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PIRACY AND THE YEMEN CIVIL WAR

YEMEN ACCOUNTABILITY PROJECT



PIRACY AND THE YEMEN CIVIL WAR

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GAN is a collective of international criminal prosecutors and practitioners who supervise and work with law students on specific atrocity projects related to conflict situations around the globe. YAP’s student researchers and analysts gather open-source evidence of potential war crimes and crimes against humanity committed during the Yemen Civil War to assist with future prosecutions under the relevant international legal standards.

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EXECUTIVE SUMMARY: Summarizing the White Paper’s findings and recommendations.

This white paper examines the utilization of piracy by various parties to the Yemen Civil War and the legal provisions under both international human rights law (“IHRL”) and international humanitarian law (“IHL”) potentially violated by such conduct. Piracy is a *jus cogens* norm and is forbidden in all circumstances under international law. There is universal jurisdiction over piracy on the high seas, and states have an obligation to prevent, punish, and refrain from engaging in piracy.

Based on the evidence presented in this white paper, YAP concludes that parties to the conflict have violated their obligations to refrain from engaging in acts of piracy. The perpetrators of these violations must face justice, mitigate their violations’ adverse effects and provide relief to victims of piracy. The purpose of this white paper is to provide evidence of IHRL and IHL violations concerning piracy and propose avenues for accountability.

I. INTRODUCTION

A. Overview

This White Paper assesses the various ways in which the parties to the Yemen Civil War have committed acts of piracy and piratical acts. This paper identifies both instances of piracy and entities that have failed to prevent it. It additionally identifies legal provisions through which interested parties can hold these perpetrators accountable.

Part I summarizes the Yemen Civil War, the circumstances that led to its inception, and the main parties involved in the conflict. Part II considers the definition of piracy in the context of international law and explores the international legal landscape regarding that topic. Part III analyzes yearly and thematic trends regarding piracy in Yemen. Part IV identifies legal provisions in the Law of the Sea, IHRL, and IHL that create liability for perpetrators of piracy and associated acts of piracy, including those that fail to prevent it, and examines YAP's evidence of piracy presented in Part III under those provisions. Part V assesses challenges with existing accountability mechanisms and makes recommendations for potentially viable avenues for accountability. Finally, Part VI recommends how stakeholders may address the Yemen Civil War's connection to piracy and piratical acts and aid future prosecutions or lawsuits.

B. The Yemen Civil War

The Yemen Civil War stems from long-standing tensions between the Houthis, a Zaydi Shia group from northern Yemen,¹ and Yemen's former authoritarian president, Ali Abdulla Saleh.² After the 2011 Arab Spring protests, Saleh transferred power to his vice president at the time, Abd Rabbo Mansour Hadi.³ Nonetheless, widespread political instability persisted.⁴ This instability escalated in September 2014, when the Houthi rebels captured Yemen's capital city of Sana'a⁵ and subsequently ousted President Hadi in January 2015.⁶ Despite this, President Hadi's government remains the internationally recognized *de jure* government of Yemen ("IRG").⁷ On April 7, 2022, President Hadi transferred his powers to a Presidential Leadership Council consisting of eight members, currently led by Rashad Al-Alimi.⁸

¹ *Q & A on the Conflict in Yemen and International Law*, HUM. RTS. WATCH (Apr. 6, 2015), <https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law> [<https://perma.cc/7SEC-GHKL>].

² *Id.*

³ Kali Robertson, *Yemen's Tragedy: War, Stalemate, and Suffering*, COUNCIL FOREIGN REL. (Feb. 5, 2021), <https://www.cfr.org/backgrounder/yemen-crisis> [<https://perma.cc/WYJ3-Y7FB>].

⁴ *Id.*

⁵ *How Yemen's capital Sanaa was seized by Houthi rebels*, BBC (Sept. 27, 2014), <https://www.bbc.com/news/world-29380668> [<https://perma.cc/GN9G-UR7M>].

⁶ *Q & A on the Conflict in Yemen and International Law*, *supra* note 1.

⁷ See S.C. Res. 2216, (April 14, 2015); *Id.*

⁸ Eleonora Ardemagni, *Yemen's Post-Hybrid Balance: The New Presidential Council*, CARNEGIE ENDOWMENT INT'L PEACE: SADA (June 9, 2022), <https://carnegieendowment.org/sada/2022/06/yemens-post-hybrid-balance-the-new-presidential-council?lang=en> [<https://perma.cc/A7RV-SKPZ>].

The Yemen Civil War officially began in March 2015, when a Coalition of States led by Saudi Arabia and acting on behalf of then-President Hadi's government initiated an airstrike campaign on the Houthis to restore the Hadi government's authority in the country.⁹ In 2022, under pressure from Saudi Arabia and the UAE President Hadi transferred his powers to an eight-member Presidential Leadership Council backed by Saudi Arabia and the UAE, which is now the internationally recognized government ("Saudi-led Coalition").¹⁰ Accordingly, the ongoing conflict has primarily involved the Iranian-supported Houthi rebels and the Saudi-led Coalition, with the United Arab Emirates ("UAE") being a major part of the Saudi-led coalition.¹¹ The Islamic State ("ISIS") and Al-Qaeda of the Arabian Peninsula ("AQAP") have also participated in the conflict to a lesser degree.¹² Since 2015, these parties have caused serious civilian casualties and strategically harmed the civilian population, including via the *de facto* blockade on Yemen's seaports and closure of Sana'a International Airport.¹³

The conflict, particularly on the part of the Houthis, intensified over the last year and a half. Beginning in November 2023, Houthi militants have engaged in dozens of attacks on international shipping vessels in the Red Sea.¹⁴ The militants claimed to act in response to the alleged Israeli genocide of the Palestinian people.¹⁵ In response to the Houthis military action in the Red Sea, particularly against commercial shipping and US and UK warships, the US established Operation Prosperity Guardian, a US-led multinational military coalition¹⁶ that began pursuing airstrikes against Houthi sites.¹⁷

Altogether, these military activities have created what is arguably one of the worst humanitarian crises in the world. The Saudi-coalition airstrikes have a death toll of at least

⁹ The Saudi-led Coalition includes support from the United States, France, and the United Kingdom. Robertson, *supra* note 3; *see also Q & A on the Conflict in Yemen and International Law*, *supra* note 1.

¹⁰ Veena Ali-Khan, *Yemen's Troubled Presidential Leadership Council*, INT'L CRISIS GRP. (May 4, 2023), <https://www.crisisgroup.org/cmt/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/yemens-troubled-presidential-leadership-council> [https://perma.cc/BD3X-EU3U].

¹¹ Robertson, *supra* note 3; Ibrahim Jalal, *The UAE may have Withdrawn from Yemen, but its Influence Remains Strong*, MIDDLE EAST INSTITUTE (Feb. 25, 2020), <https://mei.edu/publication/uae-may-have-withdrawn-yemen-its-influence-remains-strong/> [https://perma.cc/C3PT-GK3T].

¹² *Id.*

¹³ U.N. High Comm'r Human Rights, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Report of the United Nations High Commissioner for Human Rights Containing the Findings of the Group of Eminent International and Regional Experts and a Summary of Technical Assistance Provided by the Office of the High Commissioner to the National Commission of Inquiry*, U.N. Doc. A/HRC/39/43, ¶ 18 (Aug. 17, 2018) [hereinafter Report of the United Nations High Commissioner].

¹⁴ *Who Are the Houthis and Why Is the US Targeting Them?*, BBC NEWS (Mar. 25, 2025), <https://www.bbc.com/news/world-middle-east-67614911> [https://perma.cc/5PGU-QCDF].

¹⁵ *Id.*

¹⁶ Rebecca Picciotto, *U.S. Launches Operation Prosperity Guardian to Defend Red Sea Shipping Lanes From Houthi Attacks*, CNBC (Dec. 18, 2023), <https://www.cnbc.com/2023/12/18/us-to-expand-red-sea-defense-as-houthis-disrupt-trade.html> [https://perma.cc/S5WR-KZ7J].

¹⁷ Lolita C. Baldor, et. al., *US Military Strikes Another Houthi-controlled Site After Warning Ships to Avoid Parts of Red Sea*, AP NEWS (Jan. 13, 2024), <https://apnews.com/article/yemen-houthis-us-ship-attacks-bombing-red-sea-iran-cc06d9186a00d1f22bea6b9c14dda12a> [https://perma.cc/HJ2F-VT22].

19,200 people, including over 2,300 children, and the displacement of a further 4 million, as of February 2024.¹⁸ Following US and UK air strikes on Houthi positions, the Houthis targeted and continue to target ships owned and operated by UK or US owners.¹⁹ For further discussion, we would direct attention to the Yemen Accountability Project's latest white paper, *The Legal Defensibility of US, UK, and Operation Prosperity Guardian's Military Response to Houthi Attacks in the Red Sea*.²⁰

In total, at least 150,000 people,²¹ including 3,700 children,²² have been killed as a result of the Yemen Civil War. The Group of Eminent International and Regional Experts on Yemen ("Group of Eminent Experts") have designated the Yemen Civil War as a non-international armed conflict ("NIAC").²³ NIACs involve conflicts between a State and a non-State armed group.²⁴ Although multiple States have participated in the conflict, those States each support Al-Alimi's government in its combat of a non-State actor, the Houthi rebels, and thus, the conflict is properly designated a NIAC.²⁵ In NIACs, legal obligations arise under both customary international law and treaty law.²⁶ All parties to the conflict, including Al-Alimi's Yemeni government, the Saudi-led Coalition, and non-state actors, including the Houthi rebels,²⁷ are bound by customary international law.²⁸ This includes the customary IHL principles of distinction, necessity, and proportionality.²⁹

Even in areas where Hadi's government has lost control, it still retains positive obligations under customary international law.³⁰ Additionally, Yemen is a party to and, therefore, bound by the Geneva Conventions of 1949 and Additional Protocol II.³¹ The Saudi-led Coalition is also bound by the Geneva Conventions because they reflect customary international law.³² Similarly, the Group of Eminent Experts also considers ISIS and AQAP as bound by IHL

¹⁸ YEMEN, GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT (Mar. 14, 2025), <https://www.globalr2p.org/countries/yemen/> [<https://perma.cc/NL5G-WGZY>].

¹⁹ Maha El Dahan, et. al., *Exclusive: Yemen's Houthis Won't 'Dial Down' Under US Pressure or Iranian Appeals*, REUTERS (Mar. 18, 2025), <https://www.reuters.com/world/middle-east/yemens-houthis-wont-dial-down-under-us-pressure-or-iranian-appeals-2025-03-18/> [<https://perma.cc/VB84-JKLU>].

²⁰ YEMEN ACCOUNTABILITY PROJECT, *THE LEGAL DEFENSIBILITY OF US, UK, AND OPERATION PROSPERITY GUARDIAN'S MILITARY RESPONSE TO HOUTHİ ATTACKS IN THE RED SEA* (forthcoming 2025).

²¹ *Country Hub: Yemen*, ACLED DATA, <https://acleddata.com/middle-east/yemen/> (last visited Apr. 11, 2025) [<https://perma.cc/HF98-7JYD>].

²² *More than 11,000 Children Killed or Injured in Yemen*, UNICEF (Dec. 12, 2022), <https://www.unicef.org/press-releases/more-11000-children-killed-or-injured-yemen> [<https://perma.cc/TCU6-47KH>].

²³ U.N. High Comm'r for Human Rights, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Detailed Findings of the Group of Eminent International and Regional Experts on Yemen*, ¶ 35, U.N. Doc. A/HRC/45/CRP.7 (2020) [hereinafter *Detailed Findings of the Group of Experts*].

²⁴ Report of the United Nations High Commissioner, *supra* note 12, at ¶ 15.

²⁵ See *Detailed Findings of the Group of Experts*, *supra* note 23, at ¶ 33.

²⁶ *Sources of IHL: Treaties and customary law*, INT'L COMM. RED CROSS, <http://ir.icrc.org/en/international-humanitarian-law/sources-ihl-treaties-customary-law/> (last visited Jun. 15, 2021) [<https://perma.cc/SBY6-AKG9>].

²⁷ *Detailed Findings of the Group of Experts*, *supra* note 23, at ¶ 32.

²⁸ Report of the United Nations High Commissioner, *supra* note 12, at ¶ 15.

²⁹ *Id.* at ¶ 15.

³⁰ *Id.* at ¶ 13.

³¹ *Detailed Findings of the Group of Experts*, *supra* note 23, at ¶ 35.

³² *Id.* at ¶ 31.

because each group has engaged in parallel NIACs with Yemen’s government forces.³³ For these reasons, each of these parties may be held accountable for their violations of IHL. They may also be liable for IHRL violations, if jurisdictionally applicable. For more information about the Yemen Conflict and its designation as an NIAC, please see YAP’s previous publications.³⁴

³³ *Id.* at ¶ 34.

³⁴ *See generally*, YEMEN ACCOUNTABILITY PROJECT, AIDING & ABETTING: HOLDING STATES, CORPORATIONS, AND INDIVIDUALS ACCOUNTABLE FOR WAR CRIMES IN YEMEN 9-10 (2020); YEMEN ACCOUNTABILITY PROJECT, STARVATION: BUILDING THE CASE FOR PROSECUTING STARVATION CRIMES IN YEMEN (2021); YEMEN ACCOUNTABILITY PROJECT, CULTURAL PROPERTY: BUILDING THE CASE FOR PROSECUTING THE DESTRUCTION OF CULTURAL PROPERTY IN YEMEN (2023); YEMEN ACCOUNTABILITY PROJECT, GENDER-BASED VIOLENCE AND THE YEMEN CIVIL WAR (2024); YEMEN ACCOUNTABILITY PROJECT, TORTURE AND THE YEMEN CIVIL WAR (2025).

II. PIRACY IN INTERNATIONAL LAW

The origins of piracy as a crime against international law go back to ancient times.³⁵ Cicero described pirates as “*hostes humani generis*,” or enemies of all peoples.³⁶ It must be emphasized that piracy itself is illegal under international maritime law but is not illegal in IHL or IHRL. However, associated acts that might occur during Piracy may violate IHL and IHRL. These associated acts are discussed in Section IV.

The prohibition against piracy has long been identified as a peremptory norm, or *jus cogens* violation, of customary international law. Prohibitions against piracy represent “one of the earliest expressions of the interests of the international community as a whole.”³⁷ The crime of piracy has been considered to be under universal jurisdiction for hundreds of years,³⁸ meaning that any state can prosecute any act of piracy “even if that state has no connection whatsoever to the underlying act.”³⁹

National courts from the United States Supreme Court⁴⁰ to the High Court of Australia,⁴¹ as well as others in Kenya⁴² and the Netherlands,⁴³ have repeatedly identified piracy as “an act which is an offence against all”⁴⁴ and prosecuted it under the “law of nations,” a frequently used synonym for *jus cogens*.⁴⁵ Since 2008 alone, there have been eighteen United Nations Security Council (“UNSC”) Resolutions and numerous United Nations General Assembly (“UNGA”) Resolutions adopted confirming the illegality of piracy and promoting global cooperation in fighting it wherever it is found.⁴⁶

³⁵ I.A. Shearer, *Piracy*, OXFORD PUB. INT’L L.: MAX PLANCK ENCYC. PUB. INT’L L. (Oct. 2010), <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1206?rskey=GIZR9q&resul=1&prd=MPIL> [<https://perma.cc/2TW2-KW3L>].

