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Physicians for
Human Rights

256 West 38th Street
9th Floor
New York, NY
10018

+1.646.564.3720
phr.org

Urgent Need for Independent International Inquiry on Yemen

Joint NGO letter to Permanent Representatives of Member and Observer States of the United Nations Human Rights Council

August 29, 2017

Excellency,

We, the undersigned nongovernmental organizations, urge you to support the creation of an independent international investigation into violations and abuses of international human rights law and international humanitarian law in Yemen since the start of the current conflict. This is a call that has been made since 2015 by national, regional, and international civil society organizations, the United Nations High Commissioner for Human Rights, and the Security Council Panel of Experts on Yemen. The number of abuses, and the need for credible international investigations, has only increased since 2015.

Yemen is now enduring the world's largest humanitarian crisis, with at least [seven million people on the brink of famine](#) and [hundreds of thousands](#) suffering from cholera. This crisis is manmade, with the war deepening and exacerbating the humanitarian situation in the Middle East's poorest country, and both sides [impeding](#) the delivery of [humanitarian aid](#). As the president of the International Committee of the Red Cross [said](#) at the end of his visit to Yemen in July 2017, "Unless the warring parties improve their respect of the laws of war, I am afraid we must expect more epidemics in the future."

Since March 2015, at least 5,110 civilians have been killed and at least 8,719 wounded in the armed conflict, [according](#) to the Office of the High Commissioner for Human Rights (OHCHR). Serious violations of international humanitarian law and violations and abuses of international human rights law by parties to the conflict have continued to be committed with impunity. The Saudi Arabia-led coalition has conducted scores of unlawful airstrikes, some of which may amount to [war crimes](#), that have killed thousands of civilians and hit [schools](#), [hospitals](#), [markets](#), and [homes](#). The Houthi armed group and forces loyal to former president Ali Abdullah Saleh have fired weapons indiscriminately into populated areas in Yemen and southern Saudi Arabia and used explosive weapons with wide-scale effects in cities such as [Taizz](#) and [Aden](#), killing and maiming scores in attacks that [may amount](#) to war crimes.

Both sides have harassed, arbitrarily detained and forcibly disappeared Yemeni activists, [human rights defenders](#) and [journalists](#), shrinking the space for civil society groups and the media to operate throughout the country. The number of the "missing" is also growing: [Houthi-Saleh forces](#), forces affiliated with the Yemeni government of President Abdrabbuh Mansur Hadi, and the [United Arab Emirates and UAE-backed Yemeni forces](#) have arbitrarily detained or forcibly disappeared hundreds, denying family members access to their loved ones or even information on the fate of those detained.

Parties to the conflict are recruiting and deploying [child soldiers](#). Both sides have used widely banned weapons that can endanger civilians long after a conflict ends. The Saudi-led coalition has used at least [seven types](#) of [cluster munitions](#), and the Houthi-Saleh side has laid [antipersonnel landmines](#) in a number of [Yemeni governorates](#).

In September 2015, the Human Rights Council called on the Yemeni government, with support from the OHCHR, "to ensure the effective investigation, with a view to ending impunity, into all cases of violations and abuse of human rights and of violations of international humanitarian law." In September 2016, the



Council strengthened the mandate of the OHCHR, requesting the High Commissioner “to allocate additional international human rights experts to the Office of the High Commissioner in Yemen to complement the investigatory work of the national commission, while collecting and preserving information to establish the facts and circumstances of alleged violations and abuses.”

While the 2016 resolution sought to strengthen the OHCHR presence in Yemen, this has been difficult in practice. The Houthi-Saleh side has publicly [refused](#) to cooperate with the Yemeni national commission or OHCHR in its capacity implementing the resolution. In March 2017, the Deputy High Commissioner expressed concerns about the National Commission, noting it has failed “to comply with internationally recognized standards of methodology and impartiality,” and has “yet to clarify how its work could facilitate viable mechanisms of accountability.” The Saudi-led coalition’s investigative mechanism (JIAT) has also failed to conduct credible investigations into alleged violations and abuses. The coalition has called into question its purported commitment to accountability with continued blanket denials of violations and abuses documented by a [number of credible sources](#). Last year, Saudi Arabia [threatened to withdraw](#) funding from critical UN programs if the Secretary-General did not remove the coalition from his annual “list of shame” for violations against children.

For two years, the High Commissioner has called for and continues to [call](#) for an independent international investigation.

The victims of abuses in Yemen cannot afford to wait longer for credible investigations into ongoing grave violations and abuses to be undertaken. We therefore call on the Human Rights Council to establish, during its thirty-sixth session, an independent international inquiry to investigate alleged violations and abuses of international human rights law and violations of international humanitarian law committed by all parties to the conflict in Yemen. The inquiry should be given the mandate to establish the facts and circumstances, and to collect and preserve evidence of, and clarify responsibility for, alleged violations and abuses of international human rights law and violations of international humanitarian law, with a view to ending impunity and providing accountability.

We urge you to support the creation of such an inquiry by the Council during upcoming session.

Please accept, Excellency, the assurances of our highest consideration,

1. ALQST Advocating for Human Rights in Saudi Arabia
2. Americans for Democracy & Human Rights in Bahrain (ADHRB)
3. Amnesty International
4. Arab Program for Human Rights Activists
5. Arabic Federation for Democracy, Palestine
6. Arabic Network for Human Rights Information (ANHRI)
7. Association for Human Rights in Ethiopia (AHRE)
8. Avaaz
9. Bahrain Institute for Rights and Democracy (BIRD)
10. Cairo Institute for Human Rights Studies
11. CIVICUS
12. Conectas, Brazil
13. Control Arms
14. Corporación Humanas
15. Defend Defenders (the East and Horn of Africa Human Rights Defenders Project)
16. Dove Tales
17. English PEN
18. European-Saudi Organisation for Human Rights (ESOHR)
19. Friends Committee on National Legislation, US
20. Global Centre for the Responsibility to Protect



21. Gulf Centre for Human Rights
22. Human Rights and Democracy Media Centers (SHAMS)
23. Human Rights Defenders Network, Sierra Leone
24. Human Rights Law Centre, Australia
25. Human Rights Watch
26. InterAfrica Group
27. International Federation for Human Rights (FIDH)
28. International Platform against Impunity
29. International Service for Human Rights (ISHR)
30. MADRE
31. Marib Dam Foundation for Social Development, Yemen
32. Medecins du Monde
33. Migrant Forum in Asia
34. Mwatana Organisation for Human Rights, Yemen
35. NGO Working Group on Women, Peace and Security
36. Pan African Human Rights Defenders Network
37. Partnership for Justice, Nigeria
38. PAX
39. PEN International
40. Physicians for Human Rights
41. Reprieve
42. Saferworld
43. Society for Threatened Peoples, Germany
44. Win Without War, US
45. World Organisation Against Torture (OMCT)
46. Yemen Peace Project, US
47. [Name withheld], Yemen*
48. [Name withheld], Yemen*
49. [Name withheld], Yemen*
50. [Name withheld], Yemen*
51. [Name withheld], Yemen*
52. [Name withheld], Yemen*
53. [Name withheld], Yemen*
54. [Name withheld], Yemen*
55. [Name withheld], Yemen*
56. [Name withheld], Yemen*
57. [Name withheld], Yemen*

**Eleven other Yemeni organizations endorsed the letter, but asked for the names of their organizations to be withheld from the public list due to fears of retaliation. Their names are on file with Human Rights Watch.*