



The Role of Tribal Customs in Promoting

Transitional Justice Concepts

In Yemen



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About us:



Executor:

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Program

The peace support program in Yemen through accountability, reconciliation, and knowledge exchange (Spark) .

This paper was written and published as part of the Spark program, funded by the DTI Institute. The Spark program enables local communities and civil society to better understand, apply, and innovate transitional justice mechanisms, thereby enhancing comprehensive community participation in Yemeni transitional justice as a necessity for achieving sustainable national peace. Spark program works closely with the Justice for Yemen Partnership (J4YP) alliance, consisting of ten Yemeni civil society organizations advocating for justice, accountability, and peacebuilding for human rights violations victims across Yemen. Within this program, Spark partners and J4YP members engage local communities and political actors in reconciliation and transitional justice initiatives to enhance their capacities in transitional justice processes.

About DT Institute

DT Institute is a non-profit organization committed to “implementing development differently.” It implements complex global development programs in conflict-affected, fragile, and closed environments. It also funds intellectual leadership initiatives that foster innovation and improve people’s lives through evidence-based programs. DT Institute collaborates with communities and leaders to help build and sustain more resilient, just, inclusive, and democratic societies.

Executive Summary:

This paper addresses the topic of tribal customs and their role in enhancing transitional justice concepts in Yemen, based on a deep understanding that any approach to justice in Yemen cannot be effective without considering the social structure and cultural reference points that have historically been instrumental in organizing relationships, resolving conflicts, and achieving societal balance. Tribes in Yemen are not just a social framework based on tradition and custom; they represent a binding reference in various political, social, and legal issues.

Yemen has faced complex challenges in achieving transitional justice due to the accumulation of human rights violations during periods of political, social, and military conflicts, leading to the dismantling of state institutions and the absence of a comprehensive and unified justice system. In this context, tribal customs emerged as an effective local community system that historically contributed to resolving conflicts, easing tensions, and achieving a form of societal peace, especially in areas where the state and its judicial apparatus are absent.

This paper posits that tribal customs in Yemen are not at odds with transitional justice concepts but, if reframed within a rights-based approach and directed accordingly, can become a supportive channel for its goals through mechanisms for arbitration, reconciliation, redress, truth-seeking, and ensuring non-recurrence. Therefore, the paper aims to analyze the relationship between the local customary system and the transitional justice system, explore points of convergence and divergence, and propose practical policy alternatives that can contribute to building a suitable model of transitional justice in the Yemeni context. The paper relied on an analytical review of various sources, including Yemeni legislative projects, field experiences in reconciliation, research literature, local experiences, and international evidence. It also benefited from the outcomes of community discussions and related workshops. The review highlighted a set of harmonious customary concepts with transitional justice focusing on the importance of formalizing positive customs, training local mediators, integrating tribal mechanisms within institutional frameworks based on transparency, justice, and rights, and providing a realistic and sustainable foundation for peace in Yemen in which tribal customs play an active role.

The paper found that there are potential resources in tribal customs that support transitional justice related to justice and reconciliation. It showed that Yemeni tribal sayings, as a cultural heritage, promote justice concepts, demonstrating how Yemeni popular consciousness is a reserve of values intersecting with transitional justice. Through similar international experiences that show the success of integrating official justice with local traditions, it is possible to draw inspiration for a genuine Yemeni justice experience.

The paper confirmed the ability of Islamic concepts to enhance transitional justice by combining Islamic references with customary references. It also identified the main challenges in enhancing the role of tribal customs in reconciliation and transitional justice. From the results, it was found that during the years of war in Yemen, tribal customs have proven their ability to play crucial roles in conflict resolution and tension alleviation.

The achievements such as opening roads between disputed provinces, negotiating prisoner exchange agreements, and resolving complex local disputes in the absence of the state illustrate that integrating tribal customs into the transitional justice process as a locally accepted mechanism will enhance the chances of success. Finally, the paper emphasized the need to formalize positive customs, train local mediators, and establish institutional frameworks to ensure compatibility between customary and rights-based references, thereby enabling tribal customs to contribute to building sustainable peace based on justice and fairness. In conclusion, the paper shows that transitional justice in Yemen will not be an imported or detached process from local culture but should be rooted in the customary, Islamic, and popular heritage. Summoning and systematically harnessing this cultural reserve can bridge modern justice and tribal awareness, contributing to building a more acceptable and effective transitional justice process in the Yemeni context.

Introduction:

Yemen, with its rich historical heritage and deeply rooted social systems, has been experiencing an unprecedented humanitarian and political crisis since 2011, which escalated with the outbreak of war in 2014. This has resulted in over 4.5 million displaced people and 23,000 human rights violations according to United Nations reports. The conflict has led to the collapse of official institutions and left behind a heavy legacy of grave human rights abuses, including killings, displacement, and economic destruction.

Since transitional justice seeks to address this legacy by uncovering the truth, holding perpetrators accountable, providing reparations to victims, and reforming institutions to prevent recurrence, its process has been severely hindered by institutional division, lack of political will, and security tensions. In this vacuum, tribal customs have emerged not as a temporary substitute but as a deeply entrenched socio-legal system that predates the modern state itself. These customs, rooted in Islamic values and local traditions, have played a decisive role for centuries in regulating relations and resolving disputes among tribes. In areas such as Marib and Shabwa, more than 90% of disputes are prevented or resolved through the customary law system (Ref. 11, p.6). The Community Peace Forum in Marib Governorate – a civil society organization composed of tribal figures, youth, lawyers, and academics – resolved 11 blood-feud and murder cases, facilitated temporary settlements in 85 cases, and directly or indirectly intervened in 17 other blood-feud cases (Ref. 13).

Through its various tools, tribal customs and mediation offer concepts parallel to the principles of transitional justice. These customs are characterized by organizational flexibility, community acceptance, and proximity to local realities, having succeeded in resolving complex disputes. The Community Peace Forum in Marib has intervened in 164 different disputes and is preparing to engage in more than 500 pending cases (Ref. 13).

However, despite these successes, the customary system faces serious challenges, such as limited transparency, the potential for some practices to conflict with human rights (particularly for women and displaced persons), and weak coordination with official institutions. This highlights the need for integration between customs and formal mechanisms to strengthen comprehensive justice and lay the foundations for peace, especially in areas where tribes form the backbone of society—estimated at 70% to 80% of Yemen's population (Ref. 14, p.2).

Tribal customs have enormous potential for reconciliation, particularly in tribal areas. International experiences can be drawn upon, such as Rwanda's Gacaca courts and Afghanistan's tribal jirgas, which have demonstrated the possibility of adapting customs to transitional justice. Including victims in these processes can enhance transparency and broaden the impact. Within the next five years, Yemen could become a global model for integrating tribal customs with formal justice, where victims enjoy their rights and tribes serve as key partners in building peace.

This paper calls on everyone—from tribal leaders to victims to authorities—to take immediate steps to achieve this vision, beginning with training workshops and culminating in comprehensive legal reforms. It aims to explore ways to harness tribal customs to strengthen transitional justice concepts, focusing on core principles such as reconciliation, reparations, and guarantees of non-repetition in a manner that serves victims and respects Yemen's unique context.

It specifically targets tribal leaders as local reconciliation leaders, victims as the core of justice, the judiciary and security sector as the backbone of law enforcement, the National Reconciliation Committee as the coordinator of peace efforts, and the UN Envoy's Office as an international supporter. The paper presents a practical vision for integrating customs with formal justice, offering policy recommendations to promote comprehensive peace.

Objectives of the Paper:

This paper generally aims to present ways to achieve transitional justice in Yemen by harnessing tribal customs, with a focus on supporting victims and building peace. It also seeks to strengthen cooperation between tribal leaders, official authorities, and the international community to make tribal customs an effective tool for national reconciliation.

Specific Objectives:

- 01** To understand the relationship between tribal customs and the concepts of transitional justice.
- 02** To highlight the role of tribal customs in reconciliation and reparations.
- 03** To explore the integration of tribal customs with formal frameworks in a manner that respects the Yemeni context.
- 04** To identify challenges and propose practical solutions.
- 05** To provide policy recommendations to relevant stakeholders for building comprehensive justice.



Methodology of the paper

This paper relied in its analysis on a comparative analytical methodology aimed at exploring the points of intersection and complementarity between the transitional justice system and tribal customs in Yemen. This methodology was applied through two main steps:

Step One: Identifying the Principles and Tools of Each System

The core principles of transitional justice, as adopted in international frameworks and UN reports, were examined. These include: truth-seeking, accountability, reparations, victim compensation, victim rehabilitation, institutional reform, and guarantees of non-repetition.

In parallel, traditional Yemeni practices for conflict resolution were analyzed through a review of historical literature and field studies, extracting the core principles of tribal customs, most notably: reconciliation, blood money and compensations, arbitration, mediation, surety/guarantees, and delegation.

Step Two: Comparative Analysis and Identifying Points of Convergence and Divergence

After defining the principles, a detailed comparison was conducted between the two systems to assess their areas of alignment and divergence. The analysis revealed strong intersections, where, for example, the mechanism of "reconciliation" (sulh) can serve the principle of "reconciliation" in transitional justice, and "blood money (diyya)" represents a form of "reparation."

