



**Temporary Protected Status** (TPS) is set to expire for Yemen on September 3, 2018. The Department of Homeland Security (DHS) is expected to make a decision on Yemen’s TPS designation on or about July 7, 2018.

As documented by the American-Arab Anti-Discrimination Committee (ADC) here in *Yemen Country Conditions: Brief Focus Summary*, the current country conditions on the ground in Yemen warrant re-designation and extension of TPS for Yemen. This document is based on investigative reports, humanitarian assessments, and news coverage produced on Yemen from January 2017 until Present. This timeframe is based on the last extension of TPS for Yemen with the effective date of January 4, 2017.

The Secretary of DHS may designate a country for TPS based on an ongoing armed conflict, environmental disaster, and other exceptional circumstances. The constant state of war and the refugee and humanitarian crisis in Yemen demonstrate that the country conditions that warranted

TPS designation for Yemen in 2015 still exist today.

### **Constant State of War and Ongoing Armed Conflict**

Since 2014, Yemen has been in a constant state of war. The civil war quickly became an international armed conflict with foreign countries involved in direct combat, supplying weapons, providing resources and support.<sup>i</sup> The civil war involves violent hostilities between the Yemeni government, supporters of Abd Rabbuh Mansour Hadi (former Vice President), supporters of Ali Abdullah Saleh (former President), Houthi forces, al-Qaeda, and other armed militias and groups.<sup>ii</sup>

The Office of the UN High Commissioner for Human Rights, reported in August 2017, that 5,144 civilians have been killed since the war began.<sup>iii</sup> This includes more than 1,184 children, and more than 8,749 civilians suffering from injury.<sup>iv</sup> The Armed Conflict Location and Event Data Project reports an even higher fatality number as their data not only includes battle deaths and civilian targeted deaths, but also fatalities that are consequences of war.<sup>v</sup> This included political protest related deaths, non-state actor killings, and private remote killings that persist due to lack of government enforcement of law.

According to the Data Project, in 2017, there were 7,885 violent incidents causing the

death of 16,814 persons. In 2017, 10,552 deaths occurred directly as a result of the ongoing armed conflict. Only six (6) months into 2018, the Data Project has recorded 3,832 violent incidents causing the death of 11,219 persons. Out of the 11,219 persons killed, ongoing armed conflict directly caused the death of 7,013 persons. The number of persons killed in Yemen is expected to increase this year by 20-25% compared to 2017.

*There were more air strikes in the first half of the year [2017] than in all of 2016, resulting in an increase in the number of civilian deaths and a worsening humanitarian emergency.*

*-2017 OCHR*

The indiscriminate air bombardments of 2017 persist. Airstrikes are one of the leading causes of civilian deaths.<sup>vi</sup> Residential areas are under constant bombardment, particularly in Sana'a, Ta'iz, Hajjah, Hodeidah, and Sa'da.<sup>vii</sup> Air raids also continue throughout the country and infrastructure is constantly being destroyed.<sup>viii</sup> Cluster munitions continue to be deployed despite international prohibitions against their use because of their inherently indiscriminate nature.<sup>ix</sup> In February 2017, Brazilian-manufactured rockets containing banned cluster munitions were deployed on residential areas and farmland in Sa'da city, injuring civilians and

causing material damage.<sup>x</sup> Human Rights Watch documented 85 unlawful coalition airstrikes, killing nearly 1,000 civilians, and targeting homes, markets, hospitals, schools, and mosques.<sup>xi</sup> The disproportionate collateral impact on civilians continues without sufficient government and international accountability for foreign, state, and non-state actors.<sup>xii</sup>

*The continued conflict led to a political and security vacuum and the establishment of a safe haven for armed groups and militias, assisted by outside states.*

*-2017/2018 Amnesty International Report*

The United Nations led peace process has failed to bring lasting peace, safety, and security to the Yemeni people.<sup>xiii</sup> The U.N.'s attempts to reestablish a cessation of hostilities have been temporary and meager.<sup>xiv</sup> There has been little progress and the violent war continues to escalate. The United States' renewal of the Executive Order 13611 declaration of a national emergency, has further affirmed that peace and safety in Yemen is not foreseeable in the immediate future.<sup>xv</sup>

*As military operations and fighting continued in and around the port cities of Mokha and Hodeidah, all parties to the conflict refused to engage with the UN-led process at different times depending on military gains on the ground.*

*-2017/2018 Amnesty International Report*

The war and violence on the ground dictating the country conditions in Yemen are a threat to the Yemeni people and Yemen's peace, security, and stability. Based on Executive Order 13611, the United States cannot ignore the fact that the same detrimental and devastating conditions that support the national emergency declaration support TPS designation. We cannot forcibly return Yemeni nationals to war and to suffer indefinite persecution, torture, and death.

