



## Reports on the 45<sup>th</sup> session of the UN Human Rights Council

### Interactive dialogue with the Group of Eminent Experts on Yemen

29 September 2020

*Mr. Kamel Jendoubi - Chair of the Group of Experts on Yemen:*

The Group of Experts' investigations this year have confirmed rampant levels of **serious violations** of international human rights and humanitarian law, many of which may amount to **war crimes**. In addition, a **list of names of potential perpetrators of war crimes** have been submitted to the High-Commissioner on a strictly confidential basis, to assist in future accountability efforts.

The Group of Experts regrets that for a second consecutive year, it was **not able to access Yemen and other coalition countries**, despite having sent several requests for permissions. Notwithstanding this lack of cooperation, the Group have conducted over 400 interviews with witnesses, victims and other sources.

This year's report is entitled "**A pandemic of impunity in a tortured land**". The report highlights the failure of the parties to the conflict to **hold accountable** those responsible for the violations of human rights perpetrated. The world's worst humanitarian crisis is the **responsibility of the parties to the conflict**. Were the parties to abide by their international obligations, the situation would be significantly mitigated, and the deaths of innocent people avoided. Parties to the conflict are **failing in their obligations** to respect fundamental economic, social and cultural rights such as the right to food and the right to health.

**Airstrikes** are being carried out by coalition forces without regards to the **principles of distinction, proportionality** and **precaution**. Both the Houthis and the coalition forces are continuing to deploy indirect fire weapons such as mortars and rockets in heavily populated areas.

Away from the frontlines, serious violations continue to occur at the hands of all parties to the conflict. Individuals are subject to **unlawful killings, arbitrary detention, enforced disappearances, torture** and other forms of ill-treatment. Those opposing the party in control of the territory, such as human rights defenders and journalists are particularly at risk as well as marginalized religious and ethnic groups.

**Gender-based violence**, including **sexual violence** against **women** and **children** is continuing. Boys and girls even as young as 7 years of age are being **recruited in hostilities**. Their **right to education** is being compromised both by the conduct of hostilities but also by direct actions against educators and facilities.

The administration of **justice** in Yemen is gravely compromised, with serious consequences on **fair trial rights**. As a result, there remains an endemic **lack of access to justice** for survivors. The Working Group is concerned that **impunity continues** for perpetrators of the most serious human rights violations.

The Group of Experts calls upon the **Security Council** to refer the situation of Yemen to the **International Criminal Court**. The Group supports the creation of an **international criminal justice investigation mechanism**, similar to the bodies established for Syria and Myanmar and reiterate its call for third states to **stop transferring arms to the parties to the conflict**, given the role of such transfers in contributing to violations. No state can now claim to be un-aware of the scale of violations occurring in Yemen.

The Group of Experts calls upon members states to keep the situation of Yemen at the top of its priorities. It hopes that a resolution will be adopted to **renew the mandate** of the Group of Experts on Yemen.

*Comments by the delegation of Yemen – Country concerned:*

The government of Yemen has in the past explained its position regarding the Group of Experts. Yemen **rejects the renewal of the mandate of the Group** and do not accept its work for the following reasons:

- The Group of Experts uses the same kind of methodology used in the previous report, based on unfounded resources. It is based on allegations from **biased stakeholders**.
- The report is based on publications by media, therefore the work of the Group is **not objective**.

It would have been better that the discussion of the situation of human rights in Yemen remains under **item 10**. Given that, Yemen is facing difficult circumstances and is in **need of technical assistance** and capacity building without **politicization of human rights issues** in this Council.

### INTERACTIVE DIALOGUE

All delegations shared concerns about the **grave human rights violations** perpetrated in Yemen, including **attacks against civilians, gender-based and sexual violence, rape, recruitment of children** into the conflict, **torture, enforced disappearances, attacks against journalists, harassment of human rights defenders, attacks against minorities, targeting of medical and school facilities, no fair trials**. Some of these violations may amount to **war crimes**.

States shared the point of view of the Group of Experts in highlighting the **importance of accountability** in **combatting impunity**. It is key that the perpetrators of human rights violations and war crimes are held accountable. There cannot be peace without accountability.

Most of the delegations underlined the crucial importance of **allowing humanitarian aid into Yemen** in order to mitigate the **world's worst humanitarian crisis**. Some states were concerned over the issue of the **Covid-19 pandemic**, exacerbating the humanitarian crisis (European Union, Ireland on behalf of Belgium Canada Luxembourg Netherlands, Qatar, Japan, China, Croatia).

A majority of states reiterated that only an **inclusive political process** could solve the crisis in Yemen (European Union, Norway on behalf of Nordic and Baltic countries, Ireland on behalf of Canada Belgium Luxembourg Netherlands, Qatar, Germany, China, United Kingdom, New Zealand, France).

Several delegations showed their appreciation of the **work of the Group of Experts** and expressed their **support for the renewal of its mandate** (European Union, Norway on behalf of Nordic and Baltic countries, Qatar, Croatia, Czech Republic, United Kingdom).

A large number of states expressed their **support** for the work of the **UNSG Special Envoy in Yemen, Mr. Martin Griffiths** (European Union, Germany, Japan, Switzerland, Croatia, Czech Republic, United Kingdom, New Zealand).

Some states deplored that the **Group of Expert could not access Yemen** to conduct its work (European Union, Qatar, Germany, Croatia, France).

#### *Delegations that took the floor during the Interactive Dialogue (16 delegations):*

<p><u>Human Rights Council members</u>: Germany, Japan, Qatar, Australia, Czech Republic, <u>Observer states</u>: European Union, Norway (on behalf of Nordic and Baltic countries), Ireland (on behalf of Canada, Luxembourg, Belgium, Netherlands), China, Switzerland, Croatia, United Kingdom, New Zealand, Iran, France, UN Women.</p>
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Civil society organizations shared their concerns over the grave **human rights violations** perpetrated. Several NGOs denounced the **continuing arms transfers to countries involved in the conflict** in Yemen. Most of the NGOs called for the **renewal of the mandate of the Group of Experts**. Other issues raised by NGOs included **allowing humanitarian aid, Baha'i community, crimes of the Houthis and press freedom**.

#### *Civil Society Organizations that took the floor during the Interactive Dialogue (10 NGOs):*

<p>Women's International League for Peace and Freedom, Save the Children International (Joint Statement), Baha'i International Community, Defence for Children International, Cairo Institute for Human Rights Studies, Reporters Without Borders, Human Rights Watch, Amnesty International, Lawyers' Rights Watch Canada, Association Maonah for Human Rights and Immigration,</p>
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[CLICK HERE](#) to access the full webcast of the interactive dialogue.