



United States of America: The issue of extrajudicial killings in Yemen

**Report submitted to the Human Rights Committee in the
context of the review of the fourth periodic report of the United
States of America**

30 August 2013

About Alkarama

Alkarama is a registered Swiss foundation headquartered in Geneva, established in 2004 by volunteer human rights lawyers and defenders. It works on human rights violations in the Arab world with offices and representatives in Lebanon (Beirut), Qatar (Doha), Cairo (Egypt) and Yemen (Sana'a).

Its work focuses on four priority areas: extra-judicial executions, disappearances, torture and arbitrary detention. Related activities include protecting human rights defenders and ensuring the independence of judges and lawyers.

Alkarama engages with the United Nations (UN) human rights mechanisms. It has submitted thousands of cases and urgent appeals to the Special Procedures of the UN, the Special Rapporteur on Torture, the High Commissioner for Human Rights and various UN human rights treaty bodies. Additionally, Alkarama has submitted numerous reports on the human rights situation in the Arab states reviewed under the Universal Periodic Review, and to the UN Special Procedures and human rights treaty bodies.

Basing its work on principles of international human rights law and humanitarian law, Alkarama uses UN human rights mechanisms on behalf of victims of human rights violations and their families. It works constructively with sovereign states, the Office of the High Commissioner for Human Rights and national human rights institutions, as well as victims' lawyers and human rights defenders. It also organises seminars and undertakes campaigns to raise awareness of human rights issues in the Arab world.

In Arabic, Alkarama means 'dignity'.

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1. Introduction

The United States of America presented its fourth periodic report to the Human Rights Committee (CCPR/C/USA/4) on 30 December 2011. The U.S.A.'s report is due to be examined by the Committee at its 109th session, which will take place in Geneva between 14 October and 1 November 2013.

Over the last few years, Alkarama has documented several cases of violation of article 6 of the Covenant, related to the right of life, committed by the United States of America in the Republic of Yemen. Most of the cases submitted to our organisation were due to the use of unmanned aerial vehicles (hereafter drones) in the Republic of Yemen.

In this regard, Alkarama issued a report documenting ten U.S. attacks in Yemen between 2009 and 2013, which was submitted in June 2013 to Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Moreover, several communications related to these attacks were submitted to the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Alkarama's submission to the Committee will therefore begin by examining the applicability of the Covenant to violations committed extraterritorially by the State party (art. 2). The report will then focus on the violations of the right to life (art. 6) committed by U.S. drones and other lethal weapons by providing the Committee with information on ten strikes which took place between 2009 and 2013 documented by our organisation in Yemen.

In submitting this report, Alkarama wishes to participate in the examination of the State party in the hope that a dialogue between U.S. authorities and the Committee's experts may stop the practice of extrajudicial killings in Yemen and elsewhere. This contribution also aims to ensure accountability for the perpetrators of these violations, as well as ensuring reparations are provided to victims of what amounts to extrajudicial executions.

The information provided below was collected by our organisation's office in Sana'a, as well as by an Alkarama representative from Geneva during a mission to the country in April 2013, conducted in collaboration with local civil society and the Yemeni authorities.

2. Context

From the first air strike in November 2002 until the month of August 2013, there have been between 134 and 241 U.S. military operations in Yemen, including strikes by aircraft, drone missiles, or attacks launched from warships stationed in the Gulf of Aden.¹ However, the exact number of operations is unknown due to the secrecy surrounding the United States' military interventions in Yemen. As such, the number of casualties is also unknown. In a study of civilian victims of U.S. attacks in Yemen by Yemeni journalist Ali Al-Sha'bani, he notes the difficulty of obtaining accurate information about the number of strikes and people affected. In 2012 alone, he counted 109 air strikes in nine provinces, causing the deaths of 490 people, including 390 civilians.²

While the Bureau of Investigative Journalism counted nearly 1,231 deaths between 2002 and August 2013 due to U.S. attacks, Dennis Kucinich, a representative of the U.S. Congress, placed the number of deaths in Yemen at 1,952, in a speech to Congress. He says: "We have not declared war on any of these nations [Pakistan, Yemen, Somalia] but our weapons have killed innocent civilians there. Highly reputable research shows that the number of high-level targets killed as a percentage of total casualties is estimated at about 2 percent."³ The head of national security in Yemen, Ali Hassan Al-Ahmady, announced that during 2012, a hundred members of al-Qaeda had been killed by U.S. aircraft strikes.⁴

¹ These figures were established by the *Bureau of Investigative Journalism* which gathers credible information on clandestine operations by the U.S. in Yemen, Pakistan and Somalia. <http://www.thebureauinvestigates.com/>

² « علي الشعباني، ضحايا الطائرات الامريكية المدنيين في اليمن » (in Arabic only - *Civilian Victims of American Aviation in Yemen*), unpublished study prepared in early 2013.

³ Robert Tilford, *American drones have killed thousands, says Kucinich*, Examiner, 16 November 2012, <http://www.examiner.com/article/american-drones-have-killed-thousands-says-kucinich> (accessed on 25 April 2013)

⁴ علي الشعباني، ضحايا الطائرات الامريكية المدنيين في اليمن, unpublished study prepared in early 2013. See note above.

Alkarama has documented a series of attacks carried out by military aircraft or drones between 2009 and 2013 in different provinces of Yemen. The political context in which these strikes occur shows that the United States has gone far beyond its stated goal of eliminating terrorists and is in fact directly intervening in an internal conflict currently taking place in Yemen. This interference has serious consequences for the Yemeni society deals with internal conflict.

This war of drones and aerial attacks are part of a strategy of terror, the primary victim of which is the civilian population that lives in fear, under permanent harassment for months on end, not knowing when or where the next attack will come as drones buzz overhead. The consequences of the attacks go far beyond the deaths of individuals. Many have been seriously injured and traumatized for life, especially children affected by the attacks.

The modus operandi of these aerial attacks varies according to the circumstances and it is difficult to clearly establish responsibility for attacks, and to know whether the attack was carried out by a drone or a military plane. Some areas are monitored for months by drones and subsequently attacked by American military planes either directly, or with the support of the Yemeni Air Force.

The villages and towns we visited had never before received a visit from a human rights organisation. The residents we interviewed expressed their expectations regarding international public opinion and action by the United Nations. They say that they feel abandoned both by state institutions and the international community, which has not acted to put an end to these violations.

3. Constitutional and legal framework for implementation of the Covenant (art. 2)

As the violations documented in this contribution are committed by a State party, namely the United States, engaged in military operations in another State party to the Covenant, Yemen, with which it is not engaged in a war, we must begin by affirming the extraterritorial applicability of the Covenant.

Article 2 paragraph 1 of the Covenant states that “[E]ach State Party to the present Covenant undertakes to respect and *to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant*, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (our emphasis).

While the extraterritorial applicability of the Covenant is not clearly established in article 2, international jurisprudence has been constant in this regard for more than 30 years and provides several examples of the obligation of States parties to ensure the Covenant’s provisions extraterritorially.

The Committee’s General Comment No.31 states at its paragraph 10 that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, *even if not situated within the territory of the State Party*. (...) This principle also applies *to those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained* (...)” (our emphasis).⁵

In its communication 52/1279 of 19 July 1981 (Lopez-Burgos vs. Uruguay), the Committee stated that “[it] would be unconscionable to so interpret the responsibility under article 2 of the Covenant on the territory of another State, *which violations it could not perpetrate in its own territory*” (our emphasis). This position has been confirmed by the Committee in numerous other cases since then.⁶

⁵ Human Rights Committee, *General Comment No. 31 [80] Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 26 May 2004.

⁶ See *Concluding Observations on Cyprus*, UN Doc. CCPR/C/79/Add.88; *Concluding Observations on Israel*, UN Doc. CCPR/C/79/Add.93, § 10 and UN Doc. CCPR/CO/78/ISR, § 11; *Concluding Observations on Belgium*, Doc. CCPR/C/79/Add.99 §14; *Concluding Observations on Croatia*, UN Doc. CCPR/C/79/Add.15 §10; *Concluding Observations on Moldova*, UN Doc. CCPR/CO/75/MDA, § 4; *Concluding Observations on Bosnia-Herzegovina*, UN Doc. CCPR/C/79/Add.14, §§ 4-5; *Concluding Observations on Croatia*, UN Doc. CCPR/C/79/Add.15, § 6; *Concluding Observations on Serbia- Montenegro*, UN Doc. CCPR/C/79/Add.16, §§4-7; *Concluding Observation on Lebanon*, UN Doc. CCPR/C/78, §12; *Ng v. Canada*, 5 November 1993, UN Doc. A/49/40, Vol. II, 189; *Kindler v. Canada*, HRC 31 July 1993,

This view is reaffirmed in the ICJ's advisory opinion of 9 July 2004 on the legal consequences of the construction of a wall by Israel in the occupied Palestinian territory: "[t]he Court would observe that, while the jurisdiction of States is primarily territorial, it may sometimes be exercised outside the national territory. Considering the object and purpose of the International Covenant on Civil and Political Rights, it would seem natural that, even when such is the case, States parties to the Covenant should be bound to comply with its provisions. The constant practice of the Human Rights Committee is consistent with this. (...) [T]he drafters of the Covenant did not intend to allow States to escape from their obligations when they exercise jurisdiction outside their national territory. They only intended to prevent persons residing abroad from asserting, vis-à-vis their State of origin, rights that do not fall within the competence of that State, but of that of the State of residence" (our emphasis).

Despite the fact that the extraterritorial applicability of Covenant's provisions is not in question, in its list of issues (CCPR/C/USA/4 and Corr. 1) adopted at its 107th session, the Committee still asked for clarifications on "[t]he State party's understanding of the scope of applicability of the Covenant with respect to individuals under its jurisdiction but outside its territory; in times of peace, as well as in times of armed conflict; which measures have been taken to ensure that the Covenant is fully implemented by State and local authorities (...)."

The United States declared its position remains unchanged since its prior appearances in front of the Committee, stating at paragraph 505 of its national report, "[t]hat article 2(1) would apply only to individuals *who were both within the territory of a State Party and within that State Party's jurisdiction*" (our emphasis), and therefore does not apply to its military operations in Yemen.

"Determining the international law rule that applies to a particular action taken by a government in the context of an armed conflict is a fact-specific determination, which cannot be easily generalized, and raises especially complex issues in the context of non-international armed conflicts occurring within a State's own territory".⁸

The U.S. authorities' denial of the Covenant's applicability in its military operations in Yemen is clear, despite the evident international jurisprudence and practice affirming its extraterritorial applicability for more than 30 years. Moreover, Alkarama is deeply concerned that the United States also remains very vague on what law is applicable to its military operations in Yemen. This position maintains a climate of judicial uncertainty which does not encourage implementation of the Covenant's provisions. The U.S. position regarding the scope of application of the Covenant and its interpretation of article 2 also creates a sentiment of impunity for the perpetrators of human rights violations in Yemen as well as nourishing a feeling of injustice for the victims of these violations. It also undermines the faith of the Yemeni population in international legal mechanisms and increases the Yemeni people's mistrust of the American government.

4. The right to life (art.6): extrajudicial killings in Yemen

Article 6 paragraph 1 of the Covenant states that "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

In its General Comment No.6 related to the right to life (art. 6) of 30 April 1982, the Committee underlined that "[t]he protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6 (1) is of paramount importance. The Committee considers that *States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities.* (...) Moreover, the Committee has noted that *the right to life has been too often narrowly interpreted.* The expression

UN Doc. A/48/50, 138; *López Burgos v. Uruguay*, HRC 6 June 1979, UN Doc A/36/40, § 12.1; *Celiberti de Casariego v. Uruguay*, UN Doc. CCPR/ C/13/D/52/1979, paras. 12.1-12.3

⁷ Fourth periodic report of the United States of America submitted to the Human Rights Committee, CCPR/C/USA/4 , 30 December 2011, para. 505.

