The Security Council & the Aggression on Yemen

(Airstrikes & Resolutions)

An analytical study of the attitude of the Security Council towards Yemen during the period (1947-2021) documenting violations of international law committed by the Security Council regarding its approach to the Yemeni situation and its threat to international system and international peace and security





Source: Yemen Center for Human Rights Taken by: Karim Zrai

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﴿ أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظُلِمُواْ وَإِنَّ ٱللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ ﴾ الله 39 الحج، الآية 39

In the name of Allah, the Beneficent, the Merciful

('Permission is given to those who are fought against because they have been wronged, and most surely Allah is well able to give them victory')

Surah Al-Hajj 22:39



المركز اليمني لحقوق الإنسان Yemen Center for Human Rights

Dedicated



To the martyrs and victims of this aggression and their families, as well as to the Yemeni people and their wise leadership and martyr president

Saleh Ali Al-Samad

A chosen-by-people president who was rejected by the Security Council & assassinated by America

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Abbreviations:

- The Center: Yemen Center for Human Rights
- The Supreme Political Council: It is the presidential Council whose establishment was approved by the Yemeni Parliament, and it was formed as a result of the political agreement between the Ansar Allah component, the General People's Congress, and their allies.
- The Government: The National Salvation Government headed by Dr. Abdulaziz bin Habtoor. (1)
- The Security Council / the Council: One of the most important organs of the United Nations and bears the main responsibility for maintaining international peace and security, and it has 15 members and each member has one vote, of which ten are non-permanent members, while five are permanent members who have the right to reject any decisions taken by the Council with the so-called 'veto'.
- The Panel of Experts / the Panel: The panel of experts assisting the Sanctions Committee formed in accordance with Resolution <u>2140</u>.
- The coalition of aggression: The countries participating militarily and logistically in the aggression against Yemen led by the Kingdom of Saudi Arabia and the United Arab Emirates, with the support and participation of the United States of America and the United Kingdom.
- Hadi: Abd Rabbo Mansour Hadi, who was appointed President of the Republic of Yemen based on the Gulf Initiative. His term according to the Gulf Initiative expired on February 20, 2014, and he submitted his resignation on January 22, 2015.
- The Hadi government: The government whose head, Khaled Bahah, submitted his resignation on January 22, 2015, prior to Hadi's resignation. Bahah was assigned to form a mini-government in Riyadh on April 12, 2015, after which several governments abroad were headed by personalities loyal to Hadi, all of whom supported the aggression against Yemen in March 2015. Although the heads of these governments and all their members reside outside the Republic of Yemen, the United Nations treats them as the legitimate government.
- <u>The Peace and National Partnership Agreement</u>: An agreement signed on September 21, 2014 between all parties and political and national components in Yemen.

⁽¹⁾ The government formed in the capital Sana'a pursuant to Supreme Presidential Council Resolution 56 (2016).





About Yemen Center for Human Rights:

Yemen Center for Human Rights is an independent civil rights organization established in 2009, an obtainer of the Honorary Shield of Pioneers of Humanitarian Work in 2016, and a participant in a number of international fora on human rights. Since the beginning of its establishment, the Center has focused on advocating, evaluating, and following up human rights issues; conducted many humanitarian and human rights activities; and organized a range of human rights and legal events aimed at promoting human rights work and programs aimed at raising awareness of the concepts of international humanitarian law and human rights issues, especially women and children rights issues.

Yemen Center for Human Rights was at the forefront in standing up against violations against Yemenis of all segments, and in the sensitive stages in which many remained silent, especially those that accompanied the Sa'dah wars and the popular protests in February 2011, and the revolution of September 21, 2014, until it assumed its full responsibilities from the first day of the aggression on March 26, 2015, when it led the human rights work at that time by contributing to the establishment and management of the civil coalition to monitor the crimes of aggression, and working on training field monitoring teams and participating in preparing the coalition's reports, the center independently prepared periodic and annual qualitative reports on the coalition's most serious crimes and its implementation of the civil damage survey project in the city of Sa'dah, in addition to its special interest in crimes that affected children in accordance with international legislation, through the center's contribution to the return of the girl Buthaina, and the follow-up to her arrival on Yemeni territory in peace, and the issuance of special reports for most of the crimes committed by the coalition of aggression against children, such as the Dhahyan Bus massacre, and the issuance of the first report of its kind in September 2020 on the crimes of aggression against Yemeni children during five years of war, entitled 'Childhood with Color of Blood and Smell of Death', which was launched in the presence of the Minister of Human Rights and many families of the victims, including children and their families..

Yemen Center launched the Legal Assistance Project, where it received many cases that the families of the victims of the aggression demand to file lawsuits against the coalition; the Center, having completed the files with the competent authorities at home and legal offices abroad, is currently in the process of raising these files. The Center also took the initiative to train and qualify judges and prosecutors on international humanitarian law and its use in cases brought in this context.

Summary:

This study is aimed at shedding light on the violations of the Security Council seen in its resolutions on the Yemeni situation during the period 1947-2021. It is worth mentioning that the admission of Yemen to membership of the UN in 1947 was followed by many wars and foreign aggressions against Yemen that took place from time to time. Even so, all resolutions by the UN and Security Council did little, if any, effort to provide real solutions to such wars that had one thing in common: the existence of foreign support for one of the parties to the conflict.

After a seven-decade period of no action on the part of the Security Council (a period that saw only four resolutions but tens of civil wars and foreign aggressions against Yemen), the same Security Council without any prior notice started, however, to weak up and show great concern for Yemen, as it has adopted 17 resolutions since the start of the Yemeni popular revolution in 2011 and until the time of writing this study in December 2021.

The Security Council has been inconsistent in its resolutions with the Charter of the UN and its resolutions that call for maintaining the sovereignty of states and not interfering in their internal affairs. It has also violated the Charter-identified powers given to the Security Council that limit its role to some cases that constitute a real threat to international peace and security and to cases that amount to the crime of aggression, a crime the Security Council, however, has encouraged to exist through the repressive measures it has been taking since the beginning of the aggression against Yemen on 26 March 2015. In doing so, the Security Council has turned Yemen's internal conflict that was taking place during a political gestation period with limited military confrontations into an international conflict in which tens of countries from various continents are involved, turning itself from a protector of international peace and security into a violator of international law.

The Security Council has involved itself in such violations to fulfil some of its member states and their Gulf allies' ambitions of having control over Yemen's natural capabilities and regional waters by taking advantage of the popular revolution and the political gestation in Yemen. And that is why it has sought to impose its illegal trusteeship over Yemen through four stages:

<u>Stage one:</u> This first stage paved the way for misleading the international community into believing that the situation in Yemen constituted a threat to international peace and security by introducing <u>Resolution 2014</u> (2011) and <u>Resolution 2051</u> (2012).

Stage two: The Security Council adopted Resolution 2140 (2014), claiming that the situation in Yemen constituted a threat to international peace and security in the region. Through that resolution, the Security Council was able to adopt more resolutions under Chapter VII that interfered in Yemen's internal affairs, even though it failed to present any single case that constituted a threat to international peace and security. Moreover, it reaffirmed in all its resolutions that the events in Yemen were an internal Yemeni affair that had never gone beyond





its geographical boundaries and that such events were political in nature and derived by the transition of power. What is more is that the resolution itself welcomed in an unprecedented way the positive political developments and the cooperation of all parties during that transitioning period!

As a result, Resolution 2140 is in total contrast with the UN system and international laws and norms, and clearly and deliberately violates the Charter of the UN and its purposes and resolutions that set out the laws for when Chapter VII is applicable to states and that prohibits interfering in their internal and external affairs as well as violating their sovereignty or expropriating the rights of their people to self-determination.

Stage three: The Security Council resorted to unexpected moves to circumvent the success achieved by the September 21st Revolution that took place in 2014 because it found itself unable to come up with any new resolution after Revolution Leader Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi, the leader of the Ansar Allah Movement, declared Sana'a to be under the control of the revolutionaries and after all political components in Yemen signed the Peace and National Partnership Agreement, an agreement the Security Council welcomed and called upon all parties to show compliance.

After the resignation of Abd Rabbo Mansour Hadi and Khaled Bahah followed by the declaration of the Supreme Revolutionary Committee as an interim authority tasked with administrating the affairs of the country to avoid any constitutional void until implementing all provisions of the Peace and National Partnership Agreement and carrying out presidential and parliamentary elections to transmit power to whomever elected, the Security Council and the Gulf Cooperation Council couldn't bear seeing the Yemenis succeed in their revolution and put an end to the foreign interference in the Yemeni decision-making process and to the continued efforts aimed at depriving them of their right to self-determination and to maintain the sovereignty of their own country. That period saw a constant stream of condemnation statements by the states of the Gulf Cooperation Council followed by Security Council Resolution 2201 (February 15, 2015). However, one month before the aggression, the Security Council adopted Resolution 2204 (February 24, 2015) at its 7390 session, a resolution that seemed to be generally encouraging and less worrying and denouncing than the previous resolutions, and refrained from calling for compliance with the GCC Initiative and its Implementation Mechanism, while voiced its support for the UN envoy in fostering the dialogue that was taking place under the Supreme Revolutionary Committee. In addition, that resolution didn't contain any condemnation against any acts of violence or terrorist activities simply because such acts and activities by Al-Qaida had disappeared along with acts of using force against demonstrators and using media to incite hatred among political rivals. Indeed, it was a period of peace where government institutions resumed their service-providing activities under a caretaker government, and all components came together to the negotiating table at the Movenpick Hotel, Sana'a Capital, under the supervision and auspices of the UN and through its envoy.

Stage four: The UN's efforts to impose its trusteeship on Yemen represented in encouraging the coalition countries to commit the crime of aggression against Yemen on 26 March 2015. That was the case despite the fact that Yemen's national and revolutionary components responded positively to the Security Council's requests stated in resolutions 2140, 2201, 2204. In addition, although the Saudi-led coalition launched hundreds of airstrikes on Yemeni governorates during the 40-day period of the strategic policy of self-restraint, the Security Council didn't take any move to fulfil its duty even by passing a resolution to condemn the aggression that was not met with any bullet, and to call for putting an end to it. Instead of doing so, it participated in the crime of aggression by committing two grave violations of the UN Charter and international humanitarian law:

The first violation: The Security Council ignored the crime of aggression being clearly carried out by the collation against Yemen and kept silent for twenty days in the face of hundreds of airstrikes on several Yemeni governorates by the coalition that targeted Yemen's infrastructure and civilian properties and led to the death and injury of 3362 civilians, of them 1037 killed, including 214 children and 184 women, and 2325 wounded, including 352 children and 485 women.

The second grave violation: The Security Council committed a grave violation against the Yemeni people and international costmary law when it adopted Resolution 2216 at its session 7426 on 14 April 2015. That resolution shocked the world and brought shame not only to the Council but also to the whole system of the UN, since it completely ignored the coalition's announcement of the aggression and its offensive operations against Yemen and completely turned a blind eye to hundreds of war crimes that claimed the lives of thousands and caused great loss of private and public property.

In an attempt to mislead the international community, the coalition announced on 21 April 2015 (six days after the Security Council adopted Resolution 2216) an end to Operation Decisive Storm in a statement by the spokesperson for the coalition. That announcement came after 26 days from the start of the military campaign, during which the Yemeni people exercised self-restraint and paved the way for the Security Council to fulfill its responsibilities. However, that Council didn't move a finger to stop the aggression even by releasing any statement of condemnation, which encouraged the coalition to continue its aggression against Yemen and announce in the same statement the start of a new campaign called 'Operation Restoring Hope' to renew its targeting against Yemen and its efforts to occupy Yemen's territories.

During the first forty-day period, the coalition kept launching air, sea, and land attacks against Yemen, leading to the death and injury of 5731, among them 4144 killed including 661 women and 585 children, and 1587 wounded including 250 women and 289 children.

That is why it was not surprising to see the Council adopting <u>Resolution 2564</u>, a resolution that was preceded by a seven-year period of silence on the part of the Security Council toward the aggression against Yemen that saw no single condemnation for any crime or





violation carried out by the coalition countries. Such a resolution, which was adopted on 25 February 2021, was an extraordinary, since the Security Council turned its back on its commitments to the inspirations of the Yemeni people—a commitment it used to reaffirm again and again in every preamble of the previous resolutions, in which it also used to reaffirm its commitment to the unity, sovereignty, independence, and territorial integrity of Yemen. In addition, it was the first time for the Security Council to condemn a party to the conflict that was provoked by the Saudi-led Coalition's aggression, which has been ongoing since 26 March 2015. However, such condemnation wasn't directed against the party responsible for targeting Yemen with missiles and bombs day and night and for using starvation as a weapon against the Yemeni people for seven years or against the party responsible for killing and kidnaping tens of male and female travelers between Mar'ib and Sana'a. The Security Council, however, expressed its strong condemnation for 'the ongoing escalation in Mar'ib, Yemen, including the Houthi operation on 7 February 2021, and the continuation of Houthi attacks on Saudi Arabia including on Abha International Airport, on 10 February 2021', and called for 'an immediate cessation of attacks without preconditions'.

The Security Council Expert Panel has no legal basis for its establishment because it was established based on Resolution 2140 that had no legal basis. However, we think it is important to show the validity of this argument by shedding light on the Security Council's own resolutions adopted during the 2014-2021 period. In spite of the fact that this panel has no legal basis to continue to exist and that its reports were biased in favor of the coalition and against the revolutionaries in Yemen and the Sana'a government, the panel failed to cover its bias because of the fact that it limited its investigations to a limited number of crimes for which the coalition couldn't deny its responsibility in the first place and that it turned its back on hundreds of massacres and thousands of crimes, even though such crimes were globally known crimes and documented by local and international human rights organizations and media outlets.

After conducting a legal and analytic study into the Expert Panel's reports, there has been clear evidence that Resolution 2140, along with those Security Council resolutions that followed that resolution up until October 2021, has no legal basis. The study found the following:

The provisions of Resolution 2140 shall have no legal effect due to the invalidity of its argument that the Yemeni situation constitutes a threat to international peace and security and requires action under Chapter VII.

The Security Council has violated the Charter of the UN and the resolutions of the General Assembly and has not taken its responsibilities seriously towards what the Panel of Experts documented of those crimes that proved the Saudi-led coalition's responsibility for committing a complete crime of aggression that fully fits into the legal description stated in General Assembly Resolution 3314 (December 14, 1974) and in the Rome Statute, and for committing all sorts of crimes that fall into the category of most serious crimes under international criminal law.

The Panel of Experts has followed the policy of the Security Council in misleading the international community and international public opinion about the true nature of the crime of external aggression being committed against Yemen and about its bias in favor of the coalition against the revolutionaries and the Sana'a Government as well as the Ansar Allah Movement, the General People's Congress, and their political and social allies.

At the time of preparation of this report, Yemen Center for Human Rights visited in August 2021 a number of government institutions in Sana'a Governorate including the Ministry of Foreign Affairs, requesting some explanations for what was stated in some reports of the Expert Panel regarding the claim that the Sana'a Government had refused to deal positively with the panel or provide answers to its inquiries. Officials from the Ministry of Foreign Affairs confirmed that the government had been positive in its dealings with the panel's requests by sending its replies directly to the President of the Security Council and responding positively to senior officials from the UNHR Expert Panel.

Officials in the Foreign Ministry made clear that the government's nonresponse to the Security Council Expert Panel and its inquiries sent to the Head of the Supreme Political Council in July 2021 by Dakshinie R. Gunaratne, was due to the government's reservations on some provisions sanctioning some Yemenis in Resolution 2140. It is worth mentioning that such reservations have been shared with the Secretary General and the President of the Security Council through the UN envoys and introduced in official statements during various negotiating sessions in Oman, Kuwait, and Geneva. The reservations also expressed with regard to the resolution for the establishment of the panel and its mandate, since that represented an interference in Yemen's internal affairs. In addition, the reports of the panel and its biased inquiries have been one of the main reasons for the continuation of the government's reservations.

Yemen Center for Human Rights added these inquiries as a basic document for study and review within the report. Based on the observations of Yemen Center's legal team, those inquiries violate the principles of the United Nations and are based on non-neutrality, defamation, and incitement, and misleading justice and international public opinion.

Yemen has been experiencing a catastrophic situation for seven years, during which the interference of the Security Council in internal Yemeni affairs saw no end, so did its resolutions that violate the UN Charter and international law. The Council has not been able to achieve any of its declared political goals in Yemen, and this was proven by the Security Council Expert Panel in its January 2021 report, which states that:

'The situation in Yemen has continued to deteriorate, with devastating consequences for the civilian population. Three main factors are contributing to the catastrophe: (a) economic profiteering by all Yemeni parties, affecting human security; (b) continuous and widespread human rights and international humanitarian law violations, with impunity; and (c) escalations in fighting and its impact on civilians, including displacement.'





This description is far from the political and security situation the Council promised to create for the Yemeni people, the people who proved to be wiser than the Security Council when they managed to contain all crises and conflicts and resolve them with minimal losses before the interference of the Council.

Using the logic of arrogance and high-handedness in dealing with Yemen and the Yemeni people is still dominating the resolutions of the Security Council, which couldn't, for one reason or another, understand the fact that Yemen has been facing oppression for about 7 years, during which the Security Council has kept silence to satisfy the USA, UK, and their Arab allies who failed to force the Yemeni people bend the knee, and achieve their scheme aimed at occupying and dividing Yemen and looting its capabilities.

The Security Council couldn't understand the fact about the existence of a great God Who is ruling the whole universe and never accepts injustice and corruption on this Earth, and Who is the only one capable of turning the balances in favor of the oppressed and giving them victory, strength, and might if they believe in Him and have a just cause: {'for it was due on Us to support the believers' [Ar-Rum 30:47]. The Security Council also forgot that it is only natural for the Yemenis to exercise their right, and more importantly their duty, to defend themselves as well as their lands and properties, which is guaranteed under the Charter of the UN and all international and divine laws, especially after the Security Council stripped the Yemenis of all their rights, including the rights guaranteed by the UN due to Yemen's membership, and turned a blind eye to all those violations committed against them.

The Security Council has committed violations, if not crimes, by supporting the Saudi-led coalition's aggression against Yemen based on an alleged request from a resigned president who doesn't represent any national component and has left the country after turning his back on all Security Council resolutions and the Peace and National Partnership Agreement, which was referred to as a reference by the Security Council. In addition, the actions taken by the Security Council and the Saudi-led coalition have been in violation of relevant Security Council resolutions, the Charter of the UN and its resolutions, international law, and the Taif Agreement signed and ratified by the UN. Therefore, the commission of such violations, as well as the insistence on the continuation of this crime against the land and people of Yemen, makes it clear that the Security Council is not only targeting Yemen but also targeting the entire system of the UN, its member states, and humanity as a whole; and this may lead to the collapse of the UN system for nothing other than pleasing and supporting the super powers in their arrogance, tyranny, and domination of peoples, and may set the stage for another tragic collapse of the League of Nations: {'so that Allah might accomplish what was destined to be done'}[Al-Anfal 8:42].

Methodology:

This study is based on an analytical legal study conducted by Yemen Center for Human Rights to correct the course of the Security Council with regard to its resolutions on the situation in Yemen under Chapter VII and their conformity with the provisions of the Charter of the United Nations and the rules and tenets of international law. The Center has taken a series of steps to show facts and information and to do a full analysis of the subject of the study, which was based on a historical reading of all Security Council resolutions on Yemen during the period from 1984 to July 2021, as well as presidential and press statements issued by the Council and all reports issued by the Expert Panel formed pursuant to Resolution 2140.

Yemen Center for Human Rights electronically traced all documents related to Security Council resolutions to see the extent of their application and effects at the geographical level in Yemen. The Center has conducted a comprehensive review of all statements issued since 2011 by the successive Yemeni governments, the political components participating in the Comprehensive National Dialogue Conference, and the countries taking role in the Saudi-led coalition, including these countries supporting the coalition, such as the United States, the United Kingdom, France, and the Zionist entity (Israel).

The study also relied on the database collected by the group for monitoring and documenting crimes and violations in Yemen during the periods of popular protests, the revolution, and the aggression (2011-2021). It also used data and statistics issued by relevant and concerned local and international organizations.





Sources and references:

- Charter of the United Nations.
- Relevant United Nations resolutions.
- Relevant international agreements.
- Security Council resolutions on Yemen.
- Presidential and press statements of the Security Council.
- Reports of the Security Council Expert Panel on Yemen: Publications.
- Reports of the Group of Eminent Experts of the Human Rights Council:

 Publications.
- Public briefings, press conferences, and television interviews by the UN Envoy
 Jamal Benomar.
- Official press statements of the various parties to the conflict published by their official websites.

The Yemeni people being killed while the Security Council holding sessions on Yemen:

Statistics on civilian casualties among the Yemeni people caused by the coalition of aggression during Security Council meetings:

Table (1)

u d	Airstrikes	Killed			Wounded						
Resolution	Resolutic Date		Children	Women	Men	Total	Children	Women	Men	Total	Total
2216	14 Apr. 2015	62	0	0	26	26	0	0	54	54	80
2210	15 Apr. 2015	68	10	6	93	109	27	10	171	208	317
2266	24 Feb. 2016	37	0	4	13	17	0	0	14	14	31
2200	25 Feb. 2016	101	0	1	4	5	6	0	2	8	13
2342	23 Feb. 2017	44	6	2	4	12	1	1	1	3	15
2542	24 Feb. 2017	15	0	0	0	0	1	3	6	10	10
2402	26 Feb. 2018	50	0	2	13	15	3	4	8	15	30
2402	27 Feb. 2018	48	3	1	11	15	6	2	8	16	31
2451	21 Dec. 2018	21	0	0	4	4	1	1	3	5	9
2451	22 Dec. 2018	19	0	0	0	0	0	0	3	3	3
2481	15 Jul. 2019	0	0	0	0	0	0	0	0	0	0
	16 Jul. 2019	12	0	0	0	0	0	0	1	1	1
0.511	25Feb. 2020	10	0	0	0	0	1	0	0	1	1
2511	26 Feb. 2020	24	0	0	0	0	0	0	1	1	1
2524	14 Jul. 2020	18	0	1	0	1	0	0	0	0	1
2534	15 Jul. 2020	8	25	14	9	48	9	4	2	15	63
2596	14 Jul. 2021	16	0	0	0	0	0	0	1	1	1
2586	15 Jul. 2021	9	0	0	1	1	0	0	0	0	1
		562	44	31	178	253	55	25	275	355	608

Civilian casualties since the beginning of the aggression on 26 March 2015 until 2021:

Table 2

	Killed				Wounded			total	
Chil-	Women	Men	Total	Chil- dren	Women	Men	Total	Grand to	
4108	3085	10498	17691	4170	3525	17049	24744	42435	





Introduction:

Nearly seven years after declaring an international aggression against Yemen by a coalition that included more than 21 countries led by the Kingdom of Saudi Arabia⁽²⁾ (even though many of them suspended their participation), the leadership of the coalition has continued its aggression against Yemen, and no single condemnation from the United Nations and the Security Council has been issued in this regard, despite the mass destruction caused by this aggression as well as the fall of tens of thousands of victims⁽³⁾ and the suffocating blockade that has (since the first day of the aggression on 26 March 2015) been imposed on the Yemenis as a fait accompli due to the inaction of the international community and the failure of the United Nations to fulfill its responsibilities, as well as the Security Council's support for the countries involved in the aggression on Yemen.

The source of threat to international peace and security and the threat to Yemen and the region has become clear after these years: the coalition countries of aggression but also the Security Council! That is because of its insistence on evading the application of the Charter of the United Nations⁽⁴⁾ and the rules of international law in an impartial manner in order to protect the interests of the major countries. This may lead many countries to lose their confidence in the United Nations and its credibility in implementing its basic purposes and make the world again vulnerable to the expansion of international wars, which the Security Council has already ignited in several countries for purposes that contradict the values and purposes of the United Nations.

The efforts of the coalition countries and the Security Council did not bear fruit in misleading the international community and falsifying the facts and events in Yemen. The Yemeni people has continued to resist the aggression of the coalition and defend themselves against its military campaigns aimed at occupying Yemen under the pretext of restoring the legitimacy of the resigned president who fled to Saudi Arabia, which leads the coalition. In addition, Yemen has kept resisting those efforts aimed at undermining its sovereignty and right to self-determination.

With the passage of time, the world began to discover the ugliness of what the coalition countries and the Security Council are doing in their misleading use of some provisions of

⁽²⁾ In the early hours of Tuesday, March 26, 2015, the first raids of the coalition of aggression on Yemen was launched, accompanied by the announcement by the Saudi ambassador to the United States, Adel Al-Jubeir, in a press conference, announcing the start of the military operation and stressing that 'the military operation is not limited to a specific city or region in Yemen'. More than 22 countries participated in the Saudi-led coalition: Saudi Arabia, UAE, America, Britain, France, Kuwait, Qatar, Bahrain, Sudan, Malaysia, Senegal, Jordan, Somalia, Morocco, Djibouti, Egypt, Eritrea, Canada, Solomon Islands, Mauritania, Pakistan, and the Zionist entity.

⁽³⁾ Hostile operations against Yemen continue under the leadership of Saudi Arabia and the UAE, with the continuous participation and support of Bahrain, Sudan, America, Britain, and the Zionist entity (Israel).

⁽⁴⁾ The Charter of the United Nations was signed on 26 June 1945 in San Francisco at the conclusion of the United Nations Conference on the International Organization and entered into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

the Charter of the United Nations and international law for other than their declared purposes. Moreover, the Council was keen to impose and generalize the description of aggression against Yemen as an internal conflict and to completely overlook military operations and crimes committed by regular forces and foreign mercenaries against the Republic of Yemen, its land, and its people. Thus, describing it as an "internal conflict" constitutes a deliberate scorn for the international community, whose purpose is to protect the leadership of the coalition countries supported by most of the permanent members of the Council and to ensure that they are not prosecuted for crimes of aggression in the event that the case is referred to the International Court of Justice.⁽⁵⁾

To examine the role of the Security Council in the aggression against Yemen, Yemen Center for Human Rights, with the assistance of experts in international law, conducted an analytical legal study aimed at correcting the course of the Security Council with regard to its resolutions on the situation in Yemen under Chapter VII⁽⁶⁾ and their conformity with the provisions of the Charter of the United Nations and the rules of international law.

The study included all Security Council resolutions on Yemen since its admission to membership of the United Nations General Assembly in 1947. The study also included presidential and press statements issued by the Council, as well as all reports issued by the Panel of Experts formed pursuant to Resolution 2140. This study reviews all documents related to Security Council resolutions and studies their impact on the Yemeni reality, and analyzes data issued since 2011 by successive Yemeni governments and political components participating in the Comprehensive National Dialogue Conference, and from the countries of the Saudi-led coalition, including the countries supporting the coalition such as the United States, the United Kingdom, France and the Zionist entity.

The chapters of this study review the results of the study and analysis of Security Council resolutions on Yemen and compare the texts of its provisions, the principles of equality and justice, as well as the Charter of the United Nations and its related resolutions. This should clarify to the Yemenis and the international community the heavy toll of silence in the face of resolutions that have caused a real tragedy for an entire nation. And if this silence continues, a global tragedy will certainly be created.

The aim of Yemen Center for Human Rights in issuing this study is to stand up for the just cause of the oppressed Yemeni people and their right to see the United Nations, the Security Council, and the international community joining forces to make the coalition stop the aggression against Yemen and to hold accountable those UN and Security Council officials involved in misleading the international community to ensure the continuation of the aggres-

⁽⁶⁾ Chapter VII of the Charter of the United Nations deals with actions taken in cases of threats to peace, breach of peace, and aggression. The chapter consists of thirteen articles (39-51).



⁽⁵⁾ The International Court of Justice is the principal judicial organ of the United Nations. The Court adjudicates, in accordance with the provisions of international law, in legal disputes that arise between states, and provides advisory observations on legal issues that may be referred to it by the United Nations organs and its specialized agencies.



sion against Yemen. In addition, this study aims to prove the right of the Yemeni people to self-determination and to restore recognition of their state and the legitimate authority that represents them internationally without foreign interference.

The study proves the illegality of Security Council resolutions and provisions on Yemen under Chapter VII, and the responsibility of the Security Council for the catastrophic impact it has caused on international peace and security due to its insistence on continuing support for the coalition, its continuation to issue resolutions in violation of the Charter of the United Nations and the rules of international law, and its habit of shrinking from its duties and obligations to work to stop the crime of aggression against Yemen.

Yemen Center for Human Rights extends its sincere thanks to everyone who contributed and cooperated in preparing this study. It is worth mentioning that bringing the study into its final form required great effort, as our team faced many challenges while in the process of preparing this study. The lack of immediate response by some entities addressed by the Center was one of these challenges faced by the team, so did the changes seen in the website of the Security Council, where changes occurred to many reports of the Panel of Experts on Yemen—in some cases an entire report was deleted and replaced with an amended report as it the case with report \$\frac{S/2018/68}{2018/594}\$ that was amended into report \$\frac{S/2018/594}{2018/594}\$ and the disappearance of many website links on which the Panel of Experts took as sources.

Head of Yemen Center for Human Rights

Esmail M. Al-mutawakel

An Introduction to the Study

Functions and Powers of the Security Council

according to the UN Charter



Functions and Powers of the Security Council according to the UN Charter:

a. Purposes and principles of the United Nations:

The United Nations was established after World War II with the aim of maintaining international peace and security. To that end, the UN should conduct its activities based on basic principles, the most important of which is the principle of resolving international disputes that may endanger peace, with the aim of preventing wars and resolving international disputes through peaceful means and in a manner that maintains international peace and security. In addition, the UN, through its Charter, demands that all its members 'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state,' stressing that these rights are based on the principle of the sovereign equality of all its members. The United Nations did not grant itself the right to interfere in the internal affairs of states, in a manner that contradicts its relevant resolutions, as well as the right of peoples to self-determination.

The UN has set one condition for its principle of non-interference in the internal affairs of states in its Charter; this condition makes it clear that this principle shall not prejudice the application of the measures of suppression contained in Chapter VII of the Charter, which

(8) Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

- The Organization is based on the principle of the sovereign equality of all its Members.
- All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill
 in good faith the obligations assumed by them in accordance with the present Charter.
- All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- All Members shall refrain in their international relations from the threat or use of force against the territorial
 integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the
 United Nations.
- `All Members shall give the United Nations every assistance in any action it takes in accordance with the
 present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking
 preventive or enforcement action.
- The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
- Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are
 essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters
 to settlement under the present Charter; but this principle shall not prejudice the application of enforcement
 measures under Chapter VII.
- (9) Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, paragraph 1: 'Reaffirming, in accordance with the Charter of the United Nations, that no State has the right to intervent directly or indirectly for any reason whatsoever in the internal or external affairs of any other State.

⁽⁷⁾ Article 1 of the Charter of the United Nations

The Purposes of the United Nations are:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

gave the Security Council the power to intervene in exceptional cases, in a manner that does not violate the purposes and principles of the United Nations nor the restraints contained in its charter.

When returning to Article 1 of the Charter, a main article that contained no exceptions, we find that this article stresses the importance of taking effective joint measures to prevent and remove causes that endanger peace, and presents measures to suppress acts of aggression. This confirms that the main purpose of any intervention is to establish peace and prevent or even suppress any aggression from a state against another, and the term 'suppression', contained in the Charter, is intended to suppress acts that are classified under the act of aggression, and certainly is not intended to give the authority to suppress acts that are not classified as aggression and do not threaten international peace and security.

b. Functions and powers of the Security Council

Under the <u>United Nations Charter</u>, the functions and powers of the Security Council are:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- · to take military action against an aggressor;
- to recommend the admission of new Members:
- to exercise the trusteeship functions of the United Nations in "strategic areas";
- to recommend to the <u>General Assembly</u> the appointment of the <u>Secretary-General</u> and, together with the Assembly, to elect the Judges of the <u>International Court of Justice</u>.

c. When can the Security Council apply Chapter VII?

The Council's functions and powers are mainly related to the protection of international peace and security and not to interfere directly in the internal affairs of states, despite the fact that the formation of the Security Council and its permanent committee is in contradiction with the principle of equality.⁽¹⁰⁾

⁽¹⁰⁾ Naji Al-Qhwash, The Impact of VETO Power on the Decisions of the Security Council (Middle East University, 2015)





Indeed, that can be seen clearly in the functions and powers of the Security Council enshrined in its references that are based on the Charter of the United Nation. Top on the list of these functions is the efforts to 'maintain international peace and security in accordance with the principles and purposes of the United Nations,' but such a major function should be carried out in accordance with the principles of the United Nations and not to the members' whims and conflicting interests.

According to the announced tasks, the Security Council's authority is limited to disputes that may lead to an 'international dispute', to investigate them and 'make recommendations on settling those disputes'. However, it does not have the right to intervene to support one of the parties, which may ignite and expand the conflict. It is the means of peaceful settlement that enhance international peace and security, especially in conflicts with limited geography and impact.

As for the second part of the main functions of the Security Council, it is related to confronting whatever threatens peace or any act of aggression. What is meant here is a threat to international peace and security and not to the limited internal security of states, which should be left to the state to control and ensure that it does not expand beyond its borders. Resolution RES/A/3314 has interpreted what is meant by an act of aggression and how to classify it as an act of aggression against a state by targeting it with all or one of the actions that are classified as aggression, namely: bombing, invasion, occupation, siege, destruction of infrastructure and military, recruitment of mercenaries, and using the territory of the state or other countries to commit these criminal acts. In this case, the Council presents its recommendations and calls on the members to implement economic or military punitive measures against the aggressor, with the sole aim of preventing or stopping the aggression.(11) Nonetheless, there is nothing in the Charter of the United Nations that authorizes the Security Council to use these powers contained within Chapter VII of the Charter except in this context and in accordance with the Charter and United Nations resolutions that criminalize the use of force or interference in the internal affairs of countries in a way that undermines their sovereignty or threatens the integrity of their territories and the freedom of their people. Rather, in the event of conflicts, it should invite the disputants to take the necessary temporary measures to achieve peace while emphasizing that its temporary measures do not prejudice the rights, demands, and positions of the disputants.(12)

Article 39: The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40: In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

^{(11) &}lt;u>A/RES/3314(XXIX) - A - A/RES/3314(XXIX) - Desktop (undocs.org)</u>

⁽¹²⁾ Articles 39 and 40 of the Charter of the United Nations:

Chapter One

The Security Council and the Legal Inapplicability of Chapter VII to the Yemeni Situation

(illegal resolutions and unjust provisions)



Historical background:

Yemen entered into civil wars and was subjected to external aggression in different periods of time since its admission to the United Nations in 1947.⁽¹³⁾ However, the resolutions of the United Nations and the Security Council in particular either never existed or never resulted in finding a real solution to those wars, which all shared the same characteristic: the existence of foreign support for one of the parties to the conflict. What made the situation worse was that those conflicts would never have existed if not for that support. An example of this is the attitude of the Security Council from 1948 to 2010. In the coup of 1948, no resolution was issued. Moreover, the coup and the war of 1962 was characterized as aggression due to the Egyptian army's attack and occupation of large areas of the country (as invaders not as allies to the newly-born republic(14) and how they imposed a government and then put it under arrest—the Egyptians horribly arrested the entire country because they treated the government as if it was their accused citizens; it tortured them, put them in solitary confinements, and prevented their meeting. The detention of the Yemeni government in Cairo was from September 16, 1965 to October 12, 1966(15)—still, the Council was satisfied with only issuing that timid Resolution 179 (June 11, 1963), i.e. after ten months of aggression and fighting, in which the Council supported the mediation of the Secretary-General's envoy between Saudi Arabia and Egypt to resolve their dispute over Yemen without any condemnation or reference to the suffering of the people and the victims.

Likewise, Chapter VII was applied to the central regions war 1974-1978, which was completely overlooked, as well as to the civil war between the political parties in the summer of 1994 (5 May – 7 July 1994), in which the Council supported the former President Ali Abdullah Saleh and gave him the opportunity to continue his military operations and march over the southern governorates. That support led to settling the war in his favour before any international intervention, despite the signing of the Document of Pledge and Accord in Amman on February 20, 1994. During that war, the Council issued only two weak resolutions: The first was Resolution 924 (June 1, 1994), nearly a month later (26 days) from the outbreak of the war, which sent a fact-finding mission but it did not reach a result or achieve peace due to the lack of confidence between the two parties to the conflict; the second was Resolution 931 (June 29, 1994), in which the Council called for a cease-fire without taking any measures under Chapter VII, at a time when President Ali Abdullah Saleh was preparing to announce his victory after his army and militia members from the Islah party took control over most of the southern governorates. The announcement was actually made on July 7, 1994, one week after the Council's resolution. (16)

In all critical stages of Yemeni history, the Security Council failed the Yemeni people and left them to suffer alone the scourge of conflict ignited by external parties greedy for its wealth and significant geographical location. The Council issued only four resolutions,⁽¹⁷⁾ characterized by indifference and lack of seriousness, as well as timid calls for peace and adherence

⁽¹³⁾ In 1947, Yemen was accepted into the Security Council by virtue of Resolution 29 (August 12, 1947), which included the inclusion of Yemen (the Mutawakkilite Kingdom of Yemen 1918-1962) to membership in the United Nations, link to Resolution S/RES/29(1947) - E - S/RES/29(1947) (archive.org)

⁽¹⁴⁾ Fred Halliday, The Revolution and the Counter-Revolution (Sana'a: Center for Studies and Research, First edition/1982), p. 88

⁽¹⁵⁾ Arafat Al-Rumaima, The September 26 Revolution: Reading in the Margins (Sana'a: Al-Sadiq Bookshop, first edition/2021), p. 126.

⁽¹⁶⁾ Faisal Jalloul, The Two Revolutions of Yemen, The Two Republics of Unity (Beirut: Dar Al-Jadeed, 2nd Edition/2000), p. 282.

⁽¹⁷⁾ The fourth resolution: The fourth Security Council resolution about Yemen was Resolution <u>188</u> (April 9, 1964), on the complaint of the Arabic republic of Yemen on British airplanes launching airstrikes on Yemen

to international law. The members of the Security Council were not affected by the deaths of thousands of Yemenis during those wars nor by local and international appeals to prevent the continuation of bloodshed and waste of wealth due to the continued interference of various countries in Yemen's internal affairs, aggression, and looting of its wealth.

Just 17 Resolutions in 10 years (care or exploitation?):

After a seven-decade silence, during which the Security Council issued just four resolutions in the face of dozens of events, civil wars, and external attacks on Yemen, the Security Council suddenly rose without warning and showed its keen interest in Yemen as it issued seventeen resolutions since the start of the popular revolution in 2011 until writing this study in November2021.⁽¹⁸⁾

The Yemeni revolutionaries rejoiced at this international interest, believing that the Council's resolutions would be supportive of their revolution, which called for freedom, independence, and the building of a just civil state. Nevertheless, they were soon shocked by a series of resolutions that represented a nightmare for all Yemenis, as those resolutions legitimized interference in the internal affairs of Yemen under Chapter VII without any reason or justification (logical or legal) and legitimized acts to deprive the people of the right of self-determination by transferring it to the Gulf kings under the name of 'the Gulf Cooperation Council Initiative' (19) aimed at imposing a Gulf guardianship to advance the interests of the permanent members of the Council.

Through this initiative and its supporting resolutions, the Yemenis were forced to take measures that violate the Yemeni constitution and the covenants and resolutions of the United Nations, and to accept the return-to-power of the leadership of the regime against which they revolted. That led to the Security Council's exploitation of the expected results of the initiative of the Gulf kings to produce what some foreign ministers of the Security Council's permanent members called 'Creative Chaos',⁽²⁰⁾ in an attempt to create a distorted authority in Yemen with no sovereignty, which is represented by a murderer involved in the killing of hundreds of citizens of the southern governorates and previously sentenced to death. It was the one appointed by the leader of the former regime to be his deputy and protector of his repressive regime. And all of sudden, that same person was then appointed by the Security Council as a president ruling over the people who once revolted against him.⁽²¹⁾

In the light of the above, we will shed light on the resolutions of the Security Council and clarify the illegal inapplicability of these resolutions:



⁽¹⁸⁾ Security Council Resolutions | OSESGY (unmissions.org)

⁽¹⁹⁾ A draft political agreement announced by the member states of the Gulf Cooperation Council led by the Kingdom of Saudi Arabia on April 3, 2011 to calm the Yemeni youth revolution by facilitating the transfer of power in Yemen.

^{(20) (}political-encyclopedia.org)

^{(21) (}almayadeen.net)



First: Resolutions leading-up to Resolution 2140:

a. Announced goals:

The Security Council began to show its interest in the Yemeni issue by issuing <u>Resolution 2014</u>, which was adopted by the Security Council in its 6634th session held on October 21, 2011, after 17 years of silence since the last resolution issued in 1994.

Resolution 2014 assured the Council's commitment to Yemen's unity, sovereignty, independence, and territorial integrity, as well as the Council's demands 'that all sides immediately reject the use of violence to achieve political goals'. The Council immediately broke this commitment with its following article, which ends its commitment to Yemen's sovereignty and independence by its support for foreign interference in Yemen's internal affairs, and that was by welcoming the Gulf Cooperation Council's (GCC) call for President Ali Abdullah Saleh to 'the signature and implementation as soon as possible of a settlement agreement on the basis of the Gulf Cooperation Council initiative'. (22)

On the other hand, Resolution 2051 (2012) Adopted by the Security Council at its 6784th meeting, on 12 June 2012 assured the previously mentioned commitment saying, 'Reaffirming its strong commitment to the unity, sovereignty, political independence and territorial integrity of Yemen'! The Security Council began its resolution with a change in its commitment by not mentioning the integrity of Yemen's territory in the Arabic version, but rather replacing it with what can be translated literally to 'the integrity of its lands'. (23) That was a very dangerous reference aimed at denying Yemen its right to territorial integrity, which includes its safety from any invasion, occupation, bombing or division, and replacing it with the term 'the integrity of its lands', which means 'the prevention of stablishing separatist movements orborderchanges'. (24)

It also reiterated that its main aim is at making the transition of power a success and supporting it, as well as that it welcomes the efforts of the Secretary-General and his Special Adviser Jamal Benomar, including their effort to provide advice to the parties, 'in particular in support of the National Dialogue process'. (25)

^{(22) &}lt;u>Resolution 2051</u> (2012) Adopted by the Security Council at its 6784th session, on 12 June 2012: Recalling its <u>resolution 2014</u> (2011) and presidential statement of 29 March2012, Expressing grave concern at the political, security, economic and humanitarian situation in Yemen, Reaffirming its strong commitment to the unity, sovereignty, political independence and territorial integrity of Yemen,

⁽²³⁾It is worth mentioning that the Council used two different terms in referring to this phrase 'territorial integrity' in the Arabic version of two different resolutions, and that we built this report based on the definition of these two different terms.

⁽²⁴⁾Territorial integrity is the principle under <u>international law</u> that prohibits states from the use of force against the 'territorial integrity or political independence' of another state. Conversely it states that imposition by force of a border change is an <u>act of aggression</u>.

^{(25) &}lt;u>Resolution 2051</u> (2012) Adopted by the Security Council at its 6784th meeting, on 12 June 2012, Article 16: 'Requests the Secretary-General to continue his good offices role, including through the efforts of his Special Adviser, Jamal Benomar, stresses the importance of their close co-ordination with international partners in order

b. The Council's justifications for its interference in Yemen

All the problems which the Security Council outlined in its resolutions 2014 & 2051 and made recommendations about did not go beyond the Yemeni framework, nor do they go beyond the Yemeni affairs. That is because the case in Yemen is not different from what is normal in other countries, in which coups, revolutions, and political changes can be made by the efforts popular movements that express the will of the people and exercise their right to freedom of expression and freedom of self-determination. The Council stressed in Resolution 2014 that the best solution to the current crisis in Yemen is through an 'inclusive and Yemeni-led political process of transition that meets the legitimate demands and aspirations of the Yemeni people for change'. This is an explicit and clear acknowledgment by the Security Council that what Yemen is experiencing is nothing more than a political gestation and an internal affair. The Council reinforced this in the preamble to the same resolution when recommended many solutions that did not go beyond the internal situation in Yemen, such as the peaceful transfer of power and the holding of early elections, in addition to its condemnation of the violations of the authority and its aggression against the citizens. (26)

1. The internal situation in Yemen poses a threat to regional security and stability!

The Security Council began an attempt to establish legislation for interference in internal affairs through the last article of the preamble to Resolution 2014, 'Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, and emphasizing the threats to regional security and stability posed by the deterioration of the situation in Yemen in the absence of a lasting political settlement'. This paragraph represented a preemptive, ill-intentioned measure on the part of the Security Council, aimed at persuading the world that the absence of a permanent political settlement in Yemen would pose a threat to regional security and stability. However, the Security Council could not declare that what it called 'the absence of a lasting political settlement 'constitutes a threat to international security and stability.

In its resolution, the Security Council didn't come up with any evidence of the actions that posed a threat to the region, for the Yemenis, with all their varieties, didn't attack any international interest, not even sea lanes, and the authority did not commit any act of aggression against any state in the region, nor did the national or revolutionary forces.

2. Attacks of Al-Qaida on different parts of Yemen and the Security Council's position

The international community agreed that terrorism is one of the most serious dangers that threaten international peace and security. The Security Council had no other justification

to contribute to the successful transition in Yemen, and in this regard welcomes the political engagement of the United Nations through a small presence in Yemen consisting of a team of experts to support the implementation of the transition process, and to provide advice to the parties in conjunction with the government of Yemen, in particular in support of the National Dialogue process.'

(26) The preamble to the resolution says,

Stressing that the best solution to the current crisis in Yemen is through an inclusive and Yemeni-led political process of transition that meets the legitimate demands and aspirations of the Yemeni people for change. Reaffirming its support for the Presidential decree of 12 September which is designed to find a political agreement acceptable to all parties, and to ensure a peaceful and democratic transition of power, including the holding of early Presidential elections.





than putting Al-Qaida on act to show that Al-Qaida's moves in Yemen pose a threat to international security and peace. The Security Council insisted on supporting the commander of the First Armoured Division Ali Mohsen Al-Ahmar and imposing him on the Yemeni revolutionaries despite the fact that it knows that he is one of the generals who are most accused of supporting Al-Qaida. All of this is with its affirming that the claimed Al-Qaida attacks didn't go beyond the Yemeni territory as it frankly mentioned in Resolution 2014, 'Expressing further serious concern at the increased threat from Al-Qaida in the Arabian Peninsula and the risk of new terror attacks in parts of Yemen, and reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations.' Faced with this deep concern, as the resolution expressed, the Security Council contented itself with condemning the attacks it called 'terrorist and non-terrorist' attacks that target economic infrastructure in particular. Its intrusion of Al-Qaida and terrorism was a flimsy, scandalous, unacceptable justification for interfering in Yemen, especially with all Yemeni forces declaring their rejection and confrontation with al-Qaida's activity, and subsequently proving their ability to end its presence in various governorates that are not under the occupation of the coalition forces. (27)

The position of the Security Council in its <u>resolution 2014</u> regarding the killing and assaulting of demonstrators did not go beyond a weakly-worded condemnation without reference to the heinousness of the crimes and without condemning the perpetrators or threatening them, not even at a minimum by announcing the Council's intention to open an investigation into those violations and crimes, as it usually does in dealing with such crimes when they occur in other countries! After that, it demanded 'that all sides immediately reject the use of violence to achieve political goals'. This same demand was turned against by the Security Council in its subsequent resolutions, in which it supported and blessed the efforts of the Kingdom of Saudi Arabia and its coalition, when launching a war of aggression against Yemen to achieve self-declared political goals for its war that claimed the lives of tens of thousands of Yemenis, most of whom were women and children.

