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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report provides an overview of the technical and capacity-building assistance that the Office of the United Nations High Commissioner for Human Rights has provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen since the adoption, on 6 October 2020, of Human Rights Council resolution 45/26.

In the present report, the High Commissioner provides information on the mandate, composition, secretariat and resources of the National Commission, on the progress achieved by the National Commission and on the challenges it has faced in implementing its mandate. Furthermore, the High Commissioner makes recommendations to be implemented by all stakeholders.

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\* The present report was submitted after the deadline in order to reflect the most recent developments.



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/26, in which the Council requested the United Nations High Commissioner for Human Rights to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to ensure that the National Commission continued to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards. In that resolution, the Council also requested the High Commissioner to present a written report on the implementation of technical assistance to the Council at its forty-eighth session.

2. In the present report, the High Commissioner provides detailed information on the mandate and composition of the National Commission, which started its work in October 2015, and also provides an overview of the technical and capacity-building assistance that the Office of the United Nations High Commissioner for Human Rights (OHCHR) provided to the National Commission between October 2020 and July 2021. A number of the activities that were planned to be implemented between January and April 2021 had to be postponed owing to the unavailability of regular budget funds, as well as the coronavirus disease (COVID-19) pandemic and the restrictions imposed in order to prevent the spread of the virus in Yemen. The present report focuses on the mandate of the National Commission and its adherence to international standards pertaining to commissions of inquiry.<sup>1</sup>

3. The present report should be read in conjunction with the previous reports of the High Commissioner to the Human Rights Council on the situation of human rights in Yemen,<sup>2</sup> which have included information on the technical and capacity-building assistance provided by OHCHR to the National Commission.

## II. National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen

### A. Mandate

4. The National Commission was established by Presidential Decree No. 140 of 2012, pursuant to which it is mandated to investigate all alleged violations of human rights and international humanitarian law that have taken place since 2011, to investigate individual and group complaints received and to identify the perpetrators. It is also empowered to subpoena any person to hear their testimony and to obtain relevant documents and other evidence. Revisions to its mandate have been introduced in Presidential Decrees No. 13 of 2015, No. 66 and No. 97 of 2016, No. 50 of 2017 and No. 30 of 2019.

5. The National Commission was intended to be a temporary institution. When it was first established, in 2012, its mandate was to investigate alleged violations of international law that had taken place in 2011 exclusively, but revisions to its mandate have extended the period of time to cover all alleged violations that have taken place since 2011. The conditions under which the National Commission's mandate would be considered completed and its functions would be transferred to a successor institution, including the transitional justice mechanism foreseen by article 8 of Presidential Decree No. 140 of 2012, were debated in the framework of the National Dialogue Conference, held from March 2013 to January 2014, prior to the onset of the current armed conflict, but have never been defined by law. Since 2015, the current large-scale conflict involving foreign powers and fragmented armed groups

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<sup>1</sup> See the updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1); and OHCHR, *Commissions of Inquiry and Fact-finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (New York and Geneva, 2015).

<sup>2</sup> A/HRC/33/38, A/HRC/36/33, A/HRC/39/43, A/HRC/42/33 and A/HRC/45/57.

have created additional challenges for accountability that have yet to be discussed in a forum as inclusive as the National Dialogue Conference.<sup>3</sup>

## B. Composition

6. The National Commission is composed of nine commissioners, currently five men and four women; four commissioners are from northern governorates and five, including the Chair, are from southern governorates. There are four judges, three lawyers and two university professors among the commissioners. As the two-year term of the current commissioners ends in August 2021, a new decree is expected to be issued either to renew their appointment or to appoint new commissioners.

7. The National Commission reports directly to the President of Yemen and the Supreme Judicial Council.<sup>4</sup> All former and current commissioners were appointed by the President of Yemen. Article 1 of Presidential Decree No. 140 of 2012 sets out the criteria to be taken into consideration when selecting the commissioners. However, the presidential decrees and the internal regulations of the National Commission do not prescribe the process for their selection, nor is there any possibility for recommendations or nominations to be made by representatives of either the legislative branch or civil society. Civil society representatives submit that this omission undermines the credibility of the National Commission.

