

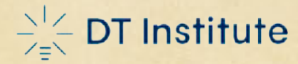
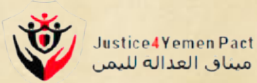
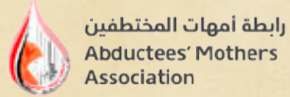


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The Potential for Implementing Transitional Justice in Yemen: A Comparison with the Rwandan Experience



By Dr. Adel Dashela



SAM ORGANIZATION FOR RIGHTS AND LIBERTIES

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

ABDUCTEES OF MOTHERS ASSOCIATION

The Association of Mothers of Abductees is a women-led human rights organization founded in April 2016. It was formed by human rights defenders, mothers, and wives of detainees. The Association works to monitor and document cases of arbitrary detention and enforced disappearance and report them to the relevant authorities. It aims to build a human rights memory that preserves victims' rights to accountability and redress in the post-war period. The Association also works to amplify the voices of victims in national and international forums and maintains ongoing communication with decision-makers and local mediators to secure the release of detainees. Additionally, it provides psychosocial support to survivors and their families.

Justice for Yemen Pact Coalition (J4YP)

The Yemen Justice Charter is a coalition of human rights organizations and civil society actors united to promote and protect human rights in Yemen. The coalition's mission is to advocate for the rights of the Yemeni people, especially vulnerable and marginalized groups. The coalition is committed to addressing the systematic human rights violations that Yemen has endured over years of conflict and violence. This charter seeks to empower the Yemeni people to demand their rights, raise awareness about violations, and advocate for justice and accountability at local, national, and international levels. The charter is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that through cooperation, its members can help end impunity, provide essential support and compensation for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.

DT Institute

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

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

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

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

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

Abstract

This study examines the Rwandan experience in transitional justice and explores the potential for applying its lessons within the Yemeni context. Following the 1994 genocide, Rwanda succeeded in implementing a localized model of transitional justice that combined international and national courts with the traditional *Gacaca* community tribunals, alongside semi-integrated programs for reparations, national memory building, and institutional reform. Despite the profound differences between the Rwandan and Yemeni contexts, the study reveals genuine opportunities for Yemen to benefit from this experience, particularly in activating tribal customary norms as supportive mechanisms for transitional justice, designing local Yemeni programs for both material and moral reparations, and constructing a comprehensive national memory. The study concludes that the success of transitional justice in post-war Yemen depends on ending the war, reaching a political agreement that embeds transitional justice as a core pillar of the transitional process, unifying state institutions, and cultivating a shared political will to achieve an inclusive, consensual justice that addresses the legacy of the past and prevents the recurrence of conflict.



Introduction

In 1994, Rwanda witnessed horrific massacres and a genocide against the Tutsi carried out by the Hutu-led government, atrocities unprecedented in Africa, which left behind immense challenges related to justice and reconciliation. For the victorious Rwandan government, the only viable option to heal the wounds of the past and overcome deep societal divisions was to adopt a process of transitional justice. This was seen as the best means to restore social cohesion and rebuild a unified national identity.

The Rwandan experience has gained particular significance as one of the most prominent models of transitional justice, demonstrating relative effectiveness despite notable criticisms, chief among them being its characterization as “the justice of the victor,” a reference to the dominant role of Paul Kagame,¹ who shaped the transitional justice process in accordance with the vision of the Rwandan Patriotic Front (RPF),² which he led against the Hutu government during the genocide. Following the atrocities, Rwanda developed its own localized framework for transitional justice, initially involving multiple parallel mechanisms: The International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, the national judicial system, and later, the community-based *Gacaca* courts.³ In addition, the Rwandan state adopted a range of complementary initiatives—programs for reparations, remembrance, and institutional reform, including in the media sector, which had played a destructive role during the genocide.

¹ Leader of the Rwandan Patriotic Front and currently the President of the Republic of Rwanda.

² A political and military movement founded in 1987 by ethnic Tutsi refugees in Uganda, led by Paul Kagame.

³ Gacaca courts are traditional courts implemented in Rwanda in the name of popular justice, where elders arbitrate low-level disputes, especially those cases that can be resolved in traditional ways through forgiveness, apologies, and compensation.

Yemen, by contrast, now faces a set of challenges; different in nature but similarly complex. Although the Yemeni conflict is not rooted in ethnic divisions, the country suffers from severe political fragmentation, the erosion of national identity, expanding political and social polarization, and more than a decade of ongoing internal conflict that has torn apart the social fabric, leaving hundreds of thousands dead and millions displaced. While Yemen urgently needs to embark on a comprehensive path toward transitional justice, the absence of political will among the warring factions and the collapse of national institutions, particularly the judiciary, education, and security sectors, remain major obstacles to any such transformation. From this standpoint, the present study seeks to draw lessons from Rwanda's transitional justice experience that might be adapted to Yemen's realities.

The study highlights how Rwanda overcame the trauma of its dark past through strong political will and an effective state apparatus capable of managing the justice process, two key factors Yemen currently lacks. Accordingly, it emphasizes the need to explore pathways through which Yemen might cultivate these prerequisites for successful transitional justice. In doing so, the study provides an analytical framework aimed at shaping a realistic roadmap for transitional justice in Yemen; one that ensures redress for victims, fosters social reconciliation, and rebuilds a cohesive national identity conducive to lasting peace.

The study aims to analyze Rwanda's experience in implementing transitional justice and identify the factors that enabled it to transcend the legacies of genocide. It focuses on the role of *Gacaca* community courts, reparations programs, and the cultivation of national memory, while systematically comparing these with the Yemeni case to discern similarities, differences, challenges, and opportunities. It also seeks to explore how Rwandan mechanisms, especially community-based justice, reparations, memory-building, and institutional reform, can inform Yemeni efforts, proposing a practical

framework aligned with Yemen's context to ensure justice for victims and comprehensive reconciliation within a transitional justice framework.

Research Questions

The central research question guiding this study is:

- How can Yemen draw upon the Rwandan experience in transitional justice to address the legacy of war and achieve sustainable national reconciliation?

In addition, the study addresses several sub-questions:

- What factors enabled Rwanda to implement transitional justice successfully, despite the magnitude of the genocide?
- How did the *Gacaca* community courts contribute to justice, reparations, and reconciliation within the Rwandan context?
- What are the similarities and differences between the Yemeni and Rwandan contexts regarding the potential for implementing transitional justice?
- How can Yemeni customary norms be adapted to promote restorative justice and reparations, similar to the *Gacaca* system?
- What roles can national memory and the media play in supporting social reconciliation and ensuring that conflicts are not repeated?

The study adopts a descriptive comparative approach, supported by the inductive method. The researcher gathered and analyzed academic studies on the Rwandan experience in transitional justice to draw general conclusions that could be applied to the Yemeni context.

Transitional justice, as the study underscores, seeks to redress victims' grievances and achieve comprehensive social and political reconciliation. It is termed "transitional" because it moves societies from a state of war and conflict toward peace through four foundational pillars: truth-seeking, reparations for victims, institutional reform, and the construction of a shared national memory.

In practice, there is no single model of transitional justice that fits all societies; rather, it is a context-dependent process that must be adapted to the political, social, and cultural specificities of each nation. Hence, examining international experiences, such as Rwanda's, becomes crucial for extracting applicable lessons and designing mechanisms tailored to Yemen's post-war context.



In line with these objectives, the study is structured into four main sections:

Section One: Yemen and the missing pillars of transitional justice

- The reality of transitional justice in Yemen after successive conflicts
- Challenges of criminal justice and reparations mechanisms in the Yemeni context
- The weakness of national memory and fragmentation of historical narratives

Section Two: The Rwandan experience in transitional justice

- Background of the conflict in Rwanda
- Stages of transitional justice implementation in Rwanda

1. Transitional justice through military victory: accountability and truth-seeking

- a) The International Criminal Tribunal for Rwanda (ICTR) in Arusha
- b) Rwanda's national and military courts
- c) Traditional *Gacaca* courts as a complementary mechanism for transitional justice

2. Reparations and moral compensation programs

3. Building national memory to counter hate speech and genocide

4. Rebuilding state institutions and linking them to national reconciliation

Section Three: Comparative analysis – Yemen and Rwanda

- Similarities and dissimilarities between the Yemeni and Rwandan experiences of transitional justice

Section Four: Lessons from the Rwandan experience and their applicability to Yemen

1. Rebuilding Yemeni institutions on the foundations of reconciliation and transparency
2. Utilizing tribal customary norms for reparations: lessons from Rwanda
3. Adopting a national policy for historical memory and social reconciliation



Section One: Yemen and the missing pillars of transitional justice

The reality of transitional justice in Yemen after successive conflicts

Following the February 11, 2011 uprising, Yemen underwent major political transformations that led to the formation of the National Reconciliation Government, which sought to lay the groundwork for a transitional justice process to address the legacy of past violations and conflicts. These violations trace back to the early 1960s, beginning with the civil war between the royalists and republicans (1962-1968), continuing through the northern conflicts that accompanied the rise of the late President Ali Abdullah Saleh to power in 1978, and extending to the painful events in South Yemen prior to unification, such as the January 13, 1986 clashes, where violence was driven by identity and regional affiliation.

After the Yemeni unification in 1990, new military confrontations erupted between the central government and the Socialist Party in 1994, followed by six rounds of fighting between the Houthi movement and the government (2004-2010), culminating in the 2011 revolution. During this revolution, discussions around transitional justice gained traction and can be divided into three key phases:

First phase (post-2011): Youth movements demanded the prosecution of former regime figures, expressing deep anger toward the late President Ali Abdullah Saleh, particularly after the *Friday of Dignity* massacre.⁴ During the peaceful youth uprising, activists engaged in debates over transitional justice and drew inspiration from international experiences such as South Africa's. Focus also turned to addressing past violations, both before and after unification (1978-1990), including enforced disappearances, political assassinations, abuses in Tihama, land seizures in South

⁴ Amnesty International. (2011). *Moment of truth for Yemen*. Amnesty International. p 12.

Yemen after the 1994 war, cases of employees dismissed for political reasons, and the six wars in Saada between the government and the Houthi movement (2004-2010).

Second phase: This period marked the adoption of *negotiated justice* through the Gulf Initiative, in which opposition political forces accepted granting immunity to President Saleh and his associates from prosecution.⁵ The rationale behind this immunity was to ensure a peaceful democratic transition and to avoid cycles of political revenge. The intent of this negotiated justice was to preserve state institutions and prevent a slide into armed conflict, given the risks of pursuing uncalculated justice during a highly polarized period.

Third phase: Between 2013 and 2014, the National Dialogue Conference (NDC) discussed the draft of a transitional justice framework. The NDC represented the most significant platform for reaching consensus on transitional justice mechanisms, including the establishment of a compensation and reparations fund for victims.⁶ Yemeni political actors agreed on a draft law for transitional justice that encompassed elements such as truth-seeking, compensation, reparations, and institutional reform. However, the revised version of the law excluded some key components; most notably criminal prosecutions and comprehensive truth disclosure. There was also disagreement regarding the temporal scope of the law: the original draft covered conflicts after 1990, whereas the amended version limited its scope to the period between 2011 and 2012.⁷

Despite these limitations, the initiative was bold and outlined a general roadmap for transitional justice. However, the process was never completed. The Houthi coup

⁵ Dashela, A. (2025).

⁶ Document of the Comprehensive National Dialogue Conference (2014). Sana'a, p. 72.

⁷ Al-Ezzi, N. (2025, January 23). Transitional justice in Yemen and the possibility of achieving it: An analysis in light of the current reality. Abstracts for Research and Policy Studies, accessed October 03, 2025, <https://khulasat.org/ar/posts/transitional-justice>

of September 2014 undermined the ongoing initiatives and halted the implementation of the NDC's outcomes, plunging the country into a new phase of all-out war that began in 2015. Since then, transitional justice in Yemen has remained suspended, postponed until a comprehensive political settlement is achieved.

Challenges of criminal justice and reparations mechanisms in the Yemeni context

Yemen faces numerous obstacles in relation to two of the core pillars of transitional justice: judicial accountability and reparations. Discussing criminal justice amid the country's deep political and institutional divisions may, in fact, produce counterproductive outcomes and risk repeating the 2014 scenario, even though criminal justice was not practically pursued at that time.

The country's judicial system is fragmented, and non-state armed groups control certain regions by force, refusing to relinquish their gains. Likewise, the security and military institutions are divided, while the political scene remains deeply complex, with all parties implicated in mutual violations, where the victim has become the perpetrator, and the perpetrator the victim. This moral and legal entanglement complicates any potential path toward transitional justice.

Another major challenge is the involvement of regional powers in grave violations, which makes all sides reluctant to engage in any form of judicial accountability. Consequently, many parties to the conflict, facing accusations of serious human rights abuses, prefer political settlements that overlook past crimes in order to safeguard their wartime political and economic gains. Technical challenges also persist, including procedural limitations and difficulties in evidence collection. This reality calls for a gradual approach, beginning with issues that all parties can accept, particularly reparations, as an entry point to broader justice processes.

However, even the reparations process itself faces considerable challenges. Political actors have largely avoided adopting clear or effective mechanisms for compensation, often arguing that Yemen is financially incapable of bearing the burdens of war and compensating victims and their families. The country also carries a long legacy of human rights violations, including extrajudicial killings, political assassinations, looting of public and private property, destruction of homes, child recruitment, and attacks on minorities and tribes. The sheer scale of these violations exceeds the state's capacity to address them all at once.

Here, Yemen can draw valuable lessons from the Rwandan experience, specifically the role of community-based *Gacaca* courts, which contributed significantly to reparations through restorative justice practices. These focused on healing harm and resolving grievances through dialogue, acknowledgment of wrongdoing, and compensation to victims as an initial stage. To achieve something similar, customary norms and local culture can be leveraged to rebuild social trust.⁸

Thus, the success of transitional justice in post-war Yemen ultimately depends on whether the warring parties can move beyond this phase through a political agreement that ensures the gradual implementation of transitional justice. Such an approach would need to balance the demands of justice with the imperatives of political and social reconciliation.

⁸ Dashela, A. (2024). Navigating the crisis of transitional justice in post-conflict Arab regions: Challenges and pathways to reconciliation. *Biomed J Sci & Tech Res*, 60(1), 2. <https://doi.org/10.26717/BJSTR.2024.60.009395>

The weakness of national memory and fragmentation of historical narratives

In recent years, a deep divide has emerged around the narratives of past violations. Each party to the conflict upholds its own version of events, portraying itself as the victim while ignoring its direct or indirect responsibility for abuses. The failure to implement transitional justice mechanisms early on, despite the opportunity to establish Yemen as a regional model, allowed this polarization to deepen. Warring factions have consistently evaded accountability, resorting instead to temporary political agreements that postpone addressing victims' grievances and the roots of crises. As a result, political and social injustices have accumulated over time, enabling defeated parties in one round of conflict to reorganize and reignite hostilities in the next.

This multiplicity of competing narratives has obscured victims' rights and distorted the collective memory of violations. Each side blames the other entirely, leaving no objective, unified narrative to preserve victims' dignity or to educate future generations about the horrors of past violence and the importance of preventing its recurrence. While forming a single, unified narrative may be difficult amid ongoing divisions, reaching a minimum consensus around objective standards remains both possible and essential. Such consensus would safeguard victims' rights, document events accurately, and help society overcome this painful period. Ultimately, it would also enable the construction of a shared national narrative; one that protects the identity of future generations from sliding once again into cycles of political and regional conflict.

Section Two: The Rwandan experience in transitional justice

Background of the conflict in Rwanda

The Republic of Rwanda is a small, landlocked country located in Central Africa. Its population is composed of three ethnic groups: The Hutu, who form the vast majority; the Tutsi; and the Twa, a small minority.⁹ Rwanda first came under German colonial rule in 1899 and later under Belgian administration after World War I. During the colonial period, ethnic divisions were deliberately reinforced, as the Belgian authorities propagated the idea of Tutsi superiority, granting them political and social privileges at the expense of the Hutu and Twa. In 1933, Belgium institutionalized ethnic identity cards, thereby formalizing rigid ethnic categories that would later fuel deep divisions.

The monarchy was officially abolished in 1961, marking the beginning of the so-called “*Social Revolution*” led by the Hutu majority. After independence in 1962, Grégoire Kayibanda came to power through the Parmehutu Party, which represented Hutu interests. A failed attempt by exiled Tutsi refugees to reclaim power triggered waves of violence against Tutsis within the country.

In 1973, Juvénal Habyarimana seized power, further entrenching ethnic discrimination and systematically excluding Tutsis from public life. By the late 1980s, Habyarimana’s influence weakened, and the unresolved Tutsi refugee crisis persisted as the government refused to allow their return. This led to the outbreak of the Rwandan Civil War, initiated by the Rwandan Patriotic Army (RPA) under the leadership of Paul Kagame.¹⁰ France supported Habyarimana’s regime, while international actors pushed for peace negotiations that resulted in the Arusha Peace Accords, which called for power-sharing and the deployment of a UN observer mission (UNAMIR). However,

⁹ Habaza, Muhammad. (2024, June 29). African development experiences: Rwanda as a model. Arab Democratic Center, Accessed: (October 05, 2025), https://democraticac.de/?p=98397#_ftnref14

¹⁰ The RPA is the military wing of the Rwandan Patriotic Front (RPF).

radical factions within the MRND (National Revolutionary Movement for Development) saw the peace deal as a threat to their power.¹¹ They intensified hate propaganda, trained militias, and prepared for mass violence against the Tutsi population. Habyarimana's inability to control these extremist forces paved the way for the impending genocide.¹²

The Rwandan Genocide began in early April 1994, immediately after Habyarimana's plane was shot down. Mass killings erupted nationwide. Prime Minister Agathe Uwilingiyimana, known for her moderate stance, briefly assumed leadership but was murdered on April 7 along with Belgian UN peacekeepers assigned to protect her. Shortly afterward, Jean Kambanda of the extremist *Hutu Power* faction took power and directed the violence against the RPA led by Paul Kagame.

The United Nations Mission in Rwanda (UNAMIR) remained largely passive, witnessing the massacres unfold. The situation worsened when Belgium withdrew its contingent, reducing UNAMIR's strength from 2,500 to just 270 troops. Meanwhile, Western nations evacuated their own citizens, leaving the Tutsi population defenseless. The UN Security Council, particularly the United States and the United Kingdom, refused to classify the massacres as genocide, blocking immediate international intervention.¹³

According to academic studies, at least 500,000 Tutsi civilians were killed within 100 days. Additionally, between 10,000 and 50,000 Hutu civilians were killed; mostly by the Rwandan Patriotic Front (RPF) during retaliatory attacks against the Hutu

¹¹ The MRND was the ruling political party in Rwanda from 1975 to 1994 under President Juvénal Habyarimana.

¹² Viebach, J. (2023). Rwanda: Transitional justice after genocide. In P. Hoeres & H. Knabe (Eds.), *After dictatorship: Instruments of transitional justice in post-authoritarian systems*, Berlin, Boston: De Gruyter Oldenbourg, <https://doi.org/10.1515/9783110796629>

¹³ Julia, V. (2023) "Rwanda: Transitional Justice after Genocide". *After Dictatorship: Instruments of Transitional Justice in Post-Authoritarian Systems*, edited by Peter Hoeres and Hubertus Knabe, Berlin, Boston: De Gruyter Oldenbourg, p 86, <https://doi.org/10.1515/9783110796629-004>

government forces.¹⁴ Former UN Secretary-General Kofi Annan described the events in Rwanda as “a genocide against the human spirit.”¹⁵ The atrocities that occurred in Rwanda, despite the presence of UN forces, demonstrated the United Nations’ inability to enforce international law and humanitarian principles in such crises. The UN’s role was largely limited to issuing non-binding recommendations, as enforcement authority lies with the permanent members of the Security Council, who often act based on political interests. Since key powers refused to acknowledge the genocide at the outset, the killings continued unchecked.

A similar dynamic can be observed in Yemen. Despite UN Security Council Resolution 2216 (2015), which called for an end to hostilities and the restoration of legitimate governance, the UN has largely confined itself to mediation between the warring parties. Its efforts have focused on humanitarian relief and, more recently, on working with civil society organizations to explore transitional justice frameworks for post-war Yemen. This reality reveals the limitations of the UN’s role in enforcing justice. It underscores the need for local and community-driven efforts to achieve accountability, rather than waiting for international intervention. The UN can, however, play a supportive role, providing logistical assistance, training, and capacity-building to local actors engaged in designing and implementing transitional justice mechanisms.

¹⁴ Thomson, S., & Nagy, R. (2011). Law, power and justice: What legalism fails to address in the functioning of Rwanda’s Gacaca courts. *International Journal of Transitional Justice*, 5(1), p15. <https://doi.org/10.1093/ijtj/ijq024>

¹⁵ Assef, Imad. (2024, July 16). Rwanda’s journey from the pain of genocide to the experience of reconciliation and transitional justice. Prey Magazine. Accessed (September 24, 2025), <https://alpheratzmag.com/history/2024071601/>

Stages of implementing transitional justice in Rwanda

1. Transitional justice through military victory: accountability and truth-seeking

After the Rwandan Patriotic Front (RPF) seized control of the capital following the horrific genocide, the new state immediately began implementing transitional justice measures focused on truth-seeking and holding perpetrators accountable. There was neither the time nor the perceived need to establish truth commissions, as the armed conflict had ended with the military defeat of the Hutu-led government. Consequently, the victorious RPF imposed its own model of transitional justice and began applying it without delay. The Rwandan experience illustrates that justice there was not negotiated but imposed through decisive military victory, which enabled the new government to enforce its vision of accountability. The cohesion of the post-genocide state and the strong central leadership under President Paul Kagame played a pivotal role in steering this process.

Rwanda took significant steps toward prosecuting those responsible for the genocide—an important milestone in combating the culture of impunity. Despite legitimate criticisms and shortcomings, these efforts remain a crucial reference point both domestically and internationally in the field of accountability for grave violations.¹⁶ To this end, three main judicial mechanisms were established:

1. The International Criminal Tribunal for Rwanda (ICTR) in Arusha;
2. The official national courts of Rwanda; and
3. The traditional Gacaca community courts, which played a wide-reaching societal role.

¹⁶ Gahima, G. (2013). *Transitional Justice in Rwanda: Accountability for Atrocity* (1st ed.). Routledge, p 32, <https://doi.org/10.4324/9780203075159>.

Below is an overview of these courts and their respective functions:

a. The International Criminal Tribunal for Rwanda (ICTR)

It soon became clear that Rwanda's national judicial system lacked the capacity to address the vast legacy of genocide, due to limited financial and human resources and insufficient professional expertise to meet the standards of international criminal justice. Consequently, Rwanda sought assistance from the United Nations, which led to the establishment of the ICTR on November 8, 1994. The tribunal, based in Arusha, Tanzania, was tasked with prosecuting the key individuals responsible for the 1994 genocide, while lower-level perpetrators were to be tried domestically. The ICTR officially closed on December 31, 2015, after completing its mandate. Alongside the ICTR, the modern Gacaca system was developed, and together they formed the two main pillars of Rwanda's transitional justice framework.¹⁷

The ICTR's first trial began in January 1997, and by December 2012, it had concluded its judicial proceedings. The tribunal convicted 61 individuals, many of them senior political and military leaders, to life imprisonment, acquitted 14, and referred 10 cases to Rwandan national courts. Over two decades, more than 3,000 witnesses testified before the tribunal, providing critical evidence and documentation of the genocide era.¹⁸

One key reason Rwanda's new government accepted the establishment of an international court in Arusha was the belief that an independent, external tribunal would lend greater credibility to the judicial process, preventing future accusations that the trials represented "the justice of the triumphant."¹⁹

¹⁷ Cho DT, (2024). "Transitional Justice in Anglophone Cameroon: Perspectives and Lessons from South Africa and Rwanda" *PER / PELJ* (27), p 13, DOI <http://dx.doi.org/10.17159/1727-3781/2024/v27i0a15661>

¹⁸ United Nations. (n.d.). Background Information on the Justice and Reconciliation Process in Rwanda, Accessed: (27 September 2025), <https://www.un.org/en/preventgenocide/rwanda/backgrounders.shtml>

¹⁹ Peskin, V. (2008). International justice in Rwanda and the Balkans: Virtual trials and the struggle for state cooperation. Cambridge University Press, p 158, <https://ebookcentral.proquest.com/lib/kutu/detail.action?docID=328922>.

b. The national and military courts of Rwanda

When the Rwandan government realized that the International Criminal Tribunal in Arusha was incapable of handling the overwhelming number of serious cases; and that there were clear contradictions between international criminal law and Rwanda's domestic legal system, it turned to its own courts. The ICTR operated under international criminal law, focusing primarily on prosecuting senior leaders while avoiding the death penalty. Its procedures were slow and limited in scope, making it difficult to adapt to Rwanda's social and cultural realities. By contrast, Rwandan criminal law at the time allowed for capital punishment and incorporated avenues for addressing grievances through customary and community-based mechanisms, such as the *Gacaca* courts. This divergence prompted one senior Rwandan official to declare: "It is better for Rwandans that justice be done here, in Rwanda. We [the government] know what is best for our people, not those foreigners in Arusha who never experienced the genocide."²⁰

On the national level, Rwanda's domestic courts focused on prosecuting direct perpetrators of genocide crimes, while military courts were established to try members of the armed forces and militias. Although the national judiciary took decisive steps toward accountability, persistent concerns remained regarding the "justice of the victor." Critics argue that Rwanda's transitional justice process failed to meaningfully address crimes committed by the Rwandan Patriotic Front (RPF), leaving a significant portion of the population feeling excluded and marginalized. Even though military trials were sometimes open to the public, public awareness of these proceedings remained limited, reinforcing perceptions of selective justice and incomplete reconciliation.²¹

²⁰ Thomson, S., & Nagy, R. (2011). p16, <https://doi.org/10.1093/ijtj/ijq024>

²¹ Jones, N. (2009). *The courts of genocide: Politics and the rule of law in Rwanda and Arusha*. Taylor & Francis Group, P 190, <https://ebookcentral.proquest.com/lib/kutu/detail.action?docID=446839>

c. The traditional Gacaca courts as a complementary mechanism for transitional justice

As the government and National Assembly worked to establish a new judicial system, Rwanda faced a severe crisis of capacity. By 1998, hundreds of thousands of suspects accused of involvement in the genocide were detained, even though the prison system had been designed to hold only 12,000 inmates. Although formal trials had begun in January 1997, the government was able to process only 1,200 cases within an entire year. The situation was financially unsustainable, the annual cost of prisons reached USD 20 million. In January 1998, then-Vice President Paul Kagame announced that the state could no longer bear this burden.

Faced with the prospect that completing all cases through conventional judicial procedures might take up to 200 years, the government convened a series of national consultations between May 1998 and March 1999. From these discussions emerged the idea of reviving the traditional Rwandan practice of Gacaca as an alternative mechanism for achieving justice.²²

By 2001, the government officially adopted the Gacaca system, which soon received wide international recognition. These courts were designed as community-based institutions rooted in traditional conflict resolution practices among Rwanda's indigenous population.²³ They aimed to process genocide-related cases efficiently while promoting truth-telling, accountability, and reconciliation.²⁴ The Gacaca courts provided a low-cost and participatory alternative, combining community involvement with judicial oversight. They offered a platform for both victims and perpetrators to

²² Rawson, D. (2012). From retribution to reconciliation: Transitional justice in Rwanda, 1994-2011, *Georgetown Journal of International Affairs*, Vol. 13, Issue 2, p 119.

²³ Loyle, C. E. (2017). Transitional justice and political order in Rwanda. *Ethnic and Racial Studies*, 41(4), p 663, <https://doi.org/10.1080/01419870.2017.1366537>

²⁴ Palmer, N. (2015). Inside the Gacaca courts. In *Courts in conflict: Interpreting the layers of justice in post-genocide Rwanda* (online ed.). Oxford University Press, p 155, <https://doi.org/10.1093/acprof:oso/9780199398195.003.0005>

tell their stories, fostering opportunities for social healing and restorative justice.²⁵ “The legacy of the Gacaca courts is not only judicial but also historical. By the end of the process, more than 60 million documents had been collected. There is no doubt that thorough historical research into these vast archives will greatly enrich our understanding of the last genocide of the twentieth century.”²⁶

As far as the selection process and functions of the Gacaca courts is concerned, the appointment of judges in the Gacaca courts was not based on professional qualifications but rather on moral integrity and social reputation. Ordinary citizens assumed responsibilities traditionally reserved for trained and certified judges. This approach demonstrated how transitional justice can redefine conventional notions of expertise, emphasizing the vital role of social capital and community trust in achieving justice swiftly and effectively in post-crisis contexts.²⁷

According to academic studies, the use of traditional mechanisms made the process more community-centered, open, and transparent. It allowed both victims and accused persons to participate actively in the proceedings, increasing the likelihood and depth of reconciliation. These courts gave perpetrators the opportunity to confess and apologize, while victims were able to forgive, fostering a spirit of restorative engagement.

