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WATCH LIST ON CHILDREN AND ARMED CONFLICT

May 15, 2020

Secretary-General Antonio Guterres  
United Nations Headquarters  
S-3800  
New York, NY 10017

*Re: Saudi/Emirati-led Coalition responsibility for attacks against health care in Yemen*

Dear Mr. Secretary-General,

As a group of nongovernmental organizations working to protect health care in situations of armed conflict, we are gravely concerned about attacks on health workers and facilities in Yemen. We are writing to strongly urge you to re-list the coalition led by Saudi Arabia and the United Arab Emirates for attacks on schools and hospitals – in addition to continuing to list other perpetrators in the conflict, including the Houthis / Ansar Allah – in the annexes of your forthcoming annual report on children and armed conflict.

Since 2015, the Saudi- and Emirati-led coalition has damaged or destroyed health facilities in Yemen through airstrikes and shelling, leaving the local health care infrastructure near collapse. While the coalition was delisted from the annual report for attacks on schools and hospitals in 2017, it has continued to perpetrate such attacks.

Between 2015 and 2018, Mwatana for Human Rights documented 35 coalition aerial attacks on 32 individual health facilities. The 35 airstrikes reportedly killed at least 31 people and wounded 56, including health workers. Most airstrikes caused significant damage to the facilities in question, destroying vital medical units and causing widespread disruptions in access and service provision. In 2019, the Group of Eminent International and Regional Experts on Yemen documented several incidents in which coalition airstrikes damaged or destroyed medical facilities in Yemen. These include a March 26 incident in which a hospital and pharmacy in the Kitaf district of Sad'ah governorate were damaged, resulting in the killing of five children.

International humanitarian law (IHL) provides special protections for medical personnel and facilities, in order to ensure the functioning of health care throughout a conflict. Yet, attacks on health care, many appearing to amount to serious violations of IHL, have been routine throughout the course of the conflict in Yemen. The Group of Eminent Experts on Yemen has found reasonable grounds to believe that, through its repeated pattern of airstrikes on civilian infrastructure, including health care facilities, the Saudi- and Emirati-led coalition has committed violations of IHL and that these may amount to war crimes. This is further supported by investigations and analysis of independent organizations such as Physicians for Human Rights, Mwatana for Human Rights, and Human Rights Watch.

Accountability for these attacks is central to protecting health care in armed conflict and deterring future attacks. With its Resolution 1998 (2011), the UN Security Council requested that the Secretary-General list parties that engage in “recurrent attacks on schools and/or hospitals” in the annual report on children and armed conflict. We believe that the listing mechanism is an important tool for holding perpetrators to account for attacks on health care workers and facilities. It exerts pressure on offending parties to take tangible steps – namely the signing and implementation of concrete, timebound action plans with the United Nations – to end and prevent violations.

The listing mechanism is grounded in evidence collected and vigorously verified by the UN’s Monitoring and Reporting Mechanism (MRM). When some parties are omitted from the list, however, this threatens to undermine the credibility of the mechanism as a whole. Therefore, we strongly urge you to apply the same standards to *all* parties that have committed attacks on health care facilities. Given continuing attacks against health care by the Saudi- and Emirati-led coalition and the Houthis / Ansar Allah in Yemen, both parties should be unequivocally named and shamed, alongside all other parties in Yemen that deserve so, in the annexes of your annual report on children and armed conflict.

Since 2017, the annexes of your annual report have been split into two sections: Section B, for parties that have put in place measures to improve the protection of children, and Section A, for those that have not. Given the continuation of attacks on health care by the coalition, despite the signing of a Memorandum of Understanding and a Programme of Activities with your Special Representative for Children and Armed Conflict, there is insufficient reason to believe the coalition has put in place adequate measures during the reporting period aimed at improving the protection of children. Therefore, we respectfully urge you to list the coalition alongside other perpetrators in the conflict, including the Houthis / Ansar Allah, for these attacks, either in a single list or in Section A.

We look forward to the publication of your annual report on children and armed conflict and reaffirm our support for accountability for attacks on health care and other violations of international law in Yemen.

Sincerely,

1. Cairo Institute for Human Rights Studies (CIHRS)
2. Freedom Forward
3. Global Centre for the Responsibility to Protect (GCR2P)
4. Mwatana for Human Rights
5. Physicians for Human Rights
6. Save the Children
7. Watchlist on Children and Armed Conflict

CC: Ms. Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict