



03/10/2018

# **JOINT MOTION FOR A RESOLUTION**

Pursuant to Rule 123 of the Rules of Procedure

**on the Situation in Yemen**

**tabled by Marietje Schaake, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Gérard Deprez, Martina Dlabajová, Teresa Giménez Barbat, Ivan Jakovčić, Petr Ježek, Ilhan Kyuchyuk, Patricia Lalonde, Valentinas Mazuronis, Louis Michel, Javier Nart, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo Radoš, Frédérique Ries, Robert Rochefort, Jasenko Selimovic, Pavel Telička, Ramon Tremosa i Balcells, Ivo Vajgl, Cecilia Wikström**

**on behalf of the ALDE Group**

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## **On the Situation in Yemen**

The European Parliament,

- having regard to its previous resolutions on Yemen, in particular those of 27 November 2017, 14 June 2017 and of 25 February 2016 on the humanitarian situation in Yemen and of 9 July 2015 on the situation in Yemen,
- having regard to the report of the UN Human Rights Council Group of Eminent Experts (GEE) on Yemen of 28 August 2018,
- having regard to the Joint statements by High Representative/Vice-President Federica Mogherini and Commissioner Christos Stylianides of 13 June 2018 on the latest developments around Hodeidah, Yemen, and of 4 August 2018 on the airstrikes in Hodeidah,
- Having regard to the Annual report of the United Nations High Commissioner for Human Rights on the situation in Yemen of 24 September 2018,
- having regard to the Council conclusions of 26 June 2018 on Yemen,
- having regard to the Statement by the President of the UN Security Council of 15 March 2018,
- having regard to the statement by the Special Envoy of the Secretary General for Yemen of 6 September 2018,
- having regard to the Statement of the World Food Programme Executive Director of 19 September 2018;
- having regard to the Rome Statute of the International Criminal Court;
- having regard to the UN Security Council resolutions on Yemen, in particular Resolutions 2216 (2015), 2201 (2015) and 2140 (2014),
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. Whereas the on-going conflict in Yemen has entered its fourth year and more than 22 million people need humanitarian support; whereas over 17 million people are food insecure, among whom more than 8 million people are severely food insecure and at risk of starvation; whereas the current fragmentation of the conflict is a clear sign of the erosion of state unity; whereas the situation in Yemen also carries grave risks for the stability of the region;

B. Whereas the conflict started in 2015 when Iranian-backed Houthis ousted the country's internationally recognised president who subsequently drew in a multinational coalition led by Saudi Arabia to fight the rebels and those troops allied to them;

C. Whereas from November 2017 on, the Saudi-led coalition has established a blockade on all imports to the Houthi-controlled territory, except for "urgent humanitarian and relief materials"; whereas according to OCHA, after the blockade Yemen only received 21% of its fuel requirements, and 68% of its food import needs; whereas, in certain cases, Houthi forces have blocked the delivery of essential medical supplies, food and humanitarian aid to government-controlled cities;

D. Whereas in June 2018 the coalition led by Saudi Arabia and the United Arab Emirates started an offensive to take the city of Hodeidah; whereas Save the Children has reported hundreds of civilian casualties in this operation; whereas Hodeidah is Yemen's most important port and is the transit point for as much as 70 percent of the country's critical food and humanitarian aid; whereas, according to the UN, nearly 470,000 people have fled Hodeidah Governorate since early June; whereas a new attack on Hodeidah would have devastating consequences for civilians; whereas parties to the conflict are obliged to allow and facilitate rapid and unimpeded passage of humanitarian relief, including medicine, food and other survival items;

E. Whereas the ceasefire negotiations led by the UN Special Envoy Martin Griffiths resulted in a temporary pause of the offensive; whereas the collapse of the latest attempt to hold peace talks in Geneva led to a resumption of hostilities on 7 September; whereas since the offensive started civilian deaths have increased by 164%; whereas in spite of the international pressure to achieve a stable and inclusive political solution to the crisis, the conflicting parties and their regional and international backers, including Saudi Arabia and Iran, have failed to reach a ceasefire or any type of settlement and the fighting and indiscriminate bombings continues unabated;

F. Whereas on the 9th of August an air strike perpetrated by the Saudi-led coalition hit a school bus in a market in the northern province of Saada, killing scores of people including at least 40 children, most of them under the age of ten; whereas this attack was followed two weeks later, on 24th August by a new Saudi-led coalition strike killing 27 civilians, mostly children, who were fleeing the violence in the besieged southern city of Hodeidah;

