

Engaging Victims in Peace-Making and Transitional Justice in Yemen



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Cover photo: Hind Seif, a female mine victim in Al-Shaqab village, south Taiz, December 28, 2020. Hind was trying to retrieve flour from her house after fleeing it due to conflict, to discover on her return that her house was surrounded by mines //Sana'a Center Photo by Ahmed Al-Basha



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Executive Summary

“We reject any political process that ignores our call for justice, or that seeks to compromise our demands in exchange for so-called political stability. Sustainable and lasting peace can only be achieved by welcoming reconciliation through justice.”

The Yemen Declaration for Justice and Reconciliation (2023)^[1]

The overwhelming majority of Yemenis today are victims of an almost decade-long war. More than 370,000 lives have been lost,^[2] thousands detained, and millions displaced. On top of those directly impacted by the scourges of war, the psychological harm, deprivation of infrastructure and basic services, collapse of the health and educational systems, and the economic and social impact have led to a sense of collective grievance among Yemenis, many of whom believe that lasting peace cannot come without the pursuit of justice, truth, and redress, and their inclusion in Yemen’s peace process.

Against this backdrop, this report examines the United Nations’ approach to transitional justice in Yemen since 2011, specifically looking at the role of the United Nations Security Council (UNSC) and that of the Office of the Special Envoy of the Secretary-General for Yemen (OSESGY). The first section of the report illustrates how an increased focus on transitional justice within the UN’s theoretical and operational framework, as articulated in the Secretary-General Guidance Note on transitional justice (2010,^[3] 2023^[4]), has led to more efforts to address transitional justice in UN mandates across the globe, such as in Syria, Libya, the Democratic Republic of Congo, and South Sudan, among others. Yemen, in contrast, stands as an anomaly, where despite references at the beginning of Yemen’s political crisis to the need for “full accountability” for human rights violations,^[5] since 2015 there has been a notable absence of references to accountability or transitional justice by the Security Council, and a pervasive silence on its pursuit from all parties since.

^[1] The Yemen Declaration for Justice and Reconciliation was launched in July 2023. Signed by several dozen Yemeni civil society organizations, the Declaration sets out the principles and priorities for post-conflict justice as defined by Yemenis. It also demands a victim-centered approach and advocates for an inclusive, sustainable, and just peace in Yemen. See “The Yemen Declaration for Justice and Reconciliation,” Yemen Justice, 2023, <https://yemenjustice.org/en/>

^[2] A UNDP report estimated that by the end of 2021 the war would have caused 377,000 deaths. 154,000 of these were estimated to be due to direct combat and violence, while 223,000 (nearly 60 percent) were because of indirect causes such as lack of access to food, water, and healthcare. See, Taylor Hanna, David K. Bohl, and Jonathan D. Moyer, “Assessing the Impact of War in Yemen: Pathways for Recovery,” UNDP, 2021, https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Impact%20of%20War%20Report%203%20-%20QR_o.pdf

^[3] “Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice,” United Nations Digital Library, March 10, 2010, <https://digitallibrary.un.org/record/682111?ln=en>

^[4] “Guidance Note of the Secretary-General on Transitional Justice: A Strategic Tool for People, Prevention and Peace,” UN OHCHR, October 11, 2023, <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-transitional-justice-strategic-tool>

^[5] See UNSC Resolution 2051, adopted in June 2012; UNSC Resolution 2140, adopted in February 2014; UNSC Resolution 2014, adopted in 2011; and UNSC Resolution 2201, adopted in February 2015. All UNSCRs are available at https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/2?ctype=Yemen&cbtype=yemen#038;cbtype=yemen

To offer a comparative perspective, the second part of this report contrasts the UN approach to transitional justice in Yemen with that of Syria, where an early emphasis on human rights violations led to the formation of significant international bodies addressing accountability and justice, and where UNSC references to accountability were consistent, along with a focus on Syria's enforced disappearances and detainees.^[6] By contrast, the plight of detainees and the forcibly disappeared in Yemen, numbering in the thousands, has been subdued and divorced from its human rights component, and engaged with primarily within the parameters of prisoner exchanges that formed part of confidence-building measures between the warring parties. The mandate of the UN Group of Eminent Experts on Yemen, meanwhile, the only international body tasked since 2017 with investigating human rights violations in Yemen, was not renewed in 2021, in a blow to thousands of Yemeni victims.^[7]

The third section of this report provides a comprehensive look at the evolving national frameworks established over the years to address issues of justice and reconciliation in Yemen, specifically looking at the experience of the National Dialogue Conference (NDC), held between 2013 and 2014, and the establishment of the Presidential Leadership Council (PLC) in 2022. The NDC was deemed by many observers as the “core of Yemen's political transition,”^[8] engaging a broad scope of political parties and civil society actors and addressing national reconciliation and transitional justice as one of its core themes. Despite its shortcomings, it planted important seeds in the pursuit of justice, and for the first time put the plight of Yemen's victims at the center of national deliberations. The establishment of a PLC almost a decade later, and the creation within its structure of a Consultation and Reconciliation Committee, has come with some subtle gestures by Yemen's Executive to place transitional justice back on the political agenda. The path to justice, however, is long. Advocating for its inclusion requires bolstering nationally led and nationally owned efforts.

Last but not least, the final part of this report shines a light on Yemeni victims, arguing that it is their inclusion in the country's political dialogue and peace process that will ultimately determine the shape of Yemen post-conflict. Consultations held with over 70 Yemeni victims and victims' representatives make it clear that failing a more inclusive peace process, attempts to put an end to the endless cycles of war witnessed by Yemenis are futile, or incomplete. Despite a clear and urgent need to address these grievances, neither the Security Council nor other relevant UN actors

^[6] In June 2019, a landmark UNSC resolution was adopted on missing persons, making it obligatory for “parties to armed conflict to take all appropriate measures, to actively search for persons reported missing, to enable the return of their remains and to account for persons reported missing “without adverse distinction.” See, “Security Council Adopts First-Ever Resolution on Persons Reported Missing during Armed Conflict, as Speakers Call for Greater Political Will to Address Problem,” United Nations, June 11, 2019, <https://press.un.org/en/2019/sc13835.doc.htm>

^[7] “We have failed Yemen: UN human rights council ends war crime probe,” The Guardian, October 7, 2021, <https://www.theguardian.com/world/2021/oct/07/un-human-rights-council-votes-to-end-yemen-war-crimes-investigation>

^[8] Erica Gaston, “Special Report: Process Lessons Learned in Yemen's National Dialogue Conference,” United States Institute of Peace, February 7, 2014, <https://www.usip.org/publications/2014/02/process-lessons-learned-yemens-national-dialogue>

have adequately addressed their plight. The limitations of UN Security Council Resolution 2216, which restricts interlocutors to the internationally recognized government and the Houthi group (*Ansar Allah*), exacerbate the situation, and many organizations and policy analysts are now calling for its amendment.

This report asserts the vital need to make transitional justice a central component of Yemen's political process. It also advocates for a broader conceptualization of any transition to one that includes victims and a broader range of Yemeni voices. Based on desk work and field research, it aims to inform a diverse audience invested in transitional justice, including governmental entities, policy analysts, UN entities working on transitional justice, Yemeni civil society actors, academics, and policy audiences, as well as relevant international and domestic stakeholders. To draw attention to a more victim-centered approach to peace-building efforts in Yemen, the report concludes with a set of recommendations that aim to provide guidance for a more just political process in Yemen:

Recommendations:

To the Office of the UN Special Envoy for Yemen, the United Nations Security Council, and the UN Secretary-General:

- Empower the Office of the UN Special Envoy for Yemen with a dedicated transitional justice mandate and adequate human resources to address transitional justice in political negotiations and related processes.
- Broaden the scope of Resolution 2216 to include Yemeni civil society organizations in negotiations for a political settlement in Yemen.
- Incorporate transitional justice concerns at multiple levels – Security Council resolutions and press statements, briefings on Yemen by the Special Envoy and other UN representatives, Secretary-General reports, and so forth – to strengthen engagement with transitional justice and its inclusion in peace efforts.
- Support the integration of transitional justice into peace negotiations in Yemen by identifying possible approaches to addressing issues of accountability and grievance, and ensuring these are grounded in the local context.
- Strengthen the engagement of the Office of the Special Envoy with victims and their representatives to increase the Office's understanding of victims' needs and their expectations of justice and accountability, including in UN-led peace efforts.
- Enhance the mandate of the Office of the High Commissioner for Human Rights in Yemen by appointing an international human rights expert tasked with identifying ways to integrate transitional justice elements in the peace process and any future peace agreement.

- Strengthen the transitional justice component of the United Nations' operations and activities in Yemen, ensuring that transitional justice plays a cross-cutting role across all of its work in Yemen.

To embassies, country representatives, and members of the international community:

- Support the Consultation and Reconciliation Committee in incorporating a transitional justice approach to reconciliation and contribute to their technical capacities and expertise to address the structural roots of conflict and recurring violence in Yemen.
- Strengthen the capacities of the National Commission for the Investigation of Alleged Violations of Human Rights to design and implement approaches that place the needs of victims and survivors at the center of the recommendations in its periodic reports, such as the establishment of specialized courts and prosecution offices for human rights violations.
- Promote a long-term approach to transitional justice in Yemen by acknowledging its role in peace efforts and its contribution to national reconciliation.
- Support collective action among Yemeni victims' groups and networks, civil society, and broader social and political movements to generate the advocacy, mobilization, and support needed to carry forward a transitional justice agenda.^[9]
- Make accessible internal reports and other documentation about transitional justice in Yemen that have been carried out since 2014.

To the internationally recognized government:

- Support efforts in the House of Representatives to proceed with the ratification of core international human rights treaties and their optional protocols.
- Support the House of Representatives in its efforts to resume its legislative activity and align Yemeni domestic law with its international human rights obligations under the conventions it has ratified.
- Support governmental institutions in enhancing policy coherence on transitional justice issues and foster technical cooperation between these and the Consultation and Reconciliation Committee.
- Increase technical cooperation with the Office of the High Commissioner for Human Rights and other international agencies to develop a national transitional justice policy that incorporates a victim-centered approach based on an assessment of the outcomes of the National Dialogue Conference.
- Promote a victim-centered approach to the UN-mediated peace process that is inclusive of victims' needs for justice and reparations and promotes national reconciliation.

^[9] "Toward Victim-Centred Change: Integrating Transitional Justice into Sustainable Peace and Development," 2023 Report of the Working Group on Transitional Justice and SDG16+, September 18, 2023, <https://www.sdg16.plus/resources/toward-victim-centered-change-integrating-transitional-justice-into-sustainable-peace-and-development/>

- Strengthen the participation of the state in international discussions, meetings, and other multilateral efforts that focus on accountability and transitional justice and on the nexus between these and the UN's Sustainable Development Goals and the objectives set forth by the UN Secretary-General in the New Agenda for Peace.^[10]

To Yemeni and international non-governmental organizations:

- Develop a more systematic process of information gathering on the conflict-related needs of victims in Yemen based on participatory and community approaches that encourage the participation of women, children, religious and racial minorities, and other marginalized groups.
- Develop understanding and knowledge-sharing on how victims' groups and associations are organized in Yemen, considering their different capacities, activities, and geographic reach, and the grievances they represent.
- Strengthen Yemeni knowledge production in the field of transitional justice and reconciliation and support Yemeni knowledge platforms, ensuring information is available for public use.
- Identify concrete activities and opportunities that strengthen the nexus between transitional justice and peacebuilding in Yemen, and support track II civil society organizations in Yemen in the application of a transitional justice approach in their activities.
- Contribute to the mobilization of Yemeni civil initiatives that promote victim-centered approaches and the integration of transitional justice into peacebuilding efforts in Yemen.
- Identify key issues in the inclusion of victims and their representatives in peace negotiations in Yemen, including entry points for the introduction of transitional justice measures and the types of tension these might generate.

^[10] "A New Agenda for Peace," United Nations, July 2023, <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf>.



A flyer showing portraits of the thirteen members of Ahmed Ali Sawadi's family who were killed by a coalition air strike in 2017, photographed in Ataq, Shabwa, Yemen, on November 14, 2020 // Sana'a Center Photo by Sam Taring.

