



رابطة أمهات المختطفين
Abductees' Mothers
Association



Justice4Yemen Pact
ميثاق العدالة لليمن



DT Institute

THE PATH TOWARDS PEACE

2025

**Local Society's View on How to Implement
Transitional Justice and National
Reconciliation to Support Peace in Yemen**

A Field Study (Sanaa – Aden – Taiz – al-Hudaydah
– Mareb – Hadramout)

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SAM ORGANIZATION FOR RIGHTS AND LIBERTIES

SAM is an independent, non-profit Yemeni human rights organization that began its activities in January 2016 and obtained a work license in December 2017. The organization seeks to monitor and document human rights violations in Yemen and work to stop these violations through advocacy efforts in partnership with local and international organizations. It aims to raise human rights awareness through community-based rights development and strives to hold human rights violators accountable in Yemen in cooperation with international mechanisms and human rights organizations.

ABDUCTEES' MOTHERS ASSOCIATION

The Abductees' Mother Association is a women-led human rights organization founded in April 2016. It was formed by human rights defenders, mothers, and wives of detainees. The Association works to monitor and document cases of arbitrary detention and enforced disappearance and report them to the relevant authorities. It aims to build a human rights memory that preserves victims' rights to accountability and redress in the post-war period.

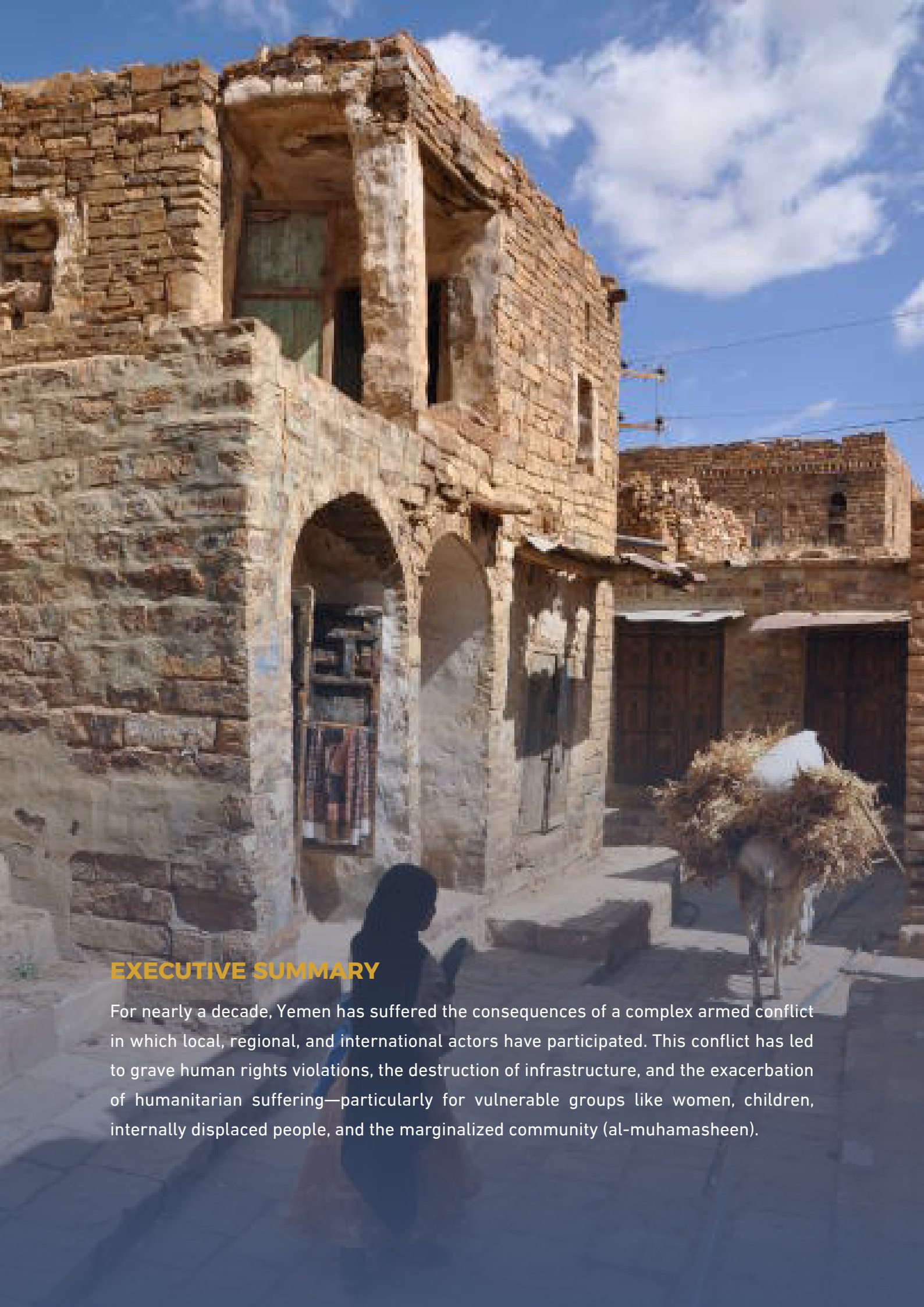
The Association also works to amplify the voices of victims in national and international forums and maintains ongoing communication with decision-makers and local mediators to secure the release of detainees. Additionally, it provides psychosocial support to survivors and their families.

THE JUSTICE 4 YEMEN PACT

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors united to promote and protect human rights in Yemen. The coalition's mission is to advocate for the rights of the Yemeni people, especially vulnerable and marginalized groups.

The coalition is committed to addressing the systematic human rights violations that Yemen has endured over years of conflict and violence. This charter seeks to empower the Yemeni people to demand their rights, raise awareness about violations, and advocate for justice and accountability at local, national, and international levels.

The charter is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that through cooperation, its members can help end impunity, provide essential support and compensation for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.



EXECUTIVE SUMMARY

For nearly a decade, Yemen has suffered the consequences of a complex armed conflict in which local, regional, and international actors have participated. This conflict has led to grave human rights violations, the destruction of infrastructure, and the exacerbation of humanitarian suffering—particularly for vulnerable groups like women, children, internally displaced people, and the marginalized community (al-muhamasheen).

Transitional justice, which aims to address grave violations through accountability, truth-telling, reconciliation, and reparations for victims, represents a key tool to combat impunity and build the foundations of justice and the rule of law. Therefore, it is essential to integrate transitional justice principles into any discussions related to peace in Yemen, and to pave the way for a broad dialogue on its mechanisms tailored to the Yemeni situation—hence the need to conduct an evaluative study on transitional justice mechanisms in Yemen.

This field study was conducted with a grant from DT Institute and in partnership with two members of the Justice4Yemen Pact Coalition, the SAM Organization for Rights and Liberties (SAM) and the Abductees' Mothers Association (AMA). The study aimed to identify appropriate redress measures for victims of violations, assess local community awareness of transitional justice concepts, and explore transitional justice themes that are appropriate for the Yemeni context. The study also aimed to measure civil society's capacity to implement transitional justice mechanisms.

This study was based on non-probability sampling. The research team selected cases to ensure adequate representation from each target area, among males and females, and among various segments of society affected by the conflict, including victims of violations, displaced persons, marginalized people, influential actors, and others. The research team conducted 109 interviews with various segments of society (the “general interview” group), 13 interviews with Yemeni experts in transitional justice (the “expert interview” group), and 20 focus group sessions in which 203 people participated. The research was conducted in six Yemeni governorates: Sana'a, Aden, Taiz, Al-Hudaydah, Marib, and Hadramout.



THE REPORT'S MAIN FINDINGS CAN BE FOUND BELOW:

VIOLATIONS AND ACCESS TO JUSTICE

85 participants in the general interview (78%) said that human rights violations were ongoing in their areas.

86 participants in the general interview (79%) said that they or their family have been subject to a human rights violation. These participants identified the most important measures to redress damage and achieve justice in their cases as legal accountability for the perpetrator, monetary compensation, and medical and psychological treatment.

- These participants identified the most important obstacles to reporting violations and achieving justice: fear of perpetrators and retaliation, lack of financial resources to pay the costs of litigation or transportation, weak legal awareness among victims, and lack of knowledge of their rights. Some female participants in the focus group sessions emphasized obstacles that women face, primarily fear of shame and scandal resulting from disclosure.

TRANSITIONAL JUSTICE AND ITS MECHANISMS IN THE YEMENI CONTEXT

- Many of the participants in the interviews and focus group sessions said that the implementation of transitional justice in Yemen will be hindered by the ongoing armed conflict, the multiplicity of local and regional actors, the absence of effective state institutions, the presence of perpetrators in positions of power, and the spread of corruption. Some said that transitional justice was impossible given current conflict conditions.
- Participants in the general and expert interviews (122 total) were asked whether accountability for perpetrators or reconciliation and ending the war was more important for the success of the transitional justice process. 64.3% preferred reconciliation and ending the war, compared to 35.7% who preferred accountability. Those who favored reconciliation emphasized their exhaustion from the ravages of war and the necessity of ending the fighting and suffering as a first step in any transitional process. For example, a participant from Taiz said, «we are tired of displacement and homelessness. We want to return to our land. After we return to our land and settle down in our home, every violator can be held accountable.»

Given that many victims identified holding perpetrators to account as the most important measure to ensure justice and redress, this finding indicates the need to adopt a flexible transitional justice approach that combines reconciliation with ensuring accountability for perpetrators.

- Participants in the general and expert interviews were asked which transitional justice mechanisms are appropriate to the Yemeni context. Most participants said that all the listed mechanisms were appropriate to varying degrees, except for honoring victims through memorials and museums. The following chart displays their answers:



- Most participants in the study supported the inclusion of women, displaced people, and the marginalized (al-muhamasheen) in the transitional justice process. However, some participants expressed reservations about the inclusion of women and the marginalized, indicating that social challenges may hamper the inclusion of these groups.

Participants in the focus groups discussed how to ensure the inclusion of women, displaced persons, and the marginalized in transitional justice. Their most notable proposal was to include these groups in the bodies and committees tasked with designing and implementing transitional justice.

- Most of the experts who participated in the focus groups supported using the National Dialogue Conference document as a reference for developing transitional justice mechanisms, with updates to the document to include the wartime period and changes in the balance of power.

PARTICIPATION OF ANSAR ALLAH (THE HOUTHIS) IN TRANSITIONAL JUSTICE

- Some participants in the study favored the exclusion of the Houthis from the transitional justice process, because (according to these respondents) their ideology and practices contradict transitional justice principles, and their lack of transparency renders dialogue fruitless. Others favored the inclusion of the Houthis, saying that their absence, or the absence of any other major party, will lead to incomplete agreements, delaying justice and increasing societal division. Therefore, it is necessary to investigate mechanisms by which the international community can push the Houthis towards engaging in unconditional dialogue, while promoting local alternatives, such as reconciliation, to ensure justice is achieved at the societal level.

The research team noted that some of the respondents who were most pessimistic about the Houthis' involvement in transitional justice were a group of human rights activists and journalists from Sana'a, which is under Houthi control. One journalist said, "the Houthis hamper every dialogue and peace process, they are the main spoilers, as history shows—over the course of ten years, at every stage where it was possible to solve the Yemen crisis, or the Yemen disaster, the Houthis were the main ones who broke these agreements... they will be a roadblock to the peace process." A human rights activist said, "the Houthis will oppose [the peace process], they are bringing us war with Israel and America after they finished their war with Saudi Arabia and the Gulf states, and you want me to talk about [transitional] justice?!"

- A journalist affiliated with Ansar Allah was interviewed to shed light on the Houthi viewpoint on transitional justice. He stated that reconciliation is conditional upon the Yemeni parties abandoning their support for foreign powers, and that transitional justice should be based on fair compensation for victims and the restoration of infrastructure. He stressed that transitional justice must be Yemeni, and that the outcomes from the National Dialogue Conference can be built upon to resolve outstanding issues. He added that Ansar Allah has promulgated a national vision that may be the most appropriate for transitional justice.

THE STANCE OF THE POLITICAL PARTIES TOWARDS TRANSITIONAL JUSTICE

The research team studied the responses of 13 political party members who participated in the focus group sessions, including members of the Southern Transitional Council, the General People's Congress, the Islah Party, the Socialist Party, and others, in addition to several interviews with party leaders conducted outside the scope of the current study. The team reached the following conclusions regarding political parties' stances on the transitional justice process:

- **The General People's Congress:** The party has two wings. The wing that supports the internationally recognized government focuses on national reconciliation and fears accountability-based justice, lest the party be held accountable for past violations committed by the Ali Abdullah Saleh regime. The other wing, which cooperates with the Houthis, agrees with their position on transitional justice, which tends to hold external powers responsible for the war in Yemen.
- **Southern Transitional Council:** Transitional justice in the southern governorates is an extension of the principles established by the Southern Agreement for Reconciliation and Tolerance, which calls for addressing the historical impacts of political and armed conflicts on southern communities and emphasizes the restoration of an independent southern state. The Southern Transitional Council's vision includes general reconciliation, but it remains primarily focused on achieving secession from the central government in Yemen.
- **The Islah Party:** This party's stance on transitional justice varies depending on the time period. The party was involved in the 1994 war and therefore will be less enthusiastic about implementing transitional justice applying to that period. Following 2014, however, the party has been heavily impacted by the war, making it more supportive of the transitional justice process as it relates to accountability and compensation for victims.
- **The Yemeni Socialist Party:** This party believes that transitional justice is an important step towards building the desired civil state. The party places particular emphasis on the need to address violations that befell the party and its cadres following the 1994 war and gives special priority to the southern issue.

ROLE OF CIVIL SOCIETY IN THE TRANSITIONAL JUSTICE PROCESS

- Study participants made several suggestions for activating the role of civil society in the transitional justice process, the most important of which were: initiatives for dialogue, reconciliation, and peacebuilding; providing material and legal support to victims; raising community awareness on the importance of transitional justice; and monitoring and documenting violations.
- 28 civil society workers and volunteers participated in the general interview. They identified the steps necessary to build the capacity of their civil society organizations and initiatives to play an effective role in transitional justice, the most important of which were: training on transitional justice mechanisms; strengthening advocacy capacities; facilitating partnerships with international organizations; and developing legal skills.

RECOMMENDATIONS

TO THE UNITED NATIONS, INTERNATIONAL COMMUNITY, AND DONOR STATES:

- Given the absence of effective Yemeni state institutions, strengthen and support local reconciliation and mediation efforts as entry points for transitional justice, while linking these measures to national mechanisms to ensure sustainability.
- Provide technical and financial support to enable Yemeni parties to engage in transitional justice, while putting pressure on these parties to engage in unconditional dialogue and utilizing diplomatic and legal tools to impose clear commitments.
- Provide financial, technical, and technological support to the internationally recognized Yemeni government to establish a court to try perpetrators of gross violations of human rights and international humanitarian law.
- Include principles of transitional justice in the final peace agreement for Yemen. Work towards a comprehensive peace process, adopting an approach based on the voices, needs, and priorities of victims, while paying special attention to civil society and women, ensuring inclusiveness, transparency, and diverse regional representation.

- Support and build the capacity of local civil society organizations, reconciliation committees, and human rights initiatives in monitoring and documentation mechanisms, transitional justice, advocacy, conflict resolution, local mediation, and peacebuilding.
- Support economic empowerment initiatives for victims within the framework of transitional justice efforts.
- Provide physical and psychological rehabilitation services to victims of human rights violations and their families.

TO THE YEMENI GOVERNMENT AND LOCAL AUTHORITIES:

- Reform judicial and law enforcement institutions, and address restrictions and obstacles that limit access to justice for victims and vulnerable groups, including women and the marginalized.
- Strengthen and support civil society organizations, human rights groups, and reconciliation committees working on peacebuilding and human rights, and facilitate partnerships with international organizations and networking opportunities to ensure the effective implementation of peacebuilding programs.
- Establish clear legal protection mechanisms to investigate past violations, hold perpetrators accountable, ensure that violations are not repeated, and address grievances that occurred during wartime.

TO CIVIL SOCIETY ORGANIZATIONS:

- Design transitional justice programs, interventions and activities appropriate to the nature of local communities and the needs of different societal groups taking into account a gender-based approach and intellectual and societal differences.
- Implement campaigns and programs to raise community awareness about transitional justice mechanisms, human rights, social cohesion, the rejection of violence, and the importance of changing customs and traditions that limit women's access to justice.

TO YEMENI POLITICAL PARTIES AND ENTITIES:

- Adopt a common national narrative on transitional justice and agree on a shared framework for the concept of transitional justice, ensuring that solutions are comprehensive and that they are not used as a tool for political revenge.
- Reconcile the Southern Transitional Council's priorities on transitional justice, which focus on the southern issue, with the priorities of the other political parties. This will require finding a consensus that integrates transitional justice issues within the broader political solution project, while taking into account the need to provide justice to victims in all regions of Yemen.

- Establish a starting point for the transitional justice process, such as one of Yemen's historical major conflicts (1962, 1986, 1994, 2014), in accordance with the priorities of the victims and the current political context.
- Consider building on the findings of this study, which interviewed 13 Yemeni experts about this topic. 6 of them stated that the transitional justice period should begin in 2014, given that this war was the most violent and longest and witnessed foreign interventions. 4 experts indicated that the transitional justice period should begin with the September 26, 1962 Revolution, in order to achieve comprehensive justice and reconciliation for all past events.

TO OFFICIAL AND POPULAR YEMENI MEDIA:

- Run programming to raise awareness among citizens about human rights, transitional justice, and peacebuilding.
- Amplify the voices of victims of violations and the marginalized (al-muhamasheen), to enhance community participation – the media should not be the exclusive domain of political and military elites.



CHAPTER 1

INTRODUCTION AND
METHODOLOGY

INTRODUCTION

Yemen continues to suffer from the repercussions of nearly a decade of conflict. The various parties to the conflict, including Saudi Arabia, the United Arab Emirates, the internationally recognized government, and Ansar Allah (the Houthis), have caused significant harm and suffering to Yemeni civilians, and continue to commit serious abuses and violations of international human rights law and international humanitarian law. The death toll from the beginning of the conflict until the end of 2021 is estimated to be 377,000 people, of which nearly 60% were indirect deaths, while the remaining 40% were deaths caused directly by fighting.. ⁽¹⁾

(1) <https://rb.gy/b0hazn>



Yemen has witnessed unprecedented violations both in nature and scale. These violations include the use of unlawful methods of war, such as indiscriminate aerial bombardment, sieges, shelling of civilian neighborhoods, bombing of homes, use of snipers against civilians, planting of landmines, and recruitment of child soldiers, as well as arbitrary arrests, enforced disappearances, torture, extrajudicial killings, and the targeting of ethnic and religious minorities and migrants. These violations highlight that the parties to the conflict have not adhered to the principles and rules of international humanitarian law and human rights law⁽¹⁾.

In addition, hundreds of Yemeni men, women, and children have been permanently disabled because of various types of attacks, primarily mines and explosive devices. Vulnerable groups and minorities, including religious minorities, have become increasingly marginalized and exposed to persecution and suffering⁽²⁾.

Gender-based violations, including sexual violence and rape, have increased, perpetrated both by individuals affiliated with parties to the conflict, and by civilians, as a result of insecurity and other causes.⁽³⁾

Although the last UN-brokered truce in Yemen ended in October 2022, the unofficial truce that persists between the parties to the conflict is conducive to the beginning of preparations for the peace process. (11) Concrete steps can be taken immediately to maximize Yemen's readiness for the peace process. These steps include enhancing the inclusivity of the nascent peace process; incorporating accountability and transitional justice principles into any discussions on a peace agreement; creating and maintaining space for transitional justice discussions while prioritizing consultations with victims; and strengthening the capacity of Yemeni civil society.

(1) (see: The Role of the Judiciary in Achieving Transitional Justice and Reconciliation in Yemen, 2024)

(2) Document on Reunification and Building the Modern Yemeni State, November 2024, <https://www.mwatana.org/posts/wthyq-lmw-lshml-wbn-lawl-lymny-lhdyth>

(3) A document for national unity and building a modern Yemeni state - Citizenship Organization

The UN Panel of Experts on Yemen has emphasized that comprehensive transitional justice initiatives must be designed and owned by Yemeni society. They must be supported by appropriate consultations with victims, who must be empowered to play a key role during the conceptualization, design, and implementation of any initiative. This must be done in accordance with international standards when designing transitional justice mechanisms and addressing the root causes of the conflict to ensure non-recurrence.

While many aspects of any comprehensive transitional justice package will have to wait for Yemen to enter a “transitional phase,” steps can be taken now to help ensure that the peace process itself supports current and future accountability and transitional justice measures. Among the most important of these steps is the documentation of serious human rights violations, consultations with survivors and marginalized segments of society, providing victims and survivors with immediate assistance, and utilizing regional and international judicial and non-judicial protection systems, and local initiatives to preserve memory and calls for justice.

STRUCTURE OF THIS REPORT

This report contains three chapters. The first chapter contains the introduction and methodology of the study. The second chapter explains the Yemeni context and concepts related to transitional justice. The third chapter presents research findings on the priorities of victims and survivors of human rights violations, transitional justice in the Yemeni context, accountability and reconciliation, participation and inclusion, and civil society's role in transitional justice.

GOAL OF THE STUDY

The Supporting Peace in Yemen through Accountability, Reconciliation, and Knowledge Sharing (SPARK) project is implemented by DT Institute in partnership with two members of the Justice4Yemen Coalition, SAM for Rights and Liberties and the Abductees' Mothers Association. SPARK aims to promote national reconciliation, sustainable justice, and acceptance of transitional justice principles and mechanisms, and to assess the capacity of civil society to implement transitional justice activities in Yemen. This project promotes national and international dialogue on transitional justice as a key element for building sustainable peace in Yemen. The project will operate in three phases: assessing Yemeni capacities and perceptions of transitional justice, providing capacity building and piloting local restorative justice initiatives, and bringing together stakeholders from various backgrounds to share knowledge and advocate for international investment in transitional justice in Yemen.

WITHIN THE FRAMEWORK OF THE SPARK PROJECT, THE CURRENT FIELD STUDY INVESTIGATES THE FOLLOWING RESEARCH TOPICS:

- The types of human rights violations victims are subjected to and what they identify as appropriate redress measures.
- The extent of community awareness of transitional justice concepts.
- Community perceptions of the feasibility of transitional justice and national reconciliation, and appropriate mechanisms to achieve these processes in the Yemeni context.
- Civil society's capacity to implement transitional justice mechanisms and build trust among different segments of society.

METHODOLOGY

This research study relied on 122 interviews, and 20 focus group sessions including 203 participants, in six Yemeni governorates: Sana'a, Aden, Al-Hudaydah, Taiz, Hadramout, and Mareb. A team of 13 field researchers and focus group facilitators conducted these interviews and focus groups between November 2024 and February 2025.

The research adopted a non-probability sampling approach. The research team selected cases to ensure adequate representation from each target area, as well as among men and women, and various segments of society affected by the conflict, including victims of violations, displaced persons, marginalized groups, and others. The team also sought to ensure the participation of people who are likely to be influential in any future transitional justice processes, including civil society members, officials, and tribal dignitaries.

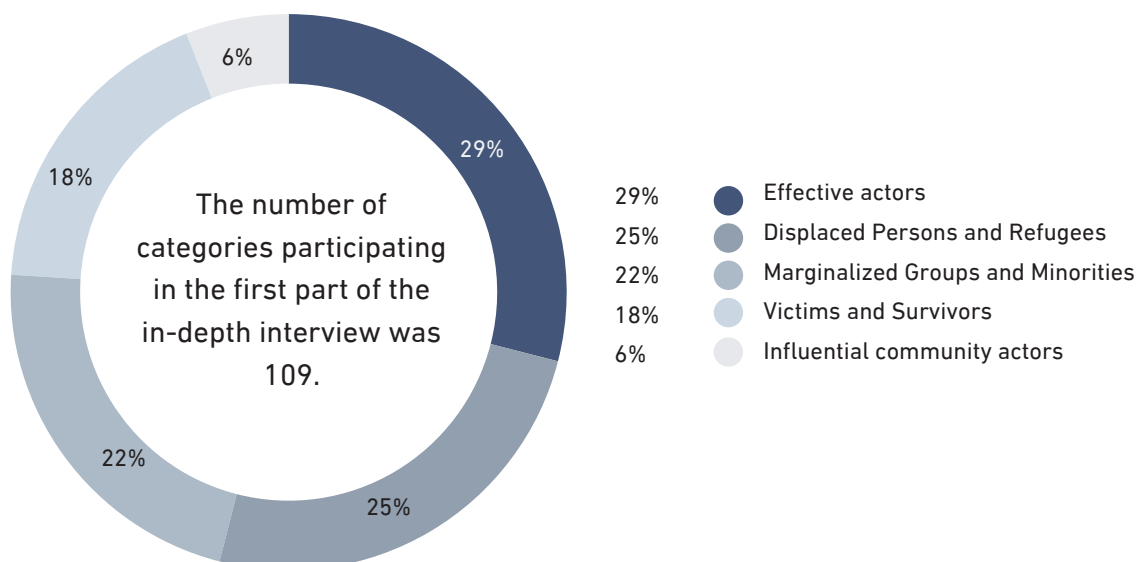
The following section provides additional information on the interviews and focus groups:

INTERVIEWS

Two types of interviews were conducted: the first group consisted of 109 individuals from various segments of society (the «general group»), and the second group consisted of 13 experts in the field of transitional justice (the «expert group»).

THE GENERAL GROUP

109 people participated in this interview, including 57 men (52.3%) and 52 women (47.7%), across six governorates: Hadramout (22.9%), Mareb (19.3%), Taiz (16.5%), Aden (14.7%), Sana'a (13.8%), and Al-Hudaydah (12.8%).



These participants were categorized into five main groups: effective actors⁽¹⁾ employees and volunteers of human rights and humanitarian organizations, youth initiatives, and community committees victims and survivors (the forcibly disappeared, arbitrarily detained, physically injured, and amputees), marginalized groups/minorities, displaced persons/refugees, and influential community actors (social figures, religious guides, and neighborhood leaders).

THE GENERAL GROUP INTERVIEWS FOCUSED ON THE FOLLOWING TOPICS:

- The state of human rights violations and victims' access to justice
- The appropriate formula for transitional justice in Yemen
- The effectiveness of civil society and its expected role in transitional justice.

THE EXPERT GROUP

13 experts participated in this interview, including 9 men and 4 women, across 5 governorates: Taiz (5 people), Aden (3 people), Sana'a (2 people), Hadramout (2 people), and al-Hudaydah (1 person).

7 of the experts were members of political parties, 5 were human rights activists, and one was an academic. They were chosen based on their knowledge of the field of transitional justice.

This interview focused on the same topics as the previous interview, with the deletion of several questions, and the addition of several new questions on the details of transitional justice in the Yemeni context, including:

- When should the timeframe covered by transitional justice begin?
- How do you see your party members' readiness to engage in the reconciliation and transitional justice process?
- What role should the reconciliation and transitional justice committees play in the transitional justice process?

(1) effective actors (employees and volunteers of human rights and humanitarian organizations, youth initiatives, and community committees),

FOCUS GROUP SESSIONS

203 people participated in 20 focus group sessions, including 104 men (50.4%) and 103 women (49.6%), in the following governorates: Taiz (23.08%), Aden (23.08%), al-Hudaydah (15.38%), Mareb (15.38%), Hadramout (15.38%), Sana'a (7.69%).

These participants were drawn from diverse segments of society, and included influential figures, public sector employees, political party representatives, war victims, activists and human rights advocates, day laborers, homemakers, marginalized groups, displaced people, and others.

THE FOCUS GROUP DISCUSSIONS DEALT WITH THE FOLLOWING TOPICS:

- The state of human rights violations and victims' access to justice
- The appropriate formula for transitional justice in Yemen
- The most appropriate ways to compensate victims of violations, and the obstacles to compensation.

TOOLS USED IN DATA COLLECTION AND ANALYSIS

The research team used KoboToolbox to collect data from the study sample. This tool provides data security through access controls, remote server storage, voice authentication, and paper authentication.

TO ANALYZE THE DATA, THE TEAM RELIED ON TWO MAIN TOOLS:

- The Statistical Package for the Social Sciences (SPSS), to analyze the closed-ended interview questions.
- MAXQDA software for analyzing open-ended responses in interviews and focus group sessions. This tool enabled the team to determine the percentage of respondents who gave certain answers.

CHALLENGES ENCOUNTERED DURING THE RESEARCH

The challenges encountered during the implementation of this study included:

- Security considerations, which required some interviews and focus group sessions to be conducted online
- Limited budget, which required the research team to focus on six governorates
- Sensitivity of some of the topics, which affected certain participants' willingness to speak freely and transparently.



CHAPTER TWO:

THE YEMENI CONTEXT AND
TRANSITIONAL JUSTICE

THE GENERAL YEMENI CONTEXT

Modern Yemen has suffered from political instability for decades. Even the period following the unification of north and south Yemen in May 1990—considered a relatively stable time—was punctuated by numerous political, economic, and social crises, including sporadic armed conflicts. These crises culminated in the 1994 Summer War between factions led by then-President Ali Abdullah Saleh and his Vice President Ali Salem al-Beidh.

This was followed by what became known as the Six Saada Wars, which raged between the Yemeni government and the Ansar Allah group (Houthis) between 2004 and 2010.

In the south, a movement led by the Association of Retired Military and Security Personnel, who were discharged from their positions because of the events of 1994, led to the establishment of what is known as the Southern Movement in 2007. This movement initially demanded equal rights, the return of those who had been discharged, and reform of the unification process, before escalating to calls for secession and the independence of south Yemen from the north. A number of entities were born from the Southern Movement, most of which were unified under the leadership of the Southern Transitional Council.

In 2011, coinciding with the outbreak of the Arab Spring revolutions, and following a series of economic and social crises, a political uprising began in Yemen, demanding economic and constitutional reforms and an end to hereditary power. This uprising passed through various stages before culminating in demands for the fall of the regime of the former president Ali Abdullah Saleh.

The popular uprising was punctuated by widespread violence against those demanding change, and armed clashes erupted between tribes and forces supporting the revolution, and regime forces. This phase ended with the mediation of the Gulf Cooperation Council states through what was known as the Gulf Initiative. The initiative's time-bound executive mechanism was a document that transcended the constitution and stipulated the peaceful transfer of power to a president agreed upon by party and political leaders, namely then-Vice President Abd Rabbuh Mansour Hadi. A quasi-referendum was held to inaugurate Hadi, which was called an election.

An immunity law was also passed exempting former President Ali Abdullah Saleh, and those who worked with him during his rule, from criminal prosecution. Many believe this law enshrined the principle of impunity and undermined justice and the rule of law. The draft transitional justice law also sparked controversy as it did not stipulate justice through the court system.

On September 21, 2014, Ansar Allah (the Houthis) took control of the Yemeni capital, Sana'a, by force. On the same date, the Peace and Partnership Agreement was signed by Ansar Allah and the other Yemeni parties under UN auspices, with the aim of defusing the war and returning to the outcomes of the National Dialogue. But the calm did not last long. On January 17, 2015, the director of President Hadi's office and the Secretary General of the National Dialogue was kidnapped at a Houthi military checkpoint while he was on his way to an official ceremony to hand over the draft constitution to the National Authority for Monitoring the Implementation of the Outcomes of the National Dialogue. This move blocked the passage of the draft constitution, which Ansar Allah says is contrary to what was agreed upon in the Peace and Partnership Agreement.

So began the armed conflict in Yemen, which is ongoing as of the publication of this report. The intervention of international and regional parties has complicated and prolonged this conflict, including the formation of a coalition of more than ten countries led by Saudi Arabia and the UAE to carry out a military operation known as Operation Decisive Storm. This operation was launched under the pretext of restoring legitimacy in Yemen and eliminating the threat posed by the Houthis to Yemen and the region, according to the statement announcing the operation on March 26, 2015. In addition, international parties have indirectly intervened in the conflict, either by supplying weapons or providing services and logistical support to the warring parties—such as refueling coalition aircraft during airstrikes, and providing maintenance and intelligence support. These countries include the United States, France, the United Kingdom, Iran, and others.

Over the course of the war local parties to the conflict have multiplied due to divisions and the entry of new actors. Currently there are five main local conflict parties: the forces of the internationally recognized government, Ansar Allah (the Houthis), coalition forces led by Saudi Arabia and the UAE, the forces of the Southern Transitional Council with its various formations, and the joint forces led by Tariq Saleh. In addition, Al-Qaeda in the Arabian Peninsula has a limited presence in several governorates, most notably Shabwa, Abyan, and Al-Bayda.

A 2021 UNICEF report indicated that during the Yemen conflict warring parties recruited thousands of children, while rates of school absenteeism and child begging increased alongside underage marriage.

In conclusion, the current armed conflict has had severe negative impacts on various political, military, security, economic, social, and cultural sectors. It has led to the violation of human rights and freedoms and caused the widespread destruction of infrastructure. The resulting suffering has affected every individual in Yemeni society to varying degrees. At the same time, the current conflict is just one episode in a long series of conflict cycles, marked by a wide range of violations and widespread grievances of various kinds, all of which stem from a host of chronic, escalating problems. At the forefront of these problems are the monopolization of power; exclusion resulting from the lack of sound and effective mechanisms for managing cultural, political and intellectual diversity across Yemen; the absence of a state based on the rule of law and equal citizenship; and the state's inability to legitimately monopolize the means of violence. These chronic problems have produced armed factions within the state that have destabilized and undermined the state many times, most recently during the current conflict. In addition, the judiciary is weak and lacks independence, rendering it unable to guarantee equality and rights before the law.

RELEVANT TERMS AND CONCEPTS

Concept	Definition
Transitional justice	The full range of processes and mechanisms associated with a society's attempts to understand and address its legacy of widespread past abuses, ensure accountability, deliver justice, and achieve reconciliation.
Restorative justice	An alternative approach to addressing war crimes and gross human rights violations that achieves social justice and compensation for victims through methods and mechanisms traditionally used by the community, such as reconciliation councils that include community leaders. Settlements are negotiated to satisfy all parties and aim to rebuild relations between the aggressor and the victim, rather than focusing on traditional punishments.
Survivor	A person who has experienced gross human rights violations and abuses and/or who has suffered the effects of armed conflict and violence, including trauma, displacement, loss of loved ones, physical injury, or psychological distress.
Victim	A person is considered a victim when, as a result of an act or omission that constitutes a violation of international human rights or international humanitarian law, he or she suffers harm. The harm may be physical or mental, economic, and/or related to the deprivation of basic legal rights.
Internally displaced person (IDP)	A citizen who has left their place of residence within the country because of natural circumstances or by the act of another, for another area within their country, and who lack the basic necessities of life, including shelter, food, water, and security.
Marginalized	A term that refers to a group of Yemenis who were traditionally called akhdam ("servants").
Accountability	The responsibility of individuals for their actions and decisions related to violations that occurred during conflict. Accountability aims to bring those responsible to justice, establish the principle of non-impunity, propose guarantees of non-repetition, and restore confidence to victims.
Reconciliation	Efforts to reintegrate communities after conflict and promote social cohesion, mutual understanding, and acceptance through dialogue and cooperation.
Restitution	Measures that restore the victim to their original situation before the serious violation of international human rights law or humanitarian law occurred. Examples of restitution include restoration of liberty, enjoyment of human rights, restoration of identity, family life and citizenship, return to one's place of residence, restoration of employment, and return of property.
Reparations	Reparations must be adequate, effective, and prompt and aim to strengthen justice for victims of international human rights or international humanitarian law. Reparations must be proportionate to the gravity of the violations and the harm caused.
Enforced disappearance	The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

THE CONCEPT OF TRANSITIONAL JUSTICE

A 2004 report of the Secretary General of the United Nations defined transitional justice as encompassing “the full range of processes and mechanisms associated with a society’s attempts to come to terms with its legacy of widespread past abuses, to address its legacy of gross human rights violations, to ensure accountability, to establish justice, and to achieve reconciliation.”

Transitional justice refers to the set of judicial and non-judicial measures implemented by different countries to address the legacy of gross human rights violations. These measures include prosecutions, truth commissions, reparations programs, and various forms of institutional reform.⁽¹⁾

As for the Yemeni draft law on national reconciliation and transitional justice, Article Two defined transitional justice as “a set of procedures and measures taken to confront violations of human rights during the time period specified by this law, with the aim of redressing the harm done to the victims and preventing the recurrence of acts that violate human rights in the future.”⁽²⁾

The transitional justice process is based on the following pillars, which concern both individual and societal rights:

The right to knowledge (truth)

The right to justice

The right to compensation (reparation)

Guarantees of non-repetition.⁽³⁾

(1) Annual Report of the United Nations High Commissioner for Human Rights on Yemen, 2021.

(2) National Reconciliation and Transitional Justice Bill, 2013, <https://yemen-press.net/news16121.html>

(3) Al-Shuwaiter, Mohammed. The Role of the Judiciary in Achieving Transitional Justice and Reconciliation in Yemen*. Sana'a Center for Strategic Studies, 2024, <https://sanaacenter.org/publications/22598>

The following diagram illustrates the paths of transitional justice according to the previous pillars within a conceptual framework for dealing with the past:



Transitional justice aims to recognize victims of past abuses as rights holders, enhance trust among individuals within a society, and strengthen individuals' trust in state institutions. It also promotes respect for human rights and the rule of law. Transitional justice thus seeks to contribute to reconciliation and prevent new violations.

The roots of transitional justice are often traced back to the political movement, and struggle, of mothers and other family members of enforced disappearance victims in Latin America. The demands of the mothers of forcibly disappeared victims in Argentina coalesced into the slogan "never again," referencing their struggle to ensure future generations never suffered the tragedies they did. Today, many countries that are global leaders in the realms of justice, redress, reparations, non-repetition, victim support, and combating enforced disappearance, are the same countries in which victims and their

families played a pivotal role in transitional justice processes.⁽¹⁾

The Yemeni National Dialogue Conference in January 2014 produced a draft law on transitional justice and momentum toward a national accountability effort. However, the draft law was never formally adopted due to political disagreements and the outbreak of civil war in late 2014.

In addition, the Ministry of Legal Affairs drafted the first version of the Transitional Justice and National Reconciliation Law in 2012, and the second in 2014. The 2015 Yemeni Constitution was drafted based on the outcomes of the National Dialogue Conference and stipulated the establishment of a committee for transitional justice and national reconciliation. However, these commendable efforts were not successful due to the outbreak of the current war.⁽²⁾

NATIONAL EFFORTS WITHIN THE FRAMEWORK OF TRANSITIONAL JUSTICE AND RECONCILIATION IN YEMEN

Transitional justice emerged as a key theme in discussions during the National Dialogue Conference, with one of the conference's objectives to take "steps aimed at achieving national reconciliation and transitional justice, and the necessary measures to ensure that violations of human rights and humanitarian law do not occur in the future." The conference was organized into nine specialized working groups. In addition to the working group dedicated to national reconciliation and transitional justice, two other groups addressed specific grievances: the Southern issue and the Saada issue. The remaining working groups focused on state and institutional reforms, participation in governance, the rule of law, and rights and freedoms—all essential pillars of transitional justice.

The most prominent outcomes of the National Dialogue Conference which addressed transitional justice focused on recognizing and providing redress for victims. Proposed measures included restructuring the state in a decentralized manner and granting broader powers to the regions, as well as recognizing the southern issue, and the need for development in Saada in the far north of Yemen. Additional measures included investigating cases of enforced disappearances during previous conflicts in Yemen and recognizing and commemorating the victims of these conflicts in the national memory.

(1) <https://www.aljazeera.net/news>

(2) Al-Shwaiter, Muhammad, The Role of the Judiciary, previous reference

Further outcomes of the conference related to transitional justice addressed compensation and reparations—particularly the reinstatement and compensation of civil servants in the south who lost their jobs after the 1994 war; compensation for those who suffered abuse during the Saada wars; redressing the injustices suffered by the people of Tihama; and recognizing victims of terrorist and counterterrorism operations.

Another conference outcome directly linked to transitional justice was the rehabilitation of affected individuals. This entailed reforming the public sector, establishing service and agricultural cooperatives, developing road infrastructure, and rebuilding institutions and factories in the south, which were damaged following the outbreak of the 1994 war, as well as in other areas affected by the conflict, including Saada, Abyan, and Hajjah.

The conference also proposed the reform of state agencies, particularly those implicated in human rights violations. Another outcome emphasized the role of the proposed transitional justice commission in laying the foundations for national reconciliation and promoting a culture of tolerance and coexistence.

One accountability-focused outcome of the conference called for the prosecution of those involved in the killing of peaceful protesters in 2011, including members of the security and military establishments; and exposing those responsible for approving projects that harmed the environment and residents in the coastal areas of Aden, Mukalla, and al-Hudaydah, and other corrupt practices related to state resources. The conference also touched on community participation, with promises to consider the makeup of the armed forces and security and intelligence agencies. It was proposed that northerners would represent 50% and southerners 50% of the senior leadership of the army, security, and intelligence services, while women would constitute 30% of the staff structure in all state institutions, in addition to the empowerment of other disadvantaged groups.

THE NATIONAL DIALOGUE CONFERENCE

- The National Dialogue Conference was held from March 18, 2013, to January 25, 2014 as one of the power transfer measures included in the Gulf Initiative and its executive mechanism. The Gulf Initiative stipulated that the conference should include 565 members from all factions and segments of Yemeni society, 50% of whom were from the south, in addition to 30% women, and 20% youth. The initiative also stipulated the conference include representatives of the Southern Movement and the Houthis, ensuring the participation of all political and social forces and groups, without preconditions.

During the conference participants agreed on a roadmap for the country's safe passage. The National Dialogue Document included remedial measures for the past, and solid foundations for building a new federal Yemen based on partnership, justice, citizenship, and equal opportunity. The outcomes of the National Dialogue represented a comprehensive national project to fulfill the aspirations of Yemen's people to build a new federal Yemen, a state of law and order in which all its citizens enjoy justice, equality, equal opportunities, and a fair distribution of wealth and power.

The dialogue was the result of national consensus among all political and societal parties to address the problems of the past and move towards a secure future, and it enjoyed unprecedented popular participation and support, as well as regional and international support. International support represented one of the important guarantees for implementing the outcomes of the National Dialogue Conference: Security Council resolutions related to Yemen stipulated support for the conference, and holding accountable those who tried to obstruct its implementation.

- In the closing session of the National Dialogue Conference, then-president Hadi said: «The monopoly of power and wealth, extreme financial and administrative centralization, and mismanagement have all been the causes of the people's suffering over the past decades, north and south, east and west. Indeed, they were the primary reason, along with many other grievances, for the thousands of people in the southern provinces to take to the streets since 2007, demanding reforms and addressing the imbalances».⁽¹⁾
- The National Dialogue Document included more than 1,800 principles, constitutional and legal guidelines, recommendations, and guarantees for implementation, to meet the aspirations of the Yemeni people to achieve desired change and lay the foundations for building a federal state.⁽²⁾

(1) <https://www.ndye.net/>

(2) <https://www.nciye.org/>

2015 CONSTITUTIONAL PROJECT

- The drafters of the 2015 Constitution were careful to take the outcomes of the National Dialogue Conference into account, incorporating some of them into legal provisions addressing the structure of the state, the system of government, and rights and freedoms.
- For example, Article 273 addressed the specific nature of the cities of Sana'a and Aden, noting that "the city of Aden has a special economic and administrative status within the Aden region, and enjoys independent legislative and executive powers." The constitution also stipulated the establishment of a Saada Reconstruction Fund to compensate those affected by the wars in the governorate. Article 424 stipulated "the representation of the South (the regions of Aden and Hadramout) in the first electoral cycle shall be equally divided in the federal legislative authority and in all leadership structures in the legislative, judicial and executive bodies, including the army and security forces." Article 76 stipulated that women must make up at least 30% of various bodies.
- Chapter 10, entitled «Transitional Provisions,» addressed the transitional phase in Yemen in general, including transitional justice. This chapter explained that the state is committed to taking measures to achieve transitional justice and national reconciliation, including uncovering the truth about human rights violations, holding individuals and entities responsible for these violations accountable, providing redress and reparations, reforming the institutions that committed the violations, and ensuring that these violations are not repeated.
- Most importantly, the constitution stipulated the issuance of a law on transitional justice and national reconciliation, the establishment of a transitional justice committee, the adjudication of grievances related to the youth revolution and the Southern Movement—including supporting victims' families—and the establishment of a compensation fund. The draft constitution did not delve into the provisions of transitional justice in detail, but it did establish the necessary constitutional framework. It also considered the 20 principles identified by the Technical Committee of the National Dialogue Conference, including the 11 demands put forward by the Southern Issue Group, as comprehensive references to be taken into account when drafting a transitional justice law.⁽¹⁾

(1) Al-Shwaiter, Muhammad, The Role of the Judiciary, previous reference

THE TRANSITIONAL JUSTICE LAW

- The Ministry of Legal Affairs drafted the Transitional Justice Law prior to the conclusion of the National Dialogue Conference and the drafting of the constitution. The urgent need for this law arose from mounting domestic and international pressure following the enactment of the immunity law in January 2012, which granted former President Ali Abdullah Saleh and his senior officials immunity from legal and judicial prosecution for violations committed during their rule, sparking criticism from numerous human rights organizations.
- The prime minister praised the draft transitional justice law for its comprehensiveness and its aim to mitigate the effects of the immunity law, by affirming the right to know the truth and reparation. But the law sparked widespread controversy across political, legal, and human rights circles, upsetting President Saleh's supporters in the General People's Congress. At the same time, it also failed to meet the expectations of many civil society activists, human rights organizations, and victims' families.
- Many have criticized the law's failure to adhere to international standards on transitional justice. A memorandum submitted by the Peace and Justice Initiative to the minister of legal affairs and the minister of human rights emphasized the need to consider accountability in a revised version of the law, noting that compensation alone cannot replace criminal prosecutions for serious violations.⁽¹⁾

(1) Al-Shwaiter, Muhammad, The Role of the Judiciary, previous reference

NATIONAL COMMISSION FOR THE INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

- The National Commission for the Investigation of Alleged Violations of Human Rights was established as a national mechanism for monitoring and investigating alleged human rights violations committed on Yemeni territory by all parties, pursuant to Republican Decree No. 140 of 2012 and its amendments, and based on the texts of the Gulf Initiative and its executive mechanism, as well as Security Council Resolution No. 2015 of 2012, Resolution No. 2140 of 2014, and relevant Human Rights Council resolutions.
- The committee documented a total of 29,701 violations, affecting 63,772 victims, from January 2016 until the issuance of its last report in 2024. The committee coordinates directly with the judiciary through periodic meetings to enhance efforts aimed at reducing human rights violations, ensuring prompt justice, providing redress for victims, activating accountability mechanisms, and ensuring that there is no impunity. The committee also coordinates with local civil society, the International Sanctions Committee, the Office of the High Commissioner for Human Rights, embassies, and countries interested in the human rights file in Yemen. It exchanges information with the United Nations Human Rights Council regarding violations in Yemen monitored by the council. ⁽¹⁵⁾
- The committee has submitted 3,000 case files containing violations to the Public Prosecutor, of which 1,200 files have been reviewed so far. However, these cases have yet to make their way through the courts because the judicial committee that will be responsible for these cases has yet to be determined. Although the National Committee submitted a recommendation to the judiciary and the presidency to establish a specialized court to try violators of human rights, and consultations were held with the attorney general, until now no decision has been issued to establish the court.
- The committee has trained the staff of the public prosecutor's office on dealing with human rights violations and criminal justice cases, according to a committee member, Judge Ishraq Al-Maqtari, who spoke to the research team in March 2025.

GOVERNMENT EFFORTS WITHIN THE TRANSITIONAL JUSTICE FRAMEWORK

- In conjunction with the National Dialogue Conference, several official committees were formed to address specific grievances, including the «Committee for Reviewing and Addressing Land Issues in the Southern Governorates» and the «Committee for Addressing Issues of Employees Dismissed from Their Civil, Security, and Military Positions.» These two committees were tasked with adjudicating southern grievances. In May 2023, Presidential Leadership Council Chairman Rashad al-Alimi issued a decree settling the status of 52,766 civil, security, and military personnel dismissed from their jobs in the southern governorates, whose situation had been in limbo since the 1994 war. This decision was seen as a gesture of goodwill toward the Southern Transitional Council, a member of the Presidential Leadership Council since its formation in 2022.
- Other committees established in 2013 include the Fund for the Care of the Families of Martyrs and Wounded of the February 11 Revolution and Peaceful Movement, and the Fund for Compensation of Victims of Human Rights Violations and the Wounded and Martyrs of the 1994 War and the Saada Wars and the Care of Their Families.
- Unfortunately, most of these committees ceased operating with the outbreak of war in 2015, with the exception of the National Commission for the Investigation of Alleged Violations of Human Rights, which continues to operate from Aden.⁽¹⁾

NATIONAL CONSULTATION AND RECONCILIATION AUTHORITY

- The authority was established pursuant to the announcement by then-President Hadi regarding the formation of the Presidential Leadership Council in April 2022. The authority works to bring together various groups to support and assist the Presidential Leadership Council. The authority also works to create conditions to stop fighting and conflict and achieve peace, security and stability throughout the Republic. It consists of a president and four deputies. In April 2024, the authority formed five permanent committees, including the Transitional Justice and Reconciliation Committee, the Rights and Freedoms Committee, the Economic and Social Committee, the Media Committee, and the Thought and Culture Committee.

(1) Al-Shwaiter, Muhammad, The Role of the Judiciary, previous reference

UNOFFICIAL EFFORTS

- In addition to official efforts to achieve transitional justice and peace in Yemen, many unofficial efforts have been spearheaded by political parties, civil society, and women's and youth initiatives. All these efforts aim to address the effects of armed conflict at the local or national level. These include the Yemeni Network of Victims' Associations, consisting of human rights organizations and associations concerned with war victims from various governorates of the republic, and the Committee for Those Fired as a Result of the 1994 War. There are also various blocs, civil society initiatives, and women's organizations for peace, in addition to grassroots efforts in mediation, conflict resolution, and peacebuilding.
- These efforts constitute a solid foundation for supporting transitional justice and sustainable peace efforts, as most of the aforementioned groups have received advanced, specialized training on transitional justice, peacebuilding, and monitoring and documenting human rights violations. However, these groups have been criticized for not working according to a clear and explicit strategy, and some of them are unable to access donors; in addition, they struggle with weak institutional structure and internal governance.

RECONCILIATION AND SOCIAL PEACE COMMITTEE

- The Reconciliation and Social Peace Committee was formed in 2021, in a new format that differs from other local peace initiatives. Its members are leaders of parties and influential groups in Taiz Governorate. The committee spearheaded the resolution of the Al-Hujariya incidents of 2018-2020, which involved the Taiz Axis Command, the 35th Armored Brigade, and the Salafist Abu al-Abbas Brigades. These incidents resulted in more than 24 deaths, the dismissal of several military leaders, and the prosecution of several officers.
- The committee reached solutions to this issue under the auspices of the head of the Presidential Leadership Council, and with the cooperation of the authorities in Taiz. The committee also worked on a number of files related to the armed conflict which could have a place in transitional justice procedures. In particular, the committee examined the issue of resources as a catalyst for conflict. It also undertook research to monitor the issue of forcibly disappeared persons, as well as homes, and public and private facilities commandeered by military groups. The committee also prioritized investigating media and religious discourse that fuels internal divisions, as well as the reform of the security and military establishment. The committee held several workshops with security and military leaders, as well as with the Awqaf Office, to reform religious discourse, and with the revenue offices. A number of proposed solutions resulted from these workshops including the reform

of the aforementioned institutions.

- The committee also organized a number of meetings with Brigadier General Tariq Saleh, a member of the Presidential Leadership Council, as well as local leaders, to build trust and address the fears and concerns of security and military actors, with the goal of strengthening the influence of local authorities and fostering joint security cooperation.
- The committee successfully resolved the Al-Hujariya case, calmed the media discourse, and initiated rapprochement between the military groups. These efforts culminated in a meeting with leaders of the Southern Transitional Council, due to existing concerns between the council and military groups in Taiz. The committee was able to effectuate the following measures that are related to transitional justice:
 - Compensation for a number of victims of the Al-Hajariyah events, and the adoption of a reconciliation document submitted to the president of the Republic that includes the reinstatement of those dismissed from their jobs as a result of the 1994 war, in civil and military institutions, as well as the reinstatement of those dismissed in 2015.
 - The release of those detained against the backdrop of the Al-Hajariyah events.
 - Preventing security forces from pursuing certain military leaders against the backdrop of these events.
 - Advancing proposals to reform institutions (security, military, public resources, and religious endowments), to prevent the recurrence of conflict, defuse internecine violence, and address imbalances in the wounded and martyrs file.
 - Documenting Victims' names and other data as a part of memory preservation.

1. THE IMPACT OF DESIGNATING THE HOUTHIS AS A TERRORIST ORGANIZATION ON TRANSITIONAL JUSTICE AND PEACE IN YEMEN

- The Yemeni government welcomed the decision by US President Donald Trump to designate the Houthi group (Ansar Allah) as a foreign terrorist organization on January 22, 2025, as reflecting a true understanding of the nature of the threat posed by the Iran-backed group to the Yemeni people, and regional and international security.
- The chairman of the Presidential Leadership Council considered this designation «a gateway to establishing peace and stability in Yemen and the region.» Al-Alimi thanked US President Donald Trump for «this historic decision,» and welcomed his pledges to end wars and deter terrorist organizations. He added, «to strengthen this path toward the desired peace, there is an urgent need for a collective global approach to support the Yemeni government and to avoid

procrastination in implementing international legitimacy resolutions, especially Resolution 2216, because leniency with the enemies of peace means the continuation of the terrorist acts of these most heinous militias in history.»

- The Yemeni Ministry of Foreign Affairs also expressed hope that «this designation will be an important factor in intensifying international efforts to achieve peace, stability, and end the humanitarian suffering in Yemen.»
- The executive order issued by the White House stated that the group's activities "threaten the security of American civilians and personnel in the Middle East, the safety of our closest regional partners, and the stability of global maritime trade." After redesignating the Houthis as a foreign terrorist organization, the executive order read: "the Secretary of State and the Administrator of the United States Agency for International Development (USAID) shall jointly conduct a review of the United Nations partners, nongovernmental organizations, and contractors through which USAID works in Yemen, and identify any entities with a relationship with USAID that have: (i) made payments to members of, or governmental entities controlled by, Ansar Allah; or (ii) criticized international efforts to counter Ansar Allah while failing to document Ansar Allah's abuses sufficiently."
- For their part, the Houthis warned of the repercussions of the US decision on «the economic and humanitarian situation in Yemen, and on peace efforts that have reached an advanced stage.»
- In the view of observers, the United States' reclassification of the Houthis as a foreign terrorist organization deepens the group's political isolation and raises the cost of economic and logistical aid provided by some countries in the region and abroad to Yemen. This decision is also likely to freeze, or bury, the UN roadmap in Yemen, and close the door to dialogue with the Houthis.⁽¹⁷⁾

CIVIL SOCIETY AND TRANSITIONAL JUSTICE

- Civil society represents one of the fundamental pillars of the transitional justice process. Civil society actors play vital roles, starting with monitoring and documenting of human rights violations and submitting reports that prevent the disappearance of evidence, thereby preserving the rights of victims. Civil society also works to spread awareness of the concepts of transitional justice and participates with truth commissions at all stages: prior to the establishment of the commission, during its work, and when preparing its final report.



CHAPTER 3

**RESULTS OF THE FIELD STUDY -
INTERVIEWS AND FOCUS GROUP
SESSIONS**

This chapter presents findings from interviews and focus group discussions in six Yemeni governorates. It highlights participants' responses regarding human rights violations, the appropriate formula for transitional justice in Yemen, and the effectiveness of civil society in implementing transitional justice.

VIOLATIONS AND ACCESS TO JUSTICE

VIOLATIONS OCCURRING IN THE AREAS IN WHICH STUDY PARTICIPANTS LIVE

85 participants in the general interview (78%) said that cases of human rights violations and violence were ongoing in their areas, while 24 participants (22%) said that such cases were not ongoing. Participants who reported ongoing violations were given the opportunity to discuss the types of violations in their areas. They mentioned forced displacement, arrests, kidnappings, enforced disappearances, trampling of people's freedoms, home raids, looting of private and public property, targeting of civilians, violations related to the work environment, sexual harassment, domestic violence, rape, and other violations.

An interviewee from Aden said that the ongoing violations are "due to the absence of the state. Even the police do not protect citizens. There are raids and arrests in broad daylight. There are clashes, and there is discrimination at work and mistreatment."

An interviewee from Sana'a said, "there are violations and the denial of rights. We often hear about assassinations and injustice, and when the oppressed person goes to the authorities, he finds no fairness."

An interviewee from al-Hudaydah said, "as long as the war continues, violations and violence will continue."

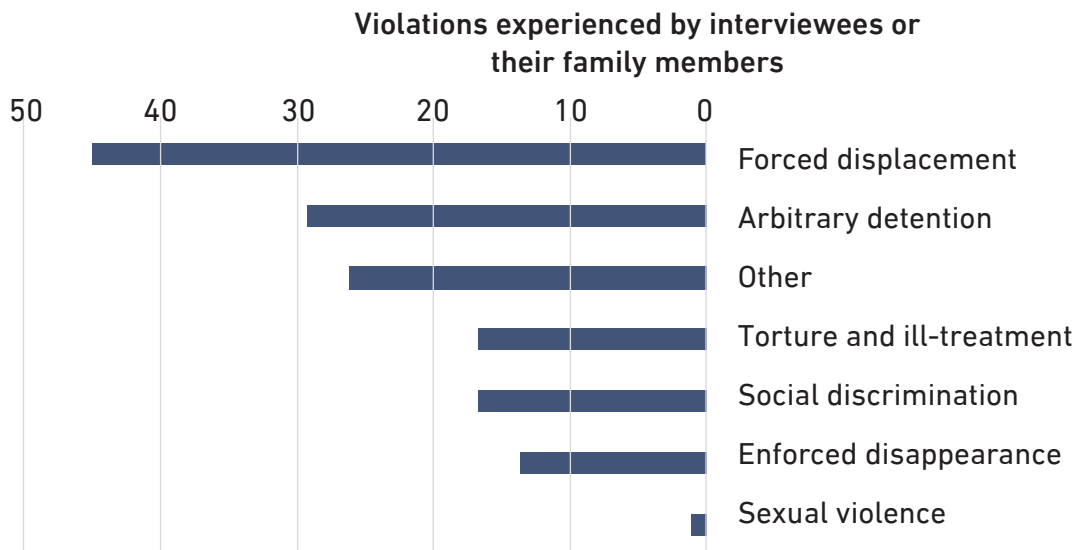
Some interviewees emphasized that violations targeting women are ongoing. One female participant from Mareb said, "women's rights are violated, women are subject to injustice from all sides, especially women who have lost their breadwinner, their home and income. Some women suffer domestic violence. Society is violent towards women, whether through physical harm or crude language."

Participants in the focus group sessions also emphasized that human rights violations continue in their areas, citing the same violations mentioned above, in addition to the recruitment of children. Participants in one focus group in Hadramout discussed this issue at length, with one woman saying: "among the violations in our governorate is the

taking away of young children to the battlefield, as well as the plundering of citizens' land by force. This has terrified residents and caused them to flee to other, far off and safe areas. They are scared their children will be kidnapped and forced to enlist." Another woman in the same session said, "they scare children by threatening to cart them off to fight on the fronts."

VIOLATIONS EXPERIENCED BY PARTICIPANTS IN THE STUDY

86 participants in the general interview (79%) said that they, or a family member, had been subjected to a human rights violation, while 23 (21%) said that they or a family member had not been subjected to a violation. The following graph shows the types of violations that interviewees reported they or their family had been subjected to, with each interviewee given the option to select more than one violation:



Forced displacement ranked first, with 43 interviewees reporting that they or their families had been displaced. "Our house was blown up and we were forced to flee, we've become displaced moving from one governorate to the next, searching for security and shelter," said a man from Aden.

Arbitrary detention ranked second, with 28 interviewees reporting this violation, while 16 reported torture and ill-treatment, and 13 reported enforced disappearance. These violations often occur in tandem in the Yemeni conflict. A woman from Hadramout said, "my husband has been forcibly disappeared since 2015, al-Qaida took him, today I don't know where he is. My children don't know where he is. I used to be taken care of at home—then, suddenly, I found myself forced to look for work, even working in other people's homes, in order to keep myself and my family alive."

Sixteen interviewees reported that they or their families had experienced discrimination, half of whom were marginalized Yemenis (muhamasheen). A marginalized woman from Hadramout said, “the war and its aftermath have made people extremely cruel. The bombing, the killing, the terrible treatment of women—like my case. I’m one of those people who lived in the shadow of the war, and of course no one cares about my problems. I’m marginalized, no one gives us our due.”

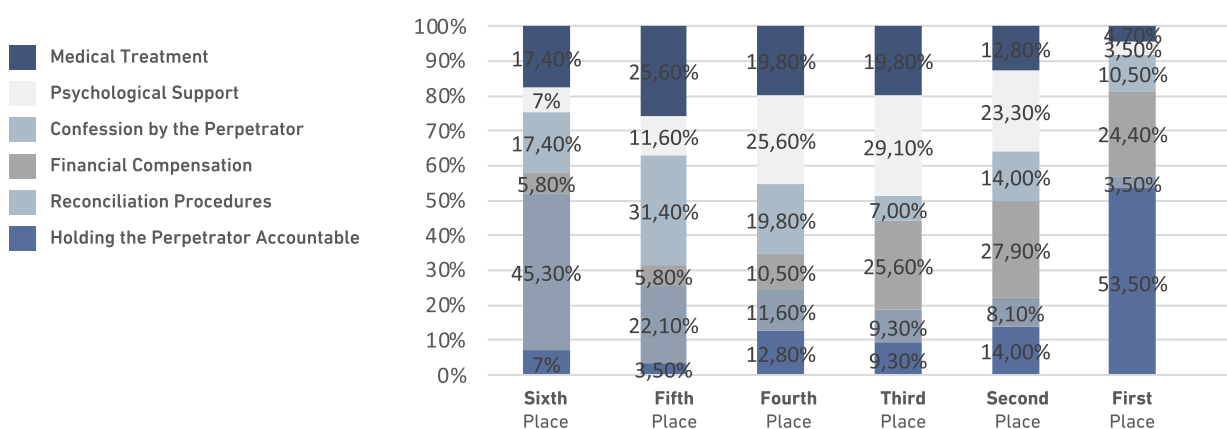
The research team believes that the single recorded case of sexual violence does not reflect the true scale of this violation, as sexual violence in Yemen is characterized by extreme secrecy on the part of victims and their families.

25 interviewees reported that they or their families had been subjected to violations other than those mentioned above, principally injury or death as a result of war-related violence and landmines.

VICTIM PRIORITIES FOR REPARATIONS AND JUSTICE

The 86 participants in the general interview who reported that they or their families had been subjected to a violation were asked to rank priorities for redressing harm and achieving justice in their case. The following graph displays these priorities ranked by importance:

THE MOST IMPORTANT PROCEDURES FOR COMPENSATION



Holding perpetrators legally accountable was ranked as the most important measure to redress harm and achieve justice by most victim interviewees (53.5%), followed by material compensation, then psychological treatment, then medical treatment, then confession and apology from the perpetrator, and then reconciliation.

Participants in the focus group sessions also discussed the needs and priorities of victims to achieve redress and justice. Below are some of their notable statements in this regard:

“One of the most important things that transitional justice must achieve is removing perpetrators from power. They must be punished, held to account, prosecuted legally inside Yemen and out—this is the most important thing to heal the hearts of victims. There are some things that cannot be made whole with money or with talk, only when you see that the person who caused all of this [suffering] is subject to the justice and punishment he deserves.” – Woman from Sana’a

“As for people who were forcibly disappeared, redress for them depends on the number of years of disappearance. Some of them were gone for two years, some for ten—they lost their youth. The minimum redress for them would be a sum of money that would enable them to start a business and reintegrate into society, as well as psychological treatment.” – Man from Aden

“During the war, and before the war we’ve been marginalized. We want to be integrated into society, so that we feel we’re human, rather than outcasts from humanity because of racism. We want to be educated on our human rights.” – Man from Hadramout

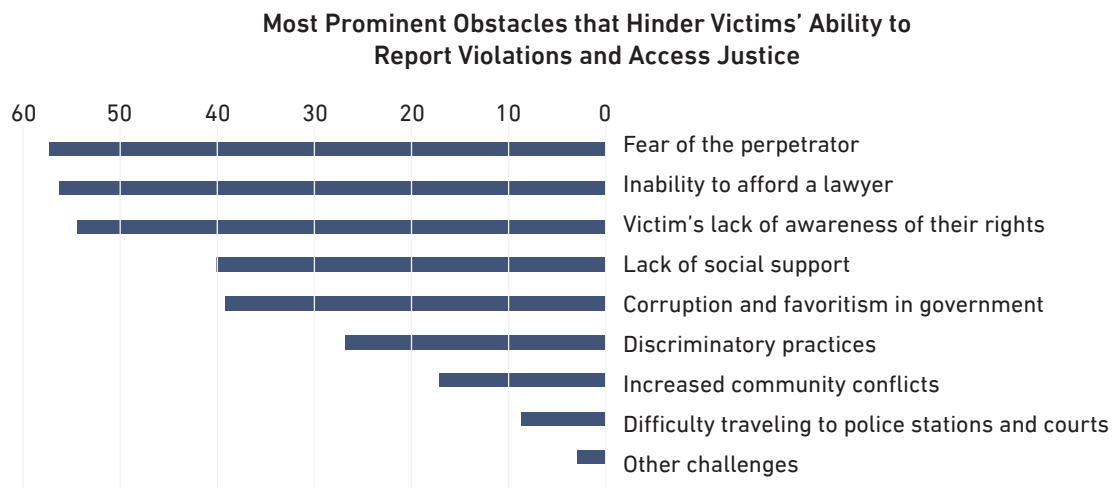
“I want my son to feel safe and to get treatment for his face. There’s no help for us right now, no medicines or psychological treatment for the fear. He suffers from mental illness, he’s afraid of passing planes or the sound of the storage tank. I want my son to be normal, I want him to feel safe, not afraid, I want his health to improve. And me too, my hand is still injured and hurts in cold weather, although I take medicine for that.” – Woman from Sana’a who was the victim of an airstrike

REPORTING VIOLATIONS

Of the 86 interviewees who said that they, or their families had been subject to a violation, 61 (71%) reported the violation and 25 (29%) did not. The entities they reported to varied, and included human rights organizations, local police, sheikhs, neighborhood leaders, the court, and others.

OBSTACLES TO ACCESSING JUSTICE

The 86 interviewees who said that they, or their families had been subject to a violation were asked about the most prominent obstacles that limit victims' ability to report violations and access justice. Responses varied and encompassed both psychological and material obstacles, as shown in the following graph. Participants were given the opportunity to choose more than one option:



Participants in the focus group sessions also discussed obstacles that limit victims' access to justice. These discussions centered on corruption, and lack of trust in the judiciary and law enforcement agencies, as the perpetrators often represent the judiciary and the law, and benefit from the current situation. A man from Taiz said, "the violation may have been committed in the very name of the law, the perpetrator may be an official, or he has connections and relationships that prevent the victim from filing a report. There's judicial corruption, there's fear, and money plays a role. Some vulnerable groups cannot access the law."

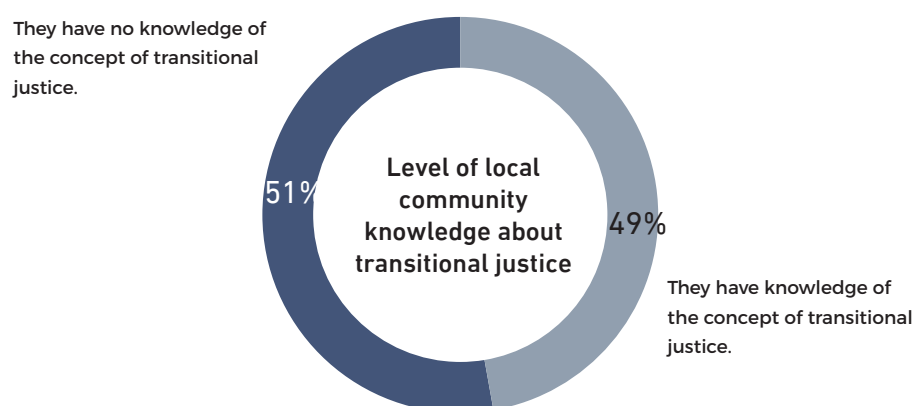
In addition, participants in the focus sessions mentioned the following obstacles hindering victims' access to justice: neglect and lack of advocacy for victims' issues, fear of the perpetrator and the state's inability to provide protection for victims, lack of legal support for victims, the inability and weakness of the judiciary to protect its own workers from criminals, lack of financial resources and capabilities, lack of documentation and monitoring, absence of evidence, lack of interest on the part of state politicians and decision-makers, lack of legal awareness and education for victims and society, the fact that state judicial institutions lack prestige and authority, the continuation of the conflict, and the absence of political, economic, and social stability.

Finally, some of the women participating in the focus group sessions emphasized the particular challenges and difficulties facing women, including fear of shame and scandal resulting from disclosure (which is related to customs and tradition), and discriminatory treatment by judicial authorities.

TRANSITIONAL JUSTICE

Level of local community knowledge of transitional justice

56 participants in the general interview (51%) said that they did not know about transitional justice, compared to 53 participants (49%) who said they knew about transitional justice:



THE DIFFICULTY OF IMPLEMENTING TRANSITIONAL JUSTICE IN THE YEMENI CONTEXT

Many participants in the interviews and focus group sessions, including both ordinary respondent and experts, noted the difficulty of implementing transitional justice measures in the current wartime context. They said that before discussing transitional

justice, efforts must be made to end the conflict, achieve peace, restore state sovereignty, and restore the state's monopoly on the use of force. Some went so far as to say that transitional justice is impossible in the current conflict context.

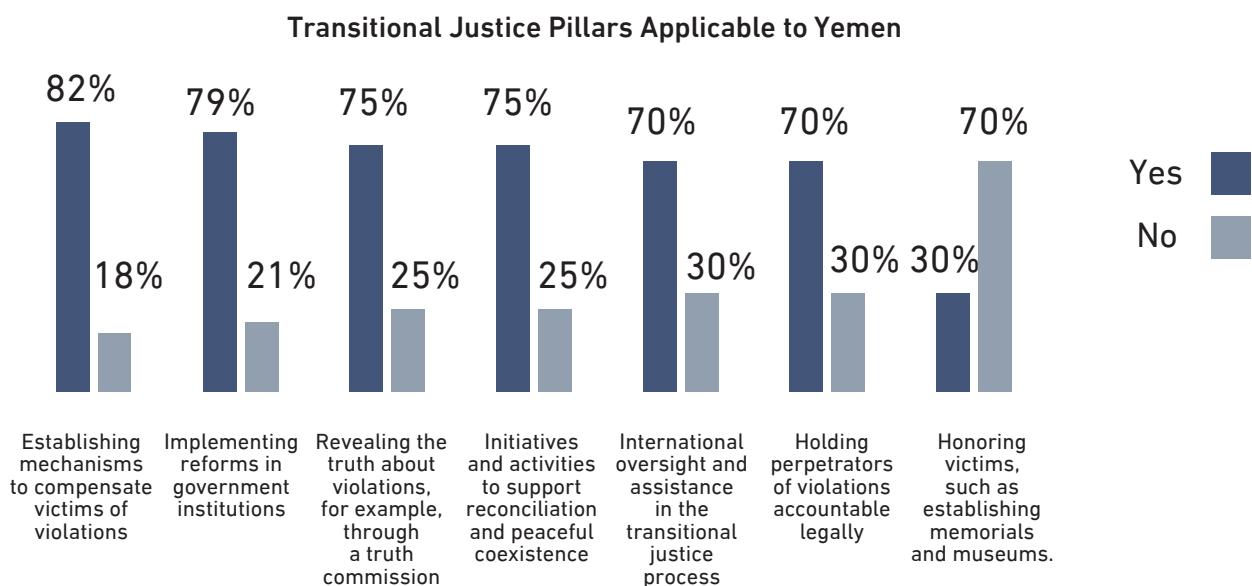
A MAN FROM SANA'A SUMMARIZED THIS OPINION BY SAYING THE FOLLOWING:

"The torturer is still holding his whip, and the murderer still has his hand on the trigger. So I say it's impossible to implement transitional justice, in whole or part, in light of the continuing war and the revolving wheel of violations. The forcibly disappeared are still languishing in prison, and every day more people vanish."

TRANSITIONAL JUSTICE MECHANISMS APPROPRIATE TO THE YEMENI CONTEXT

There is no single formula for transitional justice; rather, transitional justice mechanisms are designed based on the specificities of each country. This study aimed to draw out participants' views on the appropriate form of transitional justice in the Yemeni context.

The 122 interviewees in this study (including 109 in the general group and 13 experts) were asked whether the main facets of transitional justice were appropriate in the Yemeni context, and why? The following graph displays their answers:



Most participants considered these facets appropriate in the Yemeni context, with the exception of honoring victims through the establishment of memorials, museums, etc.

Establishing mechanisms to compensate victims ranked first, with 82% of interviewees saying that this measure was appropriate to Yemen. Many of them mentioned that monetary compensation was necessary to redress harm suffered by victims and restore their standing. “This is real justice,” said one man from Sana’a. As for the interviewees who said this mechanism was not appropriate, they tended to say it was impossible. As one man from Aden put it: “years have passed and there’s never been compensation for victims.”

Implementing reforms in government institutions ranked second, with 79% of interviewees saying this measure was appropriate to Yemen. Some supporters of this measure said it was needed to reduce corruption which is responsible for violations. As one woman from Hadramout said, “most violations are due to governmental and administrative corruption, so this must be addressed.” Other respondents said this measure was needed to preserve people’s rights, or for economic development.

As for those who said that governmental reform was inappropriate to Yemen, there was consensus among them that such reform was impossible given the ongoing war and the amount of corruption in the country. As a marginalized (muhamash) woman from Mareb said:

“Corruption is rampant—I dare them to try to make reforms and dry up the corruption. People are eating dirt, living in the desert without life’s minimum necessities, between the sun and heat and the cold and rain and floods, every day they’re dying of hunger, nothing to eat. And then you have people collecting their salaries in US dollars, living in palaces outside the country, in hotels, insane luxury—do you expect those extravagant people to undertake reforms that will make them live a normal life inside Yemen like the rest of Yemenis? Impossible, whether the war stops or not.”

Initiatives and activities to support reconciliation and peaceful coexistence ranked third, with 75% of respondents saying this measure fit the Yemeni context. Many supporters of this measure said that it was necessary to raise people’s awareness around the importance of coexistence and transitional justice, while some noted the success of such initiatives in their regions. As one woman from Sana’a said, “some of these initiatives had a successful role during the war, so they certainly would achieve the same success

during a [postwar] trial.” Those who opposed this measure cast doubt on the impact and effectiveness of these types of activities. A man from Mareb said, “we want our daily bread, we’re tired of volunteer initiatives while our children starve and the state hasn’t provided us with job opportunities.”

Revealing the truth about violations ranked fourth, with 75% of participants saying this measure was appropriate in the Yemeni context. Many of those who supported this measure said that it was important for society to know the truth, especially the families of the forcibly disappeared. As one man from Hadramout said, “people need to know where their family members disappeared—they must know, they must.” Other supporters of this measure said that exposing the truth would serve as a lesson for perpetrators and prevent the recurrence of violations. As for those who said this measure was inappropriate in the Yemeni context, some of them said that the courts were the bodies that should undertake truth telling in specific legal situations, rather than have truth telling be part of a transitional justice process. Others emphasized that perpetrators were already well known to the public, “so there’s no need for committees which take forever as the truth gets lost in the web of their reports,” as one woman from Sana’a said.

International monitoring and aid ranked fifth, with 70% of respondents saying it was appropriate in the Yemeni context. Some said that international monitoring and aid was necessary to ensure the implementation of transitional justice because external parties could pressure Yemeni parties. “Our officials are more afraid of foreigners than they are of their own people,” said a man from Sana’a. As for those who opposed this measure, they emphasized the negative impacts of the foreign interventions in Yemen during the current war—as one man from al-Hudaydah put it, “Yemen has had enough foreign intervention.”

Holding perpetrators accountable ranked sixth, with 70% of respondents saying this measure was appropriate in the Yemeni context, to achieve justice and deter future violations. A man from Aden said holding perpetrators to account was important “to limit the violations that are occurring today due to the lack of a law that deters people.” A woman from Hadramout said, “if the perpetrators of violations are not held to account, everything will remain as it is. Personally, I think the person who caused the death of my family, who did violence to us, I think they should be held to account.”

The research team noted that 37 participants (30%) - a significant minority - said holding perpetrators accountable was inappropriate in the Yemeni context, seeing this measure as farfetched. This group included 16 victims of human rights violations who said that holding perpetrators to account was the most important measure to ensure redress and justice in their case. These findings point to the difficulty of holding perpetrators accountable in light of the ongoing conflict, as well as the necessity of undertaking comprehensive institutional reform during the transitional justice phase to ensure accountability.

As follows are interviewee quotes that reflect the view that holding perpetrators to account is inappropriate in Yemen:

"I have never seen a criminal be put on trial." – Woman from Mareb
"The justice system always takes too long, and in our country is rotten with corruption." – Man from Sana'a

"The people who control the state are the ones causing these violations, how are they meant to hold themselves to account?" – Man from Taiz

"Accountability is difficult when the state is weak." – Man from al-Hudaydah

"Accountability won't happen. It was tried in the past and failed, and it's being tried now in Aden and is failing." – Man from Hadramout

Honoring victims through the establishment of museums and memorials ranked sixth, with only 30% seeing this measure as appropriate in the Yemeni context. One interviewee, a marginalized man from Taiz, said "if the state doesn't ask about us, the marginalized, or about IDPs, or about compensating the families of martyrs and the orphans of war victims, then how is the state going to make them a memorial?" Another interviewee, the relative of a victim of enforced disappearance from Aden, said "we don't need a memorial, we need justice, we need accountability for perpetrators, we only want a statue after the perpetrators are tried."

ACCOUNTABILITY OR RECONCILIATION?

Holding perpetrators to account is a key component of transitional justice. However, accountability may impact the peace process in Yemen, given the fact that perpetrators occupy positions of power, and that all parties to the conflict have committed human rights violations.

Interviewees in this study were asked whether accountability or national reconciliation was more important for the success of the transitional justice process. 64.3% of interviewees said reconciliation, while the remaining 35.7% said accountability. The main reasons for favoring reconciliation included the belief that it was necessary to achieve transitional justice, ensure the Yemeni state remained united under the rule of law, and permanently end the conflict. On the other hand, accountability advocates argued that it is necessary to ensure perpetrators acknowledge their crimes, protect victims' rights, and prevent impunity. Furthermore, they said some parties are unwilling to engage in national reconciliation, making justice and accountability a necessary condition for ending the war.

The significance of these findings: While holding perpetrators accountable was the top stated priority for victims surveyed for this report (see previous section Violations and Access to Justice), most interviewees said that reconciliation was more important than accountability to launch the transitional justice process. This indicates the need to adopt a flexible transitional justice model that combines reconciliation and accountability.

AS FOLLOWS ARE NOTEWORTHY QUOTES FROM INTERVIEWEES RELATED TO THE QUESTION OF RECONCILIATION VERSUS ACCOUNTABILITY:

Reconciliation is more important

“There will be no accountability for perpetrators unless the war stops and the factions reconcile through a peace agreement. So for the purposes of ensuring transitional justice is successful, I prefer that it starts with ending the war and reconciliation.” – Man from Mareb

“Let the war end first. We’re exhausted.” – Man from Hadramout

“I prefer reconciliation that is amenable to all the warring factions. Because accountability may spawn future revenge killings and conflicts, especially if disproportionate punishment results from accountability, or if the punishment is unacceptable to one of the conflict parties, for example if it’s extremely harsh, or if those implementing it are biased in favor of one conflict party.” – Man from Sana’a

“After the war ends everything will be ready for development, everything will be fixed.” – Woman from Mareb

“We’ve grown tired of wars. We want economic stability.” – Woman from Taiz

“Reconciliation will lead to compensating victims.” – Woman from Sana’a

“The war has dragged on and the citizen is in a deplorable situation—poverty, inflation, homelessness and displacement.” – Woman from Taiz

“We’re tired of displacement and homelessness, we want to go home, after we go home and settle down in our house then every perpetrator can be held to account.” – Woman from Taiz

“Reconciliation is the best way to stop the bleeding and the daily violations.” – Man from Mareb

“Although I prefer accountability, in our current situation, with the multiplicity of powers and perpetrators, I think that reconciliation is preferable so we can establish a shared foundation for national unity and stability.” – Man from Sana’a

Accountability is more important

“In the war of '94 there was reconciliation without accountability, and as a result those who started that war are the same ones still driving the conflict in Yemen.” – Woman from Hadramout

“The war can't end if perpetrators aren't held to account. After all these lives were lost, half the population now has permanent disabilities, amputated legs, amputated hands, missing eyes, most people have psychological conditions—after all this we're going to search for reconciliation?” – Man from Taiz

“There will be no justice if the criminals and the corrupt are not held accountable.” – Woman from Sana'a

“Injustice has increased and our rights have been stripped away. We need accountability.” – Woman from Aden

“Ending the war with military force is the ideal solution. You can't reconcile with a group that doesn't know how to abide by an agreement.” – Man from Mareb

“I want accountability. I want to see those who displaced us from our area, who destroyed our house, suffer the same thing. I won't be satisfied unless I see them held accountable for their injustice.” – Woman from Hadramout

Focus group participants were given the opportunity to discuss this same topic, and their opinions varied for much the same reasons mentioned above. Several focus group participants emphasized the need to integrate reconciliation and accountability, with a man from al-Hudaydah saying, “reconciliation on its own can diminish victims' rights, while accountability on its own can exacerbate conflicts. Therefore, a balance must be struck between the two to build a stable future.”

COMPENSATION FOR VICTIMS

Given the importance of compensating victims of human rights violations in the transitional justice process, focus group participants (203 total) were asked by facilitators to discuss potential challenges facing such compensation. Participants identified the following main challenges:(1)

Percentage of focus group participants who identified challenge	Description of challenge
28.3%	Lack of a fair and legitimate national body or entity specialized in identifying and assessing the compensation process
21.4%	Favoritism, discrimination, lack of integrity, corruption
11.3%	Lack of interest and awareness in the redress process on the part of government officials and ordinary citizens
8.2%	Victims' unwillingness to accept compensation due to the severity of the violations, such as murder, rape, and enforced disappearance
5.7%	Impossibility of lifting the immunity enjoyed by some perpetrators and those responsible for the conflict, and their continued presence on the scene

"We'll face several challenges to compensating victims. First, the country is going to be coming out of war, it's destroyed and worn out financially, so there are limited resources. Second, the lack of accurate data that could be relied on to compensate victims, while not creating more psychological harm when some people are compensated and others are ignored. Third, widespread corruption in our government agencies, this was well-known in the past and will be present in the future, and it will eat up a portion of money allocated to compensate victims and provide reparations.

Fourth, and the most important in my opinion, is determining the time period for which victims will be compensated. Some people will say, 'we've got victims from the 60's,' others will say 'let's start from the 70s,' others still 'no, from 1994,' and still others will say from 2011." – Journalist from Sana'a

(1) MAXQDA was used to calculate the frequency with which participants identified challenges in this open-ended question. The challenges listed here were the top five most often identified by participants.

Participants in the focus sessions were asked what solutions they suggested to meet these challenges. Participants identified the following main challenges:(1)

Percentage of focus group participants who proposed solution	Description of proposed solution
39.4%	End the conflict, dismantle militias, and create a just state that makes unified political decisions and enjoys full legal and security sovereignty
21.1%	Encourage international organizations and donor states to provide expertise and resources in accordance with a fair and well-organized mechanism
18.3%	Implement awareness campaigns on the importance of compensation, and on past experiences to guarantee non-recurrence
9.9%	Establish a fund to compensate victims and provide reparation
7%	Marshal governmental and non-governmental support for the compensation process
4.2%	Include victims in directing the compensation process

ROLE OF TRIBAL NOTABLES AND TRADITIONS IN TRANSITIONAL JUSTICE

76 respondents in the general interview group (70%) supported the inclusion of tribal notables and traditions in the transitional justice process, compared to 33 (30%) who opposed it.

Supporters noted that tribal sheikhs enjoy great respect and influence in society. An interviewee from Sana'a said, "the nature of Yemeni society is such that the role of sheikhs, tribal affiliation, and tribal customs still dominate most members of society." An interviewee from Taiz said, "they have a social and popular base and represent the top of the societal pyramid."

Opponents said that sheikhs are a cause of conflict, and tools of the dominant powers. One interviewee from Taiz said, "most of the conflicts are caused by the sheikhs, and the power of some of them exceeds the power of the state's security apparatus." A marginalized (muhamash) interviewee said, "we in Aden want a state, not sheikhs."

(1) MAXQDA was used to calculate the frequency with which participants proposed solutions in this open-ended question. The challenges listed here were the top five most often identified by participants.

The following table summarizes the reasons mentioned by interview respondents for supporting, or opposing, the role of tribal notables and customs in the transitional justice process:

REASONS TO INCLUDE, OR EXCLUDE, TRIBAL NOTABLES AND CUSTOMS IN TRANSITIONAL JUSTICE

Tribal notables and customs should have a role in transitional justice	Reason	Percentage of respondents
	Notables enjoy respect and influence over society	30.4%
	To achieve peace and security, and for transitional justice to succeed, it is necessary to benefit from notables' power	26.8%
	Because of notables' strong and positive role	14.3%
	Because of notables' experience and knowledge	12.5%
	Tribal customs are good and people like and respect them	7.1%
	Customs and transitions must be respected	7.1%
	Notables have influence over the conflict parties	1.8%
	Total	100%
Tribal notables and customs should not have a role in transitional justice	Reason	Percentage of respondents
	Notables cause conflict and exercise power outside of the state	43.8%
	Their presence in transitional justice would strengthen regionalism and reactionism	18.8%
	Their presence cancels out the state and law	18.8%
	They are corrupt	12.5%
	They are unjust enforcers of the dominant parties	6.3%
	Total	100%

There was consensus among the 13 experts who participated in the interview that it was necessary to include tribal notables and customs in the transitional justice process, for the reasons explained in the following table:

Reasons given for including tribal notables and customs

Number of respondents	Stated Reason
4	Because they have strong influence over society
2	To facilitate the transitional justice process
2	Because society is connected to them as the state is absent
1	Because tribal identity and traditions are deep-rooted in Yemen
1	They need to intervene because the political system has collapsed
1	They have relationships with the conflict parties and can influence them and bring their viewpoints closer together
1	They have experience in conflict resolution and dealing with crime
1	Most of the current politicians are morally and financially corrupt

“Tribal notables depend on a system of customs and traditions. Subsequently, any time a new concept appears that implicates them, or is at odds with their traditional system, they feel that these new methods diminish their power and ability to influence their local societies. Therefore, I think the most important thing is to approach these notables and seriously include them in this transitional justice process...you will not be able to work on limiting child recruitment, and violence against women, without reaching the tribe. And unfortunately this is not happening, because the warring parties, and especially the Houthis, have used the tribal notables as their rifles, to kill and wage war, to spread death. Civil society has failed at reaching this massive group of people. If we act correctly they will become a part of the development process, whereas if we fail to act correctly, they will undermine stability and become instruments of war.” – Journalist from Sana’a

INCLUSIVE PARTICIPATION IN THE TRANSITIONAL JUSTICE PROCESS

In order for transitional justice to strengthen the rule of law and the foundations of lasting peace, stop the cycle of violence, promote reconciliation, and build cohesive societies capable of preventing and confronting human rights violations, it must include all social and political groups, including women, IDPs, and the marginalized.

The 203 participants in the focus sessions were asked how to best involve women, IDPs, and the marginalized in the transitional justice process. The most prominent suggestion, cited by 48% of respondents, was to include these groups in the bodies and committees tasked with designing and implementing transitional justice.

A human rights activist from Sana'a said, regarding this proposal, "I think that as soon as transitional justice begins, you should first create a committee responsible for receiving case files and transferring them to the judiciary. Within this committee you need to have these groups, women, IDPs, and the marginalized, and there also needs to be fair representation for victims, and their families—like detainee families."

INCLUSION OF WOMEN

Participants in the focus group sessions discussed the importance of involving women in transitional justice, with the majority expressing the need for their participation, given that women are more likely to be subject to violations and because of their important role in society. One woman from Marib said, "women are the ones most exposed to violations and harm. They were the main group being attacked. They need to be involved in exposing the scope and damage of these violations, as they have paid the highest price for this war. The nature of their participation needs to suit our culture."

Some men participating in the focus group sessions rejected women's participation in transitional justice, which indicates the social challenges that such participation will face. A man from Hadramout said, "women have great responsibility in society. They are the ones who produce generations of doctors, engineers, and others. Their responsibility lies in the home and family."

In one of the Sana'a focus groups, a notable discussion took place about society's views on women's participation in transitional justice. As follows is the text of the discussion:

- **First woman:** The family and society will definitely refuse our participation, they'll say 'don't go there, don't mix with men.'
- **Second woman:** On a tribal level yes, but inside their opinion is different. The culture and environment says one thing, but they're convinced that women have a role to play and have an impact.
- **Third woman:** They will reject women being there.
- **Fourth woman:** I'm the type to leave the house, no one interferes. My husband is sick and doesn't realize, and my father is conservative but he doesn't stop me, and anyway I don't listen. I go out at my own leisure—it's only the Houthis who look down on us.

THE MARGINALIZED (AL-MUHAMASHEEN)

24 marginalized participants in the general interview made several suggestions for activating the role of the marginalized community in the transitional justice process, the most important of which were:

Involving them in the dialogue process through delegates and by allocating a quota.

Raising awareness among marginalized communities about their rights through workshops or other means.

Raising awareness among the general public about the rights of marginalized people and the necessity of including them.

A marginalized man from Hadramout said, “we must have representation on committees, and we must have a voice in the justice process. It would be good if there were awareness programs and workshops that help us understand our rights, or we can demand them. These workshops should be at particular times, and in a safe environment for us to express our suffering without fear.”

Some participants in the focus sessions expressed reservations, and even opposition, to the inclusion of the marginalized in transitional justice, indicating that discrimination will hamper such inclusion. A participant from Hadramout said, “it’s possible to include displaced Yemenis in the justice process, but marginalized groups are unacceptable.”

INTERNALLY DISPLACED PEOPLE

A majority of participants in the focus group sessions supported the inclusion of IDPs in the transitional justice process. None expressed reservations or opposition to their inclusion, as some did for the marginalized.

In one focus group session in Mareb, displaced participants emphasized that the right to return to their homes must be implemented as part of transitional justice, stating, “there can be no transitional justice while displaced people exist.”

One IDP woman in Hadramout said, “they must hear our voices and include us in the compensation process. We must be part of justice because we are the most affected people. It has not been easy for us being displaced since 2017.”

POLITICAL CONSIDERATIONS FOR TRANSITIONAL JUSTICE

TIME PERIOD COVERED BY TRANSITIONAL JUSTICE

The timeframe covered by the transitional justice process in Yemen is of paramount importance for preventing the recurrence of conflicts and achieving justice. The 13 experts participating in the interview were asked about this topic. 6 indicated that the period covered by transitional justice should start in 2014, while four indicated that it should start from the revolution of September 26, 1962. The following table summarizes the expert responses with select quotes displayed for different preferences:

Time Period That Should be Covered by Transitional Justice

Time Period	Number of Experts	Reasons Given
From the current conflict – 2014	6	“Because it’s the most violent and longest war, and has witnessed foreign interventions”
		“Because it’s the war that witnessed the biggest destruction of institutions, values, the state, and society.”
From the Revolution of September 26, 1962	4	“Transitional justice should begin from the start of the conflicts. We should not replace one war with another. Reconciliation needs to begin from the beginning of conflict in Yemen, the beginning of the revolutions, in order to reach comprehensive justice and reconciliation and address the legacy of the past.”
		“To address the impact of the conflicts that happened and the violations that accompanied them.”
From the first Saada war in 2004	1	No reason stated
From the unification of Yemen in 1990	1	“There must be a starting point, and that starting point is the creation of the Yemeni state in 1990.”
From 1978	1	“Because during this period there was lots of enforced disappearance of victims, and until today we don’t know where they are.”

PARTICIPATION OF ANSAR ALLAH (THE HOUTHIS) IN TRANSITIONAL JUSTICE

Opinions in the focus group sessions differed concerning the Houthis' participation in transitional justice discussions. Some emphasized the need to include the Houthis, as they are a key party to the war—without their inclusion, transitional justice will fail. They said the Houthis' absence from the process will delay transitional justice and deepen societal divisions.

Others questioned the Houthis' credibility and intention to engage in the transitional justice process, stating that the Houthis are a religious, dynastic group that claims superiority and supremacy over Yemenis, and will not accept justice and equality.

The research team noted that of the focus group participants, human rights activists and journalists from Sana'a seemed the most pessimistic about the Houthis' involvement in the transitional justice process. One female journalist said:

"First of all, we need to understand that the Houthis are not a normal perpetrator of violations, they are abnormal, and extremely dangerous and influential in all types of violations, from the least consequential to the most grave. That's one point. Secondly, they spoil peace talks, they are the main spoilers, as history shows, over the course of ten years, at every stage where it was possible to solve the Yemen crisis, or the Yemen disaster, the Houthis were the main ones who broke these agreements...they will be a roadblock to the peace process."

A female human rights activist said, "the Houthis will oppose [the peace process], they are bringing us war with Israel and America after they finished their war with Saudi Arabia and the Gulf states, and you want me to talk about [transitional] justice?!"

