

International Coalition for the Responsibility to Protect



Risk Level: Imminent Risk

Despite a significant decrease in hostilities, populations in Yemen remain at imminent risk of war crimes and crimes against humanity.

BACKGROUND:

Since 2015 civilians in Yemen have suffered from recurrent war crimes and crimes against humanity. Fighting between Houthi forces, the Southern Transitional Council (STC) and forces loyal to the internationally recognized government – as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition – have resulted in the death of thousands of civilians since March 2015. More than 19,200 civilians, including over 2,300 children, have been killed or maimed as a result of coalition airstrikes alone. The conflict has displaced at least 4 million people and created one of the world's largest humanitarian crises, with more than 18 million people in need of humanitarian assistance and protection and over 17 million facing food insecurity.

The UN Security Council (UNSC)-mandated Panel of Experts on Yemen has reported that since 2015 arbitrary arrests and detention, enforced disappearances, ill-treatment and torture of detainees have been conducted by all parties to the conflict. From 2018-2021 the UN Human Rights Council (HRC)-mandated Group of Eminent Experts (GEE) on Yemen also documented a pattern of violations and abuses of international law perpetrated by all parties to the conflict that may amount to war crimes, including indiscriminate airstrikes and shelling, torture, arbitrary detention and sexual and gender-based violence, as well as attacks on essential civilian infrastructure such as water reservoirs and hospitals. The GEE alleged that Canada, France, Iran, the United Kingdom (UK) and United States (US) may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict.

In October 2021, following heavy diplomatic and political pressure from Saudi Arabia, the HRC failed to renew the mandate of the GEE, terminating the only international independent mechanism

dedicated to monitoring international law violations in Yemen. The abrupt termination of the GEE was followed by a dramatic escalation in armed hostilities, with the Saudi/UAE-led coalition carrying out over 200 air raids per month between October and April 2022.

On 2 April 2022 parties to the conflict commenced a truce brokered by the UN Special Envoy for Yemen, Hans Grundberg, which expired six-months later. Although there was a significant decrease in civilian casualties during the truce – the first negotiated country-wide ceasefire since 2016 – the Armed Conflict Location & Event Data Project recorded 2,208 incidents of shelling, artillery and missile attacks, 374 air and drone strikes and 369 armed clashes resulting in over 938 civilian casualties. The UN Office for the Coordination of Humanitarian Affairs recorded approximately 1,205 incidents of interference with humanitarian access, including violence against aid workers. Civilians were also widely subjected to violations and abuses of human rights, including enforced disappearances, torture and sexual violence. Although there has not been a significant escalation in hostilities following the truce expiration, at least 2,586 civilians have been killed or injured since October 2022, as occasional clashes continue across several governorates.

The crisis in Yemen has been ongoing for over 20 years, but dramatically escalated during 2014 when, amid a UN-facilitated political transition process, Houthi forces and military units loyal to former President Ali Abdullah Saleh took control of numerous governorates, including the capital Sana'a, and forced then President Abd Rabbu Mansour Hadi and his government to resign. On 26 March 2015 the Saudi/UAE-led coalition launched a military intervention in Yemen to restore the internationally recognized government of President Hadi.

The UNSC has imposed financial sanctions and travel bans on former President Ali Abdullah Saleh and Houthi leaders, as well as an arms embargo on the Houthis.

RECENT DEVELOPMENTS:

Since 19 November 2023 Houthi forces in Yemen have been attacking commercial vessels in the Red Sea, including firing missiles and drones and arbitrarily detaining civilian crew members. In response, the US and UK have launched airstrikes across multiple parts of Yemen since 9 January. According to the Yemen Data Project, over 200 airstrikes have occurred since then, with 74 civilian casualties reported. The UNSC adopted a resolution on 10 January demanding Houthi forces immediately cease these attacks and acknowledging the right of member states to defend their vessels from attacks in accordance with international law. The Houthis have not presented any evidence to demonstrate that the targeted ships constituted legitimate military objects.

Prior to the Red Sea attacks, Saudi officials and Houthi leadership engaged in negotiations brokered by Oman, as well as UN Special Envoy Grundberg, agreeing in December to preliminary steps toward a ceasefire. Political negotiations thus far have not included affected communities, including victims and survivors, as well as certain parties to the conflict, minority groups and women. In July 2023 over 60 Yemeni civil society organizations released the Yemen Declaration for Justice and Reconciliation, in which they set forth their common vision for achieving justice and reconciliation in post-conflict Yemen.

Meanwhile, all parties to the conflict continue to perpetrate human rights violations and abuses, including arbitrary detentions, enforced disappearances and torture, as well as likely violations of International Humanitarian Law, including targeting of civilians and denial of humanitarian access. Ongoing patterns of violations against minority communities demonstrate targeted persecution of religious minorities by Houthi security forces.

ANALYSIS:

While the reduction of hostilities provides tangible relief to civilians, atrocity risks remain until a permanent truce and inclusive negotiated peace settlement are reached and extensive justice and accountability efforts, including reparations to victims, are advanced. The lack of inclusive dialogue throughout the negotiations process limits the capacity of these groups to advocate for their protection and risks entrenching violations and abuses. Recent airstrikes by Israel on Hodeidah increase the risk of a broader regional escalation.

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian objects, amounting to war crimes and crimes against humanity. The protracted crisis in Yemen has been exacerbated by pervasive impunity that has fueled lawlessness and resulted in extensive civilian harm. There is currently no international independent body paving the way toward justice and accountability. The dire humanitarian situation is a direct result of the armed conflict and likely atrocity crimes perpetrated by warring parties.

RISK ASSESSMENT:

- - Ongoing serious human rights violations and violent incidents.
 - Legacy of likely atrocity crimes perpetrated before 2014 and recent history of atrocity crimes perpetrated by all parties to the conflict.
 - Impunity enjoyed by all perpetrators for atrocity crimes, fueled by an inability and/or unwillingness of the international human rights system to effectively address the situation.
 - Inadequate protection for and ongoing threats toward minorities, women, children, human rights defenders and internally displaced persons.
 - Political, economic and social instability, increasing the risks of return to large-scale conflict.

NECESSARY ACTION:

All parties to the conflict should fully recommit to a country-wide truce and reach a negotiated end to the protracted conflict, while all stakeholders, including third party states, must preserve progress made thus far. Any political negotiations should include all relevant parties to the conflict and other key groups in Yemen, as well as ensure that accountability and justice feature prominently in the peace process. All key stakeholders must take urgent steps to implement the Yemen Declaration for Justice and Reconciliation.

The government of Yemen should allow access to representatives from the Office of the UN High Commissioner for Human Rights and ensure that all potential war crimes and crimes against humanity are properly investigated and prosecuted. All parties to the conflict – with assistance from the international community – must ensure the provision of reparations to all victims of international crimes. UN member states should urgently work to establish a new transitional justice-focused mechanism to advance accountability and reparations. The UNSC should refer the situation in Yemen to the International Criminal Court.