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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.

[16 May 2017]

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

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26 Months of Ongoing Airstrikes and a Blockade on Yemen Causes a Catastrophic Humanitarian Disaster That Makes Famine Possible in 2017

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express dismay over the Saudi Arabia-led Coalition's (the "Coalition") ongoing systematic rights violations in Yemen. These violations are in large part due to: **i)** the imposition of a comprehensive indiscriminate land, air, and sea blockade, and **ii)** airstrikes on civilians and civilian infrastructure that include the continued use of internationally banned cluster munitions. Compounding the humanitarian burden is the threat of a Coalition offensive against Hodeida which would most likely push roughly 14 million people into famine. We also express our deep concern with the Coalition-backed Yemeni government-in-exile's decisions to **iii)** withhold the salaries of approximately 1.5 million public sector employees for ten months and **iv)** arbitrarily detain and extra-judicially kill civilians without fair trial.

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

i) Imposition of a comprehensive blockade by the Saudi-led Coalition

The Saudi-led Coalition's implementation of Resolutions 2140 and 2216 has played a major role in the food insecurity of an estimated 14 million Yemenis, 7 million of whom are severely food insecure. While U.N. Security Council Resolutions 2140 and 2216 may have been intended as a "smart" coercive measure designed to place an arms embargo, asset freeze and travel ban on five specifically named individuals, the Coalition's actual use transformed U.N. Security Council Resolution 2216 into a "comprehensive" coercive measure that violates the human rights of millions of Yemenis, particularly their right to food, medicine and to be free from poverty. These U.N. Security Council resolutions do not sanction war on Yemen, nor do they make permissible the imposition of a comprehensive blockade that blocks regular trade, both import and export, in commercial goods, including food, medical, fuel supplies, and humanitarian aid.

Despite the specificity of these resolutions, the Saudi Coalition unilaterally launched a war by land, air and sea citing the resolutions to justify a blockade on millions of Yemenis that has exponentially exacerbated the already dire humanitarian situation in Yemen. According to the Special Rapporteur on Unilateral Coercive Measures, Idriss Jazairy, "[t]he blockade involves a variety of regulatory, mostly arbitrary, restrictions enforced by the coalition forces – including an unreasonable delay and/or denial of entry to vessels in Yemeni ports. Mr. Jazairy says it amounts to an unlawful unilateral coercive measure (UCM) under international law."¹ Mr. Jazairy goes on to state that "[t]he blockade 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." Along these lines, the Special Rapporteur on the Right to Food, Ms. Hilal Elver, emphasized that "[t]he deliberate starvation of civilians, in both international and internal armed conflict may constitute a war crime, and could also amount to a crime against humanity in the event of deliberate denial of food."

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 700 days of the war, a total of 12,041 civilians were documented to have been killed by Coalition airstrikes. 7,603 were men, 1,870 were women, and 2,568 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 O'Brien. In addition, 15 airports and 14 seaports were targeted with airstrikes, alongside 270 health facilities,² 757 schools,³ 281

¹Lift 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>

² <http://arwarights.org/airstrikes-on-healthcare-facilities>

³ <http://arwarights.org/education-violations>

water tanks and networks,⁴ 160 power stations (affecting refrigeration and water pumping facilities), 535 markets, 271 factories, 1565 agricultural fields, 207 poultry farms,⁵ 660 food warehouses and 502 trucks carrying food⁶ among other civilian objects including 1520 roads and bridges.⁷

In addition to the indiscriminate use of air power in attacks on civilian populations, the Coalition has also used internationally banned cluster munitions on civilian populations on at least 60 occasions in violation of the principles of distinction, proportionality, and military necessity.⁸

Furthermore, the continued threat of an offensive on Hodeida is cause of major concern. An offensive on Yemen's main port city would most likely exacerbate the humanitarian situation and displace civilians from the city. The number of displaced people due to a Hodeida offensive may total hundreds of thousands, and would most likely tip millions of civilians in Yemen into famine.

iii) Yemeni government-in-exile control over Central Bank of Yemen operations and withholding of public sector salaries

