**Maat for Peace, Development and Human Rights Association (MAAT)**

**Joint Submission with**

 **Just Access e.V. (JA)**

The present report provides an overview of the **Maat & JA’s** main concerns with respect to the human rights situation in the Republic of Yemen. It is submitted to the United Nations Human Rights Committee (“the Committee”) in advance of its sixth periodic review of Yemen in October 2020. We hope it will inform the Committee’s review of the government’s compliance with its obligations under the International Covenant on Civil and Political Rights (“the Covenant”).

It has been eleven years since Yemen last submitted its State Report to the Committee. During this time, and in the context of an internal armed conflict, the Yemeni de facto government has engaged in systematic violations of the Covenant, including infringements of the right to life, cases of torture and other cruel, inhuman or degrading treatment, arbitrary detentions and recruitment of children as soldiers, as well as structural discrimination.

The UN High Commissioner for Human Rights stated that the situation in Yemen has “deteriorated significantly” during the last years.[[1]](#footnote-1) UNICEF describes the current situation in Yemen as the largest humanitarian crisis in the world.[[2]](#footnote-2) The UN-recognised Government is in exile, while an armed group known as Ansar Allah or the Houthis have seized effective control in the north and over the capital, Sana’a. In the last few months, the Southern Transitional Council declared self-rule in parts of south Yemen and the island of Socotra.

**The Application of the ICCPR to the National Salvation Government**

Although the UN does not recognise Ansar Allah and the National Salvation Government that it dominates as the legitimate government of Yemen, UN institutions nonetheless engage Ansar Allah under the label of “the de facto authorities”. Ansar Allah itself claims to be the legitimate Government, and has established an institutional structure with ministries and offices that seek to create the impression of a legitimate and functioning government. To support that impression, for instance in its 2019 reply to the Group of Eminent Experts, this “de facto authority” has explicitly claimed to derive legitimacy from the constitutional continuity of Yemen and from its respect for international law, including obligations under international treaties that previous governments of Yemen have acceded to. In its 2019 reply to the Group of Experts, the National Salvation Government specifically claims to fulfil its obligations under *The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (Response 15), the *Convention on the Elimination of All Forms of Discrimination against Women* (Response 28), the 1951 *Convention relating to the Status of Refugees* and its 1967 Protocol (Response 29), the *Convention on the Rights of the Child* and its three Optional Protocols (Response 32), and specifically the *International Covenant on Civil and Political Rights* (Response 34).[[3]](#footnote-3)

The matter of State responsibility in circumstances such as Yemen’s raises thorny legal questions about State capacity, fragility, failure, and legitimacy. UN practice with regard to Yemen shows that it is possible to engage “de facto authorities” in matters that conventionally belong to State responsibility without recognizing “de facto authorities” as the *de jure* State. **Maat & JA** comments aim to follow UN practice in holding Houthi-dominated “de facto authorities’” responsible for violations of human rights law and international humanitarian law without in any way recognizing their legitimacy. This UN practice can be clearly observed in the 2018 Report of the UN High Commissioner for Human Rights, when it states that “[t]he de facto authorities control large swathes of territory, including Sana’a, and exercise a government-like function in that territory such that they are responsible under international human rights law”.[[4]](#footnote-4)

Common sense supports this UN practice. In Yemen it is clearly the case that the National Salvation Government is in fact exercising elements of governmental authority on the state’s territory. It would be manifestly unreasonable to refuse to hold “de facto authorities” to international standards that such authorities explicitly claim to be bound by in their exercise of effective control over territory and the fate of all who live there, including the standards expressed in the Universal Declaration of Human Rights (UDHR) and codified in the ICCPR. This is supported by Article 9 of the ILC Draft Articles on the Responsibility of States for Internationally Wrongful Acts, which states that “[t]he conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority”.[[5]](#footnote-5) On a regional level, the European Court of Human Rights has also accepted that the Convention rights can be realised through the governmental institutions of a de facto regime.[[6]](#footnote-6)

