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Technical assistance and capacity-building

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Arab Organization for Human Rights, non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster

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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Yemen: A decade of violence*

In the past decade, Yemen faced a dramatic political crisis and was torn apart by several armed hostilities between various state and non-state actors. Since the victory of Ali Abdullah Saleh in presidential elections of September 2006, the security situation was tense in Yemen with suicide bomb attacks against police, government officials, diplomats, foreign businesses and tourists throughout 2007-2008. Moreover, the opposition protest in Sana'a that demanded electoral reforms faced police gunfire. The Yemeni army offensive with the support of Saudi Arabia against the Houthis insurgency (that began in 2004 with the aim of overthrowing the government and implementing Shia religious law), resulted in the death and displacement of thousands of people despite the reached ceasefire in 2010.

The Yemeni revolution (Intifada) was initiated during the Arab spring mass protests in 2011 against corruption, dire economic conditions, and unemployment. In March 2011, hundreds of people were killed by police firing at the prodemocracy camp. In November 2011, Saleh's government signed the plan of the Gulf Co-operation Council on political transition and thus legally agreed to pass the office and presidency powers to his Vice President Abd Rabbuh Mansur Hadi and to end his 33-years rule. The 2012 Presidential election put Hadi to be an interim president for a period of 2 years.

The Shia militia (al-Houthi), grew stronger and resulted in resignation of Hadi and his government in January 2015. The parliament was dissolved and the Revolutionary Committee under Mohammed Ali al-Houthi was established as interim authority in Yemen. The transition process after the coup d'état prompted the Yemeni Civil War that continues to these days.

The internal struggle for power was further exacerbated by the involvement of regional and international actors, including Al-Qaeda in the Arabian Peninsula (AQAP) and ISIS. In January 2009, Al-Qaeda in the Arabian Peninsula and Yemeni al-Qaeda branches merged to form AQAP, based in Yemen.¹ Since December 2009, the United States of America joined the fight against terrorists with drone attacks in Yemen. By 2012, the U.S. military presence increased to "small contingent of U.S. special-operations troops" in response to terror attacks by AQAP. Shi'a Houthis are now fighting against the Islamic State and Al Qaeda. On another frontier the Shi'a Houthis, in alliance with the Islamic Republic of Iran, are fighting against Saudi Arabia's army supported by the United States.

Furthermore, the intervention and support of Iran – which is providing financial and military assistance as well as targeted training to the al-Houthi militias – has enhanced the capabilities and exacerbated the brutality of the Houthis. Such illegal support is dangerously hindering the achievement of peaceful settlements and is allowing the continuation of barbarous human rights violations, including the forced recruitment of children in armed conflict, at the hands of the Houthi Militias.

THE EXTENT OF YEMENI HUMANITARIAN CATASTROPHE

In March 2017, the UN Human Rights Office confirmed that at least 4,773 civilians were killed and another 8,272 injured by the violence in Yemen – for a total of 13,045 civilian casualties since 26 March 2015, and noted that these figures reflect only those deaths and injuries that the Office has managed to corroborate and confirm to be civilians; the actual death toll is certainly considerably higher.² The number of vulnerable persons in need of humanitarian aid and protection continues to grow. The UN Office for the Coordination of Humanitarian Affairs reported an increase of nearly 20 per cent since late 2014 (i.e. 18.8 million people out of a total population of 27.4 million); half of the

¹ Daniel Cassman, Stanford University, "Al-Qaeda in the Arabian Peninsula" at <http://www.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/19#note6>

² "Over 100 civilians killed in a month, including fishermen, refugees, as Yemen conflict reaches two-year mark", UN High Commissioner for Human Rights, March 2017, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21444&LangID=E>

population affected by the armed conflict are children under the age of 18 (estimated 9,6 million).³ Humanitarian needs are growing daily in key sectors such as food security, sanitation, water, nutrition, health, shelter and education. Children are dying of famine and curable diseases. To date, 3.2 million Yemenis are displaced, and the number of children forcibly recruited for combat and maimed by conflict-related violence has dramatically grown throughout 2016. Moreover, the situation in Yemen contributes to destabilising the situation and facilitates the further expansion of terrorist threats in the Middle East.

GRAVE BREACHES OF INTERNATIONAL LAW

The widespread, systematic and organised human rights violations committed in Yemen amount to war crimes and crimes against humanity. Perpetrators from all parties, mainly al-Houthi militia, that violate the provisions of international human rights law and international humanitarian law should be brought to justice. The Yemeni government is either unable or incapable to ensure accountability. Therefore, the international community must act. The year of 2011 marked the beginning of the protests and resulted in a dramatic increase of mass human rights violations in Yemen, including:

- extrajudicial killings and excessive use of force;
- arbitrary arrests and detention;
- torture and other forms of ill-treatment;
- lack of effective remedy and accountability;
- limited freedom of expression and opinion;
- limited freedom of movement; and
- forced displacement.

