

Joint NGO Letter: International Accountability Critical to Achieving Justice for Victims and Promoting Lasting Peace in Yemen

UN-led independent, international, and criminally focused investigation is required

6 September 2022

As civil society organizations from Yemen and around the world we urge United Nations (UN) member states to work toward *the establishment of an independent international criminally focused investigative mechanism on Yemen in the coming period, including at the upcoming 51st Session of the UN Human Rights Council (HRC).*

While a Yemen truce hangs in the balance, little to no progress has been made by parties to the conflict to address ongoing and widespread violations and abuses of international human rights and humanitarian law or remedy [the harms they have inflicted on civilians throughout the conflict](#). [The humanitarian situation in Yemen remains desperate](#), and, in [recent weeks](#), armed clashes have [once again increased](#). Civilians continue to fall victim to shelling, drone strikes and other attacks. **These factors attest to the urgent and critical need to reinvigorate international accountability efforts on Yemen through the establishment of an independent international investigation.**

As [highlighted](#) by the UN High Commissioner for Human Rights, “We know that lasting peace is interlinked with justice, development and respect for human rights.” Unfortunately, justice, truth and reparation for human rights abuses were overlooked by the international community after mass pro-democracy protests in Yemen toppled the government of the former President Ali Abdullah Saleh in 2011. Between 2011-2014, the Gulf Cooperation Council’s (GCC) political initiative for Yemen, as endorsed by the UN Security Council, [prioritized](#) implementing a quick transition of power at the expense of ensuring accountability, establishing the rule of law and addressing the government’s long record of human rights violations. The [immunity afforded to former President Saleh and others](#) only entrenched a culture of impunity that likely played a key role in the renewal of armed conflict and the commission of widespread human rights abuses and war crimes within the country. *Almost ten years later the international community is in danger of repeating the same mistake.*

For years Saudi Arabia, the United Arab Emirates (UAE), the Internationally Recognized Government of Yemen, the Ansar Allah (Houthi) armed group, and other warring parties have caused, and continue to cause, massive civilian harm and suffering in Yemen, carry out frequent and serious violations of international human rights and humanitarian law,^[1] and have failed to conduct credible investigations, provide reparations, or ensure justice for victims. In the last month, attacks against civilians and other related violence have resulted

in [232 civilian](#) casualties including 57 children. The last week of [July witnessed the highest increase of child casualties in one week since early 2020](#).

Before its untimely dissolution in 2021, the UN Group of Eminent Experts (GEE), established by the UN Human Rights Council (HRC) in 2017, recommended that UN member states [refer the situation in Yemen to the International Criminal Court \(ICC\)](#), [support the establishment of a criminal-accountability-focused investigative mechanism](#), and [stressed the need to realize victims' right to reparation](#). In late 2021, HRC members [narrowly rejected the resolution](#) that would have renewed the GEE's mandate after Saudi Arabia, backed by the UAE, lobbied HRC members to vote against its renewal.

The international community should not stand by and allow that vote to be the last word on accountability efforts for large scale human rights abuses and war crimes in Yemen. After its mandate ended in October 2021, members of the GEE [called on the international community](#) to take specific initiatives at the international level in pursuit of accountability. Dozens of UN Member States have recognized an [“urgent need for independent and impartial monitoring and investigations”](#) and urged the international community to [“actively explore further alternative mechanisms...to ensure accountability”](#) for crimes committed in Yemen. [As the GEE stated](#), “Victims of this tragic armed conflict should not be silenced by the decision of a few States. Quite the opposite, they should be supported by all means to see the realisation of their rights to truth, justice and reparation.”

The international community must not repeat the mistakes of the past and side-line international accountability efforts now. Continued impunity will only increase the likelihood that more children will starve, more rights defenders and journalists will be imprisoned or executed, more homes and schools will be bombed, and the cycle of violence and suffering will continue.

