



STRANGLEHOLD

COALITION AND HUTHI OBSTACLES COMPOUND YEMEN'S HUMANITARIAN CRISIS

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Cover photo: Workers unload wheat assistance provided by UNICEF from a cargo ship at the Red Sea port of Hodeidah on 27 January 2018. Hodeidah is a key entry point for UN aid to war-torn Yemen.
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1. EXECUTIVE SUMMARY

Three years into a full-blown armed conflict that has left more than 6,000 civilians killed, 10,000 injured and more than 2 million displaced, Yemen is enduring one of the world's largest humanitarian crises, with an estimated 75% of the population in need of humanitarian assistance.

Amnesty International has examined the role of two major parties to the conflict in exacerbating the already dire humanitarian situation, documenting how the Saudi Arabia-led coalition have imposed restrictions on the entry of essential goods and aid such as food, fuel and medical supplies into Yemen, while the Huthi de facto authorities have obstructed the movement of humanitarian aid within the country.

Amnesty International carried out research into these issues between December 2017 and June 2018. It conducted interviews via voice calls and communicated via email with 12 aid workers, eight medics and five local community activists located in Sana'a, Hodeidah and Ta'iz. It also reviewed statements by the coalition, the internationally recognized Yemeni government and the Huthi de facto authorities, information published by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other UN bodies, as well as reports published by international NGOs and local monitoring groups and media articles.

On 6 November 2017, following a missile attack by Huthi forces on the Saudi Arabian capital, Riyadh, the coalition temporarily closed all ground, air, and sea ports in Yemen. On 22 November, it announced that it would allow the reopening of Sana'a airport for humanitarian flights only and of the port of Hodeidah to receive "urgent humanitarian and relief materials". However, humanitarian aid alone is not sufficient to meet the needs of the Yemeni population, who also rely on commercial imports of essential goods such as fuel, food and medical supplies. Between July 2016 and October 2017, according to OCHA, average monthly fuel imports met only 29% of Yemen's requirements. Since November 2017, the figure has dropped to 21%. Fuel shortages have reduced access to food, clean water and sanitation and have contributed to the spread of preventable diseases. Between July 2016 and October 2017, according to OCHA, 96% of Yemen's monthly food import requirements were being met. Since November 2017, the figure has dropped to 68%.

After UN Security Council Resolution 2216 was adopted in 2015, Saudi Arabia started to inspect vessels and delay or restrict access to Yemen's Red Sea ports, claiming to be enforcing the arms embargo set by the resolution. In response to the coalition's restrictions, in 2016, the UN Secretary-General established the UN Verification and Inspection Mechanism (UNVIM) to facilitate the flow of goods on board commercial vessels destined for Yemen's Red Sea ports. The coalition has nonetheless insisted on maintaining its inspections of ships even after UNVIM has cleared them to proceed to port. Vessels travelling to Yemen's Red Sea ports had to wait for coalition clearance for an average of 120 hours in March 2018 and 74 hours in April 2018. In some cases, the coalition has redirected ships to Saudi Arabia and held them for further inspection for weeks. Despite regularly carrying out inspections of vessels that have already passed through UNVIM clearance since 2016, the coalition has repeatedly failed to submit incident reports, ignoring UN Security Council requirements.

These restrictions have adversely impacted Yemeni civilians' access to basic and necessary services, including food and clean water. They have, for instance, also severely impacted the provision of health care, partly as a result of the lack of availability of fuel to run hospitals. The substantial harm to civilians as a direct result of these restrictions is disproportionate to any concrete and direct anticipated military advantage and as such they violated international humanitarian law. Furthermore, the timing and manner of the coalition's imposition of tightened restrictions suggest that it could amount to collective punishment of Yemen's civilian population, which would constitute a war crime.

Amnesty International's research findings also indicate that the Huthi de facto authorities have put obstacles in the way of the delivery of humanitarian assistance within Yemen. Aid workers have described to Amnesty

International how the authorities' permit system for the movement of vehicles, goods and personnel has resulted in restrictions on the freedom of movement of humanitarian organizations and their staff in the country. They complained that overly bureaucratic procedures have caused excessive delays. In one incident, an aid official described how, once the supplies reached the country, it took the organization two months to move the supplies out of Sana'a: "The most difficult part was getting the aid out of the warehouse once it was in Yemen." Aid workers have also told Amnesty International that the Huthi de facto authorities work in a fragmented manner and are using their influence to control the delivery of aid. These practices run contrary to their obligation under international humanitarian law to allow and facilitate rapid and unimpeded passage of impartial humanitarian relief to civilians in need.

Most worryingly, several aid workers described incidents in which government workers from a ministry under Huthi control had conditioned approving projects or movements on monetary payments and incidents in which Huthi fighters have extorted bribes at checkpoints. These examples constitute violations of their obligations under international humanitarian law.

The UN Security Council should ensure that all parties to the conflict in Yemen allow prompt and unhindered humanitarian access to UN agencies and humanitarian organizations to deliver food, fuel, medicines and medical supplies to civilians in need across Yemen and impose targeted sanctions against those responsible for obstructing humanitarian assistance and for committing other violations of international humanitarian law. The Saudi Arabia-led coalition must end delays on commercial imports of essential goods destined for Yemen's Red Sea ports and allow the reopening of Sana'a airport to commercial flights. States providing it support, in particular the USA, United Kingdom and France, should pressure them to do so. The Huthi de facto authorities must end interferences impacting the delivery of aid and implementation of humanitarian projects and take effective measures to stamp out extortion.

2. METHODOLOGY

This briefing is based on research conducted remotely by Amnesty International from December 2017 to June 2018.

