



**Human Rights situation in Yemen,
Resolution 45/15 and the GEE**

Geneva, 22 February – 23 March 2021

Human Rights Situation in Yemen

Report of the Enhanced Interactive Dialogue: Oral Update Group of Eminent Experts on Yemen on the situation of human rights in Yemen and the development and implementation of resolution 45/15

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Introduction

The human rights situation in Yemen is problematic and shocking in numerous ways. From breaches of international law to the inability to access humanitarian aid, minority groups, women, and young people are suffering from the direct consequences of deplorable actions on a daily basis. More than 112,000 people have died as a direct result of hostilities, and many more have become injured in the process. Further, many have died due to the socioeconomic, humanitarian, and health conditions. Today, many people continue to suffer, especially under the authority of the Houthi Militia.



Image Source: UNICEF/UNI338489

The Group of Eminent Experts on Yemen follows a mandate which allows it to monitor and report on the situation of human rights in Yemen, identify those responsible for the violations, and submit a written report to the High Commissioner by the beginning of each session which would subsequently be followed by an interactive dialogue. For the 46th Regular Session of the Human Rights Council, the Group of Eminent Experts (GEE henceforth) submitted its latest report, which was discussed on 25 February 2021 along with the Resolution 45/15.

On October 6, 2020, the Human Rights Council adopted Resolution 45/15, which depicts the human rights situation in Yemen, reaffirms the Council's support or the Secretary-General and his Special Envoy in Yemen, and welcomes the report of the Group of Eminent International and Regional Experts on Yemen, among other clauses and concerns. Most importantly, the

Resolution calls upon all parties involved in Yemen to engage in the political process in a peaceful and democratic way, as well as the equal participation of women in peace and conflict-resolution efforts. Resolution 45/15 is a crucial asset in the fight against all forms of violence and discrimination that are taking place in Yemen.

In the following report, a summary of the GEE Report will be provided along with a synopsis of the key takeaways from the Interactive Dialogue held in February 2021. Finally, the report will allude to the position of Geneva International Center for Justice.

Summary of the GEE Report

In this report, the Group of Eminent Experts on Yemen focused on alleged violations which occurred between July 2019 and June 2020. Through the report, the GEE established reasonable grounds that have led to the belief that the Governments of Yemen, United Arab Emirates, the Southern Transnational Council, and Saudi Arabia are responsible for human rights violations in Yemen. Such violations would include, according to the report, enforced disappearances, arbitrary deprivation of life, gender-based violence, and other acts of hostilities. Moreover, the report highlights that parties to the armed conflict in Yemen have committed violations of international humanitarian law, such as war crimes, indiscriminate attacks, murder of civilians, and inhuman treatment.



Image Source: YNP for UNOCHA

The GEE listed a set of recommendations directed towards all parties related to the conflict in Yemen, the government of Yemen, the de facto authorities, the coalition, third states, and the international community. For the parties related to the conflict in Yemen, it is recommended

they ensure justice for all victims of violations of international humanitarian law and human rights law. For the government of Yemen, it is essential to implement measures previously agreed upon in the National Dialogue Conference. Moreover, de facto authorities must ensure that no detainees are recruited during their detention, while the coalition is advised to strengthen the capacity and independence of the Joint Incidents Assessment Team. Third states, for instance, must take all measures to ensure respect for international humanitarian law and human rights law. Finally, the United Nations and the international community may take various steps as well, including the promotion and support to reach a cessation of hostilities and achieve peace. Indeed, more recommendations are detailed in the report, which are then followed by a thorough mapping of the main actors.

Most importantly, the continued and widespread breaches of international law, in addition to numerous atrocities which have led to the current miserable situation in Yemen, must come to an end immediately. The report is further explained by the Chairperson of the GEE during the interactive dialogue of the 46th session.

The Interactive Dialogue

Introduction of Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen



In his statement, Mr. Jendoubi further calls upon the limitations which the GEE has faced during the reporting period, whereby the restrictions and the lack of funding prompted by the global pandemic have restrained the meticulous works of the GEE and

subsequently the process of peace in the region. As such, the GEE is extremely concerned with the consequences of the dire and growing conflict in Yemen on its civilians. The oral statement delivered by Mr. Jendoubi mentions important achievements, including the formation of a government through peaceful agreements and negotiations, which is a step forward to more sustainable and peaceful resolutions. However, the lack of women representation remains an issue which must be addressed in this regard. At the same time, despite some development, enforced disappearances and detentions remain problematic in the country today. Furthermore,

Mr. Jendoubi highlights the consequences of the attacks in the city of Ma'rib and Hudaydah where vulnerable groups continue to lose their homes and livelihoods.