## C. Secretariat

8. The secretariat of the National Commission, which is headed by a male General Secretary, is based in Aden and has one sub-office in Taiz. Discussions are under way to open a second sub-office in Marib.

9. The investigative team consists of 9 assistant investigators (all men), 38 field monitors (including 8 women), 5 so-called “volunteers” (including 2 women), as well as 2 criminal experts and 3 military experts (all men). Seven of the assistant investigators are based in Aden and two in Taiz. They supervise the work of the field monitors and report to the commissioners, who sign off on each case file. Field monitors are deployed in 21 of the 22 governorates in the country. Raymah Governorate is the only governorate where the National Commission is not present.

10. Furthermore, the secretariat is composed of 24 support staff members (including 8 women), as well as 16 guards and cleaners in Aden and 3 support staff in Taiz (1 woman and 2 men). The support staff carry out various functions, namely as database operators, communications officers, information technology support staff, archivists and administrative staff.

11. Parity between women and men in the investigative team of the secretariat has not been achieved (of the 57 staff members, 10 are women). The inclusion of more women may increase the amount of documentation relating to sexual and gender-based violations, including conflict-related violence, as the commissioners have acknowledged in their reports.

## D. Resources

12. In accordance with international standards, commissions of inquiry should be provided with transparent funding to ensure that their independence is never in doubt.<sup>5</sup> Article 6 of Presidential Decree No. 140 of 2012 concerning the financial regulations of the National Commission states that funding will be provided by the Government of Yemen, by other Governments and international human rights bodies and, in the form of grants, by foreign entities to support the activities of the National Commission.

<sup>3</sup> See <https://osesgy.unmissions.org/national-dialogue-conference>.

<sup>4</sup> See Presidential Decree No. 50 of 2017, art. 4.

<sup>5</sup> Updated set of principles for the protection and promotion of human rights through action to combat impunity, principle 11 (a).

13. According to the information received, the National Commission receives funds from several donors, including the King Salman Humanitarian Aid and Relief Centre of Saudi Arabia<sup>6</sup> and the Netherlands.<sup>7</sup> The exact amount of funding received from the Government of Yemen or from other countries is not published, nor does the Commission publish its budget.

14. An audit by an external audit firm was initiated by the National Commission in June 2019. Its completion was delayed owing to the security situation in Aden and the COVID-19 pandemic. While the report on the audit was eventually submitted to the National Commission in January 2021, it has not been made public. According to the National Commission, the recommendations made in the report have been implemented. Transparency on audit initiatives and budget matters are critical for ensuring the independence and safeguarding the credibility of commissions of inquiry.

## **E. Progress achieved and challenges facing the National Commission**

15. Despite the multiple challenges it has faced since its establishment in 2012, including security and political constraints, the National Commission continues to gradually establish its place and status as the sole Yemeni institution with the mandate and resources to undertake systematic monitoring and recording of human rights violations and abuses and violations of international humanitarian law.

16. Although the National Commission continues to suffer from a legitimacy deficit, it represents the only hope for many victims and their relatives that a public domestic body is recording violations and that files are or will be made available for prosecution or alternative responses that may be decided in the future. As such, the National Commission deserves continued support to overcome its shortcomings and implement its mandate both inside and outside Yemen.

17. The de facto authorities in Sana'a have not granted the National Commission formal access to the areas they control, nor do they respond to its correspondence. However, they are aware of and tolerate the presence of the National Commission's field monitors in areas they control. The presence of field monitors has enabled the National Commission to document and investigate human rights violations and abuses in areas controlled by the de facto authorities to some extent.

18. On 8 February 2018, one female field monitor of the National Commission was killed during clashes in Taiz and a male field monitor has been detained since 14 July 2017 by the de facto authorities in Dhamar Governorate, with no prospect of a trial. OHCHR, which has been following this case, has been informed by the National Commission that the detained field monitor is in poor health and was denied the opportunity to attend his mother's funeral. The legal grounds for his detention are unclear, which makes it difficult to determine whether it constitutes reprisal for having been employed by the National Commission.

19. The investigative team of the National Commission has continued to document and investigate a large number of cases in Yemen throughout the year, despite numerous challenges, including limited Internet access, regular electricity outages, transportation difficulties, fearful sources, as well as threats and attempts at intimidation.