As for Resolution 2051 (2012), the Security Council focused on condemning and highlighting what it called 'the attack that took place in Sana'a, May 21, 2012', referring to the suicide crime that targeted military exercises for soldiers affiliated with the Central Security in Al-Sabeen Square in Sana'a when one of the soldiers blew himself up. Al-Qaida claimed to be behind the bombing, ⁽²⁸⁾ enabling the Security Council to take advantage of that crime and establish its justification in its previous resolution, 2014, that Al-Qaida attacks in Yemen threaten 'international peace and security,' even though it did not explicitly mention that. In referring to that incident, the Council used that same phrase repeated in all its resolutions, emphasizing that 'terrorism in all forms and manifestations constitutes one of the most se-

⁽²⁷⁾In 2015, the army and the popular committees in Sanaa announced the liberation of Al-Bayda Governorate, the main stronghold of Al-Qaida in Yemen as well as in the Arabian Peninsula

^{(28) &}lt;u>(france24.com)</u>

rious threats to international peace and security.' This reference was also contained in the statement that was issued by the Security Council at the time to condemn the crime, and it stated, 'The members of the Security Council affirm that terrorism in all its forms and manifestations constitutes one of the serious threats to international peace and security, and that any terrorist act is criminal and unjustified, regardless of why, who, or where." (29)

Through all that repetition, the Security Council's sought to spread a state of media terrorism and spread panic at the international level that the security situation in Yemen had actually become a threat to international peace and security. However, those crimes and events were still of internal nature, and Al-Qaida had not announced any non-internal goals.⁽³⁰⁾

The continued deterioration of the humanitarian situation and security in Yemen threatens the peace and security of the region

In its resolution 2051, the Security Council did not explicitly declare that the situation in Yemen, as well as The Al-Qaida bombings, threatens international peace and security, but it took advantage of the May 21, 2012 bombing to declare that 'further deterioration of the humanitarian and security situation in Yemen that threatens peace and security in the region', attributing this to the need to implement the GCC Initiative and its Implementation Mechanism. The Council also demanded the cessation of a number of internal actions in Yemen, which, as stated, 'aimed at undermining the Government of National Unity and the political transition,' in an explicit acknowledgment that they are actions targeting Yemen's political situation and not any other country's. However, the Council, without providing any logical argument or justification based on international law and norms, declared that its goal was to express 'its readiness to consider further measures, including under Article 41 of the United Nations Charter if such actions continue'. (31) This article clearly threatened to take measures against Yemen under Chapter VII if the various national factions in Yemen did not abide by the GCC plan for self-determination. That move represented an explicitly declared violation of the Charter of the United Nations (in particular of the functions of the Council) and of all United Nations resolutions that demanded the Council not to exercise its powers to interfere in the internal affairs of any state as long as its situation does not actually threaten international peace and security or attack any other country. In addition to being a great violation, one can see the gravity of the crime of making threats to impose a political system and determine the fate of a people against their will.(32)



⁽²⁹⁾ https://news.un.org/ar/story/2012/05/159362

⁽³⁰⁾ The previous source of (france24.com)

⁽³¹⁾ UN Resolution 2015 (2012) United Nations Official Document

⁽³²⁾ Look at the beginning of this report.



Second: Resolution 2140 applying Chapter VII to Yemen (the first part of the aggression)

In its Resolution 2140 adopted at session 7119 on 26 February 2014, the Security Council reaffirmed 'its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen.' It also highlighted a practical goal by further affirming that 'the best solution to the situation in Yemen is through a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people for peaceful change and meaningful political, economic and social reform'. This resolution clearly suggests that the Council's goal is to support a peaceful political transition that meets the demands of the people while maintaining Yemen's unity, sovereignty, independence, and territorial integrity.

a. The Council's characterization of the challenges and events in Yemen and justifications for its interference

As in its previous resolutions, the Security Council affirmed in its resolution 2140 that events in Yemen do not go beyond Yemen's internal affairs and geographic boundaries, and that they are political in nature and all about the transfer and formation of power. Howbeit, it still expressed its concern about what it described as 'the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence,' while providing only two security incidents carried out by Al-Qaida: the criminal attack on the Yemeni Ministry of Defence Hospital⁽³³⁾ and the one on the Central Prison.⁽³⁴⁾ The Security Council based its resolutions on these two incidents to express its concern and condemnation of the activities that refer to the weakness of the Hadi Government, condemning 'all terrorist activities, attacks against civilians, oil, gas and electricity infrastructure and against the legitimate authorities, including those aimed at undermining the political process in Yemen.' The Council also expressed its condemnation as follows:

'Further condemning attacks against military and security facilities, in particular the attack on the Ministry of Defence on 5 December 2013 and the 13 February attack of the Ministry of Interior Prison, stressing the need for the Yemeni Government to efficiently continue reforms of the Armed Forces and in the security sector.'

The resolution also stated that the Council expressed its grave concern at 'the threat to peace and security in_Yemen arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,'—even though these operations did not extend beyond the Yemeni territory and did not really affect the reality of work and the political transfer of power. That is because the fact that all Yemeni political and social components dealt with the political process and the National Dialogue Conference with wisdom, positivity, and cooperation, as confirmed in more than one place.

⁽³³⁾ RT Arabic

⁽³⁴⁾ Reuters

b. The Security Council confirms the success of the Yemenis in the political process

The Security Council welcomed, in an unprecedented way, the positive political changes and the cooperation of all stakeholders in Yemen in the transitional process. The introduction to its resolution began by demanding 'the engagement of the Gulf Cooperation Council (GCC) in assisting the political transition in Yemen'. Then, it welcomed the results of the comprehensive National Dialogue 'signed by all political parties', recognizing the positive participation of all components. Additionally, it considered the resolutions of the conference 'a road map for a continued Yemeni led democratic transition underpinned by a commitment to democracy, good governance, rule of law, national reconciliation, and respect for the human rights and fundamental freedoms of all the people of Yemen'. The Council then demanded 'those who have facilitated the outcome of the comprehensive National Dialogue Conference through their constructive participation, in particular the leadership of President Abd Rabbo Mansour Hadi,' although its praise of Hadi's leadership contradicted its criticism of his and his government's failure in facing the challenges of the phase, as we will explain in a separate paragraph.

The resolution welcomed the way the Yemenis dealt with women's rights and what it described as 'Yemen's efforts to strengthen women's participation in political and public life, including through measures to ensure at least 30 per cent women candidates for national legislative elections and elected Councils'. In addition, it welcomed the participation and cooperation of other Yemeni components, stating in its resolution, 'welcoming the involvement and cooperation of all stakeholders in Yemen, including groups that were not party to the GCC Initiative and its Implementation Mechanism', stressing that 'the transition process requires turning the page from the presidency of Ali Abdullah Saleh'.

The Council continued its emphasis on the success of the political process in Yemen by noting the importance of moving to new steps in the political process:

'Recognizing the importance of governance reforms to the political transition in Yemen, noting in this regard the proposals in the National Dialogue Conference's Good Governance Working Group report, including, among other things, prerequisites for candidates for Yemeni leadership positions and the disclosure of their financial assets'.

It concluded its welcoming points by confirming the positive interaction of the Yemeni government and people with the United Nations and Security Council resolutions. The end of the preamble and the introduction to the resolution states, 'Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President (\$\(\S/2006/997 \))'.





c. The Security Council from a protector of international peace and security to a violator of them and international law (the shock)

The preamble (with the exception of the illogical attempts to exaggerate the status of Al-Qaida) all proved beyond any doubt that the Security Council welcomed the progress of the political process in Yemen, and was even satisfied with it. This was also evident in its clarification that the political and security situation was still within the framework of the Yemeni region, and the Council did not refer to any incident that raises concern about its impact on its neighbors rather than its impact on the world.

However, without warning, and after concluding its list of welcomes by welcoming the performance of the General Secretariat, the Council suddenly determined that 'the situation in Yemen constitutes a threat to international peace and security in the region,' although it failed in its preamble and in its two previous resolutions to prove this even by presenting one incident, as we explained in the introduction to the report. Moreover, without any consideration for the Charter and resolutions of the United Nations General Assembly, the Council (in continuation of its illegal interference in the internal Yemeni affairs and based on its false justification that the situation in Yemen constitutes a threat to international peace and security in the region) announced to be 'acting under Chapter VII of the Charter of the United Nations'! That represented a more heinous legal and procedural violation than the previous ones. Furthermore, it revealed the ulterior intention to divest Yemen of its sovereignty, independence and territorial integrity and to suppress the right of its people to self-determination, by giving the Security Council the authority to act under Chapter VII without any rationale, legal justification, or even the emergence of an international conflict. Nonetheless, even in the event of an international conflict, the Security Council still has all the measures set out in Chapter VI to implement.

On the other hand, there was no logical explanation for what the Council had done, especially in light of the existence of the political process in Yemen that enjoyed the approval and supervision of the United Nations envoy and the Council's delegates and committees, not to mention that the Yemeni people and components were still in control and were preventing the escalation of any internal conflict.

Faced with all of this, we have only one explanation left, which is that the government's weakness whetted the appetite of the great powers. Therefore, they decided to start procedures for imposing their guardianship on Yemen to share its wealth before the revolutionaries and the political and social components could succeed in completing the peaceful transition of power to a powerful government capable of maintaining a strong and sovereign state that would be able to benefit from its wealth and protect its territory.

d. Security Council resolutions and actions regarding Yemen pursuant to Chapter VII referred to in Resolution 2140

1. An insistence on violating international law to undermine sovereignty and impose trusteeship:

After the shocking resolution of the Security Council and its declaration that the political and security situation in Yemen constitutes a threat to international peace and security, and its action under Chapter VII, the Council came up with contradicting resolutions, actions, and procedures under Chapter VII.

In the first paragraph of the resolution, the Council affirmed under Chapter VII the need to implement the political transition process completely according to the Gulf Cooperation Council Initiative and the aspirations of the people. That represented a new acknowledgment that the situation in Yemen is internal and political and that situation was getting closer to achieving the aspirations of the people. However, the Council insisted on interfering in the internal political affairs of Yemen by giving itself the right to define certain steps to achieve the political transition and impose them on the people in paragraph 2 where it specified a five-step mechanism. The first three were related to legislation, namely, the drafting of a new constitution, the drafting of an electoral law, and a referendum on the draft constitution.

As for the fourth step, it was boldly revealed, '(d) state structure reform to prepare Yemen for the transition from a unitary to a federal state'. In this step, the Security Council contradicted its stated goal and the authentic right of Yemen to maintain its sovereignty. This contradiction was due to its interference in the depth of Yemeni internal affairs and procedures that undermine the right of the Yemeni people to self-determination without interference. In addition, the Council flagrantly violated Article 1 of Declaration 103/36 (December 9, 1981) of the United Nations, on the Inadmissibility of Intervention and Interference in the Internal Affairs of States. It also violated Provision 2/C of Article 2 which states, 'The duty of a State to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference'. Therefore, it became clear that the dictates and acts of interference of the Security Council made under the pretext of implementing Chapter VII were illegal because the grounds on which the Council based such acts were proven incompatible with the terms of the Charter, which limited the reasons for the intervention to 'maintain or restore international peace and security,' and 'prevent an aggravation of the situation'.

After imposing those four steps on the Yemeni people, the Security Council came up with a fifth step, in which it gave itself the right to extend Hadi's term despite its unconstitutionality

⁽³⁶⁾ Article 2 Provision II/C of Declaration 103/36 (December 9, 1981) states, 'The duty of a State to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State, including acts of reprisal involving the use of force.'



⁽³⁵⁾ Article 1 of Declaration 103/36 (December 9, 1981) 'Solemnly declares that: 1. No State or group of States has the right to intervene or interfere in any form or for any reason whatsoever in the internal and external affairs of other States.'



and its expiry according to the GCC Initiative, using elections as a pretext. Provision (e) of Resolution 2140 states, 'timely general elections, after which the current term of President Hadi would end following the inauguration of the President elected under the new Constitution'. With this, the Security Council finally announced what it had tried to hide since 2011: It had wanted to impose trusteeship on Yemen through the GCC Initiative and through a new constitution that it imposes against the people's will (as it did to deliver Hadi to the presidency through a one-candidate election play) in preparation for dividing the country into multiple regions. That was a goal that Hadi failed to achieve during the comprehensive National Dialogue Conference. (37) In this provision, the Council insisted on keeping Hadi not as a representative of the people, but rather of the Council to supervise its trusteeship over Yemen under the name of a president.

In view of the above, it became clear that the Security Council began dealing with the fact that it is the holder of the mandate and trusteeship over Yemen even if it postponed the announcement of its entry into Yemen under the trusteeship due to the strong cohesion of the Yemeni political and social components. The goal of the Security Council in dealing with the Yemeni situation in accordance with Chapter VII also became clear: The goal was not to freeze the funds of former President Ali Abdullah Saleh, its old ally, nor of other people who did not have any property abroad as it already knows, but the goal was to implement trusteeship procedures and undermine the right of the Yemeni people to self-determination.

The Council affirmed its trusteeship and what it considered a right to address and direct the Yemeni people to prepare them to accept its future interference as part of the trusteeship plan in the third Paragraph, which states, 'The Security Council encourages all constituencies in the country, including the youth movements, women's groups, in all regions in Yemen, to continue their active and constructive engagement in the political transition and to continue the spirit of consensus to implement the subsequent steps in the transition process and the recommendations of the National Dialogue Conference.' The Council went beyond that, as it threatened the national components and called upon 'the Hiraak Southern movement, the Houthi movement and others to constructively partake and to reject the use of violence to achieve political aims.' In addition, in a strange contradiction that kept it away from the principle of neutrality and equality, the Council itself resorted to violence by allowing the coalition in the subsequent periods to use it to achieve political goals, foremost of which was sticking to the legitimacy of a resigned president who fled out of the country, and whose imposed-by-external-dictates mandate had ended; the prime minister resigned as well. However, there was insistence on imposing Abd Rabbo's alleged legitimacy on the Yemeni people and returning him to power, not only by violence, but by a much more heinous means: the use of the crime of aggression.

⁽³⁷⁾ The Comprehensive National Dialogue Document, issued in 2014, provides on page 81 under the title of 'the form of the State': 'Having examined the various and multiple points of view, it has been found that the state form believed to be capable of addressing social, political, and economical needs, and that is based on justice and equal citizenship is the intended form that can be achieved through a unitary and democratic state. Discussions and visions varied between a federal decentralized State and a simple decentralized State...It has been agreed on the need for further discussion and for not taking final decisions until reaching the phase that follows the second general meeting.'

The fourth Paragraph also revealed the Council's interest and eagerness to quickly confiscate the funds of the former regime's leadership, which owned tens of billions in western countries. That was by enacting laws while ensuring international cooperation for this, in a strange contradiction with the executive mechanism of the GCC Initiative, which gave (in violation of the constitution) former President Ali Saleh and his regime leaders immunity from trial and legal prosecution! Indeed, in that paragraph, the Council welcomed 'the Yemeni Government's plan to introduce an Asset Recovery Law, and supports international cooperation on this, including through the Deauville initiative'.

In the following paragraphs till the tenth, the Security Council expressed its concern about the use of means of incitement to violence and the recruitment of children by government forces and armed groups. It was looking forward to the adoption of the transitional justice law and the government's implementation of the resolution to establish a commission of inquiry into allegations of human rights violations that occurred in 2011 only! Based on this, the Council did not address the crimes it mentioned in its resolutions after 2011, such as the bombing of mosques and squares, the storming of the Ministry of Defence and hospitals, the liquidation of officers and legal persons, and the killing of hundreds of the Yemeni people. It even concluded the tenth Paragraph with its warning and threat to the Yemeni people, as it used a term that could not be addressed to a people in the 21st century when it called upon 'all Yemenis to fully respect the implementation of the political transition and adhere to the values of the Implementation Mechanism Agreement'.

How did the Security Council give itself the right to threaten the Yemeni people to impose a political decision between two political parties, both of whom represented the previous regime against which the people revolted and rejected! That is despite the fact that at the beginning of the text of the same paragraph, it was made clear that it did not represent the Yemeni people, but rather described as a political process based on an external decision in the first place; the text of the paragraph states, 'the transition agreed upon by the parties to the GCC Initiative and Implementation Mechanism Agreement'. That did not only contradict with the General Assembly Declaration 103/36, but also the Charter of the United Nations and international law in general.

2. Discrimination and impartiality in punishment (punishing the whole nation):

After all those violations, the decisions of the Council in paragraphs 11 to 20, which detailed its resolution regarding sanctions of freezing assets and funds and banning travel (except for humanitarian cases and the need to cover basic and exceptional expenses that it approves) of those mentioned in its 17th paragraph, which mentions those who are 'engaging in or providing support for acts that threaten the peace, security or stability of Yemen'. In this paragraph, the Council once again revealed that the crisis in Yemen did not threaten the peace, security, or stability of any other country, let alone the region or the world. The paragraph was generally unspecified so that it could include in the list of sanctions whoever it wanted even if this was a Yemeni citizen who declares his/her peaceful opposition to the political agreement, which came in violation of the constitution of the Republic of Yemen in the first place. This





is a way of undermining an authentic human right, which is the right to expression; it is a deliberate violation by the Security Council of the Universal Declaration of Human Rights, (38) the International Covenant on Civil and Political Rights, (39) and other international laws and conventions that affirmed this right and made the Security Council one of its protectors.

Paragraph 18 confirmed the bad intention in drafting of the resolution, revealing that its purpose was to make it truly confusing and not specific. The paragraph identified three actions that fall within the framework of threatening peace in Yemen, but the Council, before mentioning them, preceded them with the phrase 'may include, but are not limited to', opening the roof without restrictions for future additions of any acts that it wants to describe as peace-threatening, in violation of legal rules and norms. The three actions identified by the Council as examples were again related to what it called 'Obstructing or undermining the successful completion of the political transition, as outlined in the GCC Initiative and Implementation Mechanism Agreement'. The Council was not satisfied with describing the act as obstruction of the Initiative: Even if there was no obstruction, and the political transition process took place in accordance with the GCC Initiative, this would not achieve the Security Council's goal of restricting the freedom and rights of the Yemeni people. Therefore, it opened the way to condemn any act that any Yemeni citizen wanted to do by inserting the description of another, stranger and more general act, which is 'undermining the successful completion of the political transition'. This means that the Yemeni people bear the consequences of implementing a political process imposed on them by external dictates, and whoever opposes it is punished, and they even bear the consequences of its failure in case it does not work. The Security Council added this paragraph to the resolution whilst knowing that it is impossible to blame the failure of a political process on those who actually implemented it, rather than the impossibility of the success of a political process that is carried out bypassing a revolution and the will of a people and that depends for its validity and continuity on violating the constitution, national and international law, customs, and human logic.

Provisions b and c of the same paragraph provide description to more logical operations of what may threaten peace and security in Yemen. Provision b specified, 'Impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure', referring to the National Dialogue Conference Outcomes Document. And Provision c added 'Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen'.

We should be wondering at this point! Did the Security Council not notice that the Saudi-led coalition's declared aggression against Yemen and use of boasting about targeting and at-

⁽³⁸⁾in Article 19, the Universal Declaration of Human Rights stated that, 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

⁽³⁹⁾ In Article 19, provision 2, the International Covenant on Civil and Political Rights stated that, 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.'

napplicability of Chapter VII to the Yemeni Situation

tacking its various infrastructure and vital facilities—those attacks that the world has been witnessing for seven—were an act of declared aggression against Yemen, and that they were carried out after the adoption of its Resolution 2140 as well as after dealing with Yemen under Chapter VII?! The Security Council did not consider these aggressive attacks (from which humans, animals, and rocks were not spared), the planning and execution of the crime of aggression by the coalition countries, and the killing of tens of thousands of civilians, most of whom were children and women, as planed actions that violate international human rights and humanitarian law and constitute a threat to international peace and security, and did not consider, at the minimum, that they constitute a violation of human rights in Yemen! How did the Security Council not realize that the leaders of the coalition countries carried out actions that the Council decided in advance that they threaten peace and security in Yemen, and that it has not been able to include them in the list of sanctions, which seemed to be limited to the Yemenis only?! Moreover, why does the Security Council itself contradict its resolution when it is the one who directs and allows the commission of these acts in Yemen?

3. The Sanctions Committee that paved the way for the aggression:

To supervise and follow up the implementation of the previous punitive resolutions, from which humanitarian cases and basic and exceptional were exempted, the Security Council decided in paragraph 19 to form a committee called the 'Sanctions Committee'. Its main duty was to carry out specific tasks limited to the follow-up of the implementation of punitive measures against specific individuals or entities by monitoring and implementing these measures against individuals and entities that might be in the process of carrying out acts the Council considered to be endangering peace in Yemen. Also, it is assigned to search for information about them, to study alleged violations, and to submit reports about all of that to the Security Council. Neither the Council nor the Committee was authorized to take general punitive measures or even any punitive measure against individuals who are not on its list.

Less than two years after the adoption of that resolution, the truth behind it was revealed, as the Security Council allowed the coalition forces on March 26, 2015 to implement punitive measures not against individuals or entities, but against Yemen, without exempting humanitarian cases and basic expenses for the Yemeni people. That policy allowed and encouraged the coalition countries to violate international laws, the Convention on High Seas, and related conventions. Accordingly, the coalition countries implemented a comprehensive land, sea, and air blockade on Yemen by closing the ports and preventing the arrival of not only governmental airplanes and ships but also commercial ones. They also froze the balances of the Central Bank of Yemen and transferred it from the capital Sana'a to Aden Governorate and went so far as to allow the National Bank of Saudi Arabia to supervise it and be in control of its transactions. All of that caused the Yemeni people to suffer in a suffocating blockade and a never-seen-before human tragedy because of this unjust resolution and its illegal implementation mechanism.





4. The Panel of Experts of the Sanctions Committee:

The Sanctions Committee's Panel of Experts was formed to serve for a period of 13 months (February 26, 2014 to March 26, 2015) pursuant to the mechanism approved by the Council and was tasked with reporting information and cooperating with the Sanctions Committee to implement its tasks related to punitive measures against individuals and entities that carry out actions endangering peace and security in Yemen. In paragraph 21, the Council decided to request the Secretary-General of the United Nations to form a group of experts for an initial period of 13 months to assist the Committee in carrying out its mandate by revising and updating information on the list of individuals subject to punitive measures and to provide the Committee with 'information relevant to the potential designation at a later stage of individuals and entities who may be engaging in the activities described in Paragraph 17 and 18 above'. In addition, that panel was tasked with gathering, examining and analyzing information from States, relevant United Nations bodies, regional organizations and other interested parties, as well as providing to the Council a final report by 25 February 2015.

The resolutions related to the Panel of Experts are refuted in a later chapter, so the focus here is on two main points. The first is that the team has specific tasks to achieve specific goals: imposing sanctions on individuals and entities supposed to be threatening peace and security in Yemen. Despite this, we find that the committee did not include any names of the parties that carried out the work indicated in paragraphs 17 and 18, and the list was limited to only individuals from the Ansar Allah component and the General People's Congress. This happened despite the Council's continuous recognition—in its previous and subsequent resolutions, as well as in paragraphs 27, 29, and 31 of this resolution—of the occurrence of grave violations of human rights in all northern and southern governorates, the increase in Al-Qaida attacks, and the existence of a conflict between the two sides of the former regime. It stated in paragraph 31 that it 'acknowledges the serious economic, political and security obstacles facing refugees and internally displaced persons in Yemen who wish to return to their homes after years of conflict'. The Council did not consider all of these actions necessary to have their perpetrators included on its sanctions list.

The other point lies in the following questions: Why did the Security Council set the duration of the Committee's work for only 13 months? Was it a coincidence that it obliged it to submit the final report one month before the end of its mandate, which is the same date on which the Saudi-led coalition announced (from Washington) the aggression against Yemen on March 26, 2015!

Hence, we conclude that Security Council Resolution 2140—a resolution that called for dealing with the situation in Yemen in 2014 in accordance with Chapter VII and using it to undermine the Yemeni people's sovereignty over their state and punish certain individuals and parties—is a coup against the international system and international laws and norms. It is also considered an explicit and deliberate violation of the purposes of the Charter of the United Nations and the specific resolutions of the United Nations that define the reasons for applying Chapter VII to states and emphasized the inadmissibility of interference in the internal and external affairs of states, as well as the inadmissibility of violating their sovereignty and undermining the rights of their people to self-determination without any external interference or threat.

The Security Council, despite its relentless attempts, was not able to prove that the situation in Yemen threatens international peace and security. Rather, it recognized in each of its resolutions, including Resolution 2140, that Yemen's problems were internal, and it could not prove any danger to neighboring countries, let alone regional and world peace. The Council recognized that the political process was moving on and did not even develop into a civil war, despite the negative GCC interference. The Council demanded the implementation of the Outcomes of the National Dialogue and the Peace and Partnership Agreement, (40) although the latter had nothing to do with the GCC, but was drafted and agreed upon by the Yemenis themselves and with the commandment and encouragement of UN Envoy Jamal Benomar.

⁽⁴⁰⁾ The Peace and National Partnership Agreement is an agreement signed on 21 September 2014 between all parties and political and national components in Yemen.





المركز اليمني لحقوق الإنسان

Yemen Center for Human Rights

Chapter Two:

The Triumph of the Yemeni Revolution and the Attitude of the Security Council

(outrage, then calm before the storm)



First: The Council as a guardian of the Gulf Initiative and far from the Yemeni reality and the suffering of the people

Since the Security Council applied Chapter VII to the Yemeni situation and adopted Resolution 2140 on 26 February 2014, which, as previous resolutions, was far from the reality of the Yemeni situation due to the Council's adoption of the shortsighted Gulf vision and efforts to undermine the right of the Yemeni people to make their own fateful decisions, the situation in Yemen has deteriorated, as the Hadi government believed that the Security Council had given its permission to put pressure on the people militarily, economically, and politically. That encouraged the then government to suppress the protests that emerged due to state mismanagement, corruption, price hikes, and lack of oil derivatives and basic services such as electricity and water, not to mention the attempts to evade the implementation of the outcomes of the National Dialogue and to impose a new constitution that was drafted in the United Arab Emirates on the national components despite the fact that it contained a sensitive controversial issue that called for dividing the country into non-agreed regions.⁽⁴¹⁾

Such events forced the national and revolutionary components to re-adopt the demands of the revolutionaries and the outcomes of the national dialogue, and to start a new, peaceful revolutionary path, which Hadi authorities met with repression, leading the revolutionaries to camp outside the capital Sana'a to avoid any confrontation with the security forces.

The revolution continued in its escalation as the Hadi government refused to respond to the revolutionaries' demands and to national initiatives. And that was the case until 21 September 2014 when the Ansar Allah Movement announced control of the capital Sana'a and surprised the world with a speech delivered by the leader of the revolution Al-Sayyid Abdul Malik Al-Houthi, who then called on all political and national components and parties including Hadi and his government to engage in the Peace and National Partnership Agreement and reaffirmed that the Ansar Allah component had no intention to seize power. That was what happened on September 22, 2014, when local and international satellite channels aired the decrees of signing a historic agreement between the national components that ended the dispute and established a transitional phase, in which Hadi remained the president of the country and a government of competencies was formed. It is worth mentioning that the Ansar Allah component ceded its share in it to the southern components, and this was done in arrangement and coordination with the United Nations through its envoy to Yemen, Jamal Benomar.

⁽⁴¹⁾ https://www.saba.ye/ar/news364365.htm

⁽⁴²⁾ Speech by Al-Sayyid Abdul Malik Al-Houthi on 23/09/2014

a. The Council welcomes the first decision made by the revolutionaries (the Peace and National Partnership Agreement) despite turning down the Gulf Initiative

That surprising development left the Security Council no choice but to welcome the Yemeni agreement that sow no foreign participation. On 23 September 2014, then Security Council President Samantha Power said in a press statement, 'The members of the Security Council welcome the signature of the Peace and National Partnership Agreement in Yemen that builds on the National Dialogue Conference outcomes'. However, in an attempt to impose the Gulf Initiative, the statement also mentioned 'the Gulf Cooperation Council Initiative and Implementation Mechanism', even though no article in the Yemeni agreement did mention the Gulf Cooperation Council Initiative and the preamble made it clear that the National Dialogue Conference outcomes exclusively represent the terms of reference for the agreement, which reaffirmed its commitment to the sovereignty, independence, and territorial integrity of Yemen and to responding to the peoples' demand for peaceful change, economic, financial and administrative reforms, and to achieving economic welfare.

As part of the preamble reads:

'Pursuant to the outcomes of the Comprehensive National Dialogue Conference, which have been agreed upon by all Yemeni constituencies and which laid the foundations for building a new, federal democratic Yemeni state based on the rule of law, equal citizenship, human rights and good governance; resolved to the unity, sovereignty, independence and territorial integrity of Yemen; committed to responding to the peoples' demand for peaceful change, economic, financial and administrative reforms, and to achieving economic welfare; dedicated to furthering the higher national interest through a spirit of partnership and consensus in diagnosis, solutions, and implementation; and committed to stabilizing the country and realizing a bright promising democratic future, the Parties, in the interest of national unity and building and promoting peace, commit to the following...'

The agreement made it clear that the Yemeni people looked at the Gulf Initiative as something from the past and that they were looking forward to starting a new phase based on a new political agreement with a new completely different road map. (That was clear through the articles of the agreement and its annex.⁽⁴³⁾)

The Security Council didn't only welcome the agreement but also emphasized that 'it is the best means to stabilize the situation and prevent further violence'. In addition, the Council declared its support for the steps and measures that facilitated the signing and implementation of the agreement—such measures were taken by the leadership of the revolution and its national allies and with coordination and blessing of the UN envoy—as stated in the statement: 'the members of the Security Council support the efforts of the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, in facilitating the signing and implementation of this agreement'. (44)

⁽⁴⁴⁾ Security Council Press Statement on Yemen | Meetings Coverage and Press Releases



⁽⁴³⁾ https://osesgy.unmissions.org/peace-and-national-partnership-agreement-september-2014

In a failed attempt to catch up with the revolutionaries and continue its illegal interference in Yemen's internal affairs, the Security Council called, on behalf all members of the Council, on all parties to 'implement, fully and immediately, all terms of this agreement in its entirety, including turning over all medium and heavy weapons to legitimate State security bodies,' adding,' the members of the Security Council underline the necessity for all the parties, including the Houthis, to abide strictly by the terms of the Peace and National Partnership Agreement in its entirety'. The Security Council seemed to forget that those whom it called 'the Houthis' were the ones who had called on all other Yemeni parties to sign the agreement after having Sana'a under their control. It also forgot that the signing of the agreement had taken place before its welcome statement was issued.

The Security Council continued its attempts as it stated, 'The members of the Security Council underline that President Hadi is the legitimate authority based on election results and the terms of the Gulf Cooperation Council Initiative and Implementation Mechanism. All parties and political actors in Yemen must unite behind President Hadi to keep the country on track to stability and security.' Its assertion that Abd Rabbo Hadi represents the legitimate authority came despite the fact that the Peace and National Partnership Agreement affirmed that he remained in power to carry out clear tasks in preparation for real elections, but the Council tried to maintain its dealings with Hadi according to an external initiative and mechanism from countries that sought to maintain their guardianship over Yemen. The Council also contradicted its recognition of the Peace and National Partnership Agreement, which gave Hadi authority on the condition that had to do with performing some tasks to facilitate the transitional phase and prevent any conflict. The Security Council ignored the fact that the Gulf Cooperation Council Initiative couldn't keep Yemen on track to stability and security even by imposing Hadi as President because it was an initiative that only aimed at circumventing a revolution to protect a regime.

b. The Security Council's failure to catch up with the Yemeni revolution and wisdom

After Al-Sayyid Abdul Malik Al-Houthi (leader of the Ansar Allah component) announced the revolutionaries' control of Sana'a followed by the signing of the Peace and National Partnership Agreement, the Security Council couldn't take any resolution and resorted to welcoming and calling for the adherence to the agreement, especially with the Ansar Allah component speeding up the implementation of the agreement by normalizing the situation, lifting the protest camps and security points for the revolutionary committees, and actively participating in the political transition process through their representative Saleh Al-Samad, who was the advisor to the president at the time. It seemed clear that the Yemenis were able to overcome the crisis with a partnership revolution, the first of its kind in history, a revolution that left the door open for the parties and the authority it revolted against to engage as true partners and that gave up its right to partnership in the new government.

The United States and the countries of the Gulf Council, especially Saudi Arabia, did not accept the Yemenis administering their country and the transitional period in a competent way, so they began to instruct Hadi, through his office manager, Ahmed bin Mubarak,⁽⁴⁷⁾ and

⁽⁴⁵⁾ Security Council Press Statement on Yemen | Meetings Coverage and Press Releases

⁽⁴⁶⁾ Security Council Press Statement on Yemen | Meetings Coverage and Press Releases

⁽⁴⁷⁾ Ahmed Awad bin Mubarak, appointed Director of the Office of the Presidency of the Republic (June 11 - October 7, 2014). Hadi failed to impose him as prime minister, in violation of the Peace and Partnership Agreement.

his prime minister, Khaled Bahah, to escalate the political and economic situation against the partners by using the international support cards, allowing corruption and inflation, imposing a new constitution and territorial division according to a not agreed-upon vision, violating the agreed-upon road map that called for implementing the Peace and National Partnership Agreement and its security annex with its clear timeline, and putting pressure on the implementation of certain provisions.

These violations ignited the revolution again, leading the national components to seek solutions and remedies, including the formation of a joint committee to supervise the implementation of the Peace and National Partnership Agreement. (48) And when all the behind-the-scenes attempts to push the components into a new conflict failed due to the popular revolutionary supervision on the implementation of the agreement, the people were surprised by Hadi's announcing his approval of the draft constitution on the territorial division of Yemen that had been agreed to postpone consideration, and by the arrest of his office manager by the revolutionaries after his leaked call with Hadi revealing that the territorial division had been supported and masterminded by foreign parties. (49) That was followed by Hadi and Bahah's resignation aimed at pushing Yemen into a constitutional vacuum. (50)

In the face of such efforts, the Revolutionary Command on 6 February 2014 agreed with those national components and government ministers rejecting Bahah's resignation to launch the constitutional declaration in the Republican Palace and in the presence of the defense and interior ministers and the leaders of the security services, and to announce the formation of a supreme revolutionary (presidential) committee that would lead the country for the rest of the transitional phase until the start of the elections, to dissolve the Parliament and Shura councils, and to establish a caretaker government committed to respect all international agreements and treaties and build good relations with the neighbors.⁽⁵¹⁾

The Revolutionary Committee began exercising its function as a revolutionary presidential Council after Hadi's resignation, and the government continued to fulfill its duties with most of its ministers as a caretaker government, while Defense Minister Mahmoud Al-Subaihi exercised his duties as head of the Supreme Security Committee, which included security and military leaders and managed to perform its tasks represented in managing the security and military forces as well as the revolutionary and popular committees, maintaining security in the capital, coordinating with the security forces and the army in the camps outside the capital, taking military action to confront Al-Qaida that resulted in expelling it from Al-Bayda Governorate, its main stronghold, and coordinating with the leadership of the Ma'rib Governorate and thwarting any attempts to provoke any internal conflicts. In addition, the dialogue sessions between all political components in the Movenpick Hotel were resumed and focused on the form of the government under the auspices of the United Nations and through Special Envoy for Yemen Jamal Benomar and his team. (52) At that time, Hadi was under house arrest in his palace in Sana'a after being obliged not to engage in any political activity following his resignation, and he was not referred to any trial and faced no retaliatory measures.

⁽⁵²⁾ UN Envoy Jamal Benomar's last briefing before the Security Council on 27/04/2015



⁽⁴⁸⁾ Joint committee for implementing the peace agreement in Yemen (aljazeera.net)

⁽⁴⁹⁾ A leaked call between Hadi and Ahmed bin Mubarak

⁽⁵⁰⁾ https://www.reuters.com/article/oegtp-yemen-president-ea6-idARAKBN0KV28F20150122

⁽⁵¹⁾ https://www.saba.ye/ar/news387155.htm



Second: The Security Council's position on the measures and decisions of the revolution (the Constitutional Declaration and the Supreme Revolutionary Committee)

Resolution 2201 (2015): Denouncing the revolutionary measures and demanding their implementation (shock and contradiction)

After the resignation of Abd Rabbo Mansour Hadi and Khaled Bahah followed by the declaration of the Supreme Revolutionary Committee as an interim authority tasked with administrating the affairs of the country to avoid any constitutional vacuum until implementing all provisions of the Peace and National Partnership Agreement and carrying out presidential and parliamentary elections to transmit power to whomever chosen by the people, the Security Council and the Gulf Cooperation Council couldn't bear seeing the Yemenis succeed in their revolution and put an end to the foreign interference in the Yemeni decision-making process and to the continued efforts aimed at depriving them of their right to self-determination and to maintain the sovereignty of their own country.

As a result, there had been a constant stream of condemnation statements from the Gulf Cooperation Council countries, and the Security Council adopted its Resolution 2201 on February 15, 2015, which made the Security Council appear confused and inconsistent with its resolutions, and which showed how far the members of the Council were willing to continue to violate the Charter of the United Nations by continuing to deal with Yemen based on Chapter VII and trying to impose their guardianship on Yemen without showing respect for all international covenants and laws. The resolution reads:

'Deploring the unilateral actions taken by the Houthis to dissolve parliament and take over Yemen's government institutions, which have seriously escalated the situation,' expressing alarm at 'the acts of violence committed by the Houthis and their supporters, which have undermined the political transition process in Yemen, and jeopardized the security, stability, sovereignty and unity of Yemen.'

This resolution came despite the Council's silence over all the measures had been taken by Hadi to undermine the political transition process by resigning with his prime minister and, as a result, disturbing the country as a whole, although he was not essentially representing any national component, but rather the former regime and the Gulf Cooperation Council.

Regarding the Security Council's concern over violence, no violence was recorded during that period, except for holding Hadi under house arrest after his resignation, in order to stabilize the situation—unless the Security Council was referring to the actions taken to confront Al-Qaida in Al-Bayda Governorate.

In the same Resolution 2201, the Council reiterated its contradiction by demanding the implementation of contradictory references represented in the Gulf Initiative and the Peace and National Partnership Agreement:

'Emphasizing that the political transitional process agreed upon by the parties in the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the Peace and National Partnership Agreement has been undermined.'

But how it might be possible for the Yemenis to abide by two contradicting mechanisms, with the new one replaced the old one! Both logic and law makes it clear that the new agreement invalidates the old if it contradicts it in its articles, mechanisms, or outcomes, since the Yemeni people and Yemeni components welcomed the agreement and announced their commitment to the Peace and National Partnership Agreement, while Hadi and Bahah were the ones who tried to evade it.

What is strange is that the resolution in which the Council expressed its deep concern about holding Hadi, Bahah, and the Council of Ministers under house arrest, even though most of the ministers of the sovereign ministries and others were present in the Republican Palace during the constitutional declaration and appeared in the media while performing their duties in their workplaces after the constitutional declaration and formation of the Supreme RevolutionaryCommittee.⁽⁵³⁾

However, the strangest thing was this paragraph of the resolution, 'Underscoring the importance of all parties allowing all Yemenis to assemble peacefully without fear of attack, injury, arrest, or retaliation.' When comparing that resolution with the Council's previous resolutions, one can see clearly that the Council used to focus on normalizing the situation and ending the popular protests, as stated in Resolution 2140 that underlined 'the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population'. In other words, the Council give its permission to disperse the protests without causing civilian casualties. In the same resolution, the Security Council indirectly incited for the first time 'all Yemenis to assemble peacefully without fear of attack or arrest—which, had it happened, would have placed the authority of the Supreme Revolutionary Committee in a weak position and made it impossible for it to establish security and stability in the country.

The resolution frequently mentioned the Peace and National Partnership Agreement:

'Stressing that the best solution to the situation in Yemen is through a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people for peaceful change and meaningful political, economic and social reform, as set out in the GCC Initiative and Implementation Mechanism and the outcomes of the comprehensive National Dialogue Conference.'







This showed that the agreement was seen by the Security Council as one of the basic references that achieve and meet the aspirations of the Yemeni people. The Council also affirmed its support for the efforts of the United Nations Special Envoy for Yemen, Jamal Binomar, who was confirming in all his briefings that the political transition process in Yemen was underway, even there were some obstacles. We can take a look at the envoy's briefings and interviews with some channels, the last of which was with Al-Jazeera. In that interview, Binomar stated that even after the constitutional declaration, the dialogue was still going on and the political process was moving in a positive way. This confirmation also came in the words of the envoy, Jamal Binomar in a press conference on February 9, 2015, in which he said, 'I am pleased to tell you that after consultations with the political parties and our direct communication with Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi, the parties agreed to resume consultations to reach a political solution that would bring Yemen from the current crisis,' adding that, 'I welcome this positive trend, and I announce to you that the sessions will resume tomorrow, Monday, the ninth of February.' (54)

b. The national components responding positively to Resolution 2201

Although the Security Council affirmed in Resolution 2201 that its demands were based on resolution 2140, which had no legal validity, as it is in violation of the Charter of the United Nations and the reality of the situation in Yemen, claiming that the situation there constituted a threat to international peace and security. After excluding the paragraphs of condemnation (which were discussed and clarified in the previous paragraphs) and by returning to the basic demands of the Council, we find that the national and revolutionary forces, including the Ansar Allah Movement, had responded to all these requests. Here are some explaining points:

In paragraph 2, the Security Council called on all parties in Yemen to resolve their differences through dialogue. However, no armed confrontation existed at that time except for those confrontations with Al-Qaida. Paragraph 2 stated that the Council reiterated its call for all Yemeni parties to 'adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation and all unilateral actions to undermine the political transition'. As for what it called as 'provocation and all unilateral actions', it was Hadi and his prime minister Bahah who first committed such actions that were only met by the reaction of the revolutionary forces and components aimed at finding solutions to the constitutional vacuum they created by turning their backs on their duties and the Peace and National Partnership Agreement to undermine the political transition process.

Paragraph 3 states that the Council 'expresses grave concern over the takeover by the Houthis of state media outlets and rejects the use of the media to incite violence.' However, the media was not used by the revolutionaries to incite violence, simply because there was no need to do so due to the support they received from the Yemeni people and their ability to seize power peacefully and to stabilize the situation in the country. In contrast, it was the Gulf media outlets that were inciting violence, not the Yemeni outlets.

As for paragraph 4, the paragraph, 'Strongly calls upon all parties, in particular the Houthis, to abide by the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the Peace and National Partnership Agreement and its security annex, which provide for a Yemeni -led democratic transition.' That what the national and revolutionary forces had been committed to. However,

⁽⁵⁴⁾ Jamal Benomar announces the resumption of the negotiations in Yemen

that didn't sit well with Hadi and his prime minister, who put Yemen in a constitutional vacuum that forced the national and revolutionary components to fill the vacuum and announce their continuation in implementing the Peace and National Partnership Agreement and its security annex to reach a Yemeni-led democratic transition.

Paragraph 5 urged 'all parties, in particular the Houthis, to accelerate inclusive United Nations-brokered negotiations,' underlining the importance for all parties 'to continue the political transition in order to reach a consensus solution in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the Peace and National Partnership Agreement and its security annex, and to implement it.' That was really taking place under the supervision and support of the UN envoy in Yemen, as the dialogue and negotiation were in progress at the Movenpick Hotel as even documented by the media!

Paragraph 6 urged all parties to agree upon and announce publicly 'dates for completing the constitutional consultation process, to hold a referendum on the constitution, and to conduct elections under the new electoral law pursuant to the new constitution.' However, in his 27 April 27 2015 statement before the Security Council, then Special Envoy Jamal Benomar made it clear that the parties were very close to reaching an agreement if it hadn't been for the Saudi-led coalition's aggression against Yemen:

'These efforts have succeeded in bringing the parties' views closer together. Most of the issues raised were agreed upon, except for the issue of the presidency. The Yemenis were close to reaching a political solution, as they did when they signed the power transfer agreement and successfully concluded the National Dialogue Conference and adopted the Peace and Partnership Agreement.'

He also stressed that engaging in Yemeni-led negotiation without any foreign interference is the only way for the Yemenis to restore the political transition back on track. (55)

As for paragraph 7, we will refute all demands the Security Council called for the Ansar Allah component to meet:

The council 'demands that the Houthis immediately and unconditionally: (a) engage in good faith in the United Nations-brokered negotiations.'

But that was the case proven by then Special Envoy Jamal Benomar, who said, in a statement before the Security Council on 12 February 2015, that, 'I made direct contact with Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi, and he welcomes reaching negotiation-based solution under UNauspices.' (56)

'(b)withdraw their forces from government institutions, including in the capital Sana'a, and normalize the security situation in the capital and other provinces, and relinquish government and security institutions.'

That did happen under the supervision of the president of the Supreme Security Committee who was at the same time the defence minister, as well as the supervision of the interior minister, who both were appointed by Hadi and supervised the process of normalizing the security situation and officially ordered the integration of the security committees with the military

⁽⁵⁶⁾ UN Envoy Jamal Benomar's briefing on Yemen before the Security Council (See the minute 5:40)



⁽⁵⁵⁾ UN Envoy Jamal Benomar's last briefing on Yemen before the Security Council (See the minute 5:40)



forces in the ministries of defence and interior. (57) In addition, all revolutionary security and administrative committees withdraw from government institutions without compromising their protection from looting or collapse, and the Supreme Revolutionary Committee continued to protect government institutions and pay salaries to employees across Yemen until the Central Bank was removed from Sana'a to Aden.

'(c) safely release President Hadi, Prime Minister Bahah, members of the Cabinet and all individuals under house arrest or arbitrarily detained.'

The members of the Council of Ministers were not detained in the first place, and many of them had returned to practice their work within the caretaker government, and some traveled abroad without obstacles, including the resigned Prime Minister Bahah. In addition, the restrictions on Hadi were eased, which gave him the opportunity to flee to Aden and declare a civil war from there. This raises the question whether does the Security Council bear responsibility for what Hadi did after that?

'(d) refrain from further unilateral actions that could undermine the political transition and the security of Yemen.'

The Supreme Revolutionary Committee did not take any measures except for managing the affairs of Yemen and protecting it from entering into chaos and a political vacuum, and it created a climate for negotiation and dialogue between the parties until the Security Council allowed the coalition to launch aggression against Yemen on March 26, 2015, even though the Sana'a government did not take any action for forty days in order to allow the Security Council to take decisions and measures to protect a member of the United Nations from a declared crime of aggression, but the Council did not move a finger.

As a result, that left the Supreme Revolutionary Committee and the national components no choice but to hold fast to their right and legal duty guaranteed by law and religion to defend the homeland and protect its people, while continuing the dialogue with the political parties in a very difficult equation, that led to the establishment of a national alliance and a supreme political council, as well as the a government, and extending a hand of peace and engaging in the Geneva and Kuwait negotiations. However, the Security Council's actions were, as usual, either hostile or negative.

As for paragraph 8, the paragraph called for all parties in Yemen to 'cease all armed hostilities against the people and the legitimate authorities of Yemen and relinquish the arms seized from Yemen's military and security institutions, in accordance with the Peace and National Partnership Agreement and its security annex.'

There were no armed hostilities against anyone except those hostilities launched by the state against Al-Qaida. However, the Security Council gave Hadi its permission to carry out all types of hostile military acts against the Yemeni people and allowed the coalition to launch aggression against Yemen after Hadi fled the country.

⁽⁵⁷⁾ https://www.saba.ye/ar/news387225.htm

⁽⁵⁸⁾ Recruitment campaign aimed at increasing the capacity of the army

Among other shocking demands, paragraph 9 presented a very shocking demand, as it called on 'all member States to refrain from external interference which seeks to foment conflict and instability and instead to support the political transition'. What is strange is that none of the neighboring and non-neighboring countries responded to that appeal. Rather, they went too far as to interfere not only by obstructing the political transition whose outcomes could have been signed in the Movenpick Hotel but also by allowing the coalition of aggression to launch its external aggression against Yemen, land and people. However, the Security Council did not issue any condemnation, and how can it condemn its executive body, permanent members, and their allies?!