Introduction

Theoretical and operational guidance available within the United Nations has provided a solid foundation for increased UN engagement in the field of transitional justice. Since the Guidance Note^[1] issued by the UN Secretary-General in 2010, transitional justice has grown beyond its initial conceptualization of a set of processes and mechanisms for fractured societies to come to terms with large-scale past violations. The revised Note, issued in October 2023,^[2] provides important guidance for coordinated action on transitional justice across different UN departments and agencies, and between UN headquarters officials and in-country support. It also provides clarity on the role of transitional justice as an integral component of the UN framework for rule of law, and for the nexus between peace, security, human rights, and development.

Since 2010, more UN entities have begun working on transitional justice. Some have been tasked with mandates specifically focusing on transitional justice, as in the case of the Special Rapporteur on truth, justice, and reparation.^[3] Additionally, important mechanisms have been set up in recent years to report on and monitor human rights violations in conflict-affected countries and seek accountability, as will be exemplified by the case of Syria.^[4] Other case studies cited in this report show that, in addition to theory and operational guidance, there is an increasing repertoire of global practice that evinces the inclusion of transitional justice in UN work across the globe.

^[1] "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice," United Nations Digital Library, March 10, 2010, <https://digitallibrary.un.org/record/682111?ln=en>

^[2] "Guidance Note of the Secretary-General on Transitional Justice: A Strategic Tool for People, Prevention and Peace," United Nations, October 11, 2023, <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-transitional-justice-strategic-tool>

^[3] On September 29, 2011, the Human Rights Council adopted Resolution 18/7 (A/HRC/RES/18/7) in which it appointed for a period of three years a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. See "Special Rapporteur on truth, justice and reparation," OHCHR, <https://www.ohchr.org/en/special-procedures/sr-truth-justice-reparation-and-non-recurrence>

^[4] Examples include the International Commission of Inquiry on the Occupied Palestinian Territory, the Independent International Fact-Finding Mission on Myanmar, and the Group of Eminent Experts on Yemen.

In Yemen's case, however, there is a distinct hesitation to bring transitional justice within the scope of the Security Council and the UN's peacebuilding efforts in the country. In contrast to UN approaches in other regions, and increasing global endorsement of transitional justice processes, support of such initiatives in Yemen has been on the wane since 2014. The current UN setup has faced criticism for numerous reasons, one of which is the exclusion of large segments of Yemeni society from participating in matters that directly impact their lives. The UN-led peace process, in particular, is seen as serving the priorities of the warring parties while marginalizing the vast majority of Yemenis.

In view of the above, this report constitutes an attempt to address this gap by pointing out the discrepancies between UN institutional guidance and practice and the approach of key UN actors – the UN Security Council and the OSESGY especially – in the realm of transitional justice in Yemen. Drawing on extensive desk work and field research, the report charts UN engagement in Yemen from 2011 to date. It also highlights findings based on interviews and group discussions held with a select number of Yemenis about their experiences, and provides recommendations for rendering the political process more attuned to the centrality of victims and transitional justice issues.

The report is split into four parts as follows:

- I. An analysis of UN doctrine and practice on transitional justice in Yemen since 2011;
- II. A comparative analysis between UN action in Syria and in Yemen;
- III. A look into the experience of the National Dialogue Conference and the Presidential Leadership Council;
- IV. An overview of Yemeni victims' perspectives, demands, and experiences in the UN-led peace process in Yemen.

The report ends with a set of recommendations offered as a guide for international and domestic stakeholders to promote a victim-centered approach to transitional justice and peace-building efforts in Yemen.

Methodology

This report combines qualitative, and to a lesser extent, quantitative methodological approaches, given the challenges in conducting thorough and comprehensive field research in Yemen. The primary methods of research employed thus combine extensive desk research, comparative case studies, and field research.

Due to the focus on existing UN institutional guidance on transitional justice, the first sections primarily rely on desk research. To provide a qualitative comparative analysis that is relevant to the situation in Yemen, the paper also draws upon references from other countries, primarily Syria (Section II), but also the Democratic Republic of Congo, South Sudan, Colombia, and others.

Section IV draws on focus-group discussions (FGDs) carried out in five governorates: Taiz, Marib, Aden, Shabwa, and Hudaydah. These were chosen based on different considerations, which include the ease of access to these locations; the level of risk for participants; and the extent of insight and information that could be derived. The focus-group discussions were facilitated by a questionnaire that included 10 open-ended questions, with the goal of understanding the most pressing conflict-related grievances. A total of 56 participants from diverse backgrounds took part, 39 percent of which were women. These included human rights activists, journalists, victims of the conflict, active members of victims' unions, lawyers, staff members of international non-governmental organizations (INGOs), internally displaced people (IDPs), and researchers.

In addition to FGDs, 15 key informant interviews (KII) took place with legal experts, transitional justice practitioners, officials from the internationally recognized government, participants at the National Dialogue Conference, and human rights defenders.

To ensure the confidentiality of respondents, interviews and focus group discussions were conducted anonymously. All consultations were carried out between February and November 2023.

I. The UNSC and Transitional Justice: An Overview

This section provides an overview of the United Nations Security Council's increased emphasis on transitional justice in the past two decades and illustrates how this shift has manifested in different UN interventions in conflict-affected countries. It then describes its approach in Yemen by looking at Security Council resolutions adopted since 2011, and their inclusion (or lack thereof) of transitional justice concerns over the years.

Advancing Transitional Justice within the UNSC

The incorporation of transitional justice in recent years can be observed in both the United Nations Security Council's thematic and country-specific work.^[15] In Libya, South Sudan, and the Democratic Republic of the Congo for example, support for national dialogue processes has been one of the many ways in which the Council has played a role in advancing transitional justice.^[16] In South Sudan, the Council mandated the UN mission in the country to monitor, investigate, and regularly report on human rights issues.^[17] A mission concept developed for the UN Mission in South Sudan (UNMISS) also included transitional justice as part of the mission's "immediate protection work," and reiterated the need to support the establishment of accountability mechanisms.^[18] In Libya, the Security Council established a mission in 2009 that mandated the integration of transitional justice and reconciliation as part of broader efforts to support national dialogue in the country.^[19] Attempts to establish and implement a sustainable peace process in Libya have regularly faced setbacks caused by recurring violence and political deadlock. Nevertheless, the Council has continued to support the broader goals of transitional justice in Libya. In a statement made in March 2023, the Council reiterated its support of "an inclusive reconciliation process based on the principles of transitional justice and accountability."^[20]

^[15] "Transitional justice: What Role for the UN Security Council," Security Council Report, November 7, 2022, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/transitionaljustice_2021.pdf

^[16] Ibid.

^[17] According to UNSC Resolution 1996 adopted in July 2011, the United Nations Mission in South Sudan (UNMISS) was created "to consolidate peace and security and to help establish the conditions for development in the Republic of South Sudan." UNMISS was authorized to perform a variety of tasks which included "monitoring, investigating, verifying and reporting regularly on human rights and potential threats against the civilian population as well as actual and potential violations of international humanitarian and human rights law." See, "Resolution 1996 adopted by the Security Council at its 6576th meeting on July 8, 2011," United Nations Digital Library, <https://digitallibrary.un.org/record/706698?ln=en>

^[18] Adam Day, "The UN Security Council and Transitional Justice: South Sudan. An Early Assessment of UNMISS' Support to the Peace Process," United Nations University, Center for Policy Research, August 2020, https://i.unu.edu/media/cpr.unu.edu/attachment/4845/UNU_TJ_SSudan.pdf

^[19] According to UNSC Resolution 2009, adopted by the Security Council in September 2011, the United Nations Support Mission in Libya, established under the leadership of a Special Representative of the Secretary-General, was created "to assist and support Libyan national efforts to (...) promote and protect human rights, particularly for those belonging to vulnerable groups, and support transitional justice." See S/RES/2009 (2011), <https://www.un.org/securitycouncil/s/res/2009-%282011%29>

^[20] "Statement by the President of the Security Council on Libya," United Nations Support Mission in Libya, March 2023, <https://unsmil.unmissions.org/statement-president-security-council-libya-16-march-2023>



A Yemeni father shows injuries caused to his 7-year-old son, Abdel Aziz, in Shabwa Province, Yemen, on November 15, 2020. Abdel Aziz suffered horrific injuries when a stray mortar shell hit his house during a battle between state security forces and a tribal militia // Sana'a Center Photo by Sam Tarling.

The above developments reflect the greater endorsement of transitional justice as a broad set of processes and mechanisms that help states consolidate peace and stability. They are also the result of progress made by different UN entities and agencies across the years in policy guidance in support of transitional justice. One of the results has been a more nuanced understanding of the role of transitional justice in maintaining peace and security. Over time, the concept of transitional justice has also increasingly become interlinked with other thematic issues on the UNSC agenda, such as sustainability in peace-building; women, peace, and security; and children and armed conflict, amongst other topics.^[21] Since 2019, as part of its rule of law agenda, the Council has also organized important debates on transitional justice. In November 2019, the UNSC, under the UK presidency, held a debate on “Peacebuilding and Sustaining Peace: the Role of Reconciliation in Maintaining International Peace and Security.”^[22] In February 2020, an open debate on “Transitional Justice and Post-Conflict Situations,” was organized under the Belgian presidency;^[23] and in June 2022, a high-level open debate, “Strengthening Accountability and Justice for Serious Violations of International Law,” was organized under Albania’s presidency.”^[24]

During the February 2020 debates, many highlighted the centrality of victims in reconciliation and conflict resolution. Even though participants conceded there was no single way to “get the mix right”^[25] between victims’ rights to justice and the need for peace and reconciliation, it was clear that victims could no longer be considered “an inconvenient distraction to be papered over,”^[26] as the Council now has more tools and mechanisms to bring out the views of victims, not least those of women, children, and youth. In 2022, participants raised similar concerns on the need for more correlation between accountability for human rights violations and abuses and the maintenance of international peace and security, and the importance of placing victims at the center of accountability strategies.

^[21] “Transitional Justice: What Role for the UN Security Council?” Security Council Report, November 7, 2022, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/transitionaljustice_2021.pdf

^[22] “Reconciliation must evolve to reflect growing complexity of today’s conflicts, participants stress during day-long Security Council open debate,” United Nations, November 19, 2019, <https://press.un.org/en/2019/sc14024.doc.htm>

^[23] “A Landmark UNSC Discussion on Transitional Justice,” International Center for Transitional Justice, April 3, 2020, <https://www.ictj.org/news/landmark-uns-c-discussion-transitional-justice>; “Letter dated 4 February 2020 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General,” Security Council Report, February 5, 2020, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_98.pdf

^[24] “June 2022 Monthly Forecast: Strengthening Accountability and Justice for Serious Violations of International Law,” Security Council Report, May 31, 2022, <https://www.securitycouncilreport.org/monthly-forecast/2022-06/strengthening-accountability-and-justice-for-serious-violations-of-international-law.php>

^[25] “Transitional justice processes critical to lasting peace, Security Council hears,” UN News, February 13, 2020, <https://news.un.org/en/story/2020/02/1057351>

^[26] Ibid.

These initiatives show concerted efforts to bring justice issues to the fore, but the Council continues to face challenges in defining a coherent and consistent strategy in its approach to transitional justice. The innovations added to the 2023 Guidance Note attempt to provide more clarity on how to better integrate transitional justice in the work of UN agencies. The Note also suggests that transitional justice is increasingly expected to address situations that fall outside its traditional focus on transitions from authoritarianism to democracy, or post-conflict scenarios, and be included within its reach on “other situations of violence”^[27] such as protracted armed conflict. In Yemen, these distinctions are elusive, as the country exhibits characteristics that would place it as both a peace-through-transition process and an active and protracted conflict. The complexity of the situation has clouded the assessment made by the Security Council and by the Office of the UN Special Envoy with regard to the role of transitional justice in the country’s political transition process.

