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**Follow-up and implementation of the Vienna Declaration
and Programme of Action**

Written statement* submitted by Liberation, a non- governmental organization 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.

[03 September 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The United Nations and its adherence to the Vienna Declaration and Programme of Action in stemming the violation of the peremptory norm of the International Law “jus cogens”: the Case of South Yemen

In its Declaration and Programme of Action, the Vienna world conference in 1993 reaffirmed the solemn commitment of all States to fulfil their obligations in the promotion of all human rights, for all, in accordance with the Charter of the United Nations, international law and other international human rights instruments. It reaffirmed the United Nation's commitment to respect international law and International human rights instruments, and to prevent conflict with a peremptory norm of International Law and to respect the International Human Rights Instruments which includes the right to self-determination - accepted and recognised by the international community of states as a norm from which no derogation is permitted.

Based on the key facts already mentioned in the previous HRC documents: A/HRC/19/NGO/7, A/HRC/19/NGO/8, A/HRC/20/NGO/17, A/HRC/22/NGO/29 and A/HRC/23/NGO/72 in were stated the deteriorated human rights situation in the South, in particular reflect the failure of the concerned UN bodies including both, the UN Security Council, the UN Secretary-General and the UN Human Rights Council to adequately follow up the situation on the bases of the peremptory norm of the International Law “jus cogens” Liberations calls upon the Council to reconsider the root causes of the Crises, and to re-evaluate the UN adoption and its way of resolving the Southern issue within the other Northern issues through the national dialogue which has been breached the peremptory norms of international law, especially after these two UN member States in the south Arabian Peninsula, namely the Yemen Arab Republic and the Democratic Republic of Yemen were both internationally recognised and there was mutual recognition.

In accordance with Article 60 of the 1969 Convention, : " A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty...", President Ali Salem Albidh invoked the violation of the Agreement in 1994 and announced the re-establishment of the Democratic Republic of Yemen on 21 May 1994.

The Yemen Arab Republic breached the Agreement by failing to deliver the agreed transitional period as required in accordance with Article 60 of the 1969 Convention, followed by declaration of the war against the South. The Southern President Ali Salem Albidh invoked the violation of the Agreement in 1994 and announced the re-establishment of the Democratic Republic of Yemen on 21 May 1994.

Since 1994 the people of the South have suffered injustice and gross human rights violations, including, killings and arrests of thousands of peaceful demonstrators, including, the removal of hundreds of thousands of southern public servants, erosion of southern identity and their worldwide recognition by abolishing all southern institutions; destitution of the southern lands and transferring southern public sector institutions into private sector for the benefit of northern oligarchy.

Since 2007 the Southern people's distress has resulted in the daily organisation of peaceful demonstrations which multiplied and culminated into millions of peaceful protests.

During January 2013 a poll took place. Some 20,000 people voted in the South: 90.5% for the restoration of the Southern state, 6.24% for unity and 3.25% for a federal arrangement.

The failure of the UN, particularly the Security Council, the General Secretary, the Human Rights Council and the High Commissioner for Human Rights in preventing the violation

of the peremptory norm of the International Law “jus cogens” and in meeting their performance based on Vienna Declaration and Programme of Action has led to frustration and despair and could turn to the escalation of tension.

The hostility between Al-Qaida and the southern people has its roots since the 1994 war between South and North Yemen. In that war, President Saleh's coalition used jihadists returned from Afghanistan and geared up to the fight against southern people under the pretext of the elimination of the communists. After Sanàa's victory, the extremist fighters were allowed to control land and impose a version of Islamist rule on the secular south.

The Southern people in their nature reject terrorism and reaffirmed practically their refusal of violence and terrorism.

The effective measures for the eradication of terrorism in Yemen should not only be achieved by the elimination of Al-Qaida groups, but also by taking multidisciplinary measures and by eliminating the fertile environment that produces the base through, the development of programs which help in controlling religious institutions, reducing unemployment amongst young people and eradicating poverty, and by disseminating the values of tolerance and the rejection of hatred, intolerance, extremism and terrorism.

Currently, the terrorist groups have been used and guided by a variety of hidden sources and of conflicting parties vie for authority in the North, including, extremist religious leaders, warlords, some elements of the military. This hidden support that has been given to Al-Qaida and Ansar Al-Sharia aimed to put down Southern peaceful movement by raising instability in the southern areas to send a message to the world that the South has become a safe haven for terrorism in order to divert the international concern from sympathizing with Southern Issue.

For that reason, the eradication of all forms of terrorism, and the removal of the current root causes of the conflict between South and North Yemen, we call upon the UN Human Rights Council to consider both terrorism issue and the complicated situation between South and North and to adopt an effective resolution which could contains the following working paragraphs:

The UN Bodies should open the door for creating successful regional and international economic arrangements through the establishment of a new geopolitical reality and leading to foster peace security and stability in the region, promote human rights and maintain sustainable development could be only based on the following facts:

Therefore, the Council should take over their responsibility to overcome both the lack of early warning mechanisms and of preventive advocacy and diplomacy in order to avoid the imminent catastrophe which could threat the peace, security and stability in the region.

Given the foregoing, we urge the Council to take immediate and effective measures by considering the breach "jus cojenus", and by supporting peaceful negotiations between the North and South, and by delivering its responsibility to resolve the crisis by adopting an initiative with the following proposals:

- To appoint International Investigation Commission to investigate the human rights violations against Southerners including against the Southern Peaceful movement "Hirak".
- To designate a Special Rapporteur on terrorism to visit Yemen to report back to the Council on how to provide sustainable curriculum for schools, colleges and universities, mosques encouraging tolerance culture and counter-terrorism and how to mobilize communities to face terrorism elements, its culture and to fight it with all possible means.

- To urge the Security Council and the UN Secretary General, in accordance with resolutions 924 and 931 to set up a framework with a timescale for resuming the negotiation program between the representatives of the two former states which began in Geneva in July 1994 under the supervision and the presence of the representative of the UN Secretary General.
- To urge the UN Secretary-General to carry out effective measures and to provide a framework for the peaceful settlement of the conflict between South and North and to resume the Geneva negotiations between the two parties held under the UN guidance in accordance with the resolutions of UN Security Council 924 and number 931.
- To urge the GCC to set up a working group to deliver agreed geopolitical arrangements with a view to pave the way for admitting the two states into the membership of the GCC following the dissolution between the two states to ensure regional and international economic arrangements through the establishment of a new geopolitical reality which could lead to foster peace security and stability in the region, promote human rights and maintain sustainable development.
- Failed negotiations should lead to referendum as the only option to respect of the will of the people of the South and to respect their rights to self determination.

Thus, the Human Rights Council could effectively participate in the implementation of the principles of international human rights and humanitarian law, promoting human rights, insuring conflict prevention and post-conflict peace-building, eradicating terrorism, opening the door for the two newly states to recuperate and work together within the framework of the GCC, and promoting regional and international cooperation with a successful mutual interests with the whole world.