Despite these advantages, some weaknesses were also apparent. Living and working side by side with perpetrators in mandatory community-based reconciliation activities occasionally rekindled trauma among victims. Moreover, forced participation

²⁵ Megwalu, A., & Loizides, N. (2009). Dilemmas of justice and reconciliation: Rwandans and the Gacaca courts. *African Journal of International and Comparative Law*, 18(1), p21-22, <https://doi.org/10.3366/E0954889009000486>

²⁶ Dumas, H. (2020). Judging neighbors: the *gacaca* courts in Rwanda. *South Central Review* 37(2), p143, <https://dx.doi.org/10.1353/scr.2020.0020>.

²⁷ Brehm HN, Etal. (2019). Producing Expertise in a Transitional Justice Setting: Judges at Rwanda’s Gacaca Courts. *Law & Social Inquiry*. 44(1), p 96-97, [doi:10.1111/lsi.12347](https://doi.org/10.1111/lsi.12347)

in such initiatives could lead to superficial reconciliation driven by fear rather than genuine conviction if imposed coercively.²⁸

Importantly, the Gacaca courts were not designed solely for criminal prosecution but were intended to promote national unity and collective healing through local traditions. They pursued nine interconnected objectives that together reflected a holistic vision of post-genocide recovery. These objectives included resolving the massive backlog of genocide-related cases, improving prison conditions, and contributing to economic development. They also sought to uncover the truth about the atrocities, establish peace and justice, and facilitate the rehabilitation of both victims and perpetrators. Furthermore, the Gacaca process aimed to encourage forgiveness and foster reconciliation within communities torn apart by violence, ultimately restoring social harmony and rebuilding trust among Rwandans. Of these, economic development was the only goal that could not be fully achieved through Gacaca. For the remaining objectives, field observations indicated that the courts achieved varied levels of success, depending on local implementation and community engagement.²⁹

“While the Gacaca courts are often celebrated as a success story, they were not without serious criticism. In the early stages, many participants feared retaliation for testifying in court. Other concerns included the absence of legal counsel or defense representation, conflicts of interest among witnesses and elected judges, and instances of false testimony used to settle personal disputes. In some cases, individuals were reportedly coerced into confessions under duress. Women, moreover, were often

²⁸ Myl, M. (2020). Reconciliation processes in Rwanda: The importance of tradition and culture for transitional justice. *Przegląd Prawniczy Uniwersytetu im. Adama Mickiewicza*, 11, p 93-94.

²⁹ Clark, P. (2010). *The Gacaca courts, post-genocide justice and reconciliation in Rwanda: Justice without lawyers*. Cambridge University Press. ProQuest Ebook Central, p342.
<https://ebookcentral.proquest.com/lib/kutu/detail.action?docID=605050>.

reluctant to testify publicly about sexual violence, limiting the process's inclusivity and scope."³⁰

An academic study titled "*Law, Power, and Justice: What the Legal System Overlooks in the Functioning of Rwanda's Gacaca Courts*" argued that, while initially empowering, the Gacaca system eventually became an instrument of state control. The Rwandan Patriotic Front (RPF) used it to impose an official narrative portraying the Hutu exclusively as perpetrators and the Tutsi solely as victims. As a result, some citizens participated out of fear rather than conviction, undermining the process's contribution to genuine reconciliation and its ability to address the structural roots of violence and discrimination.³¹

Furthermore, the Twa minority, the smallest and most marginalized group in Rwanda, was excluded from the Gacaca agenda and denied an avenue to voice their grievances related to ethnic discrimination.³² This exclusion reflects a major limitation: transitional justice cannot effectively heal exclusionary legacies if marginalized voices are left out.³³ Additional criticisms focused on the scope of justice, the Gacaca courts addressed only genocide-related crimes, while crimes against humanity committed by the RPF were excluded from consideration.³⁴ This omission left the legitimacy of the

³⁰ Basil Ugorji. Indigenous Dispute Resolution and National Reconciliation: Learning from the Gacaca Courts in Rwanda *Journal of Living Together* (2019) Volume 6, Issue 1, p 160.

³¹ Susan Thomson, S, and Nagy, R. (2011). Law, Power and Justice: What Legalism Fails to Address in the Functioning of Rwanda's Gacaca Courts, *International Journal of Transitional Justice*, Volume 5, Issue 1, p 28-30, <https://doi.org/10.1093/ijtj/ijq024>

³² Sentama, E. (2024). Transitional Justice and Redress for Racial Injustices against Marginalized Minorities: Lessons from Indigenous *Twa* People in Post-Genocide Rwanda, *International Journal of Transitional Justice*, Volume 18, Issue 1, p76, <https://doi.org/10.1093/ijtj/ijad036>

³³ Sentama, E. (2024). Transitional justice and redress for racial injustices against marginalized minorities: Lessons from Indigenous *Twa* people in post-genocide Rwanda. *International Journal of Transitional Justice*, 18(1), p 82, <https://doi.org/10.1093/ijtj/ijad036>

³⁴ Wielenga, C., & Harris, G. (2011). Building peace and security after genocide: The contribution of the gacaca courts of Rwanda. *African Security Review*, 20(1), p22, <https://doi.org/10.1080/10246029.2011.561008>

Gacaca process contested, particularly among the Hutu community, who perceived it as a form of victors' justice rather than a truly impartial system.³⁵

Despite its flaws, the Gacaca model made a significant contribution to reducing the burden on formal courts, advancing reconciliation, and enabling large-scale community participation in the justice process. Rwanda's experience illustrates the importance of cohesive state institutions and effective governmental oversight in ensuring that community-based justice contributes meaningfully to social harmony and reparations.

For Yemen, this experience offers valuable insights. With its strong tribal traditions and deep-rooted social customs, Yemen possesses the social infrastructure necessary to adapt a Gacaca-like model. Implementing such a locally grounded, participatory mechanism could yield tangible results, especially in addressing reparations and community reconciliation at the local level in a future transitional justice process.



³⁵ Kirkby, C. (2006). Rwanda's Gacaca courts: A preliminary critique. *Journal of African Law*, 50(2), p 117, [doi:10.1017/S0021855306000106](https://doi.org/10.1017/S0021855306000106)

2. Programs of reparations and moral compensation

The Rwandan government adapted international standards of reparations to suit its specific post-genocide reality. It developed a set of local mechanisms aimed at addressing the root causes of the genocide against the Tutsi and its devastating impact on Rwandan society. These mechanisms combined several complementary measures, including commemorative initiatives, the prohibition of ethnic identification, the adoption of laws criminalizing genocide denial, and the implementation of national policies designed to promote unity and reconciliation. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation served as the main reference framework, outlining the core components of reparation, restitution (restoring victims to their pre-violation condition as far as possible), compensation (financial or material redress), rehabilitation (medical, psychological, and social reintegration), satisfaction (acknowledgment, apology, and memorialization), and guarantees of non-repetition (institutional and structural reforms to prevent future violations). These guidelines also defined the procedures, mechanisms, and responsibilities through which the state is legally obligated to provide effective remedies and adequate reparations for victims.³⁶

The transitional justice program in Rwanda, particularly in the field of reparations, achieved notable success in empowering women and restoring their rights. For example, beginning in 1999, women were officially granted the right to inherit property after being denied such rights for generations in favor of their male relatives. Rwandan women went on to establish a number of human rights and advocacy organizations, and their peacebuilding efforts earned them the UNESCO Peace Prize. Women played a central role in the repatriation of refugees and in caring for orphans, and many

³⁶ Sezirahiga, Y. (2021). *The right of victims of international crimes to reparations in the aftermath of the 1994 genocide against the Tutsi in Rwanda* (Doctoral dissertation, University of Groningen), p 209-210, DOI: [10.33612/diss.172235636](https://doi.org/10.33612/diss.172235636)

assumed positions as judges in the Gacaca courts, as well as members of parliament, government, and public institutions, reflecting a remarkable shift toward gender-inclusive justice.³⁷

In addition to these initiatives, Rwanda created the Fund for the Support of Genocide Survivors (FARG) in 1998 to provide essential services for survivors, including housing, healthcare, education, and various forms of social assistance.³⁸ Recently, the government allocated approximately 4.8 billion Rwandan francs in the 2024/2025 national budget to construct housing for impoverished survivors and to renovate genocide memorials.³⁹ It also launched the Girinka (“One Cow per Poor Family”) program, which provided cows to some survivors, especially widows and vulnerable families, as a way to help them regain livelihoods and foster social solidarity.⁴⁰ In addition, the state adopted several other programs for social and moral reparations and to strengthen national reconciliation, with a particular emphasis on prioritizing national unity before political freedom.⁴¹

In this regard, Andrea Purdeková, a lecturer in African politics at the African Studies Centre, University of Oxford, identified a number of government-led programs aimed at rebuilding national identity and citizenship. The Rwandan state focused on transforming old ideas rooted in ethnic and racial discrimination in order to forge a new, inclusive Rwandan identity. Among these initiatives were: Itorero ry’Igihugu, a civic education program designed to train citizens in national values; Ingando, a re-

³⁷ Mohammed, Dua’a. (2024, July 31). To what extent did women contribute to post-genocide reconstruction in Rwanda? African Readings, Accessed October 20, 2025. <https://tinyurl.com/34r9sfp3>

³⁸ Le FARG, une réparation made in Rwanda, <https://www.justiceinfo.net/fr/40605-le-farg-une-reparation-made-in-rwanda.html>