However, the analysis also uncovered significant challenges, most notably that some customs may conflict with universal human rights principles, and that the absence of formal documentation weakens the possibility of full accountability. Based on this analysis, recommendations were developed to enhance areas of complementarity and address challenges to ensure the effectiveness of transitional justice in the Yemeni context

Third: Policy-Oriented Conclusion for Formulating Recommendations that Address the Needs of Tribal Leaders, Victims, and Authorities

General Context of the Paper: The Scale of the Crisis and the Voice of Victims

This paper is presented against the backdrop of the complex situation Yemen is experiencing, where the fragmentation of the state and armed conflicts have led to the collapse of the formal justice system and the emergence of a need for alternative local solutions. In this context, tribal customs have gained prominence as a community-based system deeply rooted in Yemeni culture, raising questions about the possibility of integrating them into the process of transitional justice.

Over the past decades, Yemen has experienced successive waves of political, military, and social conflicts, resulting in fragile state institutions and a significant judicial vacuum.

The Voice of Victims and Marginalized Groups

At the heart of this national tragedy, victims—who constitute the core of any genuine justice—are left on the margins of the equation. Women who have lost their children or been displaced, internally displaced persons living in camps with little hope, and youth crushed by the machinery of war remain absent from the scenes of dialogue and reconciliation. Even the tribal customs system often reflects the dominance of traditional power structures and is managed with an elitist perspective, perpetuating exclusion rather than ensuring fairness.

Victims are not only individuals who have suffered harm; they are the carriers of the collective memory of pain. Without their inclusion, reconciliation loses its meaning, and justice becomes merely formal. Accordingly, this paper calls for placing the voices of victims at the heart of any transitional justice process, whether formal or customary, by involving them in designing initiatives rather than merely benefiting from them. Their narratives should be documented as part of the national truth and accompanied by guarantees to prevent the recurrence of violations. This is precisely what this paper seeks to contribute to within its integrative vision between tribal customs and the transitional justice system

The Scale of the crisis

Although part of the magnitude of the crisis was mentioned in the introduction of the paper, it is necessary to address it explicitly in this section to properly frame the context of the analysis. Since 2011, Yemen has entered a prolonged tunnel of political, social, and humanitarian crises, which soon escalated into a full-scale civil war. In 2014, the country's capital fell, and these developments led to the near-total collapse of state institutions, the breakdown of the formal justice system, and the emergence of a vast legal vacuum. This vacuum was largely filled by tribal customs, which became the de facto alternative in most areas, particularly in rural regions and those far from centers of authority. Tribal mechanisms also played a role in resolving certain issues even within the state's core and urban centers.

During this period, Yemenis endured grave human rights violations, including extrajudicial killings, arbitrary detentions, enforced disappearances, torture, forced displacement, and violations against women and children. Within this fragmented reality, justice became a deferred dream, and victims found no platform to voice their grievances other than through tribal customs—or through imposed silence. While these customs were able, to some extent, to contain many conflicts, in several cases they fell short of ensuring comprehensive redress for victims or meeting the principles of holistic justice that guarantee fairness, accountability, and genuine reparations

Tribal Customs in the Yemeni Context



Tribes form the backbone of Yemeni society, relying on mechanisms for conflict resolution and community reconciliation such as *Sulh* (settlement/reconciliation), *diyya* and fines as monetary compensation, and *al-jāh* and *al-maqbūl* as forms of mediation. These and other customs have successfully prevented the escalation of disputes, contributed to the settlement of many conflicts, and helped avert the emergence of new local tensions.

International Experiences

International experiences provide valuable lessons for Yemen. In Rwanda, Gacaca courts—where the term "Gacaca" literally means "grass," referring to the practice of sitting on the ground to address issues—were used as a traditional community-based mechanism to resolve disputes between families. By 2001, approximately 115,000 cases were pending. These courts operated outdoors, often under trees, with heads of households acting as judges across thousands of local courts, handling smaller cases. Overall, the Gacaca courts were able to resolve around 1.5 million cases between 2001 and 2010 (Reference 15)

Local communities elected judges to try suspects accused of genocide. The courts issued reduced sentences if the individual repented and sought reconciliation with their community, with all sessions formally documented. According to the 2020 Rwandan Reconciliation Index, the average reconciliation rate increased between 2010 and 2020, ranging from 82.3% to 94.7% (Reference 16, p. XIII).

In Afghanistan, the Jirga system has been supported as a traditional mechanism for dispute resolution. In the local dialect, the first part of the term (Loya) means “grand” or “extended,” while the second part (Jirga) refers to a “council of reconciliation” or “peace assembly,” forming the Grand Reconciliation Council. The Jirga is an advisory tribal body and a longstanding tradition in Afghan history, where tribal leaders, political and religious figures, and other community representatives convene to discuss and resolve matters related to their political and public affairs. Meetings continue until a decision is reached through consensus and mutual understanding.

After security conditions deteriorated in the country, the reconciliation council extended its role beyond Afghanistan, leading to the establishment of a joint Afghan-Pakistani Loya Jirga. The Afghan political experience demonstrates that such tribal councils will continue to play a role in the future and remain closely aligned with the Afghan tribal societal structure. Afghanistan has also integrated this tribal system into the development of its formal state institutions.

These experiences underscore the importance of documentation and coordination with formal institutions, offering lessons that can be adapted to Yemen while considering its unique cultural and social context

Concepts of Transitional Justice

Transitional justice constitutes a global framework for addressing the legacy of serious human rights violations in societies emerging from conflict or oppressive regimes, with the aim of building sustainable peace and restoring trust between communities and institutions. In the Yemeni context, where the local conflict since 2014 has led to the disintegration of state institutions and the displacement of millions, transitional justice emerges as a vital tool for achieving reconciliation, providing reparations to victims, preventing the recurrence of such violations, holding perpetrators accountable, and uncovering the truth.

Transitional Justice – Definition and Concepts

Transitional justice is defined as a set of judicial and non-judicial mechanisms implemented by states in the aftermath of conflict or repressive rule, aimed at addressing serious human rights violations, ensuring accountability, providing reparations, and achieving societal reconciliation.

Key Concepts:

- ◆ Truth-Seeking: Documenting and understanding the violations that occurred, identifying those responsible, and giving victims a voice in the historical narrative.
- ◆ Accountability: Ensuring that perpetrators do not go unpunished, through fair trials or alternative forms of restorative justice.
- ◆ Reparation: Providing moral and material compensation to victims, reinforcing dignity and restoring their rights.
- ◆ Non-Recurrence: Establishing guarantees to prevent future violations.
- ◆ Reconciliation: Building trust among societal components and establishing civil peace based on justice, coexistence, and a shared national identity.
- ◆ Institutional Reform: Reforming security, judicial, and educational institutions, and rebuilding and restructuring laws and regulations.



Challenges in Yemen

Yemen faces complex challenges that hinder the implementation of transitional justice due to the ongoing conflict. These challenges include the disintegration of formal institutions, lack of political will, security tensions, and limited resources, all of which have weakened the judiciary's capacity to address violations and achieve reconciliation.

In this context, tribal customs emerge as an effective mechanism for national reconciliation, but they face multiple obstacles, which will be discussed in the following sections. This section aims to analyze the main challenges obstructing the application of transitional justice in Yemen, highlight the opportunities offered by tribal customs to overcome them, and provide a clear vision for addressing these challenges through the integration of customary and formal frameworks to ensure comprehensive and sustainable justice tailored to the Yemeni context.

The most prominent challenges facing the implementation of transitional justice in Yemen include:

- ♦ Immunity Law (2012): Part of the Gulf Initiative aimed at resolving Yemen's political crisis, this law grants full immunity to former President Ali Abdullah Saleh and officials who served under him in state institutions. While intended to facilitate the peaceful transfer of power and avoid confrontation, the law faced widespread criticism from local and international human rights organizations, which argued that it conflicted with Yemen's international obligations to prevent impunity and prosecute those responsible for serious human rights violations (Reference 17).
- ♦ Institutional Disintegration: Weakens the ability to conduct trials and establish truth commissions.
- ♦ Ongoing Conflict: Continues to obstruct reconciliation efforts.
- ♦ Political Divisions: Hinder the development of a unified strategy.
- ♦ Limited Local Resources: Restrict the provision of reparations and compensation.
- ♦ Societal Skepticism: Doubts regarding reconciliation processes and the institutions implementing them reduce public trust in these mechanisms.

Concepts of Transitional Justice in Islam: Legal grounding and Comparative Approach

Islamic values form a cultural foundation in Yemen and serve as a core pillar in shaping the social and cultural identity of Yemeni society. Concepts such as justice, mercy, reconciliation, and reform are deeply rooted in Islamic law (Sharia), making it an ideal framework to support transitional justice in the context of the Yemeni conflict.

