

**INTERNATIONAL CRIMINAL TRIBUNAL OF CONSCIENCE FOR
THE MIDDLE EAST**

(Tribunal in session at Beirut , 19th and 20th May 2016)

**Prosecutor General of the International Criminal Tribunal of
Conscience**

For the Middle East

..... Complainant

Versus

1.Salman bin Abdul Aziz , King of Saudi Arabia

**2. Mohammed bin Nayef , Minister of Defense of the Kingdom of
Saudi Arabia**

..... Accused

CORAM : Judge Niloufer Bhagwat (President)

Judge Mohamed Baccar

Judge Lilia Solano

Judge Ratiba Miladi

Prosecutor General : Professor (Dr.)Mohamed Tay

Counsel for the People of Yemen : Mr. El Khatib, Mr. Rafiq Haji,

Mr. Najah Wakim

Amicus Curiae: Mr. Said Alameh , Ms. Mirwat Harake, Ms Nahla Abdou

1.The raison d'etre of the Tribunal of Conscience for the Middle East

1.1 This Tribunal of Conscience has been convened at a time when a number of heads of states, political leaders, and civil and military officials at the highest level of these governments and their financiers in different regions of the world, have lost their conscience. The same serial offenders have established a network of criminal global and regional military alliances, acting with impunity to shore up collapsing economic and financial systems and corporate fortunes; waging serial wars of aggression, committing genocide, war crimes, and crimes against humanity, to facilitate pillage and control of resources, including hydrocarbon resources, disrupting the life of millions in the attempt to control different regions strategic for oil and gas pipelines; while simultaneously waging oil price wars, and financial and currency wars on the entire world; camouflaging some of the wars in the Arab world as “*sectarian warfare*”, when the victims are from all denominations. This period recalls the destruction of several regions of the world in the First and Second World Wars.

1.2 We have no choice except to confront the truth, that the world's legal and justice systems have abysmally failed to protect the people of smaller nations in different regions, with few exceptions, such as the trials held for genocide, war crimes and crimes against humanity in Bangladesh of its own citizen; the trial for genocide in Guatemala, among others, of its former President; and the trials and recent conviction against a few of those still alive and indicted for torture, killings and disappearance in ‘*Operation Condor*’, in Argentina. The trials of the Security Council constituted special Tribunals for Rwanda, Yugoslavia among others, have been criticized by some jurists as serving the geopolitical interests of dominant NATO members of the Security Council, whereas the International Criminal Court significantly has not yet included in its statute the crime of ‘*waging an aggressive war*’ though recommended, despite the fact that the ‘Nuremberg Principles’ have been adopted by General Assembly Resolution 95(1) of 11th December 1946, and constitute ‘*jus cogens*’, that is peremptory norms of International Law, applicable to all states and are also universally accepted principle of customary International Law. The International Criminal Court has restricted ‘*jurisdiction*’ by its statute to those who are signatories to the statute, likewise the International Court of Justice also lacks wider jurisdiction. The International Criminal Court has been critiqued for having focused predominantly on cases from Africa, overlooking serious war crimes of the US led NATO alliance, and its regional partners. Several countries have been reduced to rubble in country after

country attacked, with populations displaced internally or across international frontiers as a consequence of war ; victimized as refugees for a second time, suppressing the historical truth that whole continents of Indigenous people were populated for over four centuries by those escaping economic destitution, persecution and religious wars in Europe .

1.2 In this vacuum , courts or ‘Tribunals of Conscience’ have been the only forum available to people of these desperate nations and regions targeted for looting , destruction , depopulation, fragmentation or restructuring by military or other means; to record the truth, to revive the conscience and opposition of humanity , the real victims everywhere, as wars bankrupt countries waging war and those countries which are victims, leaving intact or enhancing private and corporate fortunes.

1.3 The backdrop to this trial is that a coalition of forces overt and covert, are waging wars of aggression in this region , to pillage the resources of the Arab peoples, commencing with the war of aggression on Iraq; all of whom are liable for waging wars of aggression , overt and covert , and for other crimes in their own turn ; though in this trial it is the accused , Salman bin Abdul Aziz , the King of Saudi Arabia, and Mohammed bin Nayef, the Defense Minister of the Kingdom of Saudi Arabia, in whom absolute powers for war and peace vest, as per submissions made by the Prosecutor General and Counsels for the people of Yemen, Iraq , Syria and Lebanon, who have been indicted in written complaints lodged with this Tribunal .

1.4 The rules of evidence of the Nuremberg Tribunal have been broadly followed by the Tribunal, as this is equally a war torn region, facing absolute destruction and chaos , with disruption of communications and civilian life, swarming with refugees ; as Europe was and as were several parts of Asia and Africa in the aftermath of the Second World War, when the War Crimes Tribunals at Nuremberg and Tokyo were established by the Allied powers.

2.Nature of Complaints Lodged

2.1 Two detailed complaints were lodged by the Prosecutor General Professor Dr. Mohamed Tay with the Tribunal . The first complaint on behalf of the victims and people of Yemen relates to waging a war of aggression . genocide, war crimes , crimes against humanity and the violation of the 1954 Hague Convention on Cultural Property among other conventions committed in Yemen, by the two accused; and the second complaint submitted on behalf of

the people of Syria , Iraq and Lebanon against the same accused, relates to the satanic activities of ISIS/ISIL/DAESH and the AL Nusra Front , among other such organizations, in these countries, and the arming, training, funding and financing of these terrorist mercenaries by the Head of state of the kingdom of Saudi Arabia. and its Defense Minister , along with their allies , in a criminal conspiracy to wage overt and covert wars in these countries , causing death , destruction and havoc; with absolute social regress and descent into barbaric criminality in regions under the control of mercenary terrorist ‘*Wahhabi*’ organizations, and special forces of several countries ; where extreme and primitive torture of citizens, including of soldiers on duty ; human and sexual slavery on an unprecedented scale, including the sale of female children as sex slaves ; taking hostages of civilians and killing of the minority population; imprisonment of civilian prisoners taken by mercenaries in cages ;physical mutilation and desecration of dead bodies , among other barbaric atrocities have taken place, by terrorists referring to themselves as the ‘ Caliphate’; in reality hired mercenaries from all continents, including from the Arab world , Europe , from other parts of Asia, Africa, and the Americas, trained by the armed forces of the best and brightest governments. There is widespread desecration and looting of ‘cultural property’, of archeological and historical monuments in all three countries of Yemen , Iraq and Syria , in an attempt to erase historical memories of religious and cultural diversity , to fragment the entire region in an attempted second colonial “Sykes- Picot “ restructuring .

2.2 The accused , and the highest civil and military officials of the Kingdom of Saudi Arabia and its allies , in their own short term interests, have ignored the clear and present danger of collaborating with the enemies of the people of the countries of Asia , Africa and Central and South America against the people of the Arab homelands ; with no historical memories of the reality, that their patrons , the direct ancestors of the leaders and oligarchs of NATO , broke every single treaty/agreement signed by colonial settlers with Native Americans and other Indigenous people , to take over their entire territories in North America and other continents .This Tribunal, being a tribunal of conscience does not function blindfold , we are required to take judicial notice of the repeated violations of International Treaties by certain powers to usurp territories and resources , often in alliance with neighboring or proxy governments, or tribes , once again revived in the 21st Century, adopting new strategies.

2.3 The two complaints lodged with this Tribunal differ in material particulars , with submissions and evidence being recorded in two different and separate trial sessions , consequently we have pronounced two separate verdicts , one on Yemen and the other on Syria , Iraq and Lebanon with some of the recommendations applicable to both cases.

3. The Kingdom of Saudi Arabia signatory to Conventions on International Humanitarian Law and other Conventions impugned in the complaints

3.1 The kingdom of Saudi Arabia has ratified several International Conventions on the Laws of War ,and several Conventions relating to International Humanitarian Law , among other Conventions relevant for this trial, as has the state of Yemen . Yet the accused are in gross violation of these Conventions, though it must be said in all fairness that the Kingdom of Saudi Arabia is not the only member of the United Nations presently waging an aggressive war.

4. The Charges against the Accused

4.1 The following are the charges presented by the Prosecutor General on behalf of the people of Yemen against the two accused:-

a) Waging a War of Aggression on Yemen in violation of , Article VI (a) (i) and Article VI(a)(ii) , read with Article III of the Nuremberg Principles adopted by the Resolution of the General Assembly No. 95 (1) of 1946 and Article 2 (4) of the Charter of the United Nations ;

b) Genocide within the ambit of Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide ,namely ‘deliberately inflicting on the Yemeni people conditions of life calculated to bring about its physical destruction in whole or in part’ read with Article III (a) to ((e) of this Convention ;

c) War Crimes in violation of, Article VI (b) of the Nuremberg Principles, mandatory provisions of the Hague Conventions of 1899 and 1907 , Geneva Convention I on the treatment of wounded and sick soldiers 1949 , Geneva Convention IV on the protection of civilians in times of war 1949, and Additional Protocol I of 1977 to the Geneva Conventions 1949 , and customary principles of International Humanitarian Law;

d) Crimes Against Humanity in violation of , Article VI (c) of the Nuremberg Principles , the Hague Convention of 1907, the Geneva Conventions of 1949, Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law;

e) Destruction of ‘cultural property’ in violation of the Hague Convention of 1907 , the Additional Protocol I of 1977 to the Geneva Conventions 1949, the mandatory provisions of the Hague Regulations, the Convention on the Protection of Cultural Property During Armed Conflicts , 1954 and its Protocols of 1954 and 1999 , and the customary principles of International Law.

5. Waging a War of Aggression

5.1 Article VI (a) (i) and (ii) of the Nuremberg Principles, adopted by the General Assembly Resolution No.95(1) of 11th December 1946, universally recognized as ‘jus cogens’ , a peremptory norm of International Law, and as International customary Law, criminalizes “ *the preparation, initiation or waging a war of aggression or a war in violation of International treaties , agreements or assurances ,*” and conspiracy and complicity in these acts . Article III of the Nuremberg Principles does not confer any impunity on an individual from criminal liability for an act which constitutes a crime under International Law , merely because the individual is head of state or a responsible government official. The Nuremberg Principles are binding on all heads of states, and civil and military officials.

It is necessary for the Tribunal to emphasize that the United Nations Charter is a treaty binding on all member States. The two accused who are the Head of State and the Defense Minister of the Kingdom of Saudi Arabia , a member state of the United Nations , have no impunity against the violation of the United Nations Charter, which mandates by Article 2 (4) that :

“ All member states of the United Nations shall refrain from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purposes of the United Nations.”

5.2 The Tribunal on examining the evidence , and the stand based on public and official statements of the highest officials of the Kingdom of Saudi Arabia, adopted by Amicus Curiae , Senior Counsel Said Alameh , that the former President of Yemen, Abed Rabbo Mansour Hadi requested for the assistance of the armed forces of Saudi Arabia ; rejects this defence advanced on behalf of

the accused, as prima facie the facts on record establish that Abed Rabbo Mansour Hadi was not the President of Yemen when the armed intervention by Saudi Arabia and the coalition began. Abed Rabbo Mansour Hadi officially stepped down as President on 7th November 2014, after several rounds of political negotiations with parties and movements, and a new government was formed on that date in Yemen headed by President Khaled Bahah. The former President Abed Rabbo Mansour Hadi thereafter reneged on the '*Peace and partnership agreement*' entered into with all the movements and parties in Yemen, and finally formally resigned in January 2015, leaving the capital Sanaa on 21st February 2015 for Aden, departing for Saudi Arabia on 26th March 2015. These facts conclusively establish that former President Abed Rabbo Mansour Hadi having resigned as President of Yemen, had no constitutional or statutory right to seek the intervention/assistance of the accused and the armed forces of the Kingdom of Saudi Arabia or its allies in the coalition.

5.3 The evidence on record discloses that the accused and allies in the coalition waging war, and those countries covertly assigning military and intelligence advisers to Saudi Arabia for the conduct of this war of aggression; are in violation of the express prohibition of Article VI (a) (i) and Article VI (a) (ii) of the Nuremberg Principles against the waging of a war of aggression and the mandatory provisions of the United Nations Charter, that no member state of the United Nations "*shall use force or threats of force against the territorial integrity and political independence of a member state of the UN*". All powers to wage war in Saudi Arabia vest in the King accused No. 1 who is Head of State and accused No.2 is the Defense Minister of the kingdom of Saudi Arabia, the highest political authority after the King, directing military operations. As per submissions made, the kingdom is an absolute monarchy. Amicus Curiae has not denied this position. Apart from the issue of Abed Rabbo Mansour Hadi having no authority to request for intervention, an individual as distinguished from the people, duly represented by a government/cabinet/political council, cannot seek armed intervention/assistance of this nature to destroy his own country, which as per evidence and submissions made, is an aggressive and indiscriminate war, accompanied by bombing operations on the civilian population of Yemen, with the objective of allowing another country to seize and control Yemen's hydrocarbon resources and strategic regions. Admittedly the people of Yemen have no defensive weapons against the brutal and indiscriminate air war launched by the accused

and the coalition , using weapons of mass destruction supplied by the Arms Corporations of the United States and the UK among others.

5.4 Documented facts and evidence disclose that the armed forces of the Kingdom of Saudi Arabia, under orders of the accused, attacked Yemen ,while negotiations were on under UN auspices. Jamaal bin Omar, the former UN mediator for Yemen disclosed in an interview of 15th May 2015, that –“ *Ten Yemeni parties, including rebels were on the verge of a power sharing agreement before the first Saudi shell was dropped on Yemen on 26th March 2015*”.

6. Genocide

6.1 Article II(c) of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 is applicable to Yemen , “*Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part* ;Article III of the said convention criminalizes genocide , the conspiracy to commit genocide, and complicity in genocide.

6.2 Videos recorded on the ground in Yemen of the bombings of the civilian population of men, women and children and destruction of the entire civilian infrastructure of the country were officially lodged with the Tribunal, giving details, such as description of the site, on the site interviews of number of people killed and their identities . Specific bombings operations were also reported in the media, including in the international media. None of these reports and videos of bombing operations have been contradicted by official spokesman for and on behalf of the accused .The videos are corroborated by oral evidence of journalists and students deposing on oath before the Tribunal ,stating that it was vital for them and their organizations, to video and audio record the destruction, as a total air , road , sea and communications blockade was imposed on Yemen, by orders of the accused; Television channels had been bombed and radio and other communication networks disrupted , there was no other way of disclosing the genocide and war crimes being committed on the people of Yemen to the outside world.

6.3 Four eye witnesses of the bombings of Yemen , Yahya Al Shahedi, Abdal Malek Al Mutawakil, Ali Al Marouani, Saddam Al Khadame, citizens of Yemen , gave evidence of the indiscriminate nature of the bombing operations on the civilian population , on Houthis and those not Houthi , even though Houthi regions were the first to be targeted. Homes, buildings, markets,

hospitals and medical clinics, schools including sports schools ,colleges, universities , water reservoirs , dairy factories , farms and manufacturing plants including those producing oxygen cylinders, food, medicines and bottled water have all been indiscriminately bombed. Ware houses storing food were bombed, as were all essential supplies, including fuel supplies and humanitarian convoys conveying food and fuel supplies . The entire infrastructure for distribution of electricity and water supply in many regions have been bombed .These witnesses testified to the absolute and complete blockade of Yemen from land, sea and air , cutting off of all supply routes as all roads, ports and airports have been bombed by the Air force of the Kingdom of Saudi Arabia and its allies , and by Naval Ships of the kingdom of Saudi Arabia enforcing a naval blockade , bombing all ports and installations. including construction material and fast erecting cranes in the Port of Hodeidah ,among other Ports.

6.4 This evidence is supported by official statements of United Nations officials, including the statement made by OuldChiek Ahmed , the United Nations Special Envoy to Yemen, warning that Yemen was on the verge of starvation and that 80 percent of Yemenis , more than 21 .1 million Yemenis are desperately and in urgent need of humanitarian assistance ; that 13 million are suffering from severe food shortages and the access to water for 9. 4 million people has substantially decreased due to the bombings of water bottling factories and water reservoirs. According to the UNICEF spokesperson ,shortage of water is ‘the gateway to many diseases’ and that 8 children are killed or maimed every day ; that due to the bombings 10 million children need urgent humanitarian assistance. As a consequence of the bombings of hospitals and clinics 15.2 million people have no access to basic health care whether civilians or soldiers, and 1.8 million children have been exposed to severe malnutrition , whereas 5.2 children face immediate risk of communicable diseases .

