SANA'A CENTER

Yemen's Judicial Authority: Division and the Struggle for Independence

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Children play football beside war-damaged homes in the Al-Jahmaliyah neighborhood of Taiz City, May 19, 2026 // Sana'a Center photo by Al-Baraa Mansour.

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Table of Contents

Executive Summary 4

Introduction 5

The Transformation of the Judiciary Under Houthi Rule 8

Political Interference Across Areas of Control 11

Resource Scarcity and Security Risks to the Judiciary 13

An Untenable Livelihood for Judges 13

Security Obstacles 14

Recommendations 16

Executive Summary

Amidst ongoing war and political and institutional division, Yemen's judiciary has faced a progressive erosion of its independence and capacity, undermining important reforms undertaken in the preceding decades to strengthen its autonomy from the executive authority. Although constitutionally it remains a unified national authority, the conflict has fractured its administration. In areas controlled by the internationally recognized government, judicial institutions continue to operate within the state's formal judicial framework. In areas under the control of the Houthi group (*Ansar Allah*), key judicial entities have been brought under the influence of Houthi authorities, who have introduced unilateral amendments to the laws governing the judiciary and litigation procedures.

This study examines the impact of Yemen's war and ensuing fragmentation on the country's judicial system, focusing on judicial independence, institutional coherence, the administration of justice, and litigants' rights. It shows how fragmentation from this division threatens the coherence of Yemen's judicial system and undermines the fundamental principle of equality before the law. It then delves into how political interference has affected Yemen's judiciary across both spheres of control, providing examples of unlawful judicial appointments in government-controlled areas and the establishment of parallel bodies overseeing the judiciary in areas under Houthi control. Deteriorating infrastructure, the sharp decline in the value of judges' salaries, and attacks and assassination attempts against judges nationwide are also brought into focus in the paper.

The study recommends that reunifying the judiciary be a top priority in any political settlement to end the conflict. It calls for establishing a technical mechanism to address the legal and institutional consequences of the division, thereby ensuring the protection of litigants' rights. It also emphasizes the need to improve the financial and security conditions for judges, rehabilitate courts and public prosecution offices, and strengthen the role of judicial bodies and the international community in safeguarding judicial independence.

Introduction

Between Yemeni unification in 1990 and the outbreak of war in 2014, the country's judicial sector strengthened its independence from executive authority. One of the first steps toward reforming the judiciary's legislative framework and cementing this independence was the 2006 amendment of the Judicial Authority Law, which made the President of the Supreme Court also the head of the Supreme Judicial Council—the judiciary's highest administrative authority and a position previously held by the President of the Republic.[1] This reform was followed by an amendment in 2012 that separated the position of head of the Supreme Judicial Council, with its administrative and supervisory competences, from the position of President of the Supreme Court, which is purely judicial in nature, diluting the concentration of power within one position.[2]

The most fundamental change, however, came with the 2013 amendment that transferred all judicial powers previously granted to the Minister of Justice to the Supreme Judicial Council. The Supreme Judicial Council assumed responsibility for internal oversight of judges, a role previously held by the Ministry of Justice and the Public Prosecution. This change reinforced the principle of separation of powers between the judiciary and the executive branches of government.[3]

Judicial reforms were not limited to legislative measures but also extended to material and institutional aspects. Judges started to lead more comfortable lives. Their salaries were improved in successive stages until just before the onset of conflict, and some were also provided with official vehicles to facilitate their commutes. There was also a push to develop the judicial sector's infrastructure by building and equipping judicial complexes[4] and courts and prosecution offices[5] in a number of governorates.

These positive steps, taken in parallel to the National Dialogue Conference (2013-14), were cut short by the political and military crisis that erupted in September 2014, when the Houthis took control of Sana'a and set off a series of events that led to the war in Yemen. Since then, the independence of the judiciary has been steadily eroded, particularly in regions under the group's control. The entrenchment of two main centers of power in Yemen has led to legislative duality, with judicial authority fragmented and subject to political influence.