Moreover, even if considered not as “de facto authority”, but as an armed non-State actor, the Houthi would still be bound by human rights obligations enshrined in the ICCPR.[[7]](#footnote-7) According to **UDHR Article 30**, nothing in the UDHR “may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein”, suggesting that the UDHR obliges not only states but also groups and perhaps individuals. More directly applicable is the Human Rights Committee’s view “that once the people are accorded the protection of the rights under the Covenant, such protection devolves with territory and continues to belong to them...”[[8]](#footnote-8) Thus, obligations may devolve on to non-state actors.[[9]](#footnote-9) A parallel may be drawn with Moldova’s 2006 ICCPR review in which, after the Human Rights Committee acknowledged Moldova’s limited responsibility over Transnistria, where the State had limited control, Moldova successfully argued that “the secessionist regime structures have violated in a systemic and deliberate way the human rights and fundamental freedoms in this region.”[[10]](#footnote-10)

Finally, the Houthi “de facto authorities” have committed violations of ICCPR provisions that the Human Rights Committee considered to be part of customary human rights law, thus enforceable against every authority regardless of its official status or recognition.[[11]](#footnote-11) **Maat & JA** present attempt to give voice to victimized and vulnerable Yemenis can invoke rights and norms enshrined in the ICCPR not only without recognizing the legitimacy of “de facto authorities”, but also because many of the rights and norms enshrined in the ICCPR are protected under customary international law that equally oblige non-state actors.

The UN practice of engaging “de facto authorities” in Yemen; these authorities’ own admission of responsibility under the ICCPR and aforementioned treaties; the applicability of specifically ICCPR rights and norms beyond the ICCPR itself; the recognition of the responsibilities of armed non-State actors with regard to the ICCPR in particular; and Houthi violations of ICCPR provisions that are part of customary international are five reasons why **Maat & JA** believes that Yemen’s ICCPR review is an important and appropriate opportunity to submit the following comments on Houthi violations of the ICCPR.

**Comments on the Houthis and the ICCPR**

**Right to Life**

**UDHR Article 3** and **ICCPR Article 6** enshrine the inherent and non-derogable right to life as it is recognized in customary international law.[[12]](#footnote-12) Despite their false statement to the UN Group of Eminent Experts, it is well known that the National Salvation Government is responsible for indiscriminate or targeted attacks against Yemeni civilians. Such attacks include shellings, the use of land mines, and starvation and deprivation of vital supplies by blocking humanitarian aid.[[13]](#footnote-13) The Group of Eminent Experts actually gathered reports of shelling by Houthi-Saleh forces, which resulted in the majority of civilian casualties in the city of Ta’izz. The UN Commissioner for Human Rights declared that according to the information available “civilians, including women and children, were hit by shelling and snipers from the Houthi-Saleh forces and other parties to the conflict while in their homes, just outside their homes, fetching water at local wells, on their way to purchase food, travelling to seek medical attention and delivering critical supplies”.[[14]](#footnote-14) In the same report, the Group of Experts also expressed their concern about the use by the Houthi-Saleh forces of wide area effect weapons in a situation of urban warfare, as using such weapons in an urban setting is indiscriminate.[[15]](#footnote-15) Moreover, in 2019 alone, at least sixteen further incidents of such attacks have been reported. In addition, the “de facto authorities”, including the judiciary, have failed to hold accountable those officials responsible for committing serious human rights violations.

Indiscriminate shelling and bombing

1) In 2018 ̶ according to the Panel of Experts on Yemen ̶ four incidents showed “almost certainly” cases of indiscriminate use of explosive ordnance in densely populated areas in the cities of Ta‘izz and Ma’rib, which resulted in the death of 13 civilians and injury to 43 others.[[16]](#footnote-16) In addition, the panel investigated three further cases of indiscriminate shelling by Houthi forces at targets in Saudi Arabia, on 5 January, 30 January and 25 March 2018.

2) In a report of May 2018, the UN Secretary General mentions five verified attacks on schools attributed to the Houthis in Taiz.[[17]](#footnote-17)

3) On 6 January 2019 a woman and a child were killed and 16 civilians wounded in the city of Taiz. This incident, along with graphic images of the wounded, was reported by *Republican Yemen* and confirmed by *Al-Jazeera*.[[18]](#footnote-18) Both reports indicate that Houthi forces directed the shells at civilian targets.

