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Abductees' Mothers Association

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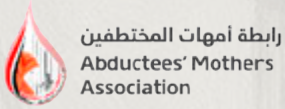
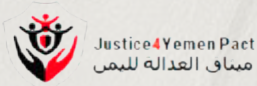
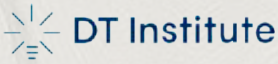
A Study on the Chilean Experience of Transitional Justice and Prospects for Its Application in Yemen through the Role of Civil Society







Authored by Dr. Adel Dashela

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 OF MOTHERS ASSOCIATION

The Association of Mothers of Abductees 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.

Justice for Yemen Pact Coalition (J4YP)

The Yemen Justice Charter 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

DT Institute

A non-profit organization committed to the principle of "development differently." The Institute implements complex global development programs in conflict-affected, fragile, and closed environments and funds leading think tanks that stimulate innovation and improve people's lives through evidence-based programs. The Institute works in partnership with communities and leaders to build more resilient, just, equitable, inclusive, and democratic societies, and to ensure their sustainability.

Support for Peace in Yemen through Accountability, Reconciliation, and Knowledge Exchange (SPARK)

This paper was written and published as part of the *Support for Peace in Yemen through Accountability, Reconciliation, and Knowledge Exchange (SPARK)* program – a scientific and practical framework that seeks to translate the concepts of transitional justice from theory into community practice.

The program focuses on enhancing awareness and strengthening local capacities to activate mechanisms of restorative justice, accountability, and reparations, as essential pathways toward a sustainable peace grounded in truth, fairness, and inclusive participation. It is founded on the principle that justice is not merely a legal process, but also a social and cultural endeavor that contributes to healing the national fabric, rebuilding trust, and restoring collective memory on the basis of acknowledgment and reconciliation.

The program works in close coordination with the *Justice for Yemen Partnership (J4YP)* – a coalition of ten Yemeni civil society organizations advocating for justice, accountability, and peacebuilding for victims of human rights violations across Yemen. Within this framework, SPARK partners and members of the coalition engage local communities and political actors in initiatives on reconciliation and restorative justice, aiming to enhance their capacity to participate effectively in transitional justice processes.

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Abstract

This study examines the dynamics of transitional justice in comparative perspective, with a particular focus on the Chilean experience and its potential relevance for Yemen. The first section situates the Yemeni conflict by outlining the scope of violations and identifying the underlying reasons behind the repeated failure of previous political settlements to address root causes or provide effective redress for victims. It highlights Yemen's urgent need for transitional justice as a means of addressing complex legacies of conflict, ensuring truth-seeking, securing victims' rights, and safeguarding national memory, while also analyzing the challenges that may hinder its implementation.

The second section turns to Chile, tracing the evolution of its transitional justice process and examining the mechanisms through which civil society and the Church played a central role in documenting and archiving evidence. These mechanisms proved critical in advancing truth, accountability, and reparations, while memory initiatives, such as transforming former repression sites into spaces of remembrance, contributed to the construction of a collective national memory.

The third section considers the prospects of drawing lessons from Chile for Yemen. It emphasizes the central role of Yemeni civil society in advancing systematic documentation of violations as a foundational step toward truth-seeking and accountability, thereby laying the groundwork for transitional justice and sustainable peace in the postwar context. It further assesses the applicability of Chile's models of reparations and memory work to the Yemeni context, taking into account the specificities of the country's social and political landscape, and highlights both parallels and divergences between the two cases. The study concludes by reflecting on the role of national reconciliation in Yemen as the ultimate objective of transitional justice.

Contextual Background

Yemen has experienced recurrent political and military conflicts since the establishment of the Republic, rooted in struggles over power, resources, and governance. These conflicts have manifested in different forms, including the civil war between the central government and the Socialist Party in 1994, intermittent clashes with the Houthi movement between 2004 and 2010, and, most significantly, the violent takeover of Sana'a by the Houthis in 2014. These events resulted in the near-collapse of state institutions, widespread human rights abuses, and the deepening of political, social, and economic divides. Despite initiatives, dialogues, and reconciliation efforts, victims' grievances remained unaddressed, and underlying conflicts persisted, paving the way for renewed violence and deepening divisions.

Following the collapse of the transitional process, the fall of the capital Sana'a, and the seizure of state institutions by the Houthis in September 2014, the subsequent intervention of the Arab Coalition in March 2015 to support the legitimate government further exacerbated the crisis. This period has been marked by escalating human rights abuses, extrajudicial killings, arbitrary arrests, enforced disappearances, torture, violence against women, child recruitment, and sieges on cities such as Taiz, all of which have deepened the humanitarian crisis and expanded the circle of victims. Against this backdrop, this study argues that implementing a transitional justice framework is essential for addressing Yemen's crises, remedying violations, and redressing victims, ultimately paving the way for sustainable and lasting peace.

Despite the urgent need for transitional justice to address Yemen's historical legacy, no national vision has been clearly articulated or adopted by the conflicting parties. Actors responsible for human rights violations during the war tend to favor political settlements that rely on forgetting the past and addressing the concerns of political elites, often under the pretext of avoiding cycles of revenge. Consequently, the transitional justice project has at times become a source of contention, including debates over the temporal scope of accountability, difficulty in identifying leadership for the process amid ongoing political

division, and challenges in distinguishing victims from perpetrators given the multiplicity of actors in the conflict.

In this context, civil society has recently emerged as a key actor capable of overcoming these challenges through documentation, archiving, and advocacy for a comprehensive transitional justice approach that ensures the participation of civil society alongside political actors. Crucially, the essence of transitional justice must revolve around the victim as the central actor, not merely as a subject invoked in political or civil discourse. Victims should have the primary voice in shaping the truth, determining forms of redress, and ensuring guarantees of non-repetition. Civil society and political actors, therefore, should support and empower victims to express their demands rather than exploit their suffering for negotiation or political leverage. Any transitional justice process that fails to place victims at its center remains fundamentally incomplete and unable to achieve the goals and objectives upon which the concept is founded.

To benefit from international experiences in transitional justice, the Chilean case was selected as a rich and inspiring model for Yemen. Notably, Chilean civil society, including the Catholic Church and associations of families of politically executed victims, played an early and active role in documenting crimes during the dictatorship (1973-1990). They established an organized database that later evolved into a comprehensive reference, which truth commissions relied upon in carrying out their mandates and which underpinned reparations programs. This systematic documentation allowed both civil society and the state to advance transitional justice processes with greater clarity and effectiveness.

The Chilean experience manifests in several key areas: truth-seeking and accountability, reparations and support programs (e.g., PRAIS), the revival of national memory through museums and dialogue initiatives, and the role of political alliances in ensuring the phased implementation of transitional policies.

Given that Yemeni civil society is currently the most prominent actor in transitional justice, drawing lessons from Chile holds significant practical value. Civil society in Yemen is the actor most closely connected to victims' concerns and to documenting violations, despite limited resources and coordination capacity. Accordingly, this study aims to clarify Yemen's need for transitional justice and to explore practical mechanisms that can be adapted from the Chilean experience, while considering the unique complexities of Yemen's military, political, and social context. The goal is to design a local and realistic model of transitional justice that keeps victims at its center.

This study seeks to answer the following questions: Why does Yemen need transitional justice, and what challenges does it face? What are the main transitional justice mechanisms implemented in Chile? How did civil society contribute to the success of the Chilean experience? What lessons can be drawn and adapted for Yemen's transitional justice context? What are the similarities and differences between the Chilean and Yemeni experiences? And what role does national reconciliation play as the ultimate goal of transitional justice in post-war Yemen?

Research Methodology

This study employed a comparative analytical approach that combined descriptive analysis with critical evaluation. It involved a review of relevant literature and previous studies on Chile's experience with transitional justice, complemented by an inductive method based on data collection and analysis to derive comprehensive conclusions. It also drew on a field visit by the researcher to Chile, which included site visits to memory centers, interviews with experts, former members of truth commissions, leaders of organizations supporting political prisoners and the forcibly disappeared, as well as organizations engaged in documentation and national memory-building. This fieldwork provided the researcher with a direct understanding of the Chilean experience, facilitating the formulation of lessons and insights applicable to the Yemeni context.

