

Human Rights Council Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- Your complaint should not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO * Other

Last name: :

The Advisory Center for Rights and Freedoms.

First name(s) : (ACRF)

Nationality: South Yemen

Address for correspondence on this complaint:

Al-Musibli Abdul

Rue de Lyon,57

1203 Geneva

Switzerland

Tel and fax: (please indicate country and area code) ...

Tel: ...0041 763377604...Switzerland

E-mail: acrf-aden-geneva@hotmail.com

Website: [https://www.facebook.com/875224775858217-](https://www.facebook.com/875224775858217)

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: * (Please specify:

Victims: 75 civilians murdered and drowned and 67 others injured.

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s):

- Republic of Yemen.

- Houthis forces known as "Ansar Allah" and their allies from the Yemeni formal Republican Guards.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

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Crime: Bombing of displaced civilians' boats.

Place: Aden port, Attwahi district, Aden governorate.

Date: Wednesday 6 May 2015.

Victims: 75 civilians murdered and drowned and 67 others injured.

Aggressors: Houthis forces "Ansar Allah" and Yemeni Republican Guard.

Description: "crime against humanity" according to the conditions and criteria provided for at Rome Statute for the ICC, and a "war crime" according to Genève fourth Convention provisions on civilians' protection.

Definition:

"bombing displaced boats" massacre in Attwahi, Aden governorate, is a crime against humanity and a war crime, perpetrated by Houthis forces "Ansar Allah" and their allies Yemeni republican guards on civilians displaced who were on board of two boats and others on the dock escaping from bombings on their houses in Attwahi district in seeking safe haven in Al-Buraiqa district.

This crime was committed on 6 May when the two boats and the dock were bombed by Katyusha and mortars, killing 75 and injuring 67 others including many women and children. This crime is preplanned and premeditated with full knowledge that targeted people are civilians on board to safe areas, also their location was not a military object to justify such crime. Thus, it is a heinous massacre against humanity and a war crime whose victims are civilians, women and children.

Reasoning:

On Wednesday 6 May, Houthis and their allies among republican guards, fired Katyusha and mortars on two boats, one on sail and the other was in the dock carrying about 50 and 70 displaced people on board respectively, also the bombing targeted the Tag area where tens of people waiting their trip, killing and drowning 75 persons and injuring 67 others, including whole families, children, aged people and women as confirmed by ICRC describing the crime as heinous crime (1).

Amnesty International mentioned that three shells landed on Attwahi port on 6 May fired from Hajeef which is under Houthis' control (2).

Sources confirmed that tens of dead bodies, including of children and women floated on the sea for long time due to inability of rescue teams to reach them as Houthis prevented them. Consequently Aden TV aired an appeal to safe drowned and injured people (3).

Eyewitnesses:

According to Al-Jazeera Net, an eye witness named Saleh Abdullah Hadi (37 years) narrated the details of the massacre saying that “I was one of the crew that arrived from Al-Buraiqa to help in evacuation displaced families, as soon as we arrived three mortar shells fired by Houthis hit the port”. He continued “third shell hit the displaced gatherings in the port directly, killing tens of children and women, some drowned, then I fall unconscious due to my injuries” (4).

According to one survivor’s testimony, who testified anonymously, fearing Houthis retaliation “the bombing targeted displaced people directly causing massacre among displaced old people, women and children, I was walking on flesh and dead bodies and sea water was mixed with blood turning into red color.. I went outside the dock then came back looking for my wife.. I was hit by shrapnel that broke my shoulder, I was crying calling my wife’s name among dead and injured bodies.. I hear her calling back and I crawled towards her, in my way I saw my sister-in-law, who pregnant in her third month, cut into pieces, and I saw my brother-in-law whose hand was amputated, and my other brother-in-law was wounded also but I could not do anything to them, I took my wife and my 2 years brother-in-law’s son but he died by shrapnel that penetrated him from his left ear through his right ear, I walked my way outside the dock and looked back to see horrible scene of women dead bodies filling the dockyard”(5).

Medical sources mentioned that a whole family died in this massacre, where child Haneen Waheed Abdo MAhyub died in the second day following her father, mother and grandmother. (6)

Confession of the perpetrators:

Houthis and their allies among republican guard, spokesperson Mohammed Abdul Salam confessed in post on his face book page that their forces committed “displaced boaters’ crime” and killed tens of aged, women and children civilians, justifying that they are members of Al-Qaeda, and one Houthis element named Abu Zangabeel, described the victims of the massacre in his twitter account as “agents” and “traitors”(7).

A crime which its conditions corresponds to the criteria of crime against humanity:

The Advisory Center for Rights and Freedoms, sees that this crime was committed in a systematic way and within a plan for deliberate killing within a comprehensive attack targeting a group of displaced civilians who are not involved in military operations, thereby described as a crime against humanity, where criteria stipulated at clause (a) of article 7 of

Rome Statute applies (8), in addition it is war crime according to Genève fourth convention on protection of civilians during wartime.

