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April 10, 2015

King Salman bin Abdulaziz Al Sa`ud
Custodian of the Two Holy Mosques
Riyadh
Kingdom of Saudi Arabia

Re: Armed Conflict in Yemen

Your Highness:

We are writing to remind your government of its international legal obligations with respect to the military campaign in Yemen. Already several hundred civilians have reportedly been killed since airstrikes by the Saudi-led coalition began on March 26, 2015, some in apparent violation of international humanitarian law, or the laws of war. International humanitarian organizations have also reported many difficulties providing medical and other humanitarian assistance to populations at risk.

We urge your government to take immediate steps to minimize civilian harm during airstrikes and other military operations and to facilitate the safe delivery of impartial humanitarian assistance.

The laws of war apply to the members of the coalition and all other parties to the conflict, including non-state armed groups. The laws of war prohibit deliberate attacks on civilians, attacks that cannot discriminate between civilians and combatants, and attacks expected to cause disproportionate loss of civilian life compared to military gain. All feasible precautions must be taken to minimize harm to civilians. Prisoners must be treated humanely at all times.

During the first days after the coalition began attacks against Houthi forces in Sanaa, airstrikes killed as many as 34 civilians, including children. Neither the coalition nor the Houthi forces appeared to take all necessary measures to minimize civilian casualties – the coalition bombed densely populated neighborhoods while the Houthis deployed anti-aircraft weapons among civilians.ⁱ

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On March 30, coalition airstrikes hit a well-known displaced persons' camp in Mazraq in northern Yemen, killing at least 29 civilians and wounding 41, including 14 children. A medical facility at the camp and a local market were hit. Human Rights Watch found no military target that would legally justify such a high civilian toll.ⁱⁱ The humanitarian situation in Yemen appears to be deteriorating. We are deeply concerned by reports that international humanitarian organizations such as the International Committee of the Red Cross (ICRC) and Médecins sans Frontières (MSF) were initially unable to bring into Yemen needed medical supplies and trained personnel, in part because of disruptions to air and sea transport. We welcome the arrival of ICRC and MSF shipments to Sanaa and Aden on April 7 and 8 but note that humanitarian organizations will need ongoing and timely clearances to bring in additional medical and other humanitarian supplies by air and sea.

We urge your government to ensure that the coalition will facilitate rapid and unimpeded passage of humanitarian aid to civilians in need as required by international humanitarian law. Civilians, including foreign nationals, need freedom of movement to seek safer areas.

On April 8, the United Nations Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, urged the international community “to prepare for massive displacement and humanitarian crisis” in Yemen. According to the World Health Organization, at least 311 civilians have been killed and 513 injured in fighting in the last two weeks, and more than 100,000 have been displaced. The Office of the UN High Commissioner for Human Rights reported that “in addition to the IDP camp, reports have indicated that numerous hospitals, schools and other civilian buildings have been damaged by airstrikes and power and water supplies cut.”

Parties to the conflict have an international legal obligation to impartially investigate alleged violations by their forces, ensure accountability and offer appropriate redress to the victims. The presence in the coalition of Sudan, whose forces have committed numerous war crimes in Darfur, Blue Nile and South Kordofan, and whose president is under an arrest warrant for genocide from the International Criminal Court, heightens concerns about adherence to the laws of war.

We have previously raised concerns about your government's use of cluster bombs in Yemen in 2009.ⁱⁱⁱ We welcomed the comments of Brig. Gen. Ahmad al-Assiri at a news conference in Riyadh on March 29, when he said, “We are not using cluster bombs at all.” We encourage you to make clear that Saudi Arabia will not use cluster munitions or other unlawful weapons, such as anti-personnel landmines, under any circumstances, and to encourage other coalition members to do the same.

We are fully aware that the Houthi forces, which have controlled much of northern Yemen since September 2014, have a poor human rights record: they have recruited children and fired on peaceful protesters and journalists, which Human Rights Watch

has documented and condemned.^{iv} But violations of the laws of war by one party to a conflict do not justify violations by another.

Human Rights Watch takes no position on the legitimacy of resorting to armed force. Instead, we monitor the conduct of the warring parties. We urge Saudi Arabia, other coalition members, and all other parties to the conflict to ensure compliance with the laws of war and in that manner limit the harm to all civilians affected.

Yours sincerely,



Kenneth Roth
Executive Director

ⁱ Human Rights Watch, “Yemen: Saudi-Led Airstrikes Take Civilian Toll,” March 2015, <http://www.hrw.org/news/2015/03/28/yemen-saudi-led-airstrikes-take-civilian-toll>.

ⁱⁱ Human Rights Watch, “Yemen: Airstrike on Camp Raises Grave Concerns,” April 2015, <http://www.hrw.org/news/2015/04/01/yemen-airstrike-camp-raises-grave-concerns>.

ⁱⁱⁱ Human Rights Watch, “Yemen: Saudi-Led Airstrikes Take Civilian Toll,” March 2015, <http://www.hrw.org/news/2015/03/28/yemen-saudi-led-airstrikes-take-civilian-toll>.

^{iv} Human Rights Watch, “Yemen: Houthis Use Deadly Force Against Protesters,” April 2015, <http://www.hrw.org/news/2015/04/07/yemen-houthis-use-deadly-force-against-protesters>.