[1] See: Law No. (15) of 2006 amending some articles of Law No. (1) of 1991 on the Judicial Authority [AR], available on the official website of the Public Prosecution, accessed October 11, 2025, https://agoyemen.net/lib_details.php?id=196

[2] See: Law No. (18) of 2012 amending Articles (104, 104 bis) of Law No. (15) of 2006 amending some articles of Law No. (1) of 1991 on the Judicial Authority [AR], available on the official website of the Public Prosecution, accessed October 11, 2025, https://agoyemen.net/lib_details.php?id=197

[3] See: Law No.27 of 2013 Amending Certain Provisions of Law No. 1 of 1991 on the Judicial Authority. https://www.yemen-nic.info/db/laws_ye/detail.php?ID=69425

[4] "Salem and Al-Arshani inaugurate the Commercial Courts Complex in the Municipality [AR]," Al-Thawrah, February 27, 2013, https://althawrah.ye/archives/36881

[5] "The President of the Judicial Council inaugurates the Criminal Courts and Prosecutions Complex in the Capital Municipality [AR]," Al-Thawrah, March 25, 2013, https://althawrah.ye/archives/39014

In this context, the study explores how conflict-driven fragmentation and division affect judicial independence in Yemen, highlighting the consequences of having parallel legal systems. The paper is structured in four parts. The first part examines the impact of political divisions on the unity of Yemen's judiciary. The second part unpacks the judiciary's transformation under Houthi rule. The third part addresses political interference in the judiciary in both areas of control. The fourth part discusses the material deprivation and physical threats facing the judiciary. The paper concludes with recommendations to overcome these obstacles and strengthen judicial independence.

The Impact of Political Division on the Unity of Yemen's Judiciary

Although Yemen's judiciary gained formal powers and guarantees before the war, the current judicial landscape reflects a very different reality. The judiciary has effectively become divided between legitimate judicial institutions operating in areas controlled by the internationally recognized government and those controlled by the Houthis in areas under their control. The conflict has also reshaped the laws governing the judiciary at both the organizational level (the structure and administration of the judicial system) and the procedural level (the mechanism by which cases are heard before the courts). The war-related changes have resulted in fragmentation and conflicting legal frameworks, with one of the most consequential effects being the detrimental impact on the organization and administration of the judiciary. The division between competing authorities has significantly impacted the application of laws, leading to disparities in the administration of justice across various regions and creating a duality in judicial institutions.[6]

There are now two Judicial Councils, two Supreme Courts, two Public Prosecution apparatuses, two Ministries of Justice, and two Higher Judicial Institutes. This fragmentation has had serious consequences for citizens navigating the justice system, as court rulings may vary depending on which authority oversees the area where the court operates. This is particularly evident in areas controlled by the Houthis, where the group has made amendments to several laws, despite being de facto authorities and not representatives of the Yemeni state. The consequences of this may become especially apparent if a peace agreement is concluded between the parties to the conflict, as reconciling conflicting rulings will pose a major challenge and affect established legal statuses, such as land ownership, criminal convictions, and commercial contracts.

[6] Mohammed al-Shuwaiter, "The Impact of the War on Yemen's Justice System," International Legal Assistance Consortium (ILAC), November 2021, https://ilac.se/assets/resources/ilac_yemen_report_2021-english.pdf

The division has also extended to judicial professional associations, foremost among them the Yemeni Judges Club, whose board of directors split, resulting in some representatives based in Aden and others in Sana'a. Those who remain in Sana'a have struggled to address concerning affronts to judicial independence. When members of the judiciary were assaulted, they stopped short of taking a firm stand—especially when the attackers were associated with the Houthi group.[7] They have also failed to express any opposition to the amendments made by Houthi authorities to the Judicial Authority Law.[8] Other judges in Houthi-held areas, meanwhile, have emigrated, taking vital institutional knowledge and experience with them.

Legislative duality between Houthi-controlled and government-controlled areas has progressively weakened the judicial authority's independence. The conflict has produced competing legal texts that confuse litigants and give rise to conflicting judicial determinations. The judiciary thus becomes influenced by the dominant political forces in each region, with controlling authorities amending laws and reshaping the judicial authority's institutional structure to serve their political interests. These forces use various judicial apparatuses to achieve these ends, thereby weakening the judiciary's independence and undermining its neutrality.