G. Whereas the Saudi-led campaign and the intense aerial bombardments, including indiscriminate attacks in densely populated areas, exacerbates the humanitarian impact of the war; whereas the laws of war prohibit deliberate and indiscriminate attacks on civilians and civilian targets such as schools and hospitals; whereas, having regard to the finding of the Group of Independent Eminent International and Regional Experts, such attacks may amount to war crimes and the individuals who commit them may be prosecuted for these crimes;

whereas the Saudi-led coalition's investigations into alleged war crimes in Yemen have lacked credibility and failed to provide redress to civilian victims;

H. Whereas more than 2500 children have been killed since March 2015, more than 3500 children have been maimed or injured and a growing number of children have been recruited by armed forces on the ground'; whereas women and children are particularly affected by the on-going hostilities; whereas according to UNICEF there are nearly 2 million children out of school, which compromises the future of an entire generation of children in Yemen because of limited or no access to education, making them vulnerable to military recruitment, and sexual and gender based violence;

I. Whereas in August 2018 a report compiled by the UN High Commissioner for Human Rights concluded there are "reasonable grounds to believe" all parties to the conflict in Yemen may have committed war crimes; whereas forces on both sides of the war have been accused of firing heavy weapons into built-up areas and highly populated areas, including strikes on hospitals and other non-military structures;

J. Whereas the war has led to the destruction of infrastructure, the collapse of Yemen's economy, caused widespread disruption to basic commodities, the supply of utilities, sanitation, and clean drinking water; whereas regular payment of salaries for up to 1.4 million non-military Yemeni public workers effectively ceased at the end of 2016;

K. Whereas preventing the use of UN flights for international media and human rights organisations impedes independent coverage of the situation in Yemen and contributes to the global neglect of the conflict;

L. Whereas gender-based sexual violence has exponentially increased since the start of the conflict; whereas the already limited capacity to address sexual and gender-based violence in the criminal justice system has collapsed and no investigations have been conducted in relation to practices such as abducting and raping women, or threatening to, as a way to extort money from their families and communities;

M. Whereas human rights defenders have faced relentless harassment, threats and smear campaigns from all parties of the conflict; whereas women human rights defenders, journalists and activists have faced specific repression on the basis of their gender;

N. Whereas Houthi de-facto authorities have conducted a systemic campaign of harassment, arbitrary and abusive detentions, as well as forced disappearances and torture against human rights defenders, journalists and religious minorities; whereas 24 Yemenis, including one child, from the Baha'i minority faced charges that could result in death penalty based on their beliefs and peaceful actions;

O. whereas Houthis forces have been accused of causing mass civilian casualties in their siege of Taiz, Yemen's third largest city; whereas they have waged a war of attrition against civilian populations in government controlled areas; whereas they have used banned antipersonnel landmines and recruited children;

P. Whereas Kamel Jendoubi, Chairman of the United Nations Group of Eminent Experts on Yemen that issued a Report to the Human Rights Council on the "Situation of human rights in Yemen" on August 28, 2018 is the victim of a smear campaign aimed at intimidating the GEE and casting doubts on its findings;

Q. Whereas Yemen signed but has yet to ratify the Rome Statute of the International Criminal Court; whereas several provisions of the Rome Statute, including the ones related to war crimes, reflect customary international law;

R. Whereas in February 2018 Russia vetoed a United Nations Security Council resolution highlighting Iranian involvement in the conflict;

S. Whereas there is an international arms embargo in place against the Iranian-backed Houthi forces and, according to the 18th EU Annual Report on Arms Exports, EU Member States have continued to authorise transfers of arms to Saudi Arabia since the escalation of the conflict, in violation of Council Common Position 2008/944/CFSP of 8 December 2008 on arms export control; whereas the past year, some European countries partly or totally suspended arms transfers to Saudi Arabia and the UAE; whereas the European Parliament has repeatedly called on the VP/HR to launch an initiative to impose an EU arms embargo on Saudi Arabia, in line with Common Position 2008/944/CFSP;

T. Whereas the majority of strikes conducted by US forces in Yemen are lethal drone strikes; whereas the decision to add certain persons to target lists of drone operation is often made without court warrants or orders; whereas the targeting and subsequent killing of certain individuals can under certain circumstances be seen as extrajudicial killings;