20. Despite such challenges, the quality of the National Commission's reports has improved over the years. Between August 2016 and July 2020, it produced eight periodic reports and one thematic one on detention, which are available on its website in both Arabic and English.<sup>8</sup> The ninth periodic report is expected to be issued in September 2021.

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<sup>6</sup> From 2017 to June 2021, the King Salman Humanitarian Aid and Relief Centre provided a cumulative amount of \$6,560,000 to the Government of Yemen to support the work of the National Commission (*Report of the Assistance Provided by the King Salman Humanitarian Aid and Relief Centre to the Republic of Yemen: A Comprehensive Report*, 17 June 2021).

<sup>7</sup> The Netherlands supported the National Commission through a capacity-building project implemented by IDLO for a total amount of €582,000 from 1 November 2018 to 30 June 2021.

<sup>8</sup> See [www.nciye.org](http://www.nciye.org).

21. In its eighth report,<sup>9</sup> published in September 2020, the National Commission reported on various violations of international humanitarian law by all parties to the conflict, including the killing and injuring of civilians, the recruitment of children, forced displacement and attacks on medical facilities and sites of cultural heritage. It also documented human rights violations and abuses by all parties, including extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, torture and ill-treatment, and violence against women.

22. According to a press release<sup>10</sup> issued on 1 January 2021 by the National Commission on its activities in 2020, the National Commission monitored and verified 2,901 violations of international law in Yemen in 2020 affecting 4,292 men and women of different age groups. Of that total, 404 civilians were killed and 751 others were injured. In the press release, the National Commission also mentioned having conducted field visits to the governorates of Taiz, Marib, Aden, Shabwah and Lahj, public hearings with victims of arbitrary detention and torture, training sessions with community leaders in front-line areas and meetings with civil society groups.

23. Under treaty and international customary law, States have the primary responsibility to investigate, prosecute and punish gross violations and abuses of international human rights law and serious violations of international humanitarian law, and to provide effective remedies to victims, including the right to truth, justice and reparation. Pursuant to the presidential decrees establishing the National Commission, that entity is responsible for investigating allegations of violations and abuses committed by all parties to the conflict and for submitting reports and information on cases to the Office of the Attorney General to complete investigations and prosecutions, as well as to provide effective remedies to victims. To that effect, on 11 July 2018, the Chair of the National Commission and the Attorney General signed the minutes of a meeting establishing the procedure for submitting case files to the Office of the Attorney General and recognizing the National Commission's competence to follow cases during the stages of prosecution and trial. The minutes remedied in part the fact that the National Commission was not mentioned in any current piece of Yemeni legislation, including the Code of Criminal Procedure, owing to its ad hoc and temporary nature. After the minutes had been signed, four prosecutors were appointed to work on cases submitted by the National Commission. However, in 2021, one of them died and has not been replaced. This is the prerogative of the Attorney General, whose recent appointment in January 2021 has become a matter of public contention and is currently before the Constitutional Chamber of the Supreme Court of Yemen, as OHCHR was informed by the administrative judge who looked into the case at the first instance.

24. On 3 December 2017, the National Commission submitted a proposal to the Supreme Judicial Council for the establishment of a dedicated court with specialized judges and prosecutors and for an appeal court that would have exclusive jurisdiction over cases received from the National Commission involving crimes committed in the entire territory of Yemen. It also proposed that additional courts outside of Aden could be established. In the proposal, the National Commission argued that the aforementioned dedicated court would provide victims with an effective remedy and reparations, which were an integral part of the accountability promised to the Yemeni people. An additional argument of the National Commission in favour of establishing a dedicated court was that, in the absence of a credible specialized court that adhered strictly to the rule of law and that was composed of judges familiar with international human rights law and international humanitarian law, there could be grounds for international parties to intervene in Yemen. Another argument presented in the proposal was that a dedicated court would acquire expertise in human rights violations and abuses and in violations of international humanitarian law, as well as address the fact that existing civilian and military courts with limited geographic jurisdiction were not able to consider cases in areas outside the control of the Government. Furthermore, such a new institution would result in investments in capacity-building for selected judges and prosecutors and permit the development of a mechanism to protect witnesses and victims.

