



# General Assembly

Distr.: General  
21 October 2021

Original: English

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## Human Rights Council

### Forty-eighth session

13 September–1 October 2021

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## **Note verbale dated 6 October 2021 from the Permanent Missions of Bahrain, Saudi Arabia, the United Arab Emirates, Egypt, the Sudan and Yemen to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

On behalf of the Coalition Forces Supporting Legitimacy in Yemen, the Permanent Missions of the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, the Republic of the Sudan and the Republic of Yemen to the United Nations Office and other international organizations in Geneva hereby forward to the President of the Human Rights Council the response to the fourth report of the Group of Eminent International and Regional Experts on Yemen (A/HRC/48/20) (see annex).

The Missions would like to seize the opportunity to renew the Coalition's rejection of the continuation of the Group of Eminent Experts mechanism, as it continues its work without the consent and against the will of Yemen (the country concerned) and despite the existing flaws in its methodology and the fact that it is overstepping its mandate. Moreover, the Coalition calls upon the Group of Eminent Experts to reverse its non-constructive approach and to intensify dialogue and cooperation with Yemen and the countries of the Coalition, as well as with the Yemeni national committee concerned with enhancing the human rights situation in Yemen, in order to overcome the deficiencies and correct the course of action taken by the Group of Eminent Experts, as explained in detail in the annex.

The Permanent Missions request the President of the Human Rights Council to circulate the present note verbale and the annex thereto<sup>1</sup> as a document of the Human Rights Council under agenda item 2, in all official languages of the United Nations.

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<sup>1</sup> Issued without formal editing.



## **Annex to the note verbale dated 6 October 2021 from the Permanent Missions of Bahrain, Saudi Arabia, the United Arab Emirates, Egypt, the Sudan and Yemen to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

[Original: Arabic]

### **Reply of the Forces of the Coalition to Support Legitimacy in Yemen to the 2021 report on Yemen of the Group of Eminent International and Regional Experts**

1. The Coalition to Support Legitimacy in Yemen wishes to express its profound concern at the increasing suffering of the Yemeni people as a result of the conflict, which was instigated and caused by the Houthi militia and which has been exacerbated by the coronavirus disease (COVID-19) pandemic. The Coalition remains fully committed to supporting Yemen and its legitimate Government in order to strengthen international human rights and humanitarian law.

2. Although the Group of Eminent Experts understands the growing need for peace and the urgency of putting an end to human rights violations in Yemen (of which the ongoing conflict in the country is the main driver), it has failed to appreciate the efforts the Coalition is making and their important impact on the attainment of peace in the country. In fact, the Coalition continues to provide political support to the peace process and to supply humanitarian aid to Yemenis throughout the country. In addition to this, Saudi Arabia has announced its own “initiative to end the crisis in Yemen and reach a comprehensive political solution”, which includes the following:

- A comprehensive ceasefire under the auspices of the United Nations;
- Depositing taxes and customs revenues from vessels carrying petroleum derivatives through the port of Hudaydah into a joint account at the Central Bank of Yemen in Hudaydah;
- Partially reopening Sana’a international airport for direct international and regional flights;
- Opening consultations between Yemeni parties with a view to reaching a political solution to the crisis in the country, under the auspices of the United Nations and on the basis of Security Council resolution 2216 (2015), the Initiative of the Gulf Cooperation Council and its operational mechanism, and the outcomes of the comprehensive national dialogue.

The initiative of Saudi Arabia, which came as part of that country’s ongoing support for the Yemeni people, is intended to spare further bloodshed and to address the country’s humanitarian and economic conditions, on the basis of Security Council resolution 2216 (2015), the Initiative of the Gulf Cooperation Council and its operational mechanism, and the outcomes of the comprehensive national dialogue, in cooperation with the then United Nations Special Envoy for Yemen Martin Griffiths and with the United States Special Envoy Tim Lenderking. With this initiative, Saudi Arabia hoped the Houthis would accept being partners in achieving peace. The legitimate Government of Yemen welcomed the initiative, which also garnered broad international support; however, the Houthi militias rejected it and opposed it in its entirety.

3. The findings of the Group of Eminent Experts, which misleadingly combine different parties and different allegations, do not reflect the contents of the investigation. In fact, as concerns the Coalition, the report mostly repeats allegations from reports of earlier years and only a limited number of allegations concern the operations of the Coalition during the specific period covered by the text. The Coalition therefore reaffirms the replies it made to previous reports of the Group and wishes to address certain key points in the current report.

4. The Coalition maintains that the main problem in Yemen is the Houthi militia, who have committed widespread and serious human rights violations, including torture, rape and the killing of civilians, and who are unwilling to achieve peace. The Houthis, in fact, seized

power illegally and by force, then used that power to oppress and persecute the Yemeni people. That was the principal reason behind the request of the legitimate Government of Yemen for the Coalition's assistance and support to restore stability in the country. If no support had been given to the legitimate Government of Yemen, all of Yemeni territory could have fallen under the control of the Houthis and the Yemeni people would suffer serious consequences with attacks and violations against their human rights by the Houthi militia.

