**Fourth Report of the UN Group of Eminent International and Regional Experts on Yemen**

**September 2021**

***A nation abandoned: A call to humanity to end Yemen’s suffering***

Executive Summary

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**Section I: Introduction**

In 2020, the Human Rights Council renewed and broadened the mandate of the Group of Eminent International and Regional Experts for a fourth consecutive year (resolution 45/15). The Experts accepted this responsibility in the reasonable expectation that they would receive the requisite resources to discharge their mission. It cannot succeed in its increasingly complex mission without the proper support from the international community. Regrettably, this was not the case.

**Section II: Methodology & Legal Framework**

Access restrictions to Yemen for a third consecutive year, the COVID-19 pandemic, and significant limitations in investigation time and human resources (e.g., the UN recruitment freeze and the cutting of key posts), considerably impacted the work of the Group and its secretariat. They were obliged to narrow the range of their work and substantially alter their working methods. Therefore, in this report, the Group presents an overview of its findings concerning violations and abuses committed in Yemen from 1 July 2020 to 30 June 2021, as well as the results of a select retrospective analysis. Findings should not be construed as suggesting that other violations and abuses did not occur, that some parts of the country not mentioned in this report were not similarly affected, or that parties have ceased committing particular violations. The Group conducted its investigations[[1]](#footnote-1) within the framework of all relevant international legal norms and continued to apply the “reasonable grounds to believe” standard of proof. Where possible, the Group identified those responsible for violations and abuses and prepared a strictly confidential list of individual alleged perpetrators for submission to the High Commissioner for Human Rights. Finally, the Group holds the utmost concern about the protracted climate of fear and lawlessness in Yemen, deterring many from engaging and sharing information with the Group, or giving consent to the use of information.

**Section III: Over Six Years of Conflict with Unceasing Suffering *(Context)***

The conflict raging in Yemen for over six years has not reduced in intensity in 2020-2021. Notwithstanding considerable international and regional efforts to reach a ceasefire and to embark upon a peace process, the conflict remains intractable due to a continued lack of political will of the parties to the conflict and relevant external actors. Third States continue to provide arms and military support to parties to the conflict. The previously signed power-sharing deal between the Government of Yemen and the southern transitional council remains largely dysfunctional, and negotiations between the de facto authorities and the coalition have not achieved any tangible progress. Moreover, military confrontations have escalated over a myriad of fronts within Yemen, particularly in the Ma’rib Governorate, and outside its borders. In parallel to the protracted conflict: disease outbreaks, the COVID-19 pandemic, flooding, import restrictions, an economic and fuel crisis, and limited humanitarian aid, make everyday life in Yemen unbearable for many.

**Section IV: The Group’s Findings**

1. **Conduct of hostilities and its impact on civilians: unremitting violence, death, and constant fear**

***A.1. Airstrikes***

*"One week later, I was in the area and in the drainage of the hotel, we found more bodies. The dogs had started eating those bodies. One month later, I smelled around the area something and when I went to the building, I found a leg in the drainage."* **Paramedic after visiting an airstrike site in Sana’a**

Since 2018, the Group of Eminent Experts has investigated some 30 coalition airstrikes that killed and injured civilians. Living in a country subjected to an average of 10 airstrikes per day has left millions feeling far from safe. Although the frequency and intensity of airstrikes have fluctuated over the last four years, the Group has continued to observe their devastating impact on civilians. There is little evidence that the coalition and its Joint Incident Assessment Team (“JIAT”) have taken findings of the Group of Eminent Experts about potential breaches of international humanitarian law seriously. During this mandate, the Group investigated four coalition airstrikes, including those in Hajjah and Jawf Governorates impacting family houses in July 2020. The Group of Eminent Experts reiterates its concern that the coalition is failing to meet its obligations to take all feasible measures to protect civilians from the effects of hostilities, and to abide by the principles of distinction, proportionality and precautions in attack.

***A.2. Shelling attacks***

*“This is not a battlefield where, as a journalist, I would expect such missiles to fall... I have been before in situations while I was reporting live, such as in the west coast, shelling would take place... But in a civilian airport? This has certainly caused fear among journalists.”* **Journalist survivor of Aden airport shelling**

Over the past four years, the Group of Eminent Experts has investigated more than 15 shelling attacks that have devastated civilian lives in this inescapable conflict. The majority of these attacks have been undertaken by the Houthis, with a small number attributed to the Government of Yemen and the coalition. During the reporting period, the Group investigated a further three shelling incidents, including at the Aden airport in December 2020, at a wedding hall in Hudaydah Governorate in January 2021 and in the residential Rawdha neighbourhood, in Ma’rib Governorate in April 2021. The Group reiterates its concern that parties to the conflict, particularly the Houthis, continue to launch indiscriminate attacks prohibited under international humanitarian law and are failing to take all feasible precautions to minimize civilian casualties.