This division is also reflected in conflicting rulings and a multiplicity of legal references. The principle of equality before the law is compromised by the differing legal rules and judicial procedures applied across different jurisdictions. This undermines public trust in justice and leaves the judiciary vulnerable to being used to serve the parties to the conflict, rather than serving as a guarantor of the rule of law.

[7] A number of judges have been subjected to attacks, including assasinations. One example is the killing of Judge Hamid al-Harazi, head of Al-Salafiyah Court in Houthi-controlled Raymah governorate. See: "The Head of a Court was Shot Dead by Gunmen in Raymah Governorate, Yemen [AR]," Arabic News, August 30,2024, https://arabic.news.cn/20240830/1350dda6da9b438b9d95b09384719e97/c.html. The Judges Club in Houthi-controlled areas issued no condemnation statement.

[8] "Yemen Judges Club Calls Houthi Amendments to Judiciary Law a "Judicial Coup [AR]," Yemen Daily News, September 12, 2024, https://ydn.news/?p=56718

The Transformation of the Judiciary Under Houthi Rule

Some of the most significant changes to the legal and institutional framework have occurred in Houthi-controlled areas. Houthi authorities have amended many laws with the aim of extending their influence and increasing the levies that fund their treasuries.[9] Among these unconstitutional amendments are the changes made to the Civil Procedure and Enforcement Law No. (40) of 2002[10] on February 13, 2021, in which 19 articles were amended, three were deleted, and one article was added.[11] These amendments illustrate a worrying trend in which the judicial process is placed under the control of institutions operating outside regular courts, enabling authorities to tighten their control over and steer the management of disputes. The result is the weakening of judicial independence, the erosion of procedural guarantees for litigants, and the deepening of legislative-judicial division, undermining the unity of the legal system and eroding trust in justice institutions.

The Houthis also passed amendments that fundamentally affected the structure of the Judicial Authority Law No. (1) of 1991.[12] These amendments, issued on September 12, 2024, and covering 13 articles of the law, did not undergo proper scrutiny by the judicial authority, which has inherent jurisdiction over such matters. The entire amendment process—from drafting the bill to presenting it to the Houthi government to its approval by the Houthi parliament to its ratification by the Houthi presidency—took less than a week — an exceptional legislative pattern characterized by accelerated procedures outside the usual legislative timeframe. The aim of such haste was to force rapid change on the judiciary's structure and recalibrate its internal balance—bringing it into line with the administrative arrangements already in place in Houthi-controlled areas and curtailing the judiciary's independence. The amendments also violated the principles of the separation of state powers and the independence of the judiciary, and the aim of these measures was the complete capture of the judicial authority, the imposition of the group's agenda, and the flooding of the judicial authority with unqualified loyalists.[13]

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[9] Among these laws is the 2020 amendment of the executive regulation of the Zakat Law, under which the Houthis are permitted to seize 20 percent of Yemen's wealth (also known as Khums) See: "The Houthis Turn Their Racism into a Law Permitting them to Plunder 20% of Yemen's Wealth [AR]," Al Arabiya, June 9, 2020, www.alarabiya.net/arab-and-world/yemen/2020/06/09/-الحوثي-تحول-عنصريتها-الى-قانون-يجيز-لها-نهب-20٪-من-ثروات-اليمن-

[10] "Issuance of a Law Amending Some Articles of Law No. (40) on Pleadings [AR]", Sabanet, February 13, 2021, https://www.saba.ye/ar/news3128337.htm.

[11] For more on the amendment of the Civil Procedure Law, see: "The Houthis' Amendments to the Laws: Measures that Entrench Tyranny and the Return of Imamate Rule [AR]," Al-Islah Net, September 24, 2024, https://alislah-ye.net/news_details.php?sid=11501&lng=arabicweakened judicial independence, eroded procedural guarantees for litigants, and a deepening legislative-judicial divide.

