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Human rights situations that require the Council's attention

Written statement* submitted by the Iraqi Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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30 Months of Ongoing Systematic Rights Violations and Crimes Caused by Unlawful Unilateral Coercive Measures on Yemen Demands an Independent International Commission of Inquiry

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express dismay over the Saudi Arabian-led Coalition's (the "Coalition") ongoing systematic rights violations in Yemen. These violations have been carried out in part due to the Coalition's unilateral coercive measures that have been implemented by force through a comprehensive indiscriminate land, air, and sea blockade and daily airstrikes on civilians and civilian infrastructure in the name of executing U.N. Security Council (U.N.S.C.) Resolutions 2140 and 2216.

i) Unlawful unilateral coercive measures on Yemen result in the largest humanitarian crisis in the World

On 26 February 2014, the U.N.S.C. adopted Resolution 2140¹, which underlined the need to implement the political transition in Yemen and designated three individuals that would be subject to an asset freeze and travel ban measures. On 14 April 2015, the U.N.S.C. adopted Resolution 2216², which established an arms embargo, asset freeze and travel ban on five named individuals. The latter resolution aimed to, among other objectives, assist and commend the political transition in Yemen; express grave alarm at the significant and rapid deterioration of the humanitarian situation in Yemen; and express grave concern at the threat to peace and security in Yemen and the region.

On 26 March 2015, before U.N.S.C. Resolution 2216 was adopted, the Coalition imposed an aerial and naval blockade on Yemen. The Coalition's unilateral action occurred without a U.N. mandate and preceded the adoption of Resolution 2216 by three weeks. Despite this, the Coalition cites the resolution as a justification for unilateral military action that it claims³ is to enforce an arms embargo but that in effect involves ongoing egregious human rights violations and crimes committed against the Yemeni people. In practice, the airstrikes and aerial and naval blockade are "comprehensive" unilateral coercive measures that kill and maim civilians, destroy civilian infrastructure, and block restrict and disrupt both the import and export of commercial goods (including food, medical and fuel supplies) and humanitarian aid. Consequently, the human rights and humanitarian situation in Yemen has deteriorated significantly making Yemen the largest humanitarian crisis in the World.⁴ These violations and crimes continue to be committed with impunity given that appropriate measures have not been adopted by the international community.

ii) Unlawful unilateral coercive measures violates the political rights of the Yemeni people

From a political rights standpoint, the Coalition's unilateral coercive measures impede the political right to self determination of the Yemeni people, the representatives of whom were undergoing political negotiations before the Coalition intervened with a surprise attack to stall those efforts. According to the former U.N. Special Envoy to Yemen, Mr. Jamal Benomar: "When this campaign [i.e., Coalition military operations] started, one thing that was significant but went unnoticed is that the Yemenis were close to a deal that would institute power-sharing with all sides,

1 Security Council 2140 Sanctions Committee Designates Three Individuals as Subject to Assets Freeze, Travel Ban, 7 November 2014, <http://www.un.org/press/en/2014/sc11636.doc.htm>

2 Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining, 14 April 2015, <http://www.un.org/press/en/2015/sc11859.doc.htm>

3 U.N. Communication to the Special Procedures, 9 January 2017, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=49048>

4 USG/ERC Stephen O'Brien Statement to the Security Council on Missions to Yemen, South Sudan, Somalia and Kenya and an Update on the Oslo Conference on Nigeria and the Lake Chad Region, OCHA, 10 March 2017, <http://reliefweb.int/report/yemen/usgerc-stephen-o-brien-statement-security-council-missions-yemen-south-sudan-somalia>

including the Houthis.”⁵ Not only was the political transition interrupted by the war, the Coalition sought to re-install as President, a person who a) had a term that expired⁶, b) did not have significant support among the Yemeni population, and c) appointed U.S Treasury Specially Designated Global Terrorists as government officials, negotiators, and clerics.

iii) Unlawful unilateral coercive measures violates the economic rights of the Yemeni people

From an economic standpoint, the Coalition’s conduct in the war has violated the Yemeni people’s economic rights. U.N. Security Council Resolutions 2140 and 2216 do not sanction war on Yemen, nor do they make permissible airstrikes on civilians or civilian infrastructure or the imposition of a comprehensive land, air, and sea blockade that blocks regular trade, both import and export, in commercial goods, including food, medical, fuel supplies, and humanitarian aid. According to the Legal Center for Rights and Development, in the first 800 days of the war, a total of 12,574 civilian deaths by Coalition airstrikes were documented. Of those civilian deaths, 1,942 were women, and 2,689 were children. The total number of civilians wounded due to the indiscriminate airstrikes exceeds 40,000 according to the Undersecretary General for the Coordination of Humanitarian Affairs and Emergency Relief, Stephen Obrien.⁷ In addition, 15 airports and 14 seaports were targeted with airstrikes, alongside 294 health facilities including five maternity centers, 775 schools, 368 water tanks and networks, 162 power stations (affecting refrigeration and water pumping facilities), 552 markets, 289 factories, 1,784 agricultural fields, 221 poultry/livestock farms, 676 food warehouses and 528 trucks carrying food among other civilian objects including 1733 roads and bridges.⁸ Yemen’s economy is devastated because of these measures that resulted in a significant drop in the level of employment in governorates where bombardment continues according to the Damage and Needs Assessment of the International Labor Organization.⁹ Long term effects are expected because of the damage to education, health, agriculture and services sectors, which, in turn, exacerbates the development challenges Yemen will have to face.

