



# ISLMUN

## INTERNATIONAL COURT OF JUSTICE

**CHAIR: IBRAHIM KHALID, ZAEEM SAFDAR**

*TOPIC: EXAMINATION OF WAR CRIMES IN YEMEN*

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## **About the Committee**

*The International Court of Justice is sometimes called the World Court of Justice and is one of the six main organs of the United Nations (UN). It resolves disputes between countries in accordance with international law and provides advisory opinions on international legal issues. The International Court of Justice is the only international court that hears general disputes between countries, and its judgments and opinions are the main source of international law. The International Court of Justice is made up of 15 judges elected by the UN General Assembly and the Security Council for a period of 9 years. No more than one nationality representative may appear in court at the same time, and the judiciary should reflect the major civilizations and legal systems of the world.*

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## **Introduction to the topic and Yemen's history**

Even before the civil war, Yemen was one of the poorest countries in the world. Most of the roughly 30 million people in the country are Muslim. Most of the Muslims belong to the Shiite Muslim group zaidiyah, but the majority are Sunni Muslims. For over a thousand years, northern Yemen has been ruled by Zaydite imams. A revolution in 1962-1970 and the subsequent civil war ended the rule of the Imam and established a republic in northern Yemen. Yemen has been a divided country for decades. South Yemen is a socialist republic and relations with North Yemen are very tense. In 1990, the two countries were reunified and the Republic of Yemen was established. Ali Abdullah Saleh, leader of North Yemen, was elected president, while the leader of South Yemen, Ali Salim al Bid, became vice president.

Yemen has always been a unified country since then, but repeated circular conflicts show that the country's base is fragile. In 1994, South Yemen declared its independence and civil war broke out, but North Yemen won the civil war, which lasted only a few months. President Saleh then put more power in his own hands. At the same time, Islamist organizations in Yemen have become more active including the 2000 attack on a US warship in the city of Aden, Yemen. 4,444 Houthi rebels belonging to Zaidiyyah have been in conflict with the government since 2004. According to the rebels, Muslims belonging to Zaidiyyah have long been discriminated against by the Yemeni Government. The rebels also accused the Yemeni government of corruption and criticized its cooperation with Saudi Arabia and the United States. Houthi rebels have long been supported by Iran, one of the superpowers in the Middle East, and Iran has clashed with Saudi Arabia. From the perspective of Saudi Arabia, the increased influence of the rebels and will lead

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Iran to strengthen its' influence in the region. This has contributed to Saudi Arabia's hostility towards the Houthi rebels.

Kuwait, Morocco, Qatar and Sudan initiated Operation Decisive Storm which marked the beginning of the armed conflict between the Saudi Arabia-led coalition and the Houthis. In April 2015, the Security Council adopted Resolution 2216, recognizing Hadi as the legitimate President of Yemen and adding an arms embargo to the existing sanctions regime against the Houthis imposed since February 2014.

At the present time, the political and military landscape of Yemen remains deeply fragmented. The Houthi-Saleh alliance fell into crisis during the second half of 2017. It definitively collapsed on 4 December 2017, when Houthi forces killed Saleh for having reached out to the Saudi Arabia-led coalition seeking possible collaboration. In the meantime, the internationally recognized government of Yemen is increasingly losing control of southern territories, where a secessionist movement backed by the UAE has arisen and is successfully consolidating its own governmental and military institutions, to the detriment of President Hadi's authority. Al-Qaida in the Arabian Peninsula and the Islamic State remain in control of certain parts of Yemen's territory and are capable of orchestrating terrorist attacks across the country.

### **Houthis-ROYG conflict**

The Houthis began offensive operations in Marib over a year ago. They escalated their attacks in mid-February, perhaps in an effort to maximise their territorial gains in anticipation of renewed international efforts, including by the Biden Administration, to broker a cease-fire to the conflict. The Houthis may also be trying to consolidate their control over northern Yemen after the recent

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implementation of the 2019 Riyadh Agreement, which brought the Southern Transition Council (STC), a United Arab Emirates-backed southern Yemeni independence movement, into a unity government with the ROYG. Though it is unlikely that the STC would commit fighters to defend Marib, the Houthis may be pressing ahead now while the balance of power in northern Yemen is still in their favour. According to the International Organization for Migration, since January 2020, 140,000 Yemenis have fled from areas close to the frontlines in Marib and other governorates. Reports indicate that the Houthis have taken heavy casualties, as the front line remains approximately 10-15 miles outside of Marib city. While the Houthis have advanced toward Marib city, military analysts suggest that their progress has been slowed. Saudi Arabia continues to support ROYG ground forces with targeted air strikes. The terrain of Marib city itself is relatively flat, which may further expose the Houthi ranks and make it more challenging for their fighters, who are accustomed to fighting on mountainous terrain.