³⁹ Rwanda Allocates Over 4.8 Billion Rwf for Genocide Survivor Housing, Memorial Construction, 18 Aug 2024, Accessed: (01 October 2025), https://rwandainspirer.com/rwanda-allocates-over-4-8-billion-rwf-for-genocide-survivor-housing-memorial-construction/?utm_source=chatgpt.com

⁴⁰ Rwanda: Genocide Widows in Rwamagana District Receive Girinka Cows, 16 June 2017, Accessed: (01 October 2025)

⁴¹ Bornkamm, P. C. (2012). *Transitional justice through reparation*. In *Rwanda’s Gacaca courts: Between retribution and reparation*. Oxford University Press, p 157, <https://doi.org/10.1093/acprof:oso/9780199694471.003.0005>.

education and solidarity-building camp for the population; Ubudehe, a community development initiative; Umuganda, a national public service and community work program; and Abunzi, a traditional local mediation mechanism. According to Purdeková, these programs function as tools of social and moral reparation and contribute significantly to reconciliation and community rebuilding. However, they also reveal a political orientation based on unity before freedom, prioritizing collective cohesion and stability through state-led programs rather than expanding political pluralism.⁴²

Furthermore, the Gacaca courts' procedures for property restitution were organized as mediations rather than formal trials, emphasizing reconciliation over punishment. In these cases, the perpetrator would return property or pay financial compensation according to their means. The monetary value was not the most important element; rather, the restoration of social relationships, through symbolic gestures such as sharing drinks, participating in communal celebrations, or engaging in other forms of social interaction, was central to the process.⁴³

As for apology, while it is an essential component of transitional justice and a recognized mechanism of reparation, its function within the Rwandan context differed from that of formal criminal trials. "In conventional criminal proceedings, an apology implies admission of guilt and subsequent accountability; thus, a defendant cannot apologize before conviction. In contrast, within the Gacaca process, confession and apology marked the beginning of the hearing. Based on these acknowledgments, the accused was considered guilty and consequently convicted."⁴⁴ The Gacaca courts dealt

⁴² Bornkamm, P. C. (2012). *Transitional justice through reparation*. In *Rwanda's Gacaca courts: Between retribution and reparation*. Oxford University Press, p 157, <https://doi.org/10.1093/acprof:oso/9780199694471.003.0005>

⁴³ Ingelaere, B. (2019). Reparation in Rwanda's gacaca courts. *Témoigner. Entre histoire et mémoire*, p 90, <https://doi.org/10.4000/temoigner.8633>

⁴⁴ Kavuro, C. (2017). Gacaca courts, reconciliation and the politics of apology in post-genocide Rwanda. *South African Journal of Criminal Justice*, 30(1), p 59.

with all types of crimes, including grave offenses such as mass killings. However, the mechanisms of confession and apology proved more effective in addressing less severe cases, while perpetrators of major crimes still faced strict sentencing despite their admissions.

From this, it can be concluded that Rwanda innovated multiple approaches to reparation, combining material and psychological dimensions to compensate victims, promote reconciliation, and foster a sense of justice and satisfaction among survivors, even though the state lacked the full capacity to implement comprehensive reparation programs. Moreover, the 2003 Rwandan Constitution explicitly stipulated that the state, within the limits of its capabilities, must adopt special measures to ensure the welfare of survivors who had been left destitute as a result of the genocide against the Tutsi, a provision that also implicitly acknowledges financial constraints.⁴⁵

Nonetheless, the Rwandan Patriotic Front (RPF) government has been criticized for failing to address or compensate for crimes committed by its own forces during and after the civil war. It has made no effort to provide redress to the victims of these violations.⁴⁶ Despite these shortcomings, the Rwandan experience remains a remarkably advanced model of local-level reparations, successfully integrating justice, reconciliation, and community rebuilding in the aftermath of mass violence.

⁴⁵ (Julia, 2023, p 86)

⁴⁶ Bornkamm, P. C. (2012). *Transitional justice through reparation. In Rwanda's Gacaca courts: Between retribution and reparation* (Oxford). Oxford University Press, p 157, <https://doi.org/10.1093/acprof:oso/9780199694471.003.0005>

3. Building national memory to confront hate speech and genocide

More than three decades after the 1994 genocide against the Tutsi, the painful memories of those one hundred horrific days continue to haunt the people of Rwanda, the African continent, and the world at large.⁴⁷ In response, Rwanda has established six major memorial sites to preserve national memory and honor the victims. Among the most prominent is the Kigali Genocide Memorial Centre, located in the capital, Kigali. The site houses three permanent exhibitions, the largest of which documents the 1994 genocide against the Tutsi. It also includes a children's memorial and a global genocide exhibition, highlighting the history of mass atrocities worldwide. The memorial's educational center, gardens, and archives contribute to preserving the dignity of the victims while offering visitors a deeply instructive experience on the consequences of hatred and division.⁴⁸

Another key site is the Murambi Genocide Memorial Centre, established in 1995 to commemorate nearly 50,000 victims killed at a technical school during the genocide, only 34 people survived this massacre. Murambi is now considered one of Rwanda's six principal national memorials, and April 21 is observed annually as a day of remembrance for its victims.⁴⁹

The Nyamata Genocide Memorial Centre is also among Rwanda's most significant remembrance sites. Converted into a memorial on April 11, 1997, the former church now contains victims' clothing and personal belongings, while mass graves behind the building hold the remains of 45,308 people. Each year, April 11 is dedicated to commemorating those who perished there.⁵⁰ Likewise, the Ntarama Genocide

⁴⁷ Thirty Years Later, Lessons from Rwanda on Transitional Justice and Atrocity Prevention in Africa, International Center for Transitional Justice, May 01, 2024, accessed September 30, 2025, <https://tinyurl.com/59ew6wvm>

⁴⁸ For more details about the memorial, visit this website, accessed October 01, 2025, <https://kgm.rw/about/>

⁴⁹ For more details about the memorial, visit this website: (October 01, 2025),

https://genocidearchiverwanda.org.rw/Murambi_Memorial

⁵⁰ For more details about the monument, visit this website, accessed October 01, 2025),

https://genocidearchiverwanda.org.rw/Nyamata_Memorial

Memorial Centre, another church transformed into a memorial on April 14, 1995, displays human remains, garments, and artifacts belonging to those killed on its grounds, permanently preserved as a somber testament to the tragedy.⁵¹

The Bisesero Genocide Memorial Centre ranks among the most prominent memorials in the country. Opened on July 4, 1997, renovated, and later re-inaugurated on June 27, 2014, it contains the remains of between 50,000 and 60,000 victims.⁵² Similarly, the Nyarubuye Genocide Memorial, established on April 14, 1995 near the Tanzanian border, stands beside a convent of Catholic nuns and was inaugurated by then-Vice President Paul Kagame in 1995.⁵³

Through these initiatives, Rwanda has successfully transformed its tragic history into spaces of national collective memory, ensuring that the victims are honored and their stories preserved. These memorials provide the Rwandan people, and future generations, with opportunities to learn from the horrors of the past so that such atrocities are never repeated.

Despite these commendable efforts to institutionalize remembrance and reinforce values of coexistence and reconciliation, some challenges persist. The official narrative of remembrance tends to exclude or marginalize the memories of violence experienced by certain groups, particularly the Hutu, whose accounts of atrocities committed by the Rwandan Patriotic Front (RPF) are often silenced or deemed inconsistent with the state's dominant narrative. This selective remembrance poses obstacles to sustainable and inclusive peace, as it risks perpetuating feelings of

⁵¹ For more details about the monument, visit this website, accessed October 01, 2025), https://genocidearchiverwanda.org.rw/Ntarama_Memorial

⁵² For more details about the monument, visit this website, accessed October 01, 2025), https://genocidearchiverwanda.org.rw/Bisesero_Memorial

⁵³ For more details about the monument, visit this website, accessed October 01, 2025), https://genocidearchiverwanda.org.rw/Nyarubuye_Memorial

exclusion and grievance.⁵⁴ Therefore, achieving comprehensive and lasting justice requires the documentation and acknowledgment of violations against all victims, regardless of affiliation. Recognizing every voice within the collective memory is essential not only for truth and reconciliation but also for ensuring that Rwanda's hard-won peace remains genuine, inclusive, and enduring.

4. Rebuilding state institutions and linking them to national reconciliation

In practice, national reconciliation aims to restore relationships between parties that were once in conflict. This process often begins with political reconciliation at the leadership level, which may then extend to broader social and political justice at the community level, and finally to individual reconciliation between victims and perpetrators. Scholars identify several key elements essential to reconciliation on both the personal and societal levels, these include apology, forgiveness, and the willingness to rebuild relationships based on trust. Reconciliation also requires a commitment to truth and justice, as uncovering the truth about past atrocities lies at the heart of reconciliation efforts. This aligns closely with the development of the internationally recognized "right to know the truth," which has become increasingly vital for societies undergoing transitions after mass violence.⁵⁵

From this perspective, Rwanda's reconciliation process needed to begin at both the social and individual levels to address the deep legacy of division and violence. The central challenge, however, was how to build a democratic society capable of integrating a majority of perpetrators and a minority of traumatized survivors into one

⁵⁴ King, E. (2010). Memory controversies in post-genocide Rwanda: Implications for peacebuilding. *Genocide Studies and Prevention: An International Journal*, 5(3), Article 6, p 304-305, https://digitalcommons.usf.edu/gsp/vol5/iss3/6?utm_source=digitalcommons.usf.edu%2Fgsp%2Fvol5%2Fiss3%2F6&utm_medium=PDF&utm_campaign=PDFCoverPages

⁵⁵ Myl, M. (2020). Reconciliation processes in Rwanda: The importance of tradition and culture for transitional justice. *Przegląd Prawniczy Uniwersytetu im. Adama Mickiewicza*, 11, p 82-83.

