

UN Human Rights Council: Create Commission of Inquiry for Yemen

The undersigned organizations call on the United Nations Human Rights Council to create an international commission of inquiry to investigate alleged serious violations of international humanitarian law and international human rights law by all relevant parties since September 2014, when the Houthi armed group took control of Sana'a, the Yemen capital.

On March 26, 2015, a Saudi-led coalition launched an air campaign against the Houthi forces. Since then, parties to the conflict have committed serious violations of international law, some of which may amount to war crimes.

The Saudi-led coalition has conducted indiscriminate airstrikes in violation of international humanitarian law that have killed scores of civilians and hit civilian objects and infrastructure. On July 24, for example, coalition airplanes repeatedly struck two residential compounds of the Mokha Steam Power Plant. These strikes alone killed at least 65 civilians, including 10 children.

Houthi and allied forces have repeatedly violated international humanitarian law including by firing weapons indiscriminately into civilian populated areas in southern Yemen and across the border in Saudi Arabia, and recruiting children for their forces. On July 19, in one of the deadliest attacks by pro-Houthi forces, mortar fire killed several dozen civilians in the Dar Saad district in Aden.

Non state armed groups have violated the medical neutrality of healthcare centres and healthcare and humanitarian aid workers.

By August 4, the fighting in Yemen had resulted in at least 1,916 civilian deaths, the majority from airstrikes, according to the Office of the UN High Commissioner for Human Rights. At least 207 civilian objects have been completely or partially destroyed as a result of the armed conflict.

The humanitarian situation continues to deteriorate with 21 million Yemenis—a staggering 80 percent of the population—in need of humanitarian assistance. With commercial imports accounting for 90 percent of Yemen's food and fuel supplies, the coalition-imposed blockade has had a severe impact on the humanitarian situation, and may amount to the war crime of starvation of civilians as a method of warfare. Half the population is now facing food insecurity; over 15.2 million people lack access to basic health care, and over 20 million lack access to safe water thus contributing to the spread of preventable diseases such as dengue fever, polio and acute diarrhoea.

The High Commissioner for Human Rights has expressed grave concern at the high number of civilian casualties in Yemen, and informed the Human Rights Council at its 29th session in June

2015, that his Office has “received information suggesting that indiscriminate and disproportionate attacks are being used on densely populated areas.”

International humanitarian law obligates states that are parties to an armed conflict to investigate allegations of war crimes committed by their forces and bring those suspected of criminal responsibility to justice in fair trials. We are not aware of any Coalition members having done so. In addition, other states are permitted to exercise universal jurisdiction with regard to alleged war crimes or other crimes under international law committed in Yemen. On April 14, 2015, the High Commissioner for Human Rights called for any suspected breach of international law to be “urgently investigated,” and reiterated the call for thorough investigations in his opening address to the June session of the Human Rights Council.

The Human Rights Council, in its resolution 27/19 adopted in September 2014 on Yemen, unanimously called for “an investigation into all cases of violations and abuses of human rights and cases of violations of international humanitarian law.” The Office of the High Commissioner for Human Rights also encouraged the establishment of an international mechanism to investigate human rights violations that had taken place during the uprising in 2011. The failure to adequately implement those recommendations by both domestic and international actors further fuelled the culture of impunity in Yemen.

The failure of Saudi Arabia and other coalition members, as well as the Yemeni government, to investigate apparently unlawful airstrikes in Yemen, as well as the lack of accountability measures by other parties to the conflict, demonstrates the need for the Human Rights Council to take urgent action.

At its 30th session in September 2015, the Human Rights Council should act to break the culture of impunity in Yemen and adopt a resolution to establish an international commission of inquiry to investigate alleged abuses and violations of international humanitarian law and international human rights law by all parties since September 2014, including in connection with the air and sea blockade imposed by coalition forces. The investigation should establish the facts, collect and conserve information related to abuses and violations, and identify those suspected of criminal responsibility for serious abuses and violations with a view to ensuring that they are brought to justice in fair trials.

Signatories:

Algeria League for Defense of Human Rights

Amnesty International

Arab Coalition for Sudan

Arab Foundation for Civil Society and Human Rights

Arab Institute for Democracy

Arab NGO Network for Development

Arab Organisation for Human Rights – Libya

Arab Organisation for Human Rights – Mauritania

Arab Programme for Human Rights Activists

Cairo Institute for Human Rights Studies

Education Center for Women Human Rights – Morocco

Global Centre for the Responsibility to Protect

Human Rights Watch

International Federation for Human Rights

International Refugee Rights Initiative

Khatim Adlan Centre for Enlightenment and Human Development

Non-Violence Network in Arab Countries

Permanent Peace Movement

Phenix Centre for Economics and Informatics Studies

Progressio

Saferworld

Sudan Democracy First Group

Sudan Human Rights Monitor