Amnesty International conducted interviews via voice calls and communicated via email with a range of individuals based in Sana'a, Hodeidah and Ta'iz, Yemen. They included six doctors and three other medical workers working in three health care centres in these cities, five local community activists and 12 aid workers, 11 of whom are working with international groups delivering humanitarian aid and one of whom is working in a national organization.

All those interviewed spoke to Amnesty International under condition of strict confidentiality due to their concern that their public identification could expose them and their families to serious risk. Interviewees' real names do not appear in this report; instead borrowed names appear in quotation marks. The names of staff members of international and national NGOs have also been omitted at their request, in order to preserve their anonymity and ability to work without constraint in Yemen. Security concerns have significantly affected the level of detail that appears in this briefing, as many interlocutors asked Amnesty International to withhold information about incidents they described in order not to put their organization's operations or personnel at risk. As a result, for many cases in which humanitarian organizations experienced obstacles within Yemen, the briefing provides neither the specific date of the incident, nor its location, nor the name of the organization involved.

Amnesty International also conducted an exhaustive review of statements issued since the start of the conflict by the Saudi Arabia-led coalition, the internationally recognized Yemeni government and the Huthi de facto authorities, the reports of the Panel of Experts on Yemen, a body established by the UN Security Council, information published by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other UN agencies, as well as reports published over the past three years by other international NGOs and local monitoring groups and media articles on the humanitarian situation in Yemen. The concerns raised in interviews by health workers and aid workers on the restrictions to aid and essential goods are consistent with the problems identified in these reports.

Amnesty International has submitted a summary of its findings to the Saudi Arabian government and the Huthi de facto authorities and sought their comments and clarification regarding the concerns described in this briefing. It will reflect any responses received in subsequent publications.

Amnesty International expresses its deep gratitude to the activists, humanitarian workers and medics – both Yemeni and foreign nationals – who contributed information to this report, in spite of the challenging circumstances and risks they faced working on the ground.

3. BACKGROUND

CONFLICT AND COMPETING AUTHORITIES

The current conflict in Yemen stems from the failure of a political transition following an uprising in 2011 that led to the departure from office of longtime President Ali Abdullah Saleh. Mass protests demanding the replacement of the late president and his government, fuelled by frustration at corruption, unemployment and repression of freedoms in the country, had been brutally crushed by security forces, leading to a political crisis. Following an initiative led by the Gulf Cooperation Council (GCC), President Saleh agreed to resign and transfer power to his Vice President, Abd Rabbu Mansour Hadi, in return for immunity from prosecution.

President Hadi's government struggled to deal with a number of challenges, providing an opportunity for the Huthi armed group, which had engaged in several rounds of fighting with President Saleh's government from its base in the northern Sa'da governorate during the previous decade, to capitalize on public discontent. The Huthis aligned themselves with their former enemy, ex-President Saleh, and, aided by armed forces loyal to him, gained control of broad swathes of the country, taking effective control of the capital, Sana'a, in late 2014. President Hadi fled first of all to the southern city of Aden and then relocated with his government to the Saudi Arabian capital, Riyadh, in March 2015.

On 25 March 2015, a coalition of nine Arab states led by Saudi Arabia intervened in support of President Hadi's internationally recognized government. The coalition launched a campaign of air strikes on areas controlled or contested by the Huthis and their allies, including Sana'a and Sa'da governorates, sent ground troops into southern Yemen and imposed a partial sea and air blockade. An armed conflict has raged since then. On 11 May 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that 6,385 civilians had been killed and 10,047 injured since the start of the conflict, noting that the "vast majority of these – 10,185 civilian casualties were as a result of airstrikes carried out by the Saudi-led Coalition".¹ The coalition is supported by Western governments including the USA, the United Kingdom and France, which continue to sell arms to the coalition despite the substantial risk that they will be used to commit or facilitate serious violations of international law.

The Huthis currently exert de facto authority over the capital, Sana'a, part of the southern Ta'iz governorate, and much of the north-west of the country, including, at the time of writing, the Red Sea ports of Hodeidah, Saleef and Ras Issa and the northern governorate of Sa'da, the Huthis' heartland. The internationally recognized government of President Hadi controls the second city, Aden, and large parts of the south and east of the country.²

A UN Human Rights Council resolution adopted on 29 September 2017 mandated a Group of Eminent International and Regional Experts "to monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations, and to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible."³

¹ Office of the UN High Commissioner for Human Rights (OHCHR), *Press briefing note on Yemen, Cambodia, Cuba, Nicaragua and Montenegro*, 11 May 2018, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E

² For an overview of territorial divisions, see, for example, the map in Chatham House, *Yemen's Southern Powder Keg*, March 2018, www.chathamhouse.org/sites/files/chathamhouse/publications/research/2018-03-27-yemen-southern-powder-keg-salisbury-final.pdf, p. 5.

³ UN Human Rights Council, Resolution on the Situation of human rights in Yemen, UN Doc. A/HRC/36/L.4, 29 September 2017.

HUMANITARIAN SITUATION

Yemen is enduring one of the world's largest humanitarian crises, as over three years of armed conflict have deepened and exacerbated the already precarious humanitarian situation. As of January 2018, 22.2 million people (an estimated 75% of the population) were in need of humanitarian assistance, of whom 11.3 million people urgently needed immediate assistance to survive; around 16 million people lacked adequate access to clean water, sanitation and hygiene; 17.8 million people were food insecure; 1.8 million children and 1.1 million pregnant or lactating women were acutely malnourished, including 400,000 children under the age of five who were suffering from "severe acute malnutrition"; and around 5.4 million people required emergency shelter.⁴

Yemen has been increasingly exposed to outbreaks of disease. A cholera outbreak in 2017 resulted in over 1 million suspected cases. The UN has predicted something similar for 2018, given that several risk factors remain in place. An ongoing diphtheria outbreak is rapidly spreading.⁵

Partial destruction of the country's infrastructure and non-payment of salaries and operational costs in the public sector have brought public services to the brink of collapse. In a context of growing humanitarian needs, Yemen's public health care sector has been severely affected by the conflict and strained to breaking point. As a consequence of the lack of staff, medical supplies and equipment, many public health facilities are only partially operating; some treatments are unavailable, or have been disrupted, forcing patients to seek treatment in private hospitals when they can afford to do so. And increasingly, the public health sector has had to rely on humanitarian support in order to remain operational.

