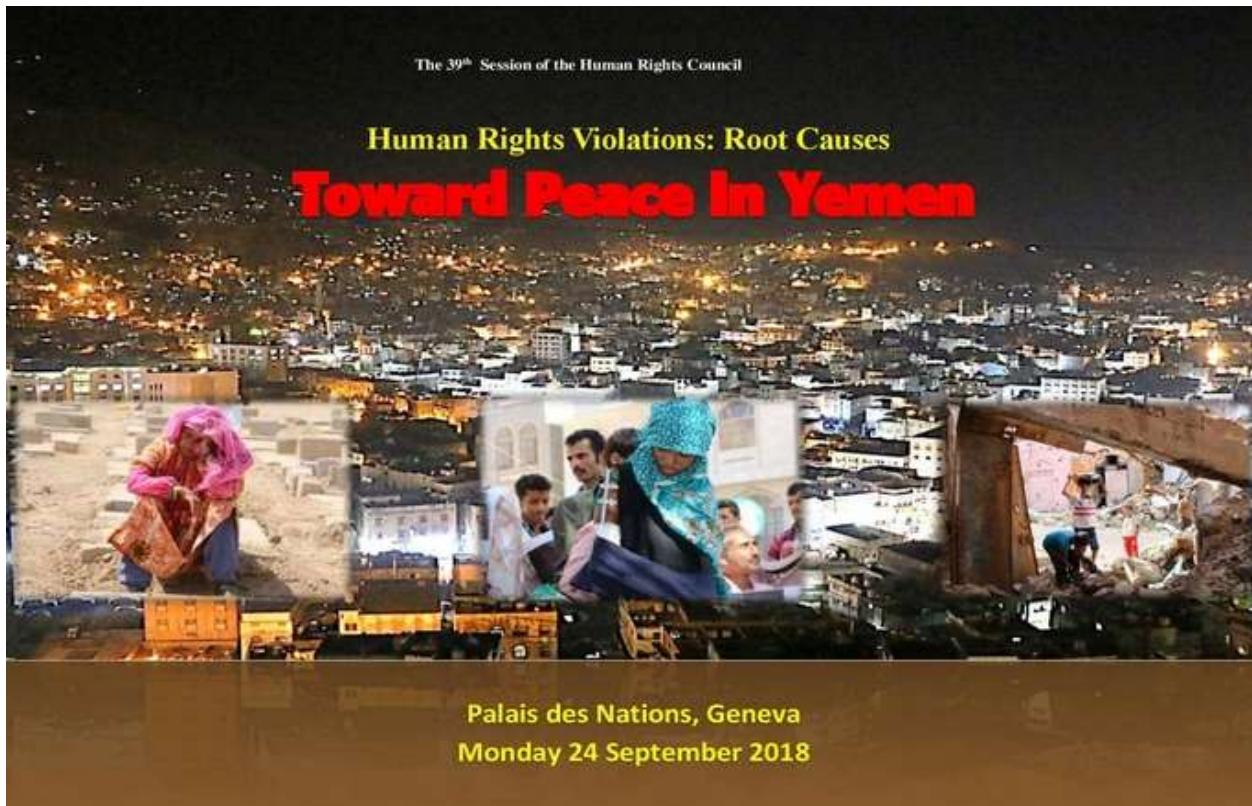




Side-Event: Toward Peace in Yemen Human Rights Violations: Root Causes

United Nations - 24 September 2018



Concept Note:

The war in Yemen has resulted in a humanitarian crisis of tremendous proportions. In responding to the crisis, the UN Security Council, under its Article VII powers, established a framework for interacting with the various parties involved. This framework clearly requires all member states and the United Nations to assist Yemenis in pursuing a negotiated, political solution. Nevertheless, the conflict continues, and additional parties have become involved. It has now reached a point where the entire Yemeni population is suffering

daily from shortages of the most basic necessities: food, water, shelter and medicine.

This Side Event examined the impact of the report of the Independent Experts and how the Security Council resolutions have been implemented by the concerned parties, member states and the UN itself. It also considered approaches to working toward establishing peace in Yemen and ending the bloody conflict.

Speakers:

Mr. Ahmed Al Quraishi:

Mr. Al Quraishi is a researcher and writer. As a journalist, he has worked extensively in Iraq, Pakistan, Lebanon, Syria, and the Gulf region over the past 24 years. He is currently associated with an independent, Islamabad-based think tank (projectpakistan21.org). His recent research has focused around the impact of the Yemeni conflict on countries around the periphery of the Middle East.