[12] Mohammed al-Shuwaiter, "Houthi Authorities Undermine Judicial Independence with Major Reforms," Sana'a Center, October 16, 2024, https://sanaacenter.org/the-yemen-review/july-sept-2024/23526

[13] Ibid.

Among the most prominent changes made to the Judicial Authority Law was the addition of Article (57) bis, which grants the head of the Houthi executive authority the right to appoint judges, including those lacking degrees from the Higher Judicial Institute. In practice, this has opened the door to candidates whose qualifications are rooted instead in traditional religious *ijazah* (certification). This allows Houthi authorities to fill the judiciary with graduates of religious institutes and empty it of competent figures, especially those who do not align politically with the group.

The effects of these changes run deep. Professional standards will lose their uniformity as judges' qualifications become uneven, and this will show in the quality of judicial reasoning and the proper application of legal procedures. Interpretation will become less consistent and rulings less stable, given the judges' differing backgrounds. Such appointments bypass the essential step of judicial training, which weakens confidence in the impartiality of the courts' decisions.

The amendments also added a new paragraph to Article (122) of the same law, which grants judges the authority to bar lawyers from appearing before the courts for a period of at least three years if their pleadings or submissions are deemed inconsistent with the judge's orientation or not to the judge's liking. These measures constitute a serious assault on the independence of lawyers, their professional rights, and the guarantee of the right of defense.[14]

Houthi authorities have begun implementing the provisions of their unconstitutional amendments to the Judicial Authority Law by appointing persons from outside the judicial authority to the rank of Supreme Court judge,[15] and subsequently elevating them to leadership positions at the top of the judicial hierarchy. For instance, in 2024, they appointed a university professor of civil law as the head of the Supreme Judicial Council,[16] defying Article (104) bis of the Judicial Authority Law, which specifically stipulates that the President of the Supreme Judicial Council must hold a rank no lower than that of a Supreme Court judge. In November 2025, the Houthis also distributed dozens of graduates of what it called the "First Qualifying Course for Sharia Scholars" to train in a number of courts in its areas of control, as part of systematic measures to install elements loyal to it within the judicial apparatus.[17]

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[14] This was also confirmed by a statement from the Lawyers' Syndicate in Sana'a, referred to in: "The 'Yemeni Lawyers' [Syndicate] Considers the Houthis' Amendments to the Judicial Authority Law a 'Legislative Setback' [AR]," Yemen Daily News, September 12, 2024, https://ydn.news/?p=56682

[15] See website of the Houthi-affiliated Yemeni News Agency (Saba), accessed September 25, 2025, https://www.saba.ye/ar/news3371824.htm

[16] The decision is published on the website of the group's Ministry of Justice and Human Rights [AR], accessed June 12, 2026, https://moj.gov.ye/NewsD/2266

[17] "The Houthi Militia Distributes the Graduates of Its Religious Centers to Train in the Courts as Part of a Plan to Control the Judiciary [AR]", Tarebh Today, November 8, 2025, https://www.tarebhtoday.online/2025/11/08/227466/

Alongside these amendments, a disturbing practice has emerged that raises concerns about the growing influence of conservative interpretations of Islamic jurisprudence that could restrict women's access to the judiciary. Although the Houthi amendments to the Judicial Authority Law do not explicitly prohibit women from serving as judges, expanding eligibility for judicial appointments to include Islamic scholars holding qualifications in Islamic jurisprudence, within an institutional context dominated by sectarian doctrinal perspectives, could create a more restrictive environment for women's participation. This trend appears to have preceded the amendments. In 2023, the preliminary admission lists for the 25th cohort of the Higher Judicial Institute in Sana'a included no women, despite applications from 122 female candidates. This constitutes discriminatory exclusion and a departure from the objective criteria applied by the Higher Judicial Institute.[18]

[18] "Sana'a Judicial Institute without women for the first time in two decades," Asharq Al Awsat, November 8, 2023, https://aawsat.com/العالم-العربي/4656331-معهد-القضاء-في-صنعاء-بلا-نساء-لأول-مرة-منذ-عقدين

Political Interference Across Areas of Control

Political interference has affected judicial institutions both in areas controlled by the internationally recognized government and in Houthi-controlled areas. Since 2014, Yemen's political divisions have led to increased meddling in judicial affairs, whether by influencing the formation of its institutions or by circumventing the legal controls governing their work. Such unlawful interventions have harmed judicial independence and given rise to institutional and legal crises that have touched the very essence of the separation of powers, as evidenced by practices and decisions that affect judicial authority.