The UNSC’s Approach in Yemen

UNSC Resolution 2014, adopted in October 2011, endorsed the Gulf Cooperation Council (GCC) initiative for “an inclusive, orderly, and Yemeni-led process of political transition.”^[28] The Council’s support extended to the good offices of the Special Adviser of the Secretary-General, in particular his efforts to contribute to a successful transition in Yemen based on the GCC initiative.

Included in its preamble is the need for a “comprehensive, independent, and impartial investigation into alleged human rights abuses and violations with a view to avoiding impunity and ensuring full accountability.”^[29] An additional three references to human rights are made in the operative paragraphs of the resolution. These include a strong condemnation of the human rights violations committed by Yemeni authorities against peaceful protestors and abuses perpetrated by other actors, and a call to hold accountable those responsible for such violations. Through 2015, three additional resolutions included provisions focusing on the need to ensure “full accountability” for human rights violations and abuses committed during the peaceful protests that erupted across Yemen in 2011.^[30]

^[27] According to the International Committee of the Red Cross, “other situations of violence” include lower intensity violence situations such as “riots, demonstrations, oppressive regimes with isolated, sporadic acts of violence, mass arrests, enforced disappearances.” See, “Characteristics of Armed Conflicts & Other Situations of Violence,” ICRC, www.icrc.org/en/download/file/67234/handout_3_-_characteristics_of_armed_conflicts_other_situations_of_violence.pdf.

^[28] “United Nations Security Council Resolution 2014, S/RES/2014(2011),” United Nations, October 21, 2011, [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2014\(2011\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2014(2011)&Language=E&DeviceType=Desktop&LangRequested=False)

^[29] Ibid.

^[30] See UNSC Resolution 2051, adopted in June 2012; UNSC Resolution 2140, adopted in February 2014; UNSC Resolution 2014; and UNSC 2201, adopted in February 2015. All UNSCRs are available at https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/2?ctype=Yemen&cbtype=yemen#038;cbtype=yemen



A graveyard with photos of dead Houthi fighters, many of them visibly young, in Dhamar governorate on November 10, 2021 // Sana'a Center Photo.

Resolution 2051, adopted in 2012, asserted the need for the second phase of the transition process to focus on transitional justice and national reconciliation,^[31] and urged the Yemeni government to pass relevant legislation without further delay.^[32] Resolution 2140, adopted in 2014, went a step further, calling upon the government to adopt a law on transitional justice and national reconciliation in accordance with the outcomes of the NDC.^[33] These resolutions reaffirmed the Council's support of transitional justice as part of a wider transition process led through a national dialogue.

Following the outbreak of war and since 2015, the terms "accountability" and "transitional justice" have progressively faded from the scope of UNSC support to Yemen. Out of 17 Security Council resolutions adopted between April 2015 and July 2023, only two resolutions have included references to accountability.^[34] Even though the Council, through different resolutions, continued stressing its support for the Yemeni transition process and the NDC, after February 2014 it omitted all references to "transitional justice."^[35] In addition, in 19 resolutions adopted between February 2015 and July 2023, only five resolutions included references to human rights. These mainly concerned compliance by the parties to the armed conflict in Yemen with international humanitarian law and international human rights law. It was only from 2020 onwards that the Security Council started including more specific language about human rights violations, in the context of conflict-related sexual violence^[36] and the use of children in armed conflict.^[37]

^[31] "United Nations Security Council Resolution 2051 S/RES/2051 (2012)," United Nations, June 2012, , [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2051\(2012\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2051(2012)&Language=E&DeviceType=Desktop&LangRequested=False).

^[32] Ibid.

^[33] "United Nations Security Council Resolution 2140, S/RES/2140 (2014)," United Nations, February 2014, [https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2140%2520\(2014\)&Language=E&DeviceType=Desktop&LangRequested=False](https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2140%2520(2014)&Language=E&DeviceType=Desktop&LangRequested=False)

^[34] See UNSC Resolution 2564, adopted in February 2021; and UNSC Resolution 2624, adopted in February 2022, https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/1?ctype=Yemen&cbtype=yemen#038;cbtype=yemen.

^[35] The last resolution that included references to transitional justice was UNSC Resolution 2140, adopted in February 2014. "United Nations Security Council Resolution 2140, S/RES/2140 (2014)," United Nations, February 2014, [https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2140%2520\(2014\)&Language=E&DeviceType=Desktop&LangRequested=False](https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2140%2520(2014)&Language=E&DeviceType=Desktop&LangRequested=False).

^[36] UNSC Resolution 2511, adopted in February 2020; UNSC Resolution 2564, adopted in February 2021; and UNSC Resolution 2624, adopted in February 2022, https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/1?ctype=Yemen&cbtype=yemen#038;cbtype=yemen

^[37] Ibid.

Besides resolutions, UNSC presidential statements and press statements are also important barometers of the UN's approach, providing insight into the Council's positions and perspectives. Here too, references to transitional justice, human rights, and accountability in Yemen remain sparse. Of the nine presidential statements delivered by the Security Council between 2012 and 2019, only three refer to transitional justice,^[38] and all were issued prior to 2015. Presidential statements issued since show a significant decrease in language on justice, accountability, and human rights.^[39] As for Security Council press statements, between 2011 and 2015 a total of 15 statements included references to accountability for human rights and other international law violations.^[40] In line with the trends observed in Security Council resolutions, after 2015 such references saw a significant decrease. Between the end of 2015 and the beginning of 2020, no references to accountability or other aspects of transitional justice were found in Security Council press statements, and only five statements between the start of 2020 and January 2024 included references to accountability. The last press statement to include a reference to accountability and justice was made in January 2022, in the aftermath of attacks conducted by Houthi forces targeting the UAE and Saudi Arabia at the beginning of January 2022.^[41]

Since the onset of war, some local and international actors in Yemen have shown hesitation and resistance in addressing transitional justice, concerned that tackling such a contentious topic could jeopardize the peace process.^[42] However, transitional justice remains integral to a lasting peace settlement, even though international appetite for it is waning. Given that the UNSC continues to support the GCC initiative and the resumption of a political transition process, references to transitional justice must resume with the same level of commitment demonstrated by the UNSC prior to the onset of war in Yemen.

^[38] "Statement by the President of the Security Council, March 29, 2012, S/PRST/2012/8"; "Statement by the President of the Security Council, February 15, 2013, S/PRST/2013/3"; and "Statement by the President of the Security Council, August 29, 2014, S/PRST/2014/18". All three statements available at: https://www.securitycouncilreport.org/un_documents_type/security-council-presidential-statements/?ctype=Yemen&ctype=yemen.

^[39] Security Council presidential statements made in relation to the situation in Yemen (a total of nine) include seven references to human rights, four references to accountability, and three references to transitional justice. In Syria, there have been 13 presidential statements issued by the Security Council since 2011, containing a total of 23 references made to human rights, six to accountability, and three to "justice" (i.e., prosecution). In South Sudan, the Security Council has issued 11 presidential statements since 2011, containing a total of 12 references to accountability, one to justice, 20 to human rights, and two to investigations.

^[40] In one such statement, the reference is made both to accountability and to transitional justice: "The members of the Security Council reiterated their support (...) for the adoption of the transitional justice law (...). They repeated their call that all those responsible for human rights violations and abuses must be held accountable". See, "Security Council Press Statement on Friends of Yemen, SC/10778," United Nations, September 28, 2012, <https://press.un.org/en/2012/sc10778.doc.htm>

^[41] "Security Council Press Statement on Terrorist Attacks in United Arab Emirates, SC/14771," United Nations, January 21, 2022, <https://press.un.org/en/2022/sc14771.doc.htm>

^[42] "No Peace without Justice, No Justice without Accountability," in 'Yemen International Forum 2023 Pathways to a Just, Inclusive and Sustainable Peace,' Sana'a Center for Strategic Studies, October 30, 2023, <https://sanaacenter.org/publications/main-publications/21026>

Suitability of Resolution 2216

The inadequate response from the Security Council on a wide range of needs, including human rights and justice, has raised questions regarding the suitability of Resolution 2216 as the normative framework that the UN has relied upon to address the conflict in Yemen. Many organizations and Yemeni civil society actors^[43] maintain that revising this resolution is key to ensuring more inclusivity in the political process of marginalized segments of society. The 2023 Guidance Note recognizes transitional justice as a shared responsibility that demands different UN departments, agencies, and levels of leadership engage coherently across different UN pillars and support nationally set transitional justice agendas and priorities. How this will translate for the UNSC in specific country contexts such as Yemen will depend on many factors, including the interest and commitment of national authorities to transitional justice, developments in the peace process, and the regional security situation. Reframing the international approach to the conflict in Yemen, and in particular the framework set forth by Resolution 2216, could help re-establish confidence and political will for transitional justice in Yemen.

^[43] Waleed Alhariri and Nickolas Ask, "Five years of the Security Council Toeing the Saudi Line," Sana'a Center for Strategic Studies, April 9, 2020, <https://sanaacenter.org/publications/analysis/9603>. For more information about the shortcomings of UNSCR 2216, see: Stephen A. Seche, "Give Peace a Real Chance in Yemen," *The New Humanitarian*, April 16, 2018, <https://www.thenewhumanitarian.org/opinion/2018/04/16/opinion-give-peace-real-chance-yemen>; and Peter Salisbury, "A New Envoy is an Opportunity for a New Approach in Yemen," *International Crisis Group*, June 18, 2021, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/new-un-envoy-opportunity-new-approach-yemen>

II. Yemen and Syria: A Comparative Perspective

To provide broader context, this section compares the UNSC's transitional justice approach in Yemen to that of Syria. It traces the distinct evolution of UN involvement in each country, scrutinizing the variations in stance on transitional justice by looking at resolutions adopted, justice mechanisms implemented, UNSC language used, the treatment of victims, and the consistency of the UN's approach.

A Shift in Discourse on Transitional Justice in Yemen

The peace process in Yemen initially formed part of the broader GCC initiative, which sought to facilitate the political transition process in Yemen and avoid further escalation of violence. According to the agreement, signed in 2011 by former President Ali Abdullah Saleh and representatives from Yemen's main political forces, the transfer of power was to be carried out by a newly-elected president tasked with drafting a new constitution and establishing a time frame for parliamentary elections.^[44] The agreement further detailed the transition process in Yemen, dividing it into two phases: Phase 1 centered on the formation of a government of national unity, while Phase 2 focused on the transfer of power. The NDC was the main mechanism intended to bring about most of the reforms laid out in the GCC agreement and to address transitional justice and national reconciliation.^[45]

To support the UN Secretary-General "in exercising his good offices in Yemen"^[46] and support the negotiations between the government and the opposition, a UN Special Advisor was appointed in 2011. Through Resolution 2014 (2011) the Security Council requested that the Secretary-General continue his good offices including through visits by the Special Advisor.^[47] In 2012, to give effect to the obligations established by the Security Council in Resolutions 2014 (2011) and 2051 (2012), the Secretary-General created the Office of the Special Envoy for Yemen^[48] to facilitate Yemen's transition and assist in the implementation of the GCC initiative signed in 2011.

^[44] "Gulf Cooperation Council (GCC) Initiative Agreement," OSESGY, January 23, 2012, https://osesgy.unmissions.org/sites/default/files/gcc_initiative_yemen_english.pdf

^[45] "Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC)," United Nations, December 5, 2011, https://peacemaker.un.org/sites/peacemaker.un.org/files/YE_111205_Agreement%20on%20the%20implementation%20mechanism%20for%20the%20transition.pdf

^[46] "Background Note," OSESGY, <https://osesgy.unmissions.org/background>

^[47] United Nations Security Council Resolution 2014, S/RES/2014 (2011), United Nations, October 21, 2011, [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2014\(2011\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2014(2011)&Language=E&DeviceType=Desktop&LangRequested=False).

