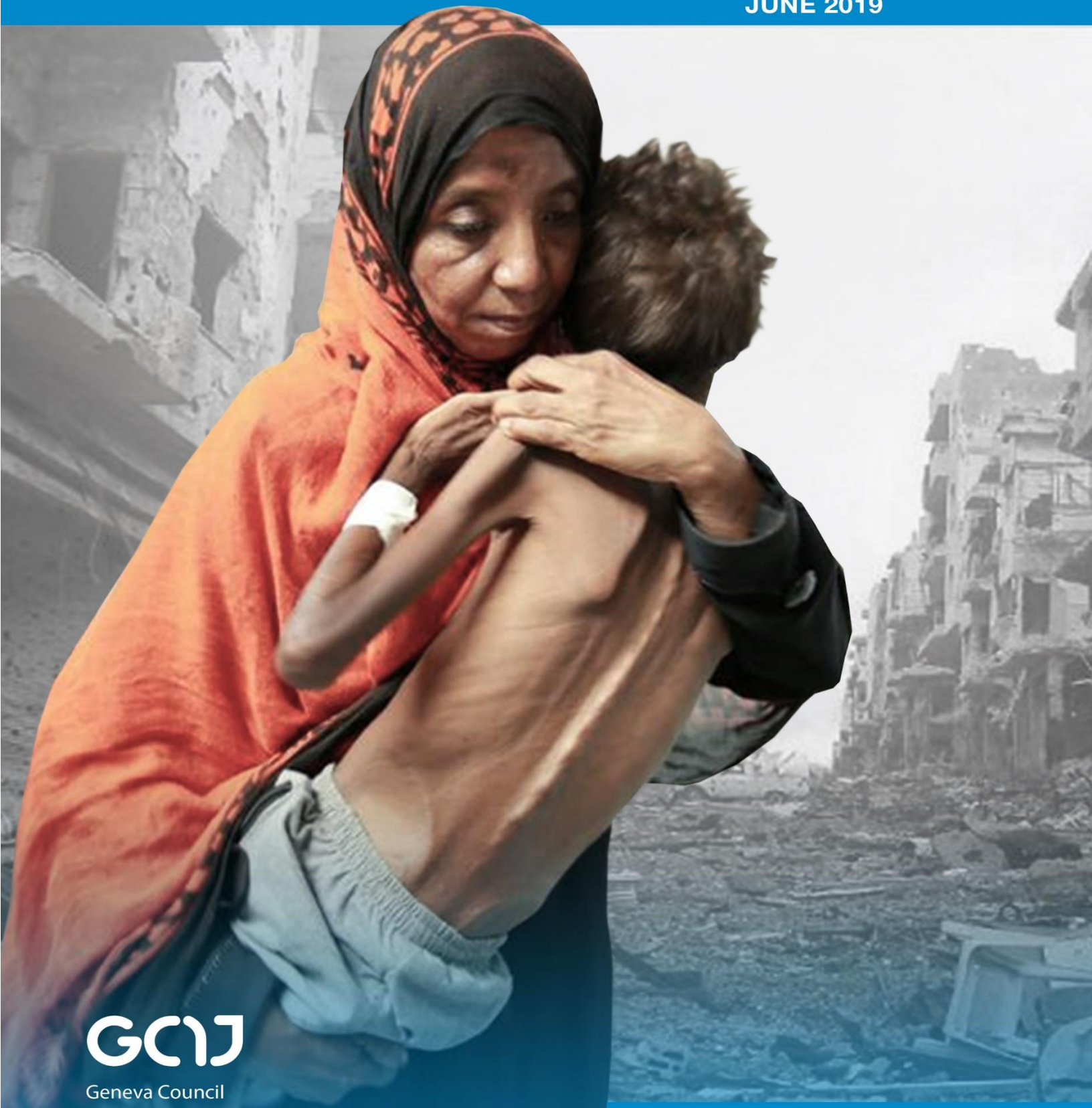
YEMEN: HOW DARE YOU?

JUNE 2019



Geneva Council
For Rights & Liberties

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Abstract

Yemen: How Dare You?

Since the beginning of the Yemeni revolution (Intifada) in 2011, this poorest state in the Middle East undergoes constant political crisis along with simultaneous armed hostilities between various state and non-state actors. Moreover, Saudi Arabia, leading a Western-backed Sunni Muslim coalition, militarily intervened in 2015 after the Houthis ousted the government of Abd-Rabbu Mansour Hadi from power. United Nations describes the humanitarian crisis in Yemen as the worst in the world.

This report gives general overview of the situation in Yemen with detailed analysis of grave breaches of international law, makes an evaluation of the international response to the crises through United Nations and suggests recommendations.

Yemen conflict [BBC]

The situation in Yemen should be referred to the International Criminal Court

The first chapter gives a general overview of Yemen and political developments preceding the beginning of an armed conflict. The second chapter focuses on Saudi-led intervention and indirect participation of UN-member states in the armed hostilities. The third chapter analyses gross and systematic human rights violations taking place in Yemen and concludes that they amount to the international crimes against humanity and war crimes. Furthermore, the fifth chapter evaluates the international response to crisis by the United Nations and finds it as unsatisfactory and inefficient. Finally, Geneva Council for Rights and Liberties makes recommendations to the Yemeni government, United Nations and international community.

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1. GENERAL OVERVIEW

The Republic of Yemen is the second-largest country on the Arabian Peninsula and the poorest in the Middle East. It borders with Saudi Arabia to the north, the Red Sea to the west, the Gulf of Aden and Arabian Sea to the south, and Oman to the east-northeast. Yemen's constitutionally stated capital is the city of Sana'a, the city is under rebel control since February 2015. Therefore, Yemen's capital was temporarily relocated to the port city Aden. The Zaydi Mutawakkilite Kingdom of Yemen was established after World War I in North Yemen before the creation of the Yemen Arab Republic in 1962. South Yemen remained a British protectorate known as the Aden Protectorate until 1967. The two Yemeni states united to form the modern republic of Yemen in 1990.