5. The Group of Eminent Experts levels certain specific allegations against the Coalition regarding the period covered by the report, focusing mainly on alleged violations of international humanitarian law. The allegations concern military activities such as airstrikes and other operations launched against legitimate military targets, in accordance with global conventions on international humanitarian law.

As the Coalition has explained in detail before, the possibility of civilians being injured during military action in the context of an armed conflict is extremely regrettable. As concerns the situation in Yemen, the cause of civilian injuries and deaths lies in the fact that the Houthi militia deliberately places civilians inside its military installations and uses them as human shields, something the report does not address. In most cases, the collateral damage caused by operations conducted by the military forces of the Coalition resulted from attacks against military targets, which are legitimate under rules of engagement, but the Houthi militia had used the locations to hold civilian human shields, thereby violating the rules of war that are imposed on the combating parties.

The Coalition was surprised to read in the report that violations by its forces were in the thousands, and that they are mentioned despite, in some cases, a lack of accuracy or evidence and, in other cases, incomplete investigations. This is quite different to the accusations made against the armed Houthi militia which, at just 15, can be counted on the fingers of two hands. The Coalition would question the report's proportionality vis-à-vis the Houthis in some paragraphs – with phrases such as “attacks that injured civilians came from an area said to have been under the control of the Houthis” – when, in fact, all the attacks by Houthi militias against civilian installations including airports, schools, homes and refineries have been counted and it is clear that the real number is actually much higher.

Assessing the extent to which a military strike is compatible with international humanitarian law requires access to confidential information about the target and knowledge of military tactics, techniques and procedures. In that regard, the Group criticizes the stance of the Coalition that the maintaining the confidentiality of targeting-related intelligence is an “internationally common practice”.

However, the stance of the Coalition's Joint Incident Assessment Team is correct, and consistent with the findings of the United Nations independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52). In fact, the commission of inquiry stated that a State's armed forces “have the right not to reveal information that would disclose the precise target of military strikes, as this information might be classified and jeopardize intelligence sources”. This underscores the need of the Group for assistance in supporting national investigations into military operations.

6. The Coalition wishes to express its disappointment at the part of the report in which it is accused of committing violations of international humanitarian law in relation to airstrikes. In its report, the Group of Eminent Experts gives details about two military operations, concerning one of which – that took place in July 2020 – the Group explicitly states that “it was unable to complete its investigation”. Notwithstanding, the Group still references this operation, implicitly suggesting, without the necessary grounds or evidence, a violation of international humanitarian law on the part of the Coalition.

7. The Group of Eminent Experts has finally realized that the Coalition is investigating, addressing and acting in such cases, and providing redress mechanisms for the Yemeni people. The Group thus acknowledges that this is in complete contrast to the actions of the Houthi militia, which takes no such actions in that connection.

8. The Coalition wishes to express its disappointment at the criticism the Group of Eminent Experts makes of the Coalition's investigations which, the Group claims, are not conducted with appropriate speed, diligence and transparency. This, despite the strong efforts

the Coalition makes in that connection. The States in the Coalition wish to assure the international community that it investigates allegations to the fullest possible extent so as not to reach hasty conclusions or take steps on the basis of incomplete inquiries or partial information, then it announces its results with complete transparency and impartiality.

9. The Group of Eminent Experts continues to make erroneous and misleading allegations – which it has made in the past without any clear evidence – that Saudi Arabia has trained Yemeni children to participate as soldiers in the armed conflict. As has been explained previously, this is contrary to the United Nations reporting mechanisms and contradicts information contained in reports from the Special Representative of the Secretary-General for Children and Armed Conflict. The Coalition to Support Legitimacy in Yemen wishes to reaffirm that it upholds its international human rights obligations and its obligation to protect the rights of children. It also continues to abide by the memorandum of understanding to strengthen the protection of children affected by armed conflict in Yemen, which was signed with the Special Representative of the Secretary-General on 25 March 2019. Among the provisions of the memorandum is that of delivering children linked to the Houthi militia across borders and front lines. In addition to this, the Coalition has formed a child protection unit, which works to rehabilitate child soldiers who have been embroiled in armed conflicts by the Houthi militia. In such cases the unit, after finding armed children, places them in shelters offering integrated services where specialist doctors provide medical and psychological assistance. The Saudi Red Crescent Authority, the Human Rights Commission, the King Salman Humanitarian Aid and Relief Centre and the Coalition forces have formed a working group to oversee the return of such children to their families. In all, 147 children have been handed over to the legitimate Government of Yemen via the International Committee of the Red Cross (ICRC). The child protection unit compiles quarterly reports for the Special Representative of the Secretary-General on the level of implementation of the memorandum of understanding.

10. The Coalition finds the report's "Mapping of the Main Actors" to be an unprecedented, politically motivated, unconvincing and inappropriate attempt at defamation. It also constitutes a clear violation of principle 9 of the 2005 updated set of principles for the protection and promotion of human rights through action to combat impunity.