⁴ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian response plan*, January 2018, reliefweb.int/sites/reliefweb.int/files/resources/20180120_HRP_YEMEN_Final.pdf (hereinafter: OCHA, *Humanitarian response plan*, January 2018).

⁵ OCHA, *Humanitarian response plan*, January 2018, p. 12.

4. RESTRICTIONS INTO YEMEN

4.1 RESTRICTIONS ON IMPORTS OF ESSENTIAL GOODS

Since 2015 the Saudi Arabia-led coalition has imposed a partial blockade on Yemen's Red Sea ports, claiming that it is enforcing UN Security Council Resolution 2216, which, on 14 April 2015, established an arms embargo on the Houthi armed group and forces loyal to former President Saleh.⁶ In August 2016, the coalition announced the closure of Sana'a airport to commercial flights.⁷ As OHCHR reported in September 2017:

“Given the geography of Yemen, the powers exercised by the Coalition along the land borders and coasts and in the airspace enable the Coalition, to a great extent, to determine the conditions of life in Yemen... All ships entering ports under the control of Houthi/Saleh forces require prior authorization from the Coalition. Few ships receive such authorization; many are delayed, denied or rerouted... Through a variety of regulatory, mostly arbitrary, restrictions, the Coalition has strangled imports into the country.”⁸

On 6 November 2017, after Houthi forces launched a missile unlawfully targeting civilian areas in the Saudi Arabian capital, Riyadh, the coalition unlawfully tightened its sea and air blockade on Yemen, deciding “to temporarily close all Yemen ground, air, and sea ports”.⁹ On 22 November, the coalition announced that it would allow the reopening of Sana'a airport for humanitarian flights only and of the port of Hodeidah to receive “urgent humanitarian and relief materials”.¹⁰ On 22 January 2018, the coalition announced the launch of the Yemen Comprehensive Humanitarian Operations, a relief programme that, it said, would commit “billions of dollars in aid and support for the humanitarian response to the conflict in Yemen”.¹¹

However, humanitarian aid alone is not sufficient to meet the needs of the Yemeni population, who also rely on commercial imports of essential goods such as fuel, food and medical supplies. OCHA estimates that, before the conflict, Yemen relied on imports for “80 - 90 per cent of its staple foods” and required “544,000 metric tons of imported fuel per month for transportation and powering water-systems and health facilities, among other activities”.¹²

Since the start of the conflict, fuel supplies have dramatically decreased, reaching “only 190,000 metric tons in September 2017”.¹³ The coalition's closure of the port of Ras Issa, a Red Sea oil terminal north of

⁶ UN Security Council, Resolution 2216, UN Doc. S/RES/2216, 14 April 2015.

⁷ Oxfam, *Closure of Yemen's main airport puts millions of people at risk*, 14 August 2016, www.oxfam.org/en/pressroom/pressreleases/2016-08-14/closure-yemens-main-airport-puts-millions-people-risk

⁸ OHCHR, *Situation of human rights in Yemen, including violations and abuses since September 2014*, UN Doc. A/HRC/36/33, 5 September 2017, paras 43-44.

⁹ Saudi Press Agency, “Statement by the Command of the Coalition to Restore Legitimacy in Yemen”, 6 November 2017, www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1684682

¹⁰ Saudi Press Agency, “Command of the Coalition to Restore Legitimacy in Yemen Issues Statement”, 22 November 2017, www.spa.gov.sa/viewstory.php?lang=en&newsid=1690599

¹¹ The Embassy of The Kingdom of Saudi Arabia, Washington, DC, *Yemen Comprehensive Humanitarian Operations (YCHO): New Humanitarian Operation Commits Over \$3.5 Billion to Relieve Suffering in Yemen*, 22 January 2018, www.saudiembassy.net/news/yemen-comprehensive-humanitarian-operations-ycho-new-humanitarian-operation-commits-over-35

¹² OHCA, “About OCHA Yemen”, www.unocha.org/yemen/about-ocha-yemen

¹³ OCHA, “About OCHA Yemen”, www.unocha.org/yemen/about-ocha-yemen

Hodeidah, in June 2017 had a particularly severe impact on fuel availability.¹⁴ Between July 2016 and October 2017, according to OCHA, average monthly fuel imports met only 29% of Yemen's requirements. Since November 2017, the figure has dropped to 21%.¹⁵

The coalition's restrictions on commercial imports have impacted Yemenis' access to food and exacerbated existing food insecurity. Between July 2016 and October 2017, according to OCHA, "nearly all (96%) of Yemen's monthly food import requirements were being met on average". Since November 2017, the figure has dropped to 68%. In April 2018, "food imports were half (51%) of the monthly national requirement".¹⁶ In 2012, the World Food Programme estimated that more than 10 million Yemenis were food insecure.¹⁷ Over three years into the conflict, according to OCHA, this figure has risen to an estimated 17.8 million, including about 8.4 million people facing severe insecurity and at risk of starvation.¹⁸ The restrictions have contributed to exacerbating food insecurity in an already impoverished country.¹⁹

Fuel shortages have reduced access to food, clean water and sanitation and have contributed to the spread of preventable diseases.²⁰ According to five medical staff interviewed, the lack of fuel has also made it harder to run hospitals, given the need for fuel to run generators providing electricity power.²¹

4.2 EXCESSIVE DELAYS IN CLEARING VESSELS

After the UN Security Council adopted Resolution 2216 on 14 April 2015, Saudi Arabia started to inspect vessels and delay or restrict access to Yemen's Red Sea ports.²² In response to the coalition's restrictions, on the one hand, and to a request made by the internationally recognized Yemeni government on 6 August 2015, on the other, the UN Secretary-General established the UN Verification and Inspection Mechanism (UNVIM) to facilitate the flow of goods on board commercial vessels destined for Yemen's Red Sea ports, while ensuring compliance with the arms embargo.²³ UNVIM began operations on 2 May 2016.

