

17 February 2021

Re: Ensure Accountability for Yemen at the UN Security Council

Dear Ambassadors:

We, the undersigned organizations, are writing to make an urgent appeal to you as members of the United Nations Security Council (UNSC) to begin paving the way towards justice for Yemen. The UNSC should immediately pursue concrete steps to advance a holistic and credible accountability and redress strategy for Yemen by implementing the UN Human Rights Council Group of Eminent Experts on Yemen's (GEE) recommendations to bring perpetrators of international crimes to justice and protect victims' right to a remedy (including reparations), and by implementing the UNSC Sanctions Committee Panel of Experts on Yemen's (POE) recommendations to address the impunity driving the deterioration of the country's conflict and humanitarian situation.

On 3 December 2020, the GEE briefed the UNSC in a closed session on its September 2020 report, “A Pandemic of Impunity in a Tortured Land,”<sup>1</sup> in which the GEE called on the UNSC to refer the situation in Yemen to the International Criminal Court (ICC) and to expand the list of persons subject to UNSC sanctions. It also called for the human rights dimensions of the conflict in Yemen to be more fully integrated into the UNSC’s monthly regular agenda, a recommendation reinforced by the POE in its January 2021 report.<sup>2</sup>

The war in Yemen is well into its sixth year and has caused what the UN has dubbed the “world’s worst humanitarian crisis.” The dismal humanitarian situation has been gravely exacerbated by the serious international humanitarian law violations and grave human rights abuses by warring parties on all sides of the conflict, including the Ansar Allah (Houthi) group, the internationally recognized Government of Yemen and groups affiliated with it, the Saudi/UAE-led coalition, and groups affiliated with the coalition on the ground. In the absence of any credible efforts towards accountability, these abuses continue, and civilians increasingly struggle to survive.

Since 2014, various local and international human rights organizations, the GEE, and the POE have documented a wide range of abuses, including indiscriminate airstrikes and ground attacks, the use of landmines, attacks on health facilities, recruitment of child soldiers, arbitrary detentions, enforced disappearance, torture, and sexual and gender-based violence. Information collected by the GEE and POE over the past three years indicates that officials on all sides of the conflict are implicated in a host of potential international crimes.

In their latest report, the GEE underscored that the international community can and should do more to bridge what it described as “the acute accountability gap” in Yemen.<sup>3</sup> In addition to referring Yemen to the ICC and expanding the list of persons subject to UNSC sanctions, the GEE recommended the establishment of an independent investigative body for Yemen similar to the International, Impartial and Independent Mechanism assisting the investigation and prosecution of

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<sup>1</sup> United Nations, Human Rights Council, *Situation of human rights in Yemen, including violations and abuses since September 2014*, A/HRC/45/6 (28 September 2020), available from <https://undocs.org/en/A/HRC/45/6>.

<sup>2</sup> United Nations, Security Council, *Final report of the Panel of Experts on Yemen*, S/2021/79 (25 January 2021), available from <https://undocs.org/S/2021/79>.

<sup>3</sup> *Situation of human rights in Yemen*, 16.

persons responsible for the most serious crimes under international law committed in Syria since 2011. The GEE also recommended third countries to collaborate and undertake universal jurisdiction prosecutions where appropriate. In the longer term, the GEE encouraged “further dialogue about the creation of a special tribunal, such as a hybrid tribunal to prosecute cases of those most responsible.”<sup>4</sup> The GEE reiterated the importance of victims’ right to remedy, including reparations, and called for human rights to be “at the heart of any future peace negotiations” so that no steps are taken to undermine respect for human rights and accountability, such as “granting blanket amnesties.”<sup>5</sup>

The latest POE report stated that “continuous and widespread human rights and international humanitarian law violations, with impunity” is one of three factors contributing to the catastrophe in Yemen.<sup>6</sup> It also mentioned that “Since the beginning of the conflict, there has been no significant initiative to hold perpetrators of violations to account. The absence of the rule of law and the dysfunction of the judicial system give leeway to impunity and contribute to the recurrence of violations.”<sup>7</sup> The POE also called upon the UNSC to “include in its next resolution language that stresses that all those responsible for human rights and international humanitarian law violations and abuses must be held accountable...to prevent impunity and ensure full accountability.”<sup>8</sup>

The undersigned organizations reiterate their call on the UNSC to fulfill its mandate and demonstrate leadership in implementing the recommendations of the GEE, specifically by referring the situation in Yemen to the ICC and expanding the list of persons subject to sanctions. We also call on the UNSC to take proactive steps to integrate the human rights dimensions of the conflict by inviting the GEE to formally present its annual report to the Council, regularly hosting Yemeni human rights defenders as Council briefers, and passing a substantive resolution related to ongoing violations of international law in Yemen, citing the findings of both the GEE and POE.

The promise of credible accountability and redress is the only real guarantor for durable peace in Yemen. In the absence of justice, the same individuals and entities that have already caused untold suffering to civilians in Yemen, including by undermining peace and stability in the country, will continue to act unrestrained. This behavior, emboldened by impunity, threatens Yemen, the region, and the entire international system.

**Signed:**

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| 1. Mwatana for Human Rights                                | 8. Human Rights Watch                               |
| 2. Amnesty International                                   | 9. International Federation for Human Rights (FIDH) |
| 3. Avaaz   | 10. Musala Organization for Human Rights            |
| 4. Cairo Institute for Human Rights Studies                | 11. PAX   |
| 5. Columbia Law School Human Rights Clinic                 | 12. Physicians for Human Rights                     |
| 6. Gulf Centre for Human Rights (GCHR)                     | 13. Saferworld                                      |
| 7. Global Centre for the Responsibility to Protect (GCR2P) | 14. Watchlist on Children and Armed Conflict        |

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> *Final report of the Panel of Experts on Yemen*, 2.

<sup>7</sup> Ibid., 3.

<sup>8</sup> Ibid., 47.