Among the most prominent violations affecting judicial independence in government-controlled areas was Presidential Decree No. (4), issued January 15, 2021,[19] which appointed an official who was not a member of the judiciary as Prosecutor General of the Republic of Yemen. The appointment violated the provisions of the Judicial Authority Law, which mandates that this position must be filled by someone from the judiciary.[20] This decision sparked a judicial crisis after many judges and professional bodies, foremost among them the Southern Judges Club, publicly opposed it. The crisis persisted until the Prosecutor General was changed on May 25, 2022,[21] and the Supreme Judicial Council was subsequently reshuffled on August 4, 2022.[22]

Tensions came to a head when the Southern Judges Club announced a suspension of work and the complete closure of courts and prosecution offices[23] in the areas under its control on February 4, 2021. This led to a complete paralysis of judicial authority until the Southern Judges Club announced the formation of a Higher Authority on August 15, 2021, to manage judicial affairs independently of the Supreme Judicial Council.[24] Following the announcement, the suspension of work in courts and prosecution offices was partially lifted. However, this new authority did not engage in any significant activities after its formation.

[19] "Issuance of the Presidential Decree Appointing a Prosecutor General of the Republic [AR]," Sabanet, January 15, 2021, https://www.sabanew.net/story/ar/70955

[20] Articles (149) and (151) of the Constitution, together with Articles (50) (56) (58) (60) and (61) of the Judicial Authority Law, establish the Public Prosecution as part of the judicial corps and subject its members to the applicable judicial hierarchy. In particular, Article (60) requires the Public Prosecutor to be appointed by presidential decree upon the proposal and approval of the Supreme Judicial Council. Read together, these provisions indicate that the Public Prosecutor must possess the requisite judicial status and rank and therefore cannot be appointed from outside the judiciary.

[21] "The President of the Presidential Leadership Council appoints Judge Qaher Mustafa as the Attorney General of the Republic of Yemen [AR], " The Official Website of His Excellency the President Dr. Rashad Al Alimi, May 25, 2022, https://presidentalalimi.net/index.php

[22] "Presidential Leadership Council Chairman's Decision on the Restructuring of the Supreme Judicial Council [AR]," The Official Website of His Excellency the President Dr. Rashad Al Alimi, August 4, 2022, https://presidentalalimi.net/news132.html

[23] "The Southern Judges Club Announces the Closure of Courts and Prosecutions and the Suspension of Work until the Dismissal of the Supreme Judicial Council [AR]," Al-Wattan, Febraury 3, 2021, https://al-wattan.net/news/148223

[24] "In An Important Statement... The Southern Judges Club Approves the Formation of a Higher Body to Manage the Affairs of the Judicial Authority [AR]," Aden24, August 16, 2021, https://aden24.net/news/108291

On the Houthi side, the group has created an apparatus known as the "Justice System,[25]" headed by leading Houthi figure Mohammed Ali al-Houthi, to manage, monitor, and impose penalties on judges and the judicial authority. The creation of this apparatus constitutes a flagrant violation of judicial independence, as it subjects the judiciary to supervision by members of the Justice System who hold no official judicial position.

