

Check against delivery

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Item 10

Yemen and Cambodia



Addresses by Ms. Kate Gilmore

United Nations Deputy High Commissioner for Human Rights

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Mr. President, Members of the Human Rights Council, Excellences, Colleagues and Friends,

This afternoon you have before you two reports of the Secretary-General and of the High Commissioner, submitted under item 10, on Yemen and Cambodia respectively.

Let me start with the High Commissioner's annual report on the situation of human rights in **Yemen**, in accordance with resolution 30/18.

A year and a half since the intensification of the conflict in Yemen, the situation has continued to deteriorate, with no less than **devastating effects** for the population.

As OCHA stated last week, the **humanitarian crisis** in Yemen is now one of the worst in the world. Over 12 million Yemenis are in desperate need of life-saving assistance; basic services and the economy are in near total collapse. Livelihoods have been destroyed, the price of basic goods has skyrocketed; imports of food, fuel and medicines are severely limited. At least 7.6 million people, including three million women and children, are suffering from malnutrition. The heart-breaking pictures of starving Yemeni children that media have shown in recent weeks can and must shock us into action to stop the violence.

But instead, we've seen a **sharp increase in civilian casualties** since the suspension of peace talks, with 180 people killed and 268 injured in August - 40 per cent more compared to the civilian casualties the previous month. In the past six months, our Yemen office has documented killings of 3,831 civilians and injuries to 6,751.

There has also been an increase in **attacks against protected civilian objects**, with at least 41 incidents affecting educational and health facilities, markets, places of worship, airports and civilian homes in August.

The most recent incident took place but one week ago, when an airstrike hit a residential area in the town of **Hudaydah**, killing 26 civilians, including seven children, and injuring 26 others. The death toll could be much higher, as our team continues to collect information.

The situation in the city of **Taizz** is of particular concern. The blockade imposed by the Houthis-affiliated Popular Committees has caused serious food, water and fuel shortages, and a near collapse of the health system.

Across the country, over 3 million people, including 400,000 families, have been **forced to flee their homes** in search of safety and live in extremely perilous and miserable conditions.

As highlighted in the report before you, the conflict has given rise to a growing number of allegations of **violations of international human rights and humanitarian law by all parties** to the conflict. Its reports of recruitment and use of children in hostilities; deprivation of liberty, forced evictions and displacement makes for depressing reading.

The unrelenting aggravation of the situation has created security vacuums that have been increasingly exploited by **armed groups**, including those pledging allegiance to Al Qaeda and the so-called Islamic State.

There has also been a disturbing escalation in the **divisive rhetoric** by certain political and religious leaders, which risks exacerbating sectarian and regional divisions, and further undermining the very social fabric of society.

Mr. President,

The **Yemeni National Commission of Inquiry**, which was established by presidential decree in September 2015, and which OHCHR has been mandated to support on technical issues, published its first report in August 2016.

In this report, it is categorically stated that OHCHR failed to provide the Commission with any technical assistance. This narrative is as disingenuous as it is disconnected from reality. Since the adoption of resolution 30/18, **OHCHR has endeavoured to engage a dialogue with the Commission**; but the Commission either rejected OHCHR support or on some occasions did not respond.

Let me elaborate. As in previous experiences of this kind, OHCHR immediately shared with the Commission its interpretation of the mandate as focussing on **three principal activities**:

1. The provision of tools and methodologies concerning international human rights, humanitarian law and investigation standards;
2. Training and capacity-building for the commissioners and investigators of the Commission; and
3. Technical advice to ensure that the Commission would operate in accordance with international standards, including with regard to its mandate; staff selection; the sources and allocation of funds; its methodology; the protection of victims and witnesses; and guarantees of impartiality.

Consequently, OHCHR **deployed three experts** in international human rights law and humanitarian law to provide technical assistance to the Commission; provided it with various tools on methodological standards on human rights investigations and international humanitarian law; conducted training for the Commission's monitors in Amman; and, most recently, held a seminar with its experts in Addis Ababa.

OHCHR also sent **numerous official communications** requesting clarity on these matters, including a survey to the Commission's experts to better customise training activities. The commissioners first refused to respond to these queries, and later informed OHCHR that given their high degree of expertise, their experts did not require any such training or capacity-building, and that it was offensive to suggest otherwise.

OHCHR is fully cognizant of the dire security conditions and logistical complications in Yemen generally, and in Aden specifically, that hamper the operationalization of the Commission and progress in its work. Nonetheless, we remain convinced that a national judicial body that lacks impartiality, does not abide by the basic norms of protection, and whose mandate, composition and methodology are **not aligned with the pertinent international standards**, will fail to contribute to the direly needed cohesion and stability, and to promote justice and accountability.

Distinguished members of the council,

The resilience of the Yemeni people has been **stretched beyond human limits**. The almost 10.000 civilians killed or injured in this conflict cannot callously be referred to as “casualty figures” or “collateral damage”. They are husbands and wives; children and parents; friends and neighbours. The report before you contains several examples of the kinds of possible violations of international humanitarian law and international human rights law that have resulted in deaths and injury – ranging from attacks on residential areas, marketplaces, medical and educational facilities, on public and private infrastructure; to the use of landmines and cluster bombs, targeted killings and sniper attacks against civilians.