"The recent escalation of hostilities in Ma'rib has again forced an estimated 54,000 more people to flee their homes".

Yemen's Response

As a response, the Delegation of Yemen does not recognize the reports issued by the GEE, as they believe it lacks objectiveness. According to the representative of Yemen, the report issued by the GEE is based on unreliable information, the sources of

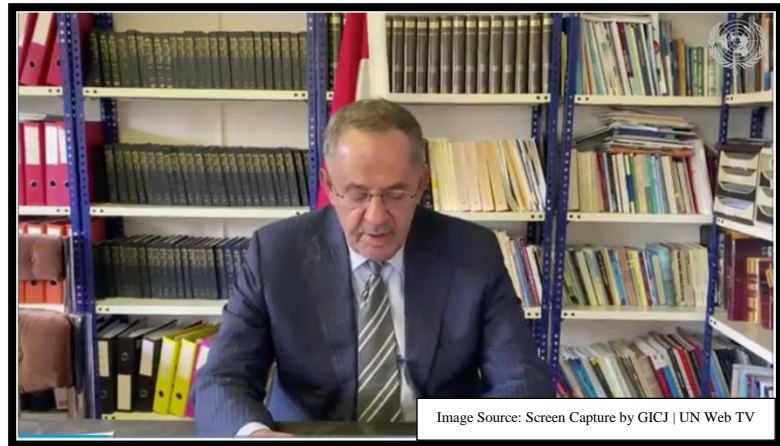


Image Source: Screen Capture by GICJ | UN Web TV

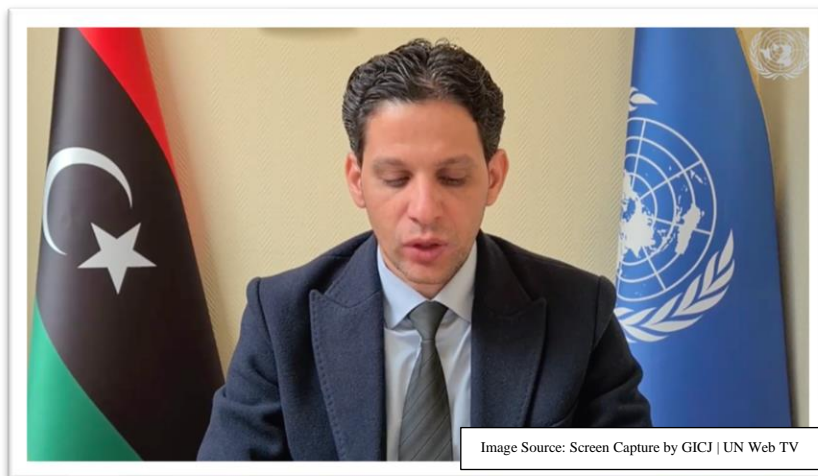
which are not credible. Ambassador Ali Majawar, the Permanent Representative of Yemen to the United Nations, further highlights that the report is politicized. Moreover, he mentioned that the human rights issues must not be affected by misinformation or political reasons, which further justifies the point made about the crimes committed by Houthi militias. The representative of Yemen accused the GEE by alluding to the methodology and the practices adopted by the group, as he said that they are not transparent, neutral, nor in compliance with the set of UN mechanisms. Mr. Ali Majawar also mentioned that the GEE is not respecting its mandate, and that there is no concrete proof of the attacks made by the Houthis. Finally, Yemen urged the Council to consider the compliance with Resolution 26/45, notably Article 10, as this will allow the national commission in Yemen to monitor abuses and violences in the country.