⁸ Fourth periodic report of the United States of America submitted to the Human Rights Committee, CCPR/C/USA/4 , 30 December 2011, para. 507.

"inherent right to life" cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures" (our emphasis).

The Committee's jurisprudence confirms the central character of the right to life in the Covenant by stating that "[t]he right enshrined in this article (article 6) *is the supreme right of the human being*. It follows that the deprivation of life by the authorities of the State is a matter of the utmost gravity"⁹ (our emphasis).

In its list of issues in view of the United States' review in October 2013 (CCPR/C/USA/4 and Corr. 1) adopted at its 107th session, the Committee raises the question of the compliance of the use of drones with the Covenant's provisions by asking for clarifications concerning "targeted killings conducted through drone attacks on the territory of other States, as well as collateral civilian casualties are in compliance with Covenant obligations. Please clarify how the State party ensures that such use of force fully complies with its obligation to protect life." The Committee also asked the U.S. to "clarify whether the State party has effectively investigated and punished lower-ranking soldiers for unlawful killings, including possible war crimes, in its international operations, and whether it has held senior officers responsible under the doctrine of command responsibility. Please also clarify whether similar investigations have been instigated against private contractors and civilian intelligence agencies."

The State party replied on 3 July that "[t]he *United States is in an armed conflict with al-Qaida, the Taliban, and associated forces, and may also use force consistent with our inherent right of national self-defense*. The United States has acknowledged that it has conducted targeted strikes with remotely piloted aircraft against specific targets outside areas of active hostilities. *These strikes are conducted in a manner that is consistent with all applicable domestic and international law...* Presidential Policy Guidance sets out standards for the use of lethal force outside areas of active hostilities. These standards are either already in place or will be transitioned into place over time. Under these policy standards, *lethal force is used only to prevent or stop attacks against U.S. persons, and even then, only when capture is not feasible and no other reasonable alternatives exist to address the threat effectively*. In addition, under these standards *lethal force is to be used outside areas of active hostilities only against a target that poses a continuing, imminent threat to U.S. persons. If a terrorist does not pose such a threat, the United States will not use lethal force. Importantly, these policy standards include several criteria that must be met before lethal action may be taken, including near certainty that non-combatants will not be injured or killed*"¹⁰ (our emphasis).

The State party affirms conditioning the use of lethal force to "prevent or stop attacks against U.S. persons, and even then, only when capture is not feasible and no other reasonable alternatives exist to address the threat effectively" and consider that its targeted killing policy "is consistent with all applicable domestic and international law". The fact is that the so-called "targeted killings" clearly violate article 6 of the Covenant which constitutes "the supreme right of the human being" and which is applicable to its military operations in Yemen as demonstrated above. There is no valid argument that allows the United States to escape its international obligations regarding the Covenant, knowing that U.S. strikes in Yemen have led to the execution without any transparent legal procedures of 1 231 individuals over the past 11 years¹¹ in Yemen, a close ally of the State party and with which the State party is not at war. Moreover, the facts documented on the ground clearly contradict the respect of the guidelines set up by the State party itself in its reply to the Committee. Alkarama documented several cases of casualties who were killed shortly after having been released from prison, or examples of individuals who could have been easily arrested and tried.

The grave issue with the State's party legal argumentation lays in the vagueness of its definition of its enemy and of the law applicable to its actions. The term "al-Qaida, the Taliban and associated forces" is vague and imprecise: what exactly is al-Qaeda and under which criteria is a movement considered an associated force? Who makes the decision to qualify a movement as such and how is this decision

⁹ See Human Rights Committee decision Baboeram and other vs. Suriname, Communication No. 146/1983 and 148 to 154/1983, U.N. Doc. Supp. No. 40 (A/40/40) at 187 (1985), para. 14.

¹⁰ United States Written Responses to Questions From the United Nations Human Rights Committee Concerning the Fourth Periodic Report, <http://www.state.gov/j/drl/rls/212393.htm>, consulted on 26 August 2013

¹¹ The Bureau of Investigative Journalism, <http://www.thebureauinvestigates.com/2013/01/03/yemen-reported-us-covert-actions-2013/> (consulted on 27 August 2013).

taken? This opacity and vagueness is particularly concerning, especially when targeted killings are decided and take place without involvement or review by Congress or any other elected body. The technological ability of U.S. security agencies to kill anyone it considers an enemy under vague criteria around the globe without any proper public judicial review or democratic control, as well as the attitude of the State party which denies the applicability of the Covenant for such a grave violation of its provision is deeply concerning. In particular, it erodes victims' faith in the international rule of law and any legal process they may use to obtain justice.

The issue of providing victims' families with adequate reparation and the opening of judicial proceedings against perpetrators of such grave violations is therefore essential.

In this regard, the Committee asked the State party in its list of issues adopted at its 107th session for clarifications on "whether the State party has effectively investigated and punished lower-ranking soldiers for unlawful killings, including possible war crimes, in its international operations, and whether it has held senior officers responsible under the doctrine of command responsibility. Please also clarify whether similar investigations have been instigated against private contractors and civilian intelligence agencies."¹²

The State party answered that "[t]he United States has investigated U.S. military personnel and civilian personnel, including contractors, for suspected unlawful killings committed in operations conducted outside the United States. Most of the investigations and prosecutions, including administrative and criminal inquiries and proceedings, have been carried out by DoD, DOJ, and other U.S. government components that have jurisdiction over such actions. Some of these investigations resulted in prosecutions (some resulting in conviction and others not), and some investigations were closed without initiation of prosecutions (...). The concept of command responsibility is implemented within the U.S. military through training and military doctrine. Additionally, the UCMJ, 10 U.S.C. Chapter 47, and other disciplinary mechanisms with the U.S. military, as well as the Military Commissions Act of 2009, P. L. 111-84, implement the concept of command responsibility. Although the concept is well-known and established under international law and is widely used by international tribunals, not all of U.S. federal criminal law specifically incorporates the concept of command responsibility. For example, the doctrine of command responsibility has not been employed by DOJ in its prosecutions. However, under U.S. federal criminal law, the conspiracy and aiding and abetting statutes may be utilized in appropriate cases to reach senior-level offenders. Robust review procedures are in place to ensure appropriate training of U.S. forces in the law of armed conflict and appropriate rules of engagement and tactics, techniques, and procedures. If DoD has reason to believe that a crime has occurred that resulted in unlawful killings, a full investigation is initiated. If the investigation reveals allegations of criminal activity, action is taken as appropriate to hold accountable those determined to be responsible, including those deemed culpable as a function of command responsibility."¹³

While it is true that legal proceedings were opened against perpetrators of violations of the Covenant in some countries where the State party is engaged in war, Alkarama notes that such proceedings are in most cases opened following strong media pressure, such as some well publicised violations committed in Iraq and Afghanistan. However, and this despite the existing legal framework, no judicial proceedings have been opened against the perpetrators of extrajudicial killings in Yemen, nor reparation provided to victims.

5. Examples of Targeted Attacks

5.1 The Attack on Al-Maajala (Abyan) on 17 December 2009

On 14 December 2009, U.S. Secretary of State Hillary Clinton designated al-Qaeda in the Arabian Peninsula (AQAP) as a terrorist organisation. Two days later at a meeting of several military agencies in the United States, "Operation Copper Dune" was launched. Its goal was to physically eliminate

¹² Fourth periodic report of the United States of America submitted to the Human Rights Committee, CCPR/C/USA/4 and Corr.1 , 30 December 2011.

¹³ United States Written Responses to Questions From the United Nations Human Rights Committee Concerning the Fourth Periodic Report, <http://www.state.gov/j/drl/rls/212393.htm>, para. 40 (consulted on 26 August 2013).

three men, including Muhammed Saleh Al-Anbouri (known as Al-Kazimi) who was accused of organising a suicide attack on Spanish tourists in 2007 and suspected of planning an attack against the U.S. Embassy in Sana'a.¹⁴ He lived with his family in Al-Maajala, where camps were incorrectly identified by U.S. intelligence as terrorist training camps.

On 2 February 2013 our team visited Al-Maajala, a village in the municipality of Al-Hafd in Abyan province located about 230 km east of Aden, to gather information and meet survivors of the deadliest U.S. attack thus far in Yemen. Residents complained about the lack of government interest in the situation, but also the disinterest of the media and other associations. They said the government does not want the outside world to be informed of the events that took place in Al-Maajala. In view of the scale of the attack and the number of civilian casualties it caused, it is one of the most well-known strikes and in many minds, it marked the beginning of the strategy of U.S. targeted killings even though, as mentioned above, several operations of this type had already taken place in the days that preceded it.

On 17 December 2009 at six o'clock in the morning, four missiles were fired at Al-Maajala. They hit the encampment of the Haidar tribe and killed 14 of its members, mostly women and children, and injuring a girl. Moments later a cruise missile loaded with cluster bombs exploded on the houses of the Al-Anbouri tribe and killed 28 people. This attack hit several homes in which many people were still sleeping. Within a few moments, 55 people were killed including 14 women of whom seven were pregnant, and 21 children. Yemeni authorities immediately assumed responsibility for the operation and said they had carried it out with warplanes. They declared that the attack was aimed at the 14 men who died, who were all members of Al-Qaeda, including the alleged leader Muhammed Salih Al-Anbouri (محمد صالح محمد علي العنبري) (aka Al-Kazimi). The names of other suspects killed were not formally announced.

In response to the anger expressed by the Yemeni population at this attack, the Yemeni parliament decided to appoint a committee that was formed in early January 2010 and reported in March that year. It noted that it did not have confirmation of the fact that members of Al-Qaeda were found at the scene and it was not able to establish the existence of a military training camp. The only name it had was that of Mohammad Saleh al-Kazimi, which had been released by the authorities. According to residents' testimonies, he lived there with his family. He moved freely through checkpoints manned by the security services without being arrested. The Commission therefore confirmed that if the authorities had wanted him, they could have simply arrested him.¹⁵

Despite attempts by the Yemeni authorities to disguise the origins of the attack, it quickly became clear that only the United States could have carried it out. The debris found at the scene matched a Tomahawk land-attack cruise missile (BGM-109D) of U.S. origin. This machine is designed to carry 166 bombs, each containing approximately 200 iron splinters that can reach a distance of 150 m from the drop point. The munitions may contain incendiary material that also spreads fragments of burning zirconium designed to set fire to flammable objects nearby.¹⁶ This kind of missile is launched from a warship or submarine.

As previously mentioned, the Yemeni government did everything possible to take responsibility for the attack in order to avoid public outcry against foreign intervention in the country. Yemeni Deputy Prime Minister at the time, Rashad al-Alimi, told the U.S. ambassador that "any evidence of greater U.S. involvement, such as fragments of U.S. munitions found at the sites [...] could be explained as equipment purchased from the U.S." This is despite the fact that the type of missile used is not part of the Yemeni arsenal. He added that the government was very satisfied with how this had taken place and wished to continue working with the United States in the fight against terrorism.¹⁷

¹⁴ Gregory D. Johnsen, *The last Refuge, Yemen, A-Qaeda, and America's war in Arabia*, W. W. Norton & Company, Inc., 2012, chapter 18 (as it is an electronic book it does not have page numbers).

¹⁵ Special Parliamentary Commission to Investigate the Events in Abya Province, Yemeni Parliament, تقرير اللجنة المكلفة بتقصي الحقائق حول الأحداث الأمنية بمحافظة أبين ولحج (Report by the Special Parliamentary Commission to Investigate the Events in Abya Province), 2010. The Commission visited the site in early January 2010.

¹⁶ Photos of these fragmentary bombs were transmitted to Amnesty International who referred to this attack in its report on Yemen, written on the basis of the parliamentary commission's work, published a few months later. *Yemen: Cracking down under pressure*, 25 August 2010, <http://www.amnesty.org/en/library/asset/MDE31/010/2010/en/da8bd0cc-37ab-4472-80b3-bcf8a48fc827/mde310102010en.pdf> (accessed 29 April 2013).