U. Whereas the war in Yemen has opened up space for extremist groups, including al-Qaeda in the Arabian Peninsula, to extend their reach, thereby threatening the wider region; whereas a stable, secure Yemen with a properly functioning government is critical to international efforts to combat extremism and violence in the wider region and beyond, as well as to peace and stability within Yemen itself;

V. Whereas stability in the wider region is of critical importance for the EU; whereas the EU is committed to a comprehensive and strategic approach encompassing all relevant regional actors; whereas finding a political solution to the conflict under the auspices of the UN peace initiative in Yemen should be a priority for the EU and the international community as a

whole;

W. Whereas the EU remains committed to continue to deliver life-saving aid to all people in need in Yemen; whereas at the same time, the EU shares the concerns of the UN and other donors about the continuing shrinking of humanitarian space whereas from 2015 until now, the EU has contributed more than €233 million in humanitarian funding to Yemen;

1. Condemns in the strongest terms the ongoing violence in Yemen and all attacks against civilians and civilian infrastructure; emphasizes its concern over the conflict that continues to devolve into one of the most grave current humanitarian, political, and economic crises; reminds all parties involved including their regional and international backers that the deliberate targeting of civilians and civilian infrastructure, including hospitals and medical personal, water systems, ports, airports and markets amount to grave violations of international law;

2. Deeply regrets the loss of life caused by the conflict and the suffering of those caught up in the fighting, and expresses its condolences to the families of the victims; reaffirms its commitment to continuing to support Yemen and the Yemeni people;

3. Calls on all parties in the conflict to immediately cease hostilities; urges Saudi Arabia and other actors involved to further lift the ongoing blockade of Yemen; calls on all directly or indirectly involved states and relevant actors, including Iran, to apply maximum pressure on all parties to work towards de-escalation and to immediately cease providing political, military and financial support to military actors on the ground, either directly or through proxy;

4. Stresses that only a political, inclusive and negotiated solution to the conflict can restore peace and preserve the unity, sovereignty, independence and territorial integrity of Yemen; calls on all international and regional actors to engage constructively with Yemeni parties to enable a de-escalation of the conflict and a negotiated settlement;

5. Supports the efforts of the Special Envoy of the Secretary General for Yemen, Mr Martin Griffiths, to restart the political process; takes note of his statement to the UN Security Council of 11 September 2018 “that despite the absence of one of the sides to the Consultations in Geneva last week, and even if it certainly did not go as planned, we still managed to relaunch the political process with solid support clearly from the

Yemeni people and the international community”; welcomes the visit of Mr Griffiths to Sanaa on 16 September 2018; calls for the Special Envoy to be given full and unhindered access to all parts of the territory of Yemen; calls on the HR/VP and all EU member states to provide Mr Griffiths with political backing in view of a negotiated and inclusive settlement;

6. Condemns all terror attacks in the strongest terms; is deeply concerned about the increased presence in Yemen of criminal and terrorist groups, including Al Qaeda in the Arabian Peninsula and ISIS/Da'esh; calls on all parties to the conflict to take resolute action against such groups; condemns the presence of foreign fighters and calls on the removal of all such fighters from Yemen;
7. Calls on all the parties to the conflict to allow for immediate and full humanitarian access to the conflict-affected areas in order to assist the population in need; calls on the Council and the UNSC, in implementing UNSC Resolution 2216, to identify individuals obstructing the delivery of humanitarian assistance in Yemen and impose targeted sanctions on them;
8. Stresses that the UN Security Council has underlined its support for the UN Verification and Inspection Mechanism (UNVIM), and that the EU fully supports the continuation of UNVIM and the full and unhindered implementation of its mandate;
9. Calls on all parties to immediately cease all attacks against freedom of expression, and to release all journalists and human rights defenders detained for the sole exercise of their human rights; calls on all parties to cease obstructing the work of international media and humanitarian staff in relation to the conflict;
10. Calls on all parties to the conflict to take the necessary measures to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards; is deeply concerned about reports of the denial of freedom of religion or belief, which included discrimination, unlawful detention, the use of violence, abuses of human rights including sexual and other violence against women, men, girls, and boys in accordance with international standards;
11. Calls on all parties to the conflict to end the recruitment or use of children as soldiers and other grave violations committed against them in violation of applicable international law and standards; calls upon all parties to release children who have been already recruited and to cooperate with the UN for their rehabilitation and reintegration

into their communities; supports the vital work of UNICEF in Yemen;