1. **Violations related to the humanitarian situation: hunger for survival in the midst of war**

The Group of Eminent Experts reiterates that the dire humanitarian situation in Yemen could be substantially mitigated if parties to the conflict began to respect and comply with their obligations under international law. The civilian population is sinking deeper into hunger and poverty. Several cities in Yemen remain under siege or are impacted by blockades. The protracted closure of Sana’a international airport since August 2016 by the Government of Yemen and the coalition precludes civilians from accessing life-saving health care unavailable within the country. Similarly, civilians continue to pay a high price every time a hospital is destroyed, closed or used for military purposes. Additionally, restrictions on imports imposed by the coalition continue to contribute to shortages of fuel and food, causing price increases. During this reporting period, the Group of Eminent Experts investigated the obstruction of imports into Hudaydah by the coalition, as well as various military operations- including airstrikes- impacting on food production and farms in areas known to be affected by food insecurity reflecting a reckless disregard by parties to the conflict for the impact of their operations on the civilian population and their access to food. Based on its findings during the last four years, the Group of Eminent Experts restates its condemnation of acts by parties to the conflict that impede humanitarian operations and the population’s access to food, necessary supplies and health care.

1. **Enforced disappearances, arbitrary detention, torture and other forms of ill-treatment: perpetual anguish**

*“I swear each day felt like a year.”* **Son of disappeared person**

Away from the frontlines, families are condemned to ongoing mental anguish by being deprived of knowledge as to the fate and whereabouts of their loved ones as parties to the conflict deny families’ right to the truth. Over the last four years, the Group of Eminent Experts has investigated numerous cases in which detention was the precursor to torture, sexual violence and the denial of fair trial rights. During the reporting period, the Group regrettably observed parties to the conflict continuing to perpetrate these intolerable practices. In particular, the Group investigated and received allegations regarding four incidents of enforced disappearance, arbitrary arrest and detention by the Government of Yemen and the southern transitional council; and three incidents of enforced disappearance, arbitrary detention and torture by the de facto authorities. The Group continues to have reasonable grounds to believe that parties to the conflict have engaged in enforced disappearance, arbitrary detention, and torture, in violation of international human rights law and, depending on the level of nexus with the conflict, international humanitarian law.

1. **The situation of internally displaced persons, migrants and minorities: intersecting and compounded vulnerabilities**

*“I was first displaced to al-Khaneq, then to Medghal, then to al-Meel, and then to al-Suwayda. Only God knows how bad the situation in which we're living is… We went by foot… I carried two children on my back, and my wife carried one… when I remember, I cannot help but tear up. It was just so sad.”* **Internally displaced man**

The actions of the parties to the conflict continue to exacerbate the vulnerability of those already marginalized in Yemen. Hostilities, violence, and patterns of attack often force civilians to leave their homes. Many displaced persons, most of whom are women and children, have had to flee repeatedly, enduring the risks that each new displacement entails. Notwithstanding the war, migrants continue arriving in Yemen as a transit point in search of a better future, only to be caught in deadly crossfire or subjected to arbitrary detention and torture, including sexual violence. Minorities continue to live under threat of persecution. During the reporting period, the Group investigated attacks impacting internally displaced persons camps in the northern outskirts of Ma’rib; the fire of the migrant detention facility in Sana’a on 7 March 2021 and the situation of members of the Baha’i and Jewish communities. As a result, the Group concludes that internally displaced persons, migrants and minorities continue to face a heightened level of violations of their rights.

1. **The silencing of journalists and human rights defenders**

*“I have been asked by interrogators about spying for an international organization as a journalist…They told me: ‘we know everyone in your family, and if you mess with us, you know what we can do.’”* **Yemeni journalist, former detainee, and torture survivor**

Over the past four years, the Group of Eminent Experts has documented freedom of expression and activism being ‘punished’ by the parties to the conflict who have subjected journalists and human rights defenders - perceived as dissidents or opponents - to enforced disappearances, arbitrary detention, torture and even death. The Group of Eminent Experts regrets that the investigation into the killing in Aden in June 2020 of a male photojournalist has not substantially progressed and that a TV journalist was killed, and nine other journalists were injured during the shelling attack on the Aden airport. The Group continued to investigate the case of the ten journalists detained by the de facto authorities in 2015 on charges of ‘spying’ and calls for the release of all journalists who remain arbitrarily detained. The Group verified a further case of enforced disappearance, arbitrary detention, and torture, including sexual violence, against a female human rights defender by the de facto authorities; and a case of enforced disappearance, arbitrary detention, and ill-treatment of a journalist by the southern transitional council. The Group of Eminent Experts continues to have reasonable grounds to believe that parties to the conflict have continued to violate the rights of journalists and human rights defenders, including women human rights defenders.