¹⁷ The US-Embassy Cables, *The US-Embassy Cables: Yemen trumpets strikes on al-Qaida that were Americans' work*, The Guardian, 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955>.

The *Bureau of Investigative Journalism* cited *Newsweek* journalist Daniel Klaidman, who had reported that Tom Donilon, the deputy U.S. National Security Adviser, as well as the American ambassador to Yemen and the head of the local C.I.A. office were among dozens of people who were consulted about the attack.¹⁸

According to the former American ambassador Stephen Seche who met with Rashad Al-Alimi, the Yemeni authorities had recruited politicians and local religious leaders to visit the province of Abyan to explain to the residents the goal of these operations and the danger presented by Al-Qaeda. He claims that the governor of Abyan received \$100,000 in compensation intended for the families of the victims.¹⁹

During their visit to the attack sites, Alkarama and Hood representatives met survivors, members of affected families, witnesses that had been rescued immediately after the strikes, members of civil society, and local political leaders. We also visited the impact sites and were clearly able to identify visible traces of the attacks.

The Al-Anbouri family, made up of 48 people, was greatly affected by the attack. The head of the family, Muqbil Salem Luqia Al-Anbouri (مقبل سالم لوقية), aged 64, reports that the day before the attack, he had gone to the nearby mountain in search of a missing camel: "In the early morning, while I was on my way back, I heard explosions in the distance. I hurried home and at the first site of the massacre, I was in shock. It was a nightmare: bodies, trees, and cars on fire. The survivors were trying to rescue the injured and take stock of what happened. Around 8:30 people came together and gathered the remains of the bodies that had been scattered in the trees and on the ground. Most homes and properties were destroyed. Many animals, goats, sheep, and camels had perished."

The residents picked up the shredded body parts of those killed without being able to distinguish one from another. The limbs were often mixed with those of animals that exploded at the same time. Unable to identify individuals, families buried their loved ones in a shared grave.

The government failed to provide assistance to victims: they did not participate in the rescue, send ambulances, transport people to hospitals, help identify the dead and wounded, and did not clear the affected area, which to this day remains extremely dangerous due to the munitions that did not detonate on impact. Many people, including children, have been killed by these unexploded munitions in the months and years following the attack.

Twenty-eight members of Mr Muqbil Salem Luqia Al-Anbouri's family were killed, among them his children, grandchildren, and his three wives. Only four people present on that day survived, among them two little girls, Samia and Nada, respectively aged two and three years at the time. We were able to meet them in their parents' home. Samia was hit in the stomach and back by a bomb fragment, while Nada escaped unscathed. Two other children were seriously injured. Four others were injured, including three children who died on the way to the hospital, which is located a significant distance from the village. Mr Muqbil Salem Luqia Al-Anbouri recalled the horrific images he saw that day, including that he "found [his] beautiful daughter holding her youngest girl Khadidja. They were still burning even though their bodies were already completely carbonised."

This tragedy caused Mr Al-Anbouri to have a heart attack, which he had to have treated at his own expense in Egypt. He urged us to let the public know that in his opinion, the Yemeni state has "sold out." He added that it was announced that the government would apologize, but there has never been an apology or explanation to date.

It took protests and public pressure for the state to accept arbitration on the issue of compensation for victims' families in accordance with tribal customs. The representative of the families of those killed has assessed that a total sum of 10 billion Riyals (\$US 47 million) should be paid by the state, but that the case should remain pending until full responsibility for the event has been established. For its part, the government did not accept the proposed amount and offered only 220 million Riyals

¹⁸ Daniel Klaidman, *Kill or Capture: the War on Terror and the Soul of the Obama Presidency*, The Bureau of Investigative Journalism, *Yemen: reported US covert actions 2001-2011*, YEM 002, <http://www.thebureauinvestigates.com/2012/03/29/yemen-reported-us-covert-actions-since-2001/> (accessed 29 April 2013).

¹⁹ The US-Embassy cables, *US embassy cables: Yemen trumpets strikes on al-Qaida that were Americans' work*, The Guardian, 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955>.

in payment, approximately one million dollars. The families refused the sum and have demanded that the issue be brought before an international tribunal to establish accountability and fair compensation.

We also met with Yeslem Al-Anbouri, aged 65, who is also related to the victims. He worked at the time as the deputy mayor of Al-Hafd. He informed us that he personally contacted President Saleh following the attack to lodge a complaint about the lack of assistance from the state in a region that lacked infrastructure, schools, healthcare, and food. The president told him that "these people were from Al-Qaeda." To Mr Yeslem, this accusation was preposterous. He says, "Maybe the attacks hit us because of an error or we were targeted on the basis of false information, but today, you can see that Al-Qaeda is spread throughout Yemen." On the subject of Muhammed Salah Al-Kazami, he says "[T]he Yemeni authorities were looking for him because he was accused of terrorism, and he perished in this attack even though he had been jailed in Saudi Arabia before being transferred to the Yemeni authorities who imprisoned him for five years before he was judged and acquitted. He moved about freely and could have been easily been arrested at any moment."

The committee that went to Al-Ma'alah is the only body that has been mandated to inquire about military attacks orchestrated by the United States. It is almost certain that without the support of this committee, the public would not have been so quickly informed and would have no knowledge as to the identity of the victims. Admittedly, the committee tried its best but its limited means of investigation and the lack of political will of the authorities to support this parliamentary initiative did not allow it to achieve the result victims and civil society had expected. Thus, while it gathered evidence on the ground, the commission did not refer to U.S. responsibility for the attack, although it asked that responsibility for the attack be established and that those responsible be prosecuted. It also clarified some facts about the existence of an al-Qaeda training camp and the presence of Al-Kazami there, revealing the contradictions between the versions of what had happened put forward by national and local authorities. While the governor had put the figure at 14 "terrorists" killed, the Deputy Prime Minister for Defense and Security Rashad al-Alimi said in parliament that 24 terrorists were neutralized during the operation without mentioning a single civilian victim. The commission noted the allegations that the authorities had lied about the identities of victims identified as members of al-Qaeda while observing that members of Al-Qaeda had indeed moved into the region.

The parliamentary commission also reported on statements made by residents to the governor regarding their concerns about a plane flying low over the area for more than two months before the attack. In its recommendations, the commission demanded an inquiry be opened on the errors that had taken place during the attack and insisted that responsibility should be established within three months. However, to this day the Yemeni authorities have not conducted any investigation. Neither have the requests for a development fund for the region made by the commission been followed up with concert actions.

In addition, as we noted above, the authorities have not secured the area hit by the bombs and a number of unexploded fragments continue to threaten, kill, and injure residents, including children:

- Five days after the attack, on 21 December 2009, while hundreds of members of the tribe gathered to give their condolences, a submunition exploded killing four people and injuring 25.
- In 2010, one of the unexploded bombs floated five kilometres downriver and hit a group of people out gathering herbs. The explosion killed two people and injured four others.
- On 24 November 2011, two years after the attack, a child found one of the projectiles and carried it home. It exploded and killed his father, Salem Atef Ali Basyoul (سالم عاطف علي (بسيول), and injured his mother and three children.

The region's inhabitants have also noted a rise in cases of cancer and wish to know if there is a link with the attack on 17 December 2009. They reported four cases:

- Mohammad Yeslem Faraj Al-Ruhi (محمد يسلم فرج الروحي), aged 66, was stricken with cancer and lost his memory after the death of his sister and her children in the bombing in question, according to his family.

- Yaser Ahmed Muqbil Sari' Al-Anbour (ياسر أحمد مقبل عوض سريع آل عنبور), aged 38, died of lung cancer after being hospitalized in Egypt. He was exposed to and breathed gas from the bombs that exploded that day during the relief efforts for victims that survived the attack.
- Salem Nasser 'Ali (سالم ناصر علي), aged 54, who died of a cancer of the digestive system despite three hospitalizations in Egypt that he paid for himself. The state only reimbursed him for travel expenses and he was forced to sell his house in Aden to pay for his care.
- Munsir Nasser Ali Al-Ba'la (نصر ناصر علي البعلة), aged 10, who died of leukaemia.

To our knowledge, the United States has never officially recognized their responsibility in the attack and has not provided any reparation to the victims and their families. To this day, it is not known what substances were contained in the bombs, whether the site was contaminated by harmful radioactive substances, and the land has never been cleared.

5.2 Targeted Killing at Jaber Al-Shabwani in Marib on 24 May 2010

On 24 May 2010 at approximately 8pm, an American drone targeted two cars between the village of Al-Hawi (الحوي) and the lands of the Āl 'Ushan (آل عوشان) tribe at Wadi 'Abida (وادي عبيدة) in the province of Marib. Three men were killed, including the vice-governor of Marib, Jaber Ben Ali Ben Jaber Al-Shabwani (جابر بن علي بن جابر الشبواني), and his two companions Abd Al-Majid Said 'Anij Al-Shabwani (عبدالمجيد سعيد بن عنيج الشبواني) and Ali 'Aziz Al-Ja'uri Al-Dhamari (علي عزيز الجعوري). The uncle of Jaber, Fahd (فهد بن جابر الشبواني), and a third companion, Fahd Ben Saoud Ben Maj'al Al-Shabwani (فهد بن سعود بن مجعل الشبواني), were injured and had to travel to Egypt for treatment. A third person by the name of Muhammed Ben Said Ben Jamil (محمد بن سعيد بن جميل) was injured. He is the brother of Ali Ben Said Ben Jamil who was accused of belonging to Al-Qaeda. Jaber Al-Shabwani was planning to meet with members of Al-Qaeda in Wadi 'Abida, including Muhammed Said Ben Jordan (محمد سعيد بن جردان), in order to persuade them to abandon their armed struggle.

Alkarama's representative was able to recover some debris of the missiles fired on the men as well as pictures of the deceased. He also interviewed several people, including local political and tribal leaders, who reported that the population's anger was acute, and that clashes had broken out between government forces and armed men from the tribe. Sabotage of pipelines and electrical cables finally forced the government to issue an apology. In response, former President Saleh urgently sent a commission to the site to conduct arbitration according to tribal customs. An investigation was promised, in which influential tribesmen were to participate, which momentarily appeased the population and gave the government some time to recover. A source from the security services took advantage of this lull to claim that Al-Qaeda was responsible for the death of Al-Shabwani and his companions because its members had been called to their headquarters.

The deputy governor's cousin, 'Aidh Al-Shabwani (عائض الشبواني), was among the Al-Qaeda members that the men were planning to meet. According to journalist Jeremy Scahill, he was considered an important local Al-Qaeda leader and had twice been targeted by a drone, on 15 and 20 January 2010, without success. The strikes of 24 May 2010 took place near an orange grove he owned.²⁰ Nearly a year later, the exact circumstances of the deaths of the three men remain unknown, and tribesmen have once again taken up acts of sabotage against oil pipelines to demand clarification on these murders.²¹

As in previous attacks, the Yemeni government assumed responsibility and the Supreme Security Council apologized. But parliament was not satisfied with these explanations and imposed a deadline of 15 days for the government to submit a detailed report on the attacks and other incidents that had taken place in several provinces. Parliament demanded clarification of the security measures taken in the fight against Al-Qaeda and the role of aerial bombing in civilian deaths. Members also asked for

²⁰ Jeremy Scahill, The Dangerous US Game in Yemen, 30 March 2011, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,2> (accessed 27 April 2013).

²¹ مأرب: تفجير انبوب النفط بمنطقة عرق آل شبوان بعد مطالب بالكشف عن قتل جابر الشبواني (Marib: Attack with explosives against the Al Shabuan family pipeline following a request for inquiry into the assassination of Jaber Al-Shabwani), Marib Press, 15 March 2011, http://marebpress.rdfanpress.com/news_details.php?lng=arabic&sid=31940 (accessed 27 April 2013).

details on the air strike that killed Jaber Al-Shabwani. Despite all this, the parliament's request went unanswered, and the work of the commission appointed by former President Saleh has not been made public. The U.S. media, however, clearly attributed the attack to the American military. The New York Times reports that "[I]t was a secret mission by the United States military, according to American officials."²²

The drone attack and the subsequent manner in which it was dealt with by the Yemeni government has led to a split between the Marib tribes and the central government, with the former questioning the latter's legitimacy. For months, acts of sabotage on the pipeline leading to the Red Sea were perpetrated, at the cost of millions of dollars to the state. Al-Qaeda is also growing more popular in this region.