³⁶ *Id.*

³⁷ THOMAS WEATHERALL, *JUS COGENS: INTERNATIONAL LAW AND SOCIAL CONTRACT* 205 (2015)

³⁸ See Michael J. Kelly, *The Pre-History of Piracy as a Crime & Its Definitional Odyssey*, 46 CASE W. RESV. J. INT’L L. 25, 27–29 (2014) (discussing the history of universal jurisdiction over the crime of piracy).

³⁹ *Id.* at 27.

⁴⁰ *United States v. Smith*, 18 U.S. 153, 161 (1820) (“The common law, too, recognises and punishes piracy as an offence, not against its own municipal code, but as an offence against the law of nations, (which is part of the common law,) as an offence against the universal law of society, a pirate being deemed an enemy of the human race.”)

⁴¹ *R v. Tang* (2008) 237 CLR 1, 48 (“[S]lavery, like piracy, is a crime against humanity. Thus those who engage in ‘slavery’, piracy and other special crimes are enemies of mankind”)

⁴² *Attorney General v. Mohamud Mohammed Hashi & 8 others* [2012] KECA 256 (KLR) (“There is sufficient material to show that piracy has been treated as a threat to World Peace and grave danger to humanity and thus any state is given jurisdiction to deal with it...My understanding of the offence of piracy *jure gentium* is a crime against customary international law which is recognized as *jus cogens*, a peremptory norm”)

⁴³ Rb. Rotterdam 17 juni 2010, NJFS 2010, 230 m.nt. (*M/V Samanyolu* Case) (“[I]t is important here that the Dutch legislature has established so-called universal jurisdiction for the prosecution of piracy (Article 381 of the Criminal Code (hereinafter: Sr))”)

⁴⁴ WEATHERALL, *supra* note 36, at 208 (quoting *United States v. Robins*, 27 F. Cas. 825, 862 (D.S.C 1799) (No. 16,175).

⁴⁵ *Id.* at 208.

⁴⁶ Atul Alexander, *Revitalizing the International Law Discourse on the Prohibition of Maritime Piracy: Voices from International Law Commission’s Work on Peremptory Norms of General International Law (Jus Cogens)*, 13

President Guillaume of the International Court of Justice (“ICJ”) also stated in the *Arrest Warrant Case* that customary international law recognized universal jurisdiction over piracy because piracy is committed on the high seas.⁴⁷ These repeated confirmations that piracy represents a universal enemy and affirmations of global commitment to fighting it demonstrate the requisite international recognition and acceptance to consider the prohibition of piracy a *jus cogens* norm.

Jus cogens norms generate *erga omnes* obligations, or obligations that are “owed not to particular States but to the international community of States as a whole.”⁴⁸ In the context of *jus cogens*, this creates avenues to pursue justice against those who violate peremptory norms, wherever in the world they are found.⁴⁹ This means states not only have a right but an obligation to prosecute piracy through universal jurisdiction.

Since piracy is a crime committed by individual actors, not a state, the ICJ does not have jurisdiction over piracy.⁵⁰ Piracy also does not explicitly fall under the jurisdiction of the ICC as defined by the Rome Statute; the mandate of the International Criminal Court (“ICC”) extends only to genocide, crimes against humanity, war crimes, and crimes of aggression.⁵¹ Piracy was deliberately excluded from the Rome Statute, on the grounds that it is a crime committed by private actors for personal gain, and out of a desire to focus on the four “core crimes.”⁵² However, the frequent absence or failure of piracy prosecutions in national courts has led many scholars to argue that, as a peremptory norm, piracy should fall under the jurisdiction of the ICC. As argued by Yvonne M. Dutton, piracy “creates harms that are felt by the entire international community, and involves many of the same violent and cruel acts, such as murder, kidnapping, and hostage-taking, that are used to commit the crimes already within the ICC’s jurisdiction.”⁵³

The most widely accepted definition of piracy derives from the UN Convention on the Law of the Sea of 1982 (“UNCLOS”), commonly regarded as expressing the current law of

TRANSACTIONS ON MAR. SCI. 1, 10 (Feb. 20, 2024), <https://www.toms.com.hr/index.php/toms/article/view/627/571> [<https://doi.org/10.7225/toms.v13.n01.w11>].

⁴⁷ *Arrest Warrant of 11 April 2000* (Dem. Rep. Congo v. Belg.), Judgment, 2002 I.C.J. 3, ¶ 5 (Feb. 14) (separate opinion by Guillaume, J.)

⁴⁸ Dire Tladi, *Jus Cogens*, OXFORD PUB. INT’L L.: MAX PLANCK ENCYC. PUB. INT’L L. (Feb. 2024), <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1437> [<https://perma.cc/E28X-EPTE>].

⁴⁹ M. Cherif Bassiouni, *International Crimes: Jus Cogens and Obligatio Erga Omnes*, 59 LAW & CONTEMP. PROBS. 63, 65–66 (Autumn 1996).

⁵⁰ *See How the Court Works*, INT’L CT OF JUSTICE, <https://www.icj-cij.org/how-the-court-works> [<https://perma.cc/W54N-NGEU>] (last visited Apr. 9, 2026) (“The Court may entertain two types of cases: legal disputes between States submitted to it by them (contentious cases) and requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (advisory proceedings).”).

⁵¹ Rome Statute of the International Criminal Court, art. 5, July 17, 1998, 2187 U.N.T.S. 90 (entered into force July 1, 2002) [hereinafter Rome Statute].

⁵² Melanie O’Brien, *Where Security Meets Justice: Prosecuting Maritime Piracy In The International Criminal Court*, 4 ASIAN J. INT’L L. 81, 87 (2014).

⁵³ Yvonne M. Dutton, *Bringing Pirates to Justice: A Case for Including Piracy within the Jurisdiction of the International Criminal Court*, 11 CHI. J. INT’L L. 197, 241 (2010).

piracy in general international law.⁵⁴ Yemen has been a party to UNCLOS since 1982.⁵⁵ Under Article 101, UNCLOS defines piracy as:

- (a) “Any illegal acts of violence or detention, or any act of depredations, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) Against a ship, aircraft, persons, or property in a place outside the jurisdiction of any State;
- (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).”⁵⁶

International agreements, relevant U.S. statutes, and non-binding international documents generally follow the definition of piracy laid out in Article 101 of UNCLOS. There are, however, three main differences: the “two ship” requirement; the “high seas” requirement; and the “for private ends” requirement.⁵⁷

UNCLOS requires that a piratical act occur by one ship or aircraft “against another ship or aircraft,”⁵⁸ which excludes acts committed by passengers who attack their own ship.⁵⁹ Conversely, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (“ReCAAP”),⁶⁰ the UN Security Council Resolutions on Somalia,⁶¹ the Djibouti Code of Conduct,⁶² and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (“SUA Convention”)⁶³ omit this criterion.

ReCAAP, which aims to “prevent and suppress piracy and armed robbery against ships”, first repeats the definition of piracy given by UNCLOS, and then defines “armed robbery” on the

⁵⁴ Shearer, *supra* note 34.

⁵⁵ *Chronological Lists of Ratifications of, Accessions and Successions to the Convention and the Related Agreements*, UNITED NATIONS DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA (Feb. 17, 2026), https://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm [<https://perma.cc/835C-XSBC>].

⁵⁶ U.N. Convention on the Law of the Sea, art. 101, *opened for signature* Dec. 10, 1982, 1833 UNTS 397 [hereinafter UNCLOS].

⁵⁷ See generally Konrad Marciniak, *International Law on Piracy and Some Current Challenges Related to Its Definition*, 1 POLISH REV. INT'L & EUR. L. 97 (2012).

⁵⁸ UNCLOS, *supra* note 55.

⁵⁹ Marciniak, *supra* note 56, at 104.

⁶⁰ See Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia, art. 1, Nov. 11, 2004, 2398 UNTS 199 [hereinafter ReCAAP].

⁶¹ S.C. Res. 2102, U.N. Doc. S/RES/2102 (May 2, 2013).

⁶² See International Maritime Organization [IMO], *Attachment 1, Note by the Secretary-General, Sub-Regional Meeting to Conclude Agreements on Maritime Security, Piracy and Armed Robbery Against Ships for States from the Western Indian Ocean, Gulf of Aden and Red Sea Areas*, at 8, IMO Doc. C102/14 Annex, [hereinafter Djibouti Code of Conduct].

⁶³ Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Mar. 10, 1998, 1678 UNTS 221 [hereinafter SUA Convention].

seas, which does not require two ships.⁶⁴ The UN Security Council Resolutions on Somalia, which the UN states apply only to piracy off the coast of Somalia, similarly adopt this definition.⁶⁵ Additionally, the Djibouti Code of Conduct⁶⁶ acknowledges the restrictions of the UNCLOS definition, preferring the definitions adopted by the UN Security Council and ReCAAP.⁶⁷ Yemen is a signatory party to the Djibouti Code of Conduct.⁶⁸ While the SUA Convention does not explicitly refer to “piracy,” it does regulate relevant offenses that could fall under Article 101 of UNCLOS, such as “seizing or exercising control over a ship by force or threat.”⁶⁹ It does not require that force or threat be used by another ship.⁷⁰ Yemen is a party to the SUA Convention, but not the 2005 Protocol.⁷¹

Under UNCLOS, all piratical acts must also be committed “on the high seas.”⁷² The high seas refers to “all parts of the sea that are not included in the exclusive economic zone,⁷³ in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.”⁷⁴ The SUA Convention, the UN Security Council Resolutions on Somalia, and the Djibouti Code of Conduct, however, allow for piratical acts to take place in waters outside the high seas.⁷⁵

The SUA Convention’s wider jurisdictional scope applies if a ship either sails or plans to sail through or from waters between the high seas and the water directly outside of a state’s territorial sea; this includes the water directly outside two adjacent states’ lateral limits (*e.g.*, for states opposite one another, the median line between the two states’ territorial waters).⁷⁶ The UN Security Council Resolutions on Somalia, similarly, include acts in territorial waters in defining “armed robbery” to cover those acts of Somali Pirates off the coast of Somalia that piracy wouldn’t cover.⁷⁷ The Resolutions identified that this allowance was contextual, however, and should not be applied generally.⁷⁸ Lastly, the Djibouti Code includes acts that “occur within State’s internal waters, archipelagic waters, and territorial sea.”⁷⁹

⁶⁴ ReCAAP, *supra* note 59.

⁶⁵ S.C. Res. 2010, U.N. Doc. S/Res/1950 (Nov. 23, 2010).

⁶⁶ Djibouti Code of Conduct, *supra* note 61.

⁶⁷ Marciniak, *supra* note 56, at 112–13.

⁶⁸ *Signatory States*, DJIB. CODE CONDUCT, <https://dcoc.org/about-us/dcoc-states/> [<https://perma.cc/E3R6-3LFZ>] (last visited Apr. 9, 2026).

⁶⁹ SUA Convention, *supra* note 62, art. 3.

⁷⁰ *See id.*

⁷¹ Magne Frostad, *Houthi Attacks on Merchant Vessels in the Red Sea*, ARTICLES OF WAR (June 10, 2024) <https://lieber.westpoint.edu/houthi-attacks-merchant-vessels-red-sea/> [<https://perma.cc/8RZ7-SMGF>].

⁷² UNCLOS, *supra* note 55.

⁷³ A country’s exclusive economic zone extends 200 nautical miles out from the state’s coastline. UNCLOS, *supra* note 55, art. 57.

⁷⁴ UNCLOS, *supra* note 55, art. 86.

⁷⁵ SUA Convention, *supra* note 62, art. 4; S.C. Res. 2010, *supra* note 64; Djibouti Code of Conduct, *supra* note 61.

⁷⁶ SUA Convention, *supra* note 62, art. 4.

⁷⁷ S.C. Res. 2102, *supra* note 60.

⁷⁸ *Id.*

⁷⁹ Djibouti Code of Conduct, *supra* note 61.

UNCLOS also requires an act to be “committed for private ends” to give rise to piracy.⁸⁰ It does not, however, define what that entails, leading to a split in interpretation.⁸¹ There are two ways to understand the phrase “for private ends.” First, the subjective motives of the actor may be viewed to determine whether their intent is for private or public gain.⁸² In this reading, acts where “perpetrators want to compel a state to act in a certain manner” would not be considered private, and thus not piratical.⁸³ An objective definition, however, would consider the stated acts as public. Under the objective reading, “private” simply means not under the jurisdiction of a state.⁸⁴ A nonstate actor attempting to compel a state, therefore, could be piratical in nature.

The UN Hostages Convention applies to acts done “in order to compel... a State... to do or abstain from any act as [a]... condition for the release of [a hostage].”⁸⁵ This is specifically applicable off the coast of Somalia, where pirates commonly take crews hostage and refuse to release them until the State pays a ransom.⁸⁶

III. EVIDENCE OF PIRACY DURING THE YEMEN CIVIL WAR

A. General Trends

At the outset of the Yemen Civil War in 2015 and 2016, there were no documented instances of piracy in the available data. By 2017, a report emerged alleging that Houthi terrorists bombed a UAE military ship.⁸⁷ The bombing killed twelve individuals and injured thirty-five individuals in the Red Sea near the city of Mokha.⁸⁸

In 2018, multiple reports emerged. In January, the Saudi-led coalition destroyed a boat carrying explosives while stopping a Houthi led attack on a Saudi oil tanker near the Red port of Hodeidah.⁸⁹ The number of victims is unknown.⁹⁰ In April, Houthi fighters targeted a Saudi oil tanker in retaliation for an airstrike.⁹¹ In June, unknown forces attacked a UN aid vessel off the main Yemeni port of Hodeidah.⁹² A fire erupted in the engine room.⁹³ In September, eighteen

⁸⁰ UNCLOS, *supra* note 55.

⁸¹ Marciniak, *supra* note 56, at 114.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ International Convention Against the Taking of Hostages, art. 1, Dec. 17, 1979, 1316 UNTS 205 [hereinafter Hostages Convention].

⁸⁶ Marciniak, *supra* note 56, at 108.

