

Human Rights Council Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- Your complaint should not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO * Other

Last name: :

The Advisory Center for Rights and Freedoms.

First name(s) : (ACRF)

Nationality: South Yemen

Address for correspondence on this complaint:

Al-Musibli Abdul

Rue de Lyon,57

1203 Geneva

Switzerland

Tel and fax: (please indicate country and area code) ...

Tel:...0041 763377604...Switzerland

E-mail: acrf-aden-geneva@hotmail.com

Website: [https://www.facebook.com/875224775858217-](https://www.facebook.com/875224775858217)

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: * (Please specify:

15 killed and injured people in Al-Buraiqa Refinery Fire:

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s):

- Republic of Yemen.

- Houthis forces known as "Ansar Allah" and their allies from the Yemeni formal Republican Guards.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

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Crime: Civilians killed during the bombing of oil refining tanks at Al-Buraiqa Refinery.

Place: Al-Buraiqa district, Aden governorate

Dates: 27, 30 June and 9, 13 July 2015.

Aggressor: Houthis forces “Ansar Allah” and Yemeni Republican Guard

Description: “crime against humanity”, according to the conditions and criteria provided for at Rome Statute for the ICC, and a “war crime” according to Genève fourth Convention provisions on civilians’ protection.

Definition:

The crime of Civilians killed during the bombing and burning of oil refining tanks at Al-Buraiqa Refinery, Aden governorate, southern Yemen is crime against humanity and war crime committed by Houthis forces “Ansar Allah” and their allies the Republican Guard, on 27, 30 June and 9, 13 July 2015, against Aden city and its civilian citizens by bombing oil filled tanks at the Refinery using Katyusha and mortars, causing the death three people and injured 12 others and huge fire associated with smokes that covered the city and loss of more than \$.40 million, pollution, and devastating impact on children, aged and women health. Nearby oil port was also impacted as well as state oil company. This bombing was premeditated with full knowledge that the consequences will kill and burn civilians and will displace others outside their district5, in addition to the economic losses and damage to the public life in Aden governorate. Therefore, this is a crime with full conditions of crime against humanity and a war crime with victims being civilians and the economics of the country in general.

Reasoning:

The oil tanks were bombed during four phases:

First bombing; Houthis and the allies bombed the tanks at Al-Buraiqa refinery with Katyusha and mortars, targeting the largest oil tank in the Refinery known as tank 24, with capacity of 50 thousand tons, which is one of the largest oil tanks according to the international standards. Following bombing the tank was set ablaze for five days burning out all stored oil (1).

Second bombing; on 30 June 2015, where Houthis forces fired Katyusha and mortars on Oil Port in Al-Buraiqa near Al-Buraiqa Oil Refinery, injuring eight workers and causing huge

material damages, and consequently stopped work at the port, and relief ships could not use it any longer. Engineering Ali Abdul Kareem director of operations in the Refinery was suffocated to death while he was trying to close the valves and pipes that link the burning tank and other tanks (2).

Third bombing; on 9 July Al-Buriqa Refinery was targeted for the second time with six shells, killing one person and injuring another seriously according to the International Organization for Monitoring Human Rights.

Fourth bombing; on 13 July 2015, Houthis fired Katyusha and mortars on oil refining tanks, hitting two tanks and set them on fire for many days, also hitting houses and killing one pregnant woman, and injuring others including children, according to statement made by Mr. Naser Shaef, media officer at the Refinery.

Initial report on the losses:

A report issued by the Refinery Co., has estimated the quantity of burned crude oil and oil products as a result of the bombing at 143 million liter, and \$.40.768 million as financial losses, and this is initial assessment of the financial loss which might increase (3)

Community reaction:

Aden A-Ghad news website has quoted locals and eyewitnesses that Katyusha and mortars were fired by Houthis forces deployed at Attwahi district in the other sea shore, causing huge fire and smokes, and hitting a number of workers' houses, killing one woman (4).