25. On 14 February 2019, a public consultation with stakeholders, including civil society representatives, was held in Aden by the National Commission to debate the proposal. On 8

<sup>9</sup> See [www.nciye.org/en/?cat=45](http://www.nciye.org/en/?cat=45).

<sup>10</sup> See [www.nciye.org/en/?p=1124](http://www.nciye.org/en/?p=1124).

September 2020, a meeting on the potential establishment of a dedicated court was held between the Chair of the National Commission and the Chair of the Supreme Judicial Council. On 24 September 2020, an additional meeting was held with the two Chairs and the Attorney General. On that occasion, the three participants called upon<sup>11</sup> the international community to provide support, in the form of funds and capacity-building, the magistrates who would be assigned to the new institution that would be tasked with promoting accountability in Yemen for the violations and abuses perpetrated by all parties to the conflict. However, there has been little subsequent progress due to the security situation in Aden and the COVID-19 pandemic in the country.

26. While the proposal to establish a dedicated court is important for enhancing accountability for serious violations and abuses of human rights and violations of international humanitarian law in Yemen, a court with such a specialized jurisdiction needs to be placed within an overall legislative and institutional framework aimed at promoting truth, justice, reparation and guarantees of non-recurrence. It is essential that the Government initiate a debate on how the rights of victims to truth, justice and reparation can be best realized. In this regard, due consideration will need to be given to the views of the victims and their families in order to explore alternative options, including other possible transitional justice processes and mechanisms to complement criminal justice initiatives. The establishment of such a broad framework should, in turn, also inform the development of an investigative and prosecutorial strategy in support of the overall goals of the transitional justice process and of the needs and expectations of victims and affected communities.

27. Between October 2015 and July 2021, the National Commission prepared more than 10,000 investigation files for submission to the Office of the Attorney General. Only 3,000 investigation files have thus far been submitted, however, due to storage constraints at the Office of the Attorney General. According to the National Commission, the Office of the Attorney General has reviewed approximately 400 files, but actually fewer than 20 cases have been brought before the specialized criminal courts in Aden and Marib. It has been very difficult to make progress due to the instability and insecurity in Aden and Marib, and also because the judiciary held a general strike, instigated by the Southern Judges Club, that commenced on 4 February 2021 and was still under way at the time of finalizing the present report.

28. The location of the National Commission in Aden, with only one sub-office in Taiz, renders it inaccessible to individuals living in remote areas or in areas under the control of the de facto authorities and who are reluctant to cross into areas controlled by the Government of Yemen. While the presence of the field monitors of the National Commission in 21 governorates has improved accessibility, many field monitors operate discreetly in areas under control of the de facto authorities, making contact difficult. The establishment of sub-offices throughout Yemen, as is under discussion for Marib, as well as the design of a downloadable complaint application and online complaint mechanism that are part of a project being implemented by the International Development Law Organization (IDLO) and funded by the Netherlands, would improve and facilitate communication and the submission of cases to the National Commission.

29. In order to enhance its visibility throughout Yemen and to disseminate information about its mandate, the National Commission must reinforce its communication strategy. The National Commission could expand and update the information contained on its website, including with video messages and simplified language, by adding relevant information, such as decrees related to its establishment, its mandate and the appointment and renewal of its members, the minutes of meetings with the Office of the Attorney General, financial information, as well as reports on field visits and outreach activities. Social media offer the public alternative ways to access basic information about the National Commission and are currently used by the National Commission to issue regular updates on its activities and field visits, as well as to comment on major incidents from the exclusive standpoint of international human rights law and international humanitarian law.

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<sup>11</sup> See [www.nciye.org/?cat=53](http://www.nciye.org/?cat=53) (in Arabic only).

30. OHCHR notes that, in its press release dated 1 January 2021 and in its eighth periodic report, the National Commission reported that it had continued to engage with civil society actors and had received factual information from them about human rights violations and abuses that had assisted it in discharging its mandate effectively. The National Commission informed OHCHR that, from October 2020 to June 2021, despite the COVID-19 pandemic in Yemen, the commissioners conducted field missions to Seyun (Hadramaut Governorate), Al-Makha (Taiz Governorate), Hays (Hudaydah Governorate), Marib (Marib Governorate) and Ataq (Shabwa Governorate). During those visits, the commissioners interacted with victims and witnesses, as well as with detainees when they were given access to places of detention. They also held formal meetings with representatives of the local authorities, including the judiciary, as well as with human rights defenders and representatives of civil society organizations.

31. From July 2020 to June 2021, the National Commission held several consultations with civil society in Yemen. On 17 July 2020, in Aden, the National Commission held a hearing with representatives of the Muhamasheen community, which suffers discrimination based on their alleged African origin. Many members of the Muhamasheen community are affected by conflict-induced displacement and a range of other human rights violations and abuses compounded by the armed conflict. On 7 September 2020, a virtual meeting was organized by the National Commission to present the findings and recommendations of their eighth report to international, national and local human rights organizations. On 28 April 2021, the National Commission held a meeting in Aden with representatives of trade unions and professional organizations (journalists, the bar association and the union of Yemeni doctors and pharmacists) and the Yemeni Women's Union. The participants were invited to provide information to the National Commission and to inform their members about the National Commission's activities. On 9 June 2021, in Seyun, the National Commission held its first broad-based consultation with representatives of 28 local non-governmental organizations working on human rights, women's rights, children's rights and the rights of internally displaced persons in the Governorate of Hadramaut.

32. In 2021, the National Commission signed two memorandums of understanding with international non-governmental organizations: with the International Center for Transitional Justice for training activities, in March 2021; and with Geneva Call, a non-governmental organization that advocates for international humanitarian law compliance by non-State armed groups, in May 2021. Geneva Call indicated to OHCHR that it used the reports of the National Commission and of the Group of Eminent International and Regional Experts on Yemen, among others, to engage with leaders of groups allegedly responsible for violations of international humanitarian law and to call for compliance and accountability.

### **III. Technical assistance provided by the Office of the United Nations High Commissioner for Human Rights**

33. Pursuant to Human Rights Council resolutions 36/31, 39/16, 39/21, 42/21, 42/31, 45/15 and 45/26, OHCHR has continued to provide technical and capacity-building assistance to the National Commission. OHCHR has based such assistance on an ongoing dialogue to ensure that the activities offered meet the expressed needs of the commissioners, assistant investigators, field monitors and support staff.

34. In implementing the mandate given to it by the Human Rights Council in resolutions 45/15 and 45/26, OHCHR has been guided by the principles of independence, impartiality, objectivity, credibility and professionalism. Following the arrival of the new OHCHR Representative in Yemen, in January 2021 OHCHR held multiple meetings and consultations with the Chair and other members of the National Commission to develop a technical and capacity-building assistance programme. The discussions were based on the National Commission's needs and took into consideration the constraints arising from the COVID-19 pandemic and the unavailability of funds under the United Nations regular budget at the beginning of 2021.

35. Between October 2020 and July 2021, OHCHR developed and implemented several agreed activities to enhance the investigative and substantive capacity of the National

Commission. The activities were framed by international human rights law and international humanitarian law and included the provision of technical and administrative assistance.

36. From 18 to 20 October 2020, in Aden, OHCHR facilitated a consultative meeting for 37 field monitors, 7 of whom were women, to enhance knowledge of international human rights law and of methodologies for human rights monitoring, investigation and reporting, particularly regarding cases of arbitrary detention, torture, ill-treatment and enforced disappearances.

37. From 23 to 25 November 2020, in Aden, OHCHR organized, in cooperation with the Operational Satellite Applications Programme of the United Nations Institute for Training and Research, a training workshop for 37 field monitors, 7 of whom were women. The aim of the workshop was to strengthen technical capacity in the use of geospatial information technology to assess and analyse information on alleged human rights violations and abuses.

38. On 26 November 2020, in Aden, OHCHR facilitated a one-day consultative meeting for 37 field monitors, 7 of whom were women, to assess the accessibility of information related to violations of international law and to overcome the difficulties faced in documenting them.

39. From 28 February to 8 June 2021, OHCHR delivered a 20-hour training course for five support staff of the National Commission, one of whom was a woman, on the management of logistics, procurement, finance and human resources, to enhance the quality of the administrative support provided to the National Commission.

40. From March to August 2021, OHCHR supported the implementation of the IDLO project funded by the Netherlands, which aims to strengthen the capacity of the National Commission to discharge its mandate at the substantive and technical levels. In particular, OHCHR assisted IDLO in reviewing a set of online training materials on the investigation of human rights abuses and on violations of international human rights and humanitarian law, in contacting local suppliers of information technology hardware and in verifying the delivery of information technology equipment for use by the National Commission's field monitors and staff at headquarters.

41. From 20 to 23 June 2021, in Aden, OHCHR facilitated a consultative meeting for 36 field monitors and 2 archivists, 9 of whom were women, to enhance knowledge about international humanitarian law and how it applies to concrete situations in the Yemeni context. The presentations were delivered by the commissioners.

42. At the time of drafting the present report, an additional capacity-building activity for the National Commission was planned to be held in August 2021, namely a workshop for assistant investigators on the verification of digital imagery in open source investigations.

43. The technical assistance provided by OHCHR over the years has contributed to increasing the understanding by the commissioners and staff of the National Commission of the concept of accountability, in line with the relevant international legal norms. OHCHR has focused on the rights of the victims of human rights violations and abuses, including the rights to truth, justice and reparation, and on the need for institutional and other guarantees of non-recurrence. OHCHR has also shared its expertise with the National Commission on transitional justice and how accountability should go beyond the investigation of and prosecution for serious crimes and consist of a broader process that addresses the political, legal and moral responsibility of individuals and institutions for past and ongoing violations.

44. OHCHR has assisted the National Commission in recognizing the need for accountability processes to be responsive and tailored to local circumstances and to be based on broad and inclusive national consultations involving the extensive participation of the population as a whole and of members of particular communities, including victims of human rights violations and abuses, and reflecting their needs and aspirations. OHCHR has also provided guidelines to ensure that any national process in this respect meets international standards.

45. The technical support provided by OHCHR over the years has also improved the National Commission's capacity to monitor, document and report on human rights violations and abuses and on violations of international humanitarian law. It has also led to enhanced

gender parity and more balanced geographical representation in the composition of the National Commission and improved the administration of data and the protection of information.

46. The High Commissioner reiterates the readiness of OHCHR to continue to provide substantive technical assistance and advice to the National Commission, including to strengthen its capacity to investigate and report on allegations of human rights violations and abuses committed by all parties to the conflict in Yemen, in line with international standards and with a view to putting in place the foundations for a human rights-based transition to peace and reconciliation.

#### **IV. Conclusions and recommendations**

47. Since 2014, the conflict in Yemen has destroyed the promises of social change and political transformation that pushed so many Yemenis to take to the streets in 2011. Ten years later, instead of enjoying the transition to a State that upholds democracy, freedom, the rule of law, human rights and good governance along the lines drawn collectively at the National Dialogue Conference (March 2013–January 2014), the people of Yemen continue to endure the consequences of the armed conflict and one of the world’s worst humanitarian crises, exacerbated by the COVID-19 pandemic. Human rights violations and abuses and violations of international humanitarian law are daily occurrences and victims have few options for obtaining protection and almost no avenues for obtaining redress.

48. The National Commission, with its fact-finding work, is essential and one of the few mechanisms, however imperfect, to address impunity in Yemen. The National Commission should continue to strive to gain stronger legitimacy and recognition as a respected monitor, provider of accurate accounts and criminal investigations, and moral authority. It is therefore critical for the National Commission to ensure that it is structurally and functionally independent, impartial and transparent in assessing the conduct of all parties to the conflict. In addition, it is essential for the National Commission to be effective in its investigations and that its findings are backed by comprehensive legal analyses grounded in international law.

49. OHCHR remains committed to providing technical assistance and advice to the National Commission. OHCHR welcomes the progress made by the National Commission, such as the regular field visits made throughout Yemen, the consultations held with civil society groups and the improved reporting on different types of human rights violations and abuses and violations of international humanitarian law by all parties to the conflict.

50. With a view to strengthening the effectiveness and impact of the National Commission, the High Commissioner makes the recommendations set out below.