⁸⁷ YAP 2017 Matrix #YTZ170731

⁸⁸ YAP 2017 Matrix #YTZ170731

⁸⁹ YAP 2018 Matrix #SNA18011001

⁹⁰ YAP 2018 Matrix #SNA18011001

⁹¹ YAP 2018 Matrix #YHU18040301

⁹² YAP 2018 Matrix #YHU18060301

⁹³ YAP 2018 Matrix #YHU18060301

fishermen were killed in the Red Sea near Hodeidah.⁹⁴ In October, Houthi forces prevented ships carrying donated food provisions from offloading their cargo in the port of Hodeidah.⁹⁵

In 2019, two reports emerged. In July, Houthi gunmen opened fire on a fishing boat.⁹⁶ The gunmen injured two fishermen who refused to pay taxes.⁹⁷ In November, unknown gunmen attacked a survey vessel from the shore off the Coast of Jazirat Perim in Taiz.⁹⁸ No fatalities were reported.⁹⁹

In 2020, two reports emerged in December. First, in Mahra, an unidentified armed group onboard two small crafts fired at the Sierra Leone-flagged and Lebanese-operated Hasan general cargo (IMO: 9016179) at the border between Yemeni and international waters off the Coast of Saqr.¹⁰⁰ The vessel, underway from Aden to Salalah, was later declared safe.¹⁰¹ Second, UAE forces kidnapped seven fishermen off the Coast of Hodeidah and took them to an undisclosed location.¹⁰² The reason for the kidnapping is unknown.¹⁰³

In the years 2021 and 2022, there were no documented instances of piracy in the available data. But in 2023, a major incident occurred in November. Off the coast of Yemen, armed Houthis descended from a military helicopter and stormed the MV *Galaxy Leader*, a Bahamian-flagged vessel.¹⁰⁴ The *Galaxy Leader*'s 25-member crew were held by the Houthis for over a year until January 2025.¹⁰⁵

Although the Yemen Accountability Project has not completed documentation for 2024, maritime piracy increased in general in 2024. The MICA Centre reported a 110% rise in acts of piracy compared to 2023 and recorded 124 attacks on ships by the Houthis in the Red Sea.¹⁰⁶

⁹⁴ YAP 2018 Matrix #YHU18091801

⁹⁵ YAP 2018 Matrix #YHU18100301

⁹⁶ YAP 2019 Matrix #YHU19072401

⁹⁷ YAP 2019 Matrix #YHU19072401

⁹⁸ YAP 2019 Matrix #YHZ19111901

⁹⁹ YAP 2019 Matrix #YHZ19111901

¹⁰⁰ YAP 2020 Matrix #YMH20120401

¹⁰¹ YAP 2020 Matrix #YMH20120401

¹⁰² YAP 2020 Matrix #YHU20022301

¹⁰³ YAP 2020 Matrix #YHU20022301

¹⁰⁴ Christian Edwards, *Yemen's Houthis Free Crew of Red Sea Cargo Ship after 14 Months in Captivity*, CNN (Jan. 22, 2025), <https://www.cnn.com/2025/01/22/middleeast/yemen-houthi-galaxy-leader-crew-free-intl-latam> [<https://perma.cc/J8B5-GD9B>].

¹⁰⁵ *Id.*

¹⁰⁶ *Maritime Piracy Increased Worldwide Last Year; French Maritime Centre Reports*, BRUSSELS TIMES (Feb. 4, 2025), <https://www.brusselstimes.com/1428101/maritime-piracy-increased-worldwide-last-year-french-maritime-centre-reports> [<https://perma.cc/8SNQ-A3N2>].

B. Thematic Areas Concerning Piracy

1. Violations that Occur During Incidences of Piracy

a. *Torture*

Torture has occurred in connection with maritime seizures and apprehensions in and around Yemen. The Saudi-led Coalition's naval forces detained over 100 Yemeni fishermen in at least five documented incidents during 2018.¹⁰⁷ Seven former detainees reported torture and ill-treatment during subsequent detention in Saudi Arabia, where they were held incommunicado and denied access to families, legal counsel, and government representatives.¹⁰⁸ Human Rights Watch characterized these as deliberate attacks on civilians and potential war crimes; the U.S. State Department's 2018 Country Report on Human Rights Practices corroborated that 148 fishermen were arrested between October 2016 and April 2018 and transferred to Saudi detention facilities, with eighteen remaining missing after more than one year.¹⁰⁹ The UN Group of Eminent Experts found reasonable grounds to believe these attacks violated the principles of distinction, proportionality, and precaution.¹¹⁰

In the Houthi maritime context, the clearest documented instance of cruel treatment is the coerced confession videos of Eternity C crew members released on July 27, 2025.¹¹¹ Following the Houthis' attack and sinking of the vessel, which had just completed a UN World Food Programme humanitarian delivery to Somalia, eleven surviving crew members were seized.¹¹² They were later compelled to appear on video repeating false claims that the ship had been bound for Israel.¹¹³ Human Rights Watch characterized these videos as showing crew members under apparent duress and concluded the conduct constituted an outrage on their personal dignity—a war crime under Common Article 3 of the Geneva Conventions.¹¹⁴

No specific reports of physical torture of the *Galaxy Leader* crew during their 430-day detention were identified from any credible source. The International Committee of the Red

¹⁰⁷ *Yemen: Coalition Warships Attack Fishing Boats*, HUM. RTS. WATCH (Aug. 21, 2019), <https://www.hrw.org/news/2019/08/21/yemen-coalition-warships-attack-fishing-boats> [<https://perma.cc/2HCA-CWGG>].

¹⁰⁸ *Id.*

¹⁰⁹ *2018 Country Reports on Human Rights Practices: Yemen*, U.S. DEP'T OF STATE, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/yemen> [<https://perma.cc/E93K-UQD7>] (last visited Apr. 13, 2026).

¹¹⁰ U.N. High Comm'r for Human Rights, *Situation of Human Rights in Yemen: Detailed Findings of the Group of Eminent International and Regional Experts on Yemen*, U.N. Doc. A/HRC/42/17, ¶ 8 (Sept. 3, 2019).

¹¹¹ *Houthi Video of False Confessions an Apparent War Crime*, HUM. RTS. WATCH (July 31, 2025), <https://www.hrw.org/news/2025/07/31/houthi-video-of-false-confessions-an-apparent-war-crime> [<https://perma.cc/64Z3-AWQZ>].

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Geneva Convention Relative to the Treatment of Prisoners of War art. 3, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 [hereinafter “Geneva Convention III”]; *see also Houthi Video of False Confessions an Apparent War Crime, supra* note 111 (characterizing coerced confession videos as an outrage on personal dignity in violation of Common Article 3).

Cross (“ICRC”) conducted two monitoring visits but, consistent with its mandate, did not publicly disclose its findings.¹¹⁵ The absence of documented torture should not be read as evidence of its absence: access to the vessel was severely restricted, released crew members have not made detailed public statements about their treatment, and the UN has documented systematic torture—including beatings with iron rods and rifles and suspension from walls—in Houthi land-based detention facilities.¹¹⁶

b. Hostage Taking

On November 19, 2023, at least ten armed Houthi fighters rappelled from a military helicopter onto the MV *Galaxy Leader* in the southern Red Sea and seized the vessel along with its 25 crew members.¹¹⁷ UN Security Council Resolution 2722 condemned the seizure and demanded the crew's immediate release.¹¹⁸ The crew was held for 430 days before release on January 22, 2025, following the Israel-Hamas ceasefire and Omani mediation.¹¹⁹ The OHCHR Special Rapporteur on Torture observed that hostage-taking is cruelty and almost always involves torture.¹²⁰

The Houthis' attack on the MV *Eternity C* in July 2025 produced a second documented hostage situation. After attacking and sinking the vessel, the Houthis seized ten crew members and one security guard, transported them to an undisclosed location, and held them for approximately five months before their release via Omani mediation on December 4, 2025.¹²¹ The U.S. Embassy in Yemen characterized the seizure as kidnapping.¹²²

¹¹⁵ *Philippines: Statement on the Release of 17 Filipino Seafarers Onboard Galaxy Leader Vessel Held in Yemen*, INT'L COMM. RED CROSS (Jan. 24, 2025), <https://www.icrc.org/en/news-release/philippines-statement-release-17-filipino-seafarers-onboard-galaxy-leader-vessel-held> [<https://perma.cc/8B87-8C4G>].

¹¹⁶ See U.N. Panel of Experts on Yemen, S/2024/731, ¶¶ 52–58 (Oct. 11, 2024); *Report of the Group of Eminent International and Regional Experts on Yemen*, ¶ 65, U.N. Doc. A/HRC/45/6 (2020) [hereinafter Report of the Group of Eminent Experts] (documenting systematic torture in Houthi land-based detention facilities, including beatings with iron rods and rifles and suspension from walls).

¹¹⁷ United Nations Security Council, *Letter dated 14 October 2024 from the Panel of Experts on Yemen addressed to the President of the Security Council*, U.N. Doc. S/2024/748 (Oct. 14, 2024).

¹¹⁸ S.C. Res. 2722, pmb. (Jan. 10, 2024) (condemning the seizure and demanding immediate release of the vessel and crew).

¹¹⁹ U.N. Doc. S/2024/748, *supra* note 117.

¹²⁰ *Id.*; *Statement on Release of Galaxy Leader Crew*, OFF. OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL FOR YEMEN (Jan. 22, 2025), <https://osesgy.unmissions.org/statement-un-special-envoy-yemen-release-galaxy-leader-crew> [<https://perma.cc/SAR6-W7RR>]; *Release of Ship's Crew, 'A Step in the Right Direction': UN Yemen Envoy*, U.N. NEWS (Jan. 22, 2025), <https://news.un.org/en/story/2025/01/1159281> [<https://perma.cc/KY2C-U3YY>].

¹²¹ *Yemen: Houthis' Attacks on Cargo Ships Apparent War Crimes*, HUM. RTS. WATCH (July 23, 2025), <https://www.hrw.org/news/2025/07/23/yemen-houthis-attacks-on-cargo-ships-apparent-war-crimes> [<https://perma.cc/8U6R-NG7Z>].

¹²² *U.S. Embassy Yemen Says Houthis Kidnapped Many Surviving Eternity C Crew Members*, SHIPPING TELEGRAPH (July 7, 2025), <https://shippingtelegraph.com/shipping-reports/houthi-video-shows-dramatic-red-sea-attack-on-greek-bulker-eternity-c/> [<https://perma.cc/3EGR-GR8U>] (reporting that the U.S. Embassy in Yemen accused the Houthis of "kidnapping" the surviving crew members); see also *Houthis Release 11 Crew Members from Sunken Cargo Ship Eternity C*, UPI (Dec. 4, 2025),

The Saudi-led Coalition's detention of fishermen apprehended at sea also constitutes hostage-taking in a functional sense. Coalition naval forces detained 148 fishermen between 2016 and 2018, holding them incommunicado in Saudi Arabia for periods ranging from 40 days to more than two and a half years, with eighteen still unaccounted for after more than one year.¹²³

c. Deprivation of Liberty

Deprivation of liberty is distinct from hostage-taking, though the two violations often coincide. Hostage-taking is defined by the coercive purpose: holding persons to compel third-party action. Deprivation of liberty, as a freestanding violation, requires only that detention be arbitrary—that is, without legal basis, due process, or proportionate justification under applicable law.¹²⁴ All documented instances of maritime-connected detention in the Yemen conflict satisfy this deprivation of liberty standard.

The *Galaxy Leader* crew's 430-day detention was characterized as arbitrary by UN Special Envoy for Yemen Hans Grundberg upon their release, and as "unlawful" by the UN Security Council in its November 2024 press statement.¹²⁵ No charges were filed against any crew member; no legal process was initiated; and the conditions of release were tied entirely to external political negotiations rather than any legal proceeding.¹²⁶ External access was severely restricted: the ICRC was granted access only twice in fourteen months, and crew members were permitted only weekly phone calls with their families.¹²⁷

The *Eternity C* crew were held for approximately five months at an undisclosed location with no charges, no legal process, and no reported consular access for weeks after seizure. Human Rights Watch stated the Houthis "continued to detain them without lawful justification."¹²⁸

The Saudi-led Coalition's detention of fishermen apprehended at sea presents the same pattern. Between October 2016 and April 2018, coalition forces detained 148 fishermen and transferred them to Saudi facilities where they were held incommunicado—denied contact with families, legal counsel, and government representatives—for periods ranging from 40 days to

https://www.upi.com/Top_News/World-News/2025/12/04/oman-Eternity-C-crew-released/8241764830607/ [<https://perma.cc/YCK2-9JHJ>].

¹²³ *Yemen: Coalition Warships Attack Fishing Boats*, *supra* note 107; *2018 Country Reports on Human Rights Practices: Yemen*, *supra* note 109.

¹²⁴ Compare Hostages Convention, *supra* note 84, art. 1 (defining hostage-taking by coercive purpose), with International Covenant on Civil and Political Rights art. 9, Dec. 16, 1966, T.I.A.S. no. 92-908, 999 U.N.T.S. 171 [hereinafter ICCPR] (prohibiting arbitrary detention without legal basis or process).

¹²⁵ *Statement on Release of Galaxy Leader Crew*, *supra* note 119; Press Release, Security Council, Security Council Press Statement on Anniversary of Houthis' Unlawful Detention of Galaxy Leader Crew, U.N. Press Release SC/15904 (Nov. 18, 2024) (characterizing crew as "unlawfully detained for almost one year").

¹²⁶ S.C. Res. 2722, *supra* note 118; Press Release, Security Council, *supra* note 124.

¹²⁷ *Philippines: Statement on the Release of 17 Filipino Seafarers Onboard Galaxy Leader Vessel Held in Yemen*, *supra* note 115 (confirming visits of May 12, 2024 and September 25, 2024 to monitor conditions of detention and treatment of detainees).

¹²⁸ *Yemen: Houthis' Attacks on Cargo Ships Apparent War Crimes*, *supra* note 120; *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111 (stating Houthis "continued to detain them without lawful justification");

more than two and a half years. Human Rights Watch documented that detainees were held in undeclared facilities designed to place them "outside the reach of the law."¹²⁹ Eritrean naval forces similarly detained Yemeni fishermen under inhuman conditions, denying food, water, and contact with families.¹³⁰

Across all documented instances, detention was arbitrary: imposed without legal authority, maintained without process, and terminated not through legal proceedings but through political negotiation or release at the detaining party's discretion.

d. Forced Labor

The evidentiary record for forced labor in the maritime piracy context is weak, and the most prominent case—the *Galaxy Leader*—illustrates why. The vessel was towed to Hodeidah and remained moored throughout the crew's detention. No verified reports indicate that crew members were compelled to navigate, operate, or maintain the vessel under duress. Galaxy Maritime Ltd. stated that crew members had been "moved around like pawns from ship to land at the whim of their persecutors," but compelled movement does not constitute forced labor.¹³¹ The Houthis converted the vessel into a tourist attraction and propaganda set; crew members were photographed beneath a portrait of Houthi leader Abdul-Malik al-Houthi, but no reporting source characterized this as forced labor.

e. Rape and Other Forms of Sexual Violence

As of April 16, 2026, no verified instances of sexual violence perpetrated against victims during or following a piracy incident connected to the Yemen conflict appear in any credible source reviewed. This finding holds across all tiers of the documentation hierarchy: no UN body, ICRC statement, human rights organization report, or media account documents sexual violence in connection with Houthi or coalition maritime seizures, piracy operations, or the detention of seafarers or fishermen apprehended at sea.

¹²⁹ 2018 Country Reports on Human Rights Practices: Yemen, *supra* note 109; Yemen: Coalition Warships Attack Fishing Boats, *supra* note 107 (documenting detention periods ranging from 40 days to more than 2.5 years and detainees held in undeclared facilities designed to place them "outside the reach of the law").

¹³⁰ *A Plethora of Abuses in the Heart of the Sea*, MWATANA HUM. RTS. (May 18, 2023), <https://www.mwatana.org/posts-en/a-plethora-of-abuses> [<https://perma.cc/CR3V-36GJ>].