Many rumors have circulated about the killings, including that the Yemeni government knowingly provided false information to the U.S. government in order to get rid of Al-Shabwani. Others say that one of his companions had a microchip on him, but the reason why this would have been the case is unclear. Still others are convinced that the negotiations with Al-Qaeda were initiated by former President Saleh, but that the U.S. authorities disapproved of negotiating with those they consider terrorists. They therefore used the alleged microchip to locate and put an end to the meeting.

The deputy governor's relative was considered an important terrorist by American intelligence agencies and was likely under surveillance for several months. He was killed on 11 July 2011 during a battle in the south of the country (a fight over control of the Abyan region by armed groups). American warships stationed off Zinjibar actively participated in the bombing of the coastal regions.²³

5.3 Azzan (Shabwa) on 30 March 2012

The city of Azzan contains approximately 6000 inhabitants and is located in the province of Shabwa on the Abyan border. Shabwa is one of the richest governorates in the country because of its oil and gas. However, like other southern regions of the country, it has not benefited from economic development programs, which explains the resistance vis-à-vis the central government that is expressed both in the southern movement and the Islamist movements that include jihadists. Since spring 2011, Ansar al-Sharia has battled the government for control of Azzan. The proclamation of an Islamic emirate in the region provoked bombings by the Yemeni and Saudi armies as well as the U.S. military. Nearly a year after this declaration, the fighters withdrew from the area at the behest of the population to prevent bloodshed in the towns of Zinjibar and Jaar in the neighboring province of Abyan.

One of the largest tribes in Yemen, the Awlaqi tribe, lives in Shabwa province. Several of its members have been the targets of assassinations by American drones, the most famous of which was Anwar Al-Awlaqi, an American-Yemeni national who was killed on 30 September 2011. His son, Abdurrahman (aged 16), was killed two weeks later on 14 October 2011. Fahd Muhammed Al-Qas' Al-Awlaqi was killed on 6 May 2012.

The government's military offensive on the rebellious regions increased from March 2012 on. The largest number of aerial strikes took place in May and June 2012. They hit various Ansar Al-Sharia strongholds including Lahj, Al-Bahdha, and Shabwa, provinces bordering Abyan. The American army supported this offensive with air raids and drone strikes, killing dozens of members of armed groups designated as "officers," as well as many civilians creating an exodus of thousands of inhabitants. A large part of the population had already left the area in the year before the offensive to protect themselves from bombings by the Yemeni army.

The delegation sent by Alkarama and Hood went to Azzan on 3 and 4 February 2013 to gather information on the attack of 30 March 2012 during which three men were killed, two of whom were identified as Al-Qaeda members, while the third was a passerby. Five children were injured by shrapnel. The delegation met with the children that survived the attack and relatives of those killed, and was consequently able to assess the consequences of the attack.

²² Scott Shane, Mark Mazzetti and Robert F. Worth, *Secret Assault on Terrorism widens on two continents*, 14 August 2010, http://www-nc.nytimes.com/2010/08/15/world/15shadowwar.html?_r=6& (accessed 27 April 2013).

²³ Fawaz al-Haidari, Yemen Qaeda chief, *10 soldiers killed in fighting*, AFP, 21 July 2011, <http://www.google.com/hostednews/afp/article/ALeqM5ils8xR1IM4v-Hkc2rK32rrxsDwbQ?docId=CNG.00160d3150daafb184962013408c041e.251> (accessed 27 April 2013).

On 30 March 2012, at around 4 pm, three explosions were heard in quick succession. A drone fired three missiles on a vehicle in which two Al-Qaeda members were travelling²⁴ through the centre of the city. The two passengers, whose identities are unknown, were killed when the car exploded. The explosion also killed Saleh Muhammed Saleh As-Sunna (صالح محمد صالح السنة), aged 60, who was walking on the other side of the road. He was wounded in the back and succumbed to his injuries in the hospital. Six children who were playing nearby were injured by the missiles.

No.	Name	Age	Injury
1.	أمين علي حسن الوصابي Amin Ali Hassan Al-Wisabi	13	Hit by shrapnel in the right thigh
2.	حمزة خالد صالح بازياد Hamza Khaled Saleh Ba Ziyad	10	Hit by shrapnel in the chest
3.	صالح علي عمر بازياد Saleh Ali Omar Ba Ziyad	14	Hit by shrapnel in the thigh
4.	مروان ناصر أحمد سليمان بابطاح Merouan Nasser Ahmed Suleiman Ba Btah	14	Hit by shrapnel in the right foot
5.	عبدالله محمد محمد باقطيان Abdallah Muhammed Muhammed Ba Qtiyan	14	Hit by shrapnel in the back
6.	صالح عبدالفتاح عبدالله حيميد باقطيان Saleh Abdelfattah Abdallah Haymid Ba Qtiyan	12	Hit by shrapnel in the back

The delegation took their testimonies. Amin Ali Hassan Al-Wisabi, aged 13, reports:

"I was sitting with my friends, and we were going to play football, when suddenly we were shaken by the sound of a violent explosion. I looked up and saw a car burning very close to us. A missile had struck it. Shrapnel hit me in my foot, but I didn't feel any pain, and I ran towards the house with blood flowing from my injury. I saw the car burning close to me and one of my friends lost consciousness. Then someone came with a car and took us to the hospital.

One of the victims was a woman by the name of Samira Hamadi Al-Wisabi, aged 48. Her son Nadir, aged 14, recalls: "My mother suffered paralysis during the bombing." Unfortunately we were not able to meet with this woman.

Several houses were destroyed. One of the owners, Mr. Muhammed Bafaqih (محمد بافقيه), aged 35, complained that the government had provided no assistance to the families that had lost their property and loved ones, and that they were force to rebuild their own homes.

The delegation met with a man who reported that during the attack of May 2012, his house was destroyed and he had to leave Azzan with his family for seven months to seek refuge in Al-Mukalla.

Another witness, Abdallah Muhammed Al-Wisabi (عبدالله محمد الوصابي), aged 35, confirmed that "American drones continued to fly over our town, even though Al-Qaeda was no longer there." Several inhabitants have expressed terror at the thought of another strike, expecting that they could be hit at any moment. They do not understand why the bombings were carried out in cities when they could just as easily have targeted cars outside of residential areas, or why the suspects were killed rather than arrested.

²⁴ Media reports referred to the deaths of five Al-Qaeda members during this attack. See *Yemen pipeline sabotaged in drone retaliation*, Al Jazeera, 31 March 2012, <http://www.aljazeera.com/news/middleeast/2012/03/2012330235756185277.html> (accessed 27 April 2013).

Azzan has been the scene of several drone attacks in residential areas. During the May 2012 attack, a Land Cruiser vehicle was seen. It was destroyed, as was the house next to which it was parked.

5.4 The attacks on Ja'ar (Abyan) of 15 May 2012

Ja'ar was one of the towns that was most affected by the spring 2012 military offensive. It was occupied for several months by members of Ansar Al-Sharia and extremely violent battles between the armed group and the military were accompanied by aerial bombardments and drone attacks. Alkarama collected testimonies on American and Saudi participation in bombings carried out by the Yemeni military during its visit. It is difficult to determine the exact type of aircraft used during each attack, but it seems certain from the information that we collected that the American presence was intensified during the spring 2012 offensive, as the increased number of strikes attests. The media also referred to the "escalation of the secret U.S. war" in Yemen: "The current military offensive coincides with an increase in U.S. military and C.I.A. airstrikes against Al-Qaeda leaders in Yemen. They have relied, in part, on intelligence gathered by C.I.A. operatives and contractors in the contested tribal areas, according to a U.S. source with knowledge of the secret operation."²⁵

The widespread violence has forced nearly half of the population to flee and ultimately pushed the armed groups, which had lost many of their members, to withdraw. In June 2012, the conflict had ended but the authorities took no steps to investigate attacks that had killed civilians, nor did they put in place any concrete measures to help the wounded, families of victims, or survivors who had lost their homes and possessions.

During its visit to the region on 1 February 2013, the joint Alkarama and HOOD delegation visited Aden all the way to Jaar, visiting Dufas, Zinjibar, Al-Makhsin and Al-Kud along the way. Zinjibar, the capital of Abyan, is the city most affected by the fighting and bombing. U.S. military forces have participated in attacks targeting the coastal region from warships off the coast, assisted by the Yemeni air force as well as the Saudi Arabian military, which has regularly participated in operations. On the ground, heavy fighting took place between Yemeni soldiers and armed groups supported by local government militias known as "popular committees." The conflict lasted from April 2011 to June 2012. The Yemeni authorities said they regained control of the area from armed groups; the latter in turn announced it had retreated to put an end to the bloodshed of civilians.

The testimonies that we were able to gather illustrate the large number of civilian casualties caused by bombings, but we do not know the exact number. Observers estimate that dozens of deaths occurred. It appears that residential areas were specifically targeted because of members of Ansar Al-Sharia had taken up residence there. It is difficult to ascertain the origin of the planes used in the attacks. Some witnesses, however, were able to identify Apache-style vehicles as well as some Saudi aircraft.

Ja'ar was targeted in many attacks. On 10 June 2011, an attack on the house of Nadir Nasser Haidara Al-Shadidi in the area of Al-Mashru' in Ja'ar targeted him on the suspicion of being an Ansar al-Sharia leader (the witnesses were not able to say whether the raid was conducted by a U.S. military aircraft or by a drone). In the attack, an 11-year-old boy, Muti'a Ahmed Haider, was killed with his mother, while his cousin was seriously injured. Nader Al-Shadidi was not present in the house at the time. It appears that he was killed during another American drone attack on 18 October 2012 in an area located in the northwest of Ja'ar.

On 2 September 2011, three women and a man of the same family were killed in the area of Al-Kud situated between Zinjibar and Ja'ar. Few families remained in the region following the attack, most fleeing to Aden or elsewhere out of fear. It appears that this attack was carried out by the Yemeni army. The victims' names are: Anissa Ahmed Ibrahim; her sister, Meriem Ahmed Ibrahim; their mother, Sa'ud Ali Hassan; and the latter's husband, Abdallah Ali Ben Ali.

On 5 September 2011, several bombings targeted Ja'ar. A school that was not being used by any fighters was hit. A woman, Wafa' Muhammed Ahmed Al-Hamza (وفاء محمد أحمد الحمزة), was killed, and several other people were injured (two men and two children). The same day, another attack hit

²⁵ *U.S. escalates clandestine war in Yemen*, Los Angeles Times, 16 May 2012, http://latimesblogs.latimes.com/world_now/2012/05/washington-escalation-american-clandestine-war-yemen-us-troops-.html, (accessed 27 April 2013)

the hospital at Al-Razi and the Grand Mosque of Ja'ar. It appears that a small mosque being used by Ansar Al-Sharia members was originally the target. Jaber Qasem Salem (جابر قاسم سالم), aged 72, was seriously injured and died of his wounds several weeks later. Some witnesses say that they identified a Saudi plane in the attacks. The mosque was located in the very center of the market and was hit a second time, and the courts and a police station were also targeted. A vendor, Hazza Ahmed Atta Baheb (أحمد عطا باحبيب), was killed as well as another man named Haidara Mohsen Ali al Abidi, (حيدرة محسن علي العبيدي). These three attacks resulted in seven deaths and four injured according to official reports.²⁶

The Alkarama delegation visited the city to gather information on the most deadly attack that took place on the morning of 15 May 2012 in which 14 people died. The target was the house of the Al-'Arshani family. A 33-year-old man, Nawir Abdallah Al-'Arshani (نوير محمد عبدالله العرشاني), was killed and other people were injured, some seriously. While dozens of people gathered at the scene to rescue the injured, an aircraft returned approximately 15 minutes later, and fired several rockets, which killed 13 men and one woman and injured dozens of others. It appears that there was an error in the targeting of the attack. Neighbouring homes were also destroyed or damaged. Some witnesses are certain that it was an American plane because it was "gray and eagle-shaped," while the Yemeni military would not have any such aircraft.²⁷

Our delegation met with witnesses that reported details of the attacks and the context in which they were carried out. One of them explains: "After having targeted the house of the Al-'Ashani family, officials told us that members of Al-Qaeda were located there, but this was a lie. The Yemeni authorities bombed the house in a brutal manner to force the inhabitants to flee Ja'ar, just as they did in Zinjibar. But the majority of inhabitants have not fled their houses." Samira Muhammed Ahmed Al-Sabihi (سميرة محمد أحمد الصبيحي), aged 40, was forced to flee her home due to the damage inflicted by the bombing.

