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Urgent Need for International Inquiry on Yemen

To Permanent Representatives of Member and Observer States of the UN Human Rights Council

Excellencies,

We, the undersigned non-governmental organizations, write to urge you to support the [High Commissioner's call](#) for an international, independent investigation into civilian deaths and injuries in Yemen, a call [repeatedly](#) made by national, regional and international [civil society organizations](#).

Over the course of the conflict, the council has missed critical opportunities to address alleged violations of international human rights and humanitarian law in Yemen. On 2 October 2015, the council adopted [HRC resolution 30/18](#), a deeply flawed resolution, drafted by Saudi Arabia, a party to the conflict, that ignored earlier calls for an international inquiry and instead endorsed a Yemeni national commission. A year later, the High Commissioner for Human Rights concluded that the national commission was “unable to implement its mandate in accordance with international standards.”

Serious violations and abuses of international law have continued throughout the fighting. Since the Saudi Arabia-led coalition entered the conflict in March 2015, 3,799 civilians have been killed and more than 6,700 wounded. These include at least 1,444 more civilian deaths since the Council failed to create an international inquiry a year ago.

The Saudi Arabia-led coalition continues to commit violations of international human rights and humanitarian law with impunity:

- Human Rights Watch and Amnesty International have documented more than 70 unlawful coalition airstrikes, some of which may amount to war crimes, that have killed at least 913 civilians and deliberately targeted civilian objects, caused disproportionate harm to civilians and civilian objects, or failed to distinguish between civilians and military objectives. Mwatana, one of Yemen's leading human rights organizations, documented 59 airstrikes between March 2015 and April 2016 which they deemed unlawful.
- Human Rights Watch and Amnesty International have also documented the coalition's use of at least seven different types of internationally banned cluster munitions in at least 19 attacks, including in civilian areas.
- Coalition airstrikes have repeatedly hit homes, hospitals, markets, civilian factories and schools. An August airstrike on a Doctors Without Borders (MSF) hospital, the fourth during the 18-month long war, prompted MSF to withdraw its staff from six hospitals in northern Yemen and declare their "loss of confidence in the Coalition's ability to avoid such fatal attacks."
- Repeated coalition airstrikes on factories and other civilian economic structures have raised serious concerns that the coalition has deliberately sought to inflict widespread damage to Yemen's production capacity and contributed to the shortages of food, medicine and other critical needs of Yemen's civilians, of whom more than 20 million are in desperate need of humanitarian aid.

The Houthi armed group and forces allied to it, including army forces loyal to former president Ali Abdullah Saleh, have also committed numerous violations and abuses of international human rights and humanitarian law, including by:

- Endangering civilians by deploying in densely populated neighborhoods, including launching attacks from or near populated homes, schools and hospitals.
- Firing weapons indiscriminately into civilian populated areas in [Yemen](#) and [southern Saudi Arabia](#), and using explosive weapons with wide-area effect

such as ground-launched artillery shells and mortar projectiles in populated areas, [killing and maiming scores of civilians](#).

- Laying internationally banned antipersonnel [landmines](#) that have killed and maimed dozens of civilians.
- Blocking the entry of crucial medical supplies and food into the city of Taizz, [endangering](#) the lives of thousands of civilians.
- Arbitrarily detaining and forcibly disappearing scores of people in governorates under their control, including political opponents, human rights defenders and journalists, as well as [members of the Bahá'í community](#), as documented by [Amnesty International](#), [Mwatana](#) and [Human Rights Watch](#).
- Raiding and closing [dozens](#) of [non-governmental organizations](#) as part of a wider campaign against activists, human rights defenders and political opposition groups.

Multiple parties to the conflict are recruiting and deploying child soldiers. The United Nations Secretary-General [attributed](#) 72 percent of 762 verified cases of child recruitment to the Houthis.

Other armed groups, including local “popular committees” opposed to the Houthis and army units loyal to President Abdu Rabbu Mansour Hadi, have also [violated](#) the laws of war during ground fighting.