*The armed group al-Qa'ida in the Arabian Peninsula (AQAP) continued to control parts of southern Yemen and to carry out bomb attacks in the governorates of Aden, Abyan, Lahj and al-Bayda.*

*-2017/2018 Amnesty International Report*

### Targeted Violence

War has destabilized the country and enabled mass human rights violations and abuses including, but not limited to, extrajudicial killings, forced disappearances and abductions, torture, arbitrary detention and arrest, secret detention centers, trafficking, and the recruitment of child soldiers.<sup>xvi</sup>

*Attack in August [2017] on a residential neighbourhood in southern Sana'a killed 16 civilians and injured 17 others, the majority of whom were children.*

*-2017/2018 Amnesty International Report*

The use of drones by foreign states in Yemen continued at an alarmingly rate in 2017.<sup>xvii</sup> According to the Bureau of Investigative Journalism, the United States nearly tripled its use of drone strikes in Yemen in 2017 compared to 2016, carrying out 105 drone attacks in 2017.<sup>xviii</sup>

The U.S. Department of State's 2017 Human Rights Report on Yemen details the brutal violence perpetrated on the Yemeni people living in a constant state of war and ongoing armed conflict.<sup>xix</sup> Child recruitment is widespread, with approximately 1/3 of all individuals who have taken up arms in the war, regardless of who they are fighting for, being under the age of 18.<sup>xx</sup> Office of the High Commissioner on Refugees (OCHR) has documented over 1700 verified cases of child recruitment during the war. These children are most vulnerable to kidnapping and sexual violence.<sup>xxi</sup>

According to the Office of the High Commissioner for Human Rights there were 985 cases of arbitrary or illegal detention in.<sup>xxii</sup> But other reports estimate much higher, with over 1000 complaints of arbitrary arrest and enforced disappearance filed with the National Commission to Investigate Alleged Violations of Human Rights (NCIAVHR) between September 2016 and June 2017.<sup>xxiii</sup> In that same time period, 386 cases of torture and 693 cases of extrajudicial killings were reported to NCIAVHR.<sup>xxiv</sup>

Arbitrary arrests and detentions of civilians often equate to hostage-taking, as the purpose is to use detained persons as leverage in future prison exchanges.<sup>xxv</sup> Amnesty International reported 13 cases of arbitrary detention and enforced disappearance in 2017.<sup>xxvi</sup> Human Rights Watch reports that over 50 people, including four children, in Southern Yemen have been arbitrarily detained and disappeared.<sup>xxvii</sup>

*Accounts of torture included tying detainees to a pole and rotating them in a circle of fire, electric shocks, and beatings.*

*-2017 Dept. of State Human Rights Report*

Immigrants and refugees are targeted for arrest and detention by all groups.<sup>xxviii</sup> The International Organization for Migration found that all groups involved in the war engage in detention of migrants as a preemptive tool of war, due to fear of recruitment by an opposing group.<sup>xxix</sup> It is important to note, that included in this group are Somali refugees and returning Yemeni refugees. As documented in OCHR's 2017 report on Yemen, OHCHR has verified 491 cases of abductions since 2015.<sup>xxx</sup>

*In March [2017], a helicopter attacked a boat carrying 146 Somali migrants and refugees off the coast of the port city of Hodeidah, killing 42 civilians and injuring 34 others.*

*-2017/2018 Amnesty International Report*

Minority groups continue to be subject persecution. The Baha'i community has

experience targeted harassment based on their religious faith.<sup>xxxii</sup> The actions against this community are indicative of treatment of the minority group as political prisoners based on religious discrimination. Arbitrary arrest and detention has been used to sentence Baha'i community members to indefinite detention and death sentences.<sup>xxxiii</sup>

### **Exceptional Circumstances: Food Insecurity, Refugees and Humanitarian Crisis**

*The conflict has left 20.7 million people, three quarters of the population, in need of humanitarian or protection assistance. Escalation of hostilities, disruption of basic services and destruction of infrastructure, compounded by severe economic deterioration, threat of famine, an outbreak of cholera, along with continued violations in international humanitarian law, has resulted in Yemen becoming the largest humanitarian crisis in the world.*

