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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Kham Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[07 February 2017]

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

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Targeting Civilian Yemenis: War Crimes against Humanity*

Introduction:

According to the current international humanitarian law and human rights law, serious human rights violations have been committed during the war in Yemen since its commencement in 2015. Some of which may constitute war crimes and crimes against humanity, whose perpetrators should be held accountable and brought to justice.

Background:

Thousands of civilians were killed since the launch of the military operations of the Saudi-led coalition in Yemen in March 2015. The airstrikes systematically targeted gatherings and residential neighbourhoods, including houses, public markets, and sites commemorating social and religious ceremonies. In addition, the targeting of infrastructure and public services as hospitals, schools, universities, electrical grids, telecommunication, roads and bridges networks, gas and oil stations, and other civilian facilities on which the residents depend on to cater to their basic needs.

Humanitarian Crisis:

The reports of the relevant United Nations bodies and organisations confirmed that the humanitarian situation in Yemen has continuously deteriorated; reaching a point that represents an unprecedented humanitarian crisis. According to these reports, the most critical human and social consequences of the coalition war and the economic blockade are reflected in the following:¹

The increased number of Yemenis who are in need of humanitarian assistance has reached 21.2 million Yemeni citizens. This means that around 82% of Yemeni residents are in need of food, shelter, health care, and drinking water; nearly half of them are children.

The number of Yemenis who lack food security has approximately reached 14.4 million. 7.6 million of which suffer from severe food poverty. These numbers indicate that more than half of Yemeni residents are now desperately in need of food provisions and assistances to help their livelihoods, as well as aids, relief materials, and other humanitarian aids. Until the middle of May 2016, 10 out of 22 Yemeni governorates suffered from severe food poverty, and hundreds of thousands families could not find enough food to provide a healthy life.²

Around 1.8 million children suffer from malnutrition, and there are 320 thousand children under the age of five who suffer from severe acute malnutrition.

The number of displaced has increased 6 times during one year (March 2015 – March 2016) to reach 2.8 million persons, 41% of which are children; i.e. among every 10 Yemenis there is 1 displaced person. 28% of those are internally displaced in 5 governorates. The large displacement wave that Yemen witnessed left disastrous humanitarian situations. A large mass exodus of ten thousands of families who left their houses seeking for security was recorded. Those families faced hard living conditions in the absence of the basic services to having a shelter, in addition to the failure of the relevant international organisations and the competent official bodies to fulfil their obligations.

The complete collapse of the health system exacerbated the deterioration of the humanitarian conditions. 15.2 million persons lack access to basic healthcare and treatment due to partial or complete disruption of the healthcare facilities resulted from air and missile bombardment. More than 70% of healthcare facilities have stopped working, while basic capabilities and components of other facilities are severely limited. Health conditions of many Yemenis have

¹ FAO, Yemen SITUATION REPORT, 9 May 2016,

FAO; The Market Monitor April 2016,

OCHA, Humanitarian Bulletin Yemen, Issue 9, 1 March 2016,

OCHA, Humanitarian Bulletin Yemen, Issue 10, 4 April 2016,

OCHA, Humanitarian Bulletin Yemen, Issue 11, 8 May 2016,

UNICEF, Yemen Humanitarian Situation Report, UNICEF YEMEN CRISIS SITUATION REPORT, April 2016.

² The World Bank said in a report issued on April 25, 2016 that: 21.2 million Yemenis or roughly 82 % of the population are in need of emergency humanitarian assistance; 14.4 million Yemenis are facing chronic food insecurity, which has increased by 35 % since the conflict began; and 19.3 million Yemenis are without safe drinking water or sanitation.

deteriorated due to shortage of supply and high prices of imported drugs, and local pharmaceutical factories have imposed restrictions on supply due to a lack of production incomes and restrictions on import from the coalition. This is in addition to the absence of electricity supply and fuel, as well as absence of medical and healthcare facilities' equipment.

International Charters:

All the international charters and norms emphasise on protecting civilians in an array of circumstances, including in armed conflicts, by forcing all parties to ensure the safety of civilian lives and security, as well as to provide them with the appropriate means to pursue their livelihoods, and not to compromise any services designed to ensure basic living standards.

The charters enshrined under international humanitarian law ensure achieving the necessary level of protection for civilian safety by criminalising targeting them in any way. They, also, considered acts that are among the more serious crimes, which would require the perpetrators to be judicially pursued. Moreover, the charters oblige the parties to assure that they would take all possible precautions that would provide protection for civilians and communities.³ According to Convention (IV) relative to the Protection of Civilians and Rome Statute, those practices that constitute the most serious types of violations are acts classified as war crimes, crimes against humanity, and genocides. On the other hand, the right to life is the considered the most important right set forth under human rights law and international humanitarian law, and this right should not be violated even in times of emergency or in international and non-international armed conflicts.

Using internationally banned weapons in attacking civilians:

Amnesty International said in its report issued on October 30, 2015 that the coalition forces appear to have used a variant of internationally banned weapons. It scientifically clarified that 2 types of cluster bombs which are used in the airstrikes that target the Yemeni cities, which are (BLU-97) and its tank bomb (CBU-97), and another more complicated one (CBU-105) which is a sensor fused weapon. The cluster bombs spread sub-munitions on a large diameter (the area of a football play-ground). Many of these sub-munitions fail to explode upon impact and continue to pose a risk to the lives of anyone who comes into contact with them for years. Amnesty confirmed that "Saudi Arabia-led coalition forces appear to have used a Brazilian variant of internationally banned cluster munitions on a residential neighbourhood in Ahma in Sa'da, northern Yemen wounding at least four people and leaving dangerous unexploded sub-munitions strewn around the surrounding farmland."

Amnesty International and Human Rights Watch⁴ assured that the coalition used the British made air-to-surface missile (PGM-500 "Hakim"). It revealed in an analysis that this kind of munitions that was found in a large number of sites, and the remnants of the same missile type were consistent with the deployment of an air-launched PGM-500 "Hakim"; according to the organisation's reports.

Recommendations:

- Stop all military operations in Yemen immediately, and lift the siege imposed on it.

³ Article 7 of Rome Statute:

For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(d) Deportation or forcible transfer of population;

2. For the purpose of paragraph 1:

(a) 'Attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) 'Extermination' includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

⁴ For more information, refer to the report of Amnesty International and Human Rights Watch on November 25, 2015, titled "Coalition Used UK Cruise Missile in Unlawful Airstrike"

- Form an independent international commission to investigate all crimes committed in Yemen due to coalition actions and ensure bringing those who committed serious crimes to international courts to be tried as war criminals, and ensure holding them accountable according to the relevant international measures, rules and procedures.
- Urge all specialised UN organisations, bodies, and agencies to follow-up and evaluate the situations of human rights through supporting The Office of the United Nations High Commissioner for Human Rights and encouraging it to monitor and document all the crimes and violations committed in Yemen.
- Call for all humanitarian international organisations, particularly the specialised UN organisations, bodies, and agencies offices to activate its humanitarian role and concentrate on its activities on the humanitarian crisis which the Yemenis suffer from.
- Urge local organisations in Yemen and the bodies concerned of monitoring and documenting the violations to quickly prepare the files relevant to the serious crimes against the civilians and file them to the international judiciary, bringing justice to the victims and holding the perpetrators of such crimes accountable.

*Bahrain forum for Human Rights, Gulf Institute for Democracy and Human Rights (GIDHR), NGOs without consultative status, also share the views expressed in this statement.