The UN Humanitarian Coordinator in Yemen, Lise Grande, told media on 5 April 2018 that UNVIM was increasing the number of monitors and inspectors and the use of scanning equipment in order to speed up its inspection of ships carrying humanitarian aid.²⁴ In January 2018, the average period of time that UNVIM was taking to clear vessels intending to travel to Yemen's Red Sea ports stood at 39 hours; by April 2018, it had decreased to 23 hours.²⁵

Following the UNVIM clearance process, vessels are directed to a holding area controlled by the coalition, which inspect them or give them the permission to proceed firstly to an anchorage area and then to the port's berths and quays. It is at this stage that vessels are regularly subjected to excessive delays. As the Panel of Experts on Yemen, a body established by the UN Security Council, has reported:

"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

¹⁴ OCHA, *Yemen: Commodity Tracker*, 3 May 2018.

¹⁵ OCHA, *Yemen: Commodity Tracker*, 3 May 2018.

¹⁶ OCHA, *Yemen: Commodity Tracker*, 3 May 2018.

¹⁷ World Food Programme, *The State of Food Security and Nutrition in Yemen: Summary and Overview: 2012 Comprehensive Food Security Survey*, 2012, documents.wfp.org/stellent/groups/public/documents/ena/wfp247833.pdf

¹⁸ OCHA, "About OCHA Yemen", www.unocha.org/yemen/about-ocha-yemen

¹⁹ Oxfam, *Missiles and food: Yemen's man-made food security crisis*, December 2017, www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-missiles-food-security-yemen-041217-en.pdf

²⁰ OCHA, *Humanitarian response plan*, January 2018, reliefweb.int/sites/reliefweb.int/files/resources/20180120_HRP_YEMEN_Final.pdf; *INGO joint statement on newly announced Yemen Comprehensive Humanitarian Operations plan*, 23 January 2018 [not "2017" as the statement indicates], reliefweb.int/sites/reliefweb.int/files/resources/INGO%20joint%20statement%20on%20newly%20announced%20Yemen%20Comprehensiv%20Humanitarian%20Operations%20plan%20FINAL.pdf

²¹ Interview via voice call with "Raeda", a nurse working in Hodeidah, 7 March 2018; interview via voice call with "Shadi", a doctor working in Hodeidah, 9 March 2018; interview via voice call with "Hadi", a doctor working in Ta'iz 11 April 2018; interview via voice call with "Fares", a doctor working in Ta'iz, 11 April 2018; interview via voice call with "Hashem", a doctor working in Ta'iz, 11 April 2018.

²² OHCHR, *Situation of human rights in Yemen, including violations and abuses since September 2014*, UN Doc. A/HRC/36/33, 5 September 2017, para. 43.

²³ Office of the Minister, Ministry of Transport, Republic of Yemen, *General Announcement*, 2 May 2016, www.vimye.org/docs/GoY%20Announcement%20of%20UNVIM%20Launch.pdf; UN Verification and Inspection Mechanism for Yemen (UNVIM), *Terms of Reference*, www.vimye.org/docs/UNVIM%20Terms%20of%20Reference%20English.pdf; UNVIM, *Standard Operating Procedures*, www.vimye.org/docs/UNVIM%20SOPs%20English.pdf; Security Council Report, "In Hindsight: The Story of the UN Verification and Inspection Mechanism in Yemen", 1 September 2016, www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php

²⁴ Stephanie Nebehay, "U.N. quietly steps up inspection of aid ships to Yemen", Reuters, 5 April 2018, www.reuters.com/article/us-yemen-security-un/u-n-quietly-steps-up-inspection-of-aid-ships-to-yemen-idUSKCN1HC1P0

²⁵ Correspondence with OCHA official, 24 May 2018; correspondence with UNVIM official, 6 June 2018.

berth in ports in Yemen. 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.”²⁶

Vessels travelling to Yemen’s Red Sea ports had to wait for coalition clearance for an average of 120 hours in March 2018 and 74 hours in April 2018.²⁷ In three cases documented by Amnesty International, the coalition delayed the clearance of vessels for periods far greater than the average times for March and April 2018.

