



Smoke of the Dead

A human rights report documenting the crime of targeting a tourist restaurant by the coalition aircraft in Albarah area- Maqbanah district- Taiz Feb 23, 2017.

Intisaf for woman and child rights

a human rights organization seeks to protect women and children by supporting and defending their issues, raising community awareness of them and rehabilitating them psychologically and morally.

- 1. Raise community awareness of the rights of women and children as guaranteed by Islamic law and contained in international conventions and charters.**
- 2. Support women and children's issues legally and socially in order to ensure a decent family life for them, as they are the basic cell of society.**
- 3. Monitor all violations and abuses against women and children in war and peace, whether by governmental individuals and bodies or non-governmental groups or hostile countries, and announce them to public opinion .**
- 4. Prepare and producing human rights reports on cases of women and children's violations.**
- 5. Protect women and children from ill-treatment in family and society, combating all forms of violence against them and protect them from abuse during the investigation .**
- 6. Provide the necessary psychological support to women and children who are exposed to violations in war and peace.**
- 7. Stop child begging and labor**
- 8. Improve women and enhance their participation in society.**

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Introduction

Yemen is suffering from a war of aggression by the coalition of aggression [1], where it deliberately violated the rights of civilians and committed the most heinous crimes against women and children without any consideration for humanitarian and moral values. During which thousands were killed or wounded, and deliberately targeted civilian neighborhoods, schools, hospitals, mosques and vital facilities. Since the beginning of the aggression on March 26, 2015, the aggressive coalition continued committing massacres against civilians of women and children, which is obviously indicated in the crime committed against the civilians in the tourist restaurant in Albarah area- Maqbanah district- Saada. The coalition of aggression caused a number of victims, without distinguishing between a clear civilian target and legitimate military objectives. The airstrikes left tragedies that the people of Albarah area, especially the families of the victims, will never forget for years.

[1]the aggressive coalition led by Saudi Arabia and the UAE.

Executive summary

This report (**Smoke of the Dead**) documents the crime committed by the aggressive coalition aircrafts on Thursday in Albarah area- Taiz, which left behind a number of civilian victims including two children. We talked during this report about the details of the crime and witness' statements. We also talked about the legal framework of the crime according to international laws and charters.

Methodology

This report is based on the organization's statistics regarding the details of the crime and the number of victims, as well as on interviews conducted with witnesses. International legal texts, treaties and conventions were referred to in order to clarify the legal framework of the crime committed against the children in Albarah area.

A brief overview of Albarah area_ Maqbanah directorate

Albarah area: is one of the villages in Maqbanah directorate- Taiz, with a population of 1867 according to the 2004 census.

Maqbanah directorate: is one of the districts in Taiz governorates, with a population of 2302 according to the 2004 census.



Maqbanah district

Details of the massacre of the aggressive coalition on a tourist restaurant

The aggression committed a heinous crime against the civilians on Thursday Feb 23, 2017, where the coalition aircrafts targeted the civilians who were in the tourist restaurant with an airstrike in Albarah area- Taiz. This targeting caused a number of killed and wounded victims. The airstrike also left behind a massive damage. The residents rushed to rescue and pull the injured from the rubble. There are no armed manifestations, military checkpoints, weapons stores, cantonment or even one of the active battlefronts around the area, which confirms that this is a complete and obvious crime. The innocent civilians who are not related to the war were targeted in this crime. They were also not in a suspicious location, a military gathering near them, or a place to plan and provide any support to the military fronts.

Killed: 6 civilians including 2 children

Wounded: 4 civilians



Domestic condemnation

Civil society organizations, including Entesaf for woman and child rights, condemned the crime committed against the civilians in the tourist restaurant in Albarah area_ Maqbanah directorate- Taiz governorate. It also denounced the shameful international silence and violation of international and humanitarian laws and charters, the laws of war and other heavenly customs and canons that are being cast aside, which include rules and principles aimed to mainly provide protection to children and women.

The organization also blamed the coalition of aggression for all crimes and violations against innocent civilians, and called on the international community, UN organizations and human rights and humanitarian bodies to assume their legal and humanitarian responsibilities towards the violations and heinous massacres that occur against the safe civilians of the Yemeni people. It also called on all the free and honorable people of the world to take effective and positive actions to stop the aggression and protect civilians of women and children. In addition to, the organization called on the United Nations and the UN Security Council to do their duty and assume their responsibilities regarding these crimes and work to stop them, lift the siege and form an independent international commission to investigate all crimes committed against the Yemeni people and discipline all those who prove their involvement in these crimes.

Witnesses' statements

The testimonies of some of those who were present at the scene of the airstrike were heard, and all of their testimonies held the so-called coalition responsible for this crime and that it was the planes of the aggressive coalition that carried out this crime.

_A relative of the victims said: "Coalition warplanes struck workers at the restaurant, leaving a number of people dead and injured".

_One of the paramedics stated: "The coalition of aggression aircraft bombed the restaurant. There are a number of dead and wounded; we evacuated two of the injured, while other victims' bodies were completely charred."

Description of the violation according to international humanitarian law

The targeting of a tourist restaurant by the coalition of aggression's aircraft represents a definite and complete war crime. Whereas the targeted house is far from military camps, military zones, or battlefronts and located in a civilian area. In addition to, there were women and children lived in. This represents a clear and explicit violation of international humanitarian and war laws, which stipulate that war parties must at all times distinguish between military and civilian targets and refrain from launching attacks that are expected to cause harm to civilians.

This law also contains all civilians with protection without any discrimination, especially women and children, as they represent the most vulnerable groups during armed conflicts. The principle of Distinction in IHL states that any direct attack on civilians or any civilian object is not only a violation of IHL, but also a serious violation and constitutes war crimes, and IHL prohibits any weapon that is unable to distinguish between civilians / civilian objects and combatants / military objects.

Articles (47, 27) of the Fourth Geneva Convention, Article (46) of the regulation of the fourth Hague Convention and Article (48) of Additional Protocol 1 also affirm that "the parties of the conflict shall endeavor to distinguish between the civilian population and combatants, and between civilian and military objects."

Recommendation

- 1- Work to stop the unjust aggression on Yemen on land and human.**
- 2- We demand international organization, headed by the United Nations, to pressurize the countries of the coalition of aggression to stop crimes committed against civilians, especially women and children.**
- 3- We demand the United Nations to cancel its decision to remove the aggression coalition from the list of killing and maiming children, as they continue committing terrible massacres against women and children since the beginning of aggression till this day.**
- 4- We call on all human rights, legal and media organizations and bodies to monitor and document all violations and crimes committed against civilians, especially women and children, and expose them to international public opinion in preparation for bringing the perpetrators to justice.**
- 5- We demand to format an independent fact-finding committee to investigate this crime and all the crimes and violations that have occurred since the beginning of the aggression on March 26, 2015 and submit the leadership of the coalition of aggression and the perpetrators of crimes and massacres to courts.**



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