The other paragraphs focused on demanding the Secretary General to continue his offices role and on the importance of keeping close coordination with international partners, including the Gulf Cooperation Council and Group of Ambassadors in Sana'a. In these paragraphs, the Council showed its undeclared dissatisfaction with the efforts of the envoy Jamal Benomar, which were real efforts aimed at promoting stability and a peaceful transition in Yemen, as he was apparently out of line with the rest of the Security Council and the conspiracy being hatched inside its corridors against the Yemenis!

c. The Security Council between 26 September and 21 September (double standards)

The reality on the Yemeni ground was not affected by the Security Council's non recognition of the popular revolution that resulted in the Peace and National Partnership Agreement, recognized as a national reference, and that was able to extend its influence even to all governorates and to kick out the Al-Qaida and stand up to the aggression of the coalition countries led by Saudi Arabia.

The Security Council has no right to impose its agendas and political preferences on the Yemeni people or to reject the new form of the country and its leadership that is chosen by the people and can assert its control over the country and maintain its sovereignty under the Charter of the United Nations and its relevant resolutions without allowing any foreign interference.

The Security Council seems to have adopted a new approach in handling the Yemeni situation, an approach that is different than its old approach that was based on supporting coups or sometimes ignoring them. Indeed, the Council never supported any regime overthrown by a coup or revolution! As an example, the Security Council did not come up with any resolution condemning the assassination of Yahya Hamid Al-Dain, the UN-recognized king of Yemen, after the 1948 coup led by Abdullah Al-Wazir. At that time, the Council didn't intervene and considered that an internal affair, even though it recognized Imam Ahmed Hamid Al-Dain and respected the right of his government to represent Yemen in the United Nations. The same was true for even his successor, Mohammed Al-Badr, with whom the international community continued to deal normally.

However, when the Council felt weakness in then regime at the end of Imam Ahmed's reign,





it changed course in dealing with Yemen and seemed content with removing the strong regime that was ruling Yemen and maintained its sovereignty. Indeed, that was clear, since it dealt in a welcoming way with all coups and recognized all governments created by coups that were carried out against rulers recognized by the Security Council and used violence and foreign forces to change the form of the country as it happened in 1962 when a coup backed by the Egyptian military and its warplanes replaced a monarchy with a republic.

The Council supported the 1962 coup by not intervening and condemning the Egyptian aggression against Yemen with its planes and army, which invaded Yemeni territory and fought a long battle with the Yemenis that did not come to an end until 1967.

The Security Council lost no time to recognize the coup and the new republican regime and its president Abdullah Al-Sallal, and in the course of no more than two months Mohsen Al-Aini was able to address the United Nations General Assembly in his capacity as a delegate of the Yemen Arab Republic. And in April 1963, he personally presented his credentials to US President John F. Kennedy as the first ambassador of Yemen to the United States, which led the pressure on the members of the Security Council and the General Assembly to recognize the coup in Yemen. At that time, the Security Council only issued Resolution 179, ten months after the coup and the Egyptian aggression, in which the Council announced its support for the mediation of the envoy of the Secretary-General Between Saudi Arabia and Egypt to resolve their conflict inside Yemen without any condemnation or reference to the suffering of the people and their victims.

The Security Council stock to that policy in dealing with Yemen, the policy of recognizing all the coups that followed the events of 1962, including the November 5, 1967 coup against President Abdullah Al-Sallal after he left the country for Iraq; the 13 June 1976 coup against President Abd Al-Rahman Al-Iryani, then President of the Republican Council, who resigned and left for the Republic of Egypt; the 11 October 1977 coup, which was resulted in assassinating President Ibrahim Al-Hamdi; and the June 24, 1978 coup, which was led to the assassination of President Ahmed Al-Ghashmi with an explosive device and to the appointment of Abdul Karim Al-Arashi as President of the Presidential Council, then called the Constituent People's Assembly, before he stepped down for fear of being assassinated and paved the way for Ali Abdullah Saleh to ascend to the presidency on July 17, 1978.

The Security Council did not object to all these coups and did not care to issue any resolution condemning or using Chapter VII due to the fall of thousands of victims in the Egyptian aggression, the 1948 coup, and civil wars, such as the completely ignored 1974-1978 war in the central regions, the 1994 war, and the 2004-2010 wars of Sa'dah.

However, the Security Council returned to change its strategy towards Yemen and used double standards to favor the interests of the major countries seeking after Yemen's wealth and aimed at seizing control over its geographical location. After the outbreak of the revolution against former President Ali Abdullah Saleh and his regime on February 11, 2011, the Council sought to circumvent the popular revolution and save the regime and ensure that the

transfer of power is limited to the same men and pillars of his regime who owe allegiance to the United States of America and its allies from the Gulf countries. With that aim in mind, the Council used the Gulf Initiative to transfer power to Saleh's deputy Abd Rabbo Mansour Hadi or to his half-brother and the commander of the most important forces of his army Ali Mohsen Al-Ahmar, who was currently appointed as a deputy to Hadi.

The sudden interest of the Security Council was not limited to the adoption of the two resolutions 2014 and 2051, but also its use of threatening and exceptional means and methods to impose the Gulf Initiative, throwing all its weight on the Yemeni people until it reached the point of holding an exceptional and secret meeting in the Presidency House in Sana'a on 27 In January 2013, one of the most important outcomes of that meeting was the approval of the implementation of the army restructuring plan, and the repeated declaration of the Council's support for the Gulf Initiative and its readiness to use sanctions against anyone rejecting or opposing this initiative.

That threatening trend and method, which refused to respect the people's decision and their right to self-determination and sought to impose its political agendas by force, became clear in what the Council stated in its presidential statement issued at its session 6922 held on February 15, 2013, regarding the Council's consideration of the item entitled 'the Situation in the Middle East':

'The Security Council urges all the parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, refrain from provocations, and fully abide by resolutions 2014 (2011) and 2051 (2012). The Security Council expresses concern over reports of interference in the transition by individuals in Yemen representing the former regime, the former opposition, and others who do not adhere to the guiding principles of the Implementation Mechanism Agreement for the transition process, including former President Ali Abdullah Saleh and former Vice President Ali Salim Al-Beidh. The Security Council reiterates its readiness to consider further measures, including under Article 41 of the UN Charter, if actions aimed at undermining the Government of National Unity and the political transition continue.'

In light of the above, it has become clear that the Security Council sees the interests of the Yemeni people as an irrelevant issue that has no place in its calculations, and the same is true for the Council when it comes to its dealings with the Charter of the United Nations and international laws and norms. Therefore, the only criterion the Security Council adopted for recognizing the presidency and government of the state is to establish the rule of the leadership of those governments preceded and approved by the Council and ensure the achievement of the colonial interests of countries that could not accept the victory of a revolution and the people's choosing their own leadership and Yemeni government that is able to successfully run the state and impose its sovereignty away from the dictates of outsiders.



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Third: One month before the announcement of the aggression on Yemen, a Security Council resolution states 'everything is fine'

Resolution 2204 adopted by the Security Council on 24 February 2015 at its 7390 session seemed to be generally encouraging and less worrying and denouncing than the previous resolutions and didn't contain any condemnation against any acts of violence or terrorist activities simply because such acts and activities by Al-Qaida had disappeared along with acts of using force against demonstrators and using media to incite hatred among political rivals.

Indeed, it was a period of peace where government institutions resumed their service-providing activities under a caretaker government, and all components came together to the negotiating table at the Movenpick Hotel, Sana'a Capital, under the supervision of the UN and through its envoy, and under a new administration represented in the Supreme Revolutionary Committee served as interim presidential council formed of fifteen members, including two women, representing different political and social components, ⁽⁵⁹⁾ including the marginalized, a unique precedent in contemporary history, represented by Mohammad Ali Al-Qira'i, who exercised his right as a member of the Supreme Revolutionary Committee by voting and even chairingitsmeetings. ⁽⁶⁰⁾

a. Under the administration of the Supreme Revolutionary Committee, the Security Council announces its support for the national dialogue

Resolution 2204 mainly focused on the Council's commitment to the unity, sovereignty, independence, and territorial integrity. However, the preamble didn't contain any condemnation or resentment, and it only expressed the concern of the Council at the situation that was described as 'ongoing political, security, economic, and humanitarian challenges in Yemen'. In addition, the preamble referred to what it called as 'the ongoing violence', but the Council gave no evidence on that except for what it called 'threats arising from the illicit transfer, destabilizing accumulation and misuse of weapons'. That represented a tacit acknowledgment that the most important manifestations of violence in Yemen was the accumulation of weapons, in reference to the extension of the Supreme Revolutionary Committee's authority over the Ministry of Defense, the Interior Ministry, and security institutions, even though its authority was through the Supreme Security Committee headed by the ministers of defence and interior, respectively, who were appointed by Hadi within the Bahah government.

The resolution also reiterated its call on all parties to 'adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation', even though Yemen at that time enjoyed political stability under the leadership of the Supreme Revolutionary Committee, which didn't need to focus on other things due to its commitment to the Peace and National Partnership Agreement and its efforts to implement it under the supervision of the leader of the revolution and the UN through di-

⁽⁵⁹⁾ https://yemen-press.net/news42708.html

⁽⁶⁰⁾ https://www.saba.ye/ar/news390075.htm

alogue and consultation that was taking place in the Movenpick Hotel under the auspices of the UN. Such efforts were supported by this resolution, which expressed 'its support for and commitment to the work of the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, in support of the Yemeni transition process'.

The Security Council insists on undermining the sovereignty of Yemen ('the situation still constitutes a threat to international peace and security')

Resolution 2204 adopted executive provisions taken by the Council under Chapter VII, despite all indications of stability and the positive interaction with the United Nations envoy, whether from the Supreme Revolutionary Committee or other political components. Instead of reconsidering the characterization of the Yemeni situation and its way in dealing with the situation under Chapter VII in violation of the Charter of the UN, the Security Council this time also insisted on repeating its violation and undermining the rights of the Yemeni people by insisting in this resolution on: 'Determining that the situation in Yemen still constitutes a threat to international peace and security.' However, the Council didn't present any evidence on that, and it, instead, went on in its unjust and conspiratorial characterization against Yemen by trying to legitimize its resolutions that violate international law and undermine the sovereignty of Yemen by claiming to be 'acting under Chapter VII of the Charter of the United Nations'.

c. The Security Council reverses its demand that Yemenis should abide by the Gulf Initiative

The Council's Resolution 2204, adopted under Chapter VII, focused on two aspects. The first and less important one contained general and confusing wording that contradicts itself, as it called, in general, and without specifying the responsibility of a particular party, for 'the implementation of the political transition following the comprehensive National Dialogue Conference, in line with the Gulf Cooperation Council Initiative and Implementation Mechanism, the Peace and National Partnership Agreement and in accordance with resolutions 2014 (2011), 2051 (2012), and 2140 (2014) and with regard to the expectations of the Yemeni people'.

Even if we ignored its intended attempt not to refer to the responsibility of the Supreme Revolutionary Committee that suddenly had become the authority in Sana'a that run the country and its institutions through a government and military and security forces, it is still clear that its main focus was on the need for 'timely implementation of the political transition'.

At the practical level, the developments of events in Yemen after the revolutionaries gained control of Sana'a followed by the formation of the Supreme Revolutionary Committee were strengthening the drive towards the implementation of the political transition as a transitional situation, which the Committee declared to pave the way for the resumption of dialogue between the parties in a safe atmosphere to come out with a vision on the state administration based on the principle of partnership, as well as on drafting the constitution and calling for





elections, as confirmed by UN Envoy Jamal Benomar. (61)

Not specifying a binding time for the political transition process and instead using the the term 'timely implementation' indicated that the Council's understanding of the impossibility of adhering to the timetables of the previous mechanisms due to the new situation. In addition, the resolution did not obligate the parties to fully abide by the Gulf Initiative and the Peace and Partnership Agreement to implement the political transition process. Rather, it chose the term 'in line with' them, in a clear indication also of the Council's understanding of the new situation and what should be taken as part of its support for the resumed dialogue process under the auspices of the UN envoy for Yemen. Certainly, the Council did not forget to add another aspect that must be aligned with the political transition process, which has to do with aspirations of the Yemeni people'. However, the Yemeni people made their aspirations clear when they voiced their support for the general lessening of tension and the Supreme Revolutionary Committee and when they participated in a massive demonstration in support of the Supreme Revolutionary Committee one day after the constitutional declaration on February 7, 2015.⁽⁶²⁾

The other aspect in the remaining thirteen paragraphs of the Council's <u>Resolution 2204</u> was related to the work of the Council and its committee and the extension of the mandate of its panel of experts tasked with helping the committee implement sanctions according to <u>Resolution 2140</u>. These paragraphs also stressed the importance of urging countries to interact with the sanctions, as well as the need for keeping the situation in Yemen under review.

The Security Council concluded its resolutions by demanding the Secretary General to continue his efforts aimed at supporting the political transition in Yemen, 'including on United Nations assistance for finalizing and adopting the draft constitution, undertaking electoral reform, holding general elections, and creating mechanisms for disarmament, demobilization and reintegration as well as security sector reform'.

http://althawrah.ye/archives/110368

 $\underline{http://althawrah.ye/archives/110351}$

https://archive.alahednews.com.lb/details.php?id=108349

⁽⁶¹⁾ Press briefing by UN Envoy Jamal Benomar on Yemen (27/04/2015)

⁽⁶²⁾ The Yemeni capital, Sana'a, witnessed a massive mass rally to support the decisions of the Supreme Revolutionary Committee and the constitutional declaration and to reject external interference in the country's internal affairs, coinciding with the arrival of the Adviser to the Secretary-General of the United Nations and his Special Envoy for Yemen Jamal bin Omar to Sana'a following a two-day visit to Riyadh and Doha.

Chapter Three

The Aggression against Yemen and the Role of the Security Council

(an international aggression and a United Nations complicity)

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First: A Resigned President of an Expired Term: Hadi (the Council's first defensive line):

After Hadi resigned from his position as President of the Republic of Yemen at a time when the dialogue rounds reached the final decision regarding the form of the state and when the parties were close to taking decision regarding the issue of the Presidential Council and the new constitution, foreign intelligence agencies smuggled resigned president Hadi on 21 February2015 to Aden Governorate. From there, he withdrew his resignation despite the fact that the state's legal status had been changed by the constitutional declaration that suspended the parliament and changed the form of the state's presidency to a provisional presidential Council called the Supreme Revolutionary Committee.

Legally, Hadi was no longer president due to the expiry of his term according to the Gulf Initiative on the one hand, his resignation on the other hand, as well as the fact that the legal status of the state had changed and he no longer had the right to withdraw a resignation that had no legal consideration, since Yemen's House of Representatives was dissolved. Furthermore, the legal situation that allowed him to exceed his term was the signing of the Peace and National Partnership Agreement, which limited his existence to carrying out presidential duties in the transitional phase. The Security Council was aware of this, so it quickly supported the agreement and declared it, along with the Gulf Initiative, as a reference for the political transition in Yemen. However, Hadi was unaware of this when he issued a statement upon his arrival at Aden Governorate, in which he announced unilateral measures that constituted a rejection to Resolution 2216 and a coup against the Peace and National Partnership Agreement and all the decisions that had been taken based on that agreement since September 21, 2014. In that statement, Hadi said, 'All the steps and appointments that were taken since September 21 are invalid and illegal. We call for the meeting of the National Dialogue Authority to be held in Aden or Taiz until the militias have left Sanaa.'

It was not only that Hadi had overturned the Peace and National Partnership Agreement and Security Council resolutions that approved the agreement, such as Resolution 2201 and Resolution 2204, but he also begun to mobilize irregular militias, including Al-Qaida and Daesh (ISIS), and lure the southern tribes by recruiting thousands of them and issuing decisions to return southern retirees and recruit 20 thousands more to establish military forces outside the framework of the army in an attempt to plunge Yemen into a civil war, (64) in clear violation of Security Council resolutions on Yemen, which require commitment to the dialogue mechanism and peaceful means and to refrain from resorting to violence, the latest of which is Resolution 2204, which reiterated its call for 'all parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation'.

⁽⁶³⁾ https://www.reuters.com/article/oegtp-yemen-killed-ah1-idARAKBN0LP09020150221

⁽⁶⁴⁾ https://www.bbc.com/arabic/middleeast/2015/03/150313_yemen_hadi_new_decrees

At that time, the armed forces moved the army units that were still operating under the command of the Ministry of Defense and the Supreme Security Committee to confront the scheme and maintain state sovereignty in the southern governorates where Hadi was trying to get things out of control by declaring a military coup. The army managed to reach Aden Governorate, then the resigned president was able to flee again, but this time to the Kingdom of Saudi Arabia, which announced—while Haid was on his way to Saudi Arabia—through its then ambassador to the United States Adel Al-Jubeir from Washington that the military operations of a coalition of ten Arab countries backed by America had begun an operation called 'Operation Decisive Storm' without any approval or authorization from the United Nations, (65) and without the knowledge of the resigned president, at the request of whom the coalition claimed that the storm was launched. According to what was stated in his television interview on Abu Dhabi Channel on 26 October 2018, Hadi confirmed that he had no knowledge of the aggression until fleeing Aden Governorate to Saudi Arabia, as he said, 'When we arrived at Al-Ghaitha Area in the morning, they told us that Operation Decisive Storm had begun. We didn't know, since we kept moving all night, 'adding that, 'I was wondering, "Could this bereal?""(66)

Starting at 1 a.m. on 26 March 2015, Operation Decisive Storm began with a comprehensive air bombardment on the capital, Sanaa, and various Yemeni governorates. That operation represented the beginning of a series of war crimes and genocide that affected all Yemenis, resulted in thousands of martyrs and wounded, and aimed at setting the stage for the subjugation of the Yemeni people and the invasion and occupation of Yemeni territories by the coalition forces under the pretext of responding to the request of the resigned president who fled to Saudi Arabia, eliminating what the coalition called 'the Houthis' (the Ansar Allah component), and returning Hadi to power. It is worth mentioning that all of that was being done under the direct supervision of Saudi Defense Minister Mohammed bin Salman since the first strike.

⁽⁶⁷⁾ The first strike carried out under the supervision of Mohammed bin Salman



⁽⁶⁵⁾ Press briefing by Adel Al-Jubeir from Washington

⁽⁶⁶⁾ Yemen in One Week (see minute 10)

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Second: The UN envoy uncovers the plot, and the patience of the Yemenis unmasks the Council:

On April 16, 2015, the UN envoy submitted his resignation from his mission as envoy representing the Secretary-General of the United Nations in Yemen due to Saudi Arabia's efforts that derailed the political agreement between the Yemenis and the aggression on Yemen that shocked him. In an interview, Jamal Benomar confirmed that the Yemenis were close to reaching a political agreement before the Saudi-led aggression on Yemen that had hardened the positions of some parties to the conflict. According to Wall Street Journal, Jamal Benomar said that the military operation on Yemen had complicated the political track in Yemen. (68) That confirmed what he said in his last Security Council briefing regarding how the Saudi aggression sought to bring down any political agreement, and also confirmed that Riyadh was instructing its followers to delay the negotiations.

In a statement to Al Jazeera Channel on the 'Without Borders' program on 25 March 2021, the envoy also explained that he was in Riyadh two days before the aggression and had received assurances from the Saudi authorities regarding their support for the peace process and their no intention to support any military action. (69) He also highlighted that reassurance in a television interview with Al-Mayadeen Channel on 5 May 2021, where he said, 'I was in Riyadh two days before the start of the war, and the purpose of my visit to Riyadh was to consult with the Saudi leadership about possible solutions, as well as to make practical arrangements for signing the agreement because the Saudis at that time were demanding that the signing be in Riyadh, which the Houthis and others did not accept,' adding that no Saudi official had mentioned the possibility of Saudi Arabia entering war and that they, instead, always underlined the need for a peaceful solution serving as the basis of all agreements. (70)

The UN envoy revealed the Security Council's involvement in supporting the aggression against Yemen through a statement to the 'Without Chains' program broadcasted by BBC on 28 April 2021, in which he said, 'The Security Council did not adequately assist Yemen in this ordeal because the Security Council adopted a resolution in April 2015 that demands the Houthis to simply surrender to a government in exile, in hotels in Riyadh, and this is unrealistic.' He revealed that the Security Council encouraged the war, saying: 'International parties encouraged this war by financing it with weapons. This must stop, adding that 'the Security Council cannot claim that it calls for peace and at the same time the members of the Security Council are competing for who gets the contract from the countries participating in this war, namely Saudi Arabia and the UAE.'(11)

 $^{(68) \ \}underline{\text{https://www.wsj.com/articles/former-u-n-envoy-says-yemen-political-deal-was-close-before-saudi-airstrikes-began-1430081791}$

⁽⁶⁹⁾ https://www.youtube.com/watch?v=DPuLu0vFiZY (34:18)

⁽⁷⁰⁾ https://www.youtube.com/watch?v=DPuLu0vFiZY (10:35)

⁽⁷¹⁾ https://www.bbc.com/arabic/tv-and-radio-56914846

After the start of the aggression on Yemen, the leader of the revolution, Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi, directed the Revolutionary Committee, the government, and the army not to retaliate against military operations for forty days as an initiative to provide an opportunity for peace. He also appeared in speeches to call on the world to be a witness over the unjust aggression, advise the Yemenis to be patient, and call on the coalition to stop the aggression, or an unprecedented move in human history that showed great concern for saving lives and maintaining peace and once again proved that 'the belief is that of the Yemenites, and the sagacity is that of the Yemenites'. (73)

That initiative was a witness to the peacefulness of the Yemeni revolution and its intention to inflict no harm on its neighbors or the world, and it refuted any argument of the coalition and the Security Council in support of this aggression. It also demonstrated the adherence of Yemenis to peace and the commitment of its revolutionary leadership to maintain regional and global peace and security and its adherence to international humanitarian law, as well.

⁽⁷³⁾ Hadith by Prophet Mohammed (Peace be upon him and his family) agreed on its authenticity in all Islamic schools of thought.



⁽⁷²⁾ The speech of Al-Sayed. Abdul-Malik Badruldeen Al-Houthi on the 56th day of the aggression on Yemen May 20,2015: 'It has become clear now that you, the Saudi regime, are the one who constitute a threat to this country. During the first forty days of the aggression, no one retaliated against you. But after forty days, the people's committees, some of the army, and some of the tribes began to retaliate in a limited way, so that you may reconsider and change course and that you may wake up and stop your aggression. However, it seems that you have not woken up until now.'



Third: Resolution 2216 (The Security Council is an accomplice in the crime):

Although the Saudi-led coalition launched hundreds of airstrikes on various Yemeni governorates during the 40-day period of the strategic policy of self-restraint, the Security Council didn't take any move to fulfil its duty even by passing a resolution to condemn the aggression that was not met with any bullet, and to call for putting an end to it. Instead of doing so, it participated in the crime of aggression by committing two grave violations of the UN Charter and international humanitarian law:

The first violation: The Security Council ignored the crime of aggression being clearly carried out by the collation against Yemen and kept silent for twenty days in the face of hundreds of airstrikes on several Yemeni governorates by the coalition that targeted Yemen's infrastructure and civilian properties and led to the death and injury of 3362 civilians, of them 1037 killed, including 214 children and 184 women; and 2325 wounded, including 352 children and 485 women.⁽⁷⁴⁾

The second grave violation: The Security Council committed a grave violation against the Yemeni people and international costmary law when it adopted Resolution 2216 at its session 7426 on 14 April 2015. That resolution shocked the world and brought shame not only to the Council but also to the whole system of the UN, since it completely ignored the coalition's announcement of the aggression and its offensive operations against Yemen and completely turned a blind eye to hundreds of war crimes that claimed the lives of thousands and caused great loss of private and public property.

In an attempt to mislead the international community, the coalition announced on 21 April 2015 (six days after the Security Council adopted Resolution 2216) an end to Operation Decisive Storm in a statement by the spokesperson for the coalition. That announcement came after 26 days from the start of the military campaign, during which the Yemeni people exercised self-restraint and paved the way for the Security Council to fulfill its responsibilities. However, that Council didn't move a finger to stop the aggression even by releasing any statement of condemnation, which encouraged the coalition to continue its aggression against Yemen and announce in the same statement the start of a new campaign called 'Operation Restoring Hope' to renew its targeting against Yemen and its efforts to occupy Yemen's territories.⁽⁷⁵⁾

During the first forty-day period, the coalition kept launching air, sea, and land attacks against Yemen, leading to the death and injury of 5731, among them 4144 killed including 661 women and 585 children; and 1587 wounded including 250 women and 289 children. (76)

⁽⁷⁴⁾ Yemen Center for Human Rights' database for crimes and violations committed by the coalition of aggression

⁽⁷⁵⁾ https://www.al-jazirah.com/2015/20150422/ln60.htm

⁽⁷⁶⁾ Yemen Center for Human Rights' database for crimes and violations committed by the coalition of aggression

a. The Security Council legitimizes aggression with a letter (a pathetic excuse)

The Security Council, by adopting Resolution 2216, has revived and internationalized an internal conflict that was no longer active, and finally succeeded in what it sought since 2011 to make the situation in Yemen constitute a threat to international peace and security. However, that was not because Yemen constituted a threat to its neighbors or international security, but rather because the Council, along with more than 20 countries, is threatening peace and security and supporting an international coalition headed by the Kingdom of Saudi Arabia, the United Arab Emirates, the United States, and the United Kingdom in launching a full-fledged aggression against Yemen by carrying out air, land, and sea attacks; invading and occupying lands; destroying vital capabilities, facilities, and civil and military infrastructure; and recruiting mercenaries from different countries.

All of these crimes were carried out under a UN international cover led by the Security Council, whose <u>Resolution 2216</u> began with a preamble in which it presented a letter allegedly sent by Hadi to legitimize the military operations announced by the coalition from Washington, 20 days before the issuance of the resolution. The preamble reads as:

Noting the letter dated 24 March 2015 from the Permanent Representative of Yemen, to the United Nations, transmitting a letter from the President of Yemen, in which he informed the President of the Security Council that "he has requested from the Cooperation Council for the Arab States of the Gulf and the League of Arab States to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis", and noting the letter dated 26 March 2015 from the Permanent Representative of the State of Qatar, S/2015/217, transmitting a letter from the Representatives of the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates'

Through this preamble, the Council tried to introduce itself as a party concerned with Hadi's letter, although the Council acknowledged that the letter was sent less than 48 hours before the start of the aggression on March 24, 2015. In addition, The letter did not address the Security Council in the first place, but rather addressed the Gulf Cooperation Council and the Arab League for military action. It is also worth mentioning that the letter was not submitted to the Security Council for consideration in accordance with the Charter of the United Nations and its regulations, and that Hadi did not write that letter and did not even know about it, according to what was stated in his 26 October 2018 television interview on the program 'Yemen in a Week' on the Emirati channel Abu Dhabi. (77) What also confirms this argument is the statement of then United Nations Envoy Jamal Benomar when he told Al-Jazeera (78) and Al-Mayadeen (79) channels that he had received assurances from the Saudi authorities not to support any military action.



⁽⁷⁷⁾ https://www.youtube.com/watch?v=aabIm i2zww (10:00)

⁽⁷⁸⁾ https://www.youtube.com/watch?v=DPuLu0vFiZY (34:18)

⁽⁷⁹⁾ https://www.youtube.com/watch?v=ex5hW 7vlLI (10:35)



The same is true for the letter of the representatives of the coalition that according to the Security Council was sent on March 26, 2015, which means two days after the start of the coalition's military operations against Yemen known as 'Operation Decisive Storm', and therefore clearly violates the provisions of <u>Chapter VIII of the UN Charter</u> that regulate the procedures and work of regional arrangements and obliges them to work under the supervision of the UN.

Even if we accepted the claim of the Security Council regarding the reception of these two letters, there is still an important question that should be raised: Why did the Security Council not prevent the Kingdom of Saudi Arabia and the Gulf Council from requesting a military action on an internal Yemeni conflict? And why did the Council not seek, according to its duties stipulated in the Charter of the United Nations, to find peaceful solutions with the Yemeni parties that positively cooperated with the United Nations envoy in maintaining the process of dialogue and peaceful negotiation with the Yemeni components?

b. Under the fire of airstrikes and restrictions of the blockade, the Yemenis are obliged by the Council to accept a political transition

The subsequent paragraphs in the preamble to Resolution 2216 are contradictory in what they called for: On one hand, these paragraphs express support for the aggression where they provided that the Council supports 'the efforts of the Gulf Cooperation Council in assisting the political transition in Yemen and commending its engagement in this regard', as well as the legitimacy of the fugitive and resigned president, Hadi; but on the other hand, they underline 'the necessity to resume Yemen's political transition process with the participation of all Yemeni parties in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference,' while emphasizing the need for the return to the implementation of the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the Comprehensive National Dialogue Conference, including drafting a new constitution, electoral reform, the holding of a referendum on the draft constitution and timely general elections, to avoid further deterioration of the humanitarian and security situation in Yemen.

The Council deliberately ignored the Peace and National Partnership Agreement, an agreement that the Council used to repeatedly emphasize its significance as one of the references of the political transition. Showing no concern for the aggression, war, or thousands of airstrikes falling on the heads of the Yemenis, killing, wounding, and displacing tens of thousands, the Security Council saw in such an atmosphere as an appropriate atmosphere for the resumption of the political transition, even if built on the remains of Yemeni children. Even so, the Security Council did not forget to repeat its usual phrase: 'Reaffirming its strong commitment to Yemen's unity, sovereignty, independence, and territorial integrity'. But this time, the Council was keen to add another phrase that emphasized 'its commitment to standing by the people of Yemen,'—a stance that praised, encouraged, and supported the coalition in its aggression against the Yemeni people!

Being aware of the catastrophic situation it has created in Yemen, the Security Council had no choice but to express its condemnation and displeasure. But rather than citing the aggression and the fall of hundreds of Yemenis as the reason, it blamed 'the military escalation by the Houthis in many parts of Yemen,' as well as 'the ongoing unilateral actions taken by the Houthis, and their failure to implement the demands in Resolution 2201 (2015)'—even though they had implemented most of those demands before the beginning of the aggression and foreign interference. The Council also deplored 'any attempt by the Houthis to take actions that are exclusively within the authority of the legitimate Government of Yemen'. However, the Council seemed to overlook the fact that the president of what it referred to as the legitimate government had resigned and that the ministers of that government joined the Supreme Revolutionary Committee.

Boldly seeking to falsely accuse one of the national components in Yemen of jeopardizing the unity, stability, and sovereignty of Yemen, the Security Council continued in its preamble to mislead the international community and cover the truth by 'expressing alarm that such actions taken by the Houthis undermine the political transition process in Yemen, and jeopardize the security, stability, sovereignty and unity of Yemen'. However, the Council turned a blind eye to the threat to the sovereignty and security of Yemen caused by the coalition's bombardment of Yemeni cities being carried out around the clock and the destruction of Yemen's civilian infrastructure and houses on the heads of their inhabitants as well as the occupation of Yemeni lands. Even so, the Council managed to highlight that issue by declaring all acts of aggression, whether taking place in the air, sea, or on ground, as a threat to 'neighboring countries', the aggressors! In declaring that, the Council ignored the fact that the Yemeni authorities, even at the time of adopting Resolution 2216, didn't retaliate at the request of the leader of the revolution who sought to give the UN, the Security Council, and the international community an opportunity to intervene and stop the coalition countries' aggression, the continuance of which constituted a threat to the region and might lead to a regional conflict. (80) However, the Council didn't pay attention to all of that or bother itself to fulfil its duty by seeking real solutions to put an end to the aggression and restore the stability of Yemen and the region as a whole. Rather, it did not wait for the Yemeni authorities to announce, as expected, the start of retaliatory operations as part of their duty to defend the country, and it instead declared Yemen as a threat to the aggressor countries and reaffirmed 'its determination that the situation in Yemen constitutes a threat to international peace and security'. As a result, the Council rained Yemen with unjust resolutions, using its powers under Chapter VII of the UN Charter that we proved to have no legal basis.

^{&#}x27;It has become clear now that you, the Saudi regime, are the one who constitute a threat to this country. During the first forty days of the aggression, no one retaliated against you. But after forty days, the people's committees, some of the army, and some of the tribes began to retaliate in a limited way, so that you may reconsider and change course and that you may wake up and stop your aggression. However, it seems that you have not woken up until now.'



⁽⁸⁰⁾ The speech of Al-Sayyid. Abdul Malik Al-Houthi on the 56th day of the aggression on Yemen May 20,2015:



c. The Security Council targets advocates of peace in Yemen with sanctions

When taking into consideration <u>Resolution 2216</u> and its merits and justifications that could never be further from the truth and justice, as well as its insistence on supporting the powers of evil determined to commit aggression against Yemen and occupy its lands, one can't be mistaken for expecting the provisions of this resolution under Chapter VII to be more unjust and further from justice and the pursuit of peace and security.

As usual, the Security Council always has something to surprise us with! Even though the leaders of the coalition countries of aggression, notably of Saudi Arabia, clearly announced their responsibility for establishing a coalition to conduct military operations in Yemen, the Security Council added the names of other persons to its sanctions list pursuant to Resolution 2140, accusing them of endangering peace and security and undermining the political transition. Indeed, the list did not contain the names of those persons in charge of the coalition, Hadi's militants, or Al-Qaida and ISIS. Instead, the Council added Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi to its sanctions list although he was the one who requested the Yemeni authorities, as well as the military and the people, to remain patient and not to retaliate even in the face of air bombardment in hope that peace may prevail again. However, the Security Council responded to such efforts by adding him to its list! Seeking to provide cover for targeting a Yemeni figure who was calling for peace day and night through the media and international satellite channels, the Council included the name of another person, Ahmed Ali Abdullah Saleh, despite serving as the ambassador of Yemen to the UAE, a country that leads the coalition alongside Saudi Arabia, and residing in Abu Dhabi. It is worth mentioning that he had never taken any national position against the aggression on Yemen, but the Security Council sought through that move to mislead Yemeni and international public opinion.

Other paragraphs to Resolution 2216 the Council adopted pursuant to Chapter VII were one-sided as the previous ones. In paragraph1, the Council sought to exploit the aggression and military pressure to compel the Ansar Allah component and the authorities in Sana'a to surrender under the pretext of rejecting violence, ceding power that was formed after the success of the revolution, and handing the ministries and the affairs of the army over to the militias created by Hadi after he resigned and fled from Sana'a to Aden on 21 February 2015 and then to Saudi Arabia. (81)

Turning a blind eye to the fact that the coalition's warplanes is raining Yemen with airstrikes, the Council also reiterated its call in paragraph 5 for the Yemeni parties 'to resume and accelerate inclusive United Nations -brokered negotiations'.

In paragraph 6, it also called on all Yemeni parties to 'commit to settling differences through dialogue and consultation, renounce acts of violence to achieve political goals and refrain

⁽⁸¹⁾ Hadi announced a number of new appointment decrees, including a presidential decree on 13 March 2015 to recruit twenty thousand southerners into the army. See https://www.bbc.com/arabic/middleeast/2015/03/150313_yemen_hadi_new_decrees

from provocative actions and all unilateral measures aimed at undermining the political transition process, 'which gives the impression that the committee tasked with formulating the resolution and the members who voted for it are actually suffering from schizophrenia, or they are dealing with the Yemeni people and the international community with stupidity and believe that they are getting a great people used to accept the occupation and to give up their sovereignty in exchange for contradictory words and phrases. How can a sane person understand the Council's request for the Yemenis to renounce violence to achieve political goals and refrain from provocative actions while the Security Council is supporting a coalition of more than 22 countries that carry out an aggression against Yemen to legitimize a fugitive and resigned president who resides outside Yemen, and seeking to restore him to power in spite of Yemenis' rejection and a victorious revolution? Who is doing violence, killing, and bombing? And what actions may be more provocative from the Council's point of view than killing children and occupying the country?!

On 15 June 2020, the Security Council presented another surprise first by removing the leadership of the coalition from its black list of parties involved in grave violations against the child, and second by admitting the UAE to membership of the Security Council from 2022 to 2023 to protect it from any accountability for its crimes in Yemen.

d. The Council demands the people to follow a fugitive president (first in history)

Paragraph 7 came as the first of its kind in the history of the Security Council, where it urged 'all Yemeni parties to respond positively to the request of the President of Yemen to attend a conference in Riyadh, under the auspices of the Gulf Cooperation Council, to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations'. Indeed, a person cannot stop laughing when reading this paragraph that shows the Security Council resort to demanding the leader of the revolution to surrender and hand over power to the previous regime after the success of the revolution against that same regime, in an attempt to thwart the revolution.

When the revolutionaries surprised the world by opening the door for all Yemeni parties to participate in running and building the country, the Security Council resorted to express its support for the crime of aggression carried out by an international coalition against Yemen in order to force the revolutionaries to leave power and hand it over to a corrupt regime headed by a fugitive president outside the country.

When the Security Council failed to terrorize the Yemenis with war, it resorted to demanding the Yemenis to move to the place that fugitive president escaped to, using his request for Yemenis to attend a meeting in Riyadh as a pretext allegedly aimed at supporting the political transition that had been taking place in Sana'a, the governorate he left and couldn't return to or any other governorate. The Council had no choice but to ask the Yemenis to leave their homeland to live with a fugitive president, so that might give him the legitimacy he lost after he resigned, staged a coup, and fled the country.



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e. The Security Council starving the Yemeni people

The picture of the crime of aggression cannot be fully developed without blockades, so the Security Council resorted to legitimizing the starvation of the Yemeni people by the coalition countries of aggression led by Saudi Arabia. To that end, the Council put forwards paragraphs 14, 15, 16, 17, 18, 19, under the name of arms embargo on specific persons on the sanctions list.

In view of the inspection procedures imposed by the Security Council, it was clear in its request to countries, especially those neighboring Yemen, to carry out inspections not only of arms shipments or even ordinary goods belonging to the names referred to in the sanctions list, but rather threatened and called especially on neighboring countries to inspect 'all cargo to Yemen, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution for the purpose of ensuring strict implementation of those provisions'. (82) This resolution authorized the coalition countries of aggression to implement a comprehensive blockade on the Yemenis in violation of international law and international humanitarian law and sought to give them the right to inspect all commercial ships without exception, prevent and confiscate ships owned by the Sana'a government, and deliberately delay commercial cargo ships and prevent items that were not sanctioned under the pretext of being done at the request of Abd Rabbo Hadi, the fugitive president residing in Riyadh. Such an authorization could also be used by the coalition to prevent the entry of ships of oil derivatives and medicines(83) and close the air, sea, and land ports, (84) in collective punishment of the Yemeni people and a deliberate act of starvation and blockade, which is part of the crime of aggression against Yemen. (85)

- (83) The Minister of Health, Taha Al-Mutawakel, stated at the opening of the first annual scientific conference for the national pharmaceutical industries, that 'the aggression has deepened the suffering of the Yemeni people by preventing the entry of 360 medicines that need to be transported to be refrigerated, and closing Sana'a International Airport, which hampered the arrival of important medicines, especially medicines for patients with chronic diseases.'
- (84) This is clearly evident in the recognition of the coalition forces in their response to the inquiries submitted by the Group of International and Regional Eminent Experts on Yemen (GEE) on August 8, 2018, in which it admitted that it is preventing commercial ships and closing airports to commercial flights.

2018 Yemen KSA UAE joint reply GEE List of Issues AR.pdf (ohchr.org)

- (85) An HRW report entitled 'Yemen: Coalition Blockade Imperils Civilians' made it clear that the air and sea blockade by the coalition is worsening the catastrophe in Yemen:
 - 'The Saudi-led coalition's broad restrictions on aid and essential goods to Yemen's civilian population are worsening 'the country's humanitarian catastrophe, Human Rights Watch said today. Unless the coalition immediately stops blocking aid and commercial goods from reaching civilians in Houthi-controlled territory, the United Nations Security Council should impose travel bans and asset freezes on senior coalition leaders, including the Saudi crown prince and defense minister, Mohammed bin Salman.

⁽⁸²⁾ Paragraph15 of Resolution 2216 reads as follows:

^{&#}x27;Calls upon Member States, in particular States neighbouring Yemen, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to Yemen, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution for the purpose of ensuring strict implementation of those provisions.'

Fourth: The aggression on Yemen is a violation of international law and a destruction of the United Nations system

a. A coup against the Charter of the United Nations and its resolutions

The Security Council did not perform its duty to stop a crime of aggression that it knew before its execution. Rather, the Council insisted on supporting the coalition countries in their violation of the United Nations Charter, where Article 2 stipulated: 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.'

The coalition countries and members of the Security Council also violated Article 33 of the Charter, under which parties to conflict are obliged to seek peaceful solutions to conflicts whose continuance may endanger international peace and security, especially when taking into consideration that the Yemeni revolutionary authorities managed to run the country and continued to engage in dialogue with the rest of the components under the auspices of the United Nations after the resignation of Hadi, who was not representing any component or party in the dialogue at the time, where Article 33 stipulates that: 'The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.' Likewise, the Council violated Article 38, as it refrained from making recommendations with the intention of resolving the conflict peacefully and announced its support for Hadi and the coalition's request in its Resolution 2216.

As for the articles of Chapter VII, they are, as we explained previously, not only related to the measures taken by the Council in cases of threats to international peace and security, but also to the occurrence of aggression against a country. Therefore, these measures shouldn't have been taken against the Yemeni people, but rather against those who announced and carried out the aggression against the Yemeni people and their land. As a result, the Council violated Article 39 with its illegal measures that endangered international peace and security because of its support for the aggression against Yemen and its inability to give everything backintoplace. (86)

In addition, the Council's actions and resolutions did not prevent the aggravation of the crisis, which it is one of its main tasks explained in Article 40. Rather, it deliberately violated the

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.



[&]quot;The Saudi-led coalition's military strategy in Yemen has been increasingly built around preventing desperately needed aid and essential goods from reaching civilians, risking millions of lives," said James Ross, legal and policy director at Human Rights Watch. "The Security Council should urgently sanction Saudi and other coalition leaders responsible for blocking food, fuel, and medicine, causing hunger, sickness, and death."

⁽⁸⁶⁾Article39 of the Charter of the UN:



rights of a party to the conflict, the oppressed, and allowed aggressive measures represented in the use of armed forces to attack the territories and population of a member state of the United Nations. And that was the case even though those forces, i.e. the coalition forces, are not formed or supervise by the Council and do not carry out their offensive military operations as the Council decides. ⁽⁸⁷⁾ In other words, the coalition forces carried out military operations on Yemeni territories without the official permission of a Security Council resolution, in clear violation of Article 48 in particular, as well as articles 41, 42, 43, 44, 45, 46, and 47.

Article 52 of the UN Charter defines the validity of any regional arrangements that interfere in an internal conflict and limits their role to 'make every effort to achieve pacific settlement of local disputes,' as the UN Charter affirmed in Article 53 clearly that: 'no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.'

The Security Council, in its preamble, tried to legitimize the aggression against Yemen, using a letter from the resigned and fugitive president, Abdu Rabbo Hadi, in clear violation of its previous resolutions regarding Yemen (2051, 2140, 2201, and 2204), which called upon all Yemeni and foreign parties to refrain from violence or support it for achieving political goals and adhere to international law. For example, paragraph 9 of Resolution 2201 called on 'all member States to refrain from external interference which seeks to foment conflict and instability and instead to support the political transition'.

On top of all of that, the Security Council insisted on violating the relevant United Nations resolutions, the most important of which is Resolution 103/36 issued on December 9, 1981, and titled '<u>Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States</u>', which emphasized in its second article:

'(b) The sovereign and inalienable right of a State freely to determine its own political, economic, cultural and social system, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, without outside intervention, interference, subversion, coercion or threat in any form whatsoever.'

The same is true for the duties of states in the same article:

- '(a) The duty of States to refrain in their international relations from the threat or use of force in any form whatsoever to violate the existing internationally recognized boundaries of another State, to disrupt the political, social or economic order of other States, to overthrow or change the political system of another State or its Government;
- (c) The duty of a State to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert.

⁽⁸⁷⁾Article48 of the Charter of the UN:

^{1.} The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

^{2.} Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

- (g) The duty of a State to prevent on its territory the training, financing and recruitment of mercenaries, or the sending of such mercenaries into the territory of another State and to deny facilities, including financing, for the equipping and transit of mercenaries;
- (h) The duty of a State to refrain from concluding agreements with other States designed to intervene or interfere in the internal and external affairs of third States:
- (i) The duty of States to refrain from any measure which would lead to the strengthening of existing military blocs or the creation or strengthening of new military alliances.'

All of these prohibitions were carried out by the coalition countries in their aggression on Yemen, with the blessing and praise of the Security Council, which was not shy about declaring them in all of its resolutions, starting with Resolution 2216.

The Security Council and the coalition countries also committed a clear violation of United Nations General Assembly Resolution 3314 (D-29) of 1974, in which the Assembly affirmed that: 'Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof.' Article 1 of the annex to this resolution defined aggression as 'the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition'. In addition, the offensive operations carried out by the coalition against Yemen can be qualified as acts of aggression referred to in Article 3 of the same resolution. (88)

b. A violation of international law and international humanitarian law

International law and international humanitarian law and treaties, which the Security Council is supposed to protect, have been violated by the Council itself! Here are some of the most important conventions violated by the Council due to its support and encouragement of the aggression on Yemen: The Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Law of the Sea (1982), the Convention on the Rights of the Child (1989), International Convention for the Suppression of the Financing of Terrorism (1999), the International Convention for the Suppression of Acts of Nuclear Terrorism (2005), Convention on the Rights of Persons with Disabilities (2006), and the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (2008).





c. A breach of Taif Treaty

The Security Council did not make any effort to slow down in support of the aggression of the Saudi-led coalition on Yemen, and if it did not give any consideration to its founding Charter, United Nations Resolutions, and international law, how can it be relied upon to obligate Saudi Arabia to the Taif Treaty, signed with Yemen on May 20, 1934, a treaty that was written and handed over to the General Assembly by the Saudi regime on October 9, 2006, to be later added to the archive of the General Assembly and take the number of (1297).

The treaty obligated the two parties in Article 9 to refrain from using the territories of either party for aggression against one another, as the article states: 'The Two High Contracting Parties undertake, by all moral and material means at their command, to prevent the use of their territory as a base and centre for any hostile action or enterprise, or preparations therefor, against the country of the other party.'

Likewise, Article 15 obliges the two parties not to enter into alliances that harm the country of either parties: 'Each of the Two High Contracting Parties shall undertake not to meddle with a third party, be it an individual, an organization or a government, or enter into an agreement therewith it on any matter which may prejudice the interests of the other party, cause harm to its country, lead to problems and difficulties for it, or pose a danger to its benefits, interests, and entity.'

As for Article 17, it obliges the two parties to maintain complete neutrality in the event of an external aggression on the country of either of the two parties:

- ' In the event of an external aggression on the country of either of the Two High Contracting Parties, the other party shall be bound to carry out the following undertakings:
 - 1. Adopt complete neutrality secretly and openly.
 - 2. Provide possible moral support.
 - 3. Undertake negotiations with other party to find the best of ways to ensure the security of its country and save it from harm, and to take a stand that can not be interpreted as providing help to the external aggressor.'