4) On 22 January 2019, 13 civilians were killed when Houthi forces fired a shell on the city of Taiz.[[19]](#footnote-19)

5) On 28 January 2019, Houthi forces are believed to have shelled a camp for displaced persons in Hajjah province. According to the *Washington Post*, eight civilians were killed and 30 wounded.[[20]](#footnote-20)

6) According to the list of war crimes by the *Yemen Peace Project*, Houthi forces made indiscriminate airborne attacks on over a hundred civilians in the district of Kushar. The *Almasdar* report of 25 February 2019 includes an image of wounded men on a stretcher.[[21]](#footnote-21) The UN condemned the attacks.[[22]](#footnote-22)

7) According to an unidentified civilian, Houthi ‘rebels stormed Al Makla village in Al Hasha district’ on 9 February 2019 and destroyed the house of tribal Sheikh Abdul Jaleel Al Hothaiyfi for allegedly collaborating with the Coalition. This news report was later included in an account of tribal resistance to Houthi control by *Relief Web*, a UN portal on humanitarian crises.[[23]](#footnote-23)

8) *Al-Masdar* reported a 17 June 2019 incident in which a shell landed directly on a protest in the city of Hees in Hodeidah province. A woman, Aisha Fare’a, was killed and her family were wounded. The report describes the protest as criticising the Houthi destruction of reservoirs on which the city’s residents depend.[[24]](#footnote-24)

9) In another incident in Hees, Houthi forces targeted a residential neighborhoods with mortar and howitzer shells. A girl, Wafa Ahmed Ghalib Jamal, was killed and four other civilians were injured (Qaboos Mohammed Naji, Raad Mohammed Naji, Salama Mohamed Hussein Hammadi, Mounir Abdallah Salem).[[25]](#footnote-25)

10) *Almasdar* reports the death of ‘Mohammed Ali Qasim, 30 years old’ who ‘was shot and killed by a Houthi sniper while he was in front of his home in the al-Qadhaba district of Al-Draihmi Directorate’[[26]](#footnote-26)

11) On 1August 2019 a missile attack on a military parade in the city of Aden was reported by the *New York Times* as having injured fifty and killed at least 40, including combatants and civilians.[[27]](#footnote-27) The NY Times published photographs of the dead and injured. The incident was reported by multiple news agencies.[[28]](#footnote-28)

12) A drone attack on the port town of Al-Makha on 6 November 2019 was reported to have injured three civilians and killed at least eight. The drone explosion caused large fires and destruction which spread to residential areas.[[29]](#footnote-29)

13) *Voice of America* describes a 1 August 2019 missile attack on a graduation ceremony of a Southern Yemeni militia. According to Reuters and the BBC, civilians were among the ten people killed and more than three dozen injured in another attack in. December 2019. Houthi forces did not claim responsibility for the attack.[[30]](#footnote-30)

14) In a report issued by the Panel of Experts on Yemen in January 2020, it indicated to have received information about 14 incidents involving the use of explosive ordnance against civilians and attributed to Houthis. The Panel concluded investigations in two of these cases and found that the two cases resulted in the death of 3 civilians, including 2 children, and injuries to 16 others, including children.[[31]](#footnote-31)

Use of land mines

15) A 12 November 2019 social media post with graphic images of the dead and injured show the aftermath of mine explosions on civilians in Houthi controlled territory.[[32]](#footnote-32) The graphic images support media reports over many months concerning the widespread incidence of land mines, used by Houthi rebels to deter enemy advance, without consideration of civilian life, and with little evidence of attempts to clear or remove mines. Relevant reports on this practice were issued in 2019 by the UN, *Human Rights Watch*, the *New York Times*, the *Independent*, and others.[[33]](#footnote-33)

16) The Panel of Experts on Yemen, in its final report of January 2020, presented evidence that Houthi forces were importing components for the manufacture of landmines. In addition, The Panel documented 23 specific cases of civilian victims of mines, including 7 children injured and 1 man and 7 children killed. The Panel also mentioned “evidence that Houthi forces deployed a significant number of landmines along the west coast”, of which numerous remain in place, therefore impeding the return of civilians previously displaced by Houthi forces.[[34]](#footnote-34)