State's Comments and Questions (Regional Groups)

African Group

On behalf of the Group of Arab States, the Delegation of Libya announced the group's renewed support for the Security Council Resolution 22/16 and the Human Rights Council Resolution 45/26, and notably the Article on capacity building and technical assistance in Yemen. The

group further highlights that the sole legitimate representative of Yemen is the government of Yemen and the adherence to Resolution 45/26, under the request of Yemen's government, is



essential and must be adopted by the Council. The group further mentions that the report of the GEE is highly politicized and is not accurate as compared to the work and policies of the government. In the same light, Cameroon and Morocco both support

Resolution 22/16 of the Security Council and therefore also support the legitimacy of the Yemeni government. The representatives also mentioned that technical assistance and capacity building for Yemen must be entrusted, and that the newly appointed Yemeni government can monitor human rights violations and human rights abuses. Moreover, the representative of Egypt is equally concerned with the approach of the GEE, as he mentions the group's work is not constructive and contains misleading information. Egypt believes that the GEE is going beyond its mandate and therefore the country supports the legitimacy of the Yemeni government. Finally, in compliance with the statement made by the Arab Group, Sudan praises the role of the national commission in Yemen and does not accept the foundation on which the GEE is building its reports.

Asia and the Pacific Group

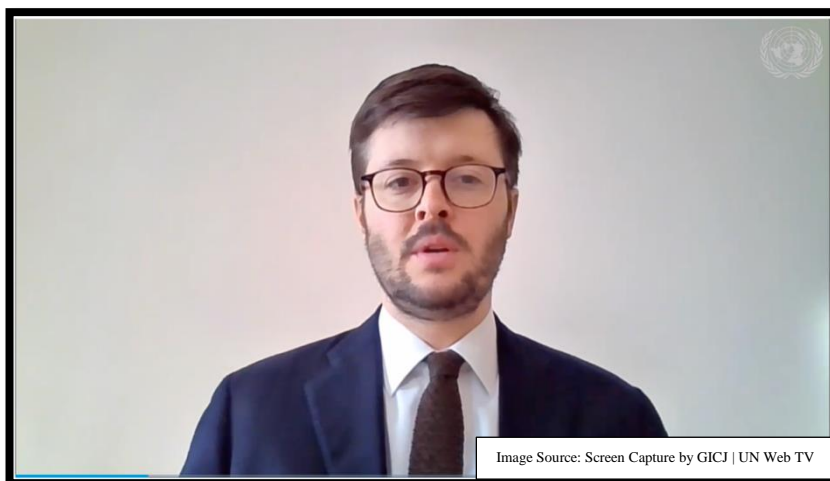
On behalf of the Gulf Cooperation Council (GCC), the representative of Bahrain claimed that supporting the Yemeni government and meeting its needs by the Council is of utmost priority. The GCC believes that a solution to the crisis in Yemen and achieving a political solution must be solely based on the Gulf initiative and its mechanisms, which are the outcome of a national dialogue. The GCC further highlights the efforts made by the Yemeni government in terms of investigating allegations and violations, and they therefore called on the Council to support the work done by the national committee in Yemen as it has a comprehensive understanding of the complexity of the issue and can also professionally analyze the violations without any allusions to politics. In compliance with such beliefs, the representative of Saudi Arabia also mentioned

that the country does not recognize the GEE's mandate as they believe that the group has overstepped its mandate and has drafted misleading reports which have subsequently deepened the crisis. Saudi Arabia therefore believes in Yemen's work and is concerned with the accusations made by the GEE on Saudi Arabia and Yemen, which include launching multiple missile attacks. Saudi Arabia is also confident that the GEE report lacks objectivity and compliance with Resolution 22/16. Similarly, Jordan and Kuwait believe that peace and security must be established in Yemen and that support for technical assistance and capacity building in Yemen is essential.

Notably, Kuwait is concerned with the politicized non-credible fallacies of the GEE Report as it lacks commitment to the Security Council Resolution 22/16. The delegation of the United Arab Emirates agrees that the report of the GEE lacks transparency and that assistance must be provided to Yemen directly.

Western European and Other Group

The European Union (EU) aligns with the statement made by the GEE, and will continue to support their mandate. The EU is concerned with the human rights situation in Yemen and the recent escalations of violence, notably in Ma'rib. The organization claimed that the conflict



parties are committing grave violations of international law. Further, the EU requested an elaboration from the GEE Chairperson on the group's access to Yemen and their ability to fully carry out proper

investigations. On behalf of the Nordic-Baltic States, the representative of Denmark stated their concern with the violations and abuses of human rights in Yemen and urged all parties concerned to respect their humanitarian and human rights law obligations. Nordic-Baltic States have and will continue to support the mandate of the GEE as well as the UN Special Envoy. Further, the representative of Denmark inquired about the further steps that the Council could