According to the Constitution, the executive branch includes the President elected by direct, popular vote for a seven-year term; the vice-president, prime minister, deputy prime ministers and council of ministers appointed by the President. The is appointed by the President on the advice of the prime minister. The legislator is the Assembly of Representatives (Majlis al-Nuwaab) that consists of 301 members elected for a six-year term and since May 1997, includes Consultative Council of 59 members, sometimes referred to as the upper house of Parliament. The Quran is the base of the legal system and therefore laws should not contradict it and most of the judges are religious scholars but also legal authorities. However, the Supreme Court based in Sanaá and commercial courts are separate.

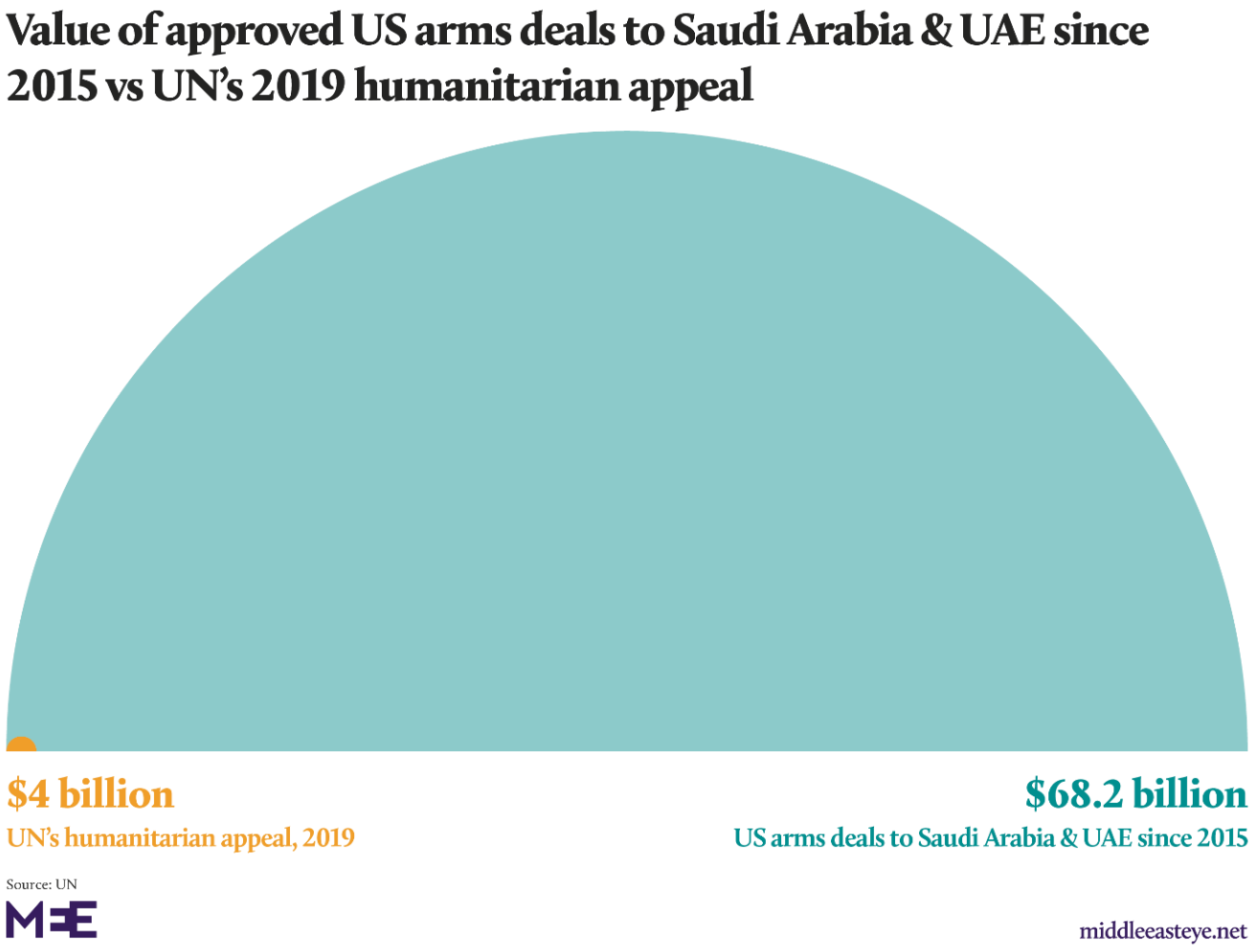
For more than a decade, Yemen is in constant political crisis along with simultaneous armed hostilities between various state and non-state actors. The President of North Yemen until the unification with South Yemen in 1990, Ali Abdullah Saleh has won the presidential elections in the united Yemen in September 2006. The security situation was tense in Yemen with suicide bomb attacks against police, government officials, diplomats, foreign businesses and tourists in 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 goal to overthrow government and implement Shia religious law, resulted in death and displacement of thousands of people and reached ceasefire in 2010.

The Arab spring mass protests in 2011 included the Yemeni revolution (Intifada). Initially, the uprising was against corruption, dire economic conditions, unemployment and against the government's proposals to modify the constitution which would lead to Saleh's could inheriting the presidency. In March 2011, hundreds of people were killed by police firing at the prodemocracy camp and army troops clashes with tribal fighters in Sana'a. In November 2011, Saleh 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 ending his 33-years rule. The 2012 Presidential election put Hadi to be an interim president for the period of 2 years.

The Shia insurgency grew stronger with Hadi in power, the anti-government force under the leadership of Abdul-Malik al-Houthi pressured for unity government but then refused to participate. The shelling the president's private residence and placing him under house arrest by the Houtis resulted in his and the government's mass resignation 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 conflict is between Sana'a-based Houthi forces allied with forces loyal to the former president Ali Abdullah Saleh and the forces loyal to the government of Abdrabbuh Mansur Hadi, based in Aden.