### **The Houthi-Saudi Arabia Conflict**

Since a Saudi-led coalition intervened on behalf of the ROYG in 2015, the Houthis and coalition forces have been engaged in what is referred to informally as an air or missile war. The Saudis have conducted numerous air strikes in northern Yemen, while the Houthis have launched ballistic missiles and unmanned aerial vehicles (UAVs) into Saudi territory. As of early March 2021, reports of errant Saudi air strikes that have resulted in civilian casualties continue, though far less frequently than in earlier periods of the war. The Yemen Data Project, a non-profit independent data collection project, has tallied over 22,700 Saudi-led coalition air strikes since March 2015, resulting in over 18,500 civilian casualties. Another monitoring, The Civilian Impact Monitoring

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Project (CIMP), a service under the United Nations Protection Cluster for Yemen, recorded 2,087 civilian casualties in 2020. While the Houthis do not possess manned aircraft, they have conducted persistent ballistic missile and UAV launches against Saudi territory in an ongoing campaign they claim is in response to the Saudi-led coalition's ongoing maritime blockade of Yemen's west coast and closure of Sana'a airport. In February 2021, a Houthi drone attack against Abha Airport in southern Saudi Arabia struck a civilian plane, though no casualties were reported. Secretary of State Blinken condemned the attack. In addition to aerial bombardment, the Houthis also have targeted vessels transiting the Red Sea or berthed in Saudi ports.

### **Yemen's Humanitarian Crisis**

The United Nations has described Yemen's humanitarian crisis as currently the worst in the world, with close to 80% of Yemen's population of nearly 30 million needing some form of assistance. In Yemen, myriad factors (e.g., war, loss of health services, funding shortages, currency depreciation) have combined to put the most vulnerable populations at risk. According to various United Nations agencies, acute malnutrition among children under the age of five in Yemen has hit the highest levels ever recorded; nearly 2.3 million children under age 5 in Yemen are at risk of acute malnutrition in 2021.

### **International financial Pledges for Yemen**

On March 1, 2021, the United Nations hosted the virtual High Level Pledging Event for the Humanitarian Crisis in Yemen. For 2021, the U.N. is seeking \$3.85 billion for operations in Yemen; however, donors pledged \$1.7 billion. Secretary Blinken spoke at the event, announcing that the United States would contribute \$191 million in

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additional assistance, bringing total US spending in FY2021 to \$350 million. The United States provided \$630.4 million in total humanitarian aid for the crisis in Yemen in FY2020, close to the annual average U.S. allocation over the last four fiscal years (\$644 million) Other donations include \$430 million from Saudi Arabia, \$244 million from Germany, and \$230 million from the UAE.

### **Saudi airframes, munitions and technology**

Such air-strike harm is not unexpected. With a 16% increase in military manpower over the 15 years from 2000, contrasted against a 350% increase in general military expenditure over the same period, Saudi Arabia has invested extensively in new military hardware fast jets, air-to-surface missiles, targeting systems and laser-guided bombs. Given the number of civilian casualties from such 'precision-guided' bombs and missiles, there has been growing international discontent that Western nations continue to supply the Saudi Air Force with such destructive weaponry. Nonetheless, the immense profits at stake with such arms dealing seems to have blinded some states. The Hakim bomb is notable for having caused several civilian fatalities in Yemen. In 23 September 2015, Amnesty International and Human Rights Watch examined weapon remnants at a strike zone in Sana'a Governate and identified the munition used as PGM-500 'Hakim' air-launched cruise missile, supplied in the mid-1990s and manufactured by Marconi Dynamics (a UK firm). The analysis compared debris and munition pieces photographed at the site with unexploded remnants of the same missile variety from a separate strike and found both were consistent with the deployment of an air-launched PGM-500. Saudi Arabia has also admitted to using indiscriminate, UK-built BL755 cluster munitions, though it maintains that it ceased utilizing such weapons by the end of 2016.

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## **Recent Development**

The COVID-19 pandemic has added an additional layer of concern for Yemen's already depleted health system. UN statistics from December 2020 indicate a total of 2,103 COVID-19 cases with 611 deaths; most health experts believe that these figures vastly underestimate the extent of COVID-19 in Yemen. The United Nations has procured medical equipment, testing kits, and medicine while seeking additional supplies. Aid groups also have increased the capacity of intensive care units (ICUs) in COVID-19 designated hospitals from 38 in May 2020 to 59 as of December 2020.