¹³¹ Yemen: "Galaxy Leader Crew to be Released Soon", Says Houthi Leader, YEMENONLINE (Jan. 21, 2025), <https://yemenonline.info/politics/8612> [<https://perma.cc/KLA5-AKV8>].

2. Child Piracy

While there are no confirmed reports of children directly participating in piracy operations in or around Yemen,¹³² children have been widely recruited and used by armed groups involved in the Yemeni Civil War, particularly the Houthis.¹³³ Evidence from piracy operations in Somalia demonstrates that children are frequently used as members of pirate crews.¹³⁴ Given the large-scale recruitment of child soldiers in Yemen and the significant overlap between armed groups and maritime attack operations, it is possible that children could be involved in piracy connected to the conflict now or in the future.¹³⁵

Whether children have been used in the commission of piracy in the context of the Yemen Civil War requires an examination of the definition of a “child” under international law and the documented patterns of child recruitment in the conflict. Several international instruments to which Yemen is a party define the term “child.” The Worst Forms of Child Labour Convention defines a child as any person under the age of eighteen.¹³⁶ Similarly, the United Nations Convention on the Rights of the Child (UNCRC) defines a child as every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.¹³⁷ Article 38 of the UNCRC requires States Parties to take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities, and to endeavor to give priority to those who are oldest when recruiting among persons between the ages of fifteen and eighteen.¹³⁸ The Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict further strengthens these protections, requiring that States Parties take all feasible measures to ensure that members of their armed forces who have not attained the age of eighteen do not take a direct part in hostilities,¹³⁹ and that voluntary recruitment under the age of eighteen be subject to certain safeguards.¹⁴⁰ Armed groups distinct from the armed forces

¹³² *On International Children Day: Justice for Yemen Children Must be Included in Peace Talks*, HUM. RTS. WATCH (Nov. 3, 2023), <https://www.hrw.org/news/2023/11/20/international-children-day-justice-yemen-children-must-be-included-peace-talks> [<https://perma.cc/78WM-FRF7>] [hereinafter *On International Children Day*].

¹³³ Children and Armed Conflict, Rep. of the Secretary-General, U.N. Doc. A/77/895–S/2023/363 (June 5, 2023); *Who Are the Houthis and Why Is the US Targeting Them?*, *supra* note 14.

¹³⁴ AALIA MANN, PUB. INT’L L. & POL’Y GRP., RECRUITMENT AND USE OF CHILDREN AS AN ACT OF PIRACY 3 (2012), https://scholarlycommons.law.case.edu/war_crimes_memos/22 [<https://perma.cc/C87R-4UMH>].

¹³⁵ *Yemen: Houthis Recruit More Child Soldiers Since October 7*, HUM. RTS. WATCH (Feb. 13, 2024), <https://www.hrw.org/news/2024/02/13/yemen-houthis-recruit-more-child-soldiers-october-7> [<https://perma.cc/N4GE-AKA2>].

¹³⁶ Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, art. 2, 3(a), June 17, 1999, 2133 U.N.T.S. 161 (entered into force Nov. 19, 2000).

¹³⁷ Convention on the Rights of the Child, art. 38, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990). Yemen’s age of majority is 18. *Age of Majority by Country 2026*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/country-rankings/age-of-majority-by-country> [<https://perma.cc/DXZ5-X2HG>] (last visited Apr. 16, 2026).

¹³⁸ Convention on the Rights of the Child, *supra* note 137, at art. 38.

¹³⁹ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, arts. 1, 3, May 25, 2000, 2173 U.N.T.S. 222 (entered into force Feb. 12, 2002).

¹⁴⁰ *Id.* at art. 3.

of a State should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen years.¹⁴¹

a. *Recruitment and Use of Child Soldiers in Yemen*

The recruitment and use of children by armed groups throughout the Yemeni Civil War has been extensively documented by the United Nations and international human rights organizations.¹⁴² Nearly 3,500 children have been officially verified as recruited and used by both state and non-state actors since the beginning of the conflict.¹⁴³ The Republic of Yemen signed an action plan with the United Nations in 2014 to end the recruitment of child soldiers,¹⁴⁴ but this action plan has not been fully followed, as there have been several verified cases of child recruitment by Yemen after 2014.¹⁴⁵ Similarly, the Houthis signed an action plan with the United Nations to end their own recruitment of child soldiers in 2022,¹⁴⁶ but this too has failed, with the Houthis having recruited an undetermined number of child recruits since October 2023, estimated to be in the hundreds or thousands.¹⁴⁷

In 2022, the United Nations verified the recruitment and use of 105 children, some as young as ten years old, by parties to the conflict.¹⁴⁸ Of these, seventy-seven were attributed to the Houthis, twelve to the Security Belt Forces, ten to the Shabwani Elite Forces, four to the Yemen Armed Forces, one to the Amaliqah Brigades, and one to unidentified perpetrators.¹⁴⁹ Thirty-three of these children were verified as having been used in combat roles.¹⁵⁰ The United Nations additionally verified in 2022 the recruitment and use of ninety-three boys that had occurred in prior years, sixty-three of which were attributed to the Houthis, seventeen to the Yemen Armed Forces, nine to the Security Belt Forces, three to the Amaliqah Brigades, and one to unidentified perpetrators.¹⁵¹

The United Nations also verified the abduction of eleven children in 2022, the majority of which were carried out for the purposes of recruitment and military use.¹⁵² Ten of these

¹⁴¹ *Id.* at art. 4.

¹⁴² Children and Armed Conflict, *supra* note 104.

¹⁴³ *New Action Plan to Strengthen the Protection of Children Affected by Armed Conflict in Yemen Signed with the Houthis*, OFF. OF THE SPECIAL REPRESENTATIVE OF THE SEC'Y-GEN. FOR CHILD. & ARMED CONFLICT (Apr. 18, 2022), <https://childrenandarmedconflict.un.org/2022/04/new-action-plan-to-strengthen-the-protection-of-children-affected-by-armed-conflict-in-yemen-signed-with-the-houthis/> [<https://perma.cc/R6EN-Z2XK>] [hereinafter *New Action Plan*].

¹⁴⁴ *Children, Not Soldiers: Yemen Signs Action Plan to End Recruitment and Use of Children by Armed Forces*, OFF. OF THE SPECIAL REPRESENTATIVE OF THE SEC'Y-GEN. FOR CHILD. & ARMED CONFLICT (May 14, 2014), <https://childrenandarmedconflict.un.org/2014/05/yemen-signs-action-plan/> [<https://perma.cc/96WT-MW7D>].

¹⁴⁵ *On International Children Day*, *supra* note 132.

¹⁴⁶ *New Action Plan*, *supra* note 143.

¹⁴⁷ *Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

¹⁴⁸ Children and Armed Conflict, *supra* note 104.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

abductions were attributed to the Houthis.¹⁵³ Eight of the children were later released or escaped, while the status of the remaining three is unknown.¹⁵⁴ The United Nations further verified the abduction of seven children in prior years: three by the Houthis, two by the Yemen Armed Forces, one by the Security Belt Forces, and one by unidentified perpetrators.¹⁵⁵ Of particular concern, the United Nations received reports of the organization by the Houthis of “summer camps” for children, which exposed participants to military content and activities, functioning as recruitment programs.¹⁵⁶

b. Instances of Child Piracy in Other Conflicts

While there are no documented instances of child piracy in Yemen,¹⁵⁷ evidence from Somalia illustrates how children can become involved in piracy operations, particularly in contexts where child recruitment by armed groups is widespread.¹⁵⁸

In the Horn of Africa, many of the pirates apprehended by authorities have been fourteen or fifteen years old, mirroring the prevalence of child soldiers in that region.¹⁵⁹ Some sources have reported that approximately one-third of pirate foot soldiers in the Horn of Africa are children, some as young as ten or eleven.¹⁶⁰ In 2011, the Indian Navy captured an armed pirate vessel carrying sixty-one suspected pirates, twenty-five of whom were believed to be under the age of fifteen, and four of whom were under the age of eleven.¹⁶¹ In January 2012, Seychelles police found two Somali children, ages eleven and twelve, sailing with twelve other suspected pirates.¹⁶²

The manner in which children are used in Somali piracy operations follows a consistent pattern.¹⁶³ Children serve as pirate foot soldiers, surveying the seas for days or weeks on small fishing or speed boats in search of a vessel to hijack.¹⁶⁴ When a target is identified, pirate foot soldiers board the vessel using ladders and carrying firearms, taking the captain and crew hostage at gunpoint.¹⁶⁵ Meanwhile, pirate leaders typically remain on land, funding and directing operations, or become involved during the ransom negotiation process.¹⁶⁶ The younger pirates

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *On International Children Day, supra* note 132.

¹⁵⁸ MANN, *supra* note 134, at 15–17.

¹⁵⁹ *Id.* at 2.

¹⁶⁰ *Id.*

¹⁶¹ *25 of 61 Pirates Arrested by Navy at Sea Are Children Below 15 Yrs*, TIMES OF INDIA (Mar. 16, 2011), <https://timesofindia.indiatimes.com/india/25-of-61-pirates-arrested-by-navy-at-sea-are-children-below-15-yrs/article-show/7723224.cms> [<https://perma.cc/5V8A-D45H>].

¹⁶² Mark Tran, *Kidnapped Somali Children End Up as Pirates’ Pawns*, THE GUARDIAN (Aug. 14, 2012), <https://www.theguardian.com/world/2012/aug/14/somalia-middleeast> [<https://perma.cc/AKA3-ELHL>].

¹⁶³ *See* MANN, *supra* note 134, at 18.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 19.

often pay a share of their earnings to their bosses to repay loans for weapons and equipment.¹⁶⁷ Children are recruited into these roles through processes similar to those documented for child soldiers: faced with few opportunities in conflict-affected regions, young boys are recruited by pirate leaders who exploit humanitarian crises and offer piracy as a path to economic survival.¹⁶⁸

c. The Possibility of Child Piracy in Yemen

The convergence of several factors in Yemen raises a credible concern that children could be involved in piracy operations connected to the conflict. The Houthis have been the primary perpetrators of both child recruitment¹⁶⁹ and maritime piracy in Yemen.¹⁷⁰ An overwhelming majority of the piracy incidents occurring in or around Yemen during the civil war were committed by the Houthis, who have used a variety of means and weapons—including drones, drone boats, and armed attacks using ships and helicopters—to carry out these operations.¹⁷¹

Given the Houthis' documented practice of recruiting children as young as ten years old into military roles,¹⁷² and their established pattern of using recruits—including young men and boys—as foot soldiers in armed operations,¹⁷³ it is plausible that children could be deployed in maritime piracy activities.¹⁷⁴ The Somali precedent demonstrates that children in similar conflict-affected environments have been used extensively in piracy, often performing the most dangerous tasks.¹⁷⁵ Although the specific operational modalities of Houthi piracy differ from Somali piracy, relying more heavily on drone attacks and armed seizure operations rather than ransom-driven hijackings,¹⁷⁶ the underlying conditions that facilitate the use of child pirates, including widespread child recruitment, limited economic opportunity, and the normalization of children's participation in armed conflict, are present in Yemen.¹⁷⁷

Both Yemen and the Houthis have recruited child soldiers, and the Houthis have committed acts of piracy in the Red Sea. While it remains to be seen whether any of the Houthi pirates are confirmed as children,¹⁷⁸ the confluence of large-scale child recruitment,¹⁷⁹ the Houthis' role as the primary perpetrators of both child soldier use and maritime piracy, and the precedent set by child piracy in Somalia collectively suggest that it is plausible the Houthis have employed or could employ child pirates in the Red Sea and off the coast of Yemen.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 15.

¹⁶⁹ See generally SYDNEY WARINNER ET AL., THE YEMEN CIVIL WAR'S TOLL ON CHILDREN 14 (2023) (discussing Houthi recruitment of child soldiers).

¹⁷⁰ See generally JESSICA CHAPMAN ET AL., RED SEA TASK FORCE: ASSESSING THE LEGAL IMPLICATIONS OF THE MILITARY RESPONSE TO HOUTHİ ATTACKS IN THE RED SEA (2025) (discussing Houthi acts against ships in the Red Sea).

¹⁷¹ *Who Are the Houthis and Why Is the US Targeting Them?*, *supra* note 14.

¹⁷² Children and Armed Conflict, *supra* note 104.

¹⁷³ *Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

¹⁷⁴ See generally MANN, *supra* note 134 (discussing the prevalence of child pirates in Somalia).

¹⁷⁵ *Id.* at 18–21.

¹⁷⁶ *Who Are the Houthis and Why Is the US Targeting Them?*, *supra* note 14.

¹⁷⁷ *Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

¹⁷⁸ *On International Children Day*, *supra* note 132.

¹⁷⁹ New Action Plan, *supra* note 143.

3. Impacts of Piracy on Victims

Maritime piracy inflicts severe and lasting harm on its victims.¹⁸⁰ Hostages endure physical violence, torture, malnutrition, and unsanitary conditions during captivity.¹⁸¹ The psychological toll is equally devastating: former hostages exhibit high rates of post-traumatic stress disorder, anxiety, depression, and related symptoms that can persist long after their release.¹⁸² The economic consequences of piracy affect not only the victims themselves but also their families, who may lose income during and after a hostage's captivity.¹⁸³ While research on the impacts of piracy on victims remains limited,¹⁸⁴ the available evidence suggests a pattern of serious harm.¹⁸⁵

Piracy is often carried out through robbery and hijacking of a vessel, or involves the taking of hostages for ransom lasting from a few days to, in some cases, months.¹⁸⁶ Although hostage-taking is prohibited under international humanitarian law,¹⁸⁷ it remains a common feature of maritime piracy.¹⁸⁸ During a hijacking or while in captivity, hostages frequently witness and endure numerous accompanying crimes, including unlawful confinement, kidnapping, homicide, theft, harassment, verbal and armed threats, physical assault, and torture.¹⁸⁹ These experiences have lasting physical and psychological effects on the victims.¹⁹⁰

Current studies on the mental and physical impacts experienced by former hostages of maritime piracy are constrained by the lack of comparison groups and insufficient statistical power.¹⁹¹ Many existing studies have relatively small sample sizes, and research on narrative accounts of former hostages is often limited by the overrepresentation of participants from countries that supply large proportions of the global merchant mariner workforce, such as India.¹⁹² Additionally, some piracy survivors are unable or unwilling to share their experiences with researchers, particularly those who endured the most severe trauma.¹⁹³ This introduces the

¹⁸⁰ Bryan C. Peters et al., *Exploring the Life Narratives of Maritime Piracy Survivors: Collapse and Rediscovery of Meaning Following Serious Crime Victimization*, VICTIMS & OFFENDERS 1, 7–8 (2025).

¹⁸¹ *Id.* at 1, 9.

¹⁸² D. Conor Seyle et al., *The Long-Term Impact of Maritime Piracy on Seafarers' Behavioral Health and Work Decisions*, 87 MARINE POL'Y 23, 23–24 (2018).

¹⁸³ Peters et al., *supra* note 180, at 10.

¹⁸⁴ Seyle et al., *supra* note 182, at 23.