Mr. Tahar Boumedra:

Mr. Tahar Boumedra is the former Human Rights Chief of the United Nations Assistance Mission in Iraq (UNAMI), and later served as Advisor to the UN Secretary General's Special Representative for Iraq. He has a deep knowledge of the involvement of non-state actors in Iraq and in other Arab countries. Prior to his time in Iraq, he conducted training for Yemeni prison directors as part of a program of the Penal Reform International. As a result, he has an intimate knowledge of the criminal justice system in Yemen.

Moderator:

Mr. Christopher Gawronski:

Mr. Gawronski studied law at Ohio State University with a focus on international law and is now working with Geneva International Centre for Justice. Previously, he spent six years living and working in the Middle East.

Organizers:

International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, United Towns Agency for North-South Cooperation, International Educational Development, Inc., Geneva International Centre for Justice (GICJ), International Humanitarian Lawyers, The BRussels Tribunal, Arab Lawyers Association-UK, Human Rights Defenders (HRD), and Association of Humanitarian Lawyers (AHL).

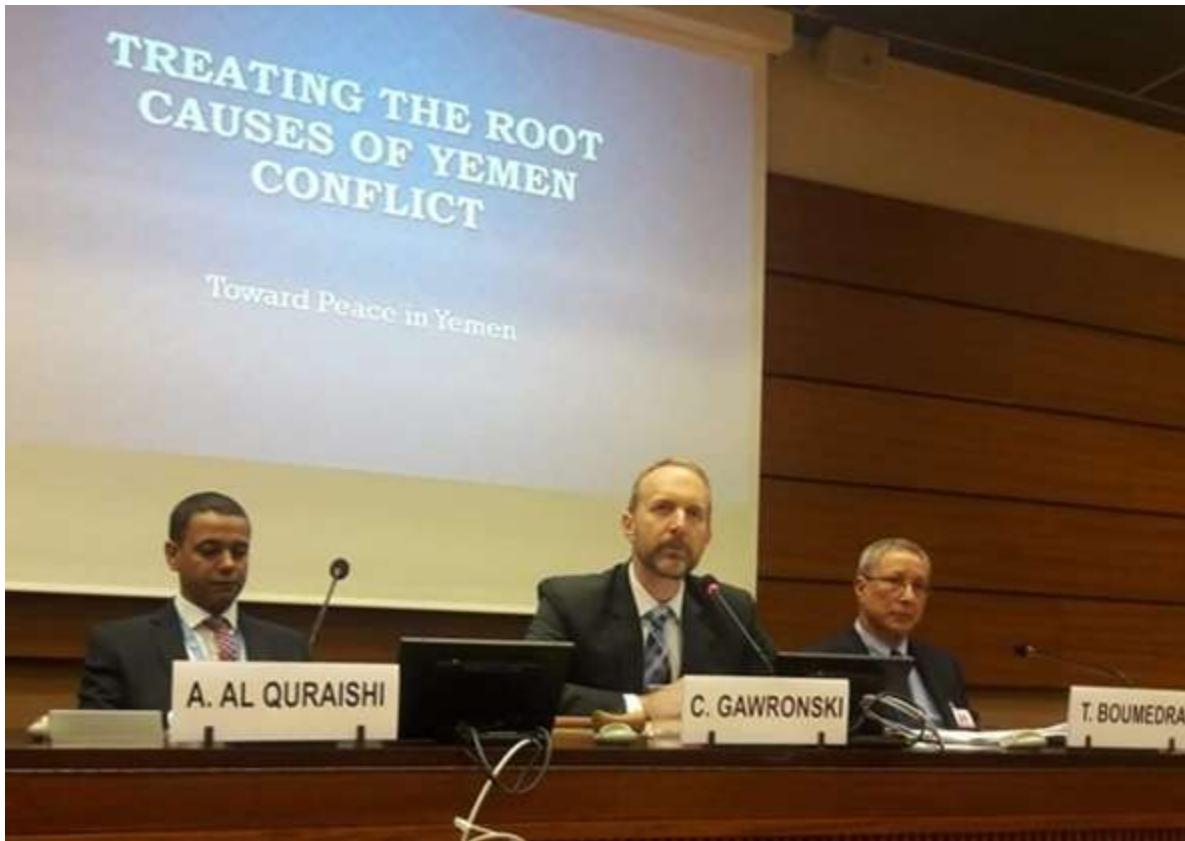


Introductory Remarks

Mr. Christopher Gawronski



The moderator, **Mr. Christopher Gawronski**, introduced the event by saying that the side-event would explore the impacts of the Yemen conflict. The dire situation of Yemeni civilians cannot be solved strictly as a humanitarian crisis, but must be approached by peace building through a framework that has already been established by a number of UN resolutions. Mr. Gawronski then introduced the speakers, who began their presentations.