In view of the above, the Security Council has committed violations, if not crimes, by supporting the Saudi-led coalition's aggression against Yemen based on an alleged request from a resigned president who doesn't represent any national component and has left the country after turning his back on all Security Council resolutions and the Peace and National Partnership Agreement, which was referred to as a reference by the Security Council. In addition, the actions taken by the Security Council and the Saudi-led coalition have been in violation of relevant Security Council resolutions, the Charter of the UN and its resolutions, international law, and the Taif Treaty signed and ratified by the UN. Therefore, the commission of such violations, as well as the insistence on the continuation of this crime against the land and people of Yemen, makes it clear that the Security Council is not only targeting Yemen but also targeting the entire system of the

UN, its member states, and humanity as a whole; and this may lead to the collapse of the UN system for nothing other than pleasing and supporting the super powers in their arrogance, tyranny, and domination of peoples, and may set the stage for another tragic collapse of the League of Nations: {'so that Allah might accomplish what was destined to be done'} [Al-Anfal 8:42].

d. After the failure of the United Nations (Yemen exercises the right of self-defense)

After the forty-day initiative came to an end after the Yemenis proved that they are oppressed people who are eager for peace and who lost hope in attracting any positive regional or international intervention (especially after the negative positions of the Security Council in support of the coalition; and the failure of the United Nations and its system to take any initiative to prove its impartiality and seriousness in ensuring the implementation of the Charter of the United Nations, international conventions, international human rights law, and international humanitarian law; and the insistence of Saudi Arabia and the coalition countries to reject all calls for peace and the continuation of their aggression and the most heinous massacres against Yemenis), the Revolution Leadership, based on a just cause and in line with the Quranic and faith-based legitimacy, gave its green light to the army forces and the people's committees to defend the people and the pillars of the state against the external aggression: Allah Almighty says, { 'Permission is given to those upon whom war is made because they are oppressed, and most surely Allah is well able to assist them' { [Surah Al-Haji 22:39]; He (Glory be to Him) also says: { 'so whoever has assaulted you, then assault him in the same way that he has assaulted you" [Surah Baqara 2:194]; and the Almighty further says, {'Fight in the cause of Allah those who fight you'} [Surah Baqara 2:194].

On the principle of self-defence recognized in all principles, laws, and customs adopted by humanity, Article 51 of the Charter of the UN reads:

'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.'

Based on this principle that humanity recognized in all its principles, laws, and customs, the army forces and the revolutionary people's committees retaliated against the coalition's operations in a gradual way by targeting Saudi military sites and carrying out defensive ground operations to prevent the occupation of Yemeni lands by foreign forces. These operations were announced as defensive strategic military operations carried out in stages, where the leader of the revolution appears at every stage calling on the coalition and the international community to stop the aggression and return to peaceful political solutions that guarantee





the independence and sovereignty of the Republic of Yemen, and welcoming any serious initiatives to stop aggression and bring about peace—in action, that was clearly seen in the serious participation in and interaction with every call to negotiations, as in Geneva, Kuwait, Stockholm, and Oman.

Leader of the Revolution Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi explained this in his 20 May 2015 speech marking the fifty-sixth day of the aggression on Yemen, where he said:

'During the [first] forty days of the aggression, no one retaliated against you. But after forty days, the people's committees, some of the army, and some of the tribes began to retaliate in a limited way, so that you may reconsider and change course and that you may wake up and stop your aggression. However, it seems that you have not woken up until now. One of the foolish gains of this aggression, bad and stupid gains, is that it reinforces and solidifies feelings of resentment in the hearts of the Yemeni people against you. Today, after all this criminality, all families in Yemen are grieving, and every Yemeni citizen is grieving and feeling hurt by you that you have offended him.' (89)

e. During the period of aggression 2015-2021, The Security Council announces a pause in time

The Security Council has not taken any responsible position since adopting <u>Resolution 2216</u> on April 14, 2015, twenty days after Saudi Arabia announced from Washington the start of the aggression against Yemen. In this resolution, the Security Council shrank from its responsibilities and legal obligations under the Charter of the UN, in an attempt to justify the crime of aggression against Yemen.

For more than three years from April 2015 to December 2018, the Security Council was satisfied with announcing on February 26 of each year some usual and annual resolutions repeated in their content and materials to extend the mandate of the Panel of Experts and renew sanctions against Yemenis included in the sanctions list and its usual commitment to Yemen's unity, sovereignty, and territorial integrity, as well as its concern over the political, security, economic, and humanitarian difficulties, including acts of violence, in Yemen. The Council also didn't forget to call on all Yemeni parties to resolve their differences through dialogue and consultation, renounce violence to achieve political goals, and not resort to provocative actions.

In its resolutions, the Council deliberately overlooked the mention or encouragement of the rounds of dialogue and negotiations that took place under the auspices of the United Nations in Muscat 2015 (in which Ansar Allah announced their readiness to implement <u>Resolution</u> 2216)⁽⁹⁰⁾ and the Kuwait negotiations (2016), in which Hadi and his government refused to

⁽⁸⁹⁾ The speech of Al-Sayyid Abdul Malik Badr Al-Din Al-Houthi on the 56th day of the aggression on Yemen May 20,2015 | Huda Al-Quran Center.

⁽⁹⁰⁾ On August 8, 2015, the Ansar Allah delegation (Sana'a delegation) headed to Muscat, to meet the UN envoy for

sign a comprehensive understanding and peace agreement despite their previous approval, due to the coalition's refusal, which is benefiting from the existing situation as it is and its continued expansion in occupying Yemeni lands and controlling its fortunes, (91) while enjoy-

Yemen, who was discussing the ceasefire at the time. After discussions, it was agreed to issue the Seven Points Initiative, and the first item was to abide by Security Council resolutions, but the Saudi Coalition rejected the initiative, and informed the Sana'a delegation through the ambassador of the European Union and an official delegation from Muscat on the condition that a signed statement of that initiative should be issued, which met with the approval of the Sana'a delegation.

On October 3, 2015, the Sana'a delegation sent an official letter to the Secretary-General of the United Nations, the Security Council and the ambassadors of the 18 countries, stating the approval of Security Council resolutions, including (2216) and the readiness for dialogue, as the initiative of the Sultanate of Oman was based on two main points: the first is to convince the parties to the conflict with a humanitarian truce followed by negotiations on a permanent cease-fire; and the second is that Muscat will host rounds of negotiations with the participation of the United Nations, Europe, and USA and enjoyed international guarantees.

(91) Kuwait Negotiations, April 18, 2016

After the understandings agreed upon with Saudi Arabia, it was agreed to hold consultations in Kuwait, but with the condition that Saudi Arabia fulfill its commitments that were agreed upon in Dhahran. The consultations began as scheduled on April 18, 2016, but the start of their actual sessions was postponed to the 21st of April, due to the Sana'a delegation's refusal to hold the first negotiation session before the air strikes stopped on the one hand, and Saudi Arabia's refusal to stop the air raids on the other.

After 4 days, the raids stopped for only one week, then Saudi Arabia resumed its air raids and committed the Mostaba'a massacre, which killed more than 100 people. Military operations were resumed by the Saudi coalition on Al-Jawf with the aim of cutting off the roads of some strategic areas. The Kuwait negotiations lasted 5 months, and the coalition was asking the Sana'a delegation to withdraw from the areas, hand over arms to Hadi government's military in Mar'ib, recognize Hadi legitimacy, and then go for political dialogue.

The Sana'a delegation rejected the pressures of the Saudi coalition to hand over Mar'ib and recognize the resigned Yemeni government without a political solution. The view of the Sana'a delegation was that focusing on a security and military solution only would do little good for reaching a political solution. After that, the Sana'a delegation agreed that the Saudi coalition would take the first steps in the form of security arrangements before the political ones, but the delegation stressed that this would only take place after the comprehensive and complete agreement was agreed upon and signed. However, the coalition only accepted the signing of the military part of the agreement without signing the political solution.

After failing to force the Sana'a delegation to submit to that agreement without reaching at least a political agreement, the American ambassador and the ambassadors of the 18 countries sat directly with the Sana'a delegation in Kuwait. The ambassador told the delegation literally, 'Now you have a deal to sign, or the economic blockade will take place, and we will transfer the Central Bank, prevent revenues, and close Sana'a Airport.' The Sana'a delegation replied, 'Do whatever you want, we will never give up, no matter what.'

During the last days of the Kuwait negotiations, the coalition presented a security and military project that pushed for withdrawing and handing over arms to the resigned government forces in Mar'ib, and then holding a dialogue two months later after the government returned to Sana'a—but it was rejected. The Sana'a delegation returned to Muscat and remained there for 3 months, as it was prevented by the coalition from returning to Sana'a.

One week after the Sana'a delegation returned to Yemen former UN envoy Ismail Ould Cheikh came and handed over to Sana'a a comprehensive UN plan, a road map, and asked for approval to stop the war. The Delegation issued a statement in which it expressed its reservations on some points of the map.

After one week, Oman submitted a request for the attendance of Sana'a delegation to Muscat to meet with representatives of the major countries, notably the United States of America. The Sana'a delegation went and refused to recognize the US Secretary of State as a mediator, and told Muscat that Oman was the mediator, while Washington was a party to the war. The aim of the meeting with the major countries in Muscat was to put pressure on the delegation to sign the roadmap despite the points the Sana'a delegation had reservations about.

Sana'a responded to Oman's request to agree to sign the map, and it was signed by Mohammed Abd Al-Salam





ing the encouragement of the Security Council. All of that indicated the Council's lack of interest in serious negotiations that might lead to a real peace in Yemen.

The Security Council turned a blind eye on the continuation of the military operations of the Saudi-led coalition countries in their aggression on Yemen. ⁽⁹²⁾ In doing so, the Council made it clear that it was not interested in anything but the gains that the coalition had promised to achieve in Yemen in favor of the major countries supporting it and those countries with the Veto power in the Council, such as the United States and Britain. That was also evident in its disregard for the implementation of what it committed itself to in all its resolutions regarding its promise to discuss the reports of its panel of experts that investigated and documented examples of crimes committed by the coalition in Yemen. The Security Council and its committee composed of all its members did not pay attention to such crimes or demand an end to them, let alone demand accountability for their perpetrators, even though they are war crimes and crimes against humanity punishable under the international humanitarian law and are examples of thousands of crimes and violations committed by the coalition in various Yemenii governorates and resulted in falling of tens of thousands of victims and the destruction of public and private properties and infrastructure⁽⁹³⁾. (See chapter 4)

On the other hand, the Council imposed a comprehensive blockade on Yemeni ports, air-space, and territorial waters. However, the Council did not forget to declare its sadness and concern –after emphasizing the importance of the blockade measures—due to the deterioration of the humanitarian situation and the restrictions imposed on the delivery of vital goods to the civilian population (94) and other effects of the blockade that it legislated and demanded in its Resolution 2216 (95). (See Chapter Four).

on behalf of Ansar Allah and Aref Al-Zoka on behalf of General People's Congress. The map was handed over to Oman. The plan included the recognition of Security Council resolutions, agreement on direct dialogue with Saudi Arabia, and the signing of the road map. After the delegation returned to Sana'a again, it became clear that the UN envoy had been pressured by the coalition not to proceed with signing the agreement with the other party. It is worth mentioning that before any Security Council session, Ismail Ould Cheikh was keen to visit Sana'a and Riyadh, so that he could inform the Council that he had met all parties and that peace in Yemen is near.

- (92) Repeated paragraph in the preambles resolutions 2266 (2016), 2342 (2017), and 2402 (2018): 'Emphasizing the necessity of discussion by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) ("the Committee"), of the recommendations contained in the Panel of Experts reports.'
- (93) Yemen Center for Human Rights has documented many crimes and they have been published in multiple versions of reports and statements. For information, you can visit the official website of the center at <u>Yemen Center for Human Rights (ycfhr.org)</u>
- (94) Repeated paragraph in the preambles resolutions 2266 (2016), 2342 (2017), and 2402 (2018): 'Gravely distressed by the continued deterioration of the devastating humanitarian situation in Yemen, expressing serious concern at all instances of hindrances to the effective delivery of humanitarian assistance, including limitations on the delivery of vital goods to the civilian population of Yemen.'
- (95) Article 15 of Resolution 2216 (2015):
 - 'Calls upon Member States, in particular States neighbouring Yemen, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to Yemen, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution for the purpose of ensuring strict implementation of those provisions.'

These crimes and violations coincided with the process of expanding the coalition's recruitment of mercenaries from Yemen and abroad and supporting Al-Qaeda and ISIS (96). Although the expansion of the two organizations was the source of grave and fundamental concern for the Security Council, as stated in its subsequent resolutions of <u>Resolution 2216</u>, especially after their influence increased in some southern areas under the occupation and administration of the coalition forces (97).

The Security Council concluded all these statements with its usual acknowledgment that the situation in Yemen 'continues a threat to international peace and security' and that it is acting in accordance with Chapter VII of the United Nations Charter to continue adopting resolutions calling for 'the full and timely implementation of the political transition following the comprehensive National Dialogue Conference,' which is the period during which the clock stopped ticking on the Security Council and its resolutions (98).

⁽⁹⁸⁾ Repeated paragraph in the preambles resolutions 2266 (2016), 2342 (2017), and 2402 (2018):

'Reaffirms the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with the Gulf Cooperation Council Initiative and Implementation Mechanism, and in accordance with resolutions 2014 (2011), 2051 (2012), 2140 (2014), 2201 (2015), 2204 (2015), 2216 (2015), and 2266 (2016) and with regard to the expectations of the Yemeni people.'



⁽⁹⁶⁾ See Chapter Four - Recruitment of Mercenaries

⁽⁹⁷⁾ Repeated paragraph in the preambles resolutions 2266 (2016), 2342 (2017), and 2402 (2018):

'Expressing its grave concern that areas of Yemen are under the control of Al-Qaida in the Arabian Peninsula (AQAP) and about the negative impact of their presence, violent extremist ideology and actions on stability in Yemen and the region, including the devastating humanitarian impact on the civilian populations, expressing concern at the increasing presence and future potential growth of the Islamic State in Iraq and Levant (ISIL, also known as Da'esh) affiliates in Yemen and reaffirming its resolve to address all aspects of the threat posed by AQAP, ISIL (Da'esh), and all other associated individuals, groups, undertakings and entities.'



Fifth: The United Nations' management of the strategic ports of Al-Hudaydah draws the attention of the Security Council:

a. The Stockholm Agreement

In 2018, and after the failure of the coalition and its inability to achieve the goals of Operation Golden Victory, the broad military operation announced by the official spokesman of the Saudi-led coalition on June 13, 2018, aimed at conquering and occupying the city of Al-Hudaydah and controlling its strategic ports (99); and after several rounds of the discussion and understandings between the United Nations envoy and officials in Sana'a, the understandings led to a new round of negotiations in the Kingdom of Sweden under the auspices of the United Nations. These negotiations took place between the Sana'a government with its two parties (Ansar Allah and the General People's Congress) and representatives of the resigned President Hadi and his government formed in Riyadh with the insistence of the United Nations and the Security Council to remove the leadership of the coalition countries as a party in any negotiations, in continuation of the policy of global misinformation to show the coalition as a supporter of Hadi and not a party, a stakeholder, or an occupier of Yemeni lands. (100)

The success of the Sweden negotiations was announced by the two parties signing the Stockholm Agreement, which called for a ceasefire in Al-Hudaydah city and its ports, the removal of armed manifestations, and the assumption by local security forces of responsibility for the security of Al-Hudaydah and ports. The agreement also called for the United Nations to play a leading role in supporting the management and inspections of Yemeni Red Sea Ports Corporation in the ports of Al-Hudaydah, Saleef, and Ras Issa; the commitment of the two parties to facilitate the free movement of civilians and goods to and from Al-Hudaydah city and the ports of Al-Hudaydah, Saleef, and Ras Issa; and depositing the revenues of these ports in the Central Bank of Yemen through its branch located in Al-Hudaydah to contribute to the payment of salaries of civil servants in Al-Hudaydah Governorate and all across Yemen.

The Security Council showed an unprecedented interest in the Stockholm Agreement and its understandings, especially when compared to the interest it showed in the understandings of Muscat and Kuwait, which failed due to the lack of support from the Council in putting pressure on the coalition. The Council's interest was evident in its Resolution 2451, adopted in its session 8439 held on December 21, 2018.

Declaring its commitment to the efforts of the Special Envoy of the Secretary-General, the Council affirmed for the first time 'that the conflict in Yemen can be resolved only through an inclusive political process,' recognizing in paragraph 1 of its resolution 'the vital importance of making progress towards a political agreement to end the conflict and to relieve the humanitarian suffering of the Yemeni people.' Strangely enough, its assertion was not accompanied by an obvious demand to create the appropriate atmosphere to achieve the political agreement and alleviate the suffering of the Yemeni people by working first to stop the military operations and the various aggressive practices carried out by the coalition forces in Yemen.

The Council continued to mislead international opinion by covering the crimes of the coalition, avoiding making any mention of these crimes, calling the two parties to implement the Stockholm Agreement, and insisting on a ceasefire exclusively in Al Hudaydah, as if it was the only city in Yemen that under bombardment. Paragraph 3 of the resolution stipulated that the Council ' insists on the full respect by all parties of the ceasefire agreed for Hodeidah governorate, which came into force on 18 December 2018'.

From a humanitarian and legal point of view, Resolution 2451 contained two very important paragraphs, which were approved by the Council and called for their implementation. The Council finally recognized the casualties caused by the so-called conflict, which has become a reality thanks to its previous resolutions in support of the Saudi-led coalition's aggression on Yemen and the revolution's leadership, the Sana'a government, and the army's fulfillment of their humanitarian and national duty to defend their people and territory. This recognition came in paragraph 9 of the resolution, which stated: 'Expresses its deep regret at the loss of life and injuries caused by the conflict, including those caused by land mines, and the killing, maiming, use and unlawful recruitment of children in armed conflict, stresses the importance of all parties to the conflict ensuring the protection of civilians and allowing their safe movement'. The Council also recognized in this paragraph the right of civilians to protection and to move safely. However, the coalition forces continued to undermine this right by arresting the traveling citizens and preventing Yemenis abroad from returning to Yemen through safe routes.⁽¹⁰⁰⁾

In paragraph 8, the Council recognized the existence of a blockade imposed on the Yemenis that is closing the land, sea, and air ports and preventing the flow of commercial and humanitarian supplies, especially fuel. Therefore, it called on the two parties to ensure effective and sustained functioning of all of Yemen's ports, reopen Sana'a Airport for commercial and humanitarian, and to deliver payment of pensioners and civil servant salaries.

⁽¹⁰¹⁾ Yemen Center for Human Rights condemns the kidnapping, torture, looting and killing of the young citizen, 'Abdul-Malik Al-Sanabani' by Aggression Alliance militias- Yemen Center for Human Rights (ycfhr.org)





It is known that after all these years following the issuance of the resolution, the Security Council has not been able to oblige the coalition countries, Hadi, and his government in Riyadh to implement these humanitarian resolutions, which contained rights stipulated in international humanitarian law that criminalizes those who violate them. The Council affirmed in paragraph 10 of the resolution its call on all parties to the conflict to comply with the resolution. However, it did not hold the coalition forces accountable for violations committed prior or after the issuance of the resolution, which were proven by its Panel of Experts, as we will explain in the next chapter. (102)

b. The focus of Security Council resolutions for the period 2019-2020 (imposing trusteeship on Al-Hudaydah)

The basis for the Council's sudden interest in the Stockholm Agreement is illustrated by its request for the Secretary-General, which is unusual for the Council, to submit weekly reports on the developments and to begin monitoring in order to support and facilitate 'the immediate implementation of the Stockholm Agreement, including the request for the United Nations to chair the Redeployment Coordination Committee and to update the Council within one week.' The Council also demanded the Secretary-General to carry out the following:

'submit proposals as soon as possible before 31 December 2018 on how the United Nations will fully support the Stockholm Agreement as requested by the parties, including, but not limited to: substantive monitoring operations for the ceasefire and mutual redeployment of forces from the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa; playing a leading role in supporting Yemen Red Sea Ports Corporation in management of and inspections at the ports of Hodeidah, Salif and Ras Issa; and strengthening the United Nations' presence in the city of Hodeidah and Ports of Hodeidah, Salif and Ra s Issa, and to report to the Security Council on a weekly basis'.

'Reiterates the need for the unhindered flow of commercial and humanitarian supplies and humanitarian personnel into and across the country, and in this regard, calls on the Government of Yemen and the Houthis to remove bureaucratic impediments to flows of commercial and humanitarian supplies, including fuel, and on the parties to ensure effective and sustained functioning of all of Yemen's ports, onward road access throughout the country, and the reopening and safe and secure operation of Sana'a airport for commercial flights within an agreed mechanism; further calls on the parties to work with the Special Envoy to strengthen the economy and the functioning of the Central Bank of Yemen and to deliver payment of pensioners and civil servant salaries, and, in this regard, invites international financial institutions to provide appropriate assistance to the Special Envoy on request, and calls on the international community to consider additional funding for the 2019 UN Humanitarian Response Plan.'

Paragraph 10 of the same resolution:

'Calls on all parties to the conflict to comply with applicable international law and to fulfil their obligations under international humanitarian law including to respect and protect medical facilities and personnel and their means of transportation, as such, and calls on them to protect civilian objects including schools and objects indispensable to the civilian population such as those necessary for food distribution, processing and storage, to withdraw any military personnel from civilian infrastructure, and to allow and facilitate the safe, rapid and unhindered access for humanitarian and medical personnel to all those in need, and reiterates that aid should be disbursed on the basis of need and be gender and age sensitive.'

⁽¹⁰²⁾ Paragraph 8 of 2451 Resolution:

The Security Council was not satisfied with emphasizing its interest in the need for the United Nations to manage the city and ports of Al-Hudaydah, i.e. practically placing it under trusteeship, but also began preparing for the entry of groups and parties from other countries into Al-Hudaydah, offering a generous and general invitation for its member states to share this opportunity: 'invites Member States in a position to do so to assist the United Nations in carrying out these tasks.'

It seems that the new role of the United Nations in administrating Al-Hudaydah opened new horizons and hopes for the Council for more direct interference in Yemen and control of its strategic ports overlooking the Red Sea. The Council expressed in paragraph 7 of Resolution 2451 'its intention to consider further measures, as necessary, to support implementation of this resolution and all other relevant Security Council resolutions and to alleviate the humanitarian situation and support a political solution to end the conflict.' This statement sends a message to the Yemeni people and leaders of the Yemeni components that any political solution to end the conflict will not receive the support of the Council unless they allow the United Nations agencies to impose trusteeship and manage the country's resources.

This was confirmed by subsequent Security Council Resolutions during 2019 and 2020, where five resolutions were adopted, one of which was a regular resolution aimed at extending the mandate of the Expert Panel. The remaining four Resolutions were related to Al-Hudaydah only, ignoring the war and the continued aggression and blockade of the coalition on other governorates.

Resolution 2452 adopted on January 16, 2019, in which the Council revealed some measures that show its clear intention to impose guardianship and have direct control of Al Hudaydah ports, through its decision to establish a special political mission for an initial period of six months, which it called 'the United Nations Mission to support the Hodeidah Agreement (UNMHA)(105) tasked with supporting 'the implementation of the Agreement on the City of

to facilitate and coordinate United Nations support to assist the parties to fully implement the Hodeidah Agreement;



⁽¹⁰³⁾ Paragraphs 1 and 2 of Resolution 2452 (2019):

Decides to establish a Special Political Mission, the United Nations Mission to support the Hodeidah Agreement (UNMHA), to support the implementation of the Agreement on the City of Hodeidah and Ports of Hodeidah, Salif and Ras Issa as set out in the Stockholm Agreement, circulated as S/2018/1134, for an initial period of six months from the date of adoption of this resolution;

Decides further that, to support the parties in implementing their commitments in accordance with the Hodeidah Agreement, UNMHA shall undertake the following mandate:

[•] to lead, and support the functioning of, the Redeployment Coordination Committee (RCC), assisted by a secretariat staffed by United Nations personnel, to oversee the governorate-wide ceasefire, redeployment of forces, and mine action operations,

[•] to monitor the compliance of the parties to the ceasefire in Hodeidah governorate and the mutual redeployment of forces from the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa,

[•] to work with the parties so that the security of the city of Hodeidah and the ports of Hodeidah, Salif, and Ras Issa is assured by local security forces in accordance with Yemeni law, and



Hodeidah and Ports of Hodeidah, Salif and Ras Issa'. The Council also stated that the mission would 'lead, and support the functioning of, the Redeployment Coordination Committee (RCC), assisted by a secretariat staffed by United Nations personnel '. In addition, the mission was supposed 'to facilitate and coordinate United Nations support to assist the parties to fully implement the Hodeidah Agreement'. As for the other resolutions, they were all about extending the mandate of the mission. (104)

The National Salvation Government in Sana'a was apparently aware of the conspiracy being hatched to take the ports of Al-Hudaydah out of its control completely and make them a starting point for guardianship and the entry of international forces justified by the United Nations' assistance in the management. Therefore, the National Salvation Government dealt with intelligence and commitment in implementing the Stockholm Agreement through its adherence to implementing the terms of the agreement according to the time plan of the two parties, handing over the governorate's security administration to local and national security forces under the supervision of the United Nations, and obligating the committees to document violations of the other party's forces of the coalition, to be used as a clear and strong argument against the Security Council and the international community in exposing the obstructing party that wants to exploit the agreement to complete the occupation of the city and control its ports through the continuation of the ground attack while misleading the international community that the coalition is committed by not bombing the city by air only. (105)

⁽¹⁰⁴⁾ During the years 2019-2020, the Security Council adopted five resolutions:

Resolution 2534, adopted on July 14, 2020, extending the mandate of the United Nations Mission to support the Hudaydah Agreement until July 15, 2021.

Resolution 2511, adopted on February 25, 2020, renewing the sanctions imposed on Yemen pursuant to Resolution 2140 (2014) until February 26, 2021, and extending the mandate of the Panel of Experts until March 28, 2021.

Resolution 2505, adopted on January 13, 2020, extending the mandate of the United Nations Mission to support the Hudaydah Agreement until July 15, 2020.

Resolution 2481, July 15, 2019, extending the mandate of the United Nations Mission to support the Hudaydah Agreement until January 15, 2020.

Resolution 2452, January 16, 2019, called for establishing a Special Political Mission to support the Hudaydah Agreement in Yemen.

⁽¹⁰⁵⁾ A meeting to discuss developments regarding the implementation of Stockholm Agreement in Al Hudaydah - Sabanet - Saba Agency (saba.ye)

Sixth: The Security Council negotiates the Yemenis with Mar'ib and Al-Hudaydah, and condemns the aggression on Saudi Arabia:

During 2021, the Security Council adopted two resolutions regarding Yemen. One of them is related to extending the mandate of the UN Mission to support the Hudaydah Agreement. As usual in previous resolutions, the Council did not condemn or refer to any violations of the Stockholm Agreement, since the violations monitored by the relevant committees were mostly committed by the party affiliated with the coalition.

The Council remained committed to the mandate granted to its mission and the United Nations staff to continue their presence inside Al-Hudaydah and its ports and exercise their supervisory and administrative powers there, even though the Council froze all its provisions stipulated in Resolution 2451 regarding support for the implementation of the Stockholm Agreement. The Council did not move a finger about the continuation of the coalition forces' supporting of the expansive ground military operations inside the governorate and the coalition leadership's continued blockade on the ports that prevented the entry of commercial and oil ships and completely paralyzed the movement in the ports of Al-Hudaydah Governorate in a deliberate move to starve the people and reduce their resources as well as to put pressure on Sana'a Government and force it to stop its military campaigns in Al-Bayda, Mar'ib, and Al-Jawf governorates aimed at liberating them from Al-Qaida and the forces affiliated to the coalition.

The Arab proverb says, 'After ages of silence, he uttered blasphemy.' This proverb applies to Security Council Resolution 2564. The Security Council remained silent for six years and did not condemn a single crime or violation committed by the coalition forces, despite documenting dozens or even hundreds of crimes by its Panel of Experts and the Group of Eminent Experts of the Human Rights Council, not to mention the crimes documented by various United Nations agencies and organizations in reports published on their websites and translated into various languages.

The resolution adopted by the Security Council on February 25, 2021, was an exceptional resolution, as the Council canceled its commitment to the aspirations of Yemeni people, which was repeated in every preamble of the previous resolutions, accompanied by its commitment to the unity, sovereignty, independence, and territorial integrity of Yemen. The Council announced in the resolution, for the first time, its condemnation of one of the parties to the conflict—a conflict caused by the Saudi-led coalition countries' continuous aggression on Yemen since March 26, 2015 until today. However, the condemnation was not aimed at the





party that bombs Yemen with missiles day and night and starves its people with a blockade that has been going on for nearly seven years, nor was the condemnation aimed at Operation Decisive Storm, Operation Restoring Hope, Operation Golden Arrow, Operation Golden Victory, the we-are-coming operation of Sana'a in which the coalition moved its forces from Mar'ib Governorate to storm the capital Sana'a, or other coalition operations which claimed the lives of tens of thousands of women, children, and civilians. The condemnation was not for the killing and arrest of dozens of travelers between Ma'rib and Sana'a, or for the hundreds of raids carried out by Saudi and Emirati warplanes on Sana'a Airport, Al Hudaydah, Aden and other governorates. Rather, the severe condemnation of the Security Council was expressed for 'the ongoing escalation in Marib, Yemen, including the Houthi operation on 7 February 2021, and the continuation of Houthi attacks on Saudi Arabia, including on Abha International Airport, on 10 February 2021, and calling for an immediate cessation of attacks without preconditions.'

Using the logic of arrogance and high-handedness in dealing with Yemen and the Yemeni people is still dominating the resolutions of the Security Council, which couldn't, for one reason or another, understand the fact that Yemen has been facing oppression for about 7 years, during which the Security Council has kept silence to satisfy the USA, UK, and their Arab allies who failed to force the Yemeni people bend the knee, and achieve their scheme aimed at occupying and dividing Yemen and looting its capabilities.

The Security Council couldn't understand the fact about the existence of a great God Who is ruling the whole universe and never accepts injustice and corruption on this Earth, and Who is the only one capable of turning the balances in favor of the oppressed and giving them victory, strength, and might if they believe in Him and have a just cause: {'for it was due on Us to support the believers'} [Ar-Rum 30:47]. The Security Council also forgot that it is only natural for the Yemenis to exercise their right, and more importantly their duty, to defend themselves as well as their lands and properties, which is guaranteed under the Charter of the UN and all international and divine laws, especially after the Security Council stripped the Yemenis of all their rights, including the rights guaranteed by the UN due to Yemen's membership, and turned a blind eye to all those violations committed against them. In its Resolution 2564, the Council continued its attempts to incite and mislead public opinion against the Yemenis, and openly called for denying them of the last of those globally-recognized rights, which is the right of self-defense clarified in Article 51 of the Charter of the United Nations, which states: 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.' (106)

Likewise, the Council unconcealed the frustration and despair that accompanied its wording and voting on the resolution. In the paragraph that followed the condemnation, the Council tried to announce a long-awaited position until it no longer had any real value to the Yemeni people. Finally, the Security Council declared the necessity of a nationwide ceasefire and its support for an immediate cessation of the hostile actions in Yemen, in a clear barter (announced even by a number of countries later) that includes giving up the liberation of Mar'ib in exchange for stopping the aggression on Yemen, (107): the second paragraph of the preamble stressed the need for 'de-escalation across Yemen and a nationwide ceasefire, and calling for implementation of the Secretary General's Global Ceasefire call as detailed in Resolution 2532 (2020), as well as his 25 March 2020 call for an immediate cessation of hostilities in Yemen.'

Despite the passage of all these years and the events that proved that the actions of the Saudi-led coalition countries and the Security Council are the what really constitutes a threat to peace and security in Yemen, the region, and the world, especially as they deliberately violate all legal and customary references, the Security Council did not come up with anything new in its <u>Resolution 2564</u>, which was adopted under Chapter VII, and it did not address what it condemned in the preamble, nor did it contribute to correcting its accumulated errors.

One paragraph revealed the true goal of the Council in this Resolution, which is its attempt to continue inciting and misleading international public opinion and distorting the Sana'a Government and Ansar Allah component, by approving adding Director of Criminal Investigation Department in Sana'a Sultan Saleh Zabin to the list of penalties for assaulting women in prisons.

Despite the stupidity of this claim, since as Zabin is one of the most prominent security figures who confronted the criminal elements and Al-Qaida and contributed to the stability of the security situation in the northern governorates, (108) the Council did not notice that it could have really changed the course of events on the ground by correcting even a mistake and one shortcoming on its part if it had brought in war criminals from the military leaders of the coalition who were proven to be involved in and committing crimes and violations previously investigated by the Panel of Experts of the Security Council and the Human Rights Council. Indeed, that decision would have been the most influential for the Yemeni leadership and people and would have motivated them to deal positively with the Council in case they sense a real intention to correct its course and return to carrying out its tasks in accordance with the Charter of the United Nations.

⁽¹⁰⁸⁾The Director General of Criminal Investigation Department, Brigadier General Sultan Zabin, in an interview with Al Masirah newspaper: Al-Aghbari's case is purely criminal | Al Masirah newspaper (almasirahnews.com)



⁽¹⁰⁷⁾ Abdul Salam reveals for the first time the threads of negotiations and an initiative on Mar'ib - Al-Alam News Channel (alalam.ir)



We conclude from this events that the Security Council in 2021 unfortunately continued its violations of the Charter of the United Nations and international laws applicable to the situation in Yemen and announced its keenness to undermine the sovereignty of the Yemenis and their right to manage their resources and wealth in Mar'ib and Al-Hudaydah. In addition, the Council has not shown a real interest in the tragedies of the Yemeni people or sought to stop the aggression and lift the blockade, and it, instead, is deliberately ignoring the crimes and violations documented in its reports, even though that is its main mission and the main purpose of acting under Chapter VII.

Chapter Four:

The Security Council Expert Panel

('and they beared witness against themselves')



In 2014, the Security Council adopted <u>Resolution 2140</u>, determining that the situation in Yemen 'constitutes a threat to international peace and security'. As a result, it gave itself the right to deal with Yemen under Chapter VII. In the first chapter, <u>Resolution 2140</u> was proved to be legally invalid as it violates the Charter of the United Nations and General Assembly <u>Resolution 103/36</u> which prohibits interference in the internal affairs of states, since the situation in Yemen is considered an internal revolution that never endangered neighbouring countries.

In addition, the events that followed the revolution were under the control of its leadership and the national components, and no aggression or threat to any country was proven. Moreover, the rounds of dialogue between the parties promoted local peace and security and did not constitute a threat to peace and security at the local level, let alone at the international level. Also, none of the Yemeni components declared or carried out aggression against another country that may legitimize applying Chapter VII to Yemen. (This has been previously proven.)¹⁰⁹⁾

Based on the illegality of the resolution, which called for dealing with Yemen under Chapter VII, all resolutions taken based on it are illegal. In addition, such resolutions reinforce the main violations committed by the Security Council regarding Yemen.

Among those illegal resolutions is the formation of a sanctions committee and giving a mandate to a Panel of Experts assisting the committee, as well as other resolutions and provisions taken by the Council under Chapter VII to impose political measures that undermine the right of the Yemeni people to self-determination. The gravity of its violations led to encouraging and justifying external interference in Yemen, imposing political changes, imposing a president for the country in a constitutional violation, and launching a declared aggression that has been going on for nearly seven years. (110)

The Security Council Expert Panel has no legal basis for its establishment because it was established based on Resolution 2140 that had no legal basis. However, we think it is important to show the validity of this argument by shedding light on the Security Council's own resolutions adopted during the 2014-2021 period. In spite of the fact that this panel has no legal basis to continue to exist and that its reports were biased in favor of the coalition and against the revolutionaries in Yemen and the Sana'a government, the panel failed to cover its bias because of the fact that it limited its investigations to a limited number of crimes for which the coalition couldn't deny its responsibility in the first place and that it turned its back on hundreds of massacres and thousands of crimes, even though such crimes were globally known crimes and documented by local and international human rights organizations and media outlets.

⁽¹⁰⁹⁾ See Chapter One, An introduction to the study.

⁽¹¹⁰⁾ See Chapter One

Chapter Four:

After conducting a legal and analytic study into the Expert Panel's reports, there has been clear evidence that <u>Resolution 2140</u>, along with those Security Council resolutions that followed that resolution up until October 2021, has no legal basis. The study found the following:

The provisions of <u>Resolution 2140</u> shall have no legal effect due to the invalidity of its argument that the Yemeni situation constitutes a threat to international peace and security and requires action under Chapter VII.

The Security Council has violated the Charter of the UN and the resolutions of the General Assembly and has not taken its responsibilities seriously towards what the Panel of Experts documented of those crimes that proved the Saudi-led coalition's responsibility for committing a complete crime of aggression that fully fits into the legal description stated in General Assembly Resolution 3314 (December 14, 1974) and in the Rome Statute, and for committing all sorts of crimes that fall into the category of most serious crimes under international criminal law.

The Panel of Experts has followed the policy of the Security Council in misleading the international community and international public opinion about the true nature of the crime of external aggression being committed against Yemen and about its bias in favor of the coalition against the revolutionaries and the Sana'a Government as well as the Ansar Allah Movement, the General People's Congress, and their political and social allies.





First: The illegality of the provisions of Resolution 2140:

In its resolutions 2014 and 2051 up to Resolution 2140, the Security Council tried to mislead the international community and international public opinion in order to prepare them to accept its resolutions and provisions on Yemen despite its violation of the Charter of the United Nations and international law. That was clear in its narration of an unrealistic description of the Yemeni reality and its exaggeration of events aimed at raising concern among the international community and as a prelude to convincing it that the situation in Yemen had been threatening international peace and security. Through all of that misinformation and exaggeration, the Council sought to ensure that the international community would not oppose its unjust resolutions against the Yemeni people under Chapter VII. (111)

a. Protecting Yemen from the deterioration of the humanitarian and security situation

The main pretext for the Security Council's interference in Yemeni affairs was to support the political transition process. However, the Council linked the implementation of the political transition to a specific mechanism that it portrayed as protecting international peace and security and being the only mechanism capable of implementing that transition without endangering international peace and security. Resolution 2014 adopted by the Security Council in 2011 proved this argument. In this resolution, the Council welcomed the invitation of the Gulf Cooperation Council to Former President Ali Abdullah Saleh and called for 'the immediate signing by President Saleh and implementation of the Gulf Cooperation Council initiative'. Then it claimed that not signing and coming up with a permanent settlement based on that mechanism would exacerbate the situation in Yemen and pose a threat to regional (but not international) peace and security. The preamble to Resolution 2014 states, 'Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, and emphasizing the threats to regional security and stability posed by the deterioration of the situation in Yemen in the absence of a lasting political settlement.'(112)

After implementing a political transition as the Security Council and the Gulf Cooperation Council had desired, the Council came up with <u>Resolution 2051</u> adopted in 2012 to interfere once again in Yemeni internal affairs under the pretext of fulfilling its responsibility to maintain international peace and security. It threatened that the lack of progress in implementing the GCC Initiative would threaten peace and security in the region. (113)

⁽¹¹¹⁾ See Chapter One

⁽¹¹²⁾See the preamble to Resolution 2014 (2011)

⁽¹¹³⁾ The Preamble to Resolution 2051:

^{&#}x27;Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, and emphasizing the need for progress in the implementation of the GCC Initiative and Implementation Mechanism to avoid further deterioration of the humanitarian and security situation in Yemen that threatens peace and security in the region'.

In 2014, the Council welcomed the progress of the implementation process of the GCC Initiative as well as the formation of the government, and it affirmed its support for the outcomes of the Comprehensive National Dialogue. Nonetheless, it once again condemned what it called terrorist activities that undermine the political process in Yemen and suddenly announced, 'Determining that the situation in Yemen constitutes a threat to international peace and security in the region'—even though no country in the region received harm or aggression from Yemen! Then the Council began issuing provisions on purely internal affairs and imposing them on the Yemeni people under Chapter VII.⁽¹¹⁴⁾

Yemen has been experiencing a catastrophic situation for seven years of Security Council interference in internal Yemeni affairs and of adoption of resolutions and provisions that violate the Charter of the United Nations and international law. Even so, the Council's efforts have come nowhere near achieving any of its declared political goals in Yemen.

Regardless of the globally-known events and international reports about the deterioration of the situation in Yemen owing to this interference, it is sufficient for us to take the testimony of the Panel of Experts in its report issued in January 2021. The report stresses that, 'The situation in Yemen has continued to deteriorate, with devastating consequences for the civilian population. Three main factors are contributing to the catastrophe: (a) economic profiteering by all Yemeni parties, affecting human security; (b) continuous and widespread human rights and international humanitarian law violations, with impunity; and (c) escalations in fighting and its impact on civilians, including displacement.' Is this the political and security situation that the Security Council has promised the Yemeni people? Did the Yemeni people not prove that they had been wiser than the Security Council before its interference in Yemen, as they were able to contain all crises and conflicts and resolve them with minimal losses?

The report of the Panel of Experts proved the failure of the Hadi government to extend its control over the occupied governorates. In addition, it diagnosed the real situation of the Hadi government in its report that emphasized:

'In territory controlled by the Government of Yemen, there is a risk of the disintegration of power into a patchwork of competing factions, as observed in Ta'izz. There is opacity in the relationships between non-State armed groups and the Government of Yemen, as demonstrated by the illegal recruitment of fighters by Hamoud Saeed al-Mikhlafi. Confrontations in Shabwah between the Government of Yemen, the Southern Transitional Council and affiliated forces continues to pose a threat to stability.'

It also cited the state of disagreement between the parties to the coalition: 'On 29 August, the United Arab Emirates launched air strikes on an advancing Government of Yemen column at the Alam checkpoint in Aden and in Dhofas in Abyan.' Moreover, the Panel highlighted the presence of Saudi forces in Al-Mahra Governorate: 'The clampdown on smuggling, led by the forces affiliated with Saudi Arabia, produced a reaction from tribal elements near the border.'



⁽¹¹⁴⁾ See Chapter One: The Security Council and the Legal Inapplicability of Chapter VII to the Yemeni Situation (illegal resolutions and unjust provisions).

⁽¹¹⁵⁾S/2020/326 Table 1



Corruption, deflation, and inflation are the Panel's description of the economic situation in Yemen after the interference of the Security Council: 'The economy of Yemen continued to contract, weighed down by double-digit inflation and a collapsing currency, which has a devastating impact on the population.'(116) Furthermore, it affirmed that the Hadi government, which is supported by the Security Council and run by Riyadh, is 'struggling to collect internal revenues and attract external funding', and it engages 'in money-laundering and corruption practices that adversely affect access to adequate food supplies for Yemenis, in violation of the right to food'.(117) That led to 'a downturn in external cash support. Mismanagement of foreign cash receipts has damaged the credibility of the Government of Yemen.' (118)

b. Maintaining international security and peace

The Security Council succeeded in internationalizing the conflict in Yemen despite its claim to adopt resolutions that are in line with 'its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, and emphasizing the need for progress in the implementation of the GCC Initiative and Implementation Mechanism to avoid further deterioration of the humanitarian and security situation in Yemen that threatens peace and security in the region'. Unfortunately, its resolutions and provisions that called for imposing a foreign initiative against the will of the Yemeni people were the reason behind changing the situation in Yemen from a political conflict that was contained by the wise people among the Yemeni people to an international conflict that has seen the participation of more than 22 countries and the encouragement of the Security Council to the coalition countries led by Saudi Arabia and the UAE to declare a war of aggression against Yemen since March 26, 2015.

The Council has not yet been able to comprehend the fact that it failed miserably in Yemen and contributed to the complete breakdown of confidence in the United Nations and its organs. Despite all its global influence and harsh resolutions, it was unable to make the Yemenis bend the knee, for the Yemenis are free people who cherish their sovereignty over their land and reject trusteeship and colonialism, regardless of the size of the support provided by the Council to the coalition countries to continue committing their crimes against the proud Yemeni people. The revolutionary leadership of the Yemeni people announced (after forty days of aggression) the beginning of performing its duty and its right to self-defence, which was reflected in the expansion of the geographical area of the confrontations. The Panel of Experts admitted that the conflict had departed from its internal framework into an international conflict. It described the mutual military operations between Yemen and Saudi Arabia by stating that:

'There are two fronts: the land war on the border between Saudi Arabia and Yemen and the air war involving Coalition air strikes and Houthi attacks on

⁽¹¹⁶⁾See the summary to Report S/2021/79, page 2.

⁽¹¹⁷⁾ S/2021/79 paragraphs 90-117

⁽¹¹⁸⁾ S/2021/79 paragraphs 103-112

Saudi Arabia. The impact of the Coalition air strikes on civilian populations has been considerable.' It also declared that, 'Apparent correlation between the conflict in Yemen and incidents affecting Saudi Arabia and the United Arab Emirates' were cause by 'attacks on oil-related infrastructure in the region both on land and at sea'. (119)

In the eyes of the Security Council Panel of Experts, the coalition leadership is what threatens peace and security in Yemen and the region. Paragraph 28 of the Panel's report S/2021/79 stated that:

'The Panel finds that the Coalition to Support Legitimacy in Yemen is ineffective in applying unified control over the anti-Houthi forces. The ongoing fighting between the Southern Transitional Council and the Government of Yemen, despite the Riyadh Agreement, demonstrates continuing divisions between the agendas of Saudi Arabia and the United Arab Emirates in Yemen. Despite the dependency of the Government of Yemen, the west coast forces and the Southern Transitional Council on support from the Coalition, Saudi Arabia has not yet found the leverage to resolve the apparent disunity that continues to pose a threat to the territorial integrity of Yemen.'

The coalition leadership shared control over the occupied Yemeni lands and violated Resolution 2216, according to the conclusion of the Panel of Experts in the summary to report \$\frac{8}{2021/79}\$, in which it focused on the violations of the UAE, stressing that:

'The United Arab Emirates is a member of the Coalition to Restore Legitimacy in Yemen, yet its support to the Southern Transitional Council undermines the Government of Yemen.' This was later explained in Paragraph 31, 'The United Arab Emirates originally recruited, trained and paid most of the forces affiliated with the Southern Transitional Council, a situation that has evolved since 2015. Forces affiliated with the Southern Transitional Council are in a military confrontation with the Government of Yemen in Abyan and, to a lesser extent, in Socotra and Shabwah. The political leadership of the Southern Transitional Council has failed to stop this fighting and has taken repeated measures to undermine the authority of the Government of Yemen and the territorial integrity of Yemen. However, the United Arab Emirates provides continuing political support to the leadership of the Southern Transitional Council. The United Arab Emirates, therefore, supports an entity that threatens the peace, security and stability of Yemen and is acting against the spirit of resolution 2216 (2015), which calls for Member States "to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen".'

The parties and forces supported by the coalition inside Yemen are undermining peace,





security and stability in Yemen, as evidenced by the Panel of Experts in paragraph 41: 'The Panel concludes that, although the leaders of the Southern Transitional Council, including Aydarus al-Zubaydi, Hani Bin Brik, and Shallal Ali al-Shaye, are all prevented from returning to Aden by the Coalition, they continue to influence acts on the ground. Their actions, individually and collectively, have undermined peace, security and stability in Yemen.' The Panel even accused senior officials working for the fugitive president, Hadi, of threatening peace in Yemen, as mentioned in paragraph 42:

'The creation of the Southern National Coalition appears to be an attempt to open a political front against the Southern Transitional Council in Aden and Shabwah. Its head, Ahmed Saleh Alessi, is one of the largest oil traders in Yemen. (120) His financial backing makes the Southern National Coalition a significant opponent to the Southern Transitional Council. As a close associate of the President of Yemen, Abdrabuh Mansour Hadi, Alessi has decisive influence on the governance of Yemen. The Panel continues to monitor developments that may amount to a threat to peace in Yemen.'

The coalition violates Convention on the High Seas and fails to protect ships and commercial maritime routes:

When it comes to Yemen, the direct effect Yemen can have on international peace and security can be summarized in the act of threatening commercial maritime routes and targeting ships sailing through its territorial waters. However, when taking into consideration what the Security Council acknowledged regarding its siege on Yemen's ports, a question raises: Has the Security Council been able to protect international shipping lines and ships passing through Yemeni territorial waters through supporting the coalition and war criminals?

The answer to this question can be found in the S/2021/79 report issued by the Panel of Experts, which monitored the targeting of ships in Yemeni territorial waters in 2020. The targeting of those ships didn't take place in the Red Sea or off the coast of Al-Hudaydah, but in the Gulf of Aden, more specifically off the coasts of the southern governorates occupied by the Saudi and Emirati forces. Some of those ships targeted were the Saudi oil tanker Gladiolus, on 13 March 2020; the British-Irish tanker used for shipping Stolt Apal chemical oil products, on 17 May 2020, and the Maltese oil tanker Syra, which was targeted in the port of Rudum, whose oil revenues led to a dispute between different groups backed by Saudi Arabia andtheUAE.⁽¹²¹⁾

⁽¹²⁰⁾https://snycoalition.org/?page_id=314.