One of the witnesses, a taxi driver, told his story: "I heard the detonation of the bomb and saw smoke. I rushed there in my car. Bystanders told me that the house of Al-'Arshani, close to mine, had been targeted. Once I arrived on the scene, I found my home in ruins. Three members of my family had been inside and one of them was injured while the other two remained unharmed. I took them to the home of a relative and returned to the scene. It was while I was arriving that the plane flew over a second time and bombed the people who had been assisting the wounded from the first attack. The missile exploded a few meters from my car, and as I stopped suddenly I noticed the back was on fire. I jumped out as soon as possible from the car and saw numerous bodies around me on the ground, naked and burned. I saw seven or eight people at least die at that moment."

Abdallah Saleh Hussein (عبدالإله صالح حسين) testified: "After the first strike, I rushed to the scene with my son Muhammed, just like dozens of other people. We were trying to assist the victims when suddenly a second attack happened. I saw many bodies shredded. My son was hit by bomb fragments in the stomach and neck. He died quickly."

Nur 'Udh Haidara Al-Hawla (نور عوض حيدرة الحولة), aged 60, suffered a stroke during the second strike at the sight of the victims on the ground. She reported: "The plane dropped its bomb close to my home. I heard the explosion, our house shook, and there were dead bodies in the street. I was overwhelmed, and that's when I had the attack. The State did not help me even though I don't have a husband."

Mahdi Said Ba Hassan (مهدي سعيد باحسن), a 40-year-old teacher at the faculty at Lawdar explained: "At first, the inhabitants were victims of a blockade by the army even though they had not been a part of the conflict between the government and Ansar Al-Sharia. As civilians, they could not combat these armed groups. During the blockade, I tried to bring medical and humanitarian aid to them. But unfortunately the situation worsened when armed men mingled with civilians on the ground. This was when the army began bombing without distinction [between combatants and civilians]. Now, the state

²⁶ AFP, *Air strikes on Yemen town kill seven civilians: official*, 5 September 2011, <http://dawn.com/2011/09/05/air-strikes-on-yemen-town-kill-seven-civilians-official/>, (accessed 27 April 2013).

²⁷ Kelly McEvers, *Yemen Airstrikes Punish Militants, And Civilians*, 6 July 2012, <http://www.npr.org/2012/07/06/156367047/yemen-airstrikes-punish-militants-and-civilians>, (accessed 27 April 2013).

should provide for the affected population's needs but they have done nothing. There is an enormous lack of water, hygiene, and healthcare, but the authorities have not done anything about it."

Fadhil Al-Dhali'i (فضل الضالعي), a researcher and official at the Ministry of Education of Abyan, asks why these houses were bombed in the first place. He asks: "To this day, I do not understand why they would be targeted. The consequences for the residents' peace of mind, especially the children, have been devastating for those who have experienced trauma. The victims have still not been compensated and our message to the international community and the Yemeni government is to come to the aid of the families of the victims."

The city of Ja'ar and its surroundings continued to suffer attacks in the following weeks. Several were particularly deadly for civilians. On 15 June 2012, in Shaqra, a village close to Ja'ar, four houses which members of armed groups had temporarily occupied prior to the attack, were hit by missiles. It cannot be determined whether they originated from an American warplane or a CIA drone. One woman and four children were killed, and four others were injured. Ali Al-'Amoudi, aged 28, survived the attack and told a journalist while he was still in hospital that his four-year-old son and his six-year-old daughter had died in his arms on the way to the hospital.²⁸

5.5 Khashamir (Hadramout) on 29 August 2012

As we have mentioned above, the aerial attacks intensified in 2012. The media have listed ten in the province of Hadramout, a region in which Al-Qaeda and Ansar Al-Sharia had not established a permanent presence. Most of these strikes targeted passing cars carrying suspected members of these organisations.

The population has been terrorised by the drones that incessantly surveilled their villages at all times of the day, and expected to be attacked since other places had suffered the same fate. The inhabitants of the region regularly protested, organised demonstrations, and lodged complaints with the President of the Republic about this, all in vain.

Alkarama and Hood visited Khashamir, a village of 250 inhabitants located in area of Al-Qutn, where on 28 August 2012 around 9.30 pm, four missiles were fired from a drone, killing at least five men. At the entrance of the village, people have written inscriptions on the walls to get the attention of visitors: "No to American bombings," "No to the American occupation."

Among the dead is Salem Ben Ahmed ben Salem Ali Jaber (سالم بن احمد بن سالم بن علي جابر), in his forties, and the father of seven children. He was a teacher and imam at the Al-Mutadharirin mosque in Al-Mukalla. He was enrolled in a doctoral program at the University of Hadramout, and was known for his opposition to Al-Qaeda. Several days before his death, during his sermon, he urged his compatriots not to be swayed by the organization. He had no relations with any armed groups. That day, however, he was to meet with suspected members of Al-Qaeda who had criticized him for his stance. He went to the meeting place with a companion, a 26-year-old police officer Walid Abdallah Abdelhamud Ben Ali Jaber, (وليد عبدالله عبد المحمود بن علي جابر), the father of a child who also did not have any ties to armed groups.

The explosions occurred some 15 metres away from a residential area. An eyewitness, Abu 'Issa Rajab Khamis Ba Rif'at (أبو عيسى رجب خميس بارفاعة), a shepherd at the scene, saw the attacks: "I was sitting under a palm tree and in front of me were four men. The fifth was sitting in the car. I left the area and headed towards the main road, which is some 100 meters from the village. A few minutes after crossing the road, I saw a missile fly towards to the men. Shortly after that, a second missile struck nearby. The fifth man got out of the car quickly and ran towards the village. A missile followed him and hit him directly, it was not far from the houses which were damaged by bomb fragments. A fourth missile hit the car. Women and children immediately started screaming. Several women subsequently miscarried due to the shock caused by the attack. Animals died, and the bodies of all those who died were disintegrated and scattered over a large area."

²⁸ Kelly McEvers, *Yemen Airstrikes Punish Militants, And Civilians*, 6 July 2012, <http://www.npr.org/2012/07/06/156367047/yemen-airstrikes-punish-militants-and-civilians>, list of those killed and injured: http://saproess.net/index.php?option=com_k2&view=item&id=809, (accessed 27 April 2013).

The 77-year-old father of Sheikh Salem, Ahmed Ben Salem Saleh Ben Ali Jaber, (احمد بن بن علي جابر), testified that he was sitting with his wife in his home's courtyard when he saw a missile passing over him and heard a large explosion, immediately followed by the sound of the second, third, and fourth missile. The whole house shook. He was about to leave when his wife fainted. He took her to the interior of the house where the other women were gathered. He then went to where the missiles had struck without any idea of what had happened. A crowd had formed to help the victims. All they could do was gather the shredded remains of humans and animals that they initially placed under an air conditioner.

Ahmed Ben Salem Saleh Ben Ali Jaber remembers: "I had told them that there were too many bodies and it was better to use a freezer. During our discussion on the subject, one of the men came to me and asked, 'Where is your son Salem?' I responded that he had left the day before to pay a visit to his friend in a neighbouring village and that he would return the next day before leaving to Al-Mukalla where he taught. My partner introduced me to his friend, Saif, at whose home my son had been, and he took my hand and expressed praise to God. That was when I knew my son had been killed. I asked him to go see Salem's mother who was sick. She had regained consciousness and came out of the house crying and yelling: 'My son! My son!' At that moment, she did not know that her son had been killed for certain, but her maternal instinct had warned her. She lost consciousness and had to be taken inside the house where all the women and children were screaming and crying. I then returned home to comfort Um Salem. She spent six weeks praying and crying out to God, and then she died. She was never able to get over the death of her son. Salem left behind seven children and the State has given us no assistance."

Dr. Abdallah Jaber (عبدالله جابر), aged 40 and a relative of one of the victims, showed Alkarama missile fragments and traces of the explosions that are still visible on the walls of the houses. The burnt car is still there. He also described what he saw: "The bombing took place after the evening prayer, the missile came from the north. The detonations were heard three kilometres away and the inhabitants went up on their roofs to see what had happened and where the violent explosion had taken place. They rushed to the site of the bombing. The windows were smashed, the walls were cracked, some rooms collapsed because the buildings were old and made of earth. Upon arriving, the car was still burning. A body had been flung 30 metres away, a second 10 metres, and two others two and a half metres away. They were all exploded, and we could not identify them, their limbs ripped apart. Since night was falling, the residents were not able to find all of the body parts, and it was not until the next day that they were all reassembled. Only one face was still recognisable, the other four were not. There were also animals that had been killed and dismembered. Only two bodies could be identified. Several children were brought to the hospital due to their state of shock and panic. We asked ourselves why these bombings had happened, when it would have been possible to arrest the suspects."

In particular, the inhabitants are very angry about the killing of Sheikh Salem, who was particularly respected by the people of the area. They ask that those responsible are brought to justice for their crimes.

The authorities claimed that all of those killed were members of Al-Qaeda and identified among them Jamal 'Issa Ben Saleh (جمال عيسى بن صلاح), one of 63 prisoners who escaped from Al-Mukalla prison in June 2011. The identities of the other two are not known.

The province was subjected to many attacks during the months of August and September 2012, but these were primarily on vehicles that were not located close to residential areas. Regardless, the attacks provoked the anger of the region's residents who began organising demonstrations as of 1 September calling for the end of the American intervention in Yemen, the assassination of innocents, and the destruction of houses.²⁹

5.6 Radaa (Al-Baydha) on 2 September 2012

Al-Baydha is one of the provinces neighboring Abyan that has suffered from the spillover effects of the fight against terrorism led by the Yemeni government in cooperation with the United States. The area

²⁹ Final press release and photos of the meeting organised in Khashamir on 1 September 2012, www.alagaad.com/vb/showthread.php?t=4592 (accessed 8 May 2013)002E

was under surveillance because of the influence of armed groups in Abyan and the potential threat of an influx of militants into the province. The inhabitants complained that for over a year prior to the attack, drones had been flying over the region. After retaking insurgent holdouts in Abyan by the authorities, several combatants fled to neighboring provinces. According to the Yemeni press, members of Ansar Al-Sharia under the orders of Cheikh Qayid Ahmed Al-Dhahab (قائد أحمد الذهب), the emir of Radaa after the assassination of his brother Tariq (طارق أحمد ناصر الذهب), took control of the town of Walad Rabi', a town of approximately 20,000 inhabitants, a few days prior to the attack. This offensive by armed groups led to the death of one of their most important leaders, Samir Al-Mawri (سمير الماوري).³⁰

The drone attack of 2 September 2012 took place outside of Wadi Rabi', also administrated by Radaa. It appears to have targeted the car of Abderraouf Al-Dhahab³¹, the brother of the emir, but missed its target hitting a car transporting 14 civilians instead, among them women and children. The victims came from the villages of Al-Hamidha and Al-Sabul. Eleven were killed in the strike, their bodies burned. The other three were injured and one of them died several weeks later while in a hospital in Cairo. Eleven pedestrians were injured. Survivors spoke of a plane that targeted the vehicle.