^[48] Special envoys, and other designations by which they are known, such as Special Representatives and Personal Envoys, are high-ranking UN individuals, or senior leaders, appointed by the Secretary-General to "undertake a special mission relating to matters of which the Security Council or the General Assembly are seized." See, "Terminology of Senior Leadership Posts," United Nations, <https://www.un.org/globalcall/content/resources>. At present, there are a total of four special envoys, two personal envoys, and four special coordinators working in the UN Secretariat, amongst others working under the aegis of the Global Leadership Team of the UN Secretary-General. See "Global Leadership Team," United Nations Secretary-General, <https://www.un.org/sg/en/global-leadership/home>



UN envoy Martin Griffiths leaves after a news conference on Yemen talks at the United Nations in Geneva, Switzerland, September 8, 2018 // Reuters Photo by Denis Balibouse

After the Houthi group entered Sana'a in September 2014, and then President Abdo Rabbu Mansour Hadi escaped to Aden in February 2015, that process came to an abrupt end. Developments on the ground, along with the declaration made by the Houthi group in February 2015,^[49] led to the government's authorization of a military coalition headed by Saudi Arabia and the United Arab Emirates to "protect Yemen and to deter Houthi aggression."^[50] Since then, the Envoy's efforts have been directed toward enabling the resumption of the process as originally set out in the GCC Initiative and its Implementation Mechanism,^[51] and bringing peace and stability back to Yemen.

As the war enters its ninth year, this remains the understanding of the Envoy's mandate. Since the start of the conflict, the OSESGY has focused efforts on a comprehensive ceasefire that would enable the political process to resume. This has meant getting the parties to engage in confidence-building steps to end the conflict. These include, inter alia, the agreement brokered by UN Special Envoy Martin Griffiths in Stockholm in December 2018 between the Yemeni government and Houthi representatives, to avoid an escalation of the military offensive in Hudaydah and allow for the continued entry of commercial goods and humanitarian assistance.^[52]

^[49] "Yemen's Houthis form own government in Sanaa," Al Jazeera, February 6, 2015, <https://www.aljazeera.com/news/2015/2/6/yemens-houthis-form-own-government-in-sanaa>

^[50] "Yemen's Hadi seeks UN military support to deter Houthis," Al-Jazeera, March 25, 2015, <https://www.aljazeera.com/news/2015/3/25/yemens-hadi-seeks-un-military-support-to-deter-houthis>.

^[51] "Mandate," OSESGY, <https://osesgy.unmissions.org/mandate>

^[52] According to information made available by the United Nations Mission to Support the Hodeidah Agreement (UNMHA), the Stockholm Agreement is an accord between the parties to the conflict that has three main components: the Hodeidah agreement; a prisoner exchange agreement, and the Taiz agreement. See, "Stockholm Agreement," UNMHA, <https://unmha.unmissions.org/stockholm-agreement>.

They also include the adoption of a resolution by the UNSC in January 2019 establishing a Special Political Mission – the United Nations Mission to Support the Hudaydah Agreement (UNMHA) – to support the Yemeni parties in meeting their obligations under the Stockholm Agreement, specifically the agreement on the Red Sea ports of Hudaydah, Salif, and Ras Isa.^[53] UN efforts to resume the political process led to a truce brokered by the Special Envoy for Yemen Hans Grundberg in April 2022, which included a halt of all military air, ground, and maritime operations inside Yemen and across its borders, and the opening of Sana'a airport to commercial flights to predetermined destinations in the region.^[54] The truce ended in October 2022 after the parties failed to reach an agreement to extend the nationwide ceasefire,^[55] but the Special Envoy continues to work toward getting the parties to agree on a political solution to the conflict.^[56] At the time of this report, bilateral talks between the Houthis and Saudi Arabia were ongoing and appeared to be moving towards the announcement of an agreement.^[57] However, actions by the Houthi group in the Red Sea following the onset of the war in Gaza have not only led to the disruption of maritime trade and security in one of the most important global shipping routes, but could derail any Saudi-Houthi agreement.^[58]

On the whole, the UN and international community's response to the conflict in Yemen to date has engendered a two-pronged approach, which seeks to bring the conflict to an end whilst deferring the peace process to subsequent stages. The result has been a multi-track approach, with track I focusing on negotiations between the warring parties to "create a political formula to end the conflict"^[59] and track II encompassing the "unofficial, informal peace-making efforts and initiatives carried out by mediators with various societal groups, including civil society organizations, women's organizations, political groups, youth movements, religious groups, professional organizations, and trade unions."^[60] With the start of the war, as the role of the UN Special Envoy became more firmly focused on getting the parties to negotiate a comprehensive settlement to end the conflict, transitional justice started to fade into the background, with justice, human rights, and accountability barely referred to by either the envoy or the UNSC.

^[53] "UNMHA Hodeidah Agreement," UN Political and Peacebuilding Affairs, <https://dppa.un.org/en/mission/unmha-hudaydah-agreement>

^[54] "Note to Correspondents: Press Statement by UN Special Envoy Hans Grundberg on a two-month truce," United Nations, April 1, 2022, <https://www.un.org/sg/en/content/sg/note-correspondents/2022-04-01/note-correspondents-press-statement-the-un-special-envoy-for-yemen-hans-grundberg-two-month-truce>.

^[55] "Yemen's warring sides fail to agree to extension to UN-backed truce," Al-Jazeera, October 3, 2022, <https://www.aljazeera.com/news/2022/10/3/yemens-warring-sides-fail-to-agree-extension-to-un-backed-truce>.

^[56] "Yemen: End of nationwide truce 'heralds heightened risk of war', Security Council hears," UN News, October 13, 2022, <https://news.un.org/en/story/2022/10/1129517>.

^[57] "Houthis Visit Riyadh as Bilateral Talks Move Forward," Sana'a Center for Strategic Studies, November 20, 2023, <https://sanaacenter.org/the-yemen-review/sept-oct-2023/21236>

^[58] Stephen Kalin and Saleh al-Batati, "Israel-Hamas War Jeopardizes Prospects for Yemen Peace," The Wall Street Journal, December 27, 2023, <https://www.wsj.com/world/middle-east/israel-hamas-war-jeopardizes-prospects-for-yemen-peace-e89553b9>

^[59] Osama al-Rawhani, "Redefining what peace in Yemen means and how to achieve it," Sana'a Center for Strategic Studies, July 16, 2021, <https://sanaacenter.org/publications/analysis/14686>

^[60] "Track II efforts complement official negotiations, and lay the foundation for peace-building in Yemen," OSESGY, November 6, 2018, <https://osesgyunmissions.org/martin-griffiths-track-ii-efforts-complement-official-negotiations-and-lay-foundation-peace-building>

To counter this, a Group of Eminent Experts (GEE) was established by the UN in late 2017, with the mandate of carrying out a comprehensive examination of all alleged violations of international human rights and of international law committed since 2014 and, where possible, identifying those responsible.^[64] The GEE's reporting was instrumental in informing and sharpening the discussions on accountability held by the Security Council. Many of the points raised concerned the obligations of the parties to the conflict to comply with international humanitarian law, shedding light on the situations of vulnerable groups of people in Yemen, especially women and children. The decision by the UN Human Rights Council not to renew the mandate of the GEE in October 2021, constituted a significant setback for the Security Council to uphold accountability and justice under its remit.^[62]

The UN Approach in Syria

Similar to Yemen, early Security Council resolutions adopted during the Syrian conflict emphasized holding to account those responsible for human rights violations committed against civilians.^[63] In April 2011, in one of the first briefings held by the Security Council, permanent members highlighted the need to hold accountable those perpetrating human rights violations and violence and to conduct investigations to bring perpetrators to justice.^[64] Unlike with Yemen, however, accountability was a consistent feature of the Security Council's work vis-à-vis the conflict in Syria, and different justice mechanisms were enacted during the conflict in Syria to address concerns related to accountability.

Early in the conflict, in August 2011, the Human Rights Council established the Independent International Commission of Inquiry to investigate all alleged violations of international human rights law since March 2011.^[65] Since then, other mechanisms have been established, including a fact-finding mission established by the Organization for the Prohibition of Chemical Weapons (OPCW) in 2014, to determine whether chemical weapons had been used in Syria.^[66] In 2015, following additional allegations concerning civilians killed or injured by the use of chemical weapons, the Security Council requested that the UN Secretary-General, in coordination with the OPCW, establish a joint investigative mechanism to identify perpetrators.^[67] The International Commission of Inquiry, in addition to its original mandate, had also been given special mandates to look into particular events in

^[61] "Yemen: Zeid appoints group of eminent international and regional experts," United Nations, December 4, 2017, <https://www.ohchr.org/en/press-releases/2017/12/yemen-zeid-appoints-group-eminent-international-and-regional-experts?LangID=E&NewsID=22483>

^[62] "We have failed Yemen: UN human rights council ends war crime probe," The Guardian, October 7, 2021, <https://www.theguardian.com/world/2021/oct/07/un-human-rights-council-votes-to-end-yemen-war-crimes-investigation>

^[63] "Resolution adopted by the General Assembly A/RES/66/253," United Nations, February 16, 2012, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F66%2F253&Language=E&DeviceType=Desktop&LangRequested=False>

^[64] "UN Security Council, 6524th meeting, S/PV.6524," Security Council Report, April 27, 2011, https://www.securitycouncilreport.org/un_documents_type/security-council-meeting-records/page/12?ctype=Syria&cbtype=syria#038;cbtype=syria

^[65] "Resolution adopted by the Human Rights Council at its seventeenth special session, S17/1," OHCHR, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/ResS17_1.pdf

^[66] "Fact-Finding Mission," OPCW, <https://www.opcw.org/fact-finding-mission>

^[67] "UNSC Resolution 2235, S/RES/2235," United Nations, August 7, 2015, [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2235\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2235(2015)&Language=E&DeviceType=Desktop&LangRequested=False).

Syria, such as those in Aleppo and Eastern Ghouta.^[68] This stands in stark contrast with the UN approach in Yemen, where the only international human rights mechanism established was the Group of Eminent Experts formed in late 2017.

Raising accountability from the get-go in Syria helped mainstream accountability across the responses of the different UN bodies. Moreover, it contributed to making it a core element of efforts to find a (political) solution to end the conflict in Syria. This can be seen in the March 2012 six-point peace plan proposed by the Joint Special Envoy for Syria which directly addressed the release of arbitrarily detained persons.^[69] The June 2012 Geneva I and January 2014 Geneva II Conferences on Syria also reaffirmed support for accountability as a key element of the efforts to bring peace and stop the war. According to the June 2012 communique of the Action Group for Syria,^[70] a political settlement to the conflict required “commitment to accountability and national reconciliation”^[71] as well as a “comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps toward national reconciliation and forgiveness.”^[72] Subsequent rounds of peace negotiations - including those established by other stakeholders pursuing alternative tracks and parallel efforts to negotiate a durable solution for the Syria crisis such as the Astana talks^[73] – reaffirmed the importance of accountability and human rights concerns for sustainable peace in Syria.

This was also evident in the inclusion of the file of detainees, abductees, and missing persons under the Astana framework. Both the United Nations, including the Office of the UN Special Envoy for Syria, and the International Committee of the Red Cross, enjoy observer status in the Astana process, and have in different capacities extended technical support to matters raised in the framework of Astana’s working group on detainees and missing persons. In concrete terms, out of a total of 69 Special Envoy briefings to the Security Council since the start of the process in Astana in

^[68] “Independent International Commission of Inquiry on the Syrian Arab Republic: Mandate,” United Nations Human Rights Council, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/co-i-mandate>

^[69] In February 2012, Kofi Annan was appointed as the Joint Special Envoy of the UN and the League of Arab States for Syria. He developed a six point peace plan calling upon the Syrian government and the opposition “to address the legitimate aspirations and concerns of the Syrian people,” cease hostilities, and pullback military concentrations in and around population centres, amongst other aspects. See, “Text of Annan’s six-point peace plan for Syria,” Reuters, April 5, 2012, <https://www.reuters.com/article/us-syria-ceasefire-idUSBRE8330HJ20120404/>. The Security Council’s presidential statement of March 21, 2012, fully endorsed the peace plan submitted by Annan. See, “In Presidential Statement, Security Council Gives Full Support to Efforts of Joint Special Envoy of United Nations, Arab League to End Violence in Syria,” United Nations, March 21, 2012, <https://press.un.org/en/2012/sc10583.doc.htm>.