Importance to consider this crime:

The Advisory Center for Rights and Freedoms, demands UN Human Rights Council to consider this crime and refer it to the ICC to ensure remedies and justice for victims and that perpetrators will not enjoy impunity from punishment including soldiers who committed the crime, military commanders who gave orders, and instructing political leaders in their capacity as principals of the crime and accomplice in committing this crime, namely commander of the military campaign to invade Attwahi on 6 May 2015, and commander of military operations in Aden Abdul khalik Al-Houthis, and commander of military operations for Houthis, Abu Ali Al-Hakem, and their aide among political leaders including Ali Abdullah Saleh.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions¹, the claims made, at which times, and what the outcome was:

.....NO

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

- No complaint was submitted to any government remedy body, on grounds that this is inefficient and not possible, noting that the perpetrators are members of the government forces, in addition this crime could not be handled by Yemeni judicial authorities, as it is a crime against humanity and a war crimes with tens of civilians murdered and wounded.

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V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

- No we did not submit this complaint to any regional or international body that considers such complaint procedures.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

...No

¹ National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.



VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No *

Please indicate which information you would like to be kept confidential

Date: 19.11.2015... Geneva - Switzerland..... Signature:

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):

- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):

- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights

Human Rights Council Branch-Complaint Procedure Unit

OHCHR- Palais Wilson

United Nations Office at Geneva

CH-1211 Geneva 10, Switzerland

Fax: (+41 22) 917 90 11

E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

Media sources on the Crime of “Displaced Boats”:

1) <http://www.almashhad-alyemeni.com/news52184.html>

2) <https://www.amnesty.org/ar/latest/news/2015/05/yemen-eyewitness->

3) <http://alhdthalan.com/arab/8606#ixzz3Za3vZ8jQ>

4) <http://www.aljazeera.net/news/reportsandinterviews/2015/5/18>

5) <http://www.voice-yemen.com/news92174.html>

6) <http://adenghad.net/news/160323/#ixzz3ZjBUbkMQ>

7) <http://islaammemo.cc/hadath-el-saa/Firmness-Storm/2015/05/07/244464.html>

8) <https://www.icrc.org/ara/resources/documents/misc/6e7ec5.htm>

Confessions made on the crime :



Abu Zangabeel Al-Houthi « tens of traitor agents killed while escaping from Aden on boats, targeted by popular committee and Ansar Allah ».

Video clips on the crime :

<https://www.youtube.com/watch?v=QDjlc4vL7Ms>

<https://www.youtube.com/watch?v=00LgnDNILVk>

https://www.youtube.com/watch?v=2ODgBLpy_p0

photos of the victims :







Name of victims according to hospital records	
No.	Name
01	Mr. Yahya Mohammed Salman
02	Ms. HaneenWaheed Abdo Mahyub
03	Mr. Waheed Abdo Mahyub

04	Ms. Hayat Abdo Saleh Radman
05	Ms. Katiba)Hanneen'sgrandmother)
06	Ms. Aida Ali Mohammed
07	Ms. FatenSaeed Abdo Hassan
08	Mr. WaelZakarya Gaber
09	Ms. Nawal Nader
10	Ms. Roza Abdullah Hassan
11	Ms. KaremaMukhtar Ali
12	Ms. AmeraRasheed Ali
13	Mr. Anees Mohammed Ali
14	Mr. Mohammed Ahmed Abdullah
15	Ms. Nadya Ali Abdullah
16	Mr. Mukhtar Ali Abdullah
17	Mr. Nadeem Abdulatef Gawe
18	Tayar Naser AhmedMohammed
19	Ms. Sa'dya Abdullah Gwedan
20	Mr. Mohammed Salem Gwedan
21	Mr. Osama Saeed Hassan
22	Mr. Wael Mohammed Abdulhadi
23	Ms. Lawsan Mohammed Saleh Al-Humiqani
24	Mr. Mohammed Abdulrahman Mohammed
25	Ms. Wafa Mohammed Abdulhadi
26	Mr. WisamSAeed Hassan
27	Mr. Salah Salem Kalba
28	Mr. Saleh Ahmed Fare' Ali
29	Mr. Mohammed Abdullah Mohammed Qasim
30	Mr. FaresAbdulbaqi Abdullah
31	Mr. Ali Hadeel Ali
32	Mr. Mohammed Salah Salem Al-Swedan
33	Mr. Basel Ga'farSaeed
34	Mr. Mohammed Muneer Basel
35	Mr. Younes Salem Bashammakh
36	Mr. WaelRawehTAher

Other victims ' names could not be documented as they did not report to the hospital for many reasons, including fear of retaliation.