Officials at the refinery said that extinguishing the fire was very difficult fearing that it might expand to other tanks, causing human catastrophe. Also rendering the port inoperative. Economists also warned that Aden governorate will face fuel crisis and power stations will stop as well as transportation means and water supplies.

Mr. Naef Al-Bakri, Aden deputy governor "that time" said that Houthis and their allies are trying to burn out Aden city and its inhabitants by burning Aden Refinery and oil tanks and facilities/terminal in Oil Port in Al-Buriqa that resulted in poisonous smokes and gases, causing environment pollution which is expected to continue for next years. Also this toxic gases of burning oil caused deaths and injuries specially among people with asthma. He urged the international community to protect civilians in Aden and bring perpetrators among Houthis and Saleh's troops and their political leaders to the ICC accusing them of genocide (5).

Crime Corresponds with the Criteria of Crime against Humanity:

The Advisory Center for Rights and Freedoms sees that this crime was committed systematically and within a plan of premeditated killing within comprehensive attack against thousands of civilian people and workers and against economic facilitates with the intention to

kill them and harm oil economic while they are not part of the military operations, and their facilities does not represent any military risk justifies such crime.

Thereby, defines it as a crime against humanity where criteria of clause (a) of article 7 of Rome Statute of the ICC applies (6). In addition it is a war crime as defined by Genève fourth convention on protection of civilians during wartime.

Need to address this crime:

The Advisory Center for Rights and Freedoms, demands UN Council for Human Rights to consider this crime and refer it to the ICC to ensure remedies and justice for victims and that perpetrators will not enjoy impunity from punishment including soldiers who committed the crime, military commanders who gave orders, in particular the commander of the military group located at Attwahi district, military operations commander in Aden Abdul Kalek Al-Houthi, as well as their political leaders including Ali Abdullah Saleh

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions¹, the claims made, at which times, and what the outcome was:

.....NO

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

- No complaint was submitted to any government remedy body, on grounds that this is inefficient and not possible, noting that the perpetrators are members of the government forces, in addition this crime could not be handled by Yemeni judicial authorities, as it is a crime against humanity and a war crimes with tens of civilians murdered and wounded.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

- No we did not submit this complaint to any regional or international body that considers such complaint procedures.

¹ National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body: No

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No *

Please indicate which information you would like to be kept confidential

Date: 19.11.2015 ... Geneva - Switzerland.....

Signature:

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):

- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):

- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights

Human Rights Council Branch-Complaint Procedure Unit

OHCHR- Palais Wilson

United Nations Office at Geneva

CH-1211 Geneva 10, Switzerland

Fax: (+41 22) 917 90 11

E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

Media sources:

- 1) <http://adenghad.net/news/163832/#ixzz3iPfLM5EI>
- 2) http://www.belqees.tv/news_details.php?sid=16
- 3) <http://www.alkhabarnow.net/news/195533/2015/07/03>
- 4) <http://adenghad.net/news/163832/#ixzz3iPfLM5EI>
- 5) http://arabic.news.cn/arabic/2015-06/28/c_134361680.htm
- 6) <https://www.icrc.org/ara/resources/documents/misc/6e7ec5.htm>

Video clips of Al-Buriqa Refinery Fire :

- 1) <https://www.youtube.com/watch?v=Nq2h9Gw5NDs>
- 2) <https://www.youtube.com/watch?v=7NAs-RKQcDQ>
- 3) <https://www.youtube.com/watch?v=Nzdl6ANWbQ>

Photos of Victims of the Al-Buriqa Refinery Fire:





Name of killed and injured people in Al-Buraiqa Refinery Fire:

1. Engineering Ali Abdul Kareem, killed
 2. Hassan Zeid, 70 years, killed
 3. Unidentified pregnant woman, killed
 4. Hussein Raouf, 19 years, seriously injured, two legs amputated
 5. 8 of Al-Buraiqa workers, seriously injured
 6. Three members of family injured including one child
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