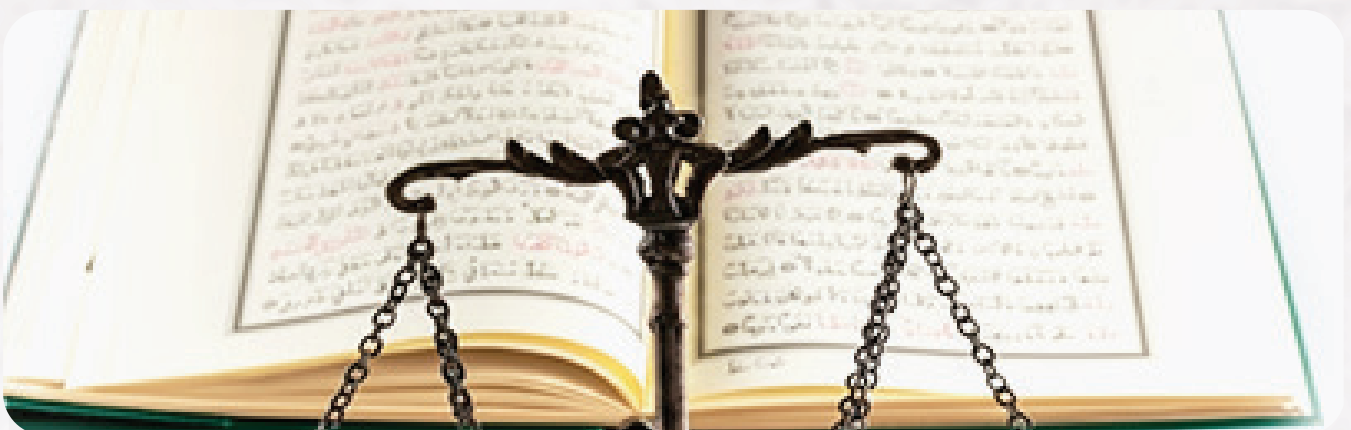
In tribal communities, Sharia principles like justice and mercy intersect with transitional justice, as religious guidance and preaching carry profound spiritual influence. Tribal members are closely connected to Islamic values that promote forgiveness, reparations, and the resolution of enmities. This spiritual connection enhances the role of religious leaders and tribal sheikhs in encouraging communities toward justice and reconciliation, making the Islamic perspective an effective tool for preparing societies to achieve sustainable peace.

The Concept of Justice in Islam

Justice in Islamic law (Sharia) is not merely a legal procedure; it is a central value that permeates all aspects of life and constitutes the core of the relationship between the ruler and the governed, as well as among individuals and within society.

Allah Almighty says: "Indeed, Allah commands justice and good conduct" (Surah An-Nahl: 90), and He also says: "And when you judge between people, judge with justice" (Surah An-Nisa: 58).

Ibn al-Qayyim defined justice as: "placing each thing in its proper place and giving every right-holder their due, without oppression or bias." Al-Mawardi stated: "Justice is the order of everything, and through it all affairs are properly established."



Transitional Justice as a Contemporary Concept

Islamic concepts converge with and intersect several core pillars of transitional justice, serving the goals of national reconciliation and social cohesion. Islamic principles, based on values such as forgiveness, tolerance, justice, and reparation, provide an ethical and spiritual framework that can be relied upon to address the legacy of conflicts and serious human rights violations. In this context, transitional justice mechanisms do not conflict with Islamic principles; rather, they derive additional legitimacy from them, as will be elaborated in the following sections.

Truth and Testimony

As stated in Surah An-Nisa (4:135), God commands adherence to justice in giving testimony, even if it is against oneself or one's relatives: "O you who believe! Stand firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, or your relatives."

This principle supports the goal of transitional justice in uncovering facts through truth commissions or tribal reconciliation sessions, where community leaders can ensure transparency in local investigations.

2-Compensation and Blood Money

As stated in Surah Al-Baqarah (2:178): "O you who believe! Prescribed for you is retribution for those murdered... But if any remission is made by the brother of the slain, then grant any reasonable demand and pay with good conduct."

This verse underpins the principle of blood money (diyah) as a fair form of compensation for killing or injury, a practice deeply rooted in tribal customs. It aligns with the concept of reparations for victims. With the support of tribal leaders, victims may claim fair compensation while the judiciary ensures its conformity with the law.

3-Reconciliation and Reform

As stated in Surah Ash-Shura (42:40): "The recompense for an injury is an injury equal thereto; but if one forgives and makes reconciliation, his reward is with Allah. Indeed, He does not love the wrongdoers."

This principle strengthens the role of tribal customs in reconciliation, where elders lead mediation sessions to end hostilities—supporting the goal of reconciliation in transitional justice. Religious leaders can further promote this principle through preaching and guidance.

4. Repentance and non-recurrence

As stated in Surah At-Tawbah (9:104): "Do they not know that it is Allah who accepts repentance from His servants and receives their charities?"

This verse points to the acceptance of repentance and the correction of deeds, which aligns with ensuring non-repetition of violations. Tribal and religious leaders can use this principle in reconciliation sessions to encourage parties to pledge not to return to violence.

5-Retribution and Accountability

As stated in Surah Al-Baqarah (2:178): "But if any remission is made by the brother of the slain, then grant any reasonable demand and pay with good conduct."

This verse emphasizes qisas (retribution) as a means of accountability while allowing for forgiveness. This principle supports holding offenders to account in a fair manner—whether through customary penalties (such as fines) or judicial measures. Judicial and security authorities can coordinate with tribal leaders to ensure that decisions are consistent with the law.



Transitional Justice Concepts and Their Parallels in Islam

Transitional Justice Concept	Islamic Equivalent
Accountability and Non-Impunity	The rule that “ḥudūd (prescribed punishments) do not lapse with time,” and the saying of the Prophet ﷺ: “If Fatimah, the daughter of Muhammad, were to steal, I would cut off her hand.”
Reparations	The jurisprudence of blood money (diyāt), reconciliation, compensation, and the obligation to lift injustice and return rights.
Right to the Truth	The encouragement of testimony and the prohibition of concealing it: “Do not conceal testimony” (Al-Baqarah 2:283).
Community Reconciliation	The principle of making peace between people: “So make settlement between your brothers” (Al-Hujurat 49:10).

Scholars’ and Thinkers’ Statements on Justice in Islam

- ♦ **Ibn Taymiyyah said:**
“Justice is obligatory from everyone toward everyone, in every circumstance; and oppression is never permissible under any circumstance.”
- ♦ **Muhammad Al-Ghazali stated:**
“Justice is not only in the enforcement of rulings, but also in the distribution of opportunities, in speaking the truth, and in giving the weak their due.”
- ♦ **Malek Bennabi affirmed:**
“Justice in Islam is not a grant from the state; it is a right of the individual and a duty upon the community.”

Transitional Justice and Islamic Jurisprudence

Islamic jurisprudence is a rich field containing concepts and mechanisms that intersect with transitional justice, particularly in the following areas:

Reconciliation and Mediation: The Prophet ﷺ said: “Reconciliation is permissible among Muslims, except for a reconciliation that makes lawful what is prohibited or prohibits what is lawful.”

Eliminating Injustice: Among the principles of Sharia are “Harm must be removed” and “No harm and no reciprocating harm.”

Repentance and Reform: Sharia provides avenues for repentance and reconciliation even in major cases, while ensuring the rights of the community.

From this perspective, the importance of drawing on Islamic justice in the Yemeni context becomes clear, as it is a deeply religious society rooted in both custom and faith. This makes Islamic justice an important bridge for the acceptance of transitional justice and the achievement of its objectives. When justice is presented in a familiar religious language and linked to the Qur’an and Sunnah, it becomes easier to accept and implement.

It is evident that transitional justice is not foreign to Islam; in fact, Islamic law preceded international law in establishing principles of fairness, reconciliation, reparations, and the rights of victims. Therefore, developing a Yemeni model of transitional justice inspired by Islam will strengthen social stability and the local legitimacy of reconciliation and fairness processes.

Tribal Customs – Definition and Concepts

Tribal customs are defined as a set of unwritten rules, traditions, and practices that regulate relationships within a tribe. They serve as a reference for resolving disputes, regulating behavior, and achieving justice according to the values of honor, reputation, pledge, and reconciliation. In other words, they constitute a socio-legal system that organizes relationships and resolves conflicts in Yemen, particularly in both rural and urban areas.

The Tribe in Yemen

The history of tribes in Yemen dates back to ancient times. Yemen is considered the cradle of the Sabaean and Himyarite civilizations, which relied on a strong tribal structure for social and political organization. With the spread of Islam in the 7th century CE, Yemeni tribes played a major role in the Islamic conquests, contributing to the spread of Islam in Egypt, Iraq, and the Levant.

In the medieval period, Yemen experienced major tribal divisions, which were consolidated during the Ottoman era and the Zaydi Imamate (im mah means leadership), when the state relied on tribes for defense and administration, thereby strengthening their influence. After the revolution, successive governments sought to integrate the tribes into the state, but they remained powerful, especially in the north—at times supporting the state and at other times acting in its place in managing community affairs.

The tribe remains one of the most important social and political components in Yemen, playing a key role in the current conflict—either contributing to reconciliation or escalation—and serving as a central actor in maintaining security and regulating disputes through a deeply rooted system of customs.

Cultural Diversity and Geographical Differences

Yemen is characterized by a rich cultural diversity that reflects its history as a crossroads of civilizations, with additional influences from migration, colonization, and successive political systems. Despite significant similarities in the core principles and structures of tribal customs—such as reliance on sheikhs, the protection of blood, property, and honor, the rejection of disgrace, and mechanisms of compensation—their presence varies across regions. In the northern highlands and the eastern desert, tribal customs are more deeply entrenched, while in the cities and along the southern and eastern coasts, tribal presence is relatively weaker due to the legacy of administrative and civic structures. Nevertheless, influential tribes in Shabwa, Hadramawt, and Al-Mahra continue to uphold a desert-based tribal heritage.