The Yemeni authorities quickly asserted that they had carried out the bombing to kill Abderrauf Al-Dhahab, wanted for his connections with Al-Qaeda. They declared that they had made an error, and the other car was hit due to its proximity to the target. Yemeni officials themselves have conversely acknowledged the missiles came from a U.S. aircraft. Later, U.S. authorities finally confirmed for the their responsibility in this attack for the first time.³²

Alkarama and HOOD organised a press conference on 5 September 2012³³ with the families of the victims of this attack, during the families testified that the region had been regularly surveilled by drones for more than a year, and that these observation missions had continued after the massacre. They denied that there had been another vehicle nearby which was hit. The driver of the car, Nasser Mabkhut Al-Sabuli Al-Sabuli (ناصر ميخوت السابولي الصبولي), aged 45, survived the attack and remembers seeing a plane flying over, but had no reason to believe that it would strike the car since it was only carrying civilians. He remembers a deluge of fire, burning bodies near him, and losing consciousness. To this day he is haunted by the memory of the bodies on fire. One of the representatives of the local tribe, Ahmed Said Al-Dhahab, (أحمد سعيد الذهب), has been trying to engage in mediation to resolve the situation in the region and "every time we come to a solution they come to us with airplanes. These are aircraft that aim to seed discord, not just to spy."

It was with great difficulty that our delegation was able to access the public hospital of Sana'a on 4 September 2012 to meet with three survivors. The security services guarded the premises and banned any visits. The director of the hospital told our researcher that three of the victims survived with second degree burns while the other victims arrived in the hospital in such a state that they could only be identified by their families through their personal belongings.

The injured spoke with difficulty and in a rushed manner: "We returned to the town after everyone had done what they needed to do, and when we arrived on the main road, we saw two airplanes; one of them approached and launched a missile at us. We were thrown from the car and several of us were still alive and trying to flee when the plane fired another missile to kill those who were still alive. Smoke and gas enveloped us on all sides and we caught on fire." Another survivor reports: "The airplane approached many of us, and it is certain that the pilot could see us and knew that we were civilians, including women and children."

Despite the misfortune that struck the city, it appears that on 20 September 2012 the families of the victims were able to reach an agreement with the Yemeni authorities for financial compensation, according to official sources. In return, they accepted that the funerals of the victims take place under

³⁰ "أنصار الشريعة" تسيطر سيطرة كاملة على مدينتي "ولد ربيع" و "محن زيد" في البيضاء" Ansar Al-Sharia has complete control of the municipalities of Walad Rabi' and Mahn Zayd in Al-Baydha, Yemen Press, 1 August 2012, <http://yemenpress.com/news11231.html> (accessed 2 May 2013).

³¹ *Yémen : 13 civils tués dans une attaque aérienne à Radda* (Yemen : 13 Civilians killed in aerial attack on Radda), 3 September 2012, <http://french.peopledaily.com.cn/International/7933730.html> (accessed 2 May 2013).

³² Chris Woods, *Who is held to account for deaths by drone in Yemen?*, The Guardian, 6 September 2012, <http://www.guardian.co.uk/commentisfree/2012/sep/06/drone-deaths-yemen> (accessed 2 May 2013).

³³ Alkarama, *Yemen : Alkarama and HOOD organise a meeting with the families of the victims of the American drone attack of 2 December 2012*, 6 September 2012, http://en.alkarama.org/index.php?option=com_content&view=article&id=1001.

the control of the local authorities in the town of Dhamar and not in their own towns, without publicizing the place and time of the burial. Thus the case was closed. No other legal measure was taken, and the forensic reports establishing the circumstances of death as well as the burial permits have not been released.

The authorities have taken no action to treat the three wounded people and alleviate their suffering, which would require sending them overseas for treatment, as they cannot be treated properly in Sana'a. It was only after the appeals by our organisations at the press conference on 5 September that they were transferred to Egypt. The defence minister gave them two tickets and \$5,000 for each victim and a companion. Muhammed Abdu Jar Allah (محمد عبده جار الله الصولي) died in Egypt from his injuries. The others returned once their money had run out, unable to complete their treatment.

Among those who died was a 13-year-old boy named Mabrouk Muqbil Al-Daqari (مبروك مقبل علي) (صالح الدقاري), of whom his father said: "Mabrouk left school when he was in the sixth grade to work on a farm and help us financially. Everyone loved Mabrouk, but his grandfather loved him most of all, and to this day we have not been able to tell him of his death."

Eight-year-old Dawla Al-Sabuli (دولة ناصر صلاح ناصر الصولي), died in the attack with her father and mother while returning from a doctor's visit. What struck our researcher on his visit to the morgue in the hospital of Al-Thawra in Dhamar, where the bodies of victims were stored, was this little girl with her arms wide open. Her relatives told Alkarama that Dawla had been hugging her mother at the moment of the strike and that she had died in this position. It was only with great difficulty that they were able to separate the two bodies.

On 12 September 2012, HOOD submitted assorted criminal complaints accompanied by requests to establish an investigation into the presence of U.S. spy planes over the territory of Yemen and armed drones carrying out attacks against the regional prosecutor. The complaints specified that it is the responsibility of the state to protect citizens. To this day, no investigation has been conducted by the prosecutor to establish responsibility for the crime.

Radaa and the surrounding areas are strategically important due to the highway that passes through, connecting the provinces of the north to those of the south. The Al-Baydha region is distinguished by the rivalry that exists between two branches of the Al-Dhahab families.³⁴ This tribal conflict has a political connection: one group is allied with the Saleh regime, while the other is in opposition to the regime and supports Al-Qaeda. The American intervention in the form of regular attacks by aircraft and drones has blocked all attempt to reach a negotiated settlement. Ahmed Said Al-Dhahab calls this deplorable and has proposed an initiative since the outset of the conflict that has threatened to spill over into the neighboring province of Dhammar. Among his proposals, he has suggested stopping American strikes against Al-Qaeda combattants fleeing Radaa.³⁵

5.7 Al-Shihr (Hadramout) on 24 December 2012

Before visiting the town of Al-Shihr, representatives from Alkarama and HOOD met with Munir Salem Zin Al-Kaladi (منير سالم زين الكلدي) in Al-Mukalla, the capital of Hadramout province. He is the brother of Nabil Salem Zin Al-Kaladi (نبيل سالم زين الكلدي) who was killed on 24 December 2012 in the town of Al-Shihr during a drone attack. At least four people died in this strike, whom the Yemeni authorities claim were members of Al-Qaeda.

Alkarama had been following the case of Nabil Al-Kaladi for several years, ever since he was arrested and detained without due process in 2007. His brother Mounir gave details of his case: Thirty-three-year-old Nabil, was married with one daughter and lived with his family in the "October" neighbourhood of Al-Mukalla when he was arrested without a warrant on 21 October 2007 by members of the political police upon his exit from a mosque after noon prayers. He was then kept in detention for nearly five years, including three without any charges being brought against him and

³⁴ ناصر علي, القصة الكاملة لحياة آل الذهب وسيطرة المسلحين على منطقة قيفة في البيضاء (The Complete History of the Life of Âl-Al-Dhahab and the control of the Qife region of Al-Baydha by armed men) AlAhale.net, 29 January 2013, <http://alahale.net/article/8450> (accessed 6 May 2013).

³⁵ عبده عايش, رداع. بؤرة صراع جديدة في اليمن (Radaa, Center of Conflict in Yemen), Al-Jazeera, 30 January 2013, <http://www.aljazeera.net/news/pages/95e09529-bc44-47a8-bb19-14ce6ef0a97f> (accessed 6 May 2013).

without being brought before a judicial authority, or tried. Nobody knew why he was arrested; the authorities claimed that he had a guest at his home who was a person of interest. The latter was eventually arrested and released after three months, while Nabil remained in detention. He was brought before a court specializing in terrorism cases with 12 others on 10 October 2010. To justify this long period of arbitrary detention, he was sentenced to five years in prison for "membership of an armed group". During his detention in the prison of Al-Mukalla he underwent two operations to the kidneys without being released. He participated in several hunger strikes alongside other prisoners because of his arbitrary detention, which is how Alkarama was alerted to his situation.³⁶ Nabil Al-Kaladi escaped from prison with 62 other inmates in June 2011.

On 24 December 2012, Nabil's family learned through the media that a drone attack at around 7 pm had killed a group of men in downtown Al-Shihr. The men were in a local sports stadium, and Nabil was among those killed. The family was able to identify the half of the body that had not disintegrated in the explosion. To this day, they do not know why he was targeted. "The Interior Ministry said that among those killed in that attack was Abdullah Bawazir, the chief architect behind a mass prison break last year that freed dozens of fighters who then took arms against the government and helped administer al-Qaeda rule in the south."³⁷ Several media sources, however, have reported the men were simply Al-Qaeda members.³⁸ According to United States criteria, they should therefore not have been targeted, as the U.S. only places "senior operatives" on their "kill list".

That day in the stadium, it was not only suspects who were targeted, but also children who were injured and traumatized. One of them is Hamza Hussein Said Ben Dahman (حمزة حسين سعيد بن دحمان), aged 16. His uncle, Muhammed Said Ben Dahman (محمد سعيد بن دحمان) reported that Hamza had gone to Wadi Sam'oun stadium (وادي صمعون) near their home to play football. He recounts the scene: "About 6.30 pm we heard the sound of a drone and Hellfire missiles were fired at a low altitude before exploding against the stadium. After a moment of stupor, families rushed through the streets crowded with children and ran to the stadium. Hamza was in shock; maybe he inhaled fumes from missiles. His body was paralyzed; he lost consciousness and his condition worsened day by day. His father quickly went to Egypt for medical treatment, because doctors here could not identify his illness. We requested assistance from the government, but they ignored it and so far we have received no help. The house had to be sold to meet the expenses. "

We learned that Hamza returned home in late February, but his condition has not improved. He is bedridden and cannot move or speak. The family went to Jordan to find a solution to his problem. We met the father, Hussein Said Abdallah Ben Dahman before he left. He reports: "My son was in the stadium when a U.S. drone targeted a group of people. Hamza returned to the house in a total state of depression. His whole body shook and told us he had seen people torn and bloodied. I asked him what happened and he said that U.S. aircraft had carried out the bombing. He put his hand to his throat and he was seized with a nervous breakdown and the inability to breathe. Then he lost consciousness. We brought him to the hospital. His condition worsened and he lost his speech. Previously, he was healthy and now he is sick simply because he is a Yemeni boy in a state that has no regard for its citizens. I sold everything I had to get him medical treatment. My wife sold all her jewelry and I had to borrow large sums of money, to go to Cairo. There, they conducted tests including magnetic resonance imaging (MRI). It was found that my son had a brain injury and could not move. I spent 20 days with him in Cairo and then I had to return home with no money. What happened to my son is the responsibility of the U.S. and Yemeni governments and I ask that they treat him and compensate our family. We now live in fear that he might die, and we fear that he is handicapped for life. I also fear that his mother might become ill due to the state of her son. States and the international community must help us."

The people of Al-Shihr organised large demonstrations to protest against the attack of which Hamza was a victim. The Friday sermons that followed severely criticised the attacks. The protests did not

³⁶ Alkarama, *Yemen; Scores of arbitrarily detained prisoners go on hunger strike inside Mukalla Political Security Prison*, 16 March 2010, http://ar.alkarama.org/index.php?option=com_content&view=article&id=3774:2010-03-16-19-05-57&catid=164:ak-com-yem&Itemid=140 (accessed 6 May 2013).

³⁷ Ahmed Al-Haj, *Drone strike in Yemen kills 2 AQ suspects*, Associated Press, 28 December 2013 <http://www.marinecorpstimes.com/article/20121228/NEWS/212280305/Drone-strike-in-Yemen-kills-2-AQ-suspect> (accessed 6 May 2013).

