

29 September 2020

Statement to UN Human Rights Council 45th session (14 September – 7 October 2020)

Item 2. *Interactive dialogue on the report of the Group of Eminent International and Regional Experts on Yemen*

Statement on Yemen

This statement is supported by the Peace Track Initiative (PTI).

We welcome the Group of Eminent Experts' report¹ and commend their efforts in documenting human rights violations and abuses in Yemen. We particularly appreciate the efforts in applying a gendered approach and in documenting and verifying acts of sexual and gender-based violence, given the difficulty in documenting these acts in the Yemen context. We welcome that the GEE has finally attested the crimes denounced by women human rights defenders throughout the past two years about sexual violence used as torture, including of women detainees, and as a weapon of war. We also commend efforts in documenting violence and abuse against persons on the grounds of their sexual orientation and gender identity.²

However, we regret that the report does not mention the killing in April 2020 of Colonel Muhammed al-Sulayhi, a liaison officer appointed by the government to implement the Stockholm Agreement.³ The attack, condemned as "deplorable and unacceptable" by the UN Special Envoy⁴ and allegedly carried out by the Houthis, represents a clear act of derailing the peace process. It should have been mentioned in the report.

We also regret that violations and abuses leading to the starvation of the people in Yemen were not strongly reflected in the report. These include the siege imposed on Ta'izz by the Houthis, who have also closed the alternative roads created by people to commute. The Houthis claim that the closure is a measure to respond to the COVID-19 pandemic.

We welcome that the GEE recalled the UN Secretary General's call for a global ceasefire. We are deeply worried about the continuous escalation of the conflict especially in Mareb, Al-Baidha, Al-Jouf, Abyan, and other regions and which are causing further unnecessary devastation. We note the UN Special Envoy's efforts in proposing multiple drafts for a ceasefire agreement⁵ to parties to the conflict; however, we remain concerned that women have not been included meaningfully in the process. Moreover, we are concerned that states that welcomed the Secretary General's call for a

¹ Situation of human rights in Yemen, including violations and abuses since September 2014, Comprehensive report of the Group of Eminent International and Regional Experts on Yemen, A/HRC/45/6, 14 September 2020, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26218&LangID=E>

² See A/HRC/45/6, paragraphs 68 and 71.

³ <https://www.arabnews.com/node/1661236/middle-east>

⁴ https://twitter.com/OSE_Yemen/status/1251412309542686720?s=20

⁵ PTI's comments on the ceasefire draft developed by UN Envoy (Joint declaration): <https://publicate.it/p/vlitdP161587>

global ceasefire have resumed or continued arms transfers to parties to the conflict. This must immediately stop. We echo the repeated call by the GEE to cease arms transfers and military support to all parties to the conflict.⁶

We encourage the GEE to:

- Continue its efforts to incorporate gender analysis in their report;
- Continue documenting instances of sexual and gender-based violence. In this regard, we stress the importance of ensuring the continued support of a sexual and gender-based violence investigator to the GEE.

We strongly echo the GEE's recommendations to all parties of the conflict to:

- immediately implement a ceasefire and work towards a sustainable and inclusive peace, through a process that fully and meaningfully include women, youth and minority groups;
- immediately and unconditionally release all the people arbitrarily detained;
- conduct prompt, transparent, independent, impartial, thorough, credible, effective and gender-sensitive investigations of all human rights violations and crimes, and ensure accountability and respect for victims' right to an effective remedy.⁷
- engage in demining efforts across the country.

⁶ The GEE reports that "Notwithstanding the strong recommendations by the Group of Experts in its previous reports, third States, including Canada, France, the Islamic Republic of Iran, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, continued their support of parties to the conflict including through arms transfers, thereby helping to perpetuate the conflict." And that "The Group of Experts repeats its concern about third States transferring arms to parties to the conflict in Yemen in blatant disregard of the documented patterns of serious violations of IHL and human rights law in the conflict to date. The Group believes that they are failing in their responsibilities to ensure respect for IHL, and that some States may be violating their obligations under the Arms Trade Treaty. Furthermore, such support may amount to "aiding and assisting" internationally wrongful acts in contravention of international law." A/HRC/45/6, paragraphs 25 and 102.

⁷ "The Group of Eminent Experts finds that the parties to the conflict continue to show no regard for international law or the lives, dignity, and rights of people in Yemen, while third States have helped to perpetuate the conflict by continuing to supply the parties with weapons." A/HRC/45/6, page 1.

"102. The Group of Eminent Experts reiterates its concern about third States transferring arms to parties to the conflict in Yemen in blatant disregard of the documented patterns of serious violations of international humanitarian law and human rights law in the conflict to date. The Group believes that they are failing in their responsibilities to ensure respect for international humanitarian law, and that some States may be violating their obligations under the Arms Trade Treaty. Furthermore, such support may amount to aiding and assisting internationally wrongful acts in contravention of international law.

(...)

107. To ensure justice for all victims of violations of international human rights and humanitarian law, and in the light of the ongoing armed conflict, the Group of Experts recommends that parties to the conflict: (...) (n) Conduct prompt, transparent, independent, impartial, thorough, credible, effective and gender-sensitive investigations of all violations and crimes committed during the conflict, and ensure accountability and respect for victims' right to an effective remedy." A/HRC/45/6, paragraphs 102 and 107.