⁽¹²¹⁾ The text of Paragraphs 63-66 of Report S/2021/79:

^{63.} On 3 March, the Saudi-flagged oil tanker Gladiolus (IMO: 9169548) was approached by three skiffs, two of which appeared to be remotely controlled by the third. One of the unmanned skiffs made contact with the hull of the tanker without an explosion occurring, while the other came within 10–15 metres of it (see figure IV). Another vessel operating in the area later reported a boat going around in circles before exploding, which was likely the skiff that had sustained damage to its steering mechanism as the result of the collision or shots fired by the security team of the Gladiolus. A naval helicopter later collected debris from the sea, the analysis of which has shown traces of fuel and Research Department explosive (RDX) military explosives. This implies that the unmanned skiffs were intended to be used as waterborne improvised explosive devices.

c. Reducing the risk of Al-Qaida and ISIS in Yemen

The main reason the Security Council presented in its resolutions for its interference in Yemen was responding to a limited number of attacks carried out by Al-Qaida as stated in Resolution 2014: 'Expressing further serious concern at the increased threat from Al-Qaida in the Arabian Peninsula and the risk of new terror attacks in parts of Yemen, and reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security.' (122) However, five years after declaring Yemen to constitute a threat to international peace and security and dealing with it according to Chapter VII, the Panel of Experts revealed a fact in its S/2020/326 report of January 2020, where it declared its testimony that Al-Qaida and ISIS 'have failed to demonstrate that they are a significant threat to Yemen'. After all these years, it has finally become apparent for the Panel of Experts that Al-Qaida and ISIS don't constitute a threat to Yemen. Therefore, how would a group that doesn't constitute a threat to Yemen be able to endanger international peace and security?

In addition to its statement that unintentionally refuted such an argument, the Panel stated that clashes between Al-Qaida and ISIS (ISIL) had mostly been limited to Qayfah in Bayda Governorate and that both groups, as stated in paragraph 38 of the report, struggled to gain a foothold while continuing to compete and battle for territorial control and recruitment, for example, in Bayda. It is worth mentioning that the Yemeni army loyal to the Sana'a Government was able to end the presence of Al-Qaida in Qayfah District of Bayda Governorate, which is part of the northern governorates, and no terrorist bombings in areas controlled by the Sana'a Government were reported due to the success of the army in eliminating these terrorist groups over years, even though that achievement required more time than expected due

(122) See Chapter One



^{64.} The second attack took place on 17 May when two skiffs approached the chemical oil product tanker Stolt Apal (IMO: 9719240), sailing under the flag of the United Kingdom of Great Britain and Northern Ireland. One of the skiffs closed in on the tanker from the stern, leading the vessel's security team to fire warning shots. The people on board the skiff returned fire with several rapid and accurate bursts from an automatic weapon, likely a machine gun, hitting the superstructure of the tanker, as well as the head of a dummy posted on the bridge wing (see figure V). At a distance of 200 metres, the skiff exploded, possibly as a result of shots fired by the armed guards. The other skiff left the scene of the attack in a northerly direction. Photographs obtained by the Panel show smoking debris in the wake of the Stolt Apal. The presence of a plume of white smoke in the images led some analysts to theorize that the skiff carried military-grade explosives and was therefore intended as a waterborne improvised explosive device. It is also possible that the explosion was the result of the ignition of gasoline fumes, for example from a faulty fuel line.

^{65.} On 3 October, the Maltese-flagged tanker Syra (IMO: 9436941) was loading oil at the Rudum terminal when two explosions occurred, damaging ballast tanks on the port side (see figure VI). Later, the crew reported a floating 'barrel with a light' on the port side about 20 metres from the vessel, which detonated about one hour after the first explosions without damaging the tanker. The Panel obtained information showing that the explosions ruptured the tanker's bilge keel approximately 10–11 metres below the waterline, indicating that explosive devices (possibly linear-shaped charges) were planted there by divers.

^{66.} In the cases described above, the identity of the attackers remains unclear, even though it is likely that the incident involving the Syra is related to a dispute over the control of the oil revenue from the Rudum terminal. While there have been some similarities in the modus operandi of the two attacks in March and May, which also occurred in the same geographic area, there were also significant differences. The waterborne improvised explosive devices used in the attack on the Gladiolus are different from the two models that have been used by the Houthis in the past, which raises the possibility that a new actor with access to relatively sophisticated weapon systems has emerged on the shores of the western Gulf of Aden.



to the support of the coalition forces and pro-Hadi militias and mercenaries for these groups. (123) Second: The Security Council shrinks from its responsibilities in the face of the crime of aggression against Yemen:

The Security Council and its committees have continued their misleading efforts to describe the conflict in Yemen as a non-international conflict, and its aim is to strip Yemen of its right to demand that the United Nations and the Security Council carry out their responsibilities according to the Charter to stop the aggression against Yemen and suppress the participating states, since it is an independent, sovereign state and a member of the United Nations. Such efforts by the Council are also aimed at protecting the coalition countries led by the Kingdom of Saudi Arabia and the UAE and which enjoy military and logistical support from the most powerful lobbying countries in the Security Council, namely the United States, the United Kingdom, France, and the Zionist entity. (124)

The reports of the Security Council Expert Panel proved that a full-fledged aggression has taken place against Yemen by an international coalition led by the Kingdom of Saudi Arabia and the UAE and with the participation of a number of countries. This coalition has carried out thousands of air strikes, using all kinds of weapons, including internationally prohibited weapons, and targeting civilians and infrastructure in Yemen. The coalition has also invaded and occupied large parts of the Republic of Yemen, brought foreign mercenaries, recruited local militias and paid them to fight, and imposed a comprehensive air, land, and sea blockade with the aim of starving the Yemeni people.

According to <u>Resolution 3314</u> of the General Assembly, any of the following acts qualify as an act of aggression:

- '(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State:
- (c) The blockade of the ports or coasts of a State by the armed forces of another State:
- (d) An attack by the armed forces of a State on the land, sea or air forces, or

^{(123) (}masa-press.net)

⁽¹²⁴⁾ Paragraph 11 of Report S/2019/83:

^{&#}x27;11. In the course of their investigations, Panel members travelled to Bahrain, Djibouti, Egypt, France, Germany, Iran (Islamic Republic of), Israel, Italy, Jordan, Lebanon, the Netherlands, Oman, Qatar, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen.'

marine and air fleets of another State;

- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its temtory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.'

Based on the legal description for acts of aggression provided in <u>Resolution 3314</u>, we characterized some of those crimes committed by the coalition as acts of aggression, using only those crimes documented by the Panel of Expert to prove the validity of this characterization:

a. Invasion, attack, and occupation

The 2015-2020 reports issued by the Security Council Expert Panel has proven that the Saudi- and Emirati-led coalition conducted acts of occupation and invasion when it announced the start of a military operation known as Operation Decisive Storm on Yemen as part of an international coalition on 26 March 2015—a coalition that was not formed in accordance with the Charter of the UN. However, this was not only proved by these reports but also proved by the coalition's practices that have become of a global reputation, especially those practices documented by the Panel of Experts in its 2016 report where the panel stated that:

'At the operational level, the Panel considers that coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates: (a) Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes. Officers are present from the coalition member States, less Morocco and Senegal; (b) Ground operations in Ma'rib are under the operational control of Saudi Arabia; (c) Ground operations in Aden and in the vicinity of Mukalla are under the operational control of the United Arab Emirates.'

1. Invading the Yemeni territory and bombarding it by the coalition forces:

Coalition forces led by Saudi Arabia and the UAE has launched an offensive campaign against Yemeni lands, in which it targeted civilians, neighborhoods, and residential gatherings with airstrikes and bombardment and declared the entire cities of Sa'dah and Marran as





military targets, sometime after declaring Sa'dah Governorate as a military area in an effort to continue invading and occupying the governorate. (125) It is worth mentioning that these actions amount to grave violations of the principles of international humanitarian law and that the coalition has been carrying out such actions in a systematic and extensive way, (126) using cluster bombs in residential areas and targeting even camps for internally displaced persons and refugees; (127) civilian gatherings, including weddings; civilian vehicles, including buses; civilian residential areas; medical facilities; schools; mosques; markets, factories, food storage warehouses; and other essential civilian infrastructure, such as Sana'a Airport, the port in Hudaydah, and domestic transit routes. (128)

According to the 2015 report of the Security Council, 'Sa'dah has suffered the most damage of all cities targeted for air strikes, with at least 226 buildings having been destroyed only less than two months after the beginning of the air strikes'. (129)

Since 26 March to date, the Saudi-led coalition has continued its bombardment at the same pace with a little difference in the form of violations, crimes, and weapons used. According to what the Security Council Expert Panel documented in its annual reports, here what we found:

The Security Council Panel documented 119 coalition sorties relating to violations of international humanitarian law during 2015. Many attacks involved multiple air strikes on multiple civilian objects. Of the 119 sorties, the Panel identified 146 targeted objects. The Panel also documented three alleged cases of civilians fleeing residential bombings and being chased and shot at by helicopters. (130)

(125) https://www.hrw.org/ar/report/2015/06/30/278426

(126) Paragraph 128 of Report S/2018/192:

'128. The coalition's targeting of civilians through air strikes, either by bombing residential neighbourhoods or by treating the entire city of Sa'dah and region of Maran as military targets, is a grave violation of the principles of distinction, proportionality and precaution. In certain cases, the Panel found such violations to have been conducted in a widespread and systematic manner.'

(127) Paragraph 130 of Report S/2018/192:

'130. The Panel is continuing to investigate the coalition's use of cluster munitions in populated areas of north-western Yemen.57 The military spokesman of Saudi Arabia, Brigadier General Ahmed Asiri, indicated that Saudi Arabia had used cluster munitions on or against armoured vehicles in Yemen, but not against civilian targets. Two international non-governmental organizations and a United Nations agency provided photographs of cluster submunitions and footage of their use near or over a rural village in Yemen. The Panel is waiting to travel to Yemen to complete its own investigation.'

(128) Paragraph 137 of Report S/2018/192:

'137. The Panel documented that the coalition had conducted air strikes targeting civilians and civilian objects, in violation of international humanitarian law, including camps for internally displaced persons and refugees; civilian gatherings, including weddings; civilian vehicles, including buses; civilian residential areas; medical facilities; schools; mosques; markets, factories and food storage warehouses; and other essential civilian infrastructure, such as the airport in Sana'a, the port in Hudaydah and domestic transit routes.'

(129) Paragraph 141 of Report <u>S/2018/192</u>:

'141. The above satellite imagery of Sa'dah demonstrates (through the yellow dots) the air strikes on buildings and objects, identified by comparing images taken on 6 January 2015 and 22 May 2015. Sa'dah has suffered the most damage of all cities targeted for air strikes, with at least 226 buildings having been destroyed only less than two months after the beginning of the air strikes.'

(130) Paragraph 138 of Report S/2018/192:

In 2016, The Panel investigated 10 air strikes that led to at least 292 civilian fatalities, including at least 100 women and children. The strikes also destroyed three residential buildings, three civilian industrial factory complexes, a hospital and a marketplace.⁽¹³¹⁾

One of the most prominent crimes that the Panel mentioned in its 2016 report was the targeting of Al-Sala Al-Kubra, (132) where at least 1000 mourners were taking part in a funeral ceremony for the father of the Minister of Interior Affairs at that time. (133) According to the Panel's investigation results stated in the report, the attack 'resulted in at least 827 civilian fatalities and injuries. At least 24 injured were children.'

In 2017, the Panel investigated 10 air strikes that led to at least 157 fatalities and 135 injuries, including at least 85 children. The strikes also destroyed five residential buildings, two civilian vessels, a market, a motel, and a location that belongs to Hadi's forces. (134)

- '138. The Panel documented 119 coalition sorties relating to violations of international humanitarian law. Many attacks involved multiple air strikes on multiple civilian objects. Of the 119 sorties, the Panel identified 146 targeted objects. The Panel also documented three alleged cases of civilians fleeing residential bombings and being chased and shot at by helicopters.'
- (131) Paragraph 120 of Report S/2018/193 stated, 'The Panel investigated 10 air strikes that led to at least 292 civilian fatalities, including at least 100 women and children. The strikes also destroyed three residential buildings, three civilian industrial factory complexes, a hospital and a marketplace.'
- (132) Al-Sala Al-Kubra is a hall for social events located in a residential area in the southwest of the capital Sana'a.'
- (133) Paragraphs 124-125 of Report <u>S/2018/193</u>:
 - 124. The coalition did not respond to the Panel's request for information. The Joint Incident Assessment Team established by the coalition to 'assess reported incidents of civilian casualties, investigation procedures and mechanisms of precision targeting'
 - 125. The Panel, having carried out technical and international humanitarian law assessments, finds that:
 - (a) The coalition conducted the air strike on the community hall in Sana'a that resulted in at least 827 civilian fatalities and injuries. At least 24 of the injured were children. The strike also resulted in the total destruction of the hall;
 - (b) Given the nature of the event and those in attendance, the attack resulted in a very high number of civilian casualties, which should have been anticipated before the attack. The Panel is unconvinced that the relevant international humanitarian law requirements relating to proportionality were met;
 - (c) The cumulative factors in (a) and (b) above also indicate that, if precautionary measures had been taken, they were largely inadequate and ineffective. The Joint Incident Assessment Team also concluded that the relevant rules of engagement and procedures had not been followed and that those responsible in the coalition 'did not take in account the nature of the targeted area';
 - (d) The second air strike, which occurred three to eight minutes after the first, resulted in more casualties to the already-wounded civilians and to the first responders. The coalition violated its obligations in respect of persons hors de combat and the wounded, in what was effectively a 'double-tap' attack probably caused by the tactics adopted by the pilots to guarantee the destruction of the target;
 - (e) Even if an individual officer within the coalition acted negligently in carrying out the strike, coalition forces are still responsible for international humanitarian law violations. An official acting against instructions may not be an adequate justification under broader international law for the relevant States members of the coalition to evade State responsibility for those wrongful acts;
 - (f) Those government officers who reportedly passed the information,145 or were otherwise involved in the intelligence-gathering and targeting processes in relation to this incident, may also be responsible for any international humanitarian law violations to the extent of their contribution.'

(134) Paragraph 160 of Report S/2018/594:

'160. During the reporting period, the Panel investigated 10 air strikes175 that led to at least 157 fatalities and 135 injuries, including at least 85 children. The strikes also destroyed five residential buildings, two civilian vessels, a market, a motel and a Government of Yemen forces location. Detailed case studies of the first four incidents, which include assessments of compliance with international humanitarian law, are contained in annex 58.'





The Panel investigated five air strikes that affected civilians and civilian objects in 2018.

The air strikes led to approximately 78 deaths, with 153 wounded, and caused significant damage to civilian objects. The most prominent case was targeting the children's bus in Dahyan, Sa'dah, which led to approximately 78 deaths, with 153 wounded, most of whom were children. Moreover, The Panel investigated one case of shelling in a populated area targeting fish market and Al-Thawra Hospital in Hodeidah this led to 55 deaths, with 170 wounded. (135)

In 2019, the Panel investigated eight air strikes that killed approximately 146 people and injured 133, in Bayda', Ad Dali', Dhamar, Sad'ah, Sana'a, and Ta'izz. The most serious of these air strikes were the ones that the coalition forces committed on August 31, 2019, targeting Dhamar community college, where over 170 detainees were held as the ICRC confirmed. The incident resulted in the injury of at least 40 people and the deaths of at least 100 people. The Panel had notified that the location was used as prison since 2017 known even at the local level, and this was mentioned in a previous report. (136)

In 2020, the Panel investigated five air strikes and concluded investigations of two incidents (14 February and 12 July) which resulted in the death of 41 people and the injury of 24. The majority of victims were women and children. (137)

In its investigations, the Panel of Experts concluded that the use of precision-guided weapons is a strong indication that the intended targets are the same as those affected by the air strikes, and this proves that the coalition deliberately targeted civilians directly, in violation of all laws and norms.⁽¹³⁸⁾ That also proved that most of the coalition's air strikes did not target mili-

(136) Paragraphs 93 – 95 of Report S/2020/326:

'93. The Panel investigated eight air strikes that killed approximately 146 people and injured 133, in Bayda', Ad Dali', Dhamar, Sad'ah, Sana'a and Ta'izz (see table 5). The Panel sent letters to Saudi Arabia regarding these incidents and is awaiting a reply. The Panel appreciated the meetings with Saudi Arabian authorities and the Joint Incident Assessment Team during a visit to Riyadh in September 2019. However, the Panel notes that, since 2016, it has sent 11 letters concerning more than 40 air strikes for which it is still awaiting replies. This impedes the Panel's ability to conclude its investigations.

94. On 31 August 2019, several explosive ordnances were dropped from aircraft81 on buildings of the Dhamar community college compound (see figures XI to XIII).

95. At least one of these buildings was used as a prison by Houthi forces. The International Committee of the Red Cross has reported that the facility held about 170 detainees. The incident resulted in the injury of at least 40 people and the death of at least 100 people. The Coalition confirmed the strike but claimed that the site was of a military nature due to the presence of Houthis and air defence equipment. It also held that the site was not registered on the no-strike list of the United Nations and was more than 10 km from the registered prison in Dhamar, implying that the Coalition did not know about the presence of prisoners in that compound. However, this site has been used as a prison since at least 2017 and was mentioned in a previous report of the Panel. In addition, the presence of detainees was well known locally.'

- (137) Paragraph 121 of Report S/2021/79 stated that: '121. The Panel investigated five air strikes and concluded investigations of two incidents (14 February and 12 July) which resulted in the death of 41 people and the injury of 24. The majority of victims were women and children. The Panel continues to investigate the remaining incidents.'
- (138) Paragraph 162 of Report S/2018/594 stated, '162. On the individual case studies, the Panel finds that:

⁽¹³⁵⁾ Paragraph 135 of Report S/2019/83:

^{&#}x27;135. The Panel investigated five air strikes that affected civilians and civilian objects in 2018 in Houthi-controlled areas. The air strikes reportedly led to approximately 78 deaths, with 153 wounded, and caused significant damage to civilian objects. The Panel also investigated one case of shelling in a populated area, an incident attributed to either the coalition or the Houthi forces, which reportedly led to 55 deaths, with 170 wounded.'

tary targets, and it considered that the coalition did not meet the requirements of international humanitarian law, and that some of these strikes may amount to war crimes.⁽¹³⁹⁾ In addition, the Panel emphasized that all coalition countries bear responsibility for all actions committed by persons who are part of their armed forces.⁽¹⁴⁰⁾

2. Occupation of Yemeni territories:

The Panel proved in paragraphs 150-154 of the comprehensive report S/2018/193 (2016) that the cases of expulsion and forced deportation based on actual discrimination against northerners in Aden illustrate beyond a reasonable doubt the lack of legal and legitimate authority in the areas under the control of the coalition forces and their armed militias. The reason for such actions and practices is the presence of the occupation and the lack of legitimacy of the local authorities.⁽¹⁴¹⁾

- (a) Except for incident A, the only military entity capable of carrying out these airstrikes was the Saudi Arabia-led coalition. In incident A, it is highly unlikely that an entity other than a member State in the Saudi Arabia-led coalition could have carried out the attack;
- (b) Except for incidents B and D, the Saudi Arabia-led coalition has not acknowledged its involvement in any of the attacks, nor clarified, in the public domain, the military objective it sought to achieve. In incidents B and D, the Panel is unable to concur with the justifications provided by the Saudi Arabia-led coalition (see annex 58);
- (c) Measures taken by the Saudi Arabia-led coalition in its targeting process to minimize child casualties, if any, remain largely ineffective, especially when it continues to target residential buildings.'

(139) Paragraph 127 of Report S/2018/193:

'127. In 8 of the 10 investigations, the Panel found no evidence that the air strikes had targeted legitimate military objectives. For all 10 investigations, the Panel considers it almost certain that the coalition did not meet international humanitarian law requirements of proportionality and precautions in attack. The Panel considers that some of the attacks may amount to war crimes.

(140) Paragraph 129 of Report S/2018/193 stated the following:

'129. All States whose forces engage in or otherwise participate in military operations on behalf of the coalition are responsible for 'all acts committed by persons forming part of its armed forces. These States...may not evade their obligations by placing their contingents at the disposal of an ad hoc coalition. All coalition member States and their allies also have an obligation to take appropriate measures to ensure respect for international humanitarian law by the coalition. This obligation is especially incumbent upon the Government of Yemen, upon whose request and with those consent the air strikes are being conducted.'

(141) Paragraphs 150 – 154 of Report <u>S/2018/193</u> stated:

- '150. On 8 May, security personnel began to forcibly displace individuals working or residing in Aden who were from the north. Local authorities supported this move as a security initiative to curb continuing assassinations and violence in the area.
- 151. On or about 9 May, the President issued a statement in which he condemned the deportations and instructed the Governors of Aden, Lahij and Dali' to urgently act to halt regional incitement and forced evictions.
- 152. The Panel finds that, although the expulsions were implemented at the local level, they were almost certainly indicative of a wider governorate-level policy within Aden. The Panel has identified those responsible for the implementation of this policy.
- 153. The Panel subsequently investigated another incident relating to the forced deportation of three workers from a factory in Lahij to Taʻizz on or about 12 May. The Yemeni military forcefully removed them from their workplace and transported them to the 'north' of Yemen. One worker was given time to go to Aden, before being deported, to enable him to relocate his family to the north. This incident violates several provisions of international humanitarian law and international human rights law, including the rights relating to occupation, prohibition of forced displacement and discrimination. The Panel has identified the commander in Lahij responsible for these deportations.
- 154. The Panel finds that actual or perceived discrimination against 'northerners' continues in Aden. This discrimination and incidents of deportation risk undermining the legitimacy of the local authorities and may obstruct national and international efforts to establish the local security and governance needed for a durable solution. Individuals and entities engaging in serious practices of this nature fall within the designation criteria in para-





Paragraph 34 of the Panel's Report S/2018/594 (2017) confirmed the continuation of the occupation, where it stated that:

'Saudi Arabia-led coalition forces continue to provide financial, political, military and logistic support to the Yemeni Armed Forces and a number of proxy armed groups. The main battlefronts for the forces of Saudi Arabia are Ma'rib and Midi, while those of the United Arab Emirates operate largely in Aden, Abyan, Hadramawt, Lahij, Mahrah, Mukha and Shabwah.'

Also, paragraph 50 affirms that 'Hadi no longer has effective command and control over the military and security forces operating on behalf of the legitimate Government of Yemen.'(142)

Paragraph 45 of the same report mentioned that an airstrike by Saudi Arabia had hit elements from the 22nd Armoured Brigade in the Al-Aroos area of Saber Mountain. (143)

The Panel, in Paragraph 43 of Report S/2019/83 (2018), confirmed that the main areas of operations for coalition forces were at northern Yemeni borders, with a minimal military presence in Socotra, whereas United Arab Emirates forces operate in different governorates. The paragraph revealed that:

'The main areas of operations for coalition forces are at northern Yemeni borders, in Hajjah, Ma'rib and Mahrah Governorates, with a minimal military presence in Socotra, whereas United Arab Emirates forces operate largely in Aden, Abyan, Hadramawt, Hudaydah, Shabwah and Ta'izz Governorates, excluding Ta'izz city.'

Under the title 'Redeployment of United Arab Emirates troops from Yemen', paragraph 24 of Report S/2020/326 (2020) proved that the United Arab Emirates had had a base in Burayqah , Aden Governorate, before it handed it over to Saudi Arabia following the signing of the RiyadhAgreementinNovember2019.(144)

As for paragraph 59 of Report S/2021/79, the Panel proved the presence of military bases for the United Arab Emirates forces in Balhaf and Al-Alam in Shabwah Governerate: 'While there have been some minor security incidents when the forces of the United Arab Emirates move between their bases at Balhaf and Alam'.

graph 17 of resolution 2140 (2014) as those who threaten peace and security in Yemen. Their acts may also fall under paragraphs 18 (a) and (c) of the resolution.'

⁽¹⁴²⁾ Paragraph 50 of Report S/2018/594 stated, 'It is the assessment of the Panel that President Hadi no longer has effective command and control over the military and security forces operating on behalf of the legitimate Government of Yemen'.

⁽¹⁴³⁾ Paragraph 45 of Report S/2018/594 stated, 'A number of airstrikes by the Saudi Arabia-led coalition on Ta'iz'

⁽¹⁴⁴⁾ Paragraph 24 of Report S/2020/326:

^{&#}x27;24. During 2019, the United Arab Emirates greatly reduced its troop presence in a redeployment that occurred in two phases. The first phase involved a major drawdown in June and July from a few thousand to a few hundred troops, but some troops remained in place to support the armed groups that the country had trained and equipped between 2015 and 2019 (see table 2). The second occurred in the first week of October, leaving a minimum presence of United Arab Emirates troops in Mukha, Aden, Balhaf, Riyan and Socotra. This occurred alongside the significant reduction of Sudanese troops shortly after the establishment of the new regime in Khartoum. The withdrawal of the United Arab Emirates from Aden was completed with the handover of its base in Burayqah to Saudi Arabian forces following the signing of the Riyadh Agreement in November 2019.'

In addition, paragraph 100 of Report <u>S/2020/326</u> proved that there are Emirati-supervised prisons in Burayqah, Aden Governorate. (145)

Furthermore, in paragraph 127 of Report S/2021/79, the Panel verified that it investigated the cases of arbitrary arrest, detention, enforced disappearance, and torture involving forces of the United Arab Emirates in Yemen. It also proved that these forces control Balhaf, Shabwa Governorate; Rayyan International Airport, Mukalla; and a location close to Dubbah oil port, Shihr, Hadramawt. (146)

In view of the above, the state of occupation within the framework of the coalition's implementation of the crime of aggression against Yemen led by Saudi Arabia and the United Arab Emirates becomes clear and proved.

The following is a table showing the acts of attack, bombing, invasion, and occupation proved by the Security Council's reports.

<u>Table 3</u>

<u>Attacks and air strikes proved through Security Council reports:</u>

Article / Paragraph (Number and Text)	Year	Report
128. The coalition's targeting of civilians through air strikes, either by bombing residential neighbourhoods or by treating the entire city of Sa'dah and region of Maran as military targets, is a grave violation of the principles of distinction, proportionality and precaution. In certain cases, the Panel found such violations to have been conducted in a widespread and systematic manner.	2015	<u>S/2018/192</u>

(146) Paragraph 127 of Report S/2021/79:

'127. The Panel continues to investigate cases of arbitrary arrest and detention, enforced disappearance and torture involving forces of the United Arab Emirates in Yemen. The Panel received evidence that three people were detained in the following sites under control of these forces: Balhaf (Shabwah), Rayyan International Airport (Mukalla) and a location close to Dubbah oil port (Shihr, Hadramawt).'



⁽¹⁴⁵⁾ Paragraph 100 of Report S/2020/326:

^{&#}x27;100. The Panel investigated four cases of violations of international humanitarian law and international human rights law by Saudi Arabia and the United Arab Emirates involving arbitrary arrest and detention, ill-treatment, torture and enforced disappearance.88 One individual was arrested by the Shabwani Elite Forces in Ataq, Shabwah, held in Balhaf, and moved to Rayyan, Hadramawt. Another individual was detained by Saudi Arabia in Ghaydah, Mahrah, and one was arrested and held by the United Arab Emirates at its base in Burayqah. In addition, one individual was arrested in Abyan, then held by Major General Shallal Ali Shaye and was ultimately held in Burayqah. Among these four individuals, only one has been released, in 2018; he was allegedly tortured during his detention in the United Arab Emirates base in Burayqah. The current whereabouts of the three others remain unknown. More information is provided in confidential annex 28. The Panel sent letters to Saudi Arabia and the United Arab Emirates and is awaiting a reply.'



130. The Panel is continuing to investigate the coalition's use of cluster munitions in populated areas of north-western Yemen.57 The military spokesman of Saudi Arabia, Brigadier General Ahmed Asiri, indicated that Saudi Arabia had used cluster munitions on or against armoured vehicles in Yemen, but not against civilian targets. Two international non-governmental organizations and a United Nations agency provided photographs of cluster submunitions and footage of their use near or over a rural village in Yemen. The Panel is waiting to travel to Yemen to complete its own investigation.	2015	<u>S/2018/192</u>
137. The Panel documented that the coalition had conducted air strikes targeting civilians and civilian objects, in violation of international humanitarian law, including camps for internally displaced persons and refugees; civilian gatherings, including weddings; civilian vehicles, including buses; civilian residential areas; medical facilities; schools; mosques; markets, factories and food storage warehouses; and other essential civilian infrastructure, such as the airport in Sana'a, the port in Hudaydah and domestic transit routes (see annexes 52, 54 and 61).	2015	<u>S/2018/192</u>
138. The Panel documented 119 coalition sorties relating to violations of international humanitarian law. Many attacks involved multiple air strikes on multiple civilian objects. Of the 119 sorties, the Panel identified 146 targeted objects (see annex 47). The Panel also documented three alleged cases of civilians fleeing residential bombings and being chased and shot at by helicopters.	2015	<u>S/2018/192</u>
140. On 8 May, the entire city of Sa'dah and region of Maran were declared 'military targets' by the coalition. Sa'dah remains one of the most systematically targeted and devastated cities in Yemen, attributable to coalition air strikes and the targeting of the entire city in direct violation of international humanitarian law. Figure V provides a satellite image of Sa'dah, with additional imagery contained in maps 1 to 8. It is a comparison of satellite images taken on 6 January 2015 before the launch of coalition air strikes and on 22 May 2015 during the early stage of the coalition's campaign. Sa'dah also faced systematic indiscriminate attacks, including on hospitals, schools and mosques, by the coalition.	2015	<u>S/2018/192</u>

141. The above satellite imagery of Sa'dah demonstrates (through the yellow dots) the air strikes on buildings and objects, identified by comparing images taken on 6 January 2015 and 22 May 2015. Sa'dah has suffered the most damage of all cities targeted for air strikes, with at least 226 buildings having been destroyed only less than two months after the beginning of the air strikes.	2015	<u>S/2018/192</u>
154. According to the United Nations Children's Fund (UNICEF), on average, eight children are killed or maimed every day in Yemen as a direct result of the hostilities. Nearly three quarters (73 per cent) of child deaths and injuries during the second quarter of 2015 were attributed to air strikes by the coalition and 18 per cent of child deaths and 17 per cent of child injuries were attributed to the Houthi-Saleh forces.	2015	<u>S/2018/192</u>
155. Nearly 4 million children face serious threats to their safety and survival as violence and instability increase. The disruption and obstruction of the commodity supply chain and the flow of humanitarian supplies, the obstruction of humanitarian access and attacks on schools, hospitals and homes leave children particularly vulnerable. Exposure to air strikes, street fighting, shelling and anti-aircraft munitions rapidly increases the risk of injury and death. Children have been maimed and killed by snipers, in crossfire, through torture and in connection with child recruitment. The Panel also documented incidents of children and infants sustaining devastating burns from aerial bombing, which it is continuing to investigate. All parties to the conflict have violated the rights of the child and committed grave violations against children during armed conflict (see annex 59).	2015	<u>S/2018/192</u>
180. Alongside ground-led obstructions to humanitarian distribution, the Panel documented 10 coalition air strikes on transportation routes (both sea and air routes), four road supply routes and five storage facilities for holding food aid (including two vehicles carrying aid and three warehouses and facilities storing food), along with air strikes on an Oxfam warehouse storing equipment for a water project funded by the European Union in Sa'dah. The Panel also documented three coalition attacks on local food and agricultural production sites.	2015	<u>S/2018/192</u>



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that the air strikes had targeted legitimate military objectives. For all 10 investigations, the Panel considers it almost certain that the coalition did not meet international humanitarian law requirements of proportionality and precautions in attack. The Panel considers that some of the attacks may amount to war crimes.

128. In the investigation relating to Abs hospital (table 7, air strike No. 6) the Panel finds that the coalition violated principles relating to the protection of and respect for hospitals and medical personnel; the protection of the wounded and sick; and the protection of persons hors de combat in its strike on the hospital. 129. All States whose forces engage in or otherwise participate in military operations on behalf of the coalition are responsible for 'all acts committed by persons forming part of its armed forces'. These States 'may not evade their obligations by placing their contingents at the disposal of an ad hoc coalition'. All coalition member States and their allies also have an obligation to take appropriate measures to ensure respect for international humanitarian law by the coalition. This obligation is especially incumbent upon the Government of Yemen, upon whose request and with those consent the air strikes are being conducted (see S/2015/217). 130. Those individuals responsible for planning, deciding on and/ or executing air strikes that disproportionately affect civilians and civilian infrastructure may fall under the designation criteria contained in paragraph 17 of resolution 2140 (2014) as those who threaten the peace, security or stability of Yemen. Their acts may also fall under paragraph 18 of the resolution. 131. The Panel finds that violations associated with the conduct of the air campaign are sufficiently widespread to reflect either an ineffective targeting process or a broader policy of attrition against civilian infrastructure.	2016	<u>S/2018/193</u>
121. On 8 October, at around 3.20 p.m., two air-dropped bombs detonated on, or in, the Salah al-Kubra community hall in a residential area of south-western Sana'a, where more than 1,000 mourners were attending the funeral of the father of the Sana'a-based acting minister of the interior. A significant number of Houthi-Saleh-affiliated military and political leaders were expected to attend.	2016	<u>S/2018/193</u>



122. The Panel obtained and analysed post-blast original imagery of the available physical evidence and found that fragments had the shape profile, and fell within the dimensional parameters, of a fragment of fins and wings from a GBU-12 Paveway II guidance unit fitted to a Mark 82 high explosive aircraft bomb (see figures IX and X).

123. The only party to the conflict known to have the capability to deliver a Mark 82 high-explosive aircraft bomb with a GBU-12 Paveway II guidance unit is the coalition led by Saudi Arabia.

124. The coalition did not respond to the Panel's request for information. The Joint Incident Assessment Team established by the coalition to 'assess reported incidents of civilian casualties, investigation procedures and mechanisms of precision targeting' (see S/2016/100) attributed responsibility to the coalition.

125. The Panel, having carried out technical and international humanitarian law assessments, finds that:

- (a) The coalition conducted the air strike on the community hall in Sana'a that resulted in at least 827 civilian fatalities and injuries. At least 24 of the injured were children. The strike also resulted in the total destruction of the hall;
- (b) Given the nature of the event and those in attendance, the attack resulted in a very high number of civilian casualties, which should have been anticipated before the attack. The Panel is unconvinced that the relevant international humanitarian law requirements relating to proportionality were met;

2016

S/2018/193

(c) The cumulative factors in (a) and (b) above also indicate that, if precautionary measures had been taken, they were largely inadequate and ineffective. The Joint Incident Assessment Team also concluded that the relevant rules of engagement and procedures had not been followed and that those responsible in the coalition 'did not take in account the nature of the targeted area'; (d) The second air strike, which occurred three to eight minutes after the first, resulted in more casualties to the already-wounded civilians and to the first responders. The coalition violated its obligations in respect of persons hors de combat and the wounded, in what was effectively a 'double-tap' attack probably caused by the tactics adopted by the pilots to guarantee the destruction of the target; (e) Even if an individual officer within the coalition acted negligently in carrying out the strike, coalition forces are still responsible for international humanitarian law violations. An official acting against instructions may not be an adequate justification under broader international law for the relevant States members of the coalition to evade State responsibility for those wrongful acts; (f) Those government officers who reportedly passed the information, or were otherwise involved in the intelligence-gathering and targeting processes in relation to this incident, may also be responsible for any international humanitarian law violations to the extent of their contribution.	2016	<u>S/2018/193</u>
160. During the reporting period, the Panel investigated 10 air strikes that led to at least 157 fatalities and 135 injuries, including at least 85 children. The strikes also destroyed five residential buildings, two civilian vessels, a market, a motel and a Government of Yemen forces location (see table 5). Detailed case studies of the first four incidents, which include assessments of compliance with international humanitarian law, are contained in annex 58.	2017	<u>S/2018/594</u>





- 161. In the 10 incidents investigated the Panel finds that:
- (a) The use of precision-guided weapons is a strong indicator that the intended targets were those affected by the air strikes;
- (b) In all cases investigated, there was no evidence that the civilians in, or near this infrastructure, who are prima facie immune from attack, had lost their civilian protection;
- (c) Even if in some of the cases listed in table 5, the Saudi Arabialed coalition had targeted legitimate military objectives, the Panel finds that it is highly unlikely that the principles of international humanitarian law of proportionality and precautions in attack were respected;
- (d) The cumulative effect on civilians and the civilian infrastructure demonstrates that even if precautionary measures were taken, they were largely inadequate and ineffective.
- 162. On the individual case studies, the Panel finds that:
- (a) Except for incident A, the only military entity capable of carrying out these airstrikes was the Saudi Arabia-led coalition. In incident A, it is highly unlikely that an entity other than a member State in the Saudi Arabia-led coalition could have carried out the attack;
- (b) Except for incidents B and D, the Saudi Arabia-led coalition has not acknowledged its involvement in any of the attacks, nor clarified, in the public domain, the military objective it sought to achieve. In incidents B and D, the Panel is unable to concur with the justifications provided by the Saudi Arabia-led coalition (see annex 58);
- (c) Measures taken by the Saudi Arabia-led coalition in its targeting process to minimize child casualties, if any, remain largely ineffective, especially when it continues to target residential buildings.

2017

S/2018/594

163. The Panel requested information throughout 2017 from the Saudi Arabia-led coalition in reference to the rationale that the coalition had applied in order to justify the collateral damage to civilians and civilian infrastructure identified by the Panel. The response received contained no verifiable information. In the case of the air strikes listed in table 5, the Panel's independent investigations could not find any evidence of the presence of high value targets that would justify the collateral damage at these target sites. In another incident, in which the Saudi Arabia-led coalition admitted to killing a high value target in a strike on an alleged training camp, which then turned out to be a school, the Joint Incident Assessment Team later denied that a strike by the Saudi Arabia-led coalition had taken place (see annex 59).

164. The Panel also identified two cases (see table 6) where the Joint Incident Assessment Team found that the Saudi Arabia-led coalition did not conduct strikes, but the Panel's independent investigations found clear evidence of air strikes. The Panel thus concluded that the only entity capable of carrying out these two attacks was the Saudi Arabia-led coalition (details are provided in annex 60).

165. Those individuals responsible for planning, authorizing and/ or executing air strikes that disproportionately affect civilians and civilian infrastructure are likely to fall under the designation criteria contained in paragraphs 17 and 18 of resolution 2140 (2014). The Panel continues to investigate this issue.

2017 <u>S/2018/594</u>





166. In 2017, the Panel investigated 12 instances of individuals deprived of their liberty being held in detention facilities at the United Arab Emirates base in Burayqah, at Al Rayyan airport and in the port of Balhaf (see confidential annex 61 and annex 62). The Panel finds that:

- (a) The forces of the United Arab Emirates in Yemen detained individuals in least three places of detention in Yemen, which were administered and supervised exclusively by the United Arab Emirates;
- (b) The Government of Yemen had no authority over individuals detained in the bases administered by the United Arab Emirates;
- (c) The forces of the United Arab Emirates engaged in, or supervised, joint arrest operations with the Hadrami and Shabwani Elite Forces;
- (d) The forces of the United Arab Emirates have engaged with Yemeni security forces in regular detainee transfers;
- (e) The forces of the United Arab Emirates were responsible for: (i) torture (including beatings, electrocution, constrained suspension and imprisonment in a metal cell ('the cage') in the sun); (ii) ill treatment; (iii) denial of timely medical treatment; (iv) denial of due process rights; and (v) enforced disappearance of detainees, in violation of international humanitarian law and international human rights law.

167. The Panel estimates that the total number of detainees in the custody of the forces of the United Arab Emirates in Yemen, as at 1 November 2017, was over 200.

2017

S/2018/594

168. The Panel requested, but did not receive, either from the United Arab Emirates or Yemen, the relevant legal authority under which the United Arab Emirates, as a foreign force, was authorized to engage in the arrest and the deprivation of liberty of individuals in Yemen. Instead, the representatives of the United Arab Emirates denied that the country supervises or administers detention facilities in Yemen.

169. The widespread and systematic nature of the arbitrary arrest, deprivation of liberty and enforced disappearance of individuals by the United Arab Emirates in Yemen demonstrates a pattern of behaviour that is clearly inconsistent with the country's obligations under international humanitarian law and international human rights law. At the same time, the continued denial of the role of the United Arab Emirates in arbitrary arrests and detentions contributes to violations occurring with impunity by both United Arab Emirates forces and its Yemeni proxies. This denial offers them protection and the ability to operate without any foreseeable consequences.

170. For the United Arab Emirates, working with Government of Yemen security forces provides plausible deniability for violations, while also providing a veneer of legitimacy and authority for the arbitrary arrests and consequent detentions undertaken on their behalf.

171. Both Governments refuse to conduct credible investigations into such abuses or to act against the perpetrators. The United Arab Emirates is in Yemen with the consent of the legitimate Government, which has full authority to revoke, limit or to clarify the boundaries of its consent, in order to further the compliance of the forces of the United Arab Emirates with international humanitarian and international human rights law. The Government of Yemen has also failed to assert effective command and control over its own forces in this regard (see para. 54 above).

172. The Panel finds that those responsible for detention-related abuses in Yemen fall within the designation criteria under paragraph 17 and/or paragraph 18 of resolution 2140 (2014).

2017 <u>S/2018/594</u>





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42. It is the assessment of the Panel that recent progress along battle fronts in Jawf, Sa'dah and Hudaydah have strengthened the coalition's view that the Houthis can be forced into peace talks. The air campaign continued but has yet to deliver any major success in removing the significant players in Houthi leadership or its field commanders. The campaign's most significant success was the air strike on supreme political council president Saleh al-Samad in April 2018, whose death served to coalesce control over the supreme political council under the Houthi family rather than creating a schism between the Houthi political and military wings. The coalition continued to provide financial, political, military and logistics support to the Yemeni armed forces, as well as to a number of proxy armed groups.	2018	<u>S/2019/83</u>
135. The Panel investigated five air strikes that affected civilians and civilian objects in 2018 in Houthi-controlled areas. The air strikes reportedly led to approximately 78 deaths, with 153 wounded, and caused significant damage to civilian objects. The Panel also investigated one case of shelling in a populated area, an incident attributed to either the coalition or the Houthi forces, which reportedly led to 55 deaths, with 170 wounded (see table 5). The Panel sent letters to the coalition asking for information on the five air strikes and met with the Joint Incident Assessment Team. The Panel shared that information with Saudi officials in June and December 2018 during its visits to Riyadh. The Saudi Arabian authorities provided a written reply to the Panel with regard to case A. The coalition has made public statements on cases B, C and F (see table 5). 136. In the six incidents investigated, the Panel found the following: (a) The coalition was responsible in cases B, C, D and F and was likely responsible in case A. For case E, the Panel was unable to attribute responsibility on the basis of the evidence gathered. In cases E and F, the Panel requested authorization to visit the relevant sites, but the Houthi authorities did not provide an official response (see para. 19). Details on the case studies of incidents A, B, D, E and F are contained in annex 33. Details of	2018	<u>S/2019/83</u>

(b) In case E, there was no evidence that civilians in or near the target area, who were prima facie immune from attack, had lost their protection. In case D, there was no evidence at or near the target that civilian objects had been turned into a military objective. In case F, evidence gathered by the Panel confirmed the incident and the significant number of victims, including children. However, the Panel noted some inconsistencies in parts of the narrative surrounding the incident, such as the direction of the bus, as shown after the incident, which was the opposite of what was described in the official narrative (see figures XV and XVI and appendix F to annex 33). The Panel is continuing to investigate cases A, E and F;

(c) Even if in some cases, the coalition targeted military objectives and civilians lost their protection, as claimed in cases B and F, the Panel found that it was highly unlikely that the principles of international humanitarian law of proportionality and precaution were respected in the attacks. In case C, the Panel found that it was a priori likely that the attack respected the applicable rules of international humanitarian law continued to investigate the case.

Footer Note 117. Panel found that the mortar used for that attack had characteristics of those produced either by Rheinmetall in Germany or by its South African subsidiary Rheinmetall Denel Munitions, which reportedly also produces mortar shells in a factory in Saudi Arabia (see annex 34). However, the Panel noted that many weapons from Saudi Arabia have been found in the hands of various groups in Yemen. Deutsche Welle, 'Yemen and the global arms trade', video, 4 December 2018. Available at www.youtube.com/watch?v=tkUv2R97I-Y and Rod Austin, 'Yemen: Inquiry finds Saudis diverting arms to factions loyal to their cause', Guardian, 28 November 2018. Available at www. theguardian.com/global-development/2018/nov/28/arms-yemenmilitia-were-supplied-by-west-find-analysts.

2018 <u>S/2019/83</u>





137. Taken as a whole, the cumulative effects on civilians and civilian objects demonstrated that, even where precautionary measures were taken, they were largely inadequate and ineffective.

138. The Panel noted that, in cases B and F, the Joint Incident Assessment Team found errors in compliance with the rules of engagement, which led to a high number of civilian casualties. Under international humanitarian law, parties to a conflict must take all feasible precautions to avoid, and in any event minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects (see table 6).

139. The Panel noted that, in cases B and F, the coalition recommended that legal measures be taken to hold perpetrators accountable and provide assistance to victims for damages and losses resulting from those operations.

140. The Panel was informed orally during its visit to Riyadh in December 2018 that legal procedures could be undertaken with regard to case F, under the Military Code of Justice of Saudi Arabia. Under international humanitarian law, States must investigate war crimes allegedly committed by their nationals or armed forces or in territory over which they have jurisdiction and, if appropriate, prosecute the perpetrators. The Panel was unaware of any prosecution for war crimes committed in relation to the conduct of hostilities in Yemen by any State and welcomed any information in that regard.

141. Individuals responsible for planning, authorizing and/or executing attacks that disproportionately affect civilians and civilian objects are likely to fall under the designation criteria contained in paragraphs 17 and 18 of resolution 2140 (2014). Table 6

2018

S/2019/83

93. The Panel investigated eight air strikes that killed approximately 146 people and injured 133, in Bayda', Ad Dali', Dhamar, Sad'ah, Sana'a and Ta'izz (see table 5). The Panel sent letters to Saudi Arabia regarding these incidents and is awaiting a reply. The Panel appreciated the meetings with Saudi Arabian authorities and the Joint Incident Assessment Team during a visit to Riyadh in September 2019. However, the Panel notes that, since 2016, it has sent 11 letters concerning more than 40 air strikes for which it is still awaiting replies. This impedes the Panel's ability to conclude its investigations. Table 5

Case summary: Dhamar community college

94. On 31 August 2019, several explosive ordnances were dropped from aircraft on buildings of the Dhamar community college compound (see figures XI to XIII).

95. At least one of these buildings was used as a prison by Houthi forces. The International Committee of the Red Cross has reported that the facility held about 170 detainees. The incident resulted in the injury of at least 40 people and the death of at least 100 people. The Coalition confirmed the strike but claimed that the site was of a military nature due to the presence of Houthis and air defence equipment. It also held that the site was not registered on the no-strike list of the United Nations and was more than 10 km from the registered prison in Dhamar, implying that the Coalition did not know about the presence of prisoners in that compound. However, this site has been used as a prison since at least 2017 and was mentioned in a previous report of the Panel. In addition, the presence of detainees was well known locally.

2019 <u>S/2020/326</u>





96. Under international humanitarian law, parties to the conflict have to take all feasible precautions to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects. This requires military commanders and others involved in attacks to assess information from all sources at their disposal and to obtain the best intelligence possible. Under international humanitarian law, detainees, whether civilians or fighters hors de combat, shall be considered, prima facie, as not taking part in hostilities and as such protected against direct attack. It is likely that some Houthi guards were present at the site; however, the Panel has received information indicating that around 140 detainees were killed or injured in the incident. Unless Saudi Arabia provides the Panel with information to the contrary, the Panel concludes that the principles of proportionality and precaution were not respected. Further information, as well as details on seven other cases, is provided in annex 27.