¹⁸⁵ Peters et al., *supra* note 180, at 7–8.

¹⁸⁶ UNITED NATIONS OFFICE ON DRUGS AND CRIME MARINE POLICY, THE GLOBALIZATION OF CRIME: A TRANSNATIONAL ORGANIZED CRIME THREAT ASSESSMENT 198–99 (2010) [hereinafter TOCTA].

¹⁸⁷ *Rule 96: Hostage-Taking*, INT'L HUMANITARIAN L. DATABASES, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule96> [https://perma.cc/V8QF-6CCL] (last visited Apr. 10, 2026).

¹⁸⁸ TOCTA, *supra* note 185, at 198–99.

¹⁸⁹ Peters et al., *supra* note 180, at 7–8.

¹⁹⁰ *Id.* at 7.

¹⁹¹ Seyle et al., *supra* note 182, at 23.

¹⁹² Peters et al., *supra* note 180, at 7.

¹⁹³ *Id.*

potential for bias, as findings may disproportionately reflect the experiences of individuals who feel comfortable recounting their stories.¹⁹⁴

a. *Physical Impact*

Former hostages of piracy frequently report enduring physical torture and assault during captivity, ranging from slapping and beating to stabbing and shooting.¹⁹⁵ These attacks are often described as frequent, occurring nearly daily.¹⁹⁶ The physical conditions on board during captivity further contribute to declining health.¹⁹⁷ In addition to regular physical violence, hostages suffer from malnutrition due to inadequate food or deprivation of food altogether.¹⁹⁸ Unsanitary conditions result in a variety of illnesses and diseases, including malaria, tuberculosis, and skin conditions.¹⁹⁹

The case of Chirag Bahri illustrates the severe physical toll that maritime piracy inflicts on hostages. Bahri's ship was hijacked by Somali pirates in May 2010 in the Gulf of Aden's International Transit Corridor,²⁰⁰ and he was held hostage for almost eight months.²⁰¹ Twenty-three crew members were taken hostage and held for a ransom of fifteen million dollars.²⁰² During his captivity, Bahri was tortured and physically assaulted on a near-daily basis.²⁰³ He recounted being tied up with ropes for extended periods,²⁰⁴ and described instances in which crew members were locked naked in a freezer compartment.²⁰⁵ The poor living conditions caused the crew members to lose weight because they were given inadequate meals made with unsanitary ingredients.²⁰⁶

While Bahri's ordeal took place off the coast of Somalia, the risks and impacts of maritime piracy are not confined to one region. Over a decade later, in November 2023, the Houthis seized the *Galaxy Leader* at the outset of their campaign of piracy attacks in the Red Sea, taking twenty-five hostages who were held for fourteen months.²⁰⁷ During their captivity,

¹⁹⁴ *Id.*

¹⁹⁵ *Id.* at 9.

¹⁹⁶ Peters et al., *supra* note 180, at 9.

¹⁹⁷ *Id.* at 3.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 10.

²⁰⁰ *Id.* at 8.

²⁰¹ Roopa Gogineni, *No Ransom, No Release for Hostages of Somali Pirates*, VOICE OF AM. (Aug. 20, 2013), <https://www.voanews.com/a/somalia-pirates-ransom/1733153.html> [<https://perma.cc/658W-8VKH>].

²⁰² Monalisa Das, *Living in Captivity: Untold Stories of Indians Held Hostage by Somali Pirates*, THE NEWS MINUTES (June 29, 2016), <https://www.thenewsminute.com/news/living-captivity-untold-stories-indians-held-hostage-somali-pirates-45648> [<https://perma.cc/L3GS-HW25>].

²⁰³ Gogineni, *supra* note 196.

²⁰⁴ Frank Gardner, *Pirate Violence Targeted By Worldwide Campaign*, BBC NEWS (Sept. 29, 2011), <https://www.bbc.com/news/uk-15103818> [<https://perma.cc/3X8H-555R>].

²⁰⁵ Das, *supra* note 197.

²⁰⁶ *Id.*

²⁰⁷ Jonathan Josephs & David Gritten, *Yemen's Houthis Release Crew of Seized Cargo Ship Galaxy Leader*, BBC NEWS (Jan. 22, 2025), <https://www.bbc.com/news/articles/c9d5q0jn067o> [<https://perma.cc/84TA-TGKW>].

the crew was visited by members of the ICRC in September 2024, ten months after their abduction, to monitor their treatment aboard the vessel.²⁰⁸ The ICRC does not release its findings publicly, but the Philippine government reported that several of the seventeen Filipino crew members were experiencing significant health problems, including symptoms of malaria.²⁰⁹ While specific information about the physical condition of the sailors upon their release was not publicly disclosed, the conditions reported during their captivity are consistent with the physical harm documented in other piracy cases.²¹⁰

b. Psychological Impact

Former hostages of piracy frequently suffer from symptoms of post-traumatic stress disorder (PTSD) and anxiety. In a study of 101 former hostages of maritime piracy and 363 seafarers with no exposure to piracy, 25.77 percent of former hostages exhibited symptoms of PTSD, compared to only 3.92 percent of non-hostages.²¹¹ All participants in the study were drawn from India, the Philippines, and Ukraine.²¹² Documented PTSD symptoms among former hostages include feelings of detachment, alienation, nightmares, sleep disturbances, and sensitivity to noise.²¹³ In more extreme cases, former hostages have reported suicidal thoughts, self-harm, and substance abuse.²¹⁴ Former hostages affected by anxiety symptoms may experience apprehension, tension, fear, and depressive symptoms such as a lack of interest in activities and persistently low moods.²¹⁵

The psychological effects of piracy often extend well beyond the immediate period of captivity.²¹⁶ Due to the severity of their symptoms, some survivors of maritime piracy attacks may be declared by their psychiatrists as unfit or permanently disabled and not permitted to return to work.²¹⁷ Former hostages and their family members have reported that the trauma of captivity was exacerbated by the lack of support received from employers during and after the kidnapping.²¹⁸

²⁰⁸ Fatma Khaled, *ICRC Visits the Crew of Hijacked Ship For the 2nd Time Since Being Detained in Yemen*, AP News (Sept. 26, 2024), <https://apnews.com/article/yemen-galaxy-leader-ship-houthis-red-sea-6c2b64e281ca51df76cb2a974de86baa> [<https://perma.cc/U5LG-SYMS>].

²⁰⁹ *Id.*

²¹⁰ Peters et al., *supra* note 180, at 7–8.

²¹¹ Seyle et al., *supra* note 182, at 25.

²¹² *Id.*

²¹³ Peters et al., *supra* note 180, at 10.

²¹⁴ *Id.*

²¹⁵ Ivan Aleksandrov et al., *On Psychological and Psychiatric Impact of Piracy on Seafarers*, 21 J. OF IMAB 991, 992 (2015).

²¹⁶ Peters et al., *supra* note 180, at 11.

²¹⁷ *Id.*

²¹⁸ *Id.* at 10.

The psychological impact of piracy is not limited to the hostages themselves.²¹⁹ Family members of victims may also experience similar PTSD symptoms.²²⁰ In a study of four Italian victims of piracy, three of the four former hostages were found to suffer from PTSD.²²¹ The study also evaluated twelve of their family members for symptoms consistent with PTSD, finding that seven of the twelve fell on the PTSD spectrum.²²² The family members' symptoms included avoidance, negative moods, and self-blame.²²³

Despite the prevalence of PTSD and related symptoms among former hostages, some victims have demonstrated signs of "post-traumatic growth."²²⁴ In post-traumatic growth, victims of a traumatic event recommit to improving their mental well-being and social engagement following the event.²²⁵ This may reflect the quality of care provided to hostages upon their return home, or it may reflect the former hostages' own determination to improve their mental and social well-being after their experiences with piracy.²²⁶

c. Economic Impact

The economic consequences of maritime piracy extend to both the victims and their families.²²⁷ During a hostage situation, the victim's income is typically disrupted, creating immediate financial hardship for dependents.²²⁸ Following release, the lasting psychological and physical effects of captivity may prevent former hostages from returning to work, either temporarily or permanently.²²⁹ Former hostages who are declared unfit for duty by medical professionals face the loss of their livelihood, compounding the trauma of their experience with long-term economic instability.²³⁰

The lack of income during a kidnapping and the potential loss of employment following a hostage's return can have lasting economic consequences for former hostages and their families.²³¹ Former hostages and their family members have reported that the absence of employer support during and after captivity exacerbated both the psychological and economic toll of the experience.²³² These economic impacts are particularly acute for seafarers from

²¹⁹ Antonio Rosario Ziello et al., *Sea Piracy Sequelae: Assessment According to the Diagnostic and Statistical Manual of Mental Disorders-5*, 65 INT'L MAR. HEALTH 230, 232 (2014).

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Id.* at 233.

²²⁴ Seyle et al., *supra* note 182, at 126.

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ Peters et al., *supra* note 180, at 10

²²⁸ *Id.*

²²⁹ *Id.* at 11.

²³⁰ *Id.*

²³¹ *Id.* at 10.

²³² *Id.*

developing countries, who may lack access to social safety nets or alternative employment opportunities.²³³

IV. LEGAL ANALYSIS

A. Applicability of IHL and IHRL and Lex Specialis in Times of Armed Conflict

Both IHL and IHRL apply during situations of armed conflict.²³⁴ However, under the maxim of *lex specialis*, when the *lex generalis*, or a general body of law, and the *lex specialis*, or more specialized law, conflict, the specialized law takes precedence.²³⁵ In the context of armed conflict, IHRL is the *lex generalis*, while IHL is the *lex specialis* that takes precedence.²³⁶

The ICJ has applied this maxim in several cases.²³⁷ For instance, in the *Nuclear Weapons Advisory Opinion*,²³⁸ the ICJ expressed that when determining whether a deprivation of life during armed conflict is “arbitrary” in violation of Article 6(1) of the International Covenant on Civil and Political Rights,²³⁹ the Court must apply the more specialized IHL standard that recognizes certain circumstances during which a deprivation of life is permissible.²⁴⁰ However, where even the more specialized IHL standard has been violated, the ICJ has indicated that the more general IHRL provision can be violated simultaneously.²⁴¹ For instance, in the *Armed Activities Case*, the ICJ held that the Uganda Peoples’ Defence Forces’ armed activities in occupied territory in the Democratic Republic of the Congo had violated both customary IHL norms and various human rights instruments.²⁴²

Accordingly, while both IHL and IHRL apply to armed activities committed during the Yemen Civil War, where the two bodies of law conflict, IHL takes precedence. However, when a military activity violates IHL, there may also be a simultaneous IHRL violation.

²³³ *Id.*

²³⁴ International Law Commission, *Fragmentation of International Law: Difficulties Arising From Diversification and Expansion of International Law*, A/CN.4/L.682, ¶ 104 (Apr. 13, 2006); *See also* Al-Jedda v. United Kingdom, App. No. 27021/08, ¶¶ 18–20 (July 7, 2011), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-105612%22%5D%7D>.

²³⁵ Anja Lindroos, *Addressing Norm Conflicts in a Fragmented Legal System: The Doctrine of Lex Specialis*, 74 *NORDIC J. INT’L L.* 27, 35–36, 45 (2005).

²³⁶ Michael N. Schmitt, *Investigating Violations of International Law in Armed Conflict*, 2 *HARV. NAT’L SEC. J.* 31, 53–54 (2011).

²³⁷ *See, e.g.*, Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 139, ¶ 106 (July 9).

²³⁸ Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. 226 (July 8) [hereinafter *Nuclear Weapons Advisory Opinion*].

²³⁹ ICCPR, *supra* note 124, at art. 6(1).

²⁴⁰ Nuclear Weapons Advisory Opinion, *supra* note 238, ¶ 25.

²⁴¹ *See* Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda), Judgment, 2005 I.C.J. 168, ¶¶ 216–220 (Dec. 19).

²⁴² Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda), Judgment, 2005 I.C.J. 168, ¶¶ 216–220 (Dec. 19).

Piracy is not a crime prohibited under IHL or IHRL, instead falling under more general international law and the law of the sea. But associated acts occurring during instances of piracy may violate IHL and IHRL.

B. Analysis of the Conflict Concerning Piracy

As established in Sections II and III, piracy is a *jus cogens* norm of customary international law that generates *erga omnes* obligations on all states to prevent, prosecute, and refrain from engaging in piratical acts; the associated acts that may accompany piracy, such as torture, hostage taking, forced labor, rape and sexual violence, and deprivation of liberty, are independently prohibited under IHL and IHRL. This section examines whether the parties to the Yemen Civil War have violated those prohibitions.

Where ICRC monitoring findings bear on the analysis below, it should be noted that the ICRC does not publicly disclose findings from its detention visits; its conclusions are shared confidentially with detaining authorities. Likewise, where evidence is absent for a particular violation in the maritime piracy context, that absence reflects documentation constraints—severely restricted access to maritime detention settings, the confidentiality of ICRC findings, and the well-documented barriers to reporting in conflict zones—rather than confirmed absence of conduct.

1. Violations that Occur During Incidences of Piracy

a. Torture

Torture is prohibited under both IHL and IHRL in all circumstances.²⁴³ Common Article 3 prohibits violence to life and person, including cruel treatment and torture, against persons taking no active part in hostilities. Additional Protocol II reinforces this prohibition.²⁴⁴ Under IHRL, the Convention Against Torture ("CAT") and ("ICCPR") Article 7 impose absolute prohibitions on torture that cannot be derogated from under any circumstances, including during armed conflict.²⁴⁵

The evidentiary record connects two sets of actors to torture of victims apprehended in maritime contexts. Human Rights Watch documented that Saudi-led coalition naval forces attacked and seized Yemeni fishermen at sea in at least five incidents during 2018, detaining over 100 fishermen. Seven former detainees reported torture and ill-treatment during detention

²⁴³ For a comprehensive look at the incidence of torture in Yemen and the law surrounding torture, see YEMEN ACCOUNTABILITY PROJECT, *TORTURE AND THE YEMEN CIVIL WAR* (2025)

²⁴⁴ Geneva Convention III, *supra* note 114, art. 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4, June 8, 1977, 1125 U.N.T.S. 609 [hereinafter Protocol II]. Yemen's party status to both instruments is confirmed in Detailed Findings of the Group of Experts, *supra* note 23, at ¶ 35.

