

**Mandates of the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on the promotion of a democratic and equitable international order and the Special Rapporteur on the human rights to safe drinking water and sanitation**

REFERENCE:  
AL SAU 11/2019

4 October 2019

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Independent Expert on the promotion of a democratic and equitable international order and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 32/8, 33/9, 36/4 and 33/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **negative impact of international military intervention on the enjoyment of human rights in Yemen, including impacts on the rights to self-determination, food, health, water and sanitation.**

This issue has been the subject of two previous communications. The first (SAU 6/2016) was sent on 17 November 2016 by several special procedures mandate holders. We thank your Excellency's Government for the replies received on 28 December 2016 and 9 January 2017. The second (SAU 5/2017) was dated 11 April 2017. We regret that a substantive reply to that communication has not yet been received.

According to the information received:

On 26 March 2015, a coalition of governments led by Saudi Arabia<sup>1</sup> commenced an air campaign against targets in Yemen, with the logistical and operational support of the United States of America, the United Kingdom, France and Turkey. Since then, airstrikes and blockades, together with weakened institutional capacity to provide services, has impeded access to food, fuel and medical supplies in Yemen, catalysing a humanitarian crisis described by the UN Office for the Coordination of Humanitarian Affairs as the worst in the world.

The United Nations estimates that 80 per cent of the population is in need of humanitarian assistance or protection and that conflict-affected areas manifest the direst needs. Tens of thousands of civilians have been killed or injured. In addition, aerial and naval blockades have drastically reduced imports, contributing to widespread food insecurity for Yemen's import-reliant population. Two-thirds of Yemeni districts are now pre-famine, and around 7.4 million people have been identified as requiring humanitarian help to prevent malnutrition. Further,

---

<sup>1</sup> The coalition consists of all the States members of the Gulf Cooperation Countries (with the exception of Oman), as well as Egypt, Jordan, Morocco, Senegal and the Sudan. (A/HRC/33/38, paragraph 10).

coalition airstrikes have severely damaged civilian infrastructure, including hospitals, schools, roads, agricultural sites and water and sanitation facilities, which has had an effect on economic activity, educational attendance, and access to basic necessities.

Nearly 18 million people are without access to safe water and sanitation, while almost 20 million do not have access to adequate healthcare. Meanwhile, the collapse of health, sanitation and water facilities has contributed to more than 1.3 million cases of suspected cholera since late 2016, the highest number from one single outbreak in history. The crisis has become even more severe in the past year, with 3.3 million people currently displaced, one-third of which became displaced in the last year.

Together, these factors have dealt catastrophic blows to Yemen's public sector and economy. Even after the lifting of a Coalition-imposed blockade, there are delays at ports that—together with disruption of economic activity—has led to contraction of the economy by 50 per cent since March 2015. This, in turn, has drastically reduced the country's ability to maintain public services and social protection systems. According to official figures, an estimated 50 billion USD has been lost from Yemen's real GDP and inflation has risen to 40 per cent. The private sector has also contracted, with hundreds of thousands of private sector workers subjected to layoffs.

Before escalation of the civil conflict in 2014 and 2015, political negotiations had been undertaken with the aim of reaching an agreement on an inclusive future government. In the intervening years, however, political dialogue has all but ceased, having been subsumed by overlapping and escalating armed conflicts and the deteriorating humanitarian situation. As such, the crisis has impinged on the right to self-determination of the Yemeni people.

In particular, in November 2011, following widespread protests against the 33-year rule of Yemeni President Ali Abdullah Saleh, the regional intergovernmental body Gulf Cooperation Council facilitated the signing of a transitional agreement that provided for new presidential elections and an interim, power-sharing government. Saleh's then-deputy, Abdrabbuh Mansur Hadi, stood as the sole candidate in the foreseen election and was therefore sworn in as president on 25 February 2012 for a transitional period of two years (later extended by an additional year).

President Hadi and the power-sharing government then convened a National Dialogue Conference, supported by the United Nations, which provided a platform for discussion on sought-after political reform. However, in the years following, discontentment with lacking progress on the promised reforms led to demonstrations and escalating armed attacks on the President and his government. In response to this, on 21 September 2014, President Hadi and the major political parties in Yemen signed a National Partnership Agreement allowing for further

changes in the composition of the government. The Agreement did not last, however, as fighting broke out in the capital and forces supportive of the Houthi movement took over control of the government in early 2015, leading President Hadi to flee, first to the city of Aden and then to Saudi Arabia.

President Hadi requested international support and an international military intervention in the country backed by the Security Council. However, the Security Council has stopped short of authorizing international intervention beyond targeted asset freezes and the request that States refrain from directly or indirectly transferring weapons, military support and equipment to those identified as threatening the peace in Yemen. For example, UN Security Council Resolution 2140 (2014) supported plans for a political transition in the country, condemned human rights violations and urged all parties to the conflict to abide by their obligations under international law. The Resolution established an asset freeze on individuals identified as engaging in, or providing support for, acts that threaten the peace, security or stability of Yemen. Following this action, the Security Council adopted Resolution 2216 of 2015, which called on all parties to the conflict to refrain from imposing unilateral measures that could undermine the political transition. In addition to extending the asset freeze of Resolution 2140, Resolution 2216 further called on Houthis to cede control of areas and activities within the authority of the Yemeni government. It also established an arms embargo against named individuals and called on Member States to enforce this embargo.

