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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

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Civil society calls on HRC to strengthen GEE mandate and focus on accountability for human rights violations in Yemen

The population in Yemen remains acutely vulnerable after nearly six years of armed conflict that resulted in a dire man-made humanitarian crisis, described as the worst and largest in the world, especially in the last three years. The war in Yemen has caused the deaths of nearly quarter of a million people, including over 112,000 killed directly by hostilities since March 2015; the actual death toll is believed to be much higher. In addition, at least 3.6 million¹ people have been displaced.

The warring parties, including the Ansar Allah (Houthi) group, the Saudi Arabia/United Arab Emirates-led coalition, the Southern Transitional Council (STC), and forces loyal to the internationally-recognized government, continue to commit widespread and serious violations of International Humanitarian Law (IHL) and violations and abuses of International Human Rights Law (IHRL), including indiscriminate and disproportionate attacks on civilians, populated areas, health facilities, and heritage sites. Hundreds of arbitrary and abusive detentions and enforced disappearances are perpetrated across the country.

With an infrastructure in Yemen already gravely damaged by the warring parties, the COVID-19 pandemic has exacerbated the vulnerability of millions of civilians. Hundreds of Yemenis have died from the pandemic across Yemen.² With COVID-19 and cholera cases rising among the Yemeni population and overwhelming the country's health facilities that already lack in adequate infrastructure and medical supplies, United Nations (UN) agencies have been appealing to the international community to raise funds with Yemen again on the brink of famine.

Since the start of the year, more than 80,000 Yemenis have been forced to flee their homes. Cholera continues to threaten lives, with 110,000 people contracting the disease so far this year, while the recent floods have raised the risk of other diseases.³ The United Nations Children's Fund (UNICEF) reported that an additional 6,600 children under the age of five in Yemen could die from preventable causes by the end of the year.⁴ In June 2020, a ceasefire was announced by the Saudi/UAE led coalition following a call by UN Secretary-General António Guterres⁵ for a cessation of hostilities in light of the pandemic. However, hostilities and armed conflict resumed, including killing, wounding and otherwise harming civilians.

All parties to the conflict in Yemen have used arbitrary detention, enforced disappearance, and torture against opponents and individuals perceived to be followers or supporters of their opponents⁶ and in seeking to impose their authority in areas under their control. Since 2016, Mwatana has documented⁷ 1605 incidents of arbitrary detention, 770 incidents of enforced disappearance and 344 incidents of torture, including 66 deaths in detention centers, across Yemen. Conditions of detention in Yemen are abysmal. Detention facilities are overcrowded, unsanitary, and have become centers for the spread of contagious diseases.

Within this context, Yemeni activists, journalists, lawyers, religious minority groups, and human rights defenders have been subjected to arrests, harassment, targeted violence, intimidation, and severe restrictions to their rights of expression, assembly, and movement,

¹ <https://www.sciencemag.org/news/2020/05/yemen-was-facing-worlds-worst-humanitarian-crisis-then-coronavirus-hit>.

² <https://www.msf.org/covid-19-spreads-fear-drives-people-away-hospitals-yemen>.

³ UN News "Yemen: 'Hanging on by a thread', UN chief requests funding to meet staggering humanitarian crisis" available at: <https://news.un.org/en/story/2020/06/1065292>.

⁴ UN News "Yemen: millions of children facing deadly hunger, amidst aid shortages and COVID-19", available at: https://news.un.org/en/story/2020/06/1067082?utm_source=UN+News+-+Newsletter&utm_campaign=ea02e3c905-EMAIL_CAMPAIGN_2020_06_27_12_15&utm_medium=email&utm_term=0_fdbf1af606-ea02e3c905-107020005.

⁵ <https://www.un.org/sg/en/content/sg/statement/2020-03-23/secretary-generals-appeal-for-global-ceasefire>.

⁶ <https://mwatana.org/en/hundreds-at-unofficial-detention-centers/>.

