

## **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/36/31**

### **I. Introduction**

The United Nations Human Rights Council, in its 28 September 2018 resolution (A/HRC/RES/39/16) renewing the mandate of the Group of Eminent Experts on Yemen (GEE), “Encourages all parties to the conflict in Yemen to extend full and transparent 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 30 January 2019, the GEE sent letters to the Government of Yemen and the Kingdom of Saudi Arabia. In these letters, the GEE requested to meet with officials of the Government of Yemen and the Saudi-led coalition forces (Coalition), and requested issuance of visas so that the Chairperson, Experts of the Group, and members of the GEE Secretariat could travel to Yemen and the Kingdom of Saudi Arabia in order to meet officials and conduct investigations. The GEE sent follow-up letters to the Kingdom of Saudi Arabia and Government of Yemen on 1 and 19 March 2019, respectively.

As of 27 March 2019, the GEE had not yet received permission from the Government of Yemen or the Kingdom of Saudi Arabia to visit either country. In particular, the GEE notes that inability to visit Yemen seriously curtails its ability to fully execute its mandate, including further investigation of matters raised by the Government of Yemen and the Coalition in their responses to the GEE’s 28 August 2018 report. Accordingly, the GEE reiterates its request for access to Yemen to conduct investigations and to meet officials from the Government of Yemen and Coalition, including at Coalition headquarters in the Kingdom of Saudi Arabia.

Considering the inability for the GEE so far in 2019 to access Yemen or the Kingdom of Saudi Arabia and the unavailability of officials from both countries to meet with the GEE so far, the GEE prepared the below list of issues pertaining to the Government of Yemen.

The GEE appreciates the responses provided by the Government of Yemen and the Coalition in August 2018 following from the lists of issues presented by the GEE, as well as the discussions that took place with Yemeni officials during GEE visits to Aden and the Kingdom of Saudi Arabia prior to that. However, noting that the written responses were received after the GEE report had been sent for publication and that many issues raised by the GEE were not addressed, the GEE refers to the list of issues sent to the Government of Yemen in April 2018, and would welcome responses to the queries not addressed. The GEE would further appreciate any information that the Government of Yemen may provide related to the list of issues detailed below, which mainly relate to updated information on the situation in Yemen and further details following from some of the August 2018 responses.

The Chairperson and Experts of the Group respectfully request the Government of Yemen to address the queries detailed herein. Responses will be included in the High Commissioner for Human Rights’ 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 30 April 2019. In addition, the GEE renews its requests to meet with officials from the Government of Yemen to discuss the issues

below and to receive any other submissions that the Government of Yemen may wish to present by 30 May 2019.

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

### **A. Implementation of GEE Recommendations**

1. The GEE report of 28 August 2018 contains findings of fact and recommendations to the parties to the conflict in Yemen. Please describe the steps taken by the Government of Yemen to investigate cases described in the GEE report, to hold perpetrators to account, to prevent recurrence, and to implement the GEE recommendations.

### **B. Targeting**

2. Please provide details on the role of the ‘specialists’ from the Government of Yemen identified as responsible for identifying military targets for Coalition operations. Are such specialists responsible for visual identification of targets? Where are the specialists physically located while performing their functions?
3. Please explain the relationship of the Yemeni targeting ‘specialists’ with Coalition ‘legal consultants’ in the targeting cells. Please include a detailed description of the measures undertaken to ensure that targets are legitimate military targets and that targeting is done in compliance with international humanitarian law. Please further explain the physical location(s) of legal consultants and their reporting lines, if any, within the Government of Yemen.
4. What is the interaction of the ‘specialists’ and ‘legal consultants’ with ‘front controllers’? Who among them has the ability to abort a strike due to concerns about impact on civilians and civilian objects? Who makes the final decision about whether to proceed with a strike if there is a question related to potential impact on civilians and/or civilian objects?
5. Please describe the method for determining that a location or person has lost civilian or other protected status in order to consider it as a legitimate military target. Please describe the process for assessing ‘dual-use’ (civilian/military combined) targets, including specifying the amount of time that authorisation to proceed with a strike against a dual-use target remains valid and factors which may contribute to cancelling the authorisation to strike such targets.
6. Please explain the process for authorisation of a strike in circumstances where collateral impact on civilians is ‘expected’. What is the role of the Yemeni military in the process of obtaining approval for strikes where collateral damage is expected? Where the expected collateral damage is considered acceptable in light of the anticipated military advantage, what are the procedures undertaken to avoid or at least minimise further such collateral damage?
7. Please provide the list of locations of civilian infrastructure such as water plants, health and educational facilities, and archaeological and cultural heritage sites that the Coalition has stated its Rules of Engagement specifically prevent targeting. Please provide examples of incidents where weapons fired by Coalition or Yemeni forces or affiliated armed groups hit sites on this list. Please describe the circumstances under which such incidents occurred, including any role that the Government of Yemen played in attempting to prevent such strikes from occurring.

### **C. After-action assessments**

8. Please describe the role of Yemeni forces in conducting after-action assessments/battle-damage assessments.
9. Please explain how lessons learnt from civilian casualty incidents are used to prevent future similar incidents. Please provide examples of policies and/or directives that have been implemented as a result of lessons learnt from investigation of civilian casualty incidents.

### **D. Operations against *Daesh*/Islamic State (IS), al-Qa'eda in the Arab Peninsula (AQAP), and other affiliated organisations**

1. Please explain the role of the Government of Yemen in efforts to protect the civilian population from armed groups such as IS, AQAP, and their affiliates.
2. What measures does the Government of Yemen take to ensure the protection of civilians in operations involving foreign entities within Yemeni territory against IS and AQAP?

