to attack them at will.

The paucity of investigations into allegations of air strikes on civilian targets remains a concern. By the end of 2016, the JIAT had investigated just over a dozen air strikes, although throughout 2016, Human Rights Watch and Amnesty International documented more than 70 unlawful coalition airstrikes that have killed at least 913 civilians and deliberately targeted noncombatants.<sup>12</sup> More broadly, since the coalition entered the conflict until 5 August 2016, the Yemen Data Project documented over 8,100 air strikes.<sup>13</sup>

According to Amnesty International, as of January 2017, “only 14 incidents were investigated. The JIAT recommended reparations to victims in three of these incidents and in two incidents, it recommended that appropriate action be taken against perpetrators. Despite these recommendations, Amnesty International is not aware of any progress made to either provide remedies to victims or ensure prosecution of those suspected of criminal responsibility for crimes under international law.”<sup>14</sup> Furthermore, because strikes continue against civilian areas and civilian deaths amount, it is apparent that the JIAT’s investigations have not altered the coalition’s actions in any way.

On 6 June 2018, the JIAT released more of its findings in nine cases of alleged human rights abuses.<sup>15</sup> It cleared the coalition of unlawful activity in all cases, which included the bombing of a wedding that drew international attention.<sup>16</sup> The JIAT, however, did not discuss the details of their analysis of the nine cases, the first of which is allegedly the JIAT’s 62nd review of potential human rights violations. One of the cases the JIAT reviewed was a report from Human Rights Watch dating to November 2015 alleging the coalition dropped two bombs on a house located near the headquarters of the Ministry of Education in the area of Amran that killed four family members and injured a family friend. According to the JIAT, however, the bombs targeted a military barracks over a kilometer away and were perfectly on target. As a result, the JIAT claimed that aerial photographs of the house showed the house was unharmed.<sup>17</sup>

Despite the Saudi-led coalition’s claims to have a rigorous system of selection for military targets, as well as using precautionary measures beforehand, such as dropping leaflets in the area before airstrikes occur, there are numerous and detailed accounts that demonstrate Saudi Arabia and the coalition engage in indiscriminate attacks on civilian areas.<sup>18</sup> In addition, despite the JIAT’s claims to impartiality

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<sup>12</sup> “Urgent Need for International Inquiry on Yemen,” Human Rights Watch, 22 September 2016, <https://www.hrw.org/news/2016/09/22/urgent-need-international-inquiry-yemen>.

<sup>13</sup> Yemen Data Project.

<sup>14</sup> “Amnesty International response to the Saudi Arabia-led coalition’s investigations,” Amnesty International, 16 January 2017, <https://www.amnesty.org/download/Documents/MDE3154942017ENGLISH.pdf>.

<sup>15</sup> “JIAT confirms soundness of procedures followed by coalition forces in targeting operations,” Saudi Press Agency, 7 June 2018, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1774074>.

<sup>16</sup> “MSF condemns airstrikes on a wedding party in Hajjah,” Medecins sans Frontieres/Doctors without Borders, 25 April 2018, <https://www.msf.org/yemen-msf-condemns-airstrikes-wedding-party-hajjah>.

<sup>17</sup> “JIAT confirms soundness of procedures followed by coalition forces in targeting operations,” Saudi Press Agency, 7 June 2018, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1774074>.

<sup>18</sup> See “Amnesty International response to the Saudi Arabia-led coalition’s investigations,” Amnesty International, 16 January 2017, <https://www.amnesty.org/download/Documents/MDE3154942017ENGLISH.pdf>; “Yemen: Coalition airstrikes deadly for children,” Human Rights Watch, 12 September 2017, <https://www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children>; “What Military Target was in my Brothers’ House,” Human Rights Watch, 26 November 2015, <https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawful-coalition-airstrikes-yemen#3ca802>; “Bombing Businesses,” Human Rights Watch, 11 July 2016, <https://www.hrw.org/report/2016/07/11/bombing-businesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures#79b25b>.

and independence, its failure to investigate even a small proportion of air strikes on civilian targets, and its failure to determine coalition culpability for internationally-recognized attacks on civilians shows that Saudi Arabia and its coalition allies have no intention to follow IHL or respect international human rights standards as they carry on their war in Yemen.