1. **Irreparable harm to children**

The Group of Eminent Experts remains deeply concerned about the irreparable harm parties continue to inflict on children and the realization of their rights. Economic hardship wrought by the conflict has exacerbated some pre-existing traditional harmful practices against children in Yemen, such as forced and early marriage. Parties to the conflict continue to use schools for military purposes, rendering them military objectives subject to attack. Since its creation, the Group of Eminent Experts has extensively investigated the recruitment and use in hostilities of children under the age of 18 (some under 15) by all parties to the conflict. During this reporting period, the Group continued to investigate cases of children killed and injured by airstrikes and shelling; documented the recruitment and use of two 16-year-old boys at the Ma’rib fronts by the Houthis, as well as the attacks against two schools that, since around 2018, have been used for military purposes in the Hudaydah and Ta’izz Governorates, preventing students from accessing education in these locations and jeopardising access by future generations. In light of its findings over the last four years, the Group of Eminent Experts reiterates its concerns about the blatant disregard by parties to the conflict of the rights to which children are entitled under international human rights law and international humanitarian law.

1. **Widespread gender-based violence**

*“Every time they raped me, I kept silent to survive…hoping to be released.”* **Former woman detainee, survivor of sexual and gender-based violence**

Parties to the conflict have committed gender-based violence, including sexual violence, have persecuted persons seen as transgressing gender norms, and have compounded existing inequalities. Since its creation, the Group of Eminent Experts has extensively investigated widespread cases of rape and other forms of sexual violence by the parties to the conflict against, *inter alia*, women, girls; migrant women, girls and boys and persons with non-conforming sexual orientation and/or gender identity and women and girls. During the reporting period, the Group of Eminent Experts investigated, *inter alia*, the cases of Asmaa Omeissy and Intisar Al-Hammadi as examples of the de facto authorities’ abuse of the justice system to reinforce traditional gender norms. The Group reiterates its strong condemnation of the commission by parties to the conflict of gender-based violence and abhors the abuse of the justice system to reinforce traditional gender roles.

**Section V: Accountability**

*“But we are in a time of war, there is no investigation and civilians are targeted by all parties.”* **Shelling survivor**

Urgent remedial action is required if victims are to regain any hope that their rights to truth, justice and reparation will be realised. The relatively minor developments seen this year have by no means been adequate or sufficient to quell the prevailing “pandemic of impunity” in Yemen. Nor has there been substantive progress in relation to the provision of redress to victims. During the reporting period, the Group reviewed the actions of parties to the conflict in Yemen in the accountability sphere (including actions by the National Commission of Inquiry of the Government of Yemen and by the ‘JIAT’ of the coalition). The Group reiterates its call for greater and immediate international action including referring the situation in Yemen to the International Criminal Court; expanding the list of persons subject to sanctions under Security Council resolution 2140; and establishing an international criminal justice focused investigative mechanism. No sustainable peace can be achieved in Yemen in the absence of accountability. Steps that can be taken now to enhance Yemen’s ‘peace preparedness’ include increasing the inclusivity of the peace process, encouraging an explicit principled commitment to accountability in discussions; creating and preserving the space for discussions of transitional justice, including prioritising consultations with victims; and instituting targeted initiatives to strengthen the capacities of Yemeni civil society.

**Section VI: Conclusions & Recommendations**

1. **Conclusions**

The findings of violations and abuses presented by the Group of Eminent Experts in this report, and over the last four years, represent only a partial sample of those causing extreme suffering for civilians every day in Yemen. The Group continues to have reasonable grounds to believe that the Governments of Yemen, Saudi Arabia, the United Arab Emirates and the southern transitional council; and the de facto authorities have been responsible for human rights violations. The Group of Eminent Experts continues to have reasonable grounds to believe that the parties to the armed conflict in Yemen continue committing violations of international humanitarian law. Subject to a determination by an independent and competent court, the Group finds, once again, that individuals in the coalition, Government of Yemen, southern transitional council and de facto authorities have committed acts that may amount to war crimes.

1. **Recommendations**

Over the past three mandates, the Group of Eminent Experts has made recommendations addressed to the parties to the conflict, States and regional and international organizations. The Group regrets that, to a large extent, these recommendations have not been acted upon. As such, all of these recommendations remain relevant and must be implemented if there is to be any reasonable prospect of ending the deep suffering of the civilian population. All that is required to implement the recommendations is political will. In this report, the Group of Eminent Experts provides recommendations to the parties to the conflict, to other States and regional and international organizations, and to the Security Council.

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1. During the reporting period, the Group conducted 152 interviews, reviewed documents and open-source material and relied on professional satellite imagery analysis. In November 2020, the Group issued an online call for written submissions. [↑](#footnote-ref-1)