



General Assembly

Distr.: General
18 February 2020

English only

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by Iraqi Development Organization, Americans for Democracy & Human Rights in Bahrain, non-governmental organizations 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.

[29 January 2020]

* Issued as received, in the language(s) of submission only.



The Saudi Arabia-led coalition and the Hadi Government continue to seriously violate International Law by violating the Yemeni people's right to self-determination and shirking their duties under the terms of the Stockholm agreement in order to continue economic measures that use impoverishment and starvation as a Weapon of war against Civilians in Yemen

IDO, with Americans for Democracy & Human Rights in Bahrain and Arabian Rights Watch Association, take this opportunity at the 43rd Session of the United Nations (U.N.) Human Rights Council to express our dismay about the continued Saudi-led Coalition (Coalition) blockade on food, medicine and fuel destined for Yemen and the failure to implement the terms of the landmark Stockholm Agreement. The unlawful economic coercive measures employed by the Coalition seriously impedes the Yemeni's people's right to self-determination, resulting in devastating human rights violations against the most vulnerable, particularly children, women and the elderly.

Saudi-led coalition seriously violated the Yemeni people's right to self-determination

On 11 February 2011, millions of Yemenis took to the streets to protest the 33 year rule of Ali Abdullah Saleh's presidency and to call for a) the establishment of a de-centralized state in which justice and equality reign supreme; b) a solution to the conflict in the South; c) a solution to the conflict in the North, particularly the Saada region; d) the fair and equitable distribution of wealth and public sector jobs and sound policies that resolve Yemen's overall economic problems; e) an end to corruption, cronyism and nepotism and the creation of national institutions based on merit; f) the prosecution of former President Ali Saleh and his cronies for past crimes and corruption; and finally g) making the war against terror groups a national issue by marshaling all resources to not only "combat" terrorist groups such as Al Qaeda in the Arabian Peninsula but to, in effect, neutralize and eliminate the threat posed by their activities.

These demands sum up the wishes of the people yet they were not only unfulfilled, they were countered by the following measures. Instead of a change in government, the Yemenis were faced with the Gulf Cooperation Council (GCC) Initiative which imposed the rule of an unpopular vice president belonging to the same government the people were seeking to change; and who remained indefinitely beyond the term permitted by the GCC Initiative, as his predecessor did for 33 years. Instead of prosecuting government officials for corruption, this initiative granted these officials immunity from prosecution. Instead of discussing suitable levels of decentralization during the transition period at the National Dialogue Conference, a federation of six states was going to be imposed without proper deliberation, a vote or a referendum, despite Yemen not having a large land mass or the diversity in language, religion and culture that justifies such division. Instead of resolving Southern grievances, a number of armed groups loyal to a Coalition of states were established alongside secret torture prisons to compromise Yemen's territorial integrity. Instead of solving the grievances in the Saada governorate, a war was launched and the entire region was unlawfully deemed a military zone to justify indiscriminate killing of tens of thousands of civilians. Instead of ensuring the fair distribution of wealth among the population, a blockade was imposed on food, medicine and fuel imports and public sector salaries were withheld to impoverish and starve millions. Instead of supporting the near successful efforts of the Yemeni people to entirely eliminate the threat posed by Al Qaeda in the Arabian Peninsula, a war was launched that facilitated the spread of Al Qaeda again across regions they were previously eliminated from.

Ongoing coalition blockade on Yemen & UNVIM

The Coalition's unilateral action to launch a war against Yemen 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 retroactive justification for its unilateral military action, claiming that it is enforcing the arms embargo that the resolution mandates.¹ But in practice, the military action has been marked by indiscriminate violence against civilians, resulting in severe human rights violations, particularly against those civilians who are most vulnerable: children, women and the elderly.