In one incident, UNVIM inspected a vessel, *INCE Atlantic*, on 16 March; the coalition inspected it again the following day before redirecting it to the port of Jizan in Saudi Arabia, where it was held for further inspection for three weeks. The vessel was finally cleared and allowed to proceed to Saleef port on 5 May – 50 days after it had been cleared by UNVIM. In another case, UNVIM inspected and cleared a vessel, *Faisal M*, in Djibouti on 26 March 2018; the coalition then redirected the vessel to Jizan port, where it was held for inspection from 14 April to 8 May 2018. In a third example, UNVIM inspected a vessel, *Crystal Sambu*, in Djibouti on 19 March 2018; the coalition then stopped it for inspection on 8 April and were still holding it on 24 May. In none of these examples did the coalition publicly justify why it needed to hold up the vessels for so long or submit to the sanctions committee set up by the UN Security Council an incident report concerning the inspection it carried out following clearance of the vessel by UNVIM.²⁸

An OCHA official who preferred to remain anonymous explained to Amnesty International that there were two types of “double inspections”, that is inspections undertaken by the coalition in addition to the UNVIM clearance process:

“The first (and most egregious) is when a ship is diverted to a coalition port after it has received UNVIM clearance, as was the case with the *INCE Atlantic* and the *New Challenge*. The second type is when personnel from coalition warships board UNVIM-cleared vessels in international waters. These are not full-blown inspections. Typically, the soldiers board the vessel, check the crew and their documentation, and then leave. The whole process typically takes two to three hours. It is difficult say how many times this has happened, as vessels often do not report such instances.”²⁹

UN Security Council Resolution 2216 authorizes further inspections when there are “reasonable grounds” to believe a vessel is carrying cargo in violation of the arms embargo it imposed, but requires any member state that undertakes such an inspection to promptly submit an incident report to the Security Council committee monitoring the implementation of sanctions related to the Yemen conflict.³⁰ The Panel of Experts on Yemen, a body established by the UN Security Council to support the work of the sanctions committee,³¹ has repeatedly criticized the coalition’s general failure to submit incident reports since Resolution 2216 was passed.³² As far as Amnesty International is aware, the coalition has submitted only one incident report, namely an inspection report of several air cargos in June 2015.³³

On 15 March 2018, the UN Security Council adopted a Presidential Statement in which it called on member states “to ensure that, if inspecting vessels already cleared by UNVIM, this is done in an efficient and timely manner”. It also noted “with great concern the impact that access restrictions on commercial and humanitarian imports have on the humanitarian situation” and stressed the need for the “full and sustained opening of all of Yemen’s ports, including Hodeidah and Saleef ports,” and “the importance of keeping these functioning and open to all commercial and humanitarian imports including food, fuel and medical imports”.³⁴

The coalition has ignored these calls and continued to misuse the inspection regime under UN Security Council Resolution 2216, leading to excessive delays and unpredictability that have served to obstruct the delivery of essential goods and humanitarian aid. Under Resolution 2216, parties to the conflict that are

²⁶ Panel of Experts on Yemen, *Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)*, UN Doc. S/2018/192, 26 January 2016, para. 169.

²⁷ Correspondence with OCHA official, 24 May 2018; correspondence with UNVIM official, 6 June 2018.

²⁸ Correspondence with OCHA official, 24 May 2018; correspondence with UNVIM official, 6 June 2018.

²⁹ Correspondence with OCHA official, 24 May 2018.

³⁰ UN Security Council, Resolution 2216, UN Doc. S/RES/2216, 14 April 2015.

³¹ UN Security Council, Resolution 2140, UN Doc. S/RES/2140, 26 February 2014.

³² Panel of Experts on Yemen, *Final report of the Panel of Experts on Yemen*, UN Doc. S/2018/68, 26 January 2018, para. 191.

³³ Security Council Report, “In Hindsight: The Story of the UN Verification and Inspection Mechanism in Yemen”, 1 September 2016, www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php

³⁴ UN Security Council, Presidential Statement, UN Doc. S/PRST/2018/5, 15 March 2018.

“obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen” may be subjected to targeted sanctions.³⁵

³⁵ UN Security Council, Resolution 2216, UN Doc. S/RES/2216, 14 April 2015.

5. OBSTACLES WITHIN YEMEN

Amnesty International's research indicates that the Huthi de facto authorities have put obstacles in the way of the delivery of humanitarian assistance within Yemen. As part of its research, between November 2017 and June 2018, Amnesty International spoke to 11 aid workers who hold senior-level positions in international NGOs that have been operating in Yemen since the start of the conflict. They consistently described a range of practices by the Huthi de facto authorities that have hampered the delivery of humanitarian assistance in the country since the start of the conflict.

OBSTACLES TO OPERATIONS

The Ministry of Planning and International Cooperation is the entity responsible for national planning and international co-operation in Yemen and has the authority to approve the projects of humanitarian NGOs, and applications by their staff for visas and permits for travel within the country.³⁶ In Sana'a the ministry is under the control of the Huthi de facto authorities.

Through this ministry, the Huthi de facto authorities require permits for the movement of vehicles, goods and personnel within areas they control in Yemen. Aid workers have described to Amnesty International how this has resulted in restrictions on the freedom of movement of humanitarian organizations and their staff in the country.

Aid workers told Amnesty International that, in some instances, the Huthi de facto authorities approve authorizations of movement for staff and goods within 24 to 48 hours, but, in many others, take up to five days to do so.³⁷ They recognized that this is partly because the authorities are not fully operational due to the non-payment of salaries to officials working in the ministry in Sana'a. However, they complained that overly bureaucratic procedures have caused excessive delays.³⁸ They gave the example of the fact that permits provided to humanitarian organizations confine authorization for movement to the specific day, time, and geographic location that was mentioned in the application. The consequence is that if aid workers "are not able for some reason to proceed to the operation on that day [they] have to put a request for a new permit and wait again".³⁹

In one incident, an aid official described how, once the supplies reached the country, it took the organization two months to move the supplies out of Sana'a: "The most difficult part was getting the aid out of the warehouse once it was in Yemen."⁴⁰

Through the Ministry of Planning and International Cooperation, the Huthi de facto authorities have also stalled and in some cases prevented the assessment of humanitarian needs and programme monitoring from being conducted. In its humanitarian needs assessment for 2018 OCHA stated: "In 2017,

³⁶ Ministry of Planning and International Cooperation, Republic of Yemen, *Manual of Procedures and Organization of Arab and Foreign NGOs Work in the Republic of Yemen*, 2015, www.sheltercluster.org/sites/default/files/docs/mopic_manual_of_procedures_and_organization_of_arab_and_foreign_ngos_work_in_the_republic_of_yemen_-_en.pdf

³⁷ Interview via voice call with aid worker, 11 April 2018.