12. Calls on the Specialized Criminal Court in Sana'a, in Houthi-controlled territory, to acquit and release Asmaa al-Omeissy, Saeed al-Ruwaished and Ahmed Bawazeer, who were forcibly disappeared, tortured, and sentenced to death after a grossly unfair trial for allegedly aiding an enemy country;

13. Calls on the Specialized Criminal Court in Sana'a, in Houthi-controlled territory, to immediately release the 25 followers of the Baha-I faith, who are currently detained for peacefully practicing their religion, and face charges punishable by death;

14. Reminds all parties in the conflict that they are accountable for committed crimes under international law; Urges Member States to take all necessary measures to hold alleged perpetrators to account, notably through national or international prosecution of individuals, groups and organisations suspected of such violations or the application of the principle of universal jurisdiction and by investigating and prosecuting the alleged perpetrators of atrocity crimes in Yemen;

15. Praises the work undertaken by the UN Group of Eminent International and Regional experts and expresses its full solidarity with its Chairman Kamel Jendoubi; Welcomes the adoption on the 24th of September of the Annual report of the United Nations High Commissioner for Human Rights and its decision to extend the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council; asks for the mandate of the International Commission of Inquiry to be strengthened to gather evidence of war crimes and crimes against humanity committed in Yemen, in order to prosecute and punish those guilty of such violations; calls for a referral of the situation in Yemen to the International Criminal Court (ICC); urges Yemen to join the International Criminal Court, which would allow for the prosecution of all responsible for the crimes committed during the conflict, in the absence of a UN Security Council referral;

16. Calls on the European Union and on all Member States to provide cohesive, prompt and effective support to the United Nations Group of Eminent Experts across all relevant UN bodies, and especially in the Human Rights Council;

17. Urges the Council, High Representative for Foreign Affairs and Member States to oppose extrajudicial killings including the use of drones, reaffirm the EU's position under international law and to ensure that Member States do not perpetrate, facilitate or otherwise



take part in unlawful lethal operations; urges the Council to adopt a Common Position on the Use of Armed Drones;

18. Calls on the EU to take an initiative at the next Human Rights Council which would raise the issue of membership by States with deeply questionable human rights records;

19. Urges the VP/HR, the EEAS and the Member States to continue conducting a dialogue with the countries of the region on human rights and fundamental freedoms; expresses its readiness to hold a constructive and open dialogue with authorities of the countries of the region on the implementation of their international human rights commitments; calls for an exchange of expertise on justice and legal matters in order to strengthen the protection of individual rights in the countries of the region;

20. Calls on the Council to effectively promote compliance with international humanitarian law, as provided for in the relevant EU guidelines; reiterates, in particular, the need for the strict application by all EU Member States of the rules laid down in Common Position 2008/944/CFSP; recalls, in this regard, the European Parliament resolutions on the situation in Yemen of 25 February 2016 and 30 November 2017; urges all EU member states in this regard to refrain from selling arms and any military equipment to Saudi Arabia, the UAE and any member of the international coalition, as well as the Yemeni government and other parties to the conflict;

21. Denounces the destruction of the Yemeni cultural heritage by the airstrikes of the Saudi-led coalition, including Sanaa's old city and the historic city of Zabid; regrets and recalls the responsibility of the coalition for this destruction and stresses that it will be held accountable also for such acts; calls on the UN Secretary-General to refer the issue of the protection of all cultural sites under threat from the conflict in Yemen to the Security Council, with a view to the adoption of a resolution on the matter;

22. Welcomes the UN 2018 Yemen Humanitarian Response Plan and the 2018 Yemen High-Level Pledging Event for the Humanitarian Crisis in Yemen in which international donors pledged more than \$2 billion; deplors however the fact that a funding gap for Yemen still exists; welcomes the fact that the EU is committed to assist those affected by the conflict in Yemen and pledged €107.5 million; calls on all donors to swiftly disburse their pledges; Welcomes the fact that the EU will continue to provide development assistance to Yemen prioritising interventions directed at stabilising the country, and will work in stable areas with local authorities to promote resilience, to help to maintain the provision of basic services and to foster sustainable livelihoods for communities;

23. Decides to remain seized of the matter until a negotiated solution is reached; recommends the Subcommittee on Human Rights to monitor the human rights developments in Yemen and to produce a report on the violations of human and civil rights perpetrated in Yemen;

24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the Secretary-General of the Gulf Cooperation Council, the Secretary-General of the League of Arab States and the Government of Yemen.