

MDE 31/8950/2018

14 August 2018

Yemen: The need for the UN Human Rights Council to renew and strengthen the mandate of the Group of Eminent Experts

Excellency,

We, the undersigned NGOs, urge your government to support the renewal and strengthening of the mandate of the Group of Eminent Experts on Yemen through the enhancement of its reporting structure and strengthening language on accountability, as a matter of priority at the upcoming 39th Session of the UN Human Rights Council, taking place from 10 - 27 September.

Since the 36th session of the Human Rights Council when the mandate was created, deteriorating and appalling conditions as a result of this "[entirely man-made catastrophe](#)" have continued to put the lives and well-being of millions of civilians in Yemen at risk, and turned Yemen into the world's largest humanitarian crisis. These conditions are exacerbated by continuing grave and widespread violations and abuses of international human rights law and international humanitarian law.

Over the last year, parties to the conflict have regularly restricted humanitarian aid; repeatedly attacked civilians and civilian infrastructure, including schools and hospitals; harassed and intimidated human rights defenders; and conducted arbitrary arrests, detentions and executions. (For further information, please see attached annex.)

Despite these widespread violations, all sides to the conflict have failed to conduct credible investigations into abuses. Saudi Arabia [recently announced a royal decision](#) "pardoning all military men who have taken part in the Operation Restoring Hope [begun in April 2015] of their respective military and disciplinary penalties." The sweeping and vaguely worded statement did not clarify what limitations, if any, applied to the pardon.

With an increasing number of victims of abuses in Yemen and the worsening humanitarian crisis, it is essential that the international community maintain and strengthen efforts to deter ongoing violations and abuses of international law by all parties to the conflict, and to ensure that perpetrators are held to account. Furthermore, we are concerned that the current Group of Eminent Experts have had limited time in which to carry out their mandate and ensure a full, independent investigation into all alleged violations.

In the interest of effective and meaningful efforts towards accountability, it is vital that member states adopt a resolution at the upcoming 39th session of the Council providing for the continuation of the Group of Eminent Experts in its vital work to investigate all alleged violations and abuses of international human rights and humanitarian law, to establish the facts and circumstances and identify those responsible.

In addition, in order for the Group of Eminent Experts to continue carrying out its current functions in an effective manner, the resolution should request the Group of Eminent Experts to:

- Present a comprehensive written report, in an interactive dialogue, directly to the Human Rights Council at its 42nd session (rather than through a report presented by the High Commissioner on their behalf);
- Provide an oral and/or written update to the 40th and 41st sessions of the Human Rights Council;
- Transmit the report and results of its investigations to the General Assembly, and the resolution should recommend that the General Assembly transmit the report to all relevant bodies of the UN;
- Identify individuals who should be criminally investigated for responsibility for grave crimes under international law committed in Yemen, including through command responsibility.

Should the Council fail to renew the mandate of the Group of Eminent Experts, this would send a dangerous signal to parties to the conflict that violations of international law may be perpetrated in Yemen with impunity.

We look forward to working with you to ensure the continuation of the vital work of the Group continues to end this impunity.

Sincerely,

1. Action contre la Faim (ACF)
2. ADDAMEER Prisoner Support and Human Rights Association
3. African Centre for Democracy and Human Rights Studies (ACDHRS)
4. Al Mezan Center for Human Rights
5. Aldameer Association for Human Rights
6. Alf Ba Civilian and Coexistence Foundation
7. Al-Haq Organization - Defending Human Rights
8. ALQST for Human Rights
9. Americans for Democracy & Human Rights in Bahrain (ADHRB)
10. Amnesty International
11. Arab Program for Human Rights Activists
12. ARTICLE 19
13. Asian Forum for Human Rights and Development (FORUM-ASIA)
14. Asian Legal Resource Centre (ALRC)
15. Association For Human Rights in Ethiopia (AHRE)
16. BADIL - Resource Center for Palestinian Residency and Refugee Rights
17. Cairo Institute for Human Rights Studies
18. Caucasus Civil Initiatives Center
19. CIVICUS
20. Committee to Protect Journalists (CPJ)
21. Conectas Human Rights
22. DCI – Defense for Children International
23. DCI – Defense for Children International - Palestine
24. DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
25. Dhameer Foundation for Human Rights - Shabwa
26. European Center for Constitutional and Human Rights
27. Future Pioneers Foundation for Development and Rights - Al-Jawaf
28. Global Centre for the Responsibility to Protect