Section One: The Yemeni Context of Transitional Justice: From the Roots of Conflict to Implementation Challenges

Background of the Conflict in Yemen and the Need for Transitional Justice

Yemen has endured recurring conflicts and wars since the 1960s. The roots of these conflicts lie in a combination of historical and sectarian divisions, political transformations following the fall of the Imamate in 1962, the geographic division between North and South Yemen, and the subsequent military and political struggles after unification. Added to this were the weakness of state institutions, the dominance of tribal structures, regional and international interventions, as well as persistent economic and social crises.[1] These dynamics, particularly over the past decade, have claimed countless victims both directly and indirectly.[2]

The need for transitional justice emerged well before the unification of Yemen in May 1990, particularly with the widespread cases of enforced disappearances and political executions, such as those of 1978, many of which remain unresolved to this day.[3] Similarly, the targeted killings based on identity during the events of January 1986 in South Yemen remain deeply etched in collective memory.[4]

With the achievement of unity, a transitional justice program should have been launched to address victims' grievances, uncover the fate of the disappeared, and initiate reparations. Instead, however, conflict erupted in 1994 between the government of the unified state and the Yemeni Socialist Party. The war ended with the defeat of the Socialist Party, but the fragile victory brought widespread human rights violations in the South, including property confiscations, forced retirement of military and civil service employees, and ultimately the dissolution of the Socialist Party itself.[5] These issues were effectively frozen after the war, leaving many victims, especially those who lost their property or livelihoods, with unresolved grievances. This perpetuated feelings of injustice, deepened resentment, and negatively impacted their daily lives. Although the ruling authority issued

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[1] Dashela, A. (2024). Roots of conflict and fragmentation: A historical analysis of Yemen's intermittent wars. *Global-e Journal, 15*(16). Retrieved from https://globalejournal.org/global-e/august-2024/roots-conflict-and-fragmentation-historical-analysis-yemens-intermittent-wars

[2] United Nations estimates that the death toll from the Yemen war reached 377,000 by the end of the year. (Swissinfo.ch, 2025, August 1). Retrieved from https://tinyurl.com/598shhjr

[3] "The Case of the Disappeared on Yemen's Dialogue Table." Al Jazeera Net, May 14, 2013. Retrieved September 13, 2025, from https://tinyurl.com/4c5huw8v

[4] *The Brothers Enemies* Film: What Caused the January 13 Massacre in Southern Yemen and How It Shaped the Country Today? Al Jazeera Net, October 12, 2022. Retrieved September 12, 2025, from https://tinyurl.com/4rsfzccs

[5] "Breaking Point? The Southern Yemen Case - Middle East Report No. 114." International Crisis Group, October 20, 2011, p. 4.

a general amnesty for those who had declared secession unilaterally, the decree did not address the underlying grievances of the victims, rendering it little more than a political gesture.[6]

With the outbreak of conflict in 2004 between the Houthi movement and the central government, intermittent fighting continued for six years, resulting in heavy civilian casualties, destruction of public and private property, and the displacement of citizens from their areas due to the intensity of the armed confrontations. Although several agreements were brokered, locally in 2007 and later through the Doha Agreement under Qatari mediation in 2008, to halt the war and address its consequences, these agreements, like those before them, were ultimately deferred without implementation.[7]

On February 11, 2011, the situation escalated further with the eruption of the peaceful Youth Uprising. This uprising also resulted in victims, most notably during the "Friday of Dignity" massacre on March 18, when security forces opened fire on demonstrators in Sana'a. Reports indicated that 52 people were killed and hundreds injured in that single incident.[8] In parallel, armed clashes between the Houthis and tribal groups spread across multiple governorates, including Hajjah, Sa'dah, al-Jawf, Amran, and Sana'a.

Following the 2011 revolution, there was an attempt to introduce transitional justice. The implementation mechanism of the Gulf Cooperation Council (GCC) Initiative for resolving the Yemeni crisis explicitly included transitional justice as a framework for addressing Yemen's deep-rooted and accumulated crises. However, in practice, the political opposition, led by the Joint Meeting Parties[9], accepted granting former President Ali Abdullah Saleh and his aides immunity from prosecution.[10] This approach reflected a form

[6] Human Rights Watch/Middle East. (1994). *Human Rights in Yemen during and after the 1994 War*, 6(1), p. 7.
[7] "Sa'ada War Resists Solution." Al Jazeera Net, January 17, 2010. Retrieved September 13, 2025, from https://tinyurl.com/3am5kpt7
[8] Amnesty International. (2011). *Moment of truth for Yemen* (p. 12).
[9] The Joint Meeting Parties (Arabic: أحزاب اللقاء المشترك) is a coalition of opposition political parties in Yemen formed in 2002 to challenge the ruling General People's Congress led by the late President Ali Abdullah Saleh. The coalition includes the Yemeni Congregation for Reform (Islah), the Yemeni Socialist Party, the Popular Unity Party (Nasserist), the Al-Haq Party, the Union of Popular Forces, and the Ba'th Party - Yemen branch.
[10] International Center for Transitional Justice (ICTJ). (2012, January 18). *Yemen: Amnesty law violates international law and breaches Yemen's obligations*. Retrieved September 16, 2025, from https://www.ictj.org/ar/node/14676

of "negotiated justice," but it was strongly rejected by Amnesty International, Human Rights Watch, and by Martin Nesirky, spokesperson for the UN Secretary-General Ban Ki-moon.[11]

The international community pressed the Yemeni government to enact transitional justice legislation as a means of advancing reconciliation without further delay. Article 10 of UN Security Council Resolution 2051 (2012) explicitly called for such measures.[12] In response, the National Unity Government (2012-2014) initiated the drafting of a Transitional Justice Law and issued formal apologies regarding the Sa'dah conflict and the Southern cause.[13] Both the outcomes of the National Dialogue Conference (NDC) and the draft constitution included provisions to establish a Transitional Justice and National Reconciliation Commission. Article 432 further emphasized the recognition of victims, reparations, and fair compensation. However, the Houthis' withdrawal from the closing session of the NDC undermined the possibility of broad consensus.[14]

President Hadi, particularly during the period 2012-2015, sought to address the Southern issue in its various dimensions, including the grievances of those dismissed from public service and disputes over land ownership. In this regard, Presidential Decree No. 2 of 2013 established a special committee tasked with resolving land conflicts in the southern governorates.[15] In addition,

And consistent with the outcomes of the 2013-2014 NDC, the final document affirmed the state's responsibility to redress the injustices faced by the people of Tehama, provide reparations, and address damages through a framework of collective redress.[16]

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[11] Al-Mekhlafi, M., & Mashour, H. (n.d.). *Transitional justice and national reconciliation from a gender perspective* (Unpublished study, p. 24).

[12] United Nations Security Council. (2012, June 12). *Resolution 2051 (2012) adopted by the Security Council at its 6784th meeting.* Retrieved September 15, 2025, from https://docs.un.org/en/S/RES/2051%282012%29?utm_source=chatgpt.comhttps://docs.un.org/en/S/RES/2051%282012%29?utm_source=chatgpt.com

[13] The New York Times. (2013, August 21). *Yemen: Government issues public apology for wars.* Retrieved July 18, 2025, from https://tinyurl.com/mwhcfweb

[14] Al-Ghanmi, M. (2018). *Television and war: A study on news trends, their effects and implications* (1st ed.). Amman, Jordan: Majd Publishing and Distribution, p. 189.

[15] Housing and Land Rights Network (HLRN). (2013). *Yemen: Special Commission on Land.* Terra nullius. Retrieved September 14, 2025, from https://hlrn.org/activitydetails.php?id=o29nZA%3D%3D&utm_source=chatgpt.com https://hlrn.org/activitydetails.php?id=o29nZA%3D%3D&utm_source=chatgpt.com

[16] Republic of Yemen. (2013). *The all-inclusive National Dialogue Conference's document* (p. 65). Retrieved September 14, 2025, from https://assets-global.website-files.com/5b54ded3eadb58942db8e365/5fcd58ec4a3b6378a2333fb5_NDC%20Doc%20Eng%20V1.2.pdf

Despite these encouraging attempts, none came to fruition. Following the fall of Sana'a on September 21, 2014, to the Houthis and their armed coup against the peaceful transitional process, the entire framework collapsed. In the aftermath, grave violations escalated, including arbitrary detentions, extrajudicial killings, enforced disappearances, and targeted violence against marginalized communities and women. Although customary tribal and social norms traditionally protected vulnerable groups, such as women, children, and the marginalized, these protections were disregarded. The Houthis, for example, established a women's security apparatus specifically designed to repress women, embedding it within a wider network of coercive institutions.[17]

The violations extended further, including the militarization of children by multiple parties to the conflict. In 2024, Human Rights Watch confirmed that the Houthis had intensified child recruitment efforts since October 7.[18] Abuses against women also persisted, and rights reports in March 2025 documented more than 8,400 violations against women since the conflict began in 2015 through the end of 2024.[19] Farmers have likewise suffered, particularly from the widespread use of landmines in grazing areas. Yemen is now considered one of the most heavily contaminated countries in the world, with experts estimating that at least one million landmines, most planted indiscriminately, have been laid since March 2015.[20]

Moreover, human rights violations continue to mount. According to the most recent report of the National Committee for the Investigation of Alleged Human Rights Violations (2025), there were 3,003 documented violations affecting 3,766 victims of both genders, including women and children, across multiple governorates. This brings the committee's cumulative documentation, from January 2016 through the present report, to 32,953 incidents, with a total of 67,538 victims.[21]

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[17] Mohammed, D. (2025, April 15). *Ansar Allah's female enforcers: The Zainabiyyat battalion has been able to access traditionally inaccessible spaces in Yemen*. Carnegie. Retrieved September 20, 2025, from https://tinyurl.com/42482d3b

[18] Human Rights Watch. (2024, February 13). *Yemen: Houthis recruiting more children since October 7*. Retrieved August 1, 2025, from https://www.hrw.org/ar/news/2024/02/13/yemen-houthis-recruit-more-child-soldiers-october-7

[19] JINH Agency. (2025, March 8). *More than 8,400 violations against Yemeni women*. Retrieved August 2, 2025, from https://jinhaagency.com/ar/alywm/akthr-mn-8400-anthak-bhq-nsa-alymn-47827?page=35

[20] Hassan, J. (2025, April 4). *The deadly legacy: Mines and war remnants claim Yemen's future*. Al-Insani - International Committee of the Red Cross. Retrieved August 2, 2025, from https://blogs.icrc.org/alinsani/2025/04/04/8047/

[21] National Commission for Investigating Human Rights Violations in Yemen. (2025, September 4). Launch of the 13th periodic report on human rights violations in Yemen. Retrieved September 14, 2025, from https://www.nciye.org/?p=3057

From this record, it becomes evident, beyond any doubt, that Yemen's successive phases have been characterized by severe, repeated violations and repeated failures to address them through past agreements and reconciliations. The persistent absence of truth-telling, the neglect of victims' rights, and the repeated deferral of justice through elite-driven political settlements have only deepened grievances and obstructed prospects for sustainable political and social stability. Consequently, Yemen's current situation requires the establishment of a genuine and effective framework of transitional justice, one that ensures truth-seeking, accountability, reparations, memory preservation, and national reconciliation, so as to lay the foundations for a stable, just state and a lasting peace.