2. SAUDI MILITARY INTERVENTION

The transition process after the coup d'état of 2015 in Yemen prompted the fully-fledged civil war that continues to these days. The armed conflict further fuels sectarian divide in the region and destabilises war-torn Middle East. The Houthi forces allied with the former president Saleh are fighting the forces loyal to the government of Hadi. The internal struggle for power in Yemen attracted the involvement of regional and international actors in the armed conflict. On 26 March of 2015, Saudi Arabia in coalition with the United Arab Emirates (UAE), Kuwait, Qatar, Bahrain, Jordan, Morocco, Sudan, Egypt and Pakistan, began the operation al-Hazm storm against the Shi'a Houthis. The Saudi-led coalition in support to the President Hadi conducts a multinational military intervention against Houthis.



The indirect involvement of UN members in combat from one side and contributions to the humanitarian aid on the other side is a despicable hypocrisy. The French, British and American governments are complicit in the Yemeni war. They provide financial and military support to coalition thus further fuelling hostilities, which lead to the death and starvation of millions. For example, "the United States has struck at least $68.2bn worth of deals for firearms, bombs, weapons systems, and military training with Saudi Arabia and the United Arab Emirates since the start of their war in Yemen – billions more

than previously reported – according to data collected by an American think tank."[1] At the same time, these governments make generous contributions to humanitarian assistance. During the high-level pledging event for the humanitarian crisis in Yemen held in February this year, UK pledged US$ 261 million, US – around 24 million and France -10 million[2].

Moreover, Geneva Council for Rights and Liberties calls on Spain to cancel its recent decision to continue selling arms to Saudi Arabia despite widespread international crimes committed by Riyadh. Last September, Spainish defence ministry announced the cancellation of 9.2 million euro deal to sell Saudi Arabia 400 laser-guided bombs due to earlier diplomatic crisis between Madrid and Riyadh.[3] However, the Council confirmed the delivery of the controversial arms shipment to Saudi Arabia that constitutes violation of UN resolutions and provisions of the international law. Furthermore, the Spanish government concluded 1.8 billion euros worthy deal through General Shipyards Company (Navantia) to sell Saudi Arabia five battleships. It should be stressed that the economic considerations of Spain and other states is not acceptable excuse for being partner in crime by participating directly or indirectly in the atrocity crimes committed in Yemen.

The Council expresses disappointment with the recent developments in arms trade policies implemented by Switzerland. Last November, the Council welcomed the decision of the Swiss Federal Council to stop arms exports to Saudi Arabia. In 2017, Switzerland sold war materials to Saudi Arabia worth 4.8 million Swiss francs, making Riyadh the best customer for the Swiss arms industry.[4] The trade between Switzerland and Saudi Arabia was estimated at 2.250 billion USD per year. However, it is considered that the Swiss Senate's rejection of two proposals calling for a stricter framework for the export of arms and war materiel, including to those involved in the war against Yemen, as a step backword. Geneva Council regrets that Switzerland prioritised economic interests over legal and moral obligations to prevent use of Swiss weapons by the perpetrators of mass atrocities. The above-mentioned states should follow the example of numerous European states that discontinued arms sales to Saudi Arabia, including Germany, the Netherlands and Austria following the calls of the European Parliament for a unified EU position.

[1] *"Revealed: The full extent of US arms deals with Saudi Arabia and UAE"*, Franck Andrews, 4 April 2019 at https://www.middleeasteye.net/news/revealed-full-extent-us-arms-deals-saudi-arabia-and-uae

[2] High-level pledging event for the humanitarian crisis in Yemen, OCHA 26 February 2019 at https://www.unocha.org/sites/unocha/files/Yemen-HLE-PledgeResults.pdf

[3] *"GCRL Deplores Spain's Decision Selling Arms To Saudi Arabia Despite Crimes In Yemen"*, GCRL, date http://genevacouncil.com/en/2018/09/13/gchrj-deplores-spains-decision-selling-arms-to-saudi-arabia-despite-crimes-in-yemen/

[4] *"GCRL Welcomes Switzerland-Saudi Arabia Arms Halt Calling Same EU Countries Act"*, GCRL, 2 November 2018 at http://genevacouncil.com/en/2018/11/02/gchrj-welcomes-switzerland-saudi-arabia-arms-halt-calling-same-eu-countries-act/

- **INDISCRIMINATE KILLINGS**
- **ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS**
- **STARVATION AS METHOD OF WARFARE**
- **USE OF HUMAN SHIELDS AND CHILD SOLDIERS**
- **USE OF BANNED WEAPONS, INCLUDING LANDMINES AND CLUSTER MUNITIONS**
- **SIEGES AND BLOCKADES**
- **ARBITRARY DEPRIVATION OF LIBERTY**
- **TORTURE AND ILL-TREATMENT**
- **ENFORCED DISAPPEARANCE**
- **SEXUAL AND GENDER-BASED VIOLENCE**
- **FORCED DISPLACEMENT AND EVICTION**
- **BLOCKING AND IMPEDING HUMANITARIAN ACCESS**
- **HAMPERRED ACCESS TO HEALTH CARE**
- **ATTACKS ON OBJECTS BENEFITING FROM SPECIAL PROTECTION**
- **IMPUNITY**

3. GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS

International legal framework

Yemen has ratified seven out of nine core international human rights treaties[5] and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. Yemen is a party to 1949 Geneva Conventions, including Additional Protocols I and II, and to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

However, the Yemeni government should take steps for becoming party to the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Moreover, Yemen accepted individual complaints procedure only provided under the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Grave violations of international law