In this context, ***an international independent criminal accountability mechanism for Yemen can play a critical role to deter violence, protect civilians and promote a genuine and lasting peace.*** In December 2021, [nearly 90 civil society organizations called on member states of the UN](#) to move quickly and establish such a mechanism in order to **investigate** and **publicly report** on the most serious violations and abuses of international law committed in Yemen. Such a body should **collect and preserve evidence**, **prepare files** for possible future criminal prosecutions, and **identify victims and document harms** for [possible future reparation claims](#). Such a mandate is required to ensure not only that the serious crimes under international law committed in Yemen are exposed to the world, but also that potential avenues of criminal accountability and reparative justice are effectively explored and may be pursued now and, in the future, to address impunity and provide effective redress to victims. Any mechanism that fails to meet these standards would do great disservice to the millions of Yemenis who have suffered grave abuses or apparent war crimes and who still expect justice.

We call on your government to work to ensure the establishment of such a mechanism at the UN in the coming period, including at the upcoming UN Human Rights Council, and stand ready to assist with these efforts in any way we can.

Signatories:

1. Abductees' Mothers Association
2. Abs Development Organization for Women & Child
3. Acción Solidaria on HIV/Aids
4. Action on Armed Violence
5. Alkarama for Human Rights
6. ALQST for Human Rights
7. Amnesty International
8. Bridges for Yemen
9. Cairo Institute for Human Rights Studies (CIHRS)
10. Campaign Against Arms Trade
11. INSAF Center for Defending Freedoms & Minorities
12. CIVICUS: World Alliance for Citizen Participation
13. CIVILIS Human Rights
14. Columbia Law School Human Rights Institute
15. Defence for Children International
16. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
17. Defence Foundation for Rights and Freedoms
18. Democracy School
19. Foundation (my Right) to empower women politically and socially
20. Friends Committee on National Legislation (FCNL)
21. Global Centre for the Responsibility to Protect (GCR2P)
22. Gulf Centre for Human Rights (GCHR)
23. Hearts On Venezuela
24. Human Life Foundation for Development and Relief
25. Human Rights Information and Training Center (HRITC)
26. Human Rights Watch (HRW)
27. International Commission of Jurists (ICJ)
28. International Federation for Human Rights (FIDH)
29. International Service for Human Rights (ISHR)
30. Min Haqqi Foundation to Empower Women Politically and Economically
31. Musaala Organization for Human Rights
32. Mwatana for Human Rights
33. PAX
34. Project on Middle East Democracy (POMED)
35. Salam For Yemen
36. SAM for Rights and Liberties
37. She4Society Initiative
38. Studies and Economic Media Center (SEMC)
39. The Yemeni Archive
40. Vision GRAM-International
41. Vredesactie
42. Wa3ifoundation
43. Watch for Human Rights
44. Women Defenders for Rights and Freedoms Foundation
45. Yemen Future Foundation for Culture and Media Development
46. Yemen Peace School Organization
47. Yemen Relief and Reconstruction Foundation
48. Yemen Women Union
49. Yemeni Media Freedom Observatory (YMFO)

[1] All parties to the conflict in Yemen have perpetrated widespread and systematic abuses, including the killing and injuring of tens of thousands of civilians. Since 2015, the Saudi and UAE-led coalition has conducted scores of [unlawful airstrikes](#) that have killed and injured civilians and destroyed or damaged homes, hospitals, schools, markets, and other civilian infrastructure. Houthi forces have fired mortars, rockets, and other missiles indiscriminately into heavily populated areas, including cities, and laid [landmines indiscriminately](#). Warring parties have prevented life-saving humanitarian aid from reaching those who need it and have used [starvation as a weapon of war](#), and have utterly failed to respect the rights to food, health, water, and education. [Journalists, activists](#), and [human rights defenders](#) have been targeted, harassed, imprisoned, and killed. Children have been [recruited and used](#) in fighting. Women, girls, men and boys remain at serious risk of forms of [gender-based violence](#), including sexual violence. The rights of women and girls have been [gravely undermined](#). [Third-party states and corporations](#) have continued to fuel the wider conflict through weapons sales.