Panel Discussion

Mr. Tahar Boumedra



The first speaker to take the floor was **Mr. Tahar Boumedra** who examined the report on the situation of human rights in Yemen drafted by the Group of Independent Experts (A/HRC/39/43). –He prefaced his remarks by noting that the Group's mandate was a one year renewable term. He acknowledged that the Group of Experts was in the difficult situation of monitoring a humanitarian situation while armed conflict was ongoing. At times the Group of Experts was unable to visit places due to security concerns. In addition, they were also under pressure to present first an oral report and then a final report at the 39th session of the UN

Human Rights Council. In all, Mr. Boumedra noted their tremendous work and they should be commended for delivering the report on time.

Mr. Boumedra started by noting that the UN General Assembly has adopted guidelines for reporting on a fact-finding mission in the field of maintenance of international peace and security, which applies to this situation and the Group of Experts. The Experts were expected to bear in mind other relevant fact finding efforts, including those undertaken by the state concerned (Yemen), the national commission, and other international efforts by the United Nations. In particular, parallel to the Group of Experts mandate from the Human Rights Council, there is a Panel of Experts created by the Security Council who are expected to report on threats to international peace and security in Yemen per Resolution 2216 (2015).

PANEL OF EXPERTS AND GROUP OF EXPERTS



In preparing its report, the Group of Experts decided to frame its mandate by starting from 2011, although the resolution creating its mandate did not dictate any particular starting date for reporting. This relates events in Yemen to the Arab Spring, but those familiar with the situation in Yemen know very well the current situation started in 2004 with the first of six wars between Houthis and the Yemeni Government. Mr. Boumedra noted that the founder of the Houthi group, Hussein Badreddin al-Houthi was killed in 2004 while fighting the government. This is the real context that created the situation in Yemen, considerably earlier than the so-called 'democracy movement' in Yemen.

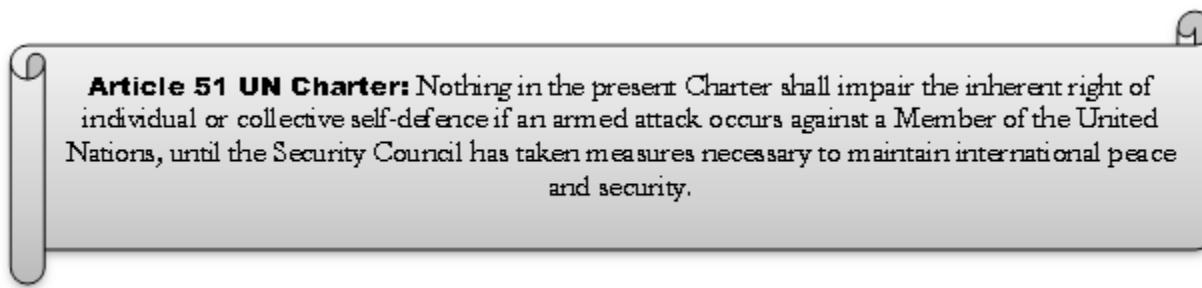
He noted that the groups actually calling for democracy in Yemen were not the ones to take up arms to fight the government. Rather, it was a peaceful movement calling for regime change. Those who took arms were the Houthi militias, supported by Iran, who wanted to expand and take control of Yemen, moving from their safe-hold in Sa'ada to ultimately take the capital city of Sana'a.

WHO ARE THE HOUTHIS?

The Houthi movement started in the 1990s with the aim of re-establishing the Imamah, which is a religious tribal form of state based on the Zaidi school of thought in Islam. So, the Houthis are a Shi'a Muslim sect but are closer to the Hanafi school of thought in Sunni Islam. The point is that the Houthis are not a pro-

democracy movement. They are a religious-political group that wanted to start a new regime. They took up arms in 2004, which was the origin of the war, resulting in the toppling of the internationally-recognized government and disintegration of the Yemeni state. This issue is well covered by [UN Security Council Resolution 2201 \(2015\)](#).

Mr. Boumedra found it difficult to understand how the Group of Experts could define a political-religious movement that has been at war with the government for many years as a popular revolution. He asserted that the Group's description of the Houthi militia as a 'pro-democracy' group is an opinion, but that their mandate is to present facts and not opinions.