The Public Broadcasting Service's documentary series Frontline has reported on how Houthi authorities in northern Yemen have concealed the impact of COVID-19 in areas under their control. According to one reporter who was permitted to visit northern Yemen in the summer of 2020, Houthi authorities "put out very little public information about the spread of COVID. But they've promoted propaganda videos showing them mobilizing against the virus." The Houthis claim that the Saudi-led coalition's blockade of Hudaydah and the Sana'a airport have prevented them from procuring the supplies they need to combat the virus.

## **The Hadi Government**

In March 2015, the Houthis and pro-Saleh forces attempted to take control of the entirety of Yemen, forcing Hadi to flee abroad.

However, Saudi Arabia began leading a coalition to counter the Houthis with an air campaign aimed at restoring the Hadi government; while pro-government forces made up of Hadi-supporting soldiers, predominantly Sunni southern tribesmen, and separatists, helped keep Aden out of Houthi control. Coalition group troops then drove the Houthi and anti-Hadi forces out of much of

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the south, allowing the Hadi government to establish a temporary home in Aden. Borders between Houthi-controlled and Hadi-controlled areas have remained at approximately a stalemate in the time since, despite heavy fighting in the region by both sides in attempts to gain more territory.

Hadi's support within Yemen remains thin, particularly after his highly-critiqued transition government. However, the international community continues to recognise the Hadi government as the legitimate government of Yemen, and has significantly aided Hadi's side of the civil war. Amongst the countries backing Hadi, Saudi Arabia has played a particularly large role in its heavily involved campaigns against the Houthis.

## **The Houthis**

The Houthi originated from northern Yemeni followers of Zaydi Islam, the second-largest branch of Shiite Islam. Though followers of Zaydi Islam comprise a majority of citizens in northern Yemen, they constitute just 40% of Yemen's total population; the great majority of Yemen's remaining population follows Shafi'i Sunni Islam. Furthermore, before the country's unification in 1990, the northern majority-Zaydi region and the southern majority-Shafi'i region of Yemen were two distinctly separate areas. The struggle for power between these two groups is thus one that is centuries old.

The Houthis began in the late 1980s as a northern Yemeni movement to protect and revive Zaydi religious and cultural traditions, and became politicized in 2004 under their late leader, Hussein Badreddin al-Houthi. Al-Houthi's opposition to the US invasion of Iraq in 2003, and Saleh's support for the United States, instigated a government order to arrest al-Houthi and the ensuing years of armed conflict between Hussein's followers and the

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Yemeni government. From 2004 to 2010, the Houthis fought six rounds of armed conflict with the Saleh government.

As the Saleh government collapsed during the Arab Spring, the Houthis joined the Yemeni National Dialogue Conference (NDC) and dramatically increased their political relevance at the national level. The NDC aimed to bring together the Yemeni government and all opposition groups to create a peace plan. By joining the NDC, the Houthi movement gained a seat at the national bargaining table, where they advocated popular positions such as a federal state based on democratic principles, religious freedom, and balance of powers in the government. Their historic tensions with the Saleh government and openly voiced critiques of the transition led by Hadi thus lent them a reputation as outsiders to the Yemeni government, winning them further support.

Since taking control of Sanaa, however, the Houthis' popularity has declined dramatically in Southern Yemen. While their move into the capital to help install a more competent government was popularly supported across the country, their house arrest of Hadi, monopolization of control over Sanaa, and territorial expansion outwards all contributed to a rapid drop in public favour. Indeed, when Houthi militias reached southern Yemen, local tribesmen and other people perceived them as an occupying force. This incited the southern resistance that has since solidified, gained traction and tribal support, and formed the backbone of the domestic forces now opposing the Houthis in civil war.

Northern Yemen, however, continues to support the Houthi movement. As the historic heartland and stronghold of the Houthis, the Houthis have maintained military control and offer the only coherent leadership. Hadi has no connections to the north, and the Houthis' historic entrenchment in the northern tribes and leadership will most likely continue to maintain their control and