^[70] The Action Group for Syria referred to a group of stakeholders convened at Annan’s initiative to “identify steps and measures to secure full implementation and the six-point plan” and relevant Security Council resolutions, as well as agree on guidelines and principles for a Syrian-led political transition. The final communique of the Action Group, dated June 30, 2012, was issued after a conference in Geneva that sought to end the war in Syria. A second Geneva conference, convened by Joint Special Envoy Lakhdar Brahimi in January 2014, reaffirmed the principles endorsed by the Action Group for Syria. See “Final Communiqué of the Action Group for Syria,” United Nations Peacemaker, June 30, 2012, <https://peacemaker.un.org/node/1581>

^[71] “Identical letters dated July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council,” United Nations, July 6, 2012, https://peacemaker.un.org/sites/peacemaker.un.org/files/SY_120630_Final%20Communique%20of%20the%20Action%20Group%20for%20Syria.pdf.

^[72] Ibid.

^[73] The Astana talks refer to a series of negotiations on the Syrian conflict that began in January 2017 in Astana, the capital of Kazakhstan, sponsored by Russia, Türkiye, and Iran. See, Faysal Abbas Mohamad, “The Astana Process Six Years On: Peace or Deadlock in Syria?” Carnegie Endowment for International Peace, August 1, 2023, <https://carnegieendowment.org/sada/90298>

January 2017, sixty-five contain references to the file of detainees, abductees, and the missing.^[74] The information suggests that Staffan de Mistura and Geir Pedersen, the two UN Special Envoys appointed since 2015, believed that the file of detention and missing was an integral part of the political solution for the Syrian conflict. As noted by Pedersen in his June 27, 2019, briefing, “progress on detainees, abductees and missing persons, if done in a meaningful way and at a meaningful scale, could make a large impact [...] including on the ground.”^[75]

In the summer of 2019, the Security Council adopted a landmark resolution on missing persons,^[76] making it obligatory for parties to armed conflict “to actively search for persons reported missing, to enable the return of their remains and account for persons reported missing,”^[77] amongst other provisions. The resolution carried significant weight for families worldwide, whose loved ones remain unaccounted for, but also for local and international actors who worked on raising the plight of those who had gone missing in Syria. In August 2019, two months after adopting the resolution, the Security Council held its monthly briefing on Syria, focusing on detainees, abductees, and missing persons. Attendees drew an important connection between accountability and the right to know with national reconciliation and durable peace. “A political solution through dialogue is the only way to achieve a stable and lasting peace,” said one attendee, adding that “creating such trust will therefore remain impossible in the absence of a horizon of justice and accountability.”^[78] More recently, in June 2023, the United Nations General Assembly adopted a resolution establishing an Independent Institution on Missing Persons in Syria.^[79] According to its text, the institution is dedicated to clarifying the fate and whereabouts of missing persons in Syria and to ensuring the right of their families to know.^[80]

By contrast, the Yemeni file on detainees has been addressed separately from its human rights component. The Stockholm Agreement (2018), for instance, contains references to the establishment of an executive mechanism to activate “the prisoner exchange agreement.”^[81] The Agreement, however, contains no provisions on detention and missing persons. There is also no reference to the suffering of Yemeni families who have endured years of loved ones going missing. In October 2020,

^[74] For the purpose of this report, the authors surveyed all 17 briefings delivered by UN Special Envoy for Syria Staffan De Mistura between April 12, 2017 and December 20, 2018, in addition to 52 briefings delivered by Geir O. Pedersen to the Security Council since his appointment as UN Special Envoy for Syria in January 2018. The authors relied on information found at [Security Council Report](#), as well as information provided by the [Office of the UN Special Envoy for Syria](#).

^[75] “Security Council, 8567th meeting, S/PV.8567,” United Nations, June 27, 2019, <https://digitallibrary.un.org/record/3811313?ln=ru>

^[76] “Security Council Adopts First-Ever Resolution on Persons Reported Missing during Armed Conflict, as Speakers Call for Greater Political Will to Address Problem,” United Nations, June 11, 2019, <https://press.un.org/en/2019/sc13835.doc.htm>

^[77] Ibid.

^[78] “Security Council, 8593rd meeting, S/PV.8593,” United Nations August 7, 2019, <https://digitallibrary.un.org/record/3823609?ln=ar>.

^[79] “United Nations General Assembly, Independent Institutions on Missing Persons in the Syrian Arab Republic, A/77/L.79,” United Nations, June 26, 2023, <https://undocs.org/Home/Mobile?FinalSymbol=a%2F77%2FL.79&Language=E&DeviceType=Desktop&LangRequested=False>

^[80] Ibid.

^[81] “Stockholm Agreement,” UN Mission to Support the Hodeidah Agreement, <https://unmha.unmissions.org/stockholm-agreement>



Released Houthi prisoners arrive at Sana'a airport on April 14, 2023, marking a significant step towards confidence-building measures between the warring parties // Sana'a Center Photo by Assem al-Posi.

and later in April 2023, thousands of detainees^[82] were released by the parties to the conflict in furtherance of the commitments made under the Stockholm Agreement. The release of prisoners was dealt with as part of confidence-building measures, leaving unaddressed the broader issue of the staggering numbers of persons estimated missing in Yemen.^[83] Many Yemeni civil society organizations have insisted on this point, noting that all arbitrarily detained persons, persons kept in incommunicado detention, victims of enforced disappearance, and other categories of missing persons, including journalists and activists, should be unconditionally released - not used as bargaining chips in prisoner exchanges.^[84]

In April 2013, the Special Envoy's briefing to the Security Council acknowledged the importance of the release of detainees for Yemeni families. The reunification of hundreds of Yemeni families, he said, had "renewed the hopes of many more Yemenis still waiting for their loved ones to return."^[85] The contrast with the methods observed in Syria, however, is striking. This is not to say that the UN approach in Syria is without shortcomings, nor minimize the fact that in many ways victims of the war in Syria have been let down as their needs for truth, justice, and redress remain largely unaddressed. Rather, it is meant to show the discrepancies in methods and approaches adopted by the UN in the respective conflicts, and, more broadly, highlight the fact that the issue of detention and the plight of missing persons in Yemen, has yet to be addressed within the framework of a truce negotiated under the auspices of the Office of the UN Special Envoy for Yemen.

^[82] "Yemen & Saudi Arabia: Families reunited as more than 970 conflict-related detainees released in two operations over four days," ICRC, April 17, 2023, <https://www.icrc.org/en/document/yemen-and-saudi-arabia-families-reunited-more-than-970-conflict-related-detainees-released>

^[83] Sarah al Areqi, "If Only ... Women's Resistance and Hope in the Face of Enforced Disappearance in Yemen," Yemen Policy Center, December 2022, <https://www.yemenpolicy.org/if-only-womens-resistance-and-hope-in-the-face-of-enforced-disappearance-in-yemen/>

^[84] "Detainees should not be used as bargaining chips in negotiations," Mwatana for Human Rights, April 24, 2023, <https://www.mwatana.org/posts-en/bargaining-chips>; "Yemen: Free Disappeared Civilians," Human Rights Watch, September 2, 2020, <https://www.hrw.org/news/2020/09/02/yemen-free-disappeared-civilians>

^[85] "Briefing to the United Nations Security Council by the Special Envoy for Yemen Hans Grundberg," OSESGY, April 17, 2023, <https://osesgy.unmissions.org/briefing-united-nations-security-council-special-envoy-yemen-hans-grundberg-11>

III. National Efforts to Bring Transitional Justice to the Table

This section provides a comprehensive look at the evolving national frameworks established over the years to address issues of justice and reconciliation in Yemen, specifically looking at the experience of the National Dialogue Conference (NDC), held between 2013 and 2014, and the establishment of the Presidential Leadership Council (PLC) in 2022.

Transitional Justice in the National Dialogue Conference

In March 2013, President Hadi, under the auspices of the GCC Initiative, convened a National Dialogue Conference (NDC). The NDC would discuss eight main themes pertaining to governance, structural, and social contract issues,^[86] the sixth of which addressed “taking steps aimed at achieving national reconciliation and transitional justice, and measures to ensure that violations of human rights and humanitarian law do not occur in future.”^[87] Held between March 2013 and January 2014, the NDC was largely seen as “the core of Yemen’s transition process”^[88]

[86] Erica Gaston, “Special Report: Process Lessons Learned in Yemen’s National Dialogue Conference,” United States Institute of Peace, 2014, https://www.usip.org/sites/default/files/SR342_Process-Lessons-Learned-in-Yemens-National-Dialogue.pdf

[87] “Agreement on the Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative,” United Nations, November 21, 2011, https://peacemaker.un.org/sites/peacemaker.un.org/files/YE_111205_Agreement%20on%20the%20implementation%20mechanism%20for%20the%20transition.pdf

[88] Erica Gaston, “Special Report: Process Lessons Learned in Yemen’s National Dialogue Conference,” United States Institute of Peace, 2014, https://www.usip.org/sites/default/files/SR342_Process-Lessons-Learned-in-Yemens-National-Dialogue.pdf



A nurse gives an injection to a baby at the neonatal intensive care nursery at Al-Saddqa hospital in Aden, Yemen, on February 26, 2022. According to Relief International, an estimated 1 out of every 37 newborn babies in Yemen die in the first month as the country’s brutal conflict continues to rob children of their right to life // Sana’a Center Photo by Sam Tarling.

and cheered as the most inclusive and constructive dialogue in Yemen's modern history,^[89] as it removed political and social barriers to include a wider scope of political actors, youth, civil society actors, and representatives of women's groups to take part in the 10-month deliberation. Above all, it was the first-ever assembly that brought political actors and victims to one table to discuss past grievances and the future of the country. Importantly, it also advocated for "the adoption of legal and other means to strengthen the protection and rights of vulnerable groups, including children, as well as the advancement of women."^[90]

Preceding the NDC were developments that would inevitably affect its outcomes. Yemen's two main political parties at the time – the General People's Congress (GPC) ruling party and its allies, and the opposition parties represented by the Joint Meeting Parties (JMP) – were asked to adopt an immunity law that safeguarded former president Saleh and his regime from legal and judicial prosecution. They were also required to reach an agreement and pass a law of national reconciliation and transitional justice. While the first law was produced in a timely manner, the second was not. Both laws were perceived as prerequisites to a peaceful transition and the organization of a comprehensive national dialogue. Neither party, however, could agree on the start date for the application of the provisions of a law on national reconciliation and transitional justice. While the first draft, prepared and submitted by the Ministry of Legal Affairs, set the start date for actionable past grievances to 1990, the amended draft, put forward by President Hadi, defined the start date as January 1, 2011. Different political actors pushed for the inclusion of periods when they were victimized by the ruling actor/party at the time, opening the doors for periods of violence that stretched back to the 1960s. It was feared that passing a law addressing grievances from pre-unification conflict could annul the immunity granted to Saleh and his regime, and hence disrupt the transition process and opportunity for peace. Another area of contention between the parties was the inclusion of particular transitional justice mechanisms. For instance, the second draft of the law dropped references to truth-seeking, prosecution, and memorialization.

Disagreements between the political parties continued with disruptive effects during the NDC. Out of the 565 delegates participating in the conference, 80 were selected to work in the "Issues of National Dimensions, National Reconciliation, and Transitional Justice" working group. The team found itself dragged into heated controversies and disagreements, most predominantly over the issue of the start date for addressing past grievances.^[91] The group included 18 members representing youth, women, and civil society, 16 representatives of informal political groups with perceived past grievances (including the Sa'ada Issue and Southern Question)^[92]

^[89] Ibrahim Jalal, "Yemen's Incomplete National Dialogue, Insights on the Design and Negotiations Dynamics," Yemen Policy Center, June 2022, <https://www.yemenpolicy.org/yemens-incomplete-national-dialogue/>

^[90] Ibid.

^[91] Interview with a member of the Consultation and Reconciliation Committee, April 16, 2023.