This geographical and cultural diversity reflects Yemen's pluralism and national unity, including its linguistic and cultural particularities such as Mehri and Soqotri. However, it also requires sensitivity in applying customary norms and awareness of tribal cultural differences. In this context, people increasingly rely on a hybrid system of customary and legal frameworks. Customs are widely used for reconciliation across the country, especially in local disputes, as people turn to them for their speed and social acceptance. Nevertheless, they are weaker in major cities such as Aden, where the formal legal system predominates.

Customs and Official Recognition

Tribal customs in Yemen are partially recognized by official authorities, particularly under Arbitration Law No. 22 of 1992, which acknowledges tribal arbitration as a mechanism for resolving civil and commercial disputes, provided that decisions are registered with formal courts. The recognized customs include *ḥulḥ* (amicable settlement), *diyah* (compensation for homicide), and mediation, which the state sometimes employs to ease the burden on the judiciary. Many courts treat rulings issued by sheikhs and local judges as initial judgments.

Although sheikhs are not officially recognized as legal institutions in Yemen, they are practically acknowledged as influential figures in enforcing local law. Courts and security agencies often cooperate with sheikhs in resolving local disputes, particularly in tribal areas where the formal system lacks authority. This reflects the informal overlap between customs and the state and highlights the effectiveness of tribal customs in fostering national reconciliation in Yemen, alongside reforms and developments aimed at improving certain customary mechanisms and addressing existing gaps, such as: the exclusion of women and marginalized groups, the non-official status of tribal decisions, weak documentation, the focus on compensation rather than accountability, the limited cultural variation within some Yemeni tribal customs, and the use of tribal customs for political purposes.

Accordingly, customary reconciliation mechanisms should be expanded through national-level training and coordination, the unification of procedures, and the strengthening of impartiality. A national codification of positive customs should be developed as a guide for mediators, transforming this system from a traditional local dispute-resolution tool into a formal, regulated partner that contributes to transitional justice and peacebuilding, while addressing aspects that conflict with the rule of law and human rights standards.

Sources of Tribal Customs

Tribal customs in Yemen are not based on written laws but rely on intertwined sources deeply rooted in society, the most prominent of which include:

- ◆ Oral tribal heritage passed down through generations via behavioral and ethical rules, proverbs, wise sayings, and stories of arbitration and reconciliation.
- ◆ Tribal ancestors' records (documents and correspondences), such as tribal custom documents that contain rules used as references among tribes.
- ◆ Islamic jurisprudence, as many customs are grounded in religious principles such as kafalah (guarantee), qisas (retribution), diyah (blood compensation), and forgiveness, providing them with religious legitimacy.
- ◆ Tribal arbitration and accumulated experience, derived from the practices of customary judges and the evolution of customs through daily dispute-resolution practices

Functions of Tribal Customs and Key Roles

Tribal customs represent a quasi-judicial and institutional system in rural areas, performing several important functions:

- ◆ Dispute resolution through mechanisms such as arbitration, tribal meetings, guarantees (kafalah), reconciliation (ḥulḥ), and compensation (diyah).
- ◆ Achieving social justice, ensuring fairness for victims, providing material or moral compensation, and restoring their social status.
- ◆ Social regulation by establishing ethical guidelines and standards for public behavior, and sanctioning those who violate tribal norms.
- ◆ Mediation and conflict de-escalation, one of its most important roles, helping to reduce tensions and prevent disputes from escalating between tribes.
- ◆ Community representation, where tribal leaders act on behalf of their communities before authorities and other relevant actors.
- ◆ Informal oversight, enabling the tribe to monitor the fulfillment of obligations and services, and maintain balance in social relations.



The Role of Tribal Customs in the Absence of State Institutions

In the absence or weakness of state institutions—as is the case in many areas of Yemen—tribal customs have emerged as an alternative authority, performing multiple roles:

Judicial role: Tribal arbitration is used to resolve criminal, civil, and financial disputes

Security role: Tribes contribute to maintaining local security and preventing revenge killings and conflicts between families and clans.

Social role: They manage daily affairs and regulate social and economic relations.

Political role: Tribes exert influence over local decision-making and are often involved in national mediation processes.

Reconciliation role: Tribes have led extensive initiatives in compensating for harm and reconciling warring or disputing parties through customary practices.

Many ceasefire agreements, road openings, and the release of hostages and prisoners in Yemen have not been brokered by the state but through tribal sheikhs, who have relied on customary practices to enforce stability and implement these agreements.

The Role of Tribal Customs during the Conflict in Yemen

Amid the ongoing conflict in Yemen since 2014 and the absence of an effective legal framework, tribal customs have emerged as a primary tool for crisis management and mitigating the consequences of war, serving as a fundamental system for enforcing stability and implementing local agreements, including ceasefires, road openings, and the release of prisoners and hostages, while reducing the intensity of conflict in areas where the state and its formal institutions are absent, and they have proven to be more than a traditional social framework, as many agreements were not brokered through the state or formal parties but through tribal sheikhs who relied on traditional customs such as reconciliation (ḥulḥ) and tribal guarantees to ensure compliance and enforcement, reflecting the strength of customs within tribal communities and underscoring their vital role in supporting transitional justice.

During the conflict in Yemen, tribal customs played a crucial role in implementing informal local agreements, relying on the authority of sheikhs and social guarantees to ensure compliance without the need for international or official intervention.

The Stockholm Agreement and the Role of Tribes in Al Hudaydah (2018)

In December 2018, the Stockholm Agreement was reached under the auspices of the United Nations between the Yemeni government and the Houthis, including provisions for a ceasefire in the city of Al Hudaydah, the redeployment of forces, and the opening of humanitarian corridors. However, the agreement was not fully implemented due to a lack of trust between the parties. Tribes and local figures in Al Hudaydah and the western coast played a mediating role in calming local disputes, with sheikhs relying on customary mechanisms to enforce short-term local truces and open secondary routes for humanitarian aid. This contributed to reducing escalation and facilitated the release of some local prisoners, despite the incomplete implementation of the official agreement.

Prisoner Exchange Deal between the Government and the Houthis (2023)

In April 2023, a prisoner exchange deal was carried out under the auspices of the United Nations and the International Committee of the Red Cross as part of ceasefire efforts. The deal was not fully official; rather, it relied on the mediation of tribal sheikhs to facilitate dialogue, calm tensions, and bridge differences between the parties.

Opening Roads in Taiz through Tribal Mediation (2019–2023)

During the war, major roads in Taiz and many other areas of Yemen were closed due to ongoing conflicts, severely affecting the delivery of humanitarian aid. Some sheikhs in Taiz mediated to open secondary roads through local truces, relying on customary mechanisms, which facilitated the delivery of aid to millions of internally displaced persons and alleviated humanitarian suffering. Similarly, in other governorates such as Marib and Al Bayda, tribal mediations contributed to reopening main roads for the transport of goods and humanitarian supplies, in situations where official authorities were unable to do so.

Community Stabilization

Tribal customs also served as a common ground between parties to reduce sectarian and political tensions, helping to protect local communities from slipping into wider conflicts.

As the above demonstrates, tribal customs played a crucial role in implementing local agreements during the conflict, providing a practical mechanism that helped fill the state's vacuum through their social authority and offering pragmatic solutions to mitigate the impacts of the conflict. To strengthen this role, these experiences should be incorporated within the framework of transitional justice, serving as an important entry point toward building comprehensive and sustainable peace.

Yemeni Popular Proverbs as Entry Points to Strengthen Concepts of Transitional Justice

Popular proverbs in Yemeni society constitute an integral component of local culture, representing the cumulative wisdom of tribal experience passed down through generations in managing life affairs and resolving disputes. They are not used merely for entertainment or linguistic ornamentation; rather, they carry meanings related to concepts of rights, justice, and fairness, reflecting the mechanisms of social regulation upon which tribes have relied to maintain balance and prevent disorder. From this perspective, tribal proverbs can be seen as a cultural and ethical lever that embodies many of the principles underpinning contemporary transitional justice.

Employing these proverbs in discussions on transitional justice in Yemen provides a deep social dimension and enhances popular acceptance by linking them to the value-based heritage that Yemeni citizens understand and believe in. Drawing upon this cultural reservoir also contributes to reshaping public discourse to show that justice is neither an imported nor alien concept to the local context but is deeply rooted in customs, traditions, and collective memory. Below are some proverbs that exemplify these values, along with explanations of their meanings and their relevance to concepts of transitional justice:

Yemeni Popular Proverb	Direct Meaning	Associated Concept	Use of the Proverb in Transitional Justice
Man qābas al-nās yaqbas wa lā qabas lā yaqūl āh (Who harms people will be caught; the innocent will not be blamed)	Whoever harms others will be held responsible	Accountability	Necessity of holding perpetrators accountable and linking punishment to actions
Man qāl ḥaqī ghalab (Who said "my right" will prevail)	Whoever claims their right will obtain it and is not blamed	Claiming Rights	Enhancing victims' right to compensation and redress
Man shabr buyūt al-nās dhar'ū baytah (Who touches others' homes will have theirs affected)	Whoever violates others' property may face multiplied consequences	Equality before the law	Returning rights and preventing encroachment on others' property
Mā tamūt al-'arab illā mutawāfiyah (The rights of people will eventually be fulfilled)	Rights do not expire with time	Restoration of rights	Compensation and redress are inevitable, even after years
Aḥarr mā 'indī abrad mā 'indah (What burns me may be cool to others)	What hurts me may not be felt or noticed by others	Victim recognition	Need to listen to victims' suffering and not ignore them
Irqad amn (Sleep in security)	There is no peace without security and justice	Security and justice	Achieving justice is a condition for social stability
Al-lī ummuh fī al-dār qarṣuh ḥār (He whose mother is at home feels secure)	Whoever has strong support does not fear	Protection and guarantees	Need for institutions that protect rights
Al-lī yadah fī al-nār ghayr al-lī yadah fī al-mā' (The one with a hand in fire differs from the one with a hand in water)	Those who suffer experience differently than spectators	Victim participation	Involving victims in crafting solutions
Mā kull bayḍā' shāḥmah (Not all that looks white is pure)	Appearances can be deceiving; not everything said is true	Verification and fairness	Importance of investigation and uncovering the truth
Al-ṣābir zāfir wa al-musta'jil 'āthir (The patient prevails, the impatient falters)	Patience brings victory	Patience in justice	Supporting gradual, long-term justice
Kull shāh mu'allāqa bi-rjlihā (Every sheep is hung by its own leg)	Every person bears the consequences of their actions	Individual accountability	Holding individuals accountable, not groups
Ḥaqqak 'ind al-wāfi amānah (Your right is safe with the faithful)	The trustworthy safeguard rights	Trust in justice	Building trust in justice institutions
Kull maṭrūd malḥūq (Every expelled person will be pursued)	The oppressed will find someone to defend them	Supporting the oppressed	Returning rights to victims, even after time

It is evident from the analysis of these proverbs that the Yemeni customary system has historically shaped an alternative justice framework that enabled society to manage disputes, protect rights, and maintain social balance in the absence or weakness of state institutions. Proverbs that reinforce the principle of individual accountability (Kull shay' mu'allaq bi-rjlih) it means such as "Every sheep is hung by its own leg" or emphasize the inevitability of restoring rights (Ma tamut al-'arab illa mutawaffiyah) it means (such as "The rights of people will eventually be fulfilled") all show that the Yemeni popular consciousness preserves authentic values that can be built upon in the approach to transitional justice.

Integrating this heritage into transitional justice pathways enhances the legitimacy of the process and increases its chances of success. Thus, tribal proverbs become a dual-purpose tool: on one hand, preserving the community's cultural identity, and on the other, supporting the principles of justice, fairness, accountability, and reparations sought by transitional justice.

The Relationship between Tribal Customs and Transitional Justice

In the Yemeni context, transitional justice cannot be understood or implemented in isolation from tribal customs, which are deeply rooted in the social and cultural fabric. Despite their informal nature, tribal customs represent a parallel system that has historically contributed to dispute resolution, achieving reconciliation, and compensating victims, paralleling in many respects the concepts of contemporary transitional justice.

During the years of conflict, the official judiciary and justice institutions became paralyzed or politicized. The war left cycles of vengeance and retaliation that are difficult for the formal courts to contain due to the social and emotional complexities involved, making it impossible to rely on them alone for dispute resolution. Tribal customs emerged as a practical and available option, capable of filling this gap and providing alternative mechanisms to resolve conflicts. In many situations, they were able to absorb tensions and facilitate coexistence because they enjoy wide acceptance among various components of Yemeni society, granting them legitimacy that formal courts lack in certain areas.

In a country like Yemen, marked by diverse political, sectarian, and regional affiliations, tribal customs provide a common ground that all parties can turn to, being relatively neutral and not tied to any specific political entity, unlike the slow and complex formal judicial system. Tribal customs are valued for their speed and flexibility in issuing judgments and resolving disputes, which is essential in transitional contexts that require practical and swift solutions to ease tensions and build trust. Therefore, any transitional justice initiative that overlooks these customs risks failing to meet the real needs of Yemeni society.

Tribal Customs and Supporting Transitional Justice in the Yemeni Conflict

In the context of the complex Yemeni conflict, exacerbated by war, strife, and displacement, transitional justice has become an essential necessity to address the legacy of this war and build sustainable peace. However, its implementation faces various obstacles. In this legal and institutional vacuum, tribal customary practices emerge as an effective mechanism to support transitional justice, providing practical and socially acceptable solutions to achieve reconciliation. With the disintegration and division of state institutions, especially the judiciary and security apparatus, a legal void has arisen that hinders the formal application of transitional justice. Consequently, tribal customs have become a key guarantor of stability during crises, resolving local disputes in the absence of the state and offering fast and effective reconciliation mechanisms, particularly in remote areas where formal law struggles to operate due to slow procedures and lack of trust. Tribes rely on "sulh" (settlement) to end conflicts, making customary practices an important tool for addressing social wounds and supporting the process of transitional justice. Tribal customary practices serve as a common ground among Yemeni groups, reflecting shared values and fostering trust between tribes. This makes them essential for supporting transitional justice as a tool to unify national efforts. Tribal customs enjoy the trust of local communities, resolving disputes quickly and at low cost due to their flexibility and social acceptance, complementing the slow formal mechanisms. They also help prevent social fragmentation, rebuild trust between tribes, and preserve the social fabric affected by conflicts. Rooted in Islamic law and values, these customs are religiously acceptable, encouraging communities to embrace reconciliation. Therefore, tribal customs are crucial for supporting transitional justice in Yemen, as they can bridge the gaps created by state disintegration and resolve vendettas. Cooperation between tribal leaders, authorities, and international support is necessary to strengthen this role and achieve genuine peace.



Toward the Integration of Concepts – An Analytical Link

Despite the apparent differences between transitional justice as an international legal concept and tribal customs as a traditional social practice, in-depth analysis reveals essential intersections between the two:

Transitional Justice Concept	Corresponding Tribal Customs	Description in the Customary Framework	Common Grounds	Points for Development & Integration
Reconciliation	Sulh (settlement), tribal mediation councils,	Mediation process led by tribal leaders to end hostilities and restore relationships.	Achieving peace and ending conflict.	Transitional justice seeks nationwide reconciliation, while tribal customs focus on local reconciliation.
Reparations / Compensation	Diyah (blood money / compensation paid to the victim's family), Maghram (collective fine or levy imposed by the tribe), Compensation, Arbitration, Nakaf (tribal mobilization / collective call to arms or support)	Financial/in-kind compensation to the victim's family in cases of killing or injury.	Providing compensation to victims.	Transitional justice offers diverse forms of reparations, whereas tribal customs are mostly limited to monetary compensation.
Truth & Acknowledgment	Tribal arbitration, oaths, Arbitration, testimonies of elders, perpetrator's confession and request for settlement	Uncovering the facts of the dispute and hearing parties and witnesses to issue a "customary judgment."	Seeking to reveal the facts of what happened.	Transitional justice uses official truth commissions, while tribal customs rely on witnesses and oral traditions.
Accountability	Customary fines, obligation to apologize	Custom focuses on ending conflict and making amends rather than criminal accountability.	Both systems aim to ensure compliance with agreements.	Transitional justice focuses on prosecuting perpetrators, whereas customs may substitute reconciliation and forgiveness.
Non-recurrence	Tribal guarantees, customary prohibitions, community surety, temporary banishment, collective settlements, oaths, communal reconciliation	Agreements and rules regulating behavior to prevent repeated conflicts.	Establishing mechanisms to avoid renewed conflict.	Transitional justice includes deep institutional reforms, while customs focus on preventing recurrence of individual or tribal disputes.

These intersections don't signify equivalence; rather, they point to the possibility of building a shared (hybrid) form of justice that combines the societal effectiveness of customary practices with international legal legitimacy.

The role of tribal customs in reinforcing the concepts of transitional justice can be summarized as follows:

- ◆ Customary practices contribute to building sustainable reconciliation by involving the parties and tribal elders, and by activating symbolic tools that enjoy broad social acceptance.
- ◆ Tribal councils play a crucial role in fact-finding by collecting information, hearing testimonies, and compelling the perpetrator to acknowledge responsibility as a truth-revealing measure.
- ◆ Imposing symbolic or material sanctions (such as temporary banishment or customary fines), which are socially accepted, deters the offender and reinforces the concept of accountability.
- ◆ "Financial compensation, such as diyah, or moral compensation (requests for pardon, oaths, or muqābal—reciprocal or equivalent action), which reinforces the victims' sense of justice and helps redress the harm.
- ◆ Enforcing collective guarantees, such as customary documentation, pledges, temporary exclusion of the perpetrator, and strict community obligations, ensures non-recurrence of conflicts

Challenges Facing the Integration of Tribal Customs into the Transitional Justice Process

Despite the positive roles that tribal customs can play, and their potential to support transitional justice in Yemen, integrating them into the transitional justice process is not without structural, cultural, and legal challenges that hinder this role. Addressing these challenges requires carefully considered responses from various stakeholders. The main challenges include:

1- Lack of Documentation and Updating of Customs

Most customary rules are unwritten, creating discrepancies in interpretation and application. This makes legal codification difficult and leads to conflicting practices across regions, highlighting the need for academics, intellectuals, and youth to engage in research, documentation, and digital archiving.

2-Conflict of Certain Customs with Human Rights

Some traditional practices—such as discrimination against minorities or mediation in serious crimes—contradict international justice principles and human rights, requiring intervention by religious and legal leaders to reform these practices.