*-UNHCR, 2018 Global Focus*

The civil war has caused nearly 3 million Yemenis to be internally displaced, the majority of which have now been displaced for over one year, and nearly 200,000 into refuge across the world.<sup>xxxiii</sup> The internal displacement is widespread throughout the country with many displacements originating from Taiz, Hajjah, Amanat al-Asimah, Sa'ada, and Sana'a among others.<sup>xxxiv</sup>

*As a result of the fighting, the humanitarian*

*situation in the country deteriorated significantly, with 8.4 million people at potential risk for famine and a reported 80 percent of the country's population requiring humanitarian assistance by year's end.* -2017 OCHR Report on Yemen

The ongoing war has also destroyed the country's health infrastructure, with little to no medical access for the civilian population.<sup>xxxv</sup> As a direct result, Yemen suffered from two cholera outbreaks, in October 2016 and April 2017, and a diphtheria outbreak.<sup>xxxvi</sup> The World Health Organization found that there were more than 964,000 suspected cases of cholera resulting in more than 2,220 deaths since April 2017.<sup>xxxvii</sup>

Food insecurity and severe medical needs are exasperated by the denial of access to humanitarian aid to the most vulnerable communities in Yemen who are desperately in need of assistance.<sup>xxxviii</sup> Throughout 2017, vessels carrying aid shipments, fuel, and other essential supplies were prevented from reaching the port of Hodeidah.<sup>xxxix</sup> As a result, many aid shipments were forced to be rerouted to Aden, delaying the delivery of essential aid to civilians for three months.<sup>xl</sup>

The November 2017 institution of a blockade on air, sea and land crossings has devastated the Yemeni population. Armed conflict, targeted violence, security checkpoints, and blockades further impede humanitarian aid efforts.<sup>xli</sup> Security checkpoints and blockades have been misused and abused to seize and/or refuse

humanitarian aid, medicine and food to areas under siege.<sup>xlii</sup>

*Throughout the year, these blockades curtailed the movement of people and goods, deepening the humanitarian crisis caused by the conflict and contributing to violations of the right to health and to an adequate standard of living, including adequate food. This contributed to pervasive food insecurity and what became the world's worst cholera epidemic.*

-2017/2018 Amnesty International Report

### #SaveTPS for Yemen:

DHS reports that 1,200 Yemeni's in the United States are potentially eligible for TPS. We cannot allow our Yemeni colleagues, friends, and neighbors be sent back to violence and humanitarian disaster.



Share your story on social media and online at [www.tpsrelief.com](http://www.tpsrelief.com)



Speak Up, Demand Congress Act, <http://www.adc.org/legal/tps-request/>



Host a community dinner, town hall, or organize a petition to raise awareness. Call us and we can help you with your ideas at 202-244-2990!

<sup>i</sup> See Ben Watson, *The War in Yemen and the Making of a Chaos State*, ATLANTIC, Feb. 3, 2018, <https://www.theatlantic.com/international/archive/2018/02/the-war-in-yemen-and-the-making-of-a-chaos-state/551987/>; *Key Facts about the War in Yemen*, AL JAZEERA, Mar. 25, 2018, <https://www.aljazeera.com/news/2016/06/key-facts-war-yemen-160607112342462.html>.

<sup>ii</sup> See Al Jazeera, *supra* note i; see generally U.S. Dep't. of State, 2017 Country Report on Human Rights for Yemen, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>iii</sup> OCHR, *The Situation of Human Rights in Yemen including Violations and Abuses, A/HRC/36/33, Civilian Casualties, March 2015 – June 2017*, <http://www.ohchr.org/SiteCollectionImages/Countries/YE/2017/Infographic3b-YemenReport2017.jpg>; OCHR, *Yemen: An “entirely man-made catastrophe” – UN human rights report urges international investigation*, Sept. 5, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22025>.

<sup>iv</sup> OCHR, *The Situation of Human Rights in Yemen including Violations and Abuses Since September 2014*, <http://www.ohchr.org/SiteCollectionImages/Countries/YE/2017/Infographic3b-YemenReport2017.jpg>.

<sup>v</sup> The Armed Conflict Location and Event Data Project, *Data, Yemen*, <https://www.acleddata.com/data/>.