6.5 The oral evidence before the Tribunal and the report of the United Nations agencies and officials on the ground in Yemen , establish beyond a shadow of doubt that the accused in alliance with the coalition to wage war on Yemen , have deliberately inflicted on the people of Yemen conditions of life calculated to bring about the physical destruction of a large part of its population. The bombings, the air , road and naval blockade are clearly intended to impose hunger and famine as a criminalized strategy of the war , to deprive the

population of the essential and minimal requirements required to sustain life and the right to life .

6.6 The principles of International Criminal law whereby leaders, political and military, are legally responsible both for orders given and conduct of military officers in the field, are well established from the precedents of the Nuremberg and Tokyo trials, without prejudice to the fact that Article III of the Nuremberg Principles confers no immunity on Heads of State and senior officials for crimes against peace .

7. War Crimes

7.1 The Tribunal having concluded on the basis of the evidence on record that the accused by their direct orders are waging a criminal war of aggression against the people of Yemen, every act of war, whether committed on land, from the sea or air by the coalition headed by the kingdom of Saudi Arabia, which kills, injures, or harms the civilian population , or even armed contingents of the Yemeni people defending their country, which is their right of self defense under International Law and the UN Charter; and destroys the property and infrastructure of Yemen and its people , is a war crime in violation of Article VI (b) of the Nuremberg Principles.

7.2 The Tribunal reiterates that the political system of Saudi Arabia is an absolute monarchy . Accused No. 1 , the King of Saudi Arabia and Head of State issues direct orders for the conduct of the war to accused No,2 the Minister for Defense , who in turn gives orders to the highest civil and military officials responsible for the conduct of operations .

7.3 More than a century ago, the preamble to the Hague Convention of 1907 on the Laws and Customs of War on Land (Hague IV) specified that the “ *High Contracting Parties clearly do not intend the unforeseen casesbe left to the arbitrary judgment of military commandersin cases not included in the regulations adopted by them , the inhabitants and belligerents remain under the protection and the rule of the principles of the laws of nations , as they result from the usages established among civilized peoples from the laws of humanity , and the dictates of public conscience....*”

7.4 Article 22 of the Hague Convention 1907 on the laws and Customs of War on Land (Hague IV) mandates that ,”*the rights of belligerents to adopt means*

of injuring the enemy is not unlimited” ; under Article 23 of the same Convention belligerents are prohibited from “ employing arms, projectiles or material calculated to cause unnecessary suffering .” Under Article 25 of this Convention, “the attack or bombardment by whatever means of towns , villages or buildings which are undefended is prohibited.”

The International Committee of humanitarian law lists the rules of customary International Humanitarian Law(Cambridge University Press) and a few applicable to the conflict in Yemen are reproduced below :-

Rule I. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatant. Attacks must not be directed against civilians.

Rule 2, Acts or threats of violence the primary purpose of which is to spread terror among the civilian population is prohibited .

Rule 7. The parties to the conflict must at all times distinguish between civilian objects and military objectives.

Rule 11. Indiscriminate attacks are prohibited.

Rule 12. Indiscriminate attacks are those :

- (a) which are not directed at a specific military objective ;
- (b) which employ a method or means of combat which cannot be directed at a specific military objective ; or
- (c) which employs a method or means of combat the effects of which cannot be limited as required by International Humanitarian Law....

7.5 It is a reflection on the criminalization and barbarism of political leaders and financial interests supporting this leadership , waging serial wars , that what a civilized international community considered impermissible and war crimes more than a century ago; considered “intransgressible” by the International Court of Justice, in its Advisory Opinion on the ‘ Legality of the Threat or Use of Nuclear Weapons’(ICJ Reports 1996), referring to this body of law as ‘ *International Humanitarian Law*’, universally recognized as customary International law, including the Hague Conventions of 1899 and 1907, the Nuremberg Principles , the Four Geneva Conventions of 1949, and Additional Protocol I of 1977 to the Geneva Conventions , among other conventions , are being repeatedly violated by the Kingdom of Saudi Arabia and its allies, and

those covertly positioning military and Intelligence advisers with the armed forces of the Kingdom of Saudi Arabia, for the conduct of military operations.

7.6 There is overwhelming evidence , painstakingly presented through video and audio recordings, authenticated and corroborated by eye witnesses deposing , of extensive war crimes committed in Yemen. Individuals and Yemeni human rights organizations abandoning all considerations of personal safety have risked their lives to record the evidence of bombings, providing details of sites , nature of weapons used, including extensive and indiscriminate use of Cluster Munitions , confirmed by statements and reports of United Nations agencies and personnel, and other humanitarian organizations.

7.7 It is the admitted position that Saudi Arabia , the United States which is one of the countries which supplies Cluster Munitions to the Kingdom of Saudi Arabia, and Yemen, have not ratified the 2008 Convention prohibiting the use , production, transfer and stockpiling of Cluster munitions .On the other hand a hundred states are state parties to this Convention, and another 19 States are signatories. The fact that Saudi Arabia is not a party to the Convention does not exonerate the accused from the War Crimes committed by the Saudi Air force and Army , extensively and indiscriminately bombing the civilian population using Cluster munitions. Homes, buildings, hospitals ,schools, colleges , universities , factories, farms , and mosques, the entire civilian infrastructure in Yemen has been bombed . The Hague Convention of 1907 , the Fourth Geneva Convention of 1949 and the First Additional Protocol of 1977 to the Geneva Conventions 1949, prohibit attacks on the civilian population and the indiscriminate use of weapons on civilians, civilian infrastructure and installations .The use of Cluster Munitions in Yemen are war crimes wholly unacceptable in accordance with the customary norms of International Humanitarian Law binding on all States, which mandate “ *that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited ; that the parties to a conflict shall at all times distinguish between civilians and combatants and between civilian and military objectives*”

7.8 Cluster munitions are specifically designed to explode and disperse hundreds of ‘submunitions’ or ‘bomblets’ over vast areas, extending as far as two football fields, far beyond any immediate military target; those submunitions or ‘ bomblets’ which remain unexploded, subsequently explode on contact , killing or maiming non combatants and civilians, even at a future

date ; hundreds of these ‘bomblets’ are dispersed into civilian areas and fields and farms with the dropping of even a single bomb on a military target , therefore the description ‘cluster’ munitions. The weapon is clearly an ‘area weapon’, never intended to be limited to a specific military target. Consequently even manufacturing and supplying of such a weapon system ,is to be complicit in a war crime; apart from its widespread use in Yemen by Saudi Air force and Army and its coalition allies. Children have been particularly vulnerable in Yemen, unaware of the deadly nature of these ‘bomblets’ and unsuspecting farmers and farm animals have been killed , as is clear from the videos recorded.

7.9 In September 2015 , 60 states attending the first Review Conference on the 2008 Convention prohibiting Cluster munitions , in a declaration condemned the use of cluster munitions in Yemen. Human Rights Watch though it is funded by foundations and individuals of NATO countries , in its report in 2015, confirmed the use cluster bombs at seven locations in the Hajjah governorate of Yemen, and the directorates of Harad and Hiran, collecting traces of the munitions, photographs and testimony of witnesses. The Tribunal was informed that the memorandum presented to the Kingdom of Saudi Arabia has not been replied till date.

7.10 Oral evidence authenticates and corroborate videos lodged with the Tribunal of cluster munitions extensively used in the Governorate of Saada and in other areas of Yemen . It is established that the armed forces of the Kingdom of Saudi Arabia and its coalition allies have used American made CBU -105 Sensor Fuzed Weapons; CBU 87 Cluster bombs containing BLU-97 secondary ammunition; mortar and rocket munitions containing 39ZB secondary ammunition ; and missiles carrying M-26 ammunition made in the United States with a range of 10-32 km, among other weapon systems, fired indiscriminately into civilian areas in Yemen , spread over pastures and agricultural fields , aggravating food security . In the videos civilians and children are seen killed and maimed by these munitions.

7.11 The Saudi Air Force under orders of the accused and military aircraft of the Emirates and other members of the coalition has conducted extensive bombing operations terrorizing the civilian population of Yemen in undefended hamlets, towns and cities . Yemen has no means of air defense. The Saudi Navy launched bombing operations from Yemen’s territorial waters, including on Ports and installations and civilian infrastructure of coastal areas

and fishermen . The Army of the Kingdom of Saudi Arabia acting on the orders of the accused indiscriminately bombed neighborhoods in the Governorates of Saada, Sanaa and Taiz .

7.12 The hospital of the organization Medecins Sans Frontiers was admittedly destroyed in the bombings. Several hospitals and clinics were deliberately targeted, to prevent the wounded, and sick and injured civilians and soldiers , from accessing medical treatment, in violation of the Hague Convention of 1907, Geneva Conventions I and IV of 1949, the Additional Protocol I of 1977 to the Geneva Conventions and customary International Humanitarian Law . In the air raids of the alliance led by the Kingdom of Saudi Arabia on Zabid, there was a massacre, with seventy civilians killed and one hundred injured in one attack alone. Sanaa airport was targeted when it was expected to receive humanitarian aid. A list of the civilian infrastructure destroyed was submitted to the Tribunal. Items on this list include hundreds of thousands of homes and buildings; hundreds of hospitals and clinics ; more than a thousand schools including 40 sports schools ; 240 markets , 530 roads, 10 Ports, 14 Airports , 140 electric stations/generators , 41 University facilities and 60 mosques apart from the other civilian infrastructure destroyed of which evidence has been given . War planes of the coalition led by the Kingdom of Saudi Arabia carried out a raids even against the hospital of the University of Science and Technology in Sanaa and the police academy and the state security centre , leaving many dead and wounded .

7.13 The United Nations Secretary General Ban Ki-Moon strongly condemned the destruction of Hidan main hospital in Sadaa by the Kingdom of Saudi Arabia and its coalition allies .This hospital was assisted by UNICEF and the organization Doctors Without Borders .The Co-ordinator for Humanitarian Affairs of the United Nations in Yemen , Johannes van de Klaus has called for “ *an end to attacks against hospitals and civilian infrastructure....*”.

7.14 UNICEF has commented on the high death toll of children killed in bombing operations in Yemen. This is a direct consequence of the bombing of homes , buildings, schools, farms , hospitals and clinics, by the Saudi and Emirati Air Forces , assisted by other members of the coalition .The statistical data released by several UN humanitarian agencies and representatives on the ground in Yemen, and submitted to the UN committee on Children and Armed conflict indicates that 785 children have been killed in Yemen in this war , and over 1018 children are injured ,apart from the more than 10,000

Yemeni children who have died from preventable diseases directly due to the war .

7.15 The United Nations Security Council despite this widespread destruction has not declared any embargo on weapon sales to the Kingdom of Saudi Arabia. Arms contracts continue to be signed by the Kingdom and its allies worth billions. Companies in the United States and the UK have supplied weapons and platforms after the war began , and France generously supplies weapons to Qatar .

8. Crimes Against Humanity

8.1 Witnesses deposing before the Tribunal stated that in conditions caused by the destruction of hospitals and clinics under orders of the accused and coalition allies, no health services exist in Yemen either for the civilian population or soldiers , and there is no access to life saving drugs .This is supported by official statements of humanitarian organizations, including United Nations Agencies . Students gave evidence that all educational institutions have been targeted by bombing operations . As a direct consequence of widespread destruction of schools, colleges and universities, and the displacement of approximately over half a million people; children , college and university students have no choice but to discontinue their education .

8.2 The Tribunal has already referred to the public and official statements of United Nations humanitarian personnel and aid organizations that the impact of the air, road and sea blockade on Yemen has resulted in starvation of a large section of the civilian population and that the bombings of ware houses storing food, and convoys carrying food and other aid, including essential fuel supplies, has been used as a strategy of war .

8.3 The bombings ordered by the accused have affected all communications and transport by land, sea and air of the people of Yemen , and all sources of livelihood. In these bombing operations the entire civilian infrastructure of water supply , electricity and all communications networks , including television and radio have been deliberately destroyed in serial crimes against humanity. Witnesses stated that the entire civilian infrastructure of Yemen is being targeted and destroyed , not because citizens are members of any Houthi militia or the Yemeni army, but because Yemen is potentially rich , with hydrocarbon reserves and strategic regions, sought to be seized by the accused and their alliance partners, by effecting forcible regime change through war.

8.4 More than a thousand schools and colleges have been destroyed in bombings in Sanaa, Aden, Saada, Taiz, Amran, Hadramout, Hodeidah, Hajjah and Ibb , along with mass destruction of university libraries , devices and laboratories .

9. Bombing of ‘cultural property’ movable and immovable including archeological sites.

9.1 The bombing, destruction and vandalism of ‘cultural property’ as defined by Article I of the Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954, and its Protocols of 1954 and 1999 are war crimes in violation of the Nuremberg Principles, the Hague Convention of 1907 and the Additional Protocol I of 1977 , and cannot be justified by any military necessity, as the Tribunal has already held that this is a criminal war of aggression on Yemen. The Tribunal is dealing with such attacks on ‘cultural property’ as a separate charge, in the context of the pattern observed in recent wars , following the destruction of the ‘ Bamiyan Buddhas ’in Afghanistan by hired mercenaries masquerading as ‘ mujahideen’or ‘ al Qaeda’.

9.2 The Kingdom of Saudi Arabia has ratified the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, the Geneva Conventions of 1949 ,and Protocol I and II to the Geneva Conventions 1949; the government of Yemen has also ratified these Conventions. Irrespective of whether these Conventions have been ratified or not by the Kingdom of Saudi Arabia or Yemen , it is necessary for the Tribunal to reiterate that protection of cultural property of the people against destruction and pillage, is an integral part of customary International law binding on all nations, irrespective of whether a state or states have ratified or not ratified these Conventions.

9.3 Since “ classical times” there has been condemnation by civilized nations (C.D. Visscher ,’International Protection of Works of Art and Historic Monuments’ Martin Nijhoff Publications, Anna Filipe Vrdoljak ‘ Human Rights and the Illicit Trade in Objects’) against targeting of cultural property during wars and conflicts. The Hague Conventions of 1899 and 1907 referred to as the Hague Regulations, followed by the Washington Pact of 1935 ,also known as the ‘Roerich Pact’ , prohibit the destruction and pillage of cultural property of peoples . These aforesaid conventions and pacts are customary International law binding on all states , as per the decision of the Nuremberg

Tribunal of the Major War Criminals before the International Military Court 14 November 1945- 1 October 1946 (42 volumes 1947-1949); the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons , ICJ Reports 1996; and the Advisory Opinion of the ICJ on the Legal Consequences of the Construction of the Wall in Occupied Palestinian Territory , ICJ Reports 2004. Apart from the prohibition under Article 27 of the Hague Convention of 1907 which mandates that “ *In sieges and bombardments all necessary steps must be taken to spare as far as possible buildings dedicated to religion , science or charitable purposes, historic monuments , hospitals and places where the sick and wounded are collected , provided they are not used for military purpose*” ; Article 56 of the Hague Regulations prohibits “ *all seizure and destruction or willful damage done to institutions of this character , historic monuments, works of art and science .*” Additional Protocols I and II to the Geneva Conventions relating to International Armed Conflict and non international armed conflict have widened the ambit and strict application of this prohibition of attack against movable and immovable cultural property.