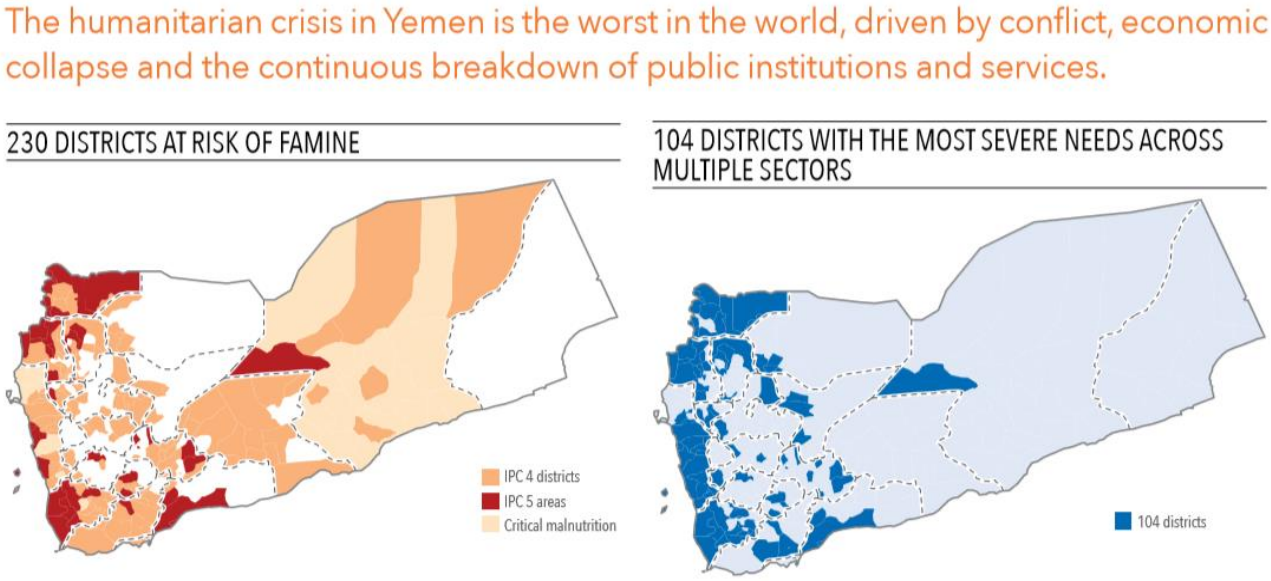
Yemen has legal obligation to respect, protect and fulfil human rights of those within its jurisdiction in compliance with minimum standards sets forth by the afore-mentioned conventions and ensure compliance of its armed forces with the provisions of the Geneva conventions. All parties to the conflict in Yemen, including members of the coalition

[5] See Annex 1 for details.

forces, are obliged to respect the applicable rules of international humanitarian law, including the principles of precaution, distinction and proportionality. Moreover, international customary law obliges non-State actors governing territory with de facto control to respect human rights of the individuals under their control.

However, grave violations of the provisions of 1948 Geneva Conventions by armed groups, Houthis and the Saud-led armed forces fulfil the elements of crimes against humanity and war crimes as defined by the Rome Statute of the International Criminal Court. All parties to the conflict in Yemen are well-aware of widespread and systematic attack. Geneva Council for Rights and Liberties receives credible reports of indiscriminate killings, attacks on civilians and civilian objects, starvation as warfare method, use of child soldiers and banned weapons, including landmines and cluster munitions, sieges and blockades, arbitrary deprivation of liberty, torture and enforced disappearance, sexual and gender-based violence, forced displacement and eviction, blocking and impeding humanitarian access, attacks on objects benefiting from special protection.

Described by the UN as the worst humanitarian crisis in the world affected 80% of the Yemeni population. During the past four years of intense conflict between Government forces and Houthi rebels have left tens of thousands dead or injured including at least 17,700 civilians[6], UNHCR estimates 3,3 million displaced persons and the UN Office for Coordination of Humanitarian Affairs emphasises that 24 million people require humanitarian and protection assistance, including 14,3 million in acute need.



Yemen HRP 2019, UN OCHA

Geneva Council for Rights and Liberties strongly condemns targeted attacks on civilians, their livelihoods and other civilian objects. In September 2018, the Council reported on eighteen fishermen killed in the Red sea as a result of bombing by Saudi-coalition allied warship in the coastal Yemeni

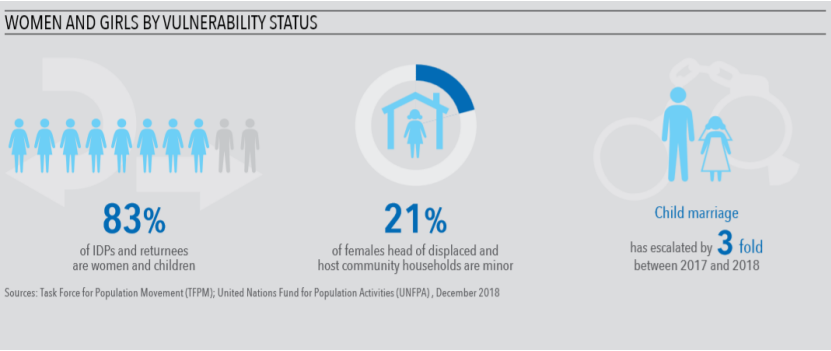
[6] *"Humanitarian crisis in Yemen remains the worst in the world, warns UN"*, 14 February 2019 at https://news.un.org/en/story/2019/02/1032811

province of Hodeidah.[7] We insist that this incident constitutes war crime and violates the prohibition of international law to target civilians and their livelihood. Saudi-coalition undertakes extensive military operation aimed at taking control of Hodeida of Ansar Allah (Houthis) by supporting Yemeni forces to move towards the city. Massacres are committed in Hodeidah by the coalition without any concern for high human cost.