Despite repeated commitments by the U.N. to lift the Coalition flight ban to and from Sanaa International Airport, the flight ban has not been removed and humanitarian flights have not taken place, although there was an announcement by the Coalition on 27 January 2020 permitting weekly humanitarian flights of 30 patients or so starting February 2020. The announcement is a drop in the bucket, given that there are about 350,000 civilians requiring immediate treatment abroad relegating them to suffer a slow, painful death while another 100,000 civilians are stuck in limbo outside Yemen and are unable to return.

Despite being informed in April 2017 by the U.N. Special Rapporteur Idriss Jazairy that "[t]he blockade imposed by the Saudi Coalition involves grave breaches of the most basic norms of human rights law, as well as the law of armed conflict,"² the Saudi Coalition backed Hadi government continues on the same destructive path. Despite being informed by the Group of Eminent Experts that "no possible military advantage could justify such sustained and extreme suffering of millions of people, the Coalition has failed to cancel or suspend the restrictions, as required under international law,"³ and continues to prevent and delay ships carrying food, medicine and fuel from entering Yemen.

This is occurring despite the established presence of the U.N. Verification and Inspection Mechanism which by its very own stated objectives seeks to facilitate the unimpeded free-flow of commercial items through verification and inspection, as well as clearance request reviews, of commercial vessels sailing to Yemen ports. However, in practice, ships are prevented from entering Hodeidah port despite being cleared by the UNVIM and the offloading of cargo may occur months after UN inspections are completed, all under the pretext of inspecting ships for weapons in a futile yet criminal attempt to starve millions of civilians. Based on local reports from Hodeida's Port Control, as of 28 January 2020, 12 ships carrying fuel have not been released by the Coalition despite being licensed and inspected by the UNVIM. This is just the most recent example of the frequent unlawful prevention and delay of commercial goods destined to enter Yemen.

The Stockholm agreement's last breaths

Despite the Hodeida Agreement stipulating that a mutual redeployment of forces from the city of Hodeidah would take place, we have not seen any reciprocation from the Saudi-led Coalition backed government as there has been no redeployment of Coalition fighters to this date, nor a stoppage of shelling on civilian areas in and around the city of Hodeidah. The freedom of movement of civilians and goods and humanitarian aid from and to the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa have not been facilitated and 2) revenues of the ports of Hodeidah, Salif and Ras Issa have not been channeled to the Central Bank of Yemen (CBY) through its branch in Hodeidah as a contribution to the payment of salaries in the governorate of Hodeidah and throughout Yemen.⁴ The Prisoners Exchange

¹ Saudi Coalition response to United Nations Special Rapporteurs' Joint Communication. 27 December 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33332>

² 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>

³ Group of Eminent Experts Report, 28 August 2018, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/43

⁴ Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa, 18 December 2018, https://osesgy.unmissions.org/sites/default/files/hodeidah_agreement_0.pdf

Agreement has not been implemented in full and the committee on Taiz has not produced any results. Given that the terms of the Stockholm Agreement have not been implemented for the past year, the Stockholm Agreement is in peril and along with it the humanitarian situation.

Recommendations

Protecting the Yemeni economy is an objective that all parties should strive for given that its decline and potential collapse will affect civilians in all governorates. Unlawful airstrikes on civilian targets must end and the blockade must be lifted. The UNVIM should be the sole inspector of ships carrying commercial goods and humanitarian aid to Yemen as the interference by the Coalition allows it to prevent and delay basic commodities needed for the everyday basic survival of Yemeni civilians, and allows it to use starvation as a weapon of war. The payment of public sector salaries and continued payment of pensions to all is of critical importance to alleviating the humanitarian suffering faced by millions and will help jump start the economy. To do so, the CBY must be administered by a board of capable directors established by consensus and revenues from oil exports must be deposited in a CBY account for distribution. In addition, we urge the member states of the United Nations to maintain the pressure on the parties to fully implement the Stockholm Agreement and U.N. Security Council resolution 2451 and 2542 and express our full support for the efforts of the U.N. Special Envoy Martin Griffiths in that regard.