97. In all cases investigated, the information and evidence gathered by the Panel lead to the conclusion that it is likely that the principles of distinction, precaution or proportionality were not respected.

98. During its visit to Aden in June, the Panel was informed that accusations against three individuals had been filed under military law by the Office of the Prosecutor with regard to the air strike on 8 October 2016 against a funeral hall in Sana'a (see S/2018/193, paras. 121–125). The Panel has sent a letter to the Government of Yemen in this regard and is awaiting a reply.

99. During its visit to Riyadh in September, the Joint Incident Assessment Team informed the Panel that it had concluded that technical failures had occurred in 10 incidents investigated since 2015 and that it had referred eight more cases to the military prosecutor (see tables 6 and 7 below). The Panel sent a letter to Saudi Arabia asking for details about these investigations and the subsequent legal procedures and is awaiting a reply.

2019

S/2020/326

Violations of international humanitarian law associated with air strikes by the Coalition to Support Legitimacy in Yemen 121. The Panel investigated five air strikes and concluded investigations of two incidents (14 February and 12 July) which resulted in the death of 41 people and the injury of 24. The majority of victims were women and children. The Panel continues to investigate the remaining incidents. More details are provided in annex 29.	2020	<u>S/2021/79</u>
122. In October, the Panel met the Joint Incident Assessment Team and officials of Saudi Arabia in Riyadh. It was informed that eight cases related to air strikes were being adjudicated by the Saudi military court (see \$\frac{\scrt{S/2020/326}}{2020/326}\$, para. 99 and table 7). Of these cases, one has completed the first instance trial (Abs hospital, 5 August 2016), two more are about to be completed (Bus in Dayan, 9 August 2019 and a wedding in Bani Qays, 22 April 2018). One additional case was referred to the military prosecutor in 2020. In addition, the Panel received evidence that three Yemeni military officials are being detained in Saudi Arabia in connection with the 8 October 2016 funeral hall strike in Sana'a but no proceedings have been initiated against them since their arrest in 2016.	2020	<u>S/2021/79</u>
123. In November, Saudi Arabia provided information on eight air strikes investigated by the Panel between 2016 and 2019 (see annex 29).	2020	<u>S/2021/79</u>
124. The Panel was informed that compensation had been paid to the victims of six incidents by the Coalition and that the beneficiaries had to travel to Ma'rib to receive payments. The Panel sent a letter to Saudi Arabia requesting more details and is awaiting a reply.	2020	<u>S/2021/79</u>
125. The Panel is unaware of any legal procedures undertaken by other members of the Coalition, including the United Arab Emirates, with regard to allegations of violations of international humanitarian law and human rights in Yemen.	2020	<u>S/2021/79</u>





<u>Table 4</u> <u>Occupation proved through Security Council reports:</u>

Article / Paragraph (Number and Text)	Year	Report
29. There was no change to the political composition of the coalition led by Saudi Arabia in 2016. The military composition, however, did change. In a letter dated 13 July, Morocco informed the Committee and the Panel that, as from 22 January, it had ceased operating air assets in support of the Government. In a letter dated 18 July, Egypt informed the Panel that it was contributing naval forces to secure navigation through the Bab al-Mandab strait. On 22 August, the President of Egypt, Abdel Fattah Al Sisi, confirmed, during a press conference, the presence of air force elements in Saudi Arabia but denied the presence of ground troops in that region other than for peacekeeping missions.	2016	<u>S/2018/193</u>
28. The Panel has investigated some of these local officials and military commanders for their potential involvement in acts that threaten the peace, security or stability of Yemen. These acts range from attempts to jeopardize the country's unity and territorial integrity, through violations of international humanitarian law and international human rights law, to allegations of support for terrorist organizations.	2016	S/2018/193
30. At the operational level, the Panel considers that coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates (see map in annex 11), as follows: (a) Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes. Officers are present from the coalition member States, less Morocco and Senegal;20 (b) Ground operations in Ma'rib are under the operational control of Saudi Arabia; (c) Ground operations in Aden and in the vicinity of Mukalla are under the operational control of the United Arab Emirates; (d) Ground operations in the Ta'izz area are under a loose operational control of the Yemeni military; (e) Naval operations are under national command.	2016	S/2018/193

Footer Note 20. United States officers are present to support logistical and intelligence activities. The Chief of Joint Operations of Operation Restoring Hope, led by Saudi Arabia, told the Panel that officers from France, Malaysia and the United Kingdom were also present at the joint headquarters.	2016	<u>S/2018/193</u>
35. The SWIFT-1 was operating in direct support of military operations by the United Arab Emirates in Yemen, making regular deliveries of supplies, troops and equipment from Assab, Eritrea, to Aden. It was not engaged in the routine delivery of humanitarian aid. The vessel was a legitimate military objective under international humanitarian law. Fires caused by the burning propellant from the rocket motor of an anti-ship missile seriously damaged the vessel. The warhead failed to detonate on impact and passed through the vessel. Further information is provided in annex 13.	2016	<u>S/2018/193</u>
134. Given that the United Arab Emirates also has ground forces operating in Mukalla, its Government has similar obligations. The United Arab Emirates has informed the Panel that the coalition has provided 'military, financial and training assistance' and 'intelligence, logistic information and aerial intervention' to the Hadrami Elite Forces, which are under the control of the legitimate Yemeni Armed Forces.	2016	<u>S/2018/193</u>
150. On 8 May, security personnel began to forcibly displace individuals working or residing in Aden who were from the north. Local authorities supported this move as a security initiative to curb continuing assassinations and violence in the area.	2016	<u>S/2018/193</u>
152. The Panel finds that, although the expulsions were implemented at the local level, they were almost certainly indicative of a wider governorate-level policy within Aden. The Panel has identified those responsible for the implementation of this policy.	2016	S/2018/193





153. The Panel subsequently investigated another incident relating to the forced deportation of three workers from a factory in Lahij to Ta'izz on or about 12 May. The Yemeni military forcefully removed them from their workplace and transported them to the 'north' of Yemen. One worker was given time to go to Aden, before being deported, to enable him to relocate his family to the north. This incident violates several provisions of international humanitarian law and international human rights law, including the rights relating to occupation, prohibition of forced displacement and discrimination. The Panel has identified the commander in Lahij responsible for these deportations. 154. The Panel finds that actual or perceived discrimination against 'northerners' continues in Aden. This discrimination and incidents of deportation risk undermining the legitimacy of the local authorities and may obstruct national and international efforts to establish the local security and governance needed for a durable solution. Individuals and entities engaging in serious practices of this nature fall within the designation criteria in paragraph 17 of resolution 2140 (2014) as those who threaten peace and security in Yemen. Their acts may also fall under paragraphs 18 (a) and (c) of the resolution.	2016	<u>S/2018/193</u>
34. Saudi Arabia-led coalition forces continue to provide financial, political, military and logistic support to the Yemeni Armed Forces and a number of proxy armed groups. The main battlefronts for the forces of Saudi Arabia are Ma'rib and Midi, while those of the United Arab Emirates operate largely in Aden, Abyan, Hadramawt, Lahij, Mahrah, Mukha and Shabwah.	2017	<u>S/2018/594</u>
45. Sanctions on Abu al-Abbas may also have prompted Houthi-Saleh forces to step up their attacks on resistance forces inside the city of Ta'izz and in the surrounding areas. A number of airstrikes by the Saudi Arabia-led coalition on Ta'izz, believed to have been targeting Houthi-Saleh forces, have resulted in civilian casualties. One airstrike hit elements from the 22nd Armoured Brigade, loyal to President Hadi, in the al-Aroos area of Saber mountain. Such incidents have disrupted relations between local forces and allies of the Saudi Arabia-led coalition, giving Houthi-Saleh forces the opportunity to mobilize their forces and exploit the situation to gain new ground along various fronts in Ta'izz.	2017	<u>S/2018/594</u>

50. Troops under the ostensible control of President Hadi routinely display the flag of an independent south Yemen. At times, they have referred to the former Governor of Aden and current Head of the Southern Transitional Council, Aydarus al-Zubaydi, as their 'president'. It is the assessment of the Panel that President Hadi no longer has effective command and control over the military and security forces operating on behalf of the legitimate Government of Yemen. One way President Hadi has attempted to arrest the erosion of his power is through the deployment of new military units, particularly the Ta'izz-based 5th Presidential Protection Brigade, which is reminiscent of the Republican Guard Brigades that former President Ali Abdullah Saleh used to safeguard his rule.	2017	S/2018/594
42. It is the assessment of the Panel that recent progress along battle fronts in Jawf, Sa'dah and Hudaydah have strengthened the coalition's view that the Houthis can be forced into peace talks. The air campaign continued but has yet to deliver any major success in removing the significant players in Houthi leadership or its field commanders. The campaign's most significant success was the air strike on supreme political council president Saleh al-Samad in April 2018, whose death served to coalesce control over the supreme political council under the Houthi family rather than creating a schism between the Houthi political and military wings. The coalition continued to provide financial, political, military and logistics support to the Yemeni armed forces, as well as to a number of proxy armed groups.	2018	<u>S/2019/83</u>
43. The main areas of operations for coalition forces are at northern Yemeni borders, in Hajjah, Ma'rib and Mahrah Governorates, with a minimal military presence in Socotra, whereas United Arab Emirates forces operate largely in Aden, Abyan, Hadramawt, Hudaydah, Shabwah and Ta'izz Governorates, excluding Ta'izz city.	2018	<u>S/2019/83</u>





142. In 2018, the Panel received information on four individual cases of allegations of violations of international humanitarian law and international human rights law associated with detention by the United Arab Emirates. Owing to the difficulties in gaining access to evidence, the Panel continues to investigate. The information received by the Panel confirmed that the pattern of violations described in its previous report (S/2018/594, paras. 166–172) continued to occur. In none of the cases under investigation by the Panel were families of the detainees informed of their fate. The Panel received an official letter dated 13 December 2018 from the United Arab Emirates regarding its efforts to renovate Bin Ahmed, Mansurah and Mukalla prisons and to support the judicial system and denying involvement in violations of international humanitarian law or international human rights law violations. The Panel continues to investigate. The Panel is also investigating the case of a Qatari national arrested in April 2018 in Yemen by forces of the coalition and detained since then in an unknown place.	2018	<u>S/2019/83</u>
148. The Panel investigated an attack against an ambulance, clearly marked with the red crescent emblem, carrying unarmed Sudanese soldiers on 11 November by Houthi forces, in violation of international humanitarian law. On 12 November, the Houthi deputy minister for foreign affairs, Hussein al Ezzi, posted a video of the attack on social media in which he praised the attack (see figure XVII).	2018	S/2019/83
Redeployment of United Arab Emirates troops from Yemen 24. During 2019, the United Arab Emirates greatly reduced its troop presence in a redeployment that occurred in two phases. The first phase involved a major drawdown in June and July from a few thousand to a few hundred troops, but some troops remained in place to support the armed groups that the country had trained and equipped between 2015 and 2019 (see table 2). The second occurred in the first week of October, leaving a minimum presence of United Arab Emirates troops in Mukha, Aden, Balhaf, Riyan and Socotra. This occurred alongside the significant reduction of Sudanese troops shortly after the establishment of the new regime in Khartoum. The withdrawal of the United Arab Emirates from Aden was completed with the handover of its base in Burayqah to Saudi Arabian forces following the signing of the Riyadh Agreement in November 2019.	2020	<u>S/2020/326</u>

arbitra disapp Forces Hadra Ghayo Arab I was a Shaye indivit torture Buray unknot 28. TI Emira 10 arbitra by the forces and v close Emira human Secur Arab put ar	sy Saudi Arabia and the United Arab Emirates involving ary arrest and detention, ill-treatment, torture and enforced pearance. One individual was arrested by the Shabwani Elite is in Ataq, Shabwah, held in Balhaf, and moved to Rayyan, amawt. Another individual was detained by Saudi Arabia in dah, Mahrah, and one was arrested and held by the United Emirates at its base in Burayqah. In addition, one individual arrested in Abyan, then held by Major General Shallal Alice and was ultimately held in Burayqah. Among these four iduals, only one has been released, in 2018; he was allegedly ded during his detention in the United Arab Emirates base in eqah. The current whereabouts of the three others remain own. More information is provided in confidential annex the Panel sent letters to Saudi Arabia and the United Arab attes and is awaiting a reply. 101. The Panel also investigated an additional 13 cases of ary arrest, ill-treatment, torture and enforced disappearances as have been created by and have received salaries, training weapons from the United Arab Emirates. Considering its relationship with the Security Belt Forces, the United Arab an obligation to ensure respect for international nitarian law, including by exerting its influence over the fity Belt Forces to prevent and end violations. The United Emirates should also exercise due diligence to prevent and an end to human rights violations committed by the Security Forces. More information is provided in confidential annex	2020	<u>S/2020/326</u>
Belt F 28.	Forces. More information is provided in confidential annex 3. The security situation is rapidly disintegrating in areas olled by the Government of Yemen. Three emerging trends observed that have significant impacts on the stability of en. They are: (a) the distribution of economic and political		

power into regional power centres (see annex 5); (b) the proliferation of forces that are affiliated with the State but recruited by individuals or entities outside the State (see annexes 5 and 9); and (c) the perceived Al-Islah and non-Al-Islah divide within the

political and military spheres (see annex 6).

100. The Panel investigated four cases of violations of



S/2021/79

2020

59. Local authorities in Shabwah accused the United Arab Emirates of involvement in security incidents and undermining their economic independence. They claimed that the United Arab Emirates had obstructed the arrest of Shabwani Elite Forces fighters, given support to Shabwani Elite Forces involved in the sabotage of oil export infrastructure and impeded the resumption of liquid natural gas exports from Balhaf. While there have been some minor security incidents when the forces of the United Arab Emirates move between their bases at Balhaf and Alam, the most significant was an explosion that occurred on 14 November, targeting a convoy. Since October, there have also been protests outside the Alam camp, seeking compensation for a joint United Arab Emirates-Shabwani Elite Forces operation in January 2019 that allegedly killed civilians and the creation of a local compensation committee to collect compensation from the United Arab Emirates. In early 2020, security operations aimed at arresting former Shabwani Elite Forces personnel in Nisab and Jirdan resulted in at least two deaths. The situation in Shabwah may escalate unless the Government of Yemen or Saudi Arabia intervenes.	2020	<u>S/2021/79</u>
71. The Panel is investigating allegations made by a tribal leader in Jawf that arms and other equipment from stores of the Government of Yemen military have been diverted to Houthi forces by individuals associated with senior Government of Yemen commanders. The Panel contacted both Saudi Arabia and Yemen to find out whether a letter from the Coalition regarding the incident posted on social media (see figure VII) is authentic; responses are pending. As the Panel is unable to travel close to the front lines, it is difficult to assess to what extent Houthi forces are using arms diverted from stockpiles of the Government of Yemen and/or the Coalition, but it is likely that this remains a factor in Houthi supplies.	2020	<u>S/2021/79</u>

126. The Panel investigated the arrests of five people in Yemen who were then transferred to Saudi Arabia, where three remain detained (see annex 30). The Panel continues to investigate the case of Mustafa Hussain al-Mutawakel, who was last known to be in custody in Saudi Arabia in September 2018. The Panel sent letters to Saudi Arabia and the Government of Yemen and is awaiting a reply.	2020	<u>S/2021/79</u>
127. The Panel continues to investigate cases of arbitrary arrest and detention, enforced disappearance and torture involving forces of the United Arab Emirates in Yemen. The Panel received evidence that three people were detained in the following sites under control of these forces: Balhaf (Shabwah), Rayyan International Airport (Mukalla) and a location close to Dubbah oil port (Shihr, Hadramawt) (see annex 30). The Panel sent a letter to the United Arab Emirates and is awaiting a reply.	2020	<u>S/2021/79</u>
128. The Panel is investigating 21 cases of arbitrary arrest and detention by the forces of the Government of Yemen in Hadramawt, Lahij, Ma'rib, Shabwah and Ta'izz, including one woman, and one case of denial of medical assistance which led to death (see annex 31). Among those detained, six are journalists (see paras. 143–146). Three of the cases involved authorities of both the United Arab Emirates and Yemen (see para. 127).	2020	<u>S/2021/79</u>
130. The Panel investigated one case of arbitrary arrest and detention, another case of assault and three cases of direct threats, including one with the use of weapons against members of the judiciary in Ta'izz by elements associated with the military of the Government of Yemen in an attempt to limit their independence and persuade them not to investigate or prosecute specific cases. These incidents happened in 2019 and 2020. The Panel also received information about similar incidents in Aden and Shabwah. 131. These actions undermine the capacity of the judicial sector to function and contribute to impunity. This affects the right of victims to effective legal recourse.70 The situation in Ta'izz demonstrates that the military take advantage of the complete absence of rule of law in the Governorate (see paras. 54–58).	2020	<u>S/2021/79</u>





b. Starvation and blockade:

Aiming to starve the Yemeni people, the Saudi led coalition has imposed a comprehensive blockade on Yemen's air and seaports, and to achieve that goal, the coalition has, encouraged by the Security Council and under its watch, taken many steps, including delaying ships loaded with commercial materials such as food, medicine, medical supplies, oil and gas derivatives, and other basic needs for civilians; and preventing all humanitarian aid from reaching the Yemeni people.

'The United Nations Special Rapporteur on human rights and international sanctions, Idriss Jazairy, says the plight of people in the country is becoming increasingly desperate.

UN figures suggest that more than 21 million people - about 82% of the population - are in need of humanitarian assistance. Seven million of them are facing famine.

Thousands of civilians have also been killed in airstrikes which have been continuing since the conflict deepened more than two years ago with the military intervention of a Saudi-led coalition.

The unwarranted restrictions on the flow of commercial and humanitarian goods and services into Yemen and impeding distribution within the country are paralyzing a nation that for far too long has been a victim of war,' the UN expert says.

Mr. Jazairy stressed that the aerial and naval blockade imposed on Yemen by the coalition forces since March 2015 was one of the main causes of the humanitarian catastrophe. It has restricted and disrupted the import and export of food, fuel and medical supplies as well as humanitarian aid.

The blockade involves a variety of regulatory, mostly arbitrary, restrictions enforced by the coalition forces — including an unreasonable delay and/or denial of entry to vessels in Yemeni ports. Mr. Jazairy says it amounts to an unlawful unilateral coercive measure (UCM) under international law.

The UN Special Rapporteur pointed to the dramatic situation of Al Hudaydah Port, the major lifeline for imports into Yemen, a country that is 80–90% dependent on imported food, medicines and fuel for its survival.\(^{(147)}\)

In its statement dated 27 July 2021, the Food and Agriculture Organization of the United Nations (FAO) shed light on the catastrophic situation experienced by the Yemenis:

'Currently, 16.2 million Yemenis face crisis or worse levels of acute food insecurity (IPC Phase 3 and above) according to the latest <u>Integrated Food Security Classification analysis</u>. This includes approximately 47,000 people experiencing catastrophic (IPC Phase 5) levels of food insecurity -famine like conditions.'(148)

⁽¹⁴⁷⁾ OHCHR | Lift blockade of Yemen to stop 'catastrophe' of millions facing starvation, says UN expert

FAO also expected that: 'Over 2.25 million cases of children aged 0 to 59 months, and more than a million cases of pregnant and lactating women, are projected to suffer from acute malnutrition in the course of 2021 in Yemen.'(149)

Even so, the coalition has continued to show no respect for all international conventions and norms related to human rights and international humanitarian law, and to impose a comprehensive blockade on Yemen, which comes as one of the most prominent forms of most serious crimes that fall into the category of the crime of aggression, war crimes, and crimes against humanity, in addition to being one of the forms of the crime of genocide:

'Imposing siege on cities falls into the category of crimes of genocide due to the impact this act inflicts on entire areas, with the intent of causing serious bodily or mental harm to members of the group and inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. Therefore, this crime, considering its harmful impact it causes to lives of a large number of the population, is more serious than the crime of using chemical weapons and incendiary weapons, and this crime is characterized by its seriousness in terms of its slow lethal effects.'(150)

At the <u>7605</u>th session of the Security Council, Ms. Kyung-wha Kang, Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, stressed that:

'A siege that denies people access to the basic necessities of life is unlawful, unacceptable and unconscionable. There can be no reason or rationale, no explanation or excuse, for preventing aid from reaching people in need. It is a grave violation of international law, and it must stop immediately. The primary responsibility for this suffering lies with the party maintaining a siege. '(151)

In the same year, the Security Council, however, adopted Resolution 2266 to confirm its insistence on continuing the implementation of its Resolution 2140 and applying Chapter VII to the Yemeni situation and imposing sanctions on specific individuals that were in reality targeting the Yemeni people as a whole, a fact proved by its own testimony, not to mention the testimony of its Panel of Experts, where it stated in the preamble to the resolution: 'Gravely distressed by the continued deterioration of the devastating humanitarian situation in Yemen, expressing serious concern at all instances of hindrances to the effective delivery of humanitarian assistance, including limitations on the delivery of vital goods to the civilian population of Yemen.'

Contradicting itself and seeking to mislead the international community, the Council resorted to using intimidation and putting pressure on the international community, while encouraging the coalition countries to continue what it called the 'measures' taken to implement its punitive resolutions, which are nothing more than reinforcement measures aimed at tightening the blockade and encouraging the aggressor countries to continue their blockade. The resolution called in its tenth paragraph upon 'all Member States which have not already done so to report to the Committee as soon as possible on the steps they have taken with a view



⁽¹⁴⁹⁾ Yemen: Acute Food Insecurity Situation October - December 2020 and Projection for January - June 2021 | IPC Global Platform (ipcinfo.org)

⁽¹⁵⁰⁾ ademrights.org

^{(151) &}lt;u>S/PV.7605 - E - S/PV.7605 - Desktop (undocs.org)</u>



to implementing effectively the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014) and paragraph 14 of resolution 2216 (2015), demanding that 'Member States undertaking cargo inspections pursuant to paragraph 15 of resolution 2216 (2015) to submit written reports to the Committee as set out in paragraph 17 of resolution 2216 (2015).'

The previous paragraph was a continuation of what the Council mentioned in its preamble about what it called 'the critical importance of effective implementation of the sanctions regime'. In this paragraph, the Council also encouraged other countries to cooperate with the coalition countries of aggression against Yemen:

'Noting the critical importance of the effective implementation of the sanctions regime imposed pursuant to resolution 2140 (2014), and Resolution 2216 (2015), including the key role that Member States from the region can play in this regard, and encouraging efforts to further enhance cooperation.'

Huge is the difference seen in the attitude of the Security Council towards the blockade imposed on Yemen on one hand and its attitude towards the siege imposed on Syrian cities on the other hand, and that difference can be noticed in resolutions that happen to be adopted in the same year. In Resolution 2140 (2014), the Security Council imposed on Yemen under the pretext of seeking to enforce sanctions on three individuals prohibiting them from importing weapons, while in Resolution 2139 (2014), the Council objected to using starvation and siege against civilians and called upon all parties to refrain from such practices that violate international humanitarian law, as stated in paragraph 5:

'Demands that all parties allow the delivery of humanitarian assistance, including medical assistance, cease depriving civilians of food and medicine indispensable to their survival, and enable the rapid, safe and unhindered evacuation of all civilians who wish to leave, and underscores the need for the parties to agree on humanitarian pauses, days of tranquility, localized cease-fires and truces to allow humanitarian agencies safe and unhindered access to all affected areas in Syria, recalling that starvation of civilians as a method of combat is prohibited by international humanitarian law.'

The Security Council Expert Panel couldn't ignore the blockade imposed on Yemen as it did with hundreds of massacres and crimes against the Yemeni people. Indeed, the Panel presented evidence on the blockade in all its reports for the period 2015-2020, stressing the fact that Yemen is facing a blockade imposed by the Saudi-led coalition forces, which prevented the entry of humanitarian aid and commercial goods into Yemen. And the most important evidence of this is what was stipulated in paragraph 188 of the S/2018/594 report of the Expert Panel:

'The Saudi Arabia-led coalition continued to obstruct the entry of humanitarian and commercial goods to Yemen by: (a) continuing the blockade on the Sana'a airport to commercial flights; (b) imposing gradual restrictions on civilian items entering Yemen through the Red Sea ports and (c) through severe restrictions on the imports of commercial and humanitarian goods from 6 to 23 November 2017. During the latter period, over 750,600 tons of commercial and humanitarian goods were diverted from Yemen or their entry to the country delayed.'

The Security Council has deliberately overlooked the evidence of the blockade that can be clearly seen whether through the reality of what Yemenis are suffering under the aggression or through what international and human rights organizations have documented and condemned. Furthermore, it is noted that the Council also deliberately mentioned those investigations and evidence, cited by its Panel of Experts in its reports on violations of international humanitarian law in Yemen, the most prominent of which are listed in the following table.

<u>Table 5</u>
Blockade proved through Security Council reports:

Article / Paragraph (Number and Text)	Year	Report
158. Malnourishment and starvation are overriding concerns for all children in Yemen. More than 500,000 children currently face life-threatening malnutrition. This represents a threefold increase since March and is reflective of the depleted food stocks, compounded by limited commercial and humanitarian shipments, and a failing health system unable to care for hungry children or vaccinate them against disease.	2015	<u>S/2018/192</u>
165. Currently, some 21.2 million people (82 per cent of the population) urgently require some form of assistance to meet their basic needs. Yemen relies on imports for 90 per cent of its grain and other food sources. The deteriorating humanitarian context corresponds directly to the conduct of hostilities, the obstruction of humanitarian assistance and their intersections. However, even without the issue of obstruction and conflict as a key cause of inaccessibility, humanitarian actors do not have the capacity to provide for the large amounts of required food, medicine and fuel, all of which have been substantively affected by the impact of the commercial blockade. One clear example has been the impact of the shortage of fuel, which has had a knock-on effect on electricity supplies, water pumping, hospitals and inflation, having a negative impact on purchasing power in a domestic black market system where the prices of basic essentials are exorbitant (see annex 60).	2015	S/2018/192

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168. The systematic and widespread blockade of commercial goods has directly contributed to the obstruction of deliveries of aid and humanitarian assistance, while restricting vital imports of commercial fuel, food and other goods not within the purview of resolution 2216 (2015) or currently subject to sanction.	2015	S/2018/192
169. Coalition inspection processes have served as an obstructive measure in practice, whereby security procedures create delays at anchorage, as opposed to lesser delays caused by capacity or administrative-related delays at berth in ports in Yemen (see annex 60). Security procedures have also led to delays in the delivery of humanitarian cargo and the diversion of aid-carrying ships, as well as the routing of humanitarian flights, including those carrying humanitarian personnel, through Saudi Arabia, delaying and effectively obstructing the delivery of humanitarian assistance to Yemen.	2015	S/2018/192
170. Attacks on sea and air routes into the country have resulted in further obstructions to the delivery of humanitarian assistance. The Houthi-Saleh shelling of the port of Aden, along with the overall conduct of hostilities, has also had a negative impact.	2015	S/2018/192
171. Between 1 April and 17 August, the number of shipments into Yemen rapidly decreased, compounded by the coalition's security delays. Coalition air strikes on infrastructure at the port of Hudaydah on 17 August limited access to berths and created delays in offloading cargo, severely impeding commercial and relief operations in August and September, exacerbating humanitarian conditions and increasing the prices of food, fuel and other basic commodities. The bombing of the airport in Sana'a delayed flights and humanitarian cargo for 10 days.	2015	S/2018/192

180. Alongside ground-led obstructions to humanitarian distribution, the Panel documented 10 coalition air strikes on transportation routes (both sea and air routes), four road supply routes and five storage facilities for holding food aid (including two vehicles carrying aid and three warehouses and facilities storing food), along with air strikes on an Oxfam warehouse storing equipment for a water project funded by the European Union in Sa'dah. The Panel also documented three coalition attacks on local food and agricultural production sites.	2015	<u>S/2018/192</u>
32. After the collapse of the talks in Kuwait on 6 August, the coalition increased the scope and tempo of its air operations, which also resulted in the air strike on a funeral hall in Sana'a on 8 October (see para. 121). The coalition has imposed additional restrictions on commercial flights to Sana'a, with the cancellation in August of Yemenia Airways flights, which used to land at the international airport after inspection in Bishah, Saudi Arabia. The coalition refused to allow Omani State-owned aircraft to transport political delegations between Oman and Sana'a. Consequently, the Houthi delegation participating in the talks in Kuwait was stranded in Oman for more than two months. It returned on 15 October on an Omani aircraft whose access was exceptionally allowed in order to transport victims of the air strike on the funeral hall.	2016	S/2018/193
157. The Panel finds that insecurity arising from recent attacks on commercial vessels (see paras. 33 and 37), higher war risk insurance costs, issues relating to currency exchange and the seizure, detention and diversion of some commercial vessels have an adverse impact on the distribution of commercial food supplies. Some of these vessels also carry humanitarian assistance. This places a heavy burden on humanitarian actors to bring additional aid into Yemen to meet needs. Before the conflict, Yemen relied on other countries for 90 per cent of its food supplies	2016	S/2018/193



int ini un at me	158. The other factor placing a similar burden on humanitarian tors is the provision of medical supplies. The humanitarian untry team assesses that the restrictions on access to the ternational airport in Sana'a affecting commercial flights itiated by the coalition in August left more than 6,500 people able to access medical care. Yemenia Airways estimates that least one third of passengers were travelling abroad to seek edical care, often for chronic diseases for which treatment in emen had become almost non-existent, in part owing to import efficulties.	2016	<u>S/2018/193</u>
tra car wir free Lil wa Th Sa we co mo 30 illi in the	150. Delays, diversions and seizures of cargo of commercial ssels by the Saudi Arabia-led coalition during inspections have ntributed to significant financial losses for ship owners and olders. The cost of these delays to owners and shippers, which in reach \$30,000 per day, have gradually eroded their credibility the their international trading partners (suppliers, insurers and eighters). Details of the case study on the confiscation of the beria-flagged tanker, MV Androussa, on 4 April 2017, while it as proceeding to Ra's Isa, are given in confidential annex 55. The Panel visited the tanker in Yanbu, on 25 December 2017, with audi Arabian officials. The Panel and the officials of Saudi Arabia have shown some steel pipes next to a workshop that the officials insidered to be suspicious, but which the Panel estimated were not probably for the vessel's maintenance. Saudi Arabia has to yet submitted an inspection report, which is required within a days under paragraph 17 of resolution 2216 (2015). The case sustrates the loss for traders and shipping companies operating Yemen. One trader has seen three planned cargo deliveries for the remainder of 2017 cancelled owing to the risk posed by the inflict (figure XVI).	2017	<u>S/2018/594</u>

188. The Saudi Arabia-led coalition continued to obstruct the entry of humanitarian and commercial goods to Yemen by: (a) continuing the blockade on the Sana'a airport to commercial flights (see annex 70); (b) imposing gradual restrictions on civilian items entering Yemen through the Red Sea ports (see confidential annex 71) and (c) through severe restrictions on the imports of commercial and humanitarian goods from 6 to 23 November 2017. During the latter period, over 750,600 tons of commercial and humanitarian goods were diverted from Yemen or their entry to the country delayed. 190. The blockade is essentially using the threat of starvation as a bargaining tool and an instrument of war. The Houthi forces are also using the population as a pawn when they escalate their strikes against Saudi Arabia, knowing full well the brunt of reprisals will be felt by the civilian population. The Houthis are relying on public condemnation of Saudi Arabia's reprisals to offset any liability on their part for those actions.	2017	S/2018/594
157. As mentioned in paragraph 116 above, the Panel investigated delays in issuing the letters of credit and denial of entry of goods coming into Yemen by companies unable to comply with the terms of Decree 75, in October and November 2018. Under article 11 of the International Covenant on Economic, Social and Cultural Rights, the Government of Yemen must take appropriate measures to ensure that the civilian population of Yemen has access to adequate food supplies.	2018	<u>S/2019/83</u>





Obstruction of the delivery of humanitarian assistance

164. The Panel found that, in 2018, the coalition continued to obstruct commercial flights from Sana'a airport that could have been used by Yemeni civilians to gain access to medical treatment outside the country. The option for people in Houthi-held areas to seek medical assistance outside Yemen requires travel to Say'un or Aden airports, which takes several hours by road, and they are at risk of harassment at multiple checkpoints. The Panel noted that, on 3 December 2018, coalition allowed the medical evacuation of 50 members of the Houthi forces from Sana'a airport.

165. The Panel has also analysed import data, through 2018, from Yemeni ports which showed that imports had gradually shifted away from Red Sea ports towards the ports under the control of the Government of Yemen. The Panel is investigating whether the shift was a result of a deliberate policy aimed at constraining the Houthi economy or if the shift occurred as a result of influence by business lobbies associated with the Government that wanted to increase their share of the import market.

166. Statistics available to the Panel indicated a significant increase in port activity in Aden and Mukalla, at the cost of Hudaydah (see para. 119 above). There was a disparity between the perception that Hudaydah covered 70 per cent of imports to Yemen and the reality. All containerized goods have run through the port of Aden since November 2017, when Saudi Arabian authorities temporarily closed the ports under Houthi control. Moreover, since April 2018, major container carriers have expressed concerns about the military operations approaching Hudaydah.

167. One importer lost over \$800,000 as a result of demurrage, delay penalties to buyers and higher insurance costs for one vessel. Through October and November 2018, that importer ceased to trade in animal feed, which negatively affected poultry production capacity within Yemen. The Panel continues to investigate the matter

2018

S/2019/83

S/2019/83

2018

37. In 2020, there was a significant escalation in hostilities. The Houthis gained strategic territory in Nihm, Jawf, Bayda' and Ma'rib, mostly from the Government of Yemen (see annex 4). They entered Durayhimi after a two-year siege. The Southern Transitional Council held onto Aden and parts of Abyan, Lahij and Dali', and gained control over Socotra.	2020	<u>S/2021/79</u>	
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c. Recruitment of mercenaries:

Recruiting mercenaries is one of the most prominent forms of the crime of aggression because of its serious impact on peace and security in the attacked countries. Recruiting mercenaries from within the country disrupts its social relationships and creates instability as well as continuous internal conflicts, while recruiting mercenaries from outside the country for the purpose of assisting the invading forces in occupying other countries' lands is the main reason for encouraging violations of international humanitarian law and the commission of direct war crimes against individuals with the ease of impunity because such forces are irregular and do not follow official military institutions.

1. The Security Council Expert Panel recognizes the coalition's recruitment of mercenaries

The Security Council Panel of Experts revealed that the coalition committed the crime of recruitment of mercenaries. This was stated in its reports, one of which was in paragraph 142 of the comprehensive \$\frac{\\$S/2018/192}{\}\$ of 2015, 'The Panel also notes reports about the deployment by the United Arab Emirates of 'mercenaries''. Such deployment increases the likelihood of violations of international humanitarian law.' This likelihood soon became a reality that was systematically practiced and applied on a large scale, and several cases were repeated, including what the Panel explained in paragraph 150 of the same report, where it mentioned that the so-called 'resistance fighters' had committed violations of international human rights law in Aden and Ta'izz, including extrajudicial executions, arbitrary arrests, detention, torture, corpse defilement, extortion, looting of property, and kidnapping and aid workers.

The Panel investigated violations of international humanitarian law committed by mercenary militias under the control of the United Arab Emirates as stated in paragraph 132 of the Panel's 2016 report. In this report, the Panel evaded using the word mercenaries for that militias; instead, it called them 'proxy forces of the Saudi Arabia-led coalition'.





In paragraph 32 of its 2017 report, the Panel emphasized that the 'proxy forces,' along with other unofficial actors, make it difficult for what it called the 'legitimate government' to practice governing and impose its authority.

In paragraph 33 of the aforementioned report, the Panel recognized the existence of mercenary militias:

'Forces of the United Arab Emirates in southern Yemen view the Security Belt Forces as key pillars of their security strategy for Yemen. This approach continues to marginalize Government institutions such as the National Security Bureau and the Political Security Organization, further undermining and reducing the legitimate Government's intelligence and security capabilities.'

In paragraph 35 of the same report, the Panel also explained the support of the Saudi-led coalition to what it called 'southern resistance forces' and southern elements.

In Paragraph 36, the Panel clearly demonstrated the expansion of the United Arab Emirates' support to proxy forces in the south, primarily the Security Belt Forces in Abyan, Aden, and Lahij, and to the Hadrami and Shabwani Elite Forces. The United Arab Emirates maintains military training facilities in Shamussah and Rayyan near Mukalla, where a number of foreign military advisers and trainers are based in support of Aden Forces. The paragraph stated that, 'The United Arab Emirates continues to expand its support to proxy forces in the south, primarily the Security Belt Forces in Abyan, Aden and Lahij, and to the Hadrami and Shabwani Elite Forces.'

In the same report, in provision b under the title 'III. Armed groups and military units', the Panel mentioned that the proxy forces funded and armed by member States of the Saudi Arabia-led coalition constitute a threat to the peace, security, and stability of Yemen because they are financed and armed by member States of the Saudi Arabia-led coalition. (152)

Among these forces, the Panel mentioned the Security Belt Forces and the Elite Forces, which were formed and funded by the UAE and operate outside the structure of the military institution.⁽¹⁵³⁾

⁽¹⁵²⁾ Paragraphs 54 of Report S/2018/594:

^{&#}x27;54. The Panel believes that proxy forces funded and armed by member States of the Saudi Arabia-led coalition present a threat to the peace, security or stability of Yemen. Unless they are brought back under direct Yemeni command and control, with all salaries and equipment distributed through Yemeni Government channels, these forces will do more to further the fracturing of Yemen than they will to hold the State together.'

⁽¹⁵³⁾ Paragraphs 55 - 58 of Report **S/2019/83**:

^{&#}x27;55. The Panel noted that, whereas Security Belt Forces have consolidated their role in the above-mentioned areas, there remained substantial opposition among some southern elements to the expansion of their role and influence, such as in Dali' Governorate, where their intention to staff checkpoints posed a threat to the local security commanders.

⁽b) Forces in Ta'izz Governorate

In its report of 2018, the Panel indicated that, 'The proliferation of militia groups and lack of de facto control over military forces <u>armed and funded</u> by the coalition is of the challenges the strengthening of the Hadi Government's authority in liberated areas.' (154)

The situation is still the same with regard to the recruitment of mercenaries or what the report called 'coalition proxy fighters'. The report stated that the brigades currently fighting under coalition support in Yemen reportedly comprise a total of 100,000 irregular troops. These irregular troops, who are supported by the UAE, are distributed among the Security Belt Forces, the Amaliqah Brigades, the Hadrami and Shabwani Elite Forces, and the guards of the republic. (155) The Panel confirmed that these forces operate outside the government's command and control structure.

- 56. The city of Ta'izz remained engulfed by armed conflict at multiple levels. Although often described as a city under siege with only one open road in and out and a few dangerous footpaths, the reality is more nuanced. The main access roads are held by militias who prohibit certain kinds of traffic or demand high prices to allow traffic to pass. Surrounding that overall pattern of criminal activity, there are clashes between Houthi forces and their rivals, clashes between rival government military units and clashes between pro-Islah elements and Abu al-Abbas Brigades, all of which are vying for control over sections of Ta'izz or its periphery in order to extract rents. The dynamics of the war economy prevent effective governance and constrain access for the delivery of essential humanitarian assistance.
- 57. Since the assassination of International Committee of the Red Cross staff member Hanna Lahoud in April 2018, tension continued to rise between governor Amin Ahmed Mahmoud, militant groups such as Abu al-Abbas Brigades, elements of al-Islah party and government military units such as the 22nd and 35th Brigades. The Panel observed that groups continued to position themselves to fill the security vacuum across areas within the city of Ta*izz, often creating shifts in alliances and creating space for new, smaller militant groups primarily engaged in criminal activity such as extortion and assassinations for hire.
- 58. Al-Islah party made some gains in its attempts to become the dominant group in the city, yet tensions remained between the party and the governor over control of local police elements, the military police and other security forces.

(154) Paragraph 21 - 22 of Report S/2019/83:

- '21. The authority of the Government of Yemen continued to erode during the reporting period. Although President Hadi remained in Aden for over six weeks in June through August and visited the Governorate of Mahrah, the Panel has yet to observe any indication that he was able to strengthen his Government's authority in liberated areas.
- 22. The Panel's assessment is based on the following: (a) the proliferation of militia groups and lack of de facto control over proxy military forces armed and funded by the coalition; (b) the challenges posed by the southern transitional council and its affiliates; (c) the apparent lack of control over revenues from natural resources; and (d) the continued control over Sana'a and other northern governorates by the Houthi forces.'

(155) Paragraph 51 - 52 of Report S/2019/83 stated:

- '51. The brigades currently fighting under coalition support in Yemen reportedly comprise a total of 100,000 irregular troops. The brigades are composed of squads dominated by communities, often a village or even a single family.
- 52. The United Arab Emirates military clearly indicated that the control of proxy forces rested with the national Government and that it only provided support to the national army. In practice, it closely supported the Security Belt Forces, the Amaliqah Brigades, the Hadrami and Shabwani Elite Forces and the guards of the republic.'





2. Conflict between coalition mercenaries

The reports of the Security Council Expert Panel revealed the conflicts between the mercenary militias recruited by the coalition as well as the extent of the disputes between whom it called 'proxy forces of the Saudi Arabia-led coalition'. An example of this is the clashes broke out in the areas under the control of the coalition forces and the so-called Hadi government in the southern regions of Aden, Mahrah, Shabwah, and Hadramawt governorates, as well as other governorates like Taiz and Al-Hudaydah. Such as the clashes broke out between the so-called 'Transitional Council Forces', which is supported by the UAE and elements from the Islah party, Al-Qaida, the Security Belt Forces, the Shabwani Elite, and the Hadrami Elite. In addition, clashes took place in Taiz between the so-called 'Abu Al-Abbass's forces, the Islahaligned People's Army Group', and Ghazwan Al-Mikhlafi's forces. (156)

In its report of 2019, the Panel stated that these forces were not under the control of what it called 'the government of Yemen'. (157) It also proved in its 2020 report that the reason for the dispute and conflict between these forces, which fight as proxy forces on behalf of the coalition, is that both the United Arab Emirates and Saudi Arabia have different agendas in Yemen, which 'poses a threat to Yemen's territorial integrity'. (158)

The Panel of Experts went further than that by stating in paragraphs 30 and 31 of its 2020 report, as it documented the continuous support provided by the United Arab Emirates for those proxy-fighting forces. Moreover, the Panel revealed that the United Arab Emirates trained and paid the wages for most of these forces, as it has not been satisfied with just providing support to an entity that poses a threat to peace, security, and stability in Yemen. Those acts are inconsistent with Resolutions 2216 (2015).⁽¹⁵⁹⁾

⁽¹⁵⁶⁾ See paragraphs 56, 57, 60, 62, and 109 of Report S/2019/83

⁽¹⁵⁷⁾ Paragraph 106 of Report S/2020/326:

^{&#}x27;the Security Belt Forces are not under the control of the Government of Yemen. The Panel has two documents from 2018 in which the Ministry of the Interior requests the leader of the Coalition in Aden and the Security Director of Aden to refer the cases of 12 detainees to the Office of the Prosecutor; 2 of those individuals were released and 10 remain missing. Orders from the Office of the Prosecutor are not always followed by the Security Belt Forces. The Government of Yemen confirmed to the Panel that it does not have authority over Bir Ahmed and Al-Mansoura prisons, which are two large prisons in Aden, and a prison in Mukalla'

⁽¹⁵⁸⁾ Paragraph 28 of Report S/2021/79:

^{&#}x27;The ongoing fighting between the Southern Transitional Council and the Government of Yemen, despite the Riyadh Agreement, demonstrates continuing divisions between the agendas of Saudi Arabia and the United Arab Emirates in Yemen. Despite the dependency of the Government of Yemen, the west coast forces and the Southern Transitional Council on support from the Coalition, Saudi Arabia has not yet found the leverage to resolve the apparent disunity that continues to pose a threat to the territorial integrity of Yemen.

⁽¹⁵⁹⁾ Paragraphs 30 - 31 of Report 8/2021/79:

^{&#}x27;30. The United Arab Emirates appears keen to confront three elements in Yemen: the Houthis, Al-Islah elements within the Government of Yemen and terrorist groups. While the United Arab Emirates informed the Panel that it continues to support Yemeni counter-terrorism forces, the Panel also documented the continuing support of the United Arab Emirates for the Southern Transitional Council, some forces affiliated with the Southern Transitional Council and some west coast forces.

^{31.} The United Arab Emirates originally recruited, trained and paid most of the forces affiliated with the South-

Table 6

Recruitment of mercenaries proved through Security Council reports

The table below explains what the Panel of Experts documented and proved in its report

regarding the recruitment of mercenaries and militias:

Article / Paragraph (Number and Text) Year Report 135. Resistance fighters in Aden conducted a pattern of attacks against civilians and civilian objects, including the shelling of civilian residential areas, medical facilities, schools and other civilian infrastructure and the use of snipers to target civilians. Yemeni refugees from Aden interviewed by the Panel reported instances in which male resistance combatants dressed 2015 S/2018/192 in women's clothes (abaya and niqab) and thereby committed perfidy by hiding their identity through means of stealth. In doing so, they jeopardized the safety of women in Aden, resulting in several women being shot, and causing them to restrict their movements (see annex 51). 142. The Panel also notes reports about the deployment by the United Arab Emirates of 'mercenaries'. Such deployment increases 2015 S/2018/192 the likelihood of violations of international humanitarian law. The Panel is continuing to monitor and investigate accordingly.

ern Transitional Council, a situation that has evolved since 2015. Forces affiliated with the Southern Transitional Council are in a military confrontation with the Government of Yemen in Abyan and, to a lesser extent, in Socotra and Shabwah. The political leadership of the Southern Transitional Council has failed to stop this fighting and has taken repeated measures to undermine the authority of the Government of Yemen and the territorial integrity of Yemen. However, the United Arab Emirates provides continuing political support to the leadership of the Southern Transitional Council. The United Arab Emirates therefore supports an entity that threatens the peace, security and stability of Yemen and is acting against the spirit of resolution 2216 (2015), which calls for 'Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen.' The United Arab Emirates informed the Panel that it does not support any unilateral action by any party to the conflict.'