On its fifth year with no end on sight, the war in Yemen disproportionally affects women and children, especially given hampered humanitarian assistance and restricted access to health care. Women and girls face deep-rooted discrimination and abuses, including forced and early marriage, domestic and sexual violence. In April, GCRL was informed about raids and massacre committed by the Saudi-led Coalition forces near a primary school in the Yemeni capital Sanaa, during which 13 civilians were killed and 100 persons wounded, mostly girls. Furthermore, GCRL received reports on coalition air strikes launched on a bus carrying children in Saada governorate in northern Yemen, killing 51 people, including 40 children.[8]

Moreover, the Council is deeply concerned by the increasing number of children killed and maimed as a result of recruitment to armed forces and participation in combat. The United Nations verified 842 cases of the recruitment and use of boys as young as 11 years old. Among those cases, 534 (nearly two thirds) were attributed to the Houthis, 142 cases to the Security Belt Forces and 105 to the Yemeni Armed Forces, marking a substantial increase compared to 2016, with the majority of children aged between 15 and 17. Other parties included pro-government Popular Resistance (50) and Al-Qaida in the Arabian Peninsula.[9] In 2014, the action plan to end and prevent the recruitment and use of children by the Yemeni Armed Forces was signed but up to date remains dead letter on paper.

Yemen HNO 2019, UN OCHA



Widespread displacement, poverty, indiscriminate violence and collapsed criminal justice makes the numbers of victims of all forms of sexual violence, including increased risk of re-victimisation. Women, children and men in Yemen are left without any chance for protection and remedy. Victims and witnesses described to the Panel of Experts widespread and persistent aggressive behaviour of the security forces and individuals from United Arab Emirates, included sexual violence.

Credible reports state that systematic deprivation of liberty, torture and enforced disappearance take place everywhere in Yemen. Investigations by the Group of Experts confirm that "in most cases,

[7] *"GCRL Condemns Killing 18 Yemeni Fishermen by Arab Coalition In Hodeidah"*, GCRL, 19 September 2018 at http://genevacouncil.com/en/2018/09/19/gchrj-condemns-killing-18-yemeni-fishermen-by-arab-coalition-in-hodeidah/

[8] *"Yemen: Demand of international accountability for war crimes committed by the Saudi-UAE coalition against civilians"*, GCRL, 19 April 2019 at http://genevacouncil.com/en/2019/04/10/yemen-demand-of-international-accountability-for-war-crimes-committed-by-the-saudi-uae-coalition-against-civilians/

[9] *"Children and armed conflict"*, Report of the UN Secretary-General, A/72/865–S/2018/465, 16 May 2018.

detainees were not informed of the reasons for their arrest, were not charged, were denied access to lawyers or a judge and were held incommunicado for prolonged or indefinite periods. Some remain missing."[10] In January, Geneva Council called on Saudi Arabia to stop systematic and widespread torture against Yemeni detainees in the prison run by Riyadh in the Yemeni city of Hadramout. The Council received testimonies and statements that the detainees are subjected to dreadful physical and psychological torture, cruel and humiliating treatment in so called "the mud prison".[11] In most cases detainees have not been informed neither why not for what there are being held in custody. They face prolonged isolated detention without being brought before the court and denied fair treatment, access to lawyers and to their families. Moreover, it is confirmed that some of the detainees have disappeared.

The warring parties blinded by their short-term war aims ignore that the Yemeni population faces dangerous levels of famine in addition to the largest outbreak of cholera in recent history. The severe naval and air restrictions coupled with a total blockade on all the borders of Yemen imposed by the Coalition since March 2015 in violation of international humanitarian law is considered killing the population with starvation. For the first time, the Integrated Food Security Phase Classification (IPC) has confirmed pockets of catastrophic hunger in some locations, with 238,000 people affected: estimated 7.4 million people require services to treat or prevent malnutrition, including 3.2 million people who require treatment for acute malnutrition – 2 million children under 5 and more than one million pregnant and lactating women.[12] Article 54(1) of the 1977 Additional Protocol I provides that *"starvation of civilians as a method of warfare is prohibited."*

The danger of famine is reaching millions of Yemenis. The Arab-led coalition has closed most of the ports in Yemen, allowing the crossing of supplies to "Hadedah" port only in coordination with the United Nations.[13] The clashes near Hadidah port cut 600,000 Yemenis off lifeline of, half of them are children, whose life depends on the humanitarian aid coming through this harbour. The Council notes that around 70% of food supplies in Yemen are brought in through this port, including most of the humanitarian aid and fuel. These days, around two-thirds of country's population of 27 million depends on humanitarian assistance and 8.4 million persons are already at risk of a famine. The Geneva Council for Rights and Liberties continues its call for free flow of food items, fuel, humanitarian and commercial aids to people in dire need in Yemen.

Geneva Council for Rights and Liberties continues its advocacy campaign calling Saudi-led coalition to eliminate blockages of humanitarian assistance. GCRL has launched an international appeal to rescue civilians in Yemen's Duraihmi district from suffering a humanitarian disaster caused by expanded restrictions imposed by the Saudi-led coalition on humanitarian aid and commodities. Al-Duraihmi district in the southern province of Hodeidah is a stark example of the consequences suffered by more than seven thousand civilians as result of siege imposed by the coalition. Families in this area live under

[10] *Situation of human rights in Yemen, including violations and abuses since September 2014,* A/HRC/39/43, 17 August 2018.
[11] *"Yemen: Saudi Arabia Must Stop Torturing Detainees",* GCRL, 16 January 2019 at http://genevacouncil.com/en/2019/01/16/yemen-saudi-arabia-must-stop-torturing-detainees/

[12] 2019 Humanitarian Needs Assessment overview, OCHA, December 2018
[13] "*Geneva Council For Rights and Liberties warns: Escalation of Fighting In "Hadeda" (Yemen) is Dangerous",* GCRL, 9 July 2018 at http://genevacouncil.com/en/2018/07/09/geneva-council-for-human-rights-and-justice-warns-escalating-fighting-in-hadeda-yemen-is-dangerous/

the threat of death, spread of diseases and epidemics due to food shortages, lack of fuel and medication. [14]

4. ACCOUNTABILITY

The government of Yemen bear the primary legal responsibility for addressing afore-mentioned violations and crimes and should ensure to carry out the duty to protect persons under its jurisdiction. Moreover, the parties to the conflict, including coalition members are responsible to investigate and prosecute violations that amount to crimes by their nationals and armed forces. It is paramount to conduct transparent, independent, impartial and effective gender-sensitive investigations of all violations and crimes in accordance with international standards. The accountability for the perpetrators and justice for the victims ensures the realization of the rights to truth and adequate, effective and prompt reparation, and guarantees of non-recurrence. Moreover, it contributes to the fight against impunity, the reinstatement of the rule of law and reconciliation.

