

The Honorable John Kerry
Secretary of State
Washington, DC 20520

March 2, 2016

Dear Secretary Kerry:

We write to urge United States support for the immediate establishment of an independent mechanism to investigate the human rights situation in Yemen during the 31st session of the UN Human Rights Council, which will take place between February 29 and March 24, 2016. We believe that the Council's failure to agree on such a mechanism during the Council's 30th session – in part due to US opposition – has helped to facilitate a startling lack of respect for human rights and an environment of impunity in Yemen.

There is credible evidence to suggest that all sides have acted with insufficient regard for civilian life. Human rights organizations, the UN Office of the High Commissioner for Human Rights (OHCHR), and the UN Security Council Sanctions Committee's Panel of Experts (PoE) have each independently found an alarming pattern of violations of human rights and international humanitarian law since the escalation of the conflict on March 25, 2015. According to OHCHR, nearly 3,000 civilians, including 700 children, have been killed. A significant majority of these civilian deaths have been caused by bombardment that is supported and facilitated by the United States. The result has been nothing short of a humanitarian and protection catastrophe, with 82 per cent of Yemen's population in need of humanitarian assistance. Over half of the population lacks access to even basic health facilities, over half don't have enough to eat, and more than a quarter is severely food insecure.

The 30th session of the UN Human Rights Council represented an important moment to hold parties to account. The UN High Commissioner for Human Rights, Prince Zeid Ra'ad al-Husseini, had called for an independent fact finding mechanism in his September 11 report. The Netherlands presented a resolution to create such a mechanism, which would have documented violations by all sides in the conflict since September 2014. In our view, adoption of the Dutch resolution would have meaningfully strengthened accountability in Yemen. Instead, the Council agreed by consensus to adopt a resolution drafted by Saudi Arabia on behalf of the Arab Group, which supports the provision of technical assistance from OHCHR to the Government of Yemen's own commission of inquiry. We are not aware of any substantive work performed by this commission, and the commissioners are yet to share any information about its structure, work methods and work plan. This raises concerns about the commission's ability to meet its responsibility to impartially and independently investigate violations carried out by all sides to the conflict.

It has been widely reported that US support for the resolution was instrumental in its success and the concurrent failure of the more credible Dutch alternative. This has damaged the

standing of the Human Rights Council and the US government's credibility as a champion of human rights.

The 31st session of the Human Rights Council presents an opportunity to create real accountability in Yemen. The US must support a credible and independent mechanism to investigate alleged crimes and violations of IHL perpetrated in Yemen. Failure to do so will result in further suffering for Yemenis living through the conflict, as well as further discredit the US government's global standing. Such accountability of parties to the conflict in Yemen we believe will create the necessary preconditions for a meaningful ceasefire and a sustainable peace process into the future. The Yemeni people should not be asked to bear the brunt of another year of warfare and violations of their human rights.

Sincerely,

Arab Center for the Promotion of Human Rights
Alliance for Peacebuilding
Americans for Democracy and Human Rights in Bahrain
Amnesty International USA
Cairo Institute for Human Rights Studies
Center for Civilians in Conflict (CIVIC)
Conference of Major Superiors of Men
Global Center for Responsibility to Protect
Friends Committee on National Legislation
Human Rights First
Mercy Corps
Mwatana Organization for Human Rights
Oxfam America
Pax Christi International
Project on Middle East Democracy
Save the Children
United to End Genocide
United Methodist Church – General Board of Church and Society

Cc: Ambassador Susan Rice, National Security Advisor
Ambassador Samantha Power, Permanent Representative to the United Nations
Sarah Sewell, Under Secretary for Civilian Security, Democracy, and Human Rights
Bathsheba N. Crocker, Assistant Secretary of State for International Organizations
Ambassador Anne Patterson, Assistant Secretary of State for Near East Affairs
Ambassador Keith Harper, Representative to the Human Rights Council
Senator Bob Corker, Chairman, Senate Foreign Relations Committee

Senator Ben Cardin, Ranking Member, Senate Foreign Relations Committee
Representative Ed Royce, Chairman, House Foreign Affairs Committee
Representative Eliot Engel, Ranking Member, House Foreign Affairs Committee