Challenges Facing Transitional Justice in the Yemeni Context

Transitional justice is defined as "a set of judicial and non-judicial measures adopted by states to address the legacy of gross human rights violations in post-conflict or political transition contexts. Its objectives include fostering national reconciliation, ensuring non-recurrence of abuses, and strengthening the rule of law. Its mechanisms encompass criminal prosecutions, truth-seeking commissions, reparations programs, and reforms of security and judicial institutions."[22] It is widely regarded as an indispensable component for a successful democratic transition, serving as a comprehensive reckoning with the past.[23] Transitional justice processes have repeatedly demonstrated that they are not acts of retribution; rather, they help address grievances and social divisions … and lay the foundations for lasting peace.[24] In post-conflict contexts, transitional justice is also concerned with combating impunity as a mechanism to shift from cycles of violence toward an era of peace, justice, and democracy.[25]

In Yemen's highly complex local context, characterized by multiple warring parties and diverse patterns of violations, the project of transitional justice faces immense challenges. Chief among these is that most domestic actors have shown little genuine willingness to embrace transitional justice. Many perceive it either as a direct threat to their political survival or as a vehicle for accountability for their own violations. Such attitudes obstruct the path of justice and undermine attempts to implement it. Consequently, conflict parties tend to prefer temporary political agreements, often justifying this approach by claiming that accountability and truth-seeking could trigger further cycles of retaliation and conflict.

Additionally, limited resources and the absence of sustainable funding hinder the establishment and functioning of transitional justice institutions.[26] Transitional justice is inherently costly, financially and logistically, as it requires specialized local commissions, effective reparations mechanisms, and comprehensive social, health, educational, and

[22] Al-Hattar, M. H. (2025). *Utilizing tribal customary law within the transitional justice process in Yemen*. Moroccan Center for Transitional Justice and International Reports Study. Retrieved August 15, 2025, from https://tinyurl.com/2auzvmd9

[23] Sarkin, J. (2020). Why transitional justice should be understood theoretically and empirically in Arab countries. *Arab Policies, 47*, 9.

[24] United Nations Office of the High Commissioner for Human Rights. (n.d.). *An overview of transitional justice and human rights*. Retrieved August 12, 2025, from https://www.ohchr.org/ar/transitional-justice/about-transitional-justice-and-human-rights

[25] Andari, A. A. (2021). Mauritania between the gravity of the human legacy and the intractability of transitional justice. *Arab Policies, 9*(48), 57.

[26] Dashela, A. (2024). Navigating the crisis of transitional justice in post-conflict Arab regions: Challenges and pathways to reconciliation. *Biomed J Sci & Tech Res, 60*(1), 2. https://doi.org/10.26717/BJSTR.2024.60.009395

psychological rehabilitation programs, alongside widespread community awareness campaigns. In Yemen's war-torn economy, where local resources are severely depleted and neither regional nor international commitments are forthcoming, these financial and logistical constraints pose formidable barriers to implementation. This has led some domestic actors to argue that Yemen should pursue only political reconciliation, contending that its material limitations do not allow for the execution of reparations programs.

Another significant challenge facing transitional justice in Yemen lies in the division of the judiciary. "The country currently operates under two separate judicial systems: one aligned with the internationally recognized government, and the other functioning under the de facto authority of the Houthi movement (Ansar Allah). Neither system recognizes the legitimacy of the other.[27] As a result, the judiciary is unable to carry out its fundamental role in determining and defining who is a victim and who is a perpetrator. Moreover, the multiplicity of conflict actors complicates the process of defining the crimes that fall within the mandate of truth and reconciliation commissions,[28] particularly given that, in some cases, the roles of victim and perpetrator overlap.

At the societal level, the concept of transitional justice remains confined largely to political and intellectual elites and has yet to permeate local communities. This underscores the need for greater efforts to raise awareness and promote a culture of justice. Another persistent challenge concerns the temporal scope of transitional justice. Since 2012, debates have continued over whether its framework should include violations predating unification, or focus on those following the 1994 civil war, the 2011 uprising, or the Houthi takeover of Sana'a in 2014. Regardless of where the boundaries are drawn, the grievances of victims remain unresolved, particularly in relation to the continuing tragedy of enforced disappearances in both northern and southern Yemen. Any serious approach must therefore be based on inclusivity, truth-seeking, and victim-centered justice.

[27] Al-Shwaiter, M. (2024). *The role of the judiciary in achieving transitional justice and reconciliation in Yemen*. Sana'a Center for Strategic Studies. Retrieved September 20, 2025, from https://sanaacenter.org/ar/publications-all/23828

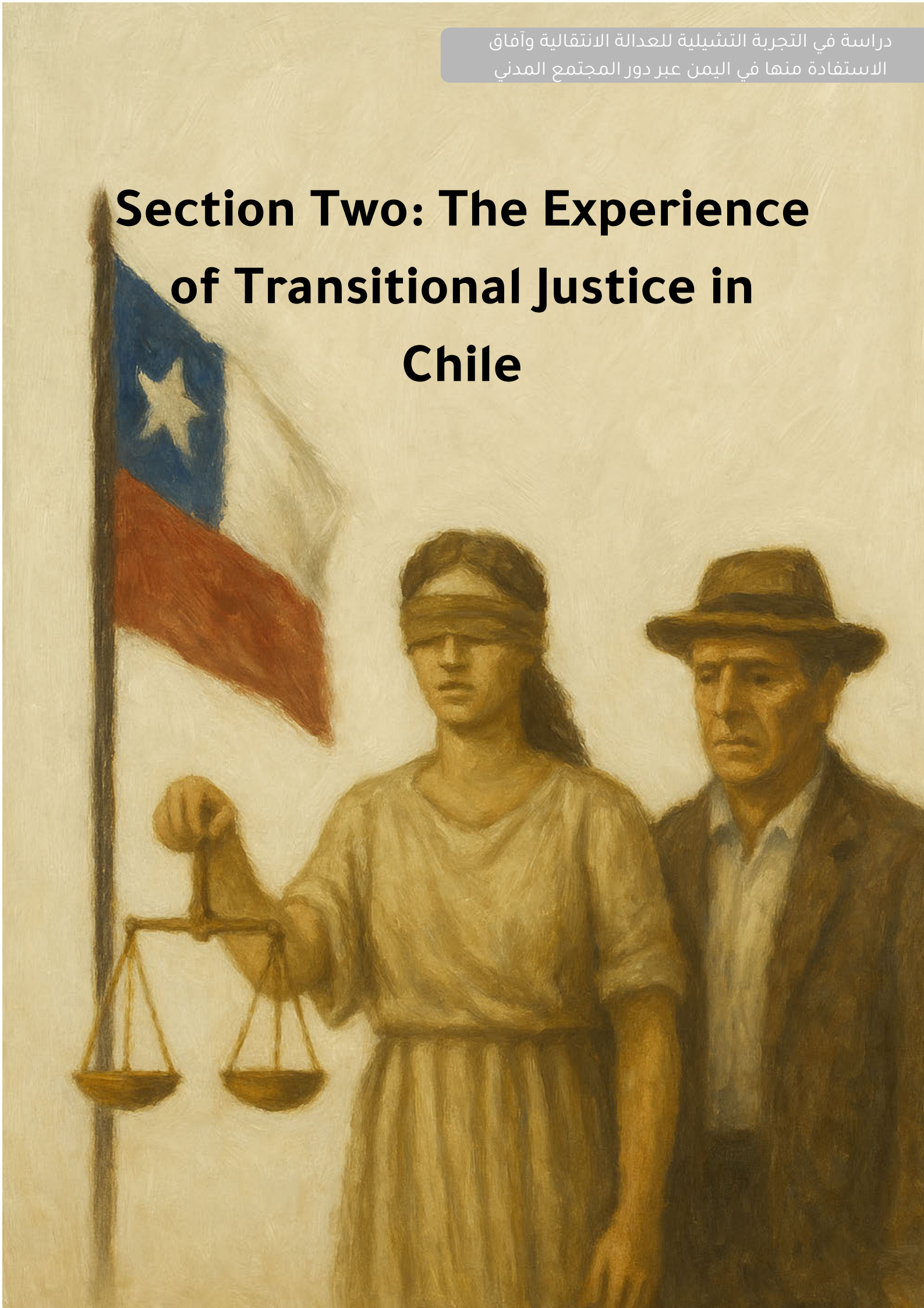
[28] Tawfiq, R. (2014). Are the state and society in Egypt ready for transitional justice and national reconciliation? *Arab Policies, 6*, 99. Arab Center for Research and Policy Studies.

A further question relates to who holds decision-making authority in the transitional justice process, making it imperative to ensure the meaningful inclusion of women, youth, and marginalized groups as a condition for comprehensive justice. At the broader political and military level, Yemen's landscape is marked by a high degree of fragmentation, with competing political projects undermining the very notion of a unified national state. This has deepened social rifts along regional, sectarian, and tribal lines, hindering efforts to establish a shared narrative of past events and complicating agreement on reparations and reconciliation mechanisms.