In September 2015, the Yemeni government established the National Commission to Investigate Alleged Violations of Human Rights. However, Geneva Council for Rights and Liberties expresses regret that it has failed to conduct prompt, impartial and effective investigations in compliance with international standards into alleged widespread human rights violations by all perpetrators. In 2016, the Saudi Arabia-led coalition established the Joint Incidents Assessment Team to investigate allegations of unlawful coalition attacks. The Council doubts its impartiality and credibility, its findings and recommendations are insufficient, the implementation mechanism is absent.

In 2017, the UN Human Rights Council called on the High Commissioner for Human Rights to establish a group of international and regional experts to monitor and report on the situation of human rights in Yemen and carry out a comprehensive examination of all alleged violations and abuses since September 2014. We are convinced that this is the first step towards justice for victims of human rights abuses and grave violations of international law. In its mid-term report, the UN Panel of Experts on Yemen expressed concern that member states of the coalition were expressly shielding themselves from accountability and individual responsibility by hiding behind the umbrella of the coalition.

5. INTERNATIONAL COMMUNITY'S RESPONSE THROUGH UNITED NATIONS

United Nations General Assembly adopted zero number of resolutions in regard to the situation in Yemen. The Human Rights Council has issued numerous press statements to express serious concerns at the deteriorating situation, calls for the implementation of unconditional humanitarian pause by all parties. Tthe Council numerously condemned and called parties for particular action and cessation of hostilities. For example, in June of 2011, the Council issued the first press statement expressing grave concern at the deteriorating situation and welcomed the mediation efforts by the Gulf Cooperation Council; in March 2015, it has condemned the Houthi's unilateral actions and reaffirmed its readiness to take further measures. The Council has adopted several presidential statements and regularly received briefings from the head of UN OCHA and the UN Secretary-General's Special Envoy to Yemen.

In 2015, the UN Human Rights Council resolution requested the High Commissioner for Human Rights to provide Yemen with technical assistance in the field of human rights and to assist the national commission of inquiry. The Panel of Experts that monitors compliance with the 1737 Iran sanctions regime also was involved, particularly to

[14] *"Yemen: An international call for the rescue of civilians in al-Duraihmi district trapped under the siege by Saudi Arabia-led coalition"*, GCRL, 21 April, 2019 at http://genevacouncil.com/en/2019/04/21/yemen-an-international-call-for-the-rescue-of-civilians-in-al-duraihmi-district-trapped-under-the-siege-by-saudi-arabia-led-coalition/

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, concern over the activities of Al-Qaida in the Arabian Peninsula and the need for humanitarian assistance. Upon HRC request, the High Commissioner on Human Rights appointed group of eminent international and regional experts with knowledge on human rights law and the context of Yemen in December 2017 for a period of at least one year with the mandate to monitor, report on human rights situation and make recommendations. In January 2019, the UN Mission to support the Hodeidah Agreement (UNMHA) was deployed for an initial period of six months.

Political solution

The various actions of the UN Security Council have failed to bring the parties to a sustainable political solution and cessation of the internal armed conflict 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 consensus solution regarding the political impasse and decided on the 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. Since the establishment of the Office of the Special Envoy in 2012, the United Nations has provided support for the Yemeni-led political transition process and has promoted inclusive participation, including of previously marginalized groups, such as women, youth, the Houthis and Southern Hirak.[15] In June 2016, he presented a roadmap that provides for the implementation of resolution 2216 and the establishment of a national unity government, but that the sides were divided over the "sequencing" of the steps in the roadmap. Since then the peace process stalled until the break-through Stockholm agreement negotiated by UN Special Envoy for Yemen Martin Griffiths in December 2018. The warring parties agreed on three provisions: a ceasefire along the Hodeidah front and the redeployment of armed forces out of the city and its port; an agreement on prisoner exchange; and a statement of understanding on the Yemeni city of Taiz. The Stockholm peace talks gave a glimmer of hope to civilian population of Yemen. However, Geneva Council for Rights and Liberties considers that it has not yet translated into tangible improvements.

Head of the Houthi delegation Mohammed Abdul-Salam (R),Yemeni FM Khaled al-Yaman (L) and UN SG Antonio Guterres, seen at the end of peace talks in Stockholm on December 13, 2018 [Reuters]