take in order to contribute to sustainable peace and ensure that human rights laws are respected in Yemen. The Group of Countries, including Ireland, Belgium, Canada, Luxembourg, and the Kingdom of the Netherlands, support the GEE's work which provides a comprehensive assessment of the situation in Yemen. The Group of Countries fully supports the provision of technical assistance to the national commission in Yemen as well as the work carried out by the GEE. Further, the representative of Ireland welcomed more details on areas of particular priority and further elaboration on the challenges faced by the GEE, especially in terms of access to Yemen territory. Germany, France, Switzerland, Australia, and New Zealand fully support GEE's mandate and recognize the breaches of international law committed in Yemen by the concerned parties. These countries called on all parties to comply with obligations of international law and urged all states to engage with the work of the UN and the GEE in order to achieve inclusive peace and ensure that women are involved in decision-making in Yemen. Switzerland, for instance, also requested an elaboration on recommendations to combat impunity and foster collaboration in this matter. Austria also believes that the conflict in Yemen is a source of instability, and the representative urged all parties to cooperate with international accountability mechanisms, especially the GEE. New Zealand, with full support to the GEE and the UN Special Envoy, asked the Group about steps that could be taken to protect Yemeni children from being recruited as soldiers. Similarly, the United Kingdom of Great Britain and Northern Ireland is specifically concerned with the persecution of religious minorities, such as the Baha'i, in Houthi areas. Their representative, Ms. Rita French, asked the GEE about



actions that could be taken to tackle Houthi impediments to the delivery of humanitarian aid. Finally, the representative of the United States of America mentioned that the U.S. has ended its support for offensive Saudi-led coalition military operations, and the country has followed through the concerns of humanitarian groups and the UN. As such, the U.S. supports UN-led programs in order to establish a ceasefire and open a humanitarian channel.

General Consensus

Throughout the interactive dialogue, it became clear that two divided opinions and statements were prominent. Most of the countries in the African Group and the Asia and Pacific Group have agreed that national sovereignty must be ensured for the government of Yemen. Moreover, most countries in these groups have also agreed that the mandate and the report presented by the GEE have been based on misinformation and a lack of transparency and objectiveness. For instance, according to the representative of Bahrain, the GCC claimed that the government of Yemen must be prioritized in decision-making and in holding perpetrators accountable on their own grounds. In the same spirit, the Group of Arab States, as presented by Libya, announced its support for technical assistance and capacity building in Yemen as opposed to the GEE's efforts and their mandate. The Group also mentioned that the report presented by the GEE is extremely politicized. As such, these countries and their allies recognize the legitimacy of the Yemeni government and reject any report or decision issued by the GEE.



On the other hand, however, the Western European Group along with certain countries from different regional groups have agreed that the GEE's report is completely transparent and trustworthy. These countries have welcomed the report and will continue to support the mandate of the GEE. The European Union, for instance, is concerned with the legitimacy of

the Yemeni government and has reiterated its support for UN based mechanisms, which the GEE follows through. Another example would be the Nordic-Baltic states, who agree that the Yemeni government has committed atrocious breaches of international law and international humanitarian law. As such, these countries believe in the mandate of the GEE and will continue to support the group's effort in holding all parties to the conflict accountable for their horrid actions.

Final Remarks of the Group of Eminent Experts on Yemen

By the end of the dialogue, Ms. Melissa Park and Mr. Ardi Imseis, both members of the GEE, concluded the discussion with important takeaway remarks and notes. Ms. Park talked about the miserable situation in Yemen, notably how children are suffering



severe and acute malnutrition as parties to the conflict continue to play war and politics with important resources such as food. She mentioned that impunity for violation leads to further and worse violations, and more insecurity. In her statement, she highlights that there are approximately 4 million IDPs; most of which are women and children. Furthermore, 800,000 IDPs are facing a disturbing situation in Ma'rib. She declared that if frontlines continue to move eastward, it is likely that thousands of civilians will be forced to flee the area, and consequent grave humanitarian violences will follow. Finally, she stated that in the last year contributions have decreased, and that it is important for all states to contribute at the high level event for Yemen, which occurred on March 1st, following the session. Mr. Imseis highlighted that if all parties involved are unwilling to put an end to the current situation, the international community would have to step in. He alluded to the recent decisions to cease the provision of arms as an example of such actions. As a key element, according to the members of the GEE, accountability must be ensured. As such, the group will continue to monitor the area and report back in a transparent way.