³⁸ Interview with aid worker in Beirut, 29 March 2018.

³⁹ Interview via voice call with aid worker, 23 April 2018.

⁴⁰ Interview via voice call with aid worker, 29 March 2018.

humanitarian partners have reported a shrinking space to carry out humanitarian needs assessments, including delays and/or denials of authorization to carry out much needed assessments.”⁴¹

One aid worker told Amnesty International: “Normally in order to deliver aid, you first need to do a needs assessment; this is what happens in any situation, you assess the need and then you deliver the aid. The issue is that the authorities won’t let us conduct a needs assessment. They want to influence who receives the aid and who delivers the aid”.⁴²

FRAGMENTED APPROACH

Aid workers have also told Amnesty International that the Huthi de facto authorities work in a fragmented manner, which is not only creating procedural inconsistencies but also hampering timely distribution.⁴³ One aid worker told Amnesty International: “The clearance process is inconsistent, and then it comes up at the checkpoint. For example you get the authorization from the governor but you get stopped because you actually need the authorization from the deputy governor.”⁴⁴

Humanitarian organizations have received diametrically opposed instructions from different officials within the same institution. One example involves the Ministry of Health, which is under the control of the Huthi de facto authorities in Sana’a, where both the Minister and Deputy Minister of Health work. On 9 January 2018, the Deputy Minister of Health sent a letter to the directors of Ministry of Health branches at the governorate level asking them not to co-operate with 36 international humanitarian organizations, the names of which he listed, on the basis that they were operating without proper permits.⁴⁵ Two weeks later, on 25 January, the Minister of Health issued a contradictory statement recognizing the important work of NGOs in general and saying that the Ministry would do everything to facilitate their movements and would co-operate with them.⁴⁶

In March 2018, the Huthi de facto authorities created the National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery, a centralized body based in Sana’a that is supposed to be the first point of contact for international NGOs and UN agencies operating in the country.⁴⁷

One aid worker told Amnesty International that “the Ministry of Planning and International Cooperation’s staff are mainly career politicians who have been there for a long time... The Huthis entered the structure first, but now have created the National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery”.⁴⁸

Both the Ministry of Planning and International Cooperation and the National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery have responsibility for the approval of projects, visas and travel permits for humanitarian organizations. According to another aid worker, “the National Authority for the Management and Coordination of Humanitarian Affairs and Disaster Recovery duplicates several roles typically assigned to the Ministry of Planning and International Cooperation and has been met with hostility by the Ministry and other agencies”.⁴⁹ It appears that the two bodies operate in parallel and are in competition with each other for decision-making authority over issues related to the delivery of humanitarian assistance.

INTERFERENCE AND EXTORTION

According to the aid workers interviewed, the Huthi de facto authorities are using their influence to control the delivery of aid, to influence who receives aid, and in which areas, and which organizations deliver it. One aid official told Amnesty International that they were “often told by Huthi forces to hand over the aid and that they [Huthi forces] would distribute it”.⁵⁰

Several aid workers described incidents in which government workers from the Ministry of Planning and International Cooperation had conditioned approving projects or movements on monetary payments or

⁴¹ OCHA, *Humanitarian needs overview 2018*.

⁴² Interview via voice call with aid worker, 31 January 2018.

⁴³ Interview via voice call with aid worker, 11 January 2018; interview via voice call with aid worker, 28 March 2018; interview via voice call with aid worker, 12 April 2018.

⁴⁴ Interview via voice call with aid worker, 31 January 2018.

⁴⁵ The letter is on file with Amnesty International.

⁴⁶ The statement is on file with Amnesty International.

⁴⁷ Interview with aid worker in Beirut, 29 March 2018; interview via voice call with aid worker, 12 April 2018; interview via voice call with aid worker, 23 April 2018.

⁴⁸ Interview via voice call with aid worker, 23 April 2018.

⁴⁹ Interview with aid worker in Beirut, 29 March 2018.

⁵⁰ Interview via voice call with aid worker, 23 April 2018.

threatened to cancel a project if a bribe was not paid. Aid workers have also described how, at checkpoints manned by Huthi forces, fighters have demanded that food vouchers or transported material be handed over as a “toll”.⁵¹

⁵¹ Interview with aid worker in Beirut, 29 March 2018; interview via voice call with aid worker, 23 April 2018.

6. APPLICABLE INTERNATIONAL LAW

INTERNATIONAL HUMAN RIGHTS LAW

International human rights law – including civil and political, and economic, social and cultural rights – applies during times of peace and during periods of armed conflict, and is legally binding on all states, their armed forces and other agents. It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations. Several international human rights law treaties contain provisions that guarantee the human rights most relevant to this briefing, including the rights to health, to an adequate standard of living encompassing adequate food and housing, and to water.⁵² The government of Yemen is a party to several of these treaties,⁵³ as is Saudi Arabia,⁵⁴ and other members of the coalition, and these obligations continue to be applicable in times of armed conflict.⁵⁵

Under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights, states are required to take steps to the maximum extent of available resources for the progressive achievement of economic, social and cultural rights. There is a presumption against deliberately retrogressive measures. The Committee on Economic, Social and Cultural Rights has also said that it is incumbent upon states to ensure the satisfaction of the minimum, essential levels of economic, social and cultural rights.⁵⁶ In a 2015 report on economic, social and cultural rights in conflict, the OHCHR highlighted that state obligations associated with the core content of the rights to health, food, adequate housing, water, and education remained in effect even during situations of emergency or armed conflict.⁵⁷