²⁴⁵ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arts. 2, 16, Dec. 10, 1984, 1465 U.N.T.S. 85 [hereinafter CAT]; ICCPR, *supra* note 124, art. 7.

following their maritime apprehension, including denial of contact with family members, legal counsel, and Yemeni government representatives.²⁴⁶ The U.S. State Department's 2018 Country Reports on Human Rights Practices corroborated that between October 2016 and April 2018, coalition forces arrested 148 fishermen and transferred them to detention facilities in Saudi Arabia, where they were held incommunicado, with eighteen remaining missing after more than a year.²⁴⁷ The UN Group of Eminent Experts found reasonable grounds to believe that these attacks violated the principles of distinction, proportionality, and precaution in ways that may amount to war crimes.²⁴⁸

With respect to the Houthis, the coerced confession videos of *Eternity C* crew members in July 2025—in which detained sailors were forced to repeat false claims under apparent duress—constitute cruel treatment within the meaning of Common Article 3, which Human Rights Watch characterized as an outrage upon personal dignity amounting to a war crime.²⁴⁹ While these acts do not constitute physical torture in the conventional sense, they fall within the broader prohibition on torture and cruel, inhuman, or degrading treatment under both IHL and IHRL.²⁵⁰

The coalition's torture of fishermen apprehended at sea violates Common Article 3 and the CAT's prohibition on torture in territories under state control or jurisdiction.²⁵¹ The IRG's failure to investigate or prosecute these acts constitutes an independent violation of Articles 12 and 13 of the CAT.²⁵²

b. Hostage Taking

Hostage taking is prohibited under IHL as a violation of Common Article 3 and customary international law.²⁵³ Under IHRL, the International Convention Against the Taking of Hostages prohibits seizing or detaining persons and conditioning their release on action or inaction by a third party.²⁵⁴

The Houthis' seizure and prolonged detention of the *Galaxy Leader* crew provides the clearest documented instance of hostage taking connected to piracy in Yemen. The Houthis boarded the *Galaxy Leader* in November 2023 and detained its twenty-five crew members for 430 days. Throughout this period, the Houthis explicitly conditioned the crew's release on external political developments related to the conflict in Gaza—not on any legal proceeding or legitimate security justification. Philippine Foreign Affairs Undersecretary Eduardo de Vega confirmed in August 2024 that the Houthis had stated they would release the crew only if Israel

²⁴⁶ *Yemen: Coalition Warships Attack Fishing Boats*, *supra* note 107.

²⁴⁷ *2018 Country Reports on Human Rights Practices: Yemen*, *supra* note 109.

²⁴⁸ U.N. High Comm'r for Human Rights, *supra* note 110, at ¶ 8.

²⁴⁹ *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111.

²⁵⁰ *Id.*; Geneva Convention III, *supra* note 114, art. 3.

²⁵¹ *Yemen: Coalition Warships Attack Fishing Boats*, *supra* note 107; U.N. High Comm'r for Human Rights, *supra* note 110, at ¶ 8.

²⁵² CAT, *supra* note 245, arts. 12–13.

²⁵³ Geneva Convention III, *supra* note 114, art. 3.

²⁵⁴ Hostages Convention, *supra* note 84, art. 1.

ended its hostilities in Gaza, and Houthi spokesman Nasr Al-Din Amer stated that release relied on the decision-making of Hamas and the Al-Qassam Brigades.²⁵⁵ The UN Security Council characterized the crew as "unlawfully detained" in its November 2024 press statement,²⁵⁶ and UN Security Council Resolution 2722 demanded their immediate release.²⁵⁷ The UN Special Envoy for Yemen Hans Grundberg described their release as bringing to an end their "arbitrary detention."²⁵⁸ This conduct falls squarely within the definition of hostage taking under both the Hostages Convention and IHL.

The *Eternity C* seizure in July 2025, in which the Houthis detained eleven crew members following the sinking of the vessel, constitutes a second documented instance. No charges were filed; no legal process was initiated; no consular access was reported for weeks. The crew were held for approximately five months before release via Omani mediation.²⁵⁹ Human Rights Watch stated the Houthis "continued to detain them without lawful justification."²⁶⁰

The Houthis' conduct in both cases violates Common Article 3's prohibition on hostage taking and the Hostages Convention. The IRG's failure to prevent, investigate, or address these violations constitutes a further breach of its obligations under applicable IHL and IHRL instruments.²⁶¹

c. Deprivation of Liberty

Arbitrary deprivation of liberty is prohibited under IHL and IHRL. Under IHL, detained persons must be treated humanely and released as soon as the reasons for their detention cease to exist. ICCPR Articles 9 and 10 prohibit arbitrary detention and require that persons deprived of liberty be treated with humanity and respect for inherent dignity. Under the CAT, states are obligated to prevent and investigate acts occurring in any territory under their jurisdiction, including arbitrary detention that facilitates or accompanies torture.²⁶²

The deprivation of liberty violations connected to piracy in Yemen are the most thoroughly documented of the five categories. The *Galaxy Leader* crew's 430-day detention, characterized by both the UN Special Envoy and the UN Security Council as arbitrary and unlawful, constitutes the clearest case.²⁶³ The crew was held without charges, without access to legal counsel, without regular consular access, and subject to Houthi control of their movements and communications throughout their detention.²⁶⁴ Three Filipino crew members were hospitalized with malaria during captivity; the Philippine government reported declining health

²⁵⁵ Jonathan Josephs & David Gritten, *supra* note 206.

²⁵⁶ Press Release, Security Council, *supra* note 124.

²⁵⁷ S.C. Res. 2722, *supra* note 118.

²⁵⁸ *Statement on Release of Galaxy Leader Crew*, *supra* note 119.

²⁵⁹ *Yemen: Houthis' Attacks on Cargo Ships Apparent War Crimes*, *supra* note 120.

²⁶⁰ *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111.

²⁶¹ Hostages Convention, *supra* note 84, art. 1; Geneva Convention III, *supra* note 114, art. 3.

²⁶² CAT, *supra* note 245, arts. 2, 12–14.

²⁶³ *Statement on Release of Galaxy Leader Crew*, *supra* note 119; Press Release, Security Council, *supra* note 124.

²⁶⁴ S.C. Res. 2722, *supra* note 118; Press Release, Security Council, *supra* note 124.

conditions among multiple crew members.²⁶⁵ The ICRC was granted monitoring access only twice in fourteen months.²⁶⁶

The *Eternity C* crew's five-month detention following their vessel's sinking presents an additional documented case. Eleven crew members were transported to an undisclosed location, held without legal process, denied consular access for weeks, and subjected to coerced propaganda appearances before their release via Omani mediation in December 2025.²⁶⁷ Human Rights Watch and the UN Panel of Experts documented this detention as unlawful.²⁶⁸

Coalition forces' detention of Yemeni fishermen apprehended at sea between October 2016 and April 2018 constitutes a third documented pattern. Human Rights Watch documented detention periods ranging from forty days to more than two and a half years, with detainees held incommunicado in undeclared facilities designed to place them outside the reach of the law.²⁶⁹ Eighteen fishermen remained unaccounted for after being held for more than one year.²⁷⁰

The Houthis are in violation of IHL's prohibition on arbitrary detention through their conduct in both the *Galaxy Leader* and *Eternity C* detentions, as well as the earlier pattern of fishermen detained at sea. Coalition forces are similarly in violation through the documented detention of fishermen without legal process or humanitarian access. The IRG's failure to investigate and address these violations constitutes an independent breach of its obligations under the ICCPR and CAT.²⁷¹

d. *Forced Labor*

Forced labor is prohibited under IHL and IHRL. Common Article 3 prohibits slavery and all forms of slave trade, a prohibition that extends to compelled work performed under threat or coercion.²⁷² ICCPR Article 8 prohibits forced or compulsory labor.²⁷³ ILO Convention No. 29 on Forced Labour, to which Yemen is a party, defines forced or compulsory labor as all work or service exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.²⁷⁴

Within the Houthi piracy context specifically, no verified instances of forced maritime labor—compelling crew to navigate or operate seized vessels—have been documented. The closest analogue is the Houthis' coercion of *Eternity C* crew members to appear in propaganda

²⁶⁵ Khaled, *supra* note 208.

²⁶⁶ *Philippines: Statement on the Release of 17 Filipino Seafarers Onboard Galaxy Leader Vessel Held in Yemen*, *supra* note 115.

²⁶⁷ *Yemen: Houthis' Attacks on Cargo Ships Apparent War Crimes*, *supra* note 120.

²⁶⁸ *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111.

²⁶⁹ *Yemen: Coalition Warships Attack Fishing Boats*, *supra* note 107; *2018 Country Reports on Human Rights Practices: Yemen*, *supra* note 109.

²⁷⁰ *Yemen: Coalition Warships Attack Fishing Boats*, *supra* note 107.

²⁷¹ CAT, *supra* note 245, arts. 2, 12–13; ICCPR, *supra* note 124, arts. 2, 9.

²⁷² Geneva Convention III, *supra* note 114, art. 3.

²⁷³ ICCPR, *supra* note 124, art. 8.

²⁷⁴ ILO Convention No. 29 Concerning Forced or Compulsory Labour art. 2(1), June 28, 1930, 39 U.N.T.S. 55 (entered into force May 1, 1932).

videos repeating false claims under apparent duress, which Human Rights Watch documented as constituting compelled performance of a task under coercion during captivity arising from a piracy operation.²⁷⁵ While not forced maritime labor in the operational sense, this conduct constitutes compelled labor under the broader prohibition and falls within the IHL prohibition on outrages upon personal dignity.²⁷⁶

The Houthis' coercion of the *Eternity C* crew constitutes a violation of the prohibition on compelled labor under duress and cruel treatment. The broader forced labor picture in the Houthi maritime context requires further investigation as access to maritime detention settings improves.

e. Rape and Other Forms of Sexual Violence

Rape and sexual violence are prohibited under IHL and IHRL. Additional Protocol II Article 4(2)(e) and customary international law, as identified by the ICRC, prohibit rape and other sexual violence in non-international armed conflicts.²⁷⁷ Sexual violence constitutes torture under the CAT when committed with the purpose of obtaining information, punishing, intimidating, or discriminating against a victim.²⁷⁸

No verified instances of sexual violence perpetrated against victims during or following a piracy incident connected to the Yemen conflict have been documented. The broader Yemen conflict record is nonetheless instructive: the UN Group of Eminent Experts and the UN Panel of Experts on Yemen have documented conflict-related sexual violence in Houthi and UAE-backed forces' land-based detention facilities.²⁷⁹ This established pattern of sexual violence in Houthi detention operations, combined with the documented conditions of the *Galaxy Leader* and *Eternity C* detentions, suggests that the absence of documentation reflects access constraints rather than absence of conduct.

Parties to the conflict are bound by their existing obligations to prohibit and investigate sexual violence regardless of whether documented instances have emerged from the piracy context. The Houthis' detention of crew members under conditions of severely restricted access and oversight creates circumstances in which these violations could occur with impunity. The IRG and international actors have obligations under the CAT and ICCPR to investigate these risks proactively, not only after violations are documented.²⁸⁰

²⁷⁵ *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111; *Yemen: Houthis' Attacks on Cargo Ships Apparent War Crimes*, *supra* note 120.

²⁷⁶ Geneva Convention III, *supra* note 114, art. 3; *Houthi Video of False Confessions an Apparent War Crime*, *supra* note 111.

²⁷⁷ Protocol II, *supra* note 244, art. 4(2)(e); *Rule 93: Rape and Other Forms of Sexual Violence*, INT'L HUMANITARIAN L. DATABASES, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93> [https://perma.cc/8P33-9D2E] (last visited Apr. 13, 2026).

²⁷⁸ CAT, *supra* note 245, arts. 1, 16.

²⁷⁹ See YEMEN ACCOUNTABILITY PROJECT, TORTURE AND THE YEMEN CIVIL WAR 16 (2025); U.N. Panel of Experts on Yemen, S/2025/650, ¶ 139 (Oct. 17, 2025).

²⁸⁰ CAT, *supra* note 245, arts. 12–13; ICCPR, *supra* note 124, art. 2, 7.

2. Child Piracy

As discussed in Section III(B)(2), no confirmed instances of children directly participating in piracy operations in Yemen have been documented to date. This absence does not mean parties to the conflict have met their legal obligations with respect to child piracy. Under the Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict, states and non-state armed groups are prohibited from recruiting or using persons under the age of eighteen in hostilities.²⁸¹ The Houthis have systematically violated this obligation in their land-based military operations, having recruited children as young as ten years old into armed roles throughout the conflict.²⁸²

The legal significance of this documented practice extends to the maritime context. Both the Houthis and the IRG are obligated under the Optional Protocol and the UNCRC to take all feasible measures to prevent the use of children in any hostilities, including maritime operations. The conditions that facilitate child piracy—as documented in the Somali context in Section III(B)(1)(b)—are present in Yemen: the Houthis are the primary perpetrators of both child recruitment and maritime piracy, and the underlying circumstances of widespread child recruitment, limited economic opportunity, and normalization of children's participation in armed conflict have been established.²⁸³ The Houthis' failure to separate child recruits from broader military operations, and the IRG's failure to investigate and prosecute child recruitment, constitute ongoing violations of these obligations regardless of whether child piracy has been confirmed.²⁸⁴

Accordingly, the Houthis are in violation of their obligations under the Optional Protocol and customary international law by continuing to recruit and use children in armed operations. The IRG is in violation of its treaty obligations by failing to investigate and prosecute these practices. Any confirmed use of children in piracy operations would constitute an additional, independent violation under these instruments.²⁸⁵

V. ACCOUNTABILITY MECHANISMS

While international law provides strong formal protections against IHL violations, their implementation in conflict zones such as Yemen remains inadequate.²⁸⁶ Strengthening accountability mechanisms, increasing international legal pressure, and ensuring the enforcement

²⁸¹ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, arts. 1, 3, May 25, 2000, 2173 U.N.T.S. 222 (entered into force Feb. 12, 2002).

²⁸² Children and Armed Conflict, *supra* note 104.

²⁸³ *On International Children Day*, *supra* note 132; *Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

²⁸⁴ MANN, *supra* note 134, at 15–17; *see also Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

²⁸⁵ *On International Children Day*, *supra* note 132; *Yemen: Houthis Recruit More Child Soldiers Since October 7*, *supra* note 135.

²⁸⁶ *See* Mohammad Ahmad Nayef Alakash et al., *Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review*, 16 PAK. J. CRIMINOLOGY 1365, 1374–75 (2024).

of existing legal frameworks are essential to addressing these ongoing international law violations.²⁸⁷

A. International Courts

Although there is enthusiasm to prosecute piracy in international or internationalized courts, it is not the most practical or efficient solution.²⁸⁸ Prosecuting piracy under UNCLOS in ITLOS has not been done before and looks to not be likely in the future.²⁸⁹ Therefore, international courts will most likely focus on violations of IHL and IHRL that occur during acts of piracy, like torture or hostage taking.

The path to addressing IHRL violations in Yemen faces many of the same challenges as addressing IHL violations. The issue of jurisdiction, paired with a lack of political will from the international community, creates significant barriers to those seeking justice for these violations. Further, parties to the conflict have not fully engaged with IHRL treaties, leaving more gaps in accountability.

As with IHL violations, accountability recommendations typically focus on the efforts to grant the ICC jurisdiction over the situation. In their report, the Group of Eminent Experts called upon the UNSC to refer violations and abuses to the ICC to investigate the human rights violations occurring in Yemen.²⁹⁰ The report also endorsed the creation of an international–Yemeni hybrid tribunal or a UN-created International, Impartial, and Investigative Mechanism, similar to ones created in response to the conflicts in Syria and Myanmar.²⁹¹ However, previous investigative mechanisms have been limited to evidence collection, analysis, and preservation, and do not create a basis for prosecution.²⁹² Due to political deadlocks, the UNSC has been unwilling to effectively address the conflict in Yemen.²⁹³ Further, in 2021, the UN Human Rights Council (“UNHRC”) rejected the resolution to renew the mandate of the Group of Eminent Experts on Yemen, creating another major setback to seeking accountability for HR violations.²⁹⁴

Within the international judicial system, one possible avenue for accountability may be through the ICJ. As Yemen and Saudi Arabia have not accepted the ICJ’s compulsory

²⁸⁷ *World Report 2024: Yemen*, HUM. RTS. WATCH, <https://www.hrw.org/world-report/2024/country-chapters/yemen> (last visited Apr. 13, 2026) [<https://perma.cc/7DZK-7DC5>].