Restrictions on the delivery of vital humanitarian aid to civilians by all parties continue to exacerbate the country’s humanitarian crisis.

Despite mounting violations of international human rights and humanitarian law in Yemen, no state party has conducted credible investigations that meet international standards. State parties to an armed conflict have an obligation to investigate alleged war crimes and other serious violations of international humanitarian law. States have a further duty to investigate alleged human rights violations and abuses under their jurisdiction or effective control. Over the past year, the parties have demonstrated they are not committed to carrying out credible and impartial investigations that would lead to the prosecution of suspected perpetrators in fair trials and ensuring justice and reparations for victims.

- The Yemeni commission appointed by Presidential Decree No. 13 (2015) has not delivered on its mandate to investigate violations committed by all sides. In our assessment, the commission's mandate and work has failed to comply with international standards, including those of impartiality, independence and effectiveness. It has failed to define what, if any, procedures are in place to ensure perpetrators of violations, including those outside Yemen, are brought to justice in fair trials. The commission, which reports to President Hadi and does not have access to all parts of the country, has shown a lack of impartiality, as evident in its first report, which focused almost entirely on Houthi and allied forces violations. Moreover, we are concerned the commission may have failed to protect sources, witnesses and victims, including children, potentially exposing them to reprisal attacks.

In August 2016, the High Commissioner for Human Rights, in concluding that the Yemeni commission was not acting in accordance with international standards, said the “commission did not enjoy the cooperation of all concerned parties and could not operate in all parts of Yemen,” and “has not been able to provide the impartial and wide-ranging inquiry that is required by serious allegations of violations and abuse.”

- The Saudi Arabia-led coalition's investigations into violations have also failed to meet international standards. In August, the Joint Incidents Assessment Team (JIAT) announced initial results into investigations of eight strikes, releasing only about a paragraph on each strike, and largely absolving the coalition of responsibility. Investigation results on two coalition strikes on MSF-supported facilities were not shared with MSF, according to the organization.

JIAT's methodology, including its verification of information, the choice of incidents investigated, investigations of acts by non-coalition parties to the conflict, and the status of its recommendations vis-à-vis coalition members, remain unclear. To date, JIAT does not appear to have examined a single attack involving cluster munitions. The commitment to accountability has also been undermined by Saudi threats to withdraw funding from critical United Nations programs if the Secretary-General did

not remove the coalition from his annual list of shame for killing and maiming children and attacks on schools and hospitals in Yemen.

The High Commissioner for Human Rights stated on 25 August 2016 that “the perpetuation of the conflict and its consequences on the population in Yemen are devastating. The international community... has a legal and moral duty to take urgent steps to alleviate the appalling levels of human despair.”

The victims of violations committed by all parties to the conflict cannot afford to wait a moment longer for accountability. The Human Rights Council should establish an international, independent mechanism to investigate alleged serious violations and abuses of international human rights and humanitarian law committed by all parties to the conflict in Yemen. The inquiry should establish the facts, collect and preserve information related to violations and abuses with a view to ensuring that those responsible for crimes are brought to justice in fair trials.

No valid human rights-based reason has been identified that would justify failing to create an international inquiry. No one has suggested that Yemeni civilians will be better protected without such a mechanism. If the Council once again fails to create an international inquiry, it will have shirked its mandate to promote accountability, failed to help provide victims of violations in Yemen the justice to which they are entitled, and undermined its own credibility as the Council marks its tenth anniversary.

We thank you for your attention to these pressing issues and are available to provide your delegation with further information as required.

Sincerely,

African Centre for Democracy and Human Rights Studies

Amnesty International

Asian Legal Resource Centre

Cairo Institute for Human Rights Studies

ESOHR - European-Saudi Organisation for Human Rights

FIDH - Fédération Internationale des ligues des Droits de l'Homme

Gulf Center for Human Rights

Human Rights Watch

International Service for Human Rights

Mwatana Organization for Human Rights

SAORF - Saudi Organization for Rights and Freedoms