Indeed, an MSF report gives first-hand accounts of the aftermath of the bombing of the wedding in Hajjah on 25 April 2018.<sup>19</sup> One individual, Darees, is quoted describing that he saw dismembered bodies covered in blood, some of whom were children: “Some of the dead bodies were children. Children were playing outside while their parents attended the wedding inside the tent. That’s when the attack happened.” According to their report 63 casualties were brought to the hospital, including 13 children. All of them were dressed in traditional garb for celebrating a marriage. None of them were armed or arrived in military uniforms. Neither his first-hand account nor MSF’s report mentions leaflets being dropped before coalition air strikes hit the wedding party. Instead, his account and the report details that emergency response times for casualties at the wedding were delayed because first responders were concerned the coalition would carry out a “double-tap” strike and bomb the wedding again as emergency personnel evacuate and tend to the wounded. Double-tap air strikes have been typical and representative of the coalition’s indiscriminate attacks on civilians.

According to a UNICEF statistic from January 2018, more than 5,000 children have been killed or injured in the conflict. While it is uncertain how many children have died due to coalition air strikes, Saudi air strikes continue to kill children. The most recent attack, an air strike on a school bus, killed at least 29 children, all under 15-years-old.<sup>20</sup> The coalition stated the attack was “a legitimate military action, conducted in conformity with international humanitarian law,”<sup>21</sup> because it was carrying Houthi combatants, however, it has also announced it would open an investigation.<sup>22</sup>

Even when the JIAT has investigated such attacks it has consistently denied that coalition forces have committed IHL violations. When the United Nations Secretary General placed Saudi Arabia on a list of states accused of killing children in 2016, threatened to withdraw much-needed funding from critical UN programs if the Secretary-General did not remove the coalition from the list.<sup>23</sup>

It is apparent from the lack of adequate investigations into alleged IHL violations by coalition forces and the absolution of coalition forces when investigations have been carried out that the JIAT is an attempt by the Government of Saudi Arabia to deflect attention away from concerns over human rights abuses. In such cases where the coalition has undertaken investigations, the JIAT has repeatedly demonstrated its lack of independence and impartiality. Though it ostensibly operates under a mandate to assess the coalition’s accountability and compliance with international humanitarian law, its commissioners work for the same governments that are prosecuting the war. As a result, because it is unable to meet the necessary standards of independent and impartial accountability, it cannot be taken seriously.

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<sup>19</sup> “MSF condemns airstrikes on a wedding party in Hajjah,” Medecins sans Frontieres/Doctors without Borders, 25 April 2018, <https://www.msf.org/yemen-msf-condemns-airstrikes-wedding-party-hajjah>.

<sup>20</sup> “Yemen: Dozens of civilians killed in school bus attack,” Al Jazeera, 9 August 2018, <https://www.aljazeera.com/news/2018/08/yemen-dozens-children-killed-wounded-school-bus-attack-180809085843444.html>.

<sup>21</sup> “Yemen war: Saudi-led air strike on bus kills 29 children,” BBC, 9 August 2018, <https://www.bbc.com/news/world-middle-east-45128367>.

<sup>22</sup> “UN to meet on Saudi-led hit on Yemen children’s bus,” Yahoo News, 10 August 2018, <https://www.yahoo.com/news/saudi-led-coalition-admits-yemen-attack-children-victims-133319270.html>.

<sup>23</sup> Jo Becker, “Dispatches: Blackmailing Your Way Out of Trouble at the UN,” Human Rights Watch, 9 June 2016, <https://www.hrw.org/news/2016/06/09/dispatches-blackmailing-your-way-out-trouble-un>.