### **E. Detention**

3. Please provide a description of the procedures for transfer of detainees between detention facilities under the control of the Government of Yemen and those under the control of the Coalition or armed groups supporting the Government of Yemen and/or the Coalition.
4. Please provide a list of detention facilities under the operational control of the Government of Yemen. At which stage(s) are interrogations of detainees conducted? Who is responsible for conducting interrogations, Yemeni or Coalition forces, or both? Are any others involved in the interrogations at any stages?
5. How does the Government of Yemen ensure that detention facilities under its control or to which persons in its custody are transferred meet minimum international standards? How does the Government of Yemen ensure that detainees are not subjected to torture or ill-treatment in such facilities? How does the Government ensure the respect of detainees' due process rights?
6. Please explain the structures for ensuring that the human rights of detainees are upheld in facilities under the control of the Ministry of the Interior of the Government of Yemen.

### **F. Naval Inspections and Closure of Sana'a Airport**

7. Please provide details of any assessments by the Government of Yemen to determine the impact of the Coalition Evacuation and Humanitarian Operations Cell (EHOC) additional inspections of vessels already inspected by the United Nations Verification Inspection Mechanism (UNVIM) on the ability of food, medical supplies, and other necessities to reach the civilian population. Please further provide information on any efforts undertaken by the Government of Yemen to ensure timely access for vessels carrying humanitarian supplies, in particular those with expiry dates.
8. Please provide updated information about the number of commercial vessels entering Yemeni ports that are not under the Government's control inspected between 1 August 2018 and 28 February 2019 by EHOC. How many of the vessels were cleared for entry

during this period? What were the average and longest times required for clearance? How many vessels were not cleared and on what grounds? Please provide details.

9. Please provide information on the role of the Government of Yemen in the process for issuance of permits by EHOc for flights to and from Sana'a airport. In particular, what role does Government of Yemen have in issuance of emergency permits when medical or other humanitarian issues require it? Does the Government of Yemen and the Coalition have plans to re-open the airport to commercial traffic?
10. Please provide further details on the mechanisms in place for the Government of Yemen to assist individuals seeking medical treatment abroad and wishing to travel through Sana'a airport.

#### **G. Sexual and Gender-Based Violence (SGBV)**

11. Please provide information on standard operating procedures in place to prevent SGBV by military or security personnel under the control of the Government of Yemen. Please include details of all related policies and training.
12. Please provide updated information on any SGBV cases that have been reported to or investigated by the Government of Yemen and provide details of the findings.

#### **H. Recruitment and Use of Children in Forces**

13. Please provide a copy of the Government of Yemen's Child Protection policy mentioned in the Coalition/Government of Yemen responses to the GEE in August 2018.
14. Please provide details on enforcement of the Government of Yemen's Child Protection policy, including the number of children who have presented themselves for recruitment but were prevented from joining the Yemeni military forces or armed groups under Coalition/Yemeni control pursuant to such enforcement, as well as their estimated ages.
15. Please provide details on how the Government of Yemen works with the Coalition child protection unit. Does the Government of Yemen or the Coalition child protection unit have the power to investigate cases of child recruitment and use and to hold accountable those responsible for violations of Coalition policies and the laws of Coalition members? Please provide details on any cases the child protection unit has investigated and actions taken.
16. Please provide updated figures on the number of children who have entered any child soldier rehabilitation centres under the control of the Government of Yemen. Please explain whether the Government of Yemen has oversight over the Marib rehabilitation centre and any other similar centres affiliated with the Coalition. Please also provide details on the involvement of the Government of Yemen in the admission and verification processes, programmes provided for the children, and measures taken before and during the reintegration process.

#### **I. Accountability**

17. Please describe the interactions of the Government of Yemen with the Coalition Joint Incidents Assessment Team (JIAT) during review of civilian casualty incidents. What is the process for the Government of Yemen to refer cases to JIAT for formal investigation? What role does the Government of Yemen play in determining if a formal

investigation should be opened or that a case should be closed, and are there other measures of accountability in cases where prosecution is determined not to be appropriate? Please give details on the cases referred by JIAT to the Yemeni authorities, and describe the procedure for referral to Yemeni authorities.

18. Please provide details on proceedings as regards all cases referred by the JIAT to Yemeni judicial or military authorities. Please provide details on the findings in each case. How many led to prosecutions? What were the charges in each case? How many prosecutions led to convictions? What sentences were handed down in criminal proceedings? Please provide details.
19. What were the grounds for not initiating prosecutions in cases that JIAT referred to Yemeni authorities?
20. Please provide details of the Coalition's support to the Government of Yemen to strengthen the judiciary, prosecution and police security apparatus.
21. Please provide details of all cases referred by the National Commission of Inquiry and explain the procedures followed by the Government of Yemen when it receives such referrals.
22. Since 1 August 2018, please provide the GEE with detailed information on the investigations conducted by the Ministry of the Interior. Please provide information on the locations where such investigations were conducted, as well as information on the number of victims that received compensation or other reparations, along with the details on the type(s) of reparation and locations where it has been provided. Please provide any relevant documentation of compensation paid.
23. Please provide the GEE with details on any accountability measures undertaken by the Ministry of the Interior to ensure accountability for actions of personnel operating under the responsibility of the General Security Directorate.