³⁸ Bill Roggio, *Jihadist identifies 2 AQAP fighters killed in recent drone strike*, 27 December 2012, http://www.longwarjournal.org/archives/2012/12/jihadist_identifies.php (accessed 6 May 2013).

stop until four days later, when an American drone attack in the same town struck two motorcycles killing three people. A child was also hit in the strike.

5.8 Al-Shihr (Hadramout) on 28 December 2012

The people of Al-Shihr were still shaken by the attack on 24 December 2012 when a second bombing hit the city four days later, on 28 December 2012. Witnesses report that at least three missiles were fired at a group of men. One of them, Hassan Ibrahim Suleiman (حسن إبراهيم سليمان), aged 40, says: "When I arrived on the scene of the explosion, I saw parts of a body mixed with parts of the motorcycle. His body was charred. It seems that a missile had missed the target, the second struck a motorcycle with two people on it, and the third blew up the second bike. The three bodies were shredded. We collected the remains without knowing who they were. "

He told us that members of the security services took the bodies and the missile debris away. The three men who were killed could not be identified by the local population because they were not from the town.

The bike that was hit was close to homes. Mawz Hassan Abdullah Hassan (حسن موز عبدالله حسن), aged 9, and who comes from a very poor family was playing outside when he was struck by the blast on the forearm. His mother, Um Hassan, aged 37 reported that "It was a Friday, we were sitting in front of our tent before lunch. My son was playing 50 m away when we heard a loud explosion without knowing where it had occurred. I went out to call my son Hassan, who ran off in the opposite direction to our home. We caught him and brought him back. His hand was bleeding profusely. We asked him what had happened and he fell. He did not know where the injury came from. We took him to the hospital where the doctor warned us that bomb fragment had hit the bone of his forearm and he needed surgery to remove the fragment. We went to the police, who sent us to the security services, and they sent us to the hospital. There, we are told to come back later. All relevant departments ignore our situation and none supports us. We asked for help and the mosque sends us to the head of the security services. After many setbacks we finally sought treatment for Hassan. We had to pay ourselves, while we have 10 children and we are very poor. And now, two months later, Hassan complains of pain in the hand that was hit by the explosion. We'll have to collect 400 riyals to go to Al-Mukalla hospital and have it checked again. We sent a letter to the governor of the province with the medical reports and bills, in vain. The authorities do not help us. "

Usama Salmin Muwafaq (أسامة سالمين موفق), aged 28, told us that "All the protests have been in vain. Local leaders and members of the Ulama gathered after the attacks with local authorities, and a commission was put together to meet with the governor, but this approach is not enough. We learned later that in other provinces the drone attacks have continued. These violations of the law have a negative impact on the authorities of the country."

5.9 The Attack on Khawlan (Sana'a) of 23 January 2013

On 23 January 2013 around 8 pm, a vehicle with eight passengers was hit by two missiles fired from a Hellfire drone, which was flying about 1 km from the village of Al Masna'a in the community of Khawlan administrated by the province of Sana'a. The bodies were shredded and charred, scattered and difficult to identify. The target of the attack was Rabie Hamud Lahib (ربيع حمود لاهب), wanted by the Yemeni authorities and presented as a member of al-Qaeda, which some deny. Among those affected were also two civilians unconnected with armed groups.

The delegation from Alkarama visited the site of the attack on 3 May 2012 and was able to view the remains of the damage caused by the attack, even three months after they occurred, and speak with family members of civilian victims.

Inhabitants report having heard the buzzing of drones during the 10 days preceding the strike, a sound resembling that of diesel-powered generators. On the day of the attack, thousands of Shi'ites had gathered to celebrate the birth of the prophet in the town of Jahana, which explains the media interest in this particular attack. The targeted vehicle was near the Central Security forces' barracks where it could easily be intercepted.

The vehicle was driven by Muhsin Muhammed Jamil (محسن محمد جميل), a 20-year-old student who was one of the two civilian victims. He rented his car as a taxi to his uncle Salim Hussein Ahmed Jamil Al-Qawli (سليم حسين أحمد جميل القاولي). The other civilian was his cousin Ali Ali Saleh Al-Qawli (علي علي صالح القاولي), a 33-year-old school teacher in Khawlan. The Ministry of the Interior sent a delegation to the scene that evening to confirm that the two people killed as well as the owner of the vehicle had no relationship with the other passengers.

Ali's brother, Mohamed Ali Al-Qawli (محمد علي القاولي) met with us and reported the details of the attack. He had in his possession fragments of missiles and explosives gathered from the scene of the explosions. He describes, "we were well informed about the drone strikes but they occurred far from home, in Marib, Abyan and we did not feel really concerned. But a month before the incident, we heard a terrible ringing sound and a week later we learned that an attack had targeted Adnan Al-Qadhi near Sana'a³⁹. Then 10 days before the attack on 23 January, we heard the sound of drones flying over us. My brother and my cousin had no connection with any organization; having said that however, whoever is targeted by U.S. aircraft, even if he is the greatest criminal, has the right to be tried by an impartial court. My brother and cousin had been invited to Jahana, and at about seven o'clock they went to the market with colleagues. Two people from Sanhan came to them and asked if they could drive them for a fee. That day, the Houthi community was celebrating the birth of the Prophet and there were fireworks. This is where people saw a drone firing two missiles towards Jahana at 8.10 pm. I was home at that time with colleagues when I received a call informing me of an attack. I called a relative in Jahana who confirmed the information, I asked him to see with his own eyes what happened. Moments later I received another call informing me that the missile had hit my uncle's car where my brother was. I asked my relative who was already on site and he described the car that was on fire to me, giving me the license plate number. My uncle confirmed that it was his car and we went to the scene. We were in shock. Bodies were still burning and their limbs were scattered. There were six victims, my brother, my cousin and four men from Sanhan. We found four craters caused by the impact of the missiles. We tried to put the fire out in the car for more than half an hour, then we collected the scattered limbs until 11 pm when we transported them to the hospital in order to bury them later. (...) The next day we went to the hospital in Jahana in order to prepare the bodies and we were informed that the security services had transferred the bodies to the capital. People's reactions were immediate: they organized road blockades and protests against it. Given these reactions, the authorities called us to give us the bodies at the hospital in Sana'a. At first we were not able to identify them, but we eventually identified our two family members."

Mohamed Al-Qawli told us of the misfortune that struck his family while holding in his hands the fragments of missiles that he showed to us. He concluded: "Here are the gifts and aid and support of the United States to Yemenis. For some time now, we have heard talk of American support to Yemen and we do not know what it means. Now we can see this support thanks to the fragments of these explosives and missiles that kill Yemenis, destroy their spirits and burn their bodies."

We met the relatives of Salim, both overburdened by the misfortune that had befallen them. Salim was the one who had materially supported them with his work with his car, in addition to his work on a farm.

It seems that Rabie Hamud Lahib and Naji Ali Saad were the intended targets of the attacks. However, according to a Finnish journalist who visited the site, Lahib "lived in a village just an hour's drive from the capital Sana'a, he was a neighbour to some of the country's top politicians... [He] was a member of the village council and travelled to the capital Sana'a every other day, passing several military checkpoints on the way."⁴⁰

³⁹ Adnan Qadhi was in fact killed on 7 November 2012 by an American drone. Officially, Rabie Hamud Lahib was killed in the same attack, but it was later revealed that he was in fact killed on 23 January 2013. The targeted assassination of Al-Qadhi created an outcry, particularly as he was a colonel in the army, from which he had been receiving a salary, and could therefore have been arrested at any time. See Jeffrey Fleishman and Ken Dilanian, *U.S. drone strategy in Yemen is fraught with peril*, Los Angeles Times, 25 December 2012. <http://articles.latimes.com/2012/dec/25/world/la-fg-yemen-drones-qaeda-20121225> (accessed 8 May 2013).

⁴⁰ Daniel Öhman, Lotten Collin, *Innocent people are killed in US drone attacks*, 22 March 2013, <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=5481640> (accessed 8 May 2013).

5.10 Attack on Wusab of 17 April 2013

Wusab is a large city consisting of upper and lower sections, each of which is a separate district. We refer here to the upper part to the west of the province of Dhamar, which in 2004 was populated by nearly 160,000 inhabitants. This is an area neglected by public services, particularly in terms of electric supply, education and health. As a result, many seek work in neighboring countries. Judicial institutions are failing and characterized by arbitrariness and corruption, which has forced people to settle their disputes according to customary rules applied by recognized tribal leaders, who have replaced the state justice system.

The feeling of being neglected by the central government has led tens of thousands of Wusab's residents joining the 2011-2012 protest movement. Dozens of them were killed or wounded during rallies and demonstrations. With the agreement concluded at the initiative of the Gulf Cooperation Council, which ended the uprising, the protesters of Wusab received no representation in the national dialogue conference, and thus decided to create the Wusab movement, following the example of the movement of the South, to gather and voice their demands for increased political, social and economic rights.

On 17 April 2013 at 8.30 pm in the village of Midhlib, Bayt Yahud in upper Wusab, two violent explosions from missiles fired by U.S. drones were heard. They targeted a four-wheel-drive car in which were four people: Hamid Muhammed Radman Al- Hadidi Al-Radami, حميد محمد ردمان الحدادي, "الرد", a 40-year-old former soldier, married and father of 8 children; Isma'il Ahmed Muhamad Al-Muqdish (إسماعيل أحمد محمد المقديشي), the father of three children; Mukram Ahmed Hamud Al-Haj Al-Da'ar (مكرم أحمد حمود الحاج الداعر), a 20-year-old; and Ghazi Hamud Ahmed Saad Al-'Imad (غازي (حمود أحمد سعد العماد), a 28-year-old father of two children.

The families of the victims as well as the witnesses that met with Alkarama during the delegation's visit from 10-12 May 2013 reported that Al-Ramadi, Al-Moqdish, and Al-Da'ar were killed in the strike when the missiles hit their car. The fourth victim, Ghazi Al-'Imad, was injured and could not be saved due to the presence of an American plane that was flying over the scene of the attack.

Yemeni authorities, as they have in many similar cases, announced the death of a "dangerous terrorist" during an air attack without specifying its origin. They quickly released the names of the four men killed and identified them as terrorists without specifying the acts they have committed.⁴¹ One of the names mentioned as one of the terrorists killed, Najm Al-Din Ali Adallah Al-Ra'i (نجم الدين علي (عبدالله الراعي) was found alive and was not one of the occupants of the target vehicle. As for Hamid Muhammed Al-Hadidi Radman, known as Al-Radami, he was arrested in 2005 and sentenced to four years in prison on charges of having fought in Iraq against the American occupying force. He was held an additional two years in prison and was finally released in early 2011. Upon his release from prison, he settled in his native village and resumed a normal life while carrying out social work, in particular as a mediator between conflicting parties. The activities of Al-Radami, the former prisoner accused of belonging to Al-Qaeda, have raised doubts of his guilt in some political circles in opposition to the Saleh regime. Numerous articles warning against the activity of Al-Qaeda in Wusab were published. It seems that this was one of the reasons that the area was under continuous observation by drones for more than a year, disturbing many people.

What was the real accusation against Al-Radami? We asked several people including Wadhah Al-Qadhi (وضاح القاضي), a young activist calling for non-violent revolution from the region. He tells us: "When the discussion around Al-Radami and suspicious activities increased, I went to see him at his home and I asked him: 'Do you want to transform our region into a center of conflict? Is it not enough that Wusab be neglected and lack all services?' I had not finished telling him what I had to say when I saw him wipe away tears and tell me: 'I do not want a drop of blood to be paid by Wusab and I do not want a single bullet to be fired. I am willing to cooperate with anyone who wants the best for the region and its children.'"