9.3 This Tribunal of Conscience takes judicial notice of the nature of *the ' unending wars ' of the first decade and a half of the 21st Century*, which has witnessed premeditated destruction of national heritage and world heritage sites in Iraq and Syria among other countries, establishing a consistent and premeditated criminal strategy , to efface collective and historic memories of peoples of these countries of their shared heritage , civilization and national culture ; to render fragile historical memories of the diversity and pluralism of religious and denominational belief and conviction; to destabilize an entire society and nation by making it rootless, uprooting its cultural , archeological , artistic, and scientific foundations and memories of continuity with its past and its contribution to world civilization. A poet of the former Soviet Union , Yevgeny Yevtushenko sensitively observed, “ *man lives not by bread alone yet when there is no bread, food can become the ideal .*” This consistent strategy which the world has witnessed, proves beyond doubt that the agenda is the destruction of national civilizations and historical memories , which precedes the destruction of societies , if this stands in the way of profits, a new narrative for regime change and a new order for the fragmentation, take over, and re-colonization of nations for the pillage of resources and seizure of regions ; and with that objective to destroy the links of the nation so targeted with its historical and cultural past. This is the real objective of the systematic

targeting of ‘cultural property’, movable and immovable, of importance to the cultural heritage of the people of these regions, such as monuments and archeological sites, works of art, manuscripts, books and other objects of artistic, historical and archeological interest, as well as libraries of scientific and other collections of books or archives, museums and buildings where works of art or objects are preserved; and those sites declared as world heritage sites by UNESCO, despite the fact that these sites have not been used for any military purpose whatsoever in any of these countries whether Yemen, Iraq or Syria, as these countries had taken all necessary steps to the extent possible, to protect and preserve their cultural inheritance, which is also the heritage of people the world over.

9.4 There is no evidence whatsoever in Yemen or in Iraq, Syria or Lebanon, that those fighters defending their country which is a legitimate right of self defense, used archeological sites, or works of art or monuments and places of worship for military purposes; on the other hand the accused were waging a war of aggression in Yemen and the armed forces of Saudi Arabia and its allies in the coalition against Yemen, acting under orders of the accused attacked the old historic city of Sanaa, recognized by UNESCO as ‘world heritage’; a city inhabited for more than 2,500 years located at 2,200 meters in altitude, with its 106 mosques, 14 hamams and 6,500 houses dating back to the 11th century. Also targeted was the famous historic mosque, the Al Masjid an-Nabawi. Irina Bokova, the UNESCO director general in a statement after these attacks stated, that she was shocked by the loss of lives and the magnificent structures with serene gardens reduced to rubble, which bears “*the soul of the Yemeni people. It is a symbol of a millennia history of knowledge which belongs to all of humankind.*”

9.5 The Marib Dam and Dhamar museum with 12,500 artifacts and “*hundreds of Sabaean inscriptions*” from the language of the Kingdom of Sheba (800 BC -300 AD) found on paintings, incense burners, and architectural elements were bombed by the armed forces of the Kingdom of Saudi Arabia and its alliance partners and the ‘Al Owdi historical complex’ dating back to the Ottoman era, comprising residential buildings, historic monuments and museums and other archeological sites and places of worship was similarly targeted. The accused and the armed forces of the Kingdom of Saudi Arabia, along with their allies, had detailed and accurate knowledge of these sites, and knew that there was no military justification whatsoever for

these attacks, in this fratricidal war on the culture and civilization of the Arab world in furtherance of economic and military hegemony, guided by 'Wahhabi' ideology, opposed to the protection of historical sites and monuments; to music, the arts, poetry literature and science of the Arab peoples, unless they have a price in the international market for stolen objects of antiquity, as has happened in Syria and Iraq, with ISIS/Daesh/ISIS and Jabhat ul Nusra among such other organizations selling priceless antiquities in markets in Istanbul, in Turkey, and other places in the region, and in the international markets for stolen antiques.

10. The Verdict

The Tribunal having considered the entire evidence in respect of all charges presented by the Prosecutor General and Counsel for the people of Yemen, and the submissions of Amicus Curiae appointed by the Tribunal for and on behalf of the accused, who though notified, did not appear directly or through an Advocate /Counsel to present their case, is satisfied beyond all reasonable doubt that accused No1, Sultan bin Abdul Aziz, King of Saudi Arabia and accused No.2 Mohammed bin Nayef, Defense Minister are guilty of :-

- a) Waging a war of aggression on Yemen in violation of, Article VI (a) (i) of the Nuremberg Principles and Article 2 (4) of the Charter of the United Nations;
- b) Genocide in violation of, Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, read with Article III of the said Convention;
- c) War crimes committed on the civilian population of Yemen and on the entire civilian infrastructure of Yemen, in violation of, Article VI (b) of the Nuremberg Principles, of the Hague Convention of 1907, of Convention I of the Geneva Convention 1949 relating to medical treatment of the sick and wounded soldiers in the field and Convention IV of the Geneva Conventions 1949 relative to the Protection of Civilians in times of war, and the Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law;

d) Crimes Against Humanity, in violation of , Article VI (c) of the Nuremberg Principles , of the Hague Conventions of 1899 and 1907 , of Convention IV of the Geneva Convention relative to the Protection of Civilian Persons in times of War 1949, of Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law ;

e) Deliberate and pre-meditated attacks on “cultural property” movable and immovable of the people of Yemen in violation of , Article VI (b) of the Nuremberg Principles, of the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict and Protocol I of 1954 and Protocol II of 1999 of this Convention , the Hague Convention of 1907 and the Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law.

11.Recommendations:

11. 1The Tribunal was informed by witnesses that the people of Saudi Arabia were not consulted and did not support the hemorrhaging of the financial resources of the Kingdom and the destruction of Yemen in this war. Since the Head of state and Defense minister and other prominent political and military leaders of the Kingdom of Saudi Arabia , have violated the Charter of the United Nations , the Nuremberg Principles and International Humanitarian Law , this Tribunal recommends the expulsion of the Kingdom of Saudi Arabia from the United Nations ,all its bodies, agencies, councils and panels of the UN, until the Kingdom of Saudi Arabia withdraws all its forces overt and covert from Yemen ,and its irregular and mercenary forces from Syria , Iraq and Lebanon .In recommending this expulsion the Tribunal recalls the precedent and approach of the General Assembly to the expulsion of the State of Libya from the UN Human Rights Council ,though it had not violated the United Nations Charter or committed crimes of aggression, genocide, war crimes or crimes against humanity, and was merely defending itself against terrorists overrunning Libya and thousands of NATO bombing sorties waging a war of aggression.

11.2 The United Nations Security Council , the General Assembly and other agencies and organizations of the United Nations have to ensure

that the Kingdom of Saudi Arabia ceases to use cluster munitions in Yemen, and that all areas of Yemen wherever these munitions have been used are cleared by weapon inspectors and experts , at the expense of the Kingdom of Saudi Arabia and the companies and governments supplying these weapons.

11.3 Different and discriminatory standards enforced by the Security Council has led to the absolute collapse of the ‘Rule of Law’ in International relations. Sanctions for almost a decade and a half followed the temporary Iraqi occupation of Kuwait ,despite withdrawal of forces ; sanctions were imposed on Iran though it has the sovereign and scientific right to access nuclear technology ; and sanctions were also imposed on Russia for re-integrating Crimea through a referendum, and based on a decision of the International Criminal Tribunal for Yugoslavia (INTERNATIONAL CRIMINAL TRIBUNAL OF CONSCIENCE FOR THE MIDDLE EAST

(Tribunal in session at Beirut , 19th and 20th May 2016)

Prosecutor General of the International Criminal Tribunal of
Conscience

For the Middle East

.....

Complainant

Versus

1. Salman bin Abdul Aziz , King of Saudi Arabia

2. Mohammed bin Nayef , Minister of Defense of the Kingdom of
Saudi Arabia

..... Accused

CORAM : Judge Niloufer Bhagwat (President)

Judge Mohamed Baccar

Judge Lilia Solano

Judge Ratiba Miladi

Prosecutor General : Professor (Dr.) Mohamed Tay

Counsel for the People of Yemen : Mr. El Khatib, Mr. Rafiq Haji,

Mr. Najah Wakim

Amicus Curiae: Mr. Said Alameh , Ms. Mirwat Harake, Ms Nahla Abdou

1.The raison d’etre of the Tribunal of Conscience for the Middle East

1.1 This Tribunal of Conscience has been convened at a time when a number of heads of states, political leaders, and civil and military officials at the highest level of these governments and their financiers in different regions of the world, have lost their conscience. The same serial offenders have established a network of criminal global and regional military alliances , acting with impunity to shore up collapsing economic and financial systems and corporate fortunes ; waging serial wars of aggression, committing genocide, war crimes, and crimes against humanity, to facilitate pillage and control of resources, including hydrocarbon resources , disrupting the life of millions in the attempt to control different regions strategic for oil and gas pipelines; while simultaneously waging oil price wars, and financial and currency wars on the entire world ; camouflaging some of the wars in the Arab world as “ sectarian warfare”, when the victims are from all denominations . This period recalls the destruction of several regions of the world in the First and Second World Wars.

1.2 We have no choice except to confront the truth , that the world’s legal and justice systems have abysmally failed to protect the people of smaller nations in different regions , with few exceptions, such as the trials held for genocide, war crimes and crimes against humanity in Bangladesh of its own citizen; the trial for genocide in Guatemala, among others, of its former President; and the trials and recent conviction against a few of those still alive and indicted for torture, killings and disappearance in ‘ Operation Condor’ , in Argentina . The trials of the Security Council constituted special Tribunals for Rwanda , Yugoslavia among others, have been criticized by some jurists as serving the geopolitical interests of dominant NATO members of the Security Council , whereas the International Criminal Court significantly has not yet included in its statute the crime of ‘waging an aggressive war’ though recommended, despite the fact that the ‘Nuremberg Principles’ have been adopted by General Assembly Resolution 95(1) of 11th December 1946, and constitute ‘jus cogens’ , that is peremptory norms of International Law, applicable to all states and are also universally

accepted principle of customary International Law. The International Criminal Court has restricted 'jurisdiction' by its statute to those who are signatories to the statute, likewise the International Court of Justice also lacks wider jurisdiction. The International Criminal Court has been critiqued for having focused predominantly on cases from Africa, overlooking serious war crimes of the US led NATO alliance, and its regional partners. Several countries have been reduced to rubble in country after country attacked, with populations displaced internally or across international frontiers as a consequence of war; victimized as refugees for a second time, suppressing the historical truth that whole continents of Indigenous people were populated for over four centuries by those escaping economic destitution, persecution and religious wars in Europe.

1.2 In this vacuum, courts or 'Tribunals of Conscience' have been the only forum available to people of these desperate nations and regions targeted for looting, destruction, depopulation, fragmentation or restructuring by military or other means; to record the truth, to revive the conscience and opposition of humanity, the real victims everywhere, as wars bankrupt countries waging war and those countries which are victims, leaving intact or enhancing private and corporate fortunes.

1.3 The backdrop to this trial is that a coalition of forces overt and covert, are waging wars of aggression in this region, to pillage the resources of the Arab peoples, commencing with the war of aggression on Iraq; all of whom are liable for waging wars of aggression, overt and covert, and for other crimes in their own turn; though in this trial it is the accused, Salman bin Abdul Aziz, the King of Saudi Arabia, and Mohammed bin Nayef, the Defense Minister of the Kingdom of Saudi Arabia, in whom absolute powers for war and peace vest, as per submissions made by the Prosecutor General and Counsels for the people of Yemen, Iraq, Syria and Lebanon, who have been indicted in written complaints lodged with this Tribunal.

1.4 The rules of evidence of the Nuremberg Tribunal have been broadly followed by the Tribunal, as this is equally a war torn region, facing absolute destruction and chaos, with disruption of communications and civilian life, swarming with refugees; as Europe was and as were several parts of Asia and Africa in the aftermath of

the Second World War, when the War Crimes Tribunals at Nuremberg and Tokyo were established by the Allied powers.

2. Nature of Complaints Lodged

2.1 Two detailed complaints were lodged by the Prosecutor General Professor Dr. Mohamed Tay with the Tribunal. The first complaint on behalf of the victims and people of Yemen relates to waging a war of aggression, genocide, war crimes, crimes against humanity and the violation of the 1954 Hague Convention on Cultural Property among other conventions committed in Yemen, by the two accused; and the second complaint submitted on behalf of the people of Syria, Iraq and Lebanon against the same accused, relates to the satanic activities of ISIS/ISIL/DAESH and the AL Nusra Front, among other such organizations, in these countries, and the arming, training, funding and financing of these terrorist mercenaries by the Head of state of the kingdom of Saudi Arabia and its Defense Minister, along with their allies, in a criminal conspiracy to wage overt and covert wars in these countries, causing death, destruction and havoc; with absolute social regress and descent into barbaric criminality in regions under the control of mercenary terrorist 'Wahhabi' organizations, and special forces of several countries; where extreme and primitive torture of citizens, including of soldiers on duty; human and sexual slavery on an unprecedented scale, including the sale of female children as sex slaves; taking hostages of civilians and killing of the minority population; imprisonment of civilian prisoners taken by mercenaries in cages; physical mutilation and desecration of dead bodies, among other barbaric atrocities have taken place, by terrorists referring to themselves as the 'Caliphate'; in reality hired mercenaries from all continents, including from the Arab world, Europe, from other parts of Asia, Africa, and the Americas, trained by the armed forces of the best and brightest governments. There is widespread desecration and looting of 'cultural property', of archeological and historical monuments in all three countries of Yemen, Iraq and Syria, in an attempt to erase historical memories of religious and cultural diversity, to fragment the entire region in an attempted second colonial "Sykes- Picot" restructuring.

2.2 The accused, and the highest civil and military officials of the Kingdom of Saudi Arabia and its allies, in their own short term

interests, have ignored the clear and present danger of collaborating with the enemies of the people of the countries of Asia, Africa and Central and South America against the people of the Arab homelands; with no historical memories of the reality, that their patrons, the direct ancestors of the leaders and oligarchs of NATO, broke every single treaty/agreement signed by colonial settlers with Native Americans and other Indigenous people, to take over their entire territories in North America and other continents. This Tribunal, being a tribunal of conscience does not function blindfold, we are required to take judicial notice of the repeated violations of International Treaties by certain powers to usurp territories and resources, often in alliance with neighboring or proxy governments, or tribes, once again revived in the 21st Century, adopting new strategies.

2.3 The two complaints lodged with this Tribunal differ in material particulars, with submissions and evidence being recorded in two different and separate trial sessions, consequently we have pronounced two separate verdicts, one on Yemen and the other on Syria, Iraq and Lebanon with some of the recommendations applicable to both cases.

3. The Kingdom of Saudi Arabia signatory to Conventions on International Humanitarian Law and other Conventions impugned in the complaints

3.1 The kingdom of Saudi Arabia has ratified several International Conventions on the Laws of War, and several Conventions relating to International Humanitarian Law, among other Conventions relevant for this trial, as has the state of Yemen. Yet the accused are in gross violation of these Conventions, though it must be said in all fairness that the Kingdom of Saudi Arabia is not the only member of the United Nations presently waging an aggressive war.

4. The Charges against the Accused

4.1 The following are the charges presented by the Prosecutor General on behalf of the people of Yemen against the two accused:-

- a) Waging a War of Aggression on Yemen in violation of, Article VI (a) (i) and Article VI(a)(ii), read with Article III of the Nuremberg Principles adopted by the Resolution of the General Assembly No. 95 (1) of 1946 and Article 2 (4) of the Charter of the United Nations;
- b) Genocide within the ambit of Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, namely

‘deliberately inflicting on the Yemeni people conditions of life calculated to bring about its physical destruction in whole or in part’ read with Article III (a) to ((e) of this Convention ;

c) War Crimes in violation of, Article VI (b) of the Nuremberg Principles, mandatory provisions of the Hague Conventions of 1899 and 1907 , Geneva Convention I on the treatment of wounded and sick soldiers 1949 , Geneva Convention IV on the protection of civilians in times of war 1949, and Additional Protocol I of 1977 to the Geneva Conventions 1949 , and customary principles of International Humanitarian Law;

d) Crimes Against Humanity in violation of , Article VI (c) of the Nuremberg Principles , the Hague Convention of 1907, the Geneva Conventions of 1949, Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law;

e) Destruction of ‘cultural property’ in violation of the Hague Convention of 1907 , the Additional Protocol I of 1977 to the Geneva Conventions 1949, the mandatory provisions of the Hague Regulations, the Convention on the Protection of Cultural Property During Armed Conflicts , 1954 and its Protocols of 1954 and 1999 , and the customary principles of International Law.

5. Waging a War of Aggression

5.1 Article VI (a) (i) and (ii) of the Nuremberg Principles, adopted by the General Assembly Resolution No.95(1) of 11th December 1946, universally recognized as ‘jus cogens’ , a peremptory norm of International Law, and as International customary Law, criminalizes “ the preparation, initiation or waging a war of aggression or a war in violation of International treaties , agreements or assurances ,” and conspiracy and complicity in these acts . Article III of the Nuremberg Principles does not confer any impunity on an individual from criminal liability for an act which constitutes a crime under International Law , merely because the individual is head of state or a responsible government official. The Nuremberg Principles are binding on all heads of states, and civil and military officials.