In several of the documented military attacks, we have been **unable to identify the presence of possible military objectives**.

And in numerous situations where military targets could be identified, we are concerned that the loss of civilian lives, injury to civilians and damage to civilian objects that could be expected from the attack may have been **excessive** in relation to the anticipated concrete and direct military advantage apparently sought.

The international community has a **legal and moral duty to protect Yemeni civilians**, and to alleviate the appalling levels of human despair. As the High Commissioner has said, civilians continue to suffer, absent any form of accountability and justice, while those responsible for the violations and abuses against them enjoy impunity. Such a manifestly, protractedly unjust situation must no longer be tolerated by the international community. Delivering peace is imperative, otherwise the disastrous prospect of a systemic collapse of Yemen is growing more likely by the day.

Given the gravity of the situation, the shocking number of casualties, the abhorrent humanitarian conditions in which the people of Yemen live, and the absence of any decisive and comprehensive national effort in documenting these violations, putting an end to violence and seeking some measure of justice for victims, the High Commissioner calls on the Human Rights Council to **urgently establish an international, independent investigative body** to carry out comprehensive investigations into violations of international law and to promote justice for all violations committed in Yemen by all parties to the conflict.

Moving now to our report (A/HRC/33/39) on progress in the work of our **Cambodia** country office, which has been working with national and sub-national authorities on a wide range of issues, focussing on four thematic areas: widening the democratic space, economic and social rights, promotion of the rule of law, and supporting prison reform.

The human rights situation in the country presents **dual trends**.

On the one hand, the reporting period saw **steady progress on a number of technical issues**, which are set out in the report.

For instance, our expansion of a **case management database** in courts in Cambodia, in collaboration with the Ministry of Justice, allows for better retrieval of case information.

The **conferral of communal land titles on indigenous communities**, which had been stalled for some time, has resumed with good collaboration between our office and the Ministry of Rural Development.

We continue to serve as a bridge between various state institutions on many cross-sectoral human rights issues. Regular meetings bringing together court, prison and police officials, have continued to **increase coordination** at both the policy and practitioner levels.

New working groups have been established to **address chronic disputes**, such as in the land sector. Our office was recently nominated by the development partners to co-facilitate the Technical Working Group on Land with the Ministry of Land Management, Urban Planning and Construction.

Reforms in the areas of education, public administration reform, civil registration, and electoral preparations are also achieving important successes, and our office is contributing to the efforts – including in our role as co-facilitator of the Technical Working Group on Legal and Judicial Reform, one of several joint policy-making structures established between the line ministries and development partners.

On the other hand, the **deteriorating relationship between the two main political parties** is severely affecting the ability of Cambodians to exercise their fundamental rights.

This trend is marked by a now **near total blockage of any demonstrations** by people expressing grievances, thereby violating their rights to freedom of expression and peaceful assembly.

Many critics, particularly of the political opposition, are facing **judicial procedures** – conducted by a judiciary that as a whole is discredited through high profile cases conducted with little respect for due process and often without conclusive evidence.

Death threats have been received by prominent social and political analysts.

Intimidation of the opposition through a military show of force has occurred more than once. The military has publicly vowed to protect the ruling party and its leader against all challenges.

A complex legal framework is being crafted through a series of laws that **restrict the functioning of independent civil society organizations**. The controversial 2015 Law on Associations and NGO's, which established legal grounds to close operations, limit the activities of, or bureaucratically stifle NGO's and associations not deemed to be "neutral," is being invoked to curb the activities of NGO's, particularly those most active on human rights. More of the same is possible under the new Trade Union Law.

Persons believed to be living, working or otherwise dependent on the streets are being **arbitrarily rounded up and detained** without judicial review.

When the overall human rights environment is marked by such restrictions and intimidation, particularly for the opposition, even if the procedures and tools for voting are much improved over previous elections, it is clear that the **current electoral environment** is not conducive to credible and fair elections in 2017 and 2018.

The Government has the power to improve the situation if it has the political will. I welcome the "cease-fire" between the two parties announced by the Prime Minister a few days ago and encourage its use to arrive at resolution of these matters. Our office in Cambodia stands fully ready to **assist the Government in promoting reform** at the policy level with all Government counterparts on a range of human rights issues. As elsewhere, we operate at both the macro and micro levels in order to provide technical assistance to help duty bearers at all levels implement the provisions of the human rights treaties that the Government has ratified, as well as UPR and SP recommendations. At the same time, we assist victims of violations, particularly those who are the most vulnerable, and we provide support to CSOs and other actors in order to strengthen their capacity in the field of human rights, including economic, social and cultural, and civil and political rights. We engage in advocacy as and when needed. It is the confluence of all these aspects of our mandate that together enables us to be effective and to accompany the efforts of any Government to promote and protect human rights.

Today, I would like to reaffirm that OHCHR remains a long-standing and close partner of the Royal Government to assist it in the implementation of its human rights commitments and obligations. We are ready to continue, in a spirit of partnership, under a **Memorandum of Understanding** that fully reflects mutual respect for our respective duties and put human rights at the heart of our collaboration in accordance with the UN Charter. Thank you.