Despite more than a decade of United Nations efforts to overcome these challenges, primarily through dialogue and mediation to bring opposing parties closer together, each attempt at a comprehensive settlement has been derailed by the emergence of new crises.[29] Within this entangled reality, transitional justice emerges not merely as an option but as a structural necessity and strategic pathway to confront the legacies of the past, overcome fragmentation, and lay the foundations for strong institutions built on the equitable distribution of power and resources, beyond the logic of domination.

[29] Dashela, A. (2021). *UN Special Envoys and the Crisis in Yemen (2011-2021)*. Washington Center for Yemeni Studies, Washington, USA, p. 49.

Section Two: The Experience of Transitional Justice in Chile



Transformations in Chilean Transitional Justice

During the past century, Chile experienced three sequential political blocs in power. In 1958, the right-wing won and governed until 1964, after which the Christian Democrats, representing the center, assumed power until 1970. In that same year, the left, led by Salvador Allende, came to power and ruled until a military coup ended his administration.[30] The violent overthrow of President Salvador Allende on September 11, 1973, by the Chilean Armed Forces under General Augusto Pinochet, … terminated one of the few attempts globally to build socialism through a liberal democratic process and inaugurated seventeen years of a brutal military dictatorship (1973-1990).[31] This period was marked by widespread and severe human rights violations.[32]

Following the fall of the dictatorship, Chile developed a post-conflict transitional justice framework and achieved relative success in healing societal wounds and addressing human rights abuses by creating mechanisms aligned with international justice standards. These mechanisms included truth-seeking, reparations, accountability, national memory preservation, and ongoing efforts to reform state institutions, including constitutional amendments.

Chile's transitional justice unfolded in **gradual phases**. The first phase, between 1990 and 1998, was characterized largely by impunity, despite the establishment of the National Commission for Truth and Reconciliation (Comisión Nacional de Verdad y Reconciliación) by President Patricio AylwinThe commission was tasked with four main objectives: to provide as comprehensive a reconstruction as possible of the grave events that occurred during the military regime (1973-1990), including their antecedents and context; to collect evidence enabling the identification of victims by name and to ascertain their fate or whereabouts; to recommend measures for reparations and the restoration of

[30] Ziyad, H. (2022). The experience of transitional justice in Chile between the military coup on legitimacy and achieving national reconciliation. Moroccan Center for Transitional Justice and Study of International Reports. Retrieved July 29, 2025, from https://tinyurl.com/mv34sb9t

[31] Hilbink, L. (2007). *Judges beyond politics in democracy and dictatorship: Lessons from Chile*. Cambridge University Press, p. 28.

[32] Lira, E. (2016). Reflections on rehabilitation as a form of reparation in Chile after Pinochet's dictatorship. *International Human Rights Law Review, 5*(1), 194.

dignity to the population in ways deemed just; and to propose legal and administrative measures necessary to prevent further gross human rights violations.[33]

Although the initial truth commission produced a list of victims after the transitional period, efforts to locate the remains of the disappeared were limited. The governmental body under the Ministry of the Interior conducted administrative searches for the disappeared but did not pursue criminal investigations. It is noteworthy that the Chilean transition did not initially deliver direct criminal justice for human rights violators, nor immediate reparations for victims. Rather, the implementation of transitional justice was gradual, unfolding over several years. "Civil and popular pressure, incremental political changes, and early truth-telling ultimately paved the way for the effective launch of reparations processes in Chile."[34]

Subsequently, actual judicial proceedings began in 1998, eight years after the initial phase of transitional justice. This followed the arrest of Pinochet, which prompted a non-judicial attempt to address the cases of the disappeared through a "dialogue table" in 2000, involving clergy, military officials, and human rights lawyers, with the goal of locating the remaining disappeared while ensuring the confidentiality of informants.[35]

According to Boris Hau, a lawyer and professor at Alberto Hurtado University and a member of the Transitional Justice Observatory at Diego Portales University,[36] this period marked the stage of genuine justice. The first legal action against Pinochet was initiated by Gladys Marín in Chile and by Spanish judge Baltasar Garzón, who ordered his arrest in London in 1998. The final case against Pinochet concerned one of the Spanish priests killed in Chile during the dictatorship.

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[33] Loveman, B., & Lira, E. (2008, January 31 - February 2). The politics of political "reconciliation": Truth, reparation and justice in Chile 1989-2008 [Conference paper]. *International Conference on Violence and Reconciliation in Latin America: Human Rights, Memory, and Democracy*, University of Oregon, p. 7.

[34] Syrian Dialogue Center. (2025, February 11). *Practical applications of transitional justice: Lessons learned from international experiences.* Accessed September 13, 2025, https://tinyurl.com/yc5mfrme

[35] Collins, C. (2018). Transitional justice 'from within': Police, forensic and legal actors searching for Chile's disappeared. *Journal of Human Rights Practice*, *10*(1), 24. https://doi.org/10.1093/jhuman/huy003

[36] Transitional Justice Observatory at Diego Portales University: Monitoring justice in human rights trials exclusively related to the dictatorship period. This includes tracking the number of cases adjudicated, ensuring adherence to legal precedents, and confirming that rulings related to the Chilean dictatorship align with international law, without applying amnesty laws or statutes of limitations.

In 2006, the Inter-American Court of Human Rights ruled against Chile's Amnesty Law in the case of Luis Almonacid, determining that the law violated human rights. This ruling represented a historic turning point: although the Amnesty Law remained formally in effect, Chile ceased enforcing it. According to Boris Hau, a new generation of Chilean judges now adheres to international law.[37]

These developments demonstrate that Chile pursued a gradual path toward transitional justice, despite the continued existence of the 1978 Amnesty Law enacted under Pinochet. Under internal and international pressure, Chilean courts managed to circumvent some legal restrictions, prosecuting numerous human rights violators through legal exceptions and broad interpretations of domestic law.[38]

[37] IBID, Transitional Justice Observatory at Diego Portales University: Monitoring justice in human rights trials exclusively related to the dictatorship period. This includes tracking the number of cases adjudicated, ensuring adherence to legal precedents, and confirming that rulings related to the Chilean dictatorship align with international law, without applying amnesty laws or statutes of limitations.

[38] Torelly, M. (2017). *Domestic rule of law gaps and the uses of international human rights law in post-atrocity prosecutions: Argentina, Brazil, and Chile transitional justice experiences* (pp. 352-353). Marcial Pons.

Documentation as a Means for Accountability and Truth: The Role of the Vicariate of Solidarity, the Church, and Civil Society

One of the earliest bodies established immediately after the military coup was the **Peace Committee (Comité Pro Paz)** in October 1973. In an interview conducted by the researcher at the headquarters of the Documentation and Archival Institution with María Paz Vergara, the executive secretary, she confirmed that the committee was formed by the Lutheran, Evangelical, Jewish, and Baptist communities to assist the families of victims, under the joint leadership of Archbishop Fernando Ariztía and Pastor Helmut Frenz of the Lutheran Church.[39]

The Peace Committee faced persistent criticism and harassment from the dictatorial regime. The persecution peaked in 1975 when committee staff, including social workers, lawyers, and secretaries, were arrested. The regime went further, with President Pinochet personally threatening Cardinal Raúl Silva Henríquez and pressuring him to shut down the organization. As a result, the Peace Committee was officially dissolved on December 31, 1975.

However, it was immediately succeeded in 1976 by the Vicariate of Solidarity (Vicaría de la Solidaridad),[40] ensuring that victim protection did not lapse even for a single day. The Vicariate's headquarters were located in the Archbishop's palace next to Santiago Cathedral, a site symbolically representing resistance. Cardinal Silva Henríquez used this location to signal that the struggle for human rights would continue despite government repression.

Among its legal and social activities, the Vicariate of Solidarity regularly filed habeas corpus petitions through its legal department. However, in most cases, the courts rejected these petitions. Beyond this legal work, the Vicariate also provided various forms of support to victims' families during the years of the dictatorship.

[39] IBID, interview conducted by the researcher with María Paz Vergara, Executive Secretary, Documentation and Solidarity Archives Foundation, Santiago, Chile, January 30, 2025.

[40] Ferrara, A. (2021). Archives and transitional justice in Chile: A crucial relationship. *Human Rights Review, 22*, 257. https://doi.org/10.1007/s12142-021-00626-0

Structurally, the Vicariate was organized into several departments; the Support Division, the Labor Rights Division, the Rural Communities Division, the Regional Offices Division, the Solidarity Education Division, the *Revista Solidaridad* editorial team, the Legal Department, and the Executive Secretariat. According to María Paz Vergara, the Vicariate employed more than 300 staff members, including lawyers, doctors, psychologists, sociologists, clergy, laypersons, and individuals from multi-faith civil society organizations.[41]

In addition, other organizations emerged, such as the Ecumenical Foundation for Social Assistance (FASIC), the Association of Families of the Detained-Disappeared (AFDD), the Chilean Human Rights Commission, and the Committee for the Defense of the People's Rights (CODEPU). Their mission was to systematically gather information to denounce state crimes, document human rights violations, raise awareness of ongoing abuses, and preserve records for future generations. Although these archives did not follow formal archival methodologies, the documentation and testimonies were preserved and classified in an organized manner. This collection of evidence became a form of moral resistance against oppression and violations.[42]

The Vicariate also played a critical role in uncovering mass graves. On November 30, 1978, the first mass grave was discovered, containing the remains of 15 rural workers aged between 17 and 51. They had been detained by the Chilean police in Isla de Maipo on October 7, 1973, and were never seen again. Their bodies were found in abandoned lime kilns in Lonquén. This discovery was historic, as it directly exposed the falsehood of the regime's claims that no "disappeared persons" existed. For instance, the regime insisted that Sergio Maureira Lillo did not legally exist, yet his remains were found alongside those of his four sons.

Following this discovery, the Vicariate began compiling anthropometric files to help identify the missing. These included physical descriptions, clothing at the time of disappearance, medical records (such as surgeries and scars), blood type, X-rays and dental charts, and pregnancy and childbirth history (for women). The process was deeply painful

[41] IBID, interview with María Paz Vergara.
[42] Ferrara, A. (2021). Archives and transitional justice in Chile: A crucial relationship. Human Rights Review, 22, 257-258. https://doi.org/10.1007/s12142-021-00626-0

for families who still held hope that their loved ones might return alive. Because of continuous harassment by the regime, all documentation, including eyewitness testimonies, was meticulously verified. These records later became crucial sources of evidence for the Rettig and Valech Reports.[43] In addition, the documentation collected by the Vicariate of Solidarity played a decisive role in exposing human rights violations. As Elizabeth noted, "when the first truth commission (the Rettig Commission) was established in 1990, approximately 70% of its sources came from the Vicariate's files."[44]The United Nations also relied on these documents when issuing official condemnations of the Pinochet regime.

The Vicariate continued its work until 1992, when it was formally closed by the Archbishop of Santiago on the grounds that the restoration of democracy had returned to the state the responsibility of safeguarding rights. However, the Vicariate's archive was so vast that it necessitated the creation of the Foundation for Documentation and Archives of the Vicariate of Solidarity (Fundación de Documentación y Archivo Vicaría de la Solidaridad). The foundation's mission was to preserve truth, justice, and historical memory. Its first president was Bishop Sergio Valech, who also chaired the Commission on Political Imprisonment and Torture. Today, the archives include over 300 issues of *Revista Solidaridad*, monthly reports on legal cases, more than 80,000 official documents such as habeas corpus petitions, military files, testimonies, and approximately 650,000 press clippings.[45]

At present, Chilean courts regularly request access to these documents in human rights cases, and lawyers, victims, and their families rely on them to support legal claims and document lived experiences. The foundation also issues certificates that enable victims to obtain benefits such as exemptions from military service. Beyond litigation, it plays a broader civic role in human rights education, running youth awareness programs, promoting democracy and tolerance, rejecting violence as a means of political change, as

[43] IBID, interview with María Paz Vergara.

[44] Interview conducted by the researcher in Santiago with Elizabeth Lira, academic and human rights expert, Director of the Human Rights Center at Alberto Hurtado University, recipient of the National Prize for Humanities and Social Sciences, member of the Valech I and II Commissions, as well as Mesa de Diálogo, January 23, 2025.

[45] IBID, same interview with María Paz Vergara.

exemplified by the coup, and organizing educational visits for schools and universities throughout Chile.[46]

As a result, the evidence gathered by both victims' families and the Vicariate of Solidarity became central to prosecuting perpetrators and bringing them before justice. As Alicia Lira, president of the Association of Relatives of Politically Executed Persons, observed, accountability in Chile would not have been possible without the sustained efforts of victims' families and survivors of torture, working in partnership with the church and civil society organizations. These groups were vital in documenting violations despite harassment and repression. Their archives, combined with thousands of lawsuits, including 1,200 filed by the Association of Relatives of Politically Executed Persons, enabled judges to prosecute perpetrators and establish specialized human rights courts.[47]

According to Boris Hau, a new generation of judges in Chile now adheres to international law. Between 1995 and 2024, 824 criminal trials were conducted.[48] Due to these civil society efforts, Chile succeeded in prosecuting certain perpetrators and even established Punta Peuco Prison, a facility designated for human rights violators. Located north of Santiago, it housed around 100 former officials from Pinochet's repressive apparatus, who served their sentences under conditions far more comfortable than those of ordinary prisoners. However, Chile's current president, Gabriel Boric, ordered its conversion this year into a regular correctional facility, equal in status to other prisons across the country.[49] This trajectory pinpoints the importance of combining legal documentation by civil society organizations with judicial processes, both to clarify the scope of abuses and to protect victims' rights through accountability.

[46] IBID, same interview with María Paz Vergara.
[47] Interview conducted by the researcher with Alicia Lira, President of the Association of Relatives of Those Executed for Political Reasons, Santiago, Chile, January 29, 2025.
[48] IBID, interview conducted by the researcher with Boris Hau.
[49] *Converted into an ordinary prison: Chilean president dismantles Punta Peuco privileges and targets Pinochet's dictatorial legacy.* Monte Carlo, June 2, 2025. Accessed September 18, 2025, from https://tinyurl.com/32ue64zz

Reparations in the Chilean Experience

Almost all cultures are characterized by a degree of tolerance, which in conflict settings often translates into forgiveness or amnesty, sometimes at the expense of victims and their right to reparations. This cultural tendency was also evident in Chile, where the first amnesty was issued after independence in 1819, extending to all those involved in the conflict. Throughout its history, Chile repeatedly relied on amnesty laws to resolve different forms of disputes, including labor conflicts and civil wars. In each case, the prevailing method of conflict resolution was through amnesty legislation designed to erase the traces of these disputes.[50]

General Pinochet followed this pattern by issuing an amnesty law covering the period 1973-1978, the most brutal phase of the dictatorship, during which the majority of killings and enforced disappearances occurred. Before leaving office, he maneuvered to secure impunity by forcing all Supreme Court judges to retire or resign in exchange for generous financial incentives, a scheme known as the "Candy Law." He then reconstituted the Court entirely with justices aligned with his interests.[51] By 1990, however, with the end of the dictatorship, erasing evidence of state crimes had become impossible.

Following the democratic transition, two major commissions were established to address the legacy of grave human rights violations. The **Rettig Commission**, mandated by President Patricio Aylwin, produced Chile's first official *Report on Truth and Reconciliation* in 1991. It focused on cases of killings and enforced disappearances, offering recommendations on symbolic reparations and recognition of victims. President Aylwin adopted these recommendations, creating the National Commission for Reparations and Reconciliation, while the Rettig Law granted benefits to families of recognized victims. The report also led to symbolic reforms, such as the abolition of the national holiday commemorating the September 11, 1973 coup.

Later, the **Valech Commission I** was established to investigate political imprisonment and torture, followed by the **Valech II Report**, which officially recognized 40,018 victims, including 3,065 who were killed or disappeared. The significance of the

[50] IBID, interview conducted by the researcher in Santiago with the academic and expert Elizabeth Lira.
[51] IBID, interview with Elizabeth Lira.

Valech Reports lies in their status as authoritative state documents recording the history of political imprisonment and torture.[52]

In terms of reparations**, Law No. 19.123**, enacted on 8 February 1992, came into force, creating the *National Corporation for Reparation and Reconciliation*. This institution was tasked with delivering justice and reparations to victims of enforced disappearance during the dictatorship. It was responsible for clarifying the status of the disappeared and administering government programs to support victims and their families.[53]

Among the most notable initiatives was the **Comprehensive Health Care and Reparations Program (PRAIS)**, which provides healthcare services to individuals affected by political repression between 1973 and 1990, as well as to their families. PRAIS offers integrated clinical, psychological, and social care, including rehabilitation measures and preventive health initiatives. Beneficiaries are entitled to free access to the full range of services within the national public health system. To date, approximately 600,000 individuals have been enrolled in the program for life.[54]

Eligibility for PRAIS is limited to specific categories, including families of political prisoners who were executed or disappeared, individuals named in the National Commission on Political Imprisonment and Torture Report, and those who worked continuously for ten years in the field of human rights protection. Other cases may also be admitted on a priority basis, subject to consultation with the Ministry of Health.[55]

In this context, the role of victims' families was far from marginal; they were a powerful and influential force pressing for truth and reparations. Continuous engagement between civil society groups, victims' families, and successive democratic governments seeking to strengthen human rights in Chile led to the establishment of several institutions dedicated to victims' rights, most notably the National Institute for Human Rights (INDH), founded in 2009 during President Michelle Bachelet's first administration.[56] The INDH was

[52] IBID, interview conducted by the researcher with Boris Hau.
[53] South African Truth and Reconciliation Commission. (n.d.). *Volume 6, Section 2, Chapter 3, Subsection 2: Chile - Reparations and rehabilitation*. South African History Archive (SAHA). Accessed July 27, 2025, from https://sabctrc.saha.org.za/reports/volume6/section2/chapter3/subsection2.htm?utm_source=chatgpt.com
[54] IBID, interview with Elizabeth Lira.
[55] IBID, interview with Elizabeth Lira.
[56] Internet Rights and Principles Coalition. *New publication: Internet & human rights*. (Accessed: July 27, 2025). https://tinyurl.com/ydv8h99w

granted legal authority to initiate lawsuits in matters concerning human rights. Since 2010, it has filed cases on behalf of victims of enforced disappearance and political executions. Chilean authorities often cite these initiatives with pride, presenting them as evidence of the state's continued prioritization of responses to the violations committed during the dictatorship.[57]

Boris Hau underscores that families of the victims, particularly women, were the driving force behind the demand: *"Where are they?"* The strength of women was pivotal in the struggle for justice.[58] Similarly, Alicia Lira, President of the Association of Relatives of Politically Executed Persons, emphasized that the organization not only pursued legal complaints, especially at the international level, but also engaged in mobilization and solidarity with families who endured daily persecution. The only viable way to confront state terror was through collective action and organization, holding sit-ins to draw attention to victims' plight, staging protests, chaining themselves to government buildings, and even hunger strikes. These forms of protest became the primary tools by which women denounced the crimes against humanity committed under the dictatorship.[59]

[57] Collins, C. (2017). Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the 'Valech Commission' in Chile. *Journal of Latin American Studies, 49*(1), 59. https://doi.org/10.1017/S0022216X16001437
[58] Interview conducted by the researcher with academic Boris Hau, Santiago, Chile, January 30, 2025.
[59] From an interview conducted by the researcher with Ms. Alicia Lira, IBID.