unified political community.⁵⁶ Rwanda therefore undertook major reforms across key institutions, including the media, judiciary, and education systems, to promote reconciliation and justice. Before and during the genocide, some media outlets such as Radio-Télévision Libre des Mille Collines (RTLM) played a destructive role by spreading hate speech and inciting violence against the Tutsi minority. The International Criminal Tribunal for Rwanda (ICTR) report of 2003 identified RTLM as a central tool of genocidal propaganda.⁵⁷

However, in the aftermath of the genocide, the Rwandan government completely restructured the media sector as part of its transitional justice process. Public broadcasting was transformed into a platform for messages of unity and reconciliation. For example, Radio Rwanda became a key medium for educational programming, airing content that promoted peaceful coexistence and social healing, most notably through the popular radio drama *Urunana* (“Dialogue”), which addressed sensitive issues related to the genocide and its long-term consequences.⁵⁸ Media institutions also played a significant role in supporting the Gacaca community courts, which adjudicated more than 1.2 million genocide-related cases between 2001 and 2012. Extensive media coverage of these proceedings helped educate the public, encourage participation, and shed light on the atrocities committed during the genocide against the Tutsi.⁵⁹

⁵⁶ Corey, A., & Joireman, S. F. (2004). Retributive justice: The Gacaca courts in Rwanda. *African Affairs*, 103(410), p 89, <https://doi.org/10.1093/afraf/adh007>

⁵⁷ UN tribunal convicts 3 Rwandan media executives for their role in 1994 genocide, 3 December 2003, Accessed: (31 August 2025), <https://news.un.org/en/story/2003/12/87282>

⁵⁸ Issa, Jibrin. (2025, April 23). In Rwanda. Media is a partner in genocide and reconciliation. Al Jazeera Media Institute. Accessed August 31, 2025. <https://institute.aljazeera.net/ar/ajr/article/3150>

⁵⁹ Ibid

Section Three:

Similarity and dissimilarities between the Yemeni and Rwandan experiences in the path of transitional justice

Yemen, much like Rwanda, has endured political conflicts, wars, and deep social divisions, though the roots of these conflicts differ significantly. In Rwanda, the conflict was fundamentally ethnic, while in Yemen it is primarily political and regional. Likewise, the scale and nature of the atrocities in Rwanda, marked by systematic genocide, are incomparable to those that have occurred or are occurring in Yemen, which are grave but of a different character and context.

The following section outlines the key similarities and differences between the Rwandan and Yemeni experiences in their respective journeys toward transitional justice.



Element	Rwanda	Yemen	Lessons learnt for the Yemeni context
Community-based Courts	- The traditional <i>Gacaca</i> courts were innovatively created as a complementary mechanism for achieving transitional justice, national reconciliation, and reparations. - They relied on local customary norms within communities. - They helped reveal the truth and build reconciliation, but were widely criticized for failing to address the grievances of minorities, such as the Twa people. - Judges in these courts were selected based on integrity and social reputation rather than formal qualifications. - Rwandan women were extensively involved in these popular courts. - Community participation in these courts was effective and widespread.	- Yemen has flexible customary rules and traditional mechanisms for resolving local disputes through tribal arbitration and local mediation. - These mechanisms can be organized formally to facilitate transitional justice, especially in reparations and restorative justice. - They could also ease pressure on the formal judiciary when transitional justice begins. - Yemen can apply similar principles already embedded in tribal communities. - Yemeni women are actively involved in transitional justice initiatives and can significantly contribute, particularly in addressing injustices against women victims, though political will is still required from conflict parties. - Community participation remains limited.	Yemen can benefit from Rwanda's experience with community-based courts by institutionalizing and organizing tribal and customary mechanisms as complementary tools for restorative justice and reconciliation.
Reparations (Compensation and redress)	- Focused on moral reparations, returning victims' property, and symbolic compensation. - The main goal was to achieve social reconciliation between victims and perpetrators rather than	- There are no clear mechanisms for reparations, as transitional justice has not yet been implemented. - Current social and civil efforts seek restorative justice through local initiatives, such as the Reconciliatory Justice Initiative in Al-Shamayatayn district.⁶⁰	Yemen can draw from Rwanda's experience in reparations by activating tribal customary systems as support mechanisms for

⁶⁰ Abductees' Mothers Association, SAM Organization for Rights and Liberties, & DT Institute. (2025, September 2). *Under the slogan "Building bridges of understanding for recovery," a human rights symposium highlights the success of*

	focusing on material compensation.	- Community committees, like those led by the Abductees' Mothers Association and SAM Organization, resolved over 20 complex cases that formal law enforcement could not address, filling an institutional gap.⁶¹ - A field study by SAM, the Abductees' Mothers Association, and the DT Institute showed that 64.3% of respondents preferred reconciliation and ending the war, an encouraging sign of social readiness for recovery.⁶² - Other local initiatives, such as the Restitution of Seized Homes project in Taiz, have returned homes to their rightful owners.⁶³ Thus, Yemen still needs to design local mechanisms that combine material and moral compensation.	both moral and material compensation and for strengthening reconciliation processes.
National Memory	Established memorial centers to commemorate genocide victims. - Adopted a unified narrative to prevent the reemergence of hate speech, though this was criticized as a "victor's narrative."	There is a pressing need for a national project to preserve collective memory and unify the narrative. - Some early initiatives exist, such as the Memory Revival Center in Taiz, the Taiz Siege Memorial Project, the Fuel Truck Massacre Memorial⁶⁴, and the Taiz Memory	Yemen needs a comprehensive national transitional justice plan that unifies historical narratives, honors all victims, and preserves

a restorative justice initiative in Al-Shamaytayn district. Retrieved October 24, 2025, from <https://tinyurl.com/mua5rnvr>

⁶¹ Personal interview with the leaders of the transitional justice project at SAM and the Abductees' Mothers Association. (2025, October 24).

⁶² Abductees' Mothers Association, SAM Organization for Rights and Liberties, & DT Institute. (2025, April). *The road to peace: A field study on the local community's perspective regarding the feasibility and mechanisms of implementing transitional justice and national reconciliation to support peace in Yemen (Field study: Sana'a, Aden, Taiz, Al-Hudaydah, Ma'rib, Hadramawt)* (p. 6). Retrieved October 24, 2025, from <https://tinyurl.com/49dzctn8>

⁶³ SAM Organization for Rights and Liberties & Abductees' Mothers Association. (2025, October 3). *SAM and the Abductees' Mothers Association hand over the first confiscated houses to their owners in Taiz*. Retrieved October 24, 2025, from <https://tinyurl.com/knk2d5vk>

⁶⁴ SAM Organization for Rights and Liberties. (2025, October 17). *An initiative to commemorate the pain of the siege and preserve the city's human memory: Inauguration of the memorial for the victims of the bus massacre in Taiz*. Retrieved October 24, 2025, from <https://tinyurl.com/2njdrabs>

		Museum documenting the suffering caused by the siege. ⁶⁵	collective memory as a foundation for reconciliation.
Re-building State Institutions	- Worked to rebuild key state institutions, especially in the judiciary, education, and media, to facilitate transitional justice and reconciliation. - The Rwandan Patriotic Front (RPF) imposed the transitional justice path without negotiation. - Local social groups, including tribes, women, and youth, were involved in the transitional justice process.	- State institutions such as the judiciary, education, and media are divided and fragmented among conflicting parties, making them incapable of leading justice or reconciliation initiatives. - The absence of joint political will hinders the achievement of transitional justice and reconciliation. - There is a need to include local community actors in the process.	Transitional justice in Yemen requires institutional reform and reconstruction of the state to effectively address the country's crises.
International Courts	The International Criminal Tribunal for Rwanda (ICTR) operated from 1994 to 2015.	There is no international court for Yemen, but international experts document violations and submit reports to the UN Security Council.	There is a need for a national mechanism to document violations and complement existing international efforts.
Regional Intervention	Limited	Extensive and ongoing	Transitional justice must work to neutralize regional intervention
Implementation timeframe	<i>Gacaca</i> courts lasted 11 years (2001-2012).	Transitional justice has not yet begun.	Yemen needs a strategic, gradual plan to implement transitional justice over time.

⁶⁵ Abductees' Mothers Association & SAM Organization for Rights and Liberties. (2025, September 6). "Museum of Memory" in Taiz: A living memory of suffering and a message of peace. Retrieved October 24, 2025, from <https://tinyurl.com/bdz7rz8j>

It becomes clear from the above that there is a notable degree of similarity between the two cases, particularly in the potential to rely on local customary norms as an effective tool for achieving transitional justice, including reparations and social reconciliation. Yemen, therefore, needs to ensure the active participation of different societal groups, such as tribes, women, and youth, in transitional justice processes. The comparison also underscores the central role of transitional justice in rebuilding state institutions and restoring their legitimacy.

On the other hand, there are also key differences. Rwanda possessed strong, centralized state institutions that imposed transitional justice without waiting for negotiation, whereas Yemen suffers from an unprecedented institutional fragmentation in its modern history. Moreover, in Rwanda, there was close cooperation between the church and traditional courts to achieve justice, while in Yemen, coordination between religious institutions (represented by mosques) and social forces, including tribes, remains weak and ineffective. In Rwanda, youth and women played a major role in ensuring the success of the *Gacaca* courts; in Yemen, although these groups have shown efforts to advance transitional justice, their influence is still limited. The comparison also reveals that Rwandan media played a crucial role in raising public awareness about the importance of social reconciliation through community courts, while Yemeni media continues to fuel divisions and polarization. Finally, Rwanda implemented three levels of prosecution, international, national, and community-based, while Yemen has yet to begin any similar process.