Blocking humanitarian aid

17) In a report of 2018, the UN High Commissioner on Human Rights referred to the impediments regarding the delivery of humanitarian and other goods indispensable to the survival of the civilian population in the city of Ta’izz, stating that “the restrictions imposed by the Houthi-Saleh forces have been particularly harmful”, among others using snipers to enforce such restrictions.[[35]](#footnote-35)

18) In another report of May 2018, the UN Secretary General mentioned 248 documented incidents of denial of humanitarian access, including restrictions on movement (161), violence against humanitarian personnel, assets and facilities (55) and interference in the delivery of humanitarian assistance (32). More than two thirds of these incidents were attributed to Houthi forces.[[36]](#footnote-36)

19) The Panel of Experts on Yemen investigated an attack against an ambulance, “clearly marked with the red crescent emblem”, on 11 November 2018 by Houthi forces, in violation of international humanitarian law. On 12 November 2018, the Houthi deputy minister for foreign affairs, Hussein al Ezzi, posted a video of the attack on social media in which he praised the attack.[[37]](#footnote-37)

20) *The Guardian* reported on 2 January 2019 continued concern over the theft of international food aid by the Houthi rebels.[[38]](#footnote-38)

21) On 21 February 2019, *Foreign Policy* documented the increasing threat posed to aid workers in Houthi controlled areas in western Yemen. The report also describes the detention of one aid worker, Awfa al-Naami, from January 2019 until her release on 16 February.[[39]](#footnote-39)

22) As detailed by *CNN*, the UN reported increased efforts by Houthi forces to appropriate foreign aid intended to alleviate malnutrition among rural communities in the north west of Yemen. The CNN report details the testimony of a dozen women in March 2019 at the headquarters of the Amanat El-Asemah, the local municipal authority in charge of aid distribution in Sana’a that the World Food Programme said was at the center of the aid manipulation. Each woman complained they had not received aid.[[40]](#footnote-40)

23) [The *World Food Programme*, a UN agency, issued a statement on 17 June 2019 describing continued obstruction of aid in territory controlled by Ansar Allah.[[41]](#footnote-41)](https://twitter.com/WFP_Media/status/1140659125149417474)

**Torture and cruel, inhuman or degrading treatment**

**UDHR Article 5** and **ICCPR Article 7** stipulates that ‘[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.’ The ‘de facto authorities’ deny that torture takes place in the detention facilities under their control.[[42]](#footnote-42) This is contrary to the information received by the Group of Experts, according to which ill-treatment and torture has been taking place at several detention facilities under the control of the de facto authorities.[[43]](#footnote-43) The UN High Commissioner for Human Rights stated that in the cases in which “these violations by the de facto authorities are associated with the armed conflict, they may amount to the following war crimes: degrading and cruel treatment, torture and outrages upon personal dignity”.[[44]](#footnote-44)

An *Al-Jazeera* account of 17 January 2019, based on reporting in the field by the Associated Press (AP), describes the detention without trial of dozens of women in Sana’a.[[45]](#footnote-45) According to these accounts, female detainees have been subjected to abduction and torture. The Al-Jazeera report draws on testimony given to the AP by a human rights monitor working for the Yemen Organization for Combating Human Trafficking. The description of the detention of women accords with a report by *The Independent* newspaper detailing the abduction and extreme torture of men and women by Houthi authorities in secret facilities in the capital Sana’a.[[46]](#footnote-46)

In addition, Abdel-Majeed Sabra, a Yemini lawyer, informed *AP* that thirty-six civilians had been detained and convicted on espionage charges by Houthi authorities. Sabra reported details of the torture suffered by the detainees, including beatings and physical abuse.[[47]](#footnote-47) The AP report was also carried by *Fox* news network.[[48]](#footnote-48)

**Arbitrary arrest or detention**

**UDHR Article 9** and **ICCPR** **Articles 9 and 10** prohibit arbitrary arrest and detention. In its response to the UN Group of Experts, the National Salvation Government claimed that all detention facilities under its control follow the law and are free from arbitrary detention.[[49]](#footnote-49)