3-Patriarchal Nature of Customs

Tribal customs often exclude women, minorities, and youth from decision-making, arbitration, and reconciliation processes, weakening their role. Civil society organizations should empower these groups to actively participate in community dialogues and decision-making.

4-Politicization of Customs by Parties

In recent years, tribal customs have been exploited politically by conflict actors, undermining their neutrality and credibility. Some political forces use customary practices for short-term gains, threatening impartiality and reconciliation, and calling for clear recommendations to political parties to refrain from exploiting customs.

5- Weak Institutional Linkages with the State

Official institutions lack clear coordination mechanisms with tribal elders, leading to gaps in implementing reconciliations and risks of recurring conflicts. Judicial and security authorities should establish formalized frameworks to regulate and organize these relations.

6-Marginalization of Victims' Voices

In some customary practices, the victim's opinion is insufficiently considered, necessitating their direct involvement through specific recommendations.

7-Absence of a Unified National Vision for Customs within Transitional Justice

This underscores the need for intervention by the National Reconciliation Committee and the UN envoy to support integration within clear political frameworks.

8-Low Public Awareness of Transitional Justice Concepts

This reinforces the need for awareness campaigns led by youth, supported by media and civil society organizations. The analysis highlights the necessity of a comprehensive strategy that considers Yemen's specificities and engages all community actors, ensuring that customs evolve from local tools into national pillars of justice.



Successful Customary Models for Applying Transitional Justice Concepts through Tribal Customs

Presenting successful local models serves as an important analytical tool to understand how tribal customs can be activated to address contemporary disputes. It also highlights practical aspects that can be built upon in the future, demonstrating the potential of customary practices to support transitional justice. In this section, the paper reviews some real-life experiences that have contributed to achieving community justice through traditional customary mechanisms adapted to meet the demands of the current phase.

Land Dispute in Marib

A dispute arose between two tribes over agricultural land due to longstanding ownership conflicts, which escalated into armed confrontations causing injuries on both sides. A group of tribal elders mediated the conflict through sessions that lasted four days. They employed financial compensation for damages caused by the clashes to appease the parties and implemented Wajh (honor-based guarantees) to prevent recurrence. The land was fairly redistributed, resulting in a 30% reduction in violence in the area and the reopening of a vital public road

Blood Feud Case in Shabwa

A sudden family dispute resulted in the death of a young man, escalating tensions between the two families. Tribal Wajh (honor-based) mediators led negotiations over the course of a week, which concluded with the payment of Diyah (blood money) and the holding of a public reconciliation ceremony attended by the affected parties. This process ended the feud, strengthened social cohesion, and included pledges to prevent recurrence.

Women-Led Mediation in Taiz

A dispute over water resources between two villages affected internally displaced persons and women. A group of women, supported by tribal elders, mediated the conflict, resulting in a joint resource management agreement, the establishment of a women's committee to oversee resource management, improved access for victims, and an enhanced role for women in reconciliation processes

Possible Policy Alternatives

In light of the multiple challenges hindering the implementation of transitional justice in Yemen, it becomes necessary to consider policy alternatives that are feasible within the tribal and social specificities of Yemeni society, without compromising the principles of justice and fairness.

These alternatives aim to provide flexible practical pathways that decision-makers can adopt to achieve a degree of integration between local customary mechanisms and the formal legal system. This integration can enhance opportunities for reparations and community reconciliation, help rebuild trust between citizens and the state, and lay sustainable foundations for preventing the recurrence of violations. Accordingly, a set of policy alternatives can be proposed to incorporate tribal customs into the **national vision of justice;**

Institutionalizing Positive Tribal Customs within a Legislative Framework

Through enacting a law or regulatory framework that defines legally acceptable customs and integrates them into the dispute resolution system in areas lacking official institutions. This approach organizes the use of tribal customs within transitional justice programs and recognizes certain customary rulings as legally enforceable under clear conditions, facilitated by local coordination committees between formal judiciary and tribal elders. These alternative respects the local context and enhances institutional effectiveness but requires political will and legal reforms.

Establishing Local Community Justice Units

Partnerships between tribal elders, civil society organizations, and judicial representatives to activate customary mechanisms and resolve disputes. Civil society organizations act as a bridge between the state and the community, involving tribal leaders in reparations and community reconciliation committees under human rights oversight. It also supports documenting and developing tribal customs. This approach is flexible and adaptable but requires continuous training and local engagement.

Training and Capacity-Building for Mediators and Tribal Leaders

Through targeted programs introducing transitional justice principles, accountability mechanisms, and victims' rights to enhance the capacity of customary actors in handling complex cases. A national independent body, including judicial figures, tribal elders, social experts, and victims' representatives, could evaluate customary disputes and provide binding recommendations, bridging formal and alternative justice mechanisms. Political or tribal resistance may arise if broad consultation is lacking.

Developing a National Reference Guide for Tribal Customs Compatible with Transitional Justice

Includes case models, successful customary pathways, and actionable mechanisms for legal and social integration. A national committee of legal, customary, and transitional justice experts would collect and review positive tribal customs in light of human rights and transitional justice principles. The guide would be officially adopted and widely published, unifying views on acceptable and unacceptable customs and facilitating integration into official institutions. Challenges include regional variation of customs, potential objections from some tribal leaders, and the need for high-level coordination.

Enhancing Coordination between Official Institutions and Tribal Components

Through permanent communication mechanisms, such as coordination councils or joint committees, ensuring mutual recognition and role integration, especially in legally fragile areas. This involves signing cooperation protocols between the Ministry of Justice and tribal components, establishing tribal liaison units in governorates, and holding regular meetings to address disputes. These alternative bridges the gap between the state and society, promoting partnership in justice implementation, though it may face obstacles such as lack of trust, limited qualified personnel, and political interference.

Integrating Transitional Justice Concepts into Education and Awareness Programs

To instill reconciliation values, victim recognition, and peaceful rejection of violence, incorporating successful local customary solutions. This includes reviewing school curricula with educators to prepare simplified content on justice, fairness, and reconciliation, alongside community awareness campaigns and workshops. These alternative fosters tolerance and justice awareness in future generations and helps reduce revenge culture, though it may face resistance in educational settings, political fragmentation, and limited financial or technical support.

Establishing a National Fund for Community Reparations

Funded jointly by the state, international organizations, and community initiatives, dedicated to compensating victims, supporting reconciliation initiatives, and backing customary justice efforts. The fund would be established by legislative or executive decision, define transparent funding sources, and implement clear disbursement mechanisms based on documentation and standards. This alternative promotes reparations and reduces revenge potential but may face challenges such as financial corruption, high demand, lack of prioritization, and limited public trust.

Adopting a Media Policy Supporting Regulated Customary Justice

By documenting positive experiences, addressing negative stereotypes about customary practices, and highlighting their role in alleviating community suffering. This includes training journalists on transitional justice concepts, producing media content (programs, documentaries, campaigns), and creating digital platforms showcasing successful customary reconciliation cases. This alternative can change negative perceptions, enhance community participation in justice, and exert positive pressure on decision-makers, though it may face challenges like politicization, funding shortages, and the need for specialized media expertise.

Including Marginalized Groups in Policy-Making

Targeting youth, women, and victims through consultative platforms to ensure inclusive solutions and societal acceptance. This includes involving these groups in listening sessions, dialogues, advisory committees, and mediation initiatives, supporting their leadership in promoting social equity. This alternative can achieve comprehensive justice, leveraging victims' experiences and challenging traditional power dominance, but may face resistance from some traditional tribal leaders, difficulties in fair representation amid social divisions, and limited access to decision-making platforms.



Policy Recommendations

In light of the analytical findings and conceptual comparisons between the tribal customary system and transitional justice, and by examining the current Yemeni context and existing challenges, there emerges a clear need for a set of recommendations directed toward both official and community stakeholders.

These recommendations aim to enhance opportunities for integration between customary mechanisms and formal legal frameworks, leveraging the potential embedded in tribal customs to achieve reconciliation, reparations, and the restoration of social cohesion. They also seek to guide stakeholders toward practical, implementable steps that respect local specificities while advancing the transitional justice process, without overlooking principles of fairness, dignity, and rights. These recommendations provide a roadmap for relevant actors to strengthen the integration of customary practices with formal justice systems.

1. Tribal Elders and Tribal Leaders

Tribal elders lead local reconciliation efforts and serve as the central link between customary practices and formal justice. Tribal authorities constitute a key reference point for conflict management and the maintenance of social peace, and they are the natural custodians of customary systems. Therefore, their engagement is crucial to ensure the legitimacy of customary alternatives and their alignment with human rights principles. Accordingly, the paper recommends the following:

Draft a unified customary code of honor incorporating principles of justice and fairness.

Document reconciliation sessions and customary practices, establishing a “National Customary Registry” for easy reference.

Include women and youth in mediation and arbitration processes.

Collaborate with the judiciary to ensure legal compliance.

Participate in workshops to understand transitional justice principles.

Review and revise outdated customs to align with human rights and justice standards.

Support institutional efforts to integrate customs into national justice pathways.

Train mediators and tribal notables on transitional justice principles and human rights values.

Establish joint councils comprising legal experts and tribal leaders to reconcile concepts and bridge gaps.

2. Victims and Survivors of Conflict

Victims are the central focus of any transitional justice process. Engaging and empowering them to participate in reparations mechanisms ensures the credibility of the process and provides a human and ethical dimension. They should be enabled to claim their rights through the following measures:

Ensure victims’ representation in customary reconciliation sessions and acknowledge their suffering.