INTERVENTION OF ARAB COALITION AND LEGAL FRAMEWORK

Mr. Boumedra continued by saying that the toppling of the recognized Yemeni government led President Abdurrahman Mansur El-Hadi to leave Sana'a and take refuge in Aden. The Houthis, supported by Iranian Revolutionary Guards, then headed south continuing to take territory. As they gained momentum and approached Aden, El-Hadi left Aden to take refuge in Saudi Arabia where he requested help and support. In response, a number of African and Arab countries formed what is known as the "Arab Coalition" and started taking action against the Houthis to establish law and order and help protect the sovereignty and unity of Yemen. He went on to say that the Security Council adopted a number of resolutions to support the Arab Coalition, based on its determination that the situation in Yemen constituted a threat to international peace and security.

In addition, the actions of the Arab Coalition are also authorized under Article 51 of United Nations Charter, which permits individual and collective defense if an armed attack occurs, which was the case. Moreover, there is the 'responsibility to protect', a more recently evolving principle of international law, which also supports the actions of the Arab Coalition in protecting the people of Yemen.



Responsibility to protect



The Responsibility to Protect is a global political commitment which was endorsed by all member states of the United Nations at the 2005 World Summit in order to address its four key concerns to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. [Wikipedia](#)



Mr. Boumedra noted the context of the mandate. He said that the mandate has charged the Group of Experts to examine international human rights violations, violations of international humanitarian law (IHL), and related international law. Overall, the Group has dealt with human rights and IHL, but failed to address other aspects of international law, especially international peace and security, and law and order in Yemen.

He explained that international law has two branches, *jus in bello*, which regulates the conduct of conflict (i.e., IHL), and *jus ad bellum*, which addresses when the use of force is acceptable under international law. These two elements of international law should have been addressed in the report as mandated by the Human Rights Council. The Group focused a lot on breaches by “pro-government” forces and addressed them in a large section of the report, while breaches by Houthis and other parties were all summarized in only six paragraphs of the report. Strangely, he said, there was a large Annex to the report describing access restrictions by the government of Yemen. To balance the report they also should have included access restrictions by the Houthis and others as well.

Mr. Boumedra also questioned the need of having a section of the report on “Mapping of Actors” in the conflict, which comprised the entire chain of command of the different parties in the conflict, starting with the crown prince of Saudi Arabia who heads the Saudi military. He asserted that this implies personal responsibility for the reported human rights violations. Otherwise what is the need for the annex? Such a public listing is problematic because it will likely strain the ability of the people named to cooperate with the Group of Experts in the future.

The Group’s report also contains an Annex about the Joint Incident Assessment Team (JIAT). The JIAT was set up by the Arab Coalition to investigate alleged violations of human rights and International Humanitarian

Law by its own forces. The Group of Experts declared the JIAT results were not impartial and rejected them, but the Group did not give any criteria for how it made this assessment.

In summary, Mr. Boumedra reiterated the task of the Group of Experts was not easy given the conditions, short timeframe and its large mandate. However, the Group could have done better and avoided a number of the shortcomings that have been pointed out.