Protection of civilians

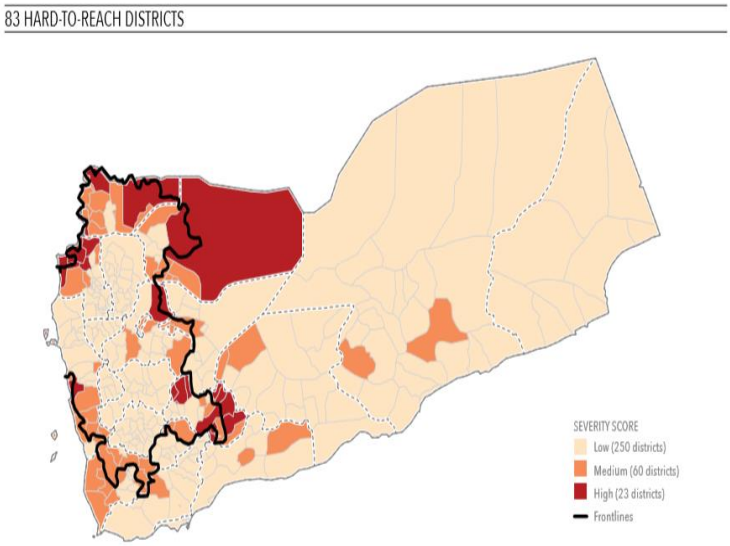
The work of the UN staff on the ground is beyond discussion and their efforts are greatly appreciated and valued. However, the measures undertaken by the international community through the United Nations decision-making

[15] UN Department of Political and Peacebuilding Affairs: Yemen at https://dppa.un.org/en/yemen

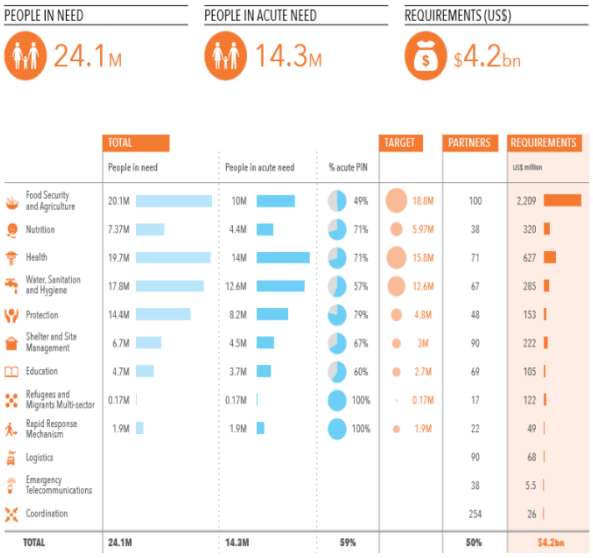
bodies to address widespread and massive violations of international humanitarian law and international human rights law perpetrated in Yemen for more than a decade are widely ineffective. In 2018, the Protection cluster of the Yemen Humanitarian Response Team reached 4,8 people of targeted vulnerable groups out of total 14,4 million persons, including 8,2 million people on acute need of protection.[16] The Council considers that the international actions on the ground as insufficient to ensure the protection of populations and civilian infrastructure which is a fundamental principle of international humanitarian law.

Humanitarian access

In terms of humanitarian access and assistance, the overall picture of the impact is disappointing. The UN calls for humanitarian pause, which is defined as "cessation of hostilities negotiated purely for humanitarian purposes", were often neglected by the UN members. For example, in May of 2015, Saudi Arabia did not recognize the truce and the Saudi-led coalition of Arab states continued air strikes against the Iranian-allied Houthi rebel movement and army forces loyal to former Yemeni president Ali Abdullah Saleh. The humanitarian pause allows civilians trapped in zones of conflict either to flee or access assistance as well as humanitarian aid workers to provide basics as food, water and medicines. Under international humanitarian law, all parties have responsibility to ensure humanitarian access and safety of humanitarian staff.



Yemen HRP 2019, UN OCHA



Yemen HRP 2019, UN OCHA

International contributions to humanitarian response

In 2019, only 62% of the humanitarian appeal for response to Yemeni crisis of 2,62 billion USD is funded out of total 4,2 billion required. The main contributors are Saudi Arabia, United Arab Emirates, YK, Kuwait and European Commission. The humanitarian aid is distributed through cluster system of humanitarian response. UNSC regularly encourages the member states to provide contributions to humanitarian response in Yemen. It is ironic, that the states waging war make generous donations for humanitarian assistance. Moreover, if to compare to the military expenses of the UN member states involved in the armed conflict of Yemen, the picture will become even darker. Assessing the impact on provision of assistance and protection to vulnerable groups affected by the crisis in Yemen does not reach the satisfactory level.

[16] Yemen Humanitarian Response Plan 2019, UN OCHA.

6. RECOMMENDATIONS

- Parties to the conflict must allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need, in particular survival items;
- Parties to conflict should ensure compliance with international humanitarian law, particularly on protection of civilian objects and civilians;
- Yemen should ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and accept the jurisdiction of treaty-based mechanisms to consider individual complaints;
- Yemen should establish an independent and competent mechanism to ensure the identification, release, recovery and reintegration of all children, including girls, who have been recruited or used in hostilities by all parties to the conflict;
- The ongoing recruitment and use of children by all parties to armed conflict should stop immediately and all children released from their ranks; released children should be provided with rehabilitation and re-integration programs;
- As the current chair of the United Nations Security Council and the G7, France has responsibility to take lead to find political solution to conflict in Yemen, must fully support peace efforts, firmly recall that it is unacceptable to target civilians, and stop its arms sales to the countries involved in armed conflict;
- It is urgent for political decision-makers to take responsibility and put pressure on the coalition members and it is imperative that France calls into question its arms sales to Saudi Arabia and the United Arab Emirates in order to put an end to this unacceptable humanitarian crisis;
- Parties to conflict should conform with Stockholm accord, hold meaningful peaceful negotiations and take constructive measures to end hostilities. We urge the Saudi-led coalition, its international supporters, and Ansar Allah, to stop attacks on civilians. Instead, they should devote all their efforts to implementing the Hodeidah ceasefire and the Stockholm Agreement. They must return to the negotiating table, extend the cease-fire to all of Yemen and put an end to the suffering of Yemeni civilians;
- We call on UN states to follow the recommendations of the UN Panel of Eminent Experts on Yemen, which in its August 2018 report called on the international community to "refrain from providing weapons that could to be used in the conflict in Yemen. UN member states should stop supplying the countries of the coalition, especially given that it is proven that these countries commit violations of international humanitarian law;
- Human Rights Council should urgently endorse an international independent investigation into alleged crimes against humanity and war crimes in Yemen;
- The situation in Yemen should be referred to the International Criminal Court;
- UN member states should comply with and fully implement the UNSC resolutions;
- UN member states should increase contributions to humanitarian response;
- Wealthy countries should scale up resettlement and humanitarian admissions programmes;
- Donors should fully fund the response and support international aid agencies to build the capacity of Yemeni NGOs.