Provide fair compensation in accordance with both customary practices and human rights frameworks.

Organize awareness campaigns about their rights to justice.

Collaborate with civil society organizations to document violations.

Establish local support networks for women and internally displaced persons.

Create a national victims’ registry including their data, demands, and rights.

Provide psychosocial support to those affected by conflicts.

Include victims in developing national policies on reconciliation and reparations.

3. Judiciary and Security Institutions

Security and judicial institutions play a fundamental role in maintaining public order and enforcing the law. Aligning their efforts with regulated tribal customs can reduce the intensity of conflicts and enhance access to justice, particularly in areas with strong tribal influence. These institutions form the backbone of formal justice and should support customary practices through the following measures:

Develop clear coordination mechanisms between security agencies and tribal councils to ensure the enforcement of customary reconciliation rulings.

Train security and judicial personnel on understanding tribal customs and using them as supportive references in dispute resolution.

Issue judicial guidelines that take positive customary practices into account in community dispute rulings.

Monitor the use of customs in criminal disputes to ensure individual rights are not violated

Involve security representatives in local reconciliation programs led by tribal mediations.

6-Train judges on understanding tribal customs.

7- Coordinate with tribal elders to review customary decisions.

8-Provide security protection for reconciliation sessions in unstable areas.

4. Official and Governmental Authorities

Official authorities play a pivotal role in legislating laws, setting policies, and activating institutional partnerships. They are primarily responsible for adopting an integrative approach that combines formal justice with community customs during the transitional phase. Official recognition of tribal councils as a supportive component of the transitional justice process is essential. Key recommendations include:

- 1-Incorporate principles of positive customary justice into draft legislation on transitional justice.
- Include tribal representatives in national committees on reconciliation and reparations.
- Issue circulars regulating the relationship between formal and customary justice within legal limits.
- Establish a specialized unit within the Ministry of Justice or Human Rights to monitor customary justice cases and ensure their alignment with human rights standards

5. Parliament and Legislative Institutions

Legislation is the supreme tool for regulating relationships and governing practices. Therefore, the role of parliament and legislative bodies is pivotal in transforming community initiatives into sustainable legal policies, while ensuring a balance between customary practices and human rights principles. Key recommendations include:

- Review draft laws related to transitional justice and incorporate compatible tribal customs into their provisions.
- Enact laws supporting the documentation of tribal customs and safeguarding them from politicization or manipulation.
- Enhance coordination between legislative committees and bodies concerned with reconciliation and community fairness.
- Mandate government entities to involve tribal and community components in the preparation and drafting of transitional policies.
- Include reparations and compensation issues for victims in the parliamentary oversight and legislative planning.

6. National Reconciliation Committee

The National Reconciliation Committee is one of the key national initiatives aimed at overcoming the impacts of conflicts, achieving justice, and strengthening social cohesion. Given its inclusive role, enhancing integration between the committee and tribal authorities contributes to broader participation and increases the effectiveness of transitional justice efforts. This can be achieved through:

- Documenting tribal reconciliations as part of national efforts.
- Developing joint programs that combine customary practices with formal mechanisms.
- Establishing a database to record tribal reconciliations.
- Submitting periodic reports to the UN envoy on progress in integrating tribal customs with reconciliation concepts.
- Organizing meetings and workshops with tribal leaders and councils to exchange experiences and coordinate reconciliation efforts.
- Including representatives of tribal components in the committee's working teams, especially in governorates with significant tribal influence.
- Developing a participatory guide that incorporates regulated customary mechanisms within transitional justice processes.
- Adopting national awareness programs highlighting the integration of customs with transitional justice principles.
- Encouraging local initiatives that employ regulated customary mediation as part of the national reconciliation process.

7. Office of the UN Special Envoy

The Office of the UN Special Envoy plays a pivotal role in supporting peace and stability efforts in Yemen. Through its comprehensive approach to dialogue and negotiation, the office can contribute to integrating regulated tribal customs into transitional justice mechanisms, ensuring inclusive and sustainable solutions. Key recommendations include:

- Include the topic "Tribal Customs and Their Role in Transitional Justice" in political dialogue agendas.
- Support local initiatives focusing on the integration of tribal systems with justice mechanisms.
- Leverage partnerships with tribal elders and councils as sources for local reconciliation and trust-building.
- Encourage the publication of UN reports highlighting positive customary practices in Yemen as a component of justice.
- Work with international partners to provide technical and logistical support for documenting tribal practices that promote social peace and community justice.
- Organize multi-stakeholder dialogues including tribal elders and judiciary representatives.
- Provide funding for training programs and community activities that reinforce this approach.
- Monitor the implementation of recommendations related to the integration of tribal customs with reconciliation and transitional justice processes

8. Political Parties

Political parties are among the most influential actors in shaping public opinion and decision-making. Guiding party behavior toward respecting customs that support justice enhances national cohesion and limits the negative politicization of reconciliation. The paper recommends that parties:

- Commit to not exploiting tribal customs for political or electoral purposes.
- Support initiatives that promote national reconciliation through customary mediation.
- Promote political discourse that respects tribal diversity and acknowledges the role of local communities in enforcing justice.
- Support a legal framework that integrates tribal customs into transitional justice.
- Contribute to the improvement and strengthening of security and judicial institutions.
- Advocate for the repeal of immunity laws and measures allowing impunity.
- Encourage dialogue between political and tribal actors.
- Allocate resources to develop the capacities of tribal elders and community leaders.
- Support local and international initiatives in national reconciliation

9. Civil Society Organizations

Civil society organizations (CSOs) play a complementary role in documenting practices, monitoring violations, and building the capacities of stakeholders, placing them in a pivotal position to support transitional justice pathways that are adapted to societal realities. They can contribute through the following measures:

- Implement training and awareness programs directed at tribal actors on the principles of transitional justice.
- Document positive customary practices and disseminate them as replicable models and success stories.
- Support local initiatives aimed at providing reparations to victims in rural communities.
- Monitor the adherence of tribal customs to human rights standards and work on their development.
- Mediate between local communities and reconciliation and justice institutions.
- Support the participation of women and youth in community activities.
- Submit reports to the international community to support the integration of customary practices with transitional justice mechanisms.

10-Youth

Youth in Yemen represent the largest segment of the population and possess tremendous potential that can be harnessed to build peace and support justice, including contributing to the renewal of tribal customs and guiding them toward values of fairness and citizenship. By empowering and engaging youth, the sustainability of any genuine transitional justice process can be ensured. The paper recommends:

- Active engagement in community reconciliation initiatives and civic activities, while respecting cultural specificities and positive customary values.
- Establish youth awareness initiatives aimed at introducing society to transitional justice concepts and tools, linking them to noble tribal values.
- Contribute to documenting positive customary practices through social media and alternative communication channels.
- Advocate for the renewal of customary discourse in alignment with justice principles and human rights.
- Participate in community dialogues and represent youth voices in reconciliation councils and tribal initiatives with a rights-based dimension.
- Develop youth leadership that supports the integration of customs with justice and reconciliation concepts, and participate in national dialogue forums.
- Collaborate with academics to document success stories and disseminate them through diverse media suitable for the community context.

11- Academics and Intellectuals

Academics and intellectuals in Yemen serve as the primary intellectual and critical reference for understanding and analyzing social phenomena, including tribal customs and their role in justice pathways. Through their work in research, publication, and education, they can establish a scientific and rights-based foundation for transitional justice concepts in the local context. The paper recommends:

Conduct in-depth research studies on tribal customs and compare them with international and Islamic concepts of transitional justice.

Document local experiences and success stories in conflict resolution through tribal practices and assess their societal impact.

Contribute to developing knowledge resources and university curricula that address transitional justice from a Yemeni perspective.

Organize joint seminars and workshops between universities and tribal communities to bridge perspectives and share knowledge.

Adopt an academic discourse that balances respect for customs with a critical evaluation of their negative practices, in light of human rights and Sharia principles.

Provide policy recommendations to institutions concerned with tribal communities.

Train youth in research and academic writing and support the dissemination of their work.

12-Religious and Preaching Leaders

Religious and preaching leaders play a pivotal role in shaping social and moral values and serve as important references for the community in distinguishing between justice and injustice, as well as forgiveness and revenge. Their involvement in transitional justice processes enhances societal acceptance and lends a legitimate and ethical dimension to the process. The paper recommends:

Deliver sermons and lectures that emphasize concepts of justice, forgiveness, reparations, and caution against revenge.

Utilize religious platforms to support community reconciliation and promote values of tolerance.

Contribute to correcting misinterpretations of customary practices that conflict with Sharia and principles of justice.

Issue official religious statements calling for the non-exploitation of customs for political or revenge purposes.

Provide Sharia-based consultations to tribal councils and official bodies regarding reconciliation and reparations.

Engage in mediation and conflict resolution and collaborate with tribal elders to promote reconciliation and uphold justice values.

13. Educational and Media Institutions

The dissemination of a culture of transitional justice cannot be separated from educational and media platforms, which directly influence collective awareness and guide societal behavior toward reconciliation and fairness. The paper recommends:

Integrate concepts of transitional justice and customary justice into educational curricula.

Produce media content highlighting success stories in conflict resolution using customary mechanisms.

Train journalists on professional coverage of transitional justice issues without incitement or discrimination.

Encourage community dialogue through media platforms between official actors and tribal authorities.

14-Women and Marginalized Groups

Given the historical marginalization and compounded violations they have faced, ensuring justice for women and marginalized groups requires including them as peacebuilders, not merely recipients of justice. This enhances representational fairness and ensures inclusivity. The paper recommends:

Ensure representation of women in tribal councils and customary committees related to reconciliation.

Provide awareness programs to promote acceptance of women's participation in conflict resolution.

Integrate the needs of marginalized groups into the priorities of community reparations programs.

Empower women legally and socially to exercise their right to pursue transitional justice



General Proposed Plan to Activate the Role of Tribal Customs within the Transitional Justice Process

Building on previous recommendations and aiming to activate the role of tribal customs within the transitional justice framework, this paper proposes a medium-term implementation plan spanning 18 months. The plan relies on the integration of state and community efforts and aims to translate theoretical alternatives into practical, actionable, and measurable steps.

The plan is divided into six interconnected phases covering analytical, legislative, experimental, evaluative, and institutional consolidation aspects.

Implementation Plan (Medium-Term – 18 Months)

The plan is based on the coordination of official, societal, and civil efforts to activate tribal customs within the transitional justice process, through sequential phases starting with assessment and ending with institutional consolidation. The plan includes practical activities distributed over 18 months.

Phase 1: Assessment and Analysis (3 Months)

Activities:

Prepare a conceptual map of prevailing tribal customs and mechanisms.

Conduct a comparative study between the principles of transitional justice and customary concepts.

Survey the acceptance of formal authorities and the community regarding institutionalizing tribal customs.

Implementing Entities: Ministry of Legal Affairs, human rights organizations, academics, tribal leaders.

Phase 2: Developing Guidelines and Platforms (3 Months)

Activities:

Prepare a national reference guide on tribal customs aligned with transitional justice.

Draft models for cooperation between formal courts and tribal councils.

Establish a national dialogue platform including the judiciary, tribal leaders, and civil society.

Implementing Entities: Ministry of Justice, Reconciliation Committee, UN envoy, civil society organizations.

Phase 3: Training and Awareness (4 Months)

Activities:

Conduct 5 training workshops in selected Yemeni governorates for tribal leaders and victims.

Train tribal mediators on justice concepts and human rights.

Issue simplified educational booklets for tribal communities.

Launch awareness campaigns targeting youth and women through local media.

Implementing Entities: Civil society organizations, Ministries of Education and Human Rights, international organizations.

Phase 4: Pilot Implementation (4 Months)

Activities:

Form hybrid tribal-legal committees in three governorates (Marib, Al-Jawf, Shabwa).

Document cases and analyze community responses.

Support academics in documenting success stories and customary mechanisms.

Implementing Entities: Local authorities, tribal leaders, victims' organizations.

Phase 5: Review and Adjustment (2 Months)

Activities:

- Organize a national workshop to evaluate the pilot and revise guidelines.
- Survey public opinion on the acceptance of customary justice mechanisms.
- Integrate lessons learned into the final plan.
- Implementing Entities: Reconciliation Committee, local and international experts, academic institutions.

Phase 6: Expansion and Institutionalization (2 Months)

Activities:

- Extend the updated model to new regions.
- Integrate the model into the draft national strategy for transitional justice.
- Present the model as a Yemeni initiative within political consultations.
- Implementing Entities: Government, Parliament, UN envoy, international partners.

Key Timeline Indicators

- 2026 Q1-Q2: Train 200 tribal leaders; launch awareness campaigns in 5 governorates.
- 2026 Q3-Q4: Establish a national coordination platform; document 100 customary reconciliation cases.
- 2027: Enact supporting laws; adopt a national strategy; resolve 20% of disputes through tribal customs



Conclusion

Transitional justice in Yemen is an urgent necessity for building an inclusive future that moves beyond the complexities of the past and the pains of conflict. While formal justice is expected to serve as the legal reference, customary tribal practices emerge as a deeply rooted social system capable of integrating with concepts of accountability, reparations, and reconciliation from within the community itself.

This paper has attempted to highlight the potential for creating a positive integration between the principles of transitional justice and customary mechanisms, achieving a form of justice that is Yemeni, social, and rights-based. Despite the challenges, the effective and organized use of tribal customs can contribute to strengthening peace, expanding participation, and accelerating national reconciliation processes.

The paper further recommends that customary practices should not be seen as a substitute for formal justice or as an obstacle, but rather as an active partner in building a transitional justice system grounded in reality and aiming for fair, positive change. Through this integration of law and available community tools, Yemen can move toward an effective reconciliation that breaks cycles of revenge and opens paths for sustainable justice, thereby building a just and stable Yemen through incremental steps toward a brighter future that combines the strength of customary practices with the fairness of the law.



Definitions of Key Terms and Concepts in the Context of Tribal Customs and Transitional Justice in Yemen

To ensure a unified understanding of the terms addressed in this paper and to avoid confusion between international concepts and local heritage, this section provides definitions of the most relevant terms. It serves as a reference guide to help readers understand and accurately analyze the content of the paper.

Tribal Arbitration (Al-Tahkim Al-Qabali):

A customary mechanism for resolving disputes in which one or more tribal elders are appointed to adjudicate between conflicting parties based on local tribal norms. The rulings are often accepted without appeal.

Exclusion and Banishment (Al-Tahrim wa Al-Man’):

A customary measure whereby the offender is prohibited from entering a specific area or interacting with community members. It acts as a social and deterrent punishment to prevent the recurrence of harmful acts.

General Reconciliation (Al-Sulh Al-‘Aam):

A customary agreement signed between disputing parties under the mediation of the community and tribal elders, formally ending the conflict collectively. It is an effective tool for achieving societal reconciliation.

Tribal Custom (Al-‘Urf Al-Qabali):

A system of unwritten rules and practices regulating relationships within a tribal community. It is applied to resolve disputes, allocate rights, and restore societal peace.

Transitional Justice:

A set of legal and social measures applied in countries emerging from armed conflict or authoritarian rule to address human rights violations, including accountability, truth-seeking, reparations, and guarantees of non-repetition.

Hybrid Justice:

A justice model that combines traditional mechanisms (e.g., tribal customs) with formal judicial procedures to achieve solutions more widely accepted in divided communities.

Customary Fine (Al-Gharama Al-‘Urfiyya):

A monetary penalty imposed on an offender under tribal law, often applied in cases of murder, honor violations, or insult. The amount varies depending on the severity of the violation and tribal norms.

Tribal Guarantee (Al-Kafala Al-Qabaliyya):

A customary obligation whereby a tribal elder temporarily assumes responsibility for an offender to ensure compliance with council rulings or execution of the sentence. It serves as a conflict-mitigation mechanism.

Tribal Council (Al-Majlis Al-Qabali):

A gathering of tribal elders where customary arbitration sessions take place. It is a socially recognized authority for resolving major disputes, especially in areas with weak state presence.

Accountability:

A core pillar of transitional justice, referring to holding perpetrators of serious violations responsible. This can be implemented through formal courts or customary councils, depending on the context.

National Reconciliation:

A comprehensive process aimed at rebuilding societal trust after conflict through acknowledgment, forgiveness, and reparations, requiring broad participation from political and community actors.

Reparations:

Legal or social measures aimed at compensating victims for the harm they suffered, including financial compensation, apology, and restitution. In Yemen, this corresponds to “diya” or “s^hiq

*S^hiq “In Yemeni tribal custom, ‘s^hiq’ refers to a customary monetary compensation to the injured party or their family, usually less than the ‘diyah’.

Diya:

Financial compensation provided to the family of a victim or injured party according to tribal or Islamic law, used as a means to close the matter of bloodshed and complete reconciliation.

Guarantee of Non-Repetition:

A fundamental goal of transitional justice involving institutional and legislative reforms to prevent the recurrence of violations. In tribal practice, it corresponds to mechanisms such as reconciliation, guarantees, and “wajh.”

Truth-Seeking:

A systematic effort to document violations and uncover the circumstances to inform victims and society. In customary practice, this is achieved through open arbitration sessions and elder testimonies.

Tribal Mediator (Al-Waseet Al-Qabali):

A person trusted and accepted by both parties in a conflict to mediate and reconcile differences. Typically, this individual holds social standing and is not directly involved in the dispute.

Policy Alternatives):

A set of practical proposals designed to guide decision-making toward achieving the overall objectives of the paper

About the Researcher

Prepared by the researcher: Saad Saeed Al-Yousfi

Saad Saeed Al-Yousfi is a researcher in curricula and educational technologies, specializing in education issues and community conflicts. He also holds an advanced diploma in Information Technology.

On the community level, Al-Yousfi has served as a local judge in conflict resolution and reconciliation cases. He has also worked as a trainer and lecturer on tribal customs and their role in maintaining civil peace. Additionally, he trains community leaders and influencers and supervises community initiatives aimed at reducing conflicts in Marib Governorate.

He has held several leadership positions, notably: Vice-Chair of the Judiciary and Reconciliation Committee at the Marib Comprehensive Conference, Head of the Events and Training Unit at Rashad Center for Studies, Media, and Rights, and Chair of the Studies and Research Committee at the Community Peace Forum in Marib. He has also supervised awareness campaigns highlighting the importance of protecting public interests and mitigating the impact of conflicts on essential services.

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