29. Gulf Centre for Human Rights
30. Human Rights Clinic (Columbia Law School)
31. Human Rights Watch
32. Hurryyat - Center for Defense of Liberties and Civil Rights
33. International Commission of Jurists (ICJ)
34. International Federation for Human Rights (FIDH)
35. International Rescue Committee (IRC)
36. International Service for Human Rights (ISHR)
37. Jerusalem Legal Aid and Human Rights Center
38. Libyan Center for Freedom of Press (LCFP) الصحافة لحرية الليبي المركز
39. Marib Dam Foundation for Development - Marib
40. Mothers of Abductees Association (Initiative)
41. Mwatana for Human Rights
42. Oxfam
43. Palestinian Centre for Human Rights
44. PAX
45. PEN International
46. Physicians for Human Rights
47. Save the Children
48. Sisters' Arabic Forum for Human Rights (SAF)
49. Sudanese Refugees Forum
50. The Independent Commission for Human Rights (Ombudsman Office)
51. The Yemen Peace Project
52. Watch Team - Taiz
53. Win Without War
54. Wogood Foundation for Human Security - Aden
55. Yemen Center for Human Rights Studies

Annex: Briefing on the Yemen humanitarian situation and human rights violations

The situation in Yemen, what the UN calls the [largest humanitarian crisis in the world](#), continues to deteriorate. Since September 2017, an additional 3.4 million people require humanitarian aid, bringing the total to [22.2 million civilians](#) (75% of population). [8.4 million](#) are now on the brink of starvation, an increase of more than a million. The UN [warns](#) 10 million more Yemenis will be at risk of starvation by year-end if conditions do not improve. There are almost [2 million](#) acutely malnourished children, including about [400,000](#) on the brink of starvation.

Almost every child in Yemen needs aid. Since March 2015, over [5,000 children](#) have been killed or injured in the violence. In addition, during the conflict, Yemen has experienced the worst cholera outbreak in modern history with more than [1.1 million suspected cases](#), almost half children, and more than [2,200 deaths](#). A [diphtheria outbreak](#) is also expanding; 80% of those affected are children.

Since the 36th session of the Human Rights Council in September 2017, 2,656 civilians have been killed and injured. The UN High Commissioner for Human Rights has [documented](#) more than 6,300 civilians killed (including at least [1,491 children](#)) and more than 10,000 civilians wounded between March 2015 and May 2018. Actual civilian casualties are likely to be significantly higher.

Parties to the conflict regularly restrict and block aid delivery and have repeatedly attacked, damaged or destroyed civilian infrastructure, including schools and hospitals. Houthi forces, which control the capital, Sana'a, and much of the country's northwest, have obstructed the distribution of humanitarian assistance, prevented humanitarian access, and militarized the distribution of aid. The Saudi and UAE-led coalition has closed Sana'a International Airport to commercial flights since August 2016, blocking lifesaving goods and restricting the movement [of thousands of civilians](#) who need overseas medical treatment unavailable in Yemen. The coalition has imposed a naval blockade on Yemen since March 2015, which has restricted the flow of food, fuel and medicine to Yemeni civilians. [Commercial food and fuel imports are grossly](#) insufficient to meet needs.

The Saudi and UAE-led coalition has carried out scores of indiscriminate and disproportionate airstrikes on civilians and civilian objects, hitting homes, schools, hospitals, markets and mosques. Many of these attacks likely amount to war crimes. The UN reported that between March 2015 and May 2018, the "[vast majority](#) [of civilian casualties were]... as a result of airstrikes carried out by the Saudi-led coalition." UAE forces and UAE proxy forces are [responsible for torture and other ill-treatment](#), denial of due process, and enforced disappearances in areas under their control.

Houthi forces have indiscriminately shelled civilian-populated areas, especially in Tai'zz, Yemen's third largest city. They have laid antivehicle mines indiscriminately, used banned antipersonnel landmines and recruited children to fight. Houthi forces have also arbitrarily detained, forcibly disappeared, tortured and extrajudicially executed people in areas they control. They have arbitrarily detained a group of journalists for more than two years.

All sides to the conflict have threatened, harassed and intimidated rights defenders.

All sides to the conflict have failed to conduct credible investigations into abuses. As of 31 July 2018, the Coalition's Joint Incidents Assessment Team had announced the findings of a total of about 75 investigations of hundreds of alleged violations documented by humanitarian and human rights groups. The UN Panel of Experts expressed concern about the transparency and credibility of these investigations.