It is necessary for the Tribunal to emphasize that the United Nations Charter is a treaty binding on all member States. The two accused who are the Head of State and the Defense Minister of the Kingdom of Saudi

Arabia , a member state of the United Nations , have no impunity against the violation of the United Nations Charter, which mandates by Article 2 (4) that :

“ All member states of the United Nations shall refrain from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purposes of the United Nations.”

5.2 The Tribunal on examining the evidence , and the stand based on public and official statements of the highest officials of the Kingdom of Saudi Arabia, adopted by Amicus Curiae , Senior Counsel Said Alameh , that the former President of Yemen, Abed Rabbo Mansour Hadi requested for the assistance of the armed forces of Saudi Arabia ; rejects this defence advanced on behalf of the accused, as prima facie the facts on record establish that Abed Rabbo Mansour Hadi was not the President of Yemen when the armed intervention by Saudi Arabia and the coalition began. Abed Rabbo Mansour Hadi officially stepped down as President on 7th November 2014, after several rounds of political negotiations with parties and movements , and a new government was formed on that date in Yemen headed by President Khaled Bahah. The former President Abed Rabbo Mansour Hadi thereafter reneged on the ‘Peace and partnership agreement’ entered into with all the movements and parties in Yemen, and finally formally resigned in January 2015, leaving the capital Sanaa on 21st February 2015 for Aden , departing for Saudi Arabia on 26th March 2015. These facts conclusively establish that former President Abed Rabbo Mansour Hadi having resigned as President of Yemen , had no constitutional or statutory right to seek the intervention/assistance of the accused and the armed forces of the Kingdom of Saudi Arabia or its allies in the coalition.

5.3 The evidence on record discloses that the accused and allies in the coalition waging war , and those countries covertly assigning military and intelligence advisers to Saudi Arabia for the conduct of this war of aggression ; are in violation of the express prohibition of Article VI (a) (i) and Article VI (a) (ii) of the Nuremberg Principles against the waging of a war of aggression and the mandatory provisions of the United Nations Charter , that no member state of the United Nations “shall use force or threats of force against the territorial integrity and political independence of a member state of the UN”. All powers to wage war in

Saudi Arabia vest in the King accused No. 1 who is Head of State and accused No.2 is the Defense Minister of the kingdom of Saudi Arabia, the highest political authority after the King , directing military operations. As per submissions made, the kingdom is an absolute monarchy. Amicus Curiae has not denied this position. Apart from the issue of Abed Rabbo Mansour Hadi having no authority to request for intervention, an individual as distinguished from the people, duly represented by a government/cabinet/political council, cannot seek armed intervention/assistance of this nature to destroy his own country, which as per evidence and submissions made, is an aggressive and indiscriminate war, accompanied by bombing operations on the civilian population of Yemen , with the objective of allowing another country to seize and control Yemen's hydrocarbon resources and strategic regions .Admittedly the people of Yemen have no defensive weapons against the brutal and indiscriminate air war launched by the accused and the coalition , using weapons of mass destruction supplied by the Arms Corporations of the United States and the UK among others.

5.4 Documented facts and evidence disclose that the armed forces of the Kingdom of Saudi Arabia, under orders of the accused, attacked Yemen ,while negotiations were on under UN auspices. Jamaal bin Omar, the former UN mediator for Yemen disclosed in an interview of 15th May 2015, that –“ Ten Yemeni parties, including rebels were on the verge of a power sharing agreement before the first Saudi shell was dropped on Yemen on 26th March 2015”.

6. Genocide

6.1 Article II(c) of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 is applicable to Yemen , “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ;Article III of the said convention criminalizes genocide , the conspiracy to commit genocide, and complicity in genocide.

6.2 Videos recorded on the ground in Yemen of the bombings of the civilian population of men, women and children and destruction of the entire civilian infrastructure of the country were officially lodged with the Tribunal, giving details, such as description of the site, on the site interviews of number of people killed and their identities . Specific bombings operations were also reported in the media, including in the

international media. None of these reports and videos of bombing operations have been contradicted by official spokesman for and on behalf of the accused. The videos are corroborated by oral evidence of journalists and students deposing on oath before the Tribunal, stating that it was vital for them and their organizations, to video and audio record the destruction, as a total air, road, sea and communications blockade was imposed on Yemen, by orders of the accused; Television channels had been bombed and radio and other communication networks disrupted, there was no other way of disclosing the genocide and war crimes being committed on the people of Yemen to the outside world.

6.3 Four eye witnesses of the bombings of Yemen, Yahya Al Shahedi, Abdal Malek Al Mutawakil, Ali Al Marouani, Saddam Al Khadame, citizens of Yemen, gave evidence of the indiscriminate nature of the bombing operations on the civilian population, on Houthis and those not Houthi, even though Houthi regions were the first to be targeted. Homes, buildings, markets, hospitals and medical clinics, schools including sports schools, colleges, universities, water reservoirs, dairy factories, farms and manufacturing plants including those producing oxygen cylinders, food, medicines and bottled water have all been indiscriminately bombed. Ware houses storing food were bombed, as were all essential supplies, including fuel supplies and humanitarian convoys conveying food and fuel supplies. The entire infrastructure for distribution of electricity and water supply in many regions have been bombed. These witnesses testified to the absolute and complete blockade of Yemen from land, sea and air, cutting off of all supply routes as all roads, ports and airports have been bombed by the Air force of the Kingdom of Saudi Arabia and its allies, and by Naval Ships of the kingdom of Saudi Arabia enforcing a naval blockade, bombing all ports and installations. including construction material and fast erecting cranes in the Port of Hodeidah, among other Ports.

6.4 This evidence is supported by official statements of United Nations officials, including the statement made by OuldChiek Ahmed, the United Nations Special Envoy to Yemen, warning that Yemen was on the verge of starvation and that 80 percent of Yemenis, more than 21.1 million Yemenis are desperately and in urgent need of humanitarian assistance; that 13 million are suffering from severe food shortages and the access to water for 9.4 million people has substantially decreased

due to the bombings of water bottling factories and water reservoirs. According to the UNICEF spokesperson, shortage of water is 'the gateway to many diseases' and that 8 children are killed or maimed every day; that due to the bombings 10 million children need urgent humanitarian assistance. As a consequence of the bombings of hospitals and clinics 15.2 million people have no access to basic health care whether civilians or soldiers, and 1.8 million children have been exposed to severe malnutrition, whereas 5.2 children face immediate risk of communicable diseases.

6.5 The oral evidence before the Tribunal and the report of the United Nations agencies and officials on the ground in Yemen, establish beyond a shadow of doubt that the accused in alliance with the coalition to wage war on Yemen, have deliberately inflicted on the people of Yemen conditions of life calculated to bring about the physical destruction of a large part of its population. The bombings, the air, road and naval blockade are clearly intended to impose hunger and famine as a criminalized strategy of the war, to deprive the population of the essential and minimal requirements required to sustain life and the right to life.

6.6 The principles of International Criminal law whereby leaders, political and military, are legally responsible both for orders given and conduct of military officers in the field, are well established from the precedents of the Nuremberg and Tokyo trials, without prejudice to the fact that Article III of the Nuremberg Principles confers no immunity on Heads of State and senior officials for crimes against peace.

7. War Crimes

7.1 The Tribunal having concluded on the basis of the evidence on record that the accused by their direct orders are waging a criminal war of aggression against the people of Yemen, every act of war, whether committed on land, from the sea or air by the coalition headed by the kingdom of Saudi Arabia, which kills, injures, or harms the civilian population, or even armed contingents of the Yemeni people defending their country, which is their right of self defense under International Law and the UN Charter; and destroys the property and infrastructure of Yemen and its people, is a war crime in violation of Article VI (b) of the Nuremberg Principles.

7.2 The Tribunal reiterates that the political system of Saudi Arabia is an absolute monarchy . Accused No. 1 , the King of Saudi Arabia and Head of State issues direct orders for the conduct of the war to accused No,2 the Minister for Defense , who in turn gives orders to the highest civil and military officials responsible for the conduct of operations .

7.3 More than a century ago, the preamble to the Hague Convention of 1907 on the Laws and Customs of War on Land (Hague IV) specified that the “ High Contracting Parties clearly do not intend the unforeseen casesbe left to the arbitrary judgment of military commandersin cases not included in the regulations adopted by them , the inhabitants and belligerents remain under the protection and the rule of the principles of the laws of nations , as they result from the usages established among civilized peoples from the laws of humanity , and the dictates of public conscience....”

7.4 Article 22 of the Hague Convention 1907 on the laws and Customs of War on Land (Hague IV) mandates that ,”the rights of belligerents to adopt means of injuring the enemy is not unlimited” ; under Article 23 of the same Convention belligerents are prohibited from “ employing arms, projectiles or material calculated to cause unnecessary suffering .” Under Article 25 of this Convention, “the attack or bombardment by whatever means of towns , villages or buildings which are undefended is prohibited.”

The International Committee of humanitarian law lists the rules of customary International Humanitarian Law(Cambridge University Press) and a few applicable to the conflict in Yemen are reproduced below :-

Rule I. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatant. Attacks must not be directed against civilians.

Rule 2,Acts or threats of violence the primary purpose of which is to spread terror among the civilian population is prohibited .

Rule 7. The parties to the conflict must at all times distinguish between civilian objects and military objectives.

Rule 11. Indiscriminate attacks are prohibited.

Rule 12. Indiscriminate attacks are those :

- (a) which are not directed at a specific military objective ;
- (b) which employ a method or means of combat which cannot be directed at a specific military objective ; or
- (c) which employs a method or means of combat the effects of which cannot be limited as required by International Humanitarian Law....

7.5 It is a reflection on the criminalization and barbarism of political leaders and financial interests supporting this leadership , waging serial wars , that what a civilized international community considered impermissible and war crimes more than a century ago; considered “intransgressible” by the International Court of Justice, in its Advisory Opinion on the ‘ Legality of the Threat or Use of Nuclear Weapons’(ICJ Reports 1996), referring to this body of law as ‘ International Humanitarian Law’, universally recognized as customary International law, including the Hague Conventions of 1899 and 1907, the Nuremberg Principles , the Four Geneva Conventions of 1949, and Additional Protocol I of 1977 to the Geneva Conventions , among other conventions , are being repeatedly violated by the Kingdom of Saudi Arabia and its allies, and those covertly positioning military and Intelligence advisers with the armed forces of the Kingdom of Saudi Arabia, for the conduct of military operations.

7.6 There is overwhelming evidence , painstakingly presented through video and audio recordings, authenticated and corroborated by eye witnesses deposing , of extensive war crimes committed in Yemen. Individuals and Yemeni human rights organizations abandoning all considerations of personal safety have risked their lives to record the evidence of bombings, providing details of sites , nature of weapons used, including extensive and indiscriminate use of Cluster Munitions , confirmed by statements and reports of United Nations agencies and personnel, and other humanitarian organizations.

7.7 It is the admitted position that Saudi Arabia , the United States which is one of the countries which supplies Cluster Munitions to the Kingdom of Saudi Arabia, and Yemen, have not ratified the 2008

Convention prohibiting the use , production, transfer and stockpiling of Cluster munitions .On the other hand a hundred states are state parties to this Convention, and another 19 States are signatories. The fact that Saudi Arabia is not a party to the Convention does not exonerate the accused from the War Crimes committed by the Saudi Air force and Army , extensively and indiscriminately bombing the civilian population using Cluster munitions. Homes, buildings, hospitals ,schools, colleges , universities , factories, farms , and mosques, the entire civilian infrastructure in Yemen has been bombed . The Hague Convention of 1907 , the Fourth Geneva Convention of 1949 and the First Additional Protocol of 1977 to the Geneva Conventions 1949, prohibit attacks on the civilian population and the indiscriminate use of weapons on civilians, civilian infrastructure and installations .The use of Cluster Munitions in Yemen are war crimes wholly unacceptable in accordance with the customary norms of International Humanitarian Law binding on all States, which mandate “ that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited ; that the parties to a conflict shall at all times distinguish between civilians and combatants and between civilian and military objectives

7.8 Cluster munitions are specifically designed to explode and disperse hundreds of ‘submunitions’ or ‘bomblets’ over vast areas, extending as far as two football fields, far beyond any immediate military target; those submunitions or’ bomblets’ which remain unexploded, subsequently explode on contact , killing or maiming non combatants and civilians, even at a future date ; hundreds of these ‘bomblets’ are dispersed into civilian areas and fields and farms with the dropping of even a single bomb on a military target , therefore the description ‘cluster’ munitions. The weapon is clearly an ‘area weapon’, never intended to be limited to a specific military target. Consequently even manufacturing and supplying of such a weapon system ,is to be complicit in a war crime; apart from its widespread use in Yemen by Saudi Air force and Army and its coalition allies. Children have been particularly vulnerable in Yemen, unaware of the deadly nature of these ‘bomblets’ and unsuspecting farmers and farm animals have been killed , as is clear from the videos recorded.

7.9 In September 2015 , 60 states attending the first Review Conference on the 2008 Convention prohibiting Cluster munitions , in a declaration

condemned the use of cluster munitions in Yemen. Human Rights Watch though it is funded by foundations and individuals of NATO countries, in its report in 2015, confirmed the use cluster bombs at seven locations in the Hajjah governorate of Yemen, and the directorates of Harad and Hiran, collecting traces of the munitions, photographs and testimony of witnesses. The Tribunal was informed that the memorandum presented to the Kingdom of Saudi Arabia has not been replied till date.

7.10 Oral evidence authenticates and corroborate videos lodged with the Tribunal of cluster munitions extensively used in the Governorate of Saada and in other areas of Yemen. It is established that the armed forces of the Kingdom of Saudi Arabia and its coalition allies have used American made CBU -105 Sensor Fuzed Weapons; CBU 87 Cluster bombs containing BLU-97 secondary ammunition; mortar and rocket munitions containing 39ZB secondary ammunition; and missiles carrying M-26 ammunition made in the United States with a range of 10-32 km, among other weapon systems, fired indiscriminately into civilian areas in Yemen, spread over pastures and agricultural fields, aggravating food security. In the videos civilians and children are seen killed and maimed by these munitions.

7.11 The Saudi Air Force under orders of the accused and military aircraft of the Emirates and other members of the coalition has conducted extensive bombing operations terrorizing the civilian population of Yemen in undefended hamlets, towns and cities. Yemen has no means of air defense. The Saudi Navy launched bombing operations from Yemen's territorial waters, including on Ports and installations and civilian infrastructure of coastal areas and fishermen. The Army of the Kingdom of Saudi Arabia acting on the orders of the accused indiscriminately bombed neighborhoods in the Governorates of Saada, Sanaa and Taiz.

7.12 The hospital of the organization Medecins Sans Frontiers was admittedly destroyed in the bombings. Several hospitals and clinics were deliberately targeted, to prevent the wounded, and sick and injured civilians and soldiers, from accessing medical treatment, in violation of the Hague Convention of 1907, Geneva Conventions I and IV of 1949, the Additional Protocol I of 1977 to the Geneva Conventions and customary International Humanitarian Law. In the air raids of the

alliance led by the Kingdom of Saudi Arabia on Zabid, there was a massacre, with seventy civilians killed and one hundred injured in one attack alone. Sanaa airport was targeted when it was expected to receive humanitarian aid. A list of the civilian infrastructure destroyed was submitted to the Tribunal. Items on this list include hundreds of thousands of homes and buildings; hundreds of hospitals and clinics; more than a thousand schools including 40 sports schools; 240 markets, 530 roads, 10 Ports, 14 Airports, 140 electric stations/generators, 41 University facilities and 60 mosques apart from the other civilian infrastructure destroyed of which evidence has been given. War planes of the coalition led by the Kingdom of Saudi Arabia carried out a raid even against the hospital of the University of Science and Technology in Sanaa and the police academy and the state security centre, leaving many dead and wounded.