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support in northern Yemen, regardless of national politics. Pro-Saleh Forces through former President Ali Abdullah Saleh was deposed in the popular 2011 Yemeni Revolution, the failures of Hadi's political transition have contributed to a gain in Saleh's popularity. Furthermore, many of Yemen's security forces, tribal networks, and members of the General People's Congress (GPC) political party remain loyal to him and his son Ahmed Abdullah Saleh. though the relationship between Saleh's government and the Houthi movement was one of continual tension and conflict throughout Saleh's presidency, many former Saleh government members have now chosen to ally with the Houthi movement. Despite a tenuous history, when the Houthis forced President Hadi to flee Sanaa and Saudi intervention in Yemen began, Saleh offered to serve as a mediator between Saudi Arabia and the Houthis. Though these efforts went nowhere, Saleh continued to push for a new round of talks during the first month of Saudi airstrikes. Saleh is also thought to have influenced the Yemeni military in standing down to the Houthi's entrance into Sanaa in September 2015. However, in April 2015 he also offered the Saudi coalition help in retiring the Houthis to Northern Yemen, which would leave Saleh at the center of Yemen's political future. This offer to mediate with Saudi Arabia and growing influence with the Houthi thus shows Saleh's primary motivation is to regain power within Yemen. While Houthi and Saleh-controlled areas of Yemen are considered one side of the civil war (against the side of Hadi's government), it is important to note Saleh's history of tension with the Houthis and offers of support to both sides of the war. Thus, while Houthi forces and pro-Saleh forces are allied for the time being, they should still be considered separate groups, with separate loyalties, ideologies, and motivations.

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## **Other Domestic Actors**

Though the Houthi movement and the Hadi government are the two main sides of the ongoing civil war, the problem of recreating the state is exacerbated by the presence of Al-Qaeda in the Arabian Peninsula (AQAP) and other southern secessionist movements. Much like the Houthi movement arose from lack of government services and control in northern Yemen, southern provinces have had similar complaints with the Saleh government and sought to secede. Though these secessionist movements have not developed the military capacity of the Houthis, they are still a major faction of Yemeni people who will need to play a role in any political resolution to the war.

AQAP has further complicated matters in many respects. When the Yemeni Revolution began in 2011, Saleh moved troops deployed throughout the country to Sanaa in an attempt to bolster security and maintain control of the capital. The resulting security vacuum allowed Ansar al-Sharia (either a rebranding of AQAP in Yemen or a group affiliated with AQAP), to take over the southern province of Abyan, where they have since restored social services, repaired infrastructure, established sharia courts, and declared Abyan an Islamic emirate. The rise of many extremist groups amongst the chaos of the Yemeni Civil War has thus created an additional dimension of the problem highly concerning to the international community. Yemen is torn between the Houthis, pro-Saleh forces, AQAP, and the southern secessionists, and none are capable of controlling center country.

## **The United States, United Kingdom and France**

Saudi Arabia has seen support from not only its neighbouring regional allies, but also from several western countries: namely, the US, UK, and France. Though these three nations have not

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engaged in the conflict militarily, they have continued to support the Saudi campaign and the Hadi government in providing arms to Saudi Arabia and other coalition states. Though the level of destruction caused by Saudi bombing has made the US, UK, and France increasingly reluctant to support the campaign with all sides of the war accused of war crimes, shipments of arms have not stopped. This is despite massive international pressure for these nations to stop shipping arms to Saudi Arabia, on grounds of human rights violations and bombings of schools, hospitals, and other civilian areas. Though the United States claims that its primary involvement in the region is that of logistical and intelligence support, it remains the largest provider of arms to Saudi Arabia. During Operation Decisive Storm, the US authorised additional arms sales to coalition states. In November 2015, the US approved a \$1.3 billion sale to restock Saudi's depleted munitions, and has sold Saudi Arabia approximately \$22.2 billion in weapons since the war began.<sup>113</sup> The US has vested interests in Yemen due to the presence of Al-Qaeda, and in the overall region due to oil supply and trade. The Hadi government is, to the US, a government in Sana'a that will cooperate with U.S. counterterrorism programs; with the continued rise of Al-Qaeda influence during the destructive civil war, the US is also interested in restoring stability to Yemen and maintaining secure Saudi borders.

### **The United Nations**

The situation in Yemen has attracted high levels of international concern. The UN's involvement has thus far primarily been one of mediation. In 2011, the UN was involved in mediating talks with the GCC during the transition government period. UN-sponsored talks between the Hadi government on one side, and the Houthis and pro-Saleh General People's Congress members on the other,

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commenced in April 2016. However, these peace talks collapsed by August 2016, which has since led to a series of tit-for-tat escalations in violence across Yemen. These include a Houthi attack on an Emirati vessel in the Red Sea, and a Saudi attack on a Yemeni funeral hall that led to massive regional and international shock and condemnation. Though UN Secretary-General Ban Ki-Moon has condemned the carnage and called for an international investigation into the allegations of human rights violations and war crimes, the UN has yet to take decisive action on the civil war. The UN's ability to intervene is further complicated by US, UK, and French arms support of the Saudi coalition. Thus far, the UN has neither helped broker peace nor secured an independent investigation into violations of international humanitarian law by both sides.