150. Resistance fighters have also violated international human rights law in Aden and Taʻizz, including through summary extrajudicial executions, arbitrary arrests, detention and torture of presumed or perceived Houthi-Saleh supporters, multiple incidents of corpse defilement, extortion and looting of property in Aden belonging to people from northern Yemen. In addition, in October and December the Panel received reports that resistance Salafist vigilante groups had begun to enforce the segregation of women and men in tertiary educational institutions in Aden (see annex 51).	2015	S/2018/192
185. The Panel documented attacks on humanitarian personnel, including a number of unlawful detentions of aid workers, some of which allegedly involved torture.106 Between 26 March and 20 December, the Panel documented six cases relating to armed groups in which 23 aid workers were abducted (1 of whom died in custody), 6 shot and killed while travelling in marked humanitarian vehicles and 17 detained (8 of whom are believed either to still be in custody or to have been disappeared) (see annex 50).	2015	S/2018/192
28. The Panel has investigated some of these local officials and military commanders for their potential involvement in acts that threaten the peace, security or stability of Yemen. These acts range from attempts to jeopardize the country's unity and territorial integrity, through violations of international humanitarian law and international human rights law, to allegations of support for terrorist organizations.	2016	<u>S/2018/193</u>
52. AQAP has devoted most of its efforts in Yemen to fighting the Houthis, especially in Bayda', attacking Security Belt Forces in Abyan and Aden and striking forces loyal to the President in Hadramawt. The Panel also assesses that AQAP is actively working towards preparing terrorist attacks to be launched against the West using Yemen as a base. The group has continued to actively recruit from Yemeni tribes, especially in southern Yemen and Hadramawt, and has emphasized that the West remains its primary target. AQAP members have also taken part in the fight in Ta'izz on the side of the 'resistance' against Houthi and Saleh forces.	2016	<u>S/2018/193</u>

53. Throughout 2016, AQAP has also been under pressure from bilateral United States air and drone strikes. The United States has carried out more than 30 such strikes, killing at least 139 individuals.61 Separate from the coalition led by Saudi Arabia, the United States has deployed 'small numbers' of military personnel to assist in operations targeting AQAP.62 It has also listed six Yemenis, including two members of the Government, as 'specially designated global terrorists'.	2016	<u>S/2018/193</u>
Footer Note 63. On 19 May, the United States listed the Governor of Bayda', Nayif Salim Saleh al-Qaysi, and on 7 December a member of the Consultative Council and the leader of a pro-government militia in Jawf, Hasan Ali Ali Abkar. Both individuals have denied the charges. In addition, another listed individual, Muhammad Salih Abd-Rabbuh al-Omgy, has publicly denied the charges. The Panel has been able to confirm only that one of the listed individuals, Ghalib Abdullah al-Zaidi, is a member of AQAP.	2016	<u>S/2018/193</u>
55. Islamic State in Iraq and the Levant (ISIL) also remains active in Yemen, although it had fewer members and carried out fewer attacks than AQAP during the reporting period. The group appears to be weaker than at this point in 2015. Nevertheless, it remains capable of inflicting significant damage. Most ISIL attacks in Yemen fall into two categories: suicide bombings and close-quarter assassination of security officials, which are increasingly filmed as they happen. Early gains in the recruiting battle against AQAP in 2015 notwithstanding, ISIL is now struggling to maintain this early momentum. By the middle of 2016, it had suffered a wave of defections and losses. AQAP and ISIL have publicly sparred over which group is doing the most to combat the Houthis.	2016	<u>S/2018/193</u>
132. The Panel investigated international humanitarian law violations relating to enforced disappearances of both suspected and/or actual AQAP affiliates/members carried out by the Hadrami Elite Forces in Mukalla. The Forces were created to counter the AQAP threat after the Government re-established control of the city in late April. While nominally under the command of the legitimate Government, they are effectively under the operational control of the United Arab Emirates, which oversees ground operations in Mukalla.	2016	<u>S/2018/193</u>



32. Although the armed forces of the legitimate Government remain present throughout the eight southern provinces, (Abyan, Aden, Dali', Hadramawt, Lahij, Mahrah, Shabwah and Socotra), a number of other actors such as Al-Qaida in the Arabian Peninsula (AQAP), ISIL, tribal opponents, the recently formed Southern Transitional Council and proxy forces of the Saudi Arabialed coalition challenge the Government's ability to govern and impose its authority. Armed forces loyal to President Hadi are also operating in Ta'izz and Ma'rib. 33. Forces of the United Arab Emirates in southern Yemen view the Security Belt Forces (for the leadership and structure of the Security Belt Forces, see annex 6) as key pillars of their security strategy for Yemen. This approach continues to marginalize Government institutions such as the National Security Bureau and the Political Security Organization, further undermining and reducing the legitimate Government's intelligence and security capabilities.	2017	<u>S/2018/594</u>
35. On 7 December 2017, southern resistance forces, with support from the Saudi Arabia-led coalition under Brigadier General Abdul Salam al-Shehi, took control of the Abu Musa al-Ashar camp outside Khawkhah and continued to push northward towards Hudaydah city. As part of this security operation, southern elements under the command of Haitham Qassem Taher launched a military offensive in the Hudaydah governorate, meeting minimal resistance from Houthi elements north of Mukha city on the coast of the Red Sea.	2017	<u>S/2018/594</u>
36. The United Arab Emirates continues to expand its support to proxy forces in the south, primarily the Security Belt Forces in Abyan, Aden and Lahij, and to the Hadrami and Shabwani Elite Forces (see paras. 55 to 58 below). The United Arab Emirates maintains military training facilities in Shamussah and Rayyan near Mukalla, where a number of foreign military advisers and trainers are based in support of the Elite Forces.	2017	<u>S/2018/594</u>

Ta'izz

- 43. As described in paragraphs 28 to 33 of the Panel's confidential midterm update report, the city of Ta'izz remains a flashpoint in the conflict and a humanitarian disaster. Ta'izz has been the focus of the most sustained fighting over the past year. Houthi forces continue to besiege the city. Tension between local resistance elements, Salafi militias and Yemeni Army Forces spiked in October 2017, following the decision by the United States, Saudi Arabia and the Gulf Cooperation Council to sanction Abu al-Abbas, a key Salafi leader. Like the Houthis in Sana'a, Abu al-Abbas continues to hold territory inside the city and exercises rights and responsibilities exclusive to the legitimate Government. Prior to 25 October 2017, Abu al-Abbas had received significant support from the United Arab Emirates. The Panel is investigating whether this support continues.
- 44. The various Salafi militias that have emerged from the nearly three years of war are not only competing, and at times clashing, with Government forces, but also with each other. This competition has only increased in the wake of the sanctions against Abu al-Abbas. The militias view Ta'izz as a zero-sum game and a weakened Abu al-Abbas has meant that several smaller militias are fighting for more territory. In Ta'izz, the more urban territory a group holds, the more outside support they attract.
- 45. Sanctions on Abu al-Abbas may also have prompted Houthi-Saleh forces to step up their attacks on resistance forces inside the city of Ta'izz and in the surrounding areas. A number of airstrikes by the Saudi Arabia-led coalition on Ta'izz, believed to have been targeting Houthi-Saleh forces, have resulted in civilian casualties. One airstrike hit elements from the 22nd Armoured Brigade, loyal to President Hadi, in the al-Aroos area of Saber mountain. Such incidents have disrupted relations between local forces and allies of the Saudi Arabia-led coalition, giving Houthi-Saleh forces the opportunity to mobilize their forces and exploit the situation to gain new ground along various fronts in Ta'izz.
- 46. Both AQAP and ISIL remain active in Ta'izz, although both groups have experienced defections and fragmentation (see para. 66 below).

2017 S/2018/594





53. The most effective Yemeni security units, however, are the proxy forces formed and supported by member States of the Saudi-Arabia led coalition, which, in turn, act as proxies for those member States in Yemen. b. Saudi Arabia-led coalition proxy forces 54. The Panel believes that proxy forces funded and armed by member States of the Saudi Arabia-led coalition present a threat to the peace, security or stability of Yemen. Unless they are brought back under direct Yemeni command and control, with all salaries and equipment distributed through Yemeni Government channels, these forces will do more to further the fracturing of Yemen than they will to hold the State together. 55. The Security Belt Forces, which were formed in March 2016,54 technically fall under the Ministry of the Interior. However, in practice, they are trained, supplied and paid for by the United Arab Emirates and operate outside the Yemeni military command-and-control structure. Initially numbering around 10,000 soldiers, the Security Belt Forces have grown to more than 15,000 troops and are active in the governorates of Aden, Abyan and Lahij.	2017	S/2018/594
57. In early 2016, the United Arab Emirates formed and funded the Hadrami Elite Forces ahead of a planned assault on Mukalla. Like the Security Belt Forces, the Hadrami Elite Forces are better paid than their regular Yemeni army counterparts and operate outside the Yemeni military command-and-control structure. 58. In late 2016, the United Arab Emirates also formed and funded the Shabwani Elite Forces, using the same model. Like the Hadrami Elite Forces, the Shabwani units are made up of local fighters who operate outside the Yemeni military command-and-control structure. The Panel estimates the Shabwani Elite Forces currently number between 3,000 to 4,000 fighters. Although these forces have been active in the fight against AQAP and ISIL in Yemen, the Panel finds them to be proxy forces that are undermining the authority of the legitimate Government of Yemen.	2017	<u>S/2018/594</u>

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21. The authority of the Government of Yemen continued to erode during the reporting period. Although President Hadi remained in Aden for over six weeks in June through August and visited the Governorate of Mahrah, the Panel has yet to observe any indication that he was able to strengthen his Government's authority in liberated areas. 22. The Panel's assessment is based on the following: (a) the proliferation of militia groups and lack of de facto control over proxy military forces armed and funded by the coalition; (b) the challenges posed by the southern transitional council and its affiliates; (c) the apparent lack of control over revenues from natural resources; and (d) the continued control over Sana'a and other northern governorates by the Houthi forces.	2018	<u>S/2019/83</u>
42. It is the assessment of the Panel that recent progress along battle fronts in Jawf, Sa'dah and Hudaydah have strengthened the coalition's view that the Houthis can be forced into peace talks. The air campaign continued but has yet to deliver any major success in removing the significant players in Houthi leadership or its field commanders. The campaign's most significant success was the air strike on supreme political council president Saleh al-Samad in April 2018, whose death served to coalesce control over the supreme political council under the Houthi family rather than creating a schism between the Houthi political and military wings. The coalition continued to provide financial, political, military and logistics support to the Yemeni armed forces, as well as to a number of proxy armed groups. 2. Areas under the control of forces allied to the Government of Yemen 40. During the reporting period, the Panel noted that, beyond the ongoing military operations in Hudaydah Governorate, the Government of Yemen had not made much progress in the liberation of further territory outside the eight southern governorates. Security forces allied with the southern transitional council and under the direct patronage of the United Arab Emirates continued to represent the primary instruments of authority throughout the southern areas of Yemen and to marginalize the forces of the Government of Yemen across widespread sections of the liberated territories (see map 1).	2018	<u>S/2019/83</u>



5	_ المركز اليمني لحقوق البنسان
	Yemen Center for Human Rights

41. The Panel noted that troops within forces under the direct patronage of the United Arab Emirates, namely the Security Belt and Elite Forces, received their salaries and bonuses on time, whereas, as the salaries of government troops in the south go unpaid month after month, it has diminished morale among them. Intelligence-gathering by the Government of Yemen is hindered by the marginalization of legacy institutions such as the National Security Bureau and the Political Security Organization by United Arab Emirates-supported counter-terrorism units, local security elements and Elite Forces.	2018	S/2019/83
2. Coalition proxy forces 51. The brigades currently fighting under coalition support in Yemen reportedly comprise a total of 100,000 irregular troops. The brigades are composed of squads dominated by communities, often a village or even a single family. 52. The United Arab Emirates military clearly indicated that the control of proxy forces rested with the national Government and that it only provided support to the national army. In practice, it closely supported the Security Belt Forces, the Amaliqah Brigades, the Hadrami and Shabwani Elite Forces and the guards of the republic. (a) Security Belt Forces 53. Although the Government of Yemen indicated that the Security Belt Forces fell under the purview of the Ministry of the Interior, the Panel continued to regard the Abyan, Aden, Dhali' and Lahij-based Security Belt Forces (see para. 23) as operating outside the Government's command-and-control structure (see S/2018/594). The Panel noted that many senior officials of the Government of Yemen have stated that they had no control over units of Security Belt Forces and that the units continued to receive training and salaries from the United Arab Emirates. Those elements remained the spearhead for counter-terrorism operations in Abyan, Aden and Lahij.	2018	<u>S/2019/83</u>

54. Units of the Security Belt Forces, rather than the police, remain the de facto providers of security in Abyan, Aden, Dhali' and Lahij Governorates. While Major General Shaye was Director of General Security in Aden commanding the police elements under the Ministry of the Interior, he remained the main interlocutor betweenthe United Arab Emirates military command and security forces in Aden. He also remained a staunch ally of Mr. Al-Zubaydi and the southern transitional council. The Panel noted the widespread deployment of units of the Security Belt Forces in Aden, where those elements played a role in combating common and organized crime. In addition, their role in counterterrorism operations provided the cover for advancing a prosouthern agenda focused on persecuting their rivals in al-Islah party, who are labelled as terrorists and linked to Al-Qaida in the Arabian Peninsula.

55. The Panel noted that, whereas Security Belt Forces have consolidated their role in the above-mentioned areas, there remained substantial opposition among some southern elements to the expansion of their role and influence, such as in Dali' Governorate, where their intention to staff checkpoints posed a threat to the local security commanders.

(b) Forces in Ta'izz Governorate

56. The city of Ta'izz remained engulfed by armed conflict at multiple levels. Although often described as a city under siege with only one open road in and out and a few dangerous footpaths, the reality is more nuanced. The main access roads are held by militias who prohibit certain kinds of traffic or demand high prices to allow traffic to pass. Surrounding that overall pattern of criminal activity, there are clashes between Houthi forces and their rivals, clashes between rival government military units and clashes between pro-Islah elements and Abu al-Abbas Brigades, all of which are vying for control over sections of Ta'izz or its periphery in order to extract rents. The dynamics of the war economy prevent effective governance and constrain access for the delivery of essential humanitarian assistance.

2018 S/2019/83



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57. Since the assassination of International Committee of the Red Cross staff member Hanna Lahoud in April 2018, tension continued to rise between governor Amin Ahmed Mahmoud, militant groups such as Abu al-Abbas Brigades, elements of al-Islah party and government military units such as the 22nd and 35th Brigades. The Panel observed that groups continued to position themselves to fill the security vacuum across areas within the city of Ta'izz, often creating shifts in alliances and creating space for new, smaller militant groups primarily engaged in criminal activity such as extortion and assassinations for hire (see annex 9). 58. Al-Islah party made some gains in its attempts to become the dominant group in the city, yet tensions remained between the party and the governor over control of local police elements, the military police and other security forces.	2018	<u>S/2019/83</u>
60. The Amaliqah Brigades and the guards of the republic remained the dominant armed forces leading military operations against the Houthis along the Red Sea coastal front in Tihama. The Amaliqah Brigades, led by southern Salafi commanders, maintained a well-coordinated media campaign presenting themselves as the spearhead of military operations, while media emanating from the guards of the republic attempted to ensure that their forces obtained equal credit for successes, through posting videos of commander Tariq Mohammed Saleh visiting the front lines. Although both armed forces shared the common goal to defeat the Houthi forces, they were far from being allies espousing common long-term goals. Tensions existed between the two groups as they competed for support from coalition members and over who would control Hudaydah following a Houthi defeat. While the Amaliqah Brigades declared their support for President Hadi, the guards of the republic commander Saleh had yet to receive an official appointment by the President.	2018	<u>S/2019/83</u>

(d) Hadrami and Shabwani Elite Forces 62. The Hadrami Elite Forces and the Shabwani Elite Forces are based in Hadramawt and Shabwah, respectively, and supported by tribal levies from those governorates. They are both closely supported by United Arab Emirates forces from Mukalla. 63. The Panel continued to monitor the presence of the Shabwani Elite Forces in the Belhaf area. The Panel understands that, in the past, lucrative contracts were available for military leaders in both Ma'rib and Shabwah for providing protection services to the oil and gas industry.	2018	<u>S/2019/83</u>
71. In mid-2015, Ansar al-Sharia resurfaced as an unintended ally of the Government of Yemen and the coalition against the Houthis in areas such as Taʻizz, even though its military capacity was greatly reduced and leadership of the group remained unclear. Ansar al-Sharia has fractured into fragments only loosely linked to the central leadership of Al-Qaida in the Arabian Peninsula under Qasim al-Raymi and Kahled Batarfi. Each small group, often referred to as a brigade, today falls under the command of a young local leader. The brigades are primarily perpetrating criminal activity, such as extortion and assassinations, often for hire.	2018	<u>S/2019/83</u>
72. In areas such as Abyan, where Security Belt Forces led counter-terrorism operations with support from the United Arab Emirates, militants were identified as 'Al-Qaida organization operatives and leaders' and rarely directly as part of Ansar al-Sharia, possibly due to the narrative priorities of southern security officials, rather than to direct affiliation with the organization of those detained or killed. Al-Qaida in the Arabian Peninsula appeared to be a disparate network of individuals for whom mobile telecommunications had become a significant threat.	2018	<u>S/2019/83</u>





158. The Panel investigated violations of international human rights law relating to arbitrary arrest and detention, enforced disappearances and extrajudicial killings by the Security Belt Forces in Aden and the Shabwani Elite Forces. Further information on the cases investigated by the Panel is provided in confidential annex 41. 159. As noted in paragraph 23, the Panel found evidence that the Government of Yemen had no effective control over those forces. Rather, those forces, which were created by the United Arab Emirates in 2016, were being paid, armed and trained by the latter. The Panel also received information that the United Arab Emirates was, in fact, in charge of organizing and coordinating the operations of those forces. The Panel continued to investigate whether the specific violations committed by those forces should be attributed to the United Arab Emirates or to the Government of Yemen. In any case, they both had an obligation to exercise due diligence to prevent, investigate, hold perpetrators accountable for, and provide remedies against, the harm caused by the conduct of their agents and third parties which can affect human rights.	2018	<u>S/2019/83</u>
Changes to the West Coast Forces, the Security Belt Forces and other forces 25. The Panel considers the West Coast Forces, the Security Belt Forces, the Hadramawt Elite Forces and the Shabwani Elite Forces to be non-State armed groups. The Government of Yemen stated that the Security Belt Forces, the Shabwani Elite Forces and the Hadramawt Elite Forces had not been under its command and control since their formation. Table 2 shows their affiliations before the redeployment of the United Arab Emirates troops in June 2019. 26. The Panel notes the presence of Yemeni fighters on both sides of the border between Saudi Arabia and Yemen fighting under Saudi Arabian command but with different statuses depending on their location.	2019	<u>S/2020/326</u>
37. Following the events in Aden in August, a series of serious clashes occurred among the Government of Yemen forces in Ta'izz, including fighting between the Thirty-fifth Brigade and Abu al-Abbas' forces on one side and the Fourth Mountain Infantry Brigade supported by the Al-Hashd al-Sha'bi armed group (affiliated with Al-Islah) on the other side. These events reflected the fragmentation within the armed forces of the Government of Yemen and the challenges faced by the Government of Yemen in controlling its forces (see annexes 11 and 12).	2019	<u>S/2020/326</u>

105. The Panel received information on 54 people who were arbitrarily arrested and detained and subjected to enforced disappearance by the Security Belt Forces in Aden between 2016 and 2019. The Panel was able to gather further evidence on 11 of the cases. More information is provided in confidential annex 28.

106. As mentioned in paragraph 25, the Security Belt Forces are not under the control of the Government of Yemen. The Panel has two documents from 2018 in which the Ministry of the Interior requests the leader of the Coalition in Aden and the Security Director of Aden to refer the cases of 12 detainees to the Office of the Prosecutor; 2 of those individuals were released and 10 remain missing. Orders from the Office of the Prosecutor are not always followed by the Security Belt Forces. The Government of Yemen confirmed to the Panel that it does not have authority over Bir Ahmed and Al-Mansoura prisons, which are two large prisons in Aden, and a prison in Mukalla.

107. This situation results in people being arrested and detained outside the protection of the law, some of whom are also tortured. Many have been missing for several years, leaving their families with no effective legal recourse. Inasmuch as they exercise government-like functions, the Security Belt Forces are bound by human rights norms. The lack of the rule of law creates an environment conducive to human rights violations and threatens the security of civilians.

108. In addition, in August, the Panel received information and evidence of civilian men being put into trucks and taken out of Aden by Security Belt Forces because they were from northern governorates, mainly from Taʻizz, and did not possess identification or could not prove residence in Aden. The Panel also received information and evidence about civilian property, especially shops, belonging to people from northern governorates being targeted and damaged in the Sheikh Othman and Mansoura districts, Aden, and information about journalists and others receiving threats because of their opposition to the southern transitional council after 10 August 2019 (see para. 30). The Panel received specific evidence regarding three such cases.

2019 S/2020/326





28. The Panel finds that the Coalition to Support Legitimacy in Yemen is ineffective in applying unified control over the anti-Houthi forces. The ongoing fighting between the Southern Transitional Council and the Government of Yemen, despite the Riyadh Agreement, demonstrates continuing divisions between the agendas of Saudi Arabia and the United Arab Emirates in Yemen. Despite the dependency of the Government of Yemen, the west coast forces and the Southern Transitional Council on support from the Coalition, Saudi Arabia has not yet found the leverage to resolve the apparent disunity that continues to pose a threat to the territorial integrity of Yemen.	2020	<u>S/2021/79</u>
30. The United Arab Emirates appears keen to confront three elements in Yemen: the Houthis, Al-Islah elements within the Government of Yemen and terrorist groups. While the United Arab Emirates informed the Panel that it continues to support Yemeni counter-terrorism forces, the Panel also documented the continuing support of the United Arab Emirates for the Southern Transitional Council, some forces affiliated with the Southern Transitional Council and some west coast forces (see annex 5). 31. The United Arab Emirates originally recruited, trained and paid most of the forces affiliated with the Southern Transitional Council, a situation that has evolved since 2015. Forces affiliated with the Southern Transitional Council are in a military confrontation with the Government of Yemen in Abyan and, to a lesser extent, in Socotra and Shabwah. The political leadership of the Southern Transitional Council has failed to stop this fighting and has taken repeated measures to undermine the authority of the Government of Yemen and the territorial integrity of Yemen. However, the United Arab Emirates provides continuing political support to the leadership of the Southern Transitional Council. The United Arab Emirates therefore supports an entity that threatens the peace, security and stability of Yemen and is acting against the spirit of resolution 2216 (2015), which calls for 'Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen.' The United Arab Emirates informed the Panel that it does not support any unilateral action by any party to the conflict (see annexes 5 and 6).	2020	<u>S/2021/79</u>

32. In the second half of 2020, the Government of Yemen was keen to place blame for the actions of the Southern Transitional Council on the United Arab Emirates. The Panel finds that the United Arab Emirates has scaled down its direct control over most forces affiliated with the Southern Transitional Council. However, the Government of Yemen asserted that the United Arab Emirates continues to provide financial and military support to the Security Belt Forces and the Shabwani Elite Forces. This, together with the political support of the United Arab Emirates to the Southern Transitional Council, fuels the hostility of the Government of Yemen towards the United Arab Emirates.	2020	<u>S/2021/79</u>
50. On the west coast, the National Resistance/Guards of the Republic, a non-State armed group, continued to demonstrate governance ambitions that extend beyond military control. Its commander, Tareq Saleh, strengthened his political and military control over the west coast with strong support from the United Arab Emirates, presenting a challenge both to President Hadi's authority and to the Tihamah people's quest for self-rule under a future federal structure, as outlined in the National Dialogue Conference (see annex 5). Tareq Saleh has distanced himself from the conflict between the Government of Yemen and the Southern Transitional Council and focused exclusively on fighting the Houthis. 51. In July 2020, in Mukha', Tareq Saleh met the commander of the Fifth Presidential Protection Brigade, Adnan Roseiq, in the presence of the United Arab Emirates Commander 'Abu Hammam'. This was the first time that both parties formally engaged with each other. They agreed to a formal détente. Prior to this agreement, there were significant tensions between the Ta'izz military axis and the Guards of the Republic. The military axis alleged that the Guards of the Republic had supported those	2020	<u>S/2021/79</u>
fighting them in Turbah in mid-2020 (see para. 57), a claim that the Guards of the Republic denies. 52. The Amaliqah Brigades, the Guards of the Republic and the Tihamah Brigades are all provided with some payments by the United Arab Emirates; some brigades also receive salaries from the Government of Yemen. None of these forces have been formally included in any of the existing peace agreements, which raises concerns about their future impact on the peace, security and stability of Yemen.		



53. The security situation is rapidly disintegrating in areas controlled by the Government of Yemen. Three emerging trends were observed that have significant impacts on the stability of Yemen. They are: (a) the distribution of economic and 2020 political power into regional power centres (see annex 5); (b) S/2021/79 the proliferation of forces that are affiliated with the State but recruited by individuals or entities outside the State (see annexes 5 and 9); and (c) the perceived Al-Islah and non-Al-Islah divide within the political and military spheres (see annex 6). 54. The military and security situation rapidly deteriorated in Ta'izz in mid-2020, with an escalation of the fighting between different brigades of the Government of Yemen. The main fighting occurred between elements of the Thirty-fifth Brigade and the Ta'izz military axis after the appointment of the Abdulrahman al-Shamsani as the commander of the Thirty-fifth Brigade. 55. In Ta'izz, several commanders and officials engaged in illegal appropriations and other illegal activities with impunity. For example, the Panel received information concerning 58 civilian houses that were forcefully appropriated by individuals belonging to the 17th, 22nd and 170th Brigades in acts that appear widespread and recurrent. The Panel verified five of the 2020 S/2021/79 forcefully appropriated houses; in one case, a houseowner was killed by members linked to the occupying Seventeenth brigade. 56. In another case documented by the Panel, Gazwan Ali Mansour al-Mekhlafi, an officer of the Twenty-second Brigade and the nephew of the Twenty-second Brigade Commander, Sadiq Sarhan, was implicated in several killings in Ta'izz since, at minimum, 2018, with limited accountability (see figure II). In August 2020, he was involved in a revenge killing of an 11-yearold child and his brother. He is now detained in the Central Prison of Ta'izz. The Panel is not aware of any formal proceedings initiated against him.

57. On 8 December 2019, Hamoud Saeed al-Mikhlafi announced the creation of a 'resistance force' to fight alongside the National Army in Ta'izz (see figure III). This initiative was undertaken in his capacity as the 'Head of the Higher Coordination Council for Resistance'. The Panel considers the creation of this non-State armed group as a threat to stability in Ta'izz (see annex 9). These fighters sided with military units of the Government of Yemen involved in some of the worst incidents of infighting in Turbah in 2020. The Panel also documented the		
use of school facilities by these fighters (see annex 10). The Panel is investigating sources of funding to support recruitment efforts by al-Mikhlafi and finds it unlikely that the funding comes from a member State of the Coalition (see annex 9).	2020	<u>S/2021/79</u>
58. The Panel is investigating the training of the al-Hashd al-Sha'bi armed group under the Seventeenth Brigade in Ta'izz in 2018 and 2019. In 2019, the Panel found that elements of the al-Hashd al-Sha'bi armed group fought alongside the military axis against the forces of Abu al-Abbas' (see S/2020/326 , para. 37). The Panel is investigating links between the al-Hashd al-Sha'bi armed group, al-Mikhlafi fighters and Abdulrahman al-Shamsani, the former commander of the Seventeenth Brigade (see para. 60).		
59. Local authorities in Shabwah accused the United Arab Emirates of involvement in security incidents and undermining their economic independence. They claimed that the United Arab		
Emirates had obstructed the arrest of Shabwani Elite Forces		
fighters, given support to Shabwani Elite Forces involved in the sabotage of oil export infrastructure and impeded the resumption of liquid natural gas exports from Balhaf. While there have been some minor security incidents when the forces of the United		
Arab Emirates move between their bases at Balhaf and Alam, the most significant was an explosion that occurred on 14 November, targeting a convoy. Since October, there have also been protests outside the Alam camp, seeking compensation for a joint United Arab Emirates-Shabwani Elite Forces operation in January 2019 that allegedly killed civilians and the creation of a	2020	<u>S/2021/79</u>
local compensation committee to collect compensation from the		

United Arab Emirates. In early 2020, security operations aimed at arresting former Shabwani Elite Forces personnel in Nisab and Jirdan resulted in at least two deaths. The situation in Shabwah may escalate unless the Government of Yemen or Saudi Arabia

intervenes.



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132. The Panel investigated one case of extrajudicial killing and five cases of arbitrary arrest and detention by forces affiliated with the Southern Transitional Council in Aden, Lahij and Socotra, including two journalists (see paras. 143–148) and two men who died in detention (see annex 32). The Panel investigated a case of sexual violence by the Security Belt Forces against two female internally displaced persons in Dar Sa'd, Aden. 133. The Panel also received information about several assassinations in Aden by unknown people, demonstrating a lack of control by 'authorities' and a climate of impunity.	2020	S/2021/79
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Third: Incitement, moral corruption, and manipulation of the international community:

a. In the reports of the Expert Panel:

With regard to the so-called Panel of Experts on Yemen established under Security Council Resolution 2140 (2014), and despite our reservations about the decision to establish the team and its work, we think it has become imperative for us to cite its reports within the framework of our work to clarify its lack of impartiality and to expose the violations committed by the Security Council regarding Yemen, such violations of all international charters, treaties, laws, and norms, especially the Charter of the United Nations, starting from Resolution 2014 (2011) to the last resolution it adopted.

The bias and complicity of the Security Council in the aggression against Yemen was evident in the work of the so-called 'Panel of Experts on Yemen', and in its reports on Yemen. Such reports made it clear even for the ordinary readers, not to mention the specialists and legal experts, that the panel strayed far from impartiality, professionalism, and truth-seeking and that it reached a level of hostility and slander that no one else has ever preceded except for the media and satellite channels of the coalition countries of aggression against Yemen.

In preparing its reports, the Panel relied on press reports and testimonies of people who were not trustworthy or credible, who were rejected by Yemeni society, and who sold their consciences to the coalition forces. The reality proved the lies and slander of such people. This is clear in the Panel's reports and references they relied on and mentioned in their margins, and one can notice the Panel's use of some words, names, accusations, and fabrications used by the media of the coalition countries and its mercenaries in their incitement campaigns accompanying their aggression against Yemen.

There is a lot of evidence for this that appeared in the paragraphs of the reports issued by the Panel of Experts on Yemen, some of which will be clarified in the following:

1. The Panel's attitude and convictions

In the first pages of each report of the Expert Panel, we find a summary that explains the direction and convictions of the team, as well as its inclinations and the goal and the purpose of its establishment. In their first report issued in February 2015, the Panel identified the entity or component that it would target in its reports, taking the 'Gulf Initiative and its Implementation Mechanism' as a reference to its reports and investigations. Accordingly, the Panel considers whoever violates this initiative and its executive mechanism as an obstacle to the transitional process in Yemen and a threat to local and international peace and security, ignoring the most important principle of international law, which is 'the right of peoples to determine their destiny,' which was approved by the UN General Assembly. (160) It also relied

(160) United Nations General Assembly Resolution 103 (December 9, 1981)





on what was not agreed upon as part of the Outcomes of the National Dialogue Conference, especially crucial points and issues such as the issue of the form of the state and the new Yemeni constitution.

In the same summary of the same report, the Panel stated: 'The team carried out its work in the context of two very important events that affected the political scene in Yemen: the Houthi takeover, by armed force, of the city of Amran in the north of the country on July 8 and the capital, Sana'a, on September 21, 2014 and the result was that the Houthis and their allies extended their control over vital government institutions.' This paragraph makes two things clear to us:

- 1-1 The Panel's attempt to diagnose the events in a specific way that places the blame on the revolutionaries' control of power, as the Panel claimed that 'The Houthis and their allies are an armed group that forcibly controls vital areas and institutions,' with the aim of criminalizing the revolutionaries and the Ansar Allah component, while ignoring that what it called the Houthis and their allies were the ones who peacefully camped in the squares of the revolution, and that the events that took place in Amran were armed attacks on the peaceful youth of the revolution in the sit-in camps. On the other hand, the Panel indicated in paragraphs 114 and 116 of the S/2015/125 Report what proved that those who carried out those attacks were armed military groups, acting outside the orders of the state at the time. 5 Those groups were led by Major General Hamid Al-Qusaibi, supported by members of tribes loyal to the Islah Party, and funded by Ali Mohsen Al-Ahmar, who refused to implement the state's orders and resolutions of the Security Council with regard to structuring and obstructing the political transition process and refusing to hand over the headquarters of the First Armored Division, in implementation of Presidential Decree No. 21 of 2013 to transform the camp of the First Armored Division into a public park.
- 1-2 The Panel's acknowledgment that the two events represented in the revolutionaries' entering the city of Amran and the victory of the 21 September 2014 revolution are 'extremely important and affected the political scene,'. Whether described as an 'armed coup' or 'a takeover', such events represented an organized popular movement that took control of the capital and several governorates and were derived by popular protests made up of all factions of Yemeni society, which formed a peaceful revolution and gave a perfect example in dealing with all political factions in the arena, whether those in power or outside, and brought within the framework of the Peace and National Partnership Agreement representatives from across the political spectrum in the country, as well as called for the completion of dialogue and protected state institutions from the collapse until Hadi and his prime minister announced the resignation in an effort to push the country into a constitutional vacuum.

All of this was ignored by the Panel, which continued to call for the implementation of the Gulf Initiative and its executive mechanism, making it a single standard and reference that governs its workflow and the preparation of its reports.

The Panel's reporting methodology claims that it seeks to comply with the criteria recommended by the Security Council's Informal Working Group on General Questions of Sanctions, and that these criteria call for reliance on verified original documents, tangible evidence, and expert field observations, including photographs.

At the same time, the Panel affirmed that it was not able to carry out the physical inspection process or conduct inspections and interviews in Yemen, and instead used documents provided by Member States and official sources. It also affirmed that it used social media and the multi-platform instant messaging service to monitor the situation and collect the information that activists in Yemen shared, although it claimed that it only used the collected information as evidence when such information was backed by multiple independent sources, with more importance given to the data provided by the main active actors and what was stated on its official media channels.⁽¹⁶¹⁾

However, we find the contrary to be true for the Panel's reports when it comes to accusing the Ansarullah component and its allies: The Panel did not rely on any original documents, tangible evidence, nor expert observations except for the correspondents and media professionals of the channels of the coalition countries, known to be hostile against the Ansar Allah component, or people working under the command of the coalition. More on this will be detailed in the rest of this chapter.

2. Evidence of incitement and Lack of impartiality

The Panel was not satisfied with not adhering to professional standards and impartiality, but also positioned itself as an opponent of the Yemeni people and the component of Ansar Allah, and this was evident through its use of various incitement methods. Here are some examples of these incitement methods:

2-1 Using sectarian rhetoric and inciting racial strife while trying to create a sectarian environment, as it did, for example, but not limited to, in paragraphs 49-51 of its Report S/2015/125, the Panel sought to impart a sectarian character to the political conflict in Yemen by portraying the revolutionary movement as a sectarian movement, as it is clearly seen in paragraph 49, which highlighted what it called 'Houthi expansion in areas historically controlled by the Shafi'i Sunni sect', in an attempt to involve Al-Qaida in the conflict that was trying to turn into a sectarian conflict.

In the following paragraph, the Panel presents Al-Qaida as a Yemeni sectarian component, 'Sunni tribesmen', claiming that it has a large presence in various Yemeni governorates. It has also given Al-Qaida the right to kill Yemenis with the justification that, 'Anyone with different religious beliefs is considered a legitimate target.' Paragraph 50 states that:





'According to a confidential source, AQAP is taking advantage of such sensitivities and is recruiting Sunni tribesmen to fight on its side against the Houthis. High casualties are reported from both sides, and there are serious concerns that further escalation will lead to an increase in sectarian violence. As AQAP maintains a heavy presence in the south eastern provinces of Abyan, Shabwa, Hadramaut, Ma' rib and Al Bayda, among others, the organization seeks to carve out an Islamic State that is based on its ideology and convictions. Consequently, anyone with different religious beliefs is considered a legitimate target.'

Despite the Panel's recognition of Al-Qaida's expansion in different governorates and the military conflict the Ansar Allah component went into to face Al-Qaida, it declared its support for the decision to refuse Ansar Allah's demand to enrol 75,000 of their fighters in the army and security forces, a demand that aimed at unifying the efforts of both the people and the army to face the danger of Al-Qaida. (162) It justified its refusal by stating, 'The feared consequence is the imbalance caused by the over representation of Zaydi groups in sensitive sectors of the Government.' The Panel seemed to ignore the formation of Yemeni society and the harmony Yemeni have lived throughout history. Indeed, Yemen has never witnessed any conflicts caused by sectarian issues.

The Panel also ignored that the Ansar Allah component includes figures of various intellectual and sectarian orientations and affiliations, such as the Shafi'is, Salafis, Ismailis, and others, and they play important roles in the national political and social arena. (163)

We also find that the Panel insist on using the term 'Houthis', instead of the Ansar Allah component and its allies, even when speaking on the National Dialogue Conference, in which they participated under the name of Ansar Allah. In paragraph 167 of Report S/2015/125, when the Panel discussed the assassination of Dr. Ahmed Sharaf El-Din, a member of the Dialogue Conference on behalf of Ansar Allah, it referred to him as 'a Houthi delegate':

'167. On the last day of the NDC in January 2014, a Houthi delegate, Ahmad Sharafeddin, was killed by gunshot in the streets of Sana'a. According to the Panel's interlocutors, Ahmad Sharafeddin was a religious man who advocated for a secular State during the NDC. He was also described as a person with a potential for a meaningful political career ahead of him. The Panel consulted with the responsible Government authorities on the status of the investigation into his assassination and was informed that the file was still in the investigative phase and hence with the Ministry of the Interior. The interlocutor added that although this investigation was not unusually lengthy, given the complexity of the case, the authorities faced serious challenges in investigating similar crimes. The Panel also had the opportunity to meet with persons close to the deceased who complained that a struggle over the jurisdiction of the case had largely blocked the investigation

⁽¹⁶²⁾ Source: a senior official from the Ansar Allah component - confidential

⁽¹⁶³⁾ minhajsalafy.net /YouTube

and that the authorities showed little interest and capacity to investigate. After a shootout between members of the Al Ahmar family and members of a Houthi allied popular committee in Sana'a on 25 November 2014, the head of the Al Ahmar family, Sadiq al Ahmar, handed over to the military police three members of the family. The Houthis accuse the Al Ahmar clan of the killing of Sharefeddin and another Houthi political leader.'

Racial incitement was clear in what the Panel mentioned in paragraph 64 of its Report S/2019/83, where it reached the point of using phrases that may reach the level of racial incitement and racial discrimination against a large segment of society: Hashemites⁽¹⁶⁴⁾ – Al-Sadah.⁽¹⁶⁵⁾ The text of the paragraph reads as follow:

'64. The Houthi leadership continued to hold the top levels of political and military power within a family-dominated structure, a trust circle formed primarily on the basis of loyalty, with key members being from the Houthi family or their relatives by marriage. The leading cadres are predominantly, but not all, drawn from Hashemite (sayyid) families. In the past, the Houthi leadership sought to be politically inclusive and sought support from across the political, religious and social spectra; more recently, there have been signs of decreasing diversity within the Houthi leadership.'

The Panel used the method of the coalition's media when provoking incitement against Ansar Allah, careless that its words might expose everyone who belongs to the Hashemite families to danger and attack by loyalists of Hadi or others who hold grudges against Ansar Allah. This is a clear incitement against this component and the Hashemite segment in particular.

Unfortunately, the Panel went on using the same method. In paragraph 43 of Report S/2021/79, it stated that:

'43. The reinterpretation of the khums law in June 2020, which allowed Houthis to collect 20 per cent of the value of public resources and private assets and to redistribute it to Hashemites, triggered opposition, even from Houthi loyalists. However, air strikes continue to give the Houthis the opportunity to unify the population against their enemies.

This only indicates that the Panel of Experts is trying to depict the scene in Yemen as a conflict between armed groups derived by sectarian or racist motives.

2-2 Incitement against Ansar Allah component: In addition to using sectarian rehetoric and inciting racial strife as well as casting accusations and distorting reality, the Panel

⁽¹⁶⁵⁾ Al-Sadah are those whose lineage goes back to Imam Ali bin Abi Talib from his wife Fatima Al-Zahra, the daughter of Prophet Muhammad, may Allah's salat and peace be upon him and his family.



⁽¹⁶⁴⁾ Hashemites are those whose lineage goes back to the Prophet Muhammad, may Allah's salat and peace be upon him and his family, and specifically to Hashem, the grandfather of the Prophet, and they are the descendants of the Quraish tribe from the origin of the Prophet Ismail, peace be upon him, who is the son of Prophet Ibrahim, peace be upon him.



used a method of overt and covert incitement against the Ansar Allah component and its allies. For example, it dealt with some violations committed by the coalition forces against the Ansar Allah component, or people affiliated with it, as if such violations were legitimate, as shown in Report S/2019/83 in paragraph 65, where the Panel stated that:

'The Panel is of the view that the 'most wanted list' of Houthi officials issued by the Saudi authorities in November 2017 has resulted in only one death. Following the death of Mr. Al-Samad, president of the supreme political council, in April 2018, the coalition ceased its attempts to remove the major players among the Houthi leadership. The Panel noted that the Houthi leadership had ceased to be visible in public.'

The Panel was not just satisfied with the Saudi Arabia issuing a list of wanted persons and calling for their execution outside the framework of law, which is a crime and a violation of international humanitarian law, but also expressed its surprise at the coalition forces' ceasing efforts to eliminate the 'players among the Houthi leadership'.

Even more, the Panel ignored the most terrible crime committed by the coalition with the use of a US drone: the assassination of Saleh Al-Samad, the head of the Yemeni capital-based Presidency Council. This criminal assassination showed no respect for international norms and laws. However, the Panel of Experts sought to mislead the international community once again and make the crime less serious than it is by calling it a 'death' instead of assassination committed against the head of a people, a state, and a government that some countries actually recognize, even if most do not due to the terrorism practiced by the Security Council and the leaders of the coalition.

The Panel of Experts not only ignored the crime, but praised what it called the 'success of the coalition' in targeting the president of the Supreme Political Council in Yemen with an air raid, instead of condemning this crime and a flagrant violation of international norms and laws. Paragraph 42 of the same report stated that:

'The air campaign continued but has yet to deliver any major success in removing the significant players in Houthi leadership or its field commanders. The campaign's most significant success was the air strike on supreme political council president Saleh al-Samad in April 2018, whose death served to coalesce control over the supreme political council under the Houthi family rather than creating a schism between the Houthi political and military wings.

This clearly shows the extent of the Panel's prejudice, bias, and hostility against the Ansar Allah component, as it reached the point of stripping itself even of humanitarian principles and international norms, not to mention the standards of professionalism, credibility, and impartiality.

Perhaps, the Panel believes that the Ansar Allah component and their allies are nothing but people whose blood and lives have no value. For example, when the Panel narrated the events of 'Houth' and 'Imran', in which Ansar Allah secured the main road and purified the District of Huth of the takfiri elements that were blocking the road and assaulting

travelers, it sought through its narration in paragraphs 84, 86, and 87 of Report S/2015/125 (166) to make the whole issue look like as if it were about acquiring lands and resources with force! Such a narration turned a blind eye to the siege imposed by those takfiri elements on Sa'dah Governorate when they cut off the road to Sa'dah and prevented the arrival of any goods of food or medicine to the people of Sa'dah and attacked the travelers, whether by killing or detaining them on the pretext that they belong to Ansar Allah. (167) In this regard, Yemen Center for Human Rights issued a statement at the time, condemning the killing of a family traveling to Sa'dah Governorate, consisting of six people, including a woman by those takfiri elements, and the wounding of two children. As a result of that crime, the Center demanded the Bahah government to secure the road and protect citizens in the areas which are under the control of the powerful forces. (168)

In addition to the incitement against the Hashemites in paragraph 43 of its Report S/2021/79, the Panel encouraged the continuation of air raids launched by the coalition forces on the heads of innocent Yemenis, despite the catastrophic effects of these air raids on the Yemeni people, as the end of the paragraph states that 'Air raids still give the Houthis the opportunity to unite the population against their enemies.' The Panel here seems to only care about the opportunity these raids give to 'the Houthis' to unite the population against their enemies, and it is hard for us to know exactly what is the purpose of the Panel here: Is it to provide advice for the coalition? Is it an indication of who is the real enemy of the Yemeni people? Or does the blood of innocent victims of this aggression reveal the true nature of the complicity of the Security Council and its panels and committees that they are partners and an integral part of this aggression, and even a major reason for prolonging it?

2-3 Demonizing Ansar Allah and misleading the international community: Based on the Panel's preconceptions and orientations that prompted them to make accusations and slanders against people affiliated to the Ansar Allah component and



⁽¹⁶⁶⁾ Paragraphs 84, 86, and 87:

^{&#}x27;84. The Houthis d eveloped a strategy of taking the initiative in the decision-making process in Yemen through different means, such as participating in the uprising, encouraging the sit in camps, waging violent battles against army units and tribes affiliated with the Isla h party, pretending to enter into negotiations, mediation and truce agreements, and finally controlling government, military and security institutions. Beginning in Sa'ada, they attacked Al Jawf, took over Amran and Sana'a and expanded to Al Hudaydah (west), Ma'rib (east), Ibb and Taiz, consequently extending the proposed region of Azal in the planned six regions federal State, and became the strongest armed group in Yemen.

^{86.} The Houthis have gained territory and resources through either the use of force or the threat to use force. This has led to rival tribes signing truce agreements in order for the Houthi to neutralize them in future disputes with other tribes or parties; and to expand their fighters and relevant resources to the new combat zones. As an example, the Bani Suraim tribes loyal to form er President Saleh signed a truce agreement with the Houthis on 5 February 2014. The agreement facilitated the Houthis' movement to new combat zone areas. The agreement stated that sheikhs and notables of Bani Suraim should prevent the blocking of roads and assaults on Houthis (art. 3) and that the tribes should not allow any aggression to be launched from their own areas against the mujahedeen [Houthis] and vice versa (art. 4).

^{87.} Consequently, the Houthis took over the government compound and two schools in Houth, set up checkpoints and forced all military units out of the district and into Amran, captured Raidah district to the north of Amran and proceeded to advance across Amran province.'

⁽¹⁶⁷⁾ alkawthartv.ir

⁽¹⁶⁸⁾ yemenipress.net



falsely introduce them to the world as a group that takes people's money unjustly, violates sanctities, occupies areas, and pressures tribes by force to send their sons to fight in their ranks or paymoney in stead .(169)

The evidence on this is the opinions and allegations the Panel included in its reports without providing any evidence. Paragraph136 of Report S/2015/125 can serve as an example, since the Panel in this paragraph claimed that 'The fall of Sana'a highlights the expansionist strategy of the Houthis that began in Saada, Hajjah and Amran,' adding that 'And it reveals that what they were seeking is to overwhelmingly control the decision-making process in Yemen, and to become the center of the dominant power in the country.' This claim is refuted by the signing of the Peace and National Partnership Agreement by the revolutionaries (Ansar Allah and their allies) after having Sana'a under their control. Indeed, they made major concessions with regard to this agreement despite their victory and actual control of the capital, such as giving up their ministerial seats in the government in favor of the southern component.⁽¹⁷⁰⁾

Also, what was stated in paragraph 94 of Report S/2018/192 that accused the Salvation Government of imposing illegal taxes in favor of Ansar Allah, as the paragraph states that, 'Illegal taxation. The Houthis obtain funds based on the Islamic zakat practice by imposing a khums tax, equivalent to 20 per cent of earned profit, on all merchants and farmers. The Panel collected testimony indicating that the tax was imposed on khat farmers, especially in the cities of Sa'dah, Amran and Sana'a.' This claim is false and misleading as it was based on misleading testimonies and did not conduct any field investigations to know the fact that money collected according to law (whether the tax law⁽¹⁷¹⁾ or the Zakat law⁽¹⁷²⁾) and by official bodies and offices, whether the Zakat Authority or the Tax Authority. What also confirms this is what the Panel mentioned in paragraph 43 of its Report S/2021/79, where it claimed that the reinterpretation of the Khums Law in June 2020 aroused opposition even from what the Panel called 'Houthi loyalists'. This paragraph proved the existence of a Khums law and that the problem was only about the reinterpretation of this law, which means that the law already exists and is in use.

⁽¹⁶⁹⁾ Paragraph 156 of Report S/2015/125:

^{&#}x27;An official report on Houthi activities in Amran between 21 May and 2 July 2014, prepared by the Amran Security Forces Joint O perational Office, states that the Houthis were forcing children to fight, and that families that did not send their children to fight had to pay 20,000 Yemeni rials (approximately \$93).'

⁽¹⁷⁰⁾ In his speech on September 24, 2014, Al-Sayyid Abdul Malik Al-Houthi said that most of the ministerial seats of the Ansar Allah component would be given to the people in the south, stressing that Ansar Allah has no intention to participate in the new cabinet formation.

⁽¹⁷¹⁾Several laws were issued regarding taxes: Law 19 of 2001 on sales tax, Law 17 of 2010 on income tax, and Law 70 of 1991 on taxes on production, consumption, and services and its amendments, the last of which was in 1999.