Al-Radami also gave an interview in which he denied any relationship with Al-Qaeda. He claimed to be at the service of his compatriots and was there to help them find justice. He was surprised by the

⁴¹ مصرع (الرمي) القيادي في تنظيم القاعدة بغارة جوية في وصاب العالي (Death of an Al-Qaeda leader during an aerial attack on Upper Wisab, 17 April 2013, http://www.26sep.net/news_details.php?lng=arabic&sid=90813 (accessed 8 May 2013).

charges against him. This assessment is shared by many people that confirm the positive efforts of Al-Radami and list the conflicts have been resolved through his intercession.

We went to the center of the Security Directorate where we met the director, Ahmed Abu Sha'ie (أحمد أبو شائع), who surprised us by saying that "Hamid Al-Radami was a man who practiced social mediation and helped us to find solutions in some cases. He was not wanted by the authorities, and if there was an arrest warrant against him, we could have easily apprehended him." He had sought clarification from the security services of the province about this murder and been told that he should not interfere.

The night of the American drone attack, residents gathered at the home of Al-Radami awaiting his return to discuss problem relating to the construction of a new road. We talked to Muhammed Al-Hamili Mahfudh, a local council member and director of regulatory administration, who told us: "I thank Alkarama for its visit to the region in order to establish the truth about the crimes committed by the United States with the consent of the Yemeni government. I was in the office with colleagues when around 8 pm we heard the first explosion. We went out to see what had happened when five minutes later a second explosion, stronger than the first, sounded. We went to the scene and people informed us that Sheikh Hamid Al-Radami's car had been targeted by a bombing. In the distance, we heard a voice calling for help, and ran towards it. The car was destroyed, but the fire was not extinguished. Hamid was half projected out of the car, his face was visible as his body burned, with two other bodies inside, charred. There was a fourth person, Ghazi Al-'Imad, thrown a few meters from the car, face down; he was shot in his lower limbs, and was bleeding profusely. He begged us to help but we could not help him. Whenever we approached, the plane that had attacked the car flew down, and we feared that it would bomb us again. It was about 9 pm when I left the scene. I could not stand the situation and I was scared. I called the Director General of Security and the Director of the area on the phone, but I wasn't able to reach them. The duty officer said he had contacted the governor who had assured him he had not been informed of this."

One of Al-Radami's brothers, Ali, confirmed what the previous witness had said, stating they waited overnight to remove the bodies from the site of the attack and bury them. No government official arrived to help. He adds, "We know that the security director and the director of the region fled two or three days before the strike, and that they left the area because they were aware of the attack. We view the union government as responsible, and ask it, if this civilian government does indeed exist, that it open an investigation into this crime and refer the perpetrators to justice. "

Twenty-eight-year-old Salim, was one of Al-Radami's companions and was on his motorcycle about a mile away when the attack took place. He saw the missile shot towards the whereabouts of the Al-Radami's vehicle. He adds "There were two planes that followed, and a third plane flew over to watch the scene. There was about 8 minutes between the first and second strikes. The second was more violent, the ground shook and people panicked. My companion and I were the first to arrive on the scene. We saw the car on fire and I heard one of the passengers, Ghazi, screaming. I got off the bike to help him because he was thrown a few meters but when I approached the plane came down very low and shined red lights on the ground, as if to target my location with a bomb. People in front of me screamed: 'The plane is descending, flee, Salim!' I moved back and joined the front of the crowd. People were petrified with fear at the sight of the plane that flew at low altitude. I still remember the Ghazi's cries, who implored us to rescue him, but we were unable to. For three hours we waited for the plane to disappear in order to help Ghazi. It was difficult to find a driver to take us to the clinic. All were afraid of being bombed. Finally I forced someone to drive us, but unfortunately Ghazi died. The doctor could only state his death and warned us that the local council had issued an order to keep his body on the premises, pending the work of a fact-finding commission."

Najm Al-Din Ali Al-Ra'i Adallah, aged 20, was among those who were officially announced as having been killed in the attack. We were able to meet him. "At the time, I was in at Al-Radami's home and was waiting with others there. I learned through the media that I was one of those who had been killed. I accompanied the Sheikh as a guard. All Shuyukh are accompanied by guards. The spy who informed the U.S. plane did not verify his information, and was prejudiced against me, and so I am targeted for no reason." The attack of 17 April 2013 on Wusab was the subject of a hearing before the Legal Subcommittee of the U.S. Congress.

6. Conclusion

Considered by the Committee as the “supreme right of the human being”, the right to life has increasingly been violated by the United States in Yemen since 2009. While a State has the right to defend itself, the facts provided above clearly demonstrate that the United States has gone far beyond the purpose of simply defending itself from imminent threats, and does not respect rules that clearly apply to its military operations.

The facts on the ground show that it is not only senior Al-Qaeda leaders that are targeted in Yemen but also simple combatants, affiliated with either Al-Qaeda or Ansar Al-Sharia, an armed Islamic organization that was formed in early 2011 that is fighting the Yemeni government and innocent victims. It also appears that Islamist leaders known for their current or past opposition to the central government are also targeted, even if it has not been formally established that they have a connection with Al-Qaeda or that they constitute a direct or imminent threat to the United States of America.

In a number of attacks, the bodies of the victims are in such a state that they cannot be identified by witnesses. In several cases, the organizations with which they were allegedly affiliated – Al-Qaeda or Ansar Al-Sharia – publish information about them, but most often almost no information is available about them, or the information from official sources is wrong. More than once a person who was declared dead in a raid turns out to be alive, as illustrated by the case of Rabie Hamud Lahib who was originally reported killed in the attack on 7 November 2012 by a U.S. drone. He was in fact killed in Khawlan on 23 January 2013. He was known by all to move about freely and also could have been intercepted at any moment.

Numerous witnesses and observers also confirm that several of the targeted men could have been arrested and brought before a judge without difficulty, as was the case of Muhammed Salah Al-Anbouri, known as Al-Kazimi, who was killed on 17 December 2009 in the attack on Al-Maajala. The parliamentary commission that was formed shortly thereafter and included the governor confirmed that Al-Kazimi could have been apprehended without trouble. The people of Maajala told the commission that he moved about freely in his own car and could have been arrested at any moment.⁴²

The assassination of Hamid Al-Ramdi and four others identified as members of Al-Qaeda in Wusab has had an impact on the United States. According to local security services, he could have been arrested at any moment.⁴³ Farea al Muslimi, a journalist originally from the village of Wusab, addressed the United States Senate on 23 April 2013 and testified that Hamid Al-Ramdi was not an Al-Qaeda leader. He insisted that Al-Ramdi was in constant contact with city officials and was strongly involved in local life, playing an important role as a mediator in local conflicts.⁴⁴

Among the cases we have documented, we also find two influential leaders in their regions of origin. Jaber Al-Shabwani, the vice-governor of Marib, who intend to negotiate the surrender of combatants. This initiative was certainly undertaken with the coordination of local officials. One might reasonably ask whether there was reluctance on their part to find an arrangement, and the opportunity presented itself to remove these “nuisances”. It is also known that U.S. authorities have always disapproved of such negotiations, although they have a long-established tradition in Yemen.

As for Salem Ben Ahmed ben Salem Ali Jaber, killed during the attack on Khashamir on 29 August 2012, we know that he was going to meet with members of Al-Qaeda, of whom he had disapproved publicly.

On 24 December 2012, a drone killed a group of men at the center of the town of Al-Shihr, among them Nabil Al-Kaladi and Abdallah Bawazir, two of the 63 prisoners who had escaped Al-Mukalla prison in June 2011. According to their relatives, these two were definitely not a part of Al-Qaeda or

⁴² Special Parliamentary Commission to Investigate the Events in Abya Province, Yemeni Parliament, تقرير اللجنة المكلفة بتقصي الحقائق حول الأحداث الأمنية بمحافظة أبين ولحج (Report by the Special Parliamentary Commission to Investigate the Events in Abya Province), 2010, p. 10.

⁴³ The website of the Minister of Defense confirms he was killed close to his home. مصرع (الردمي) القيادي في تنظيم القاعدة بغارة جوية. في وصاب العالي (Death of a Leader, 17 April 2013), http://26sep.net/news_details.php?lng=arabic&sid=90813 (accessed 8 May 2013).

⁴⁴ Farea al Muslimi, *My Village Was Attacked By US Drones in Yemen*, 18 April 2013, <http://www.al-monitor.com/pulse/originals/2013/04/yemen-village-drone-attack-wessab.html> (accessed 8 May 2013).

Ansar Al-Sharia.⁴⁵ They were in Shihr, a city that was not controlled by armed groups, and from where they could easily have been located and arrested. The fact is that it seems to exist a political will to physically eliminate the escaped prisoners who were suspected of belonging to armed groups, regardless of the actual facts of their case. The authorities claimed that all were members of Al-Qaeda to justify their targeted assassination. Among the fugitives, according to our information, was Jamal 'Issa Ben Salah (جمال عيسى بن صلاح), killed in a drone attack on Khashamir on 29 August 2012 where he was found with Salem Jaber (see above), Sami Muhammed Abdallah Bahashuan (سامي محمد عبد الله باحشوان), Hani Muhammed Ben 'Arifun (هاني محمد بن عريفون) and Saleh Karama Saleh Ba'ibad (صالح كرامة صالح باعباد), who were all killed in the strikes of 24 and 28 December 2012 at Shihr.⁴⁶ Another escapee, Khaled Batis (خالد باتيس), was killed with other men on 31 August 2012 during a drone attack close to Wahd in Al-Qutn (Hadramout).⁴⁷

The UN Special Rapporteur on extrajudicial killings, summary or arbitrary executions, Christof Heyns, declared in 2012 that "[c]urrent targeting practices weaken the rule of law. Killings may be lawful in an armed conflict but many targeted killings take place far from areas where it's recognised as being an armed conflict"⁴⁸. Despite clear international condemnation of this practice by experts, and international jurisprudence, the State party continues to openly violate its international obligation under the Covenant. Even more worrying is the fact that the United States does not show any political will to bring its practice in line with the Covenant's provisions, as showed in their answers to the list of issues which remained vague and did not provide any indication of steps it planned to take to ensure a better compliance of its obligations under international law.

Finally, none of the victims' families of the ten aforementioned strikes documented by our organisation have been provided with any reparation. Moreover, no judicial proceedings have been opened to hold any of the persons responsible for the extrajudicial executions accountable for the violations they have committed.

Alkarama therefore recommends the State party:

- 1) Immediately cease all violations of the Covenant's provisions, and in particular violations of article 6.
- 2) Launch independent and transparent inquiries into acts having led to violations of the right to life as set out in article 6, and condemn perpetrators of extrajudicial executions.
- 3) Provide full reparation to victims that have survived strikes, and to their families in the case where their loved one has died due to U.S. strikes.

⁴⁵ Bill Roggio, *AQAP eulogizes Jihadist who fought in Iraq and was killed in US drone strike in Yemen*, The Long War Journal, 22 January 2013, http://www.longwarjournal.org/archives/2013/01/aqap_eulogizes_jihad.php (accessed 10 May 2012).

⁴⁶ مصادر أمنية تكشف عن هوية قتلى الغارة الجوية لمدينة الشحر يوم أمس (Security sources discovered the identity the victim of the aerial bombing at Shihr yesterday), Al-Mukalla al-Yaum, 25 December 2012, <http://98.130.43.69/pages/Details.aspx?ID=18063&c=NewsDetails> (accessed 10 May 2012).

⁴⁷ مصدر أممي يؤكد مصرع القيادي في القاعدة خالد باتيس (Security Sources confirm the deaths of Al-Qaeda leader Khaled Batees), Mareb Press, 2 September 2012, http://marebpress.net/news_details.php?sid=47019 (accessed 10 May 2013).

⁴⁸ The Guardian, "Drone strikes threaten 50 years of international law, says UN rapporteur", 21 June 2012 <http://www.theguardian.com/world/2012/jun/21/drone-strikes-international-law-un> (accessed 9 September 2013)