Reviving National Memory: From Sites of Repression to Spaces of Remembrance

In Chile, many individuals expressed resistance to the dictatorship through creative means, transforming their acts into lasting symbols of memory. One example is **Lotty Rosenfeld**,[60] an innovative activist who, in 1979, launched the campaign *"No +"* ("No More"), which gained widespread support.[61] She employed white street divider lines to create crosses or plus signs (+), symbolizing a collective rejection of torture, repression, human rights violations, violence, and dictatorship. This initiative was carried out in an affluent Santiago neighborhood, where she managed to convince the police that her actions were merely an artistic intervention. Other notable figures, such as Diamela Eltit and Ignacio Agüero, also joined the campaign, which later expanded into the initiative *"Miles of Crosses on the Pavement."* Rosenfeld played a pivotal role in emphasizing the importance of memory and public recognition.

Over time, Chile succeeded in transforming former detention and torture centers into memorials and open spaces, while also constructing monuments to honor those who were killed or disappeared during the military regime. This study highlights some of the key sites of national memory visited by the researcher in Santiago, Chile's capital. Among them is **Villa Grimaldi (Villa Grimaldi, Parque por la Paz)**, which was converted into the *Park for Peace* in 1997, the first memorial of its kind. Once a private villa, the site was transformed after the coup into a detention and torture center under the notorious secret police (DINA).[62] Today, the park includes a memorial wall bearing victims' names and a small rose garden, where each rose is accompanied by a plaque inscribed with the victim's name. Visitors from across Chile and abroad come to witness this site, which serves as testimony to the history of torture during the dictatorship.

Similarly, in 2008, **Londres 38**, once used as a detention and extermination center under Pinochet, was converted into a national memory museum where the names of

[60] For more information on Chilean activist Lotty Rosenfeld (Chile, 1943-2020): https://coleccion.malba.org.ar/una-milla-de-cruces-sobre-el-pavimento/

[61] For more on the work of the Chilean visual artist, access this link (Accessed: July 27, 2025): https://www.instagram.com/mnbachile/reel/CxD5JN_RvTv/?ref

[62] For more information about this memorial, visit: https://villagrimaldi.cl/

detainees are displayed.[63] In 2010, the **Casa Memoria José Domingo Cañas** in the Ñuñoa neighborhood of Santiago, formerly another notorious detention, torture, and execution site, was transformed into a cultural institution, an educational center, and a memory site.[64] It now houses a small foundation, an archive, and memorial plaques inscribed with the names of victims.

Another emblematic site is the **National Stadium (Estadio Nacional Memorial)** in Santiago, which has become a symbol of the atrocities committed during the dictatorship. Thousands of political opponents, including women, were detained there, many tortured, and some killed. The researcher interviewed two survivors who recounted the harrowing experiences of being confined in the cramped underground facilities beneath the stadium stands, where hundreds of people were crowded into small rooms. Strikingly, the memorial bears the message: *"A nation without memory has no future."* Since 2010, the stadium has been formally preserved as a public memory site, serving as both a reminder of state terror and a call to collective remembrance.[65]

Additionally, in 2010, Chilean President Michelle Bachelet, on her personal initiative, inaugurated the Museum of Memory and Human Rights in Santiago, in response to recommendations from the Truth and Reconciliation Commission advocating for the creation of memorial sites.[66] The museum houses numerous photographs of victims, historical documentation of human rights violations, memorial installations, and a large collection of archival materials, including lists of victims' names. In 2023, Chile further expanded its memorialization efforts by unveiling the Memorial to the Disappeared Detainees and Politically Executed at the Santiago General Cemetery, where thousands of names are engraved on a commemorative wall.[67]

Despite Chile's significant achievements in transitional justice over the past three and a half decades, the process of confronting and reconciling with its past remains an ongoing and unfinished task.[68] The Chilean experience of transforming former sites of

[63] Information on Londres 38 can be found at: https://www.londres38.cl/1937/w3-channel.html
[64] For more details about this institution, visit: https://www.josedomingocanas.org/
[65] For extensive information about the detention center at the National Stadium, see: https://www.memoriaestadionacional.cl/
[66] For more information about the project, visit: https://mmdh.cl/
[67] For more details on the memorial, see: *Memorial Website*. (n.d.). Retrieved September 20, 2025, from https://tinyurl.com/bnp28chz
[68] Ferrara, A. (2020). *Restoring the national convivencia through transitional justice: The Chilean case*. Edward Elgar Publishing Limited. https://doi.org/10.4337/9781786433039.00043

detention and torture into national memory spaces illustrates the critical role played by civil society. By systematically documenting abuses and persistently defending victims' rights, civil society laid the groundwork for the state to eventually adopt these initiatives during the country's transition from dictatorship to democracy, transforming them into tangible and enduring spaces of remembrance.

Section Three: Prospects for Benefiting from the Chilean Experience in Yemen

The Need for Documentation as a Foundational Step for Truth-Seeking and Accountability

Given the multiplicity of actors in Yemen's conflict, civil society institutions face an urgent need to strengthen coordination among civic forces to document violations, collect testimonies, and preserve evidence for future use in truth-seeking, reparations, and accountability for crimes that cannot be subject to impunity. If comprehensive legal prosecution proves unattainable, such evidence should remain available for pursuing perpetrators through individual cases, much as occurred in Chile, where the state was unable to prosecute all members of Pinochet's regime, yet civil society organizations successfully filed individual lawsuits that led to hundreds of trials, with some perpetrators sentenced to life imprisonment.

Although Yemen established a "National Mechanism for Monitoring and Investigating Alleged Human Rights Violations Committed in the Territory of the Republic of Yemen by All Parties," under Republican Decree No. (140) of 2012 and subsequent amendments, and in line with the Gulf Initiative, its Implementation Mechanism, UN Security Council Resolutions 2051 (2012) and 2140 (2014), as well as related Human Rights Council resolutions[69], the situation changed dramatically following the Houthi takeover of Sana'a in 2014. With weakened state institutions and the fragmentation of conflict parties, civil society organizations now require a unified system of documentation and archiving, linking civic institutions with the National Commission of Inquiry, in order to strengthen transitional justice mechanisms and preserve victims' rights. The process of gathering evidence remains in need of more rigorous methodologies for collecting and archiving field testimonies, particularly given conflicting reports. Priority must be placed on recording and preserving witness accounts and visual documentation, affirming that victims are not mere statistics.

In this, Yemen can draw valuable lessons from Chile, where documentation was not limited to the Catholic Church, but involved diverse religious groups working in

[69] National Committee for Allegations of Human Rights Violations. Retrieved September 10, 2025, from https://www.nciye.org/?page_id=105

collaboration with civil society institutions. Civil documentation in Chile served as both a defense of victims' rights and a nonviolent form of resistance against dictatorship. The partial success of the Chilean model lay in the synergy between religious institutions, particularly the Church, and civil society organizations. Yemen, therefore, requires stronger coordination among victims' families, civic forces, and religious institutions to ensure that data collection and documentation safeguard victims' rights for the future.

In this sense, similarities can be observed in the patterns of human rights violations, underscoring the role of documentation as both a means of upholding victims' dignity and of uncovering truth through peaceful mechanisms. While independent civic, rights-based, women's, and youth organizations in Yemen have made notable efforts to gather testimonies and evidence despite repression and obstacles, these efforts remain limited. The greatest challenge for Yemeni civil society is the need to stand unequivocally with victims, irrespective of their backgrounds. To succeed, civic institutions must therefore adopt strict, impartial mechanisms. In this light, documentation and archiving of violations during the conflict could provide a critical foundation for any future transitional justice process, enabling Yemen to establish a legal and historical record that safeguards victims' rights and counters impunity.

Adapting Reparations Mechanisms to the Yemeni Context

Building on the Chilean experience with reparations, Yemen can revitalize its **National Reconciliation Committees**, established as an outcome of the 2013-2014 National Dialogue Conference, in a manner similar to Chile's Rettig Commission and the Valech Reports. These mechanisms could document violations, formally recognize victims, and provide reparations.