Section Four: The potential for benefiting from the Rwandan experience in the Yemeni context

First: Rebuilding Yemeni institutions on the foundations of reconciliation and transparency

Yemen needs a comprehensive and structural reform of its state institutions to enable the establishment of transitional justice that can lead to sustainable social and political reconciliation in the post-war period. In this regard, Yemen can draw important lessons from Rwanda's experience, where, after the 1994 genocide, Rwanda undertook a thorough restructuring of state institutions. This enabled the country to formulate a national strategy for implementing transitional justice and addressing the legacies of past atrocities.

In Yemen's case, state institutions still exist but are deeply fragmented among rival factions, which poses a serious obstacle. Therefore, Yemen needs to adopt a gradual approach that links transitional justice to the rebuilding of judicial and security institutions as a first step. It is also important to note that previous political agreements, such as the Peace and Partnership Agreement with the Houthis in 2014,⁶⁶ and the State Agreement with the Southern Transitional Council in 2017,⁶⁷ focused primarily on political arrangements, while neglecting the military and security aspects. This highlights the need for a comprehensive and multi-level strategy when implementing transitional justice, one that includes a political accord ensuring justice,

⁶⁶ Abductees' Mothers Association, SAM, and DT Institute (2025, April). The Path to Peace: A field study on the local community's vision on the possibility and mechanisms of implementing transitional justice and national reconciliation to support peace in Yemen (field study, Sana'a, Aden, Taiz, Hodeidah, Marib, Hadramawt), p. 6. Accessed October 24, 2025, <https://tinyurl.com/49dzctn8>

⁶⁷ Al-Mawda', A. N. (2019, November 10). *The Riyadh Agreement: Prospects for success and factors of failure*. Al Jazeera Center for Studies. Retrieved September 5, 2025, from <https://studies.aljazeera.net/ar/reports/2019/11/191110111305435.html>

the unification of all armed formations under the state, and their integration into the defense and security institutions.

The implementation of transitional justice in Yemen could begin with several steps: activating customary tribal mechanisms as community-based reconciliation tools under state supervision; reforming the judiciary and eliminating internal divisions within it, since it represents a cornerstone of any future justice process; and revitalizing cultural and media institutions to promote a responsible national discourse centered on justice, reconciliation, and unity. This includes avoiding sectarian, regional, or partisan polarization and steering clear of the mistakes of the 2012-2014 transitional period, when justice was portrayed as a tool of revenge. Additionally, Yemen should establish institutions dedicated to preserving national memory and collective remembrance.

The success of these measures depends on a unified political will, transparent local oversight mechanisms, and gradual plans aligned with the country's financial capacities, to rebuild trust between society and the state and prevent future conflicts. Institutional reform in Yemen requires consensus among all warring parties, since no single actor can impose justice or control the process, as Rwanda did through centralized power. Hence, a strong, unified state apparatus is essential to oversee the implementation of transitional justice, which will remain impossible unless the current divisions are resolved.

Second: Utilizing tribal customs for reparations – lessons from the Rwandan experience

Like Rwanda, Yemen faces major challenges in financially compensating victims, which necessitates regional and international support to implement reparation and redress programs, especially since several regional actors have directly intervened in the Yemeni conflict and therefore bear a moral responsibility to contribute to these programs. Within this context, Yemen's local tribal customs form a valuable resource for reinforcing efforts at moral, social, and material reparation. Yemen possesses a rich social heritage of tribal norms that constitute a set of widely accepted rules governing local communities, with strong emphasis on conflict resolution and social harmony.

Despite the current weakening of the tribal role, politically and socially, due to the ongoing war, which has deeply divided the major northern tribes such as Hashid and Bakil, stripping them of their traditional authority and turning them into politicized actors lacking neutrality,⁶⁸ it remains possible to revitalize and reactivate these traditional structures, provided they are depoliticized and kept neutral to serve as supporting mechanisms for achieving justice and social reconciliation.

Furthermore, Yemen can draw meaningful lessons from the Rwandan experience, particularly from the *Gacaca* community courts, which achieved several critical goals, most notably community participation and victim engagement. These traditional courts empowered affected communities and victims' families, granting them a tangible sense of justice and legitimacy. They also focused on truth-telling and

⁶⁸ Dashela, A. (2019). Saudi Arabia's new approach toward Yemen's northern tribes. Sana'a Center for Strategic Studies, p 5, <https://sanaacenter.org/publications/analysis/24815>

acknowledgment of crimes, giving survivors a space to express their pain and seek closure.

In this regard, Yemen's former Minister of Human Rights (2012-2014), Houria Mashhour, shared her insights during an interview with the researcher on May 30, 2023, as part of the Institutionalizing Peace in Yemen project. She recounted her visit to Mybyo village in Bugesera District, one of Rwanda's model communities where victims and perpetrators of the 1994 genocide now live side by side. Mashhour observed an elderly perpetrator publicly confessing his crimes, expressing remorse, and seeking forgiveness, while a survivor shared how the community initially rejected reconciliation before eventually embracing *Gacaca* mediation to move beyond the past. From this, Mashhour concluded that transitional justice is a social and moral process that can be adapted to the Yemeni context to ensure victims' dignity and build a just and sustainable peace.⁶⁹ Based on these insights, Yemen could begin by establishing a national council to receive and register victims' complaints, formally or semi-formally, as a foundation for official acknowledgment and for providing psychological and moral support through community-based traditional mechanisms.

Additionally, the Rwandan *Gacaca* courts efficiently handled tens of thousands of cases, surpassing both the formal national judiciary and the international tribunal in effectiveness. Similarly, Yemen's tribal customs are widely respected and known for their speed in resolving disputes compared to the slow formal judicial system. Thus, Yemen could develop local committees based on these customs to address specific cases, instead of relying solely on the central judicial apparatus.

Notably, the Rwandan community courts did not primarily aim to punish offenders but rather to rebuild society and repair social relationships. This philosophy

⁶⁹ Mashhour, Houria. (2025, October 2). Email interview with the researcher.

aligns closely with Yemeni customary law, which traditionally emphasizes forgiveness, reconciliation, and agreed compensation over criminal retribution. Consequently, Yemen could design mechanisms combining symbolic accountability with material and moral reparations, promoting social reconciliation and collective healing. The Rwandan experience illustrates the importance of adapting justice mechanisms to the local cultural context. The success of the *Gacaca* courts stemmed from their compatibility with Rwanda's customs, rituals, and community traditions, which made them socially accepted and sustainable. Similarly, Yemen can innovate locally rooted mechanisms aligned with its cultural, social, and religious fabric to ensure community acceptance and long-term viability.

Hence, Rwanda's experience with traditional justice demonstrates that revitalizing Yemen's tribal customs as a complementary mechanism within a broader transitional justice framework can significantly enhance justice and social reconciliation. Tribal arbitration and local mediation can restore trust among communities and reaffirm victims' dignity in socially acceptable ways, especially if integrated into a formal legal framework ensuring fairness and equality. Moreover, the principles of acknowledgment and apology embedded in Yemeni tradition can provide a solid moral foundation for transcending the past and moving toward sustainable peace.

Third: Adopting a national policy for historical memory and national reconciliation

The Rwandan experience offers valuable lessons for Yemen in strengthening national identity and fostering social reconciliation within the framework of transitional justice. Following the genocide, Rwanda abolished ethnic classifications such as “Hutu” and “Tutsi,” adopting instead a unified national identity. It relied on cultural traditions of solidarity and community participation at the village level as a practical approach and an alternative to top-down mechanisms in promoting reconciliation. The *Gacaca* mechanisms, in particular, provide an instructive model for divided societies, as they represented a unique form of restorative justice due to their decentralized nature and their strong emphasis on broad-based community involvement and local participation.⁷⁰

“Yemen faces a major challenge in this regard: the need to redefine its national identity after successive wars have fractured the collective sense of belonging, replacing it with fragmented loyalties, ideological, regional, and tribal. Therefore, this redefinition is not merely a political act but a deeply national process that involves rebuilding the idea of the nation itself, its meaning, purpose, and shared destiny.”⁷¹ Any future national reconciliation in Yemen must be accompanied by a comprehensive national plan to address these issues through multiple pathways. One such pathway involves enforcing existing laws, such as Article (194) of the Yemeni Constitution, which stipulates that: “Anyone who publicly incites contempt for a group of people or promotes the superiority of one group in a manner that disturbs public order shall be punished by imprisonment for up to three years or by a fine.”⁷²

⁷⁰ Syntama, E. (2022, February 5). *National reconciliation in Rwanda: Experiences and lessons learned* [Research project report]. European Union, p. 15.

⁷¹ Al-Humaidi, T. (2025, October 4). *Email interview with the researcher*.

⁷² SAM Organization for Human Rights and Freedoms. (2022). *Hate speech in the digital environment: Diagnosis and remedies* (p. 6).

Another key measure is leveraging the media to promote a culture of coexistence and reconciliation, similar to Rwanda's extensive nationwide media campaigns that emphasized unity and peacebuilding. However, such efforts require a strong political will from all warring parties to adopt a comprehensive transitional justice agenda for post-war Yemen, beginning with an immediate cessation of hostilities and the launch of a political reconciliation process that embeds justice as a core element. In this context, Yemen could establish a national mechanism inspired by Rwanda's National Unity and Reconciliation Commission, tasked with monitoring progress in transitional justice and systematically addressing grievances across the country. This would help transform justice into a long-term, inclusive process capable of confronting the legacy of the past and forging a genuine national consensus that eradicates the roots of conflict.