The Houthis have also used judicial institutions to settle scores with their political opponents by conducting show trials.[26] They have also used the authority to pass unconstitutional rulings that justify the seizure of opponents' property, including from owners who were forced to flee Houthi-controlled areas.[27] For this purpose, an extralegal apparatus called the "Judicial Custodian" was created, whose work centers around raiding the homes and properties of their opponents, forcibly taking them from their owners, and seizing control[28] of them to serve their own interests.[29] To address these judgments and limit their effects, the Supreme Judicial Council in Aden issued Decision No. 38 of 2019 on December 29, 2019, prohibiting the recognition of all judgments and procedures issued by courts in areas outside the internationally recognized government's control. The Judicial Inspection Authority was tasked with circulating the decision to all courts in the liberated governorates. [30]

[25] See the Judicial System Website: https://www.ansarollah.com.ye

[26] "The Houthi Militia Has Issued Nearly 550 Death Sentences Against Its Political Opponents Since 2017 [AR]," Yemen Shabab Net, September 19, 2023, https://yemen-shabab.com/news/87813

[27] "An Investigative Report Reveals the Houthis' Operations to Plunder and Confiscate their Opponents' Property" [AR]," Al Arabiya, February 15, 2022, www.alarabiya.net/arab-and-world/yemen/2022/02/15/تقرير-استقصائي-يكشف-عمليات-الحوثي-لنهب-ومصادرة-ممتلكات-خصومها-

[28] While Article 395 of Yemen's Civil Procedure Law defines judicial custodianship as a neutral, temporary measure to preserve disputed or seized assets and manage them appropriately until the dispute is resolved, the Houthi "judicial custodian" functions as an extrajudicial security network—modeled on Iran's Mustazafan Foundation established in Iran following the 1979 revolution—designed to seize, manage, and expropriate the assets of political adversaries.

[29] For more details on the Houthi "Judicial Custodian," see: Bushra al-Humaidi, "Plundering Opponents' Property Under the Name of the Judicial Receiver [AR]," Al-Mushahid, June 12, 2024, https://almushahid.net/123689/

[30] "Supreme Judicial Council Prohibits Recognition of Judgments Issued by Houthi Courts [AR]," Al-Ayyam, January 21, 2020, https://www.alayyam.info/news/835XU61H-5DUQ66-397A

Resource Scarcity and Security Risks to the Judiciary

An Untenable Livelihood for Judges

Beyond the clear challenges to the judiciary's independence, the war's material impact on the judiciary has been severe. Violence has damaged judicial infrastructure, and judges now perform their duties in rented apartments, dilapidated buildings, or repurposed shipping containers that do not meet the standards befitting the dignity of the judiciary. Courts and prosecution buildings are also severely overcrowded.[31] These conditions have undermined the efficiency of judicial performance and the conduct of litigation, and weakened the judicial authority's ability to exercise its functions independently and effectively.

Furthermore, Yemen's severe economic crisis and the accompanying collapse of the national currency's value have eroded the purchasing power of state employees' salaries in general, and of members of the judicial authority in particular, to the point that they are now insufficient to meet the minimum requirements of a decent life. Whereas a newly appointed judge earned roughly YR 220,000 (US$1,000) per month prior to the war, their salary in areas under the internationally recognized government is now approximately YR 340,000 (US$220). In Houthi-controlled areas, judges' salaries have not increased in rial terms and are equivalent to around US$400. This hardship is even more acute for judges working outside their original areas of residence, because they bear additional burdens related to the costs of housing and transportation, all of which constitute a significant material challenge and negatively affect the guarantees necessary for the independence of the judicial authority.[32]

Against this backdrop, efforts to mitigate the deterioration in salaries have been made. For instance, Saudi Arabia began providing additional financial support to the judiciary in January 2026. Through the efforts of the Supreme Judicial Council, monthly allowances have been provided to the judiciary in areas under the internationally recognized government–judges receive approximately 3,000 Saudi riyals per month, approximately US$800, while administrative staff receive approximately 1,000 Saudi riyals per month. This support has helped ensure the continuity of the work of judicial institutions and strengthen their capacity to perform their functions amid the exceptional circumstances the country is experiencing, which has had a positive impact on the regular administration of justice and the stability of the judicial system.[33]

[31] Mohammed al-Shuwaiter, "The Impact of the War on Yemen's Justice System," International Legal Assistance Consortium (ILAC), November 2021, p. 9, https://ilac.se/assets/resources/ilac_yemen_report_2021-english.pdf