<sup>vi</sup> State Dept. Report *supra* note ii at 12 -13, 16.

<sup>vii</sup> *Id.* at 13.

<sup>viii</sup> *Yemen 2017/2018 Amnesty International Report*, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/> (last accessed June 1, 2018).

<sup>ix</sup> *See id.*

<sup>x</sup> *See id.*

<sup>xi</sup> *Yemen: Events of 2017*, Human Rights Watch, <https://www.hrw.org/world-report/2018/country-chapters/yemen>. (85 unlawful coalition airstrikes, killing nearly 1,000 civilians, and targeting homes, markets, hospitals, schools, and mosques. Cluster munitions and air bombardment strikes have also been deployed in the country).

<sup>xii</sup> *Id.*

<sup>xiii</sup> Amnesty International, *supra* note xiv.

<sup>xiv</sup> *See id.*

<sup>xv</sup> Notice Regarding the Continuation of the National Emergency with Respect to Yemen, May 14, 2018, <https://www.whitehouse.gov/briefings-statements/notice-regarding-continuation-national-emergency-respect-yemen/>.

<sup>xvi</sup> Human Rights Watch, *supra* note at xvii; see also generally Dept. of State Report, *supra* note ii.

<sup>xvii</sup> Human Rights Watch, *supra* note at xvii.

<sup>xviii</sup> State Dept. Report, *supra* note ii, at 13-15; Human Rights Watch, *supra* note xvii.

<sup>xix</sup> *See id.*

<sup>xx</sup> See Karen McVeigh, *'Manmade catastrophe': Yemen conflict has killed 1,100 children, says UN*, THE GUARDIAN, Sept. 5, 2017, <https://www.theguardian.com/global-development/2017/sep/05/man-made-catastrophe-yemen-conflict-has-killed-1100-children-says-united-nations>.

<sup>xxi</sup> State Dept. Report, *supra* note ii at 14; Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/36/33, at 12.

<sup>xxii</sup> OCHR, *The Situation of Human Rights in Yemen including Violations and Abuses Since September 2014, A/HRC/36/33, Arbitrary or Illegal Detentions*, <http://www.ohchr.org/SiteCollectionImages/Countries/YE/2017/Infographic4YemenReport2017.jpg>.

<sup>xxiii</sup> National Commission to Investigate Alleged Violations of Human Rights, *Preliminary Report, Human Rights Council 33<sup>rd</sup> Session*, at 25, <http://embassy-of-yemen.pl/wp-content/uploads/2016/08/Report-on-Human-Rights-Violations.pdf>; see also State Dept. Report, *supra* note ii at 3.

<sup>xxiv</sup> State Dept. Report, *supra* note ii, at 9.

<sup>xxv</sup> Amnesty International, *supra* note xiv.

<sup>xxvi</sup> *See id.*

<sup>xxvii</sup> Human Rights Watch, *supra* note xvii.

<sup>xxviii</sup> *Yemen: Detained African Migrants Tortured, Raped*, Human Rights Watch, Apr. 17, 2018, <https://www.hrw.org/news/2018/04/17/yemen-detained-african-migrants-tortured-raped> (“Yemeni government officials have tortured, raped, and executed migrants and asylum seekers from the Horn of Africa in a detention center in the southern port city of Aden”).

<sup>xxix</sup> UN Migration Agency Calls for Greater Protection of Migrants, *Yemenis Following Visit to Yemen*, Int'l Org. for Migration, May 8, 2018, <https://www.iom.int/news/un-migration-agency-calls-greater-protection-migrants-yemenis-following-visit-yemen>; *Stranded Migrants, Refugees Return Home from War-torn Yemen*: IOM, Int'l Org. for Migration, Mar. 15, 2018, <https://reliefweb.int/report/yemen/stranded-migrants-refugees-return-home-war-torn-yemen-iom>.

<sup>xxx</sup> State Dept. Report, *supra* note ii at 14.

