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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by the Organisation internationale pour les pays les moins avancés (OIPMA), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Terrorism in Yemen and the right to development

The Human Rights Council convened a high-level panel discussion on "Effects of terrorism on the enjoyment of human rights" on 30 June 2015 pursuant to its resolution 28/17 where the HRC stated that terrorism destabilized Governments, undermined societies, jeopardized peace and security and threatened economic and social development, all of which had serious implications for the enjoyment of human rights by all.

Al-Qaida in Yemen has emerged initially after the return of known as the "Afghan Arabs", whom many Yemenis, when the Muslim Brotherhood "The Islah Party" and the Mujahedeen " Al-Qaida militants" in coordination with the former president Saleh to carry out "the called holy war" against the communist South in 1994, and legalize this invasion by declaring the "fatwa" issued by the hardline religious authorities of the Islah Party to fight the southern population.

Although Yemen formally joined the US-led War on Terror after the Sept.11 attacks, the Yemeni leaders has facilitated jihadists' efforts and deployed Al-Qaeda extremists in the South as a government paramilitary, affords the jihadists training, experience, contacts, financial benefit and awarded them military salaries and official positions in the Yemen's security forces. Since that date, Al-Qaeda carried out hundreds of criminal attacks notably targeting tourists, and the bombing of the USS Cole, as well as the bombing of the French oil tanker Limburg in the coast of Hadramout in November 2002, followed by targeting hundreds of Southern citizens and military cadres.

The aim of the tripartite relationship between the Muslim Brotherhood, al-Qaeda and the Yemeni war lords, including the merging of al-Qaeda in the Arabian Peninsula under the name AQAP in 2009, the merger of the two branches of the organization in both Saudi Arabia and Yemen, and the escalation of terrorist attacks in the South is to send a message to the international and regional community attempt them to shuffle the cards, saying that, if the southerners will succeed in restoring their independent state, the South will be a safe haven for terrorist groups.

The last terrorist attacks has taken place in Aden and Mukalla during last weeks when ISIS claimed several suicide attacks on government and coalition targets in Aden, including, against the Governor of Aden and the Head of the Security of Aden, followed by a suicide car bombing claimed by Islamic State killed at least 45 Yemeni army recruits and wounded 60 in the southern city of Aden and killed 40 in the city of Mukalla during the last three weeks.

It is well known that the Jihadists of both Al Qaeda in the Arabian Peninsula (AQAP) and ISIS took advantage of the ongoing conflict in Yemen to expand their presence in the south, but the reality that, the escalation of terrorist attacks in the South aimed to send a message to the international and regional community attempt them to shuffle the cards if the southerners will succeed in restoring their independent state, the South will be a safe haven for terrorist groups. Meanwhile, the facts and arguments indicated the existing the tripartite relationship between the conflict parties mentioned above still exist despite the ongoing conflict between them the main purpose of the northern conflict parties is to impose the key gain in the peace talks going on in Kuwait in order to obtain a pledge to keep the South as a part of the Yemeni state.

On the other hand, the whole world welcomed the counter-terrorism significant role carried out by the Southern resistance with coalition-backed forces against AQAP militants and ISIS, and retaking on Mukalla and continue their offensive against AQAP in Aden and the whole South, which came after the Southern people have declared during their peaceful demonstrations which multiplied and culminated into millions of peaceful protests to call for independence from the north, followed by liberating Aden and other governorates of the south from Houthi rebel forces.

As a result, and taking in to account the statement declared by Mr. Ould Cheikh Ahmed, the Special Envoy of the UN Secretary-General for Yemen in the opening session of Kuwait peace talks who stated " The Southern issue is a central issue and shall be to considered and solved with Southern leaders", and in order to overcome the constraints and the obstacles in both, the South and the North which could be help full for the Human Rights Council on the occasion of its tenth anniversary towards eradicating terrorism, Conflict Prevention, Post-conflict Peacebuilding, and given the foregoing, the IOLDC recommend that the Human Rights Council should deliver its responsibility to resolve the crisis by adopting the following key solutions:

1. The Council should put the pressure on the stake holders to respect of the peremptory norms of general international law and other International Human Rights Instruments, including, the first article in the two international covenants which stated: "All peoples have the right of self- determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".
2. The Council should put the pressure on the stake holders to respect of Article 52 of the Vienna Convention on the Law of Treaties 1969 which stated: "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations", 1 and as Article 53 stated: "A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law...". It would appear that, the 1990 Agreement should be declared void because it was signed under the titles of the two de facto party leaders, and was not made by referendum. It conflicts with jus cogens, and also conflicts with Article 1 in the two international covenants, which are considered as a peremptory norm of general international law. The 1990 agreement should be considered as void because it violates jus cogens.
3. The Council should put the pressure on the stake holders to respect of Article 60 which stated: " 1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty...". The Yemen Arab Republic breached the Agreement by failing to deliver the agreed transitional period as required in accordance with Article 60 of the 1969 Convention, followed by declaration of the war against the South. President of the South then invoked the violation of the Agreement in 1994 and announced the re-establishment of the DRY.
4. The Council should urge the Gulf Co-operation Council (GCC) to abide with its commitment declared its support of the invocation and the re-establishment of the DRY, the meeting of the Foreign Ministers of the six states of the Gulf Co-operation Council (GCC) in June 1994 stated "...the Council welcomes Yemeni Unification if it is made based upon the agreement of the two independent states: the Democratic Republic of Yemen and the Yemen Arab Republic. Accordingly, the unification shall not continue unless there is agreement between the two parties. However upon the declaration of one party to return to its previous situation to establish a Democratic Republic of Yemen...".
5. The Council should urge the Security Council to follow-up its resolutions 924 and 931 of 1994 which reminded the two state parties: "...their political differences cannot be resolved through the use of force and urges them to return immediately to negotiations which will permit a peaceful resolution of their differences and a restoration of peace and stability." It decided to: "remain actively seized of the matter".
6. The Council should appoint an International Commission of Inquiry to investigate human rights violations in the South.
7. The Council should designate a Special Rapporteur on terrorism for a mission to Yemen.