Another female rights activist said, "I think that without weakening the Houthis, and forcing them to yield to a comprehensive dialogue process, they won't come to the negotiating table, nor will they abide by a dialogue. The various past stages of negotiations and dialogue with the Houthis showed that they always, if they aren't the main winners from any agreement, they won't attend, they won't yield. They're a group that was raised in war—peace is deadly to the Houthis, they always come up with a new scapegoat to justify continuing the war."

The research team interviewed a journalist affiliated with Ansar Allah to help shed light on the group's views on transitional justice. The following are the main points he made:

- Reconciliation is conditional upon the parties abandoning their support for foreign forces.
- Transitional justice should be based on fair compensation for victims and the restoration of infrastructure.
- Transitional justice must be Yemeni. International bodies are working to create confusion, while local efforts are more effective. This is borne out by prisoner exchanges and road openings, when local efforts proved more effective than foreign interventions.
- Reconciliation is more appropriate than accountability in transitional justice.
- The outcomes of the national dialogue can be built upon to resolve outstanding issues. Ansar Allah has a national vision, previously presented, that may be the most appropriate.

POLITICAL PARTIES AND TRANSITIONAL JUSTICE

The research team studied the responses of 13 political party members who participated in the focus group sessions, from the Southern Transitional Council, the General People's Congress, the Islah Party, the Socialist Party, and others. In addition, the team several interviews conducted with party leaders outside the framework of the current study. The team reached the following conclusions regarding the positions of these parties on the transitional justice process:

Party	Position
General People's Congress Party	The party has two wings. The wing that supports the internationally recognized government focuses on national reconciliation and fears accountability-based justice, lest the party be held responsible for past violations committed by the Ali Abdullah Saleh regime. The other wing, which cooperates with the Houthis, agrees with their position on transitional justice, which tends to hold external powers responsible for the war in Yemen.
Southern Transitional Council	<p>Transitional justice in the southern governorates is an extension of the principles established by the Southern Agreement for Reconciliation and Tolerance, which was announced on January 13, 2007. This agreement calls for addressing the historical impacts of political and armed conflicts between southern communities and emphasizes the restoration of an independent southern state.</p> <p>The Southern Transitional Council's vision includes general reconciliation, but it remains primarily focused on achieving secession from the central government in Yemen. Its position regarding transitional justice will focus on guaranteeing that any initiatives pave the way for the south to regain its sovereignty.</p>

Party	Position
The Islah Party	This party's stance on transitional justice varies depending on the time period. The party was involved in the 1994 war and therefore will be less enthusiastic about implementing transitional justice applying to that period. Following 2014, however, the party has been heavily impacted by the war, making it more supportive of the transitional justice process as it relates to accountability and compensation for victims.
The Yemeni Socialist Party	This party believes that transitional justice is an important step towards building the desired civil state. The party places particular emphasis on the need to address the violations that befell the party and its cadres following the 1994 war and gives special priority to the southern issue.

The 13 experts who participated in the interview were asked about the role political parties should play in implementing transitional justice mechanisms. Most of them said that political parties should help draft the necessary laws and legislation, support national reconciliation initiatives, and facilitate compensation procedures for victims.

Some participants in the focus sessions expressed their hesitation about the involvement of political parties in the transitional justice process, due to the parties' bias towards their own interests. One participant from Hadramout said, "first of all we need to distance transitional justice from the parties, because their justice only applies to their party, they have no real interest in supporting transitional justice and their inclusion will be useless."

A respondent from Sana'a said, "in my opinion, the Yemeni personalities who head these parties are weighed down by historical conflict. Most have been in power for a long time, and every one of them wants to take revenge against the other party. In order to guarantee the participation of the parties, there should be culture workshops for the heads of these parties, in an attempt to educate them on the importance of their role in stabilizing the country and realizing a lasting peace."

RECONCILIATION COMMITTEES AND TRANSITIONAL JUSTICE

The 13 experts who participated in the interview were asked how to activate the role of reconciliation and transitional justice committees, which are affiliated with the government's Consultation and Reconciliation Commission, in the transitional justice process. They identified several proposals, the most important of which are: building the capacity of reconciliation and transitional justice committees, providing financial and logistical support, engaging competent men and women from all parties in the reconciliation and transitional justice committees, activating the Consultation and Reconciliation Commission locally and centrally, and resolving conflicts between parties.

The experts stated that the greatest challenges facing community reconciliation committees are a lack of funding and logistical support, followed by political interference from various parties, then a lack of clarity on roles and responsibilities, and lack of trust from civil society.

NATIONAL DIALOGUE CONFERENCE DOCUMENT

Experts participating in the focus group sessions expressed various opinions about the possibility of using the 2014 National Dialogue Conference document as a reference for developing a transitional justice mechanism. Most said that this document could be adopted as a reference for transitional justice, with updates to include the period of war and the change in the balance of power.

A female human rights activist from Sana'a said, "I think that we can use the outcomes of the national dialogue as a rich source and basis to develop any transitional justice process. It's not just the outcomes of the transitional justice team [within the conference], we also have the Transitional Justice draft law, which the Ministry of Legal Affairs worked on at that time...we need consensus-building around this, because it's still a draft law. In addition, we should see what new developments happened after the 2014 war. But in my opinion, this conference is appropriate, it's a rich text to build upon. We won't begin from nothing, with no law and no ideas."

A participant from Hadramout said, “with regards to the National Dialogue document, it needs to be redone. The situation has changed over the past ten years, consequently we can’t accept it as is, because the political options available now are different from the past. If the dialogue conference document is used, it needs to be updated after a dialogue is opened which includes all the parties. This issue is connected in particular to the foreign parties, especially the regional ones, not just local society.”

Some experts opposed the adoption of this document as a basis for transitional justice for several reasons, most importantly that some of the conflict parties do not recognize its legitimacy, and because it is dated and has not kept pace with wartime developments. One participant from Hadramout said, “the dialogue document is not feasible anymore, and can’t be used as a basis for transitional justice, because new political parties have formed.”

A participant from Sana’a said, “the takeover of Sana’a, and the coup against state institutions, was at its core a coup against, and a rejection of, the outcomes of the national dialogue conference. Even though great efforts were put forward in the conference and a wide-ranging discussion occurred for more than a year, unfortunately, one of the results of the war has been to destroy this document that could have been the basis for a Yemeni agreement.”

CIVIL SOCIETY’S ROLE IN TRANSITIONAL JUSTICE

Civil society, youth, and women’s initiatives have an important role to play in peacebuilding, spreading awareness of transitional justice, engaging in local mediation efforts, resolving community conflicts, mobilizing local communities, and supporting public services. Therefore, study participants were asked their opinion regarding civil society’s desired role in the transitional justice process.

THE ROLE OF CIVIL SOCIETY ORGANIZATIONS AND INITIATIVES IN TRANSITIONAL JUSTICE

Participants in the general interview (109 total) were asked whether there were youth organizations or initiatives in their areas working on reconciliation, peacebuilding, and conflict resolution. 49 participants (45%) reported the existence of such organizations and initiatives and listed 41 of them. 25 participants (23%) said there were no such organizations or initiatives, while 35 (32%) said they did not know.

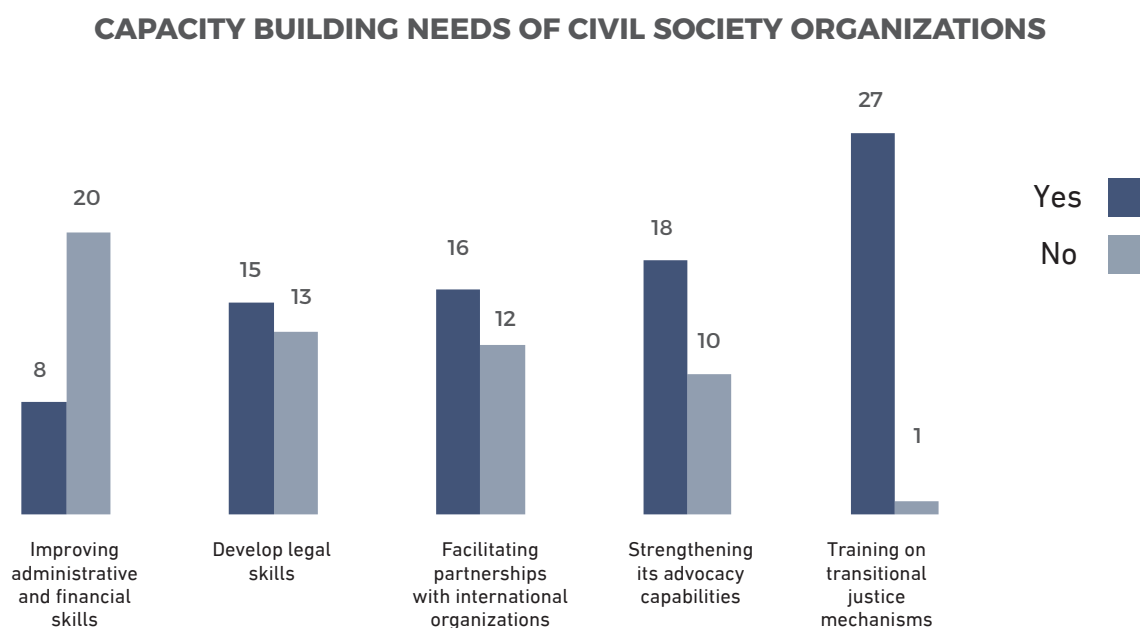
The 13 experts participating in the interview said that the most prominent actors operating in the field of peacebuilding are community committees, dignitaries and sheikhs, the Reconciliation and Community Peace Committee, the Repairing Relations Committee, and the Committee for the Forcibly Disappeared.

When these experts were asked about the role civil society organizations should play in the transitional justice process, they identified the following roles:

- Raising community awareness of the importance of transitional justice
- Monitoring violations
- Advocacy for, and support to victims
- Reconciliation

Participants in the focus group sessions discussed challenges facing civil society organizations' engagement in transitional justice. They identified the following challenges: the presence of double-standards and corrupt organizations with dubious agendas and which are unduly influenced by their sponsors and funders; fragility, weakness, and lack of capacity building and training; the negative perception and lack of interaction with these organizations due to the community not understanding their importance; the neglect of civil society by all parties and international organizations; the fracturing of efforts due to the lack of coalition building; the lack of funding which impacts survival and continuity; the absence and weakness of the state; corruption and unfair treatment of civil society organizations; repression of these organizations and the stripping of their powers; and finally, the limited number of civil society organizations interested in transitional justice.

28 employees and volunteers with civil society organizations participated in the general interview. They were asked to identify the most important needs for building the capacity of local organizations and initiatives so that they might play an effective role in transitional justice. The following graph shows their responses:



CONCLUSION

This study has revealed major challenges impeding the achievement of transitional justice in Yemen, most notably the ongoing armed conflict and the multiplicity of conflict actors. Furthermore, the absence of effective state institutions, the weakness of legal and judicial infrastructure, and the politicization of human rights issues further complicate the process. The lack of trust among political and societal factions exacerbates these challenges, as some parties believe that transitional justice can be used as a political tool to exclude their opponents, reducing the chances of reaching consensus on the mechanisms for its implementation.

One of the most notable findings is that Yemeni society appears divided in its vision of how to achieve transitional justice. 64.3% of interviewees favored reconciliation, compared to 35.7% who preferred accountability. The main reasons for preferring reconciliation included the belief that reconciliation would ensure the Yemeni state remains unified under the rule of law, and to end the conflict once and for all. In contrast, those who prefer accountability believe that it is necessary to ensure perpetrators acknowledge their crimes, protect victims' rights from being eroded, and prevent impunity. Furthermore, some parties are unwilling to engage in national reconciliation, making justice and accountability a necessary condition for ending the conflict.

This study also revealed a division of opinion regarding the impact of the Houthis' absence from transitional justice discussions. Some view their absence as a positive development, as their ideology and practices contradict the principles of transitional justice, and their lack of transparency renders any dialogue with them fruitless. On the other hand, another group believes that the absence of the Houthis, or any other major party, will lead to incomplete agreements, delaying justice and exacerbating societal divisions. Therefore, it is necessary to investigate mechanisms by which the international community can push the Houthis towards engaging in unconditional dialogue, while promoting local alternatives, such as reconciliation, to ensure justice is achieved at the societal level.

Given current divisions in Yemen, building a unified national narrative will help build trust between the various factions and lay a solid foundation for the transitional justice process.

However, there are opportunities that can be built upon to advance transitional justice in Yemen. Most notably, the legacy of the National Dialogue Conference, which provides a general framework that can be developed to keep pace with recent developments. The outcomes of the National Dialogue Conference must be updated to ensure they are consistent with current developments. These updates should include clear mechanisms to ensure the implementation of recommendations, enhance accountability, and achieve reconciliation in a manner that reflects the current reality and shifts in the balance of power.

Furthermore, the presence of accumulated local expertise in the field of community reconciliation can provide a practical entry point for beginning to implement transitional justice at the local level. In addition, the international community's interest in this issue and its support for accountability and reconciliation mechanisms represent an opportunity to increase pressure on the Yemeni parties to engage in a comprehensive transitional justice process. Finally, establishing a mechanism to compensate victims represents a potential key to entering the transitional justice process, given the support for this measure among study participants, and the Houthis' openness to it, according to a journalist affiliated with them.

These results reflect the complexity of the Yemeni landscape, where priorities diverge between reconciliation and accountability. This requires a balanced approach that takes into account the need to end the war on the one hand, and the need to protect victims' rights and establish the foundations of justice on the other.

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