

**Joint Civil Society Letter:
States should support accountability for crimes under international law committed in
Yemen at the 48th Session of the Human Rights Council**

3 September 2021

Your Excellency,

We write to you to urge your government to use the upcoming 48th Session of the United Nations Human Rights Council (HRC) to:

- (1) Establish an international criminally-focused investigation body for Yemen, and simultaneously**
- (2) Ensure the continuity of the Group of Eminent Experts on Yemen (GEE) through an ongoing or multi-year mandate.**

We would welcome the opportunity to meet a representative of your government to discuss these recommendations at your earliest availability.

This September, the war in Yemen will reach its grim seventh-year milestone. The ongoing conflict has ravaged the country, inflicting immense suffering on the people of Yemen. At least [233,000](#) people have lost their lives, including 102,000 as a direct result of hostilities and 131,000 from indirect causes, such as conflict-related famine, and destruction of health services and infrastructure, to name a few. Over [4 million people](#) have been internally displaced. Serious violations of international humanitarian law and egregious human rights abuses by all parties to the conflict have contributed to [the world's worst human-made humanitarian crisis](#). Indiscriminate and other unlawful attacks have killed and injured civilians, destroying or damaging civilian homes, medical facilities and infrastructure. These attacks and the simultaneous obstruction of humanitarian assistance have exacerbated the spread of disease, including the cholera epidemic and Covid-19 pandemic. Moreover, the country is facing the imminent threat of large-scale [famine](#), and as of June 2021, 16.2 million Yemenis are [food insecure](#).

More is needed to address this crisis and advance accountability, including:

1. Establishing an international criminally-focused investigation body for Yemen

In their last report, "[A Pandemic of Impunity in a Tortured Land](#)", the UN Group of Eminent International and Regional Experts on Yemen (GEE) underscored Yemen's "acute accountability gap", concluding that the international community "can and should" do more to "help bridge" this gap in Yemen. They recommended that the international community take measures to support criminal accountability for those responsible for serious violations of international humanitarian law and egregious human rights abuses. In particular, they supported the "establishment of a criminally focused investigation body" (similar to the mechanisms established for Syria and Myanmar) and "stressed the need to realize victims' rights to an effective remedy (including reparations)".

Accordingly, we urge your government to support the establishment of an adequately resourced and sufficiently staffed international investigative mechanism for Yemen that would:

(a) Collect, consolidate, preserve and analyze evidence;

(b) Prepare case files; and

(c) Identify victims and document the extent and types of harm suffered in view of reparations claims in each case investigated.

Such a mechanism would facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, and lay the groundwork for effective redress, including reparations for victims. Similar mechanisms have been created by the UN for the situations in [Myanmar](#) (at the Human Rights Council) and for [Syria](#) (at the General Assembly).

An international investigative mechanism would complement, and actively cooperate with, the GEE by providing support for criminal accountability in courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law. This would also serve to mitigate the loss of vital evidence for future accountability efforts, as the standard of proof and the conditions regarding the integrity of the evidence required for criminal proceedings are distinct from those used to document human rights violations and abuses and violations of international humanitarian law. It will be important to allocate appropriate time, resources and staffing to such a mechanism to ensure that it may fulfill its mandate efficiently and effectively.

In the absence of a referral by the UN Security Council of the situation in Yemen to the International Criminal Court, an international investigative mechanism would be a powerful deterrent directed at those perpetrating serious violations of international law and could contribute to ending the cycle of violations and impunity that continues to fuel the conflict and humanitarian catastrophe in Yemen. In this respect, the fate of millions of Yemenis depends in large part on the international community's implementation of effective measures to put an end to the impunity enjoyed by all parties to the conflict.