ANNEXES

Annex 1: International human rights obligations (source: UN OHCHR)

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT		05 Nov 1991 (a)
Optional Protocol of the Convention against Torture	CAT-OP		
International Covenant on Civil and Political Rights	CCPR		09 Feb 1987 (a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	CCPR-OP2-DP		
Convention for the Protection of All Persons from Enforced Disappearance	CED		
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW		30 May 1984 (a)
International Convention on the Elimination of All Forms of Racial Discrimination	CERD		18 Oct 1972 (a)
International Covenant on Economic, Social and Cultural Rights	CESCR		09 Feb 1987 (a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	CMW		
Convention on the Rights of the Child	CRC	13 Feb 1990	01 May 1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC		02 Mar 2007 (a)

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC		15 Dec 2004 (a)
Convention on the Rights of Persons with Disabilities	CRPD	30 Mar 2007	26 Mar 2009

Annex 2: Key UN documents (source: Security Council Report)

Security Council Resolutions	
26 FEBRUARY 2019S/RES/2456	This resolution extended for an additional year the Yemen financial and travel ban sanctions, reaffirmed the provisions of the targeted arms embargo, and renewed the mandate of the committee's Panel of Experts.
16 JANUARY 2019S/RES/2452	This established the UN Mission to support the Hodeidah Agreement (UNMHA) for an initial period of six months.
21 DECEMBER 2018S/RES/2451	This resolution endorsed the agreements reached by the parties during the consultations held in Sweden, and authorised the Secretary-General to establish and deploy, for an initial period of 30 days an advance team to begin monitoring and facilitate implementation of the Stockholm Agreement.
26 FEBRUARY 2018S/RES/2402	This was a resolution extending the Yemen sanctions regime.
23 FEBRUARY 2017S/RES/2342	This resolution renewed the Yemen sanctions regime.
24 FEBRUARY 2016S/RES/2266	This was a resolution renewing the Yemen sanctions measures until 26 February 2017, and the mandate of the Panel of Experts until 27 March 2017.
14 APRIL 2015S/RES/2216	This resolution demanded the Houthis to withdraw from all seized areas and to relinquish all seized arms, and established an arms embargo on the Houthis and forces loyal to former president Ali Abdullah Saleh.

24 FEBRUARY 2015S/RES/2204	This was a resolution renewing the assets freeze and travel ban until 26 February 2016 and extending the mandate of the Panel of Experts until 25 March 2016.
15 FEBRUARY 2015S/RES/2201	This was a resolution that strongly deplored the Houthis' actions to dissolve parliament on 6 February and take over government institutions and urged the acceleration of negotiations to reach a consensus solution regarding the political impasse.
26 FEBRUARY 2014S/RES/2140	This resolution expressed the Council's strong support for the next steps of the political transition and established sanctions against those threatening the peace, security or stability of Yemen.
12 JUNE 2012S/RES/2051	This resolution focused on the second phase of the transition and expressed the Council's readiness to consider further measures, including under Article 41 of the Charter.
21 OCTOBER 2011S/RES/2014	This was the resolution endorsing the GCC initiative for a peaceful transition of power.
12 DECEMBER 1967S/RES/243	This resolution recommended Democratic Yemen (the People's Republic of Southern Yemen) for UN membership.
12 AUGUST 1947S/RES/29	This resolution recommended Pakistan and Yemen for UN membership.
Human Rights Council Documents	
17 AUGUST 2018A/HRC/39/43	This was the report of the High Commissioner for Human Rights containing the findings of the Group of Eminent International and Regional Experts on Yemen.
29 SEPTEMBER 2017A/HRC/RES/36/31	This resolution called on the High Commissioner for Human Rights to establish a group of international and regional experts to monitor and report on the situation of human rights in Yemen and carry out a comprehensive examination of all alleged violations and abuses since September 2014.
4 AUGUST 2016A/HRC/33/38	This was a report of the High Commissioner for Human Rights on Yemen, reiterating his previous recommendation for an international, independent body to investigate alleged violations in Yemen.
2 OCTOBER 2015A/HRC/RES/30/18	This Human Rights Council resolution requested the High Commissioner of Human Rights to provide Yemen technical

	assistance in the field of human rights and to assist a national commission of inquiry.
7 SEPTEMBER 2015A/HRC/30/31	This was a UN High Commissioner for Human Rights report on Yemen, which recommended establishing an international mechanism to investigate alleged human rights violations.
25 SEPTEMBER 2014A/HRC/RES/27/19	This was a resolution on technical assistance and capacity-building for Yemen in the field of human rights.
27 AUGUST 2014A/HRC/27/44	This was a report on the human rights situation in Yemen.
	This was the report of the working group of the Universal Periodic Review on Yemen.
11 MARCH 2014A/HRC/25/59	This was Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson.
25 JULY 2013A/HRC/24/34	This was the High Commissioner's fourth periodic report on the human rights situation in Yemen.
27 SEPTEMBER 2012A/HRC/RES/21/22	The was a Human Rights Council resolution on Yemen in which it called on all parties to release persons detained arbitrarily and to end any practice of unlawful detention of persons.
23 MARCH 2012A/HRC/RES/19/29	The Human Rights Council adopted a resolution calling upon the parties in Yemen to release persons arbitrarily detained by them and to end practices of unlawful detention.
7 DECEMBER 2011A/HRC/19/29	This was Human Rights Council resolution on Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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