By contrast, investigations by the UN Group of Experts confirmed “widespread arbitrary detention throughout the country, and ill-treatment and torture in some facilities”.[[50]](#footnote-50) They also referred to individuals detained in areas under the control of the de facto authorities which reported that they had been brought before courts in proceedings without due process standards, including the right to legal representation. Even death sentences were issued and implemented in the absence of such standards.[[51]](#footnote-51)

In 2018, the Panel of Experts on Yemen investigated 25 violations of international humanitarian law and international human rights law in association with deprivation of liberty committed by the Houthi forces, “including arbitrary arrest and deprivation of liberty, torture, ill-treatment, enforced disappearance and lack of due legal process”.[[52]](#footnote-52)

 Also the *Yemen Peace Project* describes a protest on 24 May 2019 by the *Yemeni Association of Abductees’ Mothers* against the abduction and hiding of men and women in Hudaydah City by Houthi forces.[[53]](#footnote-53) [The Association has been campaigning for the release of detainees and documenting human rights violations by Houthi authorities in Hudaydah since 2014. They sent a written report to the UN’s Relief Web.[[54]](#footnote-54)](file:///C%3A%5CUsers%5Cmark%5CDesktop%5CThe%20Association%20has%20been%20campaigning%20for%20the%20release%20of%20detainees%20and%20documenting%20human%20rights%20violations%20by%20Houthis%20authorities%20in%20Hudaydah%20since%202014.%20this%20has%20been%20documented%20by%20their%20written%20report%20for%20Relief%20Web%20Web%C2%A0)

In a separate incident, multiple news agencies reported that on 14 July 2019 thirty men, accused of espionage, were sentenced to death by a Houthi-controlled court in Sana’a. A Yemeni lawyer, Abdel-Majeed Sabra, described details of the proceedings and the history of the case. According to his statements to the press, those sentenced were forced to confess to crimes under duress and torture. Those arrested and sentenced were academics, students, religious leaders, trade unionists, and politicians belonging to groups critical of the Houthi.[[55]](#footnote-55) Multiple media and NGO organizations, alongside governments across the world, condemned the sentencing and treatment of those arrested.[[56]](#footnote-56)

Another report issued by the Panel of Experts of Yemen in January 2020 indicated that according to the evidence they collected there is “a lack of respect of judicial guarantees by the courts under Houthi control”. They further mention that their investigations show "a pattern of keeping detainees in undisclosed locations, subjecting them to torture and not allowing them to communicate with their families in contravention of applicable international humanitarian law and human rights norms”.[[57]](#footnote-57)

**Child soldiers**

**ICCPR Article 24(1)** provides that every child has ‘the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.’ The National Salvation Government and the Houthi forces specifically and emphatically deny recruiting children for military use.[[58]](#footnote-58) However, in a report issued in April 2020 the UN Working Group on Children and Armed Conflict expressed its deep concern “at the high number of children verified as recruited and used in violation of international law, of which the majority were recruited and used by the Houthis”.[[59]](#footnote-59) The UN Secretary General actually reported 842 verified cases of recruitment and use of boys as young as 11 years old only in 2017, of which nearly two thirds were attributed to the de facto authorities.[[60]](#footnote-60) The UN High Commissioner for Human Rights further reported that “in some areas Houthi-Saleh forces forcibly recruited children in schools, hospitals and door to door” and then used these children “in combat, at checkpoints and to plant explosive devices”.[[61]](#footnote-61)

The media outlet *Al-Awsat* reported on 24 April 2019 that underage girls are recruited to an all-female militia known as the Zaynabiyat, which aims to disband protests against the Houthi abduction and detention of civilians in Sana’a.[[62]](#footnote-62)

On 20 June 2019 the *Defense Post* reported that Houthi forces had recruited fifty thousand child soldiers in the previous three months, citing figures provided by the Information Minister of the Yemeni government.[[63]](#footnote-63)

The report by the Panel of Experts on Yemen issued in January 2020 refers to three documented cases of children between the ages of 12 and 15 used by Houthi forces to fight in 2017 and 2018. In two cases, the children were abducted either from their home or school. In the other case, the child was lured away from his home by Houthis who told him he was going to participate in a three-day educational camp.[[64]](#footnote-64)