^[92] The 565 delegates participating in the NDC were assigned to nine working groups tasked with addressing the most pressing national issues, including the Southern and Sa'ada issues. In their deliberations, the member delegates in this working group sought to produce outcomes that address past grievances and abuses committed since the reunification of Yemen in 1990 and the eruption of the six wars in Sa'ada.

while the rest were representatives of formal political actors.^[93] At various points, discussions turned into an intra-elite struggle rather than focusing on advancing transitional justice. Many pushed for sidelining transitional justice and national reconciliation measures. Researchers and experts attribute this to unrealistic objectives and flaws in design and planning, which raised questions about the selection criteria and doubts about the intentions of the organizers, and whether they were ever committed to achieving lasting, inclusive peace and reconciliation.^[94]

Despite these flaws, broadly speaking the NDC provided a chance for Yemeni youth, women, civil society, and the few representatives of victims to unite and challenge the views of the traditional political elites and power centers in Yemen, pushing forward the need to pursue a transitional justice agenda. It also allowed victims of various past grievances and their representatives to raise their demands to the working group at the conference.

The NDC concluded with 1,800 recommendations, 126 of which were proposed by the National Dimensions, National Reconciliation, and Transitional Justice working group.^[95] One of the working group's objectives was the "development of constitutional and legal provisions for the formulation of public policies in a manner that realizes national reconciliation and transitional justice."^[96] The plight of victims, truth-telling, memorialization, accountability, abuse, institutional reform, and national reconciliation were thus the main pillars advocated by the group. Among their proposed recommendations was the need to "ensure that no impunity for abuses of human rights or to disownment of accountability in line with the specific mechanisms identified by the transitional justice law."^[97] Another recommendation stipulated the establishment of an independent high commission for transitional justice, where "all actions or solutions and anything issued by the commission such as decisions or judgments shall be final, obligatory and shall not be subject to repeal."^[98] They also emphasized the importance of truth-telling as the cornerstone of transitional justice and called for the state to ensure "respect for the victims and their interest and ensure their participation in transitional justice programs by ensuring their rights to implement such programs."^[99]

^[93] See List of participants of the NDC at https://pdsp-yemen.org/wp-content/uploads/2013/03/ndc_member_list-2.pdf

^[94] Helen Lackner, "Yemen's 'Peaceful' Transition from Autocracy: Could it have succeeded?" *International Idea*, March 2016, <https://www.idea.int/sites/default/files/publications/yemens-peaceful-transition-from-autocracy.pdf>

^[95] "National Dialogue Conference Outcomes Document," The Republic of Yemen, 2014, <https://www.peaceagreements.org/masterdocument/1400>

^[96] *Ibid.*

^[97] *Ibid.*, Recommendation 70/c.

^[98] *Ibid.*

^[99] *Ibid.*, Recommendation 72.

Transitional Justice in the Presidential Leadership Council

Almost a decade after the NDC, following years of conflict and political turmoil, a new eight-man Presidential Leadership Council (PLC) was announced on April 7, 2022, in Saudi Arabia, to replace President Abdo Rabbu Mansour Hadi. The formation of the council came as an attempt to unify the political visions and military ranks of the forces represented in the PLC, and to pursue a resolution to the conflict with the Houthi group, be it through peaceful negotiation or force of arms. The transfer of power from Hadi to the PLC received international support. The UNSC welcomed the creation of PLC and its assumption of presidential responsibilities. Two weeks after its creation, the PLC convened before the parliament in Aden and took the constitutional oath in the presence of the UN Special Envoy and several EU and Arab ambassadors.

Leading up to the announcement of the PLC, Saudi Arabia had convened 800 Yemenis for the Riyadh Talks, sponsored by the GCC, to discuss and provide the PLC with recommendations on six files: political, economy and development, security, media, humanitarian, and social. Participants in charge of the social file were assigned to discuss and provide recommendations on multiple issues related to the social impacts of the war, including reconciliation and reparations. In their final statement, participants called upon the Consultation and Reconciliation Commission^[100] to “informally add whomever deemed necessary of Yemen’s wisemen to contribute to the efforts of peaceful talks and reconciliation [...] and to participate in future peace talks.”^[101] No explicit or clear reference was made to ensure both formal and informal participation of victims in the mandate of the commission.

The social file’s working group integrated just some of the topics addressed at the NDC in the justice and reconciliation file, and merged these into a broader file that tackled diverse topics ranging from education, health, and hate speech, to the status of prisoners and their needs. They also included victim-related recommendations that called for the creation of a special body that supports the provision of reparations and the allocation of funds for victims, and the provision of free medical and psychosocial support. Accountability, memorialization, and truth-telling were overlooked and ultimately ignored. Moreover, none of the recommendations called upon or urged the PLC and the government to ensure the participation of victims at any stage of future peace processes in Yemen.^[102]

Despite the momentum created by the hundreds gathered for the consultations in Riyadh, experts and analysts on Yemen were skeptical about the intentions of the consultations. The overall objective was seen as “likely to fasten the trappings of

^[100] The Consultation and Reconciliation Commission (CRC) was formed to support the PLC in bridging differences and unifying objectives among political factions in the anti-Houthi camp.

^[101] “The Outcomes of the Yemeni Talks in Riyadh [AR],” Asharaq Al-Awsat, April 2022, www.aawsat.com/home/article/3579351-مخرجات-مشاورات-الرياض-اليمنية-11-تبدأ-وترحب-بالمجلس-الرئاسي

^[102] Unpublished documents obtained by the authors show that the working group included just one note on the importance of adding the social settlement, as an appendix to the political settlement, since it can be the guarantor of ending the recurring cycles of conflict and may contribute to the resolution of current conflicts.



Protesters in Aden take to the streets on March 16, 2021, demanding the government provide basic services and pay overdue salaries to public servants // Sana'a Center Photo by Ahmed Al-Shulitii.

legitimacy, provided by attendees, to a predetermined transfer of power,”^[103] and very little, in essence, resulted from the consultations beyond what Saudi Arabia and the UAE allowed. The guise of the Riyadh talks was used to remove Hadi, and made it crystal clear that the outcomes stood little chance of becoming a reference or guiding framework for a future political settlement.

Over a year after its formation, the PLC has been deemed a failure by many critics.^[104] To date, the council continues to suffer from fragmentation and from a lack of unified strategies or unified political and economic visions. The divergent interests of its regional sponsors have rendered it too weak to position itself as an interlocutor in any imminent UN-led peace negotiations.

On May 14, 2023, however, in what was seen as a turning point in the discourse of the PLC, Rashad al-Alimi, the head of the Council, pledged support for “collective initiatives of victims memorialization,”^[105] and reiterated his support for the participation of victims in peacebuilding. The same month, a presidential decree was issued to settle and compensate 52,000 dismissed civil and military employees of southern governorates after the events of 1994.^[106] According to the decree, the Yemeni government was ordered to pay 4 billion Yemeni rials.^[107] Al-Alimi also ordered the resumption of the work of the committee established in 2013 to address reparations to those victims and acknowledged the past grievances and injustice

^[103] Osamah al-Rawhani, “Made in KSA: The Risks of an Imposed Presidential Council,” Sana’a Center For Strategic Studies, April 2022, <https://sanaacenter.org/the-yemen-review/april-2022/17715>

^[104] Maysaa Shuja Al-Deen, “The Presidential Council’s Year of Failure,” Sana’a Center for Strategic Studies, July 11, 2023, <https://sanaacenter.org/publications/analysis/20500>

^[105] “No Freedom without Press Freedom,” Editorial, Sana’a Center for Strategic Studies, June 22, 2023, <https://sanaacenter.org/the-yemen-review/may-2023/20392>

^[106] Prior to unification in May 1990, Yemen was divided into two states –The People’s Democratic Republic of Yemen (PDRY) in the South, and the Yemen Arab Republic (YAR) in the North. In 1994, conflict broke out after the power-sharing mechanism broke down, which ended with the victory of Northern-aligned forces. The aftermath of the war witnessed the forcible mass dismissal of southern military and security personnel from their jobs.

^[107] “Framework: Background of President Rashad Al-Alimi’s decision to settle the situation of 52,000 southern employees deported after the ‘94 war,” Yemen Future, May 16, 2023, <https://yemenfuture.net/news/14531>

those dismissed were subjected to.^[108] In a speech on May 21, 2023, on the eve of the anniversary of Yemen's unification, he made reference to transitional justice-related outcomes and affirmed his determination to address past grievances, institutional reforms, redress, and justice.

At the time of writing, the Ministry of Human Rights was preparing for the fourth Universal Periodic Review^[109] (UPR) cycle for May 2024. In its 2018 UPR report, the government continued to deem it challenging and unrealistic to claim the ability to proceed with full capacity on transitional justice measures. To this day, the government has yet to form the high-level transitional justice commission as per the outcomes of the NDC. Instead, in the view of the government, “[transitional justice] should be approached cautiously, through supporting certain related possible and implementable measures through which social peace can be restored first, which would pave the way for achieving peace and stability.”^[110]

In its report responding to the United Nations Committee on Economic, Social, and Cultural Rights^[111] in December 2022, the Ministry of Human Rights relied on the documentation of human rights violations work led by the National Commission to Investigate Alleged Violations of Human Rights (NCIAVHR). The NCIAVHR is an independent national mechanism, established by Republican Resolution No. (140) in 2012, for monitoring and investigating allegations of human rights violations committed on the territory of the Republic of Yemen by all parties. To date, it has published 10 reports and submitted its 11th report to the head of PLC. Its close collaboration with the PLC and the Ministry of Human Rights, however, along with its explicit concentration of operations in government-held areas, has compromised its capacity to adequately document many of the violations committed by the dominant security and military actors and their backers there. This reality poses a challenge and raises valid questions about its independence.

^[108] In 2013, President Hadi issued presidential decree No. 2, stipulating the formation of two committees, one to address the issue of seized and looted lands, and the other to address the grievances of southern employees who were forcibly dismissed in the aftermath of the events of 1994. See, Presidential Decree No (2) of 2013, https://yemen-nic.info/db/laws_ye/detail.php?ID=69022

^[109] The Universal Periodic Review (UPR) is a distinctive mechanism within the Human Rights Council. It requires all UN member states to undergo a regular review of their human rights records and to report on the steps they have taken to improve human rights conditions within their borders. During the review process, other UN Member States provide recommendations to the country under review, aimed at helping them address human rights challenges and improve their human rights records.

^[110] Interview with government official, August 27, 2023.

^[111] See, “Committee on Economic, Social and Cultural Rights,” OHCHR, <https://www.ohchr.org/en/treaty-bodies/cescr>

IV. Toward A Victim-Centered Approach to Transitional Justice in Yemen

This section is based on findings derived from consultations carried out with over 70 Yemeni victims and victims' representatives across five governorates. It sheds light on their experiences, priorities, and views on peace-building efforts, and how to achieve a more victim-centered political process in Yemen. It also looks at global examples of peace agreements that included victims, specifically focusing on the case of Colombia.

Priorities from the Perspective of Yemen's Victims

“For as long as the war continues, no Yemeni can guarantee they will not be victimized, or, at any point, join the list of victims”^[112]

Beyond the humanitarian catastrophe brought on by the war, in the past decade Yemenis have been subjected to severe violations of human rights and international law by the parties to the conflict, unprecedented in the country's history in both type and scale.^[113] The following observations are reflections gathered from discussions held with Yemeni victims and victims' representatives, consulted for the purpose of this report, which highlight the relentless suffering of the Yemeni people.

Whether directly or indirectly, the overwhelming majority of Yemenis have in one way or another been victimized by the conflict. The horrors of war have fallen particularly hard on those directly impacted by violence and violations perpetrated by the warring parties – including shelling, airstrikes, mines, enforced disappearances and arbitrary arrest, torture, and detention. On a national scale, however, the war has also deprived most Yemenis of the most basic infrastructure and services, including healthcare and education. “Victims of war are also those who have been impacted by the economic situation or from the social impacts of the war,” noted one interviewee.^[114] The psychological effect of the war was also widely cited by respondents as trauma suffered collectively by Yemenis, with many struggling to see an end to the conflict.

^[112] Key informant interview, April 13, 2023.

^[113] These include “unlawful or arbitrary killings; enforced disappearances; torture or other cases of cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners and detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including widespread civilian harm and unlawful recruitment or use of child soldiers by all parties to the conflict, particularly the Houthis; serious restrictions on freedom of expression and media, including violence, threats of violence, unjustified arrests or prosecutions against journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; severe restrictions of religious freedom; [and] restrictions on freedom of movement.” See “Submission to the Universal Periodic Review of Yemen,” Sana'a Center For Strategic Studies, October 17, 2023, <https://sanaacenter.org/publications/main-publications/21011>

^[114] Key informant interview, April 2023.