7.13 The United Nations Secretary General Ban Ki-Moon strongly condemned the destruction of Hidan main hospital in Sadaa by the Kingdom of Saudi Arabia and its coalition allies. This hospital was assisted by UNICEF and the organization Doctors Without Borders. The Co-ordinator for Humanitarian Affairs of the United Nations in Yemen, Johannes van de Klaus has called for “an end to attacks against hospitals and civilian infrastructure...”.

7.14 UNICEF has commented on the high death toll of children killed in bombing operations in Yemen. This is a direct consequence of the bombing of homes, buildings, schools, farms, hospitals and clinics, by the Saudi and Emirati Air Forces, assisted by other members of the coalition. The statistical data released by several UN humanitarian agencies and representatives on the ground in Yemen, and submitted to the UN committee on Children and Armed conflict indicates that 785 children have been killed in Yemen in this war, and over 1018 children are injured, apart from the more than 10,000 Yemeni children who have died from preventable diseases directly due to the war.

7.15 The United Nations Security Council despite this widespread destruction has not declared any embargo on weapon sales to the Kingdom of Saudi Arabia. Arms contracts continue to be signed by the Kingdom and its allies worth billions. Companies in the United States and the UK have supplied weapons and platforms after the war began, and France generously supplies weapons to Qatar.

8. Crimes Against Humanity

8.1 Witnesses deposing before the Tribunal stated that in conditions caused by the destruction of hospitals and clinics under orders of the accused and coalition allies, no health services exist in Yemen either for the civilian population or soldiers, and there is no access to life saving drugs. This is supported by official statements of humanitarian organizations, including United Nations Agencies. Students gave evidence that all educational institutions have been targeted by bombing operations. As a direct consequence of widespread destruction of schools, colleges and universities, and the displacement of approximately over half a million people; children, college and university students have no choice but to discontinue their education.

8.2 The Tribunal has already referred to the public and official statements of United Nations humanitarian personnel and aid organizations that the impact of the air, road and sea blockade on Yemen has resulted in starvation of a large section of the civilian population and that the bombings of warehouses storing food, and convoys carrying food and other aid, including essential fuel supplies, has been used as a strategy of war.

8.3 The bombings ordered by the accused have affected all communications and transport by land, sea and air of the people of Yemen, and all sources of livelihood. In these bombing operations the entire civilian infrastructure of water supply, electricity and all communications networks, including television and radio have been deliberately destroyed in serial crimes against humanity. Witnesses stated that the entire civilian infrastructure of Yemen is being targeted and destroyed, not because citizens are members of any Houthi militia or the Yemeni army, but because Yemen is potentially rich, with hydrocarbon reserves and strategic regions, sought to be seized by the accused and their alliance partners, by effecting forcible regime change through war.

8.4 More than a thousand schools and colleges have been destroyed in bombings in Sanaa, Aden, Saada, Taiz, Amran, Hadramout, Hodeidah, Hajjah and Ibb, along with mass destruction of university libraries, devices and laboratories.

9. Bombing of 'cultural property' movable and immovable including archeological sites.

9.1 The bombing, destruction and vandalism of 'cultural property' as defined by Article I of the Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954, and its Protocols of 1954 and 1999 are war crimes in violation of the Nuremberg Principles, the Hague Convention of 1907 and the Additional Protocol I of 1977, and cannot be justified by any military necessity, as the Tribunal has already held that this is a criminal war of aggression on Yemen. The Tribunal is dealing with such attacks on 'cultural property' as a separate charge, in the context of the pattern observed in recent wars, following the destruction of the 'Bamiyan Buddhas' in Afghanistan by hired mercenaries masquerading as 'mujahideen' or 'al Qaeda'.

9.2 The Kingdom of Saudi Arabia has ratified the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, the Geneva Conventions of 1949, and Protocol I and II to the Geneva Conventions 1949; the government of Yemen has also ratified these Conventions. Irrespective of whether these Conventions have been ratified or not by the Kingdom of Saudi Arabia or Yemen, it is necessary for the Tribunal to reiterate that protection of cultural property of the people against destruction and pillage, is an integral part of customary International law binding on all nations, irrespective of whether a state or states have ratified or not ratified these Conventions.

9.3 Since "classical times" there has been condemnation by civilized nations (C.D. Visscher, 'International Protection of Works of Art and Historic Monuments' Martin Nijhoff Publications, Anna Filipe Vrdoljak 'Human Rights and the Illicit Trade in Objects') against targeting of cultural property during wars and conflicts. The Hague Conventions of 1899 and 1907 referred to as the Hague Regulations, followed by the Washington Pact of 1935, also known as the 'Roerich Pact', prohibit the destruction and pillage of cultural property of peoples. These aforesaid conventions and pacts are customary International law binding on all states, as per the decision of the Nuremberg Tribunal of the Major War Criminals before the International Military Court 14 November 1945- 1 October 1946 (42 volumes 1947-1949); the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, ICJ Reports 1996; and the Advisory Opinion of the ICJ on the Legal

Consequences of the Construction of the Wall in Occupied Palestinian Territory , ICJ Reports 2004. Apart from the prohibition under Article 27 of the Hague Convention of 1907 which mandates that “ In sieges and bombardments all necessary steps must be taken to spare as far as possible buildings dedicated to religion , science or charitable purposes, historic monuments , hospitals and places where the sick and wounded are collected , provided they are not used for military purpose” ; Article 56 of the Hague Regulations prohibits “ all seizure and destruction or willful damage done to institutions of this character , historic monuments, works of art and science .” Additional Protocols I and II to the Geneva Conventions relating to International Armed Conflict and non international armed conflict have widened the ambit and strict application of this prohibition of attack against movable and immovable cultural property.

9.3 This Tribunal of Conscience takes judicial notice of the nature of the ' unending wars' of the first decade and a half of the 21st Century, which has witnessed premeditated destruction of national heritage and world heritage sites in Iraq and Syria among other countries, establishing a consistent and pre meditated criminal strategy , to efface collective and historic memories of peoples of these countries of their shared heritage , civilization and national culture ; to render fragile historical memories of the diversity and pluralism of religious and denominational belief and conviction; to destabilize an entire society and nation by making it rootless, uprooting its cultural , archeological , artistic, and scientific foundations and memories of continuity with its past and its contribution to world civilization. A poet of the former Soviet Union , Yevgeny Yevtushenko sensitively observed, “man lives not by bread alone yet when there is no bread, food can become the ideal .” This consistent strategy which the world has witnessed, proves beyond doubt that the agenda is the destruction of national civilizations and historical memories , which precedes the destruction of societies , if this stands in the way of profits, a new narrative for regime change and a new order for the fragmentation, take over, and re-colonization of nations for the pillage of resources and seizure of regions ; and with that objective to destroy the links of the nation so targeted with its historical and cultural past. This is the real objective of the systematic targeting of 'cultural property', movable and

immovable , of importance to the cultural heritage of the people of these regions, such as monuments and archeological sites, works of art, manuscripts , books and other objects of artistic ,historical and archeological interest,as well as libraries of scientific and other collections of books or archives, museums and buildings where works of art or objects are preserved; and those sites declared as world heritage sites by UNESCO, despite the fact that these sites have not been used for any military purpose whatsoever in any of these countries whether Yemen , Iraq or Syria , as these countries had taken all necessary steps to the extent possible, to protect and preserve their cultural inheritance, which is also the heritage of people the world over .

9.4 There is no evidence whatsoever in Yemen or in Iraq ,Syria or Lebanon ,that those fighters defending their country which is a legitimate right of self defense , used archaeological sites ,or works of art or monuments and places of worship for military purposes; on the other hand the accused were waging a war of aggression in Yemen and the armed forces of Saudi Arabia and its allies in the coalition against Yemen, acting under orders of the accused attacked the old historic city of Sanaa ,recognized by UNESCO as ‘world heritage ‘; a city inhabited for more than 2,500 years located at 2,200 meters in altitude, with its 106 mosques,14 hamams and 6,500 houses dating back to the 11th century . Also targeted was the famous historic mosque, the Al Masjid an- Nabawi. Irina Bokova, the UNESCO director general in a statement after these attacks stated , that she was shocked by the loss of lives and the magnificent structures with serene gardens reduced to rubble, which bears “ the soul of the Yemeni people . It is a symbol of a millennia history of knowledge which belongs to all of humankind.”

9.5 The Marib Dam and Dhamar museum with 12,500 artifacts and “hundreds of Sabaean inscriptions” from the language of the Kingdom of Sheba (800 BC -300 AD) found on paintings, incense burners , and architectural elements were bombed by the armed forces of the Kingdom of Saudi Arabia and its alliance partners and the ‘ Al Owdi historical complex’ dating back to the Ottoman era , comprising residential buildings, historic monuments and museums and other archaeological sites and places of worship was similarly targeted . The accused and the armed forces of the Kingdom of Saudi Arabia , along with their allies , had detailed and accurate knowledge of these sites , and knew that there

was no military justification whatsoever for these attacks, in this fratricidal war on the culture and civilization of the Arab world in furtherance of economic and military hegemony, guided by 'Wahhabi' ideology, opposed to the protection of historical sites and monuments; to music, the arts, poetry literature and science of the Arab peoples, unless they have a price in the international market for stolen objects of antiquity, as has happened in Syria and Iraq, with ISIS/Daesh/ISIS and Jabhat ul Nusra among such other organizations selling priceless antiquities in markets in Istanbul, in Turkey, and other places in the region, and in the international markets for stolen antiques.

10. The Verdict

The Tribunal having considered the entire evidence in respect of all charges presented by the Prosecutor General and Counsel for the people of Yemen, and the submissions of Amicus Curiae appointed by the Tribunal for and on behalf of the accused, who though notified, did not appear directly or through an Advocate /Counsel to present their case, is satisfied beyond all reasonable doubt that accused No1, Sultan bin Abdul Aziz, King of Saudi Arabia and accused No.2 Mohammed bin Nayef, Defense Minister are guilty of :-

- a) Waging a war of aggression on Yemen in violation of, Article VI (a) (i) of the Nuremberg Principles and Article 2 (4) of the Charter of the United Nations ;

- b) Genocide in violation of, Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, read with Article III of the said Convention ;

- c) War crimes committed on the civilian population of Yemen and on the entire civilian infrastructure of Yemen, in violation of, Article VI (b) of the Nuremberg Principles, of the Hague Convention of 1907, of Convention I of the Geneva Convention 1949 relating to medical treatment of the sick and wounded soldiers in the field and Convention IV of the Geneva Conventions 1949 relative to the Protection of Civilians in times of war, and the Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law ;

d) Crimes Against Humanity, in violation of , Article VI (c) of the Nuremberg Principles , of the Hague Conventions of 1899 and 1907 , of Convention IV of the Geneva Convention relative to the Protection of Civilian Persons in times of War 1949, of Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law ;

e) Deliberate and pre-meditated attacks on “cultural property” movable and immovable of the people of Yemen in violation of , Article VI (b) of the Nuremberg Principles, of the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict and Protocol I of 1954 and Protocol II of 1999 of this Convention , the Hague Convention of 1907 and the Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law.

11.Recommendations:

11. 1The Tribunal was informed by witnesses that the people of Saudi Arabia were not consulted and did not support the hemorrhaging of the financial resources of the Kingdom and the destruction of Yemen in this war. Since the Head of state and Defense minister and other prominent political and military leaders of the Kingdom of Saudi Arabia , have violated the Charter of the United Nations , the Nuremberg Principles and International Humanitarian Law , this Tribunal recommends the expulsion of the Kingdom of Saudi Arabia from the United Nations ,all its bodies, agencies, councils and panels of the UN, until the Kingdom of Saudi Arabia withdraws all its forces overt and covert from Yemen ,and its irregular and mercenary forces from Syria , Iraq and Lebanon .In recommending this expulsion the Tribunal recalls the precedent and approach of the General Assembly to the expulsion of the State of Libya from the UN Human Rights Council ,though it had not violated the United Nations Charter or committed crimes of aggression, genocide, war crimes or crimes against humanity, and was merely defending itself against terrorists overrunning Libya and thousands of NATO bombing sorties waging a war of aggression.

11.2 The United Nations Security Council , the General Assembly and other agencies and organizations of the United Nations have to ensure

that the Kingdom of Saudi Arabia ceases to use cluster munitions in Yemen, and that all areas of Yemen wherever these munitions have been used are cleared by weapon inspectors and experts , at the expense of the Kingdom of Saudi Arabia and the companies and governments supplying these weapons.

11.3 Different and discriminatory standards enforced by the Security Council has led to the absolute collapse of the ‘Rule of Law’ in International relations. Sanctions for almost a decade and a half followed the temporary Iraqi occupation of Kuwait ,despite withdrawal of forces ; sanctions were imposed on Iran though it has the sovereign and scientific right to access nuclear technology ; and sanctions were also imposed on Russia for re-integrating Crimea through a referendum, and based on a decision of the International Criminal Tribunal for Yugoslavia (INTERNATIONAL CRIMINAL TRIBUNAL OF CONSCIENCE FOR THE MIDDLE EAST

(Tribunal in session at Beirut , 19th and 20th May 2016)

Prosecutor General of the International Criminal Tribunal of Conscience

For the Middle East

.....

Complainant

Versus

1.Salman bin Abdul Aziz , King of Saudi Arabia

2. Mohammed bin Nayef , Minister of Defense of the Kingdom of Saudi Arabia

..... Accused

CORAM : Judge Niloufer Bhagwat (President)

Judge Mohamed Baccar

Judge Lilia Solano

Judge Ratiba Miladi

Prosecutor General : Professor (Dr.)Mohamed Tay

Counsel for the People of Yemen : Mr. El Khatib, Mr. Rafiq Haji,

Mr. Najah Wakim

Amicus Curiae: Mr. Said Alameh , Ms. Mirwat Harake, Ms Nahla Abdou

1.The raison d’etre of the Tribunal of Conscience for the Middle East

1.1 This Tribunal of Conscience has been convened at a time when a number of heads of states, political leaders, and civil and military officials at the highest level of these governments and their financiers in different regions of the world, have lost their conscience. The same serial offenders have established a network of criminal global and regional military alliances , acting with impunity to shore up collapsing economic and financial systems and corporate fortunes ; waging serial wars of aggression, committing genocide, war crimes, and crimes against humanity, to facilitate pillage and control of resources, including hydrocarbon resources , disrupting the life of millions in the attempt to control different regions strategic for oil and gas pipelines; while simultaneously waging oil price wars, and financial and currency wars on the entire world ; camouflaging some of the wars in the Arab world as “ sectarian warfare”, when the victims are from all denominations . This period recalls the destruction of several regions of the world in the First and Second World Wars.

1.2 We have no choice except to confront the truth , that the world’s legal and justice systems have abysmally failed to protect the people of smaller nations in different regions , with few exceptions, such as the trials held for genocide, war crimes and crimes against humanity in Bangladesh of its own citizen; the trial for genocide in Guatemala, among others, of its former President; and the trials and recent conviction against a few of those still alive and indicted for torture, killings and disappearance in ‘ Operation Condor’ , in Argentina . The trials of the Security Council constituted special Tribunals for Rwanda , Yugoslavia among others, have been criticized by some jurists as serving the geopolitical interests of dominant NATO members of the Security Council , whereas the International Criminal Court significantly has not yet included in its statute the crime of ‘waging an aggressive war’ though recommended, despite the fact that the ‘Nuremberg Principles’ have been adopted by General Assembly Resolution 95(1) of 11th December 1946, and constitute ‘jus cogens’ , that is peremptory norms of International Law, applicable to all states and are also universally

accepted principle of customary International Law. The International Criminal Court has restricted 'jurisdiction' by its statute to those who are signatories to the statute, likewise the International Court of Justice also lacks wider jurisdiction. The International Criminal Court has been critiqued for having focused predominantly on cases from Africa, overlooking serious war crimes of the US led NATO alliance, and its regional partners. Several countries have been reduced to rubble in country after country attacked, with populations displaced internally or across international frontiers as a consequence of war; victimized as refugees for a second time, suppressing the historical truth that whole continents of Indigenous people were populated for over four centuries by those escaping economic destitution, persecution and religious wars in Europe.

1.2 In this vacuum, courts or 'Tribunals of Conscience' have been the only forum available to people of these desperate nations and regions targeted for looting, destruction, depopulation, fragmentation or restructuring by military or other means; to record the truth, to revive the conscience and opposition of humanity, the real victims everywhere, as wars bankrupt countries waging war and those countries which are victims, leaving intact or enhancing private and corporate fortunes.