Drawing from Rwanda's experience, several critical lessons emerge for countries like Yemen that have endured widespread and violent conflict. The state bears primary responsibility for paving the way toward and sustaining national reconciliation. Successful reconciliation requires cooperation between government and non-governmental actors and must rely on mechanisms rooted in the society's culture, traditions, and values. Coordination and integration among all reconciliation initiatives are essential for their success. Finally, true reconciliation must be comprehensive and non-selective, addressing the grievances of all parties unselectively.⁷³

⁷³ European University Institute. (2023, October 9). *National reconciliation in Rwanda: Experiences and lessons learned*. Retrieved September 10, 2025, from <https://tinyurl.com/569u2hy3>

Final conclusions

This study reveals that transitional justice encompasses procedural, legal, and social mechanisms, and that political reconciliation without justice may lead to a resurgence of violence, as illustrated by the Yemeni case. Hence, the importance of adopting a comprehensive, locally rooted Yemeni approach that integrates transitional justice with reconciliation in order to address the root causes of conflict and ensure fair compensation for victims. By examining the Rwandan experience, the study demonstrates that victor's justice remains incomplete, which offers a critical lesson for Yemen. For transitional justice to succeed in Yemen, it must be based on broad national consensus, ensuring fairness for both political actors and victims alike.

The study concludes that while the implementation of transitional justice in Yemen differs significantly from Rwanda, there are notable similarities and adaptable elements that Yemen can build upon. The comparative analysis shows that Rwanda achieved relative success in transitional justice due to three decisive factors:

1. Military victory, which created a unified authority capable of enforcing its vision.
2. Strong political will, embodied in the leadership of President Paul Kagame.
3. The innovation of community-based Gacaca courts, which facilitated widespread participation in transitional justice.

However, Rwanda's experience was not without flaws. Its justice process was selective, overlooking violations committed by the ruling Rwandan Patriotic Front (RPF), excluding marginalized groups such as the Twa minority, and imposing a singular official narrative that may undermine inclusive reconciliation in the long term.

Conversely, Yemen faces more complex challenges than Rwanda, though not on the same scale of mass atrocities. The Yemeni conflict is multi-layered, with regional,

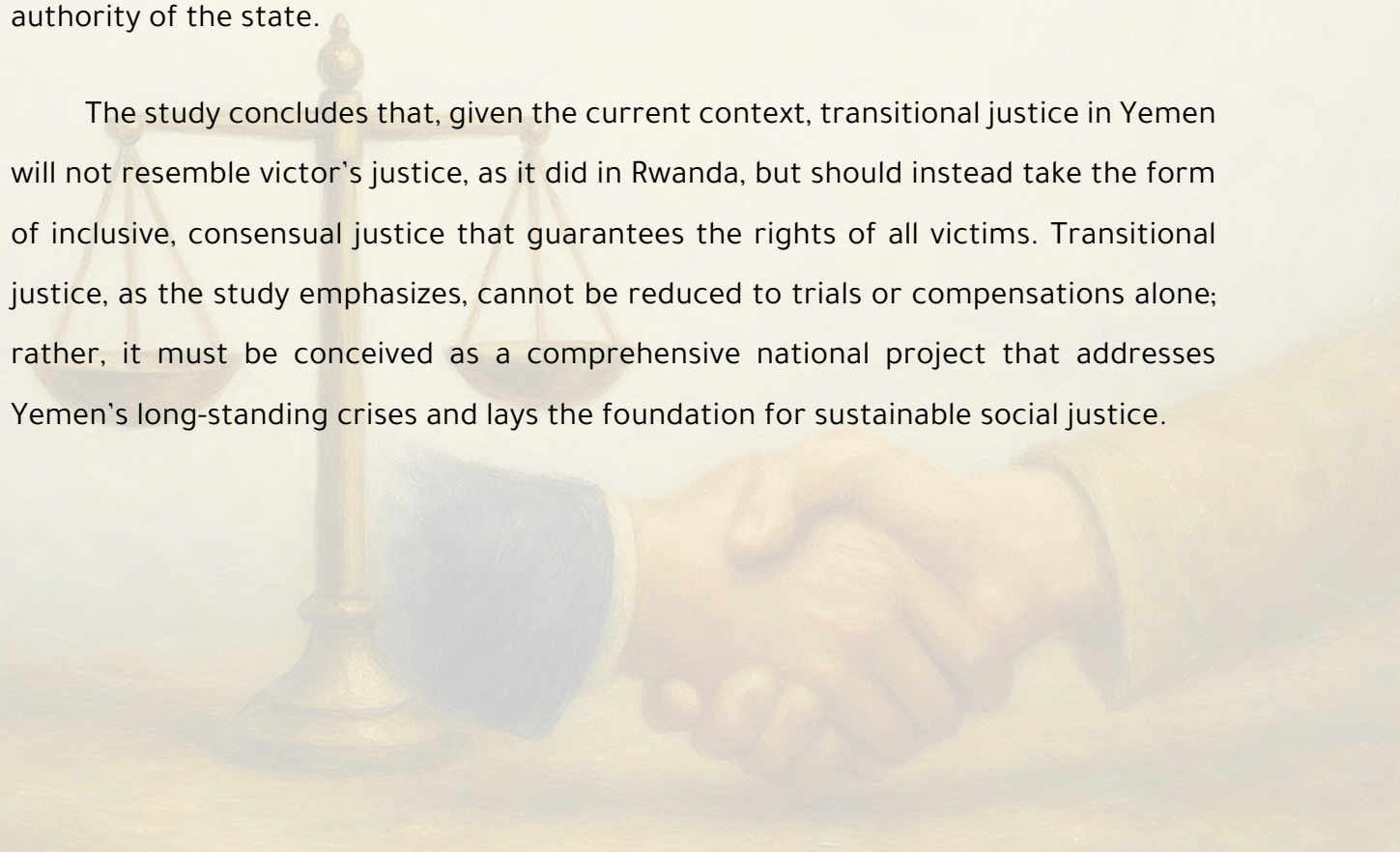
tribal, and political dimensions, and there is no single victorious party capable of imposing a unified vision of justice. The absence of shared political will, the severe fragmentation of state institutions (especially the judiciary and security sectors), and weak economic capacity all constitute major obstacles. Despite these challenges, the study finds that Yemen still possesses genuine potential to benefit from the Rwandan experience in three main areas:

1. Community-based traditional justice: Yemen has a rich heritage of tribal customary norms that function similarly to Rwanda's *Gacaca* courts. Rwanda's experience shows that community-based justice, when conducted under central state supervision, can yield tangible results in truth-telling, reparations, and social reconciliation, the core of transitional justice. Yemen can systematically activate these traditional mechanisms to address similar issues. For this to succeed, several conditions must be met:
 - A unified state structure capable of supervising and regulating local or tribal courts.
 - National consensus on their operation and scope.
 - Most importantly, the depoliticization of these mechanisms to prevent them from becoming tools of revenge or political score-settling.
2. Reparations: The Rwandan model highlights the importance of integrating material and moral forms of reparation. Reparations are not limited to financial compensation—they also involve apologies, acknowledgment of wrongdoing, and restoration of dignity, which together promote genuine social reconciliation between victims and perpetrators. Yemen can begin with symbolic and moral reparations, facilitated through tribal and customary frameworks, which would be socially acceptable and financially feasible for a state emerging from conflict.

3. **National memory:** Rwanda's experience underscores the importance of preserving collective memory as a safeguard against future atrocities and as a means of educating future generations. Yemen must establish national institutions for memory preservation that document the suffering of all victims, regardless of affiliation. Unlike Rwanda's approach, which imposed a single official narrative, Yemen should adopt a comprehensive and balanced narrative that recognizes the pain of all sides and records every violation. Such an inclusive approach would prevent the emergence of a "selective memory" that risks reproducing divisions rather than overcoming them.

This is what the study has concluded overall, yet there are also several detailed findings that shed light on the conditions necessary for the success of a post-war transitional justice process in Yemen. Chief among these is the need for a permanent cessation of hostilities through a comprehensive political agreement that explicitly includes a transitional justice framework. Such a process must also ensure the unification of state institutions, particularly the judiciary and security sectors, alongside disarmament and the integration of all armed formations under the authority of the state.

The study concludes that, given the current context, transitional justice in Yemen will not resemble victor's justice, as it did in Rwanda, but should instead take the form of inclusive, consensual justice that guarantees the rights of all victims. Transitional justice, as the study emphasizes, cannot be reduced to trials or compensations alone; rather, it must be conceived as a comprehensive national project that addresses Yemen's long-standing crises and lays the foundation for sustainable social justice.



Recommendations

- **To civil society organizations:** The current phase requires the systematic and continuous documentation of violations to ensure that victims can later claim their rights and obtain reparations through verified evidence and structured archives.
- **To local conflict parties and political, social, tribal, and religious actors:** It is essential to reach a minimum level of consensus on the principles and mechanisms of transitional justice. This demands a courageous dialogue focused on shared national goals—particularly justice for all, and a shift away from a culture of revenge toward inclusive national reconciliation and restorative justice.
- **To the Office of the UN Envoy:** The situation calls for greater international engagement to support Yemen's transition toward justice. The United Nations should play an active role in assisting Yemenis through technical expertise, training, and funding to implement transitional justice programs. The international community must also press all conflict parties to adopt and commit to a transitional justice framework as part of any peace process.
- The study strongly recommends the activation of tribal customary norms as complementary mechanisms for reparations, local dispute resolution, and the promotion of social justice within a broader framework of comprehensive transitional justice.
- Political reconciliation must be intrinsically linked to transitional justice, as it forms the only viable path toward lasting peace. Any political settlement that excludes clear, enforceable mechanisms for transitional justice in post-war Yemen will remain fragile and prone to collapse at the first political crisis. Yemen's past experiences with short-lived political agreements are a clear testament to this reality.



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The Potential for Implementing Transitional Justice in Yemen: A Comparison with the Rwandan Experience