

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Yemen: An open letter to United Nations Secretary General António Guterres on Yemen conflict**

Amnesty International has written to the United Nations Secretary General António Guterres to set out what it considers are issues he may wish to prioritize in respect of the Yemen conflict.

Over the course of five field missions to Yemen since May 2015, Amnesty International has gathered information that all parties to the conflict, including the Saudi Arabia-led coalition and Huthi forces, have committed serious violations of international humanitarian and human rights law in ground and air attacks,<sup>3+</sup> some of which should be investigated as war crimes. Further, the Huthis and allied forces, including army units loyal to former President Ali Abdullah Saleh, have arbitrarily arrested and detained critics and opponents as well as journalists, human rights defenders and members of the Baha'i community, subjecting scores to enforced disappearance. Amnesty International has also found that anti-Huthi forces (also known as Popular Resistance Forces), allied with Yemeni President Abd Rabbu Mansour Hadi and the Saudi Arabia-led military coalition, in Yemen's southern city of Ta'iz are leading a campaign of harassment and intimidation against hospital staff and are endangering civilians by stationing fighters and military positions near medical facilities.

In this context of lawlessness and abuse, there is an urgent need for accountability, with a view to ensuring that perpetrators of crimes under international law are brought to justice and that victims and their families receive full and effective reparation.

To date, despite these well-documented serious violations of international humanitarian law and international human rights law in Yemen, including apparent war crimes, there has been no accountability. Amnesty International has raised concerns that the [Joint Incidents Assessment Team \(JIAT\)](#), established by members of the Saudi Arabia-led coalition, and the Yemeni National Commission of Inquiry, that was set up by the Yemeni government, supported by Saudi Arabia, appear to fall short of international standards for such investigations. Including as regards its mandate, authority, transparency and impartiality. Further, whilst Amnesty International considers the Human Rights Council's adoption of resolution 33/16 a step in the right direction, and welcomes that it mandates

additional international human rights experts to be allocated to support the OHCHR's office in Yemen with its monitoring and investigations, the resolution does not bestow upon the experts the mandate or powers to ensure justice, accountability and reparation for any violations or abuses documented.

Based on the public information available to date, it is apparent that the only way to ensure a credible investigation that is independent, effective and transparent, is through the establishment of an independent international inquiry, established by the United Nations, to investigate allegations of violations by all parties to the conflict in Yemen, and given powers to ensure that suspected perpetrators of crimes under international law are referred to prosecution in fair trials and that victims and their families receive full reparation.

Further, notwithstanding the evidence that Amnesty International, the UN and other international organizations have made public that all parties to the conflict, including the Saudi Arabia-led military coalition, are violating international humanitarian law, including by failing to take precautions to spare civilians and civilian objects amid military operations in Yemen, states, including those that are party to the Arms Trade Treaty, have continued to fuel the conflict by allowing transfers of the types of arms that have been used to commit and facilitate serious violations of international humanitarian and human rights law, with devastating consequences for civilians.

Against this backdrop, Amnesty International urges you to consider as a matter of priority undertaking the following recommendations in the context of your efforts on the Yemen conflict:

- Recommend to the Security Council the establishment of an independent international investigation, to look into alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators with a view to ensuring that those responsible are brought to justice and that victims and their families receive full reparation;
- Recommend the UN Security Council expands the UN arms embargo established under Resolution 2216 to prohibit the direct or indirect supply of weapons, munitions, military equipment or technology, or logistical and financial support for such supplies, to any party to the conflict in Yemen, including the Saudi Arabia-led coalition, or in support of their military operations in Yemen, as long as a substantial risk remains that such arms would be used to commit serious violations of international law.

In order to ensure compliance with the embargo, we further call on you to recommend the Yemen Sanctions Committee expand the existing monitoring and verification procedure to require that any potential arms transfer to a member of the Saudi Arabia-led coalition or any other state involved in the Yemen conflict is only considered if those arms are clearly

intended for lawful use outside Yemen, and if the exporting and importing states first conclude a binding agreement to guarantee the arms will not be used to commit or facilitate serious violations of international humanitarian or human rights law. Alternatively, a new procedure should be established to monitor binding end-use guarantees. States intending to transfer arms to any party for use in Yemen should have to communicate the terms of each binding end-use guarantee in advance to the UN Sanctions Committee;

- If so requested by your Special Representative on Children and Armed Conflict, place the Saudi Arabia-led coalition back on the list annexed to your Annual report on children and armed conflict, of states and armed groups that violate children's rights in conflict;
- Call upon all parties to the conflict in Yemen to fully comply with international humanitarian law in the planning and execution of any strikes by ensuring that civilians and civilian objects are not targeted; and that no indiscriminate or disproportionate attacks are carried out.