- Yemen could expand on the Dialogue Conference's proposal to establish a **Reparations and Compensation Fund,**[70] developing it into a program modeled on Chile's **PRAIS** (Integral Health Program for Reparations), which offers medical, social, and psychological services to victims and their families.
- At this stage, strengthening collaboration between civil society organizations and victims' families is essential for linking documentation to reparations processes. Yemeni institutions concerned with victims can also learn from Chile's **Association of Relatives of the Politically Executed,** which mobilized solidarity, organized protests, and drew public attention to victims' plight. In Yemen, a notable example exists in the **Abductees' Mothers Association**, which has persistently advocated for the rights of detainees.[71] Expanding its reach nationwide and institutionalizing its documentation through publications; such as compiling victims' testimonies into a book with profiles and photographs, as done by the Chilean association, could ensure greater recognition for victims.
- Another key lesson from Chile lies in the role of the judiciary. The courage of Chilean judges, even if incomplete, enabled important advances in victims' rights and accountability. For Yemen, strengthening the judiciary's independence and capacity is vital for ensuring reparations and fostering reconciliation.
- Finally, raising public awareness **of transitional justice** as the legitimate path toward reparations remains critical. Initiatives such as designating a **National Day for Transitional Justice,** launched in Yemen on September 1st, 2025 by the Yemeni Youth Forum, can help institutionalize remembrance, strengthen public understanding, and anchor the process of accountability and reconciliation.[72]

[70] National Dialogue Conference. (2013-2014). *Comprehensive National Dialogue Conference final document* (p. 72). Sana'a. Retrieved September 9, 2025, from https://constitutionnet.org/sites/default/files/final_outcome_document-arabic.pdf

[71] Abductees' Mothers Association. (n.d.). *About us*. Retrieved September 20, 2025, from https://ama-ye.org/ar/%D9%85%D9%86-%D9%86%D8%AD%D9%86/

[72] Yemen Youth Forum. (2025, September 11). *Adopting a national day for transitional justice in Yemen*. Sana'a Center for Strategic Studies. Retrieved September 20, 2025, from https://sanaacenter.org/ypf/ar/nadopting-a-national-day-for-transitional-justice-in-yemen/

Leveraging the Chilean Experience in Preserving National Memory for Yemen

The Chilean case demonstrates the importance of cooperation between civil society and the state in memorializing national memory, acknowledging victims in a way that ensures continuous remembrance of a dark past while raising collective awareness. In this context, when Chilean President Ricardo Lagos addressed the nation in August 2003 with his proposal on human rights, titled *"No Tomorrow Without Yesterday,"* he introduced measures to strengthen truth-seeking and justice, enhance social reparations for victims, and reinforce society and its institutions to prevent recurrence.[73] The essence of that message was that Chile's future could not be built without confronting its past; the legacy of human rights violations could neither be erased nor denied.

This unique experience also reflected the triumph of victims' families, who gained a sense of recognition and symbolic justice through the establishment of museums, memorial parks, monuments, and the transformation of former sites of repression, torture, and killings into educational and commemorative spaces. These initiatives enabled Chilean society to engage critically with its past and guard against its repetition. As part of transitional justice measures, national memory projects seek not only to raise awareness of histories of violence and violations but also to promote objectives such as preventing future violence, strengthening democratic institutions, and consolidating peace and stability.[74] From this perspective, Yemen stands to benefit in several ways:

- Yemen requires a **national memory program** to honor victims and prevent the recurrence of violations by adopting a Chilean-inspired approach. This would involve identifying current sites of repression, detention, and torture, with the aim of transforming them into spaces of memory in the future, while adapting such initiatives to Yemen's unique local context and conflict dynamics.

[73] Lagos, R. (2003). *No hay mañana sin ayer: Propuesta del Presidente Lagos sobre derechos humanos.* Biblioteca Digital del Instituto Nacional de Derechos Humanos de Chile. ["No Tomorrow Without Yesterday: President Lagos's Proposal on Human Rights." Digital Library of the National Institute of Human Rights of Chile.]. Retrieved September 20, 2025, from https://bibliotecadigital.indh.cl/items/0a8897d7-8f94-4494-947b-be08a876fe03

[74] Bakiner, O. (2016). *Truth commissions: Memory, power, and legitimacy* (Part III, pp. 183-212). Philadelphia: University of Pennsylvania Press.

- Such spaces could include **museums**, like the initiative launched by *SAM for Rights and Liberties*, in partnership with the *Abductees' Mothers Association* and the *DT Institute*, and in coordination with the local offices of Social Affairs, Culture, and the General Authority for Antiquities and Museums, through the establishment of the **Memory Museum in Taiz**.[75]
- Future initiatives might involve building **memorials and symbolic parks** containing archives and documentation of victims, serving as tools of remembrance, recognition, and acknowledgment of victims' rights, while fostering national reconciliation, citizenship, equality, and the prevention of future violations.
- Survivors of prisons, particularly those released from the detention facilities of different conflict parties, should be directly involved in national memory projects. Their participation would lend credibility to such initiatives and help build a collective memory that safeguards their rights as well as those of other victims.
- Yemen can also learn from Chile's experience of eliminating **symbols and practices that glorified armed groups and their figures**, replacing them with days of remembrance for victims, such as a National Day for the Disappeared and Forcibly Missing, or a day commemorating victims of torture. The objective of such symbolic acts is to preserve the memory of victims, both morally and collectively, as a foundation for reconciliation and justice.

[75] Yemen Future. (2025, September 5). *Yemen: Human rights organizations inaugurate "Memory Museum" to document the Houthi siege of Taiz*. Retrieved September 10, 2025, from https://yemenfuture.net/news/33508

Similarities and Dissimilarities Between the Yemeni and Chilean Experiences

I: Similarities

Aspect	Chile	Yemen
Nature of Violations	The Pinochet regime committed numerous crimes, including extrajudicial killings, torture, and enforced disappearances.	Parties to the conflict have committed numerous crimes, including enforced disappearances, torture, extrajudicial killings, and the siege of cities, as in the case of Taiz.
Need for Reconciliation	The Chilean opposition needed political reconciliation to overcome divisions and avoid cycles of revenge. Despite societal resistance and pressure, fearing that reconciliation might come at the expense of victims, this process ultimately led to reparations for the victims.	Yemen requires political reconciliation similar to the Chilean experience, subject to implementation in phases through transitional justice and does not come at the expense of victims' rights.
Role of the State in Establishing Truth and Reconciliation Commissions to Implement Reparations	The Chilean state established truth and reconciliation commissions to implement reparations and address the legacy of past violations.	The Yemeni state is currently fragmented and needs to rebuild its institutions. After the cessation of hostilities and agreement on a transitional phase, it could establish commissions similar to those in Chile.
Recognition of Violations and Victims' Rights for Reparation	Chile successfully addressed reparations and recognized victims through the Rettig Commission and the Valech I and II reports.	In Yemen, acknowledging the victims is essential as a foundational step toward achieving long-term justice and reconciliation.

II: Dissimilarities

Aspect	Chile	Yemen
Nature of coordinat-ion between civil society organizations and the Church	There was coordination and harmony between civil society and the Catholic Church.	Civil society institutions still need a certain level of coordination among themselves and with other religious institutions, such as mosques.
Nature of the conflict	A centralized military dictatorship against the opposition.	Local military and political conflicts are multiple, with competing local projects and regional interventions.
State institutions	State institutions remained intact and were reformed.	State institutions are no longer cohesive; there are de facto institutions in Sana'a and legitimate ones in Aden, but they lack cohesion due to conflicts among the parties within the legitimate government.
Duration of the violations	The period was defined and lasted 15 years.	Ongoing and intermittent conflicts have persisted for decades, both before and after the 1990 unification of North and South Yemen. These conflicts persist.
Support from regional and international community	Chile received international support for successful transitional justice, and neighboring countries like Argentina did not intervene as they were addressing their own internal issues through transitional justice.	Yemen receives international support from international organizations to implement transitional justice; however, conflicting regional interventions may hinder its implementation, as these actors are directly involved in the conflict.

Lessons Drawn from the Chilean Experience in Building Transitional Justice in Yemen

The Chilean experience demonstrates that transitions after the fall of a dictatorial regime are neither easy nor linear, and dealing with the legacy of the past is a long, complex, and intertwined process. It cannot be reduced to a set of ready-made theoretical principles of justice to be applied easily to Yemeni society. This was clearly evident in Chile after Pinochet's rule (1973-1990), where civil society organizations played a pivotal role, creating tools and institutions to defend victims in ways adapted to Chilean society. Drawing lessons from Chile for Yemen, several key points emerge:

1. **The Role of Civil Society:** As in Chile, active Yemeni civil society remains closest to the victims and their concerns, despite limited capacities. Its organizations must form an organized pressure group, intensify public awareness to support transitional justice, and ensure it is not confined to elite circles.
2. **Link Between Political Transition and Transitional Justice:** In Yemen, the transition toward peace remains incomplete, with ongoing military and political conflicts between the government and non-state armed groups. The form of transitional justice will depend on the willingness of political parties and armed groups to engage in a political settlement and accept transitional justice mechanisms rather than relying solely on reconciliation or blanket amnesties. Civil society must play a decisive role in rejecting compromises that sacrifice victims' rights, as Chilean civil forces did. Solutions should aim for a just and sustainable peace, rather than perpetuating conflict or granting impunity. Given Yemen's armed society and the popular belief expressed in the proverb, *"A free man never forgets his revenge"*, any settlement not based on justice and reparation risks failure and a return to cycles of violence.
3. **Economic and Social Factors:** These factors play a crucial role in the speed and feasibility of implementing transitional justice. In Yemen, resources are scarce, and the number of victims and affected groups is high, which will slow compensation and reparations. Yemen therefore requires broad regional and international

financial and technical support to ensure the effective implementation of transitional justice mechanisms.