The Contribution of Non-Governmental Organizations

Many Non-Governmental Organizations (NGOs) contributed towards the end of the dialogue with extremely important insights and appeals. For instance, Women's International League for Peace and Freedom, in a statement supported by the Peace Track Initiative, highlighted that the violence in Yemen is disproportionately affecting women. Moreover, the proliferation of arms is increasing and supplies of weapons continue in the area. The organization further mentioned that gender-based and sexual violence are used as weapons by the parties involved. To support their statement, the organization gave the example of Dr. Nadia Al-Sakkaf who was sentenced to death by the Houthi court. Furthermore, the organization urged the council to call for a cessation of hostilities targeting Ma'rib and the immediate release of all men and women that are arbitrarily detained, in addition to a call for the meaningful and equal representation of women in peace and political processes.

Another NGO, Save the Children International, declared that more than 2 million children will likely be malnourished in 2021 in Yemen, and that an increase of 50% of malnutrition in the second half of 2020 occurred drastically. The organization also shed a light on the attacks on schools and educational institutions, and claimed their support for the mandate of the GEE.

Finally, Reporters Without Borders International also claimed their support for GEE's work as the situation is worrying. They mentioned that journalists are still detained in all areas controlled, and that 4 of them are waiting for death execution under the authority of the Houthi court. The organization reminded the Council of the duty to protect journalists and called for their release.

The Position of Geneva International Center for Justice

Geneva International Center for Justice (GICJ) believes that the human rights situation in Yemen is appalling and that all parties involved in the conflict are committing grave violations of international law and international humanitarian law. In particular, GICJ believes that minorities, vulnerable groups, human rights defenders, and journalists must be protected from

the atrocious attacks of the Houthi militia. We are deeply concerned with the recent escalation of the situation in Ma'rib, and an urgent need to end such violations is at the heart of our position. The report presented by the GEE was transparent, clear, and concise. It thoroughly explained the patterns and incidents of conduct in the context of the ongoing humanitarian crisis in Yemen. GICJ is concerned over the illegal actions of the parties involved, where the breach of international law is eminent. Many people continue to suffer under the authority of the Houthi militia, and they must be protected by the international community.



Image Source: IOM / Olivia Headon

As such, GICJ urges the international community to pressure the involved parties to cease all acts of violence against innocent civilians. The community must do so by reiterating the violation of applicable human rights law and international humanitarian law. Furthermore, in accordance with the report, states and international organizations must provide funding of humanitarian aid to support different facilities in Yemen and ensure the protection of victims and detainees. Lastly, GICJ strongly recommends states to support the efforts made by the Special Envoy of the Secretary-General for Yemen, to achieve sustainable peace and ensure the cessation of hostilities, and where the involvement of minority groups, young people, and women is highly encouraged.

Conclusion

It is agreed upon that all country parties have and will continue to commit serious violations, such as hiring child soldiers, practicing unlawful killings, arbitrary detentions, and innumerable inhumane actions. It is certain that these violations will have devastating consequences for the civilians, and perpetrators must be held accountable immediately. The mandate of the GEE work is crucial, and it highlights the dramatic situation in which the civilians, IDPs, and migrants find themselves. Evidently, the COVID-19 outbreak has and continues to hinder the operation of health facilities. Even prior to the outbreak, barely half of the health facilities in Yemen were operational. Detainees are extremely vulnerable in this case, especially with the outbreak of infectious diseases and the inadequate measures adopted by the Government. Peace and security must be established in Yemen, and a constructive dialogue and international cooperation are therefore essential. Most importantly, perpetrators must be held accountable for their violation of human rights law and international humanitarian law. Finally, technical assistance and capacity building to Yemen is necessary in order for the government to fulfill its international human rights obligations, end the state of impunity, and protect the rights of its citizens. GICJ hopes that enhancing the technical assistance will strengthen its efforts to investigate human rights violations and fight impunity.

The needs of the Yemeni citizens must be prioritized. Tens of thousands have died. More than 20 million are in need of protection and assistance. The country is heading towards the worst famine that the world has seen in decades. This war has to stop, and the world must provide support in the context of peaceful political participation, economic justice, equal citizenship, and accountable governance.

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Independent, International Non-Government Organization



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