**Discrimination**

**UDHR Articles 2** and **ICCPR Article 2(1)** prohibit denying rights to individuals due to their religion, political or other opinion, and other characteristics. **UDHR Article 18** and **ICCPR** **Article 18** provide for everyone’s freedom of thought, conscience and religion. **UDHR Articles 7 and 10** and **ICCPR** **Articles 26 and 27** further enshrine equality before the law and the rights of minorities to freedom from discrimination. The National Salvation Government denies that any minority in Yemen suffers from any kind of discrimination.[[65]](#footnote-65)

However, the *Yemeni Peace Project* described the recent and ongoing detention of over one hundred members of the Baha’i faith community by Houthi authorities. One detainee, Hamad Kamal Haydara, was tried for criminal offenses and sentenced to death.[[66]](#footnote-66) The detention of members of this religious community remained the focus of NGOs’ investigations with *Human Rights Watch* and *Amnesty International* recently documenting the continued detention of Baha’i people.[[67]](#footnote-67)

This persecution of the Baha’i people is also mentioned by the Panel of Experts on Yemen, stating that since 2016 “many Baha’i followers have been deprived of their liberty or arrested in a manner that did not respect due legal process”.[[68]](#footnote-68) The Panel did also refer to a video recorded speech by the Houthi leader Abdulmalik al-Houthi on 23 March 2018, in which he qualified the Baha’i group as “satanic” and called those responsible for leading people to any faith other than Islam “no less evil and dangerous than those who kill people with their artillery”.[[69]](#footnote-69)**ICCPR Article 3** provides for the equal enjoyment of ICCPR rights by men and women.

The National Salvation Government denied that any gender-based violence took place under its territorial control.[[70]](#footnote-70) On 16 December 2019, *Asharq Al-Awsat* published a report citing evidence of an upsurge in violence against women and girls. The report was based on accounts from the Dutch NGO, *Human Rights Radar*, concerning an increase in the abduction of girls and women from schools and universities by female Houthi militias. Another report by *Voice of America* described the publication of research done by the *Sana’a Center for Strategic Studies* on physical violence and sexual violence, including rape and forced prostitution towards women and children, both boys and girls, in Yemen.[[71]](#footnote-71)

Such gender-based violence is also referred to by the Panel of Experts on Yemen, mentioning that “especially women trying to have an active role in the public space either by being part of a political movement, participating in demonstrations or working for NGOs on projects related to the empowerment of women have been targeted by Houthis”. The Panel documented the arrest, detention, and ill-treatment and/or torture of 11 women, 3 of whom were repeatedly raped in Houthi custody.[[72]](#footnote-72)

**Freedom of expression**

Article 19 UDHR and Article 19 of the ICCPR protect everyone’s freedom of expression, including “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. During the last years, this right has been systematically violated by the de facto authorities in Yemen.

According to the UN High Commissioner on Human Rights, “[s]ince 2015, in areas under their control, the de facto authorities have carried out intimidation, arbitrary detention, ill-treatment and torture of vocal critics, in addition to raids on media outlets in Sana’a. Furthermore, they have blocked news websites, censored television channels and banned newspapers from publication.” In 2018, the Group of Eminent Experts was aware of at least 23 journalists who were still being detained by the de facto authorities, with several of them in unknown whereabouts.[[73]](#footnote-73)

In addition, the Panel of Experts on Yemen did investigate 12 further cases in which journalists and members of the media were arbitrarily arrested and detained. The Panel considered that in these cases “the Houthi authorities committed several violations of international humanitarian law and human rights norms, including arbitrary arrest and deprivation of liberty, ill-treatment and violations of the right to correspond with family and receive visits, the right to a fair trial and the right to freedom of expression”.[[74]](#footnote-74)

**Recommendations**

On behalf of the millions suffering in Yemen, **Maat & JA** requests that these violations of human rights and norms enshrined in the ICCPR are given due consideration in the course of Yemen’s current ICCPR review. We respectfully suggest that the abovementioned Houthi violations of the right to life, the use of child soldiers, incidents of torture, arbitrary detention and systematic discrimination, as well as domestic remedies for victims and the punishment of perpetrators, are included in the List of Issues.