4. **Importance of Defining Key Concepts:** Transitional justice cannot be implemented without a shared understanding among conflict parties of who constitutes a "victim" or a "perpetrator," as well as which periods are included (e.g., 1994 civil war, 2011 events, the fall of Sana'a in 2014, and subsequent violations). Chile succeeded by clearly defining these concepts in practice before implementing justice mechanisms.
5. **Truth-Telling as a Foundational Step:** Chilean truth commissions highlighted the critical role of documentation and truth-telling as a foundational step for reparations and preserving memory. In Yemen, multiple narratives exist due to divided conflict parties, making comprehensive truth-telling essential to prevent the re-emergence of war rhetoric and hatred and to safeguard society from historical manipulation.
6. **The Long and Complex Nature of the Process:** Unrealistic expectations should be avoided. Transitional justice in Yemen must be understood as a gradual, relative, and slow process, achieved through progressive stages with inherent obstacles. It is essential to involve victims in designing solutions to address the legacy of the past effectively.

The Role of National Reconciliation as a Goal of Transitional Justice in Post-War Yemen

National reconciliation is a noble objective, achieved politically through a comprehensive and sustainable peace agreement, and socially through the adoption of transitional justice mechanisms. Transitional justice provides a pathway to truth-telling, victim redress, and accountability for perpetrators, thereby laying the foundation for national reconciliation as one of its primary outcomes. Without transitional justice, national reconciliation remains incomplete and incapable of producing sustainable peace. Previous experiences in Yemen have shown that attempts to address the legacy of the past without transitional justice failed to resolve the root causes of conflict.[76]

In Yemen, truth and justice must precede any reconciliation. Skipping justice in favor of political reconciliation, as occurred during the 2013-2014 National Dialogue Conference, where political reconciliation preceded discussions on transitional justice, risks undermining sustainable peace. Successful peace processes depend on implementing transitional justice mechanisms that ensure truth-telling, victim redress, and the development of mechanisms to reform state institutions alongside a national reconciliation project that rebuilds trust among conflict parties and the broader society.

Transitional justice in Yemen also requires the establishment of strong deterrent laws to prevent impunity. If conflict parties reach a consensus on restorative justice, including compensating victims, redressing harms, and building national memory to protect society from repeating past violations, these laws must ensure that perpetrators cannot regain positions of power. Furthermore, preventive mechanisms such as guarantees against recurrence and early-warning systems are essential to avoid the resurgence of conflict. Legislative reforms and enforcement of human rights laws are crucial, as is the protection of witnesses and victims, along with active engagement of civil society. Any political reconciliation that bypasses transitional justice is unlikely to endure, just as transitional justice cannot be complete without reconciliation that restores what war has destroyed across social, political, and institutional levels, what Ali Al-Arshani describes in his article "Transitional Justice in Yemen and the Problem of Delayed Peace: A Reading in Light of Sustainable Justice."[77]

Thus, Yemen needs to implement transitional justice and national reconciliation mechanisms to address past violations and ensure they are not repeated, while adapting these mechanisms to the current local context.[78]

[76] Al-Mekhlafi, M., & Mashhour, H. previously cited reference, p. 18.

[77] Al-Arshani, A. (2025). *Transitional justice in Yemen and the dilemma of delayed peace: A reading in light of sustainable justice*. Arab Democratic Center. Retrieved September 15, 2025, from https://democraticac.de/?p=106330

[78] Al-Hitar, M. (2025). *Transitional justice and national reconciliation in Yemen: A comparative study*. Moroccan Center for Justice. Retrieved September 15, 2025, from https://tinyurl.com/48xxp39z

Concluding Remarks

Based on the analysis of the Yemeni context and lessons from the Chilean experience, this study finds that transitional justice represents a crucial pathway to achieving sustainable peace and national reconciliation in Yemen. Relying solely on fragile political agreements and reconciliations, without addressing victims' rights, has proven insufficient in resolving Yemen's complex crises.

Key challenges to transitional justice in post-war Yemen include the lack of genuine willingness among conflict parties to accept it, limited resources, and political, judicial, and social fragmentation. These obstacles impede truth-telling and victim redress.

The Chilean experience demonstrates that the success of transitional justice depends not only on political will but also on the active role of victims' families and civil society in documentation, archiving, truth-telling, and advocating for victim redress programs. Yemeni civil society organizations can begin adopting these approaches immediately.

In brief, Yemen can effectively draw on the Chilean model to build a transitional justice framework based on truth-telling, victim redress, preserving national memory, and reforming state institutions to ensure that past violations are not repeated.

General Recommendations

1. **To all relevant parties in Yemen**; Including the government, non-state armed groups, and key stakeholders: The adoption of a comprehensive transitional justice framework represents the only viable pathway to achieve sustainable national reconciliation and address the root causes of conflict. This framework should encompass victim redress, preservation of national memory, and fair compensation for victims, with particular attention to the most vulnerable populations, including women, children, and marginalized groups. Such an approach is essential to avoid repeating the failures of previous political agreements and reconciliations that neglected victims' rights and failed to establish lasting peace in Yemen.
2. **To civil society organizations in Yemen**: The Chilean experience demonstrates the critical role of civil society in documenting violations, promoting truth-telling, preserving memory, and ensuring reparations for victims. Yemeni civil society can develop a transitional justice program tailored to local realities, adopting structured approaches to documentation, archiving, advocacy, and community engagement as outlined in this study.
3. **To international actors and partners**: Supporting Yemeni civil society is vital for the successful implementation of transitional justice. This includes capacity-building initiatives, training for experts, strengthening documentation and archival institutions, and promoting local awareness campaigns on the importance of transitional and restorative justice.
4. **To the Office of the UN Special Envoy to Yemen**: Local transitional justice initiatives must be prioritized and integrated into any political agreement. Embedding these initiatives in formal peace processes ensures protection of victims' rights, strengthens accountability, and contributes to a just and inclusive national reconciliation.

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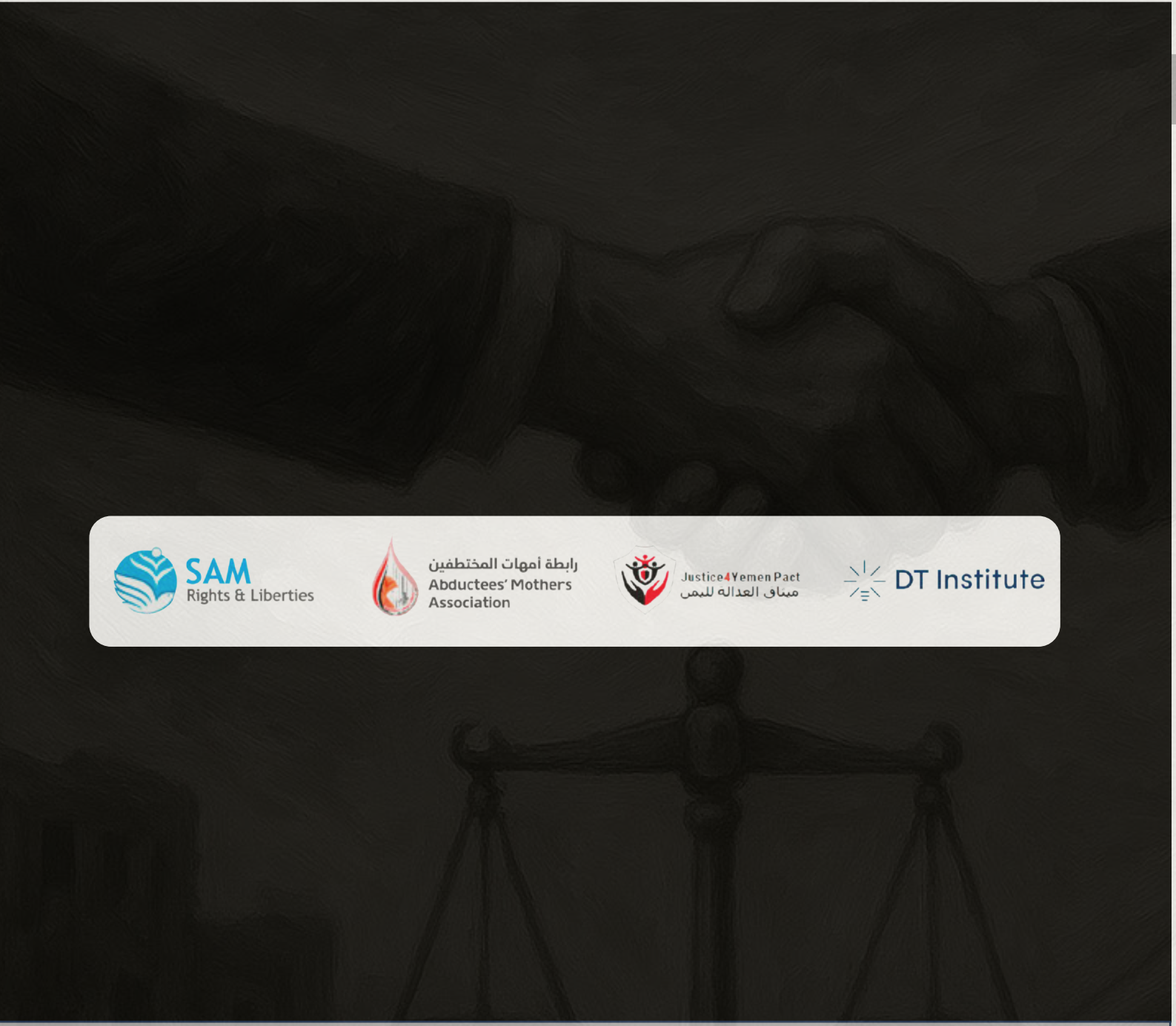

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