1.3 The backdrop to this trial is that a coalition of forces overt and covert, are waging wars of aggression in this region, to pillage the resources of the Arab peoples, commencing with the war of aggression on Iraq; all of whom are liable for waging wars of aggression, overt and covert, and for other crimes in their own turn; though in this trial it is the accused, Salman bin Abdul Aziz, the King of Saudi Arabia, and Mohammed bin Nayef, the Defense Minister of the Kingdom of Saudi Arabia, in whom absolute powers for war and peace vest, as per submissions made by the Prosecutor General and Counsels for the people of Yemen, Iraq, Syria and Lebanon, who have been indicted in written complaints lodged with this Tribunal.

1.4 The rules of evidence of the Nuremberg Tribunal have been broadly followed by the Tribunal, as this is equally a war torn region, facing absolute destruction and chaos, with disruption of communications and civilian life, swarming with refugees; as Europe was and as were several parts of Asia and Africa in the aftermath of

the Second World War, when the War Crimes Tribunals at Nuremberg and Tokyo were established by the Allied powers.

2. Nature of Complaints Lodged

2.1 Two detailed complaints were lodged by the Prosecutor General Professor Dr. Mohamed Tay with the Tribunal. The first complaint on behalf of the victims and people of Yemen relates to waging a war of aggression, genocide, war crimes, crimes against humanity and the violation of the 1954 Hague Convention on Cultural Property among other conventions committed in Yemen, by the two accused; and the second complaint submitted on behalf of the people of Syria, Iraq and Lebanon against the same accused, relates to the satanic activities of ISIS/ISIL/DAESH and the AL Nusra Front, among other such organizations, in these countries, and the arming, training, funding and financing of these terrorist mercenaries by the Head of state of the kingdom of Saudi Arabia and its Defense Minister, along with their allies, in a criminal conspiracy to wage overt and covert wars in these countries, causing death, destruction and havoc; with absolute social regress and descent into barbaric criminality in regions under the control of mercenary terrorist 'Wahhabi' organizations, and special forces of several countries; where extreme and primitive torture of citizens, including of soldiers on duty; human and sexual slavery on an unprecedented scale, including the sale of female children as sex slaves; taking hostages of civilians and killing of the minority population; imprisonment of civilian prisoners taken by mercenaries in cages; physical mutilation and desecration of dead bodies, among other barbaric atrocities have taken place, by terrorists referring to themselves as the 'Caliphate'; in reality hired mercenaries from all continents, including from the Arab world, Europe, from other parts of Asia, Africa, and the Americas, trained by the armed forces of the best and brightest governments. There is widespread desecration and looting of 'cultural property', of archeological and historical monuments in all three countries of Yemen, Iraq and Syria, in an attempt to erase historical memories of religious and cultural diversity, to fragment the entire region in an attempted second colonial "Sykes- Picot" restructuring.

2.2 The accused, and the highest civil and military officials of the Kingdom of Saudi Arabia and its allies, in their own short term

interests, have ignored the clear and present danger of collaborating with the enemies of the people of the countries of Asia, Africa and Central and South America against the people of the Arab homelands; with no historical memories of the reality, that their patrons, the direct ancestors of the leaders and oligarchs of NATO, broke every single treaty/agreement signed by colonial settlers with Native Americans and other Indigenous people, to take over their entire territories in North America and other continents. This Tribunal, being a tribunal of conscience does not function blindfold, we are required to take judicial notice of the repeated violations of International Treaties by certain powers to usurp territories and resources, often in alliance with neighboring or proxy governments, or tribes, once again revived in the 21st Century, adopting new strategies.

2.3 The two complaints lodged with this Tribunal differ in material particulars, with submissions and evidence being recorded in two different and separate trial sessions, consequently we have pronounced two separate verdicts, one on Yemen and the other on Syria, Iraq and Lebanon with some of the recommendations applicable to both cases.

3. The Kingdom of Saudi Arabia signatory to Conventions on International Humanitarian Law and other Conventions impugned in the complaints

3.1 The kingdom of Saudi Arabia has ratified several International Conventions on the Laws of War, and several Conventions relating to International Humanitarian Law, among other Conventions relevant for this trial, as has the state of Yemen. Yet the accused are in gross violation of these Conventions, though it must be said in all fairness that the Kingdom of Saudi Arabia is not the only member of the United Nations presently waging an aggressive war.

4. The Charges against the Accused

4.1 The following are the charges presented by the Prosecutor General on behalf of the people of Yemen against the two accused:-

- a) Waging a War of Aggression on Yemen in violation of, Article VI (a) (i) and Article VI(a)(ii), read with Article III of the Nuremberg Principles adopted by the Resolution of the General Assembly No. 95 (1) of 1946 and Article 2 (4) of the Charter of the United Nations;
- b) Genocide within the ambit of Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, namely

‘deliberately inflicting on the Yemeni people conditions of life calculated to bring about its physical destruction in whole or in part’ read with Article III (a) to ((e) of this Convention ;

c) War Crimes in violation of, Article VI (b) of the Nuremberg Principles, mandatory provisions of the Hague Conventions of 1899 and 1907 , Geneva Convention I on the treatment of wounded and sick soldiers 1949 , Geneva Convention IV on the protection of civilians in times of war 1949, and Additional Protocol I of 1977 to the Geneva Conventions 1949 , and customary principles of International Humanitarian Law;

d) Crimes Against Humanity in violation of , Article VI (c) of the Nuremberg Principles , the Hague Convention of 1907, the Geneva Conventions of 1949, Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law;

e) Destruction of ‘cultural property’ in violation of the Hague Convention of 1907 , the Additional Protocol I of 1977 to the Geneva Conventions 1949, the mandatory provisions of the Hague Regulations, the Convention on the Protection of Cultural Property During Armed Conflicts , 1954 and its Protocols of 1954 and 1999 , and the customary principles of International Law.

5. Waging a War of Aggression

5.1 Article VI (a) (i) and (ii) of the Nuremberg Principles, adopted by the General Assembly Resolution No.95(1) of 11th December 1946, universally recognized as ‘jus cogens’ , a peremptory norm of International Law, and as International customary Law, criminalizes “ the preparation, initiation or waging a war of aggression or a war in violation of International treaties , agreements or assurances ,” and conspiracy and complicity in these acts . Article III of the Nuremberg Principles does not confer any impunity on an individual from criminal liability for an act which constitutes a crime under International Law , merely because the individual is head of state or a responsible government official. The Nuremberg Principles are binding on all heads of states, and civil and military officials.

It is necessary for the Tribunal to emphasize that the United Nations Charter is a treaty binding on all member States. The two accused who are the Head of State and the Defense Minister of the Kingdom of Saudi

Arabia , a member state of the United Nations , have no impunity against the violation of the United Nations Charter, which mandates by Article 2 (4) that :

“ All member states of the United Nations shall refrain from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purposes of the United Nations.”

5.2 The Tribunal on examining the evidence , and the stand based on public and official statements of the highest officials of the Kingdom of Saudi Arabia, adopted by Amicus Curiae , Senior Counsel Said Alameh , that the former President of Yemen, Abed Rabbo Mansour Hadi requested for the assistance of the armed forces of Saudi Arabia ; rejects this defence advanced on behalf of the accused, as prima facie the facts on record establish that Abed Rabbo Mansour Hadi was not the President of Yemen when the armed intervention by Saudi Arabia and the coalition began. Abed Rabbo Mansour Hadi officially stepped down as President on 7th November 2014, after several rounds of political negotiations with parties and movements , and a new government was formed on that date in Yemen headed by President Khaled Bahah. The former President Abed Rabbo Mansour Hadi thereafter reneged on the ‘Peace and partnership agreement’ entered into with all the movements and parties in Yemen, and finally formally resigned in January 2015, leaving the capital Sanaa on 21st February 2015 for Aden , departing for Saudi Arabia on 26th March 2015. These facts conclusively establish that former President Abed Rabbo Mansour Hadi having resigned as President of Yemen , had no constitutional or statutory right to seek the intervention/assistance of the accused and the armed forces of the Kingdom of Saudi Arabia or its allies in the coalition.

5.3 The evidence on record discloses that the accused and allies in the coalition waging war , and those countries covertly assigning military and intelligence advisers to Saudi Arabia for the conduct of this war of aggression ; are in violation of the express prohibition of Article VI (a) (i) and Article VI (a) (ii) of the Nuremberg Principles against the waging of a war of aggression and the mandatory provisions of the United Nations Charter , that no member state of the United Nations “shall use force or threats of force against the territorial integrity and political independence of a member state of the UN”. All powers to wage war in

Saudi Arabia vest in the King accused No. 1 who is Head of State and accused No.2 is the Defense Minister of the kingdom of Saudi Arabia, the highest political authority after the King , directing military operations. As per submissions made, the kingdom is an absolute monarchy. Amicus Curiae has not denied this position. Apart from the issue of Abed Rabbo Mansour Hadi having no authority to request for intervention, an individual as distinguished from the people, duly represented by a government/cabinet/political council, cannot seek armed intervention/assistance of this nature to destroy his own country, which as per evidence and submissions made, is an aggressive and indiscriminate war, accompanied by bombing operations on the civilian population of Yemen , with the objective of allowing another country to seize and control Yemen's hydrocarbon resources and strategic regions .Admittedly the people of Yemen have no defensive weapons against the brutal and indiscriminate air war launched by the accused and the coalition , using weapons of mass destruction supplied by the Arms Corporations of the United States and the UK among others.

5.4 Documented facts and evidence disclose that the armed forces of the Kingdom of Saudi Arabia, under orders of the accused, attacked Yemen ,while negotiations were on under UN auspices. Jamaal bin Omar, the former UN mediator for Yemen disclosed in an interview of 15th May 2015, that –“ Ten Yemeni parties, including rebels were on the verge of a power sharing agreement before the first Saudi shell was dropped on Yemen on 26th March 2015”.

6. Genocide

6.1 Article II(c) of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 is applicable to Yemen , “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ;Article III of the said convention criminalizes genocide , the conspiracy to commit genocide, and complicity in genocide.

6.2 Videos recorded on the ground in Yemen of the bombings of the civilian population of men, women and children and destruction of the entire civilian infrastructure of the country were officially lodged with the Tribunal, giving details, such as description of the site, on the site interviews of number of people killed and their identities . Specific bombings operations were also reported in the media, including in the

international media. None of these reports and videos of bombing operations have been contradicted by official spokesman for and on behalf of the accused. The videos are corroborated by oral evidence of journalists and students deposing on oath before the Tribunal, stating that it was vital for them and their organizations, to video and audio record the destruction, as a total air, road, sea and communications blockade was imposed on Yemen, by orders of the accused; Television channels had been bombed and radio and other communication networks disrupted, there was no other way of disclosing the genocide and war crimes being committed on the people of Yemen to the outside world.

6.3 Four eye witnesses of the bombings of Yemen, Yahya Al Shahedi, Abdal Malek Al Mutawakil, Ali Al Marouani, Saddam Al Khadame, citizens of Yemen, gave evidence of the indiscriminate nature of the bombing operations on the civilian population, on Houthis and those not Houthi, even though Houthi regions were the first to be targeted. Homes, buildings, markets, hospitals and medical clinics, schools including sports schools, colleges, universities, water reservoirs, dairy factories, farms and manufacturing plants including those producing oxygen cylinders, food, medicines and bottled water have all been indiscriminately bombed. Ware houses storing food were bombed, as were all essential supplies, including fuel supplies and humanitarian convoys conveying food and fuel supplies. The entire infrastructure for distribution of electricity and water supply in many regions have been bombed. These witnesses testified to the absolute and complete blockade of Yemen from land, sea and air, cutting off of all supply routes as all roads, ports and airports have been bombed by the Air force of the Kingdom of Saudi Arabia and its allies, and by Naval Ships of the kingdom of Saudi Arabia enforcing a naval blockade, bombing all ports and installations. including construction material and fast erecting cranes in the Port of Hodeidah, among other Ports.

6.4 This evidence is supported by official statements of United Nations officials, including the statement made by OuldChiek Ahmed, the United Nations Special Envoy to Yemen, warning that Yemen was on the verge of starvation and that 80 percent of Yemenis, more than 21.1 million Yemenis are desperately and in urgent need of humanitarian assistance; that 13 million are suffering from severe food shortages and the access to water for 9.4 million people has substantially decreased

due to the bombings of water bottling factories and water reservoirs. According to the UNICEF spokesperson, shortage of water is 'the gateway to many diseases' and that 8 children are killed or maimed every day; that due to the bombings 10 million children need urgent humanitarian assistance. As a consequence of the bombings of hospitals and clinics 15.2 million people have no access to basic health care whether civilians or soldiers, and 1.8 million children have been exposed to severe malnutrition, whereas 5.2 children face immediate risk of communicable diseases.

6.5 The oral evidence before the Tribunal and the report of the United Nations agencies and officials on the ground in Yemen, establish beyond a shadow of doubt that the accused in alliance with the coalition to wage war on Yemen, have deliberately inflicted on the people of Yemen conditions of life calculated to bring about the physical destruction of a large part of its population. The bombings, the air, road and naval blockade are clearly intended to impose hunger and famine as a criminalized strategy of the war, to deprive the population of the essential and minimal requirements required to sustain life and the right to life.

6.6 The principles of International Criminal law whereby leaders, political and military, are legally responsible both for orders given and conduct of military officers in the field, are well established from the precedents of the Nuremberg and Tokyo trials, without prejudice to the fact that Article III of the Nuremberg Principles confers no immunity on Heads of State and senior officials for crimes against peace.

7. War Crimes

7.1 The Tribunal having concluded on the basis of the evidence on record that the accused by their direct orders are waging a criminal war of aggression against the people of Yemen, every act of war, whether committed on land, from the sea or air by the coalition headed by the kingdom of Saudi Arabia, which kills, injures, or harms the civilian population, or even armed contingents of the Yemeni people defending their country, which is their right of self defense under International Law and the UN Charter; and destroys the property and infrastructure of Yemen and its people, is a war crime in violation of Article VI (b) of the Nuremberg Principles.

7.2 The Tribunal reiterates that the political system of Saudi Arabia is an absolute monarchy . Accused No. 1 , the King of Saudi Arabia and Head of State issues direct orders for the conduct of the war to accused No,2 the Minister for Defense , who in turn gives orders to the highest civil and military officials responsible for the conduct of operations .

7.3 More than a century ago, the preamble to the Hague Convention of 1907 on the Laws and Customs of War on Land (Hague IV) specified that the “ High Contracting Parties clearly do not intend the unforeseen casesbe left to the arbitrary judgment of military commandersin cases not included in the regulations adopted by them , the inhabitants and belligerents remain under the protection and the rule of the principles of the laws of nations , as they result from the usages established among civilized peoples from the laws of humanity , and the dictates of public conscience....”

7.4 Article 22 of the Hague Convention 1907 on the laws and Customs of War on Land (Hague IV) mandates that ,”the rights of belligerents to adopt means of injuring the enemy is not unlimited” ; under Article 23 of the same Convention belligerents are prohibited from “ employing arms, projectiles or material calculated to cause unnecessary suffering .” Under Article 25 of this Convention, “the attack or bombardment by whatever means of towns , villages or buildings which are undefended is prohibited.”

The International Committee of humanitarian law lists the rules of customary International Humanitarian Law(Cambridge University Press) and a few applicable to the conflict in Yemen are reproduced below :-

Rule I. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatant. Attacks must not be directed against civilians.

Rule 2,Acts or threats of violence the primary purpose of which is to spread terror among the civilian population is prohibited .

Rule 7. The parties to the conflict must at all times distinguish between civilian objects and military objectives.

Rule 11. Indiscriminate attacks are prohibited.

Rule 12. Indiscriminate attacks are those :

- (a) which are not directed at a specific military objective ;
- (b) which employ a method or means of combat which cannot be directed at a specific military objective ; or
- (c) which employs a method or means of combat the effects of which cannot be limited as required by International Humanitarian Law....