Treaty bodies and special procedures have also affirmed the applicability of economic, social and cultural rights during armed conflict. For example, in the context of the right to food, the Committee on Economic, Social and Cultural Rights has said: “States have a core obligation to take the necessary action to mitigate and alleviate hunger as provided for in paragraph 2 of article 11, even in times of natural or other disasters.”⁵⁸ Regarding the right to water, the Committee has noted that “during armed conflicts, emergency situations and natural disasters, the right to water embraces those obligations by which States parties are bound under international humanitarian law. This includes protection of objects indispensable for survival of the civilian population, including drinking water installations and supplies and irrigation works, protection of the natural environment against widespread, long-term and severe damage and ensuring that civilians, internees and prisoners have access to adequate water.”⁵⁹

In his report on the right to health in conflict situations, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has noted that states have an

⁵² Notably, the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 11 and 12. See also the Convention on the Rights of the Child (CRC), Articles 24 and 17; the Convention on the Elimination of Discrimination against Women (CEDAW), Article 12; and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 5.

⁵³ Yemen is a party to ICESCR, CEDAW, CRC and CRPD.

⁵⁴ Saudi Arabia is a party to CEDAW, CRC and CRPD.

⁵⁵ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, para. 136.

⁵⁶ Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3: The Nature of States Parties' Obligations, UN Doc. E/1991/23, para. 10.

⁵⁷ OHCHR, *Protection of economic, social and cultural rights in conflict*, 2015, <https://www.ohchr.org/Documents/Issues/ESCR/E-2015-59.pdf>, para. 15.

⁵⁸ CESCR, General Comment No. 12: The right to adequate food, UN Doc. E/C.12/1999/5, para. 6.

⁵⁹ CESCR, General Comment No. 15: The right to water, UN Doc. E/C.12/2002/11, para. 22.

obligation “to take continuous and concrete steps towards the realization of the right to health of persons affected by conflict, including those who are actively involved in conflict.”⁶⁰ Other states have an obligation to take steps, individually and through international co-operation and assistance, towards the full realization of the right to health, and the other rights recognized in the International Covenant on Economic, Social and Cultural Rights.⁶¹ This includes an obligation to respect the rights to health, food and water and refrain from actions that would negatively impact the enjoyment of these rights by people living in countries facing conflict.

INTERNATIONAL HUMANITARIAN LAW

All parties to the armed conflict in Yemen are bound by international humanitarian law, or the laws of war. Applicable law includes Common Article 3 to the Geneva Conventions of 1949, Protocol II to the Geneva Conventions, and customary international humanitarian law applicable to a non-international armed conflict.

Protocol II specifies:

“If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”⁶²

The ICRC Commentary explains that “the fact that consent is required does not mean that the decision is left to the discretion of the parties. If the survival of the population is threatened and a humanitarian organization fulfilling the required conditions of impartiality and non-discrimination is able to remedy this situation, relief actions must take place.”⁶³

Customary international humanitarian law requires parties to a conflict to “allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.” And consent may not be withheld for arbitrary reasons.⁶⁴ Also, the parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions.⁶⁵ The use of starvation of the civilian population as a method of warfare is prohibited, as is attacking or destroying objects indispensable to the survival of the civilian population.⁶⁶ Collective punishment and starving civilians by depriving them of objects indispensable to their survival constitute war crimes.⁶⁷

A naval blockade is prohibited if it has the sole purpose of starving the civilian population or denying the population of goods indispensable for its survival. A blockade is also prohibited if the substantial harm to civilians is disproportionate to any anticipated military advantage.⁶⁸ If the civilian population is inadequately provided for, the blockading party must provide for free passage of essential supplies such as food and humanitarian relief supplies as well as medical supplies.⁶⁹

THE DUTY TO INVESTIGATE, PROSECUTE AND REMEDY VIOLATIONS

States have an obligation to investigate allegations of war crimes by their forces or nationals, or committed on their territory and, if there is sufficient admissible evidence, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction, including through universal jurisdiction, and, if appropriate, prosecute the suspects.⁷⁰

States responsible for violations of international humanitarian law are required to make full reparation for the loss or injury caused.⁷¹ In addition, the Basic Principles and Guidelines on the Right to Remedy and

⁶⁰ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, *Right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, 9 August 2013, UN Doc. A/68/297, para. 68.

⁶¹ CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, UN Doc. E/C.12/2000/4, para. 38.

⁶² Protocol II to the Geneva Conventions, Article 18(2).

⁶³ Yves Sandoz, Christophe Swinarski, Bruno Zimmermann, eds., *Commentary on the Additional Protocols*, 1987, para. 4885.

⁶⁴ International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Study (hereinafter: ICRC Customary IHL Study), Rule 55.

⁶⁵ ICRC Customary IHL Study, Rule 56.

⁶⁶ ICRC Customary IHL Study, Rules 53 and 54.

⁶⁷ ICRC Customary IHL Study, Rule 156, pp. 599-601.

⁶⁸ San Remo Manual on International Law Applicable to Armed Conflicts at Sea, para. 102.

⁶⁹ San Remo Manual, paras 103-104.

⁷⁰ ICRC Customary IHL Study, Rule 158.

⁷¹ ICRC Customary IHL Study, Rule 150.

Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law enshrine the duty of states to provide effective remedies, including reparation to victims. This instrument sets out the appropriate form of reparation, including, in principles 19-23, restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.⁷²

⁷² Basic Principles on the Right to a Remedy and Reparation, adopted and proclaimed by UN General Assembly Resolution 60/147 of 16 December 2005, UN Doc. A/RES/60/147.

