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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.

[27 May 2016]

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

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Saudi Coalition Airstrikes & Blockade against the People of Yemen Cause a Humanitarian Disaster

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express our utmost concern over the Saudi Arabian led Coalition's (the "Coalition") **a)** ongoing serious and systematic rights violations in Yemen, including political, economic, human, and humanitarian rights. These ongoing and systematic violations come in the form of: **i)** a comprehensive indiscriminate land, air, and sea blockade under the pretense of UN Security Council Resolutions 2140 and 2216 and **ii)** airstrikes on civilian targets that include the use of internationally banned cluster munitions. We also express our deep concern with the Saudi-led Coalition's **iii)** forced expulsion of Yemenis from Aden to Taiz and from Hadhramawt to Northern Provinces as well as the **iv)** lack of neutrality, authority, or political will of Hadi's National Commission to investigate crimes committed in Yemen.

a) Ongoing Violations of the Laws of War, Human Rights Law & Humanitarian Law

i) Imposition of a comprehensive land, air and sea blockade by the Saudi-led Coalition

The Saudi-led Coalition's implementation of Resolutions 2140 and 2216 has contributed to food insecurity for an estimated 14.4 million Yemenis, 7.4 million of whom are severely food insecure. Moreover, hundreds of hospitals and clinics have shut down due to the Saudi-led Coalition's airstrikes and blockade. The blocking of critical fuel and medical supplies effectively denies an estimated 15 million Yemeni people access to basic healthcare needs.

Allowing the free flow of commercial imports and facilitating their distribution to all locations are essential in stemming further increases in humanitarian needs. According to the 2016 Humanitarian Needs Overview, since the crisis began, the Coalition's blockade – as well as damage to port infrastructure due to air strikes – have added to the humanitarian burden by preventing or discouraging commercial imports into the country:

“Over 90 per cent of staple food (such as cereals) in Yemen was imported prior to the crisis, and the country was using an estimated 544,000 metric tons of fuel per month before the crisis. Fuel is essential to distribute food, pump water and run hospital generators, among other critical activities. In September, OCHA estimated that commercial fuel imports fell to just 1 per cent of monthly requirements, and food imports hit their second-lowest level since the crisis began. These restrictions constitute a major driver of shortages and rising prices of basic commodities, which have in turn contributed to crippling the economy. Health facilities continue to close at alarming rates due to shortages of fuel and other basic supplies. Without critical commodities, needs across sectors are rising, and response efforts are being hampered.”¹

According to Ahmed Alshami, the Executive Director at Arabian Rights Watch Association, the mechanism used during the past 14 months to search ships for weapons has been abused to block commercial goods and humanitarian aid. Ships are stopped by the Saudi Coalition, delayed from entry for days, weeks or months at a time under the pretext of ongoing weapons searches before being allowed to continue. Some sources report extortion is also used to restrict shipping into Yemen. Some ships are simply denied entry altogether.

We further call attention to the text of the UNSC Resolutions which involve an arms embargo, asset freeze and travel ban on 5 named individuals. These UNSC resolutions do not sanction war, nor do they enact a comprehensive land, air, and sea blockade to police and sanction regular trade, both import and export, in commercial goods, including food, medical and fuel supplies, and humanitarian aid.

We appreciate the efforts announced by the UN Secretary-General to institute a United Nations Verification and Inspection Mechanism (UNVIM) for the facilitation of commercial imports to 3 out of the 5 main ports in Yemen

¹ 2016 Humanitarian Needs Overview

however express concern at the level of awareness regarding the new program. Given the website and forms are still only offered in English, we recommend translating the website and hosted documents into Arabic and launching a corresponding awareness campaign to increase registration participation and compliance.

ii) Airstrikes on civilian targets that include the use of internationally banned cluster munitions

According to the Legal Center for Rights and Development, in the first 12 months of the war, a total of 9136 civilians were documented to have been killed by Saudi-led Coalition airstrikes. 5,271 were men (58%), 1,654 were women (18%), and 2,211 were children (24%). The total number of civilians wounded due to the indiscriminate airstrikes exceeds 16,000. 622 bridges and roads were destroyed along with 135 power plants, 188 water stations, 195 telecom stations, 14 airports, 11 sea ports and harbors, 325,000 residential homes, 250 hospitals and clinics, 43 colleges and universities, 630 schools and causing 3,750 others to close down.