[32] For more, see: Dr. Ali Murshed al-Arshani, "Economic Challenges and Their Impact on the Judicial Authority in Yemen [AR,]" Arab Democratic Center, Berlin, January 21, 2026, https://democraticac.de/?p=108346

[33] Judge Mohsen Yahya Talib, "The President of the Supreme Judicial Council to 'Okaz': Saudi Support Is the Cornerstone for the Stability of Justice and the Rule of Law [AR]," Al-Qadaeya, February 2, 2026, https://alqadaeya-ye.net/?p=10799

Security Obstacles

Due to the worsening security situation throughout the country, judges have been subjected to repeated assaults, both physical and psychological, and multiple assassinations of judges have been recorded since the beginning of the war. Among the killings in the early years of the war were the assassination of Judge Ahmed Al-Ansi, [34] president of the Bani Al-Harith Court, in January 2015 at the court's headquarters in Sana'a; the assassination of Judge Hassan Muhammad Alwan Farhan, head of the Specialized Criminal Division at the Aden Court of Appeals, in December 2015;[35] and the assassination of Judge Abdelhadi Mohammed Abdelqawi al-Meflihi in Aden in January 2016.[36]

More recent examples include the abduction and killing of Judge Mohammed Ahmed Saleh Hamran, a member of the Supreme Court in Sana'a, in August 2022,[37] and the assassination of Judge Hamid Ali Ahmed Al-Harazi, [38] president of the Houthi-controlled Al-Salafiyah Primary Court in Raymah governorate, in August 2024.

Judges have also been subjected to assaults by police personnel. In June 2024, Judge Rami Salem Al-Damani, deputy prosecutor of the Ahwar Primary Prosecution, was assaulted and detained by members of the Khor Maksar police in Aden.[39] In November 2024, Judge Fares Nasser Baqatyan,[40] president of the Military Court of the 2nd Military District in Mukalla, was assaulted by members of the Mukalla Police Station who stopped him on a public road, forcibly seized his judicial identification, and refused to return it.

All these assaults and security violations undermine the independence of the judicial authority by creating an environment of fear and constant pressure, limiting judges' ability to perform their duties freely and with peace of mind. They also undermine the judiciary's stature and society's confidence in its ability to protect rights and enforce the law. The absence of effective security protection for judges, therefore, represents not merely a failure to protect their persons, but a direct threat to judicial independence and the rule of law.

[34] "Yemen: A court judge and his son were killed by unknown gunmen," Al-Arabiya [AR], January 18, 2015, https://www.alarabiya.net/arab-and-world/yemen/2015/01/18/

[35] "The Criminal Court judge in Aden and four of his companions were killed [AR]," Shabwah Press, December 5, 2015,https://shabwaah-press.info/32425/

[36] "Assassination of Judge Abdulhadi Al-Maflahi in Aden [AR]," Shabwah Press, January 18, 2016, https://shabwaah-press.info/33282/

[37] "Incitement, Kidnapping, and Liquidation: The Story of a Yemeni Judge Executed by the Houthis [AR]," Al-Ain, September 1, 2022, https://al-ain.com/article/incitement-kidnapping-yemeni-houthis-judge

[38] "Rima the Head of the Salafi Court was Killed While He Was Going Out to Carry Out a Judicial Verdict [AR]," Al Harf 28, August 29, 2024, https://alharf28.com/p-103681

[39] "A Prosecutor is Assaulted and Detained by a Police Station in Aden [AR]," June 27, 2024, https://al-omana.net/news224333.html.

[40] "Yemen Judges Club Condemns Attack on Military Court President [AR]," Ain Aden, November 23, 2024, https://ainaden.com/details-content/93062

Across the entire country, Yemen's judiciary faces enormous challenges. Addressing the current situation requires concerted efforts by government authorities, judicial institutions, professional associations, civil society, and the international community to strengthen the justice sector. The section below presents detailed recommendations to strengthen judicial independence, preserve the judiciary's unity, and restore its standing.