Please let us know if we can provide any further information that might be useful for the ICCPR examination and dialogue.

1. See, UN Human Rights Council, Situation of human rights in Yemen: Report of the United Nations High Commissioner for Human Rights (A/HRC/33/38), 4 August 2016, paragraph 12. [↑](#footnote-ref-1)
2. *See*, https://www.unicef.org/emergencies/yemen-crisis. [↑](#footnote-ref-2)
3. *See*, 2019 Houthi response to questions from the Group of Eminent Experts on Yemen, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2019_Houthis_Response_list_of_issues_AR.pdf> [↑](#footnote-ref-3)
4. See, UN Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Independent Eminent International and Regional Experts, 17 August 2018, paragraph 14. [↑](#footnote-ref-4)
5. See in this regard also paragraph 4 of the Commentary to Article 9 of the ARSIWA, specifying that “[t]he cases envisaged by article 9 presuppose the existence of a Government in office and of State machinery whose place is taken by irregulars”, which is exactly what happened in Yemen. [↑](#footnote-ref-5)
6. European Court of Human Rights, Loizidou vs. Turkey, App. No. 15318/89, 18 December 1996, paragraphs 45-46. [↑](#footnote-ref-6)
7. *See*, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions by.armed non-State actors: the protection of the right to life. A/HRC/38/44 (5 June 2018). [↑](#footnote-ref-7)
8. *See*, High Commissioner for Human Rights, CCPR General Comment No. 26: Continuity of Obligations, U.N. Doc. CCPR/C/21/Rev.1/Add.8/Rev.1 (Dec. 8, 1997). [↑](#footnote-ref-8)
9. *See*, Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee: Kosovo (Serbia), 9 4, U.N. Doc. CCPR/C/UNK/CO/1 (Aug. 14, 2006). [↑](#footnote-ref-9)
10. *See*, Human Rights Committee, Second Periodic Reports of State Parties, Republic of Moldova, 9 15, U.N. Doc. CCPR/C/MDA/2 (Dec. 26, 2007). [↑](#footnote-ref-10)
11. See, UN Human Rights Committee, General Comment No. 24: Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant, 4 November 1994, paragraph 8. [↑](#footnote-ref-11)
12. *See*, ICTY Judgment, Blaskić (IT-95-14-A), Appeals Chamber, 29 July 2004, § 143. Non-derogable: ICCPR Art 4(2). [↑](#footnote-ref-12)
13. *See*, 2019 Houthi response to questions from the Group of Eminent Experts on Yemen, Response to Questions 11, 12, 15 and 16, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2019_Houthis_Response_list_of_issues_AR.pdf> [↑](#footnote-ref-13)
14. See, UN Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Independent Eminent International and Regional Experts, 17 August 2018, paragraphs 41 and 42. [↑](#footnote-ref-14)
15. See, UN Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Independent Eminent International and Regional Experts, 17 August 2018, paragraph 45. [↑](#footnote-ref-15)
16. See UN Security Council, Final report of the Panel of Experts on Yemen (S/2019/83), 25 January 2019, paragraph 145, available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\_2019\_83.pdf. [↑](#footnote-ref-16)
17. See, UN General Assembly, Children and armed conflict, Report of the Secretary-General (A/72/865–S/2018/465), 16 May 2018, paragraph 208, available at: <https://undocs.org/A/72/865%E2%80%93S/2018/465>. [↑](#footnote-ref-17)
18. *See*, <https://republicanyemen.net/archives/13270>; <https://www.aljazeera.com/news/2019/01/welcomed-2019-civilians-killed-houthi-attack-190106141240211.html>. [↑](#footnote-ref-18)
19. *See*, <https://almasdaronline.com/articles/163434>. [↑](#footnote-ref-19)
20. *See*, <https://www.voanews.com/middle-east/un-attack-displaced-peoples-camp-yemen-kills-8>; <https://www.thenational.ae/world/mena/violence-in-hajjah-yemen-s-forgotten-province-worsens-humanitarian-crisis-1.819091> [↑](#footnote-ref-20)
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