²⁸⁸ Maggie Gardner, *Piracy Prosecutions in National Courts*, 10 J. INT’L CRIM. JUST. 797, 797 (2012).

²⁸⁹ See discussion *infra* Section V.B.

²⁹⁰ U.N. High Comm’r Human Rights, *Report of the Group of Eminent International and Regional Experts on Yemen: Report of the Group of Eminent International and Regional Experts on Yemen*, ¶ 99, U.N. Doc. A/HRC/45/6 (2020) [hereinafter Report of the Group of Eminent Experts].

²⁹¹ *Id.*

²⁹² HRC, Res. 39/2, U.N. Doc. A/HRC/RES/39/2 (Sept. 27, 2018); HRC, Res. 71/249, U.N. Doc. A/RES/71/248 (Dec. 21, 2016).

²⁹³ Laura Graham, *Pathways to Accountability for Starvation Crimes in Yemen*, 53 CASE W. RES. J. INT’L L. 401, 434 (2021).

²⁹⁴ *Statement by Group of Experts on Yemen on HRC Rejection of Resolution to Renew Their Mandate*, OHCHR (Oct. 8, 2021), <https://www.ohchr.org/en/press-releases/2021/10/statement-group-experts-yemen-hrc-rejection-resolution-renew-their-mandate> [<https://perma.cc/LZD2-2VLD>].

jurisdiction and are unlikely to consent to the ICJ's jurisdiction on an ad hoc basis, the pathway to jurisdiction would need to stem from a treaty's compromissory clause.²⁹⁵ Yemen is a party to a number of IHRL treaties including the Convention on the Prevention and Punishment of the Crime of Genocide; ICCPR; Covenant on Economic, Social, and Cultural Rights; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child, as well as its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and Convention on the Rights of Persons with Disabilities and its Optional Protocol.²⁹⁶ Yemen is additionally a party to the CAT, which contains a compromissory clause at Article 30 to which Yemen has not submitted a reservation.²⁹⁷

In light of this, the ICJ's *erga omnes partes* jurisprudence provides an opportunity for States that are not injured by Yemen's actions directly to nonetheless contest its violations of the CAT.²⁹⁸ In the *Obligation to Prosecute* case, the ICJ held that Belgium had *erga omnes partes* standing to bring claims against Senegal because the common interest secured by the CAT outweighed the interest of any individual State party to that convention.²⁹⁹ Accordingly, any state party to the CAT would have standing to contest Yemen's violations of the CAT on an *erga omnes partes* basis, particularly because Yemen has not submitted a reservation to the CAT's compromissory clause, which would otherwise restrict the Court's jurisdiction.³⁰⁰ As to whether or not *erga omnes partes* standing might be recognized for the other IHRL treaties to which Yemen is a party and this White Paper alleges have also been violated, the ICJ's jurisprudence on the *erga omnes partes* question has thus far not expanded beyond application to the Genocide and Torture Conventions,³⁰¹ though it is possible that States may have *erga omnes partes* standing to contest violations of other treaties of a similar character.³⁰²

As it relates to the other parties to the conflict, ICJ jurisdiction is more elusive. For instance, Saudi Arabia and the UAE are not parties to the ICCPR nor the ICESCR.³⁰³ While

²⁹⁵ *Declarations Recognizing the Jurisdiction of the Court as Compulsory*, ICJ, <https://www.icj-cij.org/declarations> (last visited Apr. 16, 2024) [<https://perma.cc/6CXC-9RQ3>].

²⁹⁶ *Ratification Status for Yemen*, UN TREATY BODY DATABASE, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=en (last visited Apr. 13, 2026) [<https://perma.cc/5TP2-ZH7C>].

²⁹⁷ *Id.*

²⁹⁸ *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment, 2012 I.C.J. 422, ¶¶ 68–70 (July 20); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gam. v. Myan.)*, Preliminary Objections, Judgment, 2022 I.C.J. 1, ¶¶ 106–09 (July 22); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order, 2024 I.C.J. 1, ¶¶ 33–34 (Mar. 28); *Application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syria)*, Provisional Measures, Order, 2023 I.C.J. 1, ¶¶ 58–59 (Nov. 1).

²⁹⁹ *Obligation to Prosecute*, ¶¶ 68–70.

³⁰⁰ CAT, *supra* note 245, at arts. 12–14, 16.

³⁰¹ *Obligation to Prosecute*, ¶¶ 68–70; *Gambia v. Myanmar*, ¶¶ 106–09; *South Africa v. Israel*, ¶¶ 33–34; *Canada and the Netherlands v. Syria*, ¶¶ 58–59.

³⁰² See Alaa Hachem et. al, *A New Tool for Enforcing Human Rights: Erga Omnes Partes Standing*, 61 *Columbia J. Transnat'l L.* 259, 299 (2024).

³⁰³ *Ratification Status for Yemen*, *supra* note 295.

Yemen, Saudi Arabia, and the UAE are parties to the CAT, both Saudi Arabia and the UAE have submitted reservations rejecting ICJ jurisdiction under Article 30.³⁰⁴

The ICJ as an accountability mechanism for Yemen is also problematic because it would not provide a basis for individual criminal responsibility, as the ICJ adjudicates disputes between States.³⁰⁵ Accordingly, an additional mechanism would need to be pursued to bridge this accountability gap.

Regional human rights mechanisms provide another potential avenue to pursue accountability for IHRL violations. For instance, the Arab Human Rights Committee oversees the implementation of the Arab Charter on Human Rights, which Yemen, Saudi Arabia, and UAE are parties to.³⁰⁶ The Charter prohibits, among other things, torture and cruel, inhuman, and degrading treatment (“CIDT”).³⁰⁷ While this Charter does provide a basis for identifying IHRL violations in Yemen, it does not provide for enforcement or adjudication mechanisms to address violations or disputes. The Charter only obligates parties to submit reports to the Committee and allows the Committee to discuss and offer recommendations.³⁰⁸ While other regional human rights courts exist, their jurisdiction is limited to alleged violations committed by State parties.³⁰⁹

B. International Tribunal for the Law of the Sea (ITLOS)

Violations of ITLOS may hear any case resulting from the application or interpretation of the UNCLOS; however, the Tribunal represents only one available mechanism for the settlement of disputes arising from the Convention.³¹⁰ To date, the categories of cases brought before ITLOS include prompt release of vessels and crews under Article 292 of the Convention, coastal State jurisdiction in its maritime zones, freedom of navigation, hot pursuit, the marine environment, flags of convenience, and the conservation of fish stocks.³¹¹ A case concerning piracy has never been adjudicated by ITLOS, nor, currently, can a piracy case be filed before the Tribunal.

1. ITLOS Lacks Jurisdiction For Criminal Piracy Prosecutions.

ITLOS was established as an independent judicial mechanism dedicated to the peaceful settlement of disputes arising from the interpretation and application of UNCLOS, not as a body

³⁰⁴ CAT, *supra* note 245, arts.12-14, 16.

³⁰⁵ Statute of the International Court of Justice, art. 36(2)(a) Oct. 24, 1945, U.S.T. 993, 33 U.N.T.S. 993.

³⁰⁶ Arab Charter on Human Rights, May 22, 2004, 12 Int'l Hum. Rts. Rep. 893.

³⁰⁷ *Id.*, at art. 8.

³⁰⁸ *Id.* at art. 48.

³⁰⁹ *A Rough Guide to the Regional Human Rights Systems*, UNIVERSAL RTS. GROUP, <https://www.universal-rights.org/human-rights-rough-guides/a-rough-guide-to-the-regional-human-rights-systems/> (last visited Apr. 16, 2025) [<https://perma.cc/Y3MU-Q6U6>].

³¹⁰ *FAQ*, INT'L TRIBUNAL FOR THE L. OF THE SEA, <https://www.itlos.org/en/main/resources/information-material/faq/> [<https://perma.cc/D69W-HHJQ>] (last visited April 11, 2026).

³¹¹ *Id.*

for criminal prosecution.³¹² ITLOS was established to resolve disputes, and neither its history nor the treaty suggests that ITLOS is authorized or intended to function as a criminal court.³¹³

In its current structural and jurisdictional framework, ITLOS is not endowed with the authority to prosecute cases of piracy or other transnational maritime crimes. To expand ITLOS's power to include prosecuting maritime crimes would require the adoption of a new, separate treaty, or a substantial amendment to UNCLOS itself, explicitly establishing this new jurisdictional authority for criminal prosecution.³¹⁴ Absent such a legal instrument, the responsibility for prosecuting piracy remains firmly with the national courts of individual States who have universal jurisdiction over seized pirates.³¹⁵

2. Responsibility For Piracy Prosecutions Rests With Individual States.

The authority to prosecute acts of piracy is exclusively vested in states. UNCLOS grants universal jurisdiction to states for the enforcement of anti-piracy regulations on the high seas.³¹⁶ However, several difficulties emerge in the execution of this jurisdiction.

UNCLOS does not mandate that states incorporate anti-piracy measures into domestic law; however, such adoption is essential, as its absence precludes states from prosecuting pirates in their domestic courts.³¹⁷ Although states possess universal jurisdiction to prosecute piracy, which authorizes them to arrest pirates, they do not consistently allocate resources toward actively seeking and arresting them; for many states, releasing pirates is a simpler and less costly option than undertaking prosecution and sentencing.³¹⁸

For the state to make a legal arrest, the apprehending vessel must be an authorized, flagged, governmental ship. Furthermore, the state must have reasonable grounds to believe the other vessel is a pirate ship, and the arrest must occur on the high seas, beyond the territorial waters of any state.³¹⁹ An exception to the standard criteria exists in Somalia: the Transitional Federal Government (TFG) explicitly consented to foreign states entering its waters and potentially using force to help mitigate the threat of piracy.³²⁰ To prevent any accusations of breaching Somalia's sovereignty, UNGA Resolution 1816, which authorized the use of force in Somalia's internal waters, was adopted specifically with the TFG's consent in 2008.³²¹

³¹² Saiful Karim, *Prosecution of Maritime Pirates: The National Court is Dead — Long Live the National Court?*, 32 WIS. INT'L L.J. 39, 77 (2014).

³¹³ *Id.* at 76–77.

³¹⁴ *Id.* at 77.

³¹⁵ *Id.* at 47.

³¹⁶ Dr. Waseem Ahmad Qureshi, *The Prosecution of Pirates and the Enforcement of Counter-Piracy Laws Are Virtually Incapacitated by Law Itself*, 19 SAN DIEGO INT'L L.J. 95, 114 (2017).

³¹⁷ *Id.* at 115–16.

³¹⁸ *Id.* at 122.

³¹⁹ *Id.* at 117–18.

³²⁰ *Id.* at 117–18.

³²¹ *Id.* at 114.

C. Yemeni Domestic Courts

The most apparent accountability mechanisms for acts of piracy in Yemen would be to prosecute offenders in Yemeni domestic courts. Yemen is a party to UNCLOS,³²² requiring the government to work to repress piracy on the high seas³²³ and authorizes universal jurisdiction against piracy.³²⁴ Yemen is also a party to the SUA Convention³²⁵ and the Djibouti Code of Conduct,³²⁶ bestowing the requisite duties under those agreements, which include acts of piracy under those agreements' broader definitions.

When considering accountability mechanisms in responses to the conflict in Yemen, it should be noted that international law is based upon the principle of complementarity and should be utilized when domestic courts are unwilling or unable to pursue justice.³²⁷ Yemen's governmental structures and judicial system have been substantially destabilized during the years of civil war. In response to international pressure and U.N. Resolutions, the Yemeni NCIAVHR was created in 2016 to monitor and investigate human rights violations in Yemen.³²⁸ As of September 2024, the Commission has documented more than 29,000 human rights violations.³²⁹ Additionally, as of March 2023, it had referred over 2,000 cases to Yemen's Public Prosecutor.³³⁰ However, there has yet to be a single verdict in any of these cases.³³¹ Further, the Group of Eminent Experts noted in their 2020 report that the Yemeni judicial system was incapable of prosecuting crimes consistent with IHRL prior to the conflict and years of war have exacerbated "issues with respect to, inter alia, corruption, inadequate protection of fair trial rights, discrimination against women and attacks and serious threats to judicial actors."³³² As there has been little showing of progress with this respect in the country, it is likely that Yemeni domestic courts will be unable to adequately address alleged HR violations.

³²² *Chronological Lists of Ratifications of, Accessions and Successions to the Convention and the Related Agreements*, *supra* note 54.

³²³ UNCLOS, *supra* note 55, art. 100.

³²⁴ UNCLOS, *supra* note 55, art. 105.

³²⁵ Frostad, *supra* note 70.

³²⁶ *Signatory States*, *supra* note 67.

³²⁷ INFORMAL EXPERT PAPER: THE PRINCIPLE OF COMPLEMENTARITY IN PRACTICE, INT'L CRIM. CT. (2009), https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2009_02250.PDF ("The principle of complementarity governs the exercise of the Court's jurisdiction [...] The Statute recognizes that States have the first responsibility and right to prosecute international crimes. The ICC may only exercise jurisdiction where national legal systems fail to do so, including where they purport to act but in reality are unwilling or unable to genuinely carry out proceedings.") [<https://perma.cc/RL4F-SJAD>].

³²⁸ *About Us*, NAT'L COMM'N TO INVESTIGATE ALLEGED VIOLATIONS HUM. RTS., https://www.nciye.org/en/?page_id=105 (last visited Apr. 10, 2025) [<https://perma.cc/5AJZ-9JHU>].

³²⁹ INT'L CTR. FOR TRANSITIONAL JUST., *OPENING SPACE FOR TRANSITIONAL JUSTICE IN YEMEN* 30 (2025).

³³⁰ Nour El Bejjani Nouredine, *Accountability in Yemen Requires a Comprehensive Transitional Justice Process*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, (Mar. 20, 2023), <https://www.ictj.org/latest-news/accountability-yemen-requires-comprehensive-transitional-justice-process> [<https://perma.cc/9CQL-WN2G>].

³³¹ *Id.*

³³² Report of the Group of Eminent Experts, *supra* note 289, at ¶¶ 9, 98.