Recommendations

To the Internationally Recognized Yemeni Government

- **Rehabilitate judicial infrastructure:** Prioritize the rehabilitation of courts and public prosecution offices and provide them with the necessary human, financial, and technical resources, based on needs identified by the Supreme Judicial Council and the Ministry of Justice. This would enable them to perform their functions effectively, expedite case adjudication, and strengthen judicial independence and public confidence in the judiciary.
- **Strengthen security protection for judges and judicial facilities:** Develop a specialized security plan to protect judges, public prosecutors, courts, and public prosecution offices. Establish a rapid mechanism to report and investigate threats and attacks, hold perpetrators accountable, and provide necessary protection for at-risk judges and their families.
- **Improve judges' financial conditions:** In coordination with the Supreme Judicial Council and the Ministry of Finance, ensure the regular payment of judges' salaries and improve their salaries and benefits to restore, at a minimum, their pre-crisis purchasing power. The necessary allocations should be incorporated sustainably into the state budget to safeguard judges' standing, protect them from external pressures and influence, and mitigate the risk of corruption.
- **Prioritize judicial unity in any political settlement:** Include the reunification of judicial institutions as a priority in any comprehensive political settlement to the conflict, recognizing the judiciary's unity as an essential component of the state's unity and legal system. Provide political and financial support for the judicial and technical mechanisms needed to address the consequences of the division.
- **Lay the groundwork for addressing the consequences of judicial division:** Establish a technical mechanism to identify the legal and institutional irregularities resulting from the division, including unilateral legal amendments introduced by Houthi authorities and judicial appointments made during this period; assess their implications; and develop legal criteria for reviewing them when the judiciary is reunified. Such criteria should safeguard judicial independence, professional competence, the right to defense, and non-discrimination. The mechanism should also develop a phased framework for reunifying judicial structures, legislation, and procedures.
- **Observe Supreme Judicial Council Decision No. 38 of 2019:** The decision concerns the non-recognition of judgments and judicial requests issued by courts under Houthi control. Such a mechanism can focus on safeguarding judicial case files and records and protecting litigants' rights, while examining the legal measures required to address the legal positions and consequences that have arisen during the period of division.

To Professional Associations and Judges Clubs

- **Strengthen professional coordination among judges:** Establish channels for communication and coordination between judges and public prosecutors across different areas, free from political polarization. These channels should help assess the consequences of the division and propose practical solutions to the resulting challenges.
- **Defend judicial independence and judges' rights:** Monitor interference and pressure affecting judges, defend their financial and professional rights, and submit proposals to improve their conditions and ensure their safety and independence to the Supreme Judicial Council, the internationally recognized government, and relevant international actors.

To the International Community and Civil Society Organizations

- **Support mediation to mitigate the consequences of judicial division:** Call on the Office of the UN Special Envoy for Yemen, in cooperation with the United Nations Development Programme and peacebuilding organizations, to facilitate a professional dialogue focused on safeguarding judicial case files and records, documenting litigants' rights, preventing the loss of evidence and documents, and laying the technical and legal groundwork for the future reunification of the judiciary. Such mediation should not extend to recognizing political judicial rulings or legitimizing the unilateral structures and amendments established by the Houthi group.
- **Support judicial infrastructure and capacity-building:** Provide financial and technical support to rehabilitate courts and public prosecution offices and to strengthen judges' capacities, in coordination with the Supreme Judicial Council in Aden and based on clearly identified institutional needs. Such support should not create parallel judicial structures or entrench the existing division.
- **Strengthen awareness, monitoring, and legal assistance:** Civil society organizations, in cooperation with professional associations, judges clubs, the Bar Association, and the media, should monitor and document attacks, threats, and interference affecting judicial independence and the rights of judges, lawyers, and litigants, and issue periodic reports on such incidents. They should also provide legal assistance to those affected and conduct awareness campaigns on the importance of judicial independence and the judiciary's role in protecting rights, delivering justice, and combating crime and corruption, thereby strengthening public confidence in the justice system.

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