51. All parties to the conflict should:

(a) Fully cooperate with the National Commission so that it can safely, independently and effectively fulfil its mandate, notably by granting it access to all areas of Yemen, including all places of deprivation of liberty, and by providing it with all relevant information that it may request, including information related to the identity of alleged perpetrators;

(b) Implement all the recommendations made in the previous reports of the High Commissioner and the Group of Eminent International and Regional Experts on Yemen to the Human Rights Council and in the reports of the Panel of Experts on Yemen to the Security Council, to effectively pursue accountability for human rights abuses and violations and violations of international humanitarian law by all parties to the conflict.

52. The Government of Yemen should:

(a) Consider strengthening the mandate of the National Commission to ensure that it can effectively fulfil its role as an independent and transparent

mechanism and propose measures to fully ensure the rights of victims, including to truth, justice and reparation and to the prevention of further violations and abuses;

(b) Provide the National Commission with sufficient financial resources to enable it to expand its outreach efforts and increase its accessibility, including by opening sub-offices throughout Yemen;

(c) Take adequate and effective measures to protect victims and witnesses who cooperate with the National Commission from any form of intimidation or reprisal, and provide safe spaces where they can have privacy to speak with the commissioners and investigative staff of the National Commission;

(d) Provide the Office of the Attorney General with sufficient financial resources to enable it to carry out its investigations and prosecutions in respect of cases referred to it by the National Commission;

(e) Ensure the realization of the rights of victims to truth, justice and reparation, including through the initiation of a public debate on the development of a broader transitional justice framework that defines how the cases documented by the National Commission should be brought to justice and contribute to the prevention of recurrence of serious human rights violations, building on the outcomes of the National Dialogue Conference.

53. The Attorney General of Yemen should:

(a) Systematically, promptly and effectively act upon the reports and cases received from the National Commission, irrespective of who the alleged perpetrators are;

(b) Ensure prompt, impartial and effective investigation into and prosecution of all cases of human rights violations and abuses and of violations of international humanitarian law in line with international standards, and determine clear, objective and transparent criteria for the prioritization of cases while the armed conflict is still under way;

(c) Ensure that all trials, whether in civilian or military courts, are in line with international norms and fair trial standards, and cooperate in particular with the Supreme Judicial Council and the Judicial Inspectorate to maintain the highest standards;

(d) Ensure unfettered access to all places of deprivation of liberty for the staff of the National Commission, allowing confidential meetings with all detained persons, and pay attention to the recommendations related to detainees and conditions of detention in the reports of the National Commission.

54. The Supreme Judicial Council should:

(a) Give due consideration to the proposal submitted in 2017 by the National Commission to establish a specialized court with nationwide jurisdiction regarding conflict-related gross human rights violations and serious violations of international humanitarian law and also contribute to the reflection on how such a court can best assist in the realization of victims' rights to truth, justice and reparation, as well as an overall transitional justice process that contributes to the prevention of future violations and to reconciliation within communities;

(b) Ensure that all cases transmitted by the National Commission and brought before a court are processed and prosecuted in respect of the highest standards of integrity and independence thereby serving as an effective deterrent and as an effective avenue for justice for victims.

55. The National Commission should:

(a) Continue to investigate all alleged human rights violations and abuses and violations of international humanitarian law by all parties to the conflict with the same consistency and meticulousness, in compliance with international norms and standards

**and in line with the principles of objectivity, transparency, impartiality and professionalism;**

**(b) Take all feasible measures to protect victims and witnesses who contact the commissioners and other staff, with special attention to women, children, persons with disabilities and members of other vulnerable groups;**

**(c) Continue to strengthen its engagement with civil society, including in the areas of transitional justice and accountability, and establish a permanent mechanism to interact with human rights defenders;**

**(d) Continue developing a communications strategy to enhance its visibility throughout Yemen and disseminate information about its mandate and role;**

**(e) Preserve its integrity and independence by continuing to adhere strictly to norms and standards of international law when issuing public statements about incidents;**

**(f) Expedite the launching of a simpler complaint mechanism using a mobile telephone-based application and through its website for victims and their relatives, as well as witnesses;**

**(g) Establish sub-offices throughout Yemen to facilitate access to it and the reporting of cases;**

**(h) Establish a follow-up mechanism with periodic meetings with the Office of the Attorney General in relation to the files submitted to the Attorney General.**

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