In 2014 – 2017, the following violations of the international humanitarian law were committed by the parties to the conflict:

- indiscriminate killings;
- indiscriminate attacks on civilians and civilian objects;
- air strikes by the coalition forces on civilians and civilian objects;
- attacks on markets, weddings, residential buildings and on public and private infrastructure;
- allegations of use of cluster munitions and landmines;
- attacks on objects benefiting from special protection;
- drone attacks;
- sieges and blockades;
- arbitrary deprivation of liberty, torture and enforced disappearance;
- sexual and gender-based violence; and
- forced displacement and eviction.

THE INTERNATIONAL COMMUNITY'S RESPONSE THROUGH THE UNITED NATIONS

The measures undertaken by the international community through the United Nations to address widespread and massive violations of international humanitarian law and international human rights law perpetrated in Yemen for a decade are widely assessed as total failure. During the period of 2007-2017, the **UN General Assembly** adopted zero resolutions with regards to the situation in Yemen. The highlights of the **UN Security Council** actions in Yemen during the past decade include the resolutions that demanded the Houthis to withdraw from all seized areas and to relinquish all seized arms, established an arms embargo on the Houthis and forces loyal to former president Ali Abdullah Saleh in April 2015, strongly deplored the Houthis' actions to dissolve parliament and to take over government institutions and urged the acceleration of negotiations to reach a consensual solution regarding the political impasse and decided on the

³ Office for the Coordination of Humanitarian Affairs, '2017 Yemen Humanitarian Needs Overview', OCHA, November 2016.

sanctions against those threatening the peace, security or stability of Yemen under Article 41 of the Charter, i.e. the assets freeze and travel bans, in 2014 and extended in 2015.

The **Special Envoy to Yemen**, Ismael Ould Cheikh Ahmed facilitated the UN-brokered peace talks. In June 2016, he presented a roadmap that provides for the implementation of resolution 2216⁴ and the establishment of a national unity government. Some of the Security Council members conducted numerous field missions to assess the situation in Yemen and the implementation of resolutions.

The **UN Human Rights Council** has issued numerous press statements to express serious concerns on the deteriorating situation and to support the implementation of an unconditional humanitarian pause by all parties. States also condemned and called on parties for action or cessation of hostilities. On 24 June 2011, the Council issued the first press statement expressing grave concern on the deteriorating situation and welcomed the mediating efforts of the Gulf Cooperation Council. The Council has regularly received briefings from the head of OCHA and the UN Secretary-General's Special Envoy to Yemen and adopted several presidential statements. For example, in March 2015, the Council condemned the Houthi's unilateral actions and reaffirmed its readiness to take further measures.

In 2015, the UN Human Rights Council requested the High Commissioner for Human Rights to provide Yemen with technical assistance in the field of human rights and to assist a national commission of inquiry. The Panel of Experts that monitors compliance with the 1737 Iran sanctions regime also was involved, particularly to investigate the 23 January 2013 incident during which the Yemeni coast guard intercepted a ship carrying missiles and rockets allegedly sent by Iran for the purpose of undermining the transition. In October 2011, the Council unanimously adopted a resolution with key elements focusing on the GCC initiative for a transfer of power in Yemen, expressing concerns for the activities of Al-Qaida in the Arabian Peninsula and assessing the need for humanitarian assistance.

RECOMMENDATIONS

- All parties to conflict should ensure compliance with international humanitarian law, particularly concerning protection of civilian objects and civilians;
- The Human Rights Council should urgently endorse an international independent investigation into alleged war crimes in Yemen;
- The situation in Yemen should be referred to the International Criminal Court;
- The United Nations should ensure that the civilians have access to basic supplies, including food, shelter, water and are allowed to return to their place of origin;
- All parties involved in the conflict should grant full access to international humanitarian aid workers, observers and journalists into conflict areas;
- The Government should work with the UN agencies and special-mandate procedures to coordinate strategies to address the current situation and prevent future mass atrocities.

⁴ The UN SC Resolution 2216 adopted on 14 April 2015 established a targeted arms embargo on the Houthis and forces loyal to former president Ali Abdullah Saleh and demanded that "all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015), refrain from further unilateral actions that could undermine the political transition in Yemen, and further demands that the Houthis immediately and unconditionally: (a) end the use of violence; (b) withdraw their forces from all areas they have seized, including the capital Sana'a; (c) relinquish all additional arms seized from military and security institutions, including missile systems; (d) cease all actions that are exclusively within the authority of the legitimate Government of Yemen; (e) refrain from any provocation or threats to neighbouring States, including through acquiring surface-surface missiles, and stockpiling weapons in any bordering territory of a neighbouring State; (f) safely release Major-General Mahmoud al-Subaihi, the Minister of Defence of Yemen, all political prisoners, and all individuals under house arrest or arbitrarily detained; and (g) end the recruitment and use of children and release all children from their ranks"

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.