⁽¹⁷²⁾ Law No. 2 of 1999 Regarding Zakat

⁽¹⁷³⁾ The text of paragraph 43:

^{&#}x27;43. The reinterpretation of the khums law in June 2020, which allowed Houthis to collect 20 per cent of the value of public resources and private assets and to 'redistribute it to Hashemites', triggered opposition, even from Houthi loyalists.'

We note the Panel's reliance on sources that are hostile to national components in Yemen and back its preconceptions. Whether these sources are media activists, news websites, or what the Panel calls as 'secret sources', most of these sources are loyal to the coalition forces and financed and managed by them. Sometimes the Panel does not reveal the source of its information or how it has obtained such stories. For example, in paragraph 130 of Report S/2015/125, the Panel did not mention the source of the information, which it is likely to be some hatred-inciting media reports not based on real events. In this report, the Panel explains what it called 'the situation in Sana'a', as follow:

'130. Following the Houthi takeover of Amran, the Houthi plan to take over Sana'a was carried out in three stages: encircling Sana'a, entering Sana'a, using protests against the halt in fuel subsidy as a pretext, and occupying Sana'a by force and deception. The Houthi plan to take over Sana'a was being formulated and executed while the Houthis were advancing in Amran by simultaneously encircling Sana'a through Hamdan District in the west, Arhab in the north, Ma'rib in the east and Al Gayle in Al Jawf province in the north east, using the tactic of combining violent attacks with strategic ceasefires or truce agreements.'

It deliberately ignored Hadi's declaration at the time during his and his government's visit to Amran Governorate after the revolutionaries secured the governorate. At the time, Hadi said that, 'Amran Governorate has gained its freedom⁽¹⁷⁴⁾, and it is back to the control of the state.' (175) He also stressed that there had been a complete agreement that all parties and armed groups would withdraw from the governorate and that the government would extend its power and enable the local authority to carry out its duty to provide services. He also said, 'My visit to Amran Governorate with a number of ministers and officials comes within the framework of the efforts being made to restore the situation to normal and enhance security, stability, and public tranquility in the governorate.' Moreover, he pointed out that Amran Governorate was chosen to be the base of the command of the SixthMilitaryRegion. (176)

Furthermore, in paragraph 151 of Report S/2021/79, the Panel mentions that it 'received information about 75 children between the ages of 12 and 17 who were recruited by Houthis and killed on the battlefield in 2020 in Amran, Bayda', Dhamar, Hajjah, Jawf, Mahwit, Ma'rib, and Sa'dah'.

The Panel in this paragraph did not refer to the source of such serious information, nor did it verify it or the names of the children who were allegedly killed on the battlefield. If the information had been proven, what would have prevented the Panel from mentioning their names or reveal where they were killed, especially since that happened in 2020? Also, at that time, Amran, Dhamar, and Mahwit Governorates were not battlefields!



⁽¹⁷⁴⁾ aljazeera.net

⁽¹⁷⁵⁾ BBC News

⁽¹⁷⁶⁾ saba.ye



This paragraph and others in the Panel's reports prove with no doubt the lack of impartiality of the Expert Panel on Yemen. Furthermore, they prove the Panel's use of its international position to incite against the Yemeni people, flip facts, mislead international public opinion, and obviously prejudice in favour of the coalition forces, especially the Kingdom of Saudi Arabia. We conclude the evidence on this with what is mentioned in paragraph 26 of Report S/2021/79, where the Panel tried to mislead the international community by bearing witness in favour of Saudi Arabia that '*Throughout the conflict with the Houthis, Saudi Arabia has not changed the status of Yemenis living within its borders*,' (1777) in a clear denial of the suffering of Yemeni expatriates inside the territory of the Kingdom of Saudi Arabia, where they suffer persecution, injustice, abusive practices, and gross violations of human rights amounted to deporting residents without reason, even those who have resided in Saudi Arabia for over 50 years. This is what the International Organization for Migration reported in its tracking reports on migrants, which show that the returnees from Saudi Arabia during the period January-September 2021 alone were morethan 10,000 returnees. (178)

b. The inquiries of the Security Council Expert Panel confirm its lack of impartiality and its deliberate misleading of justice and international public opinion

At the time of preparation of this report, Yemen Center for Human Rights visited in August 2021 a number of government institutions in Sana'a Governorate including the Ministry of Foreign Affairs, requesting some explanations for what was stated in some reports of the Expert Panel regarding the claim that the Sana'a Government had refused to deal positively with the Panel or provide answers to its inquiries. Officials from the Ministry of Foreign Affairs confirmed that the government had been positive in its dealings with the Panel's requests by sending replies directly to the President of the Security Council and responding positively to senior officials from the UNHR Expert Panel.

Officials in the Foreign Ministry made clear that the government's nonresponse to the Security Council Expert Panel and its inquiries sent to the Head of the Supreme Political Council in July 2021 by Dakshinie R. Gunaratne, was due to the government's reservations on some provisions sanctioning some Yemenis in Resolution 2140. It is worth mentioning that such reservations have been shared with the Secretary General and the President of

⁽¹⁷⁷⁾ The text of paragraph 26:

^{&#}x27;26. The continued economic dependency of Yemen on Saudi Arabia is not limited to repeated Saudi deposits of hard currency into accounts held by the Government of Yemen. More importantly, it extends to the millions of Yemenis who benefit from inflows of remittances from their compatriots in Saudi Arabia. By contrast, Saudi Arabia primarily needs a stable neighbouring State that poses no threat. It is noted that, throughout the conflict with the Houthis, Saudi Arabia has not changed the status of Yemenis living within its borders.'

the Security Council through the UN envoys and introduced in official statements during various negotiating sessions in Oman, Kuwait, and Geneva. The reservations also expressed with regard to the resolution for the establishment of the Panel and its mandate, since that represented an interference in Yemen's internal affairs. In addition, the reports of the Panel and its biased inquiries have been among of the main reasons for the continuation of the government's reservations.

As a witness to the above, the Ministry of Foreign Affairs handed us a copy of all reports and inquiries sent to the President of the Supreme Political Council by the Coordinator of the Panel of Experts on Yemen, Dakshinie R. Gunaratne, in July 2021.

The Yemeni Center for Human Rights added these inquiries as a basic document to study and review within this study. The Center's legal team's observations on these inquiries concluded that they violate the principles of work in the United Nations and fall within the framework of non-neutrality, distortion, incitement and misleading justice and public opinion of the international community.

At the beginning of the inquiry letter, the Panel of Experts mentioned that it was 'investigating potential violations of international human rights and international humanitarian law,' which allegedly occurred as a result of seven incidents. (179) In the first paragraph, the Panel asked the President of the Supreme Political Council for 'confirmation if Ansarullah forces conducted the attack,' and in the eighth 'If Ansarullah is not responsible for the attack, any other information that could assist the Panel in identifying the party responsible.'

Here are the most prominent observations on those inquiries:

1. By method

Through the method adopted by the Panel of Experts, we find that it began its inquiries by pointing the finger of accusation at the Ansar Allah component and ignoring that this component is a national and societal component, in an attempt to show it as a militia that has forces fighting outside the framework of the state's military institutions, to the president of which (, the President of the Supreme Political Council) the Panel sent its letter through

⁷⁻June 10, 2021 – A mosque and a police station, Mar'ib City – Allegedly, 8 people were killed and 27 were injured.



⁽¹⁷⁹⁾ In the document of inquiries submitted by the Panel of Experts to the President of the Supreme Political Council, the request stated that the Panel was investigating 'potential violations of international human rights and international humanitarian law (IHL) that occurred [as it expressed] as a result of the following incidents:

¹⁻ December 12, 2020 – Football club, Taiz City – Two people were killed, one of whom was a child, and two children were injured.

²⁻ January 8, 2021 – Near the old airport, Al-Mudhaffar, Taiz – A child was killed, and a woman and another child were injured.

³⁻ February 20, 2021 – Al-Qahira, Taiz City – A child was killed, and four people were injured, three of whom were children.

⁴⁻ March 5 and May 8, 2021 - Al-Thawra Hospital, Taiz City - One person was injured.

⁵⁻ April 3, 2021 - Al-Rawda, Mar'ib Governorate - A child was killed, and four others were injured.

⁶⁻ May 5, 2021 – Gas station, Mar'ib City – Allegedly, 14 people were killed one of whom was a child, and 21 people were injured.



the Ministry of Foreign Affairs in the capital, Sana'a, and its deputy, Hussein Al-Azi. This contradictory method is aimed at misleading international public opinion into believing that the Supreme Political Council and the Salvation Government do not have a ministry of defence, a military institution, armed forces, or an organized army, and that those facing the invading coalition forces is just a militia outside the framework of the state and also the framework of the Salvation Government! This is what the Panel sought to achieve in all its reports, as it was previously clarified.

The Panel also ignored the fact that the forces that fight against the coalition forces in defence of the homeland are regular armed forces of the Salvation Government after the integration of the people's committees in 2015 according to the Law of Service in the Armed and Security Forces No. (67) of 1991 and the Law of General Reserve No. (23) of the year 1990, and that the armed forces have a unified command. The Salvation Government made this fact clear through the Ministry of Foreign Affairs, in its response to the inquiries of the 'Eminent Regional and International Experts Group on Yemen', on May 30, 2019.

Paragraph (2) of the government's response stated that:

'The forces that fight in the field in defense of the homeland are the Yemeni armed forces after the integration of the people's committees pursuant to the Law of Service in the Armed and Security Forces No. (67) of 1991 and the General Reserve Law No. (23) of 1990. Therefore, there is one Yemeni army with united forces and a unified command, and according to the Yemeni constitution, the President of the Republic is the supreme commander of the armed forces, and there is a unified leadership represented by the Minister of Defense, Chief of General Staff, and a supreme military and security committee.'

In addition, paragraph 3 of the response document stated that: 'As we have previously mentioned, there are no forces under the so-called 'Al-Houthi and/or Ansar Allah leadership,' but rather there are armed forces under a unified command represented by the Ministry of Defense and the General Staff.' (180)

2. On holding Ansar Allah responsible for the 'incidents' of the city of Ma'rib

The local and international community has been aware of military operations in Ma'rib Governorate and the adjacent areas of Sana'a Governorate since the start of the aggression on Yemen on March 26, 2015. Where the Ministry of Defense of the Salvation Government in Sana'a was announcing repeated operations either to defend the capital, Sana'a, in the face of operations the coalition launched from Ma'rib targeting the capital or operations to liberate the governorate from the grip of the coalition forces, Hadi forces, and mercenaries. These announcements included warnings to sheikhs, dignitaries, and citizens against allowing the coalition forces to use the displaced and civilians as human shields and called for sparing them the risk of being targeted.

⁽¹⁸⁰⁾ The full response can be checked at ohchr.org

Chapter Four:

2-1 Announcing the operation to liberate Mar'ib and warning citizens:

The Leader of the Revolution, Al-Sayyid Abdul Malik Al-Houthi, in his speech on April 1, 2017 (on the occasion of Friday of Rajab⁽¹⁸¹⁾), said that:

'It is our duty as Yemeni people to continue our battle as long as there is an aggression and as long as we, our land, and country are targeted. We are concerned not to allow them to occupy, and what they have occupied, we will continue our jihad, our revolution, our struggle, and our steadfastness in confronting them until we expel them from all that they occupied, just as our fathers and ancestors did in the face of all the colonizers and all the occupiers in all times of history. It is our duty towards even the occupied areas today and any area that is occupied to work on liberating them, and our battle continues. And our steadfastness continues, and nothing can ever convince us otherwise. The issue is that we have a human value, a faith-based manner, and an ideological principle, as well as a human interest and entitlement—it is our right to expel the occupiers from our land from our right.'(182)

The President of the Supreme Political Council, Mr. Mahdi Al-Mashat, in a speech on October 13, 2020 (on the occasion of the 57th anniversary of the October 14 revolution), said that:

'Therefore, from today and every day, we have to restore value to the October 14 Revolution through steadfastness and endurance in adhering to our patriotic stance in deed as well as in word against all forms of dependency and subordination—a stance that rejects all forms of occupation, colonialism, guardianship, and external domination. To that end, we should continue the armed struggle against any non-Yemeni military presence on Yemeni soil and hold tight to our freedom and independence, the sovereignty of our people, the security and stability of our country, and the unity and safety of our land.'(183)

On January 23, 2020, Mr. Al-Mashat warned then United Nations envoy Martin Griffiths that the continued escalation of the aggression in Ma'rib would lead to dangerous results, saying that: 'If the escalation in the Ma'rib and Nehm fronts backed by the Saudi coalition's air force continues, the initiative will be brought to an end and that will lead to serious results in terms of the developments in the region.' (184)



⁽¹⁸¹⁾ The Friday of Rajab is the first Friday in the month of Rajab of the Hijri calendar; Yemenis annually celebrate it because it is the day they embraced Islam.

⁽¹⁸²⁾ saba.ye

⁽¹⁸³⁾ saba.ye

⁽¹⁸⁴⁾ saba.ye



In his interview with the Lebanese newspaper 'Al-Akhbar' on October 27, 2021, Defense Minister Mohammed Nasser Al-Atifi confirmed that the military operations to liberate the governorates are a decision declared by the leader of the revolution and implemented by the Ministry of Defense. The minister said that:

'The leader Al-Sayyid Abdul Malik Al-Houthi has come up with strategic options for our people and their armed forces, which included the imposition of full, free and independent national sovereignty over Yemen, and this means the expulsion of every intruder, invader, and occupier, and not abandoning one centimeter of our land.' (185)

The Yemeni armed forces also issued a statement on January 29, 2020, in which it announced the implementation of the operation of 'Al-Bunyan Al-Marsous' aimed to 'confront the coalition's major efforts to target the capital, Sana'a, but such efforts were met with a counterattack, which led to the liberation of all areas in Nihm.' The armed forces committed in its statement to continuing efforts to 'liberate all the lands of the republic until independence is achieved.' (186)

The military liberation of Ma'rib was also a publically announced operation, as it was announced during an extensive tribal meeting in Sana'a that enjoyed the participation of the sheikhs and wise men of Ma'rib on February 27, 2021, as well as the Governor of Ma'rib and ministers and military officials from the Salvation Government. During the meeting, a statement issued by in the meeting of the tribes stressed that 'The battle to liberate the city of Ma'rib is a battle for all Yemenis, especially the free sons of Ma'rib, and it is a right guaranteed by all international laws, covenants, customs, and tribal traditions.'(187)

On October 24, 2021, the spokesperson for the Armed Forces, Brigadier General Yahya Sarea, revealed the details of Operation Spring of Victory in the Ma'rib and Shabwa governorates. He added: 'Some areas in the Ma'rib governorate, which were recently liberated, remained a den of takfiri gangs in which they operate, and in full view of the coalition of aggression that was providing support to it,' He also warned citizens against staying near military targets, explaining this by saying that 'The armed forces call on citizens in the city of Ma'rib to stay away from the headquarters taken by mercenaries for military purposes, including the headquarters of the mercenaries' leaders from those who looted the people's money and have assets at banks abroad, such people will not escape the punishment of this people sooner or later.' And he reiterated emphasis on the purpose of the operations by saying that 'The liberation of Yemen, by land and sea, is a fateful battle, whose goal is freedom and independence.' (188)

⁽¹⁸⁵⁾ al-akhbar.com

⁽¹⁸⁶⁾ saba.ye

⁽¹⁸⁷⁾ saba.ye

⁽¹⁸⁸⁾ saba.ye

2-2 The The media of the coalition confirms the military targeting of Sana'a by the Ma'rib side

We shouldn't forget here that the city of Ma'rib is the starting point for the military operations of the coalition forces, Hadi forces, and mercenaries towards the capital, Sanaa, and various governorates. This is what Security Council Report S/2018/193 confirmed, as paragraph 30 reads:

'30. At the operational level, the Panel considers that coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates, as follows: (a) Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes. Officers are present from the coalition member States, less Morocco and Senegal; (b) Ground operations in Ma'rib are under the operational control of Saudi Arabia; (c) Ground operations in Aden and in the vicinity of Mukalla are under the operational control of the United Arab Emirates; (d) Ground operations in the Ta'izz area are under a loose operational control of the Yemeni military; (e) Naval operations are under national command.'

This was also declared by various media outlets, which confirmed that the coalition forces have established camps in some cities and used them as a command and control center. (189)

The coalition countries of aggression led by Saudi Arabia and through their media outlets have declared more than once since 2015 the launch of several military campaigns towards Sana'a, (190) including those advancing through Nehm, which they considered 'a gateway to the liberation of the capital, Sana'a'. (191)

The official spokesman for the coalition forces confirmed in more than one statement and conference that the coalition is carrying out military operations targeting what it described as 'legitimate military targets in the capital, Sana'a', (192) turning a blind eye to all crimes and massacres against citizens and civilians that claimed tens of thousands of victims, and even reached the point of invading and occupying areas and Yemeni governorates with forces of different nationalities under the name of 'supporting legitimacy', including Emirati, Sudanese, and Yemeni forces from different factions. (193)

The coalition's insistence on occupying Yemeni cities accompanied by its efforts to continue its aggression and expand the confrontation areas was also clear in a statement by the official spokesman for Hadi forces, Abdo Majali, in early December 2017. In this



⁽¹⁸⁹⁾ aljazeera.net

⁽¹⁹⁰⁾ sputniknews.com

⁽¹⁹¹⁾ aa.com.tr

⁽¹⁹²⁾ alhurra.com

⁽¹⁹³⁾ reuters.com



statement, Abdo Majali stated that, 'We have a tight and elaborate plan, in coordination with Yemeni President Abd Rabbo Mansour Hadi. It will be implemented within the next few hours, in order to work on opening new fronts for us to be able to go into the Yemeni capital, Sanaa, and liberate it completely from the grip of the Houthi militia.' (194)

2-3 Hadi and coalition forces use displaced people as human shields:

The Minister of Defense in the Salvation Government, Mohammed Nasser Al-Atifi, stressed the ministry's keenness to abide by the rules of engagement and to protect civilians in Ma'rib, and he also stressed that the coalition is keen to deploy mercenary forces among the displaced. In an interview with the Lebanese Al-Akhbar newspaper on 27 October 2021, the minister replied when asked by a journalist about ministry's plan to spare the camps of the displaced in the vicinity of the city of Ma'rib from the consequences of the war:

'We pay more attention to the lives of the displaced, and this is supported even by the testimony of the displaced themselves. Despite the fact that the aggression and its tools have deployed their forces among the displaced, and invest in the suffering of the displaced, and use them to put pressure on us and as a deliberate war against the army and the people's committees, we remain committed to the provisions of international humanitarian law, whether with regard to civilians or the displaced. And we are committed to the rules of engagement even in the face of a brutal and blasphemous aggression. Therefore, when you come to compare the humanitarian and moral aspects of the army and the people's committees with that of the other side, there is no room for comparison because the army and the people's committees are derived by a firm belief that accompanies our behavior and our defensive and offensive military operations, and this principle can never be found in the forces of aggression and their tools.'(195)

Yemen Center for Human Rights had issued a statement on April 1, 2021, condemning the military forces and mercenaries of the coalition countries of aggression against Yemen, led by the Kingdom of Saudi Arabia, which used camps for the displaced in the Ma'rib governorate as human shields during a time of active combat on the outskirts of the city. The statement made clear that the Center monitored these forces in the past days building combat barricades in the middle of one of the camps located outside the city and called on the United Nations agencies and all the free people of the world (individuals, states, and institutions) to intervene quickly to preserve the lives of civilians and spare the displaced from the scourge of these violations and crimes.⁽¹⁹⁶⁾

A full-fledged invasion and occupation has been carried out by the coalition forces led by Saudi Arabia and the UAE. Reports by the Security Council Expert Panel described that Ma'rib city as one of the centers of leadership and control for the coalition that served as

⁽¹⁹⁴⁾ ngmisr.com

⁽¹⁹⁵⁾ al-akhbar.com

⁽¹⁹⁶⁾ ycfhr.org

a base for launching military operations for the coalition forces and their proxy forces, as called by the Panel of Experts. The Panel of Experts confirmed in its Report S/2018/193 of 2016 that the activities of the coalition fall on the shoulders of Saudi Arabia and UAE. Paragraph 30 of the aforementioned report stipulates that 'At the operational level, the Panel considers that coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates.' It also confirmed that the City of Ma'rib is under the control of Saudi Arabia, as mentioned in Provision B of the same paragraph: 'Ground operations in Ma'rib are under the operational control of Saudi Arabia.' The Panel, in its Report S/2018/594 of 2018, clarified that Ma'rib is a main battlefront for the forces of Saudi Arabia. Paragraph 34 reads:

'34. Saudi Arabia-led coalition forces continue to provide financial, political, military and logistic support to the Yemeni Armed Forces and a number of proxy armed groups. The main battlefronts for the forces of Saudi Arabia are Ma'rib and Midi, while those of the United Arab Emirates operate largely in Aden, Abyan, Hadramawt, Lahij, Mahrah, Mukha and Shabwah.'

In addition, paragraph 43 of Report S/2019/83 of 2018 revealed that Ma'rib is one of the main areas of operation for coalition forces, as it stated that *The main areas of operations* for coalition forces are at northern Yemeni borders, in Hajjah, Ma'rib and Mahrah Governorates...'

2-4 The coalition's responsibility for casualties among civilians and children in military sites:

The sites in which the coalition media announced casualties among civilians and children due to the missile targeting by pro-Salvation Government forces that targeted Ma'rib were military sites, as Hadi's forces and the coalition were keen to set up camps for the displaced around the most important camps for their forces, including Al Estikbal Camp outside the city of Ma'rib. One of the most important area of these areas used by Hadi's forces is Al-Rawdah Area, in which a child were among the casualties on April 3, 2021, and a mosque that was damaged by missile targeting on June 10, 2021. Field sources confirmed to Yemen Center that the mosque was a small building located inside a military camp on the outskirts of the city of Ma'rib, and that the targeted areas actually did not exceed the geographical scope of the camps of the coalition forces and its mercenaries. This was also confirmed by the commander of the so-called third military region, Major General Mohammed Al-Hubaishi, in his visit on 19 January 2020 to wounded soldiers, includingchildren. (197)



2-5 The Salvation Government affirms its adherence to the rules of engagement:

In his interview with a Lebanese newspaper, Al-Akhbar, on October 27, 2021, the Minister of Defence in the Salvation Government, Mohammed Nasser Al-Atifi, affirmed the Ministry of Defence's adherence to the rules of engagement and to protecting civilians during military operations in Ma'rib. The Salvation Government also gave details on this issue through the response sent by the Ministry of Foreign Affairs to the Human Rights Council Group of Eminent Experts, on May 30, 2019.

In this response, the Salvation Government clarified in its response to the second inquiry that 'The Yemeni armed forces have its rules of engagement and standard procedures in accordance with the rules stipulated in international humanitarian law.' With regard to the precautionary measures taken by the armed forces, the same response stated that:

'7- The Yemeni armed forces respect their international obligations to protect civilians in accordance with international humanitarian law and international human rights law, especially the Fourth Geneva Convention of 1949 regarding the protection of civilians in time of war, in addition to the fact that the protection of civilians during wars is part of the teachings of the Islamic religion.'

With regard to the principle of proportionality, the response of the Salvation Government was as follows:

'8- The Yemeni armed forces fully abide by the principle of proportionality in order to spare civilians any harm, through combat and fire control of combat units and limiting their targets to necessary operations or in the event of specific military objectives. The Yemeni forces are also committed not to make any random strikes'.

As for precautionary measures in the event of a dual-use target, the government responded that '9- In the event where there are military targets next to civilian targets, the Yemeni armed forces do not shoot at those targets so as not to cause civilian casualties'.

With regard to whether the armed forces have a list of prohibited targets, the Salvation Government responded as the following:

'11- The Yemeni armed forces have a list of prohibited targets prepared by relevant authorities, such as schools, hospitals, markets, religious and cultural sites, international organizations, and other places that are prohibited under international humanitarian law to be targeted, unlike the forces of the Saudi-led coalition of aggression, which target civilians and civilian objects. And there are clear instructions prohibiting the use of these sites for military purposes.'

With regard to the mechanism for selecting targets for artillery and mortar shelling, the Salvation Government made clear that:

'the Yemeni armed forces choose their targets by means of monitoring and military reconnaissance elements. In principle, the Yemeni armed forces do not use artillery and mortar shelling unless in response to shelling coming from hostile military sites in unpopulated areas due to the devastating impact of the use of such weapons on civilians, and in fact, those who use these weapons and bomb civilians are the forces of the Saudi-led coalition countries of aggression and extremist armed groups'.

3. On holding, Ansar Allah responsible for 'the incidents' of Taiz

The Panel of Experts tried to hold Ansar Allah and the armed forces of the Supreme Political Council and the Salvation Government responsible for the incidents No. (1,2,3,4) in the city of Taiz, even though the Panel is aware of the current situation in the city of Taiz and the fact that Ansar Allah and the armed forces has nothing to do with incidents that occurred in the areas under the control of the coalition forces and their mercenaries, especially during the years 2019-2021.

What bears witness to that is what the Panel of Experts mentioned in its reports on the current situation in the city of Taiz, which shows beyond any doubt that violations of human rights and international humanitarian law in the various areas of Taiz Governorate were and are still occurring as a result of the ongoing conflict between mercenary militias fighting on behalf of the UAE and Saudi Arabia as well as Al-Qaida and groups affiliated with the Muslim Brotherhood.

Paragraph 46 of the Panel of Experts' Report S/2018/594 stated that, '46. Both AQAP and ISIL remain active in Ta'izz, although both groups have experienced defections and fragmentation.'

Also, paragraph 56 of Report S/2019/83 reads:

'56. The city of Ta'izz remained engulfed by armed conflict at multiple levels. Although often described as a city under siege with only one open road in and out and a few dangerous footpaths, the reality is more nuanced. The main access roads are held by militias who prohibit certain kinds of traffic or demand high prices to allow traffic to pass. Surrounding that overall pattern of criminal activity, there are clashes between Houthi forces and their rivals, clashes between rival government military units and clashes between pro-Islah elements and Abu al-Abbas Brigades, all of which are vying for control over sections of Ta'izz or its periphery in order to extract rents. The dynamics of the war economy prevent effective governance and constrain access for the delivery of essential humanitarian assistance.'





In addition, paragraph 54 of Report S/2021/79 states that:

'54. The military and security situation rapidly deteriorated in Ta'izz in mid-2020, with an escalation of the fighting between different brigades of the Government of Yemen. The main fighting occurred between elements of the Thirty-fifth Brigade and the Ta'izz military axis after the appointment of the Abdulrahman al-Shamsani as the commander of the Thirty-fifth Brigade.'

And paragraph 55 reads:

'55. In Ta'izz, several commanders and officials engaged in illegal appropriations and other illegal activities with impunity. For example, the Panel received information concerning 58 civilian houses that were forcefully appropriated by individuals belonging to the 17th, 22nd and 170th Brigades in acts that appear widespread and recurrent. The Panel verified five of the forcefully appropriated houses; in one case, a houseowner was killed by members linked to the occupying Seventeenth brigade.'

Moreover, paragraph 56 stated that:

'56. In another case documented by the Panel, Gazwan Ali Mansour al-Mekhlafi, an officer of the Twenty-second Brigade and the nephew of the Twenty-second Brigade Commander, Sadiq Sarhan, was implicated in several killings in Ta'izz since, at minimum, 2018, with limited accountability. In August 2020, he was involved in a revenge killing of an 11-year-old child and his brother. He is now detained in the Central Prison of Ta'izz. The Panel is not aware of any formal proceedings initiated against him.'

Paragraph 57 also showed how dangerous these militias are:

'57. On 8 December 2019, Hamoud Saeed al-Mikhlafi announced the creation of a "resistance force" to fight alongside the National Army in Ta'izz. This initiative was undertaken in his capacity as the "Head of the Higher Coordination Council for Resistance". The Panel considers the creation of this non-State armed group as a threat to stability in Ta'izz.'

In paragraph 58 of the same report, the Panel highlighted the true nature of the situation in Taiz Governorate:

'58. The Panel is investigating the training of the al-Hashd al-Sha'bi armed group under the Seventeenth Brigade in Ta'izz in 2018 and 2019. In 2019, the Panel found that elements of the al-Hashd al-Sha'bi armed group fought alongside the military axis against the forces of Abu al-Abbas' (see S/2020/326, para. 37). The Panel is investigating links between the al-Hashd al-Sha'bi armed group, al-Mikhlafi fighters and Abdulrahman al-Shamsani, the former commander of the Seventeenth Brigade.'

Last but not least, Report S/2021/79 explained that Tareq Saleh was involved in the fights that took place in Taiz Governorate; paragraph 51 stated that:

'51. In July 2020, in Mukha', Tareq Saleh met the commander of the Fifth Presidential Protection Brigade, Adnan Roseiq, in the presence of the United Arab Emirates Commander "Abu Hammam". This was the first time that both parties formally engaged with each other. They agreed to a formal détente. Prior to this agreement, there were significant tensions between the Ta'izz military axis and the Guards of the Republic. The military axis alleged that the Guards of the Republic had supported those fighting them in Turbah in mid-2020 (see Paragraph 57), a claim that the Guards of the Republic denies.'

In view of the above, and as we see the continued fights among these armed militias, their escalation, and their use of various types of heavy weapons, as well as their targeting of civilians, occupying their villages, and seizing their homes, we find it strange to see the Panel asking the president of the Supreme Political Council in Sana'a about the incidents in Taiz and whether those they called 'Ansarullah Forces' are the ones who carried out those attacks. To our astonishment, to see the Panel asking him to provide information about who carried out the attacks if (as they say) the Ansar Allah group was not responsible. The Panel should have been accusing those armed groups fighting inside Taiz with their various affiliations and orientations, whether those affiliated to Al-Islah Party, Tareq Forces, or the so-called 'AQAP', all of whom are backed by Saudi Arabia and the United Arab Emirates.

4. On holding Ansar Allah responsible for recruiting children and using them in military actions

Despite all the aforementioned crimes, allegations of using children as soldiers against the Yemeni Military and the Popular Committees have been the main focus of parties loyal to the Saudi, Emirati-led coalition. In addition, the UN and its secretary-general turned a blind eye to all crimes committed by Saudi Arabia and its coalition in Yemen and kept repeating such allegations without bothering themselves to search for the truth.⁽¹⁹⁸⁾

In more than one occasion, **the Government of National Salvation** announced its commitment to honour all Yemen's international commitments concerning the prohibition of child recruitment and expressed its intention to take all measures and actions to ensure the implementation of Yemen's Law No. 45 (2002) on Children Rights, which prohibits the participation of any person whose age is less than 18 years in any armed conflict.

For more than five years, the Hadi Government has been using the allegations about the alleged recruitment of children by the Yemeni Army and Popular Committees, taking

Use of Children refers to the use of children by armed forces or armed groups in any capacity, including, but not limited to, children used as fighters, cooks, porters, envoys, spies, and collaborators. It refers to a wider range than just a child who has directly participated or still participates in hostilities.



⁽¹⁹⁸⁾ Recruitment refers to the compulsory, coercive, or voluntary recruitment of children into any type of armed forces or armed groups.



advantage of the funds and capabilities provided by the coalition of aggression, which has many media outlets and was able to push many countries to spread such allegations and turn a blind eye to its crimes against children in Yemen, including the use of children as soldiers.

In June 2020, in an unilateral initiative welcomed by the UN and many international parties, the Government of National Salvation released 64 children captured while fighting in the front lines for the coalition. Most of them were recruited by Saudi Arabia to use them as soldiers on its borders; some of them recruited by armed groups funded by Saudi Arabia and the UAE.

Under the supervision and coordination of the UNICEF, these children were handed over to the Ministry of Social Affairs to join a two-month rehabilitation and reintegration program before taking them to their families. Such a move was welcomed by many international and local institutions. 'The release of 64 children is a positive move taken by the Government of National Salvation', said **Sara Beysolow Nyanti** the UNICEF Resident Representative in Yemen.⁽¹⁹⁹⁾

4-1 Accusing Ansar Allah and the Salvation Government of recruiting children ecruiting children:

The Panel of Experts claimed that the recruitment of children is carried out through the establishment of what they called 'summer camps' in the 'Al-Saleh' mosque (currently called the People's Mosque). The deception and lack of impartiality are evident in this claim, and to verify this, Yemen Center for Human Rights investigated this case and payed field visits to a number of centers, including the center of the mosque. Here are what the Center found:

- The mosque is a public place visited by hundreds of worshipers on a daily basis, so it cannot be used as a camp for recruiting children.
- The number of children enrolled in the center exceeds one hundred, and no case of recruitment of a child who joined any military action or battle front was detected.
- What the Panel called a 'summer camp' is nothing more than a summer center in which the summer vacation period is exploited to teach students what they missed during the school year as a result of the difficulties and challenges facing the educational process in Yemen. More than two million school-aged boys and girls are out of school due to poverty, conflict, and lack of educational opportunities, according to a UNICEF report. (2000) In addition, the non-payment of salaries to teachers has caused most teachers to quit teaching. And according to UNICEF, more than 170,000 teachers and education workers 'have not received their salaries regularly for more than four years', which forces them to find other ways to support their families, and this in turn 'puts around four million additional children at risk of disrupted education or droppingout'. (2011)

⁽¹⁹⁹⁾ A report of <u>Yemen Center for Human Rights</u>, titled, <u>Childhood with Color of Blood and Smell of Death</u>, issued in September 2020.

⁽²⁰⁰⁾ unicef.org

⁽²⁰¹⁾ un.org

- Registering children and young people in summer centers protects them from bad exploitation by the coalition forces, mercenary militias, and their takfiri groups. There are many documented cases proves that such groups recruited children and used money to tempt parents. Indeed, this was confirmed by many of the children who were detained by the armed forces of the Salvation Government after they were caught on the front lines while being used in military actions by mercenaries, Hadi forces, and the coalition, and they were returned to their families after their arrest in the battlefields and after receiving rehabilitation under the supervision of the United Nations.
- The Panel's claim that the Salvation Government in Sana'a is recruiting children in 'Al-Saleh Mosque' has caused a decrease in the rate of enrollment in summer centers as a result of the fears of some families affected by these allegations. This issue may have negative effects on children and families that may reach the point of exposing them to danger, exploitation, and recruitment by militias loyal to the coalition forces, which makes the Security Council and its Panel of Experts legally responsible for these misleading allegations.
- The Panel's habit of expressing its great concern regarding the summer centers under the pretext of child recruitment while continuing, along with the Security Council, to ignore the dangerous impact inflicted by the coalition of aggression on Yemeni children (undermining their right to life, bombing them by warplanes, using starvation and blockade against them) is sufficient evidence of the lack of impartiality on the part of the so-called Panel of Experts and its attempt to defend the coalition and cover its crimes in Yemen.
- In response to the allegation of child recruitment, the Salvation Government made clear to the Panel of Experts that:
 - '31- The minimum age for military service is 18 years under the Armed Forces Service Law No. 97 of 1991, the General Reserve Law No. 23 of 1990, and the Police Authority Law For the year 2000, and the age is determined by a birth certificate and by a specialized medical committee.'
 - 32. The aforementioned laws strictly forbid the recruitment of children under the age of eighteen into the armed and security forces. Directives have been issued by the Supreme Political Council and the National Salvation Government in Sana'a that prohibit allowing children to volunteer in war under whatever justifications, and there are not any practice of forced recruitment for anyone. And despite the circumstances that Yemen is going through as a result of the aggression, the House of Representatives in 2017 approved the Anti-Human Trafficking Law, which criminalizes the recruitment of children and sets deterrent penalties for that. In addition, Yemen is one of the first countries to accede to the International Convention on the Rights of the Child in May





1991 and the three optional protocols attached to them, and it submits periodic reports on the implementation of these instruments, in addition to its ratification of a number of relevant international conventions, as well as the issuance of a set of legislation related to children, foremost of which is Child Rights Law No. 45 of 2002 and Juvenile Welfare Law No. 24 of 1992, and some other laws included provisions and texts that guarantee the protection and promotion of children's rights. Yemen abides by its international commitments related to the non-recruitment of children or their exploitation in armed military actions in accordance with the provisions of the Convention on the Rights of the Child and the Optional Protocol to it regarding the non-exploitation of children or their participation in armed conflicts, and in fact, Yemen does not need to recruit children, as in 2017, the admission was opened to join the Military College and as a result about 15,000 students applied, while only 600 students were required." (202)

4-2 Saudi Arabia's use of children as soldiers in border front lines:

Over the past years, Ma'rib Governorate has been turned into a center for recruiting fighters loyal to the Hadi government, most of them known to be groups of extremist religious thoughts from Al-Islah Party, a religious group that has been loyal to Saudi Arabia for years. Today, all these groups go under the banner 'Forces for the Legitimacy'. International reports presented some cases of children recruited by the Saudi-led coalition and its local allies since the beginning of the military aggression against Yemen. The children were used as soldiers fighting in front lines although they did not receive any train or logistical support, the lack of which resulted into the death or captivity of many of them.

Mohammed Siraj, a 13-year child who moved with his parents to live in Ma'rib, where his father worked in a restaurant, was one of the captives released by the Government of National Salvation. The coalition used him as a soldier in violation of the principles of international law that regard persons of this age as children who should never be allowed to participate in military actions.

In an interview with Mohammed and his mother, the UK-based Middle East Eye said that Mohammed and a few of his friends had abandoned school to join the Saudi-led coalition against Sana'a forces in 2017, and he later was easily captured to be taken as one of the thousands of captives. According to the Middle East Eye report, 'Mohammed was a child who needed to study and build his future, but some friends deceived him and convinced him to join the fight.' Latifa, Mohammed's mother, said, 'I didn't know he joined the fights, but I knew when he was arrested,' and she added that 'After being informed of my son's capture in one of the battles, I did not leave any chance. I went to see the military leaders of the legitimacy in Ma'rib and went to visit different organizations, and because I was in Ma'rib, I had no choice but to contact the leaders of the authority in Sana'a and leaders of Ansarullah, asking for the release of my son, which is what happened.'

^{(202) &}lt;a href="https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2019_Houthis_Response_list_of_issues_AR.pdf">https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2019_Houthis_Response_list_of_issues_AR.pdf

In none of its reports did the Panel of Experts mention the documentation of child recruitment incidents carried out by the coalition forces in the context of their aggression on Yemen. Therefore, the situation of Yemeni children is another witness to the complicity of the Security Council and its Panel of Experts with the coalition forces, which continue their aggression against them until today.

5. On bearing Ansar Allah responsibility for the consequences of targeting Abha Airport in Saudi Arabia

Regarding the attacks on Abha Airport, the Ministry of Defense and the armed forces of the Salvation Government announced more than once that Abha Airport poses a threat to Yemen because the coalition forces are using it for military purposes, and therefore, targeting the airport comes within the framework of exercising the right of self-defence to impede the movement of warplanes that take Abha Airport as an air base for attacking Yemeni lands since March 26, 2015. This was stated by the official spokesman for the Yemeni army affiliated with the Salvation Government via satellite channels and on his Twitter account, as he stressed that these operations are in line with the legitimate reaction of self-defence and called on citizens to stay away from the airport as it represents a military base from which coalition fighter jets are launched. The Salvation Government at the same time confirmed the adherence of its forces to the rules of engagement and international law.⁽²⁰³⁾

On August 23, 2015, then Official Spokesman for the Army Colonel Sharaf Luqman warned the Saudi government that its continued targeting of Yemeni civilian facilities, airports, and ports would be met with the targeting of military installations and airports in Saudi Arabia, and called on citizens in Abha Governorate to 'stay away from all military installations and airports.' In his statement, he also held the international community responsible for ignoring the crimes of the aggression, saying: 'Yemen has no choice but to start implementing the strategic options to respond to the aggression, which will be more severe than what happened during the past days that saw the destruction and attacking of Saudi military sites on the Yemeni border.' (204)

The current army spokesman, Brigadier General Yahya Sarea, confirmed in a statement on June 12, 2019, that:

'The targeting of Abha Airport with a cruise missile... does not go beyond the principle of self-defense as a legitimate reaction to the aggression and blockade as well as to the targeting and closing of Yemeni airports for nearly five years without any response to all political and humanitarian efforts.' He added to the official news agency (Saba): 'We have previously warned all citizens and foreign companies operating in the countries of aggression of various nationalities to stay away from all airports and military sites.' (205)



⁽²⁰³⁾ See paragraphs 7-13 of Salvation Government's response to the inquiries of the Group of International and Regional Eminent Experts on Yemen <u>ohchr.org</u>

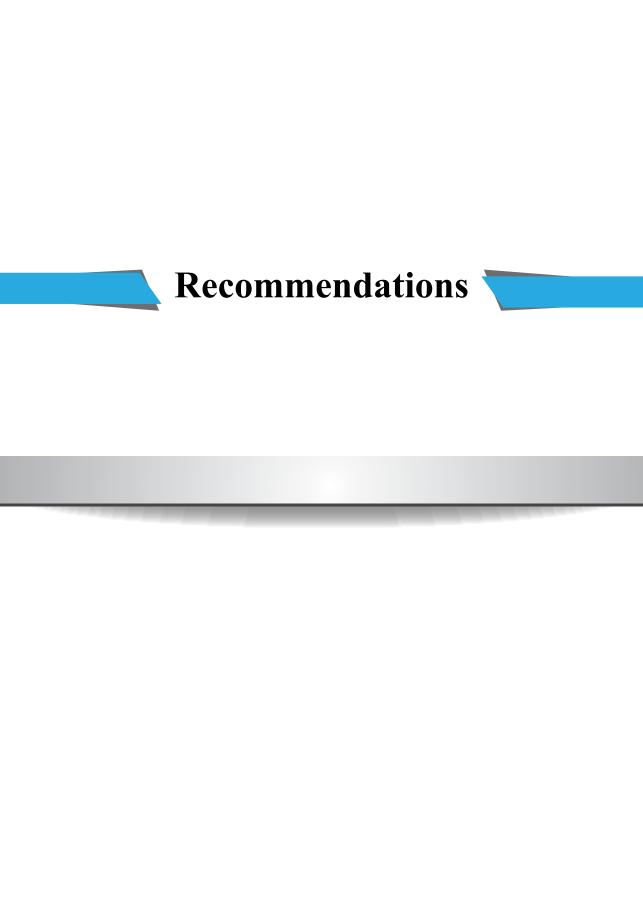
⁽²⁰⁴⁾ nahrainnet.net

⁽²⁰⁵⁾ saba.ye / saba.ye



Following the air escalation by the coalition countries of aggression and their use of threats, Brigadier General Sarea said in a press briefing on July 2, 2020, 'The armed forces are keen that their targets don't represent any harm to the people. We know how oppressed they are for being ruled by Al Saud, who are devoting their resources to fighting the battles of Israel and America, not to mention their corruption and passive corruption." (206) He also stressed in another statement that 'All the targets of the armed forces are military or of a military nature, or targets related to the military side and have a role in the aggression against Yemen, directly or indirectly.' And in the same statement, he emphasized that 'The Yemeni drones and the missiles are heading to their targets according to a pre-determined path, and when the enemy tries to track them with warplanes, they target them with missiles, which fall on the homes of citizens.' He considered this as a fact that the Saudi enemy is trying to hide from its citizens and people. He added, 'Warplanes are chasing the drones, and in the process of targeting these drones they drop missiles directly, or through shrapnel, on innocent people. And this is the truth,' explaining that 'If there is a threat to the population or residents in enemy areas, it is the enemy's failed air defences and warplanes. Everyone saw the Patriot missiles falling on residential neighborhoods.'(207)

Yemen Center for Human Rights reviewed these scenes of the Saudi air defenses and shared them with military experts, who confirmed that there was a clear error in the Patriot missiles tracking the Yemeni missiles, as they are supposed to follow them and detonate them before they reach the ground. In the event of its failure, the missile is supposed to explode in the air and not fall to the ground as was observed in the scenes.



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First: The Secretary-General of the United Nations and the General Assembly:

- To seriously consider this study on the violations of the Security Council regarding Yemen and refer it to the International Court of Justice, the Special Rapporteur, the Legal Committee, and the relevant organs of the United Nations for consideration and observation.
- 2. To correct decision-making criteria for Yemen; re-add Saudi Arabia and its coalition to the blacklist; and take the necessary measures to protect the rights of victims and compensate them, hold the perpetrators of these crimes accountable, and ensure that they do not go unpunished.
- 3. We demand the General Committee of the United Nations to put forward a proposal to reconsider the powers of the Security Council and remove the veto system, in accordance with the principle of equality.
- 4. To refer the aggression against Yemen to the International Court of Justice and the International Criminal Court.
- 5. To condemn the aggression against Yemen and apologize to the Yemeni people for the violations of the Security Council in its dealings with Yemen.
- 6. To issue a resolution calling to stop the aggression on Yemen, lift the unjust blockade on it, and open airports and seaports to commercial and medical flights.
- 7. To oblige the coalition countries to quickly implement the Stockholm Agreement with regard to the issue of prisoners and to end their suffering caused by the coalition, especially women.
- 8. To oblige the Security Council to impose sanctions and apply Chapter VII to countries participating in the aggression against Yemen.
- 9. To form an independent international commission as soon as possible to investigate all the crimes of the coalition countries against civilians in general, and most serious crimes that are still being committed against children.
- 10. Enter into a real partnership with the existing state institutions in the areas of the National Salvation Government and local organizations concerned with children's rights in a manner that ensures the implementation of effective activities and programs that would protect children in Yemen and promote their rights.
- 11. To oblige the coalition countries of aggression to apologize to Yemen and work to redress the damage and rebuild the country.

Second: The leaders of the member states of the United Nations:

- 1.To condemn the ongoing crime of aggression against the Yemeni people and intervene to stop the aggression.
- 2. To condemn the violations of the UN Charter by the UN Security Council regarding its handling of the situation in Yemen and to oblige it to stop its support for the coalition countries of aggression and to apologize to the Yemeni people.
- 3. To stop selling arms to countries participating in the aggression against Yemen.

Third: The Supreme Political Council and the National Salvation Government:

- 1. To establish a national commission of inquiry tasked with investigating allegations of violations of human rights and international humanitarian law.
- 2. To oblige the Ministry of Defence and the Armed Forces to investigate all military operations that the committees of the Security Council and the Human Rights Council claim to be in violation of international humanitarian law.
- 3. To form a legal team of Yemeni and not-Yemeni lawyers, specialized in international law, international law firms and local and international human rights organizations to file cases against the coalition countries and the UN Security Council, demand accountability for all officials involved in the aggression on Yemen, redress and compensation for the victims, and call for the reconstruction of the country.
- 4. To demand the Public Prosecution and the Ministry of Legal Affairs to initiate investigations and take the necessary measures to complete the criminal files of all crimes and violations against the Yemeni people.
- 5. To demand judicial bodies to decide on all crimes and violations of the coalition of aggression against Yemen and to issue judgments in accordance with national law and in line with the principles of international law and international humanitarian law in preparation for referring these cases to the international judiciary.



Recommendations





Fourth: The world's free people, including leaders, activists, and human rights organizations and bodies.

- 1. To continue to put pressure on the United Nations General Assembly and the presidency and members of the Security Council to stop the aggression against Yemen.
- 2. To join the international campaign to rectify the status of the Security Council by amending the Charter of the United Nations with regard to its powers and the veto system.
- To join the official and unofficial efforts to file cases against the coalition countries
 of aggression and the UN Security Council to demand accountability for the officials
 involved in the aggression on Yemen.

Fifth: Local civil society organizations:

- 1. To emphasize the important role of active civil society institutions and organizations and urge them to join efforts and coordination in order to improve their level of performance while carrying out their role in fulfilling their national and humanitarian responsibility in connection to monitoring and documenting the crimes and violations that have been committed in Yemen and violated all Yemeni human rights.
- 2. To work to implement projects with sustainable effects and provide psychological and social support particularly for women and children.

The end of the study
Our success comes only through Allah



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