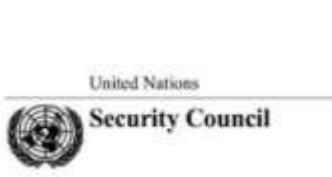
Ahmed Al-Quraishi

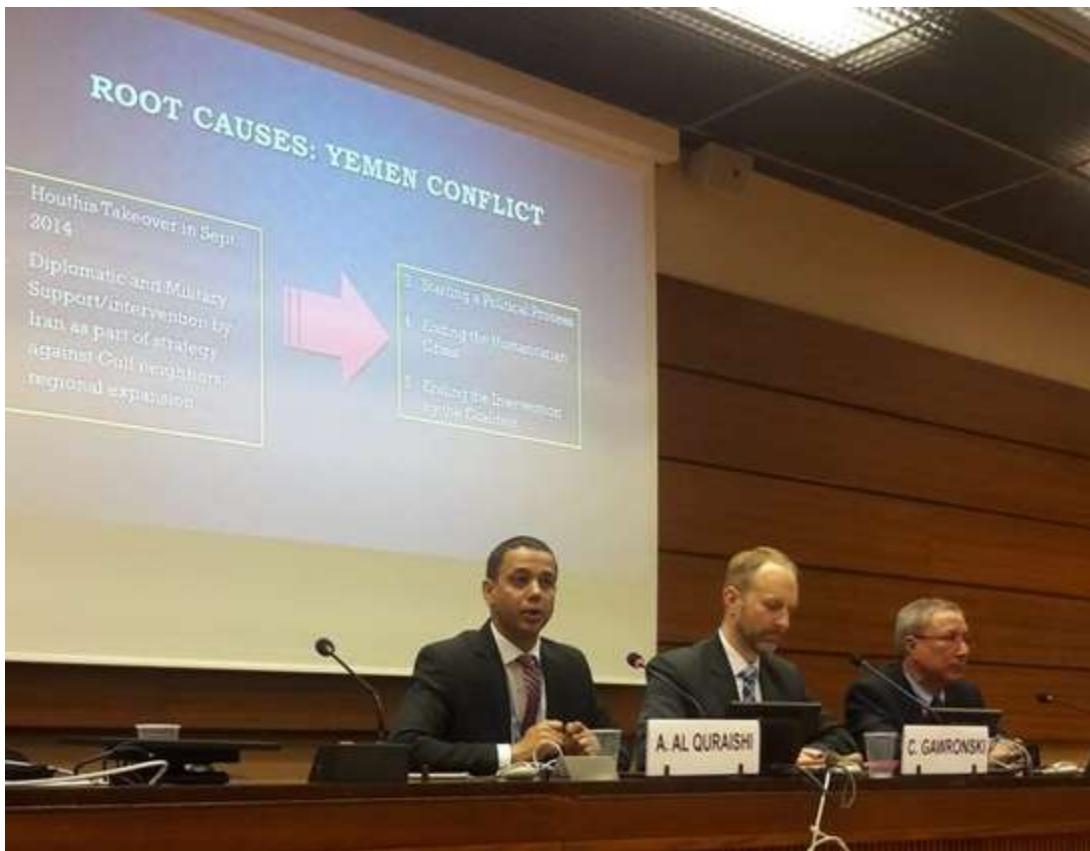
ROOT CAUSES OF YEMEN CONFLICT



The second speaker to take the floor was **Mr. Ahmed Al-Quraishi** and he spoke about the root causes of the Yemen conflict. To begin with he said that this conflict is a classic example of the international community going in circles especially when a framework is available in several UN Security Council resolutions. The resolutions identify aggressors, list actions that need to take place, and mention which political actions are needed. Given this framework, he said, it is surprising that there continues to be confusion and discussions about where to start. Simply, the conflict is not very complex if one refers back to the Security Council resolutions, issued under Chapter VII of the United Nations Charter. These resolutions give the international

community and the UN the necessary power and tools to enforce those resolutions. Therefore, it is surprising that everyone is going around in circles.





Mr. Quraishi reiterated that there are two root causes.

1. The illegal takeover of the Yemeni capital government in 2014
2. The diplomatic and military support of the backers of the Houthi militia

To the second root cause he added that the backers, Iran in particular, have used the Houthi militia to settle scores in other areas. He noted that these two points are clearly laid out in the UN Security Council resolutions. Moreover, these resolutions also point out the solution, which is to ***start a political process***. Such a process would help in ending the war and the humanitarian crisis and, as a result, end the intervention by the Arab Coalition.

What is problematic is that there is now a lot of focus on the role of the Arab Coalition, which diverges from the Security Council resolutions. Focus has turned to ending the naval siege and to the officials named in the appendix of the Group of Experts report.

However, he went on to say that by simply going after the Arab Coalition or focusing on ending the siege, the war will not end. The war will only end when the UN Security Council resolutions are implemented, resulting in revocation of the Houthi militia takeover and ending diplomatic and armed support of the militia by outside players. Failing this, there will be continued crisis in Yemen. Completely ending the siege or tying the hands of the Arab Coalition may temporarily alleviate some suffering, but that is not a permanent solution.

WHAT IS THE INTERNATIONAL COMMUNITY DOING?



in the nuclear deal negotiations.

Mr. Quraishi also acknowledged that the Group of Experts did a tremendous job, but it was not enough. The Group's report fails in two ways: too much focus on the humanitarian crisis itself, and too little focus on what caused the crisis.

Two things in particular caused the crisis:

1. Failure of the Houthi militia to engage in political discourse to end the war, and
2. The role of Iran in stopping the Houthi militia from joining the peace process.