### **Past solutions**

Both the Gulf Cooperation Council and UN made major attempts to resolve political tensions in Yemen following the 2011 collapse of the Saleh government. Since the deterioration of relations between the Houthis and central government, as well as other parties, both groups have taken further actions: military intervention on the part of the GCC, and various sanctions on the part of the United Nations. Knowledge of these current responses by the UN and regional actors will be necessary in navigating the way to peace talks between the Houthis and central Yemeni government. However, delegates must also understand the failures of the 2011 GCC Initiative talks in order to ensure that transitioning out of the current civil war. In the short term, the priority for the international community should be bringing the Houthis and Hadi government together to broker peace. This will not only rely on cooperation from the Houthi and pro-Saleh opposition forces, but incentivizing

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the Saudi-led military intervention as well to work towards a ceasefire. The UN should be prepared to work with whomever both sides will accept as a mediator for peace, so as to immediately address pressing issues such as de-escalating tensions, agreeing to abide by laws of war, and allowing humanitarian aid access to the Yemeni people.<sup>145</sup> Current UN actions particularly its' sanctions should also be reviewed for optimal efficacy in the area.

In the long-term, the failures of the GCC and UN following the 2011 Yemeni Revolution should be most present in the international community's mind. The resulting current civil war should serve as a reminder to all parties involved that any political solution must be accompanied with thorough discussion and clear direction for a unified Yemen, that sets in motion economic, military, and governmental reforms, to be carried out by a government that takes into account the voices and concerns of all Yemenis.

### **Past UN resolutions**

*25 February 2021*

*S/RES/2564*

*UNSC*

This resolution renewed the Yemen sanctions regime for one year, condemned the ongoing escalation in Marib and stressed the Houthis' responsibility for the situation of the FSO safer.

*14 July 2020*

*S/RES/2534*

*UNSC*

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This renewed the mandate of the UN Mission to support the Hodeidah Agreement until 15 July 2021.

There have been 11 Security Council Resolutions on Yemen since 2011, when the political unrest began.

55 Resolution 2452, 16 January 2019 established a Special Political Mission to support the Hodeidah Agreement in Yemen (UNMHA).

56 Resolution 2451, 21 December 2018, endorsed the Stockholm agreement. It authorised the Secretary General to establish and deploy, for an initial period of 30 days, an advance monitoring team on the ground, to support and facilitate the immediate implementation of the Stockholm agreement.

57 Resolution 2402, 26 February 2018, unanimously renewing a travel ban, assets freeze and arms embargo against those threatening peace and security in Yemen.

58 Resolution 2342, 23 February 2017, renewing until 26 February 2018 a targeted arms embargo travel ban and assets freeze against individuals and entities.

59 Resolution 2266, 24 February 2016, extending the asset freeze and travel ban imposed by resolution 2140 (2015).

60 Resolution 2216, 14 April 2015, demanding that all Yemeni parties fully implement resolution 2201 (2015), imposing an arms embargo on selected individuals, and requesting that the Secretary General intensifies his good offices role in order to enable the resumption of the political process.

Resolution 2204, 24 February 2015, extending the mandate of the Sanctions Panel of Experts to March 2016.

62 Resolution 2201, 15 February 2015, deploring the unilateral actions taken by the Houthis to dissolve parliament and take over Yemen's government institutions, expressing grave concern over reports of the use of child soldiers, and urging all parties to

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continue the transition. 63 Resolution 2140, 26 February 2014, supporting the implementation of the National Dialogue outcomes, reaffirming the need for the full and timely implementation of the political transition, and establishing a sanctions regime under Chapter VII of the United Nations Charter.

64 Resolution 2051, 12 June 2012, reaffirming the need for the full and timely implementation of the Transition Agreement and signalling potential sanctions.

65 Resolution 2014, 21 October 2011, calling for implementation of a political settlement based upon the Gulf Cooperation Council (GCC) Initiative and requesting the Secretary-General to continue his good offices.<sup>66</sup>

Further Security Council documents including Presidential Statements, Meeting Records, Press Statements and Sanction Committee reports can be found.

### **Questions a resolution must answer:**

1. Is it justified for Houthis to rebel?
  2. Is the integrity of the state breached by foreign intervention?
  3. What is the reason for Yemen conflict to stay rampant despite UN resolutions?
  4. What are the punishments to be faced by Saudis if proved guilty?
  5. How will NGO's provide aid and reduce the severity of the problem? If allowed
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