<sup>xxxi</sup> Human Rights Watch, *Yemen: Houthi's Sentence Baha'i Man to Death*, Feb. 27, 2018, <https://www.hrw.org/news/2018/02/27/yemen-houthis-sentence-bahai-man-death>; Alesha Matharu, *Baha'i Man Sentenced to Public Execution in Yemen. His Crime? Practicing His Faith*, THE WIRE, Jan. 14, 2018, <https://thewire.in/external-affairs/bahai-man-sentenced-public-execution-yemen-crime-practicing-faith>;

<sup>xxxii</sup> See Winston Nagan, *For Baha'is, Yemen man's death sentence is grimly familiar*, RELIGION NEWS SERVICE, Mar. 1, 2018,

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<https://religionnews.com/2018/03/01/for-bahais-yemen-mans-death-sentence-has-grim-familiarity/>.<sup>xxxiii</sup> *Id.* att 12; OCHA, About OCHA Yemen, <https://www.unocha.org/yemen/about-ocha-yemen> (last accessed June 1, 2018).<sup>xxxiv</sup> State Dept. Report, *supra* note ii at 22; UNHCR's *Fact Sheet* for April 2018, <https://reliefweb.int/report/yemen/unhcr-yemen-fact-sheet-april-2018>.<sup>xxxv</sup> See *International Rescue Committee*, They die of bombs, we die of need: impact of collapsing public health systems in Yemen, Mar. 26, 2018, <https://reliefweb.int/report/yemen/they-die-bombs-we-die-need-impact-collapsing-public-health-systems-yemen>; Heba Kanso, *Malaria Stalks Yemen Amid Collapsing Health System*, AL JAZEERA, Jan. 18, 2018, <https://reliefweb.int/report/yemen/they-die-bombs-we-die-need-impact-collapsing-public-health-systems-yemen>; Defenders for Medical Impartiality, *Yemen's Healthcare Sector Decimated While World Stands Idly By*, Feb. 20, 2017, <https://defendmedicalimpartiality.org/?p=1799>; Physicians for Human Rights, *Attacks on Medical Facilities in Yemen is a "Defining Element" of Nation's Intractable Conflict*, Feb. 27, 2018, <http://physiciansforhumanrights.org/press/press-releases/attacks-on-medical-facilities-1.html?print=t>.<sup>xxxvi</sup> State Dept. Report, *supra* note ii, at 22; *Yemen's cholera epidemic likely to intensify in coming months: WHO*, REUTERS, Feb. 26, 2018, <https://www.reuters.com/article/us-yemen-security-cholera/yemens-cholera-epidemic-likely-to-intensify-in-coming-months-who-idUSKCN1GA225>; Emma Batha, *Yemen risks new cholera outbreak as rainy season begins*, REUTERS, May 3, 2018, <https://www.reuters.com/article/us-yemen-cholera/yemen-risks-new-cholera-outbreak-as-rainy-season-begins-idUSKBN1I42T6>; <sup>xxxvii</sup> World Health Organization, *Outbreak update – cholera in Yemen*, Mar. 22, 2018; <http://www.emro.who.int/pandemic-epidemic-diseases/cholera/outbreak-update-cholera-in-yemen-22-march-2018.html>; World Health Organization, *Amidst the devastation of war in Yemen, efforts are under way to control cholera*, June 4, 2018, <http://www.emro.who.int/yem/yemen-news/amidst-the-devastation-of-war-in-yemen-efforts-are-under-way-to-control-cholera.html>; *Yemen's Cholera Epidemic 'Largest Ever Recorded'*, BBC NEWS, July 21, 2017, <https://www.bbc.com/news/av/world-middle-east-40687456/yemen-s-cholera-epidemic-largest-ever-recorded>.<sup>xxxviii</sup> *Yemen: Conflict has catastrophic consequences for health care*, International Committee of the Red Cross, Apr. 24, 2017, <https://reliefweb.int/report/yemen/yemen-conflict-has-catastrophic-consequences-health-care>; Christine Monaghan, *In Yemen and other conflict zones, hospitals remain a target*, THE LANCET GLOBAL

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HEALTH BLOG, <http://globalhealth.thelancet.com/2017/06/30/yemen-and-other-conflict-zones-hospitals-remain-target>.<sup>xxxix</sup> State Dept. Report, *supra* note ii at 12.<sup>xl</sup> See *id.*; Amnesty International, *supra* note xiv.<sup>xli</sup> OCHA, Yemen: Impact of the closure of seaports and airports on the humanitarian situation - Situation Update 2, Nov. 16, 2017, <https://reliefweb.int/report/yemen/yemen-impact-closure-seaports-and-airports-humanitarian-situation-situation-update-2-16>.<sup>xlii</sup> See *id.*<sup>xliii</sup> See *id.*