Compounding the dire economic situation, the Central Bank of Yemen’s (CBY) move to Aden under the control of the Coalition backed Hadi government-in-exile resulted in the non-payment of monthly salaries to roughly 1.5 million public sector employees since September 2016. Despite assurances from Hadi’s government-in-exile to the international community that it would undertake all obligations of the CBY, it has not done so for the past year. Given that each public sector employee has an average of five dependents, the lack of payment of their monthly salaries for 12 months directly impoverishes approximately 7.5 million people and negatively impacts economic activity further impoverishing merchants, their employees and families.

iv) Unlawful unilateral coercive measures violates the right to health of the Yemeni people

From a health standpoint, the blockade on food, medical and fuel supplies coupled with the airstrikes on health facilities and cadre, power plants, water and food networks has caused mass suffering among the civilian population, particularly the most vulnerable: the injured, children and the elderly. According to Yemen’s Ministry of Public Health and Population, 10,000 civilians died because they could not get medical treatment abroad due to the Coalition’s ban on

⁵ United Nations Press Conference, Jamal Benomar, 27 April 2015, <http://webtv.un.org/watch/jamal-benomar-special-adviser-to-the-secretary-general-on-yemen-security-council-media-stakeout-27-april-2015/4199486038001>

⁶ Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC). http://peacemaker.un.org/sites/peacemaker.un.org/files/YE_111205_Agreement%20on%20the%20implementation%20mechanism%20for%20the%20transition.pdf

⁷ Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Yemen, New York, 16 February 2016 <http://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-stephen-4>

⁸ <https://twitter.com/LCRDye/status/874224289939062785>

⁹ http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_501929.pdf

flights to and from Sanaa International Airport.¹⁰ Cholera is affecting an estimated 450,000 people mainly children under the age of 15 who account for 41 percent of suspected cases and 25 percent of the deaths, while those aged over 60 represent 30 percent of fatalities. Children, pregnant women and people with chronic health conditions are at greater risk of death as they face the “triple threat” of conflict, famine and cholera. Seventeen million civilians are food insecure. Roughly 2.8 million require acute malnutrition treatment, including 1.8 million children and 1.1 million pregnant, lactating women.¹¹ A child is dying every ten minutes¹² amounting to over 63,000 children deaths in 2016 alone due to preventable causes according to UNICEF.¹³

Conclusion

In effect, the unilateral coercive measures imposed on Yemen are actions contrary to the intentions of U.N. Security Council Resolution 2140 and 2216 as the war has been the 1) greatest impediment to a peaceful political transition in Yemen 2) main cause of the exacerbation of the humanitarian situation, and 3) main threat to international peace and security of states in the region and the world at large. According to the U.N. Special Rapporteur on Unilateral Coercive Measures, Idriss Jazairy, the blockade “amounts to an unlawful unilateral coercive measure (UCM) under international law” that “involves grave breaches of the most basic norms of human rights law, as well as of the law of armed conflict, which cannot be left unanswered.”¹⁴

Recommendation

At the 36th Session of the Human Rights Council, IDO together with ADHRB, and Arabian Rights Watch Association, urge UN Member States to set up an independent international commission of inquiry into the crimes being committed by all parties to the war on Yemen and recommend to the U.N. Security Council to transfer the case to the International Criminal Court.

10 Yemen airport closure killed more people than airstrikes, Norwegian Refugee Council, 9 August 2017, <https://www.nrc.no/news/2017/august/yemen-airport-closure-killed-more-people-than-airstrikes/>

11 Key Messages on Cholera, United Nations, 23 July 2017 https://docs.unocha.org/sites/dms/Yemen/Yemen%20Key%20Messages%20on%20cholera_23July2017.pdf

12 <https://twitter.com/OCHAYemen/status/810476064099233793?lang=en>

13 <https://twitter.com/UNICEFmedia/status/829676324889489409>

14 Lift blockade of Yemen to stop “catastrophe” of millions facing starvation, says UN expert, OHCHR, 12 April 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21496&LangID=E>