7.5 It is a reflection on the criminalization and barbarism of political leaders and financial interests supporting this leadership , waging serial wars , that what a civilized international community considered impermissible and war crimes more than a century ago; considered “intransgressible” by the International Court of Justice, in its Advisory Opinion on the ‘ Legality of the Threat or Use of Nuclear Weapons’(ICJ Reports 1996), referring to this body of law as ‘ International Humanitarian Law’, universally recognized as customary International law, including the Hague Conventions of 1899 and 1907, the Nuremberg Principles , the Four Geneva Conventions of 1949, and Additional Protocol I of 1977 to the Geneva Conventions , among other conventions , are being repeatedly violated by the Kingdom of Saudi Arabia and its allies, and those covertly positioning military and Intelligence advisers with the armed forces of the Kingdom of Saudi Arabia, for the conduct of military operations.

7.6 There is overwhelming evidence , painstakingly presented through video and audio recordings, authenticated and corroborated by eye witnesses deposing , of extensive war crimes committed in Yemen. Individuals and Yemeni human rights organizations abandoning all considerations of personal safety have risked their lives to record the evidence of bombings, providing details of sites , nature of weapons used, including extensive and indiscriminate use of Cluster Munitions , confirmed by statements and reports of United Nations agencies and personnel, and other humanitarian organizations.

7.7 It is the admitted position that Saudi Arabia , the United States which is one of the countries which supplies Cluster Munitions to the Kingdom of Saudi Arabia, and Yemen, have not ratified the 2008

Convention prohibiting the use , production, transfer and stockpiling of Cluster munitions .On the other hand a hundred states are state parties to this Convention, and another 19 States are signatories. The fact that Saudi Arabia is not a party to the Convention does not exonerate the accused from the War Crimes committed by the Saudi Air force and Army , extensively and indiscriminately bombing the civilian population using Cluster munitions. Homes, buildings, hospitals ,schools, colleges , universities , factories, farms , and mosques, the entire civilian infrastructure in Yemen has been bombed . The Hague Convention of 1907 , the Fourth Geneva Convention of 1949 and the First Additional Protocol of 1977 to the Geneva Conventions 1949, prohibit attacks on the civilian population and the indiscriminate use of weapons on civilians, civilian infrastructure and installations .The use of Cluster Munitions in Yemen are war crimes wholly unacceptable in accordance with the customary norms of International Humanitarian Law binding on all States, which mandate “ that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited ; that the parties to a conflict shall at all times distinguish between civilians and combatants and between civilian and military objectives

7.8 Cluster munitions are specifically designed to explode and disperse hundreds of ‘submunitions’ or ‘bomblets’ over vast areas, extending as far as two football fields, far beyond any immediate military target; those submunitions or’ bomblets’ which remain unexploded, subsequently explode on contact , killing or maiming non combatants and civilians, even at a future date ; hundreds of these ‘bomblets’ are dispersed into civilian areas and fields and farms with the dropping of even a single bomb on a military target , therefore the description ‘cluster’ munitions. The weapon is clearly an ‘area weapon’, never intended to be limited to a specific military target. Consequently even manufacturing and supplying of such a weapon system ,is to be complicit in a war crime; apart from its widespread use in Yemen by Saudi Air force and Army and its coalition allies. Children have been particularly vulnerable in Yemen, unaware of the deadly nature of these ‘bomblets’ and unsuspecting farmers and farm animals have been killed , as is clear from the videos recorded.

7.9 In September 2015 , 60 states attending the first Review Conference on the 2008 Convention prohibiting Cluster munitions , in a declaration

condemned the use of cluster munitions in Yemen. Human Rights Watch though it is funded by foundations and individuals of NATO countries, in its report in 2015, confirmed the use cluster bombs at seven locations in the Hajjah governorate of Yemen, and the directorates of Harad and Hiran, collecting traces of the munitions, photographs and testimony of witnesses. The Tribunal was informed that the memorandum presented to the Kingdom of Saudi Arabia has not been replied till date.

7.10 Oral evidence authenticates and corroborate videos lodged with the Tribunal of cluster munitions extensively used in the Governorate of Saada and in other areas of Yemen. It is established that the armed forces of the Kingdom of Saudi Arabia and its coalition allies have used American made CBU -105 Sensor Fuzed Weapons; CBU 87 Cluster bombs containing BLU-97 secondary ammunition; mortar and rocket munitions containing 39ZB secondary ammunition; and missiles carrying M-26 ammunition made in the United States with a range of 10-32 km, among other weapon systems, fired indiscriminately into civilian areas in Yemen, spread over pastures and agricultural fields, aggravating food security. In the videos civilians and children are seen killed and maimed by these munitions.

7.11 The Saudi Air Force under orders of the accused and military aircraft of the Emirates and other members of the coalition has conducted extensive bombing operations terrorizing the civilian population of Yemen in undefended hamlets, towns and cities. Yemen has no means of air defense. The Saudi Navy launched bombing operations from Yemen's territorial waters, including on Ports and installations and civilian infrastructure of coastal areas and fishermen. The Army of the Kingdom of Saudi Arabia acting on the orders of the accused indiscriminately bombed neighborhoods in the Governorates of Saada, Sanaa and Taiz.

7.12 The hospital of the organization Medecins Sans Frontiers was admittedly destroyed in the bombings. Several hospitals and clinics were deliberately targeted, to prevent the wounded, and sick and injured civilians and soldiers, from accessing medical treatment, in violation of the Hague Convention of 1907, Geneva Conventions I and IV of 1949, the Additional Protocol I of 1977 to the Geneva Conventions and customary International Humanitarian Law. In the air raids of the

alliance led by the Kingdom of Saudi Arabia on Zabid, there was a massacre, with seventy civilians killed and one hundred injured in one attack alone. Sanaa airport was targeted when it was expected to receive humanitarian aid. A list of the civilian infrastructure destroyed was submitted to the Tribunal. Items on this list include hundreds of thousands of homes and buildings; hundreds of hospitals and clinics; more than a thousand schools including 40 sports schools; 240 markets, 530 roads, 10 Ports, 14 Airports, 140 electric stations/generators, 41 University facilities and 60 mosques apart from the other civilian infrastructure destroyed of which evidence has been given. War planes of the coalition led by the Kingdom of Saudi Arabia carried out a raid even against the hospital of the University of Science and Technology in Sanaa and the police academy and the state security centre, leaving many dead and wounded.

7.13 The United Nations Secretary General Ban Ki-Moon strongly condemned the destruction of Hidan main hospital in Sadaa by the Kingdom of Saudi Arabia and its coalition allies. This hospital was assisted by UNICEF and the organization Doctors Without Borders. The Co-ordinator for Humanitarian Affairs of the United Nations in Yemen, Johannes van de Klaus has called for “an end to attacks against hospitals and civilian infrastructure...”.

7.14 UNICEF has commented on the high death toll of children killed in bombing operations in Yemen. This is a direct consequence of the bombing of homes, buildings, schools, farms, hospitals and clinics, by the Saudi and Emirati Air Forces, assisted by other members of the coalition. The statistical data released by several UN humanitarian agencies and representatives on the ground in Yemen, and submitted to the UN committee on Children and Armed conflict indicates that 785 children have been killed in Yemen in this war, and over 1018 children are injured, apart from the more than 10,000 Yemeni children who have died from preventable diseases directly due to the war.

7.15 The United Nations Security Council despite this widespread destruction has not declared any embargo on weapon sales to the Kingdom of Saudi Arabia. Arms contracts continue to be signed by the Kingdom and its allies worth billions. Companies in the United States and the UK have supplied weapons and platforms after the war began, and France generously supplies weapons to Qatar.

8. Crimes Against Humanity

8.1 Witnesses deposing before the Tribunal stated that in conditions caused by the destruction of hospitals and clinics under orders of the accused and coalition allies, no health services exist in Yemen either for the civilian population or soldiers, and there is no access to life saving drugs. This is supported by official statements of humanitarian organizations, including United Nations Agencies. Students gave evidence that all educational institutions have been targeted by bombing operations. As a direct consequence of widespread destruction of schools, colleges and universities, and the displacement of approximately over half a million people; children, college and university students have no choice but to discontinue their education.

8.2 The Tribunal has already referred to the public and official statements of United Nations humanitarian personnel and aid organizations that the impact of the air, road and sea blockade on Yemen has resulted in starvation of a large section of the civilian population and that the bombings of warehouses storing food, and convoys carrying food and other aid, including essential fuel supplies, has been used as a strategy of war.

8.3 The bombings ordered by the accused have affected all communications and transport by land, sea and air of the people of Yemen, and all sources of livelihood. In these bombing operations the entire civilian infrastructure of water supply, electricity and all communications networks, including television and radio have been deliberately destroyed in serial crimes against humanity. Witnesses stated that the entire civilian infrastructure of Yemen is being targeted and destroyed, not because citizens are members of any Houthi militia or the Yemeni army, but because Yemen is potentially rich, with hydrocarbon reserves and strategic regions, sought to be seized by the accused and their alliance partners, by effecting forcible regime change through war.

8.4 More than a thousand schools and colleges have been destroyed in bombings in Sanaa, Aden, Saada, Taiz, Amran, Hadramout, Hodeidah, Hajjah and Ibb, along with mass destruction of university libraries, devices and laboratories.

9. Bombing of 'cultural property' movable and immovable including archeological sites.

9.1 The bombing, destruction and vandalism of 'cultural property' as defined by Article I of the Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954, and its Protocols of 1954 and 1999 are war crimes in violation of the Nuremberg Principles, the Hague Convention of 1907 and the Additional Protocol I of 1977, and cannot be justified by any military necessity, as the Tribunal has already held that this is a criminal war of aggression on Yemen. The Tribunal is dealing with such attacks on 'cultural property' as a separate charge, in the context of the pattern observed in recent wars, following the destruction of the 'Bamiyan Buddhas' in Afghanistan by hired mercenaries masquerading as 'mujahideen' or 'al Qaeda'.

9.2 The Kingdom of Saudi Arabia has ratified the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, the Geneva Conventions of 1949, and Protocol I and II to the Geneva Conventions 1949; the government of Yemen has also ratified these Conventions. Irrespective of whether these Conventions have been ratified or not by the Kingdom of Saudi Arabia or Yemen, it is necessary for the Tribunal to reiterate that protection of cultural property of the people against destruction and pillage, is an integral part of customary International law binding on all nations, irrespective of whether a state or states have ratified or not ratified these Conventions.

9.3 Since "classical times" there has been condemnation by civilized nations (C.D. Visscher, 'International Protection of Works of Art and Historic Monuments' Martin Nijhoff Publications, Anna Filipe Vrdoljak 'Human Rights and the Illicit Trade in Objects') against targeting of cultural property during wars and conflicts. The Hague Conventions of 1899 and 1907 referred to as the Hague Regulations, followed by the Washington Pact of 1935, also known as the 'Roerich Pact', prohibit the destruction and pillage of cultural property of peoples. These aforesaid conventions and pacts are customary International law binding on all states, as per the decision of the Nuremberg Tribunal of the Major War Criminals before the International Military Court 14 November 1945- 1 October 1946 (42 volumes 1947-1949); the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, ICJ Reports 1996; and the Advisory Opinion of the ICJ on the Legal

Consequences of the Construction of the Wall in Occupied Palestinian Territory , ICJ Reports 2004. Apart from the prohibition under Article 27 of the Hague Convention of 1907 which mandates that “ In sieges and bombardments all necessary steps must be taken to spare as far as possible buildings dedicated to religion , science or charitable purposes, historic monuments , hospitals and places where the sick and wounded are collected , provided they are not used for military purpose” ; Article 56 of the Hague Regulations prohibits “ all seizure and destruction or willful damage done to institutions of this character , historic monuments, works of art and science .” Additional Protocols I and II to the Geneva Conventions relating to International Armed Conflict and non international armed conflict have widened the ambit and strict application of this prohibition of attack against movable and immovable cultural property.

9.3 This Tribunal of Conscience takes judicial notice of the nature of the 'unending wars' of the first decade and a half of the 21st Century, which has witnessed premeditated destruction of national heritage and world heritage sites in Iraq and Syria among other countries, establishing a consistent and premeditated criminal strategy , to efface collective and historic memories of peoples of these countries of their shared heritage , civilization and national culture ; to render fragile historical memories of the diversity and pluralism of religious and denominational belief and conviction; to destabilize an entire society and nation by making it rootless, uprooting its cultural , archeological , artistic, and scientific foundations and memories of continuity with its past and its contribution to world civilization. A poet of the former Soviet Union , Yevgeny Yevtushenko sensitively observed, “man lives not by bread alone yet when there is no bread, food can become the ideal .” This consistent strategy which the world has witnessed, proves beyond doubt that the agenda is the destruction of national civilizations and historical memories , which precedes the destruction of societies , if this stands in the way of profits, a new narrative for regime change and a new order for the fragmentation, take over, and re-colonization of nations for the pillage of resources and seizure of regions ; and with that objective to destroy the links of the nation so targeted with its historical and cultural past. This is the real objective of the systematic targeting of 'cultural property', movable and

immovable , of importance to the cultural heritage of the people of these regions, such as monuments and archeological sites, works of art, manuscripts , books and other objects of artistic ,historical and archeological interest,as well as libraries of scientific and other collections of books or archives, museums and buildings where works of art or objects are preserved; and those sites declared as world heritage sites by UNESCO, despite the fact that these sites have not been used for any military purpose whatsoever in any of these countries whether Yemen , Iraq or Syria , as these countries had taken all necessary steps to the extent possible, to protect and preserve their cultural inheritance, which is also the heritage of people the world over .

9.4 There is no evidence whatsoever in Yemen or in Iraq ,Syria or Lebanon ,that those fighters defending their country which is a legitimate right of self defense , used archaeological sites ,or works of art or monuments and places of worship for military purposes; on the other hand the accused were waging a war of aggression in Yemen and the armed forces of Saudi Arabia and its allies in the coalition against Yemen, acting under orders of the accused attacked the old historic city of Sanaa ,recognized by UNESCO as ‘world heritage ‘; a city inhabited for more than 2,500 years located at 2,200 meters in altitude, with its 106 mosques,14 hamams and 6,500 houses dating back to the 11th century . Also targeted was the famous historic mosque, the Al Masjid an- Nabawi. Irina Bokova, the UNESCO director general in a statement after these attacks stated , that she was shocked by the loss of lives and the magnificent structures with serene gardens reduced to rubble, which bears “ the soul of the Yemeni people . It is a symbol of a millennia history of knowledge which belongs to all of humankind.”

9. 5 The Marib Dam and Dhamar museum with 12,500 artifacts and “hundreds of Sabaean inscriptions” from the language of the Kingdom of Sheba (800 BC -300 AD) found on paintings, incense burners , and architectural elements were bombed by the armed forces of the Kingdom of Saudi Arabia and its alliance partners and the ‘ Al Owdi historical complex’ dating back to the Ottoman era , comprising residential buildings, historic monuments and museums and other archaeological sites and places of worship was similarly targeted . The accused and the armed forces of the Kingdom of Saudi Arabia , along with their allies , had detailed and accurate knowledge of these sites , and knew that there

was no military justification whatsoever for these attacks, in this fratricidal war on the culture and civilization of the Arab world in furtherance of economic and military hegemony, guided by 'Wahhabi' ideology, opposed to the protection of historical sites and monuments; to music, the arts, poetry literature and science of the Arab peoples, unless they have a price in the international market for stolen objects of antiquity, as has happened in Syria and Iraq, with ISIS/Daesh/ISIS and Jabhat ul Nusra among such other organizations selling priceless antiquities in markets in Istanbul, in Turkey, and other places in the region, and in the international markets for stolen antiques.