D. Foreign Domestic Courts

Another potential option for prosecuting IHRL violations could be through foreign domestic courts. It is unlikely that Coalition members will prosecute violations related to Yemen and, even if they did, it is not likely that they would do so in accordance with international legal standards.³³³

Another avenue may be pursued through universal jurisdiction, as many countries have enacted legislation that allows them to prosecute certain international crimes within their domestic courts.³³⁴ This method of accountability has been utilized by German courts who found a former Syrian government official guilty of crimes against humanity committed in Syria.³³⁵ However, under similar facts, the highest court in France annulled an indictment against a former Syrian official based on the “dual criminality rule” as Syria does not explicitly criminalize crimes against humanity.³³⁶

This is especially pertinent for piracy. As stated above, piracy is one of the oldest and most prominent international crimes that enjoys universal jurisdiction.³³⁷ Universal jurisdiction for piracy has even been recognized as part of customary international law.³³⁸ For acts that don’t meet the UNCLOS definition of piracy, Article 6(4) of the SUA Convention states that:

Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3, *3bis*, *3ter* and *3quater* in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.³³⁹

While universal jurisdiction may be created by domestic legislation in foreign courts, the perpetrator generally must be present in the State, as trials *in absentia* create due process concerns.³⁴⁰ This means that the responsible parties must be present in a State that has a basis for jurisdiction over Human Rights violations. These domestic statutes often prescribe the most

³³³ Amulya Vadapalli, *Justice Without Power: Yemen and The Global Legal System*, 121 MICH. L. REV. 811, 829 (2023).

³³⁴ Alexandra Lily Kather, “*Water Finds Its Way*”? *Universal Jurisdiction As An Avenue for Justice In Syria*, LIEBER INSTITUTE (Jul. 28, 2021), <https://lieber.westpoint.edu/water-finds-way-universal-jurisdiction-justice-syria/> [<https://perma.cc/2XU8-K7XW>].

³³⁵ *Top German Court Reject’s Syrian’s Appeal in Torture Case*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, (May 5, 2022), <https://www.ictj.org/latest-news/top-german-court-reject%E2%80%99s-syrian%E2%80%99s-appeal-torture-case> [<https://perma.cc/QX4D-STBV>].

³³⁶ Benedicte Jeannerod & Aisling Reidy, *Fighting Impunity for Crimes in Syria: Victory in Germany, Setback in France*, HUMAN RTS. WATCH (Jan. 27, 2022), <https://www.hrw.org/news/2022/01/27/fighting-impunity-crimes-syria-victory-germany-setback-france> [<https://perma.cc/J59Y-ZUB2>].

³³⁷ See discussion *supra* Section II.

³³⁸ Arrest Warrant of 11 April 2000 (Dem. Rep. Congo v. Belg.), *supra* note 46.

³³⁹ SUA Convention, *supra* note 62, art. 6(4).

³⁴⁰ Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, 2002 I.C.J., 35, ¶ 16 (February 14), (separate opinion by Guillaume, G).

serious crimes under international law, such as genocide, torture, and war crimes, based on an underlying treaty.³⁴¹ As noted above, Yemen and Coalition members have not fully assented to many HR treaties and their provisions, so finding a treaty basis for universal jurisdiction over IHRL violations in Yemen may also face jurisdictional barriers.

To address these barriers, there has been an effort to bring cases against states that support the Coalition through arms sales.³⁴² NGOs have called on domestic governments to prohibit the sale of weapons to the Coalition and limit the licensing to manufacturing companies whose weapons support the conflict.³⁴³ Similar efforts to hold Italian government officials and corporate actors criminally responsible for arms exports to Yemen were recently denied, with the Italian court dismissing the complaint.³⁴⁴ As the main suppliers of arms to the Coalition are the US, the UK, France, and Italy, it is unlikely that accountability for their roles will overcome their political influence.³⁴⁵

E. Alternative Mechanisms

At this time, formal mechanisms of accountability for HR violations in Yemen are not likely to materialize and the failure of the UNHRC to renew the mandate of the Group of Eminent Experts represents a harrowing indication of the political will to pursue accountability in Yemen. However, it is imperative that States continue to call attention to and condemn IHRL violations in Yemen. While the UNSC, UNHRC, and UN Secretary-General have released multiple resolutions regarding the situation in Yemen since the conflict began, the scope of these resolutions has been limited to general condemnations and largely failed to name responsible actors.³⁴⁶ Increased naming and shaming from international organizations and powerful States would reaffirm the international community's commitment to seeking peace and accountability in the region.

Though sanctions can be an effective tool for holding international States and actors accountable, due to the extreme humanitarian crisis in Yemen, sanctions should be carefully applied so as to not worsen conditions for the civilian population. Though individual criminal responsibility for State and corporate actors supplying arms is unlikely to succeed, targeted sanctions against these individuals could undermine the supply of weapons and establish accountability for those who indirectly contribute to IHRL violations.

³⁴¹ See Universal Jurisdiction, INT'L JUST. RES. CTR., <https://ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/> (last visited Apr. 15, 2024) [<https://perma.cc/CD7C-WUKY>]; see also *R v. Evans and Another and the Commissioner of Police for the Metropolis and Others, ex parte Pinochet*, UKHL (Mar. 24, 1999) (rejecting the argument that jus cogens violations allow for universal jurisdiction without an underlying treaty obligation).

³⁴² Vadapalli, *supra* note 332, at 829.

³⁴³ *Id.*

³⁴⁴ *Italy Fails Victims of War Crimes in Yemen Despite Proof of Violation of Arms Trade*, EUROPEAN CTR. CONSTITUTIONAL & HUMAN RTS. (Mar. 15, 2023), <https://www.ecchr.eu/en/press-release/italy-fails-victims-of-war-crimes-in-yemen/> [<https://perma.cc/SAQ8-B7Z7>].

³⁴⁵ Vadapalli, *supra* note 332, at 815.

³⁴⁶ Louisa Ashley, *Human Rights Violations in Yemen and the Prospects for Justice*, in HUMAN RIGHTS IN WAR 383–405, 395 (Damien Rogers. ed., 2022).

Finally, international organizations and states should support civil society actors and NGOs documenting HR violations and instances of piratical acts in and around Yemen. This support should be paired with pressure on the Yemeni government to provide a legitimate and effective mechanism for these claims to be brought forth. States should also pass domestic legislation which would expand the ability to prosecute HR violations under universal jurisdiction and use piracy's universal jurisdiction to its fullest extent.

VI. RECOMMENDATIONS

The Yemen Accountability Project recommends the following actions for bringing accountability to perpetrators of piracy and associated IHRL and IHL violations in Yemen:

A. Investigations

- Criminal investigators and groups, like Yemen Data Project and ACLED, should continue to document and investigate evidence of piratical attacks and associated violations of IHR and IHRL and make their open-source databases widely available to relevant stakeholders.
- These groups should continue to present their collected evidence and databases to stakeholders at the ICC, UNSC, UNHRC, US Department of State War Crimes Office, and others.
- Groups documenting evidence of war crimes, crimes against humanity, and human rights violations should share their investigative strategies and best practices with each other and develop working partnerships to build capacity for larger and more thorough investigations in Yemen.

B. Accountability Mechanisms

- Diplomats at the UN should engage in advocacy with members of the Security Council to support an IHL accountability mechanism and build consensus among permanent members to prevent them from blocking an accountability measure through veto. They should also advocate to the UN Security Council to create an ad hoc tribunal for Yemen, similar to the Special Court for Sierra Leone's model, which had a statute that was limited in scope, to prosecute those who bore the greatest responsibility.³⁴⁷
- Alternatively, stakeholders should file cases in the domestic courts of third-party States with applicable universal jurisdiction statutes. Stakeholders should also consider pursuing legal accountability for human rights violations in these forums or support the creation of a designated human rights court for violations committed during the Yemen conflict.
- If action in the Security Council is blocked by veto, then the General Assembly should establish an accountability mechanism, like the International, Impartial, and Independent

³⁴⁷ Statute of the Special Court for Sierra Leone, art. 1(1) (Jan. 16, 2002).

Mechanism and Independent Investigative Mechanism for Myanmar, to collect and archive evidence before it is lost and to share it with States pursuing national prosecutions using universal jurisdiction.

- The international community, along with civil society and the Yemeni government should engage in judicial capacity building to sustain a national justice system post-conflict to interrupt any potential atrocity cycle that would allow Yemen to slip back into violence.

C. Review Targeted Sanctions Regime

- Targeted sanctions are problematic because effectiveness is low, and they can worsen a humanitarian crisis. Therefore, the UN and countries should reexamine their targeted sanctions programs to ensure that measures are placing pressure on the Saudi and Iranian governments and not straining or worsening the humanitarian crisis in Yemen.

D. Naming and Shaming

- More naming and shaming from powerful States and regional and international bodies would help build support for an end to the Yemen Civil War and an accountability mechanism or mechanism for investigating atrocities.

E. Supporting and Engaging Civil Society Actors

- States and international groups need to assist in developing capacities for Yemen's local civil society to collect evidence of and document crimes involving piratical acts and acts accompanying piracy that violate IHL and IHRL.
- Global civil society, including the ICRC and other NGOs should assist in collecting evidence of and documenting piracy, piratical acts, and international crimes that accompany these acts. Humanitarian aid organizations should also continue providing humanitarian aid to Yemen's children and other civilians in need of such assistance.
- Grassroots efforts aiming to complement more formal, top-down forms of accountability, like gacaca courts seen in Rwanda, should be considered in the big picture of accountability. The people of Yemen should be consulted concerning these sorts of gap-filling accountability mechanisms to ensure the people get the justice they want.

F. Transitional Justice

An essential part of transitioning from periods of systemic violence and atrocity crimes to peace requires a robust implementation of transitional justice mechanisms. While international criminal prosecutions play a major role in victims' access to justice and form the centerpiece of legal criminal accountability, other practices can be transformational in reshaping society, building trust, promoting forgiveness, preventing future violence, and respecting and honoring

the victims, survivors, and their families. Transitional justice in Yemen faces several hurdles that must be taken into account when designing a path forward: a fractured economy, new and likely fragile government structures, a traumatized and impoverished civilian population where essentially every person has been victimized during the conflict, and combatants who will need reintegrated into society to name a few.

One of the most common mechanisms of transitional justice is the adoption of truth and reconciliation commissions (TRC). TRCs are fact finding bodies that work to investigate and report on the root causes of conflict and the facts of the atrocities that took place, and are empowered to make nonlegal, nonbinding recommendations to promote peace in the post-conflict society.

Transitional justice in Yemen is a long-term goal. After the conflict ends, it will take time to rebuild, and the resources that are allocated to transitional justice must be utilized strategically and purposefully. In addition to recommendations made in prior sections of this paper, transitional justice efforts to memorialize the victims of piratical acts must be implemented post-conflict. Below is a list of YAP's transitional justice recommendations specific to torture in Yemen in no particular order.

- **Civil society and survivors must be engaged, consulted, and included in all aspects of transitional justice.** Their ownership in the processes laid out below will be a determinative factor in Yemen's future success.
- **A truth and reconciliation commission that is mandated to encompass torture crimes** must be a priority post-conflict, to ensure victims of piracy, piratical acts, and accompanying acts have a space to share their experience, to contribute to fact finding, and to repair the community. This will likely require a cultural shift and societal reeducation to allow victims to tell their stories without fear of retribution or other negative consequences. Survivors must be consulted on how they want to tell their truth and what measures must be taken to minimize risks of retraumatization.
- **Tangible reparations, in the form of financial support, reestablishment of civil and political rights, and physical and mental health support for victims of torture** provided by the major perpetrators of the conflict, including the Houthi forces (and their financial supporters), the de jure Yemeni government, and the Saudi-led Coalition.
- **A reeducation and outreach program to teach Yemeni people of all ages about piracy, piratical acts, and accompanying acts and their rights concerning protection from such crimes.** This will likely require a cultural shift that empowers victims to tell their stories. We recommend looking at the success of the R/SCSL's outreach programs for guidance and ideas for implementation.

- **Museums and physical commemorative sites** could not only serve as a place to honor victims and survivors, but also raise the awareness of the population to the horrors of piracy, piratical acts, and acts accompanying piracy like torture and CIDT. These physical institutions of memory and education will likely come later on after general stability returns to Yemen, but should still be a consideration when having conversations about accountability.
- **Restorative justice (“RJ”) processes**, like the use of trauma healing, community building, reintegration, and decision-making circles, should be considered when developing a plan for accountability in Yemen. RJ is a victim-centered, harm-reduction focused practice that looks to repair relationships and hold those who have caused harm accountable. This could be a tool utilized within a TRC or community outreach program.

VII. CONCLUSION

Piracy and piratical acts though comparatively rare in Yemen compared to other atrocities, is still a significant issue. The high prevalence of piracy, piratical acts, and acts violating IHL and IHRL accompanying acts of piracy (such as Torture, CIDT, and hostage taking) since and before the onset of the Yemen Civil War demands that the parties involved face accountability, both for their perpetration of such violence and for their failure to prevent, investigate, and punish such violence. Crimes such as torture, hostage taking, and (possibly) the use of child soldiers violates IHL and IHRL, and while the the ICC lacks jurisdiction over the situation in Yemen,³⁴⁸ and pursuing accountability through Yemeni domestic courts risks biased and unjust proceedings,³⁴⁹ stakeholders could and should pursue accountability for IHL or IHRL violations before the ICJ, via *erga omnes partes* standing; following the creation of an ad hoc tribunal, similar to the SCSL’s model,³⁵⁰ or by filing cases in the domestic courts of third-party States with applicable universal jurisdiction statutes.³⁵¹ For acts of piracy that violate UNCLOS or the SUA Convention, States should endeavor to exercise the universal jurisdiction imposed upon them in international law. In the meantime, the UN should create an Independent Investigative Mechanism to gather evidence of crimes committed in Yemen to assist with future

³⁴⁸ *How the Court Works*, INT’L CRIM. CT., <https://www.icc-cpi.int/about/how-the-court-works>, (last visited Apr. 16, 2024) [<https://perma.cc/9FN8-C2KW>]; *The States Parties to the Rome Statute*, INT’L CRIM. CT., <https://asp.icc-cpi.int/states-parties> (last visited Apr. 16, 2024) [<https://perma.cc/74TB-UATA>].

³⁴⁹ See MWATANA HUM. RTS., COURTS FOR ABUSE: A CASE STUDY OF YEMEN’S SPECIALIZED CRIMINAL COURTS: 2015-2020 113-14 (2021)

³⁵⁰ See Michael Scharf, *The Special Court for Sierra Leone*, 5 AM. SOC’Y INT’L L. INSIGHTS 14 (2000), <https://www.asil.org/insights/volume/5/issue/14/special-court-sierra-leone> [<https://perma.cc/76XA-G4H8>]; *International Tribunals*, U.N. SEC. COUNCIL, <https://www.un.org/securitycouncil/content/repertoire/international-tribunals> (last visited Apr. 16, 2024) [<https://perma.cc/SV5Z-SDVH>].

³⁵¹ See, e.g., *Universal Jurisdiction Annual Review (UJAR) 2020: Atrocities Must Be Prosecuted Soundly and Rigorously*, TRIAL INT’L 20 (NOV. 5, 2022), <https://trialinternational.org/latest-post/universal-jurisdiction-annual-review-2020-atrocities-must-be-prosecuted-soundly-and-rigorously> [<https://perma.cc/6N38-4ZZE>].

prosecutions, NGOs should continue to make their open-source findings available to stakeholders interested in pursuing accountability, and humanitarian aid organizations should continue their efforts to provide aid to the victims of piracy, piratical acts, and acts violating IHL and IHRL accompanying acts of piracy in Yemen.