While we do not wish to prejudge the accuracy of these allegations, and with due regard to Security Council resolutions 2140 and 2216 calling on Houthis to end the use of violence, we express our concern that international military involvement in the ongoing civil conflict in Yemen has contributed to severe and multiplying humanitarian and protection crises. Meanwhile, the pressure placed on humanitarian actors to provide for the population's basic needs is immense and unsustainable, creating a threat to a democratic and equitable international order. We are also seriously concerned about the impact that the above mentioned allegations are having on the rights of the civilian population to food, health, water and sanitation, including the contribution of the alleged highest number of cholera cases resulting from one single outbreak in history.

It is alleged that international intervention has escalated and prolonged the conflict, delaying the prospect of a peaceful political transition in the country and thereby undermining the will of the Yemeni population to form a government of their choice. This infringes upon the right of the Yemeni people to self-determination. Concern is also expressed that this intervention has been carried out without a UN mandate. While the Security Council has adopted resolutions directly related to the situation in Yemen, these resolutions have not authorized international military intervention nor attacks on civilians and civilian infrastructure. Moreover, the impact of the conflict on Yemen's economy and public sector has deprived the Yemeni population of the power to freely pursue their economic, social and cultural development.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information or comment you may have on the above-mentioned allegations.
2. Please provide information on measures taken to further Resolutions 2140 and 2216, as well as other Security Council Resolutions calling for human rights to be respected in Yemen.
3. Please explain how the international coalition is ensuring its actions are in accordance with the freely expressed will of the Yemeni people as regards their political status, as well as their economic, social and cultural development.
4. Please provide any details regarding steps taken to ensure the adequate availability and accessibility of food, water, medicines, fuel and other necessary goods for the wellbeing of the civilian population.
5. What measures, including policies, legislation and regulations, has the Government put in place to prevent, investigate, punish and redress human rights abuses associated with the actions of the international coalition?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We kindly request your Excellency's Government to share a copy of this letter with the members of the Coalition and the Coalition Command. Please also note that a copy of the present letter will be sent to the Government of Yemen for information.

Please accept, Excellency, the assurances of our highest consideration.

Hilal Elver  
Special Rapporteur on the right to food

Dainius Puras  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

Livingstone Sewanyana  
Independent Expert on the promotion of a democratic and equitable international order

Léo Heller  
Special Rapporteur on the human rights to safe drinking water and sanitation

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards applicable to the issues brought forth by the situation described above.

The International Covenant on Civil and Political Rights codify through its first article, the right of all peoples of self-determination. The right of self-determination is the vehicle through which all people freely determine their political status and pursue their economic, social and cultural development. As elaborated by the Human Rights Committee in its General Comment 12, article 1 imposes obligations on States not only in relation to their own people but also in relation to other people unable to exercise the right. In particular, States are prohibited from interfering in the internal affairs of other States in a way that would adversely affect the exercise of the right to self-determination (para. 6).

The United Nations Charter identifies self-determination as key to friendly relations among nations, which is a core purpose of the Organization (art. 1 (2)). Reaffirming this core purpose, the General Assembly adopted in 1970 the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (UNGA Resolution 2625 (XXV)), which provides that States should respect the rights of all peoples to self-determination. In particular, States should respect peoples' rights to freely pursue their economic, social and cultural development, as well as to determine their political status, without external influence or forcible action, in accordance with the UN Charter.

The Vienna Declaration and Programme of Action affirms that the denial of the right of self-determination is a human rights violation (Part I, para. 2). The Declaration also calls on States to refrain from undertaking unilateral measures in a way that would contravene the UN Charter, recognizing the risk that such measures would create obstacles to good inter-State relations and the full realization of all human rights (para. 31).

In addition, we wish to draw attention to the obligations that your Excellency's Government has undertaken, including through the Universal Declaration of Human Rights (UDHR). The UDHR has become a source and expression of international customary law and all States, including your Excellency's Government, are obliged to protect and guarantee the rights enshrined in the UDHR. Article 25 enshrines the right to a standard of living adequate for the health and well-being of all individuals and their families, including food, clothing, housing, medical care and necessary social services.

As a fundamental human right, we would like to stress that the right to adequate food applies in emergency situations, including armed conflicts. International humanitarian law contains numerous provisions aimed at facilitating humanitarian assistance to persons in need, which impose obligations both upon the parties to the

hostilities and upon States not taking part in the conflict. In this context, we would like to bring your attention to UN Security Council resolution 2417, which draws the link between armed conflict and conflict-induced food insecurity and the threat of famine. The resolution, which was unanimously adopted in 2018, called on all parties to armed conflict to comply with their obligations under international humanitarian law regarding the protection of civilians and on taking care to spare civilian objects, stressing that armed conflicts, violations of international law and related food insecurity could be drivers of forced displacement. Underlining the importance of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts, the unlawful denial of such access and depriving civilians of objects indispensable to their survival — including wilfully impeding relief supply and access for responses to conflict-induced food insecurity — is strongly condemned.

Furthermore, the human right to safe drinking water and sanitation has been recognized by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9). The right to safe drinking water and sanitation derives from the right to an adequate standard of living, recognized in the UDHR Article 25. The human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses, including for sanitation. The human right to sanitation entitles everyone, without discrimination, to physical and affordable access to sanitation—in all spheres of life—that is safe, hygienic, secure, socially and culturally acceptable, provides privacy and ensures dignity.