Women fetch water from a 30-meter-deep well on December 27, 2020, in the village of Al-Sharkh, Al-Makha district, Taiz governorate // Sana'a Center Photo by Anwar Al-Shareef.

Respondents struggled to prioritize the most pressing grievances due to the broad range of violations that have occurred during the war. Accounting for the whereabouts of Yemen's missing detainees, ending enforced disappearances and arbitrary arrests, and providing care for released detainees were primary concerns, as were putting an end to displacement and allowing for the safe return of those who fled their homes and properties because of the war.^[115] The right to truth, justice, and compensation was also voiced by many. Given the high number of Yemenis unaccounted for since the start of the war, which includes many held incommunicado in detention, information on their whereabouts was considered vital by respondents. Reparations for victims, they noted, must not be limited to compensation, but extended to bringing perpetrators to trial. Supporting victims' mental health and providing them with social protection – pensions, benefits, and other forms of assistance – were deemed important to improving their social and economic welfare. Another essential concern voiced by interviewees was the need for safe spaces for victims and survivors to tell their stories, ensuring a more comprehensive understanding of the violations that have unfolded during the conflict. Documentation was also seen as important, to define and inform the next steps for victim-centered transitional justice efforts.

When asked about victims' role in the UN-led peace efforts, respondents said having a political process that is inclusive of victims' needs is central to remedying the current focus on the parties to the conflict. Without the inclusion of victims and broader segments of Yemeni constituencies – women, youth groups, and marginalized communities among others – the peace process will remain fragmented and incomplete. The inclusion of victims' voices, argued the interviewees, would vastly improve the prospects of reconciliation in Yemen. In the words of one respondent, the “involvement of victims in the political process will enhance the ability of Yemeni society to prevent the parties to the conflict from entering new rounds of war; their involvement is thus important, and essential for reconciliation.”^[116] Without the inclusion of victims in the ongoing process, many questioned the designation of the current negotiations as “peace talks,” given that the main vantage points represented were those of the warring parties: “If victims don't participate in the peace process, the outputs of the process may not guarantee real and comprehensive solutions, which in turn is likely to cause instability and war.”^[117]

The shape of Yemen's peace agreement was also discussed with respondents. Once a peace agreement is reached, how should victims be prioritized? Some argued that bringing the plight of victims into the peace agreement would help connect it to the outcomes of the NDC. A peace agreement mute on transitional justice and the plight of victims, they argued, would render previous efforts redundant. Further, the agreement, they stressed, constitutes an important opportunity to reframe the

^[115] This, respondents noted, cannot happen without the clearance of landmines and other ordnance left behind in Yemenis' homes, including private properties and farms.

^[116] Participant in Taiz Focus Group Discussion, February 16, 2023.

^[117] Ibid.

NDC's legacy by putting the plight of Yemen's victims and calls for new transitional justice approaches at its center. "We need to reconsider the various concepts that were discussed during the NDC and re-introduce transitional justice to the discussion table. Today political forces are largely avoiding discussing transitional justice," said one respondent.^[118]

Extensive discussions on the "peace versus justice" dilemma took place with victims and their representatives, prompting considerations on how to effectively balance achieving peace in Yemen while pursuing justice. Among respondents, reflections varied, with some arguing the need to render the peace talks and an agreement into an "oriented process," where the agreement could, at the very least, contain references to transitional justice that signal political commitment to pursue it. Others were of the view that the peace agreement should designate concrete transitional justice mechanisms along with other provisions for justice. A look into how other countries have tackled the inclusion of victims in peace agreements offers valuable insight. The examples provided below are not raised to propose a similar approach in Yemen. Instead, they seek to illustrate how peace and justice are not mutually exclusive, and how agreements have often had to accommodate a broad range of demands, whilst allowing for the peace process to move forward.

Victim Inclusivity in Peace Agreements: A Global Perspective

Between 1990 and 2023, out of 2003 peace agreements and 150 peace processes signed, 996 agreements address transitional justice matters.^[119] Of these, 198 agreements include references to victims.^[120] Since 2014, references have been made to victim-related matters in a wide variety of contexts, including Libya, Colombia, Kenya, Northern Ireland, and the Philippines, amongst other contexts.^[121] Some of the provisions are part of agreements to establish a transitional justice commission (the Philippines)^[122] or to render victims part of the peace negotiations (Colombia),^[123] but there are also victim-related provisions included as part of agreements finalized between two or more parties to the conflict to evacuate wounded persons (Syria),^[124] agreements to address specific events that caused high numbers of victims (Mali),^[125] and commitments between a country's political forces to agree on an approach to dealing with the past (Northern Ireland and the UK).^[126]

^[118] Key informant interview, May 7, 2023

^[119] The figures were generated by PA-X Peace Agreement Database, a database and repository of peace agreements from 1990 to January 2023. Peace Agreement Database, University of Edinburgh, <https://www.peaceagreements.org/search>

^[120] Ibid.

^[121] Peace Agreement Database, The University of Edinburgh, (last accessed November 15, 2023).

^[122] "TJRC Mandate," Transitional Justice and Reconciliation Commission, <https://www.tjrc.ph/resources/tjrc-mandate>

^[123] Kristian Herbolzheimer, 'Negotiating Inclusive Peace in Colombia,' in Andy Carl (ed.) Negotiating inclusion in peace processes, Accord 28, Conciliation Resources, 2019. <https://www.c-r.org/accord/inclusion-peace-processes/negotiating-inclusive-peace-colombia>

^[124] "Identical letters dated July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council," United Nations, July 6 2012, https://peacemaker.un.org/sites/peacemaker.un.org/files/SY_120630_Final%20Communique%20of%20the%20Action%20Group%20for%20Syria.pdf

^[125] "Algiers Platform for the Inclusive Inter-Malian Dialogue," Peace Agreement Database, The University of Edinburgh, <https://www.peaceagreements.org/viewmasterdocument/1574>

^[126] "New Decade, New Approach," UK Government, January 2020, https://assets.publishing.service.gov.uk/media/5e178b56ed915d3b06f2b795/2020-01-08_a_new_decade_a_new_approach.pdf

Even though the majority of these agreements have not been concluded under UN auspices, they reflect important practice, by states and other actors, in the inclusion of victims and other types of transitional justice concerns in peace agreements. They also reflect their specific context and local attitudes towards transitional justice. Just as peace agreements include different stages and go through different iterations that reflect compromises and concessions made by the parties, their references to transitional justice also reflect the strategies, contributions, and processes that civil society actors and other parties pursue to gain their place at the table and represent the needs of victims.

In Colombia, the negotiations that started in Havana, Cuba, in 2012 constitute an important landmark with regards the inclusion of civil society, including victims' representatives at the negotiation table. In 2014, five delegations of victims traveled to Havana to participate in the discussions on reparations for the victims of the conflict in Colombia.^[127] In total, 60 victims' representatives participated and informed discussions with the negotiating parties about the rights of victims to truth, justice, and reparations.^[128] This set an important precedent on the question of inclusiveness in peace processes. Prior to 2012, victims had little say in peace negotiation processes in Colombia. Between 1960 and 2012, there were various attempts at peace, but it was not until the early 1990s that these processes started becoming more inclusive of women and included references to "civic participation."^[129]

Who qualifies as a victim or a representative of victims continues to be a contentious topic in transitional justice discourse. Debating these questions not only requires problematizing the notion of victim and the concept of victims' representation,^[130] but also reveals that notions such as "victimhood" often lack conceptual clarity, which can create political tensions about which kinds of inclusion efforts should be undertaken.^[131] In the Colombian context, "as much as the recent peace agreements constitute good practice in terms of conceptual construction of victims, critiques underline the challenges of implementing such an ambitious societal project that accounts for more than 8.7 million registered victims so far."^[132] Given the difficulties for a peace agreement to include the concerns of all relevant groups considered "conflict victims" and the risks of "leaving the definition of victims to later unspecified

^[127] Isa Mendes, "Inclusion and Political Representation in Peace Negotiations: The Case of the Colombian Victims' Delegations," *Journal of Politics in Latin America*, 11(3), 272-297, 2019, <https://d-nb.info/1241193053/34>

^[128] Ibid.

^[129] Sergio Triana-E, Leah Grace and Josefine Wulkan, "Law and Order: The Evolution of Transitional Justice in Colombia from the Peace Process with the AUC (2003) to the FARC (2015)," *Nordic Journal of Latin American and Caribbean Studies*, Vol. 51(1) 2019, <https://iberoamericana.se/articles/10.16993/iberoamericana.553>; "Final Agreement between the National Government and the Current of Socialist Renewal," Peace Agreement Database, The University of Edinburgh, <https://www.peaceagreements.org/viewmasterdocument/173>

^[130] Author and humanitarian Valerie M. Meredith notes that it is important for organizations working with victims of violations and abuse to bear in mind the negative connotations of some of the attributes assigned to victims, as they may affect the people they are purporting to describe and as a consequence of this devalue them: "This impact is not always taken into consideration [...] the term 'victims' is often used and understood in a straightforward way as referring to the state of victimhood, when in fact its impact is more that of labelling a group of individuals." Valerie M. Meredith, "Victim Identity and Respect for Human Dignity: A Terminological Analysis," *International Review of the Red Cross*, Vol. 91, Number 874, June 2009, <https://international-review.icrc.org/sites/default/files/irrc-874-3.pdf>

^[131] Astrid Jamar, "Victims' Inclusion and Transitional Justice: Attending to the Exclusivity of Inclusion Politics," vol. PSRP Research Report, Global Justice Academy, Edinburgh, 2018, https://www.pure.ed.ac.uk/ws/portalfiles/portal/77730746/Victims_Report_DIGITAL.pdf

^[132] Ibid.

processes,”^[133] one possibility is for agreements to make a principled commitment to including victims and supporting their participation in future efforts to enforce accountability or other transitional justice mechanisms.

For the International Center for Transitional Justice,^[134] “what seems to be vital is the productivity of the first steps and how much of a dividend they pay to society.”^[135] What this means is that depending on the context, it may not always be realistic to expect a peace agreement alone to bear the responsibility of an entire transitional justice process. In such a scenario, the peace agreement can nevertheless make a publicized commitment about the importance of victims’ participation or about other principles that provide guidance about how a country should tackle a legacy of human rights violations committed during an armed conflict.^[136] In addition, peace agreements should not be thought of as the only means of securing victims’ inclusion and participation in peacebuilding efforts. Peace negotiators and civil society actors should identify other measures that can contribute to proceeding incrementally and practically in favor of victims’ rights.^[137]

The above considerations are important to bear in mind in the context of local initiatives unfolding on the ground in Yemen which advocate for a more victim-centered political process. In July 2023, for instance, the Yemen Justice Network launched the Yemen Declaration for Justice and Reconciliation. Signed by several dozen Yemeni organizations, the Declaration is intended to serve as a catalyst for harmonizing local efforts and fostering collaboration between both local and international parties to pave the way for transitional justice. The declaration forges a collective civil society vision that seeks to inform all national and international stakeholders involved in the peace process, and to serve as a point of departure for developing ways to prevent future cycles of violence.^[138]

^[133] Ibid.

^[134] The International Center for Transitional Justice (ICTJ) is a non-governmental organization that has engaged since 2011 in more than 50 countries side by side with victims to obtain acknowledgment and redress for massive human rights violations, hold those responsible to account, reform and build democratic institutions, and prevent the recurrence of violence and repression. See more at “Justice, Truth, Dignity, ” International Center for Transitional Justice, <https://www.ictj.org/>

^[135] “Can Truth Commissions Strengthen Peace Processes?,” International Center for Transitional Justice and Kofi Annan Foundation, 2018, https://www.ictj.org/sites/default/files/ICTJ_TruthCommPeace_English_2016.pdf.

