

List of Issues addressed to the Government of Yemen by the Group of Eminent Experts on Yemen established pursuant to Human Rights Council resolution A/HRC/RES/45/15

I. Introduction

The United Nations Human Rights Council, in its resolution (A/HRC/RES/45/15) of 6 October 2020 renewing the mandate of the Group of Eminent Experts on Yemen (GEE), again “[e]ncourages all parties to the armed conflict in Yemen to extend full and unfettered access and cooperation to the Group [...]”

Noting that the mandate of the GEE includes, among other things, the need to “engage with Yemeni authorities and all stakeholders, in particular [...] [the] authorities of the Gulf States and the League of Arab States”, on 9 March 2021, the GEE sent a note verbale to the Government of Yemen. In this note verbale, the GEE requested to meet with officials of the Government of Yemen and requested issuance of visas so that the Chairperson, Experts of the Group, and members of the GEE Secretariat could travel to Yemen in order to meet officials and conduct investigations.

As of 7 June 2021, the GEE had not yet received permission from the Government of Yemen to visit the country. In particular, the GEE notes that inability to visit Yemen seriously curtails its ability to fully execute its mandate.

Considering the inability for the GEE so far in 2021 to access Yemen, the GEE prepared the below list of issues pertaining to the Government of Yemen. The GEE takes this opportunity to respectfully bring to the attention of the Government of Yemen that it has yet to receive responses to the list of issues sent by the GEE on 29 March 2019 and on 18 June 2020, and would welcome responses to this list.

The GEE respectfully requests the Government of Yemen to address the queries detailed herein. Responses will be included in the Group of Experts’ report to the Human Rights Council, with the exception of any information that the Government of Yemen requests to remain confidential.

The GEE would be grateful to receive replies no later than 10 July 2021. In addition, the GEE renews its request to the Government of Yemen to receive any other submissions that the Government of Yemen may wish to present.

II. List of issues to be addressed by the Government of Yemen

National Commission of Inquiry

1. In how many cases has the National Commission of Inquiry concluded there has been a violation of human rights or humanitarian law? If available, please provide a breakdown of the types of cases (types of violations, against which parties).
2. How many cases of confirmed violations have been referred by the National Commission of Inquiry to judicial authorities? Please specify to which judicial authorities.
3. Does the National Commission of Inquiry communicate with accountability mechanisms other than judicial authorities of the Government of Yemen, such as prosecutorial authorities (military or civilian) or other officials/institutions with an accountability focus belonging to the de facto authorities or Coalition member States (eg JIAT) . If so, how?
4. The GEE would appreciate receiving further information concerning the level and type of coordination between JIAT and NCOI. The GEE would also appreciate receiving information concerning the extent of any cooperation between the JIAT and NCOI in relation to facilitating investigations (eg in conducting site visits, facilitating access to victims and witnesses).

5. Has the National Commission of Inquiry recommended the payment of any funds, or other forms of reparation to victims of confirmed violations? If, yes, in how many cases?
6. Is the National Commission of Inquiry aware of any payment of funds or other forms of reparation having been made to such victims of confirmed violations?
7. Does the National Commission of Inquiry coordinate or cooperate with the Coalition's Joint Committee on Humanitarian Assistance? If so, what is the nature of this coordination/cooperation.

Prosecutions and other proceedings

8. Of the cases that have been referred to Yemeni judicial authorities by the National Commission of Inquiry, please provide an update in relation to the status of these cases: in particular:
 - (a) How many cases have been investigated by the relevant Prosecutor (within ordinary or military justice systems)?
 - (b) How many cases have been brought to trial? What were the charges? What was the rank or office held by the accused?
 - (c) What has been the outcome of any trials (including convictions, punishments imposed)? The Group of Eminent Experts (GEE) would appreciate receiving details of any specific proceedings (e.g. the presiding courts, and if available, any judgments).

In its response to this question, the GEE would be grateful for any update in relation to the 19 cases which the GEE understands were instituted in the Specialised Criminal Court in Aden relating to violations, that it understands were suspended in May 2020 due to COVID.

9. Apart from cases referred by the National Commission of Inquiry, have there been any other proceedings (civil or criminal) concerning violations committed by parties to the conflict in Yemen. If so, please provide relevant details.

Reparations

10. The GEE would be grateful for further information concerning National Commission of Inquiry recommendations for reparations. In particular:
 - (a) Has the National Commission of Inquiry recommended the payment of funds or any other form of reparations for victims of violations? If so, in how many cases?
11. The GEE would be grateful for information concerning any scheme of financial reparations administered by the Government of Yemen. In particular:
 - a) What are the mechanisms by which any recommendations for reparations are implemented?
 - b) How many payments have been made?
 - c) What are the numbers of beneficiaries (if available segregated by gender and age)?
 - d) What has been the quantum of such payments?
 - e) How is the level of assistance assessed?
 - f) How are victims identified?;
 - g) What is the process by which victims have been able to access funds?
 - h) How are victims involved during the process? What means are used in publicising the available assistance?
 - i) What are the systems in place to monitor distribution of assistance?

The GEE would also appreciate details of any challenges faced in relation to providing such financial assistance and the means of seeking to address such challenges.
12. In any court proceedings concerning violations committed during the conflict, have there been any orders for compensation to victims of the violations? Have any victims received payments as a result?

13. Are there any non-financial means of reparations provided to victims of violations in Yemen? In particular, what actions have been taken by the Government of Yemen to:
- a) Acknowledge the experience of victims in Yemen
 - b) Provide details about the violations which have impacted on them (including the fate/whereabouts of those disappeared);
 - c) Provide necessary medical care, psycho-social support and other forms of rehabilitative? assistance.
 - d) Provide other forms of assistance (eg education grants, employment opportunities).
 - e) (In providing details of such assistance, it would be appreciated if statistical and disaggregated data could be included).

General

14. What measures do you consider important for parties to the conflict and other relevant actors /including the international community) to take in order to provide for accountability and the securing of victims' rights to truth, justice and redress.