2. Ensuring the continuity of the Group of Eminent Experts on Yemen's operations through an ongoing or multi-year mandate:

A dedicated accountability mechanism does not detract from the ongoing need for the GEE, which continues to play a vital role in gathering information, publicly reporting recent patterns of violations and abuses, and providing timely recommendations to the international community concerning the situation in Yemen. The GEE is facing heightened challenges due to disruptions caused by the Covid-19 pandemic and a lack of continuity in its staff and operations caused by a recurring gap in UN institutional funding. This gap is in large part a result of the GEE's annually renewed mandate. Each year, the staff and operations of the GEE are held in limbo between the renewal of the GEE's mandate by the Human Rights Council and the allocation of its budget by the UN General Assembly. This has consistently resulted in prolonged periods of up to 3-4 months during which the GEE operates on a "skeleton budget", well below its full capacity, and has generated a high rate of staff turnover. After seven years, the crisis in Yemen shows no sign of abating, and there is an urgent need to ensure continuity of operations through an ongoing or multi-year mandate.

As such, we call on your government to support the renewal of the GEE’s mandate on the basis of an ongoing mandate or a multi-year mandate, in line with other mechanisms established by the Council on this basis (e.g. [Myanmar](#), [Venezuela](#) and [Palestine](#)).

Finally, in 2020, the HRC recognized the need for strengthened measures to advance accountability, by specifically requesting the GEE to “explore and report on recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims.”

We urge you to ensure that this year’s resolution engages with and implements these recommendations, including those the GEE have already made to establish a criminally based investigative mechanism at the UN, and to ensure reparations and effective remedies for victims and survivors in Yemen.

Sincerely,

1. Mwatana for Human Rights
2. Cairo Institute for Human Rights Studies (CIHRS)
3. Human Rights Watch
4. International Commission of Jurists (ICJ)
5. Amnesty International
6. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
7. Egyptian Initiative for Personal Rights
8. International Service for Human Rights (ISHR)
9. Vredesactie
10. World Organisation Against Torture
11. Yemen Relief and Reconstruction Foundation
12. Global Justice Clinic, NYU School of Law
13. Dhameer Organization for Rights and Liberties
14. Salam For Yemen Foundation
15. Save the Children
16. Global Rights Compliance
17. Ceasefire Centre for Civilian Rights
18. Global Centre for the Responsibility to Protect
19. European Center for Constitutional and Human Rights (ECCHR)
20. Truth Justice Memory Center
21. Gulf Centre for Human Rights
22. International Federation for Human Rights (FIDH)
23. Campaign Against Arms Trade
24. Yemen Policy Centre
25. Bridges for Yemen
26. Women National Committee
27. Rfed Rural Development Association
28. Aba’ad Foundation for Social Development and Human Rights
29. Yemeni Women Union
30. Yemeni Landmine Records
31. Human Rights Information and Training Center (HRITC)
32. Alf Ba Civilian and Coexistence Foundation

33. New Future Organization for Development (NFOD)
34. Youth Without Border Organization for Development
35. Electronic Organization for Humanitarian Media
36. Yemeni Archive
37. Watch for Human Rights
38. Peace and Construction Foundation
39. Abductees' Mothers Association
40. Fouad Foundation for Peace and Development
41. Sam for Peace and Human Rights
42. 'Abs Organization for Development
43. Musaala for Human Rights
44. Free Media Foundation for Investigative Journalism
45. The 'Other' Center for Peace and Development
46. Qarar Foundation for Media and Development
47. Daoo Foundation for Rights and Development
48. 'We are here' Foundation for Relief and Development
49. Masar Foundation for Development and Human Rights
50. Taiz Women for Life
51. The Center of Strategic Studies to Support Women and Child
52. The Yemeni Organization for Human Rights and Democratic Freedoms
53. Women Association for Peace in Yemen
54. Association for the Protection of Women Survivors of Houthi Prisons
55. SAM Organization Right and Liberties
56. Alkarama for Human Rights
57. Kidi-B2
58. American Center for Justice
59. Defaa Foundation for Rights and Liberties
60. Yemen Organisation on Women's Policies
61. The National Organization for Yemeni Journalists (Sada)
62. 'Together We Raise' Foundation