^[136] One example of this approach is the Burundi Peace Agreement of August 30, 2000. According to author Jean Arnault, the agreement was signed “with deep lacunae and extensive ambiguities. These imperfections were considered acceptable and constructive by the mediators - and indeed by many among the signatory parties - in order to move the process forward.” See, Jean Arnault, “Good agreement? Bad agreement? An implementation perspective,” Center of International Studies, Princeton University, p.2. https://peacemaker.un.org/sites/peacemaker.un.org/files/Good%20AgreementBad%20Agreement_Arnault.pdf

^[137] Ibid.

^[138] Rana Cheaito, “Breaking the Cycle: Towards a Victim-Centered Justice in Yemen,” Open Society Foundations, August 30, 2023, <https://www.opensocietyfoundations.org/voices/breaking-the-cycle-towards-a-victim-centered-justice-in-yemen>



Food is distributed at Ras Omran camp in Al-Buraigaa district, Aden governorate, on April 23, 2021, for people displaced from Hudaydah and Taiz governorates // Sana'a Center Photo by Anwar Al-Shareef.

Conclusion

The October 2023 UN Secretary-General Guidance Note on transitional justice reaffirms the centrality of victims to transitional justice efforts and processes. By shedding light on the importance of connecting transitional justice to broader peacebuilding efforts, the Note offers directions to promote transitional justice as a means to strengthen the interlinkages between peace and security, human rights and accountability, and sustainable development. In this context, this report attempted to provide a comprehensive overview of key UN institutional guidance on rendering transitional justice more central to UN efforts in resolving political crises. Until these changes are operationalized and start taking effect, however, management of transitional justice issues, including matters of victim inclusivity in peace agreements and other relevant political processes, will continue to be irregular, and depend on “what is politically feasible in the here and now.”^[139]

In some countries, such as Libya and South Sudan, the UN has mandates empowering it to carry out activities in the field of transitional justice, including reconciliation and accountability. In Yemen, by contrast, the mandate of the Special Envoy centers on facilitating Yemen’s transition and assisting in the implementation of the GCC initiative signed in 2011. Even if it could be argued that support to the political transition process in Yemen also implies supporting transitional justice, given its role in the NDC, this is not the same as a mandate explicitly authorizing the Special Envoy to include transitional justice within the purview of its work in Yemen. The gaps in the normative framework guiding UN peace-building efforts in Yemen and the prevailing Special Envoy’s interpretation of its mandate have meant that the need for justice for victims of conflict-related violations and abuse, as well as their needs for reconciliation, have remained largely unaddressed.

The limitations inherent to the current UN set-up in Yemen have also been highlighted in this report. UN Security Council Resolution 2216 restricts the interlocutors with whom the United Nations can engage to the internationally recognized government and the Houthi group.^[140] Many organizations and policy analysts have called for the amendment of this resolution. A revised 2216 could broaden the scope of participation to other important Yemeni actors, including civil society. The range of issues to be addressed through Resolution 2216 could expand significantly and include more topics from the realms of human rights and rule of law, such as transitional justice.

Yemenis interviewed for this study provided manifold insights for future steps toward a victim-centered approach to transitional justice and peacebuilding efforts in Yemen. For the majority of respondents, one important step in that direction would be making peace efforts more inclusive of key victimized constituencies,

^[139] Laura Valentini, “In What Sense are Human Rights Political? A Preliminary Exploration,” *Sage Journals*, Volume 60, Issue 1, November 9, 2011, <https://journals.sagepub.com/doi/10.1111/j.1467-9248.2011.00905.x>

^[140] Helen Lackner, “Yemen’s Seven Years of War: How the New UN Envoy Can Lay Foundations for Peace,” *European Council on Foreign Relations*, September 6, 2021, <https://ecfr.eu/article/yemens-seven-years-of-war-how-the-new-un-envoy-can-lay-foundations-for-peace/>

including women, youth, marginalized communities, and other marginalized voices who have been sidelined to date. As one interviewee noted, continuing to narrow the peace process to the parties to the conflict would render it “incomplete and fragmented”^[141] with negative consequences for broader societal reconciliation in Yemen. Yemen’s conflict has deep roots, and tackling these requires broad and substantial involvement. Achieving a military solution to the conflict and a detente between former enemies are undoubtedly supremely important steps to pave the way for peace in Yemen. However, to prevent new rounds of violence, a peace agreement must get to the root of underlying problems and find lasting solutions. Without wider participation in peace efforts by Yemeni civil society, including victims’ groups, “the outputs of the peace process may not guarantee real and comprehensive solutions, which in turn cause an unstable solution or establish a war.”^[142]

The role to be played by Yemeni institutions is crucial. Despite the efforts made during the NDC to render transitional justice a central topic for the political transition process in Yemen, which included the establishment of a working group devoted solely to transitional justice and national reconciliation, these steps left behind a mixed legacy of achievement and failure. Not only did the start of the conflict in 2014 curtail some of the processes underway – such as the enactment of a transitional justice law – but the adoption at the outset of the NDC of an immunity law for former president Saleh reflected a broader lack of political will by political elites in Yemen to confront the past, pursue justice, and seek redress for victims. The establishment in April 2022 of a Presidential Leadership Council and the creation within its structure of a Consultation and Reconciliation Committee can be understood as a subtle gesture by Yemen’s Executive to bring some elements of transitional justice back to the political agenda. Since its formation, the Committee has been expected to continue working on the formalization of policies, procedures, and other aspects related to its internal governance structures.^[143] The divergence of interests within some of the forces under the PLC umbrella seem to have hindered tangible progress. However, once these are finalized and endorsed by the eight-member PLC, one of the most pressing tasks for the CRC will consist of establishing which elements of the NDC’s work on transitional justice remain valid and can be used in future.

The CRC will need to clarify how much of its work is going to be integrated with initiatives and steps that governmental entities and agencies in Yemen have taken throughout the years on human rights and transitional justice. Even if in some instances the government has been keen to distinguish between measures taken to strengthen human rights and transitional justice measures to be taken “after the restoration of peace and security,” in practical terms, the government has adopted

^[141] Ibid.

^[142] Ibid.

^[143] The Commission was able to approve a number of documents in March 2023, including those related to the terms/conditions for internal reconciliation, as well as those related to the conditions of the peace process. Despite reservations from some political forces, these documents were accepted by the various components of the body. The Commission has also formed a number of sub-committees, including a sub-committee concerned with rights and freedoms.

some measures that fall under the transitional justice umbrella.^[144] As government entities have assumed a more technical role vis-a-vis transitional justice, the CRC now has a political mandate “to consolidate the current national consensus, unity of ranks and desired partnership on all levels.”^[145] As an expression of Yemen’s Executive Branch, steps taken by the CRC in the realm of transitional justice will suggest important directions for the government’s future engagement. From this perspective, it will be key for the Committee to clarify the place of transitional justice within the broader range of reconciliation efforts that it has vowed to carry forward.

^[144] According to the 2018 report submitted by the government under the Universal Periodic Review cycle (2014-2018), the government distinguishes between measures taken to strengthen the human rights architecture in Yemen and transitional justice measures. According to the government, transitional justice is for “after the restoration of peace and stability.” See, “National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council Resolution 5/1, Yemen,” United Nations General Assembly, November 8, 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/335/77/PDF/G1833577.pdf?OpenElement>

^[145] “Yemen Stresses Role of Consultations and Reconciliation Commission in Backing Presidential Council,” Asharq al-Awsat, August 15, 2022, <https://english.aawsat.com/home/article/3816841/yemen-stresses-role-consultations-and-reconciliation-commission-backing>

Recommendations:

The following recommendations are offered as a guide for international and domestic stakeholders to promote a more victim-centered approach to transitional justice and peace-building efforts in Yemen:

To the Office of the UN Special Envoy for Yemen, the United Nations Security Council, and the UN Secretary-General:

- Empower the Office of the UN Special Envoy for Yemen with a dedicated transitional justice mandate and adequate human resources to address transitional justice in political negotiations and related processes.
- Broaden the scope of Resolution 2216 to include Yemeni civil society organizations in negotiations for a political settlement in Yemen.
- Incorporate transitional justice concerns at multiple levels – Security Council resolutions and press statements, briefings on Yemen by the Special Envoy and other UN representatives, Secretary-General reports, and so forth – to strengthen engagement with transitional justice and its inclusion in peace efforts
- Support the integration of transitional justice into peace negotiations in Yemen by identifying possible approaches to addressing issues of accountability and grievance, and ensuring these are grounded in the local context.
- Strengthen the engagement of the Office of the Special Envoy with victims and their representatives to increase the Office's understanding of victims' needs and their expectations of justice and accountability, including in UN-led peace efforts.
- Enhance the mandate of the Office of the High Commissioner for Human Rights in Yemen through the appointment of an international human rights expert tasked with identifying ways to integrate transitional justice elements in the peace process and any future peace agreement.
- Strengthen the transitional justice component of UN operations and activities in Yemen, ensuring that transitional justice plays a cross-cutting role across all of its work in Yemen.

To embassies, country representatives, and members of the international community:

- Support the Consultation and Reconciliation Committee in incorporating a transitional justice approach to reconciliation and contribute to their technical capacities and expertise to address the structural roots of conflict and recurring violence in Yemen.
- Strengthen the capacities of the National Commission for the Investigation of Alleged Violations of Human Rights to design and implement approaches that place the needs of victims and survivors at the center of the recommendations in its periodic reports, such as the establishment of specialized courts and prosecution offices for human rights violations.

- Promote a long-term approach to transitional justice in Yemen by acknowledging its role in peace efforts and its contribution to national reconciliation.
- Support collective action among Yemeni victims' groups and networks, civil society, and broader social and political movements to generate the advocacy, mobilization, and support needed to carry forward a transitional justice agenda.^[146]
- Make accessible internal reports and other documentation about transitional justice in Yemen that have been carried out since 2014.

To the internationally recognized government:

- Support efforts in the House of Representatives to proceed with the ratification of international human rights treaties and their optional protocols.
- Support the House of Representatives in its efforts to resume its legislative activity and align Yemeni domestic law with its international human rights obligations under the conventions it has ratified.
- Support governmental institutions in enhancing policy coherence on transitional justice issues and foster technical cooperation between these and the Consultation and Reconciliation Committee.
- Increase technical cooperation with the Office of the High Commissioner for Human Rights and other international agencies to develop a national transitional justice policy that incorporates a victim-centered approach and is based on an assessment of the outcomes of the National Dialogue Conference.
- Promote a victim-centered approach to the UN-mediated peace process that is inclusive of victims' needs for justice and reparations and that promotes national reconciliation.
- Strengthen the participation of the state in international discussions, meetings, and other multilateral efforts that focus on accountability and transitional justice as well as on the nexus between these and the UN's Sustainable Development Goals and the objectives set forth by the UN Secretary-General in the New Agenda for Peace.^[147]

To Yemeni and international non-governmental organizations:

- Develop a more systematic process of information gathering on the conflict-related needs of victims in Yemen based on participatory and community approaches that encourage the participation of women, children, religious and racial minorities, and other marginalized groups.
- Develop understanding and knowledge-sharing on how victims' groups and associations are organized in Yemen, considering their different capacities, activities, geographic reach, and grievances they represent.

^[146] "Toward Victim-Centered Change: Integrating Transitional Justice into Sustainable Peace and Development," 2023 Report of the Working Group on Transitional Justice and SDG16+, September 18, 2023, <https://www.sdg16plus/resources/toward-victim-centered-change-integrating-transitional-justice-into-sustainable-peace-and-development/>

^[147] "A New Agenda for Peace," United Nations, July 2023, <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf>

- Strengthen Yemeni knowledge production in the field of transitional justice and reconciliation and support Yemeni knowledge platforms, ensuring information is available for public use.
- Identify concrete activities and opportunities that strengthen the nexus between transitional justice and peacebuilding in Yemen, and support track II civil society organizations in Yemen in the application of a transitional justice approach in their activities.
- Contribute to the mobilization of Yemeni civil initiatives that promote victim-centered approaches and the integration of transitional justice into peacebuilding efforts in Yemen.
- Identify key issues in the inclusion of victims and their representatives in peace negotiations in Yemen, including entry points for the introduction of transitional justice measures and the types of tension these might generate.

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