The Central Bank of Yemen (CBY) move directly interfered with the CBY's implementation of Yemen's fiscal and monetary policy and thereby its ability to fulfill its mandate causing millions of civilians to suffer as a result. The CBY move to Aden under the control of the Hadi government-in-exile has resulted in the non-payment of monthly salaries to about 1.5 million public sector employees since September 2016, despite assurances by the Hadi government-in-exile to the international community that it would undertake all the obligations of the CBY. Given that each public sector employee has an average of five dependents, the lack of payment of their monthly salaries for over 10 months directly impoverishes about 7.5 million people. The reduced purchasing power due to the lack of salary payments has had a general indirect negative effect on economic activity further impoverishing merchants and traders, their employees and families.

Customs and tax revenues collected in southern and eastern governorates surpass their salary and operations expenditures yet the surplus is not being transferred to branches in the North and West of Yemen where 85 percent of the population is located. In addition to newly printed bank notes in possession of the Hadi government-in-exile not being transferred to CBY branches under the control of de facto authorities, surplus tax revenue from the southern and eastern governorates is not being transferred to the Northern and Western governorates either.

Whereas, the CBY under Bin Humam was facilitating the underwriting of transactions on behalf of merchants importing basic commodities such as wheat, rice and oil, this is no longer happening effectively under the CBY governance of the Hadi government-in-exile. According to O'Brien's update to the U.N. Security Council on 26 January 2017, "[t]he sharp decline in the Central Bank's foreign reserves combined with its move to Aden and lack of liquidity has a ruinous socio-economic impact. Yemen could run out of wheat within months unless traders can access lines of credit in the coming weeks. Foreign banks no longer accept financial transactions with many of Yemen's commercial banks. We must mobilize to sustain the traders' ability to import, replenish the country's stocks of staple food and reverse the trend of growing food insecurity and potential starvation. In addition, some humanitarian organizations are struggling to find enough cash to implement projects. The end result is a country in economic distress, which is translating into acute humanitarian need."⁹

⁴ https://twitter.com/arwa_rights/status/798202287269232640

⁵ https://twitter.com/arwa_rights/status/798255050002792448

⁶ https://twitter.com/arwa_rights/status/798212362738298881

⁷ https://twitter.com/arwa_rights/status/798204847837368321;
https://twitter.com/arwa_rights/status/798207790804303872

⁸ https://twitter.com/arwa_rights/status/828672534790955009

⁹ Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien Statement to the Security Council on Yemen, New York, 26 January 2017, <http://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-11> [accessed 10 May 2017]

While the lack of payment to public sector employees for over 10 months impoverished over 7.5 million civilians, the lack of payment of scholarships for students studying abroad has caused hundreds to stop their pursuit of higher education because they cannot cover tuition nor their accommodation expenses such as rent and general living expenses.

iv) Coalition arbitrarily detains and extra-judicially kills civilians without fair trial

We are very concerned with the increasing reports of arbitrary detentions and extrajudicial killings of civilians occurring in the territories held by the Coalition. One recent incident brought to our attention deals with the detention and alleged killing of Mabkhoot Saleh Mabkhoot Alnuaimi. On 30 September 2016, an armed group operating under Coalition command detained Alnuaimi at a checkpoint, after removing him forcefully from the car he, his wife and children were in while they were on their way to Maarib from Nihm to escape the fighting. He was taken to the 7th District in Fardhat Nihm then allegedly transferred some time later to a facility belonging to what is referred to as the General Intelligence in Maarib City. Six months later on 26 March 2017, Alnuaimi's family received word that he was dead but until this date the family has never received the body nor has it been able to locate the body despite mediations by the International Red Cross.

Recommendation

We urge UN Member States to:

- Set up an independent international commission of inquiry into crimes committed by all parties to the war on Yemen and/or make recommendations to the UN Security Council to transfer cases to International Criminal Court.
 - End all forms of military support that enables any State, including members of the Coalition, to partake in the human rights violations and crimes against civilians in Yemen.
 - Facilitate humanitarian access to impoverished areas.
 - Facilitate Yemeni-Yemeni dialogue without foreign intervention.
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