⁷ "In the Darkness", June 2020, available at: <https://mwatana.org/en/in-the-darkness/>.

and their right to life. In 2015, Ansar Allah (Houthi) arbitrarily detained ten Yemeni journalists in Yemen. Four of the journalists were sentenced to death on 11 April 2020. These sentences were imposed in a context of continued arbitrary detentions and forced disappearances of journalists accused of “collaborating” with the Saudi/UAE-led coalition. The Public Prosecution’s indictment accused the journalists of “broadcasting false and malicious news, data and rumors, propaganda, and establishing several websites on the Internet and social networks where they broadcast news and false rumors in support of Saudi-led coalition crimes in Yemen.”⁸

In April 2020, the UN High Commissioner for Human Rights confirmed that journalists in Yemen “are under attack from all quarters. They are killed, beaten and disappeared; they are harassed and threatened; and they are jailed and sentenced to death for merely trying to shine a light on the brutality of this crisis.” The High Commissioner explicitly called on all parties to the conflict to release journalists and hold investigations, emphasizing that “victims and their families have a right to justice, truth and reparations.”⁹

The Group of Eminent International and Regional Experts (GEE) is the only independent and impartial UN investigative mechanism for Yemen. The UN Human Rights Council (HRC) established the GEE in 2017. In resolution A/HRC/RES/42/2 (2019), the HRC mandated the GEE to “monitor and report on the situation of human rights, to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, [...] to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible.” It also tasked the GEE to “provide guidance on access to justice, accountability, reconciliation and healing, as appropriate” and to provide “support for national, regional and international efforts to promote accountability for violations and abuses of human rights and violations of international humanitarian law in Yemen.”

As the warring parties continue to commit violations with impunity, the upcoming 45th Human Rights Council session should focus on accountability and redress for victims of the conflict in Yemen. The GEE’s second report details a host of serious violations and abuses, including violations that may amount to war crimes, committed by parties to the conflict over the past five years. The report examined indiscriminate and disproportionate attacks, the use of antipersonnel landmines, arbitrary killings and detention, torture, enforced disappearances, child recruitment, sexual and gender-based violence, and obstruction of access to humanitarian aid, amongst other abuses. In the 2019 report to the HRC, the GEE held the warring parties responsible for the “disastrous humanitarian situation” — pointing to attacks on critical civilian infrastructure, blockades and siege-like warfare and humanitarian obstruction. The GEE highlighted the “pervasive lack of accountability,” with the Houthis, the Saudi and Emirati-led coalition and the Yemeni government unwilling or unable to carry out credible accountability processes. The GEE further emphasized that “credible and viable accountability options are few. A genuine and comprehensive accountability process will be essential to achieving long-term peace and stability in Yemen. Steps to collect and preserve evidence are essential to prepare the ground for such a process.” In light of the aforementioned, the undersigned organizations urge Member States of the Human Rights Council to:

- Extend and strengthen the mandate of the GEE in the upcoming 45th session of the UNHRC and ensure concrete accountability efforts for human rights violations being committed in Yemen.
- Support the GEE’s mandate to collect, consolidate, analyze and preserve evidence of alleged gross violations and abuses of human rights, serious violations of international humanitarian law, and international crimes committed in Yemen since 2014.
- Provide the GEE and its secretariat with the necessary support, resources, and budget to continue and expand their work documenting violations, collecting, consolidating,

⁸ <https://cihrs.org/urgent-appeal-to-the-un-special-procedures/?lang=en>.

⁹ Yemen: Journalists under attack from all quarters, says Bachelet, 6 August, 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26152&LangID=E>.

analyzing and preserving evidence, and identifying perpetrators of grave violations and international crimes;

- Ensure that the work of the GEE is not affected by gaps in funding in the context of ongoing violations on the ground;
- Ensure that the GEE's findings are shared with other relevant UN bodies, including the UN Security Council and the General Assembly.

Mwatana for Human Rights, an NGO without consultative status, also shares the views expressed in this statement.