In addition to the indiscriminate use of air power to attack civilian populations, the Saudi-led coalition has also been documented to have used internationally banned cluster munitions on civilian populations in violation of the principles of distinction, proportionality, and military necessity. According to many local and international NGOs, young children have been killed and maimed by unexploded toy-like sub-munitions that can detonate upon touch. A 10 day research trip to Saada, Hajjah and Sanaa by Amnesty International revealed that US, UK, and Brazilian cluster munitions were used by the Saudi Coalition resulting in the death or injury of 16 civilians including nine children, two of whom were killed. According to the report, these casualties took place days, weeks, and sometimes months after the bombs were dropped by coalition forces in Yemen.

iii) Forced Expulsion of Yemenis from Aden and Hadhramawt by Saudi led Coalition and Hadi government-in-exile

We further raise our continued concern with the Coalition and the Hadi government-in-exile's ongoing rights violations in Yemen. Particularly, the measure by the government-appointed security forces to expel from Aden over 800 Yemenis with links to the Taiz governorate. This policy is worrisome as it employs discrimination and provincial bigotry threatening the right to life, employment and mobility for thousands of Yemenis. The expulsion which was ordered at the behest of security officers appointed by the Hadi government-in-exile without his express order indicates his lack of control in Aden and raises further questions about his government's legitimacy. Despite the Hadi government-in-exile's subsequent disapproval of the expulsion of Yemenis from Aden, it has not managed to end the policy nor remedy those affected. Instead we see similar policies being implemented in Hadhramawt, where hundreds more Yemenis are threatened by expulsion to northern governorates.

iv) Inability of Hadi's national commission to investigate the crimes being committed in Yemen

In the 31st Session of the Human Rights Council, Deputy High Commissioner for Human Rights, Kate Gilmore, reported that over 55% of the casualties in Yemen were due to Coalition airstrikes and demanded the beginning of investigations. In response, the Hadi government-in-exile appointed Minister of Human Rights, Izz Aldin Alasbahi, requested a review of the statements made by OHCHR regarding the casualties that occurred in Yemen, disputing the impartiality and accuracy of the Deputy High Commissioner's assessment. This posture will not lend itself to an impartial investigation into the crimes committed in Yemen.

Taken together, the airstrikes and blockade are measures deliberately inflicted on the whole of the Yemeni people that create conditions of life calculated to bring about their physical destruction, the extent of which appear to constitute crimes against humanity and war crimes. As a belligerent in this multifaceted conflict, neither the National Commission, nor the Saudi Coalition may be reasonably expected to impartially investigate its own role in such crimes. Only through the establishment of an independent, international commission with a mandate to document abuses on all sides, and make impartial recommendations to the UN Security Council for referral to the International Criminal Court, can true accountability be accomplished.

Recommendation

At the 32nd Session of the Human Rights Council, IDO together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, urge UN Member States to renew their calls to:

- Call for an end to the war in Yemen, including the ongoing airstrikes and blockade, and the full withdrawal of all foreign forces from the territory of Yemen;
 - Establish an independent international commission of inquiry into the crimes being committed by all parties to the war in Yemen, with a mandate to make recommendations to the UN Security Council to transfer cases to International Criminal Court;
 - Extend the arms embargo to include members of the Saudi-led Coalition for their role in perpetuating violations of humanitarian law and the laws of war in Yemen;
 - Facilitate humanitarian access to all areas in need of assistance;
 - Provide support to Yemen in its struggle to combat violent extremism; and
 - Facilitate Yemeni to Yemeni dialogue without the intervention of regional powers.
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