He posited that Iran is actually stopping the Houthi militia from joining a real peace process in order to use Yemen as a bargaining chip to deal with the major powers, especially

Mr. Quraishi provided an example that occurred just this month (September). The draft report of the Group of Experts was released in early August. In mid-August Houthi militias went to Beirut, Lebanon and met with the leader of Hezbollah. A picture of four Houthi militia representatives meeting with the leader of Hezbollah was released on 22 August, and about a week later the Houthis were supposed to show up in Geneva with the delegation of the Yemeni government to start peace talks to end the war and humanitarian suffering. The Yemeni delegation and the UN were present, but the Houthis failed to show up and gave no reason for their failure to attend. Mr. Quraishi believes they did not show because Iran told them to stay put as they were waiting for progress on the Iran nuclear deal.

He went on to consider if anyone benefits from prolonging the war. The war is currently a stalemate and the Arab Coalition has spent billions of dollars and is under intense political pressure, thus they are not benefitting from prolonging the war. The one party that does benefit from keeping the war going is Iran – the party that is keeping the peace talks from taking place in order to have a bargaining chip in the nuclear deal negotiations.

Mr. Quraishi expressed deep frustration that many European powers accept that Iran is using Yemen as a negotiating tactic. Worse yet, it does not seem to matter to Iran that the humanitarian crisis continues. They are willing to let people suffer by not joining the peace talks.

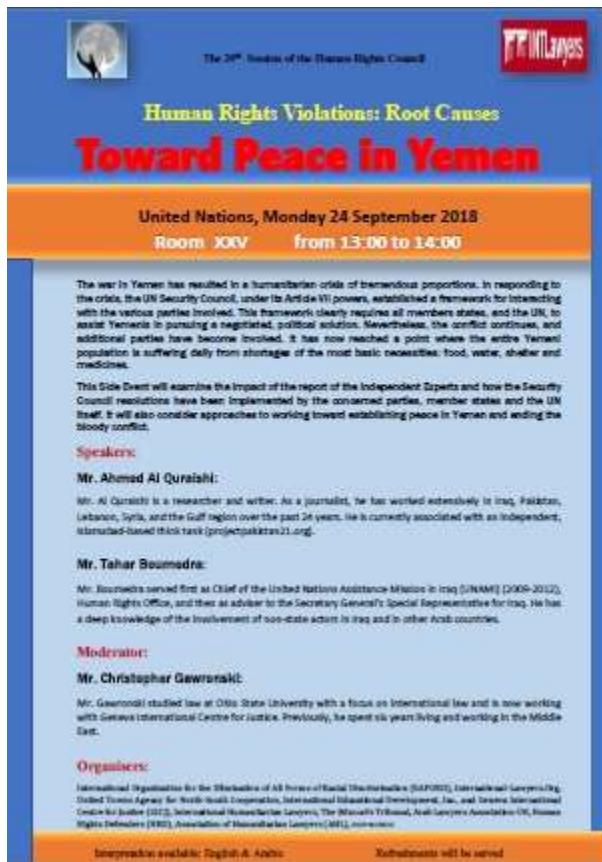


He said there is not enough international outrage about this situation, including the supply of weapons and diplomatic support to the Houthi militias by Iran. The UN has tremendous evidence of the supply of these weapons, and this evidence has been shown to the Associated Press and other reporters. Mr. Quraishi showed an image of the Jihan 1 ship that was caught by the US Navy smuggling weapons in 2013. He explained the bust, shown to the media, contained anti-tank rockets, advanced communication equipment, landmines, etc., and noted that this was only one example out of many and that there is more detailed evidence. He said that this indisputable evidence is available with the United Nations.

Iran has denied any involvement by the government, even though they admit that the Jihan 1 shipment came from the Iranian side of the Persian Gulf. Unfortunately, Iran's overall involvement and its role in the Houthis avoiding peace talks is not being raised by the international community. Mr. Quraishi was surprised there is no outrage by the international community, especially considering that the Security Council resolutions on Yemen were adopted under Chapter VII.

In conclusion, Mr. Quraishi stressed that this conflict is not about a Shi'a-Sunni conflict, it is not about a historic rivalry between Arabs and Persians or anything ethnically related.

These are only excuses to let the conflict continue. He underscored that decisive action must be taken by the international community to implement the UN Security Council resolutions. He ended by reiterating that the solution is simple - the 2014 coup must be rolled back and foreign support to the Houthis must end.



Watch the full side-event in [English](#) or [Arabic](#)

Previous co-sponsored side-events on Yemen by EAFORD at the UN Human Rights Council:

- [Side Event at UN: Nothing is Safe](#)
- [Side Event at UN: Yemen's Humanitarian Catastrophe](#)