7. CONCLUSION AND RECOMMENDATIONS

More than three years after the start of the Saudi Arabia-led coalition's intervention in Yemen in March 2015, there are at least 22.2 million Yemenis today who find themselves in need of humanitarian assistance and more than 1 million suspected cases of cholera. Restrictions by the coalition on aid and commercial imports of essential goods such as food, fuel and medicine and the Huthi de facto authorities' obstruction of aid delivery within the country have exacerbated an already dire humanitarian situation.

Despite the coalition's announcement on 22 November that it had lifted its blockade of ports, it has continued to restrict or severely delay commercial imports. Its misuse of the inspection regime under UN Security Council Resolution 2216 has led to excessive delays and unpredictability that have served to obstruct the delivery of essential goods and humanitarian aid. It has ignored the UN Security Council's calls for the full and sustained opening of all Yemen's ports, including Hodeidah and Saleef, and its statements about the importance of keeping these functioning and open to all commercial and humanitarian imports, including food, fuel and medical imports.

The restrictions and delays of fuel and commercial imports of essential goods have contributed to the collapse of the health care system. The risk of substantial harm inflicted on civilians as a result is disproportionate to any concrete and direct anticipated military advantage. Furthermore, the timing and manner of the coalition's imposition of tightened restrictions suggest that it could amount to collective punishment of Yemen's civilian population, which would constitute a war crime.

The Huthi de facto authorities have hampered the delivery of humanitarian aid in the country. They have imposed excessive and arbitrary restrictions on the movement of staff and aid, in the context of a fragmented approach to administering permits authorizing operations by humanitarian organizations. These practices run contrary to their obligation under international humanitarian law to allow and facilitate rapid and unimpeded passage of impartial humanitarian relief to civilians in need. In some cases they have actively interfered in aid operations or extorted payments from humanitarian organizations in exchange for granting authorizations for projects. These constitute violations of their obligations under international humanitarian law.

The UN Security Council has issued resolutions and Presidential Statements in recognition of and in response to the developing humanitarian catastrophe in Yemen, but these have proved ineffective in the face of intransigence by the parties to the conflict. The Security Council needs to take further steps to ensure full compliance with its demands by the coalition, the Huthi de facto authorities and all other parties to the conflict in Yemen. The parties to the conflict and those supporting them must radically change their approaches if the humanitarian situation is not to deteriorate even further.

Amnesty International makes the following recommendations:

TO THE UN SECURITY COUNCIL

- Demand prompt and unhindered access to Yemen for humanitarian and human rights organizations, and journalists.

- Ensure that all parties to the conflict in Yemen effectively implement the human rights and humanitarian provisions of UN Security Council Resolution 2216 and of the UN Security Council's Presidential Statement of 15 March 2018.
- Impose targeted sanctions against those responsible for obstructing humanitarian assistance and for committing other violations of international humanitarian law, in violation of UN Security Council Resolutions 2216 and 2140.

TO MEMBERS OF THE SAUDI ARABIA-LED COALITION

- Allow prompt and unhindered humanitarian access to UN agencies and humanitarian organizations to deliver food, fuel, medicines and medical supplies to civilians in need across Yemen, as well as human rights organizations and journalists.
- End delays and arbitrary restrictions on commercial imports of essential goods such as food, fuel and medical supplies destined for Yemen's Red Sea ports.
- Promptly submit written incident reports to the sanctions committee set up by the UN Security Council whenever a vessel destined for a Yemeni port is held for inspection by the coalition after UNVIM clearance.
- Allow the reopening of Sana'a airport to commercial flights.
- More broadly, comply fully and immediately with the provisions of UN Security Council Resolution 2216 related to respect for international humanitarian law and human rights.

TO STATES PROVIDING SUPPORT TO THE COALITION, INCLUDING THE USA, THE UNITED KINGDOM AND FRANCE

- Apply pressure on the coalition to carry out the recommendations above.

TO THE HUTHI DE FACTO AUTHORITIES

- Allow prompt and unhindered humanitarian access to UN agencies and humanitarian organizations to deliver food, fuel, medicines and medical supplies to civilians in need across Yemen, as well as human rights organizations and journalists.
- Ensure that authorizations for movement of humanitarian staff and aid are issued in an effective, coordinated and timely manner.
- Immediately end interferences impacting the delivery of aid and implementation of humanitarian projects and take effective measures to stamp out extortion.
- Demand that the coalition allow commercial imports of essential goods to the Red Sea ports and the resumption of commercial flights to Sana'a airport.
- More broadly, comply fully and immediately with the provisions of UN Security Council Resolution 2216 related to respect for international humanitarian law and human rights.

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IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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STRANGLEHOLD

COALITION AND HUTHIS COMPOUND YEMEN'S HUMANITARIAN CRISIS

Three years into an armed conflict that began in 2015, Yemen is enduring one of the world's largest humanitarian crises, with an estimated 75% of the population in need of humanitarian assistance.

Amnesty International's research shows how the Saudi Arabia-led coalition has imposed and tightened restrictions on the entry of essential goods and aid such as food, fuel and medical supplies into Yemen, including through its inspections of ships destined for Red Sea ports. It demonstrates how the Huthi de facto authorities have obstructed the movement of humanitarian aid within the country through its permit system, fragmented approach and, in some cases, extortion. These restrictions and obstacles have compounded the already dire humanitarian situation and violate international law.

Amnesty international calls on the UN Security Council to ensure that all parties to the conflict in Yemen allow unhindered humanitarian access to UN agencies and humanitarian organizations to deliver food, fuel and medical supplies to civilians in need across Yemen and impose targeted sanctions against those responsible for obstructing humanitarian assistance and for committing other violations of international humanitarian law.