As it has concerning many other problems surrounding the implementation of its mandate, the Group of Eminent Experts has simply ignored the legitimate concerns raised by the Coalition. The vast majority of the names on the list of 42 high-ranking leaders and officials of the Coalition have nothing to do with the content and allegations of the report. The Coalition wishes to reiterate the need for the Group of Eminent Experts to adhere to attribution criteria and not to disclose, publicly and without evidence, the names of individuals who are allegedly implicated in certain actions, because including their names clearly suggests that they are implicated. Those names must be removed, not exploited for political purposes or exposed to the media circus.

The Group continues to launch random accusations against the States of the Coalition without proof or evidence that their forces actually committed any of the acts enumerated in paragraphs 85 to 87 of the report.

11. The report has taken no account of discussions between the Coalition and the Human Rights Council, which underlined the need to abide by the highest standards of evaluation and the importance that any comments should be backed by evidence, in order to ensure the precision and accuracy of the reports of the Group of Eminent Experts.

12. Furthermore, by writing its reports directly and without reference or requests to the legitimate Government of Yemen, the Group entirely ignores Yemeni sovereignty. The Coalition calls for that country's national sovereignty to be respected and for a mechanism to be established to work with the Yemeni National Commission of Inquiry in order to investigate allegations of human rights violations, as per Presidential Decree No. 140 of 2012 which is based on Security Council resolutions 2051 (2012) and 2140 (2014), relevant resolutions of the Human Rights Council resolutions and the Initiative of the Gulf Cooperation Council and its operational mechanism.

13. Moreover, the report takes no account of the programmes stemming from the Coalition's commitment to support the legitimate Government and the people of Yemen. The

purpose of the programmes, which include the Saudi Development and Reconstruction Programme for Yemen, is to promote development projects in Yemen in order to restore stability and strengthen the economy. For example, Saudi Arabia supports Yemen with a grant of petroleum derivatives, in coordination and cooperation with the Yemeni government and local authorities, to ensure the operation of more than 80 power plants, for a value of \$422 million. This is accompanied by 198 other projects and initiatives for development and reconstruction. In addition, the King Salman Humanitarian Aid and Relief Centre runs humanitarian relief projects, which include more than \$4 billion dollars of aid to the Yemeni people and over 615 projects including 22 in the education sector, at a cost of \$122 million; 13 in the food sector, at a cost of \$148 million; and 283 in the health sector, at a cost of \$756 million.

14. The Group of Eminent Experts makes the accusation that the reopening of Sana'a international airport and access to Hudaydah port are being held hostage to the peace negotiations, and that restrictions on imports imposed by the Coalition are contributing to shortages of fuel and food. In that regard, the Coalition wishes to assert that, between 2020 and 2021, it has not prevented or obstructed any ship or aircraft carrying food and imports to Yemen from entering Hudaydah port or Sana'a international airport. During that period, 1,224 air-transport permits have been granted to humanitarian and other organizations to land at Sana'a airport, while 409 sea-transport permits have been granted to vessels to dock in Hudaydah port and 87 permits for Salif port.

15. The report ignores the continuing attacks by the Houthi militia, which has added to its violations against the Yemeni people inside the country by attacking citizens inside Saudi Arabia. Murder and attempted murder are, in fact, crimes against humanity and it has been proven that they have been practised, repeatedly, systematically and on a wide scale against citizens in Saudi Arabia. Indeed, from 2019 to date, the Houthi militias have launched 309 drone attacks, 119 ballistic missile attacks and 13,480 rockets attacks against Saudi Arabia.

The report also fails to address an attack by the Houthi terrorist group against Saudi oil facilities in Dammam, in which ballistic missiles and drones were used. The source of the attack has been established by specialized international security agencies. Serious violations of that nature do not threaten the security of Saudi Arabia alone, but the security and economy of the world.

16. The report fails to reflect the risk posed by a terrorist group, such as the Houthi militia, possessing advanced weaponry such as ballistic missiles and drones and the fact that this represents a threat to international peace and security. This in turn raises questions about the source of such military hardware and how it comes to be in the hands of non-governmental groups. Nor does the report delve into how this phenomenon should be addressed and dealt with by the international community, or how the militia is to be held to account before international justice for the crimes committed with those weapons.

17. Lastly, the Coalition is disappointed at the unfair and baseless claims made against it by the Group of Eminent Experts, claims that are inconsistent with the mandate granted to the Group by the United Nations Human Rights Council. The Coalition wishes to make known its utter rejection of the misleading allegations made in the Group's report against the States of the Coalition.

The text includes a limited number of allegations against the Coalition for the period covered by the report. However, the Group of Eminent Experts also reiterates allegations it has made previous years, allegations that have already lost credibility in the wake of the investigations and replies of the Coalition.

The Coalition wishes to reaffirm its full commitment to international humanitarian and human rights law in all its military operations in Yemen. It acts to investigate any incidents in which violations on the part of the Coalition are alleged, and prosecutes anyone found to have committed such violations. The Coalition also reaffirms its support for the legitimate Government of Yemen, in accordance with relevant Security Council resolutions, as well as its commitment to provide humanitarian aid to the Yemeni people as they face the consequences of a conflict caused by Houthi militias.