10. The Verdict

The Tribunal having considered the entire evidence in respect of all charges presented by the Prosecutor General and Counsel for the people of Yemen, and the submissions of Amicus Curiae appointed by the Tribunal for and on behalf of the accused, who though notified, did not appear directly or through an Advocate /Counsel to present their case, is satisfied beyond all reasonable doubt that accused No1, Sultan bin Abdul Aziz, King of Saudi Arabia and accused No.2 Mohammed bin Nayef, Defense Minister are guilty of :-

- a) Waging a war of aggression on Yemen in violation of, Article VI (a) (i) of the Nuremberg Principles and Article 2 (4) of the Charter of the United Nations ;

- b) Genocide in violation of, Article II (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, read with Article III of the said Convention ;

- c) War crimes committed on the civilian population of Yemen and on the entire civilian infrastructure of Yemen, in violation of, Article VI (b) of the Nuremberg Principles, of the Hague Convention of 1907, of Convention I of the Geneva Convention 1949 relating to medical treatment of the sick and wounded soldiers in the field and Convention IV of the Geneva Conventions 1949 relative to the Protection of Civilians in times of war, and the Additional Protocol I of 1977 to the Geneva Conventions of 1949, and customary principles of International Humanitarian Law ;

d) Crimes Against Humanity, in violation of , Article VI (c) of the Nuremberg Principles , of the Hague Conventions of 1899 and 1907 , of Convention IV of the Geneva Convention relative to the Protection of Civilian Persons in times of War 1949, of Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law ;

e) Deliberate and pre-meditated attacks on “cultural property” movable and immovable of the people of Yemen in violation of , Article VI (b) of the Nuremberg Principles, of the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict and Protocol I of 1954 and Protocol II of 1999 of this Convention , the Hague Convention of 1907 and the Additional Protocol I of 1977 to the Geneva Conventions of 1949 and customary principles of International Humanitarian Law.

11.Recommendations:

11. 1The Tribunal was informed by witnesses that the people of Saudi Arabia were not consulted and did not support the hemorrhaging of the financial resources of the Kingdom and the destruction of Yemen in this war. Since the Head of state and Defense minister and other prominent political and military leaders of the Kingdom of Saudi Arabia , have violated the Charter of the United Nations , the Nuremberg Principles and International Humanitarian Law , this Tribunal recommends the expulsion of the Kingdom of Saudi Arabia from the United Nations ,all its bodies, agencies, councils and panels of the UN, until the Kingdom of Saudi Arabia withdraws all its forces overt and covert from Yemen ,and its irregular and mercenary forces from Syria , Iraq and Lebanon .In recommending this expulsion the Tribunal recalls the precedent and approach of the General Assembly to the expulsion of the State of Libya from the UN Human Rights Council ,though it had not violated the United Nations Charter or committed crimes of aggression, genocide, war crimes or crimes against humanity, and was merely defending itself against terrorists overrunning Libya and thousands of NATO bombing sorties waging a war of aggression.

11.2 The United Nations Security Council , the General Assembly and other agencies and organizations of the United Nations have to ensure

that the Kingdom of Saudi Arabia ceases to use cluster munitions in Yemen, and that all areas of Yemen wherever these munitions have been used are cleared by weapon inspectors and experts, at the expense of the Kingdom of Saudi Arabia and the companies and governments supplying these weapons.

11.3 Different and discriminatory standards enforced by the Security Council has led to the absolute collapse of the 'Rule of Law' in International relations. Sanctions for almost a decade and a half followed the temporary Iraqi occupation of Kuwait, despite withdrawal of forces; sanctions were imposed on Iran though it has the sovereign and scientific right to access nuclear technology; and sanctions were also imposed on Russia for re-integrating Crimea through a referendum, and based on a decision of the International Criminal Tribunal for Yugoslavia (See TPIY, le Procureur c. Dusko Tadic alias "Dule", judgement 7 mai 1997. IT-94-1-T. §562). However in the case of the aggression on Yemen, no sanctions have been imposed by the Security Council or any other government or body. The Tribunal recommends that the United Nations Security Council, the United Nations General Assembly and members states of the United Nations are duty bound to impose sanctions on the Kingdom of Saudi Arabia and its leaders and its highest military and civil officials, for waging a brutal war of aggression on Yemen, and on its allies and those supplying military and intelligence advisers, to secure the immediate cessation of the war on Yemen, the clearance of cluster munitions and other noxious weapons, and an end to the arming and financing of terrorists and special forces for irregular warfare in Iraq, Syria and Lebanon. Sanctions should be lifted as soon as hostilities cease, and mercenaries and special forces are withdrawn.

11.4 The legal agreements for reparation after the First and Second World War, including the reparations to the Jewish citizens of Israel, established as a State after the Second World War, entirely unrelated to the holocaust; the reparations paid by Iraq to countries allegedly affected by the first Gulf War from its oil revenues, under directions of the Security Council; are the precedents for the Tribunal recommending payment of reparations by the Kingdom of Saudi Arabia and its allies, to Yemen, Iraq, Syria and Lebanon, in accordance with state practice of over a century. Every corporation/company benefiting

from these wars, including for the supply of weapons, equipment and mercenaries, are also liable.

11.5 The resolution of the Security Council listing the names of individuals to whom arms were not to be supplied, left Yemen defenseless; no such embargo was imposed on the Kingdom of Saudi Arabia and its allies. This resolution was similar in impact to the 'No Fly Zone' over Libya, which led to the destruction of Libya by bombing sorties. The Tribunal recommends that the Security Council and the General Assembly, immediately call for the cessation of hostilities and the aggression on Yemen, Iraq, Syria and Lebanon, by conventional forces or mercenaries; and the immediate suspension of all military agreements and sale of equipment to the Kingdom of Saudi Arabia and its allies, until after peace returns to the entire region.

11.6 An important trial forgotten by law makers and jurists, is the trial at Nuremberg of the Directors and leading officials of the Chemical Company I.G. Farben, members and financiers of the Nazi party, on the charge of the conspiracy of planning a war of aggression, for war crimes, use of slave labor and crimes against humanity. The Tribunal recommends that it is essential for the United Nations, its organs and agencies and member states, to black list and impose sanctions against companies /corporations involved in conspiracies to wage wars for markets and resources, including for strategic regions for hydrocarbon pipelines; and against those manufacturing and selling arms and ordnances to countries waging wars of aggression and committing war crimes. A permanent committee for this purpose would benefit humanity. However this by itself is inadequate, without a specific provision in the Companies Act of every country, for the expeditious 'winding up' and dissolution of corporations and banks complicit in war crimes, crimes against humanity and criminal activities.

11.7 The victims of these crimes, if their country is a signatory to the statute of the International Criminal Court and the crimes falls within the jurisdiction of the ICC, are at liberty to apply to the Prosecutor of the ICC to try the accused, using the documentation before the Tribunal. Similarly if the jurisdiction of the International Court of Justice permits,

the statute of the ICJ should be invoked by the affected countries . The Tribunal recommends amendment to the statute of the ICC to enable the filing of complaints for war crimes and indictments for crimes against humanity, against the directors , CEOs , and concerned senior officials, personnel, and agents of companies and corporations committing such crimes; including for the conspiracy to wage wars of aggression . However unless all countries ratify the statute of the ICC, its impact and jurisdiction will continue to be discriminatory.

11. 8 The people of Yemen , Iraq, Syria and Lebanon need the active support of people, including citizens of those countries waging these wars of aggression , those supporting peace and development; to expose the truth, to establish political , economic, social and cultural structures which guarantee justice for everyone in the region ,including for the people of Palestine ; to permit the voices of the victims of this region to be heard , and to compensate them everywhere. It is necessary to actively stir the conscience of people and political movements, to shed their apathy to financial and military hegemony and wars of aggression; to cease co-operating with the Kingdom of Saudi Arabia and its overt and covert allies, as long as they do not end their conspiracies for regime change ,and capture of resources by waging war, conventional or through irregular forces .

11. 9 To prevent wars it is necessary to record not only the industrial, technological and scientific achievements of the world , but its sufferings through war, political , social and economic exploitation, to deter those who benefit from the fading away of historical memories, and repeating the cycle of death and destruction. War museums , documentaries and written historical narratives ,even for schools are necessary , to avoid support for political systems based on the economic and military hegemony of a few, or of one country or even a small group of countries ; and to cherish the memories of those sages ,philosophers, leaders, and political movements and systems dedicated to peace , justice , culture and development, uniting many .

12. The Tribunal places on record the assistance of the Prosecutor General , Defense Counsels and Amicus Curiae in these proceedings, and

the painstaking and accurate interpretation which enabled expeditious completion of these proceedings.

13. The judgment is directed to be forwarded by the Secretariat to concerned organizations and institutions, to the Secretary General of the United Nations, the Secretary General of the Arab League and the Secretariat of the OIC, for their record and action.

Judge Niloufer Bhagwat

Judge Mohamed Baccar

Judge Lilia Solano

Judge Ratiba Miladi

The individual opinion of Mr. Roland Weyl

Regardless to the dangerous war crimes that Saudi Arabia committed in Yemen, The mere intervention on Yemeni territory in Yemen is a dangerous violation to international law that Prohibit in accordance to article 2(4) of the united nation charter to any state to undermine in any ways the political independence to another country, Thus interference in its internal affairs.

Also the United Nations General Assembly Resolution no. 3314 in 4th of December states in Article 4 that the list contained therein is not comprehensive, and every bombing or use of any other weapons considered an aggression from the armed forces of any State against the territory of another State (article 3/b).

it's true that article 41 admit in the collective self-defense, but only to the Security Council ,and they should notify the defense immediately, and also allow them to take the necessary arrangements .

Moreover, this intervention could not happen if the state that was intervened on its territory was a victim of aggression by another state, and never comes when the issue concerned in an internal uprising.

In the case of Yemen, The military intervention did not only ignore the requirements of Article 51 , also It did not prove in any way that Yemen was a victim of external aggression that would justify the application of Article 51 .

We must be stressed here that this international violation by the Kingdom of Saudi Arabia and its allies will not remain confined in Yemen. So that the support and resources provided to the armed opposition in Syria - At a time when the Syrian issue should be left to the Syrians alone – this support also considered as an aggression comes under Article 4\2 of the UN Charter.

This policy of armed intervention in all parts of the region contrasts with slouching towards the Israeli continuous aggression against Palestine.

The sum of these actions confirms dominance of choice and illegal policing policy across the region, in the interest of the oil forces against the right of peoples to self-determination, as recognized and guaranteed in international law.

In this case, it's unfortunate that the Security Council does not intervene to stop these attacks and ensure the people's right to live in peace under sovereignty and mutual respect, which is guaranteed by the UN Charter. Here a question raises about the criminal conspiracy from the powers that give the Alliance means to commit their crimes, including providing arms, money or diplomatic support or otherwise. However in the case of the aggression on Yemen, no sanctions have been imposed by the Security Council or any other government or body. The Tribunal recommends that the United Nations Security Council, the United Nations General Assembly and members states of the United Nations are duty bound to impose sanctions on the Kingdom of Saudi Arabia and its leaders and its highest military and civil officials, for waging a brutal war of aggression on Yemen, and on its allies and those supplying military and intelligence advisers, to secure the immediate cessation of the war on Yemen, the clearance of cluster munitions and other noxious weapons, and an end to the arming and financing of terrorists and special forces for irregular warfare in Iraq, Syria and Lebanon. Sanctions should be lifted as soon as hostilities cease, and mercenaries and special forces are withdrawn.

11.4 The legal agreements for reparation after the First and Second World War, including the reparations to the Jewish citizens of Israel, established as a State after the Second World War, entirely unrelated to the holocaust; the reparations paid by Iraq to countries allegedly affected by the first Gulf War from its oil revenues, under directions of the Security Council; are the precedents for the Tribunal recommending payment of reparations by the Kingdom of Saudi Arabia and its allies, to Yemen, Iraq, Syria and Lebanon, in accordance with state practice of over a century. Every corporation/company benefiting from these wars, including for the supply of weapons, equipment and mercenaries, are also liable.

11.5 The resolution of the Security Council listing the names of individuals to whom arms were not to be supplied, left Yemen defenseless; no such embargo was imposed on the Kingdom of Saudi Arabia and its allies. This resolution was similar in impact to the 'No Fly Zone' over Libya, which led to the destruction of Libya by bombing

sorties .The Tribunal recommends that the Security Council and the General Assembly, immediately call for the cessation of hostilities and the aggression on Yemen, Iraq, Syria and Lebanon ,by conventional forces or mercenaries; and the immediate suspension of all military agreements and sale of equipment to the Kingdom of Saudi Arabia and its allies, until after peace returns to the entire region.

11.6 An important trial forgotten by law makers and jurists, is the trial at Nuremberg of the Directors and leading officials of the Chemical Company I.G. Farben ,members and financiers of the Nazi party, on the charge of the conspiracy of planning a war of aggression, for war crimes, use of slave labor and crimes against humanity. The Tribunal recommends that it is essential for the United Nations, its organs and agencies and member states , to black list and impose sanctions against companies /corporations involved in conspiracies to wage wars for markets and resources, including for strategic regions for hydrocarbon pipelines ;and against those manufacturing and selling arms and ordnances to countries waging wars of aggression and committing war crimes .A permanent committee for this purpose would benefit humanity. However this by itself is inadequate, without a specific provision in the Companies Act of every country, for the expeditious ‘winding up’ and dissolution of corporations and banks complicit in war crimes, crimes against humanity and criminal activities.

11.7 The victims of these crimes, if their country is a signatory to the statute of the International Criminal Court and the crimes falls within the jurisdiction of the ICC , are at liberty to apply to the Prosecutor of the ICC to try the accused ,using the documentation before the Tribunal . Similarly if the jurisdiction of the International Court of Justice permits, the statute of the ICJ should be invoked by the affected countries . The Tribunal recommends amendment to the statute of the ICC to enable the filing of complaints for war crimes and indictments for crimes against humanity, against the directors , CEOs , and concerned senior officials, personnel, and agents of companies and corporations committing such crimes; including for the conspiracy to wage wars of aggression . However unless all countries ratify the statute of the ICC, its impact and jurisdiction will continue to be discriminatory.

11. 8 The people of Yemen , Iraq, Syria and Lebanon need the active support of people, including citizens of those countries waging these wars of aggression , those supporting peace and development; to expose the truth, to establish political , economic, social and cultural structures which guarantee justice for everyone in the region ,including for the people of Palestine ; to permit the voices of the victims of this region to be heard , and to compensate them everywhere. It is necessary to actively stir the conscience of people and political movements, to shed their apathy to financial and military hegemony and wars of aggression; to cease co-operating with the Kingdom of Saudi Arabia and its overt and covert allies, as long as they do not end their conspiracies for regime change ,and capture of resources by waging war, conventional or through irregular forces .

11. 9 To prevent wars it is necessary to record not only the industrial, technological and scientific achievements of the world , but its sufferings through war, political , social and economic exploitation, to deter those who benefit from the fading away of historical memories, and repeating the cycle of death and destruction. War museums , documentaries and written historical narratives ,even for schools are necessary , to avoid support for political systems based on the economic and military hegemony of a few, or of one country or even a small group of countries ; and to cherish the memories of those sages ,philosophers, leaders, and political movements and systems dedicated to peace , justice , culture and development, uniting many .

12. The Tribunal places on record the assistance of the Prosecutor General , Defense Counsels and Amicus Curiae in these proceedings, and the painstaking and accurate interpretation which enabled expeditious completion of these proceedings.

13.The judgment is directed to be forwarded by the Secretariat to concerned organizations and institutions , to the Secretary General of the United Nations , the Secretary General of the Arab League and the Secretariat of the OIC , for their record and action .

Judge Niloufer Bhagwat

Judge Mohamed Baccar

Judge Lilia Solano

Judge Ratiba Miladi

The individual opinion of Mr. Roland Weyl

Regardless to the dangerous war crimes that Saudi Arabia committed in Yemen, The mere intervention on Yemeni territory in Yemen is a dangerous violation to international law that Prohibit in accordance to article 2(4) of the united nation charter to any state to undermine in any ways the political independence to another country, Thus interference in its internal affairs.

Also the United Nations General Assembly Resolution no. 3314 in 4th of December states in Article 4 that the list contained therein is not

comprehensive, and every bombing or use of any other weapons considered an aggression from the armed forces of any State against the territory of another State (article 3/b).

it's true that article 41 admit in the collective self-defense, but only to the Security Council ,and they should notify the defense immediately, and also allow them to take the necessary arrangements .

Moreover, this intervention could not happen if the state that was intervened on its territory was a victim of aggression by another state, and never comes when the issue concerned in an internal uprising.

In the case of Yemen, The military intervention did not only ignore the requirements of Article 51 , also It did not prove in any way that Yemen was a victim of external aggression that would justify the application of Article 51 .

We must be stressed here that this international violation by the Kingdom of Saudi Arabia and its allies will not remain confined in Yemen. So that the support and resources provided to the armed opposition in Syria - At a time when the Syrian issue should